

**THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

MOBLEY et al vs. CITY OF DETROIT, et al

Honorable Judge Victoria Roberts

Honorable Magistrate Judge Mona K. Majzoub

**Case No. 10-cv-10675**

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**INDEX OF EXHIBITS**

**to:**

**PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT  
AGAINST DEFENDANT CITY OF DETROIT**

1. Korobkin Declaration w/ attachments
2. Jason Leverette-Saunders Deposition Excerpts
3. Wanda Leverette Deposition Excerpts
4. Laura Mahler Deposition Excerpts
5. Darlene Hellenberg Deposition Excerpts
6. CAID Funk Night Advertisement
7. Ian Mobley Deposition Excerpts
8. James Washington Deposition Excerpts
9. Sgt. Buglo Deposition Excerpts
10. Anticipatory Search Warrant & Affidavit, dated 5/29/08
11. Detroit Police Department Crime Report, No. 0805310096.1, dated 5/31/08
12. Lt. Yost Deposition Excerpts
13. Declaration of Aaron Timlin
14. CAID Surveillance DVD (Excerpts)- *to be filed in the traditional manner*
15. Stephanie Hollander Deposition Excerpts
16. Paul Kaiser Deposition Excerpts
17. Thomas Mahler Deposition Excerpts

18. Nathaniel Price Deposition Excerpts
19. Angie Wong Deposition Excerpts
20. Detroit Police Department Activity Logs re: CAID Raid
21. Sgt. Turner Deposition Excerpts
22. Sgt. Potts Deposition Excerpts
23. Sgt. Cole Deposition Excerpts
24. Officer Gray Deposition Excerpts
25. Detroit Ordinance No. 29-10 (2010)
26. Officer Johnson Deposition Excerpts
27. Sgt. McWhorter Deposition Excerpts
28. Officer Singleton Deposition Excerpts
29. *Defendants' Response to Plaintiffs' Fourth Set of Interrogatories, #16 & #17*
30. Declaration of Nathaniel Price
31. Declaration of Angie Wong
32. Dismissal Orders
33. Mahler Notice of Impoundment of Vehicle
34. Kimberly Mobley Deposition Excerpts
35. *Defendants' Answers to Plaintiffs' First Set of Interrogatories, #11*
36. Nuisance Abatement Revenue w/ cover letter, dated 12/15/10
37. Detroit Police Department Follow Up Report, No. 0805310096.3, dated 6/2/08
38. Jerome Price Deposition Excerpts
39. *Defendants' Responses to Plaintiffs' First Requests for Admission, #3*
40. 27 C.J.S. *Disorderly Houses* §§ 10, 11, 13, and 15
41. MLCC Club Licensee Information
42. *Defendants' Responses to Plaintiffs' Second Requests for Admission, #4*

**EXHIBIT 1**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

IAN MOBLEY, et al.,

Plaintiffs,

Case No. 10-cv-10675

vs.

Hon. Victoria A. Roberts

CITY OF DETROIT, et al.,

Defendants.

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**DECLARATION OF DANIEL S. KOROBKIN**

1. I am the plaintiffs' attorney in the above-captioned case.
2. Attached as Exhibit 1 is the "About Us" page from the website of the Contemporary Arts Institute of Detroit ("CAID"). This page was printed from <http://www.thecaid.org/index.php/about>.
3. Attached as Exhibit 2 is "Architecture students participate in eco-village design competition" from the Spring 2008 alumni newsletter of the University of Detroit Mercy. This article was printed from <http://www.udmercy.edu/stay-connected/news-events/newsletters/soa/2008/01/eco-village/index.htm>.


I make this declaration pursuant to 28 U.S.C. § 1746 and declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

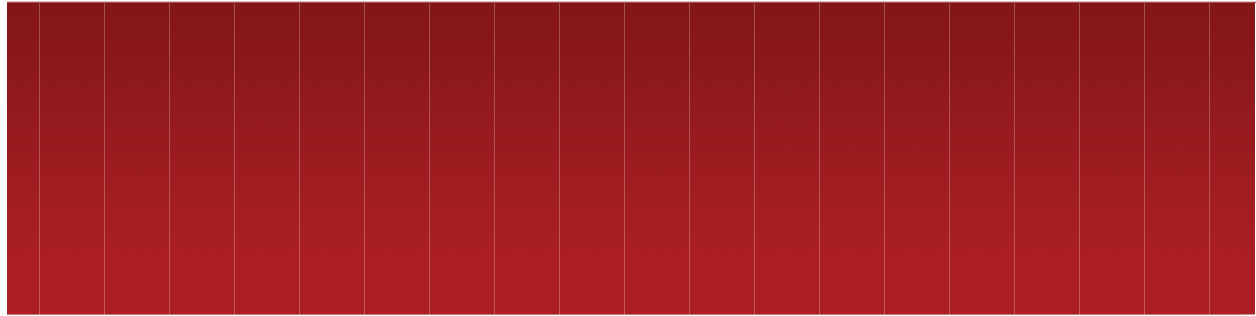
/s/ Daniel S. Korobkin  
Daniel S. Korobkin

Executed the 13th day of April, 2012.

# CONTEMPORARY ART INSTITUTE OF DETROIT

creative minds meet!

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- About Us
- Events
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- Special Thanks
- Locations
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Whitel Arts is a division of CAID. Whitel Arts is an 1800 sq ft professional Art exhibition space in Detroit that showcases the work of local and international established and emerging artists.



The Lady Bug Gallery boasts a ceramics studio, a computer lab and a multi-purpose classroom that together fosters an inviting and creative environment for local area artists.



Detroit Contemporary is an arm of CAID Detroitis that contains a performance space used to record a talk show, house poetry nights and music events.

## CAID Menu

- ◆ Home
- ◆ Detroit Contemporary
- ◆ Whitdel Arts
- ◆ Ladybug Studio
- ◆ Carriage House
- ◆ Board Members
- ◆ Donate
- ◆ Under the Corridor

## Resources

- ◆ Volunteer Services
- ◆ Membership
- ◆ Grants

## Contact Us

Email:

Subject:

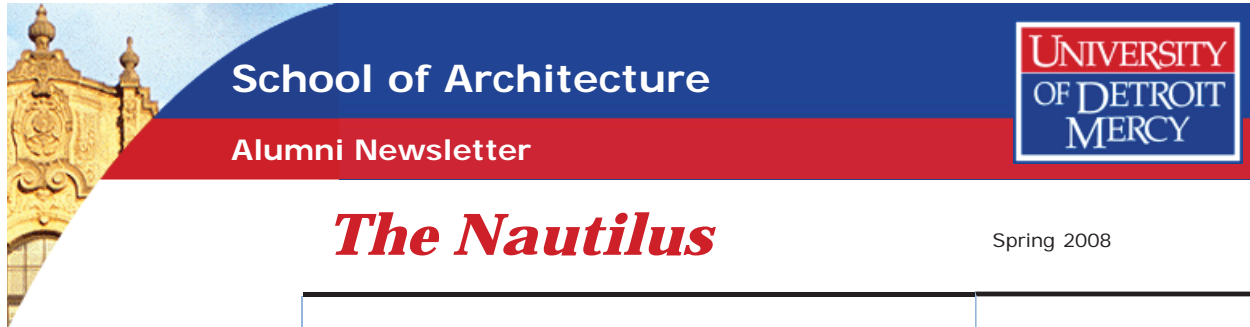
Message:

## About Us

The Contemporary Art Institute of Detroit (CAID) was formed in 1979 by a visionary group of Detroit-area artists, including Charles McGee and Jean Heilbrunn. Before obtaining its own physical space, the CAID hosted exhibitions, events, and programs through local creative, educational, and business venues including Marygrove College, the Detroit Artists Market, and the Detroit Institute of Arts.

In November 2004, after twenty-five years of nomadic existence, the Contemporary Art Institute of Detroit took up residence at 5141 Rosa Parks Boulevard, in the space formerly occupied by the Detroit contemporary. The building now serves as an exhibition and performance space, and a headquarters for the organization. In 2006, the organization's board of directors had the foresight to acquire the building and adjacent sculpture garden, ensuring the longevity and continued growth of the CAID.

In 2007, the Contemporary Art Institute of Detroit played an important role in the development of a vacant apartment building in Southwest Detroit's Hubbard Farms neighborhood. The historic Whitdel Building now provides affordable housing for artists and includes the CAID's new Ladybug Studios, which boasts ceramic, and fine art education studios, a student gallery, and a media lab. The building is also home to the CAID's Whitdel Arts, an 1800-sq. ft. professional exhibition space that showcases the work of established and emerging local, national, and international artists.



## The Nautilus

Spring 2008

### In this issue

[THE NAUTILUS home](#)

[Architecture students participate in eco-village design competition](#)

[School preparation results in successful accreditation visit](#)

[Alumni event brings together students, faculty and alumni](#)

[Jerzy Staniszkis: Still passionate about architecture](#)

[Design Center creates design plan for Paradise Valley](#)

[MCD Program supports career goals](#)

[School news](#)

[Faculty news](#)

[Dean's letter](#)

### UDM alumni newsletters

[ALL NEWSLETTERS](#)

[School of Architecture](#)

[College of Business Administration](#)

[College of Engineering and Science](#)

[College of Health Professions](#)

[College of Liberal Arts and Education](#)

[Archive](#)

### Architecture students participate in eco-village design competition

As part of Detroit's new "green" initiative, the city is looking for contemporary solutions to vacant land usage, including the potential of developing eco-villages—environmentally friendly, affordable housing.



*A student team presents its preliminary eco-village design for critique by Architecture faculty and guest "judges" prior to competition submission.*

The three accredited schools of architecture in southeastern Michigan— the University of Michigan College of Architecture and Urban Planning, Lawrence Technological University College of Architecture and Design and the University of Detroit Mercy School of Architecture— have sponsored a student design competition to design an eco-village on a five-acre site in Detroit's Woodbridge Neighborhood.

The Master of Community Development Program at UDM, WARM Training Center, the Woodbridge Community Development Corporation and the City of Detroit also helped sponsor the competition.

The competition, organized by School of Architecture Dean Stephen Vogel, is intended to both promote green design in Detroit and to make students more aware of green design principles and standards.

Each school has devoted one studio of students to the competition, consisting of teams of three students or less. The studio faculty includes Noah Resnick, UDM; Joel Schmidt, University of Michigan, and Anirban Adhya, Lawrence Technological University. According to Vogel, "There were 19 team submittals, including four from UDM."

### Stay-Connected

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### Save the dates for Founders Celebrations, Sept. 2008!

**Sept. 18** Celebrate Spirit!


**Sept. 23** Red Mass

**Sept. 24** UDM Night at Comerica Park

**Sept. 26** Ignatian Circle Dinner (by invitation)

Watch for further details.

### Print it

For a printer-friendly version of this page, click here .

The UDM team composed of Edmund Bardhi, Johanna Allan and Kenyotta Brown, received one of the four equal prizes.



*Architecture faculty Noah Resnick and guest judge Phillip Cooley (left) listen to a practice presentation from the student team of Kenyotta Brown, Edmund Bardhi and Johanna Allan during a critique session.*

Vogel explains the criteria for judging, saying, "The eco-village will be a mixed income community, with a minimum of 30 percent of the users requiring affordable housing. There will be no physical design differentiation between affordable and market rate housing. Residents will be a mixture of empty nesters, single parents, families, and young urban professionals." In addition, he adds that co-housing concepts or other space-saving alternative living styles are encouraged.

The competition took place over a three-month period, concluding on April 14. **Competition judging occurred April 26 at the Contemporary Art Institute of Detroit (CAID)** with four monetary prizes awarded.

Chaired by Teddy Cruz, AIA, from San Diego, the jury also included Jacob Corvidae for WARM, Mike Corby, AIA from Grand Rapids, Mark Nickita, AIA from Detroit and Lori Singleton, ASLA from Detroit. Following the competition, the works will remain on display for several weeks.

Most importantly, Vogel says, "The village is intended to be economically, socially and ecologically sustainable. And, finally, the village should be inspirational in order to encourage others to become part of the experiment."

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY MOBLEY,  
PAUL KAISER, ANGIE WONG, JAMES  
WASHINGTON, NATHANIEL PRICE, JEROME  
PRICE, STEPHANIE HOLLANDER, JASON  
LEVERETTE-SAUNDERS, WANDA LEVERETTE-  
SAUNDERS, WANDA LEVERETTE, DARLENE  
HELLENBERG, THOMAS MAHLER and  
LAURA MAHLER,

Plaintiffs,

Civil Action  
No. 10-10675

-VS-

CITY OF DETROIT, VICKI YOST and  
DANIEL BUGLO,

Defendants.

\_\_\_\_\_ /

The Deposition of **ANGIE WONG**, taken before me,  
Sherri L. Ruff, CSR-3568, a Notary Public within and for the  
County of Wayne, State of Michigan, at 1392 East Jefferson  
Avenue, Detroit, Michigan, on Thursday, October 21, 2010.

APPEARANCES:

KATHRYN BRUNER-JAMES, ESQ.  
DANIEL S. KOROBKIN, ESQ.  
Goodman & Hurwitz, PC  
1394 East Jefferson Avenue  
Detroit, Michigan 48207

Appearing on behalf of the Plaintiffs,

JERRY L. ASHFORD, ESQ.  
DANIEL M. KOESTER, ESQ.  
City of Detroit Law Department  
660 Woodward Avenue  
1650 First National Building  
Detroit, Michigan 48226

Appearing on behalf of the Defendant.

W I T N E S S I N D E X

Witness	Examined by	Page
ANGIE WONG	Mr. Ashford	3
	Ms. Bruner-James	44
	- - -	

E X H I B I T I N D E X

Exhibit No.	Description	Page
	(None Marked)	
	- - -	

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1 THE WITNESS: No. Like you mean like people  
2 using marijuana, drugs?

3 BY MR. ASHFORD:

4 Q. Yes.

5 A. No.

6 Q. Had you ever observed underage minors in the club?

7 A. Well, I mean --

8 MS. BRUNER-JAMES: Objection; foundation.

9 THE WITNESS: They hand out wrist bands for

10 people that are 21 and of age. I mean, if there was an  
11 underage minor, like, I wouldn't know. It's not like they  
12 are wearing their ID on their shirts.

13 BY MR. ASHFORD:

14 Q. Let me ask you this: Had you ever seen anyone purchase or  
15 being served alcoholic beverages --

16 A. No.

17 Q. -- who did not have a wrist band?

18 A. No. Not to my recollection, no.

19 MS. BRUNER-JAMES: Off the record for a second.

20 (Discussion off the record.)

21 BY MR. ASHFORD:

22 Q. Ma'am, during the times that you were at the CAID during  
23 the Funk Night prior to May 31st of 2008, did you ever  
24 observe any alcohol -- and by alcohol, I mean intoxicating  
25 liquor sales or purchases after 2:00 a.m. in the morning.

1 2008?

2 A. Yes.

3 Q. So what happened after you parked your car?

4 A. We walked in. I paid -- we showed our ID's, got in the  
5 door. I paid for all three of us; he gave us wrist bands.  
6 And then Mark went and got us three beers. We were walking  
7 around trying to find my friend that needed a ride.

8 Q. What time did you arrive at the CAID?

9 A. About ten to two, approximately. It was around that time,  
10 ten to two.

11 Q. So after he gave you -- strike that.

12 Mark gave you three beers?

13 A. He bought three beers: One for myself, one for him and one  
14 for Paul.

15 Q. And at the time, how old were you?

16 A. Twenty-two.

17 Q. And then what happened after you received the beer?

18 A. Well, we were walking -- like, our original purpose of  
19 going to CAID is because I had -- I received a phone call  
20 from one of my friends that needed a ride home, and he was  
21 there. But when we got there, we looked around for him and  
22 he wasn't there. So I just feel like we went there -- we  
23 were at the wrong place at the wrong time. I felt that  
24 place was being staked out before we even walked in. And  
25 we were probably only in there for about like I would have

1 to say like ten, 12 minutes. And then the cops came in.

2 Q. Who were you there to pick up?

3 A. My friend Jerry.

4 Q. What's Jerry's full name?

5 A. Jerry Craig.

6 Q. What city does Jerry Craig live in?

7 A. He lives in -- used to live in St. Clair Shores, but he  
8 lives in Roseville now.

9 Q. How do you know him?

10 A. Through high school. South Lake.

11 Q. Do you know his address?

12 A. No, I don't.

13 Q. Do you know his telephone number?

14 A. I have his cellphone number, but I don't think it's in  
15 service right now.

16 Q. What made you think he would be there?

17 A. What do you mean?

18 Q. Well, you said that you went to the CAID to pick him up.

19 A. Because he called me when we were at Whiskey in the Jar for  
20 a ride home, and he said he was there.

21 Q. Do you know why you had to go inside to pick him up?

22 A. Because he wasn't answering his phone, so we just went  
23 inside.

24 Q. So when you didn't see him, what happened after that?

25 A. We were in the back yard; we were going to finish our beers

1 and just leave.

2 Q. Why did you go in the back yard?

3 A. Because we looked in the front and then in the room with  
4 the DJ; he wasn't there. And there was a back yard area,  
5 so we went out there to see who was out there, and he  
6 wasn't there. So that's how we ended up in the back yard.

7 Q. So you guys didn't dance while you were there?

8 A. No.

9 Q. So while you were there -- strike that.

10 How long were you there before the Detroit police  
11 officers came into the location?

12 A. Probably like about ten minutes.

13 Q. While you were there, did you see any attendees without  
14 wrist bands being served intoxicating liquor?

15 A. No.

16 Q. Did you see anyone using narcotics?

17 A. No.

18 MS. BRUNER-JAMES: Objection. Objection as to  
19 foundation.

20 BY MR. ASHFORD:

21 Q. Did you see anyone purchasing alcohol or intoxicating  
22 liquor after 2:00 a.m.?

23 A. No. Because the cops came in, and they were beating  
24 everyone down.

25 Q. They were what?

1 A. Beating everyone down in the back yard.

2 Q. Okay. So, tell me, what happened when the police officers  
3 came in?

4 A. Well, at first, I don't know, it was just -- I was in  
5 shock. Like, I just thought it was a joke at first. And  
6 then, I mean, they kind of rushed in, and it happened real  
7 fast. And they came in; I couldn't see any badges on them.  
8 They came in with like all black, ski masks, with like guns  
9 pointing at us.

10 Q. What do you mean?

11 A. At first I thought for a split second like we were --  
12 people were robbing the place.

13 Q. What do you mean ski masks, Angie?

14 A. They had like black masks on to the point you couldn't see  
15 their face.

16 Q. You couldn't see any portion of their face?

17 A. Probably like their eyes.

18 Q. So the mask covered the lower portion of their face?

19 A. They were like ski masks, yeah.

20 Q. Okay. But just to understand what a ski mask -- what kind  
21 of ski mask you are referring to, you are talking about a  
22 mask that covers the lower part of your face underneath  
23 your eyes?

24 A. Yeah.

25 Q. What were the lighting conditions like inside the CAID?

1 A. It was dark.

2 Q. Was there any lights at all?

3 A. There was lights in the front. I mean, in the dance floor  
4 I think there was like some kind of like light, but I  
5 wasn't -- not like bright lights or anything.

6 Q. Okay. And is the dance area like in the back room of the  
7 building?

8 A. Yeah.

9 Q. So you had to go through a doorway from the front part of  
10 the building to get into the dance area where the DJ is,  
11 correct?

12 A. Correct.

13 Q. So there is more light you are saying in the front of the  
14 building?

15 A. Yeah.

16 Q. What was the lighting condition like outside in the terrace  
17 area?

18 A. Terrace, it was dark.

19 Q. There were no lights at all, outside lighting?

20 A. I don't know. I don't remember at this point at the  
21 moment.

22 Q. So what happened when they came into the terrace area?

23 That's where you were, right?

24 A. Yeah.

25 Q. What happened when they came into that area?

1 A. They were just screaming, "Get the fuck down. Get the fuck  
2 down." And, I don't know, I was scared, so I just dropped  
3 my cup of beer and just -- I was wearing like -- I was  
4 wearing all white, pretty much, light jeans and like  
5 six-inch pumps. And the part where we were standing was  
6 really muddy. It was really dirty, and I didn't want to  
7 lay on the ground, so I just crouched down in a squatting  
8 position and put my hands up behind my head.

9 And Paul was sitting there asking -- well, he  
10 knelt down. I think he knelt down. He was asking --  
11 trying to ask the cops trying to find out what was going  
12 on. And all I can remember is just seeing him like get  
13 kicked, repetitively, getting forced in the mud.

14 Q. How many times did you see him get kicked?

15 A. I can't -- I would have to say like three to five times  
16 altogether.

17 Q. What happened to Paul after they kicked him?

18 A. He was on his knees -- he got kicked like, I would say,  
19 like three times while he was on his knees. They were  
20 trying to force him in the mud. And then I remember  
21 looking over, and he was like -- started to fall in the  
22 mud. And then he had a gun -- a rifle pointed to the back  
23 of his head. And then the guy like stomped him in the mud.

24 And I was just crouched like next to him all  
25 scared, trying to look at the guy's face, and I was too

1           scared to look at his face.   And all I heard was an officer  
2           come by and yelled, "Bitch, you think you are too pretty to  
3           get in the mud?  Get in the mud."  And I was starting to  
4           get in the mud.  I was already on my knees, and somebody  
5           forced me and stomped on me while I was getting in the mud.  
6           I'm not sure who did it, if it was the officer that was  
7           doing it to Paul or if it was the woman.

8   Q.   Do you know the names or badge numbers?

9   A.   They didn't have any badge number or names or anything out.

10  Q.   So you can't identify the officer that actually kicked you,  
11       correct?

12  A.   No, I can't.

13  Q.   And you cannot --

14  A.   Because they kicked me from behind.

15  Q.   You can't identify the officer that kicked Paul?

16  A.   No.

17  Q.   Did you see those officers later on that morning?

18  A.   Well, even if they were there, how would I know it was  
19       them?

20  Q.   Okay.

21  A.   They were like wearing all black, all covered up.  They  
22       didn't have any type of identification on them at all.

23  Q.   Let me show you what's been marked as Defendant's Exhibits  
24       7 -- well, 5 through 7.  And what I'm interested in is this  
25       picture is the Detroit police officers.  Is this how they



1 of those persons before?

2 A. No.

3 Q. Okay. At some point you were brought inside the building,  
4 correct?

5 A. Correct.

6 Q. While you were inside the CAID or outside in the terrace  
7 area, did you ever hear any verbal abuse directed towards  
8 any of the attendees by Detroit police officers besides  
9 yourself and Paul?

10 A. You know, I was just in shock, and I was scared. I'm  
11 pretty sure there was; I couldn't tell you specifically  
12 what they were saying to everyone.

13 Q. Okay. So at some point you were brought inside the  
14 building?

15 A. Yeah.

16 Q. And then what happened?

17 A. They separated the women from the men. All the girls were  
18 in the front part. They made us kneel down with our hands  
19 behind our heads. We couldn't like talk; we had to sit  
20 there until they called our names.

21 Q. And then what happened?

22 A. When they called your names, they returned your stuff. If  
23 you had a purse, they would check everything in your purse,  
24 or whatever, and return your purse, write you your ticket.  
25 And if you had a car, they -- they gave me the paper, the

1 nuisance abatement paper, too.

2 Q. I'm going to show you what's been marked Defendant's  
3 Exhibit No. 1. Did they give you this document right here?

4 A. Yes.

5 Q. Although this information is not all yours, you filled out  
6 one of these documents?

7 A. Yes, sir.

8 Q. And they took your keys?

9 A. I'm pretty sure I gave my keys.

10 Q. Actually, did they only take a car key?

11 A. Yeah, the car key.

12 Q. And they gave you your other keys back?

13 A. Yeah.

14 Q. And then what happened?

15 A. They impounded my car.

16 Q. Well, so they return your possessions except for your car  
17 key, right?

18 A. Uh-huh.

19 Q. And then what did you do after that?

20 A. Well, after they released me, I waited outside for Paul and  
21 his brother for probably about an hour.

22 Q. So you were released an hour before they were?

23 A. Yeah.

24 Q. And did you see what happened to your car?

25 A. Yeah, they took it away.

1 Q. Who took it away?

2 A. The towing company.

3 Q. What towing company?

4 A. I don't -- I can't remember.

5 Q. Did you actually see them hook it up and actually haul it  
6 away?

7 A. Yeah. Like, when I got out, they were hooking it up and  
8 hauling it away.

9 Q. So, eventually, Mark and Paul came out of the CAID?

10 A. Uh-huh.

11 Q. Yes?

12 A. Yes.

13 Q. And you went up to them?

14 A. Yeah.

15 Q. And what did you say?

16 A. "How are we going to get home?"

17 Q. So then how did you get home?

18 A. My plan was when they got out, I was thinking in my head we  
19 can call a cab or whatever. When we got out, we found a  
20 cab. So we ended up flagging a cab down and took a cab to  
21 Mark's car, which was at Whiskey in the Jar.

22 Q. How far was that from the CAID?

23 A. It's in Hamtramck, so it's not that far.

24 Q. What happened after you got to Mark's car?

25 A. Mark, we went to Brey's, and then we ate something, and

1 because my phone was lost.

2 Q. Did Mark have footprints on him, too?

3 A. Yeah.

4 Q. Was Mark handcuffed in the CAID?

5 A. Like in the inside or outside?

6 Q. Anywhere on the property of the CAID, was he ever  
7 handcuffed?

8 A. I don't know. I couldn't tell you.

9 Q. Did he ever tell you, "I was handcuffed"?

10 A. I don't think so.

11 Q. Or did you ever hear him say "I was handcuffed"?

12 A. I don't think so. He was just complaining he was getting  
13 kicked.

14 Q. Before you left the property of the CAID, you were also  
15 given a ticket, also, correct?

16 A. Correct.

17 Q. Similar to the one in Defendant's Exhibit No. 2?

18 A. Yep.

19 Q. And it was also for the same charge of loitering in a place  
20 of illegal occupation, right?

21 A. Right.

22 Q. Did you have an attorney for that criminal charge?

23 A. Gary Janadia was my attorney for this, but somehow I got  
24 hooked up with the ACLU.

25 Q. What happened with the charge?

1 A. It got dismissed.

2 Q. Were you able to recover your car?

3 A. Yes.

4 Q. Tell me how you recovered your car.

5 A. I went to -- at first I went to the police station on  
6 Beaubien, because I thought that's where I had to go to pay  
7 the \$900.

8 Q. How did you get there?

9 A. Paul drove me.

10 Q. Okay.

11 A. We went there, and then they told us we had to go to the  
12 prosecutor's office.

13 Q. Was anyone with you besides Paul?

14 A. No, just Paul.

15 Q. And then you went to the prosecutor's office?

16 A. And then I paid the \$900.

17 Q. Did you think about fighting the \$900?

18 A. No. I thought about it, but I needed a vehicle, and I  
19 wasn't going to like rent a vehicle; that would be stupid  
20 when I have one. I mean, I just think that was really  
21 unfair.

22 Q. Did you ever make a complaint to the Wayne County  
23 Prosecutor's Office?

24 A. No, I didn't.

25 Q. Did you ever talk to a Wayne County prosecutor?

1 A. No.

2 Q. You just talked to the person that was in the front, the  
3 administrative person who handled the fee processing?

4 A. Uh-huh.

5 Q. Yes?

6 A. Yes.

7 Q. Did you ever make a complaint with the Detroit Police  
8 Department about the police action that was taken on  
9 May 31st, 2008, at the CAID?

10 A. Not that I can remember, because I thought like because  
11 Paul was doing all this for us, for what happened. And I  
12 think -- I mean, I'm pretty sure he did something for us.

13 Q. So what happened after you go to the Wayne County  
14 Prosecutor's Office and paid the fee? How much was the  
15 fee?

16 A. Nine hundred.

17 Q. And then what happened?

18 A. And then they gave us directions to the impound where my  
19 car was at, so I had to pay another fee for my car.

20 Q. How much did you pay there?

21 A. I don't remember; a hundred and something.

22 Q. I'm sorry, I may have already asked this question. What  
23 was the fee you paid to Wayne County Prosecutor's Office?

24 A. Nine hundred.

25 Q. What tow yard did you go to?

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY MOBLEY,  
PAUL KAISER, ANGIE WONG,  
JAMES WASHINGTON, NATHANIEL  
PRICE, JEROME PRICE,  
STEPHANIE HOLLANDER, JASON  
LEVERETTE-SAUNDERS, WANDA  
LEVERETTE, DARLENE HELLENBERG,  
THOMAS MAHLER, and LAURA MAHLER,

Plaintiffs,

-vs-

No. 10-10675

CITY OF DETROIT, VICKI YOST,  
and DANIEL BUGLO,

Defendants.

\_\_\_\_\_ /

The deposition of **JASON**  
**LEVERETTE-SAUNDERS**, taken before Reporter LaVerne M.  
Reinhardt, CSR-2305, Notary Public in and for the County  
of Wayne, State of Michigan, at 1394 E. Jefferson  
Avenue, Detroit, Michigan, on Wednesday, October 20,  
2010, commencing at or about the hour of 1:22 p.m.

APPEARANCES:

KATHRYN BRUNER JAMES (P71374)  
Goodman & Hurwitz, P.C.  
1394 E. Jefferson Avenue  
Detroit, Michigan 48207  
(313) 567-6170

Appearing on behalf of Plaintiffs

1     **APPEARANCES:** (Continued)

2             DANIEL S. KOROBKIN (P72843)  
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4             Union Fund of Michigan  
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7             (313) 587-6824

8                             Appearing on behalf of Plaintiffs

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15                            Appearing on behalf of Defendants

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I N D E X

PAGE:

Cross Examination by Mr. Ashford	5
Cross Examination by Ms. James	46

E X H I B I T S

Defendant's Exhibit 10	15
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1 MS. JAMES: Objection, relevance.

2 THE WITNESS: No.

3 BY MR. ASHFORD:

4 Q. Do you know what I mean by that?

5 A. Yes.

6 Q. Okay. Depression, paranoia, schizophrenia,  
7 anything like that?

8 A. No.

9 Q. Are you currently a member of Contemporary Art  
10 Institute of Detroit?

11 A. I believe so.

12 Q. Why do you say you believe so?

13 A. You sign up for a yearly basis and I'm not sure if  
14 mine is still current or not.

15 Q. Okay. So that answers my next question. You have  
16 been a member of the Contemporary Art Institute of  
17 Detroit?

18 A. Yes.

19 Q. For what time period? Strike that.

20 When did you first become a  
21 member? What year approximately did you first  
22 become a member of the Contemporary Art Institute  
23 of Detroit?

24 A. Late 2007.

25 Q. Why did you become a member of the Contemporary Art

1           **Institute of Detroit?**

2    A.    Some friends of mine took me down there one  
3           evening, had a great time, enjoyed the art they had  
4           up on the walls, got along with the staff.

5    Q.    Was this a party or was this during the daytime  
6           hours between 12 and six?

7    A.    It was during the daytime hours and then we hung  
8           around and talked with them.

9    Q.    Who did you talk with?

10   A.    I honestly don't remember their names.

11   Q.    Do you know Joseph Timlin?

12   A.    Possibly by face.

13   Q.    How about Jennifer Shraeder?

14   A.    Maybe by face.

15   Q.    Or Brandon Wally?

16   A.    I don't know.

17   Q.    Or Christopher Shoemaker?

18   A.    I don't know. I'm really bad with names.

19   Q.    Do you know any of the people who work at the  
20           C.A.I.D.?

21   A.    By face.

22   Q.    Not by name?

23   A.    I'm terrible with names.

24   Q.    So that would be a no, correct?

25   A.    Yes.

1 Q. Before May 31st of 2008 had you attended any  
2 parties at the C.A.I.D.?

3 A. Yes.

4 Q. How many?

5 A. Six or seven.

6 Q. During these parties had you ever witnessed any  
7 underage drinking?

8 MS. JAMES: Objection, foundation.

9 THE WITNESS: No.

10 BY MR. ASHFORD:

11 Q. Had you ever witnessed the use of any illegal  
12 narcotics?

13 MS. JAMES: Objection, foundation.

14 THE WITNESS: No.

15 BY MR. ASHFORD:

16 Q. Had you ever seen marijuana being used?

17 MS. JAMES: Objection, foundation.

18 THE WITNESS: No.

19 BY MR. ASHFORD:

20 Q. You had never seen cocaine being used?

21 MS. JAMES: Objection, foundation.

22 THE WITNESS: No.

23 BY MR. ASHFORD:

24 Q. Did you ever see anyone taking pills?

25 A. No.

1 Q. At these parties did you ever see the sale or  
2 service of alcohol after 2 a.m.?

3 A. No.

4 Q. Did you ever see anyone selling alcohol?

5 A. Yes, by the cup. You paid for a cup if you were of  
6 age.

7 Q. Did you ever buy any alcohol?

8 A. On occasion.

9 Q. Tell me how you would purchase alcohol at one of  
10 these parties. What would normally happen?

11 A. If you had a stamp that proved you were of age then  
12 it was pretty much the same rule that applies to a  
13 kegger. You paid for the cup, it's a donation to  
14 the house and that was pretty much it.

15 Q. You said the same as you would for a kegger?

16 A. Yes.

17 Q. Okay. So the person who you were actually  
18 purchasing the alcohol from did not ask you for  
19 identification, you would normally have a stamp?

20 A. He'd ask to see the back of your hand.

21 Q. Was it a stamp or a bracelet?

22 A. I have seen people wear bracelets but it was  
23 normally a stamp.

24 Q. Had you ever visited the C.A.I.D.'s website?

25 A. Yes.

1 A. Yes.

2 Q. How do you know he knew that?

3 A. It was in my hand, I had a bag.

4 Q. So it was in plain sight?

5 A. Yes.

6 Q. Was it inside the bag or outside the bag?

7 A. Inside the bag.

8 Q. So how do you know that the doorman had knowledge  
9 of what was inside of your bag?

10 A. He didn't know how much I had in the bag but it was  
11 BYOB so if you were of age you could bring your  
12 own.

13 Q. How do you know you could bring your own?

14 A. I learned that either the two or three time I went.

15 Q. So based on your prior experiences, you knew that  
16 you could bring in your own alcohol?

17 A. Yes.

18 Q. So can you describe the inside of the C.A.I.D. for  
19 me?

20 A. Go through the front door, turn to the walkway,  
21 along the wall to your left there's usually  
22 pictures from the latest event or exhibition;  
23 there's an open area for discussion, sometimes  
24 there's a table with tall chairs; there's a back  
25 cabinet of sorts, that's usually where kind of the

1 office area is. You have a staircase that leads  
2 upstairs to the major exhibit room. In the back is  
3 the event.

4 Q. Is that where the dancing took place?

5 A. That's where the dancing takes place, that's where  
6 they have shows, that's where the shows and the  
7 seating area is and then you have the courtyard out  
8 back.

9 Q. If you were standing in the front doorway of the  
10 C.A.I.D. would I be able to see what was going on  
11 inside of the dance room?

12 A. Not really.

13 Q. Okay, would it be walled off?

14 A. It's a doorway so you can see people walking in and  
15 out. It's usually kind of dark, though, so you  
16 can't really see anybody until you get into the  
17 room.

18 Q. When you entered the C.A.I.D. on May 31, 2008, what  
19 were the lighting conditions?

20 A. Normal.

21 Q. Okay, what's normal?

22 A. The front area was fully lit, the back area the  
23 lights were dim as usual and they had a DJ going.

24 Q. Did you see a beverage and food counter?

25 A. Yes.

1                   **MR. ASHFORD:** What foundation are  
2                   you saying is missing, counsel?

3                   **MS. JAMES:** I don't know if he would  
4                   recognize one or know that it exists.

5 BY MR. ASHFORD:

6 **Q. Mr. Leverette-Saunders, what kind of food was in**  
7 **the bowl?**

8 A. I don't know.

9 **Q. You don't know if it's hot or cold food?**

10 A. I assume cold.

11 **Q. But you don't know?**

12 A. I didn't pay any attention.

13 **Q. And you didn't see any health department permit or**  
14 **anything like that at the C.A.I.D., correct?**

15                   **MS. JAMES:** Objection to the  
16                   foundation.

17                   **THE WITNESS:** No. It was a bowl of  
18                   like stuff.

19 BY MR. ASHFORD:

20 **Q. Okay, so once you entered the C.A.I.D. what did you**  
21 **do?**

22 **A. Talked to a couple of the guys that worked there,**  
23 **made my way to the back where the dance section**  
24 **was, went outside for a little bit.**

25 **Q. Let me show you what's been marked as Exhibit**



1 No. 4, Defendant's Exhibit No. 4. Do you see the  
2 outside area of the C.A.I.D. that was fenced in?

3 A. Yes.

4 Q. Is that where you were that night?

5 A. For most of the evening, yes.

6 Q. Most of the evening?

7 A. Yeah.

8 Q. Okay. What were you doing on the side of the  
9 building?

10 A. I was in the backyard, drinking, socializing,  
11 people watching, enjoying the evening.

12 Q. On the many occasions that you have been at the  
13 C.A.I.D. have you ever observed like any sex acts  
14 in this outdoor area?

15 MS. JAMES: Objection, relevance.

16 THE WITNESS: No. No.

17 BY MR. ASHFORD:

18 Q. Where were you when the Detroit Police officers  
19 came into the building?

20 A. In the backyard sitting on an empty bar.

21 Q. There was an empty bar outside?

22 A. Yes.

23 MS. JAMES: Excuse me just one  
24 second.

25 (Brief pause.)

1 MS. JAMES: I'm sorry, continue.

2 BY MR. ASHFORD:

3 Q. Can you describe that for me?

4 A. Old fashioned wooden, horseshoe shaped, under a  
5 tent, it was empty.

6 Q. Nobody was working the bar or anything like that?

7 A. No, nothing in the bar.

8 Q. Nobody was working it, correct?

9 A. No.

10 Q. It was just kind of like seating?

11 A. Yeah.

12 Q. So then what happened?

13 A. What turned out to be the police came in through  
14 the alleyway and from the door in the building,  
15 telling everybody to get on the ground, face down.  
16 I was sitting on the bar and in the same tone they  
17 were yelling at me to get on the ground, I was  
18 yelling back at them show me your badge and we went  
19 back and forth a couple of minutes.

20 Q. Who did you say that to?

21 A. The officers.

22 Q. Any particular officer?

23 A. I couldn't see who they were, all I could see was  
24 the beam of flashlights.

25 Q. Then what happened?

1 A. We went back and forth for maybe a minute.

2 Q. **At this point were you on the ground?**

3 A. No, I was still sitting on the bar.

4 Q. **Okay.**

5 A. **That's when one of them grabbed me off the bar and**

6 **threw me on the ground.**

7 Q. **Do you know which officer did that?**

8 A. No.

9 Q. **You don't know name, badge number, anything?**

10 A. They didn't have badges to be seen.

11 Q. **Okay.**

12 A. Full tactical gear.

13 Q. **Any identification?**

14 A. No.

15 Q. **Did you ever ask -- did you ever see that officer**

16 **again?**

17 A. I wouldn't have known.

18 Q. **So then what happened?**

19 A. **After I hit the ground I got back up, fell into a**

20 **wooden post that was holding up a section of the**

21 **tent.**

22 Q. **How did you fall into the wooden post?**

23 A. **When I hit the ground I rolled and got up and in**

24 **the process I hit it.**

25 Q. **Why did you get up?**

1 A. They had no reason to throw me on the ground and I  
2 continued to demand a badge.

3 Q. Then what happened?

4 A. That's when I was taken to the ground a second  
5 time.

6 Q. Same officer?

7 A. No.

8 Q. Excuse me?

9 A. No clue.

10 Q. Do you know if it was a police officer that put you  
11 back on the ground the second time?

12 A. The only people out there were what turned out to  
13 be police officers.

14 Q. But my question is do you know like from your  
15 senses, your sight or hearing, that it was a  
16 Detroit Police officer that put you on the ground  
17 the second time?

18 A. Yes.

19 Q. How do you know that?

20 A. It was from the same group that had pulled me off  
21 the bar.

22 Q. And then what happened?

23 A. After I hit the ground one of them got on my back,  
24 was kicked a couple of times and handcuffed.

25 Q. Do you know which police officer kicked you?

1 A. No.

2 Q. Then what happened?

3 A. We were taken inside and essentially processed.

4 Q. Were you injured by the officer kicking you?

5 A. Not really. I was sore, had some muscle soreness  
6 the next day.

7 Q. Did you ever seek any medical attention?

8 A. No.

9 Q. Where were you kicked?

10 A. Rib cage and shoulder blade.

11 Q. How long did you stay outside before -- strike  
12 that.

13 After the officers came in and  
14 told you to get on the ground in the outdoor  
15 terrace area, how long were you out there before  
16 they brought you inside?

17 A. It seemed almost immediate.

18 Q. During the time that you were outside with the  
19 Detroit Police officers, aside from what happened  
20 to you, did you notice any other -- strike that.

21 Besides what happened to you  
22 outside on the terrace, in the terrace area,  
23 describe any other police conduct that you saw or  
24 heard.

25 A. I don't really remember anything happening to

1 anybody else.

2 Q. What police conduct did you see inside the  
3 C.A.I.D.?

4 A. After they got us inside, at that time or  
5 throughout the evening?

6 Q. I'll take at that time, we'll go step by step. At  
7 that time what police conduct did you notice when  
8 they brought you inside?

9 A. They were lining everybody up against the wall.

10 Q. Then what happened?

11 A. We were processed, everything was taken out of our  
12 pockets, put in bags, patted down, searched.

13 Q. What was taken from you?

14 A. Keys, pretty much the contents of my pockets at the  
15 time.

16 Q. What was in your pockets?

17 A. Keys, Carmex, some gum.

18 Q. Were you searched or did they search you?

19 MS. JAMES: Object as to form. I  
20 didn't understand.

21 BY MR. ASHFORD:

22 Q. Did the Detroit Police officers search you?

23 A. Yes.

24 Q. So they pulled the contents out of your pockets?

25 A. Yes.

1 Q. How long were you lined up?

2 A. I couldn't even tell you.

3 Q. Were you standing?

4 A. At that point, yes.

5 Q. You said at that point, what happened after that?

6 A. After that we were separated, males in one room,  
7 females in the other, and they had us all wait on  
8 our knees with our hands -- their hands behind  
9 their heads.

10 Q. What rooms were the males in?

11 A. The dance area.

12 Q. And the females were up front?

13 A. Yes.

14 Q. Then what happened?

15 A. We waited until we got our names called.

16 Q. Did you notice any assaultive conduct inside the  
17 building from the Detroit Police officers?

18 MS. JAMES: Objection as to  
19 foundation.

20 THE WITNESS: A couple of people  
21 were handled a little roughly and they were tearing  
22 the building apart. That's pretty much all I could  
23 see.

24 BY MR. ASHFORD:

25 Q. What do you mean tearing the building apart?

1 A. Breaking doors, locked areas in an attempt to look  
2 for something that wasn't there.

3 **Q. Okay. How do you know they were looking for**  
4 **something?**

5 A. They tore open one of the doors. One of the doors  
6 that led into the area with all the wiring, the  
7 electronics, where the sound system was running  
8 through, it was locked and they broke it off the  
9 handle, they broke it off its connecting points to  
10 get in and there wasn't anything back there.

11 **Q. Now when you say "they," you mean a police officer**  
12 **or do you mean several?**

13 A. Several.

14 **Q. Okay. So then what happened after they called you**  
15 **up?**

16 **A. Which time?**

17 **Q. How many times did they call you up?**

18 **A. Twice.**

19 **Q. Okay, what happened the first time?**

20 **A. Someone helped me up, I went in the line.**

21 **Q. Who helped you up?**

22 A. One of my fellow patrons.

23 **Q. Why did you need help to get up?**

24 A. Handcuffed.

25 **Q. Were you handcuffed behind your back?**



1 me why I was handcuffed and I said I dared to  
2 question the omnipotent DPD.

3 **Q. Then what happened?**

4 A. They sent me to the back of the line.

5 **Q. Okay. So it was a line to get up to the table or**  
6 **were you just being called?**

7 **A. There was a line to get to the table after you had**  
8 **been called. I was sent to the back of the overall**  
9 **line and I was placed to be one of the last people**  
10 **to be released.**

11 **Q. So then what happened after you came up the second**  
12 **time?**

13 A. After they handed me -- before they handed me my  
14 bag they unhandcuffed me, handed me my bag with all  
15 my personal effects and I went outside with some of  
16 the guys who worked there. Because we were all the  
17 only people left and we were trying to figure  
18 out -- it was a lot of people still outside trying  
19 to figure out how they were getting home.

20 **Q. Okay. When they gave you back your personal**  
21 **effects inside the C.A.I.D. did they give you back**  
22 **your car keys?**

23 A. Yes.

24 **Q. Okay. Did they keep your mother's car at all?**

25 **A. Yes.**

- 1 Q. Okay. How did they get your car keys?
- 2 A. Once I was released they were asking people
- 3 individually for their keys to the vehicle.
- 4 Q. Where were you asked for your keys? Were you
- 5 inside the C.A.I.D. or outside the C.A.I.D.?
- 6 A. I was standing in front of that wall.
- 7 Q. You were standing in front?
- 8 A. Of the wall.
- 9 Q. The wall in Defendant's Exhibit No. 3?
- 10 A. Yes. An officer came over and asked me for the
- 11 keys.
- 12 Q. How did you respond?
- 13 A. First time I gave him the wrong set of keys.
- 14 Q. Why did you do that?
- 15 A. I didn't want him towing my mother's car.
- 16 Q. So then what happened?
- 17 A. The key didn't work on the door so I had to give
- 18 him the actual key and then they loaded the car up
- 19 on a flatbed.
- 20 Q. Who is "they"?
- 21 A. The officers and the tow driver.
- 22 Q. Okay. It was actually the tow driver that loaded
- 23 it up on the flatbed, right?
- 24 A. Yes, but the officer was the one who unlocked it.
- 25 Q. And then what happened?

1 Before you left the premises of  
2 the C.A.I.D. you were issued a ticket like or  
3 similar to the one we see in Defendant's Exhibit  
4 No. 2; is that correct, Mr. Leverette-Saunders?

5 A. Similar, kind of.

6 Q. I mean the name and the information is obviously  
7 not correct but you were issued a ticket?

8 A. The ticket I had had loitering in a place of  
9 illegal occupation but it also stated that it was a  
10 blind pig.

11 Q. Did you ever appear in court concerning that  
12 ticket?

13 A. Along with everyone else, yes.

14 Q. That was at the 36th District Court, correct?

15 A. Yes.

16 Q. How many times did you appear?

17 A. I think once. I know I went once for sure.

18 Q. Basically the judge told you what you were charged  
19 with and advised you of your rights; is that  
20 correct?

21 A. En masse, yes.

22 Q. Okay. And asked you how you pled?

23 A. Yeah.

24 Q. What happened with that criminal charge?

25 A. As far as I know it was dropped.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY MOBLEY,  
PAUL KAISER, ANGIE WONG,  
JAMES WASHINGTON, NATHANIEL  
PRICE, JEROME PRICE,  
STEPHANIE HOLLANDER, JASON  
LEVERETTE-SAUNDERS, WANDA  
LEVERETTE, DARLENE HELLENBERG,  
THOMAS MAHLER, and LAURA MAHLER,

Plaintiffs,

-vs-

No. 10-10675

CITY OF DETROIT, VICKI YOST,  
and DANIEL BUGLO,

Defendants.

\_\_\_\_\_ /

The deposition of WANDA LEVERETTE, taken before Reporter LaVerne M. Reinhardt, CSR-2305, Notary Public in and for the County of Wayne, State of Michigan, at 1394 E. Jefferson Avenue, Detroit, Michigan, on Wednesday, October 20, 2010, commencing at or about the hour of 2:30 p.m.

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9 Appearing on behalf of Defendants

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I N D E X

PAGE:

Cross Examination by Mr. Ashford	5
Cross Examination by Ms. James	29
Recross Examination by Mr. Ashford	30

E X H I B I T S

None.

1 BY MR. ASHFORD:

2 Q. Are you currently a member of the C.A.I.D. or the  
3 Contemporary Art Institute of Detroit?

4 A. No, I'm not.

5 Q. Are you familiar with that organization?

6 A. Yes, I am.

7 Q. When did you first find out about or when did the  
8 C.A.I.D. or the Contemporary Art Institute of  
9 Detroit come to your attention?

10 A. I would like to say probably around November of  
11 '07. My son brought it up. I don't quite remember  
12 but I know it was several months before this  
13 incident occurred, he had been going monthly to the  
14 C.A.I.D. for a Funk Night event that happened at  
15 the end of every month and he had been going  
16 several months in a row so I'd say about six months  
17 prior to the incident that occurred.

18 Q. What did he tell you about the Contemporary Art  
19 Institute of Detroit?

20 A. That it was an art institute, that a lot of the  
21 young people attended. He got the information, I  
22 believe, from someone he met over at my  
23 chiropractor's office, Dr. Bob, and because of my  
24 relationship with the chiropractor, because this  
25 information came through his office, people that he

1 knew, I felt comfortable about letting Jason  
2 attend.

3 Q. Okay. Did it come from Dr. Bob himself?

4 A. No, but some of his patients and his clients also  
5 attended.

6 Q. From that time until May 31st of 2008 did you do  
7 any research concerning the C.A.I.D. to find out  
8 what it was about?

9 A. No, I didn't.

10 Q. Did you have any more discussion with your son  
11 concerning the C.A.I.D.?

12 A. Yes, I did.

13 Q. Okay. Can you tell me a little bit about those  
14 discussions?

15 A. He would talk to me about the type of people he  
16 would meet, the conversations they had, some of the  
17 other activities that some of the other individuals  
18 were involved in. He tried to get me to go down  
19 there to look at the artwork.

20 Q. What kind of activities did he tell you some of the  
21 other individuals were involved in?

22 A. Well, some of the individuals were artists so they  
23 had art showings.

24 Q. Okay, so your son went to some of those events?

25 A. Yes, and I've gone to some of the other art events.



1 Q. Okay. And that was during daytime hours?

2 A. Yes.

3 Q. You did not ever go to any of the Funk Nights?

4 A. No.

5 Q. I have to ask.

6 MS. JAMES: Off the record.

7 (Discussion held off the  
8 record.)

9 MS. JAMES: Go back on.

10 BY MR. ASHFORD:

11 Q. Did your son ever tell you about any illegal  
12 activities at the C.A.I.D.?

13 A. No.

14 Q. Did he ever tell you that he had observed drugs or  
15 the serving of underage minors?

16 A. No.

17 Q. Did he ever describe it as a blind pig or an after  
18 hours place for drinking?

19 A. No.

20 Q. Do you know any of the people who are responsible  
21 for the administration of the C.A.I.D.?

22 A. Explain that, please.

23 Q. Do you know any of the employees of the C.A.I.D. or  
24 any of the volunteers at the C.A.I.D., the people  
25 who were responsible for the daily operations of

1 the C.A.I.D.?

2 A. I knew a board member. I met a woman who was a  
3 board member.

4 Q. Okay. What was her name?

5 A. I don't exactly remember her name. I know that  
6 she's the niece of Coleman Young.

7 Q. The niece of Coleman Young?

8 A. Uh-huh.

9 Q. Do you have any contact information for her?

10 A. Not currently.

11 Q. What did she tell you about the C.A.I.D.?

12 A. That they had worked -- well, she had worked with  
13 them on a plan, an urban planning structure for  
14 housing for some property that's down by the  
15 Riverfront by Chene Park. Between the General  
16 Motors building and Chene Park there's some  
17 property down there that she was interested in  
18 developing and that artists from the C.A.I.D.  
19 helped her with the planning of this site. And I  
20 went down there and I viewed it.

21 Q. Okay. So you attended some of the daytime events  
22 at the C.A.I.D.?

23 A. I attended some of the daytime events that people  
24 who attended the C.A.I.D. gave. I've been there  
25 once to the C.A.I.D. itself.

1 Q. Describe the kind of event, what event you went to.

2 A. I went to see the artwork. I like art, my son and  
3 I go to art fairs and art events.

4 Q. So tell me what it's like when you went in. There  
5 was art on the wall, was there sculpture, I mean  
6 what did you see?

7 A. It's a lot of art on the walls, I don't remember  
8 sculpture but I do remember when I went upstairs to  
9 see the urban planning site I was blown away. It  
10 was so great, it reminds you of the way Burzek Hall  
11 is made in Ann Arbor with the housing in between  
12 all the trees and this is the plan that they wanted  
13 to put down on the Riverfront, I thought it was  
14 wonderful. I was impressed.

15 The young men that I met that  
16 was there they were articulate, they were  
17 intelligent, they were laid back, they were the  
18 type of people that you would want your son around.

19 Q. Okay. Was there music?

20 A. The day that I was there, no.

21 Q. Was there like wine being served at all?

22 A. I don't remember.

23 Q. When's the last time you had contact with that  
24 board member?

25 A. I saw her in July downtown and we stopped and

1 the site so he took me there.

2 Q. Have you ever participated in any type of web  
3 conversation concerning the C.A.I.D.?

4 A. No, I have not.

5 Q. So on May 31, 2008, your car was seized?

6 A. Yes.

7 Q. How did you find out about it?

8 A. When Jason came home about 6 o'clock in the  
9 morning.

10 Q. How did he get home?

11 A. Someone from the C.A.I.D. dropped him off.

12 Q. Do you know who from the C.A.I.D. dropped him off?

13 A. No, I don't.

14 Q. Who was the primary driver of that vehicle?

15 A. I am.

16 Q. And you're the owner?

17 A. Yes.

18 Q. Was he driving it with your permission that night?

19 A. Yes.

20 Q. Did you know he was going to the C.A.I.D.?

21 A. Yes.

22 Q. What kind of vehicle is it? Make and model?

23 A. 2005 Pacifica.

24 Q. What color?

25 A. Light blue.

1 Q. Okay. Who told you that?

2 A. His office, Keith Wright's office did.

3 Q. You weren't talking to Keith Wright?

4 A. No, I talked to someone in his office.

5 Q. Okay. Do you know who you talked to?

6 A. No, I don't.

7 Q. Do you know if they were in the forfeiture unit of  
8 the Wayne County Prosecutor's Office?

9 A. Not the first phone call.

10 Q. Then what happened?

11 A. Well, we had to wait on the money to come because I  
12 had to get the money from his father to get it out  
13 because I didn't have a thousand dollars on hand to  
14 give to someone to get my car out.

15 Q. By the way, did you have any other vehicles?

16 A. No, that's my only vehicle.

17 Q. How long was -- strike that.

18 How long were you without it?

19 A. Six days.

20 Q. Were you working at the time?

21 A. Yes.

22 Q. How did you get to work?

23 A. I didn't.

24 Q. Did you have to use vacation time?

25 A. Yes, I did.

1 Q. Was your son working at the time?

2 A. Yes, he was.

3 Q. How did he get to work?

4 A. He had to take the bus.

5 Q. Where was he working at the time?

6 A. I think that's when he was at the Fish Market. No,  
7 I don't remember. He might have been at Value  
8 City. I don't remember which job he had at the  
9 time.

10 Q. But do you remember him having a job?

11 A. Yeah, he had a job, it's just which job he had.

12 Q. Okay, so they're telling you they have to wait till  
13 the tickets are processed. What happened after  
14 that?

15 A. After they processed the tickets and they found out  
16 where the car was the prosecutor's office, Keith  
17 Wright's office, called me up and let me know where  
18 I could get the car and who I had to contact and  
19 they told me that -- he sent me an e-mail  
20 personally saying that he couldn't really help me  
21 with the \$900 thing, that that was something that  
22 had to be paid because I couldn't understand why I  
23 was paying it when it didn't fit the circumstances  
24 for taking the car but he said that he would make  
25 sure that all the paperwork was in order and I

1 wouldn't have any problems getting it out.

2 Q. Did you think about fighting it?

3 A. I did want to fight it.

4 Q. Okay. Did you have an attorney to represent you?

5 A. No, I didn't.

6 Q. Okay. But you didn't fight it, correct?

7 A. The way the prosecutor's office operates, when you  
8 go to sign off to get the car out if you put  
9 anything on that form that says anything to the  
10 fact that you're signing this under duress, you're  
11 signing this to protest, they will not accept the  
12 form so they have a policy that does not allow you  
13 to protest the reason that your car was  
14 confiscated.

15 Q. Okay. Did you understand that this was a nuisance  
16 abatement lawsuit and that you could contest it in  
17 court at the time with an attorney?

18 A. I believe Jason did speak to someone and he relayed  
19 that information to me. However, I was not willing  
20 to let my car sit in an impound lot and collect  
21 fees waiting on a court date to deal with that  
22 issue.

23 Q. Okay. And so you eventually paid the \$900?

24 A. And the storage and the tow fees.

25 Q. How much were the storage and the tow fees?

1 A. I believe it was close to \$250 because I paid over  
2 a thousand dollars to get the car back.

3 Q. Okay. So you paid \$900 to the Wayne County  
4 Prosecutor's Office?

5 A. Yes.

6 Q. And you paid the towing and storage fees to a tow  
7 yard?

8 A. Yes.

9 Q. Which tow yard?

10 A. I believe it's Gene's.

11 Q. Where is that located?

12 A. It's in Southwest Detroit.

13 Q. What condition was your vehicle in when you  
14 recovered it?

15 A. There was no damages done to my car.

16 Q. Did you make any complaint to any federal or  
17 public -- strike that.

18 Did you make any complaint to  
19 any governmental or public entity or agency  
20 regarding the police action on May 31st of 2008  
21 including the seizure of your vehicle?

22 A. I sure did. I contacted the newspapers.

23 Q. What newspaper did you contact?

24 A. The Detroit News and Channel 4 online.

25 Q. Did they write any stories?



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY  
MOBLEY, PAUL KAISER,  
ANGIE WONG, JAMES WASHINGTON,  
NATHANIEL PRICE, JEROME PRICE,  
STEPHANIE HOLLANDER, JASON  
LEVERETTE-SAUNDERS, WANDA  
LEVERETTE, DARLENE HELLENBERG,  
THOMAS MAHLER and LAURA MAHLER,

Plaintiffs,

-vs-

No. 10-10675

CITY OF DETROIT, VICKI YOST,  
and DANIEL BUGLO,

Defendants.

\_\_\_\_\_ /

The deposition of LAURA MAHLER, taken  
before Reporter LaVerne M. Reinhardt, CSR-2305, Notary  
Public in and for the County of Wayne, State of  
Michigan, at 1394 E. Jefferson Avenue, Detroit,  
Michigan, on Wednesday, October 20, 2010, commencing at  
or about the hour of 10:25 a.m.

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I N D E X

PAGE:

Cross Examination by Mr. Ashford	6
Cross Examination by Ms. James	35

E X H I B I T S

Defendant's Exhibit 1	4
Defendant's Exhibit 2	15

1           **night?**

2    A.    Yes, I did.

3    **Q.    Did you know where he was going with the vehicle?**

4    A.    He did not have to tell me specifically where he  
5           was going because he was the primary driver of that  
6           vehicle.

7    **Q.    You were the owner of the vehicle?**

8    A.    Yes.

9    **Q.    What kind of vehicle was it?**

10   A.    I think it was a Geo Prism, I can't remember  
11           exactly what year.

12   **Q.    I'm going to show you what's been marked as**  
13           **Deposition Exhibit No. 1.**

14                   **MS. JAMES:** Before you start  
15           questioning her about that, Jerry, can I ask where  
16           you got this?

17                   **MR. ASHFORD:** Wayne County.

18                   **MS. JAMES:** Okay. Did you subpoena  
19           Wayne County? We haven't obtained any kind of copy  
20           of that subpoena when you sent it.

21                   **MR. ASHFORD:** It was sent through  
22           Record Copy.

23                   **MS. JAMES:** We haven't received any  
24           copy of a subpoena from Record Copy Service for  
25           Wayne County. We've only received one from the

1 C.A.I.D. Institute.

2 **MR. ASHFORD:** C.A.I.D. Institute is  
3 C-A-I-D. For the record it's the Contemporary Art  
4 Institute of Detroit.

5 **MS. JAMES:** Correct. So I'm going  
6 to ask that you provide us both with a copy of the  
7 subpoena and the materials that were provided in  
8 response to it.

9 **MR. ASHFORD:** Okay, we can discuss  
10 that but the subpoena cost a lot of money so, you  
11 know, we'll have to work out some of the details of  
12 that but we'll talk about that.

13 BY MR. ASHFORD:

14 **Q. Ma'am, I just want you to identify the vehicle, the**  
15 **motor vehicle.**

16 A. Okay.

17 **Q. Is this your handwriting, by any chance, on this**  
18 **document, Defendant's Exhibit No. 1?**

19 A. No, it's not.

20 **Q. Do you remember if it was a '96 Geo Prism?**

21 A. Yes, sounds correct.

22 **Q. What color was it?**

23 A. Blue.

24 **Q. How long -- strike that.**

25 **When did you purchase it?**

- 1 A. It was given to me by a family member.
- 2 Q. On May 31st of 2008 was it insured?
- 3 A. Yes, it was.
- 4 Q. Who was the insurer?
- 5 A. Who was the insurer?
- 6 Q. Yes.
- 7 A. AAA.
- 8 Q. I'm sure you don't recall this but do you know the  
9 policy number?
- 10 A. No, I don't.
- 11 Q. Okay. And it was registered to you, correct?
- 12 A. Yes.
- 13 Q. And it's true that your son Thomas was driving the  
14 vehicle on May 31st of 2008?
- 15 A. Yes. He wasn't driving it when it was seized.
- 16 Q. Actually, I was going to restate that question. He  
17 had been driving it immediately before it was  
18 seized?
- 19 A. He drove it to the C.A.I.D.
- 20 Q. And he was the primary driver?
- 21 A. Yes.
- 22 Q. Here it gives an operator's license number. Is  
23 that yours or Thomas'?
- 24 A. I believe that's Thomas', it's not mine.
- 25 Q. And this is your signature under the owner box

1 midway in Defendant's Deposition Exhibit No. 1?

2 A. No, it's not. It looks like my son's signature.

3 Q. Is this your information, address and your name and  
4 telephone number; is that correct?

5 A. Yes.

6 Q. Did you receive a copy of this form?

7 A. I do not believe I did. Unless it was after, upon  
8 getting the vehicle returned but he had no  
9 paperwork on him when he came home that morning.

10 Q. Is this the first time you've seen this form, to  
11 the best of your recollection?

12 A. I think it is.

13 Q. So how did you get your car back?

14 A. You want me to describe the whole process?

15 Q. Did you get your car back?

16 A. Eventually.

17 Q. How did you get your car back?

18 A. The whole?

19 Q. Sure.

20 A. I had a photocopy of I believe it was Erik  
21 Johnson's car paperwork with the phone numbers and  
22 everything. I called several places, I believe the  
23 prosecutor's office, I was bumped around from place  
24 to place. Sometimes I didn't reach them and I  
25 never received a return phone call.

1 BY MR. ASHFORD:

2 Q. How long did it take you to get to this woman who  
3 treated you with humanity?

4 A. It might say in my notes but I would say probably,  
5 I'm guessing at least a week.

6 Q. And you don't recall the name of the agency?

7 A. No, I don't, but it's probably written in my notes.

8 Q. And they were able to locate your car?

9 A. Yes.

10 Q. Where was your car?

11 A. It was at, I don't know what to call it, a tow lot  
12 in Southwest Detroit.

13 Q. Do you know which tow lot it was?

14 A. No, I don't.

15 Q. Do you know which towing company towed your  
16 vehicle?

17 A. No, I don't.

18 Q. Okay. Then what happened?

19 A. Then I had to try and come up with \$900 plus close  
20 to \$300 to obtain my car. I considered not getting  
21 it back out because the money was so excessive but  
22 I didn't feel that I could find a decently running  
23 car for that amount of money.

24 Q. Now, at the time did you have your own car?

25 A. Yes, I did.



1 Q. That you were the primary driver?

2 A. Yes.

3 Q. What did you have to pay the \$900 for?

4 MS. JAMES: Object to form.

5 BY MR. ASHFORD:

6 Q. Go ahead.

7 A. It was for the nuisance abatement fee.

8 Q. Who was that \$900 payable to?

9 MS. JAMES: Object to foundation.

10 THE WITNESS: I believe it was the  
11 Wayne County Prosecutor's Office.

12 BY MR. ASHFORD:

13 Q. Did you hire an attorney to represent you?

14 A. No, I did not.

15 Q. Why not?

16 A. I didn't have the money to hire an attorney and I  
17 believe by that time the ACLU had become involved.

18 Q. Were you aware that you could have taken it to  
19 trial on the nuisance abatement issue?

20 MS. JAMES: Object to the  
21 foundation.

22 THE WITNESS: I was, however, I was  
23 also told that if -- I don't know what to call it.  
24 If I was found -- I don't know how to word this. I  
25 could be subject to having to pay even more storage

1 costs for the car because it was the car needed to  
2 remain at the lot during that period of time while  
3 we were waiting to take it to trial. There was no  
4 guarantee that I would get the car back. And there  
5 was some sort of deadline involved. I believe it  
6 was about a month after the car was towed that they  
7 said they needed some type of decision.

8 **Q. And you were dealing with the Wayne County**  
9 **Prosecutor's Office regarding your car?**

10 A. Yes.

11 **Q. And so you decided to pay the \$900 to settle the**  
12 **case? You paid \$900, is that what happened?**

13 **MS. JAMES:** Object to form.

14 **THE WITNESS:** Yes, \$900 plus almost  
15 \$300 to the towing company for storage.

16 BY MR. ASHFORD:

17 **Q. What condition was your car in when you received**  
18 **it?**

19 A. There was something broken on the inside of the car  
20 and I'm not clear as to exactly what that was  
21 because I was not the primary driver. But I think  
22 it might have been the inside door handle. My son  
23 noticed that immediately as we were at the lot.

24 **Q. Did you see the damage?**

25 A. I did.

1 A. No, we couldn't afford it. In fact, I had to  
2 borrow the money to get the car from the Wayne  
3 County Prosecutor's Office.

4 Q. Who did you borrow it from?

5 A. My father.

6 Q. And what is his name?

7 A. Edward Kwiatkowski. K-w-i-a-t-k-o-w-s-k-i.

8 Q. Did you ever complain about the damage to your  
9 vehicle to the Wayne County Prosecutor's Office?

10 A. No, I didn't.

11 Q. Why?

12 A. At that point I was led to believe that they were  
13 no longer involved. I did complain to the person  
14 that took us to the car at the lot.

15 Q. Who was a representative?

16 A. Of the towing company. I complained to somebody in  
17 the office and I also called back, called the  
18 office attempting to speak to someone and I was  
19 constantly told that they were not responsible for  
20 any damages to the car.

21 Q. Who is they that were not responsible?

22 A. The towing lot.

23 Q. You do not recall what towing lot this was?

24 A. No, I don't.

25 Q. Now, this was damage to the door handle?

1 etcetera, and it breaks my heart to know that they  
2 experienced this. They all described it as  
3 horrifying, traumatic, etcetera.

4 In fact, when my son first  
5 described the incident to me I was afraid that  
6 possibly I did not know him as well as I thought I  
7 did because I could not imagine police engaging in  
8 this type of behavior unless someone had done  
9 something wrong.

10 **Q. Ma'am, have you ever been to the website of the**  
11 **Contemporary Art Institute of Detroit?**

12 A. Yes, I have.

13 **Q. When did you visit that website for the first time?**

14 A. After he came back and told me what had happened.

15 **Q. Okay. And why did you do that?**

16 A. I wanted to see if it was a legitimate art gallery.

17 I also questioned a friend of mine who is an artist  
18 part-time to find out what she thought of that  
19 institute and she said she had attended functions  
20 there, related strictly to art but they had served  
21 wine there and it was perfectly legitimate, nothing  
22 in her mind questionable about the C.A.I.D. at all.

23 **Q. Have you looked anyplace else on the Internet for**  
24 **information concerning the C.A.I.D. or the**  
25 **Contemporary Art Institute of Detroit?**

1 A. You mean other than their website?

2 Q. Yes.

3 A. I think I just put in a -- just typed into the  
4 search engine C.A.I.D. to see what came up.

5 Q. Did you see any negative comments about the  
6 C.A.I.D. that came up?

7 A. Only as it related to this incident.

8 MR. ASHFORD: Okay. I have nothing  
9 further.

10 MS. JAMES: Let's confer for one  
11 moment.

12 (Recess taken.)

13 CROSS-EXAMINATION

14 BY MS. JAMES:

15 Q. Mrs. Mahler, I believe you testified earlier that  
16 Tom was the primary driver of the Geo Prism; is  
17 that correct?

18 A. Yes.

19 Q. How long, I apologize if you already answered this,  
20 but how long was the Geo Prism not available you  
21 to?

22 A. It was over three weeks.

23 Q. And during that period of time did the lack of that  
24 vehicle have any impact on you or your household?

25 A. Yes. There were times when Tom needed

1 transportation that either I would have to drive  
2 him or loan him my car.

3 Q. So did that have any affect on you beyond  
4 logistics?

5 A. It was stressful. Since this had happened to him  
6 at a place where he would not have expected to  
7 encounter any type of difficulty of this sort and  
8 he was in attendance at Wayne State, which is in  
9 the city, I was concerned that he might end up  
10 somewhere else where it would be problems just by  
11 virtue of the fact that he was there and it was  
12 stressful thinking that if he was driving my car I  
13 would have no way to get to work. I would have to  
14 take three buses to and from work involving several  
15 hours of time if I did not have access to a car to  
16 get to work.

17 Q. And I believe you also testified that you had to  
18 borrow the \$900 for the return of your vehicle from  
19 your father?

20 A. Yes.

21 Q. Is that correct?

22 A. Yes.

23 Q. Did that event or fact have any impact on you or  
24 your household?

25 A. It did. It was humiliating to be over 50 years old

1 and have to ask my father for the money for  
2 something like this. The other money, the money  
3 for the regular towing and storage also impacted  
4 our family's budget. I had been saving money for  
5 the summer when I'm not paid and \$300 may not seem  
6 like much to some people but it was really a stress  
7 on my personal finances, to even have to pay that  
8 much out-of-pocket.

9 MS. JAMES: Okay, I don't have any  
10 more questions.

11 MR. ASHFORD: I have no questions.

12 THE WITNESS: I would also like to  
13 add that in the period of time while I was  
14 attempting to contact someone about getting my car  
15 back, it was very stressful doing this at work  
16 because that was a time that I was supposed to be  
17 using either in conference or planning for work,  
18 I'm a teacher, it was during my planning period. I  
19 never knew if in the middle of a conversation a  
20 student would come to my room and then want to talk  
21 to me, and in fact, there were times when students  
22 would come to the door and I would be motioning  
23 toward the phone to let them know that that was why  
24 I couldn't get up and let them in.

25 Once I had someone on the phone

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY  
MOBLEY, PAUL KAISER,  
ANGIE WONG, JAMES  
WASHINGTON, NATHANIEL  
PRICE, JEROME PRICE,  
STEPHANIE HOLLANDER,  
JASON LEVERETTE-SAUNDERS,  
WANDA LEVERETTE, DARLENE  
HELLENBERG, THOMAS MAHLER  
and LAURA MAHLER,

Plaintiffs,

-vs-

No. 10-10675

CITY OF DETROIT, VICKI  
YOST, and DANIEL BUGLO,

Defendants.

\_\_\_\_\_ /

The deposition of **DARLENE HELLENBERG**,  
taken before Reporter LaVerne M. Reinhardt, CSR-2305,  
Notary Public in and for the County of Wayne, State of  
Michigan, at 1394 E. Jefferson Avenue, Detroit,  
Michigan, on Wednesday, October 20, 2010, commencing at  
or about the hour of 11:40 a.m.

