#### Shooting probe may hinge on court ruling report that a man had used a table leg to

By RODDY RAY Free Press Staff Write

The Wayne County Prosecutor's Office will have to determine whether a Detroit police officer violated a recent U.S. Supreme Court ruling when he fatally shot an unarmed burglary suspect, authorities said Wednesday.

Under the court decision, police may not shoot at a fleeing suspected felon unless they have reason to believe the suspect poses a significant threat of death or injury to others.

Officer Mike Schlage of the 15th (Conner) Precinct shot Aaron Bennett,

21, in the back about 1:30 p.m. Tuesday, after a home was burglarized on the northeast side, police said. Bennett, whose last known address was in the 8800 block of Gratiot, died at Detroit Receiving Hospital.

Detroit Police Department procedures allow officers to fire at fleeing felons, armed or not, unless the arrest can be made another way or the shooting would endanger bystanders.

Police said Wednesday that Schlage and another officer arrived at a twostory house in the 14100 block of Troester after a neighbor called to

After repeatedly warning the man to halt, Schlage fired one shot from 30 to 40 feet away, hitting the man in the back, police said.

break through a window.

would come out, police said.

After seeing the officers, the bur-

But when he came out the rear door,

glar indicated from a second-story

window that he was giving up and

he tried to run away, police said. The

two officers grabbed him, all three fell

during a scuffle and the suspect ran

across the front lawn, according to

A three-member police Board of Review is to determine whether Schlage acted according to department procedures.

"I rest assured that the officer did what he thought was right, but a week later, when all the facts are reviewed, it might be considered wrong," said a homicide investigator. "On the other hand, if he didn't shoot, some execs the Prosecutor's Office.

might come back later" and say Schlage didn't do his job.

Tim Baughman, chief of appeals for the Wayne County Prosecutor's Office, did not comment on the shooting but said the Supreme Court ruling could open a police department to a civil lawsuit if an officer shoots without probable cause to believe a suspect poses a significant threat.

Michigan law does not say specifically when fatal force may be used in an arrest. But a state Supreme Court decision and an interpretation of state law on arrests have been interpreted as allowing police to use it to prevent a felony suspect's escape if the arrest cannot be made another way.

There has been only one other fatal police shooting involving a suspect in Detroit this year, according to police records. Thaddeus Woodruff was killed Jan. 9 outside a burglarized home in the 8000 block of Walden, also in the 15th Precinct. That case is pending in

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# 2 Oriental spas raided; three women charged

By MARYANNE GEORGE and SANDY McCLURE Free Press Staff Writers

Three women were charged with misdemeanors Wednesday after raids on two Oriental health spas suspected as fronts for prostitution in Clinton Township, police said.

Macomb County authorities said they would try to padlock two other spas as public nuisances.

Another in Farmington Hills officially closed Wednesday after a settlement with its landlord.

In Clinton Township, Sgt. Edward Waldorf said Ok Ki Thomas, 33, Yong Ae Duke, 26, and Danam Kim, 47, were arrested late Tuesday and early Wednesday.

They face four misdemeanor counts of violating an ordinance enacted to regulate the spas. The charges include operating without a license, giving a massage without a license, giving massages after 11 p.m. and giving massages to a member of the opposite sex. In addition, Thomas was charged with accosting and soliciting.

The misdemeanors are punishable by up to 90 days in jail and a \$500 fine. Waldorf said all three were released on bond pending court appearances.

The latest raids showed further links among Oriental spas operated in

According to township records, building permits for one of the spas were issued in May to Jun Hae Kim of ale Presidents Sale Presidents Sale ents Sale the Grand Rapids suburb of Kentwood, who also owned the Keiko Spa in Farmington Hills. The Keiko closed a few months after police raided it in October and arrested several employes on prostitution-related charges.

Farmington Hills Police Chief William Dwyer said police believe Kim has moved back to Korea and does not intend to reopen.

Police also said Wednesday that another man, Jin Sung Chung, who operated spas throughout Lower Michigan, had returned to Korea.

Chung has operated spas in the Grand Rapids suburb of Walker and in Brighton, Brownstown Township, Kentwood and Westland.

On Wednesday, the Sun Oriental Health Spa on Orchard Lake Road in Farmington Hills was closed by agreement between the landlord and the spa operators, Dwyer said.

The spa was co-owned by Chong Scialdone, of Saginaw, and Kim Ok Chae, who was among 17 people arrested in an October raid.

A court hearing is scheduled for Monday on a bid by the Macomb County Prosecutor's Office to padlock two spas - the Tokyo and the Roman Spa - raided last month in Utica.

## Panel refuses to reinstate doctor's medical license

By DOLLY KATZ

Free Press Medical Writer

The state Board of Medicine refused Wednesday to reinstate Dr. Joseph Rucker Sr. of Detroit, who lost his license to practice medicine in 1983 for botching three abortions.

Rucker is competent and that he is willing to care for poor people.

city of Detroit.'

TWO OF Rucker's patients became sterile after the abortions. The third, a 14-year-old girl, gave birth to a baby with a piece of scalp missing.

Board members agreed with the would be able to practice medicine safely and skillfully.

bers pointed to a demand by the state Department of Social Services that Rucker repay the state Medicaid program more than \$770,000 he had received for providing unnecessary or inappropriate care.

The department's October 1984 order was based on an audit of Rucker's 1979-81 billings and a random sample of 100 of his patients.

who was performing abortions.

Among those who supported Rucker's application for reinstatement were Mayor Young, who wrote a letter of recommendation, and George Gaines, deputy director of the Detroit Health Department, who testified that

In his letter, Young said he understood that Rucker treated his patients "with uncommon skill, unfailing patience, and a very real dedication. In short, Dr. Rucker provided a valuable service to low-income residents of the

#### Dec. 2 opinion of a hearing examiner that Rucker, 63, had not proved he

Among other concerns, board mem-

The investigations that led to the revocation of Rucker's license began in 1973, after the Free Press reported that Rucker's abortion clinic staff included an ex-convict with no medical training

### **GOP** leader says state Senate will approve March 31 tax cut

INCOME TAX, from Page 1A

ranged from \$171 million to the most recent estimate of \$181 million - the budget would need major revisions. Money to schools, social services and other programs would likely be affect-

BOWMAN and Naftaly said they did not believe the Constitution had been violated. Auditor General Frank Pinkelman agreed, saying that his office's examination of the books showed "we are under the constitutional lim-

But Pinkelman stressed repeatedly he thought the question needed a legal interpretation.

At issue in the over-collection question is what may be counted as state revenue. The Headlee Amendment to the Constitution, approved by voters in 1978, limits the amount of taxes the state may collect.

The Senate Fiscal Agency, which counted as revenue such items as gross proceeds from the state lottery, calculates that too much revenue was collected. The Department of Management and Budget, which counts as revenue only the part of the lottery the state can keep — and not the part that is paid back in prizes - figures the state collected the right amount.

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