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Ex-prosecutor is taking over the Fieger case

■ 3 years ago

Cox appoints him on Democrats' recommendation

A veteran former prosecutor was named Monday to take over a state investigation - and the daunting legal battle that almost certainly will come with it - of Michigan's most famous lawyer, Geoffrey Fieger.

Patrick Shannon, 54, of Sault Ste. Marie in Chippewa County (population 38,791) has been a judge in tribal court, served 18 years as an Upper Peninsula prosecutor and earned a doctorate in education before taking over the charter school operation for Bay Mills Community College.

Admirers described him as smart, courageous and capable Monday after Attorney General Mike Cox announced his appointment as a special prosecutor for the case.

Shannon will need all the qualities his boosters cited if he proceeds with a prosecution of Fieger, who has a well-deserved reputation for waging relentless and no-holds-barred battles in and out of the courtroom. On his side, defending against both state and federal investigations, is a team of seven of Michigan's most prominent and high-priced lawyers.

Cox appointed Shannon on the recommendation of a group of career county prosecutors, all Democrats, after his office's investigation of allegedly improper campaign spending by Fieger went public in spectacular fashion with Cox's admission of infidelity to his wife and the accusation that Fieger was threatening to blackmail him about it.

On the same day Shannon was appointed, Ingham County Circuit Judge James Giddings ruled that state attorneys improperly seized the tax documents and financial records of lawyer Geoffrey Fieger and should give them back.

Giddings was shocked that Attorney General Mike Cox's office was granted a search warrant to obtain records from Fieger's accountant.

"The attorney general has absolutely ... no right whatsoever to these documents," Giddings said.

Fieger, former attorney for Jack Kevorkian and the Democratic gubernatorial nominee in 1998, has accused Cox of pursuing the investigation for political purposes. Fieger also has said he is planning to seek the Democratic Party nomination for attorney general in 2006.

Fieger attorney Richard Steinberg said Monday that Cox lacks the authority to make the appointment and renewed a call for Gov. Jennifer Granholm to act independently and name someone to take over the investigation.

Cox, at a news conference to introduce Shannon, said he questions whether the governor has such authority. Shannon, a Democrat briefly considered as a potential attorney general candidate by Fieger's political team when Fieger ran for governor, will be paid a salary of \$1 plus expenses.

Cox said he will have complete independence both over the direction of the investigation and in determining whether to file criminal charges.

James Tierney, former attorney general in Maine who is now at Columbia Law School, said Monday there are few legal standards for the appointment of a special prosecutor on the state level. The most important, Tierney said, is that, no matter what the process, the person selected be perceived as "someone with enough stature to command the respect of the public."

Saginaw County Prosecutor Mike Thomas, one of the advisers to Cox, said Shannon fits that bill. Thomas called Shannon "bright, courageous and skilled ... an incredibly ethical person."

Team Fieger

Fending off simultaneous state and federal investigations, Fieger has assembled his own defense department - a team of seven of Michigan's top criminal lawyers, arrayed in two squads.

"This is not a sporting event," said Steinberg, who is working on the state case. "This is legal warfare."

Thomas Cranmer, president of the State Bar of Michigan, was asked by Cox to be the head the state probe, but he turned it down to join the lawyers working on Fieger's federal case. Cranmer said the lawyers are divided into state and federal groups. The state group has been more aggressive in challenging Cox and the legitimacy of that investigation.

"With a federal case, we have to sit back and be more reactive because with a federal grand jury, the ball is in their court," Cranmer said.

With Cranmer on the federal matter are Mark Kriger and Christopher Andreoff.

Besides Steinberg, the state lawyers include Mayer Morganroth, Neil Rockind and Michael Alan Schwartz.

Fieger, speaking from his vacation home on the Caribbean island of Anguilla, said, "I'm only doing what I have to do" to fight what he called a coordinated state and federal effort.

A person without his resources "would be run over by the government," Fieger said.

Last week, Cox said Fieger's team may outnumber the state lawyers on the case and that Fieger, a regular on cable TV court shows, commands a bigger audience.

Schwartz shrugged off Cox's comments: "He wants us to believe he's the underdog.

"Look, Geoffrey is facing the attorney general, the U.S. attorney, the FBI and the IRS," he said. "Against a corporation, this would be daunting. For an individual, it's crushing."

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BY DAWSON BELL and JOE SWICKARD FREE PRESS STAFF WRITERS

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