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Appearing on behalf of Plaintiffs



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I N D E X

PAGE:

Cross Examination by Mr. Ashford	6
Cross Examination by Ms. James	53

E X H I B I T S

Defendant's Exhibit 3	19
Defendant's Exhibit 4	20
Defendant's Exhibits 5 - 9	33

1 you?

2 A. I just can't really place it. I mean, it's the  
3 building.

4 Q. You don't know if you've ever seen it before?

5 A. I know I've seen the building before, I just don't  
6 know what angle that's from. I don't remember an  
7 awning.

8 Q. You don't remember seeing an awning?

9 A. No.

10 Q. So ma'am, after you parked your vehicle what  
11 happened?

12 A. We went inside.

13 Q. Was this door open in Defendant's Exhibit No. 3,  
14 was the door open when you went inside?

15 A. I don't remember. What do you mean?

16 Q. Was it open or was it closed?

17 A. I don't remember.

18 Q. Did you have to knock to gain entrance?

19 A. I don't remember.

20 Q. Was there anyone at the door when you walked in?

21 A. Yeah.

22 Q. Okay. Who was at the door?

23 A. Somebody checking IDs.

24 Q. Did you show them your ID?

25 A. Yes.

1 you see anyplace where there was food or beverages  
2 being sold or served?

3 A. Let's see, to the right of the entrance there is a  
4 counter where you could get beverages.

5 Q. Did you then have to walk past that counter to get  
6 to the dance floor?

7 A. No, it was off to the side. Like the back wall.

8 Q. I can't picture, the back wall of?

9 A. I guess like if you think of it as a square room,  
10 when you walk into the door you go this way, you go  
11 to the left to get to the dance room and the bar  
12 area was back to the right.

13 Q. Were you given a wrist band after you entered the  
14 C.A.I.D.?

15 A. Yeah, I think I was.

16 Q. At the time how old were you?

17 A. Twenty-five, I guess, 26. I have no idea. I can't  
18 remember how old I am. After you turn 21 you just  
19 don't think about it anymore.

20 Q. How many times had you been to the C.A.I.D. prior  
21 to this occasion?

22 A. I don't know how many times.

23 Q. Okay.

24 A. Multiple times.

25 Q. During the times that you were there had you ever

1 seen any underage drinking?

2 A. I mean, I don't know what people's ages are, nobody  
3 that I went with was underage.

4 Q. Did you ever see any use of illegal narcotics?

5 MS. JAMES: Object to foundation.

6 THE WITNESS: I guess I probably, I  
7 don't know if I ever saw it, I smelled marijuana.

8 BY MR. ASHFORD:

9 Q. Did you ever see any cocaine?

10 A. No.

11 Q. Did you ever see any marijuana?

12 A. No.

13 Q. Did you ever see anyone smoking cigarettes?

14 A. Yes.

15 Q. Did you ever see anyone serving alcoholic beverages  
16 after 2 a.m.?

17 A. I mean, I don't know. Like I never looked at my  
18 clock and said oh, it's after two, that's  
19 happening. If that makes sense.

20 Q. How long have you been at the C.A.I.D.?

21 A. What do you mean?

22 Q. Like into the morning hours, how long have you  
23 been?

24 A. Probably the latest I stayed was, I don't know,  
25 four, between four and five.

1 A. No.

2 Q. Did you see a Detroit business license?

3 A. No.

4 Q. Did you look for one?

5 A. I did not.

6 Q. This area that is outside, can you describe that  
7 for me?

8 A. Yeah, it's just sort of like a side yard, there's a  
9 fence around it, grass.

10 Q. Do you know if it's the area that is shown in  
11 Defendant's Exhibit No. 4?

12 A. Yeah, I believe that it's behind the fence to the  
13 side there.

14 Q. So the back room people were dancing?

15 A. Yeah.

16 Q. What were people doing in almost like this side  
17 yard of the C.A.I.D.?

18 A. Just standing around talking, hanging out.

19 Q. How many people were there? Just estimate.

20 A. I have no idea.

21 Q. Was it really crowded?

22 A. No, it wasn't very crowded.

23 Q. You could walk around easily?

24 A. Yes.

25 Q. You weren't shoulder to shoulder?

1 A. No.

2 Q. You didn't have to push through people to walk  
3 around?

4 A. No.

5 Q. Where were you when the Detroit Police officers  
6 entered into the C.A.I.D.?

7 A. I was in the dance room.

8 Q. How long were you out in the side yard of the  
9 C.A.I.D. or the backyard?

10 A. I don't know.

11 Q. How long had you been in the back room before the  
12 police entered into the building?

13 A. I don't know, I would say a few songs.

14 Q. Okay. So then what happened?

15 A. Once they came in, what are you asking?

16 Q. When you were in the back room the police officers  
17 entered into the building, right?

18 A. Right.

19 Q. So describe it for me, what happened?

20 A. They came rushing in and told everybody to lay on  
21 the floor. And they kind of pushed past my friend  
22 and I and I think on the way out the door, the back  
23 door, and we laid on the ground, and just waited  
24 for what was going to happen next, I guess.

25 Q. Did you know it was Detroit Police officers?

1 BY MR. ASHFORD:

2 Q. Ms. Hellenberg, I'm going to ask you, regarding  
3 Funk Night, did you ever see what's marked as  
4 Defendant's Exhibit No. 8 prior to attending the  
5 event?

6 A. I think I've seen that ad before.

7 Q. That was the advertisement for the Funk Night that  
8 you attended on May 31, 2008?

9 A. Yes.

10 Q. And, Defendant's Exhibit No. 9, did you attend the  
11 Funk Night, the Halloween Funk Night that was in  
12 October of 2008?

13 A. Honestly I don't remember if I went to that or not.

14 Q. Okay. You didn't even have to know the DJ to get  
15 in free, and you don't recall it?

16 A. You know what, I don't remember if I went that  
17 night or not. I don't think so. I don't remember.

18 Q. Okay. Your counsel told me you remembered what bar  
19 you went to that evening?

20 A. Yes.

21 Q. What bar was that?

22 A. It was the Post in Ferndale.

23 Q. I'm also going to show you what's marked as  
24 Defendant's Exhibits 4 through -- strike that.

25 I'm also going to show you



1 Q. You could hear?

2 A. Yeah.

3 Q. What did you hear?

4 A. I don't remember. Yelling and commotion.

5 Q. And you did not see what happened out in that  
6 outdoor area of the C.A.I.D.?

7 A. No, we never -- I was never out there again that  
8 night.

9 Q. You don't know how long you were face down?

10 A. I don't know. No.

11 Q. What happened after that?

12 A. Let's see. Eventually they moved, they had us  
13 stand up or sit up. I don't remember if we sat up,  
14 you know, like against the wall but eventually I do  
15 remember that they separated all the boys and the  
16 girls and they moved us, the girls into the front  
17 part of the C.A.I.D. where you come in and they had  
18 us all sit on the floor with our hands like on our  
19 heads, sort of like a tornado drill in school, and  
20 then they just started calling names, one at a  
21 time. And before that they, I think as we walked  
22 from the dance room into the main room they emptied  
23 our pockets.

24 Q. Who emptied your pockets?

25 A. I guess one of the officers did. There was like

1 these two women officers that were doing that and  
2 then we all went and sat on the floor.

3 Q. Were you ever handcuffed that night?

4 A. I was not.

5 Q. Or morning?

6 A. I was not.

7 Q. Were you ever searched?

8 A. Yes, they, you know, patted us and took our stuff.

9 Q. Do you know who searched you?

10 A. Just a woman.

11 Q. Can you describe her for me?

12 A. I don't remember anything about what she looks  
13 like.

14 Q. Do you know her name?

15 A. No.

16 Q. What materials did she take off of you?

17 A. I --

18 Q. Strike that.

19 Did she take them off of you or  
20 did you give them to her?

21 A. I think she took them off of me.

22 Q. Okay, what did she take off of you?

23 A. I had my car keys, driver's license, I don't know  
24 if I had anything else. Maybe some money.

25 Q. Okay. And then they brought you into the front

1 room?

2 A. Yes.

3 Q. Okay, then what happened?

4 A. We all sat on the floor and after, I don't know, we  
5 sat there for a while, and then after a while they  
6 started calling us up one at a time or a couple at  
7 a time. We were just sitting there waiting for our  
8 names to get called.

9 Q. From the point that you sat up did you observe any  
10 type of assaultive police conduct?

11 A. I didn't see anything like that.

12 Q. Did you see any of the attendees assault the  
13 police?

14 A. No.

15 Q. So they called you up, right?

16 A. Yes.

17 Q. Then what happened?

18 A. Then they told me, they gave me the ticket and they  
19 asked me if I drove and then they made me sign that  
20 sheet about my car and I asked them, I think I  
21 remember asking them, you know, what was going on  
22 and they said that my car was being towed.

23 Q. What do you mean they made you sign it?

24 A. Well, they told me I had to sign it. I didn't  
25 really think that I had any other option.

1 Q. I'm going to show you what's been marked as  
2 Defendant's Exhibit 1. Is this like the sheet you  
3 had to sign?

4 A. Yes.

5 Q. Did you read it before you signed it?

6 A. I mean, I might have looked, read it, tried to read  
7 it, but I mean, I was so scared nothing made sense.

8 Q. So what happened after you signed this form?

9 A. They asked me if I had stuff in my car.

10 Q. And what was your response? Do you need to take a  
11 break?

12 A. Yes.

13 (Recess taken.)

14 MR. ASHFORD: Can you read back the  
15 last question.

16 (Reporter read back the last  
17 question.)

18 THE WITNESS: That I did have things  
19 in my car and so they let me go out to my car with  
20 an officer who was actually in uniform.

21 BY MR. ASHFORD:

22 Q. And he was in uniform meaning that he was in a  
23 patrol uniform, what we could call a patrol  
24 uniform, with a badge on his chest, correct?

25 A. Yes.

1 Q. After May 31, 2008, or subsequent to that date, did  
2 you ever go back to the C.A.I.D.?

3 A. I went once during the daytime.

4 Q. When was that?

5 A. I think it was like the day after.

6 Q. Okay, why did you do that?

7 A. My friend Jessica lost a sweater that night and she  
8 just kind of really wanted it back so we went down  
9 there to get it.

10 Q. Did you find it?

11 A. Yeah, actually.

12 Q. And since that time have you been back?

13 A. No.

14 Q. Why not?

15 A. I never want to go there again.

16 Q. Why not?

17 A. Because of what happened.

18 Q. Do you fault the C.A.I.D. for that in any way?

19 A. Yeah, I think that I do. I think it was probably  
20 their responsibility to make sure that they were,  
21 you know, a proper establishment.

22 Q. Okay. Were you given a ticket or a criminal  
23 citation as a result of being at the C.A.I.D. on  
24 May 31, 2008?

25 A. Yes, I was given a loitering ticket.

1 Q. Did you appear in court on that ticket?

2 A. Yes.

3 Q. How many times?

4 A. I went to court twice.

5 Q. What happened the first time?

6 A. I think we just had to show up and they gave us a  
7 date to come back.

8 Q. Were you represented by an attorney that first  
9 date?

10 A. Yeah.

11 Q. Who was that?

12 A. Gosh, I don't remember his name.

13 Q. Did he do a good job?

14 A. Yeah.

15 Q. Your ticket was eventually dismissed, right?

16 A. That's correct.

17 Q. During the first time you were there did they  
18 advise you of your rights, tell you what you were  
19 charged with?

20 A. You mean like a court?

21 Q. Yes.

22 A. Yes.

23 Q. The second time you went what happened?

24 A. Gosh, we just -- I don't really remember. We just  
25 went in and -- wait, maybe we didn't have to. I'm

1 Q. Like the paperwork that's similar or the same as  
2 Defendant's Exhibit No. 1?

3 A. Yeah.

4 Q. Okay. And so did you call the Wayne County  
5 Prosecutor's Office to get your car?

6 A. No, I waited and had the lawyer from the ACLU try  
7 to fight to get my car back.

8 Q. Okay. Without paying the cost?

9 A. Correct.

10 Q. Okay. What lawyer was that?

11 A. His name was, I think it's William Goldberg.

12 Q. Did you have to appear in court regarding your car?

13 A. No.

14 Q. Okay. What happened as far as his fight to try to  
15 get your car back?

16 A. Eventually I could get my car back if I paid \$400  
17 and I had to give a speech to some teenagers about  
18 the situation and basically what I had learned.

19 Q. Okay, this \$400 payment, was it to the Wayne County  
20 Prosecutor's Office?

21 A. I don't remember who I had to pay.

22 Q. Did you have to pay for towing and storage fees at  
23 all?

24 A. No, just had to pay \$400.

25 Q. Did you have to go someplace to pay it?

1 A. Yeah, I had to go to an impound lot and give  
2 them --

3 Q. So you gave the \$400 -- was it a check?

4 A. It was a money order.

5 Q. So you gave the \$400 money order to the guys who  
6 were in charge of the impound lot?

7 A. Yeah, I think so.

8 Q. Do you know what impound lot it was?

9 A. It was on Fort Street, I believe. But I don't know  
10 the cross street.

11 Q. In Southwest Detroit?

12 A. Yeah.

13 Q. So why did you decide to settle the case with Wayne  
14 County and do the community service?

15 A. I decided that I didn't have the money to pay for  
16 my car to get it back, I felt strongly that what  
17 happened was unfair and I was also in a position to  
18 be able to walk to work and so it just made more  
19 sense to me to, you know, fight than try to pay a  
20 bunch of money for my junk car.

21 Q. You agreed to do the community service, right?

22 A. I did.

23 Q. Why did you agree to do that?

24 A. Because it didn't seem like it was too complicated.

25 Q. What did you have to do?



1 A. I had to make, give a talk to some teenagers in my  
2 area and tell them.

3 Q. In Ferndale?

4 A. Yeah, it was in Ferndale.

5 Q. Who did you give a talk to?

6 A. I talked to a few teenagers at Affirmation  
7 Community Center in Ferndale.

8 Q. It's just a community center?

9 A. Yeah, it's a community center. It's for -- it's  
10 like the GLBT Community Center. Gay, Lesbian,  
11 Bi-Sexual, Transgender, whatever. I can never  
12 remember the order.

13 Q. Ma'am, how long were you without your vehicle?

14 A. I think it was about ten months.

15 Q. Why so long?

16 A. That's how long it took. I don't know why it took  
17 that long.

18 Q. Were you asking your attorney why is it taking so  
19 long?

20 A. I mean, he was sort of keeping me updated, just, I  
21 don't know.

22 Q. Did you ever have any personal or telephone contact  
23 or any correspondence with the Wayne County  
24 Prosecutor's Office?

25 A. I don't think so.

1 Q. Did you have any personal contact or telephone  
2 contact or correspondence with the Detroit Police  
3 Department after you left the C.A.I.D.?

4 A. Not until I went and paid for my car.

5 Q. Did you see a Detroit Police officer at the impound  
6 lot?

7 A. Yeah.

8 Q. Do you know who that officer was?

9 A. No.

10 Q. Was the individual you saw at the impound lot in a  
11 Detroit Police uniform, as far as you could tell?

12 A. Yeah, I think so.

13 Q. How was he dressed?

14 A. Like an officer.

15 Q. He had a badge?

16 A. Yeah.

17 MR. ASHFORD: Off the record.

18 (Discussion held off the  
19 record.)

20 MR. ASHFORD: Back on the record.

21 BY MR. ASHFORD:

22 Q. Ma'am, what kind of condition was your car in when  
23 it was returned to you?

24 A. It was covered in dust and I had a flat tire.

25 Q. Which tire was flat?

1 A. I'm pretty sure it was the front passenger's side.

2 Q. How did you get it home?

3 A. My dad filled up my tire and I drove it home. Or I  
4 drove it.

5 MR. ASHFORD: Off the record for a  
6 moment.

7 (Discussion held off the  
8 record.)

9 MR. ASHFORD: Back on the record.

10 BY MR. ASHFORD:

11 Q. Ms. Hellenberg, have you filed any complaint  
12 regarding the police action in this case with any  
13 public or governmental entity, not including this  
14 lawsuit?

15 A. Does that include my car?

16 Q. Sure. The seizure of your car.

17 A. I don't know if I understand what you're saying.

18 Q. I'm saying did you file any kind of complaint with  
19 any type of governmental or public entity regarding  
20 the police action on May 31, 2008, at the C.A.I.D.?

21 A. Not other than the situation with my car and this  
22 situation. So nothing that wasn't, you know,  
23 through the ACLU, you know, this proceeding and the  
24 car thing.

25 Q. When you say the car thing, did you file a



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EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY MOBLEY,  
PAUL KAISER, ANGIE WONG, JAMES  
WASHINGTON, NATHANIEL PRICE,  
JEROME PRICE, STEPHANIE HOLLANDER,  
JASON LEVERETTE-SAUNDERS, WANDA  
LEVERETTE, DARLENE HELLENBERG,  
THOMAS MAHLER, and LAURA MAHLER

USDC Case No. 10-10675

Plaintiffs,

v

CITY OF DETROIT, VICKI YOST,  
and DANIEL BUGLO,

Defendant.

-----/

DEPOSITION OF IAN MOBLEY,

Taken by the Defendant on the 29th day of  
November, 2010, at the Law Offices of Goodman & Hurwitz,  
P.C, 1394 Jefferson Avenue, Detroit, Michigan, 48207, at  
1:00 p.m.

APPEARANCES:

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Telephone: (313)237-3089

REPORTED BY: Angel Berry, CSR 7821  
Certified Stenographic Reporter

DEPOSITION OF IAN MOBLEY - TAKEN 11-29-10

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I N D E X

WITNESS

PAGE

IAN MOBLEY

Direct Examination by Mr. Ashford

3

E X H I B I T S

(none)

1 A Yes.

2 Q Whose idea was it to go to the CAID?

3 A Mike's.

4 Q Was Mike a member?

5 A I think he had been there. I'm not sure what his  
6 membership status was.

7 Q But he told you he had been there before?

8 A Yes.

9 Q And he suggested that you go to the CAID that night?

10 A Yes.

11 Q Okay. And you agreed?

12 A Yes.

13 Q And then what happened?

14 A We drove to his friend's house where I parked my car.

15 Q What friend's house?

16 A Dustin. He's actually not my friend; he's one of  
17 Mike's friends that I met that night.

18 Q What's Dustin's last name?

19 A I don't know.

20 Q Where does Dustin live?

21 A He lived in the area of the CAID. I couldn't tell you  
22 his address.

23 Q Do you know what street he lived on?

24 A No. I could find out. It's the only time I had ever  
25 been there.



1 Q Okay. So you stopped by Dustin's house. How long  
2 were you at Dustin's house?

3 A Probably around fifteen to twenty minutes.

4 Q What were you doing at Dustin's house?

5 A My friends were kind of talking to them catching up.  
6 They grew up with them.

7 Q What friends grew up with Dustin?

8 A Brett and Mike.

9 Q Did Dustin live downriver?

10 A Yes, he's from Grosse Ile.

11 Q What time did you -- approximately what time did you  
12 arrive at Dustin's home?

13 A I'm not sure, but if I had to guess I would say around  
14 12:45.

15 Q Okay. At some point you decided to leave Dustin's  
16 home?

17 A Yes.

18 Q Okay. Then what happened?

19 A We talked to the CAID.

20 Q Why did you walk to the CAID?

21 A Because I had heard that it wasn't really a good idea  
22 to park your car there because people had gotten stuff  
23 broken into.

24 Q Who told you that?

25 A My friend, Mike. That was the reason we went to his

1 friend's house instead of going directly to CAID.

2 Q How far was Dustin's home from the CAID?

3 A Around a mile give or take. It was about a fifteen to  
4 twenty minute walk.

5 Q And who walked to the CAID with you?

6 A It was just us four.

7 Q It was you, Brett, Mike --

8 A And Zach.

9 Q Then what happened?

10 A Then we waited in line for a couple minutes and paid a  
11 five dollar membership fee to get in.

12 Q Did each one of you pay a five dollar fee?

13 A From what I remember Mike may not have had to because  
14 he had been there, but I think we all did.

15 Q Okay. And when you say you think "we all did", you're  
16 including Mike?

17 A Yes.

18 Q Prior to May 31st of 2008 had you ever been to the  
19 CAID?

20 A No.

21 Q Had you ever heard of Funk Night?

22 A Yes.

23 Q What had you heard about it?

24 A I had heard from my friend, Mike, that they had some  
25 DJs, and go hang out and they would put our work on

1 display. It was only five bucks.

2 Q Anything else you heard about the CAID?

3 A That was it.

4 Q Okay. Did you receive a wristband when you walked  
5 into the CAID?

6 A No.

7 Q Did anyone check your identification when you walked  
8 into the CAID?

9 A Yes.

10 Q Who checked your identification?

11 A I don't know.

12 Q Who was standing at the door?

13 A I don't know. You walk up to a table and then you'd  
14 show them your I.D. and then if you're twenty-one you  
15 get a wrist band, but I wasn't. I don't know who was  
16 at the door.

17 Q You don't remember if at that time you filled out any  
18 paperwork?

19 A No, I do not recall.

20 Q What was the lighting like at the table?

21 A It was well lit.

22 Q When you were standing at the table did you see anyone  
23 with alcoholic beverages either in a cup or in a  
24 bottle?

25 A No.

1 A A little bit.

2 Q What kind of lighting was there?

3 A Dim lights.

4 Q Were there overhead lights or lamps?

5 A I can't say for sure. I think overhead.

6 Q While you were inside the CAID on May 31st of 2008 did  
7 you observe what you believed to be any narcotics?

8 MS. BRUNER-JAMES: Objection as to  
9 foundation.

10 THE WITNESS: No.

11 BY MR. ASHFORD:

12 Q So once you walked back into the room where the DJ was  
13 then what happened?

14 A We listened to music for a minute and then we checked  
15 out some of the art work they had on display.

16 Q Approximately what time did you arrive at the CAID?

17 A I think it was around 1:15. I can't recall.

18 Q 1:15 a.m?

19 A Yes.

20 Q So after you listened to the DJ for a few minutes you  
21 walked outside?

22 A First we went and checked some of the art work they  
23 had on exhibit.

24 Q Where was the art work located?

25 A Back past the DJ and to the left I think.

1 Q Okay. If you're walking through the doorway into the  
2 room where the DJ is, as you walk through the doorway  
3 is the DJ to your left?

4 A To the right.

5 Q He's to the right?

6 A Yes, I think.

7 Q Which way would you turn or which way would you go to  
8 get to the art work?

9 A If you're coming through the doorway that the DJ was?

10 Q Yes.

11 A You'd go straight to the left I think.

12 Q Would you go through the room into another room before  
13 you make a left?

14 A I'm not sure.

15 Q If you were going outside -- and outside there's a  
16 patio area, right?

17 A Yes.

18 Q If you were going outside to the patio area, when you  
19 went through the doorway which way would you turn or  
20 which way would you go?

21 A To get to where?

22 Q To get to the patio area.

23 A You'd turn to the right.

24 Q Towards the DJ?

25 A Yes.

1 Q You go past the DJ?

2 A Past the DJ and to the right.

3 Q Did you observe art work?

4 A Yes.

5 Q What kind of art work did you observe?

6 A Some paintings and some sculptures.

7 Q What type of sculptures did you observe?

8 A I don't really know art that well.

9 Q What was it a sculpture of? A man, a woman, a  
10 soldier?

11 A I couldn't tell you it was so long ago.

12 Q Okay. How many sculptures did you see approximately?

13 A A couple.

14 Q How many paintings did you observe?

15 A A few.

16 Q Less than five?

17 A Yes, I'd say around five.

18 Q How long did you stay in that area?

19 A Maybe about ten or fifteen minutes.

20 Q Then what did you do?

21 A We went outside for a minute because it was kind of  
22 crowded.

23 Q What did you do outside?

24 A We just kind of talked and listened to music --

25 Q What do you mean -- I'm sorry. Go ahead.

1 A We were trying to meet some people.

2 Q What do you mean it was kind of crowded?

3 A There was a lot of people.

4 Q Could you walk easily inside?

5 A Yes. You could get around but it was kind of stuffy  
6 and there was like people all around.

7 Q Okay. Were people dancing around the DJ?

8 A By the DJ, yes.

9 Q Were they dancing in the area where you were observing  
10 the sculptures and the paintings?

11 A Not so much.

12 Q When you went back to look at the sculptures and  
13 paintings who was with you?

14 A I think it was all four of us; me, Zach, Brett and  
15 Mike.

16 Q Did all four of you go out to the patio area together?

17 A Yes.

18 Q So then what happened?

19 A We hung out there until the cops came.

20 Q Okay. Describe how that occurred.

21 A I don't know what you mean.

22 Q Well, you said the cops came. Tell me how and what  
23 manner they came in?

24 A They slammed open the back door and came in. Some of  
25 them had guns drawn.

1 A I can't remember.

2 Q Was the ground wet?

3 A It was a little wet.

4 Q During the time that you were outside in the patio  
5 area of the CAID did you see any type of violent acts  
6 by Detroit police officers against any of the patrons  
7 of the CAID?

8 A Yes.

9 Q What did you see?

10 A I saw one man get kicked down.

11 Q Can you describe that man for me?

12 A Couldn't describe what he looks like.

13 Q Was he -- can you give me his race?

14 A He was white.

15 Q Did you hear anything he said to the Detroit police  
16 officers?

17 A I remember him asking for either the officer's name or  
18 badge number. He was on his knees with his hands  
19 behind his head, and then the officer said, get down  
20 on the ground or I'm going to shove my boot up your  
21 ass, and proceeded to kick him down and stood on him  
22 for a second.

23 Q Was this person refusing to obey that police officer's  
24 order to get down?

25 A He was on his knees with his hands on his head but he



1 didn't have his face in the dirt like we all did.

2 Q Did the officer ask him to do that?

3 A Yes, I believe he asked him to lay down on the ground.

4 Q Did he verbally refuse to do that?

5 A I don't know if he refused to do it but he -- I think  
6 he responded with a question of either what was going  
7 on or asked for a badge number.

8 Q Did you ever observe any other violent acts from  
9 Detroit police officers directed toward the patrons or  
10 staff of the CAID?

11 A I saw someone getting tackled.

12 Q At what point did you observe that?

13 A Probably less than two minutes from when they came in  
14 the back.

15 Q Can you describe the person that was tackled?

16 A I think he was African-American. I couldn't really --  
17 he was towards the back of the back and I was right by  
18 the door.

19 Q Can you describe the officer that tackled him?

20 A No.

21 Q Can you describe the officer that kicked the white  
22 gentleman that you told me about earlier?

23 A He was a pretty bulky guy. He was African-American  
24 and --

25 Q Light-skinned or dark-skinned?

1 A Dark.

2 Q Can you describe his hair for me; short, long?

3 A I know he had a beard. I don't know if he had a hat  
4 on, but I can't think of his hair really.

5 Q Any other distinguishing features of this officer?

6 A No.

7 Q Did you ever find out that officer's name?

8 A No.

9 Q Do you know the name of the officer that tackled the  
10 African-American gentleman you told me about?

11 A No.

12 Q Did you see any other violent acts by Detroit police  
13 officers inside the CAID on May 31st, 2008 that was  
14 directed toward patrons or staff of the CAID?

15 A Not that I can remember.

16 Q Were any -- strike that.

17 Did any Detroit police officers physically  
18 abuse you?

19 A No.

20 Q So after -- strike that.

21 You were lying on the ground for twenty

22 minutes approximately and then what happened?

23 A They started to herd up everybody to get them inside.

24 Q Okay. And then what happened?

25 A Then they took the girls into one room, and then all

1 the guys were in one room and they had us kneel on the  
2 concrete floor with our hands on our head.

3 Q Were there more girls than guys?

4 A I couldn't tell you. Not noticeably.

5 Q So the groups were pretty much equal?

6 A From what I could tell.

7 Q Where were you taken inside the CAID?

8 A Right -- the room that's in there right when you come  
9 in the back door.

10 Q Was that the room where the DJ was?

11 A Yes.

12 Q Okay. And then what happened?

13 A They had us kneel on the ground with our hands above  
14 our head and then I think it was after that, that they  
15 collected all our belongings and put them into plastic  
16 bags.

17 Q When you were kneeling were you given the option of  
18 being on your knees?

19 A What do you mean?

20 Q Like were you on your knees?

21 A Yes. We had to be on our knees. I asked to be able  
22 to sit and they said no at first, and then a little  
23 bit later they said we could sit but somebody that I  
24 was sitting next to asked the cop something and they  
25 made us get back on our knees as punishment.

1 Q What did he ask the cop?

2 A I don't know. I can't remember what he asked him but  
3 he was talking to the cop.

4 Q Okay. Can you describe this police officer for me?

5 A No, I couldn't.

6 Q How long were you on your knees initially?

7 A Twenty minutes.

8 Q How long were you on your knees the second time?

9 A About ten.

10 Q Okay. Then what happened?

11 A After they had all our belongings they started calling  
12 people by the plastic bags.

13 Q Okay. So during the time that you were on your knees  
14 the first time they gathered your personal belongings?

15 A Yes.

16 Q Did someone search you?

17 A Yes. We gave them our belongings and they patted us  
18 down to make sure that we didn't have anything else.

19 Q And they put those belongings in plastic bags?

20 A Yes.

21 Q Okay. And at some point you were called up?

22 A Yes.

23 Q And what happened?

24 A They asked me how I had gotten there and I told them  
25 that I had walked. They saw my keys and where I lived

1 and they asked how I had gotten to Detroit and I told  
2 them I drove to my friend's house.

3 Q Okay. Then what happened?

4 A Okay. Then she asked me where my car was. I didn't  
5 know that area in the first place so I told her, I  
6 don't know what street my friend lives on. I told her  
7 that my car wasn't here so I didn't know why it  
8 mattered where my car was.

9 Q Then what happened?

10 A My friend, Mike, stood up and said he knew where my  
11 car was.

12 MR. ASHFORD: Off the record.

13 (Off the record at, or about 1:57 to 1:58  
14 p.m.)

15 BY MR. ASHFORD:

16 Q Can you describe this officer that was questioning you  
17 about the whereabouts of your car?

18 A It was a lady. I couldn't -- she was kind of skinny.

19 Q Was she African-American, white?

20 A Yes, she was African-American.

21 Q Light-skinned or dark-skinned?

22 A Light-skinned.

23 Q Can you describe her hair for me; long, short?

24 A It's probably medium slash long.

25 Q Did she have glasses on or anywhere like that?

1 A Not that I can remember.

2 Q Did she have a police uniform on or did she have --

3 A I think she had a police uniform on. At least a  
4 police jacket.

5 Q Could you see a badge that she was wearing?

6 A I can't remember specifically. I'd probably say yes.

7 Q So what happened after Mike stood up and volunteered  
8 information concerning your car?

9 A I think it was another woman cop that handcuffed me  
10 and made me sit against the wall. He drove around  
11 with her and another officer until they could find my  
12 car.

13 Q Can you describe the officer that handcuffed you?

14 A A lady, Caucasian, maybe about 5'5".

15 Q How was she dressed?

16 A I think she had a police -- some type of police  
17 uniform and something over her face.

18 Q What color was her hair?

19 A I don't know. I think it was up in her hat or  
20 something.

21 Q Okay. What kind of hat did she have on?

22 A I don't know.

23 Q Was it your standard police hat or was it like -- can  
24 you describe it for me at all?

25 A I think it was more like a baseball cap. I just

1 remember her face was covered and I couldn't really  
2 see her hair.

3 Q Did she say anything to you?

4 A Not really.

5 Q She, Mike, and another officer drove around looking  
6 for your car?

7 A Yes.

8 Q Can you describe the other officer that was with the  
9 female officer and Mike?

10 A The only way I know he was with them is because he was  
11 the one that drove my car back to CAID from where it  
12 was, but he was an African-American, pretty big guy.  
13 Probably younger than forty. Probably around 6'2",  
14 6'3".

15 Q How do you know he drove your car back?

16 A Because Mike told me and then when they let me out of  
17 the CAID he was in my car.

18 Q So after she handcuffed you did she go talk to Mike?

19 A Yes. Mike walked up to her and then they walked out  
20 of the CAID to go look for my car.

21 Q Who gave Mike permission to walk up to her? Did she  
22 ask him?

23 A Yes, like he raised his hand like, I know where it is.  
24 She was like, and told him to come up.

25 MS. BRUNER-JAMES: Just let the record

1 reflect that the witness gestured beckoningly with his  
2 hand.

3 BY MR. ASHFORD:

4 Q Who is she that beckoned him to come up?

5 A The white lady officer.

6 Q Okay. So he was standing at the table as you were  
7 being handcuffed?

8 A Yes.

9 Q Okay. And then he left with the officer that  
10 handcuffed you to go find your car?

11 A Yes.

12 Q Did he volunteer to do that or did she direct him to  
13 do that?

14 A He told her he knew where it was and then she told him  
15 to come with him.

16 Q Okay. And "she" being the Caucasian officer?

17 A Yes.

18 Q Okay. Then what happened?

19 A I was handcuffed. I was asking the officers what was  
20 happening or why I was handcuffed and the only  
21 response I would get is that there's probably a good  
22 reason and so I sat there handcuffed for about thirty  
23 to forty minutes until they came back and said they  
24 had gotten my car, and then probably about five or ten  
25 minutes after that I was unhandcuffed.



1 Q Then what happened?

2 A I think they gave me my ticket and then sent me out to  
3 my car.

4 Q Who gave you a ticket?

5 A I can't remember who it was that gave me the ticket.

6 Q It wasn't the Caucasian woman that had questioned you  
7 regarding your car?

8 A No, it wasn't her.

9 Q It wasn't the officer that handcuffed you?

10 A Well, that was the Caucasian woman.

11 Q A Caucasian woman handcuffed you?

12 A Yes.

13 Q Okay.

14 A She's the one that handcuffed me.

15 Q That's right, and the African-American woman is the  
16 one who initially questioned you about your car.

17 A She was the one going through the bags at the time.

18 Q Did she write you a ticket?

19 A She may have been the one that wrote me the ticket.

20 Q You can't really remember who wrote you the ticket?

21 A No, because I was kind of like in confusion of why I  
22 was handcuffed and what was going on at the time.

23 Q But at this time you weren't in handcuffs when you  
24 received the ticket, right?

25 A I had just been released from them, yes.

1 Q Then what happened after you received the ticket?

2 A I walked out and met the officer who had driven my  
3 car.

4 Q Okay. Then what happened?

5 A He showed me some paperwork and told me that my car  
6 was being impounded and if I needed to grab anything I  
7 could grab some stuff.

8 Q So then what happened?

9 A I don't know if he gave me paperwork but he drove the  
10 car away.

11 Q Okay. Then what happened?

12 A I stood outside of CAID until all my friends were all  
13 through and then I ended up having to call my father  
14 at 5:30 in the morning to come pick me up.

15 Q At the time you called your father was Brett out of  
16 the CAID?

17 A Yes, we were all out of the CAID.

18 Q So by "we were all out of the CAID", you're referring  
19 to Mike, Brett and Zach?

20 A Yes.

21 Q Dustin did not go to the CAID with you?

22 A No.

23 Q So at 5:30 you called your dad?

24 A Yes.

25 Q Why did you call your dad?

1 Q Did you see your father pay to get the car back?

2 A No.

3 Q Okay. Did he present the police officer with  
4 paperwork to get the car back?

5 A He may have. I can't remember.

6 Q So you were just kind of tagging along?

7 A Yes.

8 Q Why did you go?

9 A Because we needed someone else to drive the car back.

10 Q Okay. Did you appear at the 36th District Court for  
11 the ticket that was issued to you?

12 A For the loitering?

13 Q Yes.

14 A Yes.

15 Q How many times did you appear?

16 A Only one that I can think of.

17 Q Did you retain an attorney?

18 A Yes.

19 Q Who was your attorney?

20 A I'm not sure. Was it Michael Steinberg and ACLU?

21 Q Was that your attorney?

22 A Yes, I think it was Michael Steinberg.

23 Q So you were represented by the ACLU?

24 A Yes.

25 Q And eventually the charge was dismissed against you?

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY  
MOBLEY, PAUL KAISER,  
ANGIE WONG, JAMES  
WASHINGTON, NATHANIEL  
PRICE, JEROME PRICE,  
STEPHANIE HOLLANDER,  
JASON LEVERETTE-SAUNDERS,  
WANDA LEVERETTE, DARLENE  
HELLENBERG, THOMAS MAHLER  
and LAURA MAHLER,

Plaintiffs,

-vs-

No. 10-10675

CITY OF DETROIT, VICKI YOST,  
and DANIEL BUGLO,

Defendants.

\_\_\_\_\_ /

The deposition of JAMES WASHINGTON, taken before Reporter LaVerne M. Reinhardt, CSR-2305, Notary Public in and for the County of Wayne, State of Michigan, at 1394 E. Jefferson Avenue, Detroit, Michigan, on Wednesday, October 27, 2010, commencing at or about the hour of 1:07 p.m.

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I N D E X

PAGE:

Cross Examination by Mr. Ashford	5
Cross Examination by Ms. James	38

E X H I B I T S

None.

1 Q. So on the date alleged in your Complaint against  
2 the police officers you did enter the Contemporary  
3 Art Institute of Detroit?

4 A. Yes.

5 Q. When you came in you paid a fee?

6 A. Yes.

7 Q. How much?

8 A. I'm not exactly sure but I believe it was in the  
9 area of \$2 maybe.

10 Q. Did anyone indicate to you -- strike that.

11 Had you ever been there before?

12 A. No, I had never been there before.

13 Q. Did anyone indicate to you that by payment of your  
14 fee you were becoming a member of the Contemporary  
15 Art Institute of Detroit?

16 A. No.

17 Q. Did anyone indicate to you that this was a members  
18 only event?

19 A. It was indicated that it was private. But not per  
20 se members only.

21 Q. What did that mean to you that it was private?

22 A. It's not open to the public.

23 Q. Did you have to fill out any paperwork, your name,  
24 address or e-mail address or anything like that to  
25 become -- did you have to provide any of that to

1 Q. What kind of shoes are those?

2 A. Designer shoes.

3 Q. Okay. I'm not really asking you what brand they  
4 are, I'm really asking you like are they gym shoes,  
5 are they loafers, like what kind of shoes?

6 A. No, they were more casual type of shoes. I don't  
7 know exactly what you'd call them.

8 Q. When you entered the Contemporary Art Institute of  
9 Detroit was there anyone standing at the door  
10 taking money?

11 A. A couple of people.

12 Q. And they took your money?

13 A. Yes.

14 Q. And you believe it was \$2?

15 A. I'm not exactly sure but I believe it was.

16 Q. Did they check your identification?

17 A. Yes.

18 Q. Okay. What kind of identification did you have?

19 A. I believe it was my state identification.

20 Q. Did they give you anything indicating that you were  
21 over 21?

22 A. I believe I got a wristband. I'm not 100 percent  
23 sure but I think it was a wristband, it was  
24 something of that nature.

25 Q. Did Joy get anything? Did she get a wristband?



1 A. I don't recall.

2 Q. Once you entered the Contemporary Art Institute of  
3 Detroit did you see anyone selling alcohol?

4 A. No.

5 Q. Or intoxicating liquor?

6 A. Not that I remember.

7 Q. Did you see anyone selling food?

8 A. No, I didn't see anyone selling food.

9 Q. Did you see anyone selling anything?

10 A. No.

11 Q. Did you see anyone in possession of any  
12 intoxicating liquor or beer or anything like that?

13 A. Yeah, I saw a couple people with beer.

14 Q. Were they bottles of beer or cups?

15 A. Cups.

16 Q. What time did you enter the Contemporary Art  
17 Institute of Detroit?

18 A. Around 12:30.

19 Q. Is it fair to say you were there approximately an  
20 hour and 45 minutes to two hours before the Detroit  
21 police officers came into the building?

22 A. That would be a decent time-frame.

23 Q. During that time-frame did you see any use of drugs  
24 inside the Contemporary Art Institute of Detroit?

25 A. No.

1 MS. JAMES: Objection as to  
2 foundation.

3 BY MR. ASHFORD:

4 Q. During that time-frame, that being an hour 45  
5 minutes to two hours that you were inside the  
6 C.A.I.D., did you see anyone without a wristband on  
7 who was drinking any intoxicating liquor?

8 A. No.

9 Q. Did you see anyone selling any intoxicating liquor  
10 during the entire time period that you were inside  
11 the C.A.I.D.?

12 MS. JAMES: Objection as to form.  
13 He's already answered that.

14 THE WITNESS: No.

15 BY MR. ASHFORD:

16 Q. What did you do after you entered the Contemporary  
17 Art Institute of Detroit?

18 A. We listened to music for a while.

19 Q. Did you just stand at the door and listen to music?

20 A. No, we stood around the DJ booth and dance floor  
21 area.

22 Q. My understanding is when you walk in and make a  
23 left there's a back room with a DJ in it, is that  
24 true?

25 A. Seems to be correct, yes.

1 Q. So you came inside the building, you made a left,  
2 you and Joy, and you walked to the back room?

3 A. Yes.

4 Q. Okay. Did you stop anywhere on your way to this  
5 room?

6 A. No, we proceeded straight to the DJ area.

7 Q. Okay. Was the DJ playing music?

8 A. Yes, he was.

9 Q. Were people dancing?

10 A. A couple.

11 Q. Did you dance at all?

12 A. A little.

13 Q. How long were you in that room would you say,  
14 approximately?

15 A. Fifteen, maybe 20 minutes.

16 Q. And then what did you do?

17 A. We exited the building to the courtyard.

18 Q. Then what happened?

19 A. Sat in the courtyard.

20 Q. Okay. And is that where you were until the Detroit  
21 police officers came into the building?

22 A. Correct.

23 Q. Okay. So tell me about that, what happened when  
24 the Detroit police officers came into the building?

25 A. I don't know about when they came into the building

1 because I was out in the courtyard but they exited  
2 the building, we didn't know they were police, they  
3 had black on, shotguns with lights attached to them  
4 so you really couldn't see.

5 Q. Now you're saying that when they exited the  
6 building, you mean into the courtyard?

7 A. Yes. Made everybody lay on the ground.

8 Q. And this courtyard was a fenced in area?

9 A. Correct.

10 Q. When the police officers came out into the  
11 courtyard did they announce that they were police  
12 officers?

13 A. Not that I could hear.

14 Q. Was there a lot of shouting going on?

15 A. It was a lot of shouting going on.

16 Q. How were the police officers dressed?

17 A. Black ski masks, black uniforms, black boots, black  
18 gloves. You couldn't see anything but just their  
19 eyes.

20 Q. And so their entire faces were not obscured?

21 A. All but their eyes.

22 Q. Okay. Were their foreheads obscured?

23 A. Yes, their foreheads were covered with the mask.

24 Q. So you could not see any of their face?

25 A. Except their eyes.

1 A. Then people that didn't move fast enough they then  
2 threw them in the ground. Throwing them in the mud  
3 actually, the ground was quite muddy.

4 Q. Then what happened?

5 A. Then certain people that wouldn't move fast enough  
6 they got thrown in the mud.

7 Q. Okay. What happened with you?

8 A. I was -- they told me to lay in the mud and I had  
9 on good clothes so I didn't move fast enough so  
10 they threw me in the mud.

11 Q. When you say they, who are they?

12 A. Some of the Detroit Police, I don't know who they  
13 were.

14 Q. You couldn't identify any of the police officers  
15 that threw you into the mud?

16 A. No, they had on masks so I couldn't identify them.

17 Q. You couldn't see a badge or anything like that?

18 A. No, they didn't have badges out.

19 Q. Then what happened?

20 A. Then I observed them stomped and punched a few  
21 people, handcuffed two people that I know of and  
22 they pretty much proceeded to search everyone while  
23 they were on the ground in the mud. Push you in  
24 the mud, put a knee in your back and search you  
25 repeatedly.

1 Q. And then what happened?

2 A. After several times of being searched and face  
3 pushed in the mud and things of that nature then  
4 eventually we were brought into the building.

5 Q. Okay, did anyone kick you?

6 A. Yes.

7 Q. Who kicked you?

8 A. It was one of the Detroit Police. They would come  
9 past, put their knee in your back, search you, step  
10 on you. I was kicked actually later but during the  
11 incident when we were outside I was searched  
12 repeatedly, face pushed in the mud, knees placed in  
13 my back while they searched me multiple times by  
14 different officers.

15 Q. And eventually they brought you inside the  
16 building?

17 A. Yes.

18 Q. Okay. Then what happened?

19 A. They placed us facing the wall on our hands -- I  
20 mean on our knees with our hands behind our head,  
21 fingers interlocked and you had to cross your  
22 ankles and they made everybody line up in rows with  
23 your knees touching the person's feet in front of  
24 you and they lined you up in rows like that facing  
25 the wall.

1 Q. Okay, then what happened?

2 A. And then we stayed like that for a good amount of  
3 time, I'm not exactly sure how long, maybe in  
4 excess of an hour.

5 Q. Then what happened?

6 A. At a certain point my knees began to hurt then I  
7 uncrossed my legs and a police officer walked over,  
8 kicked me in the legs and told me to cross my legs  
9 back again, and that happened with various people  
10 at different times.

11 Q. Okay. Can you recognize any of these other  
12 individuals that were kicked or hit by the Detroit  
13 police officers?

14 A. Two that I remember for sure out in the courtyard  
15 that was, they caught a good deal of the kicking  
16 and things.

17 Q. Can you describe these individuals?

18 A. One was a white male, he said that he was an  
19 attorney.

20 Q. What happened to him?

21 A. They beat him up.

22 Q. How did they beat him up?

23 A. That threw him to the ground, stomped him, you  
24 know, a few punches then they handcuffed.

25 Q. Did they hit him in the face?

1 A. Not that I saw but I saw him get hit in his back.

2 Q. Did they kick him?

3 A. Yes.

4 Q. Since this incident have you spoken to this person?

5 A. Not personally but I've been in the same room with  
6 him since then once.

7 Q. Where?

8 A. Here.

9 Q. At your attorney's office?

10 A. Yes.

11 Q. What other person do you remember being assaulted?

12 A. I'm not sure but I believe his name is Jason. When  
13 the police came in he didn't lie on the ground, he  
14 asked to see their badges repeatedly and then they  
15 threw him to the ground and began kicking and  
16 stomping him and then placed him in handcuffs.

17 Q. Have you seen Jason since the incident of May 31,  
18 2008?

19 A. At the same day that I have seen the other  
20 gentleman.

21 Q. At your attorney's office, correct?

22 A. Yes.

23 Q. Did you personally discuss your case or the  
24 incident of May 31, 2008 with Jason?

25 MS. JAMES: Objection, I would



1 Q. Okay. Then what happened?

2 A. Then we were individually called up and given a  
3 ticket I believe it was. Our property was taken  
4 and they pretty much gave us the ticket.

5 Q. Then what happened?

6 A. Then we were sent back to where we were until they  
7 finished and decided to release us.

8 Q. Did you get your property back?

9 A. Yes.

10 Q. What time did you get out?

11 A. Around 5 a.m., I'm not exactly sure of the time.  
12 It was around five.

13 Q. When you entered into the Contemporary Art  
14 Institute of Detroit did you see a liquor license?

15 MS. JAMES: Objection as to  
16 foundation.

17 THE WITNESS: I didn't look.

18 BY MR. ASHFORD:

19 Q. Okay. Why not?

20 A. Because I didn't see it as a neighborhood club or  
21 bar or something of that nature so I wasn't -- I  
22 didn't take it it was my responsibility to look.

23 Q. Did you know if on May 31, 2008, if the  
24 Contemporary Art Institute of Detroit had a state  
25 of Michigan liquor license?

1                   **THE WITNESS:** I didn't look,  
2                   wouldn't have known if they had one or not.

3 BY MR. ASHFORD:

4 **Q.** Did you ever appear in court on that ticket that  
5                   you received?

6 **A.** Yes.

7 **Q.** Who represented you?

8 **A.** The ACLU of Michigan.

9 **Q.** How many times did you go to court?

10 **A.** I believe it was once.

11 **Q.** 36th District Court?

12 **A.** Yes.

13 **Q.** What kind of proceeding did you appear at?

14 **A.** I think it was arraignment, I'm not exactly sure.  
15 I'm not an attorney but I think it was arraignment  
16 on the ticket.

17 **Q.** They told you what the charges were?

18 **A.** Yes.

19 **Q.** And advised you of your rights?

20                   **MS. JAMES:** Objection as to  
21 foundation.

22 BY MR. ASHFORD:

23 **Q.** You signed the Advice of Rights form?

24 **A.** I did.

25 **Q.** And the judge told you about any penalties that

Daniel Buglo  
9/21/2011

EXHIBIT 9

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY MOBLEY, PAUL KAISER,  
ANGIE WONG, JAMES WASHINGTON, NATHANIEL  
PRICE, JEROME PRICE, STEPHANIE HOLLANDER,  
JASON LEVERETTE-SAUNDERS, WANDA LEVERETTE,  
DARLENE HELLENBERG, THOMAS MAHLER, and  
LAURA MAHLER,

Plaintiffs,

Hon. Victoria A. Roberts  
Magistrate Judge Mona K. Mazoub  
No. 10-cv-10675

-vs-

CITY OF DETROIT, a municipal  
corporation, Lieutenant VICKI YOST,  
a Detroit police officer, in her  
individual capacity, Sergeant DANIEL  
BUGLO, a Detroit police officer, in his  
individual capacity, Sergeant G. MCWHORTER,  
a Detroit police officer, in his/her  
individual capacity, Sergeant A. POTTS,  
a Detroit police officer, in his/her  
individual capacity, Sergeant CHARLES TURNER,  
a Detroit police officer, in his individual  
capacity, Officer M. BROWN, a Detroit police  
officer, in his/her individual capacity, Officer  
B. COLE, a Detroit police officer, in his/her  
individual capacity, Officer TYRONE GRAY, a  
Detroit police officer, in his individual  
capacity, Officer SHERON JOHNSON, a Detroit  
police officer, in her individual capacity,  
Officer K. SINGLETON, a Detroit police officer,  
in his/her individual capacity, and UNNAMED  
DETROIT POLICE OFFICERS, in their individual  
capacities,

Defendants.

\_\_\_\_\_ /

DEPOSITION OF SERGEANT DANIEL BUGLO

WEDNESDAY, SEPTEMBER 21, 2011

**Daniel Buglo**  
**9/21/2011**

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Deposition of SERGEANT DANIEL BUGLO,  
taken in the above-entitled cause before Denise Moorfoot,  
(CSR-2275), Court Reporter and Notary Public for the County  
of Oakland, State of Michigan, at 660 Woodward, Suite 1650,  
Detroit, Michigan, on Wednesday, September 21, 2011, commencing  
at or about the hour of 10:10 a.m.

APPEARANCES:

MR. DANIEL S. KOROBKIN  
American Civil Liberties Union Fund of Michigan  
2966 Woodward Avenue  
Detroit, Michigan 48201

-and-

MR. WILLIAM H. GOODMAN  
MS. KATHRYN BRUNER JAMES  
Goodman & Hurwitz, P.C.  
1394 E. Jefferson Avenue  
Detroit, Michigan 48207  
Appearing on behalf of the Plaintiffs.

MR. JERRY ASHFORD  
City of Detroit Law Department  
660 Woodward Avenue  
1650 First National Building  
Detroit, Michigan 48226  
Appearing on behalf of the Defendants.

Daniel Buglo  
9/21/2011

1		
2	T A B L E O F C O N T E N T S	
3	WITNESS	PAGE
4	SERGEANT DANIEL BUGLO	
5	Examination by Mr. Goodman	4
6		
7	DEPOSITION EXHIBITS	
8	Exhibit 1 - Preliminary Complaint Record 3-29-08	28
9	Exhibit 2 - Preliminary Complaint Record 4-26-08	38
10	Exhibit 3 - DPD Activity Log 3-28-08	52
11	Exhibit 4 - DPD Crime Report No. 0805310096.1	56
12	Exhibit 5 - Anticipatory Search Warrant 08001827	64
13	Exhibit 6 - Ordinance - Sec. 38-5-1 Disorderly Conduct	81
14	Exhibit 7 - Re-Notice of Taking Deposition Duces Tecum of Sgt. Daniel Buglo	84
15	Exhibit 8 - DPD Follow-Up Report 0805310096.2	101
16	Exhibit 9 - DPD Follow-Up Report 0805310096.3	106
17	Exhibit 10 - Nuisance Abatement Statute & Raid Execution/Blind Pig	127
18	Exhibit 11 - October Spoon Room Raid Documents	143
19	Exhibit 12 - November Spoon Room Raid Documents	143
20	Exhibit 13 - Cozy House Raid Documents	148
21		
22		
23		
24		
25		

Daniel Buglo  
9/21/2011

Page 42

1 indicate that you're a member, a card or anything like  
2 that?

3 A I don't recall specifically. I want to say we did, but I  
4 don't recall specifically. I know we had to show a  
5 picture ID, and I don't know if we got anything in return  
6 for the three dollars. I don't remember specifically.

7 Q And you have already indicated that the ID you showed was  
8 a false ID provided to you as a law enforcement officer by  
9 the State of Michigan; is that right, sir?

10 A Yes.

11 Q So it had a false name and a false address on it; am I  
12 right?

13 A Correct.

14 Q And I assume that Lieutenant Yost had the same thing; is  
15 that right, sir?

16 A She did.

17 Q Did they at the CAID photocopy your false ID?

18 A I don't believe so. I believe there was some computer --  
19 he had a laptop, and something was entered into a  
20 computer. I don't recall him making a copy.

21 Q Then your report indicates that you approached the bar and  
22 observed beer on tap and wine, boxed wine for sale; is  
23 that right?

24 A Yes.

25 Q And how did you know it was for sale?

Daniel Buglo  
9/21/2011

Page 43

1 A There were people in front of us that were getting cups of  
2 beer and cups of wine, and there was a money exchange  
3 between them and the bartender.

4 Q So you observed commercial transactions going on involving  
5 the payment of money for alcoholic beverages; is that  
6 right, sir?

7 A Yes.

8 Q And over what period of time did you observe that activity  
9 going on?

10 A From the time we walked in to the time we stood in line, I  
11 imagine it would have been ten to fifteen minutes  
12 approximately.

13 Q And what time did you walk in?

14 A My report says one a.m., which probably would have been  
15 right. I don't know why it wouldn't.

16 Q Now, at that point, had you observed anything illegal  
17 happening?

18 A At one a.m. when we first went in?

19 Q Yes.

20 A Besides the sale of the alcohol, I believe that was the  
21 only illegal activity we saw or I saw.

22 Q What was unlawful about the sale of the alcohol?

23 A They don't have a liquor license.

24 Q How did you know that?

25 A I believe -- I'm only speculating here, but I believe

Daniel Buglo  
9/21/2011

Page 44

1 either Lieutenant Yost or myself called liquor license  
2 after the first observation that we did of the place. I  
3 don't recall which one of us called or which member called  
4 liquor licensing to find out if the address had a liquor  
5 license attached to it.

6 Q And when you say liquor licensing, do you mean the  
7 Michigan Liquor Control Commission or do you mean the City  
8 of Detroit?

9 A City of Detroit.

10 Q A separate department or the police department?

11 A It's a unit within the police department, liquor licensing  
12 unit.

13 Q Thank you. And how much was the cup of beer selling for?

14 A Three dollars for one.

15 Q And who was serving the alcohol or the wine?

16 A A white female was behind the bar with blonde hair.

17 Q Which was shoulder length?

18 A Yes. I could read the description from the report if you  
19 would like.

20 Q No. But do you recall as her being white?

21 A Yes.

22 Q Is your recollection refreshed by looking at this police  
23 report?

24 A Yes, it is.

25 Q And she also had a tattoo on her left wrist; is that



Daniel Buglo  
9/21/2011

Page 57

1 A Yes, I just turned to page 7 and saw that it is.

2 Q So it is recorded and reflected there; is that correct?

3 A Yes.

4 Q And that indicates what happened by way of your undercover  
5 surveillance aspect of this operation. Describe it,  
6 please.

7 A Describe what happened?

8 Q Yes.

9 A Lieutenant Yost and I entered the location to make sure  
10 that there was still illegal activity going on. If there  
11 was not illegal activity going on, then the search warrant  
12 would not have been executed. We paid our five-dollar  
13 cover charge. We paid a three-dollar membership fee  
14 again. We observed a bunch of people inside the location,  
15 and we purchased -- I purchased a cup of beer for four  
16 dollars, and we roamed about the -- walked around the  
17 location.

18 Q Okay. And you were dressed in an undercover capacity; am  
19 I right?

20 A Yes.

21 Q And can you describe that again?

22 A I would have been in blue jeans and some type of either  
23 long-sleeve or short-sleeve shirt depending on the  
24 weather. I imagine I was in short sleeves.

25 Q And the lieutenant?

Daniel Buglo  
9/21/2011

Page 61

1 the alcohol shouldn't be for sale at all. Whether the  
2 patron knows it's illegal or not I guess would be on the  
3 patron.

4 Q You're saying that on its face it would be, as a law  
5 enforcement officer and one who for a period of three  
6 years engaged in vice enforcement, it would be a basis for  
7 arresting someone if you saw them purchase alcohol in a  
8 location where there was no liquor license regardless of  
9 whether there was any evidence as to whether that customer  
10 knew the facility was licensed or not; is that correct,  
11 sir?

12 MR. ASHFORD: Objection to the form.

13 BY MR. GOODMAN:

14 Q Go ahead.

15 A I know it's illegal. Whether or not the patron knows it's  
16 illegal or should know it's illegal, I can't answer that  
17 for them, but I could still issue them a valid ordinance  
18 violation.

19 Q Based on what?

20 A Being in a place of illegal occupation.

21 Q That would be the loitering. A number of people were  
22 issued citations that night; is that right?

23 A Yes.

24 Q And they were all for loitering; is that right?

25 A The majority of them were. I think that there was a

Daniel Buglo  
9/21/2011

Page 62

1 couple for engaging in a place of illegal occupation, but  
2 the majority were for loitering.

3 Q All right. We'll get to that in a moment.

4 And are you saying that the illegal activity  
5 would be loitering in a place that is unlicensed to sell  
6 alcohol where there are alcohol sales going on regardless  
7 of whether there's any evidence that person knew or did  
8 not know that the establishment was licensed? Is that  
9 your statement?

10 MR. ASHFORD: Objection, asked and answered.

11 MR. GOODMAN: I don't think so.

12 BY MR. GOODMAN:

13 Q Over objection, please.

14 A Yes.

15 Q Going to the top of what has been -- the first page of  
16 what has been marked Buglo Exhibit 4, the first paragraph  
17 states, quote, "On the above date and time, vice  
18 enforcement, narcotics code 3025 and 2913 and tactical  
19 mobile, district executed a search warrant number 08001827  
20 on 5141 Rosa Parks Boulevard with the following  
21 enforcement actions:" And then there's a whole series of  
22 enforcement actions that are described. First of all,  
23 what is code 3025, sir?

24 A That's a narcotics crew code. That would be the sergeant  
25 and whatever officers are assigned under him, that would

Daniel Buglo  
9/21/2011

Page 75

1 That was the essence of relief in your affidavit; am I  
2 right, sir?

3 A Yes.

4 Q Now, I want to go back to Exhibit No. 4 which is the  
5 CRISNET that in part describes what happened during the  
6 raid; is that right?

7 A Which one?

8 Q Exhibit No. 4, this one, sir.

9 A Is it the dot one? Okay.

10 Q Yeah, that one. The report narrative we have already  
11 read, and in that you set forth and you say that the  
12 following enforcement actions occurred, and you then  
13 describe a series of what appear to be 134 citations or  
14 arrests. Am I right about that?

15 A Yes.

16 Q The first four people described are described as engagers.  
17 What do you mean by that?

18 A They would have been comparable to an employee, somebody  
19 partaking in running or functioning of the establishment.

20 Q So these people were engaging in an illegal activity; is  
21 that what you mean by an engager?

22 A Yes.

23 Q In this case, the illegal activity would have been what?

24 A The ticket, the person I wrote, I wrote the bartender for  
25 selling alcohol. Lieutenant Yost wrote the doorman who I

Daniel Buglo  
9/21/2011

Page 76

1 believe was collecting money and selling the memberships  
2 and taking the cover charge.

3 Q The doorman was Joseph Timlin; is that right?

4 A Here it has, yes, Mr. Timlin is the doorman, and also  
5 Christopher Shoemaker as a doorman.

6 Q Which one of those gents was the one with the chin goatee?

7 A I believe that was Mr. Shoemaker.

8 Q The bartender, Jennifer Anne Schraeder, would have been  
9 the woman with shoulder-length blonde hair?

10 A Yes.

11 Q The same woman that you had observed earlier?

12 A Yes.

13 Q Were those people essentially issued citations, or were  
14 they arrested and taken into custody?

15 A I don't believe we made any arrests that night, so  
16 everyone would have gotten a citation and released.

17 Q Starting with defendant number 5, Kayla Arlette-Whitney  
18 Burton, were all of the other people who were cited or  
19 handed citations that night people who were customers or  
20 patrons of the CAID?

21 A It would appear so. I'm trying to go through this as  
22 quick as possible.

23 Q Go ahead. Take your time. I don't want to rush you.  
24 Take your time and read through it.

25 A Yes.

Daniel Buglo  
9/21/2011

Page 77

1 Q Okay. So that means that there were 130 patrons or  
2 customers or people who were inside the CAID who were  
3 issued citations that night; am I right about that?

4 A Yes.

5 Q And was everybody who was located inside the CAID location  
6 cited or given a citation --

7 A I don't know.

8 Q -- and charged with a misdemeanor that night?

9 A I don't know.

10 Q Do you have any recollection of anyone who was released  
11 without a citation?

12 A I do not.

13 Q Was a decision made by either you or Lieutenant Yost that  
14 everybody inside the location would receive a citation  
15 that night?

16 A That's standard procedure.

17 Q When you say that's standard procedure, you mean that  
18 that's what happens every time such a raid is conducted;  
19 is that right?

20 A That's correct. There are exceptions. People who are on  
21 a sidewalk who maybe wanted to go in but didn't make it  
22 in, they're not going to be cited, and I'm sure there are  
23 other exceptions that would come up on a case-by-case  
24 basis.

25 Q Was there a live band that night?

Daniel Buglo  
9/21/2011

Page 78

1 A I don't remember. I remember there was music, and I  
2 definitely know there was a DJ. I don't have if there was  
3 live music.

4 Q Was the DJ given a citation?

5 A I don't know. If he was there, he should have been.  
6 Normally, he would have been issued one, but I can't say  
7 specifically if he was.

8 Q Now, this, what you have described as what happens  
9 normally, which is that everyone is given a citation, was  
10 that the policy of the Detroit Police Department at the  
11 time of this particular incident which would have been May  
12 31st, 2008?

13 MR. ASHFORD: Objection, no foundation.

14 BY MR. GOODMAN:

15 Q Over objection, you may answer.

16 MR. ASHFORD: Go ahead. You can answer.

17 THE WITNESS: I don't know of any policy that's  
18 written. These tickets are discretionary. You can write  
19 the citation or not write the citation. There is not a  
20 shall statement that says everyone that enters shall be  
21 written or arrested, or there's not that type of wording  
22 in the policy.

23 BY MR. GOODMAN:

24 Q Right. So there's nothing in writing that says it's the  
25 policy of the Detroit Police Department to arrest

Daniel Buglo  
9/21/2011

Page 79

1 everybody or, excuse me, to cite everybody in such a  
2 location. That's your testimony; is that right?

3 A Yes.

4 Q In other words, the general practice of the Detroit Police  
5 Department at that time in 2008 was that when such a raid  
6 was conducted, everyone in the location would receive a  
7 citation such as the one that was received here; is that  
8 right?

9 A Yes.

10 MR. ASHFORD: Objection, calls for speculation.

11 MR. GOODMAN: Over objection, I think we have  
12 the answer already.

13 BY MR. GOODMAN:

14 Q In addition to this being the general practice of the  
15 department at this time, this was the custom and usage of  
16 the Detroit Police Department at that time; is that  
17 correct, sir?

18 A Yes.

19 MR. ASHFORD: I'm going to add another  
20 objection, same objection. Calls for speculation.

21 BY MR. GOODMAN:

22 Q Everybody received the same citation other than the four  
23 engagers who are listed at the top of your report; is that  
24 correct, sir?

25 A Yes.



Daniel Buglo  
9/21/2011

Page 82

1 read this?

2 A This is the first time I have read it. I have seen the  
3 wording that is similar to this before.

4 Q Have you seen the amended ordinance to which Lieutenant  
5 Yost referred when she spoke with you about changing the  
6 law?

7 A I have not, and if it's been amended, this is the first  
8 time hearing of it. I know they were working on rewording  
9 it. Whether or not it's been completed, I don't know, or  
10 amended, I'm not sure. I don't know.

11 Q I'm skipping around a lot here, and I apologize for that.  
12 I want you to assume that the words -- Withdraw that.

13 Do you see the last line of the exhibit that I  
14 just handed you?

15 A Yes.

16 Q Loiter in a place of illegal occupation?

17 A Yes.

18 Q Do you see that? I want you to assume that after the word  
19 "occupation," the following phrase was added as a result  
20 of an amendment to the Detroit ordinance. Quote, "with  
21 the intent to engage in such illegal occupation," unquote,  
22 "shall be guilty of a misdemeanor." Do you see that? I  
23 mean, did you follow me as I --

24 A Yes.

25 Q Did you understand on May the 31st, 2008, that in order to

Daniel Buglo  
9/21/2011

Page 83

1 issue someone a citation in a location such as the CAID  
2 and such as the ones that you issued on May the 31st,  
3 2008, it was necessary for you to have evidence that a  
4 person must have had the intent to engage in an illegal  
5 occupation at the time that you issued that citation?

6 A No, I did not have that understanding.

7 Q In fact, it was your understanding that they need not have  
8 such an intent in order for you to issue a citation; isn't  
9 that right?

10 A Yes.

11 Q So in terms of the old ordinance, what did you understand  
12 the violation that was known as loitering in a place of  
13 illegal occupation to consist of? What did you think it  
14 meant as a law enforcement officer?

15 A Being in a place where illegal activity such as what was  
16 going on at the CAID was taking place.

17 Q Simple presence there at that location, correct?

18 A Correct.

19 Q And one violated the ordinance simply by being present  
20 there; is that correct, sir?

21 A Correct.

22 Q And, therefore, as far as you were concerned, what  
23 constituted probable cause at that time was presence at  
24 the location; is that correct?

25 A Yes.

Daniel Buglo  
9/21/2011

Page 84

1 Q And that, as far as you know, is the reason that --  
2 referring now to Exhibit No. 4 which is CRISNET point one  
3 -- defendants 5 through 134 were given citations on that  
4 particular early morning; is that correct, sir?

5 MR. ASHFORD: Objection as to form, foundation.

6 Go ahead.

7 BY MR. GOODMAN:

8 Q Go ahead, sir.

9 A Yes.

10 Q And I apologize. I know you testified about this already,  
11 but you left vice enforcement in two thousand --

12 A 2009.

13 MR. GOODMAN: I want to take care of a couple of  
14 details here. Could I have the notice of deposition? Off  
15 the record.

16 (Discussion off the record.)

17 (WHEREUPON, Deposition Exhibit 7

18 was marked for identification.)

19 BY MR. GOODMAN:

20 Q I'm handing you now what has been marked Deposition  
21 Exhibit 7 which is the Notice of Deposition of this  
22 deposition. Have you seen this before today, sir?

23 A The cover page looks familiar. The listing of the  
24 officers on page 3, I have never seen that listed like  
25 that, but I do recall seeing the cover sheet or page 1.

Daniel Buglo  
9/21/2011

Page 85

1 Q And you were asked, pursuant to Federal Rules of Civil  
2 Procedure 34, to bring a number of documents and  
3 documentation with you today. Have you brought any of the  
4 things that were asked or all of them?

5 A Where is this listed, sir?

6 Q It's starting on page 2.

7 A Okay.

8 Q Paragraphs 1 through the end, which is paragraph 12.

9 A I did not personally bring any of these. I believe our  
10 law department handles that aspect of the records, gets  
11 the records from whatever entity's file that they may be  
12 in. I believe they collect those records. I do not do it  
13 personally.

14 MR. GOODMAN: Okay. I will request that to the  
15 extent that any of the documents that are requested  
16 therein that have not yet been produced and are  
17 subsequently produced, we may need to continue questioning  
18 with regard to the contents of any documents which we  
19 subsequently receive.

20 BY MR. GOODMAN:

21 Q Just one or two questions before we break, Sergeant. Was  
22 there an understanding that you had, before you undertook  
23 this particular raid of the CAID on May 31st, 2008, that  
24 if you observed illegal activity going on inside the  
25 location of the CAID, everyone who was present in the

Daniel Buglo  
9/21/2011

Page 86

1 location would be cited for loitering in a place of  
2 illegal occupation?

3 A Unless there was some type of exigent circumstances, yes.

4 Q And by exigent circumstances, can you give me an example  
5 of any such situations where you had observed such exigent  
6 circumstances? You already mentioned a person who had not  
7 yet been able to get in.

8 A We conducted a raid in the past where I believe there was  
9 a child. It was at a residence, and there was a child  
10 living in the home there. The child didn't get a  
11 citation. That's the first thing that pops into my mind,  
12 and I'm sure there are others. It's not a blanket thing.  
13 There are exceptions that can be made.

14 Q So other than that, it was your understanding, as a  
15 supervisor in connection with this particular raid, that  
16 all of the people who were given citations would be given  
17 citations for the reasons that we have already discussed  
18 here on the record; is that right, sir?

19 A Yes.

20 MR. ASHFORD: Objection to form and foundation.

21 BY MR. GOODMAN:

22 Q When we come back, I want to ask you some questions about  
23 the transition between your undercover activity on the  
24 night of May 31st, 2008, and the raid itself, but with  
25 that being said, I think it's time for the break that we

Daniel Buglo  
9/21/2011

Page 88

1 A Not that night. She's been known to wear one, so it  
2 wouldn't be unusual if she did, but I don't recall if she  
3 had one on that night or not.

4 Q She occasionally wears baseball caps. You don't recall if  
5 she had one on that evening, however; is that right?

6 A Yes.

7 Q Now, once, after this situation where you observed what  
8 you observed as described earlier in your testimony, how  
9 was the decision made that a raid would take place?

10 A After we entered the location, observed the activities  
11 that were going on, we stayed for some time, and then a  
12 phone call was made, I believe by her, to the staging area  
13 where the entry team was, that indeed there was illegal  
14 activity going on and to go ahead and execute the search  
15 warrant.

16 Q There was already a raid team that had been organized and  
17 was waiting to come into the place; is that right?

18 A Yes.

19 Q Where was that raid team located?

20 A I believe they were staged at the tactical mobile base at  
21 5671 Trumbull.

22 Q About, what, five minutes away?

23 A Approximately five minutes away.

24 Q You say "she made a telephone call." "She" would have  
25 been Lieutenant Yost, correct?

Daniel Buglo  
9/21/2011

Page 89

1 A Correct.

2 Q And she used a cell phone I assume; is that right, sir?

3 A Yes.

4 Q From inside the location?

5 A Yes.

6 Q And then did you stay inside the location until the team  
7 arrived, or did you go outside?

8 A We stayed inside.

9 Q Once the team arrived, did they come inside the CAID  
10 location, inside?

11 A Yes.

12 Q And how did they enter, if you can recall?

13 A Through the north door.

14 Q Did they knock before they entered?

15 A I don't know if -- I don't know.

16 Q Is there an announcement made that there was a police  
17 entry into the place?

18 A Yes, there was.

19 Q Who made that announcement?

20 A It would have been someone on the raid team. I don't know  
21 the specific individual.

22 Q What was said?

23 A "A search warrant, police" was repeated over two, three,  
24 four times.

25 Q And what were the people who were inside the establishment

Daniel Buglo  
9/21/2011

Page 98

1 right?

