

Police Misconduct Cited in Plea Bargain; Failure to Read Pr. George's Suspect His Rights Was Key, Lawyer Says

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Prince George's County prosecutors agreed to let a man accused of first-degree murder plead guilty to manslaughter, a plea bargain his lawyer attributes to clear evidence of police misconduct in the case.

Michael Eugene Shipman, 42, of Lanham, faces a maximum sentence of 10 years for strangling his estranged wife, instead of the possibility of life in prison without parole that would have come with a first-degree murder conviction.

Prince George's detectives admitted in a pretrial hearing that they had failed to read Shipman his Miranda rights and had repeatedly refused his requests for an attorney. The lead detective was not even called to the witness stand during Shipman's August trial, which ended with a hung jury.

Shipman yesterday entered an Alford plea, which means he did not admit his culpability but acknowledged that the state had enough evidence to obtain a conviction in the August 2000 death of Luticia Ann Arnold, 27.

Assistant State's Attorney Tiffany Hanna said the plea bargain had nothing to do with the problems in the police investigation. But Shipman's attorney, Douglas J. Wood, said in an interview that he believed those lapses were key to the deal.

"It creates an image of a case that's fraught with problems," Wood said.

Similar problems, stemming from the conduct of county homicide detectives, have beset other cases in Prince George's. A series of articles in The Washington Post in the spring documented several cases in which county police coerced suspects into confessing to crimes they did not commit.

Two weeks ago, State's Attorney Jack B. Johnson said he was having increasing difficulty vouching for the integrity of police homicide investigations.

In the Shipman case, Cpl. Bernard Nelson Jr., a county police homicide detective, testified in a pretrial hearing that he ignored repeated requests by Shipman to speak to an attorney and attempted to extract a confession from him, even though the investigator had not interviewed a single witness in the case.

Nelson and another homicide investigator, Cpl. Michael Straughan, also testified in the pretrial hearing that they did not advise Shipman of his Miranda rights to remain silent and to ask for an attorney.

During questioning over a 13-hour period, Shipman gave police a statement about his relationship with the victim but did not confess.

By federal law, established by the U.S. Supreme Court, police are required to stop questioning when a suspect asks for an attorney. Likewise, police must advise suspects of their rights before attempting to question them.

The lead homicide detectives are usually among the first witnesses called by the prosecution in a murder case. But during Shipman's trial, prosecutors did not call Nelson to testify and called Straughan to the witness stand only to testify about the kind of glasses Shipman was wearing when he was arrested.

The Circuit Court jury in Shipman's murder trial was bitterly divided after three days of deliberations; three jurors simply stopped participating in discussion, the jury forewoman said. On Aug. 9, Judge C. Phillip Nichols Jr. declared a mistrial.

Shipman's case is one of several in which police have acknowledged acting improperly.

On Sept. 14, Johnson disclosed that detectives had obtained a false confession from a man in the September 1999 slayings of a Bladensburg veterinarian and his wife but did not tell prosecutors or defense attorneys about the evidence, as they are required to do by state law.

That confession was obtained by Detectives Joseph Hoffman and Robert J. Frankenfield, a defense attorney said.

A week earlier, Johnson announced that he was dropping charges brought against suspects in two murder cases because detectives had failed to gather sufficient evidence.

On Aug. 28, a Circuit Court judge declared a mistrial in a murder case after Detective Troy Harding testified that the defendant wrote an incriminating statement on the back of a police statement form -- a statement that neither the prosecutor nor the defense attorney was made aware of.

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