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1996: Kevorkian charged again

Complaint stems from 10 assisted suicides

By KIRK CHEYFITZ AND LOUISE TAYLOR • Free Press staff writers • May 27, 2007

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A Bloomfield Township judge Thursday declined to help Dr. Jack Kevorkian kill himself with another jailhouse hunger strike, freeing the newly arrested suicide doctor despite Kevorkian's vow to continue helping people die.

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"This is not going to be the judge who's going to make a martyr out of Dr. Kevorkian," 48th District Court Judge Edward Avadenka said.

Avadenka said he was convinced Kevorkian would sooner starve himself to death in jail than agree to stop assisting suicides.

Avadenka's decision came minutes after Kevorkian was arraigned on 19 criminal counts stemming from his role in 10 assisted suicides this year. The arraignment was marked by

several outbursts from Kevorkian, who repeatedly accused the authorities of being "Nazis," outraging a Jewish prosecutor.

Two Kevorkian associates -- Neal Nicol of Waterford and psychiatrist Dr. Georges Reding of Galesburg -- also were charged in the criminal complaint issued by Oakland County Prosecutor Richard Thompson.

Kevorkian, a former pathologist, and Nicol were arraigned Thursday afternoon in a small basement courtroom in Bloomfield Township. Reding is expected to be in court this morning.

Magistrate Judith Gracey set Kevorkian's bond at \$20,000, requiring him to post only \$2,000 in cash to go free. But she promised to revoke the bond and jail Kevorkian if he assisted in any more suicides.

Kevorkian, visibly agitated, told Gracey he had no intention of meeting that condition. "I request imprisonment," Kevorkian said, instructing his lawyers, "Don't pay the bail . . . I'm going to infringe it anyway and I don't want anybody to waste the money."

Gracey stuck to her guns, but Avadenka overruled her minutes later in an emergency hearing, ordering Kevorkian released on bond with no cash required and with no condition that he desist from assisting suicides.

Avadenka said he was determined not to permit Kevorkian "to make a martyr out of himself by killing himself in jail."

In court on Thursday, Kevorkian's lawyer Geoffrey Fieger told Avadenka, "Dr. Kevorkian has made it very, very clear . . . that he values his liberty more than he values his life."

Kevorkian has been jailed twice before on assisted-suicide charges. In late 1993, he remained on a hunger strike in the Oakland County Jail for 18 days before a judge finally released him on \$100 bond and a pledge not to assist in any more suicides while awaiting trial.

Kevorkian arrived in court Thursday afternoon wearing a blue porkpie hat, Sears sneakers, gray pants, a red cardigan and a black windbreaker.

"Where's the Nazi judge?" he asked. "You've heard of Nazi Germany; this is Nazi America," he said.

After Gracey set bond, Kevorkian angrily raised his arm in a simulated Nazi salute in the direction of the magistrate, the prosecuting attorneys, and the court. "Heil," he said.

Gracey, who is black, did not respond. Prosecutor Neil Rockind, who is Jewish, shouted, "I lost half my family in the Holocaust. This is so outrageous."

Three previous attempts to prosecute Kevorkian have ended in acquittals. Thompson

prosecuted him once under a law enacted specifically to stop him, and then under unwritten common law, losing both times. Kevorkian also was acquitted in 1994 in Wayne County.

In the latest case, Kevorkian is charged with assisting the suicides of Bette Lou Hamilton, 67, of Columbus, Ohio; Shirley Cline, 63, of Oceanside, Calif.; and Rebecca Badger, 39, of Goleta, Calif. Assisting a suicide is a common-law felony in Michigan punishable by up to five years in prison.

Kevorkian also is charged with 16 related counts, including conspiracy, presenting himself as a physician while engaging in unlawful conduct, possessing a controlled substance, removing bodies without permission of the medical examiner, and attempting to assist a suicide, Thompson said.

Nicol and Reding face various charges of conspiracy to assist suicide, assisting suicide, and removing a body without a medical examiner's permission.

It is highly unlikely Kevorkian and his associates will come to trial on the new charges while Thompson is still prosecutor. His term ends Dec. 31. He lost the Republican primary to David Gorcyca, who accused him of wasting tax dollars pursuing Kevorkian.

Steven Kaplan, Gorcyca's Democratic opponent in the race for Oakland prosecutor, said Thursday he would dismiss the assisted-suicide counts against Kevorkian if he's elected "because they're based on the same theory of prosecution that failed" in Thompson's last case against Kevorkian.

"The other counts I can't comment on, because I haven't read the police reports," Kaplan said.

Gorcyca, who has repeatedly criticized Thompson's pursuit of Kevorkian, was nevertheless reluctant to match Kaplan's promise.