2 MR. ASHFORD: Objection, calls for speculation.

3 BY MR. GOODMAN:

4 Q Sir?

5 A That's entirely possible.

6 Q How would Officer Passmore have known, if you know, that a  
7 citation should be written to Jessica Lynn Martin?

8 MR. ASHFORD: Objection, calls for speculation.

9 BY MR. GOODMAN:

10 Q Again, over objection, you may answer.

11 A How would he have known?

12 Q Yeah.

13 A Speculating, just by her presence in the building I would  
14 imagine.

15 Q And that would have been a legitimate basis, as far as you  
16 were concerned as a supervisor, for him to write a  
17 citation. Simply because she was present in the building,  
18 she was then subject to criminal liability under this  
19 loitering ordinance; is that correct, sir?

20 A Barring any exigent circumstances or any other explanation  
21 that she could have given, yes.

22 Q Do you know if she was given any opportunity to provide an  
23 exigent circumstance or explanation?

24 A I don't know if she was given the opportunity. There was,  
25 during the processing, when they were at the table, there



Daniel Buglo  
9/21/2011

Page 107

1 remember the exact number.

2 Q Could it have been a few more than forty?

3 A Could have.

4 Q And in these raids -- and by "these raids," I mean raids  
5 that are conducted by the vice enforcement unit -- were  
6 vehicles routinely confiscated?

7 A Yes.

8 Q And can you explain under what -- Withdraw that question.

9 Can you indicate what the legal authority was  
10 for the confiscation and seizure of people's vehicles.

11 A I believe the county has a nuisance abatement law, if you  
12 will, that says they can be forfeited under their nuisance  
13 abatement act.

14 Q Might that be a state statute, Michigan statute?

15 A I don't know.

16 Q Michigan nuisance abatement statute?

17 A I don't know.

18 Q Have you ever read that statute, the contents of it?

19 A I have not.

20 Q One moment, please.

21 Has anyone ever told you that the pertinent  
22 language states that any vehicle used for the purpose of  
23 furnishing or otherwise disposing of any narcotic and/or  
24 hypnotic drug as defined by law or of any of the vinous,  
25 malt, brewed, fermented, spiritous or intoxicating liquors

Daniel Buglo  
9/21/2011

Page 108

1 or any mixed liquors or beverages, any part of which is  
2 intoxicating is hereby declared a nuisance?

3 A Has anyone told me?

4 Q Are you familiar with that general concept as outlined in  
5 the statute?

6 MR. ASHFORD: Objection as to form. You can  
7 answer.

8 THE WITNESS: No, I have not read it.

9 BY MR. GOODMAN:

10 Q Or that any person who owns, leases, conducts, or  
11 maintains a vehicle used for the purposes or by any of the  
12 persons carried on, is guilty of a nuisance?

13 A No, I have not heard that language before.

14 Q Who made the decision that the vehicles were to be seized  
15 in this particular raid?

16 A I don't know that anyone came out and said, "We're seizing  
17 vehicles." It's been done that way long before I got to  
18 vice. It was done that way when I got to vice. That's  
19 just how it was done. There was no statement made that  
20 we're not seizing vehicles this time. It's just part of  
21 the raid procedure as far as I understood.

22 Q Is it your testimony that any time a raid is conducted and  
23 people are handed citations for loitering in a place of  
24 illegal occupation, their vehicles will be confiscated and  
25 seized by the Detroit Police Department?

Daniel Buglo  
9/21/2011

Page 109

1 A No. It's my testimony that the raids that I have been on  
2 in my time at vice, that has been the case.

3 Q How many such raids have you participated in?

4 A Seven to ten approximately. I don't know the exact  
5 number.

6 Q In those seven to ten, in each of them, vehicles were  
7 confiscated; is that a fair statement?

8 A Yes.

9 Q Vehicles of anyone who was cited for loitering?

10 A Yes. There were vehicles taken in each instance.

11 Q So has anyone ever told you that you should not seize any  
12 of the vehicles or all of the vehicles in these  
13 situations?

14 A No.

15 Q In fact, you have been instructed that you should seize  
16 any and all of these vehicles; is that correct?

17 A That's correct.

18 Q By whom?

19 A Whoever the commanding officer was at the time. Nobody  
20 came out and specifically said, "This is what we do."  
21 It's part of the vice procedure, as I understood it, when  
22 I got assigned to vice.

23 Q You understood this was part of vice enforcement  
24 procedure; is that right?

25 A Correct.

Daniel Buglo  
9/21/2011

Page 110

1 Q And that therefore you understood that this was routine  
2 practice and policy of the vice enforcement unit of the  
3 Detroit Police Department; is that right, sir?

4 A Yes.

5 Q Now, in making a decision to seize a vehicle, was any  
6 attempt made to determine what the purpose of the vehicle  
7 was; in other words, whether the purpose was that the  
8 person would be using the vehicle for purposes of  
9 loitering in a place of illegal occupation?

10 A No.

11 Q And it wasn't done in this particular instance with the  
12 CAID raid; is that correct, sir?

13 A Establishing a purpose of what the vehicle's use would be?

14 Q That's right.

15 A Other than transporting the person to the location?

16 Q Yes.

17 A No.

18 Q What was the procedure whereby vehicles were confiscated  
19 and then seized? How did it work?

20 A To verify that they were seized?

21 Q No. Let's say I'm at a place that's raided, and I am  
22 given a citation, and my car is parked in the parking lot.  
23 How is possession of my car taken from me by the City of  
24 Detroit Police Department?

25 A The officers would ask the individual if you drove or how

Daniel Buglo  
9/21/2011

Page 111

1 you got there, and the answer would be given. Where your  
2 vehicle -- a determination of where your vehicle was would  
3 try to be established, and then the keys would be -- the  
4 officer would get the keys from the individual.

5 Q And what would the officer do with the keys?

6 A Go to where the car is, do an inventory of the vehicle.

7 Impound cards would be filled out, and then the car would  
8 be towed to a designated tow company.

9 Q So each of these cars was searched; is that what you're  
10 saying, or should have been searched?

11 A Inventoried or searched. There's an opportunity given to  
12 the individuals to get any personal belongings out.

13 Q But people whose cars are confiscated, are they told that  
14 we're going to search your vehicle to see what's in there?

15 A I don't know.

16 Q By the way, in the evidence log which was Buglo Exhibit 8,  
17 the evidence or the articles of property that were seized,  
18 including money, do you know whether any marijuana was  
19 found that night at the CAID?

20 A I do not know.

21 Q None was seized; is that correct?

22 A I would have to look through the CRISNET. I don't recall  
23 seeing any seized.

24 Q None is logged or registered as far as you know; is that a  
25 fair enough -- Go ahead. Take your time and take a look.

Daniel Buglo  
9/21/2011

Page 122

1 and I believe he was ordered back down to the ground  
2 because it was in that process while people were still  
3 trying to get secured, and then after that I didn't hear  
4 anything else of it.

5 Q Did you hear any other complaints from any other persons  
6 that they had physically been mishandled, of any physical  
7 force whatsoever?

8 A I didn't hear of any physical force. I heard some  
9 complaints of people got dirty, because I think it was  
10 raining at one point or it had rained, and people outside,  
11 the narcotics crew made them lay on the ground, also, and  
12 there was some complaints of being made to lay on wet  
13 ground or dirty ground, things of that nature.

14 Q How long were people detained?

15 A From the point of entry to the last person walking out was  
16 three hours, four hours. I'm not positive of the exact  
17 time.

18 Q Was the period of time during which they were detained  
19 there documented in any form? In other words, was there a  
20 time from the beginning of the raid, was that set out in  
21 any documentation and then for the end of the raid as  
22 well?

23 A I don't think so. I think there would be the point from  
24 when Lieutenant Yost called to get the raid crew rolling  
25 to our off-duty time, we're usually off duty within an

Daniel Buglo  
9/21/2011

Page 137

1 there when you left?

2 A Yes.

3 Q And who was processing those people when you left?

4 A I believe there was a man named Timlin there that we  
5 turned the building over to. I believe it was his  
6 building.

7 Q This was Mr. Aaron Timlin?

8 A I don't remember his first name.

9 Q He was the only person who was left when you left?

10 A There may have been -- I don't know. There were other  
11 people milling about. I don't know if they knew him or  
12 what they were doing, but they were free to go. They  
13 weren't under our control anymore.

14 Q Speaking of free to go, before people were discharged at  
15 the processing table or after the processing table, they  
16 were not free to go, were they?

17 A They were being detained until we processed -- finished  
18 processing.

19 Q So the answer to my question would be that they were not  
20 free to go, correct?

21 A Correct.

22 Q I want to ask a little bit about the attire or dress of  
23 the people who came in as a part of the raid. Can you  
24 describe that, please?

25 A The raid teams were what we call masked up. They have

Daniel Buglo  
9/21/2011

Page 145

1 citations?

2 A I'd have to count. If you give me a minute, I'll count  
3 them up.

4 Q Here. I think I have a rough estimate here.

5 A Okay.

6 Q Is it fair to say that approximately seventy-five people  
7 were charged in that raid?

8 A That would be fair.

9 Q And, again, was this a situation where everybody who was  
10 at the location was charged?

11 A I don't know.

12 Q You have no recollection. Were you present?

13 A I was present. I don't know if every single person that  
14 was in there got a ticket or not or if there was an  
15 instance where somebody was not issued one.

16 Q And what was the illegal occupation that was going on at  
17 the Spoon Room?

18 A There was a full bar. They were charging cover to get in.  
19 They had a full bar set up. They had entertainment, a  
20 disc jockey, doorman.

21 Q No license?

22 A No license, that's correct, no business license, no liquor  
23 license.

24 Q Were there sales after two a.m.?

25 A I don't know. I believe our -- I don't know.



Daniel Buglo  
9/21/2011

Page 146

1 Q At any rate, almost everybody who was at the location was  
2 arrested at that time; is that right?

3 A They were detained and issued citations and released.

4 Q Excuse me. That's right. Issued citations. And those  
5 citations were issued based solely upon the fact that they  
6 were present at the location at the time; is that correct?

7 A I wasn't the undercover officer during that, so if there  
8 were citations or arrests due to their observations, I  
9 don't know.

10 Q Well, looking at Exhibit 11, everyone there, other than  
11 the people who were what you might call engagers, were  
12 charged with loitering, violation of the loitering  
13 ordinances; is that correct?

14 A Correct.

15 Q And are you aware, as the person who entered this report,  
16 of any circumstances with regard to any of these  
17 individuals, other than their presence at the Spoon Room,  
18 that would have subjected them to criminal liability  
19 pursuant to the loitering ordinance?

20 A No.

21 Q Is the same thing true for Exhibit 12 which would be the  
22 November Spoon Room raid?

23 A Yes.

24 Q And how many people, approximately, were arrested at that  
25 time?

Daniel Buglo  
9/21/2011

Page 147

1 A Zero.

2 Q Excuse me. Were issued citations, how many people?

3 A I'd have to count.

4 Q If I were to say approximately --

5 MR. ASHFORD: If you know.

6 BY MR. GOODMAN:

7 Q If I were to say approximately ninety-five, would that  
8 appear to be correct?

9 A Looking at the pages of how many pages it took to record  
10 the names, that could be correct.

11 Q Were you also present at a raid at a location known as the  
12 Cozy House?

13 A Yes.

14 Q And where is the Cozy House, if you know?

15 A It's on Six Mile. I'm not sure. Six Mile and Livernois  
16 area, I believe.

17 (Discussion off the record.)

18 BY MR. GOODMAN:

19 Q Do you remember when the Cozy House raid was?

20 A No, I don't.

21 Q We're going to look for the records now, but my notes  
22 indicate that it was April 5th, 2008. Does that sound  
23 more or less correct to you?

24 A Could be.

25 Q All right.

Daniel Buglo  
9/21/2011

Page 148

1 (WHEREUPON, Deposition Exhibit 13  
2 was marked for identification.)

3 BY MR. GOODMAN:

4 Q Tell me when you're done, if you would.

5 A You can go ahead, sir.

6 Q Approximately how many people were issued citations in  
7 connection with this raid? And if I were to say -- would  
8 an approximation of approximately 104 people sound correct  
9 to you?

10 A Yes.

11 Q And were you present at this raid?

12 A Yes, I was.

13 Q And what was the illegal occupation that was going on at  
14 that time?

15 A It was an unlicensed establishment charging a cover charge  
16 for me to go in. They were selling alcohol. There was  
17 drug use on the premises.

18 Q You issued a number of citations in this particular  
19 instance; is that correct?

20 A Yes.

21 Q Again, pursuant to the same ordinance, loitering in a  
22 place of illegal occupation; is that correct?

23 A Correct.

24 Q And the illegal occupation would have been the illegal  
25 sale of alcohol and some drug use; is that correct, sir?

Daniel Buglo  
9/21/2011

Page 149

1 A Correct. I believe we took a couple of firearms out of  
2 the place, also.

3 Q I believe you did. And you made a number of -- you issued  
4 a number of citations yourself during this particular  
5 operation; is that correct?

6 A Yes.

7 Q And the people to whom you issued your citations were  
8 issued citations based solely upon their presence at this  
9 location at the time of the raid; is that correct?

10 A Correct.

11 Q And as far as you know, that would be true of the others  
12 as well? At least you know of no other reason why any  
13 others were issued citations; is that a fair statement?

14 A Yes.

15 Q Just one moment. I don't believe I have any more  
16 questions, but I need to consult with my fellow counsel.  
17 Give us a half a minute.

18 (Discussion off the record.)

19 MR. GOODMAN: I have no further questions, but I  
20 would like to make one brief statement here for the record  
21 which is that we have been advised, in the course of this  
22 deposition, of the following materials of which we have  
23 not -- with which we have not been provided despite the  
24 fact they have been requested in discovery. One, training  
25 material from the annual forty-hour block training; two,

EXHIBIT 10

08001827

**Anticipatory Search Warrant**

State of Michigan  
SS  
County of Wayne

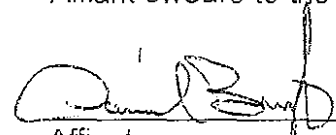
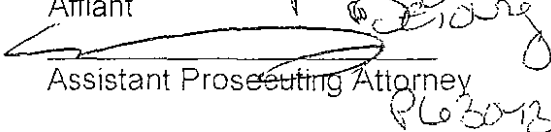
To the Sheriff or any peace officer of said county:

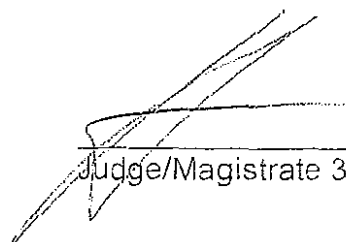
Affiant, Sergeant Daniel Buglo, badge S-444, having subscribed and sworn to an affidavit for a search warrant, and I having under oath examined affiant, am satisfied that probable cause exists:

THEREFORE IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN, I command that you search the following described place, 5141 Rosa Parks Blvd. This location is on the southwest corner of Rosa Parks Blvd. and Bryant and described as a two story, red and gray brick, two story commercial building, commonly know as "Contemporary Art Institute of Detroit." The eastern portion of the building is red brick, and the western half is painted gray brick. This location is in the City of Detroit and the County of Wayne. The door utilized as the main point of entry into and out of the location is located on the north side of the building at the western most corner. There are black silhouettes of people painted on the north side of the building on the gray portion of the building. It is the only door on the north side of the building.. The front of the building (facing Rosa Parks blvd.) has two doors, both secured by black metal security accordion type gates. There is a dark gray awning spanning the length of the front of the building with the words "Contemporary Art Institute of Detroit" stenciled onto it. There is an approx. 6'5" red wood fence encasing the yard south of the building.

Further, to seize, secure, tabulate and make return according to the law the following property and things: All suspected controlled substances, all monies, contraband, books, and paraphernalia used in connection with illegal narcotic trafficking and gambling; alcoholic beverages of any type and the money and profits from same; any photographic, video and audio equipment, computers, hard drives, any data storage devices to store data, commonly used in association with the operation of a "Blind Pig." All firearms used in connection with the above described activities, all ownership occupancy, possession or control of the premises.

Affiant swears to the following facts in support of the issuance of this warrant:

  
Affiant  
  
Assistant Prosecuting Attorney  
PL 3013

  
Judge/Magistrate 36<sup>th</sup> Dist. Ct.

08001827

STATE OF MICHIGAN AFFIDAVIT  
SS  
County of Wayne

The affiant is a sworn member of the Detroit Police Department, and has been so employed for nineteen years. Affiant is assigned to Vice Enforcement.

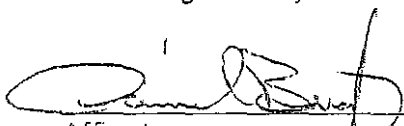
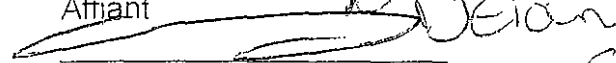
Affiant has participated in Narcotic and Vice related raids and along with members of Vice Enforcement, is currently conducting an investigation after receiving a complaint of unlicensed, after hours alcohol sales, and narcotic activity occurring at 5141 Rosa Parks Blvd, commonly known as "Contemporary Art Institute of Detroit."


Vice Enforcement has received complaints of unlicensed after hour alcohol consumption, and illegal narcotic activity occurring at 5141 Rosa Parks Blvd. with heavy activity on the last Friday night of each month and carrying over into the early morning hours of Saturday.

Affiant conducted a review/investigation of said location from March 29, 2008 to May 23, 2008, which revealed the following.

On Saturday, March 29, 2008, at 1:40AM, Vice enforcement conducted a surveillance operation, (moved and fixed) at 5141 Rosa Parks Blvd. in order to investigate a complaint of illegal "Blind Pig" activity that occurs the last Friday of each month. At location, Vice Enforcement officers observed several white males and females entering the location through the side (north) door. Affiant observed one w/m exit a vehicle and conceal what appeared to be a fifth of liquor in his left front pants pocket and proceed to the entrance of the location. Affiant observed a w/f outside of the entrance drinking from a beer bottle. Affiant and partner both smelled a strong odor of marijuana coming from an attached outside patio area where several persons were gathered. Affiant observed approx. 50-60 vehicles parked in front of, on the side of, and in the parking lot north of the location. During our surveillance, affiant and observed approx. 15-20 white males and females enter the location. Music was heard coming from inside the location.

On Saturday, April 26, 2008, at 1:00AM Vice Enforcement conducted an undercover operation at 5141 Rosa Parks Blvd. Lt. Vicki Yost and Sergeant Daniel Buglo, entered the location in order to investigate a complaint of illegal "Blind Pig" activity that occurs the last Friday of each month.

  
Affiant  
  
Assistant Prosecuting Attorney  
5/29/08

  
Judge/Magistrate 36<sup>th</sup> Dist. Ct.

08001827

STATE OF MICHIGAN

AFFIDAVIT

SS

County of Wayne

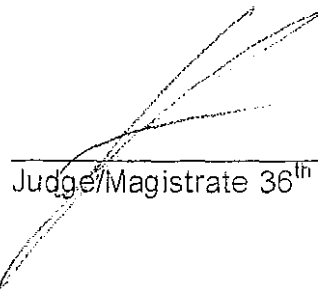
Both officers paid \$5.00 cover charge to a w/m 30-35, heavy set, bald, chin goatee, and paid \$3.00 each for a one month membership and were asked to fill out a membership card.

A w/m/20-25, sitting on a chair at a table near the entrance, entered our membership information into a lap top computer. We were then allowed to enter the location. Both officers approached the bar and observed beer on tap (Budweiser Select) and boxed wine for sale. Both officers purchased a cup of beer for \$3.00 each from a w/f/20-25, shoulder length blonde hair, tattoo on left wrist of Chinese letters. Affiant and partner then mingled with the crowd of approx. 100 people. A live band was playing and a DJ booth was active. Affiant and partner entered the outside fenced in yard, south of the building. Affiant observed several people with cans of beer, liquor bottles, and soda container. All were allowed to be brought in by patrons. Affiant and partner observed several people smoking what appeared to be marijuana (by sight and smell.) Affiant and partner sat at a picnic table and observed a w/m/19-22, named "Dan" take out a baggie of suspected marijuana and roll three marijuana cigarettes. The cigarettes were lit and passed around the group sitting/standing around the picnic table. At approx. 0220 hours, affiant purchased another beer from the bar. Affiant and partner exited the location at approx. 0230 hours and observed approx. 10 people standing in line outside of the door, waiting to get in. Vehicles were pulling into the location's parking lot as affiant and partner drove off.

On May 24, 2008 at 2:05AM, Vice Enforcement conducted a surveillance operation (moved and fixed) at 5141 Rosa Parks Blvd. in order to investigate of illegal "Blind Pig" activity that occurs the last Friday of each month. At the location, affiant observed several white males and females entering the location through the side (north) door. Affiant observed approx. 60 vehicles parked on the north side of the location in the street and in the parking lot. Affiant could here voices coming from the fenced-in yard on the south side of the location. Affiant could smell a strong odor of marijuana coming from the fenced-in yard. Two canopies were also set up in the yard. Affiant could hear music coming from inside the location and observed at least three w/ms carrying cans of beer into the location. A w/m/30s, bald, chin goatee beard, appeared to be the door man (as he was on previous occasions.) Affiant watched the location for approx. 15 minutes.

  
Affiant

Assistant Prosecuting Attorney  
5/24/08 PL63043

  
Judge/Magistrate 36<sup>th</sup> Dist. Ct.

08001827

STATE OF MICHIGAN AFFIDAVIT

SS

County of Wayne

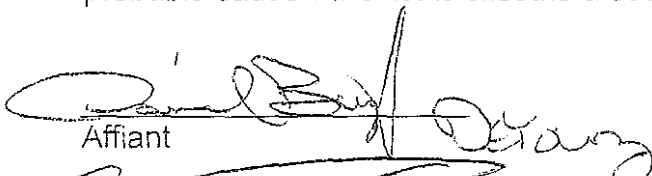
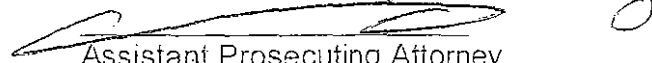
On May 29, 2008, affiant spoke with Ms. Tamara Williams of the Business License Department of Consumers Affairs who stated that the business located at 5141 Rosa Parks Blvd. has not been issued a City of Detroit Business License.

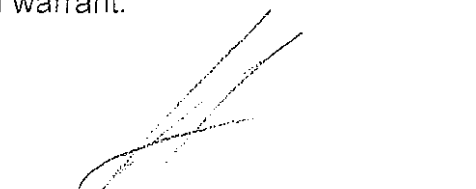
On May 29, 2008, affiant spoke with Police Officer Kenneth Hayes of the Detroit Police Department's Liquor License Unit and inquired into the status of 5141 Rosa Parks Blvd. Affiant was advised that this location has no license on file with the Liquor License Unit. Affiant confirmed this information with Ms. Jean Fickes of the Michigan Liquor Control Commission who stated that the Michigan Liquor Control Commission has not issued a license to 5141 Rosa Parks Blvd.

Wherefore, the affiant has probable cause to believe that the unlicensed facility located at 5141 Rosa Parks Blvd. is operating as an illegal operation, selling alcoholic beverages without a license, allowing the open use of narcotics, specifically but not limited to marijuana, and creates a public nuisance threatening the peace and good order of the neighborhood. This illegal activity has occurred and continues to occur unabated. The affiant also believes that an assortment of contraband will be found inside of the location, based upon affiant's police experience, training, observations made inside of the location, and previous experience in Vice related raids/activity conducted in the City of Detroit

Therefore, the affiant is requesting the granting of this search warrant to aid in the padlocking and abatement of the nuisance activity and the forfeiture of any of the equipment that is used to facilitate the illegal operation. Further based on training and experience, your Affiant knows that this illegal, unlicensed, after-hours business operates at least one (1) to (2) days per month, that being the last Friday of each month and occasionally an additional Friday, and based on previous surveillance and intelligence, this operation operates on Friday nights/Saturday mornings.

Affiant anticipates the above-referenced activity will be occurring during the early morning hours of May 31, 2008. Affiant will enter the location to do further investigation. Should Affiant observe the same type of activity as referenced above – loud music, marijuana use, illegal sales of alcohol—Affiant believe probable cause will exist to execute a search warrant.

  
Affiant  
  
Assistant Prosecuting Attorney  
5/29/08 R-2013

  
Judge/Magistrate 36<sup>th</sup> Dist. Ct.



08001827

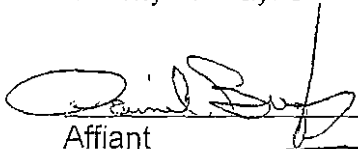
Should Affiant not observe this activity, this warrant will not be executed

STATE OF MICHIGAN

AFFIDAVIT

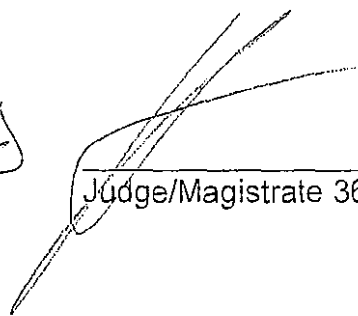
SS

County of Wayne

  
\_\_\_\_\_  
Affiant

Assistant Prosecuting Attorney

*R. G. ...*

  
\_\_\_\_\_  
Judge/Magistrate 36<sup>th</sup> Dist. Ct.

**DETROIT POLICE DEPARTMENT CRIME  
REPORT**

DETROIT POLICE DEPARTMENT

Case No. 0805310096  
 Report No. 0805310096.1  
 Report Date: 5/31/2008

1

Page 1 of 7

Subject: EXECUTION OF SEARCH WARRANT-5141 ROSA PARKS BLVD-VICE ENFORCEMENT

Case Report Status	I - IN PROCESS	Date Entered	5/31/2008 7:42:44 AM	Reporting Officer	
County	82 - WAYNE	Entered By	231996 - BUGLO, DANIEL	231996 - BUGLO, DANIEL	
City/Township	99 - DETROIT	Date Verified		Assisted By	
Occurred On (and Between)	5/31/2008 2:20:00 AM	Verified By		Assist Agency	
Location	5141 ROSA PARKS BLVD.	Date Approved			
CSZ		Approved By			
Census/Geo Code	5150	Connecting Cases			
Grid	C2 - 0102	Disposition	CITATION		
Call Source	OTHER	Tactical Actions			
Vehicle Activity		Clearance Reason			
Vehicle Traveling		Date of Clearance			
Cross Street		Reporting Agency	DETROIT POLICE DEPARTMENT		
Means		Division	VICE SECTION		
Other Means		Notified			
Motive					
Other Motives					

Report Narrative ON THE ABOVE DATE AND TIME, VICE ENFORCEMENT, NARCOTICS CODE 3025 AND 2913 AND TACTICAL MOBILE, DISTRICT EXECUTED A SEARCH WARRANT NUMBER 08001827 ON 5141 ROSA PARKS BLVD WITH THE FOLLOWING ENFORCEMENT ACTIONS:

DEF. 1: ENGAGER, DOORMAN: JOSEPH TIMLIN, W/M/24, 12/14/83 OF 1139 SAINT AUBIN, HAMTRAMCK, MI. ISS ORD U42346408 FOR "ENGAGE IN ILLEGAL OCCUPATION" BY LT. V. YOST.

DEF. 2: ENGAGER, BARTENDER: JENNIFER ANNE SCHRAEDER, W/F/26, 5/5/82 OF 31666 NIXON, BEVERLY HILLS, MI. ISS ORD U42346308 FOR "ENGAGE IN ILLEGAL OCCUPATION" BY SGT. DANIEL BUGLO.

DEF. 3: ENGAGER, DOORMAN: CHRISTOPHER KANE SHOEMAKER, W/M/29, 6/17/78 OF 472 KIMBERLY APT. 101 LAKE ORION, MI. ISS ORD U42346208 FOR "ENGAGE IN ILLEGAL OCCUPATION" BY LT. YOST.

DEF. 4: ENGAGER, HOUSEMAN: BRANDON LOUIS WALLEY, W/M/32, 10/16/75 OF 27 E. WILLIS APT. 18, DETROIT, MI. ISS ORD U42346108 FOR "ENGAGE IN ILLEGAL OCCUPATION" BY SGT. DANIEL BUGLO.

DEF. 5: KAYLA ARLETTE-WHITNEY BURTON, W/F/ 21, 4-15-87 OF 15805 W. 11 MILE APT 105, SOUTHFIELD, MI. ISS ORD U42368208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO C. COLEMEN.

DEF. 6: MEGAN MARIE LLAMAS, W/F/24, 7/31/83 OF 203 COLLEGE, FERNDALE, MI. ISS ORD U42368108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. CARTER.

DEF. 7: STEVEN BRIAN KEYCIA, W/M/20, 7/28/88 OF 51490 S. ADELLE, NEW BALTIMORD, MI. ISS ORD U42343008 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. CARSON.

DEF. 8: CANDICE ELISABETH BRANDELIK, W/F/18, 12/13/89 OF 15650 ASPEN DRIVE, MACOMB TWP., MI. ISS ORD U42342808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. WHEELER.

DEF. 9: MARY CATHERINE FRASER, W/F/20, 6/14/88 OF 23096 ROANOKE AVE. OAK PARK, MI. ISS ORD U42342708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. HOLYFIELD.

DEF. 10: NATALIE ELISE VIVIANO, W/F/21, 7/15/86 OF 47421 NORTH AVE., MACOMB TWP., MI. ISS ORD U42342308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO C. COLEMAN.

DEF. 11: CHELSEA MACLEDD SCHULTZ, W/F/19, 5/24/89 OF 14153 FOUR LAKES DRIVE, STERLING HEIGHTS, MI. ISS ORD U42342208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. CARTER.

DEF. 12: JESSICA MARIE CROWLEY, W/F/27, 5/31/82 OF 960 EMWILL ST., FERNDALE, MI. ISS ORD U42342108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. J. PRITCHETT.

DEF. 13: SUSAN MARY MOCLZELEWSKI, W/F/19, 10/1/88 OF 14321 TROY ST. TAYLOR, MI. ISS ORD U42345708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

# DETROIT POLICE DEPARTMENT CRIME REPORT

DETROIT POLICE DEPARTMENT

Case No. 0805310096  
Report No. 0805310096.1  
Report Date: 5/31/2008

# 2

Page 2 of 7

DEF. 14: OLIVIA MARIE PIZZO, W/F/18, 11/8/89 OF 810 TIMBERLINE DR. ROCHESTER HILLS, MI. ISS ORD U42345508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO T. GRAY.

DEF. 15: ASHLEY RENEE LISI, W/F/18, 3/13/90 OF 15345 GLENHURST, SOUTHGATE, MI. ISS ORD U42345308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. PASSMORE.

DEF. 16: MEGAN DANIELLE SMEDLEY, W/F/ OF 10600 MT. VERNON APT 2, TAYLOR, MI. ISS ORD U42345208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO. S. JOHNSON.

DEF. 17: BRITTANY ELIZABETH DALLAS, B/F/19, 3/2/89 OF 17704 TOEPFER, EASTPOINTE, MI. ISS ORD U42343708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. PASSMORE.

DEF. 18: DARLENE CELESTE HELLENBERG, W/F/25, 12/1/82 OF 203 COLLEGE ST. FERNDALE, MI. ISS ORD U42343508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

DEF. 19: LINDSE MRE UMLAUF, W/F/19, 9/18/80 OF 831 JEWELL ST. FERNDALE, MI. ISS ORD U42343608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

DEF. 20: JENNIFER LYNN AGAR, W/F/24, 3/13/84 OF 21034 ONTACHA ST. FARMINGTON HILLS, MI. ISS ORD U42345108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. DANIEL BUGLO

DEF. 21: JESSICA LYNN MARTIN, W/F/22, 6/17/85 OF 13210 BLOOMFIELD AVE. WARREN, MI. ISS ORD U42345808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. PASSMORE.

DEF. 22: MADELINE BARICK, W/F/19, 3/29/89 OF 37612 ADRIAN, STERLING HGTS., MI. ISS ORD U42341308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. SINGLETON.

DEF. 23: JESSICAL NICOLE DECKER, W/F/25, 6/10/82 OF 1975 BELMONT, HAMTRAMCK, MI. ISS ORD U42341208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. KISSELBURG.

DEF. 24: RYAN PAUL GATES, W/M/21, 9/11/86 OF 7033 N. BLAIR AVE. ROYAL OAK, MI. ISS ORD U42367508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. COBB-SANDERS.

DEF. 25: JOY ALICIA WELLS, B/F/20, 12/01/87 OF 29224 LANCASTER DR. #208, SOUTHFIELD, MI. ISS ORD U42343108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO T. GRAY.

DEF. 26: ERIN ELIZABETH ELLIS, W/F/22, 2/10/86 OF 4012 BAGLEY DETROIT, MI. ISS ORD U42341108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO PEACAL.

DEF. 27: MEGHAN HODGES, W/F/19, 12/9/88 OF 2706 KIPLING AVE. BERKLEY, MI. ISS ORD U42344808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO G. JOHNSON.

DEF. 28: PATRICIA ANN SAGY, W/F/23, 3/7/85 OF 1109 S. GENEVA DR. DEWITT, MI. ISS ORD U42344508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO G. JOHNSON.

DEF. 29: ASHLEY KATHERINE MOORE, B/F/21, 4/29/87 OF 21640 VIRGINIA SOUTHFIELD, MI. ISS ORD U42342508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO G. JOHNSON.

DEF. 30: AMANDA LYNN MILKE, W/F/18, 10/23/89 OF 13316 TALBOX AVE. HUNTINGTON WOODS, MI. ISS ORD U42344608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. KISSELBURG.

DEF. 31: CHELSEA H. MACHER, W/F/18, 3/22/90 OF 43499 PETRUCCI, CLINTON TWP., MI. ISS ORD U42342408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. KISSELBURG.

DEF. 32: ELISE STRASZ W/F/19, 9/3/88 OF 5101 TRUMBULL, DETROIT, MI. ISS ORD U42343208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JACKSON.

DEF. 33: ANNA STOTLAND, W/F/19, 12/22/88 OF 6713 SCOTCH LAKE DR. W. BLOOMFIELD, MI. ISS ORD U42344308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JACKSON.

DEF. 34: LINDSAY ANNE STOVER, W/F/27, 5/1/81 OF 1415 PARKER, DETROIT, MI. ISS ORD U42344108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO C. HOPKINS.

DEF. 35: JACQUE SUTTON, W/M/21, 5/22/87 OF 170 MOROSS ST. MOUNT CLEMONS, MI. ISS ORD U42367708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. A. POTTS.

DEF. 36: SAMANTHA GOLD, W/F/18, 10/2/89 OF 46701 KOBEWATER, MACOMB, MI. ISS ORD U42343308 FOR "LOITER IN A

# DETROIT POLICE DEPARTMENT CRIME REPORT

DETROIT POLICE DEPARTMENT

Case No. 0805310096  
 Report No. 0805310096.1  
 Report Date: 5/31/2008

# 3

Page 3 of 7

PLACE OF ILLEGAL OCCUPATION" BY PO. K. SINGLETON.

DEF. 37: STEPHANIE HOLLANDER, W/F/20, 11/6/87 OF 7269 CREEKS BEARD CT. W. BLOOMFIELD, MI. ISS ORD U42344208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. SINGLETON.

DEF. 38: GABRIELLE RENTZ, W/F/18, 11/18/89 OF 35165 KESLER CT. CLINTON TWP, MI. ISS ORD U42344708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. SINGLETON.

DEF. 39: CORINNIE DENOMME, W/F/19, 4/3/89 OF 204 ROBERTSON, MT. CLEMONS, MI. ISS ORD U42343408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. PENN.

DEF. 40: ANTHONY JOSEPH PRATT, W/M/20, 12/12/87 OF 2679 BACON AVE. BERKLEY, MI. ISS ORD U42368908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. LAWS.

DEF. 41: AUSTIN JONES, W/M/20, 7/5/87 OF 6682 SWARTOUT RD. ALGONAC, MI. ISS ORD U42368808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. CARSON.

DEF. 42: ASHLEY RAE HOGAN, W/F/20, 8/24/87 OF 18865 CASS AVE. APT 102, CLINTON TWP., MI. ISS ORD U42368708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. J. PRITCHETT.

DEF. 43: CARLOS ANTONIO PADILLA, W/M/19, 9/19/88 OF 367 MCMILLAN RD. GROSSE PTE., MI. ISS ORD U42368508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. HOLYFIELD.

DEF. 44: CAMILE JAY POMAVILLE, W/F/18, 1/19.80 OF 17089 WHITE PLAINS DR., MACOMB, MI. ISS ORD U42368608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. WHEELER.

DEF. 45: MARIAN LOUISE SCHMIDT, W/F/19, 1/31/89 OF 641 UNIVERSITY PLACE, GROSSE PTE., MI. ISS ORD U42368408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO C. COLEMAN.

DEF. 46: AUDRIANNA LIZETTE ALVARADO, B/F/18, 7/10/89 OF 17395 FENTON DETROIT, MI. ISS ORD U42368308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. LAWS.

DEF. 47: BRITTANY KIMBERLY JESTICE, W/F/22, 4/18/86 OF 505 FORT DEARBORN ST. DEARBORN, MI. ISS ORD U42340408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO T. GRAY.

DEF. 48: LEAH CHRISTIAN GARVONIC, W/F/20, 8/26/87 OF 39757 BERKLEY, CLINTON TWP., MI. ISS ORD U42344408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. PENN.

DEF. 49: KIMBERLY GEORGINA KHAMO, W/F/20, 1/31/88 OF 5255 MAIN ST. CLAWSON, MI. ISS ORD U42340308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

DEF. 50: TABITHA TABY, W/F/21, 10/24/86, OF 2217 SALMON ST. MANCHESTER, NH. ISS ORD U42367208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. NEWTON.

DEF. 51: BRIAN EDWARD, W/M/19, 1/8/89 OF 17617 MARGATE AVE. LATHRUP VILLAGE, MI. ISS ORD U42367108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. COBB-SANDERS.

DEF. 52: JENNA MARIE RINKE, B/F/18, 4/21/89 OF 37875 HOBARTH RD. CHESTERFIELD TWP. ISS ORD U42345608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. C. TURNER.

DEF. 53: SARAH CATHERINE MERCURY, W/F/25, 7/26/82 OF 2720 ROSA PARKS BLVD. DETROIT, MI. ISS ORD U42345408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO T. GRAY.

DEF. 54: LYNN MARIE LOSH, W/F/20, 12/10/87 OF 15754 LENORE, REDFORD, MI. ISS ORD U42346008 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

DEF. 55: MICHELLD RUTH RUNDE, W/F/21, 5/24/87 OF 1551 W. DAVISON LAKE RD. OXFORD, MI. ISS ORD U42340208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO C. JENKINS.

DEF. 56: NICOLE PEDLEY, W/F/20, 5/24/88 OF 20914 HAYES, TAYLOR, MI. ISS ORD U42344908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. PENN.

DEF. 57: JOSHUA WILSON, W/M, 5/9/83 OF 2242 15TH ST. WYANDOTTE, MI. ISS ORD U410092508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO B. COLE.

DEF. 58: ROBERT ANTHONY MOGLIA, W/M, 10/30/77 OF 1924 AXTELL DR. APT 4 TROY, MI. ISS ORD U41092408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. G. MCWHORTER.

# DETROIT POLICE DEPARTMENT CRIME REPORT

DETROIT POLICE DEPARTMENT

Case No. 0805310096  
 Report No. 0805310096.1  
 Report Date: 5/31/2008

4

Page 4 of 7

DEF. 59: NEIL MATOUKA, W/M, 6/3/88 OF 24040 REPUBLIC, OAK PARK, MI. ISS ORD U41092308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. COBB-SANDERS.

DEF. 60: MICHAEL PETER WHITE, W/M, 6/16/83 OF 9706 N. 17TH, PLAINWELL, MI. ISS ORD U41092208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO B. COLE.

DEF. 61: ALEXANDER OWEN ELSO, W/M, 9/21/87 OF 184 BEOLAND, MT. CLEMENS, MI. ISS ORD U42363908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. BROWN.

DEF. 62: JAMES WILLIAM WASHINGTON, B/M, 11/2/80 OF 13887 MACKAY, DETROIT, MI. ISS ORD U42363708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. BROWN.

DEF. 63: JORDAN GREGORY CALAMIA W/M, 8/18/88 OF 40377 MOUNT VERNON DR. STERLING HEIGHTS, MI. ISS ORD U42366008 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO G. JOHNSON.

DEF. 64: CAMILO ACOSTA, W/M/18, 7/27/89, OF 14884 ATWATER DR. STERLING HGTS., MI. ISS ORD U42361608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

DEF. 65: ROBERT ANDREW ST. W/M/21, 15721 CAMDEN DR. MACOMB, MI. ISS ORD U42361508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. DANIEL BUGLO.

DEF. 66: BURI AHMED KHAN, W/M, 5/13/84 OF 1913 E. LINCOLN AVE. ROYAL OAK, MI. ISS ORD U42361008 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

DEF. 67: CAITLIN DWNE BRUCE-CAMPO, W/F, 2/18/89, OF 39500 CHART ST. HARRISON TWP., MI. ISS ORD U42361408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

DEF. 68: PETER RICHARD GIBBS, W/M/21, 4/21/87 OF 549 TROYWOOD DR. TROY, MI. ISS ORD U41093908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. HOLYFIELD.

DEF. 69: BRIAN JAMES ROZMAN, W/M/35, 11/27/72 OF 1837 BEECHMONT, DEEGO HARBOR, MI. ISS ORD U42361308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

DEF. 70: MICHAEL WAYNE MALOSEVICH, W/M, 6/18/86 OF 436 W. DRAYTON, FERNDALE, MI. ISS ORD U41092108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO B. COLE.

DEF. 71: MATTHEW STEVEN SMYTH, W/M/22, 12/12/85 OF 15438 LEONA DR. REDFORD, MI. ISS ORD U42361208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. PASSMORE.

DEF. 72: ANTHONY ALAN CARUSO, W/M/24, 4/24/84, OF 825 SE BIDWELL, PORTLAND, OR. ISS ORD U42365908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. SINGLETON.

DEF. 73: JAMES WILLIAM WASHINGTON, B/M, 11/2/80 OF 13887 MACKAY, DETROIT, MI. ISS ORD U42363708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. MCWHORTER.

DEF. 74: PATRICK DAVIS W/M, 2/11/86 OF 5256 JAIME LN. FLUSHING, MI. ISS ORD U42363508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. COBB-SANDERS.

DEF. 75: NICHOLAS JOHN ERNST, W/M, 9/25/81 OF 1765 GARDENIA APT 215, ROYAL OAK, MI. ISS ORD U42363608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. LAWS.

DEF. 76: NATHANIEL PRICE, W/M, 9/6/87 OF 604 W. LEWISTON AVE. FERNDALE, MI. ISS ORD U42363208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. A. POTTS.

DEF. 77: DOUGLAS ADDISON HODGES, W/M, 10/28/85 OF 8166 TURNTABLE, GROSSE ILLE, MI. ISS ORD U42363108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. NEWTON.

DEF. 78: AARON BONDROFF, W/M, 12/2/82, OF 14361 WESTPOINT ST. TAYLOR, MI. ISS ORD U42363308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. COBB-SANDERS.

DEF. 79: GEORGE STRICKLAND, W/M/20, 11/02/87 OF 8545 GLENGARRY RD. GROSSE ILLE, MI. ISS ORD U42365808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. PENN.

DEF. 80: JOSEPH PISTONO JR. W/M/22, 2/27/86 OF 41874 POND VIEW DR. STERLING HEIGHTS, MI. ISS ORD U42365708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. KISSELBURG.

# DETROIT POLICE DEPARTMENT CRIME REPORT

DETROIT POLICE DEPARTMENT

Case No. 0805310096  
 Report No. 0805310096.1  
 Report Date: 5/31/2008

# 5

Page 5 of 7

DEF. 81: JACOB TIMLIN, W/M, 9/18/72 OF 27111 PARK CT. MADISON HGTS., MI. ISS ORD U41094108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. COBB-SANDERS.

DEF. 82: ADAM CORNELIUS, W/M/25, 10/24/82, OF 3720 WINCHELL AVE. APT. P305, KALAMAZOO, MI. ISS ORD U42365608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO G. JOHNSON.

DEF. 83: JAMES GROSS, W/M, 2/23/87, OF 47729 FALCON DR. SHELBY TWP., MI. ISS ORD U41092708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. COBB-SANDERS.

DEF. 84: ZACHARY VARELA, W/M/20, 4/21/88 OF 19342 BRANDYWINE RIVERVIEW, MI. ISS ORD U42365408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JACKSON.

DEF. 85: STEPHEN PAUL WEBSTER, W/M/25, 3/3/83 OF 4409 W. ISABELLA, SHEPHERD, MI. ISS ORD U42365508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. SINGLETON.

DEF. 86: JASON ANTHONY LEVERETTE-SAUNDERS, W/M, 6/11/83 OF 16232 NORMANDY ST. DETROIT, MI. ISS ORD U41092808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO T. GRAY.

DEF. 87: JAMES WILLIAM CZECH, W/M/25, 4/16/83 OF 20304 HOLLYWOOD, HARPER WOODS, MI. ISS ORD U42365108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. KISSELBURG.

DEF. 88: DANIEL BRANCHEAU, W/M/24, 1/30/84, OF 9615 BLAXY ST. TAYLOR, MI. ISS ORD U42365308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. SINGLETON.

DEF. 89: JOSHUA ADAMS, W/M/27, 5/20/81 OF 337 FORD AVE. WYANDOTT, MI. ISS ORD U42365208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. PENN.

DEF. 90: PATRICK DEWAN, W/M/19, 8/4/88 OF 8440 YALE, OAK PARK, MI. ISS ORD U42342008 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO G. JOHNSON.

DEF. 91: DOKA JUNCAJ, W/M, 6/25/90, OF 16972 COMPANIA, MACOMB TWP., MI. ISS ORD U42341908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. SINGLETON.

DEF. 92: MOLLY ANN BLAKLWSKI, W/F/17, 1/25/91 OF 580 BOLINGER, ROCHESTER HILLS, MI. ISS ORD U42341708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. PENN.

DEF. 93: ASHLEY JOSEPHINE CARNAGHI, W/F/23, 6/22/84 OF 19374 CUMBERLAND WAY, DETROIT, MI. ISS ORD U42341608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. KISSELBURY.

DEF. 94: MARTHA WOJTASZCK, W/F/20, 8/23/87 OF 1324 KEYWEST, TROY, MI. ISS ORD U42341408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JACKSON.

DEF. 95: THOMAS MAHLER, W/M, 9/2/87 OF 741 W. LEWISTON AVE., FERNDALE, MI. ISS ORD U42364008 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO B. COLE.

DEF. 96: IAN MOBLEY, W/M, 11/6/87 OF 18157 MULBERRY ST. RIVERVIEW, MI. ISS ORD U42367608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. A. POTTS.

DEF. 97: JASON WYSOCKI, W/M, 8/24/87 OF 21669 OVERLAND CT. MACOMB TWP., MI. ISS ORD U42363808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. G. MCWHORTER.

DEF. 98: STEPHEN MICHAEL BROWN, B/M/22, 1/13/86 OF 24240 ITHACA ST. OAK PARK, MI. ISS ORD U42361108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

DEF. 99: MICHAEL THOMAS ROZMAN, W/M, 10/30/71 OF 1837 BEECHMONT ST. KEEGO HARBOR, MI. ISS ORD U42343908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. DANIEL BUGLO.

DEF. 100: THOMAS ANTHONY COLE, W/M/20, 2/22/88 OF 20917 IVY CIRCLE, MACOMB TWP., MI. ISS ORD U42360808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. TURNER.

DEF. 101: DAMIEN RYAN MAYO, B/M/24, 2/5/84 OF 5644 MARTELL DR. TROY, MI. ISS ORD U42360908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

DEF. 102: BRUCE RUSSELL NICHOLS, JR., W/M/22, 10/30/85 OF 30 N. EDGEWOOD DR. GROSSE POINTE, MI. ISS ORD U42360308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

DEF. 103: SCOTT THOMAS HUGHES, W/M/23, 10/23/84 OF 21450 HCL JACKSON, GROSSE ILLE., MI. ISS ORD U42360208

# DETROIT POLICE DEPARTMENT CRIME REPORT

DETROIT POLICE DEPARTMENT

Case No. 0805310096  
Report No. 0805310096.1  
Report Date: 5/31/2008

# 6

Page 6 of 7

FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. C. TURNER.

DEF. 104: AMADA B. SANDRIK, W/F/19, 12/25/88 OF 12908 GRANDE POPLAR CR., PLAINFIELD, IL. ISS ORD U42340508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. C. TURNER.

DEF. 105: JOEL DANIEL AXNER, W/M/26, 3/16/82 OF 1808 MEADOW WOOD, YPSILANTI, MI. ISS ORD U42340608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

DEF. 106: MARK JULIUS KISELIVOAS, W/M/24, 3/22/84 OF 50 W. BERNHARD AVE. HAZEL PARK, MI. ISS ORD U42360108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON

DEF. 107: STEFANIE MARIE BOCKENSTELT, W/F/20, 8/7/87 OF 23225 LAKEWOOD ST. CLINTON TWP., MI. ISS ORD U42340108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. C. TURNER.

DEF. 108: ANGELA SEXTON, W/F, 7/24/87 OF 1348 FIELDING, FERNDALE, MI. ISS ORD U42341508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO G. JOHNSON.

DEF. 109: JENNIFER ANN MOORE, W/F/19, 5/31/89 OF 37201 WILLOW LN, CLINTON TWP., MI. ISS ORD U42341008 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

DEF. 110: DERRICK WALKER, W/M, 9/18/85 OF 321 E. 11 MILE RD. 205, ROYAL OAK, MI. ISS ORD U42367408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. LAW.

DEF. 111: MICHAEL STEVEN DICLAUDIO, W/M, 9/14/87 OF 8610 FERRY RD. GROSSE ILE, MI. ISS ORD U42367808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. LAW.

DEF. 112: DALTON TOSOLT, W/M, 8/2/89 OF 321 E. 11 MILE RD. ROYAL OAK, MI. ISS ORD U42367908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. COBB-SANDERS.

DEF. 113: BRETT ADAM DONLON, W/M, 10/18/88 OF 1459 17TH, WYANDOTTE, MI. ISS ORD U42368008 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. NEWTON.

DEF. 114: MICHAEL THOMAS, W/M, 4/21/86 OF 22047 DAND, EASTPOINTE, MI. ISS ORD U42367308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. COBB-SANDERS.

DEF. 115: BRITTANY ANN VERCAK, W/F/18, 4/23/90, OF 11358 BRYDEN, TAYLOR, MI. ISS ORD U42340908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. PASSMORE.

DEF. 116: RYAN KEITH SAVOIE, W/M, 10/28/83 OF 3052 SUNRISE DR. CROWN POINT, IN. ISS ORD U42340808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. C. TURNER.

DEF. 117: ANGIE WONG, W/F/22, 2/2/86, OF 20307 SUNNYSIDE ST. ST. CLAIR SHORES, MI. ISS ORD U42345908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. C. TURNER.

DEF. 118: CHAD MICHAEL MEDINA, W/M/23, 9/28/84, OF 23524 PINWOOD, TAYLOR, MI. ISS ORD U42340708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

DEF. 119: MICHAEL ANTHONY MAZZOLE, W/M, 5/24/87 OF 143 S. HIGHLAND, MT. CLEMENS, MI. ISS ORD U42363408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. LAWS.

DEF. 120: ERIK SCOTT-PEARSON JOHNSON, W/M/18 OF 158 MAPLEFIELD RD. PLEASANT RIDGE, MI. ISS ORD U41093408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. WHEELER.

DEF. 121: MICHAEL BENNETT FELLSMAN, W/M/20, 9/8/87 OF 37635 CHARTER OAKS BLVD. CLINTON TWP., MI. ISS ORD U42360608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. C. TURNER.

DEF. 122: MARK JEROME KAISER, W/M, 1/18/61 OF 31315 CARION DR., WARREN, MI. ISS ORD U42360508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

DEF. 123: PAUL MATTHEW KAISER, W/M/37, 6/22/70 OF 676 WINDSONG DR., ROCHESTER HILLS, MI. ISS ORD U42360408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

DEF. 124: CHRISTOPHER ROBERT FIGLIOLI, W/M/20, 5/21/88 OF 21067 WOODLAND, MACOMB TWP., MI. ISS ORD U42360708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. PASSMORE.

DEF. 125: DEVON DERMOTT-PAUL MITCHELL, JR., B/M/24, 3/3/84 OF 5190 BRONCO DR. CLARKSTON, MI. ISS ORD U41093808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO C. COLEMAN.

# DETROIT POLICE DEPARTMENT CRIME REPORT

DETROIT POLICE DEPARTMENT

Case No. 0805310096  
 Report No. 0805310096.1  
 Report Date: 5/31/2008

7

Page 7 of 7

DEF. 126: ROBERT JOHN ROBINETTE, W/M/25, 3/4/83 OF 3/4/83 OF 2535 ROMENCE RD. PORTAGE, MI. ISS ORD U41093608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. J. PRITCHETT.

DEF. 127: ROBERT EMMETT MCLEOD III, W/M/25, 1/14/83, OF 607 FARMDALE, RD., FERNDALE, MI. ISS ORD U41093708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. J. PRICHETT.

DEF. 128: JAKE ANDREW GROSS, W/M/21, 10/26/86 OF 8863 CARRIAGE HILL DR., SHELBY TWP., MI. ISS ORD U41093508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. WHEELER.

DEF. 129: CHRISTOPHER ANDY KRSTESKI, W/M/27, OF 38688 BYRIVER ST. CLINTON TWP., MI. ISS ORD U42343808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. CARTER.

DEF. 130: JOEL ALEXANDER BERNIER, W/M/29, 2/13/79 OF 39063 EARLY DRIVE, STERLING HGTS., MI. ISS ORD U41093308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. HOLYFIELD.

DEF. 131: GARRETT PATRICK VERNON, W/M/18, 6/28/69 OF 12350 LENNRY AVE. SHELBY TWP., MI. ISS ORD U41093208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO C. COLEMAN.

DEF. 132: KATY LEE SMOTHERMAN, W/F/21, 2/16/87 OF 932 E. 11 MILE RD., ROYAL OAK, MI. ISS ORD U41093108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. CARTER.

DEF. 133: LACEY ANNE POMAVILLE, W/F/18, 1/19/90 OF 17089 WHITE PLAINS DRIVE, MACOMB TWP., MI. ISS ORD U42369008 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. J. PRITCHETT.

DEF. 134: ANTHONY EDWARD PEDALINO, W/M, 1/29/85 OF 932 DEWEY, ANN ARBOR, MI. ISS ORD U41092608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. BROWN.

LT. VICKI YOST, BADGE L-112 AND SERGEANT DANIEL BUGLO, BADGE S-444, BOTH ASSIGNED TO VICE ENFORCEMENT, ENTERED THE LOCATION IN AN UNDERCOVER CAPACITY TO CONFIRM ILLEGAL ACTIVITY. WRITER AND PARTNER WERE CHARGED A \$5.00 COVER CHARGE AND A \$3.00 MEMBERSHIP FEE. WRITER OBSERVED SEVERAL PATRONS WITH ALCOHOL. WRITER AND PARTNER PURCHASED BEER FROM THE BAR AT \$4.00 A CUP. AT APPROX. 2:10AM, PATRONS WERE STILL BEING ALLOWED INTO THE LOCATION AND THE BAR WAS STILL OPEN. LT. YOST NOTIFIED THE RAID CREW AND SAME EXECUTED THE ANTICIPATORY SEARCH WARRANT. WRITER WAS THE AFFIANT ON THE SEARCH WARRANT.

NOTE: A PINK PURSE BELONGING TO CAITLIN D. BRUCE-CAMPO, W/F OF 39500 CHART ST., HARRISON TWP. PHONE 586-792-7416, CONTAINING NO VALUABLES, WAS RELEASED TO JACOB TIMLIN, PH. 586-931-5042 PER HER (CAITLIN.) LT. YOST SPOKE TO MS. BRUCE-CAMPO.

## Offense Detail: 5393 - DISORDERLY CONDUCT (OTHER)

Offense Description	5393 - DISORDERLY CONDUCT (OTHER)	Location	05 - COMMERCIAL/OFFICE BUILDING
IBR Code	90C - DISORDERLY CONDUCT	Offense Completed?	NO
IBR Group	B	Hate/Bias	00 - NONE (NO BIAS)
Crime Against	SO	Domestic Violence	NO
Offense File Class	53001 - DISORDERLY CONDUCT		
PACC			
Local Code			
Using			
Criminal Activity			
Weapons			



Vicki Yost  
12/20/2011

EXHIBIT 12

1 INDEX TO EXAMINATIONS

2 Witness Page

3 INSP. VICKI L. YOST

4

5 EXAMINATION BY MR. GOODMAN:..... 6

6 EXAMINATION BY MS. GIAQUINTO:..... 151

7 RE-EXAMINATION BY MR. GOODMAN:..... 152

8

9 INDEX TO EXHIBITS

10

11 Exhibit Page

12 (Exhibits attached to transcript)

13 NOTE: Exhibits listed in order presented.

14

15 DEPOSITION EXHIBIT 1

16 activity log, 3-28-08 ..... 34

17 DEPOSITION EXHIBIT 2

18 PCR dated 3-29-08 ..... 36

19 DEPOSITION EXHIBIT 3

20 PCR dated 4-26-08 ..... 45

21 DEPOSITION EXHIBIT 4

22 DPD CRISNET report dated 5-31-08 ..... 56

23 DEPOSITION EXHIBIT 5

24 DPD activity log, 5-30-08 ..... 83

25

**Vicki Yost**  
**12/20/2011**

1 INDEX TO EXHIBITS (CONTINUED)

2

3 DEPOSITION EXHIBIT 6

4 part of standard operation procedures .. 106

5 DEPOSITION EXHIBIT 7

6 inter-office memo, 3-11-10 ..... 135

7 DEPOSITION EXHIBIT 8

8 CRISNET report, 6-2-08 ..... 137

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Vicki Yost  
12/20/2011

Page 60

1 A. There are rules and laws against BYOB, bring your  
2 own beer or alcohol, yes.

3 Q. Other than those actions did you see any illegal  
4 activities by anyone in the CAID at any time or  
5 outside the CAID?

6 A. Other than the failure to have a liquor license,  
7 the sale after 2 AM and the prevalent use of  
8 marijuana?

9 Q. Yes?

10 A. And the bringing of alcohol into the location?

11 Q. Right.

12 A. I think that covers it.

13 Q. Did you see any weapons?

14 A. No.

15 Q. Did you see any violence?

16 A. No.

17 Q. Was there any form of briefing of the officers  
18 who would be involved in the raid before the raid  
19 took place?

20 A. Yes.

21 Q. Where was that?

22 A. I don't recall.

23 MR. ASHFORD: I'm going to object to  
24 that to the extent it calls for confidential law  
25 enforcement information.

Vicki Yost  
12/20/2011

Page 68

1 rephrase the question.

2 BY MR. GOODMAN:

3 Q. At the time the raid was called in the decision  
4 to call in the raid was your decision as the  
5 commanding officer of the unit, was it not?

6 A. In this instance it would have been my decision,  
7 yes.

8 Q. And at that time that that decision was made you  
9 were well aware, were you not, that everybody who  
10 was in the establishment would receive a citation  
11 for loitering or for engaging in an illegal  
12 occupation, is that right?

13 MS. GIAQUINTO: Objection, foundation.

14 You can answer if you can.

15 A. I was aware.

16 BY MR. GOODMAN:

17 Q. And that would be regardless of whether they were  
18 drinking, is that right?

19 A. Not necessarily.

20 Q. You mean there might be a situation when someone  
21 would not be given a citation if they were not  
22 drinking?

23 A. I'm sure there were possibilities. I'm not sure  
24 what happened here in terms of -- my experience  
25 and my observations were that the people present

Vicki Yost  
12/20/2011

Page 72

1 as large as the one on this particular night?

2 A. I'm sorry?

3 Q. What range of times were involved in processing a  
4 group as large as the group that was involved at  
5 the CAID on May 31, 2008?

6 A. How long did it take to process?

7 Q. In general, yeah. What's the average or what's  
8 the longest, what's the shortest, that type of  
9 thing?

10 A. I don't want to speculate.

11 Q. You knew it could take hours, didn't you?

12 A. To do what?

13 Q. To process a group this large?

14 A. It may.

15 Q. So there would be people who would be detained  
16 for that length of time, is that right?

17 A. They were pending processing.

18 Q. I'm sorry?

19 A. There could be.

20 MR. ASHFORD: Can you keep your voice  
21 up?

22 MR. GOODMAN: I'm sorry.

23 BY MR. GOODMAN:

24 Q. Taking a look at Exhibit 4, in addition to the  
25 narrative that we've just discussed what other

Vicki Yost  
12/20/2011

Page 81

1 alcohol was being sold without a license at that  
2 location, is that right?

3 A. No, it isn't. You said arrest.

4 Q. I'm sorry, you're right. Let's go back then to  
5 citations. Is it your understanding then that  
6 people would be given a citation for loitering at  
7 a location where alcohol was being sold without a  
8 license or being sold after hours, regardless of  
9 whether they had knowledge of whether the place  
10 was licensed or not?

11 Was that your understanding at the  
12 time?

13 A. I don't think that's accurate either.

14 Q. How is that inaccurate?

15 A. Well, one, I mean after hours sales of alcohol 2  
16 AM is a commonly known thing. That's why bars  
17 close, etc, etc, so that would be fair notice to  
18 the after hours sales.

19 As far as the blind pig activity, we  
20 did not -- for them not having any license, we  
21 did not execute until after such time that people  
22 should have been familiar with that information  
23 that alcohol was being sold after hours.

24 Q. So that's the reason that you executed after 2  
25 AM, is that right?

Vicki Yost  
12/20/2011

Page 82

1 A. That was in part a reason, yes.

2 Q. Because then you said people should have fair  
3 notice that sales were being -- purchases were  
4 being made and alcohol was being sold after 2 AM,  
5 is that right?

6 A. In part.

7 Q. What else?

8 A. There would be tactical and other considerations  
9 which probably wouldn't be privy to discuss, but  
10 there would be other considerations as to the  
11 time of the execution.

12 Q. How is it that people would be on fair notice  
13 that alcohol was being -- withdraw that question.

14 What time was it that the raid was  
15 called in according to Exhibit 4?

16 A. I'll say it again, I believe the raid was  
17 executed around 2:30 AM.

18 Q. If videotape of the raid showed the raid being  
19 executed at about 2:15 would you have any reason  
20 to disagree with that?

21 A. My recollection is it was executed approximately  
22 2:30.

23 Q. Do you have any documentation of that  
24 recollection?

25 A. Not that's sitting before me, no.

**Vicki Yost**  
**12/20/2011**

Page 83

1 Q. Is there some anywhere?

2 A. There could be.

3 Q. Where?

4 A. There would be an activity log attached to this,  
5 there would be other documents.

6 Q. Let's take a look at that.

7 DEPOSITION EXHIBIT 5

8 DPD activity log, 5-30-08

9 WAS MARKED BY THE REPORTER

10 FOR IDENTIFICATION.

11 Q. Can you identify what's been marked as Exhibit 5?

12 A. It's a Detroit Police Department activity log  
13 dated 5-30-08 for Vice Enforcement.

14 Q. Does it show what time the raid was executed --  
15 the warrant was executed?

16 A. 2:20 AM.

17 Q. Any reason to disagree with that estimate or with  
18 that account?

19 A. My recollection is what my recollection is. The  
20 document isn't going to make me change the  
21 position that, like I said, I recall it being  
22 around 2:30. I said approximately 2:30.

23 If it says 2:20, that might be when  
24 they looked at their watch and saw as the time.

25 Q. Are you saying they're wrong based upon your



**Vicki Yost**  
**12/20/2011**

Page 84

1 recollection or that that's just a rough  
2 estimate?

3 A. I'm saying people have different perspectives.

4 Q. Do you disagree with 2:20?

5 MR. ASHFORD: I'm going to object to  
6 that, asks and answered. She's answered that  
7 several times.

8 BY MR. GOODMAN:

9 Q. Go ahead.

10 A. 2:20 for them could be the time they received the  
11 notification. They would still have to leave  
12 whatever location they were at and then come to  
13 the scene to make entry.

14 2:30 could also be right because of my  
15 recollection of when they came in the door and  
16 executed would be that, so I don't know which one  
17 they were reflecting on this activity log. I did  
18 not prepare said activity log so, like I said,  
19 perspectives can be different.

20 My recollection was it was  
21 approximately 2:30 AM.

22 Q. Is there any other documentation that you can  
23 think of or would there be any other  
24 documentation other than the activity log that  
25 would tell us at what time this warrant was

Vicki Yost  
12/20/2011

Page 85

1 executed?

2 A. I'm sure there could be other documentation.  
3 What it would be at this point, I don't know what  
4 it would be. Like I said, that could be the time  
5 of notification as opposed to the time of entry,  
6 it could be the time of entry. I don't know what  
7 they were recording here.

8 "Execution of search warrant" could be  
9 from the notice to go.

10 Q. What's does the phrase "execution of search  
11 warrant" mean to you?

12 A. It means you're going to execute the search  
13 warrant.

14 Q. Okay. Now, did you at any time go out into the  
15 patio area that we've described and discussed  
16 here earlier?

17 A. On which date?

18 Q. The 31st of May.

19 A. I believe I went out there after the search  
20 warrant was executed, yes.

21 Q. How many people were out in the patio area?

22 A. There were a number. I don't know how many, I  
23 didn't do a headcount.

24 Q. Half a dozen, dozens? Can you give me a rough  
25 estimate or range?

Vicki Yost  
12/20/2011

Page 86

1 A. Between 10 and 25.

2 Q. Was there any alcohol being served in the patio  
3 as far as you know, sold?

4 A. I went out there after the execution of the  
5 search warrant. There was no alcohol being sold  
6 after we had executed the search warrant.

7 Q. Was there any alcohol being sold in the patio  
8 area -- withdraw that question.

9 Do you have any reason to believe there  
10 was any alcohol being sold in the patio area  
11 before you went out there?

12 A. I don't understand.

13 Q. Do you have -- did anyone tell you, did you have  
14 any other reason to believe that someone was  
15 selling alcohol outside in the patio before 2:20  
16 or 2:30 AM on the morning of May 31st?

17 A. I don't know if they were selling alcohol in the  
18 patio prior.

19 Q. That's not my question. My question is, did you  
20 have any reason to believe that there was any  
21 alcohol being sold out there?

22 MR. ASHFORD: Objection to form.

23 MS. GIAQUINTO: You can answer.

24 BY MR. GOODMAN:

25 Q. Go ahead, inspector.

Vicki Yost  
12/20/2011

Page 87

1 A. I don't recall.

2 Q. At this time you can't recall any reason that you  
3 would have had to believe people were selling  
4 alcohol out there, is that right?

5 A. One, I don't understand the question. You're  
6 asking me to -- I don't understand the question  
7 to begin with, so --

8 Q. There were people out in the patio when you were  
9 sitting at the bar observing sales of alcohol, is  
10 that right?

11 A. I wasn't sitting at the bar, but --

12 Q. Near the bar?

13 A. I was standing near the bar.

14 Q. Standing near the bar. Were there people in the  
15 patio as you were standing near the bar?

16 A. I didn't observe the patio. From that location  
17 you cannot observe outside, so you're asking me  
18 to speculate as to what was occurring outside. I  
19 did not observe it.

20 Q. There may or may not have been people on the  
21 patio at that time, is that right?

22 A. There may or may not.

23 Q. That's right. And there may or may not have been  
24 alcohol being sold out there, is that right?

25 MR. ASHFORD: Objection.

Vicki Yost  
12/20/2011

Page 88

1 MS. GIAQUINTO: Objection, foundation.

2 MR. ASHFORD: Object to the form.

3 A. I can't say.

4 BY MR. GOODMAN:

5 Q. You couldn't see what was going on on the patio  
6 as you were standing near the bar, is that right?

7 A. Once I was inside the location, no.

8 Q. So the people who were in the patio, if there  
9 were people in the patio, could not see what was  
10 going on at the bar, is that right?

11 A. At the inside bar, no, they could not.

12 Q. There was no reason for those people to be on  
13 notice that sales were going on after 2 AM in the  
14 morning as far as you know at this time, was  
15 there?

16 A. I don't know.

17 Q. So the reason those people were given citations  
18 -- let me withdraw that question.

19 The people who were in the patio were  
20 given citations, is that correct?

21 A. Actually I'm not going to assume. I believe they  
22 were.

23 Q. And whether -- and they were given citations for  
24 being at a location where alcohol was being sold  
25 that was unlicensed, is that right?

Vicki Yost  
12/20/2011

Page 89

1 A. Yes.

2 Q. And you said you waited until after 2 AM to call  
3 for the raid because the people who could observe  
4 alcohol being sold after 2 AM were on fair notice  
5 that that was happening, is that right?

6 A. That was a consideration. That was not all the  
7 consideration.

8 Q. But that consideration may not have applied to  
9 people who were on the patio who could not see  
10 what was going on in or around the bar, isn't  
11 that right?

12 A. Correct.

13 Q. So the only basis that the people on the patio  
14 were given citations was because they were at or  
15 near a location which was unlicensed which was  
16 selling alcohol?

17 A. They were loitering in a place of illegal  
18 occupation.

19 Q. And loitering consisted of being at or near an  
20 unlicensed place where alcohol was being  
21 provided, is that right?

22 A. Yes.

23 Q. Regardless of whether they knew that the alcohol  
24 was being provided or not, is that right?

25 MR. ASHFORD: Object, call for a legal

Vicki Yost  
12/20/2011

Page 90

1 conclusion. Go ahead.

2 MS. GIAQUINTO: You can answer.

3 A. Regardless whether they were. They were issued  
4 the ticket regardless, yes.

5 BY MR. GOODMAN:

6 Q. And that practice of issuing tickets or citations  
7 for proximity or being in a location, in or  
8 around a location where alcohol was being  
9 provided without a license, was something that  
10 had been happening and the way in which this law  
11 was enforced by the Vice Enforcement Unit before  
12 you got there, is that right?

13 A. I can't speak to what happened before I got  
14 there.

15 Q. Did you ever speak to Debra Fair about--

16 A. You'd have to ask her her interpretation.

17 Q. That's not my question. My question is did you  
18 ever speak with her?

19 A. Yes.

20 Q. Did she tell you about how these raids were  
21 conducted?

22 A. Yes.

23 Q. What did she tell you?

24 A. I don't specifically recall.

25 Q. Did she tell you that they were conducted in the

Vicki Yost  
12/20/2011

Page 91

1 same way that the raid at 5141 Rosa Parks was  
2 conducted on May 31st?

3 A. I don't recall the specific exchange. I do know  
4 we had a general conversation.

5 Q. Was it your understanding -- when you became the  
6 commanding officer of this unit did you change  
7 the manner or way in which these raids were  
8 conducted?

9 A. In some cases, yes.

10 Q. How?

11 A. We actually started to try to reach out to  
12 places. In lieu of executing search warrants we  
13 tried to reach out to locations and advise them  
14 of other ways to obtain a 24-hour permit or  
15 something of that nature.

