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# Judge throws out Hutaree terror charges

**THE RULING:** U.S. failed to prove group planned violence  
**STILL JAILED:** Accused leader, his son facing gun charges

By Tresa Baldas  
and David Ashenfelter  
Free Press Staff Writers

When the FBI prepared to arrest nine Hutaree militia members two years ago in a home-grown terrorism case, the lead agent made one point clear.

"We haven't worked a year and a half on this investigation and risked (an undercover agent's) life to walk away from

this with 3 arrests," the agent wrote in an e-mail that surfaced during trial.

In the end, that's exactly what the FBI got.

In a sharp rebuke, a federal judge on Tuesday acquitted the remaining Hutaree members of plotting a violent revolt against the U.S. government with weapons of mass destruction — crimes that could have landed them in prison for life. Just two

are left standing in the case on a handful of weapons violations. One previously pleaded guilty, and one was found incompetent to stand trial. U.S. District Judge Victoria Roberts concluded that federal prosecutors, who rested their case last week, failed in five weeks of trial to prove the Hutaree had a specific plan to kill a police officer and attack law enforcement personnel.

"The government's case is built largely of circumstantial evidence. While this evidence could certainly lead a rational fact finder to conclude that 'something fishy' was going on, it does not prove beyond a reasonable doubt that defendants reached a concrete agreement to forcibly oppose the U.S. government," Roberts wrote in her 28-page ruling.

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Michael Meeks, 42, of Manchester speaks to the news media with his lawyer after being acquitted of all Hutaree conspiracy charges.

# JUDGE: NOT ENOUGH PROOF OF VIOLENT PLAN

## EXCERPTS FROM JUDGE Victoria Roberts' decision in the case

### About the strength of the government's case:

"The government's case is built largely of circumstantial evidence. While this evidence could certainly lead a rational fact finder to conclude that 'something fishy' was going on, it does not prove beyond a reasonable doubt that defendants reached a concrete agreement to forcibly oppose the U.S. government..."

"It is telling that in an investigation that spanned nearly two years, there were only two brief instances in which the alleged plan to kill a member of local law enforcement and attack the ensuing funeral procession was mentioned. Furthermore, the evidence of the necessary next step—a retreat to rally points from where the larger uprising would occur—is wholly lacking. The government did produce some evidence of so-called rally points, but failed to produce evidence of the uprising that would follow."

### About David Stone Sr., accused ringleader of the Hutaree, and his alleged plan:

"Stone's statements and (training) exercises do not evince a concrete agreement to forcibly resist the authority of the United States government. His diatribes evince nothing more than his own hatred for—perhaps even desire to fight or kill—law enforcement; this is not the same as seditious conspiracy."

"This 'plan' is utterly short on specifics. Further, it is a stretch to infer that other members of the Hutaree knew of this plan and agreed to further it."

### About Hutaree members' brash talk:

"The back-and-forth banter, like the other anti-government speech and statements evincing a desire—even a goal—to kill police, is simply insufficient to sustain the seditious conspiracy charge; it requires an agreement and a plan of action, not mere advocacy of hateful speech."

### About David Stone Sr.'s son, Joshua Stone:

"The government calls Joshua Stone central figure in the seditious conspiracy. Evidence of this is woefully lacking. Much of the evidence against Josh Stone, like many of the defendants, involves his mere presence at the scene while David Stone Sr. rants about going to war and killing police. His presence at the scene and association with the Hutaree do not make him guilty of joining a conspiracy, let alone a seditious conspiracy."

### About David Stone Sr.'s wife, Tina Stone:

"The evidence against Tina Stone is minimal. There is no evidence that she was aware of any plan by Stone Sr. to attack law enforcement vehicles and to revolt against the federal government. Further, even if a plan did exist, there is no evidence that Tina Stone agreed to it, knowing its objective."

### About Stone's other son, David Stone Jr.:

"The court cannot infer from Stone Jr. mere presence at training sessions that he agreed to a plan to oppose by force the authority of the United States. ... The fact that Stone Jr. and other defendants did not openly disagree with the hateful, anti-government speech of Stone Sr. is not evidence that they agreed with him, or that a plan existed to oppose the United States government force."

### About defendant Michael Meeks:

"Meeks' mere presence, association with the Hutaree, and off-the-cuff remarks are sufficient evidence of his intent to join a conspiracy to oppose the United States force."

### About defendant Thomas Platek:

"... even if some plan existed, there is way to infer that Platek was aware of it, that he took the next step of agreeing to further it... None of the guns or literature Platek possessed is illegal. Nor was it illegal for him to attend the Hutaree training session. There is no evidence that he was aware of any plan by Stone Sr. to forcibly oppose authority of the United States."

—David Ashenfe

FROM PAGE 1A

The ruling was hailed by defense lawyers as a major victory for free speech. They had long argued the defendants never had any real plans to harm anyone and were merely engaged in tough talk, a protected First Amendment right.

"Judge Roberts understood that you just don't charge individuals with doing certain things, then lump a lot of bad, scary evidence against them and expect a jury to convict," said defense attorney Mark Satawa, whose client Michael Meeks was jailed for two years until Tuesday. "Her opinion shows exactly what we as lawyers have been saying all along: They did nothing wrong."

The FBI arrested nine Hutaree members after a paid confidential informant and undercover agent infiltrated the group for months and secretly recorded conversations and videotaped various trainings.

Satawa also lambasted the government for charging the defendants in the first place and jailing his client.

"My client got locked up for two years but never gets that time back... The U.S. Attorney's Office, the FBI and the U.S. government should be ashamed of themselves," Satawa said.

