

MOBLEY et al vs. CITY OF DETROIT, et al

Case No. 10-cv-10675

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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.

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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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
- Whitel Arts
- Ladybug Studio
- Carriage House
- Board Members
- Donate
- Under the Corridor

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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 Whitel 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 Whitel 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

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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."

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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."

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:

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DEPOSITION OF JASON LEVERETTE-SAUNDERS - 10-20-10

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Cross Examination by Ms. James

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E X H I B I T S

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Defendant's Exhibit 10

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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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DEPOSITION OF WANDA LEVERETTE - 10-20-10

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DEPOSITION OF WANDA LEVERETTE - 10-20-10

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I N D E X

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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?

DEPOSITION OF LAURA MAHLER - TAKEN 10-20-10

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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, 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.

DEPOSITION OF LAURA MAHLER - TAKEN 10-20-10

Page 2

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DEPOSITION OF LAURA MAHLER - TAKEN 10-20-10

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I N D E X

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Cross Examination by Mr. Ashford

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Cross Examination by Ms. James

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E X H I B I T S

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Defendant's Exhibit 1

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Defendant's Exhibit 2

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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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DEPOSITION OF DARLENE HELLENBERG - 10-20-10

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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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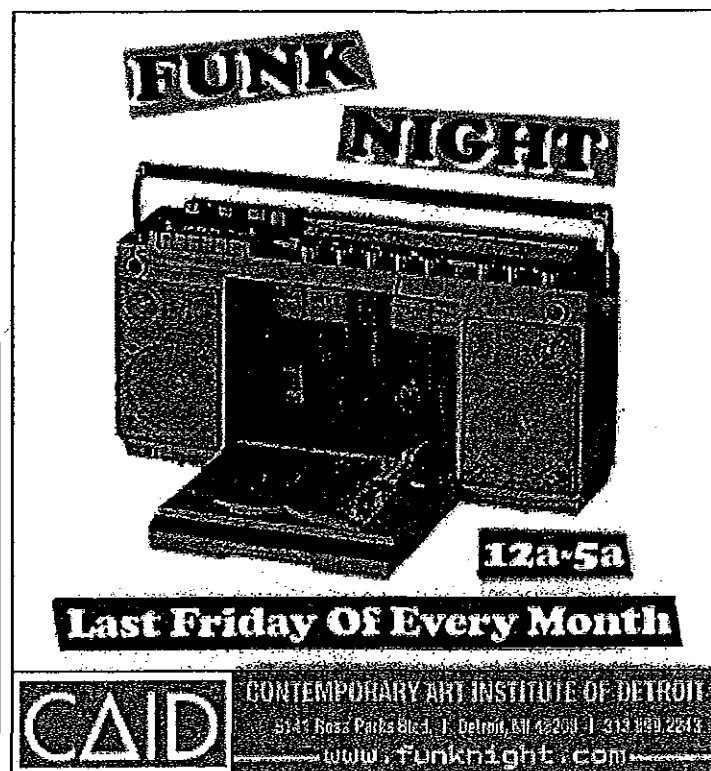
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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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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REPORTED BY: Angel Berry, CSR 7821
Certified Stenographic Reporter

DEPOSITION OF IAN MOBLEY - TAKEN 11-29-10

Page 2

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.

DEPOSITION OF IAN MOBLEY - TAKEN 11-29-10

Page 20

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 gave 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?

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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?

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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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Page 2

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I N D E X

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Cross Examination by Mr. Ashford

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Cross Examination by Ms. James

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E X H I B I T S

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None.

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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 Q. Did any of the uniforms they were wearing have the
2 word "police" emblazoned across the chest or the
3 back?

4 A. It was difficult to see because they had
5 flashlights attached to a shotgun which was
6 promptly stuck right in front of your face so it
7 was difficult to see but I didn't see anything
8 initially that said police.

9 Q. And did you hear the police officers shouting to
10 get to the ground?

11 A. I heard them yelling to people to lay on the
12 ground, yes.

13 Q. Okay. Did they tell you to lay on the ground?

14 A. Yes.

15 Q. Okay. Did you lay on the ground?

16 A. Not initially.

17 Q. Why not?

18 A. Because I didn't know who they were.

19 Q. Okay. They were armed with guns, right?

20 A. With shotguns, yes.

21 Q. So why didn't you follow the directions of somebody
22 who was armed with a shotgun telling you to get
23 down on the ground?

24 A. I didn't know I had to.

25 Q. Okay, then what happened?

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

1 A. Not to my recollection but it was only the police.

2 Q. When you described earlier in your testimony
3 certain actions or interactions that you observed
4 out on the patio or inside the C.A.I.D., were you
5 testifying as to what you personally observed that
6 night and what you remember from that night?

7 A. Only what I observed and what I have from memory
8 that night.

9 Q. While you were at the C.A.I.D. how many times were
10 you searched?

11 A. Maps in excess of five or six.

12 Q. And how many times were you called up by an
13 officer?

14 A. Perhaps three or four times to do their duty, maybe
15 three or four times.

16 Q. Do you know whether or not you were actually
17 ticketed more than once?

18 A. I wouldn't know, they were I guess trying to find
19 out -- they were asking each other who wanted court
20 time and who wanted to be a part of it I guess so
21 they were, they kept calling us up there to do
22 their own paperwork and their own thing so I don't
23 know if I was ticketed more than once or by whom
24 exactly.

25 MS. JAMES: Okay. I don't think I

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EXHIBIT 9

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

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

10 Plaintiffs,

11 Hon. Victoria A. Roberts
12 Magistrate Judge Mona K. Mazoub
13 No. 10-cv-10675
14 -vs-
15

16 CITY OF DETROIT, a municipal
17 corporation, Lieutenant VICKI YOST,
18 a Detroit police officer, in her
19 individual capacity, Sergeant DANIEL
20 BUGLO, a Detroit police officer, in his
21 individual capacity, Sergeant G. MCWHORTER,
22 a Detroit police officer, in his/her
23 individual capacity, Sergeant A. POTTS,
24 a Detroit police officer, in his/her
25 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.

_____ /

22 DEPOSITION OF SERGEANT DANIEL BUGLO
23
24 WEDNESDAY, SEPTEMBER 21, 2011
25

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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.

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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

DEPOSITION EXHIBITS

7

Exhibit 1 - Preliminary Complaint Record 3-29-08

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Exhibit 2 - Preliminary Complaint Record 4-26-08

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Exhibit 3 - DPD Activity Log 3-28-08

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Exhibit 4 - DPD Crime Report No. 0805310096.1

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Exhibit 5 - Anticipatory Search Warrant 08001827

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Exhibit 6 - Ordinance - Sec. 38-5-1
Disorderly Conduct

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13

14

Exhibit 7 - Re-Notice of Taking Deposition
Duces Tecum of Sgt. Daniel Buglo

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Exhibit 8 - DPD Follow-Up Report 0805310096.2

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Exhibit 9 - DPD Follow-Up Report 0805310096.3

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Exhibit 10 - Nuisance Abatement Statute &
Raid Execution/Blind Pig

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Exhibit 11 - October Spoon Room Raid Documents

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Exhibit 12 - November Spoon Room Raid Documents

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Exhibit 13 - Cozy House Raid Documents

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1 Q But, again, whether you had that training prior to May
2 31st, 2008 or not, you don't know; is that right, sir?

3 A Correct.

4 Q When you started in the vice enforcement unit in 2006, how
5 many officers were assigned to that unit that you can
6 recall?

7 A I believe it was myself, Sergeant Turner, and only two
8 other officers that had vice as their permanent
9 assignment.) They had a narcotics crew that would rotate
10 in every twenty-eight days to help with the enforcement.

11 Q So the narcotics crew would rotate in for a term of about
12 twenty-eight days; is that what you're saying?

13 A Yes, sir.

14 Q And how large would that narcotics group be? How many
15 members would you get from that?

16 A It would be another sergeant and maybe seven to ten
17 officers.

18 Q Was there a commander of your unit in 2006 when you
19 started at vice enforcement?

20 A There was a commanding officer, Lieutenant Debra Fair at
21 that time.

22 Q How do you spell that?

23 A D-E-B-R-A and then F-A-I-R.

24 Q Is she still with the DPD?

25 A Yes. She's a commander now with the DPD. She's since

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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?

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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

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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

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1 A The only one that looked the same would have been the
2 doorman, the person working the door. We didn't go inside
3 the first time so --

4 Q I'm sorry.

5 A So, no, the only one I would have recognized would have
6 been the doorman. I didn't see a bartender or any other
7 people from outside.

8 Q But you did see people on March 29th outside the building;
9 you saw individuals who were going into the building,
10 coming out of the building. Am I right about that?

11 A Yes.

12 Q You mentioned fifteen to twenty approximately, at least;
13 is that right, sir?

14 A Yes.

15 Q And were you able to observe, while you were in the CAID
16 on April 26th, any of the same individuals that you
17 observed on March 29th, if you know?

18 A No, I do not know.

19 Q So is it fair to say that upon your return a third time to
20 the CAID, you had no indication whatsoever that any of the
21 same individuals who had been in there on March the 29th
22 and on April the 26th would be in there if you were to
23 return a month later; am I right?

24 A Did I know if the same people would be there?

25 Q Yes.

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1 A No, I did not know if the same people would be frequenting
2 that night as a month prior.

3 Q And even besides knowing it, you had no indication or
4 evidence that there would be any of the same people there,
5 did you?

6 A Did not.

7 MR. GOODMAN: Would you mark this as Exhibit No.
8 3.

9 (WHEREUPON, Deposition Exhibit 3
10 was marked for identification.)

11 BY MR. GOODMAN:

12 Q Sergeant Buglo, I have handed you what has been marked
13 Buglo Deposition Exhibit 3. Can you identify that, sir?

14 A It looks like a Detroit Police Department Activity Log
15 from March 28th, 2008.

16 Q Is this your activity log?

17 A This is mine and my crew's activity log.

18 Q This would be for March 28th, 2008; is that correct?

19 A Yes.

20 Q And what shift would that be?

21 A It looks like we started at three. It would be three to
22 eleven. No. Three to three we got off duty, so we must
23 have been on overtime.

24 Q So this shift extended into March the 29th; is that
25 correct?

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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?

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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

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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

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1 A It's the Central District.

2 Q For a moment, I want to go -- We'll come back to this, but
3 I want to mark another exhibit.

4 (WHEREUPON, Deposition Exhibit 5
5 was marked for identification.)

6 BY MR. GOODMAN:

7 Q Do you have a copy of the search warrant?

8 A Yes, I do have it.

9 Q I have handed you a document which I have described as
10 Buglo Deposition Exhibit No. 5. Can you identify that,
11 sir?

12 A It's an Anticipatory Search Warrant No. 08001827.

13 Q At the bottom of the warrant itself is the signature of an
14 affiant. Do you see that?

15 A Yes.

16 Q And who is that?

17 A It's my signature.

18 Q And there's some notation below the line where your
19 signature appears, and I can't read that. Can you?

20 A The name, I think it's DeYoung for the assistant
21 prosecuting attorney.

22 Q Yeah.

23 A I believe it's DeYoung.

24 Q You're right.

25 A And there's a P number.

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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

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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.

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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?

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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

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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.

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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

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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.

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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.

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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

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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

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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?

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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

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1 I believe a couple of tables with officers sitting behind
2 the tables and with the patrons in front. They would come
3 up one at a time with their identification, or if they
4 didn't have identification, they would give their name.

5 The tickets were written, and they were eventually brought
6 over to me. I put them in the computer.

7 Q The tickets were brought over to you, or the people were
8 brought over to you?

9 A The tickets.

10 Q Did you see the citation being given to any of the
11 particular people who were --

12 A Myself and another officer were set up right behind the
13 main processing table, so I saw -- They were forward, kind
14 of where the person taking the entry fee or the cover
15 charge was, and we were a few feet behind them, so I saw
16 them as they went to the table and then subsequently out
17 the door.

18 Q Different officers were writing different citations; is
19 that right?

20 A Yes.

21 Q And the officers were members of the raid team; is that
22 correct?

23 A Members of the raid team and members of vice. I don't
24 know if tactical mobile officers had their names written
25 on any of the tickets or not.

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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

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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

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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?

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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.

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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

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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.

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1 memorize descriptions and approximate ages and things like
2 that of over a hundred people, them being in the location.

3 Q You were not the arresting officer on every one of these
4 citations; isn't that right?

5 A Nobody was arrested.

6 Q Well, the writer of -- the issuer let's call this.

7 A Yes, I was the issuing officer.

8 Q You did some of the issuing of citations; is that right?

9 A Yes.

10 Q But not all of them?

11 A Correct.

12 Q Approximately how many did you do?

13 A Three or four.

14 Q Is there any reason why you couldn't have written down a
15 description of the three or four people who you issued
16 citations to?

17 MR. ASHFORD: Objection to foundation.

18 BY MR. GOODMAN:

19 Q Over objection.

20 A Just the logistical reason. I would have had to have gone
21 back through the crowd and tried to pick out this person
22 from that person. Getting the main engagers is a priority
23 over the loiterers, if that makes sense.

24 Q Even the main engagers, however, weren't described; is
25 that right?

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1 four more.

2 Q Did you observe any physical force being used to either
3 get people to stand up or sit down or comply in any way
4 with these orders?

5 A When they first made entry, myself and Lieutenant Yost
6 were more toward the front where there were less people.
7 The majority of the people were either in the back dance
8 area, in the back outside gated area, or in the little
9 hallway. So the people that I saw, the handful that I
10 saw, the narcotics crew, as they went through, people got
11 down on the floor on their own, and I did not see any
12 assistance being given to them to get to the floor. The
13 people I saw complied verbally with the verbal commands.

14 Q So you observed no physical force whatsoever; is that
15 correct?

16 A Correct.

17 Q Did you see anyone being kicked by a police officer?

18 A No.

19 Q Have you ever heard reports of anyone being kicked by a
20 police officer?

21 A In my career?

22 Q No. In the course of this particular raid.

23 A I think afterwards I overheard somebody say that he was a
24 law student or a lawyer, and he was forced to the ground,
25 or he tried to get up and express himself, and he

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1 complained that he was forced to the ground, but I did not
2 observe it firsthand.

3 Q Do you know whether that gentleman said that he had been
4 kicked?

5 A You know, he said forced to the ground. I don't know. I
6 don't recall if he said kicked or not.

7 Q Might have?

8 A Possibly. I don't recall.

9 Q Do you recall him showing you any article of his apparel
10 that showed any footprints on his shirt let's say?

11 A No.

12 Q Did you investigate his claim that he had been forced or
13 pushed to the ground?

14 A No. Like I said, there's a lot of things that you hear
15 going in passing, and I believe I heard that when I was
16 getting up to walk outside to get my badge and then come
17 back in, and after that, it wasn't brought up again to my
18 attention, and I did not investigate it further.

19 Q To whom did that gentleman make that statement?

20 A I don't believe he singled out anybody. I believe he was
21 just talking.

22 Q Can you describe him physically?

23 A He was a male, and he was kind of around a corner from
24 where I was. From where I heard his voice from, he was
25 around the corner, and I believe I saw him briefly later,

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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

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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

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1 face masks on.

2 Q By face masks, what do you mean?

3 A Their faces are covered; their nose and eyes are exposed.

4 Q Is this something that's also known as a balaclava? Have
5 you heard that?

6 A Yes, I have heard that. That is comparable to the gear
7 they wear, and the rest are a uniform that's black like
8 mine. And they're in black shirt and black pants much
9 like I'm wearing, but I don't believe they have name tags
10 or their badges or patches. I think they have a narcotics
11 patch on.

12 Q The narcotics patch being what? Can you describe that,
13 please?

14 A It's their unit insignia patch. It says Detroit Police
15 Narcotics. I believe it's gray and white.

16 Q As far as personal identification of the officers, if I
17 were to encounter you on the street, I would know your
18 name immediately because you have a name tag on your shirt
19 there, right?

20 A Correct.

21 Q What about the officers that came in on the raid the night
22 of May 31st, 2008?

23 A I don't know if they have name tags embossed on their
24 shirt. There is a police patch on either the left or

25 right side, and there's a big police patch on the rear of

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1 the shirt, also.

2 Q So that would identify them as being members of the
3 Detroit Police Department; is that correct?

4 A Yes.

5 Q Would it identify them by name?

6 A No.

7 Q Did they have anything on them that would allow a person
8 who was seated on the floor or who was being detained to
9 identify them by name other than asking the person's name?

10 A No.

11 Q Did they have any kind of shields or formal -- any kind of
12 protection like such as a shield? Do you know what I mean
13 by shield? Riot gear.

14 A No.

15 Q Was anyone carrying a flashlight?

16 A Yes.

17 Q How many of the officers had flashlights?

18 A I don't know.

19 Q Were the flashlights on?

20 A I don't recall. In our front room, it was lit up pretty
21 well, but every officer routinely carries a flashlight.

22 Q Now, you had engaged in undercover surveillance of this
23 location on three separate occasions; is that right?

24 A Yes.

25 Q Had you ever been there before that, by the way?

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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.

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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?

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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.

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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

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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

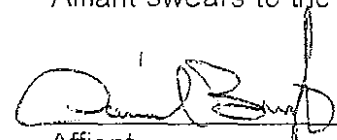
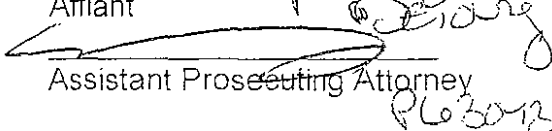
To the Sheriff or any peace officer of said county:

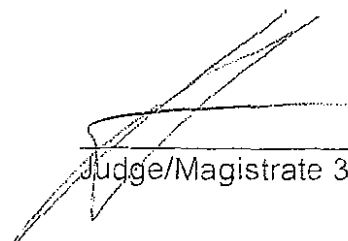
Affiant, Sergeant Daniel Buglo, badge S-444, having subscribed and sworn to an affidavit for a search warrant, and I having under oath examined affiant, am satisfied that probable cause exists:

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
PLB 5/8/12


Judge/Magistrate 36th 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.

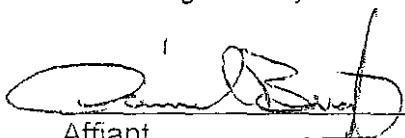
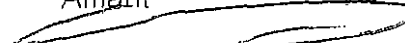
Affiant has participated in Narcotic and Vice related raids and along with members of Vice Enforcement, is currently conducting an investigation after receiving a complaint of unlicensed, after hours alcohol sales, and narcotic activity occurring at 5141 Rosa Parks Blvd, commonly known as "**Contemporary 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 36th Dist. Ct.

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STATE OF MICHIGAN

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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.

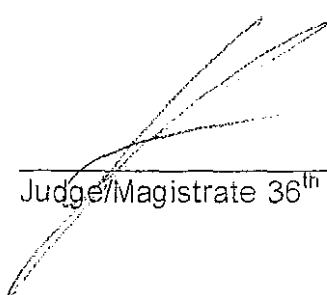
On May 24, 2008 at 2:05AM, Vice Enforcement conducted a surveillance operation (moved and fixed) at 5141 Rosa Parks Blvd. in order to investigate of illegal "Blind Pig" activity that occurs the last Friday of each month. At the location, affiant observed several white males and females entering the location 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

PLBMB


Judge/Magistrate 36th Dist. Ct.

STATE OF MICHIGAN

AFFIDAVIT

08001827

SS

County of Wayne

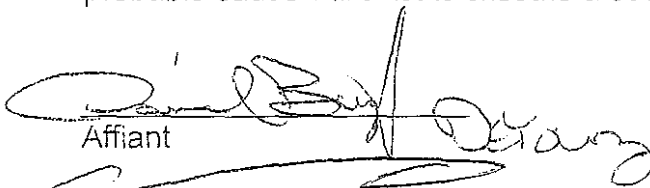
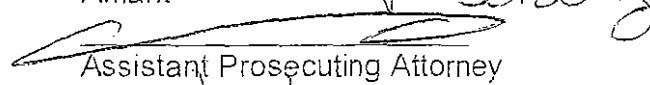
On May 29, 2008, affiant spoke with Ms. Tamara Williams of the Business License Department of Consumers Affairs who stated that the business located at 5141 Rosa Parks Blvd. has not been issued a City of Detroit Business License.

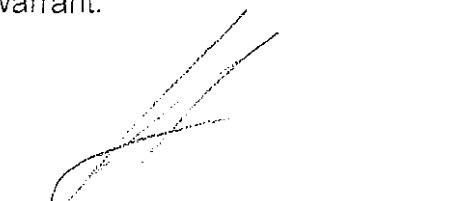
On May 29, 2008, affiant spoke with Police Officer Kenneth Hayes of the Detroit Police Department's Liquor License Unit and inquired into the status of 5141 Rosa Parks Blvd. Affiant was advised that this location has no license on file with the Liquor License Unit. Affiant confirmed this information 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-2043


Judge/Magistrate 36th Dist. Ct.

08001827

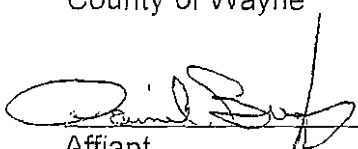
Should Affiant not observe this activity, this warrant will not be executed

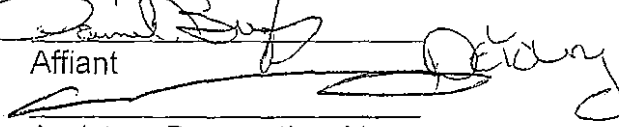
STATE OF MICHIGAN

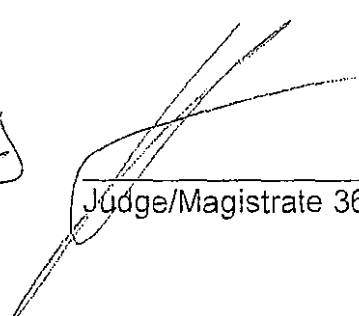
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County of Wayne


Affiant


Assistant Prosecuting Attorney
P62013


Judge/Magistrate 36th Dist. Ct.

DETROIT POLICE DEPARTMENT CRIME REPORT

DETROIT POLICE DEPARTMENT

Case No. 0805310096

Report No. 0805310096.1

Report Date: 5/31/2008

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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	5/31/2008 2:20:00 AM	Verified By			
(and Between)		Date Approved			
Location	5141 ROSA PARKS BLVD.	Approved By			
CSZ		Connecting Cases		Assist Agency	
Census/Geo Code	5150	Disposition	CITATION		
Grid	C2 - 0102	Tactical Actions			
Call Source	OTHER	Clearance Reason			
Vehicle Activity		Date of Clearance			
Vehicle Traveling		Reporting Agency	DETROIT POLICE DEPARTMENT		
Cross Street		Division	VICE SECTION		
Means		Notified			
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 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. COLEMAN.

DEF. 6: MEGAN MARIE LLAMAS, W/F/24, 7/31/83 OF 203 COLLEGE, FERNDAL, 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 BALTIMORE, 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., FERNDAL, 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.

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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

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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: MICHELLE 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.

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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 ELSON, 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.

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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.

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 ILL., MI. ISS ORD U42360208

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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 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.

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 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.

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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. 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 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				

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6 EXAMINATION BY MS. GIAQUINTO:..... 151

7 RE-EXAMINATION BY MR. GOODMAN:..... 152

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11 Exhibit Page

12 (Exhibits attached to transcript)

13 NOTE: Exhibits listed in order presented.

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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

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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.

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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

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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

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1 happened in those raids routinely, is that right?

2 A. That was based on my familiarity with the City
3 Code.

4 Q. And how are you familiarized with the City Code?

5 A. I don't understand.

6 Q. Who showed it to you, who informed you this is
7 the law that we're enforcing here?

8 A. I don't specifically recall.

9 Q. Was it your predecessor, Debra Fair?

10 A. I'm sure I had seen that version of the City Code
11 prior to my time at Vice Enforcement.

12 Q. Prior to your time in Vice Enforcement?

13 A. I'm sure.

14 Q. Why is it that you would have seen it prior to
15 your time in Vice Enforcement?

16 A. One --

17 Q. Did you have occasion to enforce that particular
18 provision of the law?

19 A. Not that I would specifically recall.

20 Q. But it was your understanding that the law itself
21 authorized Detroit police officers to arrest
22 anyone who was present at a location -- an
23 unlicensed location where alcohol was being sold
24 and where alcohol was being sold after 2 AM
25 regardless of whether those people knew that the

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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?

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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.

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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

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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

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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?

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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.

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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.

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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?

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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

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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

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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

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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

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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.

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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

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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.

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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

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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

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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.

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1 Q. Can you find any of those references in here?

2 A. 1 and 3.

3 Q. These would be the engagers?

4 A. Yes.

5 Q. Any of the -- how about any of the patrons, did
6 you sign any for any of the patrons?

7 A. I don't believe so, but let me look. It does not
8 appear so.

9 Q. Now, going to the processing of the patrons after
10 the raid was executed, after the warrant was
11 executed and the raid occurred how was it decided
12 which officers would sign the citations for
13 individual patrons?

14 A. That would have been determined by probably the
15 supervisor inside.

16 Q. Who was the supervisor inside?

17 A. I believe it would be Sgt. Turner.

18 Q. So you had nothing to do with this process?

19 A. I don't know that I had nothing to do with that
20 process, but I don't micro-manage my supervisors
21 to the extent that if they have a process that
22 works, then they have people who are familiar
23 with certain assignments and those people would
24 be assigned based on their determination.

25 Q. So the guidelines though are guidelines set by

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1 Q. You testified earlier that there are times when
2 people are not given citations for loitering in a
3 place of illegal occupation such as if they're a
4 minor. Do you remember that?

5 A. There may be exceptions, yes.

6 Q. How are those exceptions taken into account by
7 the arresting officers in a raid such as this?

8 A. You'd have to ask the officers who issued the
9 tickets. They were not the arresting officers,

10 but they were the officers who issued the

11 tickets.