16 Q. How many such instances of reaching out can you  
17 recall?

18 A. More -- probably more than 10.

19 Q. Now that would involve locations which did have a  
20 license to sell alcohol, is that right?

21 A. No, that would not.

22 Q. Give me an example, if you would, of one of those  
23 instances of reaching out?

24 A. An example is I talked to Aaron Timlin who runs  
25 the CAID prior to the execution of this search



Vicki Yost  
12/20/2011

Page 92

1 warrant and advised him how to get a 24-hour  
2 liquor license and be in compliance with the law  
3 and advised him that he did not have -- he was  
4 aware that he did not have a liquor license and I  
5 advised him how he could go through the process  
6 to ensure that he was complying with the law and  
7 his patrons weren't subject to ticketing or he  
8 wasn't exposed to any nuisance abatement activity  
9 at his location.

10 Q. Do you have any documentation of those contacts  
11 with Aaron Timlin?

12 A. I'd have to look.

13 Q. Well, as you sit here today --

14 A. As I sit here today, no.

15 Q. Let me finish my question, please. As you sit  
16 here today you do believe you have such  
17 documentation somewhere?

18 A. I could.

19 Q. That would be in what form?

20 A. It could be in a variety of forms.

21 Q. What did you tell Mr. Timlin about how he could  
22 get a license?

23 A. The process in which to obtain a 24-hour permit,  
24 how a non-profit would work, what he needed to  
25 do, who he needed to contact, gave him the number

Vicki Yost  
12/20/2011

Page 93

1 of who to contact at Liquor License.

2 So if they wanted to hold fund-raisers

3 -- his assertion was that they wanted to hold

4 fund-raisers, they were raising money and my

5 comment was that you're allowed to get 12 in a

6 year. You only have these events supposedly once

7 a month and that the 24-hour permit process would

8 allow him to do fund-raisers in a legal form and

9 he kind of joked that that was kind of besides

10 the point.

11 Q. How was that a joke?

12 A. He seemed to appreciate the unlawfulness of the  
13 activity and he declined my offer of assistance.

14 Q. How many times did you have conversations with  
15 him about this?

16 A. He showed up the night we executed the search  
17 warrant and I had a long conversation outside  
18 again about how to do it again, even after we  
19 executed the search warrant, about how it could  
20 be proper, how to lawfully proceed if he wanted  
21 to continue to host these types of events.

22 Q. How many times did you talk to him before that  
23 night?

24 A. I know I at least talked to him once. Probably  
25 only that once.

Vicki Yost  
12/20/2011

Page 94

1 Q. When?

2 A. I don't specifically recall.

3 Q. Was it after you made your initial observation of  
4 the CAID in March?

5 A. It was after I knew there was illegal activity  
6 occurring at that location, yes.

7 Q. So that would have been after March of 2008, am I  
8 right?

9 A. Yes. And prior to May 31 of 2008.

10 Q. Was it a telephone conversation or a face-to-face  
11 conversation? What was it?

12 A. I believe the first one was -- actually both of  
13 them was face to face.

14 Q. You went over to the CAID and talked to him or  
15 did he come to your office and speak with you?

16 A. He didn't come to my office. He did not come to  
17 my office.

18 Q. You went to the CAID?

19 A. I don't recall where we had the meeting.

20 Q. Was anyone else present?

21 A. I don't recall.

22 Q. So you've described ways in which you changed the  
23 practices of the Vice Enforcement Unit by  
24 reaching out to Aaron Timlin and others and  
25 trying to help them to get 24-hour licenses to

Vicki Yost  
12/20/2011

Page 95

1 sell alcohol, is that right?

2 A. If it was appropriate. That was the

3 recommendation, if it was the appropriate

4 recommendation. Otherwise we would discuss the

5 illegal activity and impending enforcement.

6 Q. In other words, you warn them that you were going

7 to --

8 A. I told them how to come into compliance with the

9 law and then if they did not, that there would be

10 enforcement activity.

11 Q. That was a change in policy also?

12 A. To the best of my knowledge, yes.

13 Q. Any other changes that you can recall?

14 A. Pertaining to what specifically?

15 Q. Pertaining to the way in which raids were

16 conducted?

17 A. I believe the SOPs were rewritten, the standard

18 operating procedures were rewritten.

19 Q. After when?

20 A. I don't recall.

21 Q. Was it before the raid on the CAID?

22 A. They were rewritten when I was there. At which

23 point, I do not know.

24 Q. What in the SOPs was rewritten?

25 A. I can't specifically recall.

**Vicki Yost**  
**12/20/2011**

Page 96

1 Q. Do you recall any of it at all?

2 A. Not without reviewing it, no.

3 Q. Were there any changes with regards -- in policy  
4 since when you became the commanding officer of  
5 the unit with regard to who would be issued  
6 citations or tickets when a raid such as this was  
7 conducted?

8 A. Were there any changes --

9 Q. In policy?

10 A. In policy about who would get a ticket? Not to  
11 my knowledge.

12 Q. The practice of reaching out as you've described  
13 it and trying to talk to the proprietors of these  
14 kind of operations was a policy change, is that  
15 right?

16 A. I don't know if it's written policy, but it is an  
17 informal practice that was a change in direction  
18 to the best of my knowledge, yes.

19 Q. And who made the decision to change it that way?

20 A. I did.

21 Q. Did you clear it with anybody, with anybody above  
22 you in the chain of command?

23 A. I'm sure I would have, but I don't specifically  
24 recall.

25 Q. Did you advise the other officers who worked in

Vicki Yost  
12/20/2011

Page 97

1 your unit of this change?

2 A. They should have been aware.

3 Q. How should they have been aware?

4 A. We had meetings. Another example, we had a  
5 meeting with various motorcycle clubs similar  
6 where they were having blind pig activity, we had  
7 meetings with them and whatnot.

8 So these meetings were secretive in  
9 nature.

10 Q. Were not secretive?

11 A. Were not.

12 Q. And those meetings occurred at your office, at  
13 motorcycle clubs?

14 A. Neutral location.

15 Q. And you had others from your unit with you when  
16 these meetings took place or was it just you?

17 A. I'm pretty sure I didn't go alone, but I can't  
18 say who went with me.

19 Q. So, Insp. Yost, is it your -- I want to go back  
20 to the discussion you had with Aaron Timlin. How  
21 long did that discussion go on if you can recall?

22 A. To the best of my recollection it was maybe 10  
23 minutes or so, that's a ballpark and a general  
24 vague recollection.

25 Q. You told him that there were special provisions

Vicki Yost  
12/20/2011

Page 98

1 for non-profits that allowed them to get a  
2 24-hour liquor license 12 times a year, something  
3 like that, is that right?

4 A. Yes.

5 Q. Is it your testimony here that had he gotten such  
6 a license this raid never would have happened on  
7 May 31, 2008?

8 A. Had he gotten a proper liquor license and not  
9 sold after hours this raid would not have  
10 occurred.

11 Q. One of those 24-hour licenses?

12 A. Correct.

13 MR. GOODMAN: I would like to take a  
14 brief break if we could. I'm keeping in mind  
15 your concerns about your time.

16 (A recess was taken and Mr. Ashford  
17 not present for rest of deposition).

18 BY MR. GOODMAN:

19 Q. Taking a look -- I want you to go back to Exhibit  
20 4. Let's take one of the -- withdraw that  
21 question.

22 Did you yourself sign any of the  
23 citations that were issued that night to any of  
24 the people?

25 A. I believe so.

Vicki Yost  
12/20/2011

Page 104

1 A. If information comes to my attention that  
2 consideration or exercise of that discretion is  
3 warranted.

4 Q. How is that information brought to your  
5 attention?

6 A. It would depend on the circumstances. Like I  
7 said, in this case I don't recall anything that  
8 came to my attention that drew my review or  
9 consideration.

10 Q. Is there some point at which a decision is made  
11 that everybody who is on the premises at a  
12 particular time after a warrant has been executed  
13 and the raid has occurred is to receive a  
14 citation?

15 A. The people who are loitering in a place of  
16 illegal occupation would be cited.

17 Q. Is there an order given? You're the commanding  
18 officer. Is there an order given by you saying  
19 to either your sergeants or the officers who were  
20 working under them, "Everybody who is here is to  
21 be given a citation"?

22 A. I don't know that there's an order. That was a  
23 practice.

24 Q. And that practice -- at some point after the raid  
25 had occurred did someone say to you, "Should we



Vicki Yost  
12/20/2011

Page 119

1 they're not free to move around and go wherever  
2 they want or leave the building, isn't that  
3 right?

4 A. It's my understanding they would comply with the  
5 directive, yes.

6 Q. And they're not free to move around?

7 A. Correct.

8 Q. And they're not free to go wherever they want?

9 A. Correct.

10 Q. And sometimes that processing where they're not  
11 free to move around or go wherever they want can  
12 take an hour or two hours or more, isn't that  
13 right?

14 A. I don't agree with that characterization.

15 Q. Why, in what way do you disagree?

16 A. Well, I guess maybe I don't understand it. If  
17 you're asking me whether they were told they  
18 can't move for an hour or two, would that be the  
19 usual circumstances, no that would not be the  
20 usual circumstance.

21 Were they not free to leave for that  
22 time, that may be, but as far as not being able  
23 to move --

24 Q. Let's start with not free to leave. They're not  
25 free to leave until after they're processed,

Vicki Yost  
12/20/2011

Page 120

1 isn't that right?

2 A. Yes.

3 Q. Which means they have to stay in a building if  
4 they're in a building, right?

5 A. They have to stay, yes.

6 Q. And sometimes it can take an hour or two hours or  
7 more before they're processed if it's a large  
8 people of group, isn't that right?

9 A. It could.

10 Q. Now, on the back of this exhibit that we've been  
11 talking about there's something called "Raid  
12 Procedures".

13 Have you ever seen this before?

14 A. Yes.

15 Q. This document or something like it?

16 A. Yes.

17 Q. What does it mean when the raid procedures are  
18 listed? What does that advise you as law  
19 enforcement officers was to what is to happen and  
20 what is expected?

21 A. What was the question?

22 Q. Are these instructions to you as the OIC about  
23 how to go about handling the raid?

24 A. Yes.

25 Q. So the first thing it says is you get a search

Vicki Yost  
12/20/2011

Page 128

1 safe if they on their face or it's apparent they  
2 present some threat or possibility of a threat,  
3 is that right?

4 A. They can be searched for officer safety, yes.

5 Q. Any other reasons that you can think of?

6 A. They would all evolve around officer safety for  
7 the most part.

8 Q. Now, after the raid is considered safe they also  
9 can be searched, right?

10 A. They can be.

11 Q. And who makes the decision as to whether they are  
12 to be searched after the raid is considered safe?

13 A. It would probably be the sergeant in charge of  
14 the processing.

15 Q. That would be Sgt. Turner in this particular  
16 instance?

17 A. I believe it was Sgt. Turner.

18 Q. So are you saying that people -- that there is no  
19 practice or policy and was no practice or policy  
20 in the department at that time to search  
21 everybody on the premises, but the decisions were  
22 made on a person-by-person basis?

23 A. I think there was a practice of searching the  
24 individuals. I'm not going to say that there  
25 wouldn't have been exceptions to that.

Vicki Yost  
12/20/2011

Page 129

1 Q. And the practice was to search everybody unless  
2 there was some reason for an exception, is that  
3 right?

4 A. A cursory search, yes.

5 Q. And what does a cursory search consist of?

6 A. You would be looking for officer safety. We're  
7 still dealing with a few officers with large  
8 crowds, so you would be looking for something  
9 like weapons and whatnot.

10 Q. Would it be a frisk, would it be a pat-down,  
11 would it be -- what kind of search?

12 A. It should be something similar to a frisk.

13 Q. Were people expected to turn their pockets inside  
14 out at that time as a part of this kind of  
15 search?

16 A. As a matter of policy?

17 Q. Yeah, or just regular practice?

18 A. Not to my knowledge.

19 Q. Now, going back to the citations that were  
20 issued, these were misdemeanors at the time, is  
21 that right? Loitering was considered a  
22 misdemeanor, if you know?

23 A. Yes.

24 Q. In order to charge someone with a misdemeanor  
25 there has to be probable cause, you know that, is

Vicki Yost  
12/20/2011

Page 130

1 that right?

2 A. Yes.

3 Q. There has to be probable cause to make such a  
4 charge, is that right?

5 A. Yes.

6 Q. Who made the decision of probable cause with  
7 regard to each of these individuals who was  
8 issued a citation of loitering on that date?

9 A. As to each of them?

10 Q. Yeah.

11 A. Probably me.

12 Q. In this particular raid a number of vehicles were  
13 confiscated, is that right?

14 A. I believe so.

15 Q. Were you told at the time that the raid was going  
16 on that the vehicles were being confiscated?

17 A. While it was going on?

18 Q. After?

19 A. Subsequent to the raid I was aware that vehicles  
20 were being confiscated, yes.

21 Q. How were you made aware of that?

22 A. It was a determination made to seize the  
23 vehicles.

24 Q. Who made that determination?

25 A. I did.

Vicki Yost  
12/20/2011

Page 140

1 Q. I'm asking you if you can answer hypothetically.  
2 If you can't answer that question, say you can't  
3 answer it.

4 A. Well, I'm having trouble with a hypothetical  
5 intertwined with a raid that has occurred.

6 Q. My hypothetical is assuming for the moment  
7 Mr. Mobley parked his car in a friend's driveway  
8 a half a mile away and then walked over to the  
9 CAID from there and then was issued a citation.

10 Would his vehicle have been, in your  
11 judgment, one that was used to further the  
12 nuisance or was a part of the nuisance or the  
13 illegal activity?

14 A. With only concerning that limited information you  
15 just gave me, probably not.

16 Q. How do you define what is used in furtherance of  
17 a nuisance or an illegal activity as you  
18 referenced it before?

19 A. It's based on whether that vehicle was involved  
20 in bringing someone to that location that  
21 resulted in an activity occurring.

22 Q. So something that conveyed them to the location  
23 of the nuisance?

24 A. Yeah, they brought the deejay equipment, they  
25 brought the individuals, they brought the

Vicki Yost  
12/20/2011

Page 141

1 patronage. Yes, they're used as a vehicle to get  
2 them to that location.

3 Q. Inspector, did you see that a part of this  
4 Exhibit 7 which is the citizen's complaint  
5 included an interview with you?

6 A. It said it did, yes.

7 Q. Do you recall being interviewed?

8 A. Honestly, no.

9 Q. Do you know if the interview was recorded or not?

10 A. I believe it was, but just because I think I just  
11 read that it was.

12 Q. Is the synopsis of the interview with you as set  
13 forth in this exhibit, Exhibit 7, to the best of  
14 your knowledge accurate and correct?

15 A. Which synopsis -- what part of this report are  
16 you referring to?

17 Q. I'm now talking about Page 2 of the citizen's  
18 complaint where it says "Lt. Yost stated...".

19 Turn the page -- here.

20 A. Okay.

21 Q. Is that an accurate recitation of what you said  
22 at the time to the investigator?

23 A. I do not recall the interview, much less what was  
24 specifically stated therein.

25 Q. Was the information stated therein, at least

Vicki Yost  
12/20/2011

Page 145

1 memorandum was prepared and the memorandum was  
2 prepared after presumably the investigator spoke  
3 with you, is that right?

4 A. Right.

5 Q. So that on or before March 11, 2010 your  
6 recollection of events from May of 2008 would  
7 have been fresher and better than they are today,  
8 is that right?

9 A. They would have been fresher, yes.

10 Q. Going back to the -- what we spoke about about  
11 the vehicles that were used in furtherance of  
12 concerning illegal activity, if someone had taken  
13 a taxi cab, let's say, to the CAID in your  
14 judgment would the taxi cab have been subject to  
15 confiscating or towing?

16 A. No.

17 Q. Why is that?

18 A. The driver wasn't there, they're dropping off a  
19 passenger.

20 Q. Well, let's say the passenger had said, "Pick me  
21 up at the CAID at 2:30" in the morning and the  
22 taxi comes back, would you seize that taxi cab?

23 A. No.

24 Q. And the reason is what?

25 A. The reason is that they weren't inside, the



Vicki Yost  
12/20/2011

Page 146

1 driver of the vehicle wasn't a participant.

2 Q. Okay. And driver of the vehicle or the owner of  
3 the taxi cab had no knowledge one way or the  
4 other about illegal activity going on inside the  
5 CAID, isn't that right?

6 A. I don't know what the driver of the hypothetical  
7 taxi cab would know or not know.

8 Q. That's why you wouldn't have their vehicle towed,  
9 right, inspector?

10 A. Excuse me?

11 Q. Isn't that right?

12 A. No, I don't know what you're asking me is right.

13 MR. GOODMAN: Would you read the  
14 question back, please?

15 (Record repeated as requested).

16 A. I still don't understand.

17 BY MR. GOODMAN:

18 Q. What I'm saying is, the taxi cab drops a person  
19 off and then comes back to pick them up and you  
20 have no idea of whether the taxi cab driver or  
21 owner knows whether illegal activity is going on  
22 inside the CAID and that's why their vehicle  
23 would not be towed or confiscated?

24 A. And that's part of it and in connection with the  
25 fact they weren't loitering inside where the

Vicki Yost  
12/20/2011

Page 147

1 activity was occurring.

2 Q. But they did convey the person who was loitering?

3 A. They could have.

4 Q. And if they did, the reason that the vehicle is

5 not confiscated is because of their lack of

6 knowledge of any illegal activity going on?

7 A. The fact -- well, their lack of involvement.

8 Q. Let me take a break.

9 (A recess was taken).

10 Q. You mentioned before right at the beginning when

11 you became the commanding officer of Vice

12 Enforcement your -- the people immediately above

13 you in the chain of command were, I think you

14 said, Lt. Bray was it or Commander Bray?

15 A. I don't know who was immediately in my chain of

16 command when I went to Vice Enforcement.

17 Q. The people who engaged -- who did your

18 performance appraisals would have been Bray and I

19 think --

20 A. It could have been Bray, it was Commander -- he

21 was my supervisor at one point.

22 Q. Or Kevin Robinson you mentioned?

23 A. Could it -- could have been other individuals as

24 well.

25 Q. Who was -- what was Commander Bray's job or role



**EXHIBIT 14**

**EXHIBIT 14**

**CAID Surveillance Video on DVD (Excerpts)**

*to be filed in the traditional manner*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY MOBLEY,  
PAUL KAISER, ANGIE WONG, JAMES  
WASHINGTON, NATHANIEL PRICE,  
JEROME PRICE, STEPHANIE HOLLANDER,  
JASON LEVERLETTE-SAUNDERS, WANDA  
LEVERETTE, DARLENE HELLENBERG,  
THOMAS MAHLER and LAURA MAHLER,

Plaintiffs,

Civil Action

-vs-

No. 10-10675

CITY OF DETROIT, VICKI YOST,  
and DANIEL BUGLO,

Defendants.

\_\_\_\_\_/

The Deposition of STEPHANIE RENEE HOLLANDER, taken before me, Darlene K. May, CSR-6479, a Notary Public, within and for the County of Oakland, (Acting in Wayne), State of Michigan, at 1394 E. Jefferson, Detroit, Michigan, on Monday November 22, 2010.

APPEARANCES:

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RELIANE COURT REPORTING  
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1 APPEARANCES (Continued):

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8 Appearing on behalf of Defendant,

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14 Appearing on behalf of ACLU of Michigan.  
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I N D E X

WITNESSES:

PAGE

STEPHANIE HOLLANDER

Examination by Mr. Ashford

5

EXHIBIT:

DESCRIPTION

MARKED

(None marked.)

1 A. No.

2 MS. JAMES: Objection as to foundation.

3 Sorry to interrupt.

4 BY MR. ASHFORD (Continued):

5 Q. During the previous occasions that you were at the  
6 Contemporary Art Institute of Detroit, were you given a  
7 wrist band?

8 A. No.

9 Q. Do you know why?

10 A. I was under 21.

11 Q. If you were under 21, you were not given a wristband?

12 A. No.

13 Q. And if you are 21 or older, you were given a wristband?

14 A. Yes.

15 Q. How do you know?

16 A. I saw people getting wristbands.

17 Q. How did you know they were over 21, the people who were  
18 getting wristbands?

19 A. They had their IDs looked at.

20 Q. So when you were entering the Contemporary Art Institute  
21 of Detroit or the CAID, you saw people at the door who  
22 were volunteering or workers at the CAID, checking  
23 identification?

24 A. Correct.

25 Q. Did they ever check your identification?



1 A. Yes.

2 Q. During the two previous occasions that you were at the  
3 CAID did you ever see a dance license posted or dance  
4 permit posted by the City of Detroit?

5 MS. JAMES: Objection as to foundation.

6 A. No.

7 BY MR. ASHFORD (Continued):

8 Q. Did you ever see a State of Michigan liquor license  
9 posted?

10 MS. JAMES: Objection as to foundation.

11 A. No.

12 BY MR. ASHFORD (Continued):

13 Q. Did you look for a City of Detroit dance permit or a  
14 State of Michigan business permit? Business license, I'm  
15 sorry?

16 A. No.

17 Q. Let me ask that question again. On the two previous  
18 occasions that you were at the Contemporary Art Institute  
19 of Detroit, did you ever look for a City of Detroit dance  
20 permit or State of Michigan liquor license?

21 A. No.

22 Q. The first time you were at the CAID, how long were you  
23 there, approximately?

24 A. Approximately, two to three hours.

25 Q. How about the second time?

1 being served alcohol?

2 A. Yes.

3 Q. Did you see an exchange of money for alcohol?

4 A. No. I wasn't paying close attention.

5 Q. When you were in the CAID on May 31st of 2008, did you  
6 see a State of Michigan liquor license posted?

7 MS. JAMES: Objection as to foundation.

8 A. No.

9 BY MR. ASHFORD (Continued):

10 Q. Did you see a City of Detroit dance permit?

11 MS. JAMES: Objection as to foundation.

12 A. No.

13 BY MR. ASHFORD (Continued):

14 Q. Did you see a City of Detroit business license?

15 MS. JAMES: Objection as to foundation.

16 A. No.

17 BY MR. ASHFORD (Continued):

18 Q. Did you look for a City of Detroit business license?

19 A. No.

20 Q. Did you look for a City of Detroit dance license?

21 A. No.

22 Q. Did you look for a State of Michigan liquor license?

23 A. No.

24 Q. How long did you stay in the area around the bar?

25 A. Just for a few -- maybe two, three minutes. Just waiting

1 for my friends to come in.

2 Q. So you were the first person in?

3 A. Yeah.

4 Q. Where were they?

5 A. Just at the door either having their IDs checked or  
6 filling out the forms.

7 Q. So you were just slightly in front of them?

8 A. Oh, yeah.

9 Q. Did you see any food being served at the bar?

10 A. No.

11 Q. Or in the bar area?

12 A. No.

13 Q. Did you see any food being served at all in the CAID on  
14 May 31st of 2008?

15 A. No.

16 Q. Did you see any of the guests or members walking around  
17 with alcoholic beverages?

18 A. Yes.

19 Q. Were they beverages in cups, glasses, bottles?

20 A. I don't remember.

21 Q. So when your friends came into the CAID and you're all  
22 together, then what happened?

23 A. We went to the dance floor.

24 Q. And that would've been in the back room?

25 A. The back room.

1 Q. Can you describe the lighting inside the CAID for me?

2 A. The front room is decently bright, but the back room  
3 where the dance floor is, it's pretty dark, I'd say.  
4 There's some lights but it's pretty dark.

5 Q. What kind of lighting is in the back room where the DJ  
6 is? Is it like a strobe light or spotlight?

7 A. I don't remember.

8 Q. Can you see the person next to you?

9 A. Yes.

10 Q. Could you see across the room?

11 A. Yes.

12 Q. Was it just reflections of people dancing?

13 A. You could see pretty clearly. It was just dark.

14 Q. Could you see the DJ?

15 A. Yes.

16 Q. So how long did you stay in that room?

17 A. About 15 minutes, I'd say.

18 Q. Okay. Then what happened?

19 A. We went outside to the backyard patio area.

20 Q. And is that where you were when the Detroit police  
21 officers came into the CAID?

22 A. Yes.

23 Q. What did you do once you got to the patio area?

24 A. We sat down on what looks like was used for a bar at one  
25 time. And then we just -- we're talking and singing and

1 just having fun.

2 Q. Okay. So were you still with Brian and Tabitha?

3 A. Yes.

4 Q. Had Brian or Tabitha had anything to drink?

5 A. No.

6 Q. Any alcoholic beverages?

7 A. No.

8 Q. Did you guys have anything to drink at all; water, pop or  
9 anything?

10 A. No.

11 Q. Do you know if Ashley had anything to drink while she was  
12 there?

13 A. I don't remember or recall.

14 Q. Did she join you at the CAID?

15 A. I can't remember if she rode with us that night or if she  
16 met us there.

17 Q. But she did come?

18 A. Oh, yeah, she did.

19 Q. So by the time you were in the courtyard was she there  
20 with you?

21 A. Yes.

22 Q. So at some point the Detroit police officers came into  
23 the place?

24 A. Right.

25 Q. So can you describe that for me what happened?

1 A. We were just singing songs and all of a sudden the door  
2 from the inside just slams open.

3 Q. From inside --

4 A. From inside the CAID to the patio. It just slams open.

5 And people are yelling and telling us to  
6 get on the ground.

7 Q. How close were you to the door?

8 A. I would say a good 15 yards.

9 Q. Approximately, 15 yards?

10 A. It's hard to recall, though. It's been a while.

11 Q. Were there a lot of people between you and the door?

12 A. No.

13 Q. No?

14 A. Not really.

15 Q. So were you like -- of the people that were in the  
16 courtyard, were you one of the people that were closest  
17 to the door?

18 A. There were people kind of on the sides but not really  
19 directly in front of me. There were a lot of people just  
20 kind of next to me and behind me, though. I was facing  
21 the door.

22 Q. So then what happens?

23 A. They were yelling and swearing at us, telling to us get  
24 on the ground. So it took us a while to register what  
25 was going on. We were like, "What's happening?"

1 So then we eventually all had to get on  
2 the ground with our hands on our head. We had to lay  
3 there for a while.

4 Q. Approximately how long?

5 A. About 15 to 30 minutes.

6 Q. Then what happened?

7 A. Eventually they had the females stand up with their hands  
8 on their heads still. And then we lined up against the  
9 outside wall of the CAID, just the females.

10 Q. So you were brought inside the building?

11 A. We were still outside.

12 Q. So you were outside lined up along the wall?

13 A. Right.

14 Q. Then what happened?

15 A. They let us file in, inside. They took us straight to  
16 the dance floor and we had to lineup against that wall.

17 Q. Where were the guys at this time?

18 A. The ones outside were still on the ground.

19 Q. And there were guys also lined up inside?

20 A. Yes.

21 Q. Where were they?

22 A. There was some guys inside.

23 Q. Where were they?

24 A. There was some on the dance floor. Same as us, hands on  
25 our head, lined up.

1 Q. Did you see any violent acts from the Detroit police  
2 officers while you were inside the CAID?

3 A. Yes.

4 Q. What did you see?

5 A. While we were outside still laying down, I saw a male get  
6 kicked in his back. Actually, I saw two males get kicked  
7 in their back.

8 Q. Can you describe these males for me?

9 A. One was a black male in his 20s, I'd say. The other one  
10 was a white male in his 20s.

11 Q. Do you know the name of the black male?

12 A. No.

13 Q. Do you know the name of the white male?

14 A. No.

15 Q. Since May 31st of 2008, have you seen this black male?

16 A. No.

17 Q. Since May 31st of 2008, have you seen this white male?

18 A. No.

19 Q. So you've never had any type of contact at all with this  
20 black male or white male?

21 A. No.

22 Q. Did you observe any other type of violent acts by Detroit  
23 police officers directed towards the guests or members or  
24 staff of the CAID?

25 A. You could see the bouncer, the one who checked our IDs,



1 get slammed against the wall. Kind of forcefully.

2 Q. Do you know if the bouncer followed the instructions of  
3 the Detroit police officers before that action occurred?

4 A. I'm not sure.

5 Q. Do you know if the two males who you saw kicked in the  
6 back, do you know if they followed the instructions of  
7 the Detroit police officers before this action was taken?

8 A. They were following directions. They were just asking  
9 questions.

10 Q. What kind of questions were they asking?

11 A. Well, the white male kind of started to get up a little  
12 bit, just lifting himself a little bit and said, "My  
13 father is an attorney. I just wanted to ask you  
14 something."

15 Q. How about the black male, do you recall what he said?

16 A. I don't remember what he said.

17 Q. Any other violent acts that you saw inside the CAID?

18 A. I don't remember.

19 Q. Did you see any physical resistance from those who were  
20 inside the CAID directed towards the Detroit police  
21 officers?

22 A. No.

23 Q. So you were lined up in this room. And then what  
24 happened?

25 A. Then we -- they let us walk into the front area where we

1 had stood for -- we stood for maybe a minute or two and  
2 then we were able to sit down with our heads on our heads  
3 still. Then called up one by one and searched, patted  
4 down.

5 Q. Then what happened?

6 A. Then our belongings were bagged. Then we were able to  
7 sit -- after our belongings were bagged, we were able to  
8 sit back down with our hands on our head.

9 Q. Then what happened?

10 A. One by one they took the bags and looked for the ID. So  
11 they were able to call one by one using our IDs and we  
12 were issued the tickets.

13 Q. Did you see any weapons in the CAID that night?

14 A. Aside from the ones with the police?

15 Q. Yes.

16 A. No.

17 Q. So as far as you know they didn't take -- you didn't see  
18 any weapons inside the bags?

19 A. No.

20 Q. Did you see any knives inside the bags?

21 A. No.

22 Q. So when they called you up one by one with your IDs, then  
23 what happened?

24 A. They gave us a ticket. They wrote down the ticket and  
25 asked if we drove, personally. If we were the ones that

1 drove and I said no. And they asked me who I rode with  
2 and I had to tell them Tabitha Taby. Then I was able to  
3 leave.

4 Q. Okay. Then tell me what happened.

5 A. I walked outside and they made us get off the property,  
6 which we were able to stand just off the property and I  
7 just waited for my friends to come out.

8 Q. Then what happened?

9 A. Eventually all of us were out. And people were all  
10 trying to call and get rides home. We had to get our  
11 belongings out of Tabitha's car, which was going to be  
12 towed.

13 Q. Where was her car parked?

14 A. In the parking lot.

15 Q. The CAID has a parking lot?

16 A. Yes.

17 Q. Where is that located in relation to the door that you  
18 went into?

19 A. It's-- I'm not sure of the direction. But it's off of  
20 Rosa Parks. You turn on Rosa Parks directly into the  
21 parking lot and you walk straight into the door, the side  
22 door.

23 Q. So were you able to get your belongings out of her car?

24 A. Yes.

25 Q. Then what happened?

1 A. My friend Ashley called her boyfriend at the time and he  
2 came and picked us up.

3 Q. Not including the violent acts that we already discussed,  
4 did you see any other or any -- strike that.

5 Besides the violent acts that we talked  
6 about, did you see any police misconduct inside the CAID?

7 MS. JAMES: Objection as to foundation.

8 A. No.

9 BY MR. ASHFORD (Continued):

10 Q. So how did you get home?

11 A. Ashley's boyfriend at the time -- his name is Olumide --  
12 came to pick us up.

13 Q. And you did not have -- you did not drive a car that day,  
14 right?

15 A. To CAID, no.

16 MR. ASHFORD: Off the record for a  
17 moment.

18 (Momentarily off the record.)

19 MR. ASHFORD: Back on the record.

20 BY MR. ASHFORD (Continued):

21 Q. Stephanie, what damages or injuries did you suffer  
22 personally as a result of the raid on the Contemporary  
23 Art Institute of Detroit on May 31st of 2008?

24 A. I suffered a lot of emotional distress. I feared for my  
25 life that night and my relationship with my -- both of my

1 parents was strained. I had to miss school to go to  
2 court. Also -- well, the money it cost to have to drive  
3 back and forth from Kalamazoo to go to court. I was -- I  
4 had nightmares about it. It was embarrassing to tell  
5 people. I was afraid that I was going to be charged as a  
6 criminal.

7 That's all that I can think of for right  
8 now.

9 Q. You've told me about your fear. What other type of  
10 emotional distress, if any?

11 A. Embarrassment, strained relationships.

12 Q. Did you ever seek any type of counseling or psychiatric  
13 help?

14 A. No.

15 Q. What strained relationships did you have?

16 A. My mom and dad.

17 Q. Why?

18 A. My dad was mad at the fact that this even happened.

19 Q. He was angry with you?

20 A. Yeah. Just to have someone to blame for -- you know, I  
21 shouldn't have even gone out that night.

22 Q. What's the name of your parents?

23 A. My dad is Dale Hollander and my mom is Toby Burger (ph).

24 Q. Are they currently married?

25 A. No. Divorced.

1 Q. Where does your mother live?

2 A. In West Bloomfield.

3 Q. The address on your operator's license, is that your  
4 mother's address?

5 A. That's my mother's address.

6 Q. What's your dad's address?

7 A. It's 4160 Yorba, Y-o-r-b-a, Linda Boulevard.

8 Q. What city?

9 A. Royal Oak.

10 Q. How did your dad find out about it?

11 A. I came home and told him.

12 Q. So when you were dropped off, did you go to West  
13 Bloomfield or Royal Oak?

14 A. Royal Oak.

15 Q. Why did you go to Royal Oak instead of West Bloomfield?  
16 Were you living with your dad?

17 A. I split my time up between the two. So I was with my dad  
18 at that point.

19 Q. Is the relationship still strained with your dad?

20 A. No.

21 Q. To what extent was your relationship strained with your  
22 dad over this incident?

23 A. Can you rephrase that?

24 Q. I guess I want you to describe how your relationship was  
25 strained with your dad and the duration of the strained

1 relationship.

2 A. I'd say it was for about a year. Mostly it had to do  
3 with me having to go back and forth from Kalamazoo to  
4 Detroit for court.

5 Q. How many times did you do that?

6 A. It was either three or four, I believe.

7 Q. You went to court three or four times?

8 A. Yes.

9 Q. Did you have an attorney?

10 A. Yes.

11 Q. Who was your attorney?

12 A. Steve Scharg.

13 Q. How do you spell the last name?

14 A. I think it's S-c-h-a-r-g.

15 Q. So you were not represented by the ACLU?

16 A. No.

17 Q. How did you find Mr. Scharg?

18 A. He's a friend of the family.

19 Q. What was the end result of the criminal charge?

20 A. They were dropped.

21 Q. They were dismissed?

22 A. Dismissed. Sorry.

23 Q. Did you have to pay any costs at all?

24 A. No.

25 Q. Did you have a trial?

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY MOBLEY,  
PAUL KAISER, ANGIE WONG, JAMES  
WASHINGTON, NATHANIEL PRICE, JEROME  
PRICE, STEPHANIE HOLLANDER, JASON  
LEVERETTE-SAUNDERS, WANDA LEVERETTE-  
SAUNDERS, WANDA LEVERETTE, DARLENE  
HELLENBERG, THOMAS MAHLER and  
LAURA MAHLER,

Plaintiffs,

Civil Action  
No. 10-10675

-VS-

CITY OF DETROIT, VICKI YOST and  
DANIEL BUGLO,

Defendants.

\_\_\_\_\_ /

The Deposition of PAUL KAISER, taken before me,  
Sherri L. Ruff, CSR-3568, a Notary Public within and for the  
County of Wayne, State of Michigan, at 1392 East Jefferson  
Avenue, Detroit, Michigan, on Thursday, October 21, 2010.

APPEARANCES:

KATHRYN BRUNER-JAMES, ESQ.  
DANIEL S. KOROBKIN, ESQ.  
Goodman & Hurwitz, PC  
1394 East Jefferson Avenue  
Detroit, Michigan 48207

Appearing on behalf of the Plaintiffs,

JERRY L. ASHFORD, ESQ.  
DANIEL M. KOESTER, ESQ.  
City of Detroit Law Department  
660 Woodward Avenue  
1650 First National Building  
Detroit, Michigan 48226

Appearing on behalf of the Defendant.



W I T N E S S I N D E X

Witness	Examined by	Page
PAUL KAISER	Mr. Ashford	3
	Ms. Bruner-James	64
	Mr. Ashford	66
	Ms. Bruner-James	67
	Mr. Ashford	68

- - -

E X H I B I T I N D E X

Exhibit No.	Description	Page
A	Photograph	67

- - -

LUZOD REPORTING SERVICE

(313) 962-1176

1 Q. Before the incident, had you ever been to the CAID web  
2 site?

3 A. No.

4 Q. Did Angie ever tell you that she had been -- strike that.

5 Did Angie Wong ever tell you that she had been to  
6 the CAID web site prior to the May 31st, 2008 incident?

7 A. She never told me, that I can recall.

8 Q. Prior to May 31st of 2008, did Angie Wong ever discuss CAID  
9 with you?

10 A. I don't recall her ever discussing it with me.

11 Q. Prior to May 31st of 2008, did you know anything about  
12 CAID?

13 A. I did not know about CAID, other than the fact of its full  
14 name, Contemporary Art Institute of Detroit.

15 Q. Did you know what kind of business was conducted by the  
16 Contemporary Art Institute of Detroit?

17 A. No, I didn't.

18 Q. Had you ever been there before?

19 A. No.

20 Q. Do you have a computer?

21 A. Yes.

22 Q. Did you have one on May 31st of 2008?

23 A. Yes.

24 Q. Laptop or stand-alone?

25 A. I think I had a laptop at that time.

1 before you entered?

2 A. I did not pay the fee.

3 Q. Do you know how much the fee was?

4 A. I was told, I believe, that it was five dollars.

5 Q. And you've testified you don't know if that five dollars  
6 was a membership fee or for admittance into the party?

7 A. That's correct. And I was told by Angie that she paid the  
8 fee.

9 Q. Was your hand stamped at all as you entered into the CAID?

10 A. My hand was not stamped; I believe that I got a wrist band.

11 Q. What did the wrist band -- strike that.

12 Why were you given a wrist band, if you know?

13 A. I do not know.

14 Q. Can you describe the inside of the CAID as you stepped in.

15 A. We stepped in, and as we entered, my brother had  
16 purchased -- I'm assuming purchased; he said he paid for a  
17 beer in and to the right a little bit. He handed me the  
18 beer, and we stepped and went to the left after going in  
19 the door.

20 Q. So he handed you a beer?

21 A. Yes.

22 Q. But you did not personally purchase the beer?

23 A. That's correct.

24 Q. And you did not personally go up to the counter where the  
25 beer was being sold?

1 MS. BRUNER-JAMES: I object as to foundation.

2 THE WITNESS: I didn't look for nor did I see a  
3 business license for the City of Detroit.

4 BY MR. ASHFORD:

5 Q. So when your brother handed you the beer, where is Angie at  
6 that point?

7 A. She was standing next to me.

8 Q. So what happened after he handed you a beer?

9 A. We walked to the left, and it was basically a hallway, and  
10 it opened up to the room. We were on the Rosa Parks' side  
11 of the building, I believe, so the room opened up to the  
12 right in the back, a large, I don't know, a gallery room.

13 Q. Where was the dancing occurring?

14 A. The dancing was occurring throughout the room more in the  
15 center, I would say. Well, but throughout the entire room  
16 there was a DJ, and I believe he had turntables and  
17 speakers. As the room opened up, he was to the right. And  
18 then there was a back door further back in the back of the  
19 room.

20 Q. As you came through the door of the room where the DJ was,  
21 where would this door to the outside have been? Would it  
22 have been to your right, left or straight ahead?

23 A. It was on the south wall, I believe. Yeah, the south wall.

24 Q. So what direction would that be if I was coming through the  
25 door of that room, right or left or straight ahead?

1 A. Well, it wasn't exactly straight ahead, but I would say --  
2 because I was walking south down the corridor, and the room  
3 opened up.

4 Q. Okay.

5 A. And the door's on the south wall.

6 Q. South wall?

7 A. Yeah.

8 Q. I understand. And when you came into -- when you first  
9 entered the CAID to get to the room where the DJ was, you  
10 would have made a left, correct?

11 A. That's correct.

12 Q. Did you stay --

13 A. I had not been back to the CAID since this happened.

14 Q. So when you were -- strike that.

15 You were in the room with the DJ, correct?

16 A. Just for a minute.

17 Q. And then you proceeded outside?

18 A. That's correct.

19 Q. And I'm going to show you what's been marked as Defendant's  
20 Exhibit No. 4. Do you see the outside area where you were  
21 on the night of May 31st, 2008, in Defendant's  
22 Exhibit No. 4?

23 A. Once again, this doesn't encompass the entire building,  
24 this picture. To get spacial relationship, I'm going to  
25 assume it's on the left side of the picture beyond the

1 wooden fence.

2 Q. Were there a lot of people out there in the terrace or  
3 outside?

4 A. What would you define as a lot of people?

5 Q. I will take your definition, whatever you consider to be a  
6 lot of people.

7 A. I would say that I didn't actually count the number of  
8 people, but I would say anywhere from 30 to 50 people.

9 Q. How long were you out there before the Detroit police  
10 officers entered into the building approximately?

11 A. Probably five minutes to seven minutes.

12 Q. During the time that you were on the property of or  
13 premises of the Contemporary Art Institute of Detroit, did  
14 you see any unlawful conduct?

15 MS. BRUNER-JAMES: Objection as to foundation.

16 THE WITNESS: No.

17 BY MR. ASHFORD:

18 Q. Did you see anyone using unlawful narcotics?

19 MS. BRUNER-JAMES: Objection as to foundation.

20 BY MR. ASHFORD:

21 Q. Did you see any underage minors being served or buying  
22 intoxicating liquor?

23 MS. BRUNER-JAMES: Objection as to foundation.

24 THE WITNESS: I wouldn't know who was underage  
25 unless I checked their ID, I guess. But I assumed that

1 everybody -- whoever was drinking was probably legally  
2 allowed to drink.

3 BY MR. ASHFORD:

4 Q. Did you see anyone in attendance at the CAID purchasing or  
5 being served intoxicating liquor after 2:00 a.m.?

6 A. I entered the building very close to two. I believe it was  
7 probably about 1:55. We proceeded -- my brother purchased  
8 the beer, and I believe it was before two. And we walked  
9 towards into the CAID and then out into the back. And it  
10 may have been after two, but I wasn't aware of what was  
11 going on at the bar area inside the CAID after 2:00.

12 Q. Currently, how old is your brother?

13 A. He was born in '61, January 18, 1961, so he will be 50 in  
14 January.

15 Q. And you have no personal knowledge of what was -- what had  
16 occurred at the CAID before you entered into the CAID?

17 A. Other than being aware of the name of the CAID,  
18 Contemporary Art Institute of Detroit, I had just assumed  
19 it was an art gallery, art institute type of establishment  
20 where events take place.

21 Q. Okay. But on May 31st of 2008, before you entered at  
22 approximately 1:50 a.m., you had no personal knowledge of  
23 what had occurred at that location prior to your entering  
24 into the building?

25 A. I knew that Angie had told me that they had music playing

1 there that night, but prior -- and that was -- she just  
2 explained that to me, you know, an hour before or so.

3 Q. But you had no personal knowledge of that, though, correct?

4 A. That's correct.

5 Q. So what happened when the Detroit police officers came in?

6 A. I was in the back in that court yard, and we were talking  
7 to each other. And we were towards the back fence, the  
8 south fence, closer to Rosa Parks. And I know now that  
9 they were Detroit police officers that came in, but there  
10 were several masked people rushing in with guns and lights,  
11 many lights are attached to the guns, screaming to get the  
12 fuck down. Yelling for people to get down.

13 And when you say what did they do when they came  
14 in, they were basically running, you know, screaming, with  
15 lights and guns pointed.

16 Q. Then what happened?

17 A. They continued in and threatened people to get down.  
18 People started going to the ground.

19 Q. Did you know they were police officers at this time?

20 A. No. When they were rushing in, I didn't know what it was.

21 Q. Did they announce that they were police officers, Detroit  
22 police officers?

23 A. I heard -- there was a lot of commotion. There was a lot  
24 of screaming, and there was a lot of loud voices yelling to  
25 get down and get the fuck down. And I didn't hear anybody



1           happening.

2                       I continued staring at the ground with my hands  
3           on my head, elbows forward, kneeling down.   And an officer  
4           came over to my body and started searching my pockets,  
5           going into my pockets.   And I explained to the officer, I  
6           said, "My name is Paul Kaiser; I'm an attorney.   My ID and  
7           my Bar cards are in my wallet.   Can you please tell me  
8           what's going on here?"

9   Q.   Why did you tell him you are an attorney?

10  A.   Because, as an officer of the court, you think that maybe  
11       they will show a little bit of respect and just explain  
12       what's happening.   And the fact that I had my Bar card with  
13       me, I thought maybe they would at least explain to me  
14       what's happening.

15                       You want to know what happened instead?

16  Q.   Then what happened?

17  A.   Yeah, then I -- one of the officers proceeded to kick me  
18       several times in the back until I got down to the ground,  
19       and then stepped on me.

20  Q.   What officer was that?   Can you identify that officer?

21  A.   I wish I could, but I was scared for my life; I didn't want  
22       to even take a look.   I'm facing forward, and I'm getting  
23       kicked down.

24  Q.   So, Mr. Kaiser, you do not know that police officer's name?

25  A.   No, I don't.

1 A. She was kneeling down, too, with her hands up. And I  
2 heard -- I heard what happened.

3 Q. Tell me what you heard.

4 A. A female officer said, "You think you are too pretty to get  
5 in the dirt, bitch?" and kicked her, so she went down.  
6 They didn't cuff her; they cuffed me.

7 Q. Then what happened?

8 A. They continued taking or searching all the patrons that  
9 were outside, from what I did see.

10 Q. Besides the verbal abuse directed towards Angie, did you  
11 hear any other verbal abuse directed towards any of the  
12 other attendees from Detroit police officers?

13 A. I was focused more on what was happening with us than what  
14 was going on around the yard. So I wasn't really looking  
15 for any or paying attention to that; I was concerned about  
16 us.

17 Q. Do you know how long you were down on the ground outside?

18 A. Twenty minutes.

19 Q. Did they eventually move you inside the building?

20 A. That's correct.

21 Q. And then what happened?

22 A. They had everybody go into that gallery that I --  
23 everybody -- all the men were in that gallery.

24 Q. That's the room where the DJ was?

25 A. Yes. And the women were taken to another portion of the

1 art gallery, which I had not seen and I didn't know where  
2 they had gone.

3 Q. So then what happened?

4 A. They had us all kneel down and face forward to where that  
5 DJ area was located. And they told us, "Don't look around  
6 and don't talk." And I continued kneeling in handcuffs  
7 during this time.

8 Q. Why were you kneeling?

9 A. Because they told us to kneel.

10 Q. So all of you were kneeling?

11 A. I'm not sure if all of us were kneeling. It may have  
12 been -- they told us to sit, and it may have been with  
13 handcuffs behind my back. It probably was the reason I was  
14 kneeling because I had the cuffs on and trying to get down  
15 and sit like Indian style or something.

16 Q. Did you see anyone else with cuffs on besides yourself?

17 A. I thought I saw one or two other people who had cuffs on.

18 Q. How long were you kneeling, approximately?

19 A. Until I left. There was a moment where I used a porta-john  
20 restroom. And then, other than that, I was kneeling the  
21 entire time.

22 Q. At some time -- at some point did the Detroit police  
23 officers call you up?

24 A. Yes, they did.

25 Q. Tell me about what happened when they called you up.

1 A. They called our names, and they would call a few names at a  
2 time. They had a table set up to where that hallway was,  
3 and they had an officer seated there, like an assembly  
4 line. They will give you -- return valuables back and hand  
5 you a ticket, one after the other.

6 Q. So they had taken the valuables off of you?

7 A. Anything that you had in your pockets, yeah.

8 Q. Did they actually take the property off of you?

9 A. I didn't -- yeah, I wasn't touching it myself. They took  
10 it out of my pockets.

11 Q. You did not give them anything?

12 A. I didn't give them anything.

13 Q. So when you were called up, what happened to you  
14 personally?

15 A. Stood in a line, got my valuables. The officer was talking  
16 about what you would do with the car situation. I wasn't  
17 concerned with that because I didn't have a vehicle there.  
18 And she wrote me up -- gave me the ticket.

19 Q. Okay.

20 A. My handcuffs were -- if you want to know about the handcuff  
21 thing. My handcuffs were taken off shortly before that.

22 Q. When were your handcuffs taken off? Since you brought it  
23 up.

24 A. All right. After kneeling in that gallery for 30 minutes  
25 with these handcuffs on my back, and most of the officers

1 chit-chatting behind us and knowing that this is not a  
2 threatening situation for them at this point, I asked a  
3 female officer if I could speak to her for a moment.

4 And I asked -- and I explained to the female  
5 officer -- I explained to her why the handcuffs were put on  
6 me, and that I was in the back yard, and I'm assuming they  
7 were put on because I wasn't face down in the mud  
8 initially. And they kicked me down and put the handcuffs  
9 on. I said, "Could you please take them off?" And she  
10 took them off of me.

11 Q. Do you know what police officer that was?

12 A. She was a white woman, probably in her mid thirties. She  
13 walked back to where all the officers were sitting or  
14 standing in the -- on the opposite side of the gallery as  
15 where the DJ was facing. And then somebody said something  
16 to her, and she came back over to me and she said, "I'm  
17 sorry, I was told that I have to keep these on you." And  
18 she put them back on me. Little did she know, she put them  
19 on even tighter than the first time.

20 Q. Did you complain to her?

21 A. Well, another 20 minutes or so went by, and I asked another  
22 officer to use the restroom. And I explained -- yeah, I  
23 had complained to her; that's why she took them off of me,  
24 because they were on so tight.

25 Q. I understand once she put them on and you said they were

1 even tighter, did you complain to her they were tighter?

2 A. This is the thing, I wasn't trying to cause any type of  
3 disturbance. I didn't want anybody to try to get upset  
4 with me. I tried to just reason and try to explain what  
5 happened. So I wasn't about to just turn around and ask  
6 her to come back over.

7 But what I did about 20 minutes later or so, I  
8 asked, because they started to allowing people that had to  
9 use the restroom. We had been there so long, they had  
10 escorted them to the porta-potties in the back yard. I  
11 asked one officer to let me use the restroom. And I  
12 explained my circumstances to him, and I said, "Listen, I  
13 gave them my name. I told them I was an attorney; I  
14 practice at 36th District Court. We just got here in the  
15 last within five minutes of you guys coming into this  
16 place; I was here to pick up a friend." And I reasoned  
17 with him, and he took them off. And he had to take them  
18 off anyway for me to go to the bathroom. He left them off  
19 and let me go back. And that was quite a relief after  
20 being in those handcuffs that long of a time.

21 Q. The Detroit police officer that took off the handcuffs, do  
22 you know his name?

23 A. No.

24 Q. Or his badge number?

25 A. No. He was a black guy.

1 Q. Can you give me any further description of him?

2 A. No, but he was about the only guy that was reasonable by  
3 feeling -- just my feelings in that place.

4 Q. Now, you practice at 36th District Court, correct?

5 A. Occasionally I'm down there.

6 Q. When you have practiced at the 36th District Court, have  
7 you practiced as house counsel?

8 A. No.

9 Q. Have you represented clients on misdemeanor -- criminal  
10 misdemeanor charges?

11 A. Yes.

12 Q. So the ticket that you were given on May 31st, 2008, at the  
13 CAID, you recognize as being a misdemeanor U-ticket?

14 A. Yes.

15 Q. Also called a green ticket, correct?

16 A. A misdemeanor U-ticket? I knew it was a misdemeanor, and I  
17 knew it was for loitering at a place of illegal occupation.

18 Q. We are referring to Defendant's Exhibit No. 2. This is the  
19 type of ticket you received, correct, with the charge  
20 loitering at a place of illegal occupation?

21 A. That's correct.

22 MS. BRUNER-JAMES: Quickly, I just want to place  
23 on the record, since we are referring to an exhibit, that  
24 yesterday was the first time plaintiffs saw the documents  
25 that are marked as exhibits, both through yesterday and

1 Q. Who is we?

2 A. My brother and I. I'm sorry, Mark.

3 Q. Did he receive his possessions back before you received  
4 your possessions back or at the same time?

5 A. They called us both together. I believe it was  
6 approximately the same time. I don't know which one was  
7 first.

8 Q. And you walked out of the CAID?

9 A. That's correct.

10 Q. And then what happened?

11 A. We started looking for Angie, and we found her.

12 Q. Where was she?

13 A. She was further south on Rosa Parks, and she came up to us.  
14 There was a lot of commotion out there with all the  
15 vehicles probably that were towed or in the process of  
16 being towed.

17 Q. What did she say to you when she walked up to you?

18 A. "They towed my car."

19 Q. Then what happened?

20 A. Then we -- we had concluded that we are going to have to go  
21 to find a ride. So I can't recall if we called a taxi or  
22 we found a taxi a couple blocks away.

23 Q. What time of the morning was this?

24 A. I think it was close to five.

25 Q. And you were able to get a taxi?



1 "This is what happened. This is what happened." And you  
2 are -- you always look at it kind of like, "Well, you know,  
3 this guy has got a long track record. I could see why the  
4 police would do this."

5 But having that happen to you, if that ever  
6 happened to you, to have that feeling come across you that  
7 your rights are being violated, not only your rights being  
8 violated, let alone the people that you look to to help you  
9 and protect and serve you are the people that are hitting  
10 you and kicking you when you are not threatening in any  
11 way. It changed my perspective on how I choose to spend my  
12 money, what I choose to do down here. And it's always in  
13 the back of my mind, you know. People wonder why we don't  
14 come down from the suburbs.

15 Q. Had you ever had any problem in the City of Detroit before  
16 then with the police department?

17 A. No, but I'm also -- I feel I'm a law-abiding citizen.

18 Q. Have you ever had problems with the police department since  
19 that time? Strike that.

20 Have you ever had any problem with the Detroit  
21 Police Department since that time?

22 A. I'm not down here as frequently, but, no.

23 Q. What happened with the ticket?

24 A. The ticket was eventually dismissed.

25 Q. Did you represent yourself?

1 A. No.

2 Q. Who represented you?

3 A. I initially contacted Gary Janadia, and I believe he put  
4 his appearance in on the ticket for Angie and I.

5 Q. Did he represent you to the end?

6 A. What I believe happened is that he adjourned the matter a  
7 couple of times because this was going on with the ACLU had  
8 taken on a lot of these cases, and they filed a motion. I  
9 think it eventually got dismissed, and we got put on -- I  
10 had been in contact with them. And the ACLU put me on the  
11 list for tickets to be dismissed. And as part of that, the  
12 judge's motion, or whatever happened, the agreement between  
13 the City of Detroit and ACLU, which I don't know, I was put  
14 on the list, and the ticket was eventually dismissed.

15 Q. Was the same true for Angie?

16 A. Yes.

17 Q. Why didn't you represent yourself?

18 A. Aren't we taught in law school a lawyer who represents  
19 themselves is a fool for a client?

20 Q. I was just wondering why you didn't represent yourself. I  
21 understand, okay.

22 A. And I took this very seriously. I was -- I felt like I  
23 didn't have a choice but to fight this. I wasn't about to  
24 enter any type of plea agreement on there. I would go down  
25 at a trial, do whatever it took to get out of this. It was

1 very stressful having this, you know, mark against me.

2 Q. Did you appear at the 36th District Court?

3 A. I'm sure I did. I can't recall if he was able -- I  
4 appeared at least on one occasion.

5 Q. Was that for an arraignment?

6 A. No, I believe he was able to waive my arraignment.

7 Q. Okay. And you believe you appeared once, but you don't  
8 know?

9 A. I think I appeared down there to meet him, and I think he  
10 took care of it. And I don't know if I went in front of  
11 the judge or not; I can't recall. Just keep in mind, I'm  
12 going in front of judges all the time on different cases.  
13 You know, I don't recall if I went in front of a judge. It  
14 was just -- would have been just a pre-trial hearing, which  
15 is a routine matter. But it's my case, but I don't know if  
16 I actually went in front of the judge. I think he was able  
17 to explain to the judge that this is -- we got this other  
18 lawsuit pending right now, or the motion pending, not a  
19 lawsuit, but this was before this whole civil lawsuit. A  
20 motion was pending, and they are waiting for an answer on  
21 the motion.

22 Q. Okay. Aside from this lawsuit, have you filed any type of  
23 complaint concerning the incident that occurred at the  
24 CAID, also known as the Contemporary Art Institute of  
25 Detroit, with any public or governmental agency?

1 anybody?

2 A. Yes.

3 Q. And what was your understanding of the purpose of showing  
4 your ID, if you know?

5 A. If you are over 21, you could be served or are able to  
6 drink alcohol, or purchase an alcoholic beverage.

7 Q. And you received some kind of identification as being over  
8 21?

9 A. Yes. That wrist band, I believe.

10 Q. When the police first entered the courtyard where you were  
11 standing at the CAID, did you hear any of them identify  
12 themselves specifically as police officers?

13 MR. ASHFORD: Objection; asked and answered, but  
14 go ahead.

15 THE WITNESS: I believe that it's in the  
16 transcripts that I said that I never heard any of them  
17 identify themselves as police officers, but that they were  
18 shouting to get the fuck down or get down or lie down. And  
19 I didn't see any distinguishing marks identifying them as  
20 police officers either. And I believe that's consistent  
21 with what I've already answered.

22 BY MS. BRUNER-JAMES:

23 Q. Did they say anything indirectly that indicated they were  
24 police officers, like a search warrant?

25 A. They never mentioned any type of search warrant or any

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY MOBLEY,  
PAUL KAISER, ANGIE WONG, JAMES  
WASHINGTON, NATHANIEL PRICE,  
JEROME PRICE, STEPHANIE HOLLANDER,  
JASON LEVERETTE-SAUNDERS, WANDA  
LEVERETTE, DARLENE HELLENBERG,  
THOMAS MAHLER, and LAURA MAHLER

USDC Case No. 10-10675

Plaintiffs,

v

CITY OF DETROIT, VICKI YOST,  
and DANIEL BUGLO,

Defendant.

-----/

DEPOSITION OF THOMAS MAHLER

Taken by the Defendant on the 15th day of  
December, 2010, at the Law Offices of Goodman & Hurwitz,  
P.C, 1394 Jefferson Avenue, Detroit, Michigan, 48207, at  
11:00 a.m.

APPEARANCES:

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REPORTED BY: Angel Berry, CSR 7821  
Certified Stenographic Reporter

DEPOSITION OF THOMAS MAHLER - 12-15-10

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I N D E X

WITNESS	PAGE
THOMAS MAHLER	
Direct Examination by Mr. Ashford	3
Cross-Examination by Ms. Bruner-James	43
Redirect Examination by Mr. Ashford	44

E X H I B I T S

(none)

1 Q So when you went to the party on May 31st of 2008 were  
2 you already a member?

3 A Yes.

4 Q How long had you been a member?

5 A Some months. I can't remember exactly how many  
6 months.

7 Q Was that the first event you had ever gone to at the  
8 Contemporary Art Institute of Detroit or the CAID?

9 A No.

10 Q What other events had you attended prior to May 31st  
11 of 2008?

12 A I had been to other funk nights. I had been there for  
13 some other events. Once there was -- once or twice  
14 there was an art show of some sort with hangings, I  
15 believe. There was also some other events where they  
16 played other classical music like disco or something.

17 Q What do you mean classical music, but like a disco?

18 A I'm sorry. Funk and disco music seems like classical  
19 music to me. It's before my time.

20 Q How many art shows, approximately, did you attend?

21 A More than ten, probably less than thirty.

22 Q Was there any alcoholic beverages served at the art  
23 shows?

24 A Yes.

25 Q What kind of alcoholic beverages?

1 A Wine and beer.

2 Q Red wine, white wine or both?

3 A Both.

4 Q Prior to -- strike that.

5 Was your mother with you at these art shows?

6 A No.

7 Q Was the beer and wine being sold or was it being given  
8 out free?

9 A It was provided to people that were members and over  
10 twenty-one. I don't know what that constitutes as  
11 legally.

12 Q So you had to be twenty-one to receive -- to get the  
13 beer and wine?

14 A Yes.

15 Q How do you know that?

16 A They give -- the system might change from night to  
17 night but they had someone identifying their wrist  
18 bands or markers on the hands.

19 Q At the art shows?

20 A Yes.

21 Q Did you personally know any of the employees or  
22 volunteers who worked at the Contemporary Art  
23 Institute of Detroit?

24 A Know them personally how?

25 Q By name?



1 the raid on the CAID?

2 A Yes.

3 Q Was the Prism insured?

4 A Yes.

5 Q What was the name of the insurer?

6 A AAA, I believe.

7 Q Who was the primary user of the Geo Prism?

8 A I am.

9 Q You still have it today?

10 A Yes.

11 Q So when you went to the CAID or arrived at the CAID at  
12 approximately 2:00 a.m. on May 31st, 2008 were you  
13 alone?

14 A Yes.

15 Q Did you pay any admission to get in?

16 A No.

17 Q Why not?

18 A I had been a member, had already paid up.

19 Q Did you -- were you given a wrist band?

20 A I don't believe so.

21 Q You don't recall or do you know?

22 A Sometimes they had wrist bands for people over  
23 twenty-one and under twenty-one, and they would be  
24 different colors. I can't remember whether they gave  
25 me the under twenty-one wrist band or whether I

1 received no wrist band.

2 Q When you arrived at the door was there a line?

3 A Yes.

4 Q Okay. How many people were in front of you trying to  
5 get into the venue?

6 A I didn't go in through the front door.

7 Q What door did you go into?

8 A The side door.

9 Q Okay. How many people were in front of you when you  
10 were trying to get into the side door?

11 A Nobody.

12 Q So earlier you testified there was someone in front of  
13 you, but there was no one in front of you. Was there  
14 anyone in front of you while you were trying to get  
15 into the CAID?

16 A There were people in line for the front door but they  
17 weren't in front of me. I went to a different  
18 entrance.

19 Q What did you see? Was there anyone at the entrance,  
20 the side entrance that you went into, checking IDs?

21 A Yes. They had staff there.

22 Q How many people?

23 A One or two people.

24 Q Did you know the staff members?

25 A I know them by face, but not by name.

1 A There were a few more people, but I wasn't as good of  
2 friends with them.

3 Q During the time that you were at the CAID on May 31st,  
4 2008 did you see Eric Johnson drink any alcoholic  
5 beverages?

6 A Not that I'm aware of.

7 Q Did you see Anna Stotland drink any alcoholic  
8 beverages?

9 A Not that I'm aware if.

10 Q Did you see Mary Frazier drink any alcoholic  
11 beverages?

12 A Not that I'm aware of.

13 Q Did you see Neil Matouka drinking any alcoholic  
14 beverages?

15 A Not that I'm aware of.

16 Q Did you see any of the four individuals using illegal  
17 narcotics?

18 A No.

19 Q So what was the result of your discussion with your  
20 friends regarding whether to leave the CAID or not?

21 A They agreed.

22 Q Okay. Then what happened?

23 A Then the police arrived.

24 Q Okay. When the police arrived where were you  
25 standing?

1 A I was outside near the door coming to the inside next  
2 to a platform with stones.

3 MR. ASHFORD: Off the record.

4 (Off the record at or about 12:05 to 12:07  
5 p.m.)

6 BY MR. ASHFORD:

7 Q I'm going to show you what's been marked as  
8 Defendant's Exhibit Six.

9 A Okay.

10 Q And also Defendant's Exhibit Three. Is Defendant's  
11 Exhibit Three the door that you entered into the CAID?

12 A Aren't these the same door?

13 Q Yes.

14 A I don't believe so. I believe that's the front door.

15 Q Okay. You're saying that the door in Exhibit Six is  
16 the front door?

17 A Yes.

18 Q Okay. Let me show you Defendant's Exhibit Four. In  
19 the front of this building you see Contemporary Art  
20 Institute of Detroit and there's two doors, right?

21 A Yes.

22 Q Aren't those two doors the front doors?

23 A I've never entered through either of those doors.

24 I've never seen them open.

25 Q Okay. Aren't those the front doors of the building

1 facing Rosa Parks?

2 A Those are the doors facing Rosa Parks.

3 Q So the door in Exhibit Three and the door in Exhibit  
4 Six are different?

5 A I thought you said they were the same door.

6 Q Okay. We're not communicating effectively here. I  
7 didn't understand what you meant. Okay. Are they the  
8 same doors from your memory?

9 A Yes.

10 Q Okay.

11 A I always thought of these as the front doors, and the  
12 back door as the side door. I suppose you're thinking  
13 of this as the front and these as the side, and the  
14 exit I went in as the back.

15 Q Well, it's your deposition so we're trying to get a  
16 understanding of how you feel about the doors. So  
17 what would you consider the doors in Exhibit Three and  
18 Exhibit Six? That would be the side or the back door  
19 to you?

20 A The front door.

21 Q That would be the -- I'm sorry -- front door?

22 A Yes.

23 Q So when you told me you went through the side door,  
24 would that have been the door opposite -- facing the  
25 opposite direction to the doors in Exhibit Four?

1 A Yes, along the fence on the opposite side is a gate.

2 Q So the door that you went into and the door that you  
3 came out of is not shown in Exhibits Three, Four and  
4 Six; is that correct?

5 A Correct.

6 Q There's also a door that leads to a terrace area; is  
7 that correct.

8 A That's what I was talking about. I walked directly  
9 into the backyard.

10 Q I see. So there's a gate that you can go through to  
11 get into the backyard; is that correct?

12 A Yes.

13 Q So you can enter the backyard two different ways;  
14 through the door of the CAID and through a gate. Is  
15 that correct?

16 A Yes.

17 Q Okay. So you were standing in this terrace area with  
18 other people, I suppose?

19 A Yes.

20 Q How many other people were out there?

21 A How many people were in the backyard, period?

22 Q Yes.

23 MS. BRUNER-JAMES: Objection as to  
24 foundation. Go ahead.

25 THE WITNESS: I don't know.

1 MR. ASHFORD: Off the record for a moment.  
2 (Off the record at, or about 12:11 to 12:11  
3 p.m.)

4 BY MR. ASHFORD:

5 Q So how did you first notice the police officers?

6 A A man and a shotgun dressed in all black with a  
7 bandanna over his face was the first officer I saw.

8 Q And you were still in the backyard when you first saw  
9 this officer?

10 A Yes.

11 Q Had you made any movement to leave by that time?

12 A We were just about to head out.

13 Q So what happened when you saw this officer?

14 A I became very scared. I didn't recognize him as an  
15 officer. I thought we were being mugged.

16 Q What was he wearing?

17 A If memory serves black boots, black sweat pants and a  
18 black sweater or sweatshirt or something of the sort,  
19 and a black bandanna.

20 MS. BRUNER-JAMES: Let the record reflect  
21 that when the witness said "black bandanna" he  
22 gestured in front of the lower part of his face.

23 BY MR. ASHFORD:

24 Q Was the word "Police" emblazoned across the chest on  
25 his black shirt or black clothing?

1 A They came out after that. They had pistols, I  
2 believe. I think he was the only one with the  
3 shotgun. I can't remember them interacting with  
4 people too much. I mostly remember the man with the  
5 shotgun doing most of the speaking and interacting.

6 Q Okay. So then did you get down?

7 A Yes.

8 Q Then what happened?

9 A One man was inquiring as to why he was being told to  
10 get on the ground.

11 Q Can you describe this man for me?

12 A I didn't get very good of a look at him because I was  
13 already on the ground at this point, but I believe he  
14 was African-American. I believe he was on the taller  
15 side. I believe he was mid-built or skinny.

16 Q Was he refusing to get down?

17 A No. He was curious and concerned I would say.

18 Q But he did not get down?

19 A He did not get down as we were told to get down the  
20 first time by the man with the shotgun.

21 Q Okay. Then what happened?

22 A The officer with the shotgun and the man that was  
23 standing had an altercation in which, as best I could  
24 tell, the officer forced the man to the ground, kicked  
25 him and cursed at him.



1 Q Kicked him in what manner?

2 A I'm not sure. I saw a swift movement of his leg and I  
3 heard the man cry out.

4 Q Would you refer to that as like tripping someone?

5 A He was already on the ground at this point.

6 Q When he kicked him he was already on the ground?

7 A He kicked him while he was on the ground. I'm not  
8 sure exactly how he got him to the ground. I don't  
9 believe it was a voluntary movement.

10 Q Then what happened -- strike that.

11 Have you seen this gentleman since May 31st  
12 of 2008 who was taken to the ground by that officer?

13 A Not as far as I know.

14 Q During the large group meeting with your attorneys you  
15 never saw that person?

16 A I might have seen him while we were in court for the  
17 tickets some two and a half years ago. I might have  
18 seen him at the meeting before that date where we were  
19 speaking to the lawyers. I feasibly could have run  
20 into him without knowing it was him since then, but I  
21 have not contacted this individual as far as I know.

22 Q Do you recall seeing him since May 31st of 2008?

23 A No.

24 Q Okay. What happened after that?

25 A The officers -- I believe there were four at this

1 point or the third and fourth were coming through and  
2 they were walking around the yard looking around.

3 Q Then what happened?

4 A They started getting us up in groups of five or six, I  
5 believe, and moving us into the building.

6 Q Do you know what the officers were looking for in the  
7 backyard?

8 A I believe they were saying something to the effect of  
9 they were making sure that they had accounted for  
10 everybody.

11 Q Did you hear the officers say anything else out there?

12 A They were talking back and forth to each other a  
13 little bit. The first time we were told to get down  
14 nobody really did it. Everybody was just kind of  
15 staring at them, I would say shocked, and he ordered  
16 us a second time more forcefully than the first to get  
17 down. That's about as much as I remember of the  
18 conversation.

19 Q And so you were taken back into the building?

20 A Yes.

21 Q Then what happened?

22 A They lined us up single file against the walls. I was  
23 lined up on the stage.

24 Q Is that in the room where the DJ was?

25 A Yes.

1 Q They separated the men and the women?

2 A Correct.

3 Q Then what happened?

4 A They had us empty out our possessions into plastic  
5 bags and take our shoes off. Then they came around  
6 and patted us down and checked our shoes and took our  
7 stuff.

8 Q Okay. Then what happened?

9 A They began processing us one by one at a table they  
10 had set up in the middle of the room.

11 Q Then what happened?

12 A I get a little bit fuzzy about the exact order of  
13 events that things happened in next. Aaron Timlin  
14 asked to see a search warrant and a badge, but I can't  
15 remember exactly what order he asked in. I believe he  
16 asked for the search warrant first. When he first  
17 asked them they handcuffed him. The second time I  
18 believe he said something to the effect of, well,  
19 could I at least see a badge or could I at least see a  
20 search warrant. An officer struck him in the back of  
21 the head with a flashlight in his hand. I don't know  
22 if he hit him with the flash light or his fist.

23 There was another individual or two  
24 individuals that they identified as trouble makers and  
25 they put all those people on the stage next to me and

1 we were made to sit on the stage on our knees with our  
2 hands behind our head for several hours.

3 Q You were identified as a trouble maker?

4 A No, I was next to them.

5 Q Oh, you were next to them.

6 A I was lumped into the same category as them due to my  
7 proximity.

8 Q Then what happened?

9 A I'm really sketchy on what happened after that. They  
10 had me facing the wall with my hands behind my head so  
11 I couldn't see very much. I could look back a little  
12 bit every once in a while but they made it very clear  
13 that they didn't want us looking at them.

14 Q Then what happened?

15 A I waited for them to process me.

16 Q Okay. Then what happened?

17 A I was brought up to the table and there was an officer  
18 in uniform, a woman I believe. She's the only one I  
19 remember seeing in full uniform. There might have  
20 been one other woman in full uniform. She started  
21 writing up my tickets. I don't know who this woman is  
22 because as far as I know they used another officer's  
23 information for my ticket. The one that was writing  
24 up my ticket wasn't the one that signed it and put her  
25 badge number on it.

