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Lapeer County prosecutor pulled off marijuana case

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Tim Turkelson

LAPEER — Local medical marijuana activist Jamie Fricke, 34, who was set to go to trial Tuesday on the first of three felony drug charges now has at least a month before she'll be back in court.

On Friday attorneys for Fricke convinced Chief Circuit Court Judge Nick O. Holowka to recuse the Lapeer County Prosecutor's Office from her prosecution in a case stemming from a February 2012 raid on her home by the Lapeer County Sheriff's Dept.

Recusal is the act of a judge or prosecutor being removed or excusing themselves from a legal case due to conflict of interest, actual or perceived, or other good reason.

Fricke's new defense attorney, Michael Komorn of Southfield, maintained that since Lapeer County Prosecutor Tim Turkelson once defended Randy Crowel, who opened a medical marijuana dispensary in Dryden, and that Fricke had been an employee of Crowell, she had shared "secrets" with Turkelson that tainted any prosecution against her.



Turkelson was not at Friday's hearing, but afterward dismissed Komorn's claim as "nonsense."

"I didn't sign up for this," Komorn told Holowka Friday afternoon. He told the judge that both as a defense attorney and as prosecutor Turkelson had questioned the truthfulness of the lead investigator in the case against Fricke, Lapeer County Sheriff's Dept. Det./Lt. Gary Parks.

Parks led a raid on Fricke's Lapeer home Feb. 21, 2012, and reportedly found 18 pounds of marijuana.

Michigan's Medical Marijuana law allows a registered caregiver to possess up to 12 marijuana plants and up to 2 ½ ounces of dried marijuana for themselves and up to five patients.

While Komorn only asked for the Lapeer County Prosecutor's Office to be recused from the trial that had been set for Tuesday (June 17), Turkelson said Fricke is facing two other marijuana-related felony charges.

He said following the Feb. 21 search of her home, police stopped Fricke March 27, 2012, to serve the arrest warrant issued after that search. Turkelson said police found "medibles," food stuffs with marijuana in them, in her car. That resulted in another felony charge for manufacture and delivery of marijuana.

Fricke's car was stopped a second time May 10, 2012. This time, Turkelson said police found nine red Solo cups with marijuana plants in them, containers of marijuana butter and oil and two large and one small mason jars filled with marijuana buds. Fricke was charged for a third time with felony manufacture and delivery of marijuana.

Last month police reportedly stopped Fricke for doing 10 miles an hour over the speed limit on I-69 and in addition to citing her for speeding, police issued a misdemeanor citation for improper transport of medical marijuana.

Turkelson said that while Holowka only recused his office from the Feb. 21 case, he decided to put all four cases together and turn them over to the state Attorney General's Office for reassignment to a prosecutor in a neighboring county. He said that should take two or three weeks to complete and then a month after that before the new prosecutor sets another pre-trial conference.

Assistant Prosecutor Michael Hodges complained that while Kormorn has been Fricke's attorney since last spring, he didn't file his emergency motion until last Thursday evening.

Saying that "power corrupts," Komorn claimed that Turkelson had engaged in "prosecutorial misconduct," and following the hearing said he planned to file a Bar Association complaint.

Crowel's medical marijuana dispensary was shut down in June 2011 by the Lapeer County Prosecutor's Office which was headed by Byron Konschuh at the time. While no charges were filed in that incident, Oakland County Sheriff's Office deputies charged Crowel and a [Colorado](#) woman with manufacture and delivery of marijuana two weeks later during an incident in [Pontiac](#).

Komorn said "three people saw (Turkelson) in the sanctity of the defense war room."

Turkelson said later that Fricke was not charged in either of those incidents and was only an employee at Crowel's dispensary.

One of the four affidavits Komorn supplied the court was from former assistant prosecutor Matt Funke. Komorn said Funke wrote in the document that Turkelson had told the prosecutor's staff that Parks has "a propensity not to be honest."

Following the hearing Turkelson said he was disappointed that Funke appeared to be more interested in personal revenge than the truth.

While Komorn wanted Holowka to dismiss the charge against Fricke because the "system is so corrupt, so tainted that she couldn't get a fair trial," the judge would only agree to have the case reassigned.

Hodges told Holowka that Fricke has never been a client of Turkelson and that after he inherited the case from former assistant prosecutor Steve Beatty, who filed the original complaint under Konschuh's administration, Turkelson did not discuss the earlier cases with him.

"There is absolutely no conflict," he said.

Fricke will likely be back in court some time in late July or early August.

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