12 Q. Right, the officers who issued the tickets. So
13 as the commanding officer, you have no
14 decision-making authority with regard to whether
15 these people are or are not given citations?

16 A. You didn't ask me that.

17 Q. That's what I'm asking now.

18 A. As the commanding officer I would have discretion
19 that I could certainly provide an exception for
20 if I thought it was valid.

21 I don't recall providing any said
22 special circumstances here.

23 Q. How is that description brought into play in a
24 raid such as this one? How is your discretion
25 called upon?

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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

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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,

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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

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1 these individuals."

2 A. Yes, that's what it says.

3 Q. "This disposition will be at the discretion of
4 the raid commander," is that right?

5 A. Yep.

6 Q. And the raid commander was the person from
7 Narcotics?

8 A. They would have been the entry team commander,
9 yes.

10 Q. The entry team commander has the discretion to
11 decide the disposition of the individuals from
12 whom the information is taken?

13 A. No, that would have been mine.

14 Q. So that reference to raid commander is to you, is
15 that right?

16 A. That's the way I would interpret it, yes.

17 Q. And at this point the patrons who were loiterers
18 are prisoners, is that right?

19 A. No.

20 Q. I thought this section of the policy here is
21 called prisoner processing. Is that a misnomer,
22 they're not prisoners?

23 A. They're not -- they're detained, they're not
24 prisoners in the sense of they're going to be
25 escorted to the precinct and processed there.

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1 Q. So you disagree with that use of the word
2 "prisoner", correct?

3 A. Well, I think the problem here is we're talking
4 about two different things. Prisoner processing
5 may apply and some of the raids we do end up
6 arresting folks and prisoner processing does
7 apply.

8 In some cases, it's just more of a
9 detaining processing.

10 Q. Do you agree -- well, let me put it this way.

11 Was this policy with regards to
12 "prisoner processing" in place at the time of the
13 CAID raid which would have been May 31, 2008?

14 A. I don't recall.

15 Q. Wasn't it the case that the disposition with
16 regards to each patron/loiterer as of May 31,
17 2008 was at the discretion of the raid commander
18 which would have been you?

19 A. I think that would be fair.

20 Q. Now, who was -- which unit was responsible for
21 the processing of the patrons/loiterers?

22 A. You would have to ask Sgt. Turner or someone who
23 made that assignment.

24 Q. But it was handled by Sgt. Turner who was from
25 Vice Enforcement, isn't that right?

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1 A. He would have been designated, yes.

2 Q. And the officers who were taking the information
3 that's referenced in this section of the policy
4 would have been Vice Enforcement officers or --

5 A. Perhaps, perhaps not.

6 Q. What other units might they have come from?

7 A. The units already stated, Narcotics or Tactical
8 Mobile.

9 Q. All of those units are available to assist in
10 taking information during the processing?

11 A. Depending on how the sergeant had it set up.
12 Again, that was the sergeant's determination.
13 Depending on how he would have set it up, could
14 have been.

15 Q. So where it says, "All crew members will be
16 assigned secondary assignments after the raid is
17 considered safe," the crew members here are
18 members of what crew?

19 A. This is a Vice Enforcement SOP, so it would be
20 referring to the Vice crew.

21 Q. It says, Number 1, prisoners processing
22 (searched, name check, etc), evidence processing
23 (counting confiscated monies, liquor, etc)".

24 Is every person, every patron who is
25 given a citation for loitering to be searched?

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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.

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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

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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.

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1 Q. What was that determination based on?

2 A. Based on the nuisance abatement statute and
3 conversation with the Wayne County Prosecutor's
4 Office.

5 Q. Who did you talk to at the Wayne County
6 Prosecutor's Office?

7 A. I don't recall.

8 Q. Was it an assistant prosecutor?

9 A. Could have been.

10 Q. Could have been anyone else?

11 A. It could -- it was someone in Forfeiture.

12 Q. So --

13 A. There's a deputy chief over Forfeiture that I've
14 had contact with, there's also APAs, so which one
15 I spoke to about this particular raid I don't
16 recall.

17 Q. So you might have spoken to a deputy chief or you
18 might have spoken to an APA, is that correct?

19 A. Correct.

20 Q. Who was the deputy chief at that time?

21 A. Brian Moody I believe.

22 Q. Would there be any documentation of the
23 conversations that you had with Deputy Chief
24 Moody or an APA?

25 A. Other than the review of the search warrant, but

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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

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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

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1 Q. It says here that "she..." that's you,
2 "... stated that vehicles were seized under her
3 direct order."

4 Is that an accurate statement?

5 A. I don't know if I said that to them or not.

6 Q. I'm not now asking whether you said these things.

7 I'm asking whether what's said is true, that
8 vehicles that were seized were seized under your
9 direct order?

10 A. Yes.

11 Q. So the statements that are -- I'm not asking
12 whether you said these things. I'm asking you
13 whether they are accurate or not, whether they
14 are true or not?

15 A. The statements plural?

16 Q. Yes, that are attributed to you on this page.

17 A. There's a lot that's attributed to me on this
18 page.

19 Q. That's right.

20 A. And were we charged a cover, yes. Did I observe
21 people with alcohol, yes.

22 MS. GIAQUINTO: Let him ask questions,
23 if he's asking a question.

24 BY MR. GOODMAN:

25 Q. All right, here's one.

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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

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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

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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

DECLARATION OF AARON TIMLIN

STATE OF MICHIGAN)

)ss.

COUNTY OF WAYNE)

I, Aaron Timlin, state the following:

1. I have been the Executive Director of the Contemporary Art Institute of Detroit ("CAID") since 2007.

2. I am personally familiar with the video surveillance equipment that was used at our 5141 Rosa Parks Blvd. location in the City of Detroit on May 30 and 31, 2008.

3. The surveillance equipment digitally records video (but not audio) footage of certain areas inside and around the CAID.

4. The video surveillance equipment was in good working order on May 30 and 31, 2008.

5. At some time during the morning of May 31, 2008, I personally checked the video surveillance equipment to preserve the footage that had been recorded the previous evening and earlier that morning.

6. The digital recordings of the footage captured in the late evening hours of May 30, 2008 through the morning hours May 31, 2008 are in my possession to this day.

7. In May 2011, I allowed a person from the ACLU of Michigan to copy the complete digital files of those recordings, pursuant to a subpoena that I received on behalf of the CAID.

8. To my knowledge, the digital files that I allowed them to copy were true and accurate recordings of the footage captured by the surveillance equipment the late evening hours of May 30, 2008 through the morning hours May 31, 2008.

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.



Aaron Timlin

Executed the 29th day of March, 2012

EXHIBIT 14

EXHIBIT 14

CAID Surveillance Video on DVD (Excerpts)

to be filed in the traditional manner

Stephanie Hollander

November 22, 2010

Page 1

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
LEVERLETTE, 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:

GOODMAN & HURWITZ, P.C.
BY: KATHRYN BRUNER JAMES, ESQ.
1394 W. Jefferson Avenue
Detroit, Michigan 482707
(313) 567-6170

Appearing on behalf of Plaintiff,

RELIANCE COURT REPORTING
(313) 964-3611

RELIANCE COURT REPORTING
(313) 964-3611

1 APPEARANCES (Continued):

2 CITY OF DETROIT - LAW DEPARTMENT
3 BY: JERRY L. ASHFORD, ESQ.
4 660 Woodward Avenue
5 1650 First National Building
6 Detroit, Michigan 48226
7 (313) 237-3089

8 Appearing on behalf of Defendant,

9 AMERICAN CIVIL LIBERTIES UNION OF MICHIGAN
10 BY: DANIEL S. KOROBKIN, ESQ.
11 2966 Woodward Avenue
12 Detroit, Michigan 48201
13 (313) 578-6824

14 Appearing on behalf of ACLU of Michigan.
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Stephanie Hollander

November 22, 2010

Page 3

1 I N D E X

2

3 WITNESSES:

PAGE

4 STEPHANIE HOLLANDER

5 Examination by Mr. Ashford

5

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9 EXHIBIT:

DESCRIPTION

MARKED

10 (None marked.)

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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 A. Eight and a half by eleven.

2 Q. So after you paid your fee, your hand was stamped, you
3 filled out the membership renewal and you walked in.
4 Where did you go?

5 A. I stood in the area, the front area between the bathroom
6 and the bar.

7 Q. There was a bar?

8 A. Yes.

9 Q. This in, like, the front room?

10 A. Yes.

11 Q. And there's a back room where the DJ is?

12 A. Yes.

13 Q. Is there any other rooms?

14 A. There's an upstairs. And there's a bathroom.

15 Q. So on the bottom floor, there's a bathroom?

16 A. Right.

17 Q. There's the back room where the DJ is and there was a
18 front where you enter?

19 A. Yes.

20 Q. Have you ever been in the bathroom?

21 A. Yes.

22 Q. Have you seen any type of drug paraphernalia on the
23 bathroom floor?

24 A. No.

25 Q. At the bar, did you see any of the guests or members

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

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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

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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 say it's the police or anything similar to that.

2 Q. How were they dressed?

3 A. Most were dressed in all black. Most of them had masks
4 covering their faces.

5 Q. The entire face?

6 A. Well, they needed someplace to see. They had it almost
7 like in the old west, like a bandana covering up to maybe
8 the top of their nose. I seen a few like that. Some had
9 camouflage-style dark outfits on. Some had all black in
10 terms of the mask. A few had uncovered -- they weren't
11 covering their faces.

12 It was very shocking, and it happened very
13 quickly, them coming in, announcing who they are. A lot of
14 loud screaming from the people that were coming into the
15 place with, you know, guns pointed at you and scopes and
16 flashlights on the guns pointed at you. It's hard to like
17 stop and like figure out what's happening when you are in
18 that kind of shock.

19 Q. I'm going to show you what's been marked as Defendant's
20 Exhibits 5, 6 and 7. And what I'm interested in these
21 exhibits is the gentleman standing outside the building and
22 how they are dressed.

23 Can you tell me if you see the same attire that
24 you -- in the exhibits that you saw on May 31st of 2008,
25 the same police attire?

1 happened after that?

2 A. I had been explaining that people started going to the
3 ground.

4 Q. Were you still outside at this time?

5 A. Yes, I was.

6 Q. Then what happened?

7 A. I thought it would be in my best interest to get down,
8 also, so I -- I -- what I did was, I kneeled to the ground,
9 put my hands on top of my head.

10 Q. What do you mean kneel? Did you squat or did you get on
11 your knees?

12 A. I got on my knees. And I hunched forward with my hands on
13 my head, both my hands visible for the officers to see that
14 I wasn't threatening in any way; I leaned forward.

15 The reason I didn't go entirely to the ground,
16 because there had been quite -- quite a bit of rain that
17 had occurred earlier in the day, and it was a pretty muddy,
18 dirty condition in that back courtyard. So I had my hands
19 on top of my head and hunched forward while I was kneeling
20 down on the ground.

21 Q. Then what happened?

22 A. The officers, once they got control of the situation where
23 everybody was down, came around -- it was hard, you know,
24 when you are in that situation; I wasn't really willing to
25 move my head around and take a look to see what's

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 Q. You do not know his badge number?

2 A. No, I don't. They wouldn't tell me why they were doing the
3 raid; I wasn't about to ask for a badge number after
4 getting kicked down to the ground like that.

5 Q. Were you injured as a result of the officer kicking you?

6 A. Yes.

7 Q. And how were you injured?

8 A. My back and my left shoulder.

9 Q. How was your left shoulder injured?

10 A. When I came forward, I put -- and he stepped on me, I had
11 my left hand on the ground, and it just -- the weight and
12 the pressure did something to my left shoulder as I was
13 trying to brace myself going down to the ground.

14 Q. Where did he step on you?

15 A. My back.

16 Q. What part of your body? So the injury you suffered, is
17 that from him stepping on your back, or is it from him
18 kicking you?

19 A. I would -- I can't separate the two.

20 Q. Well, did you feel pain when he kicked you?

21 A. I wasn't feeling any pain at that time; I was in shock. It
22 was a very traumatic experience, going through something
23 like that. And you are just hoping that everything works
24 out okay.

25 That's not the first thing I was concerned about.
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1 My concern was not getting kicked again and doing whatever
2 I needed to do to not get kicked again.

3 Q. When he stepped on you, did you feel any pain?

4 A. I think I answered the question the best that I could. It
5 wasn't -- pain wasn't flowing through my body at that time.
6 My adrenaline was going pretty quick. Most people don't
7 feel that type of pain in a fight-or-flight situation like
8 that. And I don't think that -- I wasn't concerned about
9 feeling pain by this guy; I was concerned for my safety.
10 And that wasn't the thing I was thinking about.

11 Q. Did you eventually feel pain on your back?

12 A. Yes, I did.

13 Q. When?

14 A. Later that night.

15 Q. Did you eventually feel pain in your left shoulder?

16 A. Yes.

17 Q. And when did you start feeling that pain?

18 A. Like -- actually, it was the morning time, so later that
19 morning on both occasions.

20 Q. When did you first treat -- strike that.

21 When did you first seek treatment for the pain in
22 your back?

23 A. I was hoping that this would be something that would just
24 go away; I didn't expect it to linger around. I thought
25 maybe the back pain or the shoulder pain would go away, so

1 I was taking over-the-counter Advil and Aleve to deal with
2 it.

3 Eventually - it's in my medical records - I
4 probably went five to six days later. When the pain didn't
5 subside, that's when I checked it out with the doctor.

6 Q. When you went to go see the doctor regarding your back, did
7 you also go see him regarding your left shoulder?

8 A. Yes.

9 Q. So you are laying in the mud. Do you still have your hands
10 on your head?

11 A. No, they cuffed me.

12 Q. Do you know the name or badge number of the officer that
13 cuffed you?

14 A. No. Once again, I wasn't concerned at that point with
15 obtaining names and badge numbers. And I wasn't worried
16 about looking around to see what was happening, because it
17 was a very threatening situation. I was doing whatever I
18 could to avoid any altercations.

19 Q. Did you see any -- strike that.

20 Besides what you've told me today about your own
21 situation, did you see any other physical abuse by Detroit
22 police officers?

23 A. I saw to the right of me where Angie was, her get kicked
24 forward to the ground, too.

25 Q. Can you describe to me how that happened in more detail?

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

1 other indications that they were police officers.

2 Q. Okay.

3 A. That came later.

4 Q. You testified earlier that you did not turn around to look
5 for a badge or name tag or description of the officer that
6 kicked you.

7 A. That's correct.

8 Q. Once you were able or felt free to view the officers, did
9 they have visible badges or name tags?

10 A. Some of them did and some of them didn't. And I was -- as
11 I saw -- even as I saw the people rushing in immediately,
12 some of them weren't -- they weren't all wearing the same
13 outfits; they had different bits and pieces. Most of
14 them -- if anything, it was like they had an intent to
15 disguise their identity, you know. Looking at people in
16 face masks and other things, it was like they were doing
17 everything not to be identified as who they are.

18 MS. BRUNER-JAMES: That's all for me.

19 MR. ASHFORD: I have just one more question for
20 you.

21 FURTHER EXAMINATION

22 BY MR. ASHFORD:

23 Q. When you entered into the CAID and you showed your ID --

24 A. Yes.

25 Q. -- did they tell you why they were requesting to see your
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1 single picture, and those are several boot prints on my
2 back from the officers being in the mud.

3 Q. Do you recall approximately what time the picture was
4 taken?

5 A. It had to be around five or 5:30 in the morning on the day
6 that we were arrested, 5:30 in the morning, I think.

7 MS. BRUNER-JAMES: Okay. Nothing else.

8 FURTHER EXAMINATION

9 BY MR. ASHFORD:

10 Q. This picture was taken by Mark, you said?

11 A. Yes. It was taken with a cellphone camera. And, you know,
12 in 2008, cellphone cameras weren't the best. But I think
13 you can get a pretty good idea of the number or multiple
14 boot prints on my back.

15 Q. So is this a photograph of your back?

16 A. Yes.

17 Q. And it's taken by Mark Kaiser?

18 A. That's correct.

19 Q. At some point during the morning hours of May 31st, 2008?

20 A. Yes.

21 Q. Is this your upper back?

22 A. This -- I'm wearing a button-up shirt. This is the bottom
23 boot print, as you can see, like near the bottom of the
24 picture. It's probably the top of my buttocks, and then it
25 goes all the way up to my mid-back. And if you look on the

1 right side of the picture, you can see my arm, the back of
2 my arm, and then up to my elbow, the elbow starts, the
3 sleeve going up.

4 Q. Thank you. I'm sorry, where was this taken again?

5 A. At Brey's hamburger place in Hazel Park.

6 Q. And it was taken using your brother's cellphone?

7 A. My brother's cellphone, yeah.

8 Q. Do you know if he still has that cellphone?

9 A. I do not know. Probably not, but that's -- I don't have
10 personal knowledge.

11 Q. Is this photograph on your computer?

12 A. I don't think that I have this photograph on my computer,
13 but I believe that my attorneys may have it on their
14 computer.

15 Q. Do you know how your attorneys received it? Was it from
16 you or from Mark?

17 A. It was I believe from me. I believe I sent it to them.

18 Q. Did you send it electronically?

19 A. I believe that I did.

20 Q. Do you know if there are any prints of this picture that
21 exist?

22 A. Any actual prints?

23 Q. Yes.

24 A. I don't know that there are.

25 MR. ASHFORD: I have nothing further.
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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, 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

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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 Yes, they were all dressed differently.

2 Q So you did not see the word "Police" on the clothing
3 of any of the officers that came into the backyard?

4 A I didn't see it on the first officer. One of the
5 subsequent officers that came into the backyard had
6 the word "Police" on her sweat pants on the side I
7 believe in letters about this big --

8 MS. BRUNER-JAMES: Let the record reflect it
9 was about four inches between his thumb and index
10 finger when he said "this big".

11 THE WITNESS: By that point we were already
12 all on the ground and that's when I finally realized
13 that these people might be police.

14 BY MR. ASHFORD:

15 Q When they came through the door did they identify
16 themselves as police?

17 A No.

18 Q Was it fairly chaotic out there and noisy when they
19 came through the door?

20 A It was noisy before they came through the door but as
21 soon as he came through the door with his weapon it
22 immediately calmed down.

23 Q Were they shouting when they came through the door?

24 A Yeah. He told us to get the fuck down.

25 Q What about the officers that were following him?

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

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.

USDC Case No. 10-10675
Hon. Victoria A. Roberts

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.

DEPOSITION OF NATHANIEL PRICE - 11-23-10

Page 2

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DEPOSITION OF NATHANIEL PRICE - 11-23-10

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1

I N D E X

2

WITNESS

PAGE

3

NATHANIEL PRICE

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Examination by Mr. Ashford

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Examination by Ms. James

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E X H I B I T S

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MARKED

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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

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:

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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 (None Marked)	Page
	- - -	

LUZOD REPORTING SERVICE

(313) 962-1176

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 were dressed on May 31st of 2008?

2 A. Well, all I know, they were wearing all black and ski
3 masks. They had assault rifles with lights on them. I
4 mean, I can't describe them to a T, while I'm getting like
5 a rifle like pointed at my face telling me to get the fuck
6 down and getting kicked.

7 Q. Eventually you were brought into the front room, right?

8 A. Yeah.

9 Q. And there was some lighting in the front room?

10 A. Yeah.

11 Q. The officers were walking around, right?

12 A. Uh-huh.

13 Q. And you could see their uniforms, right?

14 A. Yeah.

15 Q. Some of them were dressed and in a patrol uniform?

16 A. Yeah.

17 Q. With a badge on?

18 A. Yeah.

19 Q. And some were in --

20 A. Are you talking about in this?

21 Q. Yeah. Some were dressed in this entire black -- entire
22 black outfit that you are talking about, correct?

23 A. Yeah, correct.

24 Q. Those that were dressed in the black outfit, do you see the
25 police apparel that they were wearing?

1 A. Yeah.

2 Q. In Exhibits 5 through 7?

3 A. Yeah.

4 Q. Did they have this reflective white lettering "Police" on
5 their backs?

6 A. When I was in the patio?

7 Q. No, did you ever see them with that on while you were
8 inside the CAID?

9 A. Yes, I did see them with that on inside the CAID.

10 Q. What happened after the officer -- strike that.

11 What were you wearing that night?

12 A. I was wearing a pair of white six-inch heels, light jeans,
13 a white shirt.

14 Q. Okay. What happened after the officer kicked you into the
15 mud?

16 A. I just laid in the mud and didn't say a word. Because I
17 was afraid that they were going to start hitting me if I
18 opened my mouth.

19 Q. Were you looking around?

20 A. I was trying to.

21 Q. Did you see any other physical abuse of attendees by
22 Detroit police officers besides what happened to you and
23 Paul?

24 A. I mean, before I got -- before I was like face down in the
25 mud, I was kind of looking around while Paul was being

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 then we went to where Paul was staying at his parents. And
2 then Paul gave me a ride home back to my house where I was
3 staying.

4 Q. While you were at Brey's, did anyone take any photographs
5 of Paul?

6 A. Yep.

7 Q. Who took a photograph of Paul?

8 A. Mark.

9 Q. Did you take any photographs?

10 A. Yes. We took pictures of each other, but I don't have my
11 old phone; otherwise, I would bring it in.

12 Q. You don't have the pictures?

13 A. No. It was on my old phone.

14 Q. What happened to that phone?

15 A. I lost it.

16 Q. When did you lose it?

17 A. Geez, I don't know. I don't know. That was like -- I
18 can't remember right now. I mean, probably like seven, six
19 months after that.

20 Q. Why were pictures taken of you?

21 A. Because I had a big footprint on the back of me.

22 Q. You had a big footprint on what?

23 A. On the back of me. I was taking pictures of them, too,
24 because they had footprints all over them. But, I'm
25 saying, the pictures that I took, like I didn't have them

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?



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	Mileage On Duty	Fuel Level On Duty	Microphone Working?	Video Camera Working?	PPE Kit Number	Car Clean?	Spare Inflated?	Hand Spotlight?	Fire Extinguisher?
055039	21497	1/2	No	Yes	—	Yes	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			
—	—	21500	12.7	34.4	21532				
PRINT MEMBER (S) RANK & NAME AND AFFIX SIGNATURE					BADGE	ON DUTY	OFF DUTY	# O.T. HOURS	TICKET RECAP
									MOV
1. Sgt G. McNeely, [Signature]					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:

LT. ROSECO [Signature]		SIGNATURE		5/30/08	8:30 PM
SUPERVISOR CHECKING THE LOG IN (PRINT RANK/NAME)				DATE CHECKED IN	TIME CHECKED IN
LT. ROSECO [Signature]		SIGNATURE		5/30/08	8:30 PM
SUPERVISOR REVIEWING THE LOG (PRINT RANK/NAME)				DATE CHECKED IN	TIME CHECKED IN
LUNCH LOCATION: Not Taken		TIME LUNCH TAKEN: N/A		NAME OF MEMBER THAT VEHICLE KEYS WERE TURNED OVER TO: Key Board	
130	TIME ON P.R.	500	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
1845				MIA			per Sgt Richey, TAC Units Deployed to Eastern District PSA 3/3
1912				MIA			TMU/BAE - Update Turnback, check patrol vehicles for working equipment
2055				MIA			Newport @ JANE on patrol in area assisting and monitoring TAC units assigned to PED PSA 2

FROM	ARRIVED	TO	TOTAL	TYPE ACTIVITY	STOP	RISK	DISPOSITION
2144				MA			DAVIDSON YARD - ReFuel 055039, 12.7 gallons
2218				MA			EASTERN DISTRICT STATION - NO TAC units in station at this time.
2238				MA			Yorkshire @ Waybarn - On patrol in neighborhood, monitoring TAC unit activity. NPF at this time
0050				MA			TMU BASE - Return For Vice Raid prep
0127				MA			TMU BASE - Vice Briefing and Roll Call per 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
0507				MA			TMU BASE - For OFF Duty turn in
0530				MA			OFF Duty

Detroit Police Department Activity Log

DATE		PLATOON		DISTRICT AND CAR		SPECIAL EVENT OR DETAIL NAME		
05-30-08		FOUR		TAC-71		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.P.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				BADGE	ON DUTY	OFF DUTY	# O.T. HOURS	TICKET RECAP
1. SGT ANTHONY POTTS				S-499	7	5:30	2:30	MOV
								PARK
								PED
								MISC/ENV

RECAP OF ACTIVITY					
Police Runs	0	Missing Reports Taken		UF-001	JC-02
Feigning 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-006	Warrants Submitted
Total Males Investigated	0	Guns Confiscated	0	UF-007	Supervisor Runs
Total Females Investigated	0	Confiscated Vehicle (s)		UF-008	Supervisor (SSC) Runs Responded to
Other Citizen Contacts		Weight of Narcotic Seizures		DPD-695	Time Spent Desk/Cell Block Duty
Number of Frisks		Confiscated Currency		DPD-696	MLCC Inspections
Autos Investigated		Time Spent on Surveillance		DPD-697	MLCC Write-ups
Autos Recovered		Canine Deployment		DPD-698	Hours on Vice Enforcement
Autos Impounded		Canine Apprehension		DPD-699	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
27. Roscoe M. Bello				5/31/08	8:50 AM
SUPERVISOR REVIEWING THE LOG (PRINT RANK/NAME)		SIGNATURE		DATE CHECKED IN	TIME CHECKED IN
27. Roscoe M. Bello				5/31/08	8:50 AM
LUNCH LOCATION:		TIME LUNCH TAKEN:		VEHICLE KEYS TURNED OVER TO	
TIME ON PATROL	TIME ON P.R.	TIME ON M.A.	TIME ON T.S.	TIME ON I.F.	TIME ON S.D.
		630			
TIME ON S.R.	TIME ON S.S.C.	TIME ON S.I.P.			

