



John Madill / HP correspondent

Law partners Andrew Burch (left) and Jack Banyon are retiring. This photo was taken in Banyon's office, but Burch also has a University of Detroit law degree in his office. Banyon's sons, Kevin and Collin, will remain at the practice on Napier Avenue in Benton Township.

Longtime law partners Burch, Banyon set to retire

By JULIE SWIDWA
HP Staff Writer

BENTON TOWNSHIP — Andrew ("Andy") Burch didn't plan to become a lawyer. "I really wasn't college material after high school," Burch said. "My dad had died when I was 11, my mom worked hard and I didn't have much supervision. I was pretty wayward." Burch said he was kicked out of high school for constant disobedience. "I didn't give a s---. I didn't go very often," he said. "But I could play football. So a coach found a way to get me back in." Burch was born and raised in Traverse City. The road to a law office in Benton Township, where he would team up with Jack Banyon for nearly 30 years, had its twists and turns. But Banyon, 66, and Burch, 71, have enjoyed the ride. Both men, familiar faces in and around the halls of the Berrien

County Courthouse, are retiring. Banyon's sons, Kevin and Colin, will remain at the office along Napier Avenue where Kevin practices criminal law and Colin focuses on family law. Burch has stopped taking any new clients and expects to wrap up the cases he has by May. Banyon will stop taking on new cases in June, and will retire after wrapping up the cases he has then. In an interview at their office, the law partners discussed their early years, their memorable cases and their future plans. Banyon was born and raised in Benton Harbor, graduated from St. John's High School in 1967 and Michigan State University in 1971 with a degree in marketing. "My roommate at Michigan State was going to be a lawyer, and I started thinking that could be rewarding and maybe I'd make some money along the

way," Banyon said. Although he would later tell his own sons, "There's easier ways to make money." He graduated from University of Detroit Law School in 1976, and in 1977 moved back to St. Joseph and became a law clerk for Circuit Court in Berrien County. He joined the law firm of Bleich and Peterson in St. Joseph in 1978, and in 1979 was hired by then-Prosecutor John Smietanka as an assistant prosecutor. As chief trial attorney under then-Prosecutor Paul Maloney in 1987, Banyon won a conviction while presenting the state's case against Butch Davis in a murder in which there was no body. It had been 10 years since 15-year-old Mandy Spear went missing after she met with FBI officials and likely incriminated Butch Davis in a money order altering scheme. Although she'd not been found, a jury still found Davis

guilty of killing her. "It was a pretty big deal," Banyon said. "I think we were the first in the state of Michigan to get a guilty verdict without a body. Basically we had to prove her non-existence over a period of time." Spear's remains were found in a ravine near Ox Creek in 1988 by members of Butch Davis' family. Based on some new evidence, the Michigan Court of Appeals overturned the verdict in 1989 and ordered a new trial. Davis was tried and convicted for a second time in 1990. By then, Banyon had left the prosecutor's office and joined Burch's law practice. The two would become friends and share an office for the next 29 years. Burch had graduated from Traverse City Central High School in 1963 and almost immediately landed in jail.

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"We were driving around and had beer in the car. We tried to run, and we ended up in jail. My mother wouldn't pay my fines so I sat in jail in Traverse City."

Then a U.S. Navy recruiter came by. "He told me 'I can get you out of here if you'll go in the Navy.' I signed in the summer of 1963," Burch said. He stayed in for four years and "grew up in the service."

At Ferris State College he met the former Cynthia Gelder from St. Joseph. The two married in 1968, and moved back to St. Joseph in the mid-1970s after Burch had graduated law school and worked a year in the litigation department at a bank. Like Banyon, he'd gone to University of Detroit Law School.

He opened his own law office in Coloma. A few years later, he teamed up with Don Bleich and Don Dettman at the office in Benton Township. Bleich left and Banyon joined, so the firm was Burch, Dettman and Banyon until Dettman left.

Burch and his wife, Cynthia, have three grown children. Two of them are lawyers, and all three married lawyers.

Unlike Banyon, Burch never worked on the prosecution side of law.

He said if he was going to be a trial lawyer, it was more important to him to keep innocent people from going to prison.

He listed as one of his most memorable cases the murder trial of Efran Paredes, who is serving a life term in prison.

Paredes was found guilty in 1989 of murdering Rick Tetzlaff, a night manager at Roger's Vineland Foodland in St. Joseph Township, during an armed robbery at the store.

Paredes, now 41, had worked at the store and was an honor student at Lake-

shore High School. He was 15.

"It's probably the hardest case I've dealt with personally," Burch said. "And now it's come full circle as we're starting to talk about raising the age for young people to be treated as adults."

After exhausting all appeals, Paredes also fought unsuccessfully for a commutation of his sentence based in part on his age at the time of the murder.

The Paredes case was the first in Berrien County where charges were filed under a 1988 law that allowed prosecutors to automatically waive 15- and 16-year-olds into adult court for certain offenses.

Burch also thinks about Michael Johnson, whom he defended on an appeal of a murder conviction.

"He had pled to second-degree murder, but the judge sentenced him to life. I took that case to the Supreme Court, which ruled that a juvenile sentenced to life is eligible for parole after 20 years. It clarified that he is eligible, which was rewarding. But he was denied parole, which was a disappointment because he's done tremendous things in prison," Burch said.

Johnson, now 52, was 17 when he killed Sue Ellen Machemer, a 16-year-old classmate at Lakeshore High School after her car ran out of gas on a rural road.

Johnson pleaded guilty to second-degree murder, believing he would have a good chance of parole after 10 or 15 years.

"I testified not long ago in a hearing for him. But I haven't seen him in 15 to 20 years," Burch said.

Of Paredes and Johnson, Burch said, "I don't lose sleep, but I think of them on occasion."

Banyon said sometimes a seemingly small case can turn memorable.

"I saw a guy just today who, back when I did family law, I did his divorce," he said. "His wife had left and gone to Vegas with a boyfriend. He had three little kids. He got full custody of his three kids, and he deserved it. He remembered me. His kids are grown and doing well. That was pretty rewarding."

Burch and Banyon both said they have no specific plans for retirement.

"I don't know, I'll probably relax, travel a little, read and spend time with our grandkids," Banyon said.

Burch said, "I already play as much golf as I want."

As for the reason he's retiring, Burch said, "It's just time. Probably in every endeavor I've witnessed somebody who hangs on too long. I think it's best to get out while you still have your dignity."

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