1 Q Okay. Then what happened?

2 A They gave me my tickets, took my car keys, let me go  
3 to my car and get my school books.

4 Q Okay. Then what happened?

5 A I had to wait around for another half hour to get my  
6 possessions back -- a half hour or so. I can't be  
7 positive about the time.

8 Q Then what happened?

9 A I got my possessions back and I waited outside for the  
10 rest of my friends to finish being processed.

11 Q Can you describe the woman who was writing up your  
12 ticket?

13 A She's the only one I remember being in full uniform.  
14 I believe she was African-American. I believe her  
15 hair -- she had long hair but it was pulled up under  
16 her hat, but I can't be positive at this point.

17 Q Okay. So she was in traditional full uniform?

18 A Yes, like I'd expect to see a police officer on the  
19 street with.

20 Q With a badge pinned to her uniform on her chest?

21 A I don't recall.

22 Q She had a police hat on?

23 A I believe so. I didn't see her until, I want to say  
24 an hour after this all started though.

25 Q Can you describe her by height and weight?

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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PAUL KAISER, ANGIE WONG,  
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PRICE, JEROME PRICE, STEPHANIE  
HOLLANDER, JASON LEVERETTE-  
SAUNDERS, WANDA LEVERETTE,  
DARLENE HELLENBERG, THOMAS  
MAHLER, and LAURA MAHLER,

Plaintiffs,

USDC Case No. 10-10675  
Hon. Victoria A. Roberts

vs.

CITY OF DETROIT, VICKI YOST,  
and DANIEL BUGLO,

Defendants.

\_\_\_\_\_ /

The deposition of **NATHANIEL**  
**PRICE** taken in the above-entitled matter before  
Reporter Deborah LaCroix, (CSR-1454), Notary Public  
in and for the County of Wayne, State of Michigan,  
at 1394 E. Jefferson Avenue, Detroit, Michigan, on  
Tuesday, November 23, 2010, commencing at or near  
the hour of 1:00 p.m.

1 APPEARANCES :

2 DANIEL S. KOROBKIN (P-72842)  
3 American Civil Liberties Union  
4 Fund of Michigan  
5 2966 Woodward Avenue  
6 Detroit, Michigan 48201  
7 (313) 578-6824  
8 Appearing on behalf of Plaintiffs.

9 KATHRYN BRUNER JAMES (P-71374)  
10 Cooperating Attorneys, American  
11 Civil Liberties Union Fund of  
12 Michigan  
13 Goodman & Hurwitz, P.C.  
14 1394 E. Jefferson Avenue  
15 Detroit, Michigan 48207  
16 (313) 567-6170  
17 Appearing on behalf of Plaintiffs.

18 JERRY L. ASHFORD (P-47402)  
19 City of Detroit Law Department  
20 660 Woodward Avenue  
21 1650 First National Building  
22 Detroit, Michigan 48226  
23 (313) 237-3089  
24 Appearing on behalf of Defendants.

25

DEPOSITION OF NATHANIEL PRICE - 11-23-10

1	I N D E X	
2	WITNESS	PAGE
3	NATHANIEL PRICE	
4		
5	Examination by Mr. Ashford	5
6	Examination by Ms. James	30
7		
8		
9	E X H I B I T S	
10	MARKED	
11	None offered	
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1 Q You attended those parties over how long of a time  
2 period?

3 A One to two years.

4 Q During the four or five times that you attended funk  
5 night before May 31, 2008 did you ever pay a fee to  
6 get in?

7 A No.

8 Q Was your identification checked at the door?

9 A Yes.

10 Q Every time or only a couple of times? How often was  
11 it checked of the four or five times that you  
12 attended the funk night?

13 A I'm pretty sure every time.

14 Q During the four or five times that you attended did  
15 you ever fill out any type of membership  
16 application?

17 A No.

18 Q During the four or five times that you attended funk  
19 night prior to May 31, 2008 did you ever observe any  
20 guns or weapons inside the CAID?

21 A No.

22 Q Did you ever observe or recognize any unlawful  
23 narcotics inside the CAID during the four or five  
24 times you attended funk night prior to May 31, 2008?

25 A No.

1 A I believe so.

2 Q Was there a line to get into the CAID or were you  
3 able to walk right up to the--

4 A Just a line inside. A short line.

5 Q A short line inside the CAID?

6 A Yes.

7 Q Were there representatives of the CAID taking money,  
8 as far as you could tell?

9 A At the table where they're signing up. Not at the  
10 door.

11 Q So you walked into the door and there was a table  
12 that was set up where they were taking money and  
13 people were signing up for memberships?

14 A Yes.

15 Q Did you also notice that they were putting on wrist  
16 bands?

17 A I believe so.

18 Q Did you ever see that?

19 A I don't really remember. I'm not sure.

20 Q Did you ever get to the front of the line to that  
21 table?

22 A No.

23 Q So you were standing in line with your two friends?

24 A Yes.

25 Q And then what happened?

1 A And then the police came in the front door charging  
2 in with guns telling everyone to get to the ground.

3 Q How do you know they were police?

4 A I didn't know it at the time.

5 Q When they were coming through the door did they say  
6 police?

7 A I don't think so. But I'm not sure.

8 Q How were they dressed?

9 A Dark clothing. Other than that, I'm not positive.

10 Q Did they have the word police on their uniforms?

11 A I didn't see anything.

12 Q Was it dark inside or was it well lit where you were  
13 standing?

14 A It was well lit.

15 Q So then what happened as the police officers were  
16 coming in?

17 A They walked through the middle of the room saying,  
18 get on the fucking ground. And everyone did that.  
19 I went off to the side, the side wall and dropped  
20 down.

21 Q Did you ever go to the bar in the CAID while you  
22 were there on May 31, 2008?

23 A No.

24 Q Did you ever purchase any alcohol on May 31, 2008?

25 A No.

1 Q Did you purchase any food?

2 A No.

3 Q It's your testimony you never went anywhere besides  
4 standing in that line inside the CAID, is that  
5 correct?

6 A Before they came in, yes.

7 Q Before they came in?

8 A Hm-hmm.

9 Q Yes?

10 A Yes.

11 Q So when the officer or officers instructed you to  
12 get down, is that what you did?

13 A Yes.

14 Q Then what happened?

15 A Then we laid there for an extended period of time.  
16 They were yelling at people. I'm not sure how long  
17 it was.

18 Q Then what happened?

19 A Then after awhile they told us to stand up, a couple  
20 at a time. And they brought us guys over to the  
21 other side of the main room. Put us in lines where  
22 they searched us and took our belongings out of our  
23 pockets.

24 Q While you were inside the CAID did you ever see any  
25 physical abuse from the Detroit Police Officers

1 directed to the patrons of the CAID or the staff of  
2 the CAID?

3 A I saw one girl who was kicked in the back to the  
4 ground.

5 Q Do you know if that girl was following instructions  
6 as they were given to her by Detroit Police  
7 Officers?

8 A I don't know.

9 Q Were you down on the ground at the time you saw this  
10 girl kicked in the back?

11 A I believe so.

12 Q Did you see any verbal abuse directed at the Detroit  
13 Police Officers?

14 Strike that. I'm going to ask that  
15 question again. I'm not sure I asked it correctly.

16 Did you hear any verbal abuse directed at  
17 the Detroit Police Officers?

18 A I heard what sounded like it could be verbal abuse.

19 Q What did you hear?

20 A I don't know what they were saying, but talking in  
21 what sounded like arguing.

22 Q Did you see any physical abuse directed at the  
23 Detroit Police Officers by patrons or staff of the  
24 CAID?

25 A No.

1 Q Were you searched?

2 A Yes.

3 Q Then what happened after you were searched?

4 A I gave them my stuff in my pockets and they put it  
5 in a plastic bag.

6 Q Then what happened?

7 A Then after awhile when they were done searching  
8 everyone and taking their belongings, the men were  
9 brought into the dance room and were told to kneel  
10 down with their hands behind their head.

11 Q Then what happened?

12 A We stayed there for a long time. Until they started  
13 calling out people's names to hand out tickets and  
14 give us our belongings back.

15 Q You got a ticket for loitering in a place of illegal  
16 occupation?

17 A Yes.

18 Q Then what happened?

19 A Then I followed one of the officers into the front  
20 room where they had set up a table and they asked me  
21 if I had drove to the CAID.

22 Q How did you respond?

23 A I said, yes.

24 Q Then what happened?

25 A Then they told me to follow an officer out to get my

1 car. And they told me that it was going to be  
2 towed. And that I should get whatever belongings I  
3 want out of it.

4 And I asked them how long until I get it  
5 back and they said I would get it back on Monday.  
6 And then he took the keys and took it.

7 Q Nathaniel, while you were in the CAID did any  
8 Detroit Police Officer point a gun in your face?

9 A Yes.

10 Q When did that happen?

11 A Right at the beginning. I was right in the--

12 Q You were right in the doorway?

13 A -- almost the middle of the room, yeah, so. Right  
14 when they came in, they were just pointing it at me.

15 Q But not you specifically though? Whoever was in the  
16 room, right?

17 A I guess not. They were just pointing forward and I  
18 was there.

19 Q When the officers came in, they told you to get  
20 down, correct?

21 A Yes.

22 Q Did you trip before that?

23 A No.

24 Q You followed their instructions and you just got  
25 down on the ground?

1           anymore because I'm afraid of something like this  
2           could happen without me knowing that someplace I'm  
3           at is doing something illegal.

4           **Q   Anything else?**

5           A   No.

6           **Q   Is there anything else you want to tell me about  
7           this incident?**

8           A   No.

9                           **MR. ASHFORD:** I have nothing further.

10   EXAMINATION

11           BY MS. JAMES:

12           **Q   I just have two questions. I just wanted to clarify  
13           one part of your testimony.**

14                           **Did you trip at all the night of May 31,  
15           2008 while you were at the CAID?**

16           A   Yes.

17           **Q   Can you explain when and how you tripped?**

18           **A   I tripped after the police came through the door and  
19           told everyone to get to the ground. Right after  
20           that I got to the side and tripped over someone as I  
21           was going to the ground.**

22                           **MS. JAMES:** That's all I have.

23                           **MR. ASHFORD:** I have nothing further.

24   (Deposition concluded at 2:20 p.m.)

25





# Detroit Police Department Activity Log

DATE		PLATOON		DISTRICT AND CAR			SPECIAL EVENT OR DETAIL NAME				
5/30/08		4		VICE							
Vehicle Code 13710	Mileage On Duty 464610	Fuel Level On Duty	Mileage Off Duty 46463	Oil Change Due	Gal of Gas	Total Miles Driven	Video System Functioning?				
P.P.E. Kit #	Rifle /Shotgun Serial #	Car Clean?	Fire Extinguisher?	Hand Spotlight?	Mileage	Spare Inflated?	Repairs Needed / Damage Noted (List all)				
PRINT MEMBER (S) RANK & NAME AND AFFIX SIGNATURE				BADGE	ON DUTY	OFF DUTY	# O.T. HOURS	TICKET RECAP			
								MOV	PARK	PED	MISC/ENV
1. SGT D. BUGLO S-444 / SGT C. TURNER				S1260	1100	700					134
2. PO C. MCCLENDON 2028 / S JOHNSON				4610	1100	700					
3. PO J. PASSMORE 180 / PO T. GRAY				4591	1100	700					
4. PO R. SMITH 4619 11P-7A / LT V. YOST				L-112	1200	800					

RECAP OF ACTIVITY			
Police Runs	Missing Reports Taken	UF-001	JC-02
Felony Arrests	Missing Persons Recovered	UF-002	Drops Submitted for Approval
Misdemeanor Arrests	Detainees Transferred	UF-003	Persons Interviewed
Juveniles Detained	Witnesses Conveyed	UF-004	Detainees Assigned
Ordinance Complaints	Other Conveyances	UF-005	Detainees Interrogated
Traffic Stops	Traffic Crash Reports	UF-006	Warrants Submitted
Total Males Investigated	Guns Confiscated	UF-007	Supervisor Runs
Total Females Investigated	Confiscated Vehicle (s)	UF-008	Supervisor (SSC) Runs Responded to
Other Citizen Contacts	Weight of Narcotic Seizures	DPD-665	Time Spent Desk/Cell Block Duty
Number of Frisks	Confiscated Currency	DPD-666	MLCC Inspections
Autos Investigated	Time Spent on Surveillance	DPD-667	MLCC Write-ups
Autos Recovered	Canine Deployment	DPD-668	Hours on Vice Enforcement
Autos Impounded	44 Canine Apprehension	DPD-669	Entries Entered into MAS
All Recovered Property Value	Contact Brochures Distributed	DPD-670	Investigations Submitted
Case Reports (CRISNET)	Hours Spent in Training	JC-01	Other Forms or Rpts
Miscellaneous Information: THERE WERE A TOTAL OF 134 MISCELLANEOUS TICKETS WRITTEN DURING EXECUTION OF THE WARRANT			

<b>SGT. DANIEL BUGLO</b> SUPERVISOR CHECKING THE LOG IN (PRINT RANK/NAME)		5/31/08 DATE CHECKED IN		TIME CHECKED IN
<b>LT. VICKI YOST</b> SUPERVISOR REVIEWING THE LOG (PRINT RANK/NAME)				

LUNCH LOCATION: \_\_\_\_\_ TIME LUNCH TAKEN: \_\_\_\_\_ VEHICLE KEYS TURNED OVER TO \_\_\_\_\_

TIME ON PATROL	TIME ON P.R.	480 TIME ON M.A.	TIME ON T.S.	TIME ON I.F.	TIME ON S.D.	TIME ON S.R.	TIME ON S.S.C.	TIME ON S.I.P.
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FROM	ARRIVED	TO	TOTAL	TYPE ACTIVITY	S T O P	F R I S K	DISPOSITION
1045 P		1100 P	15	MA			ON DUTY ROLL CALL PER LT YOST PREPARING FOR RAID
1100		1200	60	MA			PREPARING FOR EXECUTION OF SEARCH WARRANT
1215				MA			TMU BASE SECONDARY ROLL CALL
1245				MA			TMU BASE STANDING BY AWAITING INFORMATION FROM UC OFFICERS INSIDE THE LOCATION.
220A				MA			5141 ROSA PARKS - EXECUTION OF SEARCH WARRANT



# Detroit Police Department Activity Log

						<p>Def. 10: Natalie Elise Viviano, w/f/21, 7/15/86 of 47421 North Ave., Macomb Twp., MI. Iss ord U42342308 for "Loiter in a place of illegal occupation" by PO C. Coleman.</p> <p>Def. 11: Chelsea Macledd Schultz, w/f/19, 5/24/89 of 14153 Four Lakes Drive, Sterling Heights, MI. Iss ord U42342208 for "Loiter in a place of illegal occupation" by PO D. Carter.</p> <p>Def. 12: Jessica Marie Crowley, w/f/27, 5/31/82 of 960 Emwill St., Ferndale, MI. Iss ord U42342108 for "Loiter in a place of illegal occupation" by Sgt. J. Pritchett.</p> <p>Def. 13: Susan Mary Moczlelewski, w/f/19, 10/1/88 of 14321 Troy St. Taylor, MI. Iss ord U42345708 for "Loiter in a place of illegal occupation" by PO S. Johnson.</p> <p>Def. 14: Olivia Marie Pizzo, w/f/18, 11/8/89 of 810 Timberline Dr. Rochester Hills, MI. Iss ord U42345508 for "Loiter in a place of illegal occupation" by PO T. Gray.</p> <p>Def. 15: Ashley Renee Lisi, w/f/18, 3/13/90 of 15345 Glenhurst, Southgate, MI. Iss ord U42345308 for "Loiter in a place of illegal occupation" by PO J. Passmore.</p> <p>Def. 16: Megan Danielle Smedley, w/f/ of 10600 Mt. Vernon Apt 2, Taylor, MI. Iss ord U42345208 for "Loiter in a place of illegal occupation" by PO. S. Johnson.</p> <p>Def. 17: Brittany elizabeth Dallas, b/f/19, 3/2/89 of 17704 Toepfer, Eastpointe, MI. Iss ord U42343708 for "Loiter in a place of illegal occupation" by PO J. Passmore.</p>
						<p>Def. 18: Darlene Celeste Hellenberg, w/f/25, 12/1/82 of 203 College St. Ferndale, MI. Iss ord U42343508 for "Loiter in a place of illegal occupation" by PO S. Johnson.</p> <p>Def. 19: Lindse Mrie Umlauf, w/f/19, 9/18/80 of 831 Jewell St. Ferndale, MI. Iss ord U42343608 for "Loiter in a place of illegal occupation" by PO S. Johnson.</p> <p>Def. 20: Jennifer Lynn Agar, w/f/24, 3/13/84 of 21034 Ontacha St. Farmington Hills, MI. Iss ord U42345108 for "Loiter in a place of illegal occupation" by Sgt. Daniel Buglo</p> <p>Def. 21: Jessica Lynn Martin, w/f/22, 6/17/85 of 13210 Bloomfield Ave. Warren, MI. Iss ord U42345808 for "Loiter in a place of illegal occupation" by PO J. Passmore.</p> <p>Def. 22: Madeline Barick, w/f/19, 3/29/89 of 37612 Adrian, Sterling Hgts., MI. Iss ord U42341308 for "Loiter in a place of illegal occupation" by PO K. Singleton.</p>



# Detroit Police Department Activity Log

Def. 23: Jessical Nicole Decker, w/f/25, 6/10/82 of 1975 Belmont, Hamtramck, MI. Iss ord U42341208 for "Loiter in a place of illegal occupation" by PO J. Kisselburg.

Def. 24: Ryan Paul Gates, w/m/21, 9/11/86 of 7033 N. Blair Ave. royal Oak, MI. Iss ord U42367508 for "Loiter in a place of illegal occupation" by PO J. Cobb-Sanders.

Def. 25: Joy Alicia wells, b/f/20, 12/01/87 of 29224 Lancaster Dr. #208, Southfield, MI. Iss ord U42343108 for "Loiter in a place of illegal occupation" by PO T. Gray.

Def. 26: Erin Elizabeth Ellis, w/f/22, 2/10/86 of 4012 Bagley Detroit, MI. Iss ord U42341108 for "Loiter in a place of illegal occupation" by PO Peacal.

Def. 27: Meghan Hodges, w/f/19, 12/9/88 of 2706 Kipling Ave. Berkley, MI. Iss ord U42344808 for "Loiter in a place of illegal occupation" by PO G. Johnson.

Def. 28: Patricia Ann Sagy, w/f/23, 3/7/85 of 1109 S. geneva Dr. Dewitt, MI. Iss ord U42344508 for "Loiter in a place of illegal occupation" by PO G. Johnson.

Def. 29: Ashley Katherine Moore, b/f/21, 4/29/87 of 21640 Virginia Southfield, MI. Iss ord U42342508 for "Loiter in a place of illegal occupation" by PO G. Johnson.

Def. 30: Amanda Lynn Milke, w/f/18, 10/23/89 of 13316 Talbox Ave. Huntington Woods, MI. Iss ord U42344608 for "Loiter in a place of illegal occupation" by PO J. Kisselburg.

Def. 31: Chelsea H. Macher, w/f/18, 3/22/90 of 43499 Petrucci, Clinton Twp., MI. Iss ord U42342408 for "Loiter in a place of illegal occupation" by PO J. Kisselburg.

Def. 32: Elise Strasz w/f/19, 9/3/88 of 5101 Trumbull, Detroit, MI. Iss ord U42343208 for "Loiter in a place of illegal occupation" by PO S. Jackson.

Def. 33: Anna Stotland, w/f/19, 12/22/88 of 6713 Scotch Lake Dr. W. Bloomfield, MI. Iss ord U42344308 for "Loiter in a place of illegal occupation" by PO S. Jackson.

Def. 34: Lindsay Anne Stover, w/f/27, 5/1/81 of 1415 Parker, Detroit, MI. Iss ord U42344108 for "Loiter in a place of illegal occupation" by PO C. Hopkins.

Def. 35: Jacque Sutton, w/m/21, 5/22/87 of 170 Moross St. Mount Clemons, MI. Iss ord U42367708 for "Loiter in a place of illegal occupation" by Sgt. A. Potts.



# Detroit Police Department Activity Log

Def. 36: Samantha gold, w/f/18, 10/2/89 of 46701 Kobewater, Macomb, MI. Iss ord U42343308 for "Loiter in a place of illegal occupation" by PO. K. Singleton.

Def. 37: Stephanie Hollander, w/f/20, 11/6/87 of 7269 Creeks Beard Ct. W. Bloomfield, MI. Iss ord U42344208 for "Loiter in a place of illegal occupation" by PO K. Singleton.

Def. 38: Gabrielle Rentz, w/f/18, 11/18/89 of 35165 Kesler Ct. Clinton Twp, MI. Iss ord U42344708 for "Loiter in a place of illegal occupation" by PO K. Singleton.

Def. 39: Corinnie Denomme, w/f/19, 4/3/89 of 204 Robertson, Mt. Clemons, MI. Iss ord U42343408 for "Loiter in a place of illegal occupation" by PO D. Penn.

Def. 40: Anthony Joseph Pratt, w/m/20, 12/12/87 of 2679 Bacon Ave. Berkley, MI. Iss ord U42368908 for "Loiter in a place of illegal occupation" by PO M. Laws.

Def. 41: Austin Jones, w/m/20, 7/5/87 of 6682 Swartout Rd. Algonac, MI. Iss ord U42368808 for "Loiter in a place of illegal occupation" by PO M. Carson.

Def. 42: Ashley Rae Hogan, w/f/20, 8/24/87 of 18865 Cass Ave. Apt 102, Clinton Twp., MI. Iss ord U42368708 for "Loiter in a place of illegal occupation" by Sgt. J. Pritchett.

Def. 43: Carlos Antonio Padilla, w/m/19, 9/19/88 of 367 McMillan Rd. Grosse Pte., MI. Iss ord U42368508 for "Loiter in a place of illegal occupation" by PO D. Holyfield.

Def. 44: Camile Jay Pomaville, w/f/18, 1/19.80 of 17089 White Plains Dr., Macomb, MI. Iss ord U42368608 for "Loiter in a place of illegal occupation" by PO K. Wheeler.

Def. 45: Marian Louise Schmidt, w/f/19, 1/31/89 of 641 University Place, Grosse Pte., MI. Iss ord U42368408 for "Loiter in a place of illegal occupation" by PO C. Coleman.

Def. 46: Audrianna Lizette Alvarado, b/f/18, 7/10/89 of 17395 Fenton Detroit, MI. Iss ord U42368308 for "Loiter in a place of illegal occupation" by PO M. Laws.

Def. 47: Brittany Kimberly Jestice, w/f/22, 4/18/86 of 505 Fort Dearborn St. Dearborn, MI. Iss ord U42340408 for "Loiter in a place of illegal occupation" by PO T. Gray.

Def. 48: Leah Christian Garvonic, w/f/20, 8/26/87 of 39757 Berkley, Clinton Twp., MI. Iss ord U42344408 for "Loiter in a place of illegal occupation" by PO D. Penn.

Def. 49: Kimberly Georgins Khamo, w/f/20, 1/31/88 of 5255 Main St. Clawson, MI. Iss ord U42340308 for "Loiter in a place of illegal occupation" by PO S. Johnson.



# Detroit Police Department Activity Log

						<p>Def. 50: Tabitha Taby, w/f/21, 10/24/86, of 2217 Salmon St. Manchester, NH. Iss ord U42367208 for "Loiter in a place of illegal occupation" by PO M. Newton.</p> <p>Def. 51: Brian Edward, w/m/19, 1/8/89 of 17617 Margate Ave. Lathrup Village, MI. Iss ord U42367108 for "Loiter in a place of illegal occupation" by PO J. Cobb-Sanders.</p> <p>Def. 52: Jenna Marie Rinke, b/f/18, 4/21/89 of 37875 Hobarth Rd. Chesterfield Twp. Iss ord U42345608 for "Loiter in a place of illegal occupation" by Sgt. C. Turner.</p> <p>Def. 53: Sarah Catherine Mercury, w/f/25, 7/26/82 of 2720 Rosa Parks Blvd. Detroit, MI. Iss ord U42345408 for "Loiter in a place of illegal occupation" by PO T. Gray.</p> <p>Def. 54: Lynn Marie Losh, w/f/20, 12/10/87 of 15754 Lenore, Redford, MI. Iss ord U42346008 for "Loiter in a place of illegal occupation" by PO S. Johnson.</p> <p>Def. 55: MichellD Ruth Runde, w/f/21, 5/24/87 of 1551 W. Davison Lake Rd. Oxford, MI. Iss ord U42340208 for "Loiter in a place of illegal occupation" by PO C. Jenkins.</p> <p>Def. 56: Nicole Pedley, w/f/20, 5/24/88 of 20914 Hayes, Taylor, MI. Iss ord U42344908 for "Loiter in a place of illegal occupation" by PO D. Penn.</p> <p>Def. 57: Joshua Wilson, w/m, 5/9/83 of 2242 15th St. Wyandotte, MI. Iss ord U410092508 for "Loiter in a place of illegal occupation" by PO B. Cole.</p> <p>Def. 58: Robert Anthony Moglia, w/m, 10/30/77 of 1924 Axtell Dr. Apt 4 Troy, MI. Iss ord U41092408 for "Loiter in a place of illegal occupation" by Sgt. G. McWhorter.</p> <p>Def. 59: Neil Matouka, w/m, 6/3/88 of 24040 Republic, Oak Park, MI. Iss ord U41092308 for "Loiter in a place of illegal occupation" by PO J. Cobb-Sanders.</p> <p>Def. 60: Michael Peter White, w/m, 6/16/83 of 9706 N. 17th, Plainwell, MI. Iss ord U41092208 for "Loiter in a place of illegal occupation" by PO B. Cole.</p> <p>Def. 61: Alexander Owen Elso, w/m/, 9/21/87 of 184 Beoland, Mt. Clemens, MI. Iss ord U42363908 for "Loiter in a place of illegal occupation" by PO M. Brown.</p> <p>Def. 62: James William Washington, b/m/, 11/2/80 of 13887 Mackay, Detroit, MI. Iss ord U42363708 for "Loiter in a place of illegal occupation" by PO M. Brown</p>
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# Detroit Police Department Activity Log

Def. 63: Jordan Gregory Calamia w/m, 8/18/88 of 40377 Mount Vernon Dr. Sterling Heights, MI. Iss ord U42366008 for "Loiter in a place of illegal occupation" by PO G. Johnson.

Def. 64: Camilo Acosta, w/m/18, 7/27/89, of 14884 Atwater Dr. Sterling Hgts., MI. Iss ord U42361608 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 65: Robert Andrew St. w/m/21, 15721 Camden Dr. Macomb, MI. Iss ord U42361508 for "Loiter in a place of illegal occupation" by Sgt. Daniel Buglo.

Def. 66: Buri Ahmed Khan, w/m, 5/13/84 of 1913 E. Lincoln Ave. Royal Oak, MI. Iss ord U42361008 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 67: Caitlin Dwne Bruce-Campo, w/f, 2/18/89, of 39500 Chart St. Harrison Twp., MI. Iss ord U42361408 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 68: Peter Richard Gibbs, w/m/21, 4/21/87 of 549 Troywood Dr. Troy, MI. Iss ord U41093908 for "Loiter in a place of illegal occupation" by PO D. Holyfield.

Def. 69: Brian James Rozman, w/m/35, 11/27/72 of 1837 Beechmont, Deego Harbor, MI. Iss ord U42361308 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 70: Michael Wayne Malosevich, w/m, 6/18/86 of 436 W. Drayton, Ferndale, MI. Iss ord U41092108 for "Loiter in a place of illegal occupation" by PO B. Cole.

Def. 71: Matthew Steven Smyth, w/m/22, 12/12/85 of 15438 Leona Dr. Redford, MI. Iss ord U42361208 for "Loiter in a place of illegal occupation" by PO J. Passmore.

Def. 72: Anthony Alan Caruso, w/m/24, 4/24/84, of 825 SE Bidwell, Portland, OR. Iss ord U42365908 for "Loiter in a place of illegal occupation" by PO K. Singleton.

Def. 73: James William Washington, b/m, 11/2/80 of 13887 Mackay, Detroit, MI. Iss ord U42363708 for "Loiter in a place of illegal occupation" by Sgt. McWhorter.

Def. 74: Patrick Davis w/m, 2/11/86 of 5256 Jaime Ln. Flushing, MI. Iss ord U42363508 for "Loiter in a place of illegal occupation" by PO J. Cobb-Sanders.

Def. 75: Nicholes John Ernst, w/m, 9/25/81 of 1765 Gardenia Apt 215, Royal Oak, MI. Iss ord U42363608 for "Loiter in a place of illegal occupation" by PO M. Laws.

Def. 76: Nathaniel Price, w/m, 9/6/87 of 604 W. Lewiston Ave. Ferndale, MI. Iss ord U42363208 for "Loiter in a place of illegal occupation" by Sgt. A. Potts.



# Detroit Police Department Activity Log

Def. 77: Douglas Addison Hodges, w/m, 10/28/85 of 8166 Turntable, Grosse Ile, MI. Iss ord U42363108 for "Loiter in a place of illegal occupation" by PO M. Newton.

Def. 78: Aaron Bondroff, w/m, 12/2/82, of 14361 Westpoint St. Taylor, MI. Iss ord U42363308 for "Loiter in a place of illegal occupation" by PO J. Cobb-Sanders.

Def. 79: George Strickland, w/m/20, 11/02/87 of 8545 Glengarry Rd. Grosse Ile, MI. Iss ord U42365808 for "Loiter in a place of illegal occupation" by PO D. Penn.

Def. 80: Joseph Pistono Jr. w/m/22, 2/27/86 of 41874 Pond View Dr. Sterling Heights, MI. Iss ord U42365708 for "Loiter in a place of illegal occupation" by PO J. Kisselburg.

Def. 81: Jacob Timlin, w/m, 9/18/72 of 27111 Park Ct. Madison Hgts., MI. Iss ord U41094108 for "Loiter in a place of illegal occupation" by PO J. Cobb-Sanders.

Def. 82: Adam Cornelius, w/m/25, 10/24/82, of 3720 winchell Ave. Apt. P305, Kalamazoo, MI. Iss ord U42365608 for "Loiter in a place of illegal occupation" by PO G. Johnson.

Def. 83: James Gross, w/m, 2/23/87, of 47729 Falcon Dr. Shelby Twp., MI. Iss ord U41092708 for "Loiter in a place of illegal occupation" by PO J. Cobb-Sanders.

Def. 84: Zachary Varela, w/m/20, 4/21/88 of 19342 Brandywine Riverview, MI. Iss ord U42365408 for "Loiter in a place of illegal occupation" by PO S. Jackson.

Def. 85: Stephen Paul Webster, w/m/25, 3/3/83 of 4409 W. Isabella, Shepheard, MI. Iss ord U42365508 for "Loiter in a place of illegal occupation" by PO K. Singleton.

Def. 86: Jason Anthony Leverette-Saunders, w/m, 6/11/83 of 16232 Normandy St. Detroit, MI. Iss ord U41092808 for "Loiter in a place of illegal occupation" by PO T. Gray.

Def. 87: James William Czech, w/m/25, 4/16/83 of 20304 Hollywood, Harper Woods, MI. Iss ord U42365108 for "Loiter in a place of illegal occupation" by PO J. Kisselburg.

Def. 88: Daniel Brancheau, w/m/24, 1/30/84, of 9615 Blaxy St. Taylor, MI. Iss ord U42365308 for "Loiter in a place of illegal occupation" by PO K. Singleton.

Def. 89: Joshua Adams, w/m/27, 5/20/81 of 337 Ford Ave. Wyandott, MI. Iss ord U42365208 for "Loiter in a place of illegal occupation" by PO D. Penn.



# Detroit Police Department Activity Log

Def. 90: Patrick Dewan, w/m/19, 8/4/88 of 8440 Yale, Oak Park, MI. Iss ord U42342008 for "Loiter in a place of illegal occupation" by PO G. Johnson.

Def. 91: Doka Juncaj, w/m, 6/25/90, of 16972 Compania, Macomb Twp., MI. Iss ord U42341908 for "Loiter in a place of illegal occupation" by PO K. Singleton.

Def. 92: Molly ann Blaklwski, w/f/17, 1/25/91 of 580 bolinger, Rochester Hills, MI. Iss ord U42341708 for "Loiter in a place of illegal occupation" by PO D. Penn.

Def. 93: Ashley Josephine Carnaghi, w/f/23, 6/22/84 of 19374 Cumberland Way, Detroit, MI. Iss ord U42341608 for "Loiter in a place of illegal occupation" by PO J. Kisselbury.

Def. 94: Martha Wojtaszck, w/f/20, 8/23/87 of 1324 Keywest, Troy, MI. Iss ord U42341408 for "Loiter in a place of illegal occupation" by PO S. Jackson.

Def. 95: Thomas Mahler, w/m, 9/2/87 of 741 w. Lewiston Ave., Ferndale, MI. Iss ord U42364008 for "Loiter in a place of illegal occupation" by PO B. Cole.

Def. 96: Ian Mobley, w/m, 11/6/87 of 18157 Mulberry St. Riverview, MI. Iss ord U42367608 for "Loiter in a place of illegal occupation" by Sgt. A. Potts.

Def. 97: Jason wysocki, w/m, 8/24/87 of 21669 Overland Ct. Macomb Twp., MI. Iss ord U42363808 for "Loiter in a place of illegal occupation" by Sgt. G. McWhorter.

Def. 98: Stephen Michael Brown, b/m/22, 1/13/86 of 24240 Ithaca St. Oak Park, MI. Iss ord U42361108 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 99: Michael Thomas Rozman, w/m, 10/30/71 of 1837 Beechmont St. Keego Harbor, MI. Iss ord U42343908 for "Loiter in a place of illegal occupation" by Sgt. Daniel Buglo.

Def. 100: Thomas Anthony Cole, w/m/20, 2/22/88 of 20917 Ivy Circle, Macomb Twp., MI. Iss ord U42360808 for "Loiter in a place of illegal occupation" by Sgt. Turner.

Def. 101: Damien Ryan Mayo, b/m/24, 2/5/84 of 5644 Martell Dr. Troy, MI. Iss ord U42360908 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 102: Bruce russell Nichols, Jr., w/m/22, 10/30/85 of 30 N. Edgewood Dr. Grosse Pointe, MI. Iss ord U42360308 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 103: Scott Thomas Hughes, w/m/23, 10/23/84 of 21450 HCI Jackson, Grosse Ile., MI. Iss ord U42360208 for "Loiter in a place of illegal occupation" by Sgt. C. Turner.





# Detroit Police Department Activity Log

Def. 104: Amada B. Sandrik, w/f/19, 12/25/88 of 12908 Grande Poplar Cr., Plainfield, IL. Iss ord U42340508 for "Loiter in a place of illegal occupation" by Sgt. C. Turner.

Def. 105: Joel Daniel Axner, w/m/26, 3/16/82 of 1808 Meadow Wood, Ypsilanti, MI. Iss ord U42340608 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 106: Mark Julius Kiselivoas, w/m/24, 3/22/84 of 50 W. Bernhard Ave. Hazel Park, MI. Iss ord U42360108 for "Loiter in a place of illegal occupation" by PO S. Johnson

Def. 107: Stefanie Marie Bockensteltt, w/f/20, 8/7/87 of 23225 Lakewood St. Clinton Twp., MI. Iss ord U42340108 for "Loiter in a place of illegal occupation" by Sgt. C. Turner.

Def. 108: Angela Sexton, w/f, 7/24/87 of 1348 Fielding, Ferndale, MI. Iss ord U42341508 for "Loiter in a place of illegal occupation" by PO G. Johnson.

Def. 109: Jennifer Ann Moore, w/f/19, 5/31/89 of 37201 Willow Ln, Clinton Twp., MI. Iss ord U42341008 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 110: Derrick Walker, w/m, 9/18/85 of 321 E. 11 Mile Rd. 205, Royal Oak, MI. Iss ord U42367408 for "Loiter in a place of illegal occupation" by PO M. Law.

Def. 111: Michael Steven Diclaudio, w/m, 9/14/87 of 8610 Ferry Rd. Grosse Ile, MI. Iss ord U42367808 for "Loiter in a place of illegal occupation" by PO M. Law.

Def. 112: Dalton Tosolt, w/m, 8/2/89 of 321 E. 11 Mile Rd. Royal Oak, MI. Iss ord U42367908 for "Loiter in a place of illegal occupation" by PO J. Cobb-Sanders.

Def. 113: Brett Adam Donlon, w/m, 10/18/88 of 1459 17th, Wyandotte, MI. Iss ord U42368008 for "Loiter in a place of illegal occupation" by PO M. Newton.

Def. 114: Michael Thomas, w/m, 4/21/86 of 22047 Dand, Eastpointe, MI. Iss ord U42367308 for "Loiter in a place of illegal occupation" by PO J. Cobb-Sanders.

Def. 115: Brittany Ann Vercak, w/f/18, 4/23/90, of 11358 Bryden, Taylor, MI. Iss ord U42340908 for "Loiter in a place of illegal occupation" by PO J. Passmore.

Def. 116: Ryan Keith Savoie, w/m, 10/28/83 of 3052 Sunrise Dr. Crown Point, IN. Iss ord U42340808 for "Loiter in a place of illegal occupation" by Sgt. C. Turner.

Def. 117: Angie Wong, w/f/22, 2/2/86, of 20307 Sunnyside St. St. Clair Shores, MI. Iss ord U42345908 for "Loiter in a place of illegal occupation" by Sgt. C. Turner.



# Detroit Police Department Activity Log

Def. 118: Chad Michael Medina, w/m/23, 9/28/84, of 23524 Pinewood, Taylor, MI. Iss ord U42340708 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 119: Michael Anthony Mazzeo, w/m, 5/24/87 of 143 S. Highland, Mt. Clemens, MI. Iss ord U42363408 for "Loiter in a place of illegal occupation" by PO M. Laws.

Def. 120: Erik Scott-Pearson Johnson, w/m/18 of 158 Maplefield Rd. Pleasant Ridge, MI. Iss ord U41093408 for "Loiter in a place of illegal occupation" by PO K. Wheeler.

Def. 121: Michael Bennett Fellsman, w/m/20, 9/8/87 of 37635 Charter Oaks Blvd. Clinton Twp., MI. Iss ord U42360608 for "Loiter in a place of illegal occupation" by Sgt. C. Turner.

Def. 122: Mark Jerome Kaiser, w/m, 1/18/61 of 31315 Carion Dr., Warren, MI. Iss ord U42360508 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 123: Paul Matthew Kaiser, w/m/37, 6/22/70 of 676 Windsong Dr., Rochester Hills, MI. Iss ord U42360408 for "Loiter in a place of illegal occupation" by PO S. Johnson.

Def. 124: Christopher Robert Figliouli, w/m/20, 5/21/88 of 21067 Woodland, Macomb Twp., MI. Iss ord U42360708 for "Loiter in a place of illegal occupation" by PO J. Passmore.

Def. 125: Devon Dermott-Paul Mitchell, Jr., b/m/24, 3/3/84 of 5190 Bronco Dr. Clarkston, MI. Iss ord U41093808 for "Loiter in a place of illegal occupation" by PO C. Coleman.

Def. 126: Robert John Robinette, w/m/25, 3/4/83 of 3/4/83 of 2535 Romence Rd. Portage, MI. Iss ord U41093608 for "Loiter in a place of illegal occupation" by Sgt. J. Pritchett.

Def. 127: Robert Emmett McLeod III, w/m/25, 1/14/83, of 607 Farndale, Rd., Ferndale, MI. Iss ord U41093708 for "Loiter in a place of illegal occupation" by Sgt. J. Pritchett.

Def. 128: Jake Andrew Gross, w/m/21, 10/26/86 of 8863 Carriage Hill Dr., Shelby Twp., MI. Iss ord U41093508 for "Loiter in a place of illegal occupation" by PO K. Wheeler.

Def. 129: Christopher Andy Krsteski, w/m/27, of 38688 Byriver St. Clinton Twp., MI. Iss ord U42343808 for "Loiter in a place of illegal occupation" by PO D. Carter.

Def. 130: Joel Alexander Bernier, w/m/29, 2/13/79 of 39063 Early Drive, Sterling Hgts., MI. Iss ord U41093308 for "Loiter in a place of illegal occupation" by PO D. Holyfield.

Def. 131: Garrett Patrick Vernon, w/m/18, 6/28/69 of 12350 Lenny Ave. Shelby Twp., MI. Iss ord U41093208 for "Loiter in a place of illegal occupation" by PO C. Coleman.



# Detroit Police Department Activity Log

						<p>Def. 132: Katy Lee Smotherman, w/f/21, 2/16/87 of 932 E. 11 Mile Rd., Royal Oak, MI. Iss ord U41093108 for "Loiter in a place of illegal occupation" by PO D. Carter.</p> <p>Def. 133: Lacey Anne Pomaville, w/f/18, 1/19/90 of 17089 White Plains Drive, Macomb Twp., MI. Iss ord U42369008 for "Loiter in a place of illegal occupation" by Sgt. J. Pritchett.</p> <p>Def. 134: Anthony Edward Pedalino, w/m, 1/29/85 of 932 Dewey, Ann Arbor, MI. Iss ord U41092608 for "Loiter in a place of illegal occupation" by PO M. Brown.</p>
545A						BASE 22 PROCESSING PRISONERS, PROPERTY AND PAPERWORK
700A				MA		OFF DUTY



# Detroit Police Department Activity Log

Date		Platoon	Command / District / Car			Special Event / Detail Name			Log (s)			
30 May 2008		4	TAC 79						1 OF 1			
Vehicle Code 055039	Mileage On Duty 21497	Fuel Level On Duty 1/2	Microphone Working? No	Video Camera Working? Yes	PPE Kit Number -	Car Clean? Yes	Spare Inflated? Yes	Hand Spotlight? No	Fire Extinguisher? Yes			
Oil Change Due (Mileage)	Rifle/Shotgun Serial Number	Mileage at fill up 21500	Gal of Gas 12.7	Total Miles Driven 34.4	Mileage Off Duty 21532	List Repairs Needed/ Damage Noted						
PRINT MEMBER (S) RANK & NAME AND AFFIX SIGNATURE					BADGE	ON DUTY	OFF DUTY	# O.T. HOURS	TICKET RECAP			
									MOV	PARK	PED	MISC/ENV
1. Sgt G. McWhorter, <i>[Signature]</i>					5102	1900	0530					
2.												
3.												
4.												

RECAP OF ACTIVITY			
Police Runs	Missing Reports Taken	UF-001	JC-02
Felony Arrests	Missing Persons Recovered	UF-002	Drops Submitted for Approval
Misdemeanor Arrests	Detainees Transferred	UF-003	Persons Interviewed
Juveniles Detained	Witnesses Conveyed	UF-004	Detainees Assigned
Ordinance Complaints	Other Conveyances	UF-005	Detainees Interrogated
Traffic Stops	Traffic Crash Reports	UF-006	Warrants Submitted
Total Males Investigated	Guns Confiscated	UF-007	Supervisor Runs
Total Females Investigated	Confiscated Vehicle (s)	UF-008	Supervisor (SSC) Runs Responded to
Other Citizen Contacts	Weight of Narcotic Seizures	DPD-665	Time Spent Desk/Cell Block Duty
Number of Frisks	Confiscated Currency	DPD-666	MLCC Inspections
Autos Investigated	Time Spent on Surveillance	DPD-667	MLCC Write-ups
Autos Recovered	Canine Deployment	DPD-668	Hours on Vice Enforcement
Autos Impounded	Canine Apprehension	DPD-669	Entries Entered into MAS
All Recovered Property Value	Contact Brochures Distributed	DPD-670	Investigations Submitted
Case Reports (CRISNET)	Hours Spent in Training	JC-01	Other Forms or Reports
Miscellaneous Information:			

<i>[Signature]</i> SUPERVISOR CHECKING THE LOG IN (PRINT RANK/NAME)		<i>[Signature]</i> SIGNATURE		5/21/08 DATE CHECKED IN		8:30 AM TIME CHECKED IN	
<i>[Signature]</i> SUPERVISOR REVIEWING THE LOG (PRINT RANK/NAME)		<i>[Signature]</i> SIGNATURE		5/21/08 DATE CHECKED IN		8:30 AM DATE CHECKED IN	
LUNCH LOCATION: <i>Not Taken</i>			TIME LUNCH TAKEN: <i>N/A</i>		NAME OF MEMBER THAT VEHICLE KEYS WERE TURNED OVER TO: <i>Key Board</i>		
130 TIME ON PATROL		500 TIME ON M.A.					
	TIME ON P.R.		TIME ON T.S.	TIME ON I.F.	TIME ON S.D.	TIME ON S.R.	TIME ON S.S.C.
							TIME ON S.I.P.

FROM	ARRIVED	TO	TOTAL	TYPE ACTIVITY	STOP	FRISK	DISPOSITION
1845				MIA			1/2 per Sgt Richey, TAC Units deployed to Eastern District PSA 3/3
1912				MIA			TMU/BAE - Update time back, check patrol vehicles for working equipment
2055				MIA			Newport @ JANE on patrol in area assisting and monitoring TAC units assigned to PED PSA 2



# Detroit Police Department Activity Log

FROM	ARRIVED	TO	TOTAL	TYPE ACTIVITY	S T O P	F R I S K	DISPOSITION
2144				MA			DAVIDSON YARD - ReFuel @SSO, 12.7 gallons
2218				MA			EASTERN DISTRICT STATION - NO TAC UNITS IN STATION AT THIS TIME.
2238				MA			YORKSHIRE @ WAYBURN - ON PATROL IN NEIGHBORHOOD, MONITORING TAC UNIT ACTIVITY. NPT AT THIS TIME
0050				MA			TMU BASE - RETURN FOR VICE RAID PREP
0127				MA			TMU BASE - VICE BRIEFING AND ROLL CALL P92 LT YOST
0210				MA			1541 ROSA PARKS - TARGET LOCATION, "AFTER HOURS" ACTIVITIES,
0230				MA			1541 ROSA PARKS - VICE RAID PROCESSING
0300				MA			1541 ROSA PARKS - VICE RAID PROCESSING
0330				MA			1541 ROSA PARKS - VICE RAID PROCESSING
0400				MA			1541 ROSA PARKS - VICE RAID PROCESSING
0430				MA			1541 ROSA PARKS - VICE RAID PROCESSING
0500				MA			TMU BASE - FOR OFF DUTY TURNIN
0530				MA			OFF DUTY

# Detroit Police Department Activity Log

DATE 05-30-08		PLATOON FOUR		DISTRICT AND CAR TAC-71		SPECIAL EVENT OR DETAIL NAME VICE RAID				
Police Code 5016	Mileage On Duty 51598	Fuel Level On Duty 1/2	Mileage Off Duty 51633	Oil Change Due 0	Gal of Gas 0	Total Miles Driven 35	Video System Functioning? 0			
P.F.E. Kit # 0	Rifle / Shotgun Serial # 0	Car Clean? NO	Fire Extinguisher? YES	Hand Spotlight? NO	Spare Inflated? YES	Repairs Needed / Damage Noted (List all)				
PRINT MEMBER (S) RANK & NAME AND AFFIX SIGNATURE SGT ANTHONY POTTS <i>[Signature]</i>				BADGE S-499	ON DUTY 7	OFF DUTY 5:30	# O.T. HOURS 2:30	TICKET RECAP		
						MOV	PARK	PED	MISC/ENV	

RECAP OF ACTIVITY				
Police Runs	0	Missing Reports Taken	UF-001	JC-02
Family Arrests		Missing Persons Recovered	UF-002	Drops Submitted for Approval
Misdemeanor Arrests	0	Detainees Transferred	UF-003	Persons Interviewed
Juveniles Detained		Witnesses Conveyed	UF-004	Detainees Assigned
Ordinance Complaints		Other Conveyances	UF-005	Detainees Interrogated
Traffic Stops		Traffic Crash Reports	UF-008	Warrants Submitted
Total Males Investigated	0	Guns Confiscated	0	UF-007
Total Females Investigated	0	Confiscated Vehicle (s)	UF-008	Supervisor (SSC) Runs Responded to
Other Citizen Contacts		Weight of Narcotic Seizures	DPD-895	Time Spent Desk/Call Block Duty
Number of Frits		Confiscated Currency	DPD-886	MLCC Inspections
Autos Investigated		Time Spent on Surveillance	DPD-887	MLCC Write-ups
Autos Recovered		Canine Deployment	DPD-888	Hours on Vice Enforcement
Autos Impounded		Canine Apprehension	DPD-889	Entries Entered into MAS
All Recovered Property Value		Contact Brochures Distributed	DPD-870	Investigations Submitted
Case Reports (CRISNET)		Hours Spent in Training	JC-01	Other Forms or Rpts
Miscellaneous Information:				

SUPERVISOR CHECKING THE LOG (PRINT RANK/NAME) <i>[Signature]</i>	SIGNATURE <i>[Signature]</i>	DATE CHECKED IN 5/31/08	TIME CHECKED IN 8:50 AM
SUPERVISOR REVIEWING THE LOG (PRINT RANK/NAME) <i>[Signature]</i>	SIGNATURE <i>[Signature]</i>	DATE CHECKED IN 5/31/08	TIME CHECKED IN 8:30 AM

LUNCH LOCATION: \_\_\_\_\_ TIME LUNCH TAKEN: \_\_\_\_\_ VEHICLE KEYS TURNED OVER TO: \_\_\_\_\_

TIME ON PATROL	TIME ON P.R.	TIME ON M.A. 630	TIME ON T.S.	TIME ON I.F.	TIME ON S.D.	TIME ON S.R.	TIME ON S.S.C.	TIME ON S.I.P.
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FROM	ARRIVED	TO	TOTAL	TYPE ACTIVITY	STOP	F R I S K	DISPOSITION
6:45A				MA			R/C PER SGT RICHEY
7:00P				MA			BUSY CHECKING IN CAR VIDEO
8:00P				MA			BUSY UPDATING DAILY DETAIL
9:30P				MA			R/O OSBORN HIGHSCHOOL CHECKING FOR LOITERS NONE FOUND AT THIS TIME
10:10				MA			GRATIOT AND GEORGIA ASST TAC 74, 73, 13 ON INJURY ACCIDENT ON TRAFFIC
11:45				MA			KELLY AND MORANG "IN AND OUT PARTY STORE" CHECKED LOCATION FOR LOITERS AND NARCOTIC ACTIVITY, NONE FOUND
12:50				MA			1019 TO THE BASE FOR VICE RAID BRIEFING
2:10A				MA			RAID AT 1541 12 <sup>TH</sup> STREET
2:30A				MA			BUSY AT RAID LOCATION ON PRISONER SECURITY
3:30A				MA			BUSY AT RAID LOCATION ON PRISONER SECURITY
4:30A				MA			BUSY AT RAID LOCATION ON PRISONER SECURITY
5:15A				MA			BUSY AT TMU BASE UNLOADING SECURITY
5:30A							OFF DUTY



# Detroit Police Department Activity Log

DATE		PLATOON	DISTRICT AND CAR			SPECIAL EVENT OR DETAIL NAME							
5-30-08		4	1M/1009										
Vehicle Code 052015	Mileage On Duty 290610	Fuel Level On Duty 1/4	Mileage Off Duty 29066	Oil Change Due 250002	Gal of Gas 10.4	Total Miles-Driven 50	Video System Functioning? Y						
P.P.E Kit #	Rifle /Shotgun Serial #	Car Clean?	Fire Extinguisher?	Hand Spotlight?	Spare Inflated?	Repairs Needed / Damage Noted (List all)							
-	309	Y	N	N	Y								
PRINT MEMBER (S) RANK & NAME AND AFFIX SIGNATURE				BADGE	ON DUTY	OFF DUTY	# O.T. HOURS	TICKET RECAP					
<del>Off. Adam George</del>				205	N		1 hr	3	men				
<del>Off. Sanchez, Melissa</del>				798	PM/AM		1 hr	3	men				
3													
4													

RECAP OF ACTIVITY				
Police Runs	-	Missing Reports Taken	UF-001	JC-02
Felony Arrests	-	Missing Persons Recovered	UF-002	Drops Submitted for Approval
Misdemeanor Arrests	-	Detainees Transferred	UF-003	Persons Interviewed
Juveniles Detained	-	Witnesses Conveyed	UF-004	Detainees Assigned
Ordinance Complaints	-	Other Conveyances	UF-005	Detainees Interrogated
Traffic Stops	-	Traffic Crash Reports	UF-006	Warrants Submitted
Total Males Investigated	1	Guns Confiscated	UF-007	Supervisor Runs
Total Females Investigated	-	Confiscated Vehicle (s)	UF-008	Supervisor (SSC) Runs Responded to
Other Citizen Contacts	-	Weight of Narcotic Seizures	DPD-667	Time Spent Desk/Cell Block Duty
Number of Frisks	-	Confiscated Currency	DPD-666	MLCC Inspections
Autos Investigated	-	Time Spent on Surveillance	DPD-667	MLCC Write-ups
Autos Recovered	-	Canine Deployment	DPD-668	Hours on Vice Enforcement
Autos Impounded	-	Canine Apprehension	DPD-669	Entries Entered into MAS
All Recovered Properly Value	-	Contact Brochures Distributed	DPD-670	Investigations Submitted
Case Reports (CRISNET)	-	Hours Spent in Training	JC-01	Other Forms or Rpls
Miscellaneous Information:				

SUPERVISOR CHECKING THE LOG IN (PRINT RANK/NAME) CHARLES RICHEY	SIGNATURE <i>[Signature]</i>	DATE CHECKED IN MAY 21 2008	TIME CHECKED IN 12:00 PM
SUPERVISOR REVIEWING THE LOG (PRINT RANK/NAME) CHARLES RICHEY	SIGNATURE <i>[Signature]</i>	DATE REVIEWED MAY 21 2008	TIME REVIEWED 12:00 PM
LUNCH LOCATION: ←	TIME LUNCH TAKEN None taken	VEHICLE KEYS TURNED OVER TO HRY (redis)	
TIME ON PATROL	TIME ON P.R.	TIME ON T.B.	TIME ON I.F.
		TIME ON S.O.	TIME ON S.R.
		TIME ON S.S.C.	TIME ON S.I.P.

FROM	ARRIVED	TO	TOTAL	TYPE ACTIVITY	STOP	FRISK	DISPOSITION
645				R/C			Conducted by Sgt Richey. Training taxi-Cab Ord/Violations Writers Assigned to Eastern Dist 3. Sgt Richey reviewed incar video/camera. Writers checked
800				M/A			1/2 hr for contraband.
800				M/A			5077 Trumbull, writers at base on paper/subpoena
900				M/A			Russell/Ferry (fuel)
930				M/A			2000 brush on a pers mail.
							1 hr write to Eastern District, writers to patrol area.



# Detroit Police Department Activity Log

FROM	ARRIVED	TO	TOTAL	TYPE ACTIVITY	STOP	FRISSK	DISPOSITION
1000				M/A			Eastern District writers patrolling area.
1030				M/A			Invited to Northeastern District on a Datamaster for IAC 1390. Arrest T/T Kirk Manning, B/M 12-3730 of 2170 E. Jefferson Apt 107 Det.
1100				M/A			In route to Eastern District to Detroit
1125				M/A			11925 Olga St. Ass'd of Eastern Unit on home invasion, neighbor tried to enter w/ guns attempting to make entry <sup>writers made 10. writers ready to make a dash</sup>
1150				M/A			1019 TOBASE per IAC 28. 10 writers meet w/ vice on raid into. Writers assigned outside of platform.
200				M/A			In route to 5147 Rosa Park meet w/ vice on raid
400				M/A			Off duty





# Detroit Police Department Activity Log

Date		Platoon		Command / District / Car			Special Event / Detail Name			Log (s)		
5-30-08		70		TAC 7						OF		
Vehicle Code	Mileage On Duty	Fuel Level On Duty	Microphone Working?	Video Camera Working?	PPE Kit Number	Car Clean?	Spare Inflated?	Hand Spotlight?	Fire Extinguisher?			
053078	43684	F	Y	Y		100	Y	Y	Y			
Oil Change Due (Mileage)	Rifle/Shotgun Serial Number	Mileage at fill up	Gal of Gas	Total Miles Driven	Mileage Off Duty	List Repairs Needed/ Damage Noted						
42,000	304	43720	15	53	43729							
PRINT MEMBER (S) RANK & NAME AND AFFIX SIGNATURE					BADGE	ON DUTY	OFF DUTY	# O.T. HOURS	TICKET RECAP			
									MOV	PARK	PED	MISC/ENV
1.	[Signature]				4057		300 PM					
2.	[Signature]				434		5:30 AM					
3.												
4.												

### RECAP OF ACTIVITY

Police Runs	Missing Reports Taken	UF-001	JC-02
Felony Arrests	Missing Persons Recovered	UF-002	Drops Submitted for Approval
Misdemeanor Arrests	Detainees Transferred	UF-003	Persons Interviewed
Juveniles Detained	Witnesses Conveyed	UF-004	Detainees Assigned
Ordinance Complaints	Other Conveyances	UF-005	Detainees Interrogated
Traffic Stops	Traffic Crash Reports	UF-006	Warrants Submitted
Total Males Investigated	Guns Confiscated	UF-007	Supervisor Runs
Total Females Investigated	Confiscated Vehicle (s)	UF-008	Supervisor (SSC) Runs Responded to
Other Citizen Contacts	Weight of Narcotic Seizures	DPD-665	Time Spent Desk/Call Block Duty
Number of Frisks	Confiscated Currency	DPD-666	MLCC Inspections
Autos Investigated	Time Spent on Surveillance	DPD-667	MLCC Write-ups
Autos Recovered	Canine Deployment	DPD-668	Hours on Vice Enforcement
Autos Impounded	Canine Apprehension	DPD-669	Entries Entered into MAS
All Recovered Property Value	Contact Brochures Distributed	DPD-670	Investigations Submitted
Case Reports (CRISNET)	Hours Spent in Training	JC-01	Other Forms or Reports
Miscellaneous Information:			

SUPERVISOR CHECKING THE LOG IN (PRINT RANK/NAME)		SIGNATURE		DATE CHECKED IN		TIME CHECKED IN		
SUPERVISOR REVIEWING THE LOG (PRINT RANK/NAME)		SIGNATURE		DATE CHECKED IN		DATE CHECKED IN		
LUNCH LOCATION: HARPER + CADREUX		TIME LUNCH TAKEN: 9:30 - 10:00		NAME OF MEMBER THAT VEHICLE KEYS WERE TURNED OVER TO: [Signature]				
TIME ON PATROL	TIME ON P.R.	TIME ON M.A.	TIME ON T.S.	TIME ON I.F.	TIME ON S.D.	TIME ON S.R.	TIME ON S.S.C.	TIME ON S.I.P.

FROM	ARRIVED	TO	TOTAL	TYPE ACTIVITY	STOP	FRISK	DISPOSITION
6:45				RR			on duty R/C conducted by Sgt. Richey
8:30				MVA			CHIC. vehicle good
9:00				MVA			TM BASP busy parking for A/V
9:30	10:00		30	MVA			enroute to E/D
10:30				MA			HR/ 9:30
							Harper + Cadieux monitor traffic light



# Detroit Police Department Activity Log

FROM	ARRIVED	TO	TOTAL	TYPE ACTIVITY	STOP	FRIISK	DISPOSITION
							no violations
11:00				MA			Selterson + Woodward assist homeless man Willie Kitchner R3/M/57 states NEED to get out of RAIN (conveyed) to NSO
11:25				MA			Mack + second NSO drop off Willie Kitchner
12:00				MA			1300 Beaubien Coas
12:30				MA			enroute to E11
1:00				MA			1014 to TMBASE
2:30				MA			Back w/ Vicky on RAND locate
3:00				MA			5141 ROSA PAKS
3:00				MA			OFF DUTY PO M BROWN REASSIGNED TO TAC8



# Detroit Police Department Activity Log

Date		Platoon	Command / District / Car			Special Event / Detail Name			Log (s)	
05-30-08		IV	TM / ED-1 / TAC 08						1 OF 1	
Vehicle Code	Mileage On Duty	Fuel Level On Duty	Microphone Working?	Video Camera Working?	PPE Kit Number	Car Clean?	Spare Inflated?	Hand Spotlight?	Fire Extinguisher?	
053076	40885	1/4	NO	YES	31	No	YES	NO	YES	
Oil Change Due (Mileage)	Rifle/Shotgun Serial Number	Mileage at fill up	Gal of Gas	Total Miles Driven	Mileage Off Duty	List Repairs Needed/ Damage Noted				
41262	976	40844	82	54	40885					
PRINT MEMBER (S) RANK & NAME AND AFFIX SIGNATURE					BADGE	ON DUTY	OFF DUTY	# O.T. HOURS	TICKET RECAP	
1. M. Masley <i>M. Masley</i>					3763	145	5:30	2.5		
2. T. Taylor <i>T. Taylor</i>					2098	0/P	5:1A	0.5		
3. M. Brown <i>M. Brown</i>					434	6:45 am	5:30 am	2.5		
4.										

RECAP OF ACTIVITY			
Police Runs	Missing Reports Taken	UF-001	JC-02
Felony Arrests	Missing Persons Recovered	UF-002	Drops Submitted for Approval
Misdemeanor Arrests	Detainees Transferred	UF-003	Persons Interviewed
Juveniles Detained	Witnesses Conveyed	UF-004	Detainees Assigned
Ordinance Complaints	Other Conveyances	UF-005	Detainees Interrogated
Traffic Stops	Traffic Crash Reports	UF-006	Warrants Submitted
Total Males Investigated	Guns Confiscated	UF-007	Supervisor Runs
Total Females Investigated	Confiscated Vehicle (s)	UF-008	Supervisor (SSC) Runs Responded to
Other Citizen Contacts	Weight of Narcotic Seizures	DPD-665	Time Spent Desk/Cell Block Duty
Number of Frisks	Confiscated Currency	DPD-666	MLCC Inspections
Autos Investigated	Time Spent on Surveillance	DPD-667	MLCC Write-ups
Autos Recovered	Canine Deployment	DPD-668	Hours on Vice Enforcement
Autos Impounded	Canine Apprehension	DPD-669	Entries Entered into MAS
All Recovered Property Value	Contact Brochures Distributed	DPD-670	Investigations Submitted
Case Reports (CRISNET)	Hours Spent in Training	JC-01	Other Forms or Reports
Miscellaneous Information:			

SUPERVISOR CHECKING THE LOG IN (PRINT RANK/NAME)	<i>Charles R. [Signature]</i>	SIGNATURE	DATE CHECKED IN	TIME CHECKED IN
SUPERVISOR REVIEWING THE LOG (PRINT RANK/NAME)	<i>Charles R. [Signature]</i>	SIGNATURE	DATE CHECKED IN	TIME CHECKED IN
LUNCH LOCATION:	<i>none taken</i>	NAME OF MEMBER THAT VEHICLE KEYS WERE TURNED OVER TO	<i>Sgt. McWhorter</i>	
TIME ON PATROL	TIME ON P.R.	TIME ON M.A.	TIME ON T.S.	TIME ON I.F.
305		135	10	180
TIME ON S.R.	TIME ON S.S.C.	TIME ON S.I.P.		

FROM	ARRIVED	TO	TOTAL	TYPE ACTIVITY	STOP	FRISK	DISPOSITION
6:45				RC			On Duty, roll call Sgt. Kuhn
7:30				MA			TAC Base, busy loading equipment / veh. imp
8:40	9:15	6:30		MA			E.D. picking up property from 4 <sup>th</sup> precinct desk sale. On standby for Sgt. Crown to finish
9:00	10:30	6:00		MA			1300 Beachmen, Narc section busy dropping off Dawn Maria Edward, R/S 7-35-78 at 14135 Reche



# Detroit Police Department Activity Log

FROM	ARRIVED	TO	TOTAL	TYPE ACTIVITY	STOP	FRISK	DISPOSITION
Consnet # 0803290035							still in custody at Eastern. Per Sgt. Murphy at Narc. on paper for previous 9300.
11 <sup>15</sup> /P				MA			Russel M.O.B. released.
11 <sup>40</sup> /P				MA			TAC base equipment change prep button.
11 <sup>45</sup> /P	11 <sup>40</sup> /A	12/135		MA			I-94 / Copper, Single Car Accident, On Fire Jason Pouch w/M/8-23-86 of 19318 Phoenix, Dry Dry 107 / Chevy / P.H. / stood by until M.S.P. arrived.
		1m/08		Arrest/Arrest			
11 <sup>35</sup> /A	11 <sup>35</sup> /A	10/10		TS			Maross / Peter Dave, Inv Detroit Monte Spu B/M/78- of 1955 Kenosha Dry B/K/04 Ford / 4dr / Lic# BTT 7807 AB was off duty DPD. Released at scene w/o accident. SWC
		2m/08		Arrest/Arrest			
1 <sup>15</sup> /A				MA			TAC base 1012 to the base
1 <sup>25</sup> /A				MA			Tac Base secondary roll call w/ vice section
2 <sup>15</sup> /A	2 <sup>15</sup> /A	100/180		MA			5141 Rosa Parks, Contemporary Art Studio, ma location w/ vice performed rear security no further action.
	5 <sup>30</sup> /A			RC			Off duty <del>MA</del>



# C-2 OVERTIME Detroit Police Department Activity Log

DATE		PLATOON		DISTRICT AND CAR			SPECIAL EVENT OR DETAIL NAME				
05-30-08		4		TAG-30							
Vehicle Code	Mileage On Duty	Fuel Level On Duty	Mileage Off Duty	Oil Change Due	Gal of Gas	Total Miles Driven	Video System Functioning?				
053080	35,822	Full	35,892	37,000		68	Yes				
P.P.E. Kit #	Rifle /Shotgun Serial #	Car Clean?	Fire Extinguisher?	Hand Spotlight?	Spare Inflated?	Repairs Needed / Damage Noted (List all)					
15	366	NO	Yes	NO	Yes	OD/Repaired					
PRINT MEMBER (S) RANK & NAME AND AFFIX SIGNATURE				BADGE	ON DUTY	OFF DUTY	# O.T HOURS	TICKET RECAP			
								MOV	PARK	PED	MISC/ENV
1. K. Muhammad Khan Muhammad				8040	1900	0530	2:30	3			2
2. M. Newton M. Newton				2529	1900	0530	2:30				3
3.											
4.											

RECAP OF ACTIVITY					
Police Runs	1	Missing Reports Taken		UF-001	JC-02
Felony Arrests		Missing Persons Recovered		UF-002	Drops Submitted for Approval
Misdemeanor Arrests		Detainees Transferred		UF-003	Persons Interviewed
Juveniles Detained		Witnesses Conveyed		UF-004	Detainees Assigned
Ordinance Complaints	8	Other Conveyances		UF-005	Detainees Interrogated
Traffic Stops	4	Traffic Crash Reports		UF-006	Warrants Submitted
Total Males Investigated	4	Guns Confiscated		UF-007	Supervisor Runs
Total Females Investigated	0	Confiscated Vehicle (s)		UF-008	Supervisor (SSC) Runs Responded to
Other Citizen Contacts	1	Weight of Narcotic Seizures		DPD-665	Time Spent Desk/Cell Block Duty
Number of Frisks	1	Confiscated Currency		DPD-666	MLCC Inspections
Autos Investigated	4	Time Spent on Surveillance		DPD-667	MLCC Write-ups
Autos Recovered		Canine Deployment		DPD-668	Hours on Vice Enforcement
Autos Impounded		Canine Apprehension		DPD-669	Entries Entered into MAS
All Recovered Property Value		Contact Brochures Distributed		DPD-670	Investigations Submitted
Case Reports (CRISNET)		Hours Spent in Training		JC-01	Other Forms or Rpts
Miscellaneous Information:					

SUPERVISOR CHECKING THE LOG IN (PRINT RANK/NAME)		SIGNATURE		DATE CHECKED IN	TIME CHECKED IN			
Charles Richey				May 31, 2008	12:30 PM			
SUPERVISOR REVIEWING THE LOG (PRINT RANK/NAME)		SIGNATURE		DATE REVIEWED	TIME REVIEWED			
Charles Richey				May 31, 2008	12:30 PM			
LUNCH LOCATION:		TIME LUNCH TAKEN:	VEHICLE KEYS TURNED OVER TO:					
235		20	Richey					
TIME ON PATROL	TIME ON P.R.	TIME ON M.A.	TIME ON T.S.	TIME ON I.F.	TIME ON S.D.	TIME ON S.R.	TIME ON S.S.C.	TIME ON S.I.P.
235	20	315	60					

FROM	ARRIVED	TO	TOTAL	TYPE ACTIVITY	S T O P	F R I S K	DISPOSITION
1845	1900	15	15	PC			5671 Trumbull, On Duty Roll Call per Tac-74. Received assignment & instructions.
1900	1930	30	30	MA			5671 Trumbull, Equipment Issue, Vehicle Inspection okay. Bear Seat Clean of Contraband. In Car Video & MDC operations checked by Tac-13.
1955	2014	15	15	TS			Griot/Griener, "Blockade TRF" Inv 2 Black 2007 Chevy Plate Mike Doh, Inv Michael Christopher Welken B/M/15-79-81 of 11033 Bosch TKT# 29456 T15 for the abv. No Bear/No Inscr.
1-M	1-V	3-7					11395 Senior mize "DC-Urinate In Public" Inv 11395 Senior mize "DC-Urinate In Public" Inv 11395 Senior mize "DC-Urinate In Public" Inv 11395 Senior mize "DC-Urinate In Public" Inv
2035	2050	15	45	MA			Frisked Richard Charles George B/M/2-18-90 of 19071 Dwyer TKT# U 43657408 for the abv.
21M	1-V	3-7	1-MO				Frisked Bevel on Downing Barr Area
2120	2130	10	25	TS			Charles BARK Bluezell "Inv w/ Glaring Gripts" Inv 2 Ten 1995 Honda, Plate 6JPC22, Inv Alyshe Michelle Washington B/F/6-12-86 of F5585
21M	1-F	2-V	3-T	1-MO			Parkinson, advised on above & Released.
2155	2205	10	55	MA			11108 Seven mile "BP" Special Attn" with checked location for illegal activity. None observed.
2220	2230	10	65	MA			11187 Griot ED, with 9 at loc on personal.