FROM	ARRIVED	TO	TOTAL	TYPE ACTIVITY	STOP	FRISK	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 TH 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	TM/100.9					
Vehicle Code	Mileage On Duty	Fuel Level On Duty	Mileage Off Duty	Oil Change Due	Gal of Gas	Total Miles Driven	Video System Functioning?	
052015	290610	1/4	290616	250002	10.4	50	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
Off. Alam, George				205	Y		1 hr 30 min	MOV
Off. Sanchez, Melissa				798	Y		1 hr 30 min	PARK
								PED
								MISC/ENV
3								
4								

RECAP OF ACTIVITY			
Police Runs	-	Missing Reports Taken	UF-001
Felony Arrests	-	Missing Persons Recovered	UF-002
Misdemeanor Arrests	-	Detainees Transferred	UF-003
Juveniles Detained	-	Witnesses Conveyed	UF-004
Ordinance Complaints	-	Other Conveyances	UF-005
Traffic Stops	-	Traffic Crash Reports	UF-006
Total Males Investigated	1	Guns Confiscated	UF-007
Total Females Investigated	-	Confiscated Vehicle (s)	UF-008
Other Citizen Contacts	-	Weight of Narcotic Seizures	DPD-665
Number of Frisks	-	Confiscated Currency	DPD-666
Autos Investigated	-	Time Spent on Surveillance	DPD-667
Autos Recovered	-	Canine Deployment	DPD-668
Autos Impounded	-	Canine Apprehension	DPD-669
All Recovered Property Value	-	Contact Brochures Distributed	DPD-670
Case Reports (CRISNET)	-	Hours Spent in Training	JC-01
Miscellaneous Information:		Other Forms or Rpts	

SUPERVISOR CHECKING THE LOG IN (PRINT RANK/NAME)		SIGNATURE		DATE CHECKED IN	TIME CHECKED IN
CHARLES RICHER				May 21 2008	12:20 PM
SUPERVISOR REVIEWING THE LOG (PRINT RANK/NAME)		SIGNATURE		DATE REVIEWED	TIME REVIEWED
CHARLES RICHER				May 21 2008	12:20 PM
LUNCH LOCATION:		TIME LUNCH TAKEN		VEHICLE KEYS TURNED OVER TO	
370		1 hr 15 min		1/100 (12015)	
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 Richer. Training Taxi-Cab Oral Violations. Writers Assigned to Eastern Dist 3. Sgt Richer reviewed incarcerated/camera. Writers checked 1/100 for contraband.
800				M/A			5077 Trumbull, writers at base on paper/subpoena.
820				M/A			Russell/Ferry (tail)
900				M/A			2600 Brush on a personal.
930				M/A			1 hr 15 min to Eastern District, writers to patrol area.



Detroit Police Department Activity Log

FROM	ARRIVED	TO	TOTAL	TYPE ACTIVITY	S T O P	F R I S K	DISPOSITION
1000				M/A			Eastern District writers patrolling area.
1030				M/A			Invited to Northeastern District on a Datamaster for IAC 1390 J.A. Arrest T/T Kirk Manning, Bm 12-3730 of 2120 E. Jefferson Apt 707 Det.
1100				M/A			In route to Eastern District to patrol
1125				M/A			11925 Olga St. Assist 12 Eastern Unit on home invasion, neighbor transcribed w/ guns attempting to make entry ^{writing notes} w/ guns. ^{noting} ^{action}
1250				M/A			1019 TO BASE Per IAC 28.10 notes meet w/ vice on raid into. Writers assigned outside of gym.
200				M/A			In route to 3147 Rosa Park meet w/ vice on raid
400				M/A			Off duty (C.D.)



Detroit Police Department Activity Log

Date		Platoon	Command / District / Car			Special Event / Detail Name			Log (s)
05-30-08		IR	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	Gall 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
									MOV
1. M. Masley <i>M. Masley</i>					3763	145	530	2.5	
2. T. Taylor <i>T. Taylor</i>					2098	0/P	51A	0.5	
3. M. Brown <i>M. Brown</i>					434	6:45 pm	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 (PRINT RANK/NAME) <i>Charles R. Kelly</i>		SIGNATURE <i>[Signature]</i>		DATE CHECKED IN May 31 2008	TIME CHECKED IN 12:30 PM
SUPERVISOR REVIEWING THE LOG (PRINT RANK/NAME) <i>Charles R. Kelly</i>		SIGNATURE <i>[Signature]</i>		DATE CHECKED IN May 31 2009	DATE CHECKED IN 12:30 PM
LUNCH LOCATION: <i>none taken</i>		TIME LUNCH TAKEN: <i>none taken</i>		NAME OF MEMBER THAT VEHICLE KEYS WERE TURNED OVER TO: <i>Sgt. McWhorter</i>	
TIME ON PATROL 305	TIME ON P.R.	TIME ON M.A. 135	TIME ON T.S. 10	TIME ON I.F. 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. Kiche
7:35				MA			TAC Base, busy loading equipment / veh. imp.
8:40	9:15	6:30		MA			E.D. picking up property from 4 th precinct desk sale. On standby for Sgt. Crown to finish his
9:00	10:20	6:30		MA			1300 Berchem, Narc section busy dropping off
EV# E27911404							Dawn Maria Edward, R/S 7-35-78 at 14135 Rochelle

FROM	ARRIVED	TO	TOTAL	TYPE ACTIVITY	STOP	F R I S K	DISPOSITION
Consent # 0803290035							still in custody at Eastern. Per Sgt. Murphy at Nrc. on paper for previous 9300.
11 ¹⁴ /p				MA			Russel M.O.B. released.
11 ³⁰ /p				MA			TAC base equipment change prep battery.
11 ⁴⁴ /p	12 ⁰⁰ /A	12/133		MA			I-94 / Copper, Single Car Accident, On Esc
		1m/05		Inv/Del			Jason Pouch w/M/8-23-86 of 19318
							Phoenix, Dry Gyr 107/Cherry/P.H. stood by until M.S.P. arrived.
11 ³⁵ /A	11 ³⁵ /A	10/10		TS			Marass, Outer Drive, Inv Detrich Monte Sp
		2m/05		2veh/Car			B/M/78- of 19585 Kenore Dry Blk/Ch
							Ford/4dr/Lic# BTT 7807 ABV was off Duty
							DPD. Released at scene w/o accident. SIMC
1 ¹⁷ /A				MA			TAC base 1012 to the base
1 ³⁶ /A				MA			Tac Base secondary roll call w/vice sent
2 ⁰⁰ /A	3 ⁰⁰ /A	100/180		BD			5141 Rosa Parks, Contemporary Art Studio, ma
							location w/vice performed rear security
							no further action
				RC			Off duty <u>MA</u>



Detroit Police Department Activity Log

Date	Platoon	Command / District / Car				Special Event / Detail Name				Log (s)
5/30/08	1K	T01 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	132180	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				27	17248					
PRINT MEMBER (S) RANK & NAME AND AFFIX SIGNATURE					BADGE	ON DUTY	OFF DUTY	# O.T. HOURS	TICKET RECAP	
									MOV	PARK
1. K. Pettigrew					4694	ON	OFF	3.5		
2. J. C. Jordan					602	ON	OFF	3.5		
3.										
4.										

RECAP OF ACTIVITY			
Police Runs	0	Missing Reports Taken	0
Felony Arrests	0	Missing Persons Recovered	0
Misdemeanor Arrests	0	Detainees Transferred	0
Juveniles Detained	0	Witnesses Conveyed	0
Ordinance Complaints	0	Other Conveyances	0
Traffic Stops	0	Traffic Crash Reports	0
Total Males Investigated	0	Guns Confiscated	0
Total Females Investigated	0	Confiscated Vehicle (s)	0
Other Citizen Contacts	0	Weight of Narcotic Seizures	0
Number of Frisks	0	Confiscated Currency	0
Autos Investigated	0	Time Spent on Surveillance	0
Autos Recovered	0	Canine Deployment	0
Autos Impounded	0	Canine Apprehension	0
All Recovered Property Value	0	Contact Brochures Distributed	0
Case Reports (CRISNET)	0	Hours Spent in Training	0
Miscellaneous Information:			

SUPERVISOR CHECKING THE LOG IN (PRINT RANK/NAME)		SIGNATURE		DATE CHECKED IN		TIME CHECKED IN	
CHARLES RICHEN				May 31, 2008		12:30 PM	
SUPERVISOR REVIEWING THE LOG (PRINT RANK/NAME)		SIGNATURE		DATE CHECKED IN		TIME CHECKED IN	
CHARLES RICHEN				May 31, 2008		12:30 PM	
LUNCH LOCATION: Trumbull / Elyria / 18th				NAME OF MEMBER THAT VEHICLE KEYS WERE TURNED OVER TO: RICHEN			
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.
250		380					

FROM	ARRIVED	TO	TOTAL	TYPE ACTIVITY	STOP	FRISK	DISPOSITION
1840	1900	1900	1900	EC			Call call held by Sgt. Richey, working on scene.
1902	2035	2035	2035	214			Trumbull / Elyria / 18th Blvd. Bus stop. No incident. Officer Richey, working on scene.



Detroit Police Department Activity Log

FROM	ARRIVED	TO	TOTAL	TYPE ACTIVITY	STOP	RISK	DISPOSITION
							Arrived at base on paper per TAC 14 (Nilester)
2100	2120	2135	15	N/A			71 Gratiot (S.A) Crew in area monitor traffic / APF at this time.
2200	2210	2240	30	N/A			94 Hayes (S.A) Crew monitor traffic / APF at this time.
2300	2330	2340	10	N/A			Trumbull / Elyah M' Coy (Cale 30)
0000	0020	0040	20	N/A			71 Chalmer (S.A) checked area for crime / APF at this time.
0050	0210	0240	30	N/A			Trumbull / Elyah M' Coy (Bundy) crew route to base per TAC 18 stand by for raid
0200	0300	0350	50	N/A			5141 Rosa Parks (A.E) crew at Vice with 1st plg. Crew towed veh, search person and helped maintain crowd.
0550							OFF DUTY



E-3 60 MIN O.T. Detroit Police Department Activity Log

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 7115	32621	3/4	32677	14945	Mileage	32		
P.E. Kit #	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				6502	7A	4 A	60 MIN	3
2. D. McC-Mrs. Deborah [Signature]				2252	7A	4 A	60 MIN	
3.								
4.								

RECAP OF ACTIVITY			
Police Runs		Missing Reports Taken	UF-001
Felony Arrests		Missing Persons Recovered	UF-002
Misdemeanor Arrests		Detainees Transferred	UF-003
Juveniles Detained		Witnesses Conveyed	UF-004
Ordinance Complaints	3	Other Conveyances	UF-005
Traffic Stops	1	Traffic Crash Reports	UF-006
Total Males Investigated	1	Guns Confiscated	UF-007
Total Females Investigated	1	Confiscated Vehicle (s)	UF-008
Other Citizen Contacts		Weight of Narcotic Seizures	DPD-665
Number of Frisks	1	Confiscated Currency	DPD-666
Autos Investigated	1	Time Spent on Surveillance	DPD-667
Autos Recovered		Canine Deployment	DPD-668
Autos Impounded		Canine Apprehension	DPD-669
All Recovered Property Value		Contact Brochures Distributed	DPD-670
Case Reports (CRISNET)		Hours Spent in Training	JC-01
Miscellaneous Information:			

SUPERVISOR CHECKING THE LOG (PRINT RANK/NAME) <i>Charles Richter</i>		SIGNATURE <i>[Signature]</i>		DATE CHECKED IN May 31 2008	TIME CHECKED IN 12:40 PM
SUPERVISOR REVIEWING THE LOG (PRINT RANK/NAME) <i>Charles Richter</i>		SIGNATURE <i>[Signature]</i>		DATE REVIEWED May 31 2008	TIME REVIEWED 12:40 PM
LUNCH LOCATION: <i>Smile/Grabit</i>		TIME LUNCH TAKEN: <i>9:15</i>		VEHICLE KEYS TURNED OVER TO <i>Richter</i>	
TIME ON PATROL	TIME ON P.R.	TIME ON M.A. <i>540</i>	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	DISPOSITION
6:45				R/C		On Duty Bell Call held by TAC-IV, Advised on full car training Racial Profiling/Taxi Cab
						IN CAR VEHICLE INSPECTION checked out G.R. - in car video/notes appear to be nothing - checked by TAC-73
8:00				IN/A		Out of Service
8:30		8:45	15	7/5		Grabit/with Patrol "Traffic Stop" T.T. ARENE I. V. A. H. A. H. I. C. E. R. V. I. C. E. S. 12/11/01 of 2665 Richter. Veh info: 91 Chevy blue p114. CKD. ISSUED #20482027 for "improper Display License plate", "no proof of insurance", "no registration" advised V.R. 1/1/08
	IN 17 PRT-1 ORD 3					
9:15		9:45	30	IN/A		Smile/Grabit "Lunch"
10:10				IN/A		Enroute to N.E. District area of Grabit/Georgia to





* O. T. *

Detroit Police Department Activity Log

Date		Platoon		Command / District / Car			Special Event / Detail Name			Log (s)
5-30-08		4		Tac-20						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?	
073102	15212	3/4	Y	Y	-	N	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				
13171	-	15277	11	80	15292	Same Told				
PRINT MEMBER (S) RANK & NAME AND AFFIX SIGNATURE				BADGE	ON DUTY	OFF DUTY	# O.T. HOURS	TICKET RECAP		
								MOV	PARK	PED
1. S. Willis <i>[Signature]</i>				995	7 ^P	5:30 ^A	2.5			
2. J. Gardner <i>[Signature]</i>				502	7 ^P	5:30 ^A	2.5	3		
3.										
4.										

RECAP OF ACTIVITY			
Police Runs	11	Missing Reports Taken	UF-001
Felony Arrests	-	Missing Persons Recovered	UF-002
Misdemeanor Arrests	-	Detainees Transferred	UF-003
Juveniles Detained	-	Witnesses Conveyed	UF-004
Ordinance Complaints	3	Other Conveyances	UF-005
Traffic Stops	3	Traffic Crash Reports	UF-006
Total Males Investigated	4	Guns Confiscated	UF-007
Total Females Investigated	1	Confiscated Vehicle (s)	UF-008
Other Citizen Contacts	-	Weight of Narcotic Seizures	DPD-665
Number of Frisks	-	Confiscated Currency	DPD-666
Autos Investigated	3	Time Spent on Surveillance	DPD-667
Autos Recovered	-	Canine Deployment	DPD-668
Autos Impounded	-	Canine Apprehension	DPD-669
All Recovered Property Value	-	Contact Brochures Distributed	DPD-670
Case Reports (CRISNET)	-	Hours Spent in Training	JC-01
Miscellaneous Information:			

SUPERVISOR CHECKING THE LOG IN (PRINT RANK/NAME) <i>CHARLES RICHY</i>		SIGNATURE <i>[Signature]</i>		DATE CHECKED IN May 31 2008		TIME CHECKED IN 12 ^{PM}	
SUPERVISOR REVIEWING THE LOG (PRINT RANK/NAME) <i>Charles Richey</i>		SIGNATURE <i>[Signature]</i>		DATE CHECKED IN May 31 2008		DATE CHECKED IN 12 ^{PM}	
LUNCH LOCATION: <i>Wah Hong</i>				TIME LUNCH TAKEN: <i>9:45</i>		NAME OF MEMBER THAT VEHICLE KEYS WERE TURNED OVER TO <i>Sgt. office</i>	
345	-	240	25				
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.

FROM	ARRIVED	TO	TOTAL	TYPE ACTIVITY	STOP	FRISK	DISPOSITION
6:45							On duty roll call per Sgt. Richey
7:15	7:45	30/30	M/4				5671 Trumbull - wnters busy at base
8:25	8:35	10/10	T/50				Gratiot + Flanders - 96 Chevy VSM 124 for cracked windshield advised.
							Reginald Hooker b/m/56 of 8420 Van Dyke
9:10	9:15	5/15	T/50				6 Mile + Cushing - 94.600 RCY 8371 for def lights front.



Detroit Police Department Activity Log

FROM	ARRIVED	TO	TOTAL	TYPE ACTIVITY	STOP	RISK	DISPOSITION
				3m of / 2A			Iss ord 08461482 for abv, def lights rear, cracked windshield
							Maurice Cooper b/m/46 of 19203 Yonkers
9:45		10:15	30/60	M/A			9330
10:40				S/A			11125 Gratiot "S/A" BP Gas Station t/t Sam Ahmed
				3m of / 2A			w/m/21 stated all ok at the time.
11:25				S/A			16086 E 8 mile "S/A" Liquor store t/t Rany Saleen w/m/21
				4m of / 2A			stated no problems at this time.
11:55				M/A			Davison MDG "fuel"
12:30		12:40	10/25	T/S ③			Gratiot + 7 mile - 9801ds 4JNK38 for def lights front.
				4m of / 2A			Advised
							Karen Hake b/f/38 of 20203 Westphalia
1:10				M/A			1019 to base per Tac-78 for instructions on vice raid.
2:00		5:00	180/240	M/A			5141 Rosa Parks "raid" w/rvs assisted narcotics and
							vice on an after hours raid at abv loc. All was under
							control, w/rvs stood by for uniform presence.
5:30				M/A			Off duty

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EXHIBIT 21

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CHARLES TURNER

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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

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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?

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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

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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.

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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

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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

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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

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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

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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.

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1 Q. So when it says per Lieutenant Yost, does that mean
2 that Lieutenant Yost conducted the roll call?

3 A. Correct.

4 Q. And at that roll call, did Lieutenant Yost advise the
5 unit that you were going to engage in a raid at the
6 CAID location on Rosa Parks that evening or early the
7 next morning?

8 A. That's correct.

9 Q. What else happened during the roll call with reference
10 to that particular raid, sir?

11 A. Everyone gets their assignments and we prepare for the
12 raid.

13 Q. You got your assignment for the raid itself; is that
14 correct?

15 A. That's correct.

16 Q. Was there any indication as to who was going to be the
17 raid commander?

18 A. It wasn't pointed out, but the lieutenant was.

19 Q. Right. That was a given and known to everybody; is
20 that right?

21 A. Yes.

22 Q. And who was the deputy raid commander?

23 A. Sergeant Buglo.

24 Q. What was your role supposed to be as set forth during
25 the roll call that night?

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1 A. My role was to supervise the evidence team and

2 supervise the ticket -- the writing of the tickets.

3 Q. Okay. Had you supervised writing of tickets before
4 that?

5 A. Yes.

6 Q. And what did that particular responsibility consist of,
7 sir?

8 A. It consisted of making sure the tickets are accurate
9 and written correctly.

10 Q. So do you, yourself, engage in writing tickets on those
11 occasions?

12 A. Some occasions, yes.

13 Q. And do you oversee the writing of tickets by officers
14 who are under your supervision during that time?

15 A. Yes.

16 Q. Just to make sure that they're accurate?

17 A. Correct.

18 Q. And when you say accurate, what is the -- what are the
19 data or pieces of information about which you check the
20 accuracy? Do you follow my question?

21 A. Make sure they have the correct charge, it's written
22 legibly and you have the people's correct information
23 and it's filled out correctly.

24 Q. Which would be name, age, address, race and gender; is
25 that about right?

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1 A. That's correct.

2 Q. And how do you check those particular pieces of
3 information or how do you tell the officers whom you're
4 supervising how to check that?

5 A. I try to look at every ticket during and after the
6 raid.

7 Q. Well, in order to know that someone's name is correct,
8 you would have to crosscheck it with something like a
9 driver's license; is that right?

10 A. I make sure they either have a license or a proper
11 identification from the subject.

12 Q. What happens if someone doesn't have proper
13 identification?

14 A. Well, what we'll do, we'll try to obtain the
15 information. We'll set them aside and normally they're
16 the last people that we deal with. We'd run their name
17 or try to get information that would properly ID these
18 people.

19 Q. When you say try to get information, how might you try
20 if they don't have it on them?

21 A. Well, in that case, more than likely, they would be
22 arrested because we don't know who they are.

23 Q. And have you ever made such arrests in the course of a
24 blind pig raid?

25 A. Yes.

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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

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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?

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1 right?

2 A. I can't recall if it was by her or -- I can't recall.

3 Q. Was it you that was notified about this?

4 A. I can't recall.

5 Q. All right. I want to go through some of the names here
6 in Exhibit 5 with you if I may. If you would turn to
7 page three and there's a Defendant 52 toward the bottom
8 of page three. Do you see that?

9 A. Yes.

10 Q. Jenna Marie Rinke, do you see her?

11 A. Yes.

12 Q. And apparently, you issued the citation to Ms. Rinke;
13 am I right about that?

14 A. Yes.

15 Q. Do you remember Ms. Rinke?

16 A. No.

17 Q. Do you remember anything that she did that night?

18 A. No.

19 Q. What was the reason that you issued a citation to her?

20 A. She was loitering in a place of illegal occupation.

21 Q. And how did you know that when you issued the citation
22 to her?

23 A. I knew it after we conducted the raid.

24 Q. How did you know it?

25 A. She was there. She was there.

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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

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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

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1 much.

2 THE WITNESS: Thank you.

3 (Short break 4:19 p.m. to 4:25 p.m.)

4 BY MR. GOODMAN:

5 Q. Can you hear us?

6 A. Yes.

7 Q. Great. Do you recall who was a member of the initial
8 entry team at the time of the raid? And by the raid,
9 I'm referring to the raid on May the 31st, 2008.

10 A. I believe it was TMU, tactical --

11 Q. And was that -- I'm sorry. Go ahead.

12 A. -- narcotics and vice.

13 Q. All right. So which of those units constituted the
14 entry team?

15 A. Narcotics.

16 Q. And who from narcotics was in that entry team?

17 A. I don't recall.

18 Q. Would there be any documentation of that?

19 A. I don't know, sir.

20 Q. Let's put it -- let's start with the -- with the
21 Crisnet which we've already looked at and marked as
22 Turner Exhibit 5. There's nowhere on there that any of
23 the officers, other than vice enforcement officers, are
24 indicated or reflected, is there?

25 A. That's correct.

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1 Q. And on the run sheet which we looked at before, which
2 is Turner Exhibit 4, the only officers who are
3 reflected in that particular document are vice
4 enforcement officers; is that right?

5 A. That's correct.

6 Q. And so is it fair to say that if there is any
7 documentation of who was in the entry team, you are not
8 aware of it? Is that a fair statement, sir?

9 A. That's fair.

10 Q. If, in fact, there is a video or recorded indication of
11 a police officer kicking a patron in this particular
12 raid, assuming for the moment that is the case, the
13 only way that we would be able to know who that officer
14 was unless someone were able to identify him is by
15 documenting that officer's presence at the location at
16 the time; is that a fair statement, sir?

17 MR. ASHFORD: Objection to form and
18 foundation.

19 BY MR. GOODMAN:

20 Q. You can answer.

21 MR. ASHFORD: You can answer.

22 THE WITNESS: Okay. Repeat that again.

23 BY MR. GOODMAN:

24 Q. Let me try it this way. Let's assume for the moment
25 that there is a video portrayal, that there is video

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1 documentation of the fact that a police officer,
2 someone who appears to be a police officer kicks a
3 patron in the course of this raid. Assuming that we
4 can't identify that person from the picture, recording
5 that we have, the only way we're going to know who that
6 person might be is if we know the names of the officers
7 who were present at the time; is that a fair statement?

8 MR. ASHFORD: Objection; form and foundation.

9 THE WITNESS: That sounds fair.

10 BY MR. GOODMAN:

11 Q. And the only way we're going to know who was present at
12 the time is if there's some documentation or official
13 recording of that fact in the Detroit Police Department
14 documents; is that a fair statement?

15 MR. ASHFORD: Objection --

16 THE WITNESS: Yes.

17 MR. ASHFORD: -- foundation. Strike that.

18 Objection; form; calls for speculation.

19 BY MR. GOODMAN:

20 Q. Over that objection, your answer to my question is yes;
21 am I right?

22 A. Yes.

23 Q. Okay. Now, you indicated that you were in charge of
24 making sure that the -- processing the issuance of
25 citations; am I right about that?

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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?

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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.

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1 Q. Did you notify the towing company to come and get the
2 vehicles?

3 A. Yes.

4 Q. And the towing company was Boulevard and Trumbull
5 Towing?

6 A. I believe so.

7 Q. And who -- withdraw that question.

8 When was the towing company notified that
9 there were vehicles to be towed?

10 A. I don't recall. Probably later on after the raid was
11 conducted.

12 Q. Was it ever the case that the towing company was
13 notified before the raid was to be conducted?

14 A. I can't recall that.

15 Q. Could that have been the case on this particular night?

16 MR. ASHFORD: Objection; calls for
17 speculation.

18 BY MR. GOODMAN:

19 Q. Over the objection?

20 MR. ASHFORD: Objection as to form.

21 BY MR. GOODMAN:

22 Q. Go ahead.

23 A. I can't recall.

24 Q. Okay. I want you to look at what has been marked
25 Turner Exhibit 6 I believe which is the Crisnet -- same

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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?

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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.

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EXHIBIT 22

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

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

10 Plaintiffs,

11 Hon. Victoria A. Roberts
12 Magistrate Judge Mona K. Mazoub
13 No. 10-cv-10675
14 -vs-
15

16 CITY OF DETROIT, a municipal
17 corporation, Lieutenant VICKI YOST,
18 a Detroit police officer, in her
19 individual capacity, Sergeant DANIEL
20 BUGLO, a Detroit police officer, in his
21 individual capacity, Sergeant G. MCWHORTER,
22 a Detroit police officer, in his/her
23 individual capacity, Sergeant A. POTTS,
24 a Detroit police officer, in his/her
25 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

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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
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-and-
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660 Woodward Avenue
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Appearing on behalf of the Defendants.

