

Michigan judge drops charges against security guard in choking death of Detroit man

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A Michigan judge has dismissed charges against a security guard charged with involuntary manslaughter in the June 22 death of a man outside a Lord & Taylor department store in suburban Detroit. Dennis Richardson, 29, was indicted in the choking death of 32-year-old black worker Frederick Finley. He faced up to 15 years in prison if convicted.

The prosecution is appealing the judge's ruling.

Virginia Sobotka of the 19th District Court ruled there was insufficient evidence for Richardson to stand trial. She claimed the medical evidence was not sufficient to show that Richardson caused Finley's death when he applied a choke hold to the man. Disregarding an autopsy report that concluded Finley died from asphyxiation, the judge speculated that the confrontation between Richardson and Finley in the parking lot of the Fairlane Town Center in Dearborn may have triggered heart failure stemming from Finley's enlarged heart condition.

The judge's action was a flagrant miscarriage of justice and abuse of judicial discretion. According to Michigan law, a district judge determines whether there is sufficient evidence to bind a defendant over for trial. A prosecutor is only required to show that there is probable cause that the defendant committed the crime, and to show some credible evidence linking the defendant to the crime. When there is conflicting evidence, the judge is expected to send the case to trial. Only 16 percent of felony cases in Wayne County, Michigan are dismissed before trial, in the vast majority of cases because witnesses fail to appear.

In this case, Judge Sobotka chose to ignore substantial evidence from medical experts and eyewitnesses indicating that Frederick Finley was

choked to death.

At a two-day pre-trial hearing held last month, prosecutors described how Richardson and four other plainclothes security guards confronted Frederick Finley in the parking lot of the Dearborn mall.

The altercation began when the guards grabbed Finley's 11-year-old stepdaughter and accused her of shoplifting. The item the young girl was alleged to have stolen was a \$4 bracelet.

Family members have stated that the plainclothes guards never identified themselves as store security officers, and witnesses at the pretrial hearing backed them up. According to the police report, Finley confronted Richardson after the guard detained his stepdaughter. Finley was then restrained by the other guards. Two witnesses testified that Richardson threw Finley to the ground, after which one guard cuffed Finley's right hand and another held his legs.

Richardson then placed Finley's neck in a choke hold—a “semi-restraining head lock position”—according to police reports based on interviews with security guards. According to attorney Geoffrey Fieger, who is representing the Finley family in a civil suit against Lord & Taylor, Richardson pulled a chain Finley was wearing, cutting off his air supply. Within 10 seconds Finley stopped breathing and his body went limp.

At Richardson's pretrial hearing, Assistant Wayne County Medical Examiner Boguslau Pietak testified that internal bruising and discoloration on Finley's head and neck indicated that he had died of asphyxia. Oakland County Medical Examiner L.J. Dragovic, who was hired by Richardson's attorneys, testified that Finley's abnormally large heart and fluid-filled lungs

indicated that he died of heart failure, triggered by physical exertion, partial oxygen deprivation and physical restraint.

Even if the defense's version of events were accepted, it would not automatically remove the basis for probable cause or obviate the need for a trial, since Richardson's actions would have to be considered a critical factor in triggering the heart failure.

In the event, the judge has acted to prevent the brutal death of Finley from coming before a criminal jury, in effect whitewashing the actions of Richardson and the other guards. The implication is clear: the life of a worker is of little or no value in comparison with the property of corporations such as Lord & Taylor.

Prosecutors were slow to bring charges in the first place. Richardson was not indicted until July 6, a full two weeks after the killing. He was only charged after public outrage over Finley's killing was expressed in a July 5 rally outside the Dearborn mall attended by 7,000 people.



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