# Detroit Police Department Activity Log

FROM	ARRIVED	TO	TOTAL	TYPE ACTIVITY	STOP	FRISK	DISPOSITION
2325	1-F	2325	1-0	MA			17111 Cadieux - BP station "Special Attn" W/tras checked loc for loitering/illegal activity. None observed. TT Mgr Ahmed Fadel LWM/87 who stated no problems at this time.
2345	2-F 3-V	2400	1-0 3-T	TS <sup>3</sup> 3-MB			Allen/Riverside "Loitering" Inv a Red 2006, Dodge Plate BXD0F38, Inv Temp Briggins III, B/M/85/67 of 3269 Helen TK7 #U4365808, Inv Melva Corleth George B/F/41082 of 4242 Allen TK7 #138560008 for the above
2400	3-F 4-V	0200	3-T 5-MB	TS <sup>4</sup> 5-MB			Allen/Riverside "Loitering" Inv a White 1994 ODS, Plate 1HLE85, Inv Joe Orlando Kimbrough B/M/9-8-74 of 8217 Traverse, TK7 #U43651928 Inv Kimberley Lynn Jackson B/F/12-19-67 of 8174 Woodlawn, TK7 #U38559928
0030	3-F 4-V	0030	3-T 5-MB	TRD			Hesper/Manistique "Shots-Fired" W/tras Responded to Loc. Checked area no problems. (NPD) M/S
0055				BP			10:19 To Tac-Base, Pers Tac-78.
0110		0210	64/35	MA			5671 Trumbull, W/tras at Loc Pers Tac-78 on Briefing.
0500		0505	16/300	MA			Rose Park/Bryant - W/tras at Loc on Brief Execution and Detainee processing/OBDS.
0515		0530	15/315	MA			5671 Trumbull, Equipment Turn-In
0530				RC			5671 Trumbull, Off Duty



# Detroit Police Department Activity Log

Date		Platoon	Command / District / Car			Special Event / Detail Name			Log (s)		
5/30/08		1K	707 TAC 19						OF		
Vehicle Code	Mileage On Duty	Fuel Level On Duty	Microphone Working?	Video Camera Working?	PPE Kit Number	Car Clean?	Spare Inflated?	Hand Spotlight?	Fire Extinguisher?		
073109	132188	3/4	Yes	Yes		Yes	Yes	Yes	Yes		
Oil Change Due (Mileage)	Rifle/Shotgun Serial Number	Mileage at fill up	Gal of Gas	Total Miles Driven	Mileage Off-Duty	List/Repairs Needed/Damage Noted					
1766				07	17248						
PRINT MEMBER (S) RANK & NAME AND AFFIX SIGNATURE				BADGE	ON DUTY	OFF -DUTY	# O.T. HOURS	TICKET RECAP			
								MOV	PARK	PED	MISC/ENV
1.	K. Pettrey			4694	ON	OFF	2.5				
2.	J. Cobb			602	ON	OFF	2.5				
3.											
4.											

RECAP OF ACTIVITY					
Police Runs	0	Missing Reports Taken	0	UF-001	JC-02
Felony Arrests	0	Missing Persons Recovered	0	UF-002	Drops Submitted for Approval
Misdemeanor Arrests	0	Detainees Transferred	0	UF-003	Persons Interviewed
Juveniles Detained	0	Witnesses Conveyed	0	UF-004	Detainees Assigned
Ordinance Complaints	0	Other Conveyances	0	UF-005	Detainees Interrogated
Traffic Stops	0	Traffic Crash Reports	0	UF-006	Warrants Submitted
Total Males Investigated	0	Guns Confiscated	0	UF-007	Supervisor Runs
Total Females Investigated	0	Confiscated Vehicle (s)	0	UF-008	Supervisor (SSC) Runs Responded to
Other Citizen Contacts	0	Weight of Narcotic Seizures	0	DPD-665	Time Spent Desk/Cell Block Duty
Number of Frisks	0	Confiscated Currency	0	DPD-666	MLCC Inspections
Autos Investigated	0	Time Spent on Surveillance	0	DPD-667	MLCC Write-ups
Autos Recovered	0	Canine Deployment	0	DPD-668	Hours on Vice Enforcement
Autos Impounded	0	Canine Apprehension	0	DPD-669	Entries Entered into MAS
All Recovered Property Value	0	Contact Brochures Distributed	0	DPD-670	Investigations Submitted
Case Reports (CRISNET)	0	Hours Spent in Training	0	JC-01	Other Forms or Reports
Miscellaneous Information:					

SUPERVISOR CHECKING THE LOG IN (PRINT RANK/NAME)		SIGNATURE		DATE CHECKED IN	TIME CHECKED IN			
CHARLES RICHEY				May 31 2008	12:30 PM			
SUPERVISOR REVIEWING THE LOG (PRINT RANK/NAME)		SIGNATURE		DATE CHECKED IN	TIME CHECKED IN			
CHARLES RICHEY				May 31 2008	12:30 PM			
LUNCH LOCATION: Trumbull / Elyon / 18th			TIME LUNCH TAKEN: 2:00	NAME OF MEMBER THAT VEHICLE KEYS WERE TURNED OVER TO: Richey				
TIME ON PATROL	TIME ON P.R.	TIME ON M.A.	TIME ON T.S.	TIME ON I.F.	TIME ON S.D.	TIME ON S.R.	TIME ON S.S.C.	TIME ON S.I.P.
250		300						

FROM	ARRIVED	TO	TOTAL	TYPE ACTIVITY	STOP	FRISK	DISPOSITION
1840	1900	1910	10	EC			Call call held by Sgt. Richey working narcotics unit.
1902	2035	2045	15	24#			Trumbull / Elyon / 18th Blvd. Bus stop area. Suspicious person. Person was seen walking around bus stop area. Person was seen walking around bus stop area.



# Detroit Police Department Activity Log

FROM	ARRIVED	TO	TOTAL	TYPE ACTIVITY	STOP	F R I S K	DISPOSITION
							Review at base on paper per TAC 114 (Muster)
2100	2130	2135	2135	MIA			71 Gratiot (S.A) Crew in area monitor vehicle traffic / APF at this time.
2200	2210	2210	2210	MIA			94 Hayes (S.A) Crew monitor traffic / APF at this time.
2300	2330	2330	2330	MIA			Trumbull / Elyah M' Coy (Code 30)
0000	0020	0020	0020	MIA			71 Chalmer (S.A) checked area for crime activity / APF at this time.
0050	0210	0210	0210	MIA			Trumbull / Elyah M' Coy (Bundawer) route to base per TAC 118 stand by for raid
0200	0300	0300	0300	MIA			5141 Rosa Parks (A) crew as Vice with trial pig. Crew towed vehicle, search person and helped maintain crowd.
0550							OFF DUTY





# Detroit Police Department Activity Log

E-3 60 MIN O.T.

DATE		PLATOON		DISTRICT AND CAR			SPECIAL EVENT OR DETAIL NAME				
5/1/08		IV		TAC 2							
Vehicle Code	Mileage On Duty	Fuel Level On Duty	Mileage Off Duty	Oil Change Due	Gal of Gas	Total Miles Driven	Video System Functioning?				
OS 3115	3262	3/4	32677	19905		32	✓				
P.E. KH #	Rifle / Shotgun Serial #	Car Clean?	Fire Extinguisher?	Hand Spotlight?	Spare Inflated?	Repairs Needed / Damage Noted (List all)					
5	157	✓	✓	✓	✓						
PRINT MEMBER (S) RANK & NAME AND AFFIX SIGNATURE				BADGE	ON DUTY	OFF DUTY	# O.T. HOURS	TICKET RECAP			
								MOV	PARK	PED	MISC/ENV
1. N. Whiteaker				6500	7A	4 A	60 MIN	3			
2. D. MCC-MRS, Deborah				2252	7A	4 A	60 MIN				
3.											
4.											

RECAP OF ACTIVITY				
Police Runs		Missing Reports Taken	UF-001	JC-02
Felony Arrests		Missing Persons Recovered	UF-002	Drops Submitted for Approval
Misdemeanor Arrests		Detainees Transferred	UF-003	Persons Interviewed
Juveniles Detained		Witnesses Conveyed	UF-004	Detainees Assigned
Ordinance Complaints	3	Other Conveyances	UF-005	Detainees Interrogated
Traffic Stops	1	Traffic Crash Reports	UF-006	Warrants Submitted
Total Males Investigated	1	Guns Confiscated	UF-007	Supervisor Runs
Total Females Investigated	1	Confiscated Vehicle (s)	UF-008	Supervisor (SSC) Runs Responded to
Other Citizen Contacts		Weight of Narcotic Seizures	DPD-665	Time Spent Desk/Cell Block Duty
Number of Frisks	1	Confiscated Currency	DPD-666	MLCC Inspections
Autos Investigated	1	Time Spent on Surveillance	DPD-667	MLCC Write-ups
Autos Recovered		Canine Deployment	DPD-668	Hours on Vice Enforcement
Autos Impounded		Canine Apprehension	DPD-669	Entries Entered into MAS
All Recovered Property Value		Contact Brochures Distributed	DPD-670	Investigations Submitted
Case Reports (CRISNET)		Hours Spent in Training	JC-01	Other Forms or Rpts
Miscellaneous Information:				

SUPERVISOR CHECKING THE LOG (PRINT RANK/NAME)	SIGNATURE	DATE CHECKED IN	TIME CHECKED IN
Charles Richter		May 31 2008	12:40 PM
SUPERVISOR REVIEWING THE LOG (PRINT RANK/NAME)	SIGNATURE	DATE REVIEWED	TIME REVIEWED
Charles Richter		May 31 2008	12:00 PM
LUNCH LOCATION: Smile/G-Rabit	TIME LUNCH TAKEN: 9.15	VEHICLE KEYS TURNED OVER TO: Richter	
TIME ON PATROL	TIME ON P.R.	TIME ON M.A. 540	TIME ON T.S.
			TIME ON I.F.
			TIME ON S.O.
			TIME ON S.R.
			TIME ON S.S.C.
			TIME ON S.I.P.

FROM	ARRIVED	TO	TOTAL	TYPE ACTIVITY	STOP	FRISK	DISPOSITION
6:45				R/C			on Duty Roll Call held by TAC-24, advised on four call training racial profiling/TAXI CAB IN CAR VEHICLE INSPECTION checked out G.K. - in car video/notes appear to be nicking - checked by TAC-73
8:00				in/A			Out of Service
8:30		8:45	15	7/5			Gratiet/1st Area "Traffic Stop" T-T AENE I. V. A. M. A. H. M. I. C. E. N. I. S. I. F. 12/11/07 of 2665 Richter. Veh info: 91 Chevy blue p18 yk. CKD. ISSUED #20482027 for "improper Display License plate", "no proof of insurance", "no registration" advised vehicle was
9:15		9:45	30	in/A			Smile/G-Rabit "Lunch"
10:10				in/A			enroute to N.E. District area of Gratiet/Georgia to

# Detroit Police Department Activity Log

FROM	ARRIVED	TO	TOTAL	TYPE ACTIVITY	STOP	FRISK	DISPOSITION
12:55		12:55		M/PT			with traffic accident (control/assist stationing of it holding/directing traffic flow away from NE 52 accident scene
12:55				M/PT			1019 to base for IAC-73 to street by for v.e. bringing
1:30		4:00		M/PT			5211 + 6000000" via bringing on said location at 5211 Rosa Parks. Of other hours club. - scene west side of bottom PRAT Alley/Entrance OFF DUTY (M)
4:00							



# \* O. T. \*

## Detroit Police Department Activity Log

Date <b>5-30-08</b>		Platoon <b>4</b>		Command / District / Car <b>Tac-20</b>			Special Event / Detail Name			Log (s) <b>1 OF 1</b>	
Vehicle Code <b>073102</b>	Mileage On Duty <b>1522</b>	Fuel Level On Duty <b>3/4</b>	Microphone Working? <b>Y</b>	Video Camera Working? <b>Y</b>	PPE Kit Number <b>-</b>	Car Clean? <b>N</b>	Spare Inflated? <b>Y</b>	Hand Spotlight? <b>Y</b>	Fire Extinguisher? <b>Y</b>		
Oil Change Due (Mileage) <b>1371</b>	Rifle/Shotgun Serial Number <b>-</b>	Mileage at fill up <b>1527</b>	Gal of Gas <b>11</b>	Total Miles Driven <b>80</b>	Mileage Off Duty <b>15292</b>	List Repairs Needed/ Damage Noted <b>Same Told</b>					
<b>PRINT MEMBER (S) RANK &amp; NAME AND AFFIX SIGNATURE</b>				BADGE	ON DUTY	OFF DUTY	# O.T. HOURS	TICKET RECAP			
								MOV	PARK	PED	MISC/ENV
1. <b>S. Willis</b> <i>[Signature]</i>				<b>995</b>	<b>7<sup>P</sup></b>	<b>5:30<sup>A</sup></b>	<b>2.5</b>				
2. <b>J. Gardner</b> <i>[Signature]</i>				<b>502</b>	<b>7<sup>P</sup></b>	<b>5:30<sup>A</sup></b>	<b>2.5</b>	<b>3</b>			
3.											
4.											

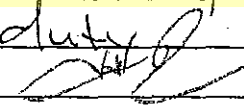
RECAP OF ACTIVITY				
Police Runs	<b>11</b>	Missing Reports Taken	UF-001	JC-02
Felony Arrests	<b>1</b>	Missing Persons Recovered	UF-002	Drops Submitted for Approval
Misdemeanor Arrests	<b>1</b>	Detainees Transferred	UF-003	Persons Interviewed
Juveniles Detained	<b>1</b>	Witnesses Conveyed	UF-004	Detainees Assigned
Ordinance Complaints	<b>3</b>	Other Conveyances	UF-005	Detainees Interrogated
Traffic Stops	<b>3</b>	Traffic Crash Reports	UF-006	Warrants Submitted
Total Males Investigated	<b>4</b>	Guns Confiscated	UF-007	Supervisor Runs
Total Females Investigated	<b>1</b>	Confiscated Vehicle (s)	UF-008	Supervisor (SSC) Runs Responded to
Other Citizen Contacts	<b>1</b>	Weight of Narcotic Seizures	DPD-665	Time Spent Desk/Cell Block Duty
Number of Frisks	<b>1</b>	Confiscated Currency	DPD-666	MLCC Inspections
Autos Investigated	<b>3</b>	Time Spent on Surveillance	DPD-667	MLCC Write-ups
Autos Recovered	<b>1</b>	Canine Deployment	DPD-668	Hours on Vice Enforcement
Autos Impounded	<b>1</b>	Canine Apprehension	DPD-669	Entries Entered into MAS
All Recovered Property Value	<b>1</b>	Contact Brochures Distributed	DPD-670	Investigations Submitted
Case Reports (CRISNET)	<b>1</b>	Hours Spent in Training	JC-01	Other Forms or Reports
Miscellaneous Information:				

<b>CHARLES RICHEY</b> SUPERVISOR CHECKING THE LOG IN (PRINT RANK/NAME)		<i>[Signature]</i> SIGNATURE		<b>May 31 2008</b> DATE CHECKED IN	<b>12<sup>30</sup> pm</b> TIME CHECKED IN
<b>Charles Richey</b> SUPERVISOR REVIEWING THE LOG (PRINT RANK/NAME)		<i>[Signature]</i> SIGNATURE		<b>May 31 2008</b> DATE CHECKED IN	<b>12<sup>30</sup> pm</b> DATE CHECKED IN
LUNCH LOCATION: <b>Wah Hong</b>			TIME LUNCH TAKEN: <b>9:45</b>	NAME OF MEMBER THAT VEHICLE KEYS WERE TURNED OVER TO: <b>Sgt's office</b>	
<b>345</b> TIME ON PATROL	<b>-</b> TIME ON P.R.	<b>240</b> TIME ON M.A.	<b>25</b> TIME ON T.S.	TIME ON I.F.	TIME ON S.D.
TIME ON S.R.	TIME ON S.S.C.	TIME ON S.I.P.			

FROM	ARRIVED	TO	TOTAL	TYPE ACTIVITY	STOP	FRISK	DISPOSITION
6:45							On duty roll call per Sgt. Richey
7:15	7:45	8:45	30/30	M/4			5671 Trumbull - wntvs busy at base
8:25	8:35	10/10	10/10	T/S ①			Gratiot + Flanders - 96 Chevy VSM 124 for cracked windshield advised.
				1m of 1/4			Reginald Hooker b/m/56 of 8420 Van Dyke
9:10	9:15	10/15	10/15	T/S ②			8 Mile + Cushing - 94. bop RCY 8371 for def lights front.



# Detroit Police Department Activity Log

FROM	ARRIVED	TO	TOTAL	TYPE ACTIVITY	STOP	FRISK	DISPOSITION
				3mof/2A			Iss ord 08461482 for abv, def lights rear, cracked windshield
9:45		10:15	30/60	M/A			Maurice Cooper b/m/46 of 19203 Yonkers 9330
10:40				S/A 3mof/2A			11125 Gratiot "S/A" BP Gas Station t/t Sam Ahmad w/m/21 stated all ok at the time.
11:25				S/A 4mof/2A			16086 E 8 mile "S/A" Liquor store t/t Rany Saleon w/m/21 stated no problems at this time.
11:55				M/A			Davison MDG "fuel"
12:30		12:40	10/25	T/S ③ 4mif/3A			Gratiot + 7 mile - 9801ds 4JNK38 for def lights front. Advised
1:10				M/A			Karen Hale b/f/38 of 20203 Westphalia 1019 to base per Tac-78 for instructions on vice raid.
2:00		5:00	180/240	M/A			5141 Rosa Parks "raid" wrtvs assisted narcotics and vice on an after hours raid at abv loc. All was under control, wrtvs stood by for uniform presence.
5:30				M/A			Off duty 

**Charles Turner**  
1/13/2012

**EXHIBIT 21**

Page 6

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TABLE OF CONTENTS

**CHARLES TURNER**

Page

EXAMINATION BY MR. GOODMAN:

7

INDEX TO EXHIBITS

(Exhibits attached to transcript)

Exhibit

Page

DEPOSITION EXHIBITS 1 THROUGH 9

7

Third Notice of Taking Videoconference

Deposition

Raid Execution/Blind Pig

Anticipatory Search Warrant

DPD Activity Log

DPD Crime Report

DPD Crime Report

Officer Information Report

Citizen Complaint Report

Inter-Office Memorandum

Charles Turner  
1/13/2012

Page 23

1 of activities you engaged in? What did you do?

2 A. I did prostitution, after-hours location, blind pigs.

3 I did stores where I did inspections. I did cab -- cab

4 drivers and numerous other things. But those

5 basically -- basically those were the duties I had

6 right there.

7 Q. When you say you did blind pigs, first of all, what do

8 you mean by the term blind pig? What do you mean?

9 A. I investigated -- a blind pig is selling alcohol after

10 hours without a license.

11 Q. Okay.

12 A. Without a license.

13 Q. All right. And when you did these blind pigs, these

14 establishments where they were selling alcohol after

15 hours and without a license, what is it that you did,

16 sir?

17 A. Did an investigation, did my investigation.

18 Q. Would that involve undercover operations?

19 A. That's correct.

20 Q. And the investigation would be going there undercover

21 and determining whether or not there were violations of

22 the state liquor laws; is that correct, sir?

23 A. I agree, yes.

24 Q. Did you also, as part of your duties and

25 responsibilities, engage in raids at blind pigs?

Charles Turner  
1/13/2012

Page 24

1 A. Yes.

2 Q. Over the years, approximately how many such raids did  
3 you do, Mr. Turner?

4 A. As an officer and supervisor or --

5 Q. Yeah, both. Okay. Let's break it down if you can.

6 A. Well, as an officer, I was involved with I would say  
7 approximately maybe a hundred altogether.

8 Q. And that's over a period of a number of years; is that  
9 right, sir?

10 A. Yes.

11 Q. And I was a little unclear as to how many years there  
12 were that you worked at vice enforcement both as an  
13 officer and then again as a supervisor.

14 A. Well, I would estimate approximately 15 as an officer  
15 and a supervisor.

16 Q. All right. While you were a sergeant and working in  
17 vice enforcement, who do you report to directly?

18 A. Well, I had several supervisors. I had several  
19 lieutenants during that time.

20 Q. And can you tell us who they were? This is from 2007  
21 through 2010.

22 A. Of course Vicki Yost, Deborah Fair, Earnest White.  
23 That's about all I recall at this time.

24 Q. Okay. Within the vice enforcement unit, whose decision  
25 was it that a raid would be conducted at a particular

Charles Turner  
1/13/2012

Page 32

1 the premises at the time of the raid?

2 A. I wouldn't say it was always necessary, but people were  
3 ticketed approximately every raid I was in, correct.

4 Q. Every raid you were in, someone was ticketed; is that  
5 right?

6 A. Yes.

7 Q. Do you recall any raids in which you participated, and  
8 I think you said there may well have been over a  
9 hundred, in which people were not -- who were in the  
10 premises were not ticketed?

11 A. No. No.

12 Q. Now, take a look if you would at what has been marked  
13 Exhibit 2 which is the nuisance -- the Raid Execution/  
14 Blind Pig policy. Do you have that in front of you,  
15 sir? It's part of the police manual.

16 A. Oh, the one you showed me earlier?

17 Q. That's right.

18 A. Yeah, I'm holding that.

19 Q. Take a look at it for a minute. You see on the second  
20 page of that exhibit, there's a section called Raid  
21 Procedures. Do you see that, sir?

22 A. Yes.

23 Q. And one of the procedures that is listed is  
24 surveillance, correct?

25 A. Yes.



Charles Turner  
1/13/2012

Page 33

1 Q. What is your understanding of the meaning of  
2 surveillance as it's set forth in that portion of the  
3 manual?

4 A. Well, surveillance is when you watch a location for a  
5 specific time or during certain hours and see if the  
6 information you received on that location is true,  
7 what's the activity going in and out of the location.

8 Q. And that is what you talked about before as  
9 investigation or undercover operations; is that right,  
10 sir?

11 A. Correct.

12 Q. At the time that you were a sergeant with vice  
13 enforcement, was there a standard number of  
14 surveillance operations that had to be conducted before  
15 a raid could be executed?

16 A. No, no standard number. No.

17 Q. So it could be after one such surveillance operation or  
18 after three; is that a fair statement?

19 A. It could be -- it could be that night. You know, if I  
20 was to set up surveillance that night and things was  
21 done, then we would do it then. No, no, no set number.

22 Q. Okay. That's very helpful. Thank you.

23 Once you, again in accordance with the  
24 policies of the vice enforcement unit, once you enter a  
25 blind pig in the course of a raid, who makes the

Charles Turner  
1/13/2012

Page 34

1 decision as to whether or not the people inside are  
2 going to be cited or ticketed?

3 A. Well, normally anyone inside the location is going to  
4 be ticketed, so --

5 Q. So the decision has been made even before you go in; is  
6 that right?

7 A. Basically, yes.

8 Q. Okay. And the basis for that decision, that is that  
9 anybody inside the establishment will be ticketed, is  
10 the fact that they are present in the establishment  
11 itself; is that right?

12 A. That's correct.

13 Q. It does not matter whether you have any evidence one  
14 way or the other that the person inside the  
15 establishment knew, for example, that the establishment  
16 was unlicensed; is that a fair statement, sir?

17 MR. ASHFORD: Objection as to form.

18 You can answer.

19 THE WITNESS: Can you repeat that question,  
20 sir?

21 BY MR. GOODMAN:

22 Q. Sure. What I said is that the decision that was made,  
23 that is anyone in the establishment is going to be  
24 ticketed or cited, is not based upon whether you have  
25 evidence that that person knew that the particular

Charles Turner  
1/13/2012

Page 35

1 blind pig was licensed or not licensed; am I right  
2 about that?

3 MR. ASHFORD: Objection as to form.

4 BY MR. GOODMAN:

5 Q. Go ahead, sir.

6 A. Well, if I'm understanding your question correctly,  
7 from our investigation, it's an illegal activity and  
8 that's why they're being cited.

9 Q. But let's say there's a person off in a corner  
10 somewhere or a person who's standing there talking to  
11 her husband or his wife. You don't base the decision  
12 about whether you're going to ticket that person on  
13 whether they knew that this particular establishment  
14 was or was not licensed, do you?

15 A. Well, my understanding is we're ticketing the person  
16 because he's in the location and there's illegal  
17 activity inside the location, whether he knew it or  
18 not.

19 Q. Yes. So the basis for ticketing that person is  
20 proximity and presence within the location itself, fair  
21 enough?

22 A. That's fair enough.

23 Q. Okay. Do you remember a raid that happened on May  
24 31st -- May 30th and 31st, 2008, at a location in  
25 Detroit known as the CAID or the Contemporary Institute

Charles Turner  
1/13/2012

Page 38

1 Q. And how did you know that?

2 A. From them. From both of them.

3 Q. They told you, right?

4 A. That's correct.

5 Q. And did they tell you that because that was an  
6 important part of their duties and your duties and  
7 responsibilities at that time within the unit? In  
8 other words, were you supposed to know what they were  
9 up to and they were supposed to tell you what they were  
10 up to and vice versa?

11 A. If they choose to tell. I mean people have their  
12 separate investigations. I mean you handle -- everyone  
13 handles their investigation differently. If they  
14 choose to tell me what's going on with their  
15 investigation at a certain time, they choose to do it.  
16 If not, I will wait until it's pertinent for them to  
17 tell me.

18 Q. And Mr. Turner, what was it -- who was it, which of the  
19 two of them talked to you, Buglo or Yost?

20 A. Well, I talked to both of them.

21 Q. What was it that they told you was going on at this  
22 location?

23 A. I understand it was selling of alcohol, alcohol use,  
24 marijuana use. That's about it.

25 Q. Did they tell you about any guns or weapons at that

Charles Turner  
1/13/2012

Page 39

1 location?

2 A. No.

3 Q. Any violence?

4 A. No.

5 Q. Any drugs other than marijuana?

6 A. Just marijuana.

7 Q. All right. And when they told you these things, was  
8 this a part of a briefing to the entire unit or were  
9 these things told just to you as the other sergeant in  
10 the unit?

11 A. Just to me as a sergeant and to the other officers.

12 Q. It was told to the other officers; is that right, sir?

13 A. Later on, yes, correct.

14 Q. During a briefing immediately before the raid, is that  
15 when it was told to the other officers?

16 A. Yes.

17 Q. But you knew about it before that briefing; am I right?

18 A. Yes.

19 MR. GOODMAN: Now, you mentioned the run  
20 sheet which I think we've agreed was the DPD activity  
21 log. And let the record show that I've marked as  
22 Turner Exhibit 4 the DPD activity log.

23 BY MR. GOODMAN:

24 Q. Do you have that document there before you, sir?

25 A. Yes.

**Charles Turner**  
**1/13/2012**

Page 52

1 MR. GOODMAN: Are you instructing him not to  
2 answer it?

3 MR. ASHFORD: It's a ridiculous question. He  
4 doesn't know.

5 MR. GOODMAN: Are you instructing the witness  
6 not to answer the question?

7 MR. ASHFORD: He wasn't there. How does he  
8 know if she was lying or not?

9 MR. GOODMAN: Your objections previously have  
10 been if I may say so, Counsel, I won't use the same  
11 word you used, but I think insubstantial based upon the  
12 fact that there's already been testimony to this fact.  
13 I'm simply having him verify it. You won't allow the  
14 witness to do that, so I have to get at it one way or  
15 another.

16 MR. ASHFORD: You can take it up with the  
17 Court. I instruct the witness not to answer that  
18 question.

19 MR. GOODMAN: Okay. We will.

20 BY MR. GOODMAN:

21 Q. Now, do you see the bottom line of the activity log,  
22 first page of the activity log which is marked Turner  
23 Exhibit 4 in front of you, sir?

24 A. Yes.

25 Q. And the time that's noted there, can you tell me what

Charles Turner  
1/13/2012

Page 53

- 1 time that is? I can't quite -- it appears as though it  
2 may be 2:20 a.m., but I can't tell for you. Can you?  
3 A. It says 2:20 a.m.  
4 Q. And does that comport with your recollection of this  
5 incident itself, that is that --  
6 A. Somewhere around that time, yes.  
7 Q. Okay. And it says execution of search warrant which  
8 means that's when the raid commenced in the building  
9 itself; is that right, sir?  
10 A. Approximately around that time, correct.  
11 Q. How long did that go until?  
12 A. I don't recall. All night long.  
13 Q. You don't recall and the log sheet does not reflect it;  
14 is that right?  
15 A. No, it does not. Not at this point.  
16 Q. And a part of the purpose of filling out a log sheet is  
17 to indicate during what periods of time certain events  
18 happened or did not happen; is that right, sir?  
19 A. Well, let me correct that. On the back sheet, it says  
20 5:45 a.m.  
21 Q. So the raid went on from 2:20 to 5:45; is that correct,  
22 sir?  
23 A. Yes. It says we were headed back to the base, Base 22  
24 processing prisoners and property and paperwork.  
25 Q. Base 22 would have been the vice enforcement base?

Charles Turner  
1/13/2012

Page 59

1 Q. That was the only basis for your issuance of a citation  
2 to Ms. Rinke at that time; is that correct?

3 A. That's correct.

4 Q. I want you to go through a few of these other names  
5 with me if you would. Turning to page five, do you see  
6 Defendant 100, Thomas Anthony Cole?

7 A. Yes.

8 Q. And Defendant 102, Scott Thomas Hughes?

9 A. 102?

10 Q. Yeah, at the very bottom of page five.

11 A. I have a Bruce Russell Nichols as 102.

12 Q. Excuse me. 103. I apologize. I misread that. Do you  
13 see Scott Thomas Hughes as 103?

14 A. Yes.

15 Q. And do you see Defendant 104, Amada B. Sandrik?

16 A. Yes.

17 Q. And Stefanie Marie Bockenstellt is Defendant 107?

18 A. 107? Yes.

19 Q. And 116 is Brian Keith Savoie?

20 A. Yes.

21 Q. 117 is Angie Wong?

22 A. Yes.

23 Q. 121 is Michael Fellsman; is that right?

24 A. Yes.

25 Q. And with regard to each of these people, you were the



Charles Turner  
1/13/2012

Page 60

1 person who issued the citation?

2 A. That's correct.

3 Q. And the only basis upon which you issued that citation  
4 was that they were present at the time?

5 MR. ASHFORD: Objection to form.

6 BY MR. GOODMAN:

7 Q. Over the objection, you may answer.

8 A. Yes.

9 Q. And do you remember where any of these people were  
10 located within the premises itself?

11 A. When?

12 Q. At the time --

13 A. When?

14 Q. At the time you observed them in the premises?

15 A. Against the wall or on the floor.

16 Q. Had they been -- withdraw that question. Do you know  
17 whether there was an outside patio in this location?  
18 Do you recall?

19 A. I don't recall.

20 Q. Were there -- how many rooms were there in this  
21 location if you can recall?

22 A. I don't recall that either.

23 Q. More than one?

24 A. Yes.

25 Q. Were the people brought into a single location from a

Charles Turner  
1/13/2012

Page 67

1 A. Yes.

2 Q. In the course of instructing and supervising that  
3 operation, did you instruct the officers who were  
4 issuing citations and did you, yourself, make inquiries  
5 as to whether or not the people had driven to this  
6 location in a vehicle of their own?

7 MR. ASHFORD: Objection as to form.

8 BY MR. GOODMAN:

9 Q. Over the objection. Go ahead, sir.

10 A. Yeah, I inquired if they drove to that location,  
11 correct.

12 Q. And did you instruct the other officers who you were  
13 supervising to find that out as well or did they  
14 already know that they should find it out?

15 A. They already knew.

16 Q. And if they found that person had driven to that  
17 location, what were they then to do and what did you do  
18 when you learned that information?

19 MR. ASHFORD: Objection as to form.

20 BY MR. GOODMAN:

21 Q. Go ahead.

22 A. To abate the vehicle.

23 Q. And how did you abate the vehicle?

24 A. Impound it.

25 Q. And how did you go about impounding? What did you do?

Charles Turner  
1/13/2012

Page 68

1 A. Well --

2 Q. In other words, what were the steps that you took?

3 A. We found out -- we find out if they have keys. We  
4 match the keys to the vehicle and then we impound it.

5 Q. So you ask them, "What kind of vehicle are you  
6 driving;" is that right?

7 A. That's correct.

8 Q. Or what's the license plate number or something like  
9 that, right?

10 A. Whatever we can do to establish that they drove there  
11 and it's their vehicle, correct.

12 Q. And then you take their keys; is that right, sir?

13 A. Yes.

14 Q. Their car keys, and you see if the key turns on the  
15 car?

16 A. See if it opens the car, turns it on, whichever way we  
17 can establish.

18 Q. Did you do that yourself with some of these vehicles?

19 A. No, I did not.

20 Q. Who did that? Which officers did that?

21 A. I don't recall. We have certain officers assigned to  
22 certain activity, certain jobs.

23 Q. And some of the officers are assigned to the  
24 impoundment of vehicles; is that right?

25 A. That's correct.

Charles Turner  
1/13/2012

Page 72

1 Q. Was it somebody in your unit?

2 A. Yes, more than likely.

3 Q. We've already talked about the entry team. Was there a  
4 separate commander for the entry team itself that  
5 night?

6 A. Like I say, narcotics handled the entry.

7 Q. Right.

8 A. So I'm sure they had a separate commander.

9 Q. Did you know at that time who that commander was?

10 A. No.

11 Q. Now, I asked you before -- I don't know if you remember  
12 this -- who made the decision as to who would be  
13 ticketed that night and I think you indicated that that  
14 decision was made before the raid was even commenced.  
15 Do you recall that testimony, sir?

16 A. Well, normally, everyone is ticketed in the location.

17 Q. Right. And I have the same question with regard to the  
18 seizure of vehicles that night. Who made the decision  
19 that any vehicles that were detected or found with  
20 regard to people who were cited or given tickets that  
21 night, that those vehicles would be seized or  
22 impounded?

23 MR. ASHFORD: Objection; form and foundation.

24 BY MR. GOODMAN:

25 Q. Can you answer?

Charles Turner  
1/13/2012

Page 73

1 A. Well, Lieutenant Yost was in charge. Normally, the  
2 decision is made once we conduct the raid that everyone  
3 is getting a ticket and if they drove a vehicle, it's  
4 going to be impounded.

5 Q. If they drove a vehicle to the location. Is that  
6 right, sir?

7 A. Yes.

8 Q. What about if they drove a vehicle a mile away and left  
9 it a mile away from the location and drove over with a  
10 friend or something like that, would that vehicle be  
11 impounded in your opinion?

12 MR. ASHFORD: Objection; form and foundation.

13 BY MR. GOODMAN:

14 Q. Over the objection?

15 A. No, that's too far away.

16 Q. How about a half mile?

17 MR. ASHFORD: Same objection; form and  
18 foundation.

19 THE WITNESS: That's too far away.

20 BY MR. GOODMAN:

21 Q. Okay. Were you aware of the fact that a vehicle driven  
22 by a Mr. Mobley in fact was located about a half a mile  
23 away and was seized that night? Did you ever hear  
24 that?

25 MR. ASHFORD: Objection; foundation.

Anthony Potts, Sgt.  
10/4/2011

EXHIBIT 22

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY MOBLEY, PAUL KAISER,  
ANGIE WONG, JAMES WASHINGTON, NATHANIEL  
PRICE, JEROME PRICE, STEPHANIE HOLLANDER,  
JASON LEVERETTE-SAUNDERS, WANDA LEVERETTE,  
DARLENE HELLENBERG, THOMAS MAHLER, and  
LAURA MAHLER,

Plaintiffs,

Hon. Victoria A. Roberts  
Magistrate Judge Mona K. Mazoub  
No. 10-cv-10675

-vs-

CITY OF DETROIT, a municipal  
corporation, Lieutenant VICKI YOST,  
a Detroit police officer, in her  
individual capacity, Sergeant DANIEL  
BUGLO, a Detroit police officer, in his  
individual capacity, Sergeant G. MCWHORTER,  
a Detroit police officer, in his/her  
individual capacity, Sergeant A. POTTS,  
a Detroit police officer, in his/her  
individual capacity, Sergeant CHARLES TURNER,  
a Detroit police officer, in his individual  
capacity, Officer M. BROWN, a Detroit police  
officer, in his/her individual capacity, Officer  
B. COLE, a Detroit police officer, in his/her  
individual capacity, Officer TYRONE GRAY, a  
Detroit police officer, in his individual  
capacity, Officer SHERON JOHNSON, a Detroit  
police officer, in her individual capacity,  
Officer K. SINGLETON, a Detroit police officer,  
in his/her individual capacity, and UNNAMED  
DETROIT POLICE OFFICERS, in their individual  
capacities,

Defendants.

\_\_\_\_\_ /

DEPOSITION OF SERGEANT ANTHONY POTTS

TUESDAY, OCTOBER 4, 2011

**Anthony Potts, Sgt.**  
**10/4/2011**

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Deposition of SERGEANT ANTHONY POTTS,  
taken in the above-entitled cause before Denise Moorfoot,  
(CSR-2275), Court Reporter and Notary Public for the County  
of Oakland, State of Michigan, at 660 Woodward, Suite 1650,  
Detroit, Michigan, on Tuesday, October 4, 2011, commencing at  
or about the hour of 1:40 p.m.

APPEARANCES:

MR. DANIEL S. KOROBKIN  
American Civil Liberties Union Fund of Michigan  
2966 Woodward Avenue  
Detroit, Michigan 48201  
-and-

MR. WILLIAM H. GOODMAN  
MS. KATHRYN BRUNER JAMES  
Goodman & Hurwitz, P.C.  
1394 E. Jefferson Avenue  
Detroit, Michigan 48207  
Appearing on behalf of the Plaintiffs.

MR. JERRY ASHFORD  
City of Detroit Law Department  
660 Woodward Avenue  
1650 First National Building  
Detroit, Michigan 48226  
Appearing on behalf of the Defendants.

**Anthony Potts, Sgt.**  
**10/4/2011**

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T A B L E O F C O N T E N T S

WITNESS	PAGE
SERGEANT ANTHONY POTTS	
Examination by Ms. James	4
DEPOSITION EXHIBITS	
Exhibit 1 - Notice of Taking Deposition Duces Tecum of Sgt. A. Potts	6
Exhibit 2 - Nuisance Abatement Statute & Raid Execution/Blind Pig	24
Exhibit 3 - 203.7 Organized Crime, Vice and Narcotics Page 2 of 8 through 8 of 8	26
Exhibit 4 - DPD Activity Log Dated 05-30-08	49
Exhibit 5 - DPD Crime Report 0805310096.1	70
Exhibit 6 - DPD Crime Report 0805310096.3	73
Exhibit 7 - Firearms Report Dated 7-12-08	79
Exhibit 8 - Cozy House Raid Documents	82



**Anthony Potts, Sgt.**  
**10/4/2011**

Page 39

1           narcotics?

2    A       Sergeant Pritchett.

3    Q       Pritchett? Is that correct, Pritchett?

4    A       Correct.

5    Q       Thank you.

6    A       The only one I recognize at that particular time that was  
7           in narcotics was Sergeant Pritchett.

8    Q       And in reviewing that report, has that reminded you of any  
9           other narcotics officers who participated in that raid?

10                   MR. ASHFORD: Objection, asked and answered.

11                   THE WITNESS: No.

12   BY MS. JAMES:

13   Q       Just Pritchett. Okay. Do you recall how Sergeant  
14           Pritchett was dressed on that raid?

15   A       No, I don't recall.

16   Q       In the briefing, do you recall being given instructions as  
17           to what you were to do in the raid?

18   A       Yes.

19   Q       Okay. And what were your instructions?

20   A       I don't remember verbatim, but pretty much it's standard.  
21           Again, once they get in and secure everything, our job is  
22           to come in and support and handle the crowd.

23   Q       And what specifically are you to do to handle the crowd?

24   A       Start segregating the men from the women to make sure --  
25           start grabbing IDs to make sure there are no minors. If

**Anthony Potts, Sgt.**  
**10/4/2011**

Page 40

1           there are minors, put the minors in a separate area.

2           Check for weapons.

3    Q       When you are getting IDs and checking for weapons, how do  
4           you do that?

5    A       More specific, please.

6    Q       Are you asking people whether they have weapons, or are  
7           you patting them down?

8    A       Patting them down.

9    Q       Is it your understanding that you are instructed to detain  
10           anyone who is in that building?

11   A       Yes.

12   Q       And does everyone who is in that building get searched?

13   A       Yes.

14   Q       And can you describe for me how that search is conducted?

15   A       Could you be more specific?

16   Q       Okay. Are male officers allowed to search female -- I'm  
17           going to call them patrons for now.

18   A       No, they're not.

19   Q       So did you search anybody that you recall?

20   A       Not that I can recall, no.

21   Q       Okay. Were you given any specific instructions, other  
22           than IDs and weapons, on what to look for?

23   A       IDs, weapons, juveniles.

24   Q       IDs, weapons, and juveniles. Do you recall seeing that  
25           people were patted down?

**Anthony Potts, Sgt.**  
10/4/2011

Page 44

1 A Vice.

2 Q Is it your understanding that only vice officers issued  
3 tickets?

4 A The tickets were issued by vice, but there were other  
5 officers that assisted vice to speed the process up.

6 Q Okay. So is it your understanding that it's the standard  
7 operating procedure to detain all of the patrons, to pat  
8 them down, to remove the contents of their pockets, and to  
9 ultimately ticket them? That's the standard operating  
10 procedure; is that right?

11 A Correct.

12 Q When you entered -- I'm going to call the Contemporary Art  
13 Institute of Detroit, I'm going to call it the CAID for  
14 the sake of brevity from here on out. Do you recall what  
15 entrance you used to the CAID?

16 A I really don't even recall the layout to be honest with  
17 you.

18 Q Okay. Do you recall -- Well, let me ask this differently.  
19 Were you present outside when the narcotics team made its  
20 initial entry?

21 A Yes.

22 Q Do you recall how long between when they made their  
23 initial entry and when you entered the building?

24 A No, I don't recall.

25 Q Okay. Do you recall approximately how many narcotics

**Anthony Potts, Sgt.**  
10/4/2011

Page 46

1 tell me what entrance you used or what area of the  
2 building you went to; is that fair?

3 A That's fair.

4 Q Did you ever have your gun drawn at any point during the  
5 raid?

6 A No.

7 Q Did you ever see any other officers have their guns drawn  
8 during the raid?

9 A No.

10 Q Do you recall physically observing the initial entry team  
11 when they entered the building? Obviously, you would be  
12 seeing them from the outdoors but --

13 A No, I don't recall seeing them, no.

14 Q So you wouldn't recall seeing if they had guns drawn; is  
15 that fair?

16 A That's fair.

17 Q Do you recall approximately how long you were at the CAID  
18 that night?

19 A I'm sure it was some hours, but I couldn't tell you  
20 exactly how many.

21 Q But it was a matter of hours; is that fair?

22 A Yes.

23 Q When you said earlier that part of your role there was  
24 segregating people, can you describe what that means?

25 A Men from the women, juveniles from adults. If there were

Anthony Potts, Sgt.  
10/4/2011

Page 47

1 any particular actors, if there were any sexual acts, they  
2 would also be segregated. If a person was found with a  
3 weapon, that person would be segregated from the general  
4 area.

5 Q Does that mean to physically move people to different  
6 areas of the location according to what category they fall  
7 in as you just described?

8 A Yes.

9 Q Okay. And what's your understanding of the purpose of  
10 physically segregating people in that way?

11 A Okay. I don't understand your question.

12 Q What's the reason for doing that? Why do you do that?

13 A You can't have the men with the women. They have to be  
14 separated.

15 Q And why is that just so I understand?

16 A If it's a husband/wife, boyfriend/girlfriend, if she has a  
17 weapon, she can pass it to him. If he has a weapon, he  
18 can pass it to her. So essentially by segregating them,  
19 that takes that element out of the way.

20 Next, as to control and dominate the area,  
21 again, in most blind pigs, normally police are normally  
22 outnumbered. So by coming in, putting everybody down and  
23 then segregating them, it establishes the control, and  
24 then with the control, begin compliance, and it makes  
25 things go a lot smoother.

Anthony Potts, Sgt.  
10/4/2011

Page 48

- 1 Q Do you know how long the patrons were detained at the CAID  
2 that night?
- 3 A No.
- 4 Q Was it also a matter of hours?
- 5 A Yes.
- 6 Q Were all the patrons out of the building by the time you  
7 left, if you recall?
- 8 A I don't recall.
- 9 Q Okay. During the time -- Let me ask it a different way.  
10 At what point was a patron allowed to leave?
- 11 A I believe once the patron received the ticket.
- 12 Q And before they received their ticket, is it fair to say  
13 they would not be allowed to leave the building for any  
14 reason?
- 15 A That's correct.
- 16 Q And is it fair to say that for some patrons it took a  
17 matter of hours to receive their ticket?
- 18 A Due to the volume of people, yes.
- 19 Q And during that period of time, were they free to move  
20 around the building?
- 21 A No.
- 22 Q What did they have to do? Stand? Sit? Kneel? Do you  
23 recall?
- 24 A I recall a lot of them sitting.
- 25 Q Do you know whether there was a uniform instruction? Was

Anthony Potts, Sgt.  
10/4/2011

Page 72

1 THE WITNESS: That's fair.

2 BY MS. JAMES:

3 Q I'd like to direct your attention to page 4, about five  
4 lines from the bottom on that page is number 76, Nathaniel  
5 Price. I'm going to ask you the same question. According  
6 to this report, you issued him a ticket for loitering in a  
7 place of illegal occupation; is that correct?

8 A A ticket was issued, yes.

9 Q And it was issued by you; is that correct?

10 A I don't recall, but we're talking over 134 people.

11 Q I'm only asking you about two.

12 A Well, he was in there. He was loitering, so the ticket  
13 was issued.

14 Q By you, right?

15 MR. ASHFORD: Objection, asked and answered.

16 THE WITNESS: If I put my name on it, yes.

17 BY MS. JAMES:

18 Q All right. And, again, based on your previous testimony,  
19 is it fair to say that you didn't personally observe him  
20 engaging in any illegal activity?

21 MR. ASHFORD: Objection, no foundation.

22 THE WITNESS: If he was issued a ticket for  
23 loitering, he was there, so I guess that would tend to  
24 speak for itself.

25 BY MS. JAMES:

Anthony Potts, Sgt.  
10/4/2011

Page 73

1 Q Is it your testimony that his presence in the building is  
2 the illegal conduct?

3 A If that's what the ticket says, loitering in place of  
4 illegal occupation.

5 Q So the answer is yes?

6 A Loitering on a street corner -- We were there for a  
7 purpose.

8 Q So the answer is yes?

9 A Yes.

10 Q Okay. I'm going to ask you about one more person, number  
11 96 on page 5, Ian Mobley. According to this report, you  
12 issued a ticket for loitering in a place of illegal  
13 occupation; is that correct?

14 A Correct.

15 Q Okay. And, again, based on your previous testimony, is it  
16 correct that you didn't personally observe him engage in  
17 any illegal activity other than his presence in the  
18 building when you arrived; is that correct?

19 A Other than his presence, correct.

20 Q Okay. I will take these back from you. Thank you. Can I  
21 have yours, too, Jerry? This will be No. 6.

22 (WHEREUPON, Deposition Exhibit 6  
23 was marked for identification.)

24 BY MS. JAMES:

25 Q I'm handing you what has been marked Exhibit No. 6. This



Anthony Potts, Sgt.  
10/4/2011

1 conclusion.

2 BY MS. JAMES:

3 Q Based on your understanding.

4 A No.

5 Q I will take that back from you. Thank you.

6 Do you agree that as of the date of this raid,  
7 it was the custom of the police department that when  
8 raiding an establishment that was selling alcohol without  
9 a license or selling after 2:00 a.m., to charge all  
10 persons in the building with loitering in a place of  
11 illegal occupation and seizing their vehicles under the  
12 nuisance abatement statute?

13 MR. ASHFORD: Objection, form and foundation.

14 THE WITNESS: Okay. Can you rephrase that  
15 please?

16 MS. JAMES: Can you repeat it back?

17 (WHEREUPON, the Reporter read back  
18 the last question.)

19 THE WITNESS: Yes.

20 BY MR. JAMES:

21 Q Do you know what a person has to do to get their car back  
22 when it's seized under the nuisance abatement statute?

23 A No, not off the top of my head, no.

24 Q Do you know whether or not a person can pay an amount of  
25 money in order to get it back? If you don't know, that's

Brandon Cole  
10/18/2011

EXHIBIT 23

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY MOBLEY, PAUL KAISER,  
ANGIE WONG, JAMES WASHINGTON, NATHANIEL  
PRICE, JEROME PRICE, STEPHANIE HOLLANDER,  
JASON LEVERETTE-SAUNDERS, WANDA LEVERETTE,  
DARLENE HELLENBERG, THOMAS MAHLER, and  
LAURA MAHLER,

Plaintiffs,

Hon. Victoria A. Roberts  
Magistrate Judge Mona K. Mazoub  
No. 10-cv-10675

-vs-

CITY OF DETROIT, a municipal  
corporation, Lieutenant VICKI YOST,  
a Detroit police officer, in her  
individual capacity, Sergeant DANIEL  
BUGLO, a Detroit police officer, in his  
individual capacity, Sergeant G. MCWHORTER,  
a Detroit police officer, in his/her  
individual capacity, Sergeant A. POTTS,  
a Detroit police officer, in his/her  
individual capacity, Sergeant CHARLES TURNER,  
a Detroit police officer, in his individual  
capacity, Officer M. BROWN, a Detroit police  
officer, in his/her individual capacity, Officer  
B. COLE, a Detroit police officer, in his/her  
individual capacity, Officer TYRONE GRAY, a  
Detroit police officer, in his individual  
capacity, Officer SHERON JOHNSON, a Detroit  
police officer, in her individual capacity,  
Officer K. SINGLETON, a Detroit police officer,  
in his/her individual capacity, and UNNAMED  
DETROIT POLICE OFFICERS, in their individual  
capacities,

Defendants.

\_\_\_\_\_ /

DEPOSITION OF SERGEANT BRANDON COLE

TUESDAY, OCTOBER 18, 2011

**Brandon Cole**  
**10/18/2011**

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Deposition of SERGEANT BRANDON COLE,  
taken in the above-entitled cause before Denise Moorfoot,  
(CSR-2275), Court Reporter and Notary Public for the County  
of Oakland, State of Michigan, at 660 Woodward, Suite 1650,  
Detroit, Michigan, on Tuesday, October 18, 2011, commencing at  
or about the hour of 12:15 p.m.

APPEARANCES:

MR. DANIEL S. KOROBKIN  
American Civil Liberties Union Fund of Michigan  
2966 Woodward Avenue  
Detroit, Michigan 48201  
-and-

MS. KATHRYN BRUNER JAMES  
Goodman & Hurwitz, P.C.  
1394 E. Jefferson Avenue  
Detroit, Michigan 48207  
Appearing on behalf of the Plaintiffs.

MR. JERRY ASHFORD  
City of Detroit Law Department  
660 Woodward Avenue  
1650 First National Building  
Detroit, Michigan 48226  
Appearing on behalf of the Defendants.

**Brandon Cole**  
**10/18/2011**

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T A B L E O F C O N T E N T S

WITNESS	PAGE
SERGEANT BRANDON COLE	
Examination by Mr. Korobkin	4
DEPOSITION EXHIBITS	
Exhibit 1 - Notice of Taking Deposition Duces Tecum of Officer B. Cole	6
Exhibit 2 - Student Performance Record	15
Exhibit 3 - Nuisance Abatement Statute & Raid Execution/Blind Pig	30
Exhibit 4 - DPD Activity Log Dated 5-30-08	65
Exhibit 5 - DPD Crime Report No. 0805310096.1	70
Exhibit 6 - Mahler Ticket No. 423-640-08 with Attachments	72
Exhibit 7 - DPD Follow-Up Report No. 0805310096.3	75
Exhibit 8 - Nuisance Abatement Notice of Impoundment of Vehicle	78
Exhibit 9 - Raid Documents on The Apartment	87
Exhibit 10 - Raid Documents on the Spoon Room	92

**Brandon Cole**  
**10/18/2011**

Page 27

1 handle mass amounts of people. They'll call us for help,  
2 and we will go assist them. We do the same thing with  
3 narcotics; we assist them if they know there's going to be  
4 a large amount of people in a place that they were going  
5 to go hit.

6 Q If you're providing assistance to vice enforcement in an  
7 operation or a raid, who is in command?

8 A The head of vice.

9 Q Okay. You mentioned earlier today the term blind pig.  
10 Can you tell me your understanding of what a blind pig is?

11 A A place that serves alcohol after hours or a place that  
12 doesn't have a liquor license and was selling alcohol  
13 without the license during hours.

14 Q Anything else?

15 A No.

16 Q The answer is no?

17 A No.

18 Q How many times have you participated in a raid of a blind  
19 pig?

20 A Hundreds.

21 Q Hundreds?

22 A At least over a hundred.

23 Q Okay. So it happens all the time?

24 A We were called to assist a lot, yes.

25 Q And you would describe what happened on May 31st, 2008, as

Brandon Cole  
10/18/2011

Page 63

1 somebody stayed outside with the rest of the people that  
2 were out there.

3 Q During the time that that processing was going on, would  
4 it be fair to say that the people -- the patrons who were  
5 there were not free to leave?

6 A The ones that were already processed or the ones that were  
7 still in there?

8 Q The ones that were still in there.

9 A No, they weren't free to leave, no.

10 Q Were any of them placed in handcuffs?

11 A Yes.

12 Q Why?

13 A I don't know.

14 Q About how many did you see in handcuffs?

15 A I remember at least one.

16 Q That was not the guy that you brought in, though?

17 A No.

18 Q And you don't know why that person was in handcuffs?

19 A No.

20 Q Was he or she separated from the group?

21 A He was leaning on the wall with handcuffs.

22 Q Do you know who handcuffed him?

23 A No.

24 Q Was he being guarded by another officer?

25 A He was just leaning against the wall in handcuffs.

Brandon Cole  
10/18/2011

Page 64

1 Q You have already said they weren't free to leave. Were  
2 they free to move about the facility in any way?

3 A Once again, like I said before, because we didn't pat them  
4 down immediately, all of them, it was better just to keep  
5 them in place; and once they were kept in place, we could  
6 get them up and search them, because we couldn't deal with  
7 all the people that we had with the number of officers  
8 that we had. So, no, they weren't free to move around  
9 because we had to keep them in place because, as a threat,  
10 until the threat is contended with, okay, they don't have  
11 any weapons or anything, all right, we'll move them on to  
12 the next place.

13 Q How long did it take to pat everyone down?

14 A Hours.

15 Q Would you pat someone down and then process them, or was  
16 the first order of business to pat everyone down?

17 A The people that we contended with outside, we kept them in  
18 place. Besides them being on the ground, they were patted  
19 down as they were brought in. They were kept in place  
20 until they were brought in, so whatever time that took.

21 Q Okay. The gentleman you said you saw in handcuffs, can  
22 you describe him?

23 A No. I just remember a guy in handcuffs over by the wall.

24 Q White or black? Don't remember?

25 A I don't remember.

**Brandon Cole**  
**10/18/2011**

Page 73

1 A Correct. And it has been three years.

2 Q When you wrote this ticket, did you give a copy to Mr.  
3 Mahler?

4 A Yes.

5 Q That's standard procedure, right?

6 A Yes.

7 Q Are there other copies of the ticket that go somewhere  
8 else?

9 A All of that stuff went back with vice. The tickets  
10 belonged to the vice unit.

11 Q Do you happen to know what happens to the other copies of  
12 the ticket that go back to vice?

13 A They process them. They eventually end up at the court.

14 Q Do you know what the process is by which they end up at  
15 the court?

16 A I don't know vice's process. I can tell you our process,  
17 the processes I have been in.

18 Q Okay. Well, with the understanding that this is not the  
19 process that you went through in this particular case,  
20 yes, please, for my edification, how does the ticket get  
21 from you to the court?

22 A At the end of the night, the tickets are turned in. A  
23 ticket recapitulation sheet is printed up. Basically,  
24 someone goes through and takes all of the tickets, writes  
25 down all the numbers, and types it up on the sheet. It's



Brandon Cole  
10/18/2011

Page 74

1 signed by the supervisor on the desk. After that, it's  
2 put in the court officer's slot. The court officer takes  
3 it down, all the tickets down to 36th District Court.  
4 36th District Court turns them over to the clerk who types  
5 up every single ticket and puts it into the system.

6 Q Do you happen to know if the prosecutor reviews the ticket  
7 before a notice to appear is issued to the defendant?

8 A No.

9 Q No, you don't know, or, no, they don't?

10 A No, they don't.

11 Q They don't. Okay.

12 When you issue a ticket, is it your practice to  
13 keep a copy of the ticket for yourself or within your  
14 squad, within your unit?

15 A On misdemeanor tickets, no, because on a civil ticket,  
16 there's multiple copies. On this one, there isn't. You  
17 don't have the multiple copies. The first copy has to go  
18 back to the court. The second copy on the back of the  
19 copy goes to ident. The one in between, which is a paper  
20 copy, goes to the defendant.

21 Q What's ident?

22 A Records, record keeping, records and stats.

23 Q That's a department or division within the police  
24 department?

25 A Correct.

Brandon Cole  
10/18/2011

Page 78

1 vehicle that night?

2 A A whole bunch of cars were impounded that night.

3 Q And on what basis were those vehicles impounded?

4 A Nuisance abatement.

5 Q And was that simply because the vehicles were there at the  
6 scene?

7 A Because the people had driven the vehicles there.

8 Q Not based on evidence that the vehicles were transporting  
9 alcohol or used in any other illegal way?

10 A They were -- No.

11 Q So if you go to a nuisance and you bring a car there,  
12 you're subject to your car being towed?

13 A Yes.

14 MR. KOROBKIN: Moving along, I'll ask the  
15 reporter to mark Exhibit 8.

16 (WHEREUPON, Deposition Exhibit 8  
17 was marked for identification.)

18 BY MR. KOROBKIN:

19 Q Can you identify this document?

20 A Yeah. It's a nuisance abatement impoundment form.

21 Q Have you ever issued one of these?

22 A Yes.

23 Q Did you issue any on the night of the CAID raid?

24 A No.

25 Q Now, if you look somewhat in the middle of the page and to

Brandon Cole  
10/18/2011

Page 83

1 Q And what do they have to do with forfeiture?

2 A We hand them a form, and you have to call -- they have to  
3 call forfeiture. That's my extent of what they have to do  
4 to get it back.

5 Q So you don't know, once they call forfeiture, what the  
6 process is?

7 A No.

8 Q Do you know if they usually have to pay to get it back?

9 A I don't know.

10 Q You don't know. Would you agree that at this night that  
11 you were doing this, at the night of the raid, it was the  
12 standard operating procedure of the City of Detroit Police  
13 Department, when raiding a blind pig, to ticket everyone  
14 there for loitering in a place of illegal occupation and  
15 to confiscate the cars that they drove there?

16 A If that's what we do when we get the complaint for the  
17 blind pig and we hit it is to write tickets and tow cars  
18 and people go to jail? Yes.

19 Q That's the standard?

20 A That's the standard.

21 Q You don't ask people, "Did you know this was a blind pig"?

22 A Lack of knowledge of the law is not a defense.

23 Q So the answer is, just to be clear, the answer is, no, you  
24 don't ask them that?

25 A No.

Brandon Cole  
10/18/2011

Page 84

1 Q So if they didn't, in fact, know that it was a blind pig,  
2 they would still be guilty of loitering in a place of  
3 illegal occupation?

4 A Yes.

5 Q And they would still be guilty of contributing to a  
6 nuisance with their car?

7 A Yes.

8 Q Do you know, is the car the nuisance?

9 A The car is part of the nuisance.

10 Q The car is part of the nuisance?

11 A Because you have an area that's in a residential zone, and  
12 you have a hundred and fifty cars, two hundred cars, five  
13 hundred cars parked out in the middle of the street where  
14 you wouldn't normally have that amount of traffic or  
15 people. It's still -- this is in an area that's  
16 residential. You condense an extra hundred cars into a  
17 one-block area because everybody wants to walk to get in,  
18 and they don't want to walk block upon block to get in  
19 there, so they are parking on the curb, parking on the  
20 sidewalks, parking in the street, parking all over the  
21 place, it becomes part of the nuisance. The more people  
22 you have, the more even bigger of a nuisance. We had a  
23 raid that was -- that I can remember that was -- there was  
24 five hundred cars all over. It becomes part of the  
25 nuisance.

Brandon Cole  
10/18/2011

Page 95

1 Q At the CAID raid, do you know if there was anyone present  
2 at the CAID who was not charged with a criminal offense?

3 A I don't know.

4 Q Is it your understanding that everyone there was?

5 A It's my understanding that everybody was or wasn't -- I  
6 don't know. If there was people that they let go, I don't  
7 know. If there was people that were out front that they  
8 didn't ticket, I don't know. I have no clue.

9 MR. KOROBKIN: One minute.

10 (Recess taken from 4:22 p.m. to 4:24 p.m.)

11 BY MR. KOROBKIN:

12 Q Who informed you that the CAID had no liquor license?

13 A Lieutenant Yost.

14 Q At the briefing?

15 A Correct.

16 Q How would the department normally go about finding that  
17 out, that a facility had no liquor license?

18 A Well, Lieutenant Yost works with the Liquor Control  
19 Commission, so she worked hand in hand with them, so she  
20 knew what establishments in the City of Detroit had  
21 licenses and which ones didn't.

22 Q If a person went to the CAID honestly thinking that the  
23 CAID had a liquor license, would that person be guilty of  
24 loitering in a place of illegal occupation?

25 A Once again, ignorance of the law is not an excuse.

Brandon Cole  
10/18/2011

Page 96

1 Q I mean, theoretically, if you were in Applebee's and their  
2 liquor license had expired --

3 A Theoretically, if you were in Ford Field, and their  
4 license expired with Lions fans and the City of Detroit  
5 decided to shut it down, every single one of them would  
6 have gotten a ticket.

7 Q And the ticket inexorably automatically leads to a notice  
8 to appear in court?

9 A The court sets the date, yes.

10 Q And then, once you're in court, you can present  
11 whatever --

12 A -- defense, exactly. And that's up to the trier of truth  
13 and the judge to dismiss it or hear it. I have had cases  
14 dismissed from telling you exactly what I told you. I  
15 have had judges find the person guilty for telling you  
16 exactly what I told you. It's up to the judge that goes  
17 in front of -- which person he goes in front of.

18 Q But if the person gets the ticket, they do have to go to  
19 court?

20 A Yes, because it's a misdemeanor. They can't pay it off.  
21 They have to have a court date.

22 MR. KOROBKIN: Great. Thank you, Officer Cole.  
23 Jerry?

24 MR. ASHFORD: I have no questions.

25 (Deposition concluded at 4:30 p.m.)

**Tyrone Gray**  
**10/25/2011**

**EXHIBIT 24**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY MOBLEY, PAUL KAISER,  
ANGIE WONG, JAMES WASHINGTON, NATHANIEL  
PRICE, JEROME PRICE, STEPHANIE HOLLANDER,  
JASON LEVERETTE-SAUNDERS, WANDA LEVERETTE,  
DARLENE HELLENBERG, THOMAS MAHLER, and  
LAURA MAHLER,

Plaintiffs,

Hon. Victoria A. Roberts  
Magistrate Judge Mona K. Mazoub  
No. 10-cv-10675

-vs-

CITY OF DETROIT, a municipal  
corporation, Lieutenant VICKI YOST,  
a Detroit police officer, in her  
individual capacity, Sergeant DANIEL  
BUGLO, a Detroit police officer, in his  
individual capacity, Sergeant G. MCWHORTER,  
a Detroit police officer, in his/her  
individual capacity, Sergeant A. POTTS,  
a Detroit police officer, in his/her  
individual capacity, Sergeant CHARLES TURNER,  
a Detroit police officer, in his individual  
capacity, Officer M. BROWN, a Detroit police  
officer, in his/her individual capacity, Officer  
B. COLE, a Detroit police officer, in his/her  
individual capacity, Officer TYRONE GRAY, a  
Detroit police officer, in his individual  
capacity, Officer SHERON JOHNSON, a Detroit  
police officer, in her individual capacity,  
Officer K. SINGLETON, a Detroit police officer,  
in his/her individual capacity, and UNNAMED  
DETROIT POLICE OFFICERS, in their individual  
capacities,

Defendants.

\_\_\_\_\_ /

DEPOSITION OF POLICE OFFICER TYRONE GRAY

TUESDAY, OCTOBER 25, 2011

**Tyrone Gray**  
**10/25/2011**

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Deposition of POLICE OFFICER TYRONE GRAY,  
taken in the above-entitled cause before Denise Moorfoot,  
(CSR-2275), Court Reporter and Notary Public for the County  
of Oakland, State of Michigan, at 660 Woodward, Suite 1650,  
Detroit, Michigan, on Tuesday, October 25, 2011, commencing at  
or about the hour of 10:30 a.m.

APPEARANCES:

MR. DANIEL S. KOROBKIN  
American Civil Liberties Union Fund of Michigan  
2966 Woodward Avenue  
Detroit, Michigan 48201

-and-

MS. KATHRYN BRUNER JAMES  
Goodman & Hurwitz, P.C.  
1394 E. Jefferson Avenue  
Detroit, Michigan 48207  
Appearing on behalf of the Plaintiffs.

MS. SUE HAMMOUD  
City of Detroit Law Department  
660 Woodward Avenue  
1650 First National Building  
Detroit, Michigan 48226  
Appearing on behalf of the Defendants.



**Tyrone Gray**  
**10/25/2011**

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T A B L E O F C O N T E N T S

WITNESS	PAGE
POLICE OFFICER TYRONE GRAY	
Examination by Ms. James	4
DEPOSITION EXHIBITS	
Exhibit 1 - Re-Notice of Taking Deposition Duces Tecum of Officer Tyrone Gray	12
Exhibit 2 - Student Performance Record	12
Exhibit 3 - Nuisance Abatement Statute & Raid Execution/Blind Pig	23
Exhibit 4 - 203.7 Organized Crime, Vice and Narcotics Page 2 of 8 through 8 of 8	32
Exhibit 5 - DPD Activity Log Dated 05-30-08	56
Exhibit 6 - DPD Crime Report No. 0805310096.1	64
Exhibit 7 - DPD Follow-Up Report No. 0805310096.3	71
Exhibit 8 - DPD Officer Information Report	91
Exhibit 9 - Norton Complaint	99
Exhibit 10 - Eaton & Topps Amended Complaint	100

**Tyrone Gray**  
**10/25/2011**

Page 21

1 participated in a blind pig raid approximately?

2 A Being the undercover officer, more than three. As far as  
3 execution of search warrants, I believe less than five, I  
4 believe.

5 Q And the way that you categorize them as participating as  
6 an undercover officer, and, I'm sorry, how did you  
7 describe the other?

8 A Being an undercover officer, more than three.

9 Q How did you describe the other category?

10 A The other category was less than five as being a part of  
11 the entry team.

12 Q Part of the entry team. Okay. So those would be separate  
13 instances? Those don't overlap?

14 A That's correct.

15 MS. HAMMOUD: How many did you say as part of  
16 the entry team?

17 THE WITNESS: Less than five as part of the  
18 entry team and more than three as being an undercover  
19 officer.

20 BY MS. JAMES:

21 Q So somewhere in the range of approximately ten would be  
22 the total number of raids you have participated in either  
23 as an undercover officer or part of the entry team; is  
24 that fair?

25 A That's a fair statement.

**Tyrone Gray**  
**10/25/2011**

Page 22

1 Q And based on your understanding of these operations, what  
2 is the purpose of a blind pig raid?

3 A The purpose of a blind pig raid is to go inside the  
4 location, observe any illegal activity that may be taking  
5 place inside the location, whether they're serving liquor  
6 without a license, staying open after hours inside of a  
7 licensed establishment.

8 Once that information is gathered as working  
9 with the undercover team, then that information will be  
10 given to our crew members, and from there either  
11 additional surveillance will be conducted or an execution  
12 of a search warrant will take place.

13 Q And is one of the purposes ultimately to either make  
14 arrests or to ticket people?

15 A Well, I would say that's a fair statement, but I have been  
16 inside of establishments to where -- Yeah, I would say  
17 that's a fair statement.

18 Q Now, you mentioned that one of the purposes is to observe  
19 illegal activity. As you understand it, can you describe  
20 generally some of the illegal activity that you're looking  
21 for?

22 A Inside of a blind pig there are a lot of things that could  
23 be taking place, prostitution, narcotic usage, liquor  
24 being sold without a liquor license, no business license,  
25 illegal gambling. Those are the main.

Tyrone Gray  
10/25/2011

Page 23

1 Q In the instance where you make observations of a place  
2 that's operating without the proper license, whether it's  
3 a business license or a liquor license, is one of your  
4 goals to determine whether the people who are patronizing  
5 this place, whether or not they know whether or not the  
6 business has a license?

7 A No.

8 Q Okay. And based on your understanding of these  
9 operations, do you know whether the operation itself is a  
10 target as opposed to the patrons, or are they both equal  
11 targets for police activity?

12 A Police action?

13 Q Yes.

14 A It would be both.

15 Q I'm going to hand you another exhibit here. This will be  
16 Exhibit No. 3. The top of the paper says "Nuisance  
17 Abatement Statute," and about halfway through it says  
18 "Raid Execution/Blind Pig."

19 (WHEREUPON, Deposition Exhibit 3  
20 was marked for identification.)

21 BY MS. JAMES:

22 Q I'm going to give you a moment to look through this  
23 document, and as soon as you have had a chance to review  
24 it, I'd like you to let me know whether or not you have  
25 seen this document before?

**Tyrone Gray**  
**10/25/2011**

Page 29

1 BY MS. JAMES:

2 Q Have you ever been involved in a blind pig raid where  
3 there is no one who is arrested or ticketed and charged  
4 with a crime?

5 A I have not.

6 Q Okay. So starting from the basis that when a blind pig  
7 raid occurs there will be an arrest or ticketing that  
8 occurs --

9 MS. HAMMOUD: Well, I think you can ask him that  
10 question based on his experience.

11 MS. JAMES: Yeah, that's all I'm asking.

12 MS. HAMMOUD: Based on his experience.

13 BY MS. JAMES:

14 Q Yeah. Based on your experience in executing blind pig  
15 raids, who usually makes the decision regarding who is  
16 going to be arrested for a crime or ticketed and charged  
17 with a crime?

18 A It varies.

19 Q Okay. So can you elaborate on that a little bit?

20 A Yes.

21 Q Can you tell me the variations?

22 A Yes. If I'm the undercover officer inside the blind pig  
23 prior to the execution of the warrant or the entry team is  
24 coming in, myself or another undercover officer will make  
25 observations, meaning the person who may be serving the

**Tyrone Gray**  
**10/25/2011**

Page 30

1 liquor, meaning the persons who may be performing the sex  
2 acts, meaning the persons that may be selling the  
3 narcotics, maybe the person working the door, maybe the  
4 security team, maybe whoever is inside the location  
5 operating or engaging as persons who are employed or  
6 employees of the blind pig. So if that determination --  
7 if those observations are made by the undercover officer,  
8 then I will notify the actual raid team of my observations  
9 and circumstances involving those parties involved, and  
10 then they will be ticketed based on my observations.

11 Q I see. Okay. Let's narrow our focus slightly, then, to  
12 when people are ticketed for loitering in a place of  
13 illegal occupation. Is it your experience in blind pig  
14 raids that when you have been involved in these raids,  
15 that people are typically ticketed for loitering in a  
16 place of illegal occupation?

17 A They are. They have been ticketed.

18 Q Okay. Have you ever been involved in a raid where no one  
19 was charged with loitering in a place of illegal  
20 occupation?

21 A I have not.

22 Q Okay. So as to that charge, in your experience, who from  
23 the raid team decides which of the people present are  
24 going to be charged with that crime?

25 A That would be the supervisors.

**Tyrone Gray**  
**10/25/2011**

Page 54

1 waiting to be processed, what would they do, if you  
2 recall?

3 A Well, they were centralized. They weren't free to walk  
4 around, if that's what you're asking.

5 Q Yes.

6 A They were not free to walk around throughout the  
7 establishment while we were there.

8 Q Do you remember if they were allowed to stand or sit or  
9 kneel?

10 A I recall seeing some individuals standing, some  
11 individuals sitting.

12 Q Okay. Was there a general directive among law enforcement  
13 that officers wanted them to either be standing or sitting  
14 or kneeling? Do you recall whether or not -- Well, hold  
15 on one minute. Just go off the record a second.

16 (Discussion off the record.)

17 THE WITNESS: Can you repeat your question?

18 BY MS. JAMES:

19 Q Sure. Do you recall, at this particular raid, whether  
20 there was a uniform instruction by law enforcement to  
21 either have people sit or kneel or stand, if you recall?

