

Legal Ethics

Defense attorney shares secret recording, says judge urged his client to drop police brutality suit

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By [Mark Hansen](#)

A Detroit-area judge was secretly taped offering to free a drunken-driving suspect from jail if the suspect agreed not to pursue a police brutality suit against arresting officers, the [Detroit Free Press](#) reports.

Timothy Corr, the suspect's lawyer, said he made the secret recording after a previous meeting with Novi District Judge Brian MacKenzie during which the judge offered to waive jail time for his client if his client promised not to sue the Walled Lake police department. Corr provided the recording to the Detroit Free Press.

At various times during the 14-minute recording from May 2010, the Free Press says, MacKenzie can be heard telling Corr to get his client not to sue police in exchange for his freedom.

"Give up the civil suit, and I can get you something decent," the Free Press quotes the judge as saying on the recording.

In January 2010, Corr's client, Marquin Stanley, was in a booking room on a drunken-driving charge. Officers then used a stun gun on him, and the act was captured on video. Police reports stated that Stanley "squared off" and threatened an officer in the room with him, prompting the officer to use a stun gun on Stanley. A booking room video recording contradicted this report. Stanley filed a police brutality suit against the Walled Lake Police Department that has since been settled for \$150,000, The Free Press says.

MacKenzie has denied any wrongdoing. He also released a statement through his attorney in which he defended his actions.

The statement says MacKenzie's motive for telling Corr that his client should consider forgoing a potential civil suit was based on his desire to place Stanley in sobriety court. "Being placed in sobriety court would not only have allowed him to avoid further jail time on three new pending charges but also would have given him a meaningful opportunity to achieve sobriety," it said.

But experts said MacKenzie's actions may have violated judicial ethics.

Michael Martin, a Fordham Law School professor who specializes in judicial ethics, said MacKenzie's "pitching" of the prosecution's offer falls "too close to the line" between what's proper and what's improper. "I think judges should avoid the appearance of partiality and err on relying on the defense lawyer to counsel the client properly without such a heavy judicial hand," he said.

The Free Press, citing an anonymous source, says the recording has been turned over to the FBI. Jeff Downey, supervisor of the FBI office in Troy, Mich., told the Free Press he could not confirm or deny the report.

In February, MacKenzie was ordered to stop taking pleas in domestic-assault cases without the consent of the prosecutor after ruling that he failed to do so on at least eight occasions, and also ordered to [give prosecutors a list](#) of all domestic violence cases he has dismissed since 2004. MacKenzie is president-elect of the [American Judges Association](#).

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