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- 1 A Anthony Glenn Potts, Badge S499.
- 2 Q Thank you. What is your current department or unit within
- 3 the Detroit Police Department?
- 4 A I'm a sergeant assigned to the special response team.
- 5 Q And sergeant is your rank, right?
- 6 A Correct.
- 7 Q How long have you been with the special response team?
- 8 A Off and on approximately seven years.
- 9 Q And on your most recent stint in the -- Can I call it the
- 10 SRT?
- 11 A Yes.
- 12 Q When was the beginning of your most recent assignment to
- 13 that unit?
- 14 A I have been back for about approximately two years.
- 15 Q What unit were you in on May 31st, 2008?
- 16 A I was assigned to the tac mobile unit.
- 17 Q Can you tell me where you went to high school?
- 18 A Detroit Public Schools, high school. Osborn, Laura F.
- 19 Osborn.
- 20 Q What year did you graduate?
- 21 A 1983.
- 22 Q And did you receive any post high school education?
- 23 A Yes.
- 24 Q Where?
- 25 A Wayne County Community College, Wayne State University,

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1 Q What was your first unit or assignment when you graduated
2 from the police academy?

3 A I was assigned to the 13th Precinct.

4 Q And how long were you there?

5 A I believe it might have been about seven years.

6 Q And when you completed your seven years in the 13th
7 Precinct, were you still at the rank of police officer?

8 A Yes.

9 Q Where was your next assignment?

10 A I was assigned to Eastern Precinct support.

11 Q What does that mean?

12 A Actually, it was more of a task force, an East Side task
13 force or a West Side task force that helped catch up on
14 our backlog runs.

15 Q And how long were you with Eastern Precinct support, if
16 you remember?

17 A I believe it was from '94 to '97.

18 Q And throughout that time period, was your rank still
19 police officer?

20 A Yes.

21 Q And what was your next assignment?

22 A The special response team.

23 Q Okay. And you said you have been there on and off for a
24 period of years?

25 A Yes. I was there from '97 to 2001.

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1 Q And where did you go following 2001?

2 A I was promoted to investigator, and I was assigned to the
3 -- went back to the 13th Precinct.

4 Q How long were you an investigator at the 13th Precinct?

5 A Until 2004.

6 Q Okay. And where did you go next?

7 A Then I was promoted to sergeant, and I was sent to the 7th
8 Precinct.

9 Q And how long were you a sergeant at the 7th Precinct?

10 A I was assigned there for a little over a year. That
11 precinct closed down. They started consolidating
12 precincts into districts, and then I was reassigned to the
13 11th Precinct which at that time was called Northeastern
14 District.

15 Q How long were you at the Northeastern District?

16 A Let's see. I was in Northeastern District for
17 approximately about a year and a half.

18 Q So does that bring us through '06 or '07?

19 A I would say probably '07.

20 Q And where did you go next?

21 A From Northeastern, I went to tactical mobile unit as a
22 sergeant.

23 Q And was that your last assignment before transferring back
24 to SRT where you are now?

25 A Correct.

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1 supporting vice enforcement or vice versa?

2 A No. We were supporting vice enforcement.

3 Q Okay.

4 A They were the smaller of the units, and they needed

5 bodies. And normally vice, if they're planning an

6 operation, they're going to need a lot of support,

7 additional manpower, because they're not going to raid

8 just a bar with fifteen, twenty people. It's usually

9 fifty plus people. So you're going to need, you know,

10 more additional officers to help out.

11 Q And during those kinds of operations, were TMU officers
12 acting at the direction of vice enforcement officers?

13 A Okay. I'm not understanding that question.

14 Q Sure. Let me ask it differently.

15 During operations where TMU was providing
16 support for vice enforcement --

17 A Yes.

18 Q -- would officers from vice enforcement be the ones who
19 were giving directions, and TMU officers were more or less
20 following those directions?

21 MR. ASHFORD: Objection as to form.

22 THE WITNESS: Okay. Maybe I'm not getting the
23 direction part.

24 BY MS. JAMES:

25 Q Okay. On any given operation that TMU would work with

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1 vice enforcement --

2 A Right.

3 Q -- would there be someone who was in charge?

4 A Yes.

5 Q And would that tend to be a TMU officer or a vice
6 enforcement officer?

7 A If it was a vice operation, vice would be in charge.

8 Q And is it correct that some of these operations where TMU
9 provided support to vice enforcement were what we would
10 call a blind pig raid?

11 A Yes.

12 Q And do you understand what I mean when I say blind pig
13 raid?

14 A Yes.

15 Q How many times have you participated in a blind pig raid?

16 A In which capacity?

17 Q In the capacity first as a TMU officer.

18 A To my best recollection, I know we have -- while at TMU,
19 we participated in a few vice operations, blind pig
20 operations with them.

21 Q When you say a few, do you mean less than ten?

22 A Yes.

23 Q Have you participated in a blind pig raid in any other
24 capacity outside of TMU?

25 A Yes.

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1 Q And what unit would that have been with?

2 A Special response team and the -- you know, special

3 response team, Eastern Precinct support, and also at 13.

4 Q What is your understanding of the purpose of a blind pig
5 raid?

6 MR. ASHFORD: Objection as to form, no
7 foundation. Go ahead if you understand the question.

8 THE WITNESS: Yes, I understand the question.

9 MR. ASHFORD: You can answer.

10 THE WITNESS: For illegal vice activity, selling
11 liquor after hours primarily, teenagers with rave parties,
12 motorcycle clubs and their illegal drug trade as well as,
13 you know, selling liquor after hours.

14 BY MR. JAMES:

15 Q Is one of the objections of a blind pig raid to make
16 arrests? I'm sorry. I realize I used the wrong word.

17 Is one of the objectives of a blind pig raid to
18 make arrests?

19 MR. ASHFORD: Objection to the form.

20 THE WITNESS: It's to stop the illegal activity.

21 BY MS. JAMES:

22 Q Okay. And what's your understanding of the types of
23 illegal activity that call for a blind pig raid? You
24 described a few a moment ago.

25 A Right.

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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

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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?

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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

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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

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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.

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- 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

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1 having been advised of any particularities that you could
2 expect to encounter at this raid?

3 MR. ASHFORD: Objection as to form.

4 THE WITNESS: No, I don't recall.

5 BY MS. JAMES:

6 Q At the CAID in May 2008, do you recall personally
7 observing any illegal activity inside the building?

8 A What I can remember, once I actually entered the building,
9 pretty much everybody was down, and I just remember
10 starting to have my people just start to segregate people,
11 but I didn't witness anything.

12 Q And is it your recollection that -- I think we already
13 agreed to this. It is your recollection that people did
14 get ticketed that night; is that fair?

15 A Yes.

16 Q And for those who did get ticketed, based on your
17 understanding of this raid, what activity did they engage
18 in that authorized police to ticket them?

19 A Being in a place of illegal occupation or other vice -- I
20 guess other vice ordinances they would hinge upon that.
21 But are you asking me specifically what were they charged
22 with?

23 Q I'm not asking what they were charged with. I'm asking
24 about what activity that you know of that they actually
25 did that was illegal.

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1 A That I observed them or was told to me or what?

2 Q What do you understand they did? We already established
3 that you didn't personally observe any illegal conduct, so
4 what is your understanding of what they actually did that
5 was illegal? What was told to you?

6 MR. ASHFORD: Objection, asked and answered.

7 BY MS. JAMES:

8 Q Let me clarify what might be confusing you. I'm not
9 asking you to recite the charge or recite the ordinance
10 that they were ticketed under. I'm asking you to tell me
11 in layman's terms what they did, the facts of their actual
12 activity. What did they do as you understand it?

13 MR. ASHFORD: Objection, asked and answered. Do
14 you understand the question?

15 THE WITNESS: It was just a general -- it was a
16 vice raid and vice activity that was going on, and pretty
17 much that was it.

18 BY MS. JAMES:

19 Q All right. We are nearing the end, I promise. This, I
20 believe, will be Exhibit No. 5. This is just a copy of
21 what you already have yourself, the CRISNET report that
22 ends in decimal point one.

23 (WHEREUPON, Deposition Exhibit 5
24 was marked for identification.)

25 BY MS. JAMES:

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1 Q And I would like to direct your attention to page 2.
2 Defendant number 35 is down at the bottom of that page.
3 The name is Jacque Sutton. Do I understand or should I
4 understand from this report that you issued him a ticket
5 for loitering in a place of illegal occupation? Do you
6 want me to ask that again?

7 A Please.

8 Q Sorry. I'm sorry. Again, referring to Defendant number
9 35 on page 2 of this report, Jacque Sutton, this record
10 appears to indicate that you issued this person a ticket
11 for loitering in a place of illegal occupation; is that
12 correct?

13 A That's what's written down here.

14 Q Is it fair, based on your previous testimony, that you, as
15 you sit here, don't recall issuing that ticket?

16 A I don't recall.

17 Q Okay. Is it also fair to say, based on your previous
18 testimony, that you don't recall personally observing him
19 engaging in any illegal activity; is that fair?

20 MR. ASHFORD: Objection, no foundation.

21 THE WITNESS: Can you restate the question
22 please?

23 MS. JAMES: Can you read it back?

24 (WHEREUPON, the Reporter read back
25 the last question.)

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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:

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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

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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

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EXHIBIT 23

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

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

9 Plaintiffs,

7 Hon. Victoria A. Roberts
8 Magistrate Judge Mona K. Mazoub
8 - vs - No. 10-cv-10675

9 CITY OF DETROIT, a municipal
10 corporation, Lieutenant VICKI YOST,
11 a Detroit police officer, in her
12 individual capacity, Sergeant DANIEL
13 BUGLO, a Detroit police officer, in his
14 individual capacity, Sergeant G. MCWHORTER,
15 a Detroit police officer, in his/her
16 individual capacity, Sergeant A. POTTS,
17 a Detroit police officer, in his/her
18 individual capacity, Sergeant CHARLES TURNER,
19 a Detroit police officer, in his individual
20 capacity, Officer M. BROWN, a Detroit police
21 officer, in his/her individual capacity, Officer
22 B. COLE, a Detroit police officer, in his/her
23 individual capacity, Officer TYRONE GRAY, a
24 Detroit police officer, in his individual
25 capacity, Officer SHERON JOHNSON, a Detroit
26 police officer, in her individual capacity,
27 Officer K. SINGLETON, a Detroit police officer,
28 in his/her individual capacity, and UNNAMED
29 DETROIT POLICE OFFICERS, in their individual
30 capacities,

31 Defendants.

32 _____/

33 DEPOSITION OF **SERGEANT BRANDON COLE**

34 TUESDAY, OCTOBER 18, 2011

35

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Page 2

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2

Deposition of SERGEANT BRANDON COLE,

3

taken in the above-entitled cause before Denise Moorfoot,

4

(CSR-2275), Court Reporter and Notary Public for the County

5

of Oakland, State of Michigan, at 660 Woodward, Suite 1650,

6

Detroit, Michigan, on Tuesday, October 18, 2011, commencing at

7

or about the hour of 12:15 p.m.

8

APPEARANCES:

9

MR. DANIEL S. KOROBKIN

10

American Civil Liberties Union Fund of Michigan

2966 Woodward Avenue

11

Detroit, Michigan 48201

-and-

12

MS. KATHRYN BRUNER JAMES

Goodman & Hurwitz, P.C.

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1394 E. Jefferson Avenue

Detroit, Michigan 48207

14

Appearing on behalf of the Plaintiffs.

15

MR. JERRY ASHFORD

City of Detroit Law Department

16

660 Woodward Avenue

1650 First National Building

17

Detroit, Michigan 48226

Appearing on behalf of the Defendants.

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T A B L E O F C O N T E N T S

4

WITNESS

PAGE

5

SERGEANT BRANDON COLE

6

Examination by Mr. Korobkin

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7

DEPOSITION EXHIBITS

8

9

Exhibit 1 - Notice of Taking Deposition Duces Tecum
of Officer B. Cole 6

10

Exhibit 2 - Student Performance Record 15

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Exhibit 3 - Nuisance Abatement Statute &
Raid Execution/Blind Pig 30

12

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Exhibit 4 - DPD Activity Log Dated 5-30-08 65

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Exhibit 5 - DPD Crime Report No. 0805310096.1 70

15

Exhibit 6 - Mahler Ticket No. 423-640-08
with Attachments 72

16

Exhibit 7 - DPD Follow-Up Report No. 0805310096.3 75

17

Exhibit 8 - Nuisance Abatement Notice of
Impoundment of Vehicle 78

18

19

Exhibit 9 - Raid Documents on The Apartment 87

20

Exhibit 10 - Raid Documents on the Spoon Room 92

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22

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1 A How much? Because I can bring in -- Do you want just
2 pertinent to this? Or I can bring in stuff that you guys
3 can't see because it's only disclosed for law enforcement
4 only. From my training, you can see that I have had stuff
5 in chemical weapons and weapons of mass destruction.
6 Nothing personal, but you won't get those.

7 Q Sure. Why don't you produce them to your attorney, and he
8 knows what we have asked for, and then he'll make an
9 assessment of whether it should be produced to us.

10 A Okay.

11 Q Thank you. We have spoken about the tactical mobile unit;
12 is that right?

13 A Yes.

14 Q Can you tell me what the tactical mobile unit is?

15 A We are what amounts to as a mobile -- or we were.

16 Correction. I was. It was a mobile precinct, and we get
17 sent city-wide and basically where the issues are in the
18 city. If there's a lot of robberies or homicides or
19 shootings, they would send us in. We also answer police
20 runs. We also assist narcotics. We also assist vice or
21 any unit that needs uniform presence from every walk of
22 life. Every unit in this department we have assisted that
23 I can remember.

24 Q Is it a sub unit within some other division in the
25 department, or is it its own freestanding unit?

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1 A I know it's separated now. At that particular moment in
2 time, it was part of homeland security, if I remember
3 correctly, along with the SWAT team or SRT and the snipers
4 and K-9.

5 Q It was joined with SRT?

6 A Not joined in the aspect of umbrella. You asked if it was
7 a sub part. Yes. It was like an umbrella of these units
8 fall under these units; these units fall under patrol. So
9 we were under the same umbrella, but we didn't like go out
10 together every day, the same time every day; no, we didn't
11 do that.

12 Q So I may have missed who was under the same umbrella at
13 the time, if you remember?

14 A If I remember correctly, we were under homeland security
15 which was us, SRT, K-9, and the snipers.

16 Q Were you ever a sergeant in tac mobile?

17 A No.

18 Q That promotion came later?

19 A Correct.

20 Q How many officers were in tac mobile at the time, if you
21 know?

22 A I don't remember that exact number, no.

23 Q Can you give me some sort of ballpark? Hundreds?
24 Thousands?

25 A Oh, no, no.

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1 Q Ten?

2 A I can give you a ballpark. Fifty.

3 Q Now, Tac 15, was that your unit?

4 A I was on that unit that day, yes.

5 Q So the number 15, what does that mean?

6 A It's just a car designation. Usually it means a
7 two-person car. That day we were working a third-person
8 car. I think it was because we didn't have enough
9 vehicles that day, so they put me on as a third man on
10 that car. Fifteen is just a number. It has no relative
11 sense to the number of people working that night. It
12 could be Tac 1, Tac 3, Tac 15, Tac 22. It's kind of one
13 of those things that is independent to the officers. It's
14 their car. Tac 15 is their car. My car there, the unit
15 was Tac 11.

16 Q But you were not at Tac 11 that night?

17 A No, I was not working Tac 11 that night, no.

18 Q You didn't mention vice as being under the same umbrella
19 as you. What's the relationship between tac mobile and

20 the vice enforcement squad?

21 A Uniform presence.

22 Q Can you elaborate about what that means?

23 A If there's a need, because they know there's going to be a
24 large amount of people, we also -- That was another one of
25 our tasks was crowd control, riot control. We know how to

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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

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1 would follow as guidelines, and you would put "need
2 uniformed officers for rear security," that would be me.

3 Q So have you ever been assigned one of the tasks one
4 through nine, or are you always in the "need uniformed
5 officers for rear security"?

6 A I was uniformed officers rear security or crowd control.
7 That's what my job was tasked.

8 Q By the way, uniformed officers, does that mean the
9 standard blue conventional, you know, police department
10 uniform?

11 A Depending on time and day. For years in tac mobile we
12 were in uniform, badge, hat, uniform. I was in a uniform,
13 but it's the tac mobile uniform. It's a black set of
14 BDUs, patch, ID, gun belt.

15 Q I'm sorry. BDUs?

16 A Yes, BDUs.

17 Q What does that mean?

18 A That's just what they're called, the initials for them.
19 They're 5.11 BDUs, that's the name of them.

20 Q Can you describe what that is?

21 A Similar to a military uniform.

22 Q It looks more paramilitary than police?

23 A Yes.

24 Q And you said that people in the TMU are usually dressed
25 in --

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1 A We had switched over by this time, yes. We were in our
2 tac uniforms then or BDUs.

3 Q How were the other officers in the blind pig raid usually
4 dressed? Well, let me back up. Strike that question.

5 In the vice squad, among the officers in the
6 vice squad, how are they usually dressed during a raid?

7 A Black. "Police" on the front, sometimes with masks,
8 sometimes not, depending on if they don't -- Because a lot
9 of the vice work undercover, they don't want to let their
10 faces be known, but noticeably the police.

11 Q Other than it saying "Police" on the front, why do you say
12 noticeably the police?

13 A Well, not only that, just the officers in uniform, you're
14 talking about the vehicles and the scout cars that pull
15 up. You're talking with lights activated, ten scout cars
16 with lights, flashing lights that are -- You know when
17 we're coming, it's the police. It's a noticeable
18 presence. It's not like we just pop out of the smoke.

19 Q Going back to the dress, the way the members of the vice
20 squad are dressed, are they typically wearing a badge?

21 A Some of them around the neck, yes.

22 Q Around the neck?

23 A Yes.

24 Q Is "Police" written just on the front, or is it written
25 all over their uniforms?

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1 A It depends on the individual officer. They have some
2 individuality to their dress.

3 Q Can you tell me how large the letters or word "Police" is
4 on the black uniform?

5 A On mine?

6 Q No. On the vice squad black uniforms.

7 A It depended on the officer.

8 Q Have you ever seen an officer wearing a black uniform that
9 did not say "Police" at all?

10 A Yes.

11 Q And have you seen that during a blind pig raid before?

12 A Yes.

13 Q And other than the fact that they got out of a police car,
14 is there anything about that person's dress that would
15 designate them as a police officer?

16 A Well, you were asking for officers at the scene, and I was
17 going to tell you SRT, because they have no identifying --
18 anything on their uniforms.

19 Q SRT is special --

20 A -- response team, yes.

21 Q Special response team. What do they wear?

22 A All black.

23 Q And why don't they have anything written on their uniforms
24 that says "Police"?

25 A Anything that would draw attention, become a target. They

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1 A We all pulled up en masse. SRT went in. A few vice
2 members went in with them, and then we followed through,
3 because there was a lot more people than they thought, and
4 plus there was an interior and an exterior. It needed to
5 be contained. So I had made my way through the building
6 and then made my way outside.

7 Q You were one of the people outside?

8 A Yes.

9 Q How long between when the raid began and when -- How much
10 time passed between when the raid began and when you went
11 in the building?

12 A From the point of SRT entering the front door --

13 Q Correct.

14 A -- to me entering the front door?

15 Q Correct.

16 A Less than a minute.

17 Q Okay. What was your role and assignment that night?

18 A It was supposed to be a uniformed presence and basically
19 crowd control, deal with the people.

20 Q Did you go immediately to the outside area once you
21 entered the building?

22 A I went in. I remember doing a quick sweep around the
23 building. I remember there being a set of stairs. I
24 checked the stairs to see if there was any people in the
25 stairs. I came back down, and then I went outside.

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1 Q Can you describe what you remember of the situation when
2 you went inside the building?

3 A I remember walking in. As soon as you walked in, there
4 was a counter. It had a sign on it with the drink prices.
5 I remember it was just an open space. I remember joking
6 about it being an art institute, but there's no art.
7 There was nothing there, just open, and then cracked a
8 joke about how much the drinks were. Went outside, a
9 bunch of picnic tables, people outside, a bunch of people,
10 you know, seventy, eighty people.

11 Q What was the behavior of the people inside and outside?

12 A Some of the people were getting on the ground. Some of
13 the people were talking, what would be verbal defiance,
14 you know, but most people complied. Basically, that was
15 the gist of it. Once we all made it in, everybody was
16 told to get on the ground, and most were compliant.

17 Q By the time you made it into the building, were most
18 people on the ground?

19 A Yeah. There was quite a few people on the floor, yes.

20 Q And is the same true, by the time you made it outside,
21 were most people outside on the ground?

22 A Yeah. From my recollection, yes.

23 Q You said there was verbal defiance. Can you describe
24 that?

25 A I do remember somebody saying, "I know my rights. What

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1 are you, the Gestapo?" Something to that effect. But
2 like I said, just verbal defiance, just nobody that was
3 actually physically fighting, resisting, no, nothing like
4 that.

5 Q Was the person who was saying, "I know my rights. Who is
6 this, the Gestapo?" already on the ground?

7 A I just remember somebody saying it, but I don't know if he
8 -- I just remember someone saying it. I don't know if he
9 was on the ground completely or standing up saying it.

10 Q Was it a man or a woman?

11 A It was a man.

12 Q Do you recall anyone outside indicating that either they
13 were an attorney or they were related to an attorney?

14 A No.

15 Q Did you witness any physical altercation or interaction or
16 contact between any of the other police officers and the
17 patrons at the CAID?

18 A You mean like a fight?

19 Q Physical disruption or a fight.

20 A No.

21 Q Did you notice any police officer physically taking
22 someone down to the ground?

23 A No.

24 Q Did you notice any police officer shoving or pushing a
25 patron?

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1 A When we were processing people, there was people that were
2 being walked into the building, and some of them weren't
3 complying by physically walking into the building like
4 they were supposed to. Yes, some people were being guided
5 back into the building, but pushing and shoving them, no.
6 More, "Here, you need to come this way. Let's go back
7 into the building."

8 Q And that was not during the initial stage when everyone
9 was getting down on the ground?

10 A No.

11 Q That was later?

12 A That was later.

13 Q When you first made it into the building and again when
14 you first made it into the outside area, did you witness
15 anyone engaged in illegal activity?

16 A What do you mean? Did I visibly see anybody?

17 Q Did you personally, yes, see anybody engaged in illegal
18 activity?

19 A No.

20 Q You mentioned previously that the vice squad members
21 sometimes use face masks to cover their face when they --

22 A Yes.

23 Q -- are in a raid? Do you remember whether any of the vice
24 squad members in this raid were doing that, had their face
25 covered?

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1 A "Get down on the floor. Get down on the floor. Quit
2 moving." All general. It's general purpose for
3 containment and control. You tell people, "Get on the
4 floor. Get on the floor. Get on the floor. Get down.
5 Get down on the floor." These are general terms.

6 Q Do you remember if they happened to use any stronger
7 language like, "Get the fuck down on the floor"?

8 A It's a possibility.

9 Q So you don't specifically remember that?

10 A I don't specifically remember that, no, but it's a
11 possibility.

12 Q You have heard that before?

13 A Absolutely.

14 Q Once people were down and secure on the ground, what was
15 done to them at that point?

16 A Once the entire area was secure, they started -- they set
17 up their processing unit and started processing people,
18 taking IDs, getting names, running names, taking keys. We
19 started bringing people from the outside, bringing them up
20 to the table. I remember bringing one guy up. I brought
21 him up to the table, and they started processing him.

22 Q Were people searched?

23 A Oh, absolutely.

24 Q Was that something that happened immediately?

25 A We try to keep people's hands visible, because when you're

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1 dealing with that many people and there's not that many
2 officers, we basically -- it's an amount of just keeping
3 them in their place until we can deal with them, and then,
4 when we get them up, we would pat them down. If you
5 thought there was an immediate threat, you would search
6 them. But it's kind of one of those things, as long as
7 they're in their place, they're not moving, not acting
8 squirrely, we'll contend with them when we can. It's
9 just because it's a numbers game. You can't just keep on
10 contending with everybody at one time because you just
11 don't have the numbers to deal with everybody at one time.

12 Q So when you get to a particular person that you're going
13 to deal with --

14 A They get patted down, yes.

15 Q Do their pockets get emptied?

16 A They get patted down for offensive weapons.

17 Q Over the outside of their clothes?

18 A Yes.

19 Q You wouldn't reach your hand in their pocket?

20 A No.

21 Q Unless you felt something?

22 A Unless I felt something on the outside of it that I
23 thought was a weapon or something else or contraband.

24 Q How many people did you search that night?

25 A I know I searched the one guy I brought up. I don't

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1 remember searching anybody else, but I may have.

2 Q Were people required to empty their pockets?

3 A I don't know.

4 Q Were they required to hand over their keys?

5 A Yes.

6 Q And identification?

7 A Yes.

8 Q Did you recover any weapons that night?

9 A No.

10 Q Did you recover any drugs that night?

11 A No.

12 Q Did anyone else there recover any weapons or drugs?

13 A I don't know.

14 Q And how long were you there in the building or outside?

15 A Hours.

16 Q Can you estimate how many hours?

17 A I know it was after two. I remember the sun coming up, so
18 we were there for a while.

19 Q Was everyone gone by the time you left? I'm sorry. Were
20 all the patrons who were there gone by the time you left?

21 A No. There were still some people outside because they
22 didn't have a ride.

23 Q But they were no longer in the building?

24 A Correct.

25 Q Between the time that you entered the building and when

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1 people left -- Strike that.

2 Tell me about the processing system.

3 A I could tell you about my guy. I brought him from
4 outside. I brought him in. I walked him in, brought him
5 to the table. They asked him for his ID. They asked him
6 how did he get there. A ticket was written out. I can't
7 remember if I did it. I did sign it; I remember that.
8 Once they were processed, they walked -- they had somebody
9 take them out to their vehicle, show where the vehicle was
10 at. And after that I was back outside doing -- back out
11 in the rear of the building again.

12 Q So the guy you brought in, he still had his ID and keys
13 with him at that time?

14 A I don't know if -- I can't recall if he did. I remember
15 he had his ID because we wrote him a ticket.

16 Q How were you assigned to that particular person? Just
17 random?

18 A He was there. "Come here. Let's walk you in."

19 Q So basically there were a lot of cops there. Everyone
20 sort of grabbed somebody and sort of brought them -- not
21 physically grabbed them. Everyone was assigned to
22 somebody and brought them in?