22 A I don't recall.

23 Q Do you recall, at this particular raid, whether you saw  
24 any patrons that had been handcuffed?

25 A I don't recall.

**Tyrone Gray**  
**10/25/2011**

Page 62

1 recorded any documents describing your activity at this  
2 raid?

3 A No.

4 Q Okay. Do you recall what evidence was found as a result  
5 of this raid?

6 A No.

7 Q Do you recall, at the briefing prior to the raid, do you  
8 recall whether the team received any information that  
9 would have led you to believe this was an unusually  
10 dangerous situation, such as undercover surveillance had  
11 revealed weapons and narcotics and things of that nature?  
12 Do you remember anything of that sort?

13 A I don't recall being advised of any weapons observed or  
14 being, you know, passed around to other individuals. I  
15 don't recall being advised of that.

16 Q Based on your experience in other blind pig raids, would  
17 you say this particular raid was conducted similarly to  
18 other blind pig raids that you have been involved in?

19 A Yes.

20 Q Okay. Do you recall, at this particular raid, who made  
21 the decision regarding the issuing of tickets for  
22 loitering in a place of illegal occupation?

23 A That would be a supervisor. I don't recall which  
24 supervisor made that.

25 Q Do you remember whether that decision was made prior to



**Tyrone Gray**  
10/25/2011

Page 63

1 entry itself?

2 A As I stated to you earlier, it depends. It varies. It  
3 depends on --

4 Q I'm talking about this particular raid. Do you recall?

5 A I don't recall.

6 Q Okay. For those who were ticketed for loitering in a  
7 place of illegal occupation, based on your understanding  
8 of this raid, what activity -- what did they do that  
9 authorized ticketing them?

10 A Being inside of a location that was deemed as a blind pig,  
11 operating illegally, possibly serving liquor without a  
12 liquor license, selling liquor I'll say without a liquor  
13 license; therefore, they would be inside of the location,  
14 loitering inside of an illegal occupation.

15 Q Based on your recollection, do you recall whether there  
16 was a determination as to whether or not any of the people  
17 who were ticketed for loitering knew that the  
18 establishment did not have a liquor license?

19 A Can you repeat that?

20 Q Sure. Based on your memory of this raid, do you recall  
21 whether there was any inquiry into or decision made about  
22 whether or not the patrons knew that the establishment did  
23 not have a liquor license?

24 A I guess I'm not understanding the question. Can you ask  
25 me a different way?

**Tyrone Gray**  
**10/25/2011**

1 A Being inside of a location that was deemed a blind pig.

2 Q So, now, number one, do you recall whether you personally  
3 made the decision to ticket her or whether it was the  
4 result of an order by a supervisor?

5 A Well, the order came from supervision to ticket everyone  
6 inside.

7 Q Okay.

8 A So, as a result, she was one of the several that I  
9 ticketed personally -- well, that was ticketed by myself  
10 and several members of the unit.

11 Q Now, in the decision to ticket her for loitering in a  
12 place of illegal occupation, do you know whether the  
13 supervisors made any inquiry as to whether or not Miss  
14 Pizzo was aware of the fact that the establishment did not  
15 have a liquor license?

16 A I have no idea if they made an inquiry to her.

17 Q Okay. Have you ever ticketed anyone for loitering in a  
18 place of illegal occupation where the discretion for  
19 writing the ticket was up to you and it was not upon the  
20 direction of the supervisor?

21 A I have in the event of what they will be -- what they  
22 would be charged with as an engager or loitering.

23 Q Do you ever recall an instance where you made the decision  
24 to ticket someone for loitering in a place of illegal  
25 occupation where the activity that you observed was their

**Tyrone Gray**  
**10/25/2011**

Page 66

1 presence in an establishment that was not properly  
2 licensed to sell liquor? Do you recall an instance?

3 A No, I don't.

4 Q All right. I'll direct your attention about halfway down  
5 the page, Defendant number 25, Joy Alicia Wells, and,  
6 again, this report has you ticketing her for loitering in  
7 a place of illegal occupation; is that correct?

8 A That is.

9 Q Okay. And do you recall whether or not you observed her  
10 doing anything that authorized ticketing her?

11 A As I stated earlier in the other, number 14, it was being  
12 inside of the location.

13 Q I'm just going to ask you about one more. We're going to  
14 flip to page 5, Defendant number 86, Jason Anthony  
15 Leverette-Saunders, and, again, this document has you  
16 ticketing him for loitering in a place of illegal  
17 occupation, and is it again fair to say that the reason  
18 that he was ticketed as you understand it was by being  
19 present at this location; is that fair?

20 A Being present inside of the location, yes, ma'am.

21 Q Okay. So when you write a ticket to someone for loitering  
22 in a place of illegal occupation, a copy of the ticket is  
23 given to the subject; is that right?

24 A That's correct.

25 Q And then how many additional copies exist?

**Tyrone Gray**  
**10/25/2011**

Page 74

1 Q Same thing?

2 A Notice of impoundment is the -- I don't recall if actually  
3 it's on the -- No, it is the same thing. Impound card,  
4 it's basically the same thing.

5 MS. JAMES: And, again, I would just like to  
6 state this for the record, and I'll bring it up to Jerry.  
7 We have also still not received the copies of the notice  
8 of impoundment or tow cards that were issued that evening,  
9 and I think the officer's testimony confirms that it is  
10 within the control of the defendants, so I'll be renewing  
11 that request.

12 BY MS. JAMES:

13 Q To your knowledge, Officer, is it fair to say that  
14 everyone who drove to the CAID that evening, that their  
15 car was seized and subject to abatement as far as you  
16 know?

17 A That's fair.

18 Q And is it your understanding that the law enforcement  
19 activities that occurred at this raid, as you understand  
20 it, those activities conformed with the procedures of the  
21 Detroit Police Department; is that fair?

22 A That's fair.

23 Q Okay. Do you agree that as of May 31st, 2008, it was the  
24 standard procedure of the police department and the city  
25 that when raiding an establishment that was selling

Tyrone Gray  
10/25/2011

Page 75

1 alcohol without a license or selling alcohol after two  
2 a.m., to charge all persons in attendance either as an  
3 engager or for loitering in a place of illegal occupation  
4 and to seize their vehicles under the nuisance abatement  
5 statute?

6 A Are you asking me did I know that?

7 Q I'm asking, to your knowledge, was that the standard  
8 procedure?

9 A That's a fair statement.

10 Q Okay. And of the ten or so blind pig raids that you have  
11 participated in, have they generally followed this same  
12 procedure?

13 A Yes.

14 Q Do you recall how many vehicles were seized at this  
15 particular raid?

16 A There were many according to the report that you supplied  
17 me with. Eighty-two, I believe, vehicles.

18 Q I think it's actually less than that, because you'll  
19 notice that on page one it starts with number forty.

20 A Forty? Okay.

21 Q I don't know why it starts with forty, but based on my  
22 count, there was approximately forty-four. Would you  
23 agree with that?

24 A There were a lot of vehicles; I can tell you that. I  
25 don't know exactly how many but --

**EXHIBIT 25**

**ORDINANCE NO. 29-10**

**ORDINANCE NO. 29-10  
CHAPTER 38  
ARTICLE V**

An ordinance to amend Chapter 38 of the 1984 Detroit City Code, *Offenses, Miscellaneous Provisions, Article V, Offenses Against Public Peace*, by amending Section 38-5-1, *Disorderly Conduct*, to clarify that a person is only guilty of loitering in a place of illegal occupation when he or she has the intent to engage in the illegal occupation, in order to make this section commensurate with state law.

**AN ORDINANCE to amend Chapter 38 of the 1984 Detroit City Code, *Offenses, Miscellaneous Provisions, Article V, Offenses Against Public Peace*, by amending Section 38-5-1, *Disorderly Conduct*, to clarify that a person is only guilty of loitering in a place of illegal occupation when he or she has the intent to engage in the illegal occupation, in order to make this section commensurate with state law.**

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

**Section 1.** Chapter 38 of the 1984 Detroit City Code, *Offenses, Miscellaneous Provisions, Article V, Offenses Against Public Peace*, by amending Section 38-5-1, *Disorderly Conduct*, to read as follows:

**CHAPTER 38. OFFENSES,  
MISCELLANEOUS PROVISIONS  
ARTICLE V. OFFENSES AGAINST  
PUBLIC PEACE**

**Sec. 38-5-1. Disorderly conduct.**

Any person who shall make or assist in

making any noise, disturbance, or improper diversion or any rout or riot, by which the peace and good order of the neighborhood is disturbed, or any person who shall consume alcoholic beverages on any street or sidewalk, or who shall engage in any indecent or obscene conduct in any public place, or who shall engage in an illegal occupation, or who shall loiter in a place of illegal occupation with the intent to engage in such illegal occupation, shall be guilty of a misdemeanor.

**Section 2.** This ordinance is hereby declared necessary to preserve the public peace, health, safety, and welfare of the People of the City of Detroit.

**Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are repealed.

**Section 4.** In the event that this ordinance is passed by a two-thirds (2/3) majority of the City Council Members serving, it shall be given immediate effect and become effective upon publication in accordance with Section 4-116 of the 1997 Detroit City Charter. If this ordinance is passed by less than a two-thirds (2/3) majority of City Council Members serving, it shall become effective no later than thirty (30) days after enactment in accordance with Section 4-115 of the 1997 Detroit City Charter.

J.C.C.: November 9, 2010  
Passed: November 23, 2010  
Approved: November 30, 2010  
Published: December 10, 2010  
Effective: December 10, 2010  
JANICE M. WINFREY  
City Clerk



Officer Sheron Johnson  
10/28/2011

EXHIBIT 26

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY MOBLEY, PAUL KAISER,  
ANGIE WONG, JAMES WASHINGTON, NATHANIEL  
PRICE, JEROME PRICE, STEPHANIE HOLLANDER,  
JASON LEVERETTE-SAUNDERS, WANDA LEVERETTE,  
DARLENE HELLENBERG, THOMAS MAHLER, and  
LAURA MAHLER,

Plaintiffs,

Hon. Victoria A. Roberts  
Magistrate Judge Mona K. Mazoub  
No. 10-cv-10675

-vs-

CITY OF DETROIT, a municipal  
corporation, Lieutenant VICKI YOST,  
a Detroit police officer, in her  
individual capacity, Sergeant DANIEL  
BUGLO, a Detroit police officer, in his  
individual capacity, Sergeant G. MCWHORTER,  
a Detroit police officer, in his/her  
individual capacity, Sergeant A. POTTS,  
a Detroit police officer, in his/her  
individual capacity, Sergeant CHARLES TURNER,  
a Detroit police officer, in his individual  
capacity, Officer M. BROWN, a Detroit police  
officer, in his/her individual capacity, Officer  
B. COLE, a Detroit police officer, in his/her  
individual capacity, Officer TYRONE GRAY, a  
Detroit police officer, in his individual  
capacity, Officer SHERON JOHNSON, a Detroit  
police officer, in her individual capacity,  
Officer K. SINGLETON, a Detroit police officer,  
in his/her individual capacity, and UNNAMED  
DETROIT POLICE OFFICERS, in their individual  
capacities,

Defendants.

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DEPOSITION OF POLICE OFFICER SHERON JOHNSON

FRIDAY, OCTOBER 28, 2011



**Officer Sheron Johnson**  
**10/28/2011**

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Deposition of POLICE OFFICER SHERON JOHNSON,  
taken in the above-entitled cause before Denise Moorfoot,  
(CSR-2275), Court Reporter and Notary Public for the County  
of Oakland, State of Michigan, at 660 Woodward, Suite 1650,  
Detroit, Michigan, on Friday, October 28, 2011, commencing at  
or about the hour of 10:45 a.m.

APPEARANCES:

MR. DANIEL S. KOROBKIN  
American Civil Liberties Union Fund of Michigan  
2966 Woodward Avenue  
Detroit, Michigan 48201

-and-

MS. KATHRYN BRUNER JAMES  
Goodman & Hurwitz, P.C.  
1394 E. Jefferson Avenue  
Detroit, Michigan 48207  
Appearing on behalf of the Plaintiffs.

MR. JERRY ASHFORD  
City of Detroit Law Department  
660 Woodward Avenue  
1650 First National Building  
Detroit, Michigan 48226  
Appearing on behalf of the Defendants.

Officer Sheron Johnson  
10/28/2011

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T A B L E O F C O N T E N T S

WITNESS	PAGE
POLICE OFFICER SHERON JOHNSON	
Examination by Ms. James	4
DEPOSITION EXHIBITS	
Exhibit 1 - Third Notice of Taking Deposition Duces Tecum of Officer Sheron Johnson	6
Exhibit 2 - Michigan Commission on Law Enforcement Standards, Individual Employment History	10
Exhibit 3 - Nuisance Abatement Statute & Raid Execution/Blind Pig	24
Exhibit 4 - DPD Activity Log	37
Exhibit 5 - DPD Crime Report 0805310096.1	76
Exhibit 6 - DPD Follow-Up Report 0805310096.3	80
Exhibit 7 - DPD Officer Information Report & Citizen Complaint Report Filed Against DPD Officer	97

Officer Sheron Johnson  
10/28/2011

Page 76

1 determination or who -- Strike that.

2 For this particular raid, do you have any  
3 knowledge of what the process was for determining who was  
4 an engager/operator, you know, sorting out the engagers  
5 from the loiterers?

6 A Yes. That was done by Lieutenant Yost and Sergeant Buglo.

7 Q Okay. So did you have any duties that involved dealing  
8 with engagers or operators?

9 A Only when I had the interaction with them at the table.

10 Q Oh, I see. Okay.

11 A Or I probably had interaction with them first coming in.  
12 I don't know.

13 Q Okay. So is it your understanding that for those who were  
14 ticketed for loitering, they were ticketed because they  
15 were inside the building when the raid occurred? Is that  
16 fair?

17 A That's fair.

18 Q I'm going to take your activity log back.

19 I think you have a copy of what's being marked  
20 as Exhibit No. 5, but I have ample copies as well if you  
21 need one. What's being marked as Exhibit No. 5 -- Let me  
22 pause and let her mark it.

23 (WHEREUPON, Deposition Exhibit 5  
24 was marked for identification.)

25 BY MS. JAMES:

Officer Sheron Johnson  
10/28/2011

Page 77

1 Q What was just marked as Exhibit No. 5, at the top it says  
2 "Detroit Police Department Crime Report," Case Number  
3 0805310096, and this is Report Number -- same number, .1.  
4 Report date 5-31-2008. And just for the record, you  
5 weren't the author of this report; is that correct?

6 A No. That would be Sergeant Buglo.

7 Q Have you seen this report before today?

8 A Yes.

9 Q Okay. I would like to turn your attention to page 2, and  
10 the defendants are all conveniently numbered here, so I  
11 would like you to take a look at number 16, third from the  
12 top.

13 A Mm-hmm.

14 Q Megan Danielle Smedley. As you sit here today, do you  
15 have any -- What is your -- Strike that. Let me clarify  
16 this.

17 As you sit here today, what did you observe  
18 Megan Smedley doing that authorized ticketing her for  
19 loitering in a place of illegal occupation?

20 A Are you serious?

21 Q Yes.

22 A This was almost three years ago.

23 Q Based on what we have discussed before, is it fair to say  
24 that she was ticketed because she was present in the  
25 building?

Officer Sheron Johnson  
10/28/2011

Page 78

1 MR. ASHFORD: Objection, asked and answered.

2 THE WITNESS: It would be fair to say.

3 BY MS. JAMES:

4 Q Okay. Do you recall her doing anything else other than  
5 merely being present in the building that provided  
6 probable cause for ticketing her for loitering in a place  
7 of illegal occupation?

8 A That was so long ago, I can't answer that.

9 Q Is there any document that exists that would refresh your  
10 recollection of what you observed of Miss Smedley that  
11 evening?

12 A No.

13 Q Okay. I'm sorry. I know this is a tedious process, and  
14 you'll have to humor lawyers a little bit.

15 A I know. That's why I said, "Really? That's three years  
16 ago."

17 Q But I'm going to ask you about a few other numbers on  
18 here. Okay? I'd like you to look at number 18, Darlene  
19 Celeste Hellenberg. And as you sit here today, can you  
20 recall what you observed her doing that called for  
21 ticketing for loitering in a place of illegal occupation?

22 A No. It was such a long time ago.

23 Q Would it be fair to say that she was ticketed because she  
24 was present in the building when the raid occurred?

25 A That's fair to say.

Officer Sheron Johnson  
10/28/2011

Page 79

1 MR. ASHFORD: Objection, no foundation.

2 BY MS. JAMES:

3 Q And do you have any other memory of observing her engaged  
4 in any illegal activity other than her presence in the  
5 building?

6 A No.

7 Q And let's skip all the way back to Defendant 123, the  
8 bottom of page 6, Paul Matthew Kaiser. As you sit here  
9 today, do you remember what you observed him doing that  
10 authorized ticketing him for loitering in a place of  
11 illegal occupation?

12 MR. ASHFORD: Objection, form.

13 THE WITNESS: No.

14 BY MS. JAMES:

15 Q Okay. And would it be fair to say that he was ticketed  
16 because he was present inside the building?

17 MR. ASHFORD: Objection to form.

18 THE WITNESS: It's fair to say.

19 BY MS. JAMES:

20 Q Okay. And as you sit here today, do you have any  
21 recollection of Mr. Kaiser engaging in any illegal  
22 activity that you observed other than being present?

23 A Repeat that.

24 MR. ASHFORD: Objection to form.

25 BY MS. JAMES:

Officer Sheron Johnson  
10/28/2011

Page 80

1 Q I'm sorry. Do you recall having observed Mr. Kaiser  
2 engage in any illegal activity other than being present in  
3 the building?

4 A No.

5 MS. JAMES: I'll take that one back from you.

6 Thanks. Can you mark this as No. 6?

7 (WHEREUPON, Deposition Exhibit 6  
8 was marked for identification.)

9 BY MS. JAMES:

10 Q Okay. I have handed you what is marked as Exhibit No. 6.  
11 Across the top it says "Detroit Police Department  
12 Follow-Up Report," and it has the same report number as  
13 the previous exhibit except this one is .3, dated June  
14 2nd, 2008. And, again, just for the record, this doesn't  
15 appear to have been written by you; is that correct?

16 A That's correct.

17 Q And you haven't signed it or anything like that, right?

18 A No. No signature goes on these.

19 Q I'd like to draw your attention to a portion that is  
20 marked VEU46. Do you see that?

21 A Yes.

22 Q Okay. It's on the first page, Darlene Celeste Hellenberg.  
23 First, I have asked this question, and I haven't gotten an  
24 answer yet. Do you know what VEU stands for?

25 A Vice enforcement unit.

Officer Sheron Johnson  
10/28/2011

Page 88

1 MR. ASHFORD: Objection as to form.

2 THE WITNESS: Under the nuisance and abatement.

3 BY MS. JAMES:

4 Q I understand what the law is. I'm asking what are the  
5 factual circumstances that met the standard of the law?

6 MR. ASHFORD: For every car?

7 MS. JAMES: Yeah.

8 THE WITNESS: I can't answer that for every car.

9 BY MS. JAMES:

10 Q Well, let me ask it more generally. Was it your  
11 understanding that as long as somebody was ticketed for  
12 loitering, that that satisfied the standard for abating  
13 their car?

14 A Are you stating under the nuisance and abatement code?

15 Q Yes.

16 A Yes.

17 Q All right. Once a vehicle is subject to abatement, do you  
18 know what a person has to do to get their car back if they  
19 want it back?

20 A No.

21 Q So have you ever heard anything about people having to pay  
22 money to get their cars back?

23 A Oh, yes, I have heard of that.

24 Q And what's your understanding of that?

25 MR. ASHFORD: Objection as to form.



Officer Sheron Johnson  
10/28/2011

Page 91

1 ticket itself set a court date; do you recall?

2 A Not now it doesn't.

3 Q Not now it doesn't?

4 A No.

5 Q Has it before in the past?

6 A Yes, some years ago. I can't tell you how long it's been.

7 Q Okay. But is it fair to say that when a person receives a

8 LIPIO ticket, whether the court date is on the ticket

9 itself, at some point they have to appear in court; is

10 that your understanding?

11 A Yes.

12 Q During your employment at the Detroit Police Department,  
13 have you ever been suspended?

14 A Yes.

15 Q And when was that?

16 A I don't remember the exact date.

17 Q Okay.

18 A It was for --

19 Q Can you give me the year?

20 A '09.

21 Q Okay. And what was the reason for your suspension as you  
22 understand it?

23 A Neglect of duty.

24 Q In what way were you accused of neglecting your duty?

25 A For not informing information or allegation of a

Gregory McWhorter, Sgt.  
10/27/2011

EXHIBIT 27

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY MOBLEY, PAUL KAISER,  
ANGIE WONG, JAMES WASHINGTON, NATHANIEL  
PRICE, JEROME PRICE, STEPHANIE HOLLANDER,  
JASON LEVERETTE-SAUNDERS, WANDA LEVERETTE,  
DARLENE HELLENBERG, THOMAS MAHLER, and  
LAURA MAHLER,

Plaintiffs,

Hon. Victoria A. Roberts  
Magistrate Judge Mona K. Mazoub  
No. 10-cv-10675

-vs-

CITY OF DETROIT, a municipal  
corporation, Lieutenant VICKI YOST,  
a Detroit police officer, in her  
individual capacity, Sergeant DANIEL  
BUGLO, a Detroit police officer, in his  
individual capacity, Sergeant G. MCWHORTER,  
a Detroit police officer, in his/her  
individual capacity, Sergeant A. POTTS,  
a Detroit police officer, in his/her  
individual capacity, Sergeant CHARLES TURNER,  
a Detroit police officer, in his individual  
capacity, Officer M. BROWN, a Detroit police  
officer, in his/her individual capacity, Officer  
B. COLE, a Detroit police officer, in his/her  
individual capacity, Officer TYRONE GRAY, a  
Detroit police officer, in his individual  
capacity, Officer SHERON JOHNSON, a Detroit  
police officer, in her individual capacity,  
Officer K. SINGLETON, a Detroit police officer,  
in his/her individual capacity, and UNNAMED  
DETROIT POLICE OFFICERS, in their individual  
capacities,

Defendants.

\_\_\_\_\_ /

DEPOSITION OF SERGEANT GREGORY McWHORTER

THURSDAY, OCTOBER 27, 2011

**Gregory McWhorter, Sgt.**  
**10/27/2011**

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Deposition of SERGEANT GREGORY McWHORTER,  
taken in the above-entitled cause before Denise Moorfoot,  
(CSR-2275), Court Reporter and Notary Public for the County  
of Oakland, State of Michigan, at 660 Woodward, Suite 1650,  
Detroit, Michigan, on Thursday, October 27, 2011, commencing at  
or about the hour of 12:15 p.m.

APPEARANCES:

MR. DANIEL S. KOROBKIN  
American Civil Liberties Union Fund of Michigan  
2966 Woodward Avenue  
Detroit, Michigan 48201

-and-

MS. KATHRYN BRUNER JAMES  
Goodman & Hurwitz, P.C.  
1394 E. Jefferson Avenue  
Detroit, Michigan 48207  
Appearing on behalf of the Plaintiffs.

MR. JERRY ASHFORD  
City of Detroit Law Department  
660 Woodward Avenue  
1650 First National Building  
Detroit, Michigan 48226  
Appearing on behalf of the Defendants.

Gregory McWhorter, Sgt.  
10/27/2011

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T A B L E O F C O N T E N T S

WITNESS	PAGE
SERGEANT GREGORY McWHORTER	
Examination by Mr. Korobkin	4
DEPOSITION EXHIBITS	
Exhibit 1 - Re-Notice of Taking Deposition Duces Tecum of Sgt. Gregory McWhorter	6
Exhibit 2 - Michigan Commission on Law Enforcement Standards, Individual Employment History	14
Exhibit 3 - Nuisance Abatement Statute & Raid Execution/Blind Pig	27
Exhibit 4 - DPD Activity Log Dated 5-30-08	62
Exhibit 5 - DPD Crime Report 0805310096.1	68
Exhibit 6 - DPD Follow-Up Report 0805310096.3	76
Exhibit 7 - Confirmation Report on Probationary Police Officer	86
Exhibit 8 - Eaton & Topp - Second Amended Complaint and Jury Demand	96

Gregory McWhorter, Sgt.  
10/27/2011

Page 65

1 circumstances were?

2 A Yes. Yes.

3 Q Is there any other document other than this log that you  
4 use to record your activities at the CAID raid that night?

5 A There could be what vice had. I'm not sure.

6 Q But in terms of what you wrote --

7 A Right.

8 Q -- this is it?

9 A Yes.

10 Q As you sit here today, do you remember writing any tickets  
11 at the CAID raid?

12 A Process, I think I signed a couple.

13 Q Is that different from writing the tickets?

14 A Doing the processing?

15 Q Yeah.

16 A Yes. It would be what was written out and then I signed.

17 Q So someone else would write up the ticket, and you would  
18 sign it?

19 A Yes.

20 Q And in what sense is that different from when you normally  
21 write out an ordinance ticket?

22 A I don't understand, sir.

23 Q Well, by signing a ticket, aren't you saying that you  
24 observed the illegal activity that you're charging the  
25 person with?

Gregory McWhorter, Sgt.  
10/27/2011

Page 66

1 A That or my officers, yes.

2 Q It could have been one of your officers who observed it?

3 A Could have been, yes.

4 Q And then you're signing your name because why? You're

5 relying on the information you got from your officers?

6 A Yes.

7 Q And if that were the case, would you not make a record of  
8 that in your activity log?

9 A Yes, I could.

10 Q But you feel like it's at your discretion; you also might  
11 not?

12 A I may not, yes. As I see, I have raid processing for  
13 those hours.

14 Q Why would you sign a ticket rather than whoever observed  
15 the person doing the illegal activity sign the ticket?

16 MR. ASHFORD: Objection, no foundation.

17 THE WITNESS: I do not know, sir.

18 BY MR. KOROBKIN:

19 Q Okay. After you sign an ordinance ticket, there are  
20 several copies of the ticket; is that right?

21 A Yes. Right.

22 Q One of them goes to the defendant, the person who is  
23 accused of violating the ordinance?

24 A Yes.

25 Q What happens to the other copies?

Gregory McWhorter, Sgt.  
10/27/2011

Page 70

1 this charge?

2 A I don't recall. Yeah.

3 Q And what did one of your officers tell you was the basis  
4 for the charge?

5 A Well, when you look at the ticket, you read the ticket,  
6 and you see.

7 Q To your knowledge, did this person do anything other than  
8 -- To your knowledge, was this person doing anything other  
9 than standing around at the CAID during the raid?

10 A That I do not know.

11 MR. ASHFORD: Objection to the form.

12 BY MR. KOROBKIN:

13 Q Next page, on page 4, Defendant 73, it's a little more  
14 than halfway down.

15 A Yes.

16 Q James Washington.

17 A Yes.

18 Q Do you remember James Washington?

19 A No, I do not.

20 Q Okay. And, again, this line means you signed the ticket,  
21 right?

22 A Yes. That's what I believe, yes.

23 Q And it doesn't mean that you necessarily saw the activity  
24 that would have led to him being ticketed?

25 A Correct, sir.

Gregory McWhorter, Sgt.  
10/27/2011

Page 75

1 THE WITNESS: Yes.

2 BY MR. KOROBKIN:

3 Q Did you hand him the ticket personally?

4 A No, I did not.

5 Q You handed it back to a --

6 A Processing officer.

7 Q -- processing officer?

8 A Yes.

9 Q Who, again, could have been someone from the vice squad  
10 but may have been someone from another unit?

11 A Yes.

12 Q And then presumably that person handed James Washington  
13 the ticket?

14 A Yes. And then sent him out.

15 Q So it's possible that you actually never saw James

16 Washington that night?

17 MR. ASHFORD: Objection, speculation.

18 THE WITNESS: It's possible.

19 BY MR. KOROBKIN:

20 Q It wouldn't be inconsistent with having signed the ticket  
21 that you never actually saw him?

22 MR. ASHFORD: Objection to the form.

23 THE WITNESS: You lost me again.

24 BY MR. KOROBKIN:

25 Q Yeah. That wasn't a very good question.



**Kathleen Singleton**  
**1/12/2012**

**EXHIBIT 28**

1 T A B L E O F C O N T E N T S

2

3 WITNESS PAGE

4 OFFICER KATHLEEN SINGLETON

5 Examination by Ms. James 5

6

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8 E X H I B I T S

9

10 NUMBER PAGE

11 Deposition Exhibit No. 1 7

12 (Notice of Taking Deposition)

13 Deposition Exhibit No. 2 12

14 (Student Performance Record)

15 Deposition Exhibit No. 3 37

16 (DPD Activity Log)

17 Deposition Exhibit No. 4 41

18 (Crime Report No. 0805310096.1)

19 Deposition Exhibit No. 5 45

20 (Crime Report No. 0805310096.3)

21 Deposition Exhibit No. 6 53

22 (DPD Officer Information Report)

23 Deposition Exhibit No. 7 55

24 (Sept. 15, 2010 Inter-Office Memo)

25

**Kathleen Singleton**  
1/12/2012

Page 42

1 loitering in a place of illegal occupation by  
2 PO K. Singleton. That's you, right?

3 A. Yes.

4 Q. Okay. What did you observe Samantha Gold doing  
5 that authorized ticketing her for loitering in a  
6 place of illegal occupation?

7 A. I don't remember.

8 Q. Okay. Is it recorded anywhere?

9 A. I didn't do the report.

10 Q. Okay. If there was a criminal prosecution  
11 against Miss Gold, would it be typical for the  
12 ticketing officer to be called to testify?

13 A. Yes.

14 Q. Okay. And so if you were called to testify about  
15 what you observed her doing, how could you do that?

16 A. There would be a ticket. She was issued a  
17 ticket, so I could refer to the ticket, but it  
18 wouldn't be this many years later, and if it was  
19 this many years later, I would tell you the same  
20 thing I would tell the judge. I don't remember.

21 Q. What's usually on the ticket? I realize you  
22 don't remember this ticket, but what's usually  
23 on these tickets?

24 A. Loitering in a place of illegal occupation.

25 Q. There's no description about what you observed

Kathleen Singleton  
1/12/2012

Page 43

1 this person doing?

2 A. No.

3 Q. So there is no documentation about what this  
4 person was doing?

5 A. No.

6 Q. Okay. And I'm afraid I have to ask you the same  
7 questions about defendant number 37, Stephanie  
8 Hollander, and just bear with me. What did you

9 observe Stephanie Hollander doing that authorized  
10 ticketing her for loitering in a place of  
11 illegal occupation?

12 A. Go back to the same answer I said before.

13 Q. And you don't have any documentation of what you  
14 observed her doing?

15 A. I don't, ma'am.

16 MS. JAMES: And again, just for the  
17 record, we've requested and not received the  
18 tickets that were issued that evening and we  
19 continue to strenuously request them.

20 Q. (Continuing, by Ms. James) When these tickets  
21 are issued, what happens when the tickets are  
22 issued?

23 MR. ASHFORD: Object to that being  
24 vague. Objection as to form.

25 Q. (Continuing, by Ms. James) What do you do when

**EXHIBIT 29**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

FEB 09 2012

IAN MOBLEY, KIMBERLY MOBLEY, PAUL KAISER,  
ANGIE WONG, JAMES WASHINGTON, NATHANIEL PRICE,  
JEROME PRICE, STEPHANIE HOLLANDER,  
JASON LEVERETTE-SAUNDERS, WANDA LEVERETTE,  
DARLENE HELLENBERG, THOMAS MAHLER,  
and LAURA MAHLER,

Case No. 10-cv-10675  
Hon. Victoria Roberts

Plaintiffs,

v

CITY OF DETROIT, a municipal corporation, Lieutenant VICKI YOST,  
a Detroit police officer, in her individual capacity, Sergeant DANIEL BUGLO,  
a Detroit police officer, in his individual capacity, Sergeant G. MCWHORTER,  
a Detroit police officer, in his/her individual capacity, Sergeant A. POTTS,  
a Detroit police officer, in his/her individual capacity, Sergeant CHARLES TURNER,  
a Detroit police officer, in his individual capacity, Officer M. BROWN,  
a Detroit police officer, in his/her individual capacity, Officer B. COLE,  
a Detroit police officer, in his/her individual capacity, Officer TYRONE GRAY,  
a Detroit police officer, in his individual capacity, Officer SHERON JOHNSON,  
a Detroit police officer, in her individual capacity, Officer K. SINGLETON,  
a Detroit police officer, in his/her individual capacity, and  
UNNAMED DETROIT POLICE OFFICERS, in their individual capacities,

Defendants.

Daniel S. Korobkin  
Michael J. Steinberg (P48085)  
Kary L. Moss (P49759)  
American Civil Liberties Union  
Fund of Michigan  
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*Attorney for Defendant City of Detroit*

Lee'ah D.B. Giaquinto (P60168)  
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[Basel@detroitmi.gov](mailto:Basel@detroitmi.gov)  
*Attorney for Defendants Yost & Buglo Only*

**DEFENDANTS' RESPONSE TO PLAINTIFF'S FOURTH SET OF INTERROGATORIES**

**NOW COME**, Defendants, by and through the undersigned attorneys, and for their Response to Plaintiff's fourth Set of Interrogatories, states as follows:

Interrogatory #15:

15. Identify the person(s) who prepared, participated and/or consulted in preparing these Responses and, in particular, identify who prepared, participated and/or consulted in which response.

**Response: Defense counsels.**

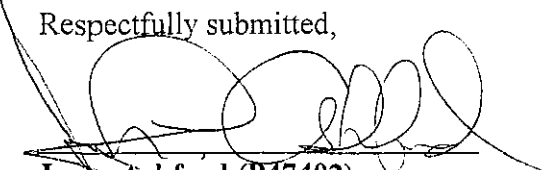
16. Defendants denied as untrue Plaintiffs' Request for Admission #6, which stated that there were no probable cause to support the conclusion that Plaintiff's had committed any criminal offense other than loitering in a place of illegal occupation. State any and all facts and circumstances known to Defendants at the time of the raid that would support a finding of probable cause that Plaintiffs had committed or were committing a criminal offense other than loitering in a place of illegal occupation. Name the offense(s) and provide a citation to the relevance statute or ordinance.

**Response: Please see Sergeant Daniel Buglo's Deposition Transcript - page149. On page 149, Sgt. Buglo testified that a couple of weapons were seized. However, the testimony does not indicate from whom the weapons were seized. Therefore, there may be probable cause for a weapon charge. Therefore, Admission #6 was denied.**

17. Defendants denied as untrue Plaintiff's Request for Admission #10, which stated that there was no basis to seize all 44 vehicles under any law, ordinance or other authority other than the Michigan Nuisance Abatement statute. State any and all facts and circumstances known to Defendants at the time of the raid that would provide a legal basis for seizing Plaintiff's vehicles other than Michigan Nuisance Abatement statute. Identify the relevant legal authority or authorities (by statute, ordinance, or other citation)

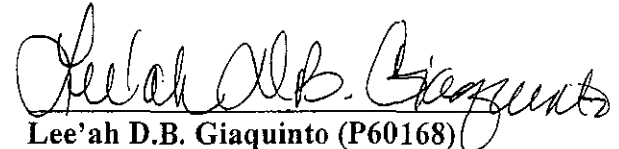
Response: **After further research, Defendants are amending its response to Admission #10 to Admit.**

Respectfully submitted,



**Jerry Ashford (P47402)**

City of Detroit Law Department  
660 Woodward Ave., Ste. 1650  
Detroit, MI 48226  
(313) 237-3089  
Ashfj@detroitmi.gov  
*Attorney for Defendants*



**Lee'ah D.B. Giaquinto (P60168)**

City of Detroit Law Department  
660 Woodward Ave., Ste. 1650  
Detroit, MI 48226  
(313) 237-3305  
Basel@detroitmi.gov  
*Attorney for Defendants Yost & Buglo Only*

Dated: February 7, 2012

**DECLARATION OF NATHANIEL PRICE**

STATE OF MICHIGAN)

)ss.

COUNTY OF WAYNE)

I, Nathaniel Price, state the following:

1. I am a plaintiff in the case *Mobley, et al. v. City of Detroit, et al.*, Case Number 10-cv-10675, currently pending in the Eastern District of Michigan United States District Court.
2. On May 31, 2008, I received a misdemeanor citation for loitering in a place of illegal occupation at the Contemporary Art Institute of Detroit.
3. At some time within the weeks or months following that date, I had to appear in 36th District Court at least one time as a result of that citation.
4. The criminal case against me was eventually dismissed.

I make this declaration pursuant to 28 U.S.C. § 1746 and declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
Nathaniel Price

Executed the 16<sup>th</sup> day of April, 2012

**DECLARATION OF ANGIE WONG**

STATE OF MICHIGAN)

)ss.

COUNTY OF WAYNE)

I, Angie Wong, state the following:

1. I am a plaintiff in the case *Mobley, et al. v. City of Detroit, et al.*, Case Number 10-cv-10675, currently pending in the Eastern District of Michigan United States District Court.
2. On May 31, 2008, I received a misdemeanor citation for loitering in a place of illegal occupation at the Contemporary Art Institute of Detroit.
3. At some time within the weeks or months following that date, I had to appear in 36th District Court at least one time as a result of that citation.
4. The criminal case against me was eventually dismissed.

I make this declaration pursuant to 28 U.S.C. § 1746 and declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Angie Wong 4/16/12  
Angie Wong

Executed the \_\_\_ day of \_\_\_\_\_, 2012



**EXHIBIT 32**

**STATE OF MICHIGAN  
IN THE 36TH DISTRICT COURT FOR THE CITY OF DETROIT**

**PEOPLE OF THE CITY OF DETROIT,**

Plaintiff,

v

Case No. U 410-922-08

**MICHAEL WHITE;**

Defendant.

---

CHRISTINE M. GREIG (P58116)  
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Attorney for Plaintiff  
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(248) 779-8416  
Fax: (313) 814-9470

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**ORDER OF DISMISSAL**

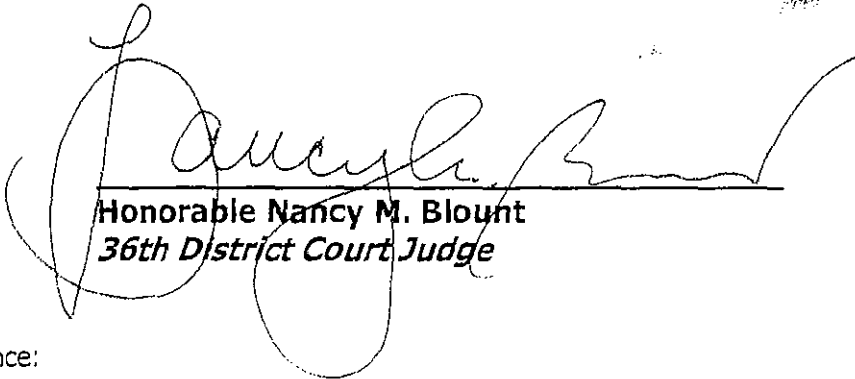
**At a session of said Court held in the 36th District Court,  
City of Detroit, County of Wayne, State of Michigan, on:**

---

**PRESENT:** Honorable Nancy M. Blount


The parties having appeared before the Court in advance of the trial date on the joint oral motion of the parties, and the Court being otherwise fully advised in the premises:

**IT IS HEREBY ORDERED** that the above-captioned case and all cases listed in Attachment A are dismissed without prejudice.



**Honorable Nancy M. Blount**  
**36th District Court Judge**

Approved as to form and substance:

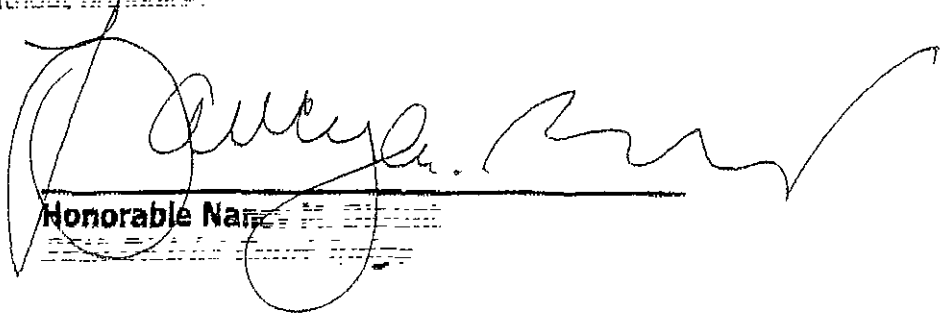


Christine M. Greig  
Assistant Corporation Counsel  
CITY OF DETROIT LAW DEPARTMENT  
421 Madison, Room 419  
Detroit, Michigan 48226

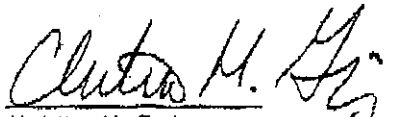
*(SEE FAX COPY)*  
Kenneth M. Mogill  
Cooperating Attorney, American Civil Liberties  
Union Fund of Michigan  
MOGILL, POSNER & COHEN  
27 E. Flint St., 2d Floor  
Lake Orion, Michigan 48362


The parties having appeared before the Court in advance of the trial date on the joint oral motion of the parties, and the Court being satisfied with the facts on the premises:

**IT IS HEREBY ORDERED** that the above-captioned motion and all exhibits thereto, Attachment A are dismissed without prejudice.

  
Honorable Nancy M. Gribble  
District Court Judge

Approved as to form and substance:

  
Christine M. Greig  
Assistant Corporation Counsel  
CITY OF DETROIT LAW DEPARTMENT  
421 Madison, Room 419  
Detroit, Michigan 48226

 9/17/12  
Kenneth J. Mogill  
Attorney at Law  
Mogill, Posner & Cohen  
Lake Orion, Michigan 48367

**ATTACHMENT**

**A**

Attachment App. 1

LAST NAME	FIRST NAME	TICKET NUMBER
Acosta	Camilo	U 423-616-08
Agar	Jennifer	U 423-451-08
Alvarado	Audrianna	U 423-683-08
Axner	Joel	U 423-406-08
Barick	Madeline	U 423-413-08
Bernier	Joel	U410-933-08
Blakoski	Molly	U 423-417-08
Bockenstette	Stephanie	U 423-401-08
Bondroff	Aaron	U 423-633-08
Brancheau	Daniel	U 423-653-08
Brandelik	Candice	U 423-428-08
Brown	Stephen	U 423-611-08
Bruce-Campo	Caitlin	U 423-614-08
Burton	Kayla	U 423-682-08
Calamia	Jordan	U 423-660-08
Carnaghi	Ashley	U 423-416-08
Cole	Thomas	U 423-608-08
Cornelius	Adam	U 423-656-08
Crowley	Jessica	U 423-421-08
Czech	James	U 423-651-08
Dallas	Brittany	U 423-437-08
Davis	Patrick	U 423-635-08
Decker	Jessica	U 423-412-08
Denomme	Corrinne	U 423-434-08

Attachment A

pp. 2

Dewan	Patrick	U 423-420-08
DiClaudio	Michael	U 423-678-08
Donlon	Brett	U 423-680-08
Edwards	Brian	U 423-671-08
Ellis	Erin	U 423-411-08
Ernst	Nick	U 423-636-08
Fellsman	Michael	U 423-606-08
Fraser	Mary	U 423-427-08
Garvonic	Leah	U 423-444-08
Gates	Ryan	U 423-675-08
Gibbs	Peter	U 410-939-08
Gold	Samantha	U 423-433-08
Gross	Jake	U 410-935-08
Gross	James	U 410-927-08
Handmacher	Chelsea	U 423-424-08
Hellenberg	Darlene	U 423-435-08
Hodges	Douglas	U 423-631-08
Hodges	Megan	U 423-448-08
Hughes	Scott	U 423-602-08
Jestice	Brittany	U 423-404-08
Johnson	Erik	U 410-934-08
Kaiser	Mark	U 423-605-08
Kaiser	Paul	U 423-604-08
Juncaj	Doka	U 423-419-08
Khamo	Kim	U 423-403-08

Attachment A

pp. 3

Khan	Bari	U 423-610-08
Kiseliovas	Mark	U 423-601-08
Krsteski	Christopher	U 423-438-08
Krycia	Steve	U 423-430-08
Leverette-Saunders	Jason	U 410-928-08
Lisi	Ashley	U 423-453-08
Llamas	Megan	U 423-681-08
Losh	Lynn	U 423-460-08
Mahler	Thomas	U 423-640-08
Martin	Jessica	U 423-458-08
Matouka	Neil	U 410-923-08
Mayo	Damien	U 423-609-08
Mazzola	Michael	U 423-634-08
McLeod	Robert	U 410-634-08
Medina	Chad	U 423-937-08
Mercury	Sarah	U 423-454-08
Milke	Amanda	U 423-446-08
Milosevich	Mike	U 410-921-08
Mitchell	Devon	U 410-938-08
Mobley	Ian	U 423-676-08
Modzelewski	Susan	U 423-457-08
Moglia	Robert	U 410-924-08
Moore	Ashley	U 423-425-08
Moore	Jennifer	U 423-410-08
Nichols	Bruce	U 423-603-08

Attachment A

pp. 4

Pedalino	Anthony	U 410-926-08
Pedley	Nicole	U 423-449-08
Piestono	Joseph	U 423-657-08
Pizzo	Olivia	U 423-455-08
Pomaville	Camille	U 423-686-08
Pomaville	Lacey	U 423-690-08
Pratt	Anthony	U 423-689-08
Price	Nathaniel	U 423-632-08
Rentz	Gabrielle	U 423-447-08
Rinke	Jenna	U 423-456-08
Robinette	Robert	U 410-936-08
Rozman	Brian	U 423-613-08
Rozman	Michael	U 423-439-08
Runde	Michelle	U 423-402-08
Sagy	Patricia	U 423-445-08
Sandrik	Amanda	U 423-405-08
Savoie	Ryan	U 423-408-08
Schmidt	Marian	U 423-684-08
Schultz	Chelsea	U 423-422-08
Sexton	Angela	U 423-415-08
Smedley	Megan	U 423-452-08
Smotherman	Kathy	U 410-931-08
Smyth	Matthew	U 423-612-08
Stotland	Anna	U 423-443-08



Attahement A

pp. 5

Stover	Lindsay	U 423-441-08
Strasz	Elise	U 423-432-08
Stratton	Robert	U 423-615-08
Sutton	Jacque	U 423-677-08
Taby	Tabitha	U 423-672-08
Thomas	Michael	U 423-673-08
Timlin	Jacob	U 410-941-08
Tosolt	Dalton	U 423-679-08
Umlauf	Lindsay	U 423-436-08
Varela	Zac	U 423-654-08
Vernon	Garrett	U 410-932-08
Viviano	Natalie	U 423-423-08
Walker	Derrick	U 423-674-08
Washington	James	U 423-637-08
Webster	Stephen	U 423-655-08
Wells	Joy Alicia	U 423-431-08
White	Mike	U 410-922-08
Wojataszek	Martha	U 423-414-08
Wong	Angie	U 423-495-08
Wysocki	Jason	U 423-638-08
Yurcak	Brittany	U 423-409-08

STATE OF MICHIGAN 36TH JUDICIAL DISTRICT ORI820365J	<b>REGISTER OF ACTIONS</b>	CASE NO: <b>U42344208</b> D01 OM STATUS: CLSD 10/23/08
---	----------------------------	---

JUDGE OF RECORD: GARRETT, RUTH ANN, P-37281  
JUDGE: GARRETT, RUTH ANN, P-37281

DETROIT v

**HOLLANDER/STEPHANIE/**  
7269 CREEKS BEND CT  
WEST BLOOMFIELD MI 48322

CTN:  
TCN:  
SID:  
ENTRY DATE: 06/03/08  
OFFENSE DATE: **05/31/08** 220 AM

DOB: 11/06/1987 SEX: F RACE: W DLN:  
VEH YR: VEH MAKE: VIN: VEHICLE TYPE: VPN:  
CDL: PAPER PLATE:

DEFENSE ATTORNEY ADDRESS BAR NO.  
SCHARG, STEVEN E., P-43732  
615 GRISWOLD ST STE 1125 Telephone No.  
DETROIT MI 48226 (313) 962-4090

OFFICER: DEPT: 0349048  
PROSECUTOR:  
VICTIM/DESC: 5141 ROSA PARKS BLVD VENUE: DETROIT

COUNT 1 C/M/F: M 915.M ORD#38-11-6  
**LOITERING ON PUBLIC/PRIVATE PROPERTY**  
ARRAIGNMENT DATE: 06/09/08 PLEA: PLEA N-GLTY PLEA DATE: 06/09/08  
FINDINGS: **DISMISSED** DISPOSITION DATE: 10/23/08

SENTENCING DATE:  
FINE COST ST.COST CON MISC. REST TOT FINE TOT DUE  
0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00  
JAIL SENTENCE: PROBATION:  
VEH IMMOB START DATE: NUMBER OF DAYS: VEH FORFEITURE:

**BOND HISTORY:**  
500.00 PERSONAL BOND CONTINUED

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
05/31/08	1 ORIGINAL CHARGE LOITER	235
	SCHEDULED FOR ARRAIGNMENT 060908 830A COURTRM 166,ARRGN, # 5602	235
06/03/08	FILING DATE 060308	235
06/09/08	1 ARRAIGNMENT WAIVED LOITER	082
	JDG GARRETT, RUTH ANN, P-37281	082
	PLEAD NOT GUILTY	082
	SCHEDULED FOR PRE-TRIAL 072808 830A GARRETT, RUTH ANN, P-37281	082
	PERSONAL	082
	BOND SET \$ 500.00	082
	ABATES/APOLZIN	082
07/28/08	1 MISCELLANEOUS ACTION LOITER	062
	JDG LANGSTON, DEBORAH LE P-34839	062
	ATT SCHARG, STEVEN E., P-43732	062
	SCHEDULED FOR PRE-TRIAL 090808 830A GARRETT, RUTH ANN, P-37281	062

NAME: HOLLANDER/STEPHANIE/

CASE NO: U42344208

PAGE 2

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
	BOND CONTINUED	062
	(DUPLICATE); B. REED	062
09/08/08		
1	PROCEEDING HELD	023
	LOITER	
	JDG GARRETT, RUTH ANN,	P-37281 023
	SCHEDULED FOR TRIAL	
	102308 830A GARRETT, RUTH ANN,	P-37281 023
	OFFICER NOTIFIED	023
	ABATES/PMARTIN 0030	023
10/23/08		
1	PROCEEDING HELD	023
	LOITER	
	JDG GARRETT, RUTH ANN,	P-37281 023
	DISMISSED	023
	DISMISSED ON MOTION OF PROSECUTING ATTORNEY	023
	ABATES/PMARTIN 0030	023
	CASE CLOSED	023

# NUISANCE ABATEMENT

## NOTICE OF IMPOUNDMENT OF VEHICLE

On Saturday 5/31/08 at approximately 2:00 AM      PM  
Day of the Week Month/Day/Year

The motor vehicle you were driving or in which you were a passenger was seized pursuant to an arrest for a state misdemeanor or a comparable city ordinance violation involving lewdness, assignation, and/or solicitation for prostitution, or used for the unlawful manufacture, storing, possessing, transporting, sale, keeping for sale, giving away, bartering, or furnishing of any controlled substance or any intoxicating liquors as defined in Section 7104 of the Public Health Code et seq.

This matter will also be reviewed by the Wayne County Prosecutor's office to determine if a nuisance abatement action will be filed in Wayne County Circuit Court, under MCL 600 3801 et seq. to have your motor vehicle abated as a nuisance based on the allegation that it was used for the purpose described above.

You may be given the opportunity to settle the matter with the Wayne County Prosecutor's Office or you may challenge the seizure in Court.

Confiscating Officer: Jimmy Passmore Signature: \_\_\_\_\_  
Name (Print or Type)

Command or Unit: VIC3

LEIN  
C/MC

### OWNER:

Name: Laura Mahler  
Address: 741 W. Leaviston  
City, State, Zip: Fremont, MI 48220  
Phone No: 248 546 6063  
Notification Form: \_\_\_\_\_  
 Served on Owner  Owner Not Present  
Laura Mahler  
Driver's Signature

### REGARDING/DRIVER:

Vehicle Description: 06 Geo Prism  
Year Make Model  
VIN Number: 1Y1SK5263SZ06211A  
Driver's Name: Thomas Mahler  
M-460-792-356-684  
Driver's Operator License Number  
P. D. Control No: 08-VU-64  
Year -Agency- Sequential Case No.

SECURED PARTY: Name \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_ Telephone No \_\_\_\_\_

### CLAIM PROCEDURES

- VEHICLES CAN ONLY BE CLAIMED BY THE OWNER. IF YOU ARE NOT THE OWNER, NOTIFY THE OWNER AT ONCE TO CONTACT THE WAYNE COUNTY PROSECUTOR'S OFFICE (number and address below) TO BE OFFERED AN OUT-OF-COURT SETTLEMENT
- It requires 48 hours for the prosecutor's office to receive the paperwork from the seizing agency. You must wait 48 hours, EXCLUDING WEEKENDS AND HOLIDAYS, before contacting the prosecutor's office to ensure that all paperwork relating to the incident has been received by the prosecutor's office.
- The prosecutor's office will only talk with the OWNER or his/her attorney.
- You MUST bring the following items when appearing at the Wayne County Prosecutor's Office:
  - The "Notice of Impoundment of Vehicle" form
  - Picture Identification
  - Title, Registration and Insurance papers for the vehicle, and,
  - CASHIER'S CHECK OR MONEY ORDER -- WE DO NOT ACCEPT CASH
- YOU MUST RESOLVE THIS MATTER WITHIN 30 DAYS from notice date of seizure; if no claim is made within 30 days or a settlement has not been reached, the vehicle will be presumed abandoned and the seizing agency may apply for title. The conveyance and storage charges are not waivable.
- The vehicle seizure proceeding in this incident is independent of any criminal charges that may arise from this incident.

DEFENDANT'S EXHIBIT

# 1 10-2010  
lmw

TOW YARD: AC  
Phone Number: \_\_\_\_\_  
Towing & Storage fees  
are paid to the tow company.

REDEMPTION FEE: **\$800.00** (FIRST OFFENSE)  
Money Order or Cashier's Check ONLY  
made payable to:  
WAYNE COUNTY PROSECUTOR'S OFFICE  
1441 St. Antoine, 10<sup>th</sup> Floor, Detroit, MI 48226  
313/224-5953

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY MOBLEY,  
PAUL KAISER, ANGIE WONG, JAMES WASHINGTON, NATHANIEL PRICE,  
JEROME PRICE, STEPHANIE HOLLANDER,  
JASON LEVERETTE-SAUNDERS, WANDA LEVERETTE,  
DARLENE HELLENBERG,  
THOMAS MAHLER, and LAURA MAHLER

USDC Case No. 10-10675

Plaintiffs,

v

CITY OF DETROIT, VICKI YOST,  
and DANIEL BUGLO,  
Defendant.

-----/

DEPOSITION OF **KIMBERLY MOBLEY,**

Taken by the Defendant on the 29th day of  
November, 2010, at the Law Offices of Goodman & Hurwitz,  
P.C, 1394 Jefferson Avenue, Detroit, Michigan, 48207, at  
2:00 p.m.

APPEARANCES:

For the Plaintiff: KATHRYN BRUNER JAMES, ESQ. (P71374)  
Goodman & Hurwitz, P.C.  
1394 E. Jefferson Avenue  
Detroit, Michigan 48207  
Telephone: (313)567-6170

For the Defendant: JERRY L. ASHFORD, ESQ. (P47402)  
City of Detroit Law Department  
660 Woodward Avenue, Suite 1650  
Detroit, Michigan 48226  
Telephone: (313)237-3089

**REPORTED BY:** Angel Berry, CSR 7821  
Certified Stenographic Reporter

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I N D E X

WITNESS

PAGE

\_\_\_\_\_

KIMBERLY MOBLEY

Direct Examination by Mr. Ashford

3

E X H I B I T S

(none)

- 1 Q That's when he told you about it?
- 2 A Yes, so I don't know if that was May 31st or June 1st.
- 3 Q Prior to that phone call you had never heard of the
- 4 Contemporary Art Institute of Detroit?
- 5 A No.
- 6 Q Is it true that you were the registered owner of the
- 7 vehicle he was driving that evening?
- 8 A That's correct.
- 9 Q What kind of vehicle was he driving?
- 10 A A Honda Element.
- 11 Q What color?
- 12 A Black.
- 13 Q What year?
- 14 A 2004.
- 15 Q Did you buy that vehicle brand new?
- 16 A Yes.
- 17 Q Who was the primary driver or operator of that
- 18 vehicle?
- 19 A That vehicle was shared between Ian and Emily Mobley.
- 20 Q Was it insured?
- 21 A Yes.
- 22 Q Who was it insured by?
- 23 A Me.
- 24 Q Okay. What -- who was the insurer?
- 25 A State Farm. Is that what you need to know, the

1 insurance company?

2 Q Yes, ma'am. When Ian told you that the vehicle was  
3 missing did he give you any type of paperwork to try  
4 to get the car back?

5 A Not that I recall. He didn't use the word "missing"  
6 though.

7 Q He didn't use the word "missing" or "seized"? Did he  
8 say it had been taken?

9 A Yes.

10 Q Did he say who it had been taken by?

11 A Yes.

12 Q Who did he say it had been taken by?

13 A The Detroit Police.

14 Q Did you call the Detroit Police Department to try and  
15 get your car back?

16 A Yes.

17 Q Okay. What happened?

18 A They told me that it had been seized because he had  
19 been visiting a prostitution and gambling institution.

20 That was the first of many phone calls.

21 Q Okay. And who were you calling?

22 A I was calling everywhere.

23 Q Did you call the Wayne County Prosecutor's Office?

24 A The prosecutor's office? No.

25 Q Okay. You called the City of Detroit police



1 but I don't know.

2 Q So was it at -- was it on St. Antoine at the old  
3 Recorders Court?

4 A I don't remember. Honestly, I don't remember. I  
5 couldn't be that specific. I'm just not familiar with  
6 all the buildings.

7 Q So when you found out it cost \$1,200 and this person  
8 told you, you could not challenge it in court if you  
9 paid the \$1,200, you left. Correct?

10 A That's correct.

11 Q Why did you leave?

12 A Because I thought it was an illegal seizure and that  
13 was inappropriate to have to pay for something that  
14 was illegally taken from us.

15 Q And you believed that at the time?

16 A Yes.

17 Q Why did you believe that at the time?

18 A Because the car was illegally removed from my son's  
19 possession.

20 Q Okay. Did you -- at the time you didn't believe your  
21 son was doing anything wrong?

22 A I did not believe he was doing anything wrong.

23 Q And you did not believe the law allowed for the  
24 authorities to take the vehicle that he was driving  
25 that night?

1 A That's correct.

2 Q Okay. Did you have any more involvement in trying to  
3 get the vehicle back?

4 A Not specifically trying to get the vehicle back.  
5 That's when my husband got involved. I did try to get  
6 items from the car.

7 Q What items were you trying to get back from the car?

8 A My daughter's college text books for the summer  
9 classes that she was taking and her harp music and her  
10 camera.

11 Q Where were these items located inside the car?

12 A I don't know.

13 Q Do you know why Ian didn't take those items out of the  
14 car at the time that it was seized?

15 A No.

16 Q Did you ever discuss that with him?

17 A I think. I'm trying to remember if I did or not. I  
18 just don't think he saw them or he didn't think about  
19 it. He didn't know they were in there.

20 Q Do you recall if he told you that?

21 A That's what he said, yes.

22 Q Since May 31st of 2008 have you ever attended any type  
23 of event at the Contemporary Art Institute of Detroit?

24 A No.

25 Q How long did it take you to get the car back?

1 A Four months.

2 Q And your husband took care of that?

3 A Yes.

4 Q Did he have to pay to get it back?

5 A No.

6 Q Do you know why he didn't have to pay to get it back?

7 Did he tell you?

8 A No. I don't know why. I'm trying to think. It  
9 seemed like something happened in court and they said  
10 that we could get the car back all of a sudden.

11 Q When you say "they", do you know who they -- who are  
12 you referring to as -- strike that.

13 Who are you referring to as "they"?

14 A The people with the courts. I don't know.

15 Q Okay. You don't know if it was a judge or prosecutor  
16 or --

17 A I don't know. I actually don't know.

18 Q Did you attend any of the court proceedings?

19 A No.

20 MR. ASHFORD: All right. I don't have  
21 anything further.

22 (Matter concluded.)

23 \_\_\_\_\_

24

25

**EXHIBIT 35**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

OCT 01 2010

Ian Mobley, Kimberly Mobley, Paul Kaiser,  
Angie Wong, James Washington, Nathaniel  
Price, Jerome Price, Stephanie Hollander, Jason  
Leverette-Saunders, Wanda Leverette, Darlene  
Hellenberg, Thomas Mahler, and Laura Mahler,

Plaintiffs,

vs.

Honorable Victoria A. Roberts  
Magistrate Judge Mona K. Majzoub

CITY OF DETROIT, a municipal corporation,  
Lieutenant VICKI YOST, a Detroit police  
officer, in her individual capacity, Sergeant  
DANIEL BUGLO, a Detroit police officer, in  
his individual capacity, and UNNAMED  
DETROIT POLICE OFFICERS, in their  
individual capacities,

Case No. 10-cv-10675

Defendants.

William H. Goodman (P14173)  
Julie H. Hurwitz (P34720)  
Kathryn Bruner James (P71374)  
Goodman & Hurwitz, P.C.  
Cooperating Attorneys, American Civil  
Liberties Union Fund of Michigan  
1394 E. Jefferson Ave.  
Detroit, MI 48207  
(313) 567-6170  
bgoodman@goodmanhurwitz.com  
jhurwitz@goodmanhurwitz.com  
kjames@goodmanhurwitz.com  
*Co-Counsel for Plaintiffs*

Daniel S. Korobkin (P72842)  
Michael J. Steinberg (P48085)  
Kary L. Moss (P49759)  
American Civil Liberties Union  
Fund of Michigan  
2966 Woodward Ave.  
Detroit, MI 48201  
(313) 578-6824  
dkorobkin@aclumich.org  
msteinberg@aclumich.org  
*Attorneys for Plaintiffs*

Jerry Ashford (P47402)  
City of Detroit Law Department  
660 Woodward Avenue  
1650 First National Building  
Detroit, MI 48226  
(313) 237-3089  
ashfj@detroitmi.gov  
*Attorney for Defendant City of Detroit*

---

**DEFENDANT CITY OF DETROIT'S ANSWERS TO PLAINTIFFS'**

**FIRST SET OF INTERROGATORIES**

To the extent that all of the above-requested information is contained in the documents produced in response to *Plaintiff's First Request for Production of Documents and Things*, Request #17, you may so indicate.

**ANSWER TO INTERROGATORY #9:** None exist for Police misconduct. City of Detroit is self-insured. Various other Commercial insurance agreements which may provide coverage to City of Detroit are not reasonably calculated to lead to admissible evidence.

**INTERROGATORY #10:**

10. Describe all other retention agreements, collective bargaining agreements, union contracts, municipal ordinances or resolutions, anything and everything that govern the defense and/or indemnification of Defendant CITY agents/employees, including but not limited to all relevant provisions related to coverage, limitations and exclusions, and amount of coverage. To the extent that all of the above-requested information is contained in the documents produced in response to *Plaintiff's First Request for Production of Documents and Things*, Request #17, you may so indicate.

**ANSWER TO INTERROGATORY #10:** Objection. Not reasonably calculated to lead to admissible evidence. Without waiving the aforementioned objection, see relevant City of Detroit ordinances which are equally accessible to Plaintiff.

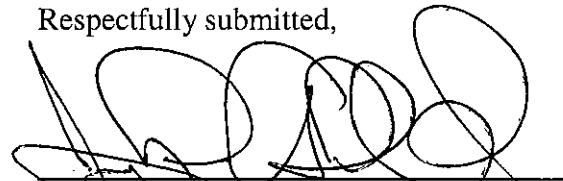
**INTERROGATORY #11:**

11. List the amount of money that the City of Detroit has received as a result of

vehicle seizures pursuant to M.C.L. § 600.3801, whether by settlement and/or release fees or sale of vehicles following forfeiture, on an annual basis from the year 2005 to present.

**ANSWER TO INTERROGATORY #11:** Objection. The amount of money is not reasonably calculated to lead to admissible evidence. **Based on information and belief, fees are \$900.00 for return of seized vehicles. City of Detroit receives 2/3 of the fee and Wayne County receives 1/3 of the fee.**

Respectfully submitted,



**JERRY L. ASHFORD (P-47402)**  
Attorney for Defendant City of Detroit  
1650 First National Building  
Detroit, MI., 48226  
(313) 237-3089

Dated: September 28, 2010



CITY OF DETROIT  
LAW DEPARTMENT

**JERRY L. ASHFORD**  
LITIGATION DIVISION  
DIRECT DIAL 313•237-3089  
E-MAIL: ASHJ@DETROITMI.GOV

FIRST NATIONAL BUILDING  
660 WOODWARD AVENUE, SUITE 1650  
DETROIT, MICHIGAN 48226-3535  
PHONE 313•224•4550 TTY:311  
FAX 313•224•5505  
WWW.DETROITMI.GOV

**EXHIBIT 36**

December 15, 2010

**JAN 03 2011**

Kathryn B. James, Esquire  
William H. Goodman, Esquire  
Julie H. Hurwitz, Esquire  
1394 East Jefferson Avenue  
Detroit, MI., 48207

**RE: Ian Mobley, et al. -vs- City of Detroit, et al.  
U.S.D.C. Case No.: 10 10675**

Dear Counselors,

Please find enclosed a copy of the Detroit Police Department Nuisance Abatement Revenue for Fiscal Years 2005-2010. This information was provided to me by Ms. Hasumati Patel, manager of Fiscal Operations, City of Detroit Police Department Fiscal Management Bureau.

Very Truly Yours,

Jerry L. Ashford  
Senior Assistant Corporation Counsel  
Litigation Division

JLA:lp

Enclosures

**DETROIT POLICE DEPARTMENT**  
**NUISANCE ABATEMENT REVENUE**

JAN 03 2011

<b>FY 2005</b>	<b>\$ 532,250.00</b>
<b>FY 2006</b>	<b>\$ 135,550.00</b>
<b>FY 2007</b>	<b>\$ 119,050.00</b>
<b>FY 2008</b>	<b>\$ 36,750.00</b>
<b>FY 2009</b>	<b>\$ 145,450.00</b>
<b>FY 2010</b>	<b>\$ 33,050.00</b>
<b>TOTAL</b>	<b><u>\$ 1,002,100.00</u></b>



**DETROIT POLICE DEPARTMENT FOLLOW-UP  
REPORT**

DETROIT POLICE DEPARTMENT

Case No. 0805310096  
 Report No. 0805310096.3  
 Report Date: 6/2/2008

1

Page 1 of 4

**Subject: IMPOUND VEHICLES**

Case Report Status	A - APPROVED	Date Entered	6/2/2008 8:52:21 PM	Reporting Officer	
County	82 - WAYNE	Entered By	230853 - SMITH, RAYMOND	231996 - BUGLO, DANIEL	
City/Township	99 - DETROIT	Date Verified	6/2/2008 8:56:22 PM	Assisted By	
		Verified By	231996 - BUGLO, DANIEL		
<b>Occurred On</b>	<b>5/31/2008 2:20:00 AM</b>	Date Approved	7/2/2008 6:14:12 AM		
(and Between)		Approved By	210608 - JONES, DAVID		
Location	<b>5141 ROSA PARKS BLVD.</b>	Connecting Cases		Assist Agency	
CSZ		Disposition	ACTIVE		
Census/Geo Code	5150	Tactical Actions			
Grid	C2 - 0102	Clearance Reason			
Call Source	OTHER	Date of Clearance			
		Reporting Agency	DETROIT POLICE DEPARTMENT		
Vehicle Activity		Division	VICE SECTION		
Vehicle Travelling		Notified			
Cross Street					
Means					
Other Means					
Motive					
Other Motives					

Report Narrative **ON THE ABOVE DATE AND TIME, VICE ENFORCEMENT, NARCOTICS CODE 3025 AND 2913 AND TACTICAL MOBILE, DISTRICT EXECUTED A SEARCH WARRANT NUMBER 08001827 ON 5141 ROSA PARKS BLVD AND THE BELOW LISTED VEHICLES WERE IMPOUNDED UNDER NUISANCE ABATEMENT: TOW LOT USED WERE AC TOWING, B&T TOWING, GENE'S TOWING, AND B&G TOWING**

VEU40: ENGAGER, DOORMAN: JOSEPH TIMLIN, W/M/24, 12/14/83 OF 1139 SAINT AUBIN, HAMTRAMCK, MI. ISS ORD U42346408 FOR "ENGAGE IN ILLEGAL OCCUPATION" BY LT. V. YOST.  
 2001 SATURN SILVER BGW5977 08/MI VIN 1G8JU52F01Y562176 AC TOWING

VEU41: ENGAGER, DOORMAN: CHRISTOPHER KANE SHOEMAKER, W/M/29, 6/17/78 OF 472 KIMBERLY APT. 101 LAKE ORION, MI. ISS ORD U42346208 FOR "ENGAGE IN ILLEGAL OCCUPATION" BY LT. YOST.  
 1998 FORD SW PRH3813 08/MI 1FMZU35P6WUD23503 TOW BY

VEU42: ENGAGER, HOUSEMAN: BRANDON LOUIS WALLEY, W/M/32, 10/16/75 OF 27 E. WILLIS APT. 18, DETROIT, MI. ISS ORD U42346108 FOR "ENGAGE IN ILLEGAL OCCUPATION" BY SGT. DANIEL BUGLO.  
 VEHICLE: 1997 SUBARU BLUE 4/D PLATE# 1JLE71 08/MI VIN# 4S3BK4354V7316677AC TOWING

VEU43: STEVEN BRIAN KEYCIA, W/M/20, 7/28/88 OF 51490 S. ADELLE, NEW BALTIMORD, MI. ISS ORD U42343008 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. CARSON.  
 VEHICLE : 1991 BUICK PARK AVE MAROON 4/D PLATE# BLB5867 VIN# 1G4CU53LXM1648820 AC TOWING

VEU44: CANDICE ELISABETH BRANDELIK, W/F/18, 12/13/89 OF 15650 ASPEN DRIVE, MACOMB TWP., MI. ISS ORD U42342808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. WHEELER.  
 VEH: 1998 FORD EXPLORER RED PLAT BVH5841 VIN 1FMZU35P8WWA53738 TOW BY

VEU45: BRITTANY ELIZABETH DALLAS, B/F/19, 3/2/89 OF 17704 TOEPFER, EASTPOINTE, MI. ISS ORD U42343708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. PASSMORE.  
 VEHICLE: 1998 CHEVY 4/D RED PLATE# BNM1218 08/MI VIN#1G1JC5247W7156103 AC TOWING

**VEU46: DARLENE CELESTE HELLENBERG, W/F/25, 12/1/82 OF 203 COLLEGE ST, FERNDALE, MI. ISS ORD U42343508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.**  
**1999 CHEVY CAVILER WHITE PTU4870 08/MI 1G1GF52T5X7161994 TOW BY AC TOWING**

VEU47: RYAN PAUL GATES, W/M/21, 9/11/86 OF 7033 N. BLAIR AVE. ROYAL OAK, MI. ISS ORD U42367508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. COBB-SANDERS.  
 VEH: 1994 SABB 900S GRAY 4/D PLATE 74DBB 08/MI VIN YSD3M58BR204397 AC TOWING

VEU48: JOY ALICIA WELLS, B/F/20, 12/01/87 OF 29224 LANCASTER DR. #208, SOUTHFIELD, MI. ISS ORD U42343108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO T. GRAY.  
 1986 VOLVO TAN COLOR PLATE BAN3366 08/MI YV1AX884XG1209346 TOW BY AC TOWING

VEU49: JACQUE SUTTON, W/M/21, 5/22/87 OF 170 MOROSS ST. MOUNT CLEMONS, MI. ISS ORD U42367708 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. A. POTTS.

