

ATTORNEY'S WORK FACES NEW REBUKE - EX-PROSECUTOR CALLS CLAIMS UNFAIR

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Embattled former federal prosecutor Richard Convertino engineered the early release of admitted gang members after encouraging them to falsely testify at a drug dealer's 1999 trial, according to a brief filed Monday by a court-appointed lawyer investigating the claims.

The lawyer, Carole Stanyar, said her 14-month review found that the recipients of what she called Convertino's "giveaway sentences" included a man who admitted shooting 10 people, including five Washtenaw County sheriff's deputies, in 1995.

Another man who testified that he likely would kill again if released from prison got out after serving only four years of what started out as a 24 1/2 -year sentence and then killed a Van Buren Township drug peddler in late 2004.

Stanyar, who is trying to win a **new** trial for Ypsilanti Township drug kingpin Joseph (Chippy) Stines, said Convertino pushed for the sentence reductions without his supervisors' approval, kept sentencing judges in the dark about the criminal backgrounds of the people who got the reductions and had sentencing hearings, transcripts and other records sealed to conceal what he had done.

"His goal - to prove that he was a man who kept his promises - trumped his responsibility to the community, to the court, to the search for the truth, or to justice," Stanyar, a prominent Detroit lawyer, said in Monday's filing. U.S. District Judge Paul Borman, who presided over Stines' trial, appointed her to represent him.

Convertino, whose conduct in the ill-fated 2003 Detroit terrorism case is being investigated by a federal grand jury, called the claims bogus. He said the inquiry into the terrorism case - which he called a smear campaign against him - has made it easy for former defendants to declare "open season" on his other cases.

"To say it's unfair is an understatement," Convertino said Monday.

He said he had approval for all of the sentence reductions and but for the assistance provided by witnesses who testified against Stines, Ypsilanti-area neighborhoods would still be terrorized by drug gangs.

Michigan State Police Sgt. Don Bailey, who initiated the drug investigation, said the charges against Convertino are preposterous: "That guy has more integrity than anyone I know... I was there from start to finish, and everything was above board."

U.S. Attorney Stephen Murphy III said Monday that he couldn't comment on the allegations. A federal prosecutor from Buffalo, N.Y., who reviewed some of the charges in the Stines case, also declined to comment on his findings.

Stines, 41, was sentenced to 33 1/3 years in prison after a 23-day trial in U.S. District Court in Detroit in 1999. Authorities said he ran a violent Ypsilanti-area cocaine ring called Stone Life that supplied drugs to other Ypsilanti-area gangs.

His trial featured testimony from Ypsilanti gang members, who cooperated in exchange for leniency.

Stines again asked Borman to vacate his conviction after Convertino's conduct in the terrorism case came to light. Two men were convicted on terrorism charges at the trial, but the convictions were tossed because the U.S. **Attorney's** Office said Convertino withheld evidence and allowed witnesses to mislead the jury.

What was alleged

In Monday's brief, Stanyar said Convertino arranged major sentence reductions for five witnesses and allowed them to lie at trial about the extent of the plea deals, preventing jurors from assessing whether they had a motive to lie.

The most egregious breaks went to Hans Thomas, now 37, and Tali Alexander, 30, both of Ypsilanti Township, she said.

They were among 24 members of the Crips and Folks gangs indicted in 1997 on drug-related federal racketeering charges.

Both men, who were facing life sentences in the case before U.S. District Nancy Edmunds, agreed to testify against Stines.

Thomas' deal called for 22 1/2 years for pleading guilty; and two years less if he provided substantial assistance.

Stanyar said Convertino fended off a defense attorney who tried to out the details of Thomas' deal at trial, suggesting it called for 20 years.

Thomas testified that he would likely get 15 to 23 years.

But the deal was far better, Stanyar said.

A year after the trial, Convertino persuaded Edmunds to sentence Thomas to six years.

And a year later, Edmunds approved Convertino's request to shorten Thomas' sentence to time served, enabling him to get out of prison after 4 years.

Thirteen months later, Thomas and two other men murdered a Van Buren Township drug dealer to steal his drugs and money. Thomas is back in prison for life.

Stanyar said Thomas told a federal prosecutor early last year that he went into Stines' trial expecting a 6- to 8-year sentence. He said he lied because he didn't want to lose his plea deal and that Convertino told him not to say that he had been promised anything.

Stanyar, who got Thomas' sentencing records unsealed, said she could find no record that Convertino's bosses approved the two sentence cuts that followed his original plea deal.

She said Convertino knew Thomas was dangerous.

During Stines' trial, Stanyar said, Thomas admitted participating in four to six attempted murders with Tali Alexander, and that he had shot into a home with children inside.

"If they die, they die," Thomas told the jury. "Nobody is innocent to me." Asked what he would do if released, Thomas told jurors: "I will be me."

Alexander, the leader of the Crips gang in Ypsilanti Township, pleaded guilty in 1998 to a racketeering conspiracy and other charges.

He admitted shooting 10 people, including five Washtenaw County sheriff's deputies who tried to arrest gang members in 1995. The deputies survived.

Alexander's original plea deal called for life in prison for racketeering, plus 10 years for using a firearm. If he provided substantial assistance, his sentence could be reduced to 30 years, Stanyar said.

Alexander told Stines' jury that he was expecting 25 years.

But in April 2001, Edmunds approved Convertino's request to sentence Alexander to 12 years for racketeering conspiracy and a concurrent 10 years for the gun - not the consecutive 10 years required by the plea deal and federal law, Stanyar said.

Alexander told a prosecutor last year that Convertino had led him to believe before Stines' trial that he'd get 5 years, Stanyar said. She said in the brief that Convertino probably would have delivered on the pledge but for the probe the Justice Department began after the terrorism case.

By the time Alexander gets out of prison in March 2008, he will have served about 10 1/2 years of the original life sentence, records show.

Edmunds couldn't be reached for comment.

U.S. Magistrate Judge Steven Pepe is to review Stanyar's brief. After the U.S. **Attorney's** Office responds, he is expected to recommend a course of action to Borman.

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(SIDEBAR)

Who's who in the case

Detroit criminal lawyer Carole Stanyar charged in court papers Monday that ex-Assistant U.S. Attorney Richard Convertino arranged huge, unauthorized sentence reductions for Hans Thomas and Tali Alexander, in exchange for their testimony against Joseph (Chippy) Stines in his 1999 federal drug trial in Detroit.

ILLUSTRATION: Photo

CAPTION:

Carole Stanyar

Tali Alexander

Joseph (Chippy) Stines

Hans Thomas

CAPTIONWRITER: Former Assistant U.S. Attorney Richard Convertino says the allegations, related to a drug case, are smear tactics.

MEMO: SIDEBAR ATTACHED

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