

Plymouth Legal Circus

Victor Mansfield

1969

On Oct. 2, Judge Dunbar Davis of the 35th District Court in Plymouth once again reaffirmed his judicial agility by bailing out the primordial Judge Richard Hammer of the 21st district court in Garden City and the ephemeral Charles Lowe, City Attorney for the City of Plymouth, when he granted Brother Rolf Dietrich's motion for a new hearing on the suit for \$2,999.99 Dietrich is pressing against 11 Plymouth officials for confiscating 15 copies of the Fifth Estate last February.

In an olympian display of teamwork Hammer, who had been appointed earlier by Judge Davis of the Plymouth Court to hear a city motion filed by Lowe to dismiss the suit did just that at a Sept. 9 hearing at 4:26 PM after Dietrich had left for work on that day.

Hammer conveniently dismissed the suit saying: "Motion to strike (the suit) is granted, accordingly, because Plaintiff (Dietrich) failed to appear. The undersigned waited until 5:15 for Pl. to appear."

Not mentioned was the fact that the case was scheduled to be heard at 2:00 PM that day and that Dietrich was present from 1:30 to 4:00 at which time he had to split for work.

In his finding for Dietrich, Judge Davis reversed the dismissal of Hammer and directed the court clerk to send a letter to the Court Administrator in Lansing asking him to appoint another Judge to hear the case as he, Davis, had previously disqualified himself because some of the defendants were his friends.

Davis said that one of the defendants, the city manager, is a jogging partner.

In granting Dietrich's motion for a new hearing on the suit Davis admitted that he had acted "improperly" when he appointed Hammer and conceded Dietrich's contention based on (District Court) Rule 405.1 that the appointment should have been made by the court administrator in Lansing.

Thus without passing on the merits of the suit or on Lowe's motion to dismiss he nevertheless gave Dietrich another chance to press his case. No hearing date has yet been set for Lowe's motion.

Says Dietrich of the events so far: "We are going to nail them and we are going to teach them that they are just not going to get away with messing us over even with their boy Tricky Dick in the White House."

fifth Estate

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