22

# DETROIT POLICE DEPARTMENT FOLLOW-UP REPORT

DETROIT POLICE DEPARTMENT

Case No. 0805310096  
Report No. 0805310096.3  
Report Date: 6/2/2008

# 2

Page 2 of 4

VEHICLE: 1989 FORD MUSTANG RED 2/D PLTE# 1FLM26 08/MI VIN# 1FABP42E8KF286013 HELD AT AC TOWING

VEU50: ANTHONY JOSEPH PRATT, W/M/20, 12/12/87 OF 2679 BACON AVE. BERKLEY, MI. ISS ORD U42368908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. LAWS.

VEH: 1990 PLYM WHITE 4/D PLATE 5ATD40 08/MI 1P3XA439LF710505 B&T TOWING

VEU51: AUSTIN JONES, W/M/20, 7/5/87 OF 6682 SWARTOUT RD. ALGONAC, MI. ISS ORD U42368808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. CARSON.

2003 FORD FOCUS SILVER BLX3266 08/MI VIN 1FAFP33P03W280719 TOW BY GENES

VEU52: MARIAN LOUISE SCHMIDT, W/F/19, 1/31/89 OF 641 UNIVERSITY PLACE, GROSSE PTE., MI. ISS ORD U42368408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO C. COLEMAN.

VEHICLE: 2004 GREEN VW JETTA 4/D PLATE# UJZ72 08/MI VIN#3VWSR69M44M077025 HELD AT AC TOWING

VEU53: TABITHA TABY, W/F/21, 10/24/86, OF 2217 SALMON ST. MANCHESTER, NH. ISS ORD U42367208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. NEWTON.

1997 TOY CAMERY 4/D VIN#4T1BF22K5VU029538 TOW BY B&T TOWING

VEU54: JENNA MARIE RINKE, B/F/18, 4/21/89 OF 37875 HOBARTH RD. CHESTERFIELD TWP. ISS ORD U42345608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. C. TURNER.

VEH: 2001 PLYM NEON RED 9GLL07 08/MI 1P3ES46C15D276466 AC TOWING

VEU55: NICOLE PEDLEY, W/F/20, 5/24/88 OF 20914 HAYES, TAYLOR, MI. ISS ORD U42344908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. PENN.

1998 FORD EXCORT RED 4/D 2GNH54 08/MI VIN# 3FAKP1134WR246454 AC TOWING

VEU56: BURI AHMED KHAN, W/M, 5/13/84 OF 1913 E. LINCOLN AVE. ROYAL OAK, MI. ISS ORD U42361008 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

VEHICLE: 2000 SATURN BLACK PLATE BPX5916 08/MI VIN# 1G8ZK527XYZ264059 HELD AT AC TOWING

VEU57: BRIAN JAMES ROZMAN, W/M/35, 11/27/72 OF 1837 BEECHMONT, DEEGO HARBOR, MI. ISS ORD U42361308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

VEH; 2007 HONDA ACCORD SILVER 4/D PLC4497 08/MI 1HGCM56867A140829 TOW BY AC TOWING

VEU58: MICHAEL WAYNE MALOSEVICH, W/M, 6/18/86 OF 436 W. DRAYTON, FERNDALE, MI. ISS ORD U41092108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO B. COLE.

VEHICLE: 2006 PONT G6 RED PLATE# BHZ9823 08/MI VIN# 1G2ZG558064217374 HELD AT B&T TOWING

VEU59: MATTHEW STEVEN SMITH, W/M/22, 12/12/85 OF 15438 LEONA DR. REDFORD, MI. ISS ORD U42361208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. PASSMORE.

VEHICLE: 2007 FORD FOCUS 4/D BLACK PLATE# BFD1290 08/MI VIN# 1FAHP34N57W246609 HELD AT AC TOWING

VEU60: NATHANIEL PRICE, W/M, 9/6/87 OF 604 W. LEWISTON AVE. FERNDALE, MI. ISS ORD U42363208 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. A. POTTS.

VEHICLE: 1996 BLUE CHEVY PLATE BQV9567 08/MI VIN# 1G1LD55M7TY125439 HELD AT B&T TOWING

VEU61: JACOB TIMLIN, W/M, 9/18/72 OF 27111 PARK CT. MADISON HGTS., MI. ISS ORD U41094108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. COBB-SANDERS.

VEHICLE: 1991 HONDA GRAY 4/D PLATE# BWX6668 08/MI VIN# 2HGED6457MH591076 HELD AT GENES TOWING

VEU62: JASON ANTHONY LEVERETTE-SAUNDERS, W/M, 6/11/83 OF 16232 NORMANDY ST. DETROIT, MI. ISS ORD U41092808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO T. GRAY.

2005 BLUE CHRYSLER PACIFICA PLATE# 1HCY86 08/MI VIN#2C4GM68405R671517 GENES TOWING

VEU63: DANIEL BRANCHEAU, W/M/24, 1/30/84, OF 9615 BLAXY ST. TAYLOR, MI. ISS ORD U42365308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. SINGLETON.

VEHICLE: 2004 FORD FOCUS 4/D 08/MI PLATE BPQ7714 VIN#1FAFP38Z04W148457 B&G TOWING

VEU64: THOMAS MAHLER, W/M, 9/2/87 OF 741 W. LEWISTON AVE., FERNDALE, MI. ISS ORD U42364008 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO B. COLE.

VEH: 1995 GEO 4/D BLK PLATE BDT5886 08/MI VIN# 1Y1SK5263SZ062164 TOW BY AC TOWING

VEU65: IAN MOBLEY, W/M, 11/6/87 OF 18157 MULBERRY ST. RIVERVIEW, MI. ISS ORD U42367608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. A. POTTS.

2004 HONDA BLACK 4/D PLATE 0HCT51 08/MI 5J6YH28554L001540 TOW BY B&T TOWING

# DETROIT POLICE DEPARTMENT FOLLOW-UP REPORT

DETROIT POLICE DEPARTMENT

Case No. 0805310096  
Report No. 0805310096.3  
Report Date: 6/2/2008

# 3

Page 3 of 4

VEU66: JASON WYSOCKI, W/M, 8/24/87 OF 21669 OVERLAND CT. MACOMB TWP., MI. ISS ORD U42363808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. G. MCWHORTER.

VEHICLE: 2002 FORD FOCUS GREEN PLATE# BFD3062 08/MI VIN# 3FAPP31342R114303 HELD AT B&T TOWING

VEU67: MICHAEL THOMAS ROZMAN, W/M, 10/30/71 OF 1837 BEECHMONT ST. KEEGO HARBOR, MI. ISS ORD U42343908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. DANIEL BUGLO.

VEH: 2000 OLDS MAROON PLAT PLC0275 08/MI VIN 1GN3F12XYC421463 TOW BY AC TOWING

VEU68: BRUCE RUSSELL NICHOLS, JR., W/M/22, 10/30/85 OF 30 N. EDGEWOOD DR. GROSSE POINTE, MI. ISS ORD U42360308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

1999 DODGE 4/D PLATE# BVP8717 08/MI VIN# 2B3HD56J5XH823552 TOW BY B&T

VEU69: JOEL DANIEL AXNER, W/M/26, 3/16/82 OF 1808 MEADOW WOOD, YPSILANTI, MI. ISS ORD U42340608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO S. JOHNSON.

VEH: 1995 TOY RED PLATE BKA3282 VIN# 4T1GK12E9SU086570 AC TOWING

VEU70: STEFANIE MARIE BOCKENSTELLT, W/F/20, 8/7/87 OF 23225 LAKEWOOD ST. CLINTON TWP., MI. ISS ORD U42340108 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. C. TURNER.

VEHICLE: 1997 GMC TK PLATE 2GBU66 08/MI VIN# 1GTCT19W2VK5011713 B&G TOWING

VEU71: ANGELA SEXTON, W/F, 7/24/87 OF 1348 FIELDING, FERNDALE, MI. ISS ORD U42341508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO G. JOHNSON.

VEHICLE: 2004 SATURN 4/D PLATE# BPJ2501 08/MI VIN# 1G8JD54R24Y500421 B&G TOWING

VEU72: DERRICK WALKER, W/M, 9/18/85 OF 321 E. 11 MILE RD. 205, ROYAL OAK, MI. ISS ORD U42367408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. LAW.

VEH: 1991 CADI 2/D PLATE BFB0960 08/MI VIN# 1G6EL13B7MU614481 B&T TOWING

VEU73: ANGIE WONG, W/F/22, 2/2/86, OF 20307 SUNNYSIDE ST. ST. CLAIR SHORES, MI. ISS ORD U42345908 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. C. TURNER.

2006 FORD MUSTANG BGP7849 08/MI VIN# 1ZVFT80N365183513 TOW BY GENES

VEU74: ERIK SCOTT-PEARSON JOHNSON, W/M/18 OF 158 MAPLEFIELD RD. PLEASANT RIDGE, MI. ISS ORD U41093408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. WHEELER.

VEHICLE: 1998 RED ESCORT PLATE# BQV2965 08/MI VIN# 3FAPP15P1WR251383 HELD AT B&T TOWING

VEU75: JAKE ANDREW GROSS, W/M/21, 10/26/86 OF 8863 CARRIAGE HILL DR., SHELBY TWP., MI. ISS ORD U41093508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO K. WHEELER.

VEHICLE: 2001 NISSAN ALTIMA TAN PLAT# 8HXN87 08/MI VIN# 1N4DL01D31C236660 AC TOWING

VEU76: CHRISTOPHER ANDY KRSTESKI, W/M/27, OF 38688 BYRIVER ST. CLINTON TWP., MI. ISS ORD U42343808 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. CARTER.

VEH: 2008 VW WHITE BAN7910 08/MI VIN# 2VWRM71K58M124694 TOW BY AC TOWING

VEU77: ANTHONY EDWARD PEDALINO, W/M, 1/29/85 OF 932 DEWEY, ANN ARBOR, MI. ISS ORD U41092608 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. BROWN.

VEHICLE: 2001 HONDA 4/D SILVER PLATE# 0MQ43 08/MI VIN# 1HGCG56691A085497 HELD AT GENES TOWING

VEU78: ENGAGER, BARTENDER: JENNIFER ANNE SCHRAEDER, W/F/26, 5/5/82 OF 31666 NIXON, BEVERLY HILLS, MI. ISS ORD U42346308 FOR "ENGAGE IN ILLEGAL OCCUPATION" BY SGT. DANIEL BUGLO

2006 TOY SCION XA VIN# JTKKT624860156310

VEU79: MICHAEL ANTHONY MAZZOLE, W/M, 5/24/87 OF 143 S. HIGHLAND, MT. CLEMENS, MI. ISS ORD U42363408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO M. LAWS.

1997 SUBURU OUTBACK VIN# JF1GF4853VG812742 AC TOWING

VEU80: LEAH CHRISTIAN GARVONIC, W/F/20, 8/26/87 OF 39757 BERKLEY, CLINTON TWP., MI. ISS ORD U42344408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO D. PENN.

1993 GRAND AM VIN# 1G2NW54N9PC778687

VEU81: ASHLEY RENEE LISI, W/F/18, 3/13/90 OF 15345 GLENHURST, SOUTHGATE, MI. ISS ORD U42345308 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO J. PASSMORE

1999 FORD TAURUS VIN 1FAFP52U6XA111066

VEU82: SARAH CATHERINE MERCURY, W/F/25, 7/26/82 OF 2720 ROSA PARKS BLVD. DETROIT, MI. ISS ORD U42345408 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY PO T. GRAY.

2007 CHRYSLER PACIFICA VIN 2A8GM68X57R162013 B&G TOWING

# DETROIT POLICE DEPARTMENT FOLLOW-UP REPORT

DETROIT POLICE DEPARTMENT

Case No. 0805310096  
 Report No. 0805310096.3  
 Report Date: 6/2/2008

**4**

Page 4 of 4

VEU83: AMADA B. SANDRIK, W/F/19, 12/25/88 OF 12908 GRANDE POPLAR CR., PLAINFIELD, IL. ISS ORD U42340508 FOR "LOITER IN A PLACE OF ILLEGAL OCCUPATION" BY SGT. C. TURNER  
 2003 PONT GRAND AM VIN# 1G2NW12E63C308784

LT. VICKI YOST, BADGE L-112 AND SERGEANT DANIEL BUGLO, BADGE S-444, BOTH ASSIGNED TO VICE ENFORCEMENT, ENTERED THE LOCATION IN AN UNDERCOVER CAPACITY TO CONFIRM ILLEGAL ACTIVITY. WRITER AND PARTNER WERE CHARGED A \$5.00 COVER CHARGE AND A \$3.00 MEMBERSHIP FEE. WRITER OBSERVED SEVERAL PATRONS WITH ALCOHOL. WRITER AND PARTNER PURCHASED BEER FROM THE BAR AT \$4.00 A CUP. AT APPROX. 2:10AM, PATRONS WERE STILL BEING ALLOWED INTO THE LOCATION AND THE BAR WAS STILL OPEN. LT. YOST NOTIFIED THE RAID CREW AND SAME EXECUTED THE ANTICIPATORY SEARCH WARRANT. WRITER WAS THE AFFIANT ON THE SEARCH WARRANT.

NOTE: A PINK PURSE BELONGING TO CAITLIN D. BRUCE-CAMPO, W/F OF 39500 CHART ST., HARRISON TWP. PHONE 586-792-7416, CONTAINING NO VALUABLES, WAS RELEASED TO JACOB TIMLIN, PH. 586-931-5042 PER HER (CAITLIN.) LT. YOST SPOKE TO MS. BRUCE-CAMPO.

## Offense Detail: 0990 - INFORMATION

Offense Description	0990 - INFORMATION	Location	05 - COMMERCIAL/OFFICE BUILDING
IBR Code		Offense Completed?	NO
IBR Group		Hate/Bias	00 - NONE (NO BIAS)
Crime Against		Domestic Violence	NO
Offense File Class	99009 -		
PACC			
Local Code			
Using			
Criminal Activity			
Weapons			

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IAN MOBLEY, KIMBERLY MOBLEY,  
PAUL KAISER, ANGIE WONG,  
JAMES WASHINGTON, NATHANIEL  
PRICE, JEROME PRICE, STEPHANIE  
HOLLANDER, JASON LEVERETTE-SAUNDERS,  
WANDA LEVERETTE, DARLENE HELLENBERG,  
THOMAS MAHLER and LAURA MAHLER,

Plaintiffs,

-vs-

No. 10-10675

CITY OF DETROIT, VICKI YOST,  
and DANIEL BUGLO,

Defendants.

\_\_\_\_\_ /

The deposition of JEROME PRICE, taken  
before Reporter LaVerne M. Reinhardt, CSR-2305, Notary  
Public in and for the County of Wayne, State of  
Michigan, at 1394 E. Jefferson Avenue, Detroit,  
Michigan, on Wednesday, October 27, 2010, commencing at  
or about the hour of 2:35 p.m.

1 APPEARANCES:

2 KATHRYN BRUNER JAMES (P71374)  
3 Goodman & Hurwitz, P.C.  
4 1394 E. Jefferson Avenue  
5 Detroit, Michigan 48207  
6 (313) 567-6170

7 and

8 DANIEL S. KOROBKIN (P72842)  
9 American civil Liberties Union  
10 Fund of Michigan  
11 2966 Woodward Avenue  
12 Detroit, Michigan 48201  
13 (313) 578-6824

14 Appearing on behalf of Plaintiffs

15

16 JERRY L. ASHFORD (P47402)  
17 City of Detroit Law Department  
18 660 Woodward Avenue  
19 Suite 1650  
20 Detroit, Michigan 48226  
21 (313) 237-3089

22

23 Appearing on behalf of Defendants

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I N D E X

PAGE:

Cross Examination by Mr. Ashford 6

E X H I B I T S

None.

1 record and now I'm stating it on the record, that  
2 your Social Security number will only be used in  
3 the specific instance of where we need documents to  
4 verify what you've told me or to secure documents  
5 in this case and if I should find it necessary to  
6 use your Social Security number for any other  
7 reason I will consult with your attorney first and  
8 I certainly would never disclose a Social Security  
9 number to a third party.

10 A. Thank you.

11 Q. Mr. Price, do you have a Michigan operator's  
12 license with you today?

13 A. Yes.

14 Q. May I see it?

15 MR. ASHFORD: Let the record reflect  
16 that Mr. Price has handed me a Michigan operator's  
17 license, number P- in the name of  
18 Jerome Adams Price,  
19 Ferndale, Michigan 48220, expires .  
20 Date of birth, . Thank you very much.

21 BY MR. ASHFORD:

22 Q. Mr. Price, on May 31st of 2008 did you own a motor  
23 vehicle?

24 A. Yes.

25 Q. What kind of motor vehicle did you own?



1 A. It was a 1992 Chevrolet Corsica. '92 or '94. I'm  
2 not even positive. I believe it was '92.

3 Q. Was that the motor vehicle that was seized by the  
4 Detroit Police Department on May 31, 2008?

5 A. Yes, it was.

6 Q. Did you have any other vehicles?

7 A. Yes.

8 Q. What other vehicle did you own?

9 A. At the time I owned a 1998 Ford Econoline van and a  
10 19 -- I'm sorry, 2002 Saturn SL1.

11 Q. And you were the registered owner of all three  
12 vehicles?

13 A. Yes.

14 Q. Were all three vehicles insured?

15 A. Yes.

16 Q. Were they all insured by the same insurance  
17 company?

18 A. Yes.

19 Q. What insurance company was that?

20 A. State Farm.

21 Q. You wouldn't happen to have the policy number for  
22 the Chevy Corsica with you, would you?

23 A. No, it may be the same policy as the rest of ours  
24 and that would be out in the car. I can get it for  
25 you after the fact if you need it.

1 A. Basically, yes. And the need for the use of the  
2 car.

3 Q. So you paid the \$900?

4 A. Yes.

5 Q. And then what happened? By the way, who did you  
6 pay that fee to?

7 A. To the Wayne County Prosecutor's Office.

8 Q. Okay. And then what happened?

9 A. Then they sent us to the Detroit Police Department,  
10 I think it was the 1st Precinct, the main station  
11 right next door.

12 Q. On 1300 Beaubien?

13 A. Yes, that sounds correct.

14 Q. Then what happened?

15 A. And then they located where they believed our car  
16 to be, gave us that information, I guess contacted  
17 them, I don't remember that for sure, to let them  
18 know that we were coming, but I don't think so. I  
19 think they just located it in the computer and sent  
20 us there to go get it.

21 Q. Okay. When you go to Wayne County and you pay the  
22 fee do they give you some type of -- something  
23 indicating that the Detroit Police Department can  
24 give you this information about where your car is?

25 A. There was a document.

1 we told them it wasn't ours.

2 **Q. So then what happened?**

3 **A.** They called back down to the other towing yard, the  
4 original one, and the towing yard said send them  
5 back here, apparently, based on what they told us  
6 at this towing yard, so we went back to the  
7 original towing yard, sat for a few minutes and  
8 then a relatively contrite looking man, the manager  
9 I guess, came out and explained to us that our car  
10 had been stolen three weeks earlier.

11 So it must have been more than  
12 three weeks, it must have been more like a month,  
13 after the original incident.

14 **Q. Do you know the name of this manager?**

15 **A.** No, but it should be in the records, we have forms  
16 signed by him. Matt something, I can't remember  
17 his last name. And that the car had been stolen.

18 **Q. Did they make a police report?**

19 **A.** They said they tried to make a police report but  
20 the Detroit Police said they refused, said  
21 something about it being on private property and it  
22 not being their vehicle and therefore they couldn't  
23 take a report on it if it wasn't their vehicle so  
24 basically they said there wasn't.

25 **Q. Did you make a police report?**

1 A. Yes, we went from there to the Southwest Detroit  
2 police station after talking with them at some  
3 length. And we had already paid the money for the  
4 storage and he did return the money for the  
5 storage.

6 Q. **Matt returned the money?**

7 A. Yes, that we had given him a couple hours earlier  
8 because he didn't have a car to give us back.

9 Q. **Did Matt tell you why he didn't know that your car**  
10 **had been stolen the first time that you appeared at**  
11 **the towing yard?**

12 A. Not really, just that it's a big place. That was  
13 as articulate as they got.

14 Q. **Did the Detroit Police Department ever find your**  
15 **vehicle?**

16 A. No.

17 Q. **Did you ever hear anything else from the Detroit**  
18 **Police Department after you made the police report?**

19 A. No.

20 Q. **Did you ever make a citizen's complaint concerning**  
21 **the police action of May 31st of 2008 with the**  
22 **Detroit Police Department?**

23 A. No, I didn't.

24 Q. **Did you ever file an insurance claim concerning the**  
25 **stolen vehicle?**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EXHIBIT 39

JAN 20 2011

IAN MOBLEY, KIMBERLY MOBLEY, PAUL KAISER,  
ANGIE WONG, JAMES WASHINGTON, NATHANIEL  
PRICE, JEROME PRICE, STEPHANIE HOLLANDER,  
JASON LEVERETTE-SAUNDERS, WANDA LEVERETTE,  
DARLENE HELLENBERG, THOMAS MAHLER, and  
LAURA MAHLER,

Honorable Victoria A. Roberts  
Magistrate Judge Mona K. Majzoub

Plaintiffs,

vs.

Case No. 10-cv-10675

CITY OF DETROIT, a municipal corporation, Lieutenant  
VICKI YOST, a Detroit police officer, in her individual  
capacity, Sergeant DANIEL BUGLO, a Detroit police officer, in  
his individual capacity, Sergeant G. MCWHORTER, a Detroit  
police officer, in his/her individual capacity, Sergeant A.  
POTTS, a Detroit police officer, in his/her individual capacity,  
Sergeant CHARLES TURNER, a Detroit police officer, in his  
individual capacity, Officer M. BROWN, a Detroit police  
officer, in his/her individual capacity, Officer B. COLE, a  
Detroit police officer, in his/her individual capacity, Officer  
TYRONE GRAY, a Detroit police officer, in his individual  
capacity, Officer SHERON JOHNSON, a Detroit police officer,  
in her individual capacity, Officer K. SINGLETON, a Detroit  
police officer, in his/her individual capacity, and UNNAMED  
DETROIT POLICE OFFICERS, in their individual capacities,

Defendants.

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Michael J. Steinberg (P48085)  
Kary L. Moss (P49759)  
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*Co-Counsel for Plaintiff*

**DEFENDANTS ANSWERS TO  
PLAINTIFFS' FIRST REQUESTS FOR ADMISSION TO ALL DEFENDANTS**

**REQUEST FOR ADMISSION #3:**

3. As of May 31, 2008, Defendant City's standard operating procedure when raiding an establishment that was selling alcohol without a license and/or selling alcohol after 2 a.m. was to ticket all persons in attendance for loitering in a place of illegal occupation and to seize their vehicles under the nuisance abatement statute.

**ANSWER:** It is admitted. It is the City of Detroit's standard operating procedure to carry out its lawful duties to enforce the City of Detroit ordinances, such as Detroit City Code 38-5-1, and State laws, such as the Nuisance Abatement Statute, where probable cause exists to believe the laws have been violated.

Respectfully submitted,


---

Jerry Ashford (P47402)  
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(313) 237-3089  
ashfj@detroitmi.gov  
*Attorney for Defendant City of Detroit*

Dated: January 19, 2011

**CERTIFICATE OF SERVICE**

I hereby certify that on January 19, 2011, I served a copy of the foregoing document upon:

Daniel S. Korobkin, Esquire  
Michael J. Steinberg, Esquire  
Kary L. Moss, Esquire  
American Civil Liberties Union Fund of Michigan  
2966 Woodward Ave.  
Detroit, MI 48201

Corpus Juris Secundum  
Database updated March 2012

Disorderly Houses  
by John J. Dvorske, J.D., M.A.

II. Elements of Offense and Defenses  
A. Elements

[Topic Summary](#) [References](#) [Correlation Table](#)

**§ 10. Keeping or maintaining disorderly house—Frequenting or inhabiting**

**West's Key Number Digest**

West's Key Number Digest, [Disorderly House](#)  7

The fact that one is an inmate of a prohibited house does not make that person a keeper of a disorderly house.

The fact that one is an inmate of a prohibited house does not make that person a keeper of a disorderly house.[1] While at common law a person may be indicted for knowingly frequenting a bawdyhouse,[2] merely residing in one is not an offense at common law.[3]

A statute may make it an offense to frequent,[4] patronize,[5] resort to,[6] live in or be an inmate of,[7] or be found in[8] disorderly houses of the kinds specified in the statute. It is essential for conviction that the house be in fact as specified in the statute.[9] If the statute so provides, it must be shown that accused resorted to, used, occupied, or inhabited such a house for the specified purpose of prostitution or lewdness.[10]

---

[FN1] D.C.—[Jackson v. U.S.](#), 48 App. D.C. 269, 1919 WL 21429 (App. D.C. 1919).

[FN2] Pa.—[Com. v. Schoen](#), 25 Pa. Super. 211, 1904 WL 3411 (1904).

[FN3] Idaho—[People v. Ah Ho](#), 1 Idaho 691, 1878 WL 3967 (1878).

Ill.—[Raymond v. People](#), 9 Ill. App. 344, 1881 WL 10866 (4th Dist. 1881).

Tex.—[Moore v. State](#), 4 Tex. App. 127, 1878 WL 8946 (Ct. App. 1878).

[FN4]

**Presence sufficient for violation**

Idaho—[State v. Crabb](#), 107 Idaho 298, 688 P.2d 1203 (Ct. App. 1984).

**Presence insufficient**

Va.—[Hensley v. City of Norfolk](#), 216 Va. 369, 218 S.E.2d 735 (1975).

[FN5] Ill.—[Raymond v. People](#), 9 Ill. App. 344, 1881 WL 10866 (4th Dist. 1881).

[FN6] Utah—[State v. Davie](#), 121 Utah 184, 240 P.2d 263 (1952).

[FN7] Ind.—[Sumpter v. State](#), 261 Ind. 471, 306 N.E.2d 95 (1974).

Utah—[State v. Davie](#), 121 Utah 184, 240 P.2d 263 (1952).

Va.—[Foster v. Com.](#), 179 Va. 96, 18 S.E.2d 314 (1942).

[FN8] Mass.—[Com. v. Kane](#), 173 Mass. 477, 53 N.E. 919 (1899).

[FN9] Ill.—[People v. True](#), 235 Ill. App. 349, 1925 WL 4334 (4th Dist. 1925).

[FN10] Iowa—[State v. Rayburn](#), 170 Iowa 514, 153 N.W. 59 (1915).

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II. Elements of Offense and Defenses  
A. Elements

[Topic Summary](#) [References](#) [Correlation Table](#)

## § 11. House or other building or place

### West's Key Number Digest

West's Key Number Digest, [Disorderly House](#)  3

While there must be a house or place in order to constitute the offense of keeping a disorderly house, its physical characteristics are not ordinarily material, provided it is a place of public resort.

In order to constitute the offense of keeping a disorderly house, or the like, there must be a house or a place,<sup>[1]</sup> but the physical characteristics of the house or place are not ordinarily material.<sup>[2]</sup> So, it may be any place;<sup>[3]</sup> building;<sup>[4]</sup> part of a building;<sup>[5]</sup> single room;<sup>[6]</sup> apartment;<sup>[7]</sup> dwelling;<sup>[8]</sup> boat;<sup>[9]</sup> dance hall;<sup>[10]</sup> parking lot;<sup>[11]</sup> garden;<sup>[12]</sup> enclosed park;<sup>[13]</sup> tourist camp;<sup>[14]</sup> race track;<sup>[15]</sup> tent;<sup>[16]</sup> hack;<sup>[17]</sup> or wagon.<sup>[18]</sup>

#### *Character of place as a resort.*

The general rule is that a **disorderly house must be a place of public resort**<sup>[19]</sup> or one to which the public<sup>[20]</sup> or a class of the public<sup>[21]</sup> are admitted, or a place where one may go for immoral purposes without invitation.<sup>[22]</sup> It is not necessary, however, that the place itself be a public place as distinguished from a private place,<sup>[23]</sup> and it may be a place in which people abide in such a manner as to constitute a public nuisance.<sup>[24]</sup>

#### *House used for other purposes.*

The fact that the house or place which is disorderly is used for other purposes, or as a place of business,<sup>[25]</sup> is not material.<sup>[26]</sup> So, such a house or place may be a shop or store,<sup>[27]</sup> a saloon,<sup>[28]</sup> or a boarding house or hotel.<sup>[29]</sup>

---

[FN1] Iowa—[State v. Weston, 235 Iowa 148, 15 N.W.2d 922 \(1944\).](#)

[FN2] Tex.—[Spears v. State, 89 Tex. Crim. 459, 232 S.W. 326 \(1921\).](#)

[FN3] Md.—[Curley v. State, 215 Md. 382, 137 A.2d 640 \(1958\).](#)

Tex.—[Spears v. State, 89 Tex. Crim. 459, 232 S.W. 326 \(1921\).](#)

[FN4] Md.—[Curley v. State](#), 215 Md. 382, 137 A.2d 640 (1958).

Tex.—[Spears v. State](#), 89 Tex. Crim. 459, 232 S.W. 326 (1921).

[FN5] Iowa—[State v. Lee](#), 80 Iowa 75, 45 N.W. 545 (1890).

[FN6] Cal.—[People v. Frey](#), 228 Cal. App. 2d 33, 39 Cal. Rptr. 49 (2d Dist. 1964).

Tex.—[Spears v. State](#), 89 Tex. Crim. 459, 232 S.W. 326 (1921).

Va.—[Trent v. Com.](#), 181 Va. 338, 25 S.E.2d 350 (1943).

[FN7] Md.—[Curley v. State](#), 215 Md. 382, 137 A.2d 640 (1958).

[FN8] Mass.—[Com. v. Goodall](#), 165 Mass. 588, 43 N.E. 520 (1896).

[FN9] Cal.—[People v. Frey](#), 228 Cal. App. 2d 33, 39 Cal. Rptr. 49 (2d Dist. 1964).

Md.—[Curley v. State](#), 215 Md. 382, 137 A.2d 640 (1958).

Va.—[Trent v. Com.](#), 181 Va. 338, 25 S.E.2d 350 (1943).

[FN10] Mass.—[Com. v. Cardoze](#), 119 Mass. 210, 1875 WL 9316 (1875).

[FN11] Va.—[Harrison v. City of Norfolk](#), 16 Va. App. 572, 431 S.E.2d 658 (1993).

[FN12] N.J.—[State v. Williams](#), 30 N.J.L. 102, 1862 WL 2787 (N.J. Sup. Ct. 1862).

[FN13] Ky.—[Palestine Bldg. Ass'n v. Minor](#), 27 Ky. L. Rptr. 781, 86 S.W. 695 (Ky. 1905).

[FN14] Okla.—[Stewart v. State](#), 83 Okla. Crim. 172, 174 P.2d 926 (1946).

[FN15] Ill.—[Swigart v. People](#), 154 Ill. 284, 40 N.E. 432 (1895).

N.Y.—[State v. Engeman](#), 54 N.J.L. 257, 23 A. 679 (N.J. Sup. Ct. 1892).

[FN16] Md.—[Curley v. State](#), 215 Md. 382, 137 A.2d 640 (1958).

Va.—[Trent v. Com.](#), 181 Va. 338, 25 S.E.2d 350 (1943).

[FN17] Iowa—[State v. Render](#), 163 Iowa 339, 144 N.W. 298 (1913).

[FN18] Iowa—[State v. Chauvet](#), 111 Iowa 687, 83 N.W. 717 (1900).

Md.—[Curley v. State](#), 215 Md. 382, 137 A.2d 640 (1958).

Tex.—[Tracy v. State](#), 42 Tex. Crim. 494, 61 S.W. 127 (1901).

[FN19] Ala.—Wilson v. State, 17 Ala. App. 307, 84 So. 783 (1920).

[FN20] Colo.—Mossman v. City of Ft. Collins, 40 Colo. 270, 90 P. 605 (1907).

[FN21] Mo.—State v. Horn, 83 Mo. App. 47, 1900 WL 2868 (1900).

[FN22] Ala.—Wilson v. State, 17 Ala. App. 307, 84 So. 783 (1920).

[FN23] W. Va.—State v. Jones, 53 W. Va. 613, 45 S.E. 916 (1903).

[FN24] Wis.—Hawkins v. Lutton, 95 Wis. 492, 70 N.W. 483 (1897).

[FN25] Md.—Curley v. State, 215 Md. 382, 137 A.2d 640 (1958).

#### **Telegraph office**

N.J.—State v. W. U. Tel. Co., 12 N.J. 468, 97 A.2d 480 (1953).

[FN26] Ga.—Smith v. State, 52 Ga. App. 88, 182 S.E. 816 (1935).

Miss.—Meador v. Hotel Grover, 193 Miss. 392, 9 So. 2d 782 (1942).

[FN27]

#### **Car dealership**

U.S.—U.S. v. Tamez, 941 F.2d 770 (9th Cir. 1991).

[FN28] Miss.—Meador v. Hotel Grover, 193 Miss. 392, 9 So. 2d 782 (1942).

[FN29] Ga.—Smith v. State, 52 Ga. App. 88, 182 S.E. 816 (1935).

Miss.—Meador v. Hotel Grover, 193 Miss. 392, 9 So. 2d 782 (1942).

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II. Elements of Offense and Defenses  
A. Elements

[Topic Summary](#) [References](#) [Correlation Table](#)

### § 13. House or other building or place—Manner of keeping house

#### West's Key Number Digest

West's Key Number Digest, [Disorderly House](#)  4

Various types of places may be nuisances or disorderly houses because of the manner in which they are kept or conducted.

There are a number of types of places that ordinarily constitute nuisances or disorderly houses only when the mode of use is such as to annoy the public.[1] These may include billiard or pool rooms,[2] bowling alleys,[3] inns,[4] or playhouses or theaters.[5]

#### *Tippling house.*

A tippling house, a place of public resort where spirituous, fermented or other intoxicating liquors are sold and drunk in small quantities,[6] is not necessarily a disorderly house.[7] It becomes a nuisance, however, when it is so conducted as to annoy the neighborhood,[8] and is a **disorderly house if liquor is there habitually sold in violation of law**[9] or if drinking is otherwise carried on in the manner described in the statute.[10] However, the possession of intoxicating and prohibited liquors, on which revenue stamps have not been affixed, does not, without more, constitute the maintenance of a disorderly house.[11]

---

[FN1] U.S.—[Coast Holding Corp. v. McGuire](#), 482 F. Supp. 408 (S.D. N.Y. 1979).

[FN2] Ky.—[Huber v. Commonwealth](#), 31 Ky. L. Rptr. 320, 102 S.W. 291 (Ky. 1907).

[FN3] Me.—[State v. Haines](#), 30 Me. 65, 1849 WL 1820 (1849).

[FN4] U.S.—[U.S. v. Benner](#), 5 D.C. 347, 24 F. Cas. 1089, No. 14569 (C.C.D. D.C. 1837).

N.C.—[State v. Mathews](#), 19 N.C. 424, 2 Dev. & Bat. 424, 1837 WL 463 (1837).

[FN5] Mass.—[Com. v. Goodall](#), 165 Mass. 588, 43 N.E. 520 (1896).

[FN6] Ga.—Bolden v. State, 88 Ga. App. 871, 78 S.E.2d 368 (1953).

[FN7] Ga.—McBrayer v. State, 79 Ga. App. 132, 53 S.E.2d 216 (1949).

Okla.—Territory v. Robertson, 1907 OK 135, 19 Okla. 149, 92 P. 144 (1907).

[FN8] N.C.—State v. Everhardt, 203 N.C. 610, 166 S.E. 738 (1932).

[FN9] N.J.—State v. Koettgen, 89 N.J.L. 678, 99 A. 400 (N.J. Ct. Err. & App. 1916).

N.C.—State v. Everhardt, 203 N.C. 610, 166 S.E. 738 (1932).

[FN10] Ga.—Martin v. State, 62 Ga. App. 902, 10 S.E.2d 254 (1940).

[FN11] Ga.—McBrayer v. State, 79 Ga. App. 132, 53 S.E.2d 216 (1949).

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II. Elements of Offense and Defenses  
A. Elements

[Topic Summary](#) [References](#) [Correlation Table](#)

### § 15. Disorderly or improper use

#### West's Key Number Digest

West's Key Number Digest, [Disorderly House](#)  4

West's Key Number Digest, [Disorderly House](#)  6

In order to constitute the offense of keeping a disorderly house, or the like, there must be a house or place put to some disorderly or improper use; a house may be disorderly in the prohibited sense because of the end or purpose to which it is appropriated or because of the manner in which it is kept.

In order to constitute the offense of keeping a disorderly house, or the like, there must be a house or place put to some disorderly or improper use.<sup>[1]</sup> A house may be disorderly in two ways: from the end or purpose to which it is appropriated or from the mode in which it is kept.<sup>[2]</sup> Generally speaking, the particular disorder or improper use forbidden by statutes is determined by ascertaining the intention of the legislature in accordance with general rules of statutory construction.<sup>[3]</sup>

The end or purpose for which it is appropriated renders a place disorderly if it is such as, of necessity, contravenes the provisions of any public statute,<sup>[4]</sup> or if it is for a business which is of itself hurtful to the community.<sup>[5]</sup> The mode of use which renders a place disorderly derives from the fact that the keeping of a disorderly house is ordinarily punishable because of its being a common nuisance; the disorder, therefore, must be such as will give it this character.<sup>[6]</sup>

To be convicted of maintaining a residence for an illegal purpose, the defendant must personally have that specific purpose; it is not sufficient that others have that purpose.<sup>[7]</sup> However, it is sufficient that the defendant maintains the place in the sense of having some degree of control over the premises and makes it available for the illegal use.<sup>[8]</sup>

The illicit purpose must be at least one of the primary or principal uses to which the place is put;<sup>[9]</sup> casual use will not suffice.<sup>[10]</sup> The more characteristics of the prohibited use that are present, the more likely is it that the property is being used for that purpose.<sup>[11]</sup> Each case must be judged on its own facts.<sup>[12]</sup>

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[FN1] Iowa—[State v. Weston, 235 Iowa 148, 15 N.W.2d 922 \(1944\).](#)

N.J.—[State v. Baldino](#), 11 N.J. Super. 158, 78 A.2d 95 (App. Div. 1951).

[FN2] Md.—[Ward v. State](#), 9 Md. App. 583, 267 A.2d 255 (1970).

Pa.—[Com. v. Hartung](#), 156 Pa. Super. 176, 39 A.2d 734 (1944).

[FN3] Ill.—[People v. Lackaye](#), 348 Ill. App. 542, 109 N.E.2d 390 (1st Dist. 1952), judgment aff'd on other grounds, 1 Ill. 2d 618, 116 N.E.2d 359 (1953).

[FN4] Ill.—[City of Sterling v. Speroni](#), 336 Ill. App. 590, 84 N.E.2d 667 (2d Dist. 1949).

### **Felony or misdemeanor violation**

Requirement in crack-house statute specifying that property must be used “for keeping or distributing controlled substances in violation of a felony offense” requires property be used for purpose that amounts to felony and excludes misdemeanor-grade offenses.

Alaska—[Dawson v. State](#), 894 P.2d 672 (Alaska Ct. App. 1995).

[FN5] Md.—[Reynolds v. State](#), 219 Md. 319, 149 A.2d 774 (1959).

[FN6] Md.—[Beard v. State](#), 71 Md. 275, 17 A. 1044 (1889).

[FN7] U.S.—[U.S. v. Verners](#), 53 F.3d 291 (10th Cir. 1995).

[FN8] Wash.—[State v. Fernandez](#), 89 Wash. App. 292, 948 P.2d 872 (Div. 1 1997).

[FN9] U.S.—[U.S. v. Verners](#), 53 F.3d 291 (10th Cir. 1995).

Okla.—[Howard v. State](#), 1991 OK CR 76, 815 P.2d 679 (Okla. Crim. App. 1991).

### **Regular use**

D.C.—[Thomas v. U.S.](#), 588 A.2d 272 (D.C. 1991).

La.—[State v. Massey](#), 539 So. 2d 1211 (La. 1989).

### **Common understanding of jurors**

Defendant not entitled to instruction requiring jury to find that premises was being used for “primary” purpose where statute omitted word “primary” and statutory language was within common understanding of jurors.

U.S.—[U.S. v. Roberts](#), 913 F.2d 211 (5th Cir. 1990).

### **Sole or even primary purpose not required**

U.S.—[U.S. v. Gibson](#), 55 F.3d 173, 42 Fed. R. Evid. Serv. 503 (5th Cir. 1995).

[FN10] U.S.—[U.S. v. Verners](#), 53 F.3d 291 (10th Cir. 1995).

Ind.—[Plowman v. State](#), 604 N.E.2d 1219 (Ind. Ct. App. 1992).

Okla.—[Howard v. State](#), 1991 OK CR 76, 815 P.2d 679 (Okla. Crim. App. 1991).

**Occasional acts insufficient**

U.S.—[Coast Holding Corp. v. McGuire](#), 482 F. Supp. 408 (S.D. N.Y. 1979).

[FN11] U.S.—[U.S. v. Verners](#), 53 F.3d 291 (10th Cir. 1995).

[FN12] Okla.—[Meeks v. State](#), 1994 OK CR 20, 872 P.2d 936 (Okla. Crim. App. 1994).

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**Michigan Department of Energy, Labor and Economic Growth**  
Jennifer M. Granholm, Governor  
Stanley "Skip" Pruss, Director

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# Michigan Liquor Control Commission

## Club Licensee Information



[www.michigan.gov/lcc](http://www.michigan.gov/lcc)

# CLUB LICENSE

## TABLE OF CONTENTS

When is a liquor license required?	1
Do we need a liquor license?	1
Do we qualify?	2
Police powers?	3
Additional requirements for a Club license application	3
Sale of alcoholic liquor to bona-fide members only!	3
What is a bona-fide member?	4
Special License	4
Children in the bar area	5
Minimum age to sell or serve alcoholic beverages	6
Sale of alcoholic beverages to minors	6
Exceptions to cash sales	6
Hours and days of operation	6
Extended hours or official permit	7
Removing alcoholic liquor from the building and outdoor service area	7
Contests	8
Gambling and devices	9
Club and SDM license renewals and membership lists	10
Add Bar permit – not required!	10
What records do we need to keep?	10
Club Audits	11

## CLUB LICENSE

To provide a guide to club licensees, this brochure attempts to answer common questions regarding the liquor license and the licensed establishment, to whom and how alcoholic liquor beverages may be served and general business topics.

A comprehensive response to most questions may be found in the *Michigan Liquor Control Code, Rules and Related Laws governing the sale and manufacture of alcoholic beverages, reprinted from The Michigan Compiled Laws (MCL) and updated as of January 2006.*

The Code and Administrative Rules may be found by linking onto the website of the Michigan Liquor Control Commission at [www.michigan.gov/lcc](http://www.michigan.gov/lcc). A hard copy of the liquor control commission's Code and Rules may be obtained from the Michigan Department of Energy, Labor and Economic Growth, Liquor Control Commission, P.O. Box 30005, 7150 Harris Drive, Lansing, MI 48909 at a cost of \$5.00.

### When is a liquor license required?

The sale, delivery and importation of alcoholic liquor are activities in Michigan that are limited<sup>1</sup> to the commission, the commission's authorized agent or distributor, those licensed by the commission, or by prior written order of the commission (MCL 436.1203.1).

### Do we need a liquor license?

It is possible to consume alcoholic liquor in an unlicensed establishment, but there two basic restrictions: if the drinking of alcoholic liquor is for consideration and/or it is a commercial establishment that sells food<sup>2</sup>. Consideration is defined as:

- any fee, cover charge, ticket purchase; and,
- the storage of alcoholic liquor; and,
- the sale of food, ice, mixers, or other liquids used with alcoholic liquor drinks; and,
- the purchasing of any service or item, or combination of service or item; and,
- furnishing glassware or other containers for use in the consumption of alcoholic liquor in conjunction with the sale of food.<sup>3</sup>

What this means is alcoholic liquor is not allowed in an unlicensed area where there is a form of consideration due, or where food is prepared on the premises and sold to the patrons.

On the other hand, alcoholic liquor is permitted in an unlicensed<sup>4</sup> hall that is rented out by the club to a tenant. For example, the club may have a hall it rents out to people who wish to use as a reception for wedding parties. The tenant is usually the host of the event. Guests are invited. The host provides the food and alcoholic liquor to the guests at no cost to them. Guests arrive and pay no form of consideration.

---

<sup>1</sup> Except as provided in Sections 203 and 301 of the Liquor Control Code.

<sup>2</sup> Does not apply to any hotel or any licensee under this act (MCL 436.2021.3).

<sup>3</sup> MCL 436.1913

<sup>4</sup> The licensee is prohibited from leasing, selling or transferring possession (renting) of a portion of the licensed premises without the prior written approval of the commission (R436.1023.3).

But, the alcoholic liquor used in the unlicensed hall may only be derived from a liquor licensed retailer authorized<sup>5</sup> to sell it to them.

If the club wants to sell alcoholic liquor and allow its consumption on the premises, a Club liquor license must be issued to that club. If the club wants to allow take-out sales of beer and wine, an SDM license is to be issued in conjunction with the Club license.

## Do we qualify?

The provisions of the Liquor Control Code of 1998 (Act 58 of 1998) defines a club as *a non-profit association, whether incorporated or unincorporated, organized for the promotion of some common purpose, the object of which is owning, hiring, or leasing a building, or space in a building, of an extent and character as in the judgment of the commission may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests, but does not include an association organized for a commercial or business purpose* (MCL 436.1107.5).

## Qualifications

The bona-fide non-profit organization must have been in existence for not less than two years prior to making application for the liquor license. The waiting period is waived for a club that is a chapter of a national organization.

The applicant for the Club license must affirm to no racial disqualifications for membership or guest privileges contained in the charter, constitution, franchises, by-laws, membership application or related documents under which the club is currently operating. An affidavit<sup>6</sup> attesting to this must be submitted with the application.

Club licensees who are licensed to sell beer, wine and liquor may do so only to bona-fide club members who have attained the age of 21 for consumption on the licensed premises (MCL 436.1532.1; MCL 436.1537.1c). An SDM license issued to a club allows the sale of beer and wine only to bona-fide members who have attained the age of 21 for consumption off the licensed premises (R436.1525; MCL 436.1533). Club licenses are not subject to the quota for the local unit of government.

The club must be self-supporting without the sale of alcoholic liquor (MCL 436.1532.3). Income from the club's aggregate membership fees or dues, and other income *exclusive of the proceeds from the sale of alcoholic liquor* must be sufficient to defray the annual rental of its leased or rented premises or, if the premises are owned by the club, are sufficient to meet the taxes, insurance, repairs, and interest on a mortgage on the premises.

A club applicant must file<sup>7</sup> with the commission:

- Certified copy of resolution requesting a license adopted at a bona-fide meeting.
- Copy of the constitution, charter and by-laws of the club.
- Affidavit of no racial discrimination LC-1178.
- Minutes of club meetings to be recorded in English and available for inspection.

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<sup>5</sup> An SDM licensee is able to sell beer and wine at retail for consumption off the licensed premises. An SDD licensee is able to distribute spirits and mixed spirit drink in the original package for consumption off the premises (MCL 436.1111.11,12). Club licensees with an SDM license may only sell to bona-fide members (R436.1525).

<sup>6</sup> Affidavit Relative to Racial Discrimination, form LC-1178.

<sup>7</sup> Pursuant to licensing qualifications noted in R436.1127(1)(2).

## Police Powers?

Generally, a person who holds or whose spouse who holds law enforcement powers to enforce the penal laws (local, state or federal) with certain exceptions *shall not be issued a license, or have an interest, directly or indirectly, in a license if the activity regulated by the license occurs in the same local unit of government within which the person enforces those state or local penal laws unless the person is contractually prohibited from enforcing this act.*<sup>8</sup> A non-profit fraternal organization ...whose membership is not totally composed of law enforcement personnel or public officeholders charged with the duty of enforcing any penal laws or ordinances of a governmental body, may be issued a club liquor license if the organization is otherwise qualified.<sup>9</sup>

## Additional requirements for a Club license application

If the proposed licensed premises are to be located within 500 feet of an existing church or school, the church or school has the right to object to the location (MCL 436.1503) and may present their objection at a hearing held by the commission.

The club businesses are subject to state and local codes for building, plumbing, zoning, fire, sanitation, and health laws and ordinances (R436.1003).

The commission may accept a temporary or permanent certificate for occupancy for public accommodation as evidence that the establishment is in compliance to state and local codes for building, plumbing, zoning, fire, sanitation, and health laws and ordinances (R436.1105.3) when the application for the club liquor license is new, for any transfer of interest in an existing license or transferred to a new location.

Public notice of the intent of the commission to issue the club license shall be given by publication a newspaper published or in general circulation within the local community at least ten days before the issuance of the liquor license (MCL 436.1532.2).

The affairs and management of the club shall be conducted by a board of directors, executive committee, or similar body chosen by the members (MCL 436.1532.4).

## Sale of alcoholic liquor to bona-fide members only!

Club licensees may only sell alcoholic liquor to bona-fide members of their club, whether the alcoholic liquor is to be consumed on or off the licensed premises.

It does not matter if a guest registers at the club by signing a guest-register, as this does not make that person a bona-fide member. Alcoholic liquor beverages may be sold only to bona-fide members who have attained the age of 21 years (MCL 436.1537.1c).

The Liquor Control Commission does not regulate the sale of food or non-alcoholic liquor<sup>10</sup> beverages. Non-members of the club are not restricted in the purchase of these items, except by house rules of the club as long as it is non-discriminatory.

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<sup>8</sup> MCL 436.1523

<sup>9</sup> *ibid.*

<sup>10</sup> Alcoholic liquor is defined as containing ½ of 1% or more of alcohol by volume (MCL 436.1105(3)).

## What is a bona-fide member?

The term *bona-fide member* remains loosely defined. Such a member is expected to be an annual dues paying member in good standing with the club and eligible to vote. Daily or temporary memberships are not recognized as bona-fide memberships.

Many clubs have sub-groups such as auxiliary members. They would not actually be members of the core group of club members, but have a defined association within the club. Often, their meetings and group activities are kept separate from each other, making club-related voting a difficult process.

As long as a member has voting privileges, it would appear that person is a *bona-fide* member. In order to be qualified for 'bar privileges', each sub-group of the club should have at least one collective club-related vote per licensing year.

As an example, to enable members of auxiliary groups to enjoy 'bar privileges' and to be in compliance with MCL 436.1532(4), many club sub-groups elect or appoint at least one person to sit on the club's board of directors, executive committee, or similar body chosen by the members. The incumbent then is afforded the opportunity to exercise their vote in matters of the club on behalf of their sub-group constituency to satisfy this requirement.

## Special License

As a non-profit organization, clubs are eligible<sup>11</sup> to apply for a Special License under MCL 436.1525 (1)(r). The fee is \$50 unless the organization has existed over one year, then \$25 each, and limited to 12 special licenses per calendar year. This license allows for the retail sales to the general public of alcoholic liquor for consumption on the premises only for a limited period of time (R436.572).

The Special License, commonly referred to as a 24-hour license, is valid for one day. It is available not only to a club, but also to an auxiliary of the club organization if a separate existence from the organization is demonstrated via separate organizational papers, separate bank account, and election of its' own board of directors and/or officers.

Applicants should submit their application for the Special License to the liquor control commission at least 10 days before the proposed event.

A Special License will allow the non-profit organization to sell beer, wine and spirits to the general public during approved hours within the 24-hour licensing period at the designated premises (R436.579). A few additional points are:

- All profits derived from the sale of alcoholic liquor must go to the licensed organization, not to any individual.
- The application includes a resolution of the membership or board authorizing the application and an affidavit showing the length of time the non-profit organization has been in existence.

The written approval of the police chief or sheriff is required (R436.577).

Purchase options for a special licensee are many. Spirits may be purchased from an SDD licensed retailer and special licensees may purchase beer and/or wine from an SDM licensed retailer, a licensed wholesaler, or a Michigan licensed wine-maker or small winemaker. Mixed spirit drinks may be purchased from either an SDD

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<sup>11</sup> R436.574 restricts Special Licenses to non-profit organizations.

licensed retailer or a licensed wholesaler.<sup>12</sup> Alcoholic liquor that is on the licensed premises that has not been obtained from an approved source is in violation of R436.1033.

## **Wine Tastings**

Wine tastings are allowed by non-profit organizations for their members, but the club would have to charge for their wine tasting as they would for any sale of alcoholic beverages. But, a Special License must be issued if this type of activity is to take place for the general public. Either way, the 'wine tasting event' does not allow for the off-premises sale of wine products. Such sales must be made through an SDM (beer and wine take-out) licensee.

Special licenses are not transferable (MCL 436.1527 (2)).

## **Auctions**

Auctions of wine donated by private, non-liquor licensed persons to the organization may be permitted (436.1527) under the Special License. Such donations may not be provided by a wine-maker, wholesaler or any other liquor licensee.

The auctioned wine may NOT be consumed on the liquor licensed premises. It must be removed from the establishment before it is opened.

An auction pursuant to a special license issued to a non-profit charitable organization that allows the sale, at auction, of wine donated to the organization may occur upon premises which are otherwise licensed by the commission to allow the sale of alcoholic liquor for consumption on the licensed premises.

## **Children in the bar area**

Frequently, club membership reports children who are allowed in the bar or lounge area of the club and wonder if it's allowed.

The Michigan Penal Code (Act 328 of 1931) addresses this issue in 750.141 where it states (A) *minor child under 17 years of age shall not be permitted to remain in a dance hall, saloon, barroom or any place where spirituous or intoxicating liquor, wine or beer, or any beverage, liquor or liquors containing spirituous or intoxicating liquor, beer or malt liquor is sold, given away or furnished for a beverage, unless the minor is accompanied by parent or guardian.* A violation of this by the proprietor, keeper or manager is a misdemeanor.

If a parent or guardian is present with the child under 17 years of age, there is no infraction of the law regarding the child being inside the establishment. And, there is no state law or regulation that prohibits a child who is accompanied by the parent or guardian from sitting at the bar.

Children under 18 years of age are not allowed to work or entertain on the licensed premises, whether they are paid or doing so voluntarily, *unless the person is employed in compliance with the provisions of Act No. 90 of the Public Acts of 1978, being 409.101 et seq. of the Michigan Compiled Laws (436.1707).* An exception is made for young entertainers who are under the direct supervision and control of his or her parent or legal guardian.

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<sup>12</sup> All sources of alcoholic liquor must be licensed by the Michigan Liquor Control Commission.

## Minimum age to sell or serve alcoholic beverages

People under the age of 18 years are not allowed to sell or serve alcoholic liquor pursuant to MCL 436.1707. It doesn't matter if that person is related to a club member, is a volunteer, or in any other way deemed to be excused from this regulation. Only those who have attained the age of 18 years are legally able to sell or serve alcoholic beverages to patrons of the club.

## Sale of alcoholic beverages to minors

Don't sell alcoholic beverages (beer, wine, spirits) to anyone under the age of twenty-one years old.

Do not allow anyone connected with the club, either directly or indirectly, to sell, furnish, or give alcoholic liquor to minors<sup>13</sup> (MCL 436.1701.1; MCL 436.1801.2).

Minors are not allowed to consume alcoholic liquor or possess alcoholic liquor for personal consumption on the licensed premises (MCL 436.1707.5.6.7).

The wording *possess alcoholic liquor for personal consumption on the licensed premises* exempts the club's kitchen and cleaning staff (hostess/host, prep-staff, bussers and dish washers) and would allow them to remove containers of alcoholic liquor from patron area and to deliver them to the dish washing area for cleaning purposes.

## Exceptions to cash sales

Normally, the sale or purchase of alcoholic liquor is for cash only. One of the exceptions is a sale of alcoholic liquor by a private club to a bona-fide member (MCL 436.2013.f).

## Hours and days of operation

R436.1403(1) to (8) addresses the hours and days of operation in detail, but a brief summary for the sale of alcoholic liquor is:

Monday thru Saturday....7:00am to 2:00am  
Sunday.....12 noon to 2:00am

The licensee shall not sell, give away or otherwise furnish alcoholic liquor:

- Between 2:00am and 7:00am, Monday through Saturday;
- Between 2:00am and 12 noon on Sunday. alcoholic liquor after 2:30 a.m.;
- Between 9:00pm on December 24<sup>th</sup> and 7:00am on December 26<sup>th</sup>, unless December 26<sup>th</sup> is on a Sunday when the permitted time becomes 12 noon.; and,
- Between 4:00 a.m. on December 31<sup>st</sup> and 7:00 a.m. on January 1<sup>st</sup>, unless January 1<sup>st</sup> is on a Sunday when the permitted time becomes 12 noon.  
An on-premises licensee should not allow people to consume<sup>14</sup> alcoholic liquor:
- Between 2:30 a.m. to 7:00 a.m., Monday through Saturday;
- Between 2:30 a.m. and 12 noon on Sunday;

<sup>13</sup> MCL 436.1701(1) and MCL 436.1801(2) both address the prohibition against the sale of alcoholic liquor to a minor, defined as under 21 years of age (MCL 436.1701(3,4) and R436.1009(1).

<sup>14</sup> This does not apply to the consumption of alcoholic liquor in the bedrooms or suites of registered guests of licensed hotels or in the bedrooms or suites of bona-fide members of licensed clubs.



- Between 9:30pm on December 24<sup>th</sup> through 7:00am on December 26<sup>th</sup>, unless December 26<sup>th</sup> falls on a Sunday when the permitted time becomes 12 noon; and,
- Between 4:30 a.m. on December 31<sup>st</sup> and 7:00 a.m. on January 1<sup>st</sup>, unless January 1<sup>st</sup> is a Sunday when the permitted time becomes 12 noon.

### **Premises being occupied**

The licensed on-premises establishment should not be occupied between 2:30am and 7:00am, Monday through Saturday or between 2:30am and 12 noon on Sunday except by the on-premise licensee<sup>15</sup>, bona-fide employees<sup>16</sup> of the on-premises licensee who are working, or bona-fide contractors and their employees who are working.

### **Extended hours or official permit**

If an extended hours permit<sup>17</sup> or official (specific purpose) permit<sup>18</sup> is issued by the commission, the premises may be occupied by patrons after 2:30 a.m. or before 7:00 a.m. weekdays and before 12:00 noon on Sundays.

#### **Extended hours permit**

This type of permit allows patrons to occupy the licensed premises before or after the legal hours for *specific activities*, but not for the sale and/or consumption of alcoholic liquor. Such activities<sup>19</sup> are:

- Entertainment for patrons
- Dancing by patrons
- Musical performance
- Viewing of publicly broadcast television

It does not allow the sale or consumption of alcoholic liquor after the legal hour.

A club licensee should not allow members on the licensed premises during the time provided by the extended hours permit unless the activity, and only that activity, allowed by the extended hours permit is occurring.

#### **Official (special purpose) permit**

This permit allows the premises to be occupied by club members to engage in a specific activity, such as the sale of food. It does not allow the sale or consumption of alcoholic beverages before or after the legal hours (page 6).

The club licensee should not allow members on the licensed premises after 2:30 a.m. unless the activity, and only that activity, allowed by the official permit is occurring.

### **Removing alcoholic liquor from the building and outdoor service areas**

A person to whom alcoholic liquor was sold for consumption on the licensed premises may not remove it from those premises (MCL 436.2021.2). That means that a beer, for example, sold to one of your members for the purpose of being consumed inside the establishment may not be taken out of the licensed building. Open

<sup>15</sup> For clubs, the licensee would be limited to the current officers and/or trustees.

<sup>16</sup> Many clubs use volunteers in lieu of paid employees. Here, bona-fide volunteers who are working would be permitted to remain on the licensed premises after-hours.

<sup>17</sup> MCL 436.1916

<sup>18</sup> Rule 436.1437

<sup>19</sup> See MCL 436.1916.

alcoholic liquor must remain inside. Sealed containers of beer and/or wine may only be removed if the club sold that beverage to a member under their SDM (beer and wine take-out) license.

The commission may approve your request for an outdoor service area. There are two types, permanent and temporary. The permanent one stays with your license for as long as the club intends, except by order of the commission. Or, the commission may issue up to twelve temporary outdoor service permits per calendar (R436.1419.2,3).

If the outdoor service area is approved, *the club licensee shall not sell, or allow the consumption of, alcoholic liquor outdoor, except in the defined area.*<sup>20</sup>

## Contests

### Texas Hold'em:

To award prizes<sup>21</sup> or not; that is the question.

With an entertainment permit issued by the Liquor Control Commission, clubs may allow Texas Hold'em if the prize is limited to a plaque or trophy. For other types of prizes, approval from the Bureau of Lottery is necessary.

The Charitable Gaming Division of the Bureau of Lottery approved by Directive No. 4.03.01 (May 14, 2004) Tournament Texas Hold'em as a millionaire party card game. Non-profit organizations may apply and obtain a Millionaire Party license and conduct Texas Hold'em on the club licensed premises. A specific date and location is required. Further information is available by calling 517-335-5780.

You will also need to obtain a Special License (page 4) if you want to allow the general public to purchase and consume alcoholic beverages during this event.

### Euchre:

Euchre contests are allowed without commission approval if the following conditions are met:

- An entry fee or donation is permissible only if the fee is used towards the cost of the prize.
- No ante/stake is permitted by contestants.
- Prizes may be awarded by the liquor licensee only.
- The prize<sup>22</sup> does not exceed \$250 per business day unless prior commission approval has been granted.
- The liquor licensee must have an entertainment permit issued to them by the commission.

### Pool and dart tournaments:

The following guidelines are provided:

- An entertainment permit is not required.
- The prize can not exceed \$250 per business day unless prior commission approval has been granted.
- Entry fees are allowed.
- No requirement on payback of a percentage.

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<sup>20</sup> R436.1419(2).

<sup>21</sup> Cash, points or other item of value.

<sup>22</sup> R436.1435(1).

**Other points about contests:**

*A licensee shall not participate in or sponsor any contest that requires the use or consumption of alcoholic liquor or features alcoholic liquor as a prize in connection with a contest (R436.1019); nor shall an on-premises licensee allow a contest or tournament of any kind in which the sale, use, or consumption of alcoholic liquor is a necessary part of the contest or tournament or in which alcoholic liquor is given as a prize to the participants of the contest or tournament (R436.1435.2). But, an unopened bottle of alcoholic liquor having a value of less than \$200 may be offered and awarded pursuant to a lawful fund raising event (MCL 436.2015).*

*There shall not be advertising of alcoholic liquor connected with offering a prize or award on the completion of a contest, except upon prior written approval of the commission (R436.1321.1).*

*A club licensee shall not allow contests in which the licensee or any other person gives away anything of value over \$250 per day except upon written approval of the commission (R436.1435.1).*

*An on-premises licensee shall not allow...contests...unless the licensee has been issued an entertainment permit by the commission (MCL 436.1916.1).*

## **Gambling and devices**

Gambling is either legal or not. If the club licensee allows illegal gambling and/or gambling devices on the liquor licensed premises, it would be contrary to MCL 436.1901.

### **Illegal Gambling**

MCL 436.1901 (2) prohibits liquor licensees from allowing unlawful gambling on the licensed premises, and (2) prohibits the licensee from allowing any gambling devices on the licensed premises that are prohibited by Michigan statutes.

In general, gambling requires proof of three elements: consideration, chance and reward.

- Consideration: A cost to enter and participate in the activity. It may include the requirement of a participant to physically go to a location to enter and/or participate.
- Chance: The winner is selected by random and not a result of skill.
- Reward: The winner receives a prize, which can be anything of value.

### **Internet Gambling**

Internet gambling on liquor licensed premises is illegal per 1999 PA 235; MCL 750.145d. It is a violation of Michigan criminal law to use a computer, computer network, computer program or computer system to commit or solicit another person to commit illegal gambling as defined in the Michigan penal code and by the Michigan Gaming Control Act. The act is violated if the communications originates or terminates in this state.

### **Michigan Lottery Bureau**

The Michigan Lottery Bureau sanctions many forms of gambling that are licensed to club facilities. They are located at 101 E. Hillsdale, P.O. Box 30023, Lansing, MI 48909.

General 517-335-5600  
 Charitable Gaming,  
 Bingo, Raffles 517-335-5780

## Raffles

A licensed club is excused from the requirements of obtaining a small raffle license from the Lottery Bureau if the club is sponsoring a single gathering<sup>23</sup>, conducts a raffle with no pre-selling of tickets, the prize is awarded during that gathering, and the total aggregate retail value of the prize for that day is \$100 or less.

*A club licensee may offer and award unopened alcoholic liquor having a value of less than \$200 to a person 21 years of age or older in a drawing or raffle or as a door prize, pursuant to a lawful fund raising activity. The alcoholic liquor awarded shall not be consumed on the premises at which it is awarded (MCL 436.2015.1). The club may not award the alcoholic liquor to a person who is intoxicated (MCL 436.2015.3).*

## Club and SDM License Renewals and Membership Lists

The club liquor license is valid from May 01 through April 30 of each year. An application for renewal of the club liquor license for the licensing year is completed and issued by the commission if there are no holds or other reasons not to renew the club liquor license. The license fee is:

- \$300 for clubs having 150 or fewer duly accredited members and \$1.00 for each additional member.
- A membership list is to be submitted for the sole purpose of determining the correct license fees to be paid.
- The membership list shall be the accredited list of members as determined by a sworn affidavit 30 days before the closing of the licensing year.
- The membership list is not required by clubs that pay the maximum fee of \$750 per licensed location.

An SDM<sup>24</sup> license fee is \$100. Further information may be found at MCL 436.1525 (1)(j)(p).

## Add Bar permit – not required!

There may be more than one point of sale of alcoholic liquor (beer, wine and/or spirits) in a club licensed establishment without the necessity of an add-bar permit per R436.1023 (2)(c). This means that a club licensee may have two or more separate bars operating within the licensed establishment at the same time without penalty.

## What Records Do We Need To Keep?

Once the Club license has been issued, there are records of the licensed business that must be maintained for a period of four years<sup>25</sup>. The licensed club must maintain accurate records of alcoholic liquor (beer, wine and spirits) purchases and sales. It must maintain records sufficient to determine ownership of the licensed business and to whom the profits and losses accrue.

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<sup>23</sup> Single Gathering means one scheduled assembly or meeting with a specific beginning and ending time. The purpose of the meeting shall not be solely for conducting a raffle. Single gathering does not include regular operating hours of a club.

<sup>24</sup> Specially Designated Merchant of beer and wine retail sales to bona-fide members.

<sup>25</sup> Rule 436.1007.

Other records that the club licensee may wish to maintain are its' liquor license application documents, inclusive of a certified copy of the constitution, charter and by-laws of the club; the affidavit certifying that no racial disqualifications for membership exist; and, minutes of meetings being recorded in English.<sup>26</sup>

## Club Audits

During a club audit by an investigator of the Liquor Control Commission, records to be reviewed are frequently the club minutes, membership records, financial records, corporate or limited liability company records (if applicable), and any other records to verify that the club is self-supporting without the sale of alcoholic beverages and that a true ownership exists in the name of the licensed club for the business, business operating (checking) account(s), and the licensed real estate.

The number of members should reflect the number the club reported at license renewal plus any other members added since that time. Credit is not given for members who have left the club for any reason. It should be inclusive of all members (also auxiliary, associate, honorary, etc.) that have bar privileges. Those members who have bar privileges must be able to vote, either individually or as a group. The club must maintain records of their members that have bar privileges so that the total and accurate number may be established.

To be self supporting, the club must be able to pay the lease or mortgage, taxes, insurance, repairs and any mortgage interest for the licensed premises without relying upon the sale of alcoholic liquor.

An inspection<sup>27</sup> of the licensed premises will also take place during the club audit to verify that the club is in compliance to the Liquor Control Commission Act and Regulations.

This brochure was prepared<sup>28</sup> to address the most frequently asked questions about club licenses. Additional information may be available from the 1998 Liquor Control Code and Regulations; and questions may be directed to the MLCC enforcement division office closest to your location: Farmington (248-888-8710); Lansing (517-322-1370); Grand Rapids (616-447-2647); and, Escanaba (906-786-5553).

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<sup>26</sup> Rule 436.1127.

<sup>27</sup> Pursuant to MCL 436.1217 (2)(3) and Rule 436.1011 (4).

<sup>28</sup> Compiled by the Lansing district supervisors of the MLCC enforcement division.

**EXHIBIT 42**

**OCT 22 2016**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**IAN MOBLEY, KIMBERLY MOBLEY, PAUL KAISER,  
ANGIE WONG, JAMES WASHINGTON, NATHANIEL PRICE,  
JEROME PRICE, STEPHANIE HOLLANDER,  
JASON LEVERETTE-SAUNDERS, WANDA LEVERETTE,  
DARLENE HELLENBERG, THOMAS MAHLER,  
and LAURA MAHLER,**

Case No. 10-cv-10675  
Hon. Victoria Roberts

Plaintiffs,

v

**CITY OF DETROIT**, a municipal corporation, **Lieutenant VICKI YOST**,  
a Detroit police officer, in her individual capacity, **Sergeant DANIEL BUGLO**,  
a Detroit police officer, in his individual capacity, **Sergeant G. MCWHORTER**,  
a Detroit police officer, in his/her individual capacity, **Sergeant A. POTTS**,  
a Detroit police officer, in his/her individual capacity, **Sergeant CHARLES TURNER**,  
a Detroit police officer, in his individual capacity, **Officer M. BROWN**,  
a Detroit police officer, in his/her individual capacity, **Officer B. COLE**,  
a Detroit police officer, in his/her individual capacity, **Officer TYRONE GRAY**,  
a Detroit police officer, in his individual capacity, **Officer SHERON JOHNSON**,  
a Detroit police officer, in her individual capacity, **Officer K. SINGLETON**,  
a Detroit police officer, in his/her individual capacity, and  
**UNNAMED DETROIT POLICE OFFICERS**, in their individual capacities,

Defendants.

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**DEFENDANTS' RESPONSE TO PLAINTIFFS' SECOND REQUESTS FOR  
ADMISSIONS**

**NOW COME**, Defendants, by and through the undersigned attorneys, and for their Response to Plaintiffs' Second Requests for Admissions, states as follows:

**Request for Admission #4:**

4. Detroit Police officers detained all CAID patrons, including Plaintiffs Ian Mobley, Darlene Hellenberg, Stephanie Hollander, Paul Kaiser, Jason Leverette-Saunders, Nathaniel Price, James Washington, and Angie Wong (hereinafter "CAID Plaintiffs"), for anywhere between one hour and three hours, during which time the patrons were not free to leave the premises or move around the premises at their own will.

**Response:** According to Detroit Police Department Crime Report No. 0805310096.1, Defendants admit that 134 persons were detained at Contemporary Art Institute of Detroit, which included Ian Mobley, Darlene Hellenberg, Stephanie Hollander, Paul Kaiser, Jason Leverette-Saunders, Nathaniel Price, James Washington, and Angie Wong.

**Request for Admission #5:**

5. No Narcotics or other controlled substances were recovered as evidence at the Contemporary Art Institute of Detroit on or about May 31, 2008.

**Response:** Admit.