

Deadly eviction case turns on who fired first

Concerns raised about more such tragedies

By Bill Laitner
Detroit Free Press

Alonzo Long Jr. told police that he wasn't the first to fire in an armed confrontation that left a man and his daughter fatally shot after they tried to evict Long's relatives from a house in Detroit, according to testimony in 36th District Court.

The victims — Howard Franklin, 72, and his daughter Catherine Franklin, 37 — both had handguns with them when their bodies were found, police said at the time of the slayings in November.

And the defendant, Long, 22, told police he'd seen a revolver in Howard Franklin's hand before the shooting started, and before pulling out his own handgun, a Michigan State Police detective testified Friday in a preliminary examination of dual murder charges filed against Long.

Police testified that Long

told them in a 2½-hour videotape after the shooting that he saw Howard Franklin's gun and pulled his own gun out of his holster. The video was not shown Friday in court and Long did not speak.

Yet a Detroit police patrolman who was the first officer at the scene said he found Howard Franklin's five-shot revolver tucked into an inside sleeve of the dead man's flannel shirt, and that it had not been fired.

"I unloaded it myself" and none of the rounds had been fired — "it had five unspent rounds," said Officer Scott Holbrook, referring to the elder Franklin's .38 Special revolver. Holbrook testified that he turned the gun over to evidence technicians on Nov. 28, the day of the shooting.

Whether the Franklins fired first, as Long contends, could be crucial to deciding the dual-murder charges against him. The case is one that Long's court-appointed attorney, Charles Longstreet, said after Friday's hearing "is

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a question of self-defense."

But the slayings have raised broad concerns as well about the potential for similar tragedies.

The house where the shooting took place had been recently purchased by the Howards in a tax foreclosure auction.

There are tens of thousands of impending tax foreclosures scheduled to occur this year in Detroit, according to the Wayne County Treasurer's Office, and housing experts said there could be other deadly confrontations when home buyers evict tenants on their own, outside of the legal system.

Going it alone against the entrenched occupants of a foreclosed house is risky, said Robert Day, an attorney who represents tenants for Detroit's Legal Aid and Defender Association.

"I could see it coming — I knew someone was going to get shot," Day said last month, shortly after the shootings at the house in the 15100 block of Piedmont, in the Rosedale Park area of northwest Detroit.

The house had been owned by Long's uncle and aunt, Willie and Margaret Fletcher, since 2008, but the couple lost the house due to back taxes, according to county records and court testimony.

Howard Franklin received a quit-claim deed on Nov. 11, and, under the law, the Fletchers had 20 days to move out. But by Nov. 28, the day of the shootings, they'd already agreed to leave and had a rental truck parked in front of the house, according to court documents.

However, according to the Wayne County Prosecutor's Office, the Fletchers and their family members were allegedly removing from the house not only their belongings but also fixtures, including shutters and a chandelier — items affixed to the structure of the house and generally considered to be part of a property when it is appraised and sold

Long has been jailed without bail since being charged with two counts of first-degree murder, as well as weapons offenses, in the deaths. Although he did not live at the house, police testified that he told officers he was there to help his uncle move. When his uncle telephoned him, police said, Long said he grabbed his gun "because I thought they were fighting."

Long told police that he could not see clearly in the darkness of the home's front room at the time of the 7:30 p.m. confrontation, where he stood for two to four minutes before the shooting began, testified Michigan State Police Detective Tracy Walton, who interviewed Long before he was arrested.

Long also told police that, besides seeing Howard Franklin holding a handgun, he was aware that "the girl (Catherine Franklin) had a gun," although he did not see it, and that "I thought everyone (in his uncle's family) was going to get shot," Walton testified.

A woman in her mid-20s who was helping the Fletchers move also was shot, and Long told police he drove her to the hospital, according to police testimony.

After the hearing, a Detroit activist whose group advocates a government-imposed moratorium on all foreclosures in Detroit, said there soon could be more tragedies over foreclosures in the city.

"The Franklins needed to follow eviction procedures," including hiring a bailiff to clear the house of its occupants, said Mike Shane, 62, a Detroit homeowner who said he represented the Moratorium Now Coalition, a group that meets Monday nights near the Wayne State University campus.

"I blame the county and the city for not emphasizing that enough," Shane said, and added that the slayings were "the natural consequence when you have a police chief telling people to arm themselves."

Judiciary + Public Safety

2/7/19

SB 3

Approved, SCAO

Original - Officer return
1st copy - Court

2nd copy - Defendant
3rd copy - Plaintiff

STATE OF MICHIGAN JUDICIAL DISTRICT	APPLICATION AND ORDER OF EVICTION Landlord-Tenant / Land Contract	CASE NO.
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Court address

Court telephone no.

Plaintiff's name, address, and telephone no.
Plaintiff's attorney, bar no., address, and telephone no.

v

Defendant's name(s) and address(es)

NOTE: An application may be required even though a request for an order of eviction is granted in the judgment.

APPLICATION

1. On _____ judgment was entered against the defendant(s) and the plaintiff was awarded possession of the following described property: _____

2. No payment has been made on the judgment or no rent has been received since the date of judgment, except the sum of \$ _____ received under the following conditions: _____

3. The plaintiff has complied with the terms of the judgment.

4. The time stated in the judgment before an order of eviction can be issued has elapsed.

I declare that the statements above are true to the best of my information, knowledge, and belief.

Date

Plaintiff/Attorney signature

ORDER OF EVICTION

IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN:

To the Court Officer: You are ordered to restore the plaintiff to, and put the plaintiff in, full possession of the premises.

Date issued

Judge

Bar no.

NOTE: In tenancy cases, this order must be executed within 56 days of the issuance date.

**APPLICATION AND ORDER
OF EVICTION**

CASE NO. _____

RETURN

I certify and return that on _____ I executed the order of eviction on the other side of this form
Date

by evicting _____
Name(s)

from the property, and I have restored the plaintiff to peaceful possession as ordered.

Date

(Deputy) sheriff/Court officer/Bailiff

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$