

Fourth Prosecution of Dr. Kevorkian Ends in a Mistrial

Ionia, Michigan, June 12, 1997

Prosecutor Retreats After Opening Statements

Dr. Jack Kevorkian's fourth trial on assisted suicide charges ended today with a mistrial requested by Ionia County prosecutor Raymond Voet. Mr. Voet made the request after an opening statement by Geoffrey Fieger, Dr. Kevorkian's attorney, which according to various press accounts, at various times riled, dazed, rattled, flustered, jolted, and exasperated Mr. Voet and his assistant, Mr. Michael Modelski. After hearing an underwhelming 30 minute opening by Mr. Voet, jurors heard Mr. Fieger's 90 minute opening, punctuated by lunch and regular objections by the prosecutors.

Mr. Fieger first attacked the common law under which Kevorkian was being tried, pointing out that there is no written law passed by legislators; only a common law declared by Judges sitting on the Michigan State Supreme Court, after a temporary law passed by the legislature had expired. Except for Dr. Kevorkian, no one in the course of human history has ever been tried for assisting in a suicide under common law. It was a one man law that the court had declared could be applied retroactively, contrary to basic legal principles. No citizen has ever made a complaint against Dr. Kevorkian; every prosecution has been at the initiative of prosecutors.

Four days before the trial began, Voet had arranged for the death certificate to be changed from death by natural causes to death by suicide. This action, and the nature of the unwritten law, opened the door for the defense to attack the prosecutors themselves who were, Fieger told jurors, conspirators in a relentless and vindictive prosecution of Dr. Kevorkian. Fieger read from a letter Voet had written to the Oakland County prosecutor, who had 20 cases pending against Dr. Kevorkian, encouraging him to proceed with the charges, "Like Captain Ahab," Voet wrote, "thrust one last harpoon into the great white whale."

Mr. Fieger accused Voet of engaging in a "witch hunt" and went on to point out that he had harassed the deceased's four family members who were involved by, among other things, taking blood samples from them for "DNA testing," and investigating their social activities.

Under this onslaught, Mr. Voet complained that he felt as if he was being prosecuted. He had no written law to rely on; he had no witnesses to any act Dr. Kevorkian may have committed and but for a death certificate that had been changed without an autopsy, could not even prove that a suicide had taken place. Under these circumstances, Voet declared that the jury had been tainted and decided he could not go on. The judge agreed and Fieger immediately declared victory, pointing out that the constitutional provision against double jeopardy prevented Voet from trying Kevorkian a second time for assisting Loretta Peabody's suicide. Voet said he would take his time before deciding whether to bring charges again. After discussions with Voet, Fieger reported to the press that, "you will all be significantly older before charges are refiled." Meanwhile Dr. Kevorkian is free and no charges are currently pending against him.

As in the previous Kevorkian trials, Litigation Strategies provided strategic research and consultation for the defense.

- Strategic Research
- Witness Preparation
- Demonstrative Exhibits

