

JUDGE HANDS DOWN A LIFE SENTENCE , DESPITE JURY

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Author: BLAIR ANTHONY ROBERTSON Free Press Staff Writer

What happens when **a** jury finds **a** defendant guilty of kidnapping when the **judge** clearly believes he is **a** murderer?

Recorder's Court **Judge** Leonard Townsend said Monday he confronted that situation last week when it came time to **sentence** Arthur Massenburg, **a** 32-year-old drug dealer who boasted on the witness stand that he earned \$500,000 **a** year peddling crack on the streets of Detroit.

Townsend's solution? He threw the book at the defendant, exceeding the 25 years recommended by state sentencing guidelines and giving Massenburg **life** in prison on the kidnapping conviction.

Townsend stopped short of criticizing the jury but said it was clear Massenburg was guilty of first-degree murder, which carries **a** mandatory **life sentence** without chance of parole.

The outspoken **judge** has **a** reputation for tough **sentences** and has often mentioned his frustration, upon sentencing the most brutal of criminals, that there is no death penalty in Michigan.

Massenburg will be eligible for parole after 15 years under the state lifer law, though state prison officials rarely release lifers that early. Townsend said he made statements on the record in hopes of persuading corrections officials to hold Massenburg for **life**.

Massenburg was charged in the September 1992 shooting death of **a** 17-year-old Ann Arbor girl, Murada Muhammad. According to testimony, Massenburg shot Muhammad, whom police described **as a** dope peddler, at **a** west side Detroit apartment building because she came up \$20 short on her drug sales. He shot her after abducting her at gunpoint.

In 1993, **a** Recorder's Court jury convicted Massenburg of first-degree murder after **a** trial before **Judge** Warfield Moore. But the Michigan Court of Appeals set aside that verdict, citing inappropriate comments the **judge** made during the trial, including making disparaging remarks and frequently interrupting the defense's case.

"It was obvious -- he kidnapped her and he killed her," Townsend said, shaking his head in an interview Monday. "Who else would have done it? Kidnapping is **a** capital offense, the same **as** murder. There's no reason he should get off easier than the first time. He killed **a** 17-year-old girl."

When Massenburg stood last Thursday before Townsend, the **judge** called him a threat to the public's safety.

"He literally bragged on the stand that he had 10 to 12 dope houses, that he made \$10,000 a week. He seemed proud of himself," the **judge** said.

"I don't have any doubt that if he got out tomorrow, he would start selling dope again. He's a menace to society. He brags about making all this money and yet \$20 short is enough for him to give a death **sentence** to this girl."

Townsend noted that a codefendant, Nicole Alexander, pleaded guilty to second-degree murder after the first case was reversed. She initially agreed to testify against Massenburg, but a scheduling snafu resulted in her being sentenced to 8-15 years before the Massenburg trial began and she eventually refused to implicate her boyfriend.

Assistant Wayne County Prosecutor Mike Cox said the evidence was clear that Massenburg was the killer. In fact, Massenburg fired a warning shot at another drug peddler before turning the gun on Muhammad, Cox said. That witness was killed before the second trial began.

"He was pleasantly surprised to get just kidnapping," Cox said of Massenburg. "You could see the reaction on his face."

But Massenburg did not look so pleased Thursday when he realized Townsend was making up for the jury's verdict by issuing the most severe **sentence** allowed.

Massenburg's attorney, Susan Reed, declined to be interviewed for this story.

Asked how a jury could arrive at such a questionable verdict, Cox shrugged and said, "It was just a matter of an incredibly dumb jury."

Caption: Photo

Arthur Massenburg ***

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