23 A Kind of one of those things. They said, "Okay. We need
24 to start processing these people from outside. Come in.
25 Come on. Come with me." Walked them from outside while

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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.

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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.

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1 (WHEREUPON, Deposition Exhibit 5
2 was marked for identification.)

3 BY MR. KOROBKIN:

4 Q Officer Cole, do you recognize this document that I'm just
5 handing you now?

6 A Yes. The same one you handed me earlier. It's the report
7 from vice written by Sergeant Buglo that basically
8 documents all the people that were at the location and
9 what was done with them.

10 Q Is it what's commonly referred to as a CRISNET report?

11 A Yes.

12 Q And this report number is .1; is that right?

13 A Correct.

14 Q The defendants are listed in numerical order, and if you
15 would take a look at 57, does line 57 indicate that you
16 issued a ticket for loitering in a place of illegal
17 occupation to Joshua Wilson?

18 A Yep.

19 Q Okay. So what did you observe him doing, if anything,
20 that authorized you to ticket him?

21 A He was at the location that we were informed by Lieutenant
22 Yost was a blind pig; that they were selling alcohol
23 without a license after hours and --

24 Q By "they" --

25 A "They" being "they," and in his presence being there was

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1 him loitering in a place of illegal occupation because the
2 place was illegal.

3 Q But you're not saying Mr. Wilson was selling alcohol?

4 A No.

5 Q Right? You're saying he was in a place where it was being
6 sold?

7 A Correct.

8 Q Defendant 60, that would be your ticket as well, right?

9 A Yeah. Yep.

10 Q Okay. And the same is true; you didn't observe him doing
11 anything other than being present in the location?

12 A Correct.

13 Q Number 70, is that true of number 70 as well?

14 A Yes.

15 Q And you issued that ticket, right?

16 A Correct.

17 Q And number 95, is that also true for number 95?

18 A Yes.

19 Q So you issued the ticket to Thomas Mahler for loitering in
20 a place of illegal occupation on line 95?

21 A Yes.

22 Q And you did not observe him doing anything other than
23 being present?

24 A He was present there, correct.

25 MR. KOROBKIN: Let me ask the court reporter to

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1 marked Exhibit 6.

2 (WHEREUPON, Deposition Exhibit 6
3 was marked for identification.)

4 BY MR. KOROBKIN:

5 Q This is one of the gentlemen that we just discussed on the
6 CRISNET report, correct?

7 A Correct.

8 Q Can you identify this exhibit?

9 A It is a ticket for Mr. Mahler, ticket number 42364008.

10 Q Is this your signature?

11 A Yes, that is my signature.

12 Q As you sit here today, do you remember either Mr. Mahler
13 or issuing this ticket?

14 A The only one -- I would have to sit, and I would have to
15 look at a photo, because I remember the one guy I brought
16 in from outside that I talked to. Beyond that, I dealt
17 with a few people that night so --

18 Q So as you sit here today, you can't actually recollect --

19 A No.

20 Q -- this person? Were photos taken that night?

21 A No.

22 Q Is one of the purposes of taking photos to refresh the
23 recollection of officers such as yourself --

24 A Right.

25 Q -- who process many people?

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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

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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.

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1 Q As far as you know, did they get a copy of every single
2 misdemeanor ticket that's issued?

3 A They get a copy of every ticket that's issued by the
4 department.

5 Q Do you have any idea how long they keep those copies?

6 A No.

7 Q If there had been a criminal trial on Mr. Mahler's
8 ordinance charge, would you be the officer to testify as
9 to his --

10 A Being at the -- Yes.

11 Q And all you would really testify is that you went into the
12 CAID, and he was one of the people who was there?

13 A Correct.

14 Q He didn't tell you anything?

15 A No.

16 Q Make any statements?

17 A No.

18 Q Anything of that sort?

19 A No.

20 MR. KOROBKIN: I'll ask the court reporter to
21 mark Exhibit No. 7.

22 (WHEREUPON, Deposition Exhibit 7
23 was marked for identification.)

24 BY MR. KOROBKIN:

25 Q Officer Cole, can you identify this document?

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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

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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.

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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.

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1 A Oh, you're talking like miles? No, we're not going to go
2 miles for this thing. If somebody got dropped off and
3 their car is parked in a parking structure at Wayne State,
4 we're not going after that, no. This is within the
5 vicinity of the area that we're there for.

6 Q It's the car's physical presence there as opposed to the
7 fact that it transported the person there?

8 A It's both.

9 Q That makes it subject to being impounded?

10 A It's both. The fact that it's there and it's causing part
11 of the nuisance and the fact that they used it to
12 transport themselves there.

13 Q Let me ask you this: If they got dropped off there --

14 A Right.

15 Q -- but then the person who dropped them off drove away --

16 A Okay.

17 Q -- that car would not be subject to --

18 A No.

19 Q -- impoundment; is that correct?

20 A Not to my knowledge, no.

21 Q Okay. Because you're not part of the vice squad, you
22 don't keep a tally of how many cars you impound at a raid;
23 is that correct?

24 A No.

25 Q You mentioned that Lieutenant Yost was the commander of

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1 the raid. Was she also the officer in charge of
2 impounding vehicles?

3 A In essence, yes, because she's in charge of everything, so
4 yes.

5 Q So if a question came up about the propriety of towing a
6 specific vehicle, that question would be resolved
7 ultimately on the scene by Lieutenant Yost?

8 A Yes, that would be Lieutenant Yost that would handle that.

9 Q Do you recall whether any questions came up about any
10 particular vehicle?

11 A No.

12 Q You don't recall, or it didn't come up?

13 A I don't remember, no. I don't recall or remember.

14 MR. KOROBKIN: Okay. Jerry, can we take ninety
15 seconds? We'll be right back.

16 THE WITNESS: No problem.

17 (Recess taken from 4:07 p.m. to 4:10 p.m.)

18 (WHEREUPON, Deposition Exhibit 9

19 was marked for identification.)

20 BY MR. KOROBKIN:

21 Q We're back on the record. I'm handing you an exhibit
22 marked Exhibit 9, and the first page is Return to Search
23 Warrant, but I would actually like you to turn to the
24 second page.

25 A Okay.

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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.

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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

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

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

9 Plaintiffs,

7 Hon. Victoria A. Roberts
8 Magistrate Judge Mona K. Mazoub
8 - vs - No. 10-cv-10675

9 CITY OF DETROIT, a municipal
10 corporation, Lieutenant VICKI YOST,
11 a Detroit police officer, in her
12 individual capacity, Sergeant DANIEL
13 BUGLO, a Detroit police officer, in his
14 individual capacity, Sergeant G. MCWHORTER,
15 a Detroit police officer, in his/her
16 individual capacity, Sergeant A. POTTS,
17 a Detroit police officer, in his/her
18 individual capacity, Sergeant CHARLES TURNER,
19 a Detroit police officer, in his individual
20 capacity, Officer M. BROWN, a Detroit police
21 officer, in his/her individual capacity, Officer
22 B. COLE, a Detroit police officer, in his/her
23 individual capacity, Officer TYRONE GRAY, a
24 Detroit police officer, in his individual
25 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,

21 Defendants.

21 _____ /

22 DEPOSITION OF POLICE OFFICER TYRONE GRAY

23 TUESDAY, OCTOBER 25, 2011

24
25

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.

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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.

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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.

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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?

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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

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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.

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10/25/2011

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1 carry.

2 Q And you have never been a member of SRT, right?

3 A No.

4 Q Okay. If other officers have testified that SRT officers
5 wear all black with no logo, would you have a reason to
6 disagree with that?

7 MS. HAMMOUD: Object to foundation. I think
8 he's testified to the extent of his knowledge, but you can
9 answer -- and he has no knowledge of what anybody else has
10 testified to, but he can answer the question to the extent
11 that he knows.

12 THE WITNESS: I recall SRT just wearing what I
13 just described.

14 BY MS. JAMES:

15 Q Have you ever been involved in a raid with SRT where they
16 have worn all black with no police logos visible that you
17 recall?

18 A I don't recall.

19 Q Okay. At this particular raid, do you recall whether you
20 either had a name tag or a badge with your badge number
21 visible?

22 A At this raid, no.

23 Q No? So would there be any way -- Oh, let me ask one more
24 question. Let me back up.

25 Did you have anything concealing your face at

Tyrone Gray
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1 this particular raid?

2 A I don't recall if I did.

3 Q Okay. Have you ever participated in a blind pig raid
4 where you had either a mask or a bandanna over your face?

5 A Yes.

6 Q And on the occasions where you have used a mask or
7 bandanna, what was the purpose of concealing your face?

8 A It's to conceal my identity. I have worked undercover
9 operations, many of blind pigs, and a lot of the
10 individuals who frequent these blind pigs are owner and
11 operators of additional separate blind pigs than the one I
12 might be working in as an undercover officer, and as far
13 as going to court on individuals down the road, they would
14 recognize me, and it would blow my cover if I go into
15 another location, and they would recognize me as being a
16 police officer. Therefore, I attempt to conceal my
17 identity while inside or sometimes conducting execution of
18 search warrants at blind pigs.

19 Q And to your knowledge, would there be any reason for
20 officers -- Strike that.

21 So is it fair to say that there is no policy or
22 procedure within the department that requires officers to
23 be identifiable either by name or badge during the course
24 of these raids?

25 A I don't know if there is any.

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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.

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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

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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?

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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

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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?

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1 A There are two hard copies, but those are sent down to the
2 courts.

3 Q Both other copies are sent to the court?

4 A Yes.

5 Q Okay. Do you know whether there's any copy of the ticket
6 that's retained within the Detroit Police Department?

7 A Yes. We would make our own copy. I apologize. We would
8 make our own copy and have that in our files.

9 Q When you say "our files," is that your personal file or a
10 file within the vice enforcement unit?

11 A That would be a file within the vice enforcement unit, a
12 file of each activity where tickets are warranted or
13 arrests are made.

14 Q Okay. So if you wanted to review a copy of one of these
15 tickets, is it your understanding you would be able to
16 obtain them from vice enforcement?

17 A I would be able to obtain them from vice enforcement, or
18 once I'm at the court proceeding, I would review the
19 ticket, the hard copy of the ticket while at court.

20 MS. JAMES: Okay. And I would just like to make
21 a record at this time. I'll bring it up to Jerry when I
22 talk to him next, but we still haven't been provided with
23 copies of the tickets that were issued at this raid, and
24 to the extent that they appear to be within the control of
25 Defendant City, if not all the individual defendants,

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1 we'll be renewing our request to get copies of those.

2 BY MS. JAMES:

3 Q I want to back up again. The defendants that we -- I'm
4 assuming that stands for defendant. Is that your
5 understanding, Officer Gray, that when it says DEF period
6 and then a number, that means defendant?

7 A That's correct.

8 Q Okay. The list of defendants that we went through a few
9 moments ago, to your knowledge and recollection, other
10 than their presence inside the establishment, do you
11 recall whether you observed them engage in any other
12 activity that you would understand as being illegal
13 activity?

14 A Are you saying other than the first four that is on the
15 report? What are you asking me?

16 Q Okay. Let me rephrase it. The three defendants that we
17 spoke about --

18 A Correct.

19 Q -- I believe you testified that your understanding of the
20 basis for ticketing them for loitering was their presence
21 in the establishment?

22 A Correct.

23 Q What I'm asking is whether you observed them doing
24 anything else that you would understand to be illegal
25 activity?

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1 A No.

2 Q Okay. Did you observe -- This is not limited to the
3 people that we just spoke about. This is in general. Do
4 you recall, when you were at the CAID that evening,
5 whether you observed any additional illegal activity such
6 as open drug use or anything of that nature?

7 A I didn't observe any of that.

8 Q Now, in looking through this report, there are a number of
9 officers such as yourself who only ticketed, you know,
10 we'll say less than five people, and there are other
11 officers who appear to have ticketed dozens of people. Do
12 you have any knowledge of why some officers ticketed very
13 few and other officers ticketed several? Do you know
14 anything about that?

15 A When you say knowledge, no, I don't have any individual
16 knowledge of why certain officers ticketed more than
17 myself.

18 Q I guess I can ask it a different way. In fact, I should
19 just ask this: How did it come to be that you ticketed
20 these individual people; do you recall?

21 A Yes. Are you asking the process?

22 Q Yeah.

23 A Okay. The process is, once they are centralized, we have
24 a processing area, and at the processing area, it can
25 consist of evidence or persons writing out tickets. When

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1 did not author either of these reports, either Exhibit 6
2 or 7?

3 A That's fair.

4 Q Okay. All right. I'd like you to direct your attention
5 toward the bottom of the page. It says VEU number 48. Do
6 you know what VEU stands for by the way?

7 A I don't remember the acronym for that.

8 Q Okay. That's fine. At any rate, we're going to look at
9 VEU48, Joy Alicia Wells. Do you recall whether you
10 authorized the seizure of Miss Wells' vehicle?

11 A That would be done by a supervisor, ma'am.

12 Q I see. Okay. So would it be fair to say that any of the
13 vehicle seizures, all of those decisions or the
14 authorizing of such seizures would have been made by a
15 supervisor that day?

16 A It would be the supervisor of the operation, yes.

17 Q Do you recall whether you signed any notices of
18 impoundment?

19 A I do recall myself being out there helping --

20 Q Okay.

21 A -- with the vehicles. I probably did sign some if they
22 weren't already prepared.

23 Q Okay. The report we have in front of us, Exhibit No. 7,
24 you are listed as the person having ticketed Miss Wells
25 for loitering in a place of illegal occupation; is that

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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

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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 --

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1 it all have to do with this incorrect location?

2 A That's fair.

3 Q Okay. So have we covered all suspensions and disciplinary
4 actions that you can think of?

5 A Yes.

6 Q To your knowledge, have there ever been any citizen
7 complaints lodged against you?

8 MS. HAMMOUD: Continuing objection as to
9 relevance, more prejudicial than probative, improper
10 character evidence.

11 THE WITNESS: Yes.

12 BY MS. JAMES:

13 Q Do you know approximately how many?

14 A I do not.

15 Q To your knowledge, have any of those complaints been
16 sustained?

17 A I don't recall.

18 Q Other than what we have already talked about, do you
19 recall ever having been disciplined or retrained or warned
20 as the result of a complaint that was made against you?

21 MS. HAMMOUD: Object to the form of the
22 question.

23 THE WITNESS: I don't recall.

24 BY MS. JAMES:

25 Q Okay. And I'm asking formally, has there been a formal

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1 discipline or a formal warning, just to clarify my
2 question? Do you recall ever receiving anything like
3 that?

4 A No, ma'am.

5 Q All right. I'm going to hand you what is being marked as
6 Exhibit 8.

7 (WHEREUPON, Deposition Exhibit 8
8 was marked for identification.)

9 BY MS. JAMES:

10 Q Are you familiar with this document? Have you seen
11 anything like this before?

12 A I have not.

13 Q I'd like to bring your -- Well, let's just clarify. What
14 I have handed you is titled "Detroit Police Department
15 Officer Information Report." That's on the first page,
16 and then on the second, third, fourth, and fifth pages
17 begin with the title "Citizen Complaint Report Filed
18 Against DPD Officer." Okay. And I would like to draw
19 your attention to, on the first page, a line that begins
20 with BPC number 02-0615, CCR number 32713. There are two
21 notations here -- Well, there's a total of five notations
22 for demeanor

23 A I'm sorry. 32712?

24 Q Correct. Are we on the same page?

25 A You said three.

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1 MS. HAMMOUD: Yeah, you said a different number.

2 MS. JAMES: I'm sorry. I misspoke.

3 MS. HAMMOUD: I was looking for it, too.

4 MS. JAMES: I'm sorry. I apologize.

5 BY MS. JAMES:

6 Q There are about five notations here, demeanor, procedure,
7 demeanor, force, arrest, and I'm interested in the top two
8 where it says, "Demeanor - Improper Conduct" and
9 "Procedure - Improper Conduct." Do you recall, now that
10 you have seen this -- I realize it's not terribly
11 informative, but do you recall there being a complaint
12 against you? I believe the number at the beginning, the
13 BPC number 02 signifies that it was initiated in the year
14 2002. So do you recall, in the year 2002, there being a
15 complaint against you when you worked at the 6th Precinct?

16 A I don't remember any of these, ma'am.

17 Q There's also a notation here that this file was closed
18 January 11th, 2005. Do you recall sometime around that
19 time period whether you were notified of having engaged in
20 any improper conduct?

21 A I don't recall.

22 Q Okay. And is it also fair to say that you don't recall
23 being disciplined or any formal warning at that time?

24 A That's correct.

25 Q Okay. And just to complete the record, is it also fair to

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1 say that you didn't receive any retraining at that time
2 that you recall?

3 A That's correct.

4 Q And then I also want to ask, similarly, toward the bottom
5 of that page there's a BPC number 99-0841, CCR number
6 29505, and there are two notations, one for procedure and
7 one for demeanor. The one at the top, "Procedure -
8 Improper Conduct, 6th Precinct," do you have any memory of
9 a complaint being lodged against you in 1999 for
10 procedure?

11 A I do not.

12 Q Okay. And then is it also fair to say that when this case
13 was closed 4-06-2000, that you don't recall receiving any
14 notification that there was a finding of improper conduct?

15 A I do not.

16 Q And, again, I'm sorry. Just to complete the record, is it
17 also fair to say that you didn't receive any disciplinary
18 action or retraining as a result of this investigation
19 that you know of?

20 A I don't recall.

21 MS. JAMES: Okay. And, again, I'm going to
22 place this on the record, and I'll raise it with Jerry.
23 We have received citizen complaint files that are more
24 recent in time. We haven't received anything from 2002 or
25 2009, and we'll renewal our request to obtain the complete

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.:

Passed:

Approved:

Published:

Effective:

November 9, 2010

November 23, 2010

November 30, 2010

December 10, 2010

December 10, 2010

JANICE M. WINFREY

City Clerk

Officer Sheron Johnson
10/28/2011

EXHIBIT 26

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

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

9 Plaintiffs,

7 Hon. Victoria A. Roberts
8 Magistrate Judge Mona K. Mazoub
8 - vs - No. 10-cv-10675

9 CITY OF DETROIT, a municipal
10 corporation, Lieutenant VICKI YOST,
11 a Detroit police officer, in her
12 individual capacity, Sergeant DANIEL
13 BUGLO, a Detroit police officer, in his
14 individual capacity, Sergeant G. MCWHORTER,
15 a Detroit police officer, in his/her
16 individual capacity, Sergeant A. POTTS,
17 a Detroit police officer, in his/her
18 individual capacity, Sergeant CHARLES TURNER,
19 a Detroit police officer, in his individual
20 capacity, Officer M. BROWN, a Detroit police
21 officer, in his/her individual capacity, Officer
22 B. COLE, a Detroit police officer, in his/her
23 individual capacity, Officer TYRONE GRAY, a
24 Detroit police officer, in his individual
25 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,

21 Defendants.

21 _____ /

22 DEPOSITION OF POLICE OFFICER SHERON JOHNSON

23 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
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Detroit, Michigan 48201
-and-
MS. KATHRYN BRUNER JAMES
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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.

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T A B L E O F C O N T E N T S

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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
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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

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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 Sharon Johnson
10/28/2011

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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 Sharon Johnson
10/28/2011

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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 Sharon Johnson
10/28/2011

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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

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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

Officer Sheron Johnson
10/28/2011

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1 BY MS. JAMES:

2 Q You don't know. So if we look at page -- It's the second
3 page of the entire document. It's the first page in
4 landscape format, the one that has the title "Citizen
5 Complaint Report Filed Against DPD Officer." So if we
6 look at the top, right under "Office of the Chief
7 Investigator," BPC No. 03-300, CCR No. 33612, so where the
8 finding says "Sustained," do you know whether that means
9 that the complaint against you was found to have some
10 merit?

11 A I don't know. I haven't answered to any complaints.

12 Q So is it your testimony that between the dates of April
13 2nd, 2003, and March 25th, 2004, no one notified you that
14 there was a complaint against you that had any merit?

15 A No, but it would be fair to say that every complaint that
16 has my name included on it, I'm not advised of it.

17 Q Do you know whether your supervisors are advised of it?

18 A I have no idea.

19 Q Okay. Is it your understanding that if a complaint were
20 made against you that investigators found to have some
21 merit, is it your understanding that they would notify you
22 of it?

23 A Well, I would say that it's my understanding, while
24 working at Northeastern District, that I would be advised
25 of it, but a lot of the complaints that come from the

Gregory McWhorter, Sgt.
10/27/2011

EXHIBIT 27

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

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

10 Plaintiffs,

Hon. Victoria A. Roberts
Magistrate Judge Mona K. Mazoub
No. 10-cv-10675

11 -vs-

12 CITY OF DETROIT, a municipal
13 corporation, Lieutenant VICKI YOST,
14 a Detroit police officer, in her
15 individual capacity, Sergeant DANIEL
16 BUGLO, a Detroit police officer, in his
17 individual capacity, Sergeant G. MCWHORTER,
18 a Detroit police officer, in his/her
19 individual capacity, Sergeant A. POTTS,
20 a Detroit police officer, in his/her
21 individual capacity, Sergeant CHARLES TURNER,
22 a Detroit police officer, in his individual
23 capacity, Officer M. BROWN, a Detroit police
24 officer, in his/her individual capacity, Officer
25 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

Page 2

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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

Page 3

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T A B L E O F C O N T E N T S

4

WITNESS

PAGE

5

SERGEANT GREGORY McWHORTER

6

Examination by Mr. Korobkin

4

7

DEPOSITION EXHIBITS

8

9

Exhibit 1 - Re-Notice of Taking Deposition Duces
Tecum of Sgt. Gregory McWhorter

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Exhibit 2 - Michigan Commission on Law Enforcement
Standards, Individual Employment History

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Exhibit 3 - Nuisance Abatement Statute &
Raid Execution/Blind Pig

27

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Exhibit 4 - DPD Activity Log Dated 5-30-08

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Exhibit 5 - DPD Crime Report 0805310096.1

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Exhibit 6 - DPD Follow-Up Report 0805310096.3

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16

Exhibit 7 - Confirmation Report on Probationary
Police Officer

86

17

18

Exhibit 8 - Eaton & Topp - Second Amended Complaint
and Jury Demand

96

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Gregory McWhorter, Sgt.
10/27/2011

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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

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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

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1 A Mm-hmm.

2 Q Can you identify this document?

3 A Better known as a CRISNET report.

4 Q Did you have any part in writing this document?

5 A No, I did not.

6 Q And this is the CRISNET report for the CAID raid; is that
7 right?

8 A Yes, 5141 Rosa Parks.

9 Q So if you would turn to page 3 and look way down at the
10 bottom, it says Defendant 58, Robert Anthony Moglia?

11 A Yes.

12 Q Your name is on that entry?

13 A Yes, sir.

14 Q So what does that mean that your name is there?

15 A It means that I signed the ticket.

16 Q Do you remember Mr. Moglia?

17 A No, I do not.

18 Q So what did you observe Mr. Moglia doing that authorized
19 you to sign the ticket for loitering in a place of illegal
20 occupation?

21 A I don't know what point in time the ticket would have been
22 written, but my officers would have made the observation
23 or an officer that was involved in the raid would have
24 made the observation.

25 Q So you did not observe whatever conduct was the basis for

Gregory McWhorter, Sgt.
10/27/2011

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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

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1 Q If Mr. Washington had gone to court to challenge this
2 ticket, would you have been called to testify?

3 A Probably myself and the officer.

4 Q Who would that officer have been?

5 A I don't know at this time, sir.

6 Q Would there have been a way to figure that out at the
7 time --

8 A Yes.

9 Q -- who the officer would have been?

10 A Yes.

11 Q How would that --

12 A I guess whoever was handling vice processing at the time
13 or if it was one of my officers.

14 Q So if it was one of your officers, he or she was supposed
15 to keep a record of the fact that he or she saw James
16 Washington --

17 A Yes. They may have, yes.

18 Q And other than you signing the ticket, is there any other
19 basis that you know of why James Washington was charged
20 with this offense?

21 MR. ASHFORD: Objection as to form.

22 THE WITNESS: That I do not, sir.

23 BY MR. KOROBKIN:

24 Q And do you recall observing him involved in any other
25 illegal activity besides loitering in a place of illegal

Gregory McWhorter, Sgt.
10/27/2011

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1 Q The tickets that you signed that night, you didn't keep a
2 copy yourself; is that right?

3 A No, I did not.

4 Q Where did they go, vice squad?

5 A Vice squad, yes.

6 MR. KOROBKIN: I'll just say for the record that
7 we don't have copies of these tickets, and we have
8 requested them.

9 BY MR. KOROBKIN:

10 Q How is it decided that you would sign the ticket for James
11 Washington?

12 A Basically, I'm asked to review it. I'm asked, basically.

13 Q By who?

14 A By one of the processing officers.

15 Q And would that processing officer be someone from the vice
16 squad?

17 A Could be vice, could be my own guys. It all depends on
18 however they are using them. Like I said, if they need
19 extra manpower at the table or what have you, then I would
20 send maybe one or two officers. Whatever they needed I
21 would send to help them out.

22 Q In order to sign James Washington's ticket, did you have
23 to see James Washington. Was he there when you signed the
24 ticket?

25 MR. ASHFORD: Objection to the form.

Gregory McWhorter, Sgt.
10/27/2011

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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.

Gregory McWhorter, Sgt.
10/27/2011

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1 The fact that you signed a ticket doesn't cause
2 you necessarily to think, "Oh, I must have seen James
3 Washington that night"?