"It would be irresponsible of either of us to comment," Gorcyca said. "What if it's one of the strongest cases, factually, brought to date?"

Thompson said he expects his successor to follow through on the new charges. "I would not be filing criminal cases if I knew . . . at the end of December these charges would be dismissed," he said.

But numerous experts in criminal procedure said it was unlikely that the lame-duck prosecutor could compel that result.

The criminal charges are not the only action Thompson is pursuing against Kevorkian. On Tuesday, Thompson served Kevorkian with a notice requiring him to explain why he should not be held in contempt of court for violating a 1991 injunction barring him from assisting in suicides.

A court date on the contempt charge is set for Wednesday before Judge Denise Langford Morris.

The contempt charge names four people whose deaths Kevorkian attended after Oakland County juries acquitted him twice earlier this year. They are: Isabel Correa of Fresno, Calif., who died Sept. 7; Judith Curren of Pembroke, Mass., who died Aug. 15; and Patricia Smith of Lee's Summit, Mo., and Pat DiGangi of East Northport, N.Y., who both died Aug. 22.

DEATHS IN QUESTION

These are the 10 people in whose deaths Dr Jack Kevorkian and two associates were charged Thursday.

* Bette Lou Hamilton, 67, of Columbus, Ohio, died June 20. Hamilton had been disabled for most of her life as a result of syringomyelia, a rare spinal disorder. In her 20s, complications from a botched medical procedure left her unable to control her fingers. She never married and lived alone for many years.

In the months before she died, Hamilton felt herself weakening and feared she might have to move into a nursing home. At the time of her death, her condition was not terminal.

* Shirley Cline, 63, of Oceanside, Calif., died July 4 after contacting Kevorkian via the Internet. Cline was a media specialist for the Beverly Hills, Calif., Unified School District. In July 1992, she was diagnosed with bowel cancer and was told by her doctors that it was incurable. It gradually spread to other organs, but was not terminal at the time of her death.

* Rebecca Badger, 39, of Goleta, Calif., died July 9. She and her doctors believed that she was suffering from multiple sclerosis, but an autopsy showed that the diagnosis was incorrect.

Twice divorced, Badger had struggled with alcoholism and addiction to prescription drugs. Five months before she died, Badger told police in California that her mother was urging her to commit suicide and that she feared for her life. However, Badger's mother denies this and has not been charged with any crime.

* Elizabeth Mercz, 59, of Cincinnati, died Aug. 6. Lou Gehrig's disease had robbed her of muscle control and forced her to give up her job as a supervisor at a pillow factory. Mercz was described by friends and coworkers as a model of self-reliance.

A Hungarian immigrant who moved to the United States when she was 18, Mercz was divorced twice, but managed to work and raise her three children. In the year before her death, she was distraught over having lost her job. In July, Mercz unsuccessfully attempted suicide at home by taking an overdose of pills with the help of a relative. Frustrated by that experience, she sought Kevorkian's help. When Mercz died, her condition was not terminal.

* Judith Curren, 42, of Pembroke, Mass., died Aug. 15. Curren, who had been treated by more than a dozen psychiatrists, spent the final year of her life bedridden with chronic fatigue syndrome, a disorder generally regarded as neither incurable nor terminal.

Curren also developed related disorders ranging from vomiting to obesity. In a series of police complaints, including one filed just weeks before her death, Curren alleged that her husband had abused her. Her husband denied the allegations and says the complaints stemmed from arguments over her plans to take her life.

* Louise Siebens, 76, of McKinney, Texas, died Aug. 20. Her Lou Gehrig's disease had progressed to the point where she was unable to walk, and had to use a wheelchair. She lived in a nursing home. Siebens was a widow. Kevorkian said Siebens was having trouble swallowing.

* Pat DiGangi, 66, of East Northport, N.Y., died Aug. 22. A retired history teacher, DiGangi had multiple sclerosis and kidney cancer, had broken his hip three times and had had two strokes.


* Patricia Smith, 40, of Lee's Summit, Mo., also died Aug. 22 and had multiple sclerosis. A nurse, Smith was not terminally ill when she died but had been housebound for more than two years because of her condition.

* Jack Leatherman, 73, of Knoxville, Tenn., died Sept. 2. Kevorkian's lawyer said the retired Motorola engineer had sought Kevorkian's help since May, when he was diagnosed with pancreatic cancer.

* Isabel Correa, 60, of Fresno, Calif., died Sept. 7, a day after police broke up a meeting between her and Kevorkian at a Bloomfield Township motel. Correa, who had to leave her job as a fruit packer because of a spinal cord disorder, was the 40th of 44 people known to have died in Kevorkian's presence.

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