The U.S. Attorney's Office declined comment, pending the outcome of the trial against the remaining two defendants.

In court documents filed last week, prosecutors defended the charges and said they had proof a violent plan was in the works, and the government stopped it before it took effect.

Assistant U.S. Attorneys Sheldon Light and Christopher Graveline wrote: "The evidence supports the conclusion that there was a plan, an agreement, among these defendants and others to join in opposing by force the government of the United States when the time came."

### 'Watch what you say'

Meeks left the courthouse a free man Tuesday, along with his codefendant Thomas Platek.

"I'm happy not to be in jail for the rest of my life," said Meeks, adding that he is looking forward to two things: "I want to get something decent to eat and meet my nephew."

Meeks, a Marine, also defended the Hutaree, saying the militia group wasn't anti-government, but disagreed with some of the things that the government did. Meeks said he believes his ordeal should serve as a warning to the public.

"Watch what you say. Even the most innocent of statements can be used against you," Meeks said.

Attorney William Swor, who is representing accused ringleader David Stone Sr., applauded Roberts for concluding there was no crime.

"The fact is, you pull back the curtain, and there's nothing there," Swor said. "She paid attention to the evidence. She wasn't swayed by emotion... And she said that even taking the evidence in a light most favorable to the government, there was no evidence of a crime."

Swor, who visited Stone Sr. at the Wayne County Jail on Tuesday, said his client was grateful the most serious charges against him were dropped.

"He was quiet. He thanked God. He thanked the defense attorneys. And he shed a tear," Swor said.

Stone Sr., 47, and his son Joshua Stone, 24, both of Clayton, remain jailed on charges of possession of a machine gun and unregistered firearms. They face up to 10 years in prison if convicted. The trial resumes Thursday.

For weeks, Roberts has listened to scores of recorded conversations in which Stone Sr. talked of going to war with the government, killing police of-



Helen Vigil, 62, of Ann Arbor, hugs Michael Meeks, 42, of Manchester on Tuesday after he was released and acquitted of all conspiracy charges connected to the Hutaree Militia in front of the Theodore Levin U.S. courthouse in Detroit.

KIMBERLY P. MITCHELL/DETROIT FREE PRESS



Accused leader David Stone Sr., 47, of Clayton remains jailed on gun charges. Joshua Stone, 24, of Clayton faces gun charges. The trial resumes Thursday. David Stone Jr., 22, of Adrian was acquitted of conspiracy and other charges. Tina Stone, 46, who is married to Stone Sr., was acquitted of the charges. Michael Meeks, 42, of Manchester was acquitted and freed after two years. Kristopher Suckles, 29, of Sandusky, Ohio, was acquitted and freed Tuesday. Thomas Platek, 48, of Whiting, Ind., left the courthouse a free man.

ficers and having no qualms about killing their wives and children. On the recordings, he is heard calling one of his guns a "cop killer" and talking about how explosives could take out a convoy.

"While vile, all of this speech is protected by the First Amendment," Roberts wrote.

The decision leaves federal prosecutors with what legal experts describe as a run-of-the-mill illegal firearms case.

Roberts' decision resulted in total acquittals for five other defendants: Tina Stone, 46, the wife of Stone Sr.; David Stone Jr., 22, of Adrian; Meeks, 42, of Manchester; Platek, 48, of Whiting, and Kristopher Suckles, 29, of Sandusky, Ohio. Roberts threw out charges of seditious conspiracy and conspiring to use weapons of mass destruction, which carries a maximum penalty of life in prison.

### Like a jury acquittal

Legal experts said prosecutors

can't appeal Roberts' decision, which is the same as a jury acquittal.

"She stepped in and took the role of a jury," said Wayne State University law professor Peter Henning, a former federal prosecutor. "It's as if the jury acquitted them, and there can be no appeal of a jury acquittal."

Henning said prosecutors could have appealed if Roberts acquitted them before or after trial.

Still, Henning said, "The move to break up this group was not improper."

Henning said the Michigan Attorney General's Office could still charge Stone Sr. and Joshua Stone with conspiring to kill a police officer. The Attorney General's Office declined to comment.

N.C. Deddy LaRene—a prominent Detroit criminal defense attorney who won the acquittal of the late Michigan Ku Klux Klan leader Robert Miles in a federal seditious conspiracy case in Arkansas in 1988—said he wasn't surprised by Roberts' decision.

"It's a good thing," he said. "It's supposed to be hard for prosecutors to prove seditious conspiracy. They're trying to punish free speech, so it's necessary to impose a significant limitation on the government's ability to do that."

Tina Stone's defense attorney Michael Rataj said he is "just grateful to Judge Roberts for having the courage to do the right thing."

Attorney Art Weiss, who represented Platek, said he was ecstatic about the acquittals.

"It's ironic that today marks exactly two years that Mr. Platek has been incarcerated," said Weiss, who long argued his client was wrongfully locked up pending trial. "I don't know if he will ever get back the two years that were taken from him."

Weiss also called Roberts' ruling a major victory for free speech rights.

### OTHER TERRORISM CASES IN DETROIT

**June 2003:** Two north African immigrants were convicted by a federal jury in Detroit of conspiring to provide material resources to terrorism. But a judge later threw out the convictions at the request of the U.S. Attorney's Office, which said prosecutors withheld evidence from the defendants.

**October 2011:** Umar Farouk Abdulmutallab, a 25-year-old Nigerian student turned al-Qaida operative, pleaded guilty to trying to blow up a Detroit-bound jetliner with a bomb hidden in his underwear on Dec. 25, 2009. He was sentenced in February to consecutive life sentences in prison.