4 A In that situation, you mean see him committing whatever he
5 was ticketed for?

6 Q Or seeing him, that you laid eyes on him at all.

7 MR. ASHFORD: Objection to the form.

8 THE WITNESS: Okay. Again, I gave the ticket
9 back to the processing officer. They made sure he got the
10 ticket.

11 BY MR. KOROBKIN:

12 Q Right.

13 A When he was coming out, you know --

14 Q But you didn't meet him?

15 A No.

16 Q Okay. Thanks. I think I'm done with this exhibit.

17 Let me ask the court reporter to mark as Exhibit
18 6 this DPD Follow-Up Report. Have you seen this document?

19 A Yes, sir.

20 (WHEREUPON, Deposition Exhibit 6
21 was marked for identification.)

22 MR. KOROBKIN: Now, Jerry, do you need a copy?

23 MR. ASHFORD: No.

24 BY MR. KOROBKIN:

25 Q So this document basically is about the impoundment of

Kathleen Singleton
1/12/2012**EXHIBIT 28**

Page 4

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

7

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

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1 I'm not asking you where this location is, but
2 what does Base 22 refer to?

3 A. Where narcotics is located.

4 Q. Okay.

5 A. It's what narcotics precinct I guess you could
6 say is referred to.

7 Q. Okay. I see. Do you know what evidence was
8 found as a result of this raid?

9 A. No.

10 MS. JAMES: Okay. I'm going to mark
11 the fourth exhibit here. This is a -- I'll
12 pause, let you mark it and then I'll finish.

13 (Marked Exhibit No. 4.)

14 Q. (Continuing, by Ms. James) So Exhibit No. 4 just
15 for the record is a Detroit Police Department
16 crime report case number 0805310096.1. I'm
17 sorry. That's the report number.

18 A. It's the same thing.

19 Q. Have you ever seen this record before to your
20 memory?

21 A. No.

22 Q. Okay. I'd like to direct your attention to
23 page, the very bottom of page two, defendant
24 number 36, Samantha Gold, and according to this
25 record, Samantha Gold was issued a ticket for

Kathleen Singleton
1/12/2012

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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

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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

Kathleen Singleton
1/12/2012

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1 anything?

2 A. Whoever started writing the tickets would issue
3 that person a ticket.

4 Q. What does that mean?

5 A. If I'm writing tickets, then I would issue the
6 person a ticket.

7 Q. How is it decided that you would write the tickets?

8 A. Who writes tickets? They would just say, "Can
9 you guys start writing tickets?"

10 Q. Okay. And at this particular --

11 A. That's typical.

12 Q. Okay. At this particular incident, what is your
13 understanding of the basis on which you were
14 writing these tickets?

15 A. Somebody giving you just basic information,
16 somebody would have said write tickets for
17 loitering in a place of illegal occupation.

18 Q. And who would have said that?

19 A. Somebody from vice.

20 Q. Okay.

21 (Marked Exhibit No. 5.)

22 Q. (Continuing, by Ms. James) All right. We've
23 marked, what are we on, Exhibit No. 5 now. This
24 is another DPD report. This is a follow-up
25 report for the same case number. The report

Kathleen Singleton
1/12/2012

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1 enforcement in a blind pig raid?

2 A. If vice would have said this is a place of -- if
3 it was illegal, whatever they were doing in that
4 location and they stated that people in here are
5 illegally in this location and they're not
6 supposed to be in this location or doing whatever
7 they're doing, then you would issue them that
8 ticket because that's pretty much the ticket you
9 would issue them, right.

10 Q. Okay. So the procedure, if I understand it
11 correctly, is that vice enforcement makes the
12 call, makes the decision on what charges are to
13 be brought?

14 A. Yes, ma'am.

15 Q. Okay. All right. Are you familiar with the
16 citizen complaint procedure?

17 A. No, ma'am.

18 Q. Okay. Do you know whether or not you've had any
19 citizens complaints filed against you?

20 A. Yes, ma'am.

21 Q. Okay. Have you ever had any complaints that
22 were sustained or where you were found to have
23 acted improperly?

24 A. I don't remember.

25 Q. You don't remember. Okay.

Kathleen Singleton
1/12/2012

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1 (Marked Exhibit No. 6.)

2 Q. (Continuing, by Ms. James) I've just handed you
3 what's marked as Exhibit No. 6. The first page
4 says Detroit Police Department Officer Information
5 Report. The following pages are in a landscape
6 format and the second page says at the top Citizen
7 Complaint Report Filed Against DPD Officer and
8 this is the record for Kathleen Singleton. Have
9 you seen either of these documents before?

10 A. No.

11 Q. Okay. I'd just like to direct your attention to
12 the first page. The second entry there

13 BPC #01-0130 CCR #30907. It says, Allegation,
14 procedure; findings, improper c; unit, Fourth
15 Precinct; closed August 2nd, 2001. Do you have
16 any recollection of a finding of improper
17 conduct for procedure around that time in 2001?

18 A. No.

19 Q. Okay.

20 A. Not a clue.

21 Q. You can't tell me what kind of conduct was
22 complained of?

23 A. You got a number here and that's it. No. And
24 it was in '01.

25 Q. Okay. And then I'd just like to direct your

Kathleen Singleton
1/12/2012

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1 attention to the last page with content on it in
2 the lower right-hand corner. It says
3 Def-City-1766. There are a couple of items here
4 where if you look under the column titled
5 finding, there are three notations of pending.
6 These are much more recent since 2009. Do you

7 recall being notified that there were any
8 citizen complaints made against you since 2009?

9 A. No.

10 Q. Okay. And I'm sorry, I think a moment ago,
11 please correct me if I'm wrong, but I think you
12 did say that you do recall knowing that there
13 have been complaints made against you before, is
14 that right?

15 A. Right.

16 Q. And for the ones that you are aware of, how were
17 you notified?

18 A. If I had to go make statements or something. I
19 mean they could tell you you have one against
20 you. I don't follow-up on them. I don't know
21 what the outcome of them would be.

22 Q. Okay.

23 A. Anybody's going to make a complaint against you
24 if you arrest them.

25 Q. Okay. So is it your testimony that you only

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1 recall having been notified if someone is
2 interviewing you about the incident?

3 A. If they're interviewing me about it. Other than
4 that, no, I wouldn't know.

5 Q. Okay.

6 A. I don't look them up or anything.

7 Q. Do you have any knowledge of whether or not your
8 supervisor is informed of the outcome of these
9 investigations?

10 A. I think you would have to contact the office of
11 the chief investigator. They would be the ones
12 that keep track of this.

13 Q. But you don't know whether or not your supervisor
14 is informed, is that what you're saying?

15 A. That the supervisor -- you're asking me a question
16 that there is really no yes or no answer to.

17 Q. I'm asking whether or not you know whether your
18 supervisor is notified.

19 A. Then I don't know.

20 Q. All right.

21 (Marked Exhibit No. 7.)

22 Q. (Continuing, by Ms. James) All right. I've handed
23 you what was just marked as Exhibit No. 7. It's an
24 inter-office memorandum dated September 15th, 2010,
25 complaint of Miss Shequita Johnson. Have you

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1 ever seen this document before?

2 A. Not this particular document, no.

3 Q. Okay. Have you had an opportunity to peruse the
4 contents or would you like another moment?

5 A. No, go ahead.

6 Q. Okay. Do you recall this particular incident?

7 A. Not really, but I mean I remember having the
8 Eastern District on the desk, that's it.

9 Q. Okay. Directing your attention to page two toward
10 the bottom, the findings say demeanor, sustained?

11 A. Right.

12 Q. Do you recall being notified of those findings?

13 A. Yeah.

14 Q. Okay. And what do you recall?

15 A. I recall going to talk to the commander about it
16 and I admitted that I did it.

17 Q. Okay. Do you know who else was notified of the
18 findings?

19 A. No.

20 Q. Okay. So you don't know whether or not your
21 supervisor was informed. Is that fair?

22 A. I don't know.

23 Q. Okay. Did you receive any discipline as a result
24 of this finding?

25 A. Yes.

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1 Q. And what was it?

2 A. I believe it was a negative ACR entry.

3 Q. What does that mean?

4 A. A negative complaint in my file.

5 Q. Anything else?

6 A. That I remember, no, I don't.

7 Q. So no retraining, suspension, nothing else that
8 you recall?

9 A. No.

10 Q. Okay. Do you know whether there have been any
11 other lawsuits filed against you for your
12 actions while on duty as a Detroit police officer
13 other than the one that brings us here today?

14 A. Yes.

15 Q. Okay. And do you know approximately how many?

16 A. One that I can remember, just one that I remember.

17 Q. Okay. What do you remember about that one?

18 A. The guy was upset because he was going to jail.

19 Well, we were investigating his son. He swung
20 on a police officer. We had to physically hold
21 him to cuff him that I remember or something to
22 that effect.

23 Q. Okay. Do you remember approximately what year
24 that incident occurred?

25 A. It was before '02, I know that.



Michigan Department of Energy, Labor and Economic Growth
Jennifer M. Granholm, Governor
Stanley "Skip" Pruss, Director

Michigan Liquor Control Commission

Club Licensee Information



www.michigan.gov/lcc

CLUB LICENSE

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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. 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 limited¹ 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 food². 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.³

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 unlicensed⁴ 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.

¹ Except as provided in Sections 203 and 301 of the Liquor Control Code.

² Does not apply to any hotel or any licensee under this act (MCL 436.2021.3).

³ MCL 436.1913

⁴ 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 authorized⁵ 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 affidavit⁶ 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 file⁷ 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.

⁵ 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).

⁶ Affidavit Relative to Racial Discrimination, form LC-1178.

⁷ 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.*⁸ 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.⁹

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 liquor¹⁰ 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.

⁸ MCL 436.1523

⁹ *ibid.*

¹⁰ 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 eligible¹¹ 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

¹¹ R436.574 restricts Special Licenses to non-profit organizations.

licensed retailer or a licensed wholesaler.¹² 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.

¹² 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 minors¹³ (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 24th and 7:00am on December 26th, unless December 26th is on a Sunday when the permitted time becomes 12 noon.; and,
 - Between 4:00 a.m. on December 31st and 7:00 a.m. on January 1st, unless January 1st is on a Sunday when the permitted time becomes 12 noon.
- An on-premises licensee should not allow people to consume¹⁴ 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;

¹³ 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).

¹⁴ 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 24th through 7:00am on December 26th, unless December 26th falls on a Sunday when the permitted time becomes 12 noon; and,
- Between 4:30 a.m. on December 31st and 7:00 a.m. on January 1st, unless January 1st 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 licensee¹⁵, bona-fide employees¹⁶ 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 permit¹⁷ or official (specific purpose) permit¹⁸ 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 activities¹⁹ 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

¹⁵ For clubs, the licensee would be limited to the current officers and/or trustees.

¹⁶ 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.

¹⁷ MCL 436.1916

¹⁸ Rule 436.1437

¹⁹ 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.*²⁰

Contests

Texas Hold'em:

To award prizes²¹ 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 prize²² 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.

²⁰ R436.1419(2).

²¹ Cash, points or other item of value.

²² 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 gathering²³, 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 SDM²⁴ 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 years²⁵. 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.

²³ 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.

²⁴ Specially Designated Merchant of beer and wine retail sales to bona-fide members.

²⁵ 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.²⁶

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 inspection²⁷ 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 prepared²⁸ 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).

²⁶ Rule 436.1127.

²⁷ Pursuant to MCL 436.1217 (2)(3) and Rule 436.1011 (4).

²⁸ Compiled by the Lansing district supervisors of the MLCC enforcement division.

DECLARATION OF NATHANIEL PRICE

STATE OF MICHIGAN)

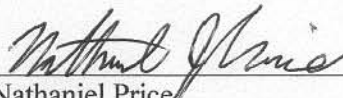
)ss.

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 16th 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)
Assistant Corporation Counsel
Attorney for Plaintiff
CITY OF DETROIT LAW DEPARTMENT
421 Madison, Room 419
Detroit, Michigan 48226
(313) 237-5037

KENNETH M. MOGILL (P17865)
Attorney for Defendants
Cooperating Attorney, American Civil Liberties
Union Fund of Michigan
MOGILL, POSNER & COHEN
27 E. Flint St., 2d Floor
Lake Orion, Michigan 48362
(248) 779-8416
Fax: (313) 814-9470

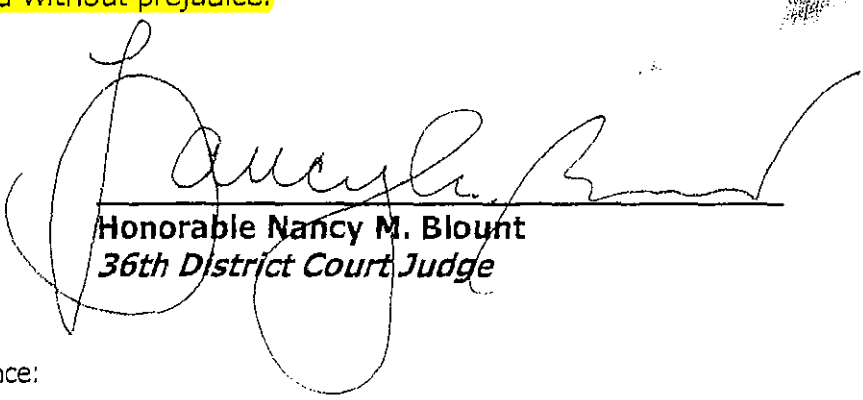
ORDER OF DISMISSAL

**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

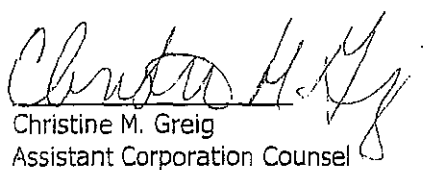
The parties having appeared before the Court in advance of the trial date on the joint oral motion of the parties, and the Court being otherwise fully advised in the premises:

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:



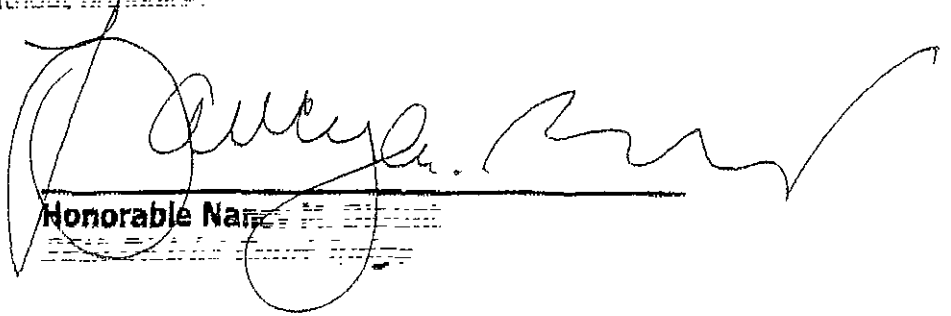
Christine M. Greig
Assistant Corporation Counsel
CITY OF DETROIT LAW DEPARTMENT
421 Madison, Room 419
Detroit, Michigan 48226

(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

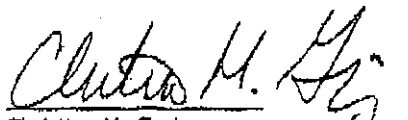
The parties having appeared before the Court in advance of the trial date on the joint oral motion of the parties, and the Court being satisfied with the facts and premises:

IT IS HEREBY ORDERED that the above-captioned motion and all attachments to Attachment A are dismissed without prejudice.



Honorable Nancy M. Stewart
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 A. Mogil
Attorney at Law
Mogil, 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	REGISTER OF ACTIONS	CASE NO: U42344208 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

VEHICLE TYPE:

VPN:

CDL:

PAPER PLATE:

DOB: 11/06/1987 SEX: F RACE: W DLN:

VEH YR: VEH MAKE: VIN:

DEFENSE ATTORNEY ADDRESS

SCHARG, STEVEN E.,

615 GRISWOLD ST STE 1125

DETROIT MI 48226

BAR NO.

P-43732

Telephone No.

(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,	082
		PERSONAL			P-37281	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,	062
					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 LOITER	023
	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 LOITER	023
	JDG GARRETT, RUTH ANN, P-37281	023
	DISMISSED	023
	DISMISSED ON MOTION OF PROSECUTING ATTORNEY	023
	ABATES/PMARTIN 0030	023
	CASE CLOSED	023

EXHIBIT 33**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: VICB

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: 2006 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-VI-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 10-20-10
lmwTOW 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, 10th Floor, Detroit, MI 48226

313/224-5953

Updated: 01/03

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

DEPOSITION OF KIMBERLY MOBLEY - TAKEN 11-29-10

Page 2

1

I N D E X

2

3

WITNESS

PAGE

4

5

KIMBERLY MOBLEY

6

Direct Examination by Mr. Ashford

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E X H I B I T S

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(none)

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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

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, and UNNAMED
DETROIT POLICE OFFICERS, in their
individual capacities,

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
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Co-Counsel for Plaintiffs

Jerry Ashford (P47402)
City of Detroit Law Department
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Attorney for Defendant City of Detroit

Daniel S. Korobkin (P72842)
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2966 Woodward Ave.
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dkorobkin@aclumich.org
msteinberg@aclumich.org
Attorneys for Plaintiffs

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.

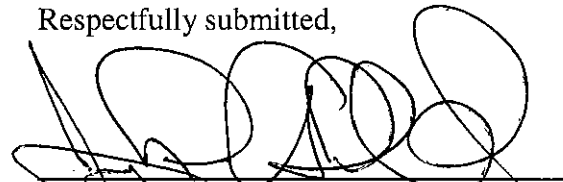
INTERROGATORY #11:

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,

A handwritten signature in black ink, appearing to read 'Jerry L. Ashford', is written over a horizontal line.

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,

A handwritten signature in black ink, appearing to read "J. Ashford".

Jerry L. Ashford
Senior Assistant Corporation Counsel
Litigation Division

JLA:lp

Enclosures

DETROIT POLICE DEPARTMENT
NUISANCE ABATEMENT REVENUE

JAN 03 2011

FY 2005	\$ 532,250.00
FY 2006	\$ 135,550.00
FY 2007	\$ 119,050.00
FY 2008	\$ 36,750.00
FY 2009	\$ 145,450.00
FY 2010	\$ 33,050.00
TOTAL	<u>\$ 1,002,100.00</u>

DETROIT POLICE DEPARTMENT FOLLOW-UP REPORT

DETROIT POLICE DEPARTMENT

Case No. 0805310096

Report No. 0805310096.3

Report Date: 6/2/2008

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Subject: IMPOUND VEHICLES

Case Report Status A - APPROVED
County 82 - WAYNE
City/Township 99 - DETROIT

Date Entered 6/2/2008 8:52:21 PM
Entered By 230853 - SMITH, RAYMOND
Date Verified 6/2/2008 8:56:22 PM
Verified By 231996 - BUGLO, DANIEL
Data Approved 7/2/2008 6:14:12 AM
Approved By 210608 - JONES, DAVID

Reporting Officer
231996 - BUGLO, DANIEL

Assisted By

Assist Agency

Occurred On 5/31/2008 2:20:00 AM

(and Between)

Location 5141 ROSA PARKS BLVD.

CSZ

Census/Geo Code 5150

Grid C2 - 0102

Call Source OTHER

Connecting Cases
Disposition ACTIVE

Tactical Actions

Clearance Reason

Date of Clearance

Reporting Agency DETROIT POLICE DEPARTMENT

Division VICE SECTION

Notified

Vehicle Activity

Vehicle Travelling

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. FERNDAL, 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.

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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, FERNDAL, 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. FERNDAL, 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., FERNDAL, 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

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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

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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.

DEPOSITION OF JEROME PRICE - 10-27-10

Page 2

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

24

25

DEPOSITION OF JEROME PRICE - 10-27-10

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I N D E X

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PAGE:

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6

Cross Examination by Mr. Ashford

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E X H I B I T S

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None.

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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,

Plaintiffs,

vs.

Honorable Victoria A. Roberts
Magistrate Judge Mona K. Majzoub

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.

Daniel S. Korobkin
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

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 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)
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

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

STATE OF MICHIGAN

SS

RETURN TO SEARCH WARRANT

COUNTY OF WAYNE

I hereby certify and return, that by virtue of the within SEARCH WARRANT to me directed, I have searched for the goods and chattels therein named, at the place therein described*

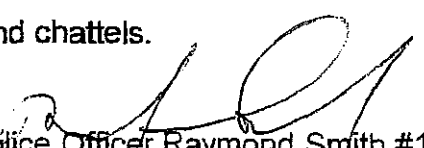
(*Strike either (1) or (2), whichever is inapplicable).

(1) And that I have such goods and chattels before the Court, described as follows:

5141 ROSA PARKS WARRANT#08001827Evid Tag #

E28083604	\$168.00 U.S Currency from premises
E28083704	\$60.00 U.S Currency from Brandon Walley
E28083804	\$663.00 U.S Currency from Joseph Timlin
E28083904	(1) Prostar laptop computer with black leather bag
E28084004	(1) Technics Turn-table model SL1200
E28084104	(1) Vestax Mixer Ospro (premises)
E28084204	(1) Technics Turn-table model SL1200 (premises)
E28084304	(3) 5 liter containers of Franzia Wine (premises)
E28084404	(1) 30 pack case of Miller beer in cans (premises)
E28084504	\$367.00 U.S Currency from (premises)
E28084604	(1) Keg of Beer metal container (premise)

(2) And that I have been unable to find such goods and chattels.


Police Officer Raymond Smith #1619 D.P.D
Municipal Police Officer
 Sheriff Deputy Sheriff

DATE AT: 2:20AMTHIS 31st DAY OF MayA.D. ADDRESS 5141 ROAS PARKS

DECLARATION OF DARLENE HELLENBERG

STATE OF MICHIGAN)

)ss.

COUNTY OF WAYNE)

I, Darlene Hellenberg, 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. Based on my personal knowledge and recollection of the CAID, the first floor of the building has three areas: the entrance, an interior room that contains a bar, and a back room. The entrance and the interior room are separated by a wall. The back room is completely separate from the other two areas with a doorway in between.
4. At the time that police arrived at the CAID (approximately 2:10 a.m.), I was in the back room of the CAID, standing near the door leading to the outside patio.
5. From the time the police arrived until the police separated the women from the men and moved us into the interior room, it was impossible for me to see the bar in the interior room; it was not visible from the side of the back room where I was standing when the raid began. The door connecting the two rooms was in the opposite corner.
6. I did not observe any sales at the bar after 2 a.m. on May 31, 2008, and indeed I could not have observed such sales if they occurred.

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.


Darlene Hellenberg

Executed the 7 day of May, 2012

SUPPLEMENTAL 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. Based on my personal knowledge and recollection of the CAID, the first floor of the building has three areas: the entrance, an interior room that contains a bar, and a back room. The entrance and the interior room are separated by a wall. The back room is completely separate from the other two areas with a doorway in between.
4. At the time that police arrived at the CAID (approximately 2:10 a.m.), I was standing in line near the entrance and had not yet entered the interior room.
5. From the time the police arrived until the police moved me farther into the building, I could not see the bar.
6. I did not observe any sales at the bar after 2 a.m. on May 31, 2008, and indeed I could not have observed such sales if they occurred.

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 7th day of May, 2012

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

EXHIBIT 43

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

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.

**FIFTH NOTICE OF TAKING
DEPOSITION DUCES TECUM
OF OFFICER M. BROWN**

Daniel S. Korobkin (P72842)
Michael J. Steinberg (P48085)
Kary L. Moss (P49759)
American Civil Liberties Union Fund of MI
2966 Woodward Ave.
Detroit, MI 48201
(313) 578-6824
dkorobkin@aclumich.org & msteinberg@aclumich.org
Attorneys for Plaintiffs

William H. Goodman (P14173)
Julie H. Hurwitz (P34720)
Kathryn Bruner James (P71374)
Goodman & Hurwitz, P.C.
Cooperating Attorneys, ACLU Fund of MI
1394 E. Jefferson Ave.
Detroit, MI 48207
(313) 567-6170
mail@goodmanhurwitz.com
Co-Counsel for Plaintiffs

Jerry Ashford (P47402)
John A. Schapka (P36731)
City of Detroit Law Department
660 Woodward Avenue
1650 First National Building
Detroit, MI 48226
(313) 237-3089
ashfj@detroitmi.gov & schaj@detroitmi.gov
Attorneys for Defendants

Lee'ah D.B. Giaquinto (P60168)
City of Detroit Law Dept-Litigation Section
660 Woodward Avenue, Suite 1650
Detroit, MI 48226
(313) 237-3035
basel@detroitmi.gov
Attorneys for Defendant Yost & Buglo ONLY

TO: Jerry Ashford & John A. Schapka, Attorneys for Defendants

Please be advised that Plaintiffs, by and through their attorneys, GOODMAN & HURWITZ P.C., pursuant to Federal Rule of Civil Procedure 30, will take the following deposition *duces tecum*, under oral examination, under oath and before a certified court reporter:

Person: **Officer Michael Brown, Badge #434**

Date/Time: **Monday, March 19, 2012 at 9:30 a.m.**

Place: **City of Detroit Law Department
660 Woodward Avenue
1650 First National Building
Detroit, MI 48226**

Pursuant to FRCP 34, deponent is directed to produce at the time of the deposition any and all of the following documents and things in the possession, custody or control of deponent or the City of Detroit:

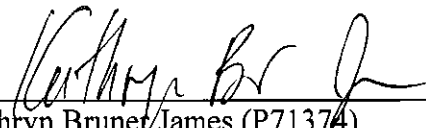
1. Any and all records in deponent's possession, custody or control that have not already been produced to Plaintiffs regarding law enforcement activity at the CAID on or about May 30 and 31, 2008, including, but not limited to, pre-raid plans or notes, narrative reports, and witness statements.
2. Any and all documentation of training that deponent received by or through Defendant CITY from his date of hire up to and including May 31, 2008, including but not limited to:
 - A. Surveillance or investigation of "blind pigs" or suspected places of illegal occupation;
 - B. Enforcement of Detroit City Code § 38-5-1, which prohibits "loitering in a place of illegal occupation";
 - C. Search procedures, including execution of search warrants;
 - D. Detention of persons present during a search of premises;
 - E. Use of force generally;

- F. Seizure of property, including vehicles;
- G. Enforcement of M.C.L. § 600.3801, Michigan's "nuisance abatement" statute;
and
- H. Report writing.

Such documentation should include, but not be limited to, handbooks, manuals, handouts, audio/visual materials, and certificates of completion, acknowledgement forms or other documentation confirming the participation each Defendant in any such training.

You are invited to attend and examine the witness.

Respectfully Submitted,

By: 
Kathryn Bruner James (P71374)
Cooperating Attorneys, American Civil
Liberties Union Fund of Michigan
Goodman & Hurwitz, P.C.
1394 E. Jefferson Ave.
Detroit, MI 48207
(313) 567-6170
bgoodman@goodmanhurwitz.com
Attorneys for Plaintiffs

Date: March 7, 2012

Court Reporter: Hanson Renaissance Court Reporters & Video – 313.567.8100

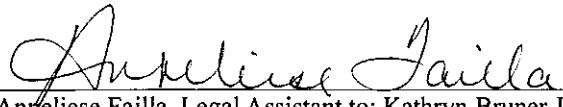
CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2012, I served the foregoing document by U.S. Mail and by e-Mail to the following:

Jerry Ashford & John A. Schapka
City of Detroit Law Department
660 Woodward Avenue
1650 First National Building
Detroit, MI 48226

-and-

Lee'ah D.B. Giaquinto
City of Detroit Law Dept-Litigation Section
660 Woodward Avenue, Suite 1650
Detroit, MI 48226


Anneliese Failla, Legal Assistant to: Kathryn Bruner James

GOODMAN & HURWITZ, P.C.
ATTORNEYS AND COUNSELORS

WILLIAM H. GOODMAN*
JULIE H. HURWITZ
KATHRYN BRUNER JAMES

OF COUNSEL
GOODMAN KALAHAR, P.C.
ANDREW THOMAS STRAHAN

March 7, 2012

Jerry L. Ashford
City of Detroit Law Department
660 Woodward Ave., Ste. 1650
Detroit, MI 48226

Via e-Mail to: ashf@detroitmi.gov
and U.S. Regular Mail

Re: Mobley, et al. v. City of Detroit, et al.
Case No. 10-cv-10675

Dear Jerry:

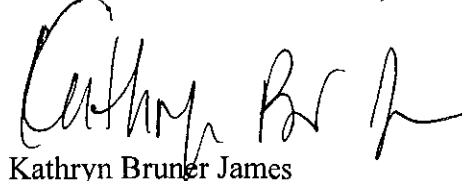
Enclosed please find the *Fifth Notice of Taking Deposition Duces Tecum of Officer M. Brown* and *Notice of Taking Deposition Duces Tecum of Sgt. Willie Smith* (formerly noticed twice as "Entry Team Commander for the May 31, 2008 Raid on the Contemporary Art Institute of Detroit") set for March 19, 2012 at 9:30 a.m. and 1:00 p.m., respectively.

It is my understanding from our telephone call today that Defendant Brown continues to be off on medical leave and that you have not been able to reach him on his cell phone. Please confirm with me no later than the close of business on Friday, March 16 that you have reached both deponents and confirmed that they will appear on Monday, March 19, 2012.

Thank you for your cooperation in this matter.

Sincerely,

GOODMAN & HURWITZ, P.C.



Kathryn Bruner James

KBJ:af

Enclosures

cc: ACLU Fund of Michigan (*via e-Mail only*)
Lee'ah D. B. Giaquinto (*via e-Mail & U.S. Regular Mail*)

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,

vs.

Honorable Victoria A. Roberts
Magistrate Judge Mona K. Majzoub

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.

**FOURTH NOTICE OF TAKING
DEPOSITION DUCES TECUM
OF OFFICER M. BROWN**

Daniel S. Korobkin (P72842)
Michael J. Steinberg (P48085)
Kary L. Moss (P49759)
American Civil Liberties Union Fund of MI
2966 Woodward Ave.
Detroit, MI 48201
(313) 578-6824
dkorobkin@aclumich.org & msteinberg@aclumich.org
Attorneys for Plaintiffs

Jerry Ashford (P47402)
John A. Schapka (P36731)
City of Detroit Law Department
660 Woodward Avenue
1650 First National Building
Detroit, MI 48226
(313) 237-3089
ashfj@detroitmi.gov & schaj@detroitmi.gov
Attorneys for Defendants

William H. Goodman (P14173)
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Kathryn Bruner James (P71374)
Goodman & Hurwitz, P.C.
Cooperating Attorneys, ACLU Fund of MI
1394 E. Jefferson Ave.
Detroit, MI 48207
(313) 567-6170
mail@goodmanhurwitz.com
Co-Counsel for Plaintiffs

Lee'ah D.B. Giaquinto (P60168)
City of Detroit Law Dept-Litigation Section
660 Woodward Avenue, Suite 1650
Detroit, MI 48226
(313) 237-3035
basel@detroitmi.gov
Attorneys for Defendant Yost & Buglo ONLY

TO: Jerry Ashford & John A. Schapka, Attorneys for Defendants

Please be advised that Plaintiffs, by and through their attorneys, GOODMAN & HURWITZ P.C., pursuant to Federal Rule of Civil Procedure 30, will take the following deposition *duces tecum*, under oral examination, under oath and before a certified court reporter:

Person: **Officer Michael Brown, Badge #434**

Date/Time: **Thursday, March 8, 2012 at 10:00 a.m.**

Place: **City of Detroit Law Department
660 Woodward Avenue
1650 First National Building
Detroit, MI 48226**

Pursuant to FRCP 34, deponent is directed to produce at the time of the deposition any and all of the following documents and things in the possession, custody or control of deponent or the City of Detroit:

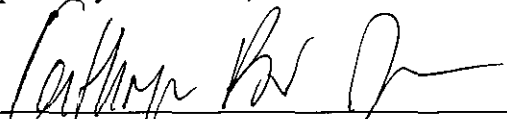
1. Any and all records in deponent's possession, custody or control that have not already been produced to Plaintiffs regarding law enforcement activity at the CAID on or about May 30 and 31, 2008, including, but not limited to, pre-raid plans or notes, narrative reports, and witness statements.
2. Deponent's complete personnel and disciplinary files;
3. Any and all documentation of training that deponent received by or through Defendant CITY from his date of hire up to and including May 31, 2008, including but not limited to:
 - A. Surveillance or investigation of "blind pigs" or suspected places of illegal occupation;
 - B. Enforcement of Detroit City Code § 38-5-1, which prohibits "loitering in a place of illegal occupation";
 - C. Search procedures, including execution of search warrants;

- D. Detention of persons present during a search of premises;
- E. Use of force generally;
- F. Seizure of property, including vehicles;
- G. Enforcement of M.C.L. § 600.3801, Michigan's "nuisance abatement" statute;
and
- H. Report writing.

Such documentation should include, but not be limited to, handbooks, manuals, handouts, audio/visual materials, and certificates of completion, acknowledgement forms or other documentation confirming the participation each Defendant in any such training.

You are invited to attend and examine the witness.

Respectfully Submitted,

By: 
Kathryn Bruner James (P71374)
Cooperating Attorneys, American Civil
Liberties Union Fund of Michigan
Goodman & Hurwitz, P.C.
1394 E. Jefferson Ave.
Detroit, MI 48207
(313) 567-6170
bgoodman@goodmanhurwitz.com
Attorneys for Plaintiffs

Date: February 2, 2012

Court Reporter: Hanson Renaissance Court Reporters & Video – 313.567.8100

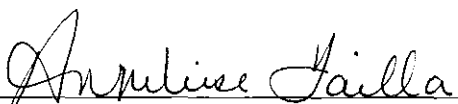
CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2012, I served the foregoing document by U.S. Mail and by e-Mail to the following:

Jerry Ashford & John A. Schapka
City of Detroit Law Department
660 Woodward Avenue
1650 First National Building
Detroit, MI 48226

-and-

Lee'ah D.B. Giaquinto
City of Detroit Law Dept-Litigation Section
660 Woodward Avenue, Suite 1650
Detroit, MI 48226


Anneliese Failla, Legal Assistant to: Kathryn Bruner James

GOODMAN & HURWITZ, P.C.
ATTORNEYS AND COUNSELORS

WILLIAM H. GOODMAN*
JULIE H. HURWITZ
KATHRYN BRUNER JAMES

OF COUNSEL
GOODMAN KALAHAR, P.C.
ANDREW THOMAS STRAHAN

February 2, 2012

Jerry L. Ashford
City of Detroit Law Department
660 Woodward Ave., Ste. 1650
Detroit, MI 48226
ashf@detroitmi.gov

Via e-Mail and U.S. Regular Mail

Re: Mobley, et al. v. City of Detroit, et al.
Case No. 10-cv-10675

Dear Jerry:

Regarding your e-Mail of February 2, 2012, providing available dates in which to schedule the outstanding depositions, enclosed please find our *Second Notice of Taking Deposition Duces Tecum of Supervising Investigator Ainsley Cromwell*, set for February 16, 2012; *Fourth Notice of Taking Deposition Duces Tecum of Officer M. Brown*, set for March 8, 2012; and *Second Notice of Taking Deposition Duces Tecum of Entry Team Commander for the May 31, 2008 Raid on the Contemporary Art Institute of Detroit*, set for March 15, 2012.

Thank you for your cooperation in this matter.

Sincerely,

GOODMAN & HURWITZ, P.C.


Kathryn Bruner James

KBJ:af

Enclosures

cc: ACLU Fund of Michigan (*via e-Mail only*)
Lee'ah D. B. Giaquinto (*via e-Mail & U.S. Regular Mail*)

EXHIBIT 44

**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, and LAURA MAHLER,

Plaintiffs,

vs.

Honorable Victoria A. Roberts
Magistrate Judge Mona K. Majzoub

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.

Daniel S. Korobkin (P72842)
Michael J. Steinberg (P48085)
Kary L. Moss (P49759)
American Civil Liberties Union
Fund of Michigan
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William H. Goodman (P14173)
Julie H. Hurwitz (P34720)
Kathryn Bruner James (P71374)
Goodman & Hurwitz, P.C.
Cooperating Attorneys, American Civil
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Co-Counsel for Plaintiffs

Lee'ah D.B. Giaquinto (P60168)
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Attorneys for Defendant Yost & Buglo ONLY

DECLARATION OF KATHYRN BRUNER JAMES

DECLARATION OF KATHYRN BRUNER JAMES

STATE OF MICHIGAN)

)ss.

COUNTY OF WAYNE)

I, Kathryn Bruner James, state the following:

1. I am the Plaintiffs' attorney in the above captioned case, and I make this declaration pursuant to Rule 56(d) of the Federal Rules of Civil Procedure.
2. To date, Defendants have failed to comply with various Orders issued by this Court, which involve discovery that is vital to Plaintiffs' proofs on particular claims, as itemized and outlined below.
3. Defendants' failure to comply with discovery is outlined extensively in *Plaintiffs' Motion for Default Judgment or, in the Alternative, for Other Sanctions, and Motion to Compel Discovery Responses, To Deem Admitted, for Extension of All Remaining Deadlines, and for Costs and Fees [Doc. #68]*, currently pending before Magistrate Judge Majzoub.
4. In particular, the Plaintiffs are without vital discovery, which they have persistently sought and to which they are entitled, that is needed to prove Plaintiffs' excessive force claims and claims against Defendant City of Detroit for its failure to train its officers and its failure to supervise and discipline its officers.
5. The following facts are unavailable to Plaintiffs, making summary judgment improper at this time:

**PLAINTIFF PAUL KAISER, ANGIE WONG, NATHANIEL PRICE,
JAMES WASHINGTON AND JASON LEVERETTE-SAUNDERS'**
CLAIMS OF EXCESSIVE FORCE

6. Plaintiffs have requested certain vital discovery regarding their claims of excessive force, to wit:
 - a. The identities of all officers who were involved in the raid and, more specifically, the identities of the officers who were part of the initial entry team, including the commander of that team (Request for Production #1);
 - b. Documentation regarding the assignments of each officer (i.e., whether they were assigned to an entry task, any tasks inside the building or to secure the perimeter, etc.) (Request for Production #1);
 - c. Color photographs of all officers that participated in the raid (Request for Production #6); and

- d. Training materials regarding use of force (Request for Production #11; see also Request for Production #30).
7. To date, Defendants have not produced complete responses to the above discovery, despite having been ordered to do so by the Court. **[Docs. #40, #57 & #64]**
8. These items, among others, are the subject of the pending *Motion* described above. **[Doc. #68]**
9. The above listed discovery is critical to Plaintiffs' ability to identify the Detroit police officers who used force against Plaintiffs. Without this discovery, Plaintiffs cannot determine whether the already named Defendants directly participated in those uses of force or are otherwise liable for those uses of force.
10. Moreover, Plaintiffs cannot yet assess Defendant City of Detroit's potential liability for failure to train or failure to supervise and discipline regarding the appropriate use of force, as described in further detail below.

**MUNICIPAL LIABILITY: FAILURE TO TRAIN
AND FAILURE TO SUPERVISE AND DISCIPLINE**

11. Plaintiffs have also requested certain vital discovery regarding their claims of failure to train and failure to supervise and discipline against the City of Detroit, to wit:
 - a. Complete personnel files for all officers involved in the raid, including all performance evaluations (Request for Production #6);
 - b. All disciplinary files and complete citizen complaint files against all officers involved in the raid (Request for Production #8 & #10);
 - c. Training materials regarding certain enumerated types of training, including but not limited to, enforcement of the "loitering in a place of illegal occupation" ordinance, search and detention involved in the execution of search warrants, use of force, seizure of property, and enforcement of the nuisance abatement statute (Request for Production #11; see also Request for Production #30);
 - d. Documents regarding complaints and lawsuits against the City or any of its officers arising from similar incidents or activities (e.g., excessive force, improper enforcement of the "loitering in a place of illegal occupation" ordinance and the nuisance abatement statute) (Request for Production #12);
 - e. Records regarding other blind pig raids where "loitering in a place of illegal occupation" citations were issued (Request for Production #13);
 - f. Documents regarding the monitoring and tracking of complaints and lawsuits against Detroit police officers (Request for Production #15); and

- g. The deposition of Ainsley Cromwell, a supervising investigator for the Office of Chief Investigator (see Exhibit 55).
- 12. To date, Defendants have not produced complete responses to the above discovery, despite having been ordered to do so by the Court. [Docs. #40, #57 & #64]
- 13. These items, among others, are the subject of the pending *Motion* described above. [Doc. #68]
- 14. The above listed discovery is vital to Plaintiffs' claims of failure to train and failure to supervise and discipline against the City of Detroit.

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.


Kathryn Bruner James (P71374)

Executed the 8th day of May, 2012

DECLARATION OF PAUL KAISER

STATE OF MICHIGAN)

)ss.

COUNTY OF WAYNE)

I, Paul Kaiser, 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 was present at the Contemporary Art Institute of Detroit ("CAID") when members of the Detroit Police Department raided the building.

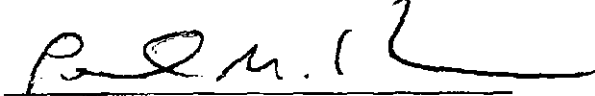
3. I have previously provided deposition testimony describing an incident that occurred during that raid where I was kicked and stepped on by one of the officers executing the raid.

4. Since my deposition, my attorneys have provided an opportunity for me to review a surveillance video that they obtained from the CAID, which shows the backyard of the CAID.

5. Based on my memory of the incident and the video footage, and confirmed by my recollection after returning to the scene of the incident after I reviewed the video, I believe that the video shows an officer kicking me and stepping on me in the backyard of the CAID at approximately 2:18 a.m., according to the time stamp on the video.

6. I recognize myself in the video based on where I remember getting on the ground in the yard when the police arrived, and I recognize my body size and shape as it appears in the video. Also, my memory of being kicked and stepped on the night of incident coincides with the action I saw in the video.

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.


Paul Kaiser

Executed the 7th day of May, 2012



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
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Co-Counsel for Plaintiffs

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Attorney for Defendant City of Detroit

Daniel S. Korobkin (P72842)
Michael J. Steinberg (P48085)
Kary L. Moss (P49759)
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msteinberg@aclumich.org
Attorneys for Plaintiffs

DEFENDANT CITY OF DETROIT'S ANSWERS TO PLAINTIFFS'

FIRST SET OF INTERROGATORIES

NOW COMES Defendant, CITY OF DETROIT, by and through their attorney answers Plaintiffs' First Set of Interrogatories as follows:

INTERROGATORY #1:

1. 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.

ANSWER TO INTERROGATORY #1: Jerry L. Ashford, Esquire

INTERROGATORY #2:

2. Identify by name, rank, badge number, address, telephone number and date of hire, each and every Detroit Police Department member who participated in the entry, search, ticketing and/or seizures of persons and/or vehicles that took place at the Contemporary Art Institute of Detroit (hereinafter "CAID"), at 5141 Rosa Parks Blvd., Detroit, Michigan on or about May 31, 2008.

ANSWER TO INTERROGATORY #2: See Police Reports which were previously produced to Plaintiffs as initial/supplemental disclosures.

INTERROGATORY #3:

3. Identify any and all witnesses who can accurately identify any, most, and/or all of the law enforcement officers who participated in the events that occurred at 5141 Rosa Parks Blvd., Detroit, Michigan on or about May 31, 2008. (For each witness listed in response to this Interrogatory, please specify/itemize which law enforcement officer(s) said witness is able to accurately identify.)

ANSWER TO INTERROGATORY #3: None known at this time. Investigation and discovery are ongoing.

INTERROGATORY #4:

4. Identify all Witnesses that Defendants may call or will call at trial, and state the following:

- a. Full name;
- b. Social security number;
- c. Address;
- d. Telephone number;

Employer and dates of employment from 2000 to present; and

Substance of expected testimony.

ANSWER TO INTERROGATORY #4: Certainly the individual defendants will testify concerning their conduct, investigation of C.A.I.D., probable cause for entry into C.A.I.D., and the ticketing of occupants and towing of vehicles. Other witnesses may be identified in Defendants witness list to be filed in accordance with the court's scheduling order.

INTERROGATORY #5:

5. To the extent that Defendants have any information that they have not already produced or expect to produce in documentary form in response to *Plaintiff's First Request for Production of Documents and Things*, Request #8, regarding terminations, suspensions, removals, lay-offs, reductions in rank, reprimands, disciplines, and/or

**DEFENDANTS' RESPONSE TO PLAINTIFFS' THIRD SET OF
INTERROGATORIES**

NOW COME Defendants, by and through their undersigned attorney, and for their Response to Plaintiffs' Third Set of Interrogatories, say as follows:

INTERROGATORY #14:

14. Identify by name, rank, badge number, address, telephone number and date of hire, each and every Detroit Police Department ("DPD") member who was a part of the initial entry team of the Contemporary Art Institute of Detroit ("CAID"), at 5141 Rosa Parks blvd., Detroit, Michigan on or about May 31, 2008. Please include the last known address and telephone number for any persons, if any, who are no longer employed by DPD.

RESPONSE: At this time, it is unknown which members of the Detroit Police Department, if any, were a "part" of the "initial entry team."

Respectfully submitted,



Jerry L. Ashford (P-47402)
Attorney for Defendants
City of Detroit Law Department
660 Woodward Avenue
1650 First National Building
Detroit, MI 48226
(313) 237-3089

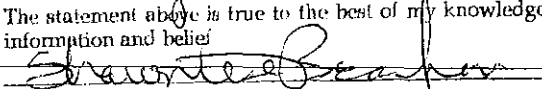
Dated: February 8, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served on the attorney(s) of record of all parties to the above cause by mailing same to them at their respective business addresses as disclosed by the pleading of record herein, with postage fully prepaid thereon on

February 9, 2012

The statement above is true to the best of my knowledge, information and belief



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
Hon. Victoria A. Roberts

Plaintiffs,

vs.

CITY OF DETROIT, VICKI YOST, DANIEL BUGLO,
BRANDON COLE, ANTHONY POTTS, TYRONE GRAY,
GREGORY MCWHORTER, MICHAEL BROWN, SHERON
JOHNSON, KATHY SINGLETON and CHARLES TURNER,

Defendants.

**Defendants' Response to
Plaintiffs' 5th Set of
Interrogatories to All
Defendants**

DANIEL S. KOROBKIN (P-72842)
MICHAEL J. STEINBERG (P-48085)
KARY L. MOSS (P-49759)
Attorneys for Plaintiffs
American Civil Liberties Union
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sec: landm@detroitmi.gov

**DEFENDANTS' RESPONSE TO PLAINTIFFS' FIFTH SET OF
INTERROGATORIES TO ALL DEFENDANTS**

INTERROGATORY #18:

18. 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: Jerry L. Ashford, Esq.

INTERROGATORY #19:

19. Identify by name, rank, badge number, address, telephone number and date of hire, each and every Detroit Police Department ("DPD") officer who was on duty and assigned to narcotics code 3025 and 2913 on May 31, 2008 from approximately 12:00 a.m. until 4:00 a.m. Please include the last known address and telephone number for any person, if any, who are no longer employed by DPD.

RESPONSE: This information has been requested although it is unknown if the Detroit Police Department can track personnel by codes which were used 3-4 years ago. This information will be forwarded to Plaintiffs upon receipt if it exists.

INTERROGATORY #20:

20. Identify by name, rank, badge number, address, telephone number and date of hire, the raid commander in charge of the entry team regarding the raid at the Contemporary Art Institute of Detroit (hereinafter 'CAID'), at 5141 Rosa Parks Blvd., Detroit, Michigan on or about May 31, 2009.

RESPONSE: Unknown at this time. Investigation is continuing.

INTERROGATORY #21:

21. Identify by name, rank, badge number, address, telephone number and

EXHIBIT 48

**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,

OCT 10 2011

Plaintiffs,

vs.

Honorable Victoria A. Roberts
Magistrate Judge Mona K. Majzoub

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, and
UNNAMED DETROIT POLICE OFFICERS, in their
individual capacities,

Defendants.

Daniel S. Korobkin (P72842)
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American Civil Liberties Union
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Attorneys for Plaintiffs

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Cooperating Attorneys, American Civil
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kjames@goodmanhurwitz.com
Co-Counsel for Plaintiffs

**DEFENDANT CITY OF DETROIT'S THIRD SUPPLEMENTAL RESPONSE TO
PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS**

NOW COMES, the Defendant, CITY OF DETROIT, by and through their attorney
responds to Plaintiffs' First Request for Production of Documents and Things as follows:

SUPPLEMENTAL RESPONSE TO REQUEST #14:

Objection. The

requested information is not reasonably calculated to lead to admissible evidence concerning Plaintiff's claims. The request is also overly broad, vague, and unduly burdensome, without waiving the foregoing objection, see attached complete copy of the Detroit Police Manual on CD.

REQUEST FOR PRODUCTION #15:

15. All documents generated in the normal course of business reflecting, auditing, monitoring, tracking and/or summarizing all internal investigations, disciplinary actions, citizen complaints, and/or prior lawsuit history of Defendant CITY from 2003 to present, including but not limited to the following:

- a. All reports, annual or otherwise, that summarize said history for the entire CITY;
- b. Forms used for processing citizen complaints.

SUPPLEMENTAL RESPONSE TO REQUEST #15:

Objection. Not

reasonably calculated to lead to admissible evidence. Attorney Work Product.

Unduly burdensome. The City of Detroit has been involved in tens of thousands of lawsuits in the last 8 years. These records are available to Plaintiffs are the various federal, state, and local courts. Without waiving this objection, Defendant City produced personnel and discipline records for defendants to Plaintiffs in March 2011 and May 2011. Also, City of Detroit Law Department data compilation records are attached which give some indication of lawsuit history for the individual officers. The City of Detroit does not track the lawsuit history and involvement of specific officers. However, the clerical staff of the Law Department enters the some data into the Law Department's general computer database when the Law Department receives a

Complaint. City of Detroit makes no guarantee of completeness and accuracy regarding the attached Lawsuit records.

SUPPLEMENTAL REQUEST FOR PRODUCTION #16:

16. Any and all CITY OF DETROIT rules, regulations, manuals, and standard operating procedures regarding receipt, investigation, and disposition of internal investigations, citizen complaints, and lawsuits against Detroit Police Department employees whether they originate externally or within the Detroit Police Department.

SUPPLEMENTAL RESPONSE TO REQUEST #16: Defendants restate their objection/response: The requested information is not reasonably calculated to lead to admissible evidence concerning Plaintiff's claims. The request is also overly broad, vague, and unduly burdensome, without waiving the foregoing objection, see attached Detroit Police Manual Policies.

REQUEST FOR PRODUCTION #17:

17. Any and all documents in Defendants' possession, custody, or control, relating to the coverage and policy limits for Defendant CITY OF DETROIT and indemnification of individual Detroit Police Department officers, in effect as of May 31, 2008 to the present, in claims such as those being alleged to have occurred in this action, including but not limited to insurance policies, retention agreements, collective bargaining agreements, memoranda, contracts, and/or ordinances.

SUPPLEMENTAL RESPONSE TO REQUEST #17: Objection. Not reasonably calculated to lead to admissible evidence concerning Plaintiff's claims. Without waiving this objection, attached is the indemnification clause in the Detroit Police Officers Association contract which is substantially the same for

2:05-cv-70645-RHC-DAS Doc # 1 Filed 02/17/05 Pg 1 of 9 Pg ID 1

ORIGINAL

RECEIPT NUMBER

521541

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GARY RUSSELL ANNAS,

Plaintiff,

-vs-

JUDGE : Cleland, Robert H.
DECK : S. Division Civil Deck
DATE : 02/17/2005 @ 15:44:30
CASE NUMBER : 2:05CV70645
CMP GARY RUSSEL ANNAS V DETROIT
ET AL (DH)

CITY OF DETROIT,
LYNN MOORE,
FRED WATKINS,
KEVIN TREASVANT,
and KATHY SINGLETON,
in their Individual and official capacity,

jointly and severally,

Defendants.

MAGISTRATE JUDGE SCHERER

TALAB NUNLEY, P.C.
BY: F. (PATRICK) H. TALAB (P54497)
Attorneys for Plaintiff
4051 Haggerty Road
West Bloomfield, Michigan 48323
Telephone: (248) 366-5000
Facsimile: (248) 363-7834

U.S. DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION
05 FEB 17 P3:53

COMPLAINT

NOW COMES Plaintiff, by and through his attorneys, the law firm of TALAB NUNLEY, P.C., and for his Complaint and Jury Demand states as follows:

COMMON ALLEGATIONS

1. This action arises under 42 U.S.C §1983 and other statutes and laws of the United States of America and the State of Michigan.
2. Jurisdiction is conferred by 28 USC §1331, 1343(3), (4).
3. Venue of this Honorable Court is proper as the events complained hereof occurred in the City of Detroit, County of Wayne, and State of Michigan.

TALAB
NUNLEY
P.C.

Attorneys
&
Counselors

W. Bloomfield Office
4051 Haggerty Road
W. Bloomfield, MI 48323

(248) 366-5000
Fax (248) 363-7834

E-Mail:
info@TalabNunley.com

4. Plaintiff, Gary Russell Annas (hereinafter Plaintiff) at all times pertinent hereto resided in the City of Warren, County of Macomb, State of Michigan.

5. Defendant, CITY OF DETROIT (hereinafter "Defendant City") at all material times pertinent hereto was a municipal city with supervisory control of its city employees, including the individual Defendant police officers.

6. Defendant, LYNN MOORE (hereinafter "Moore"), at all material times pertinent hereto was a male police officer employed by Defendant City of Detroit as a police officer.

7. Defendant, FRED WATKINS (hereinafter "Watkins"), at all material times pertinent hereto was a male police officer employed by Defendant City of Detroit as a police officer.

8. Defendant, KATHY SINGLETON (hereinafter "Singleton"), is a female police officer within the City of Detroit, and at all material times pertinent hereto was employed by Defendant City of Detroit as a police officer.

9. Defendant, KEVIN TREASVANT (hereinafter "Treasvant"), is a male police officer within the City of Detroit, and at all material times pertinent hereto was employed by Defendant City of Detroit as a police officer.

10. At all times pertinent hereto, the individual Defendant officers were acting within the scope of their employment and under the color of law.

11. At all material times pertinent hereto, Defendant City of Detroit employed all Defendant officers and was liable for their acts.

12. The Defendants City of Detroit is also liable because of their policies, practices, and customs leading to the acts and omissions complained hereof.

13. On or about the evening of July 20, 2004 Plaintiff was stopped by the above named officers of City of Detroit Police Department without cause or justification.

14. Plaintiff and the driver (Crystal Nedrow) in a lawfully driven motor vehicle on a Michigan roadway were on their way home.

15. Plaintiff and the driver became lost and turned down Nucrenberg from Eldon.

TALAB
NUNLEY
P.C.

Attorneys
&
Counselors

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E-Mail:
info@TalabNunley.com

16. Plaintiff and the driver turned down said road to turn around and head back in the proper direction.

17. While turning around Plaintiff and the driver were immediately stopped by the arrest team of the Detroit Police Narcotics Unit.

18. Defendant City and the individual Defendant police officer' demanded the vehicle to stop.

19. Defendant City and its individual Defendant police officers without probable cause or provocation approached the vehicle where Plaintiff was a passenger and demanded Plaintiff's driver's licenses.

20. The individual Defendant police officers then ordered Plaintiff and the driver to exit vehicle without probable cause.

21. The individual Defendant police officers violently threw Plaintiff onto the driver's vehicle and placed him under arrest without probable cause.

22. Plaintiff was subject to multiple blows and punches by the Defendant officers, without provocation, and suffered severe injuries.

23. Plaintiff was placed in handcuffs, but the Defendant officers continued to subject Plaintiff to physical punishment and assault.

24. Defendants, in concert, subsequently instituted criminal prosecution of the Plaintiff, on false charges of resisting and obstructing.

COUNT I

FOURTH AND FOURTEENTH AMENDMENT VIOLATIONS

25. Plaintiff incorporate by reference paragraphs 1 through 24.

26. Plaintiff's constitutionally protected rights that the Defendant officers violated through their acts and omissions as delineated herein include, but are not limited to the following:

- a. Plaintiff's right to be free from unreasonable searches and seizures under the Fourth and Fourteenth Amendments to the United States Constitution.

**TALAB
NUNLEY**
P.C.

Attorneys
&
Counselors

W. Bloomfield Office
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Fax (248) 363-7834

E-Mail:
info@TalabNunley.com

- b. Plaintiff's right to fair and equal treatment guaranteed and protected by the Equal Protection Clause of the Fourteenth Amendment.

27. Defendant officers, acting under color of state law, took Plaintiff into physical police custody by placing Plaintiff in handcuffs. In so doing, they established a special custodial relationship with Plaintiff, giving rise to affirmative duties on their part to secure for him the constitutionally protected rights identified above.

28. Defendant officers' deliberate, malicious, outrageous, and reckless conduct in brutal, unjustified, and excessive use of force against Plaintiff, their failure to prevent their fellow officers (co-Defendants) from engaging in said conduct and excessive use of force; their failure to provide medical attention; and their deliberate indifference to the health, safety, welfare, and medical needs of Plaintiff, denied said Plaintiff of his constitutionally protected rights, including such rights as guaranteed by the Fourth and Fourteenth Amendments of the United States Constitution.

29. Defendant officers' violation of their affirmative duties, and their cruel and savage attack denied Plaintiff's constitutionally protected rights when he was unable to adequately protect himself. This situation occurred, while Plaintiff was under Defendant officers' custodial control, and is a direct and proximate cause of the subsequent deprivation of Plaintiff's constitutional rights described above.

30. Defendant officers, acting under color of state law and in concert with one another, by their conduct, showed intentional, outrageous, and reckless disregard for Plaintiff's constitutional rights. Furthermore, their actions in continued brutality, on the squad car, showed deliberate indifference to Plaintiff's personal safety and amount to the deprivation of his constitutionally protected rights.

31. Defendant officers' brutality was done with knowing disregard of an excessive risk to Plaintiff's health and well-being.

32. As a direct and proximate result of Defendant officers' conduct, Plaintiff suffered severe and permanent physical and emotional injuries, including, without exclusion, severe bruising, cuts, abrasions, emotional distress, loss of freedom, and a loss of other constitutionally protected rights described above.

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P.C.

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33. Defendant City and its individual Defendant police officers, acting under color of state law, authorized, tolerated, ratified, permitted or acquiesced in the creation of policies, practices, and customs, establishing a de facto policy of deliberate indifference to individuals such as Plaintiff.

34. As a direct and proximate result of these policies, practices, and customs, Plaintiff was deprived of his constitutionally protected rights described above and suffered severe physical and emotional damages as a result thereof.

WHEREFORE, Plaintiffs request that this Court enter judgment against Defendants, jointly and severally, in an amount not less than Seventy-Five Thousand and 00/100 (\$75,000.00) Dollars plus attorney fees, costs, and any other damages this Court feels is just to compensate the Plaintiffs for the injuries caused by the Defendants and deprivation of Plaintiff Ali's constitutional rights.

COUNT II
42 U.S.C. §1985 (3)
(AGAINST ALL DEFENDANTS)

35. Plaintiffs incorporate by reference paragraphs 1 through 34.

36. Defendant officers illegally, maliciously, and wrongfully conspired with one another with the intent to and for the illegal purpose of depriving Plaintiff of equal protection of the laws and equal privileges and immunities under the laws.

37. Defendant officers conspired to brutally attack and subsequently falsely prosecute Plaintiff.

38. Defendant officers in combination, conspired to cover up the illegal and brutal attacks on Plaintiff, including the severe mental and physical damage inflicted on Plaintiff.

39. As a result of the conspiracy and Defendant officers' illegal, wrongful and tortuous acts, Plaintiff has sustained the damages more fully described herein.

40. Defendant City participated, authorized, tolerated, ratified, permitted or acquiesced in said conspiracy and its advancement.

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WHEREFORE, Plaintiffs request that this Court enter judgment against Defendants, in an amount not less than Seventy-Five Thousand and 00/100 (\$75,000.00) Dollars plus attorney fees, costs, and any other damages this Court feels is just to compensate the Plaintiffs for the injuries caused by the Defendants.

COUNT III
PUNITIVE/EXEMPLARY DAMAGES
(AGAINST DEFENDANT OFFICERS ONLY)

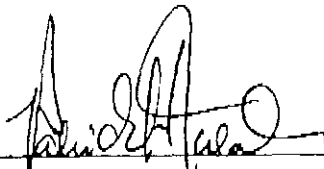
41. Plaintiffs incorporate by reference paragraphs 1 through 40.
42. The actions of Defendant officers were made intentionally and maliciously and have caused Plaintiffs to suffer, without exclusion, humiliation, outrage, pain, suffering, loss of earning capacity, lost wages, costs, and indignation.

WHEREFORE, Plaintiffs request that this Court enter judgment against Defendant officers, jointly and severally, in an amount not less than Seventy-Five Thousand and 00/100 (\$75,000.00) Dollars plus attorney fees, costs, and any other damages this Court feels is just to compensate the Plaintiffs for the injuries caused by the Defendant officers.

Dated: February 13, 2004

Respectfully Submitted,

TALAB NUNLEY, P.C.



BY: F. (PATRICK) H. TALAB (P54497)
Attorneys for Plaintiff
4051 Haggerty Road
West Bloomfield, Michigan 48323
Telephone: (248) 366-5000

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

00-72693

VESTER L SQUIRES, AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF
EUGENE M SQUIRES, CORNELL
SQUIRES, AND EMMANUEL SQUIRES,

Plaintiffs,

-VS-

ROBERT FELD, KATHY SINGLETON,
and CITY OF DETROIT,
jointly and severally,

Defendants

GEORGE B WASHINGTON (P 26201)
SCHEFF & WASHINGTON, P C
Attorney for Plaintiffs
One Kennedy Square - Suite 2137
Detroit, Michigan 48226
313-963-1921

GEORGE E. WOODS
MAGISTRATE JUDGE CAPEL,

FILED
2000 JUN 15 A 11:10
U.S. DIST. COURT CLERK
EAST DIST MICH
DETROIT

COMPLAINT

Pursuant to the Federal Rules of Civil Procedure, the plaintiffs, by and through
their attorneys, Scheff & Washington, P C , hereby state as follows

JURISDICTION

1 This Court has jurisdiction over the cause under 28 USC 1331 and 1343(3) and
under the pendent jurisdiction of this Court

PARTIES

2 Vester L. Squires is the personal representative of the Estate of Eugene M.

Squires, who was a citizen and resident of the City of Detroit.

3 Cornell Squires is the son of Eugene and Vester Squires and is a citizen and
resident of the City of Detroit.

4 The plaintiff Emmanuel Squires is the son of Cornell Squires.

5 The defendant Robert Feld is a police officer in the City of Detroit and, upon
information and belief, a resident of the City of Detroit.

6 The defendant Kathy Singleton is a police officer in the City of Detroit and, upon
information and belief, a resident of the City of Detroit.

7 The defendant City of Detroit is a Michigan municipal corporation.

FACTS

8 On October 23, 1998, at approximately 5 P.M., the plaintiff Emmanuel Squires
left his home on Electric Boulevard in the City of Detroit to go to a neighbor's house for
a haircut.

9 Shortly after he exited his front door, the defendants Feld and Singleton stopped
their police vehicle, approached Emmanuel Squires and several of his neighbors and
friends, and, without cause, ordered the men to place their hands on the police vehicle.

10 The defendants Feld and Singleton then proceeded to search without cause each
of the young men whom they had detained.

11 When Cornell Squires saw the police detaining and searching his son in front of
his home, he came outside and asked the officers what this was about.

12 The defendant Feld in a loud and angry manner told Cornell Squires that he would not answer and that he was liable for arrest

13 Cornell Squires stepped backward at a distance where the police officers were searching the young men and continued to ask what it was about

14 The defendant Feld became enraged and approached Cornell Squires on the porch of a neighbor's house, asserting that he was going to arrest him

15 The defendant Feld slipped and fell into rosebushes, and then, becoming even more enraged, proceeded onto the porch and pushed Cornell Squires through the door of the neighbor's house into the living room Assisted by the defendant Singleton, the defendant Feld hit, kicked, pepper-sprayed and otherwise assaulted Cornell Squires, while using a racial slur

16 The late Eugene M Squires, a former minister in the City of Detroit, exited his home across the street, proceeded to the location, and observed his son being assaulted and battered by the defendants Feld and Singleton

17. After beating and kicking Cornell Squires, the defendants Feld and Singleton placed him into custody and transported him from the scene

18 Within minutes of that and as a direct result of the emotional distress he had suffered, the late Eugene M Squires suffered a heart attack as he was walking back across the street towards his home

19 The defendants Feld, Singleton, and others currently unknown refused to release Cornell Squires from jail on bond so that he could go to the hospital to be with his father

20 The defendants Feld and Singleton further caused the City Attorney to institute a prosecution against Cornell Squires on a charge of interference with an officer

21 After approximately six scheduled trial dates, the 36th District Court dismissed the charges because Officer Feld failed to show up for a trial date

COUNT I

UNCONSTITUTIONAL DETENTION AND SEARCH OF EMANUEL SQUIRES

22 The allegations of paragraphs 1-21 are repeated as if fully set forth herein

23 The defendants Feld and Singleton commenced a detention and search of Emmanuel Squires without reasonable cause, in violation of Mr Squires' rights under the Fourth Amendment to the Constitution of the United States and of 42 USC 1983

24 As a direct and proximate result of this unlawful detention and search, the plaintiff Emmanuel Squires suffered serious emotional pain, suffering, and distress

Wherefore, Emmanuel Squires demands judgment against the defendants Feld and Singleton in an amount sufficient to compensate him for his compensatory and punitive damages and requests that this Court award him reasonable attorneys' fees and costs and such further relief as is just and equitable

COUNT II

UNCONSTITUTIONAL ARREST AND USE OF EXCESSIVE FORCE AGAINST CORNELL SQUIRES

25 The allegations of paragraphs 1-24 are repeated as if fully set forth herein

26 In arresting Cornell Squires without probable cause, the defendants Feld and Singleton violated his rights under the Fourth Amendment to the Constitution of the United States and under 42 USC 1983

27 In arresting Cornell Squires for the sole reason that he peacefully objected to the unlawful detention and search of his son, the defendants Feld and Singleton violated his rights to free speech and assembly, as guaranteed by the First Amendment to the Constitution of the United States and by 42 USC 1983

28 In kicking, beating and otherwise assaulting Cornell Squires, the defendants Feld and Singleton used excessive force, in violation of Squires's rights to due process of law, as guaranteed by the Fourteenth Amendment to the Constitution of the United States and by 42 USC 1983

29 In arresting Cornell Squires without probable cause and in retaliation for his exercise of his rights under the First Amendment and in using excessive force upon him, the defendants Feld and Singleton were acting according to a policy and practice of the defendant City of Detroit

30 In implementing and enforcing that policy the defendant City of Detroit violated Squires' rights under the First, Fourth and Fourteenth Amendments to the Constitution of the United States

31 As a direct and proximate result of this violation, Cornell Squires suffered serious emotional pain, suffering, and distress

Wherefore, the plaintiff Cornell Squires demands judgment against the defendants Feld, Singleton and the City of Detroit in an amount sufficient to compensate him for his compensatory and punitive damages and requests that this Court award him reasonable attorneys' fees and costs and such further relief as is just and equitable

COUNT III

FALSE ARREST AND IMPRISONMENT OF CORNELL SQUIRES

32 The allegations of paragraphs 1-31 are repeated as if fully set forth herein

33 In arresting the plaintiff Cornell Squires without probable cause, the defendants Feld and Singleton subjected him to a false arrest and imprisonment, in violation to the common law of the State of Michigan

34 As a direct and proximate result of this violation of his rights, Cornell Squires suffered serious emotional pain, suffering, and distress as well as public humiliation

Wherefore, the plaintiff Cornell Squires demands judgment against the defendants Feld and Singleton, jointly and severally, in an amount sufficient to compensate him for his compensatory and exemplary damages and requests that this Court award him reasonable attorneys' fees and costs and such further relief as is just and equitable

COUNT IV

MALICIOUS PROSECUTION OF CORNELL SQUIRES

35 The allegations of paragraphs 1-34 are repeated as if fully set forth herein

36 In instituting a prosecution against Cornell Squires without just cause, the defendants Feld and Singleton caused the City Attorney to file charges against Cornell Squires for interference with an officer

37 In causing Cornell Squires to be subjected to a prosecution without just cause, the defendants jointly engaged in a malicious prosecution

38 On May 15, 2000, the above prosecution was terminated in the favor of the plaintiff Cornell Squires by the dismissal order entered by the 36th District Court

39 As a direct and proximate result of this unlawful prosecution, the plaintiff Cornell Squires had to appear in court on numerous occasions, including on the day his father died, and suffered serious inconvenience and emotional pain, suffering, and distress

Wherefore, the plaintiff Cornell Squires demands judgment in an amount sufficient to compensate him for his compensatory and exemplary damages and requests that this Court award him reasonable attorneys' fees and costs and such further relief as is just and equitable

COUNT V

ASSAULT AND BATTERY ON CORNELL SQUIRES

40 The allegations of paragraphs 1-39 are repeated as if fully set forth herein

41 In repeatedly hitting, kicking, and pushing the plaintiff Cornell Squires, the defendants Feld and Singleton subjected him to assaults and batteries

42 As a direct and proximate result of this unlawful prosecution, the plaintiff Cornell Squires had to appear in court on numerous occasions, including on the day his father died, and suffered serious inconvenience and emotional pain, suffering, and distress

Wherefore, the plaintiff Cornell Squires demands judgment in an amount sufficient to compensate him for his compensatory and exemplary damages and requests that this Court award him reasonable attorneys' fees and costs and such further relief as is just and equitable

COUNT VI

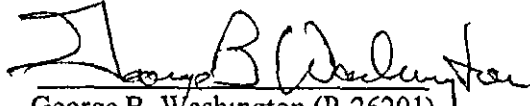
43 The allegations of paragraphs 1-42 are repeated as if fully set forth herein

44 As the father of Cornell Squires and the grandfather of Emmanuel Squires, Eugene M Squires suffered serious emotional pain, suffering, and distress, including such distress leading to a heart attack, as was occasioned by observing the unconstitutional, unlawful and tortious actions of the defendants Feld and Singleton perpetrated upon his son

Wherefore, the plaintiff Vester L Squires, as Personal Representative, demands judgment against the defendants Feld and Singleton in an amount sufficient to compensate her for the damages to Eugene M Squires and requests that this Court award her reasonable attorneys' fees and costs and such further relief as is just and equitable

By Plaintiffs' Attorneys,
SCHEFF & WASHINGTON, P C.

BY


George B Washington (P-26201)
One Kennedy Square - Suite 2137
Detroit, Michigan 48221
(313) 963-1921

Dated June 15, 2000

200 520961

15

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ORIGINAL

YVONNE TAYLOR,

Plaintiff,

v

Case No. 05-70489
HON.

CITY OF ROYAL OAK, MATT MURRAY,
ZELDKIEWICZ (BADGE # 223), CITY OF DETROIT,
FRED WATKINS, ROLAND BROWN, MICHAEL DEKUN,
KATHY SINGLETON, JEFFREY CLYBURN,
DAVID JONES, KENDRA DAVIS, RON GIBSON,
in their individual and official capacities,

GEORGE CARAM STEEH

MAGISTRATE JUDGE PAUL J. KOMIVES

Defendants.

LAW OFFICE OF McCALL & TRAINOR
BY: CHRISTOPHER J. TRAINOR (P42449)
Attorney for Plaintiff
6557 Highland Road, Suite 105
Waterford, MI 48327
(248) 886-8650

FILED
05 FEB -7 P3:36
U.S. DIST. COURT
EAST DISTRICT OF
DETROIT

COMPLAINT AND JURY DEMAND

NOW COMES Plaintiff, YVONNE TAYLOR, by and through her attorney,
CHRISTOPHER J. TRAINOR, and for her Complaint against the above-named
Defendants states as follows:

PARTIES AND JURISDICTION

1. Plaintiff is currently a resident of the City of Madison Heights, County of Oakland, State of Michigan.
2. All of the events giving rise to this cause of action took place in the City of Royal Oak, County of Oakland, State of Michigan.

ORIGINAL

3. Defendant City of Royal Oak is a governmental subdivision organized and existing under the laws of the State of Michigan.

4. Defendant City of Detroit is a governmental subdivision organized and existing under the laws of the State of Michigan.

5. The individually-named Defendants were at all times mentioned herein, employed by the City of Detroit or the City of Royal Oak and were acting within the scope of their employment, under color of law, and were assigned to either the City of Detroit Police Department or the City of Royal Oak Police Department.

6. At all material times, Defendants acted under color of law.

7. Jurisdiction is vested in this Court pursuant to 28 U.S.C. §1331 [federal question], 28 U.S.C. §1343 [civil rights].

8. Plaintiff's claims arise pursuant to federal statute 42 U.S.C. §1983, the Fourth and Fourteenth Amendments of the United States Constitution, and the statutes and common laws of the State of Michigan.

FACTS

9. Plaintiff reallages and incorporates by reference all paragraphs of this Complaint as though fully set forth herein.

10. On or about March 23, 2003, Defendant Watkins received information from Defendant Gibson regarding a search of 18876 Cardoni, in the City of Detroit, whereupon paperwork with an address of 3015 W. 13 Mile Road, #304 in Royal Oak, MI, in the name of Damarion Garrison, was found.

11. That the Royal Oak address listed in paragraph 10, was that of Plaintiff.

12. Plaintiff did not know Damario Garrison nor was she aware that Garrison was involved in drugs.

14. Based upon the information conveyed by Defendant Gibson, Defendant Watkins applied for and received a search warrant to search Plaintiff's apartment for controlled substances and related items.

15. That the Affidavit for the search warrant indicated that controlled substances, equipment, safes, books/records, and related supplies used for illegal drug trafficking would be found at Plaintiff's residence.

15. On or about March 23, 2003, Plaintiff was awakened when she heard Defendants' voices already in her apartment.

16. Defendants broke into her apartment, without knocking and announcing their presence, and then screamed at Plaintiff to get her hands in the air.

17. Defendants had their guns drawn on Plaintiff and pointed at her head.

18. Defendants searched Plaintiff's apartment without telling her they were searching for drugs and other related items until the search was completed.

19. It was only after the search was completed that Defendants asked Plaintiff if she used her house for drugs, to which Plaintiff responded in the negative and also stated that Garrison was never at her house, nor was he even a past acquaintance.

20. Plaintiff requested to see a copy of the search warrant, but Defendants told her they did not have a copy with them, and in fact, Plaintiff never saw a copy of the search warrant.

21. There was absolutely no drugs or drug-related paraphernalia found at Plaintiff's residence.

COUNT I
VIOLATION OF THE UNITED STATES CONSTITUTION
FOURTH AMENDMENT, 42. U.S.C. §1983
WARRANTLESS SEARCH AND SEIZURE WITHOUT PROBABLE CAUSE

21. Plaintiff realleges and incorporates by reference all paragraphs of this Complaint as though fully set forth herein.

22. The Fourth Amendment of the United States Constitution establishes that Plaintiff has the right to be free from deprivation of life, liberty, and bodily security without due process of law and to be free from unreasonable searches and seizures.

23. At all material times, Defendants acted under color of law and unreasonably when they violated Plaintiff's Fourth Amendment rights when they falsely arrested Plaintiff and seized her without probable cause or exigent circumstances.

24. Defendants, under color of law, acted unreasonably and failed in their duty to adequately investigate, by arresting and detaining Plaintiff without a validly issued warrant, without probable cause, in violation of Plaintiff's Fourth Amendment rights.

25. Defendants acted under color of law and violated Plaintiff's clearly established Fourth Amendment right to be free from unreasonable searches and seizures.

26. A reasonable officer would have known that probable cause was required before Defendants could search Plaintiff's home and seize Plaintiff.

27. Defendants' illegal acts were the direct and proximate cause of Plaintiff's deprivation of her liberty.

28. Defendants clearly violated Plaintiff's Fourth Amendment rights and pursuant to 42 U.S.C. §1983, Plaintiff respectfully requests this Honorable Court to award exemplary, compensatory, and punitive damages, plus costs, interest, and attorney fees as set forth in 42 U.S.C. §1988.

COUNT II
VIOLATION OF THE UNITED STATES CONSTITUTION
FOURTH AMENDMENT, 42 U.S.C. §1983
FAILURE TO KNOCK AND ANNOUNCE

29. Plaintiff realleges and incorporates by reference all paragraphs of this Complaint as though fully set forth herein.

30. The individually-named Defendants' failure to knock and announce before entering Plaintiff's apartment was at all times intentional, reckless, and/or deliberately indifferent to Plaintiff's rights under the Fourth Amendment of the United States Constitution.

31. That had Defendants knocked and announced their presence, Plaintiff would have certainly responded and answered the door, ensuring that the resulting incidents would not have occurred.

32. The law interpreting the Fourth Amendment was clearly established at the time of the incident in that Defendants must knock and announce their presence prior to forcibly entering into a citizen's home.

33. As a result of Defendants' violation/deprivation of Plaintiff's constitutional rights, Plaintiff has a viable claim for compensatory and punitive damages pursuant to 42 U.S.C. § 1983, together with costs, interest, and attorney fees pursuant to 42 U.S.C. § 1988.

COUNT III
CITY OF DETROIT'S CONSTITUTIONAL VIOLATIONS

34. Plaintiff realleges and incorporates by reference all paragraphs of this Complaint as though fully set forth herein.

35. Defendant City of Detroit acted recklessly and/or with deliberate indifference when they practiced and/or permitted customs and/or policies and/or practices that resulted in violations to Plaintiff.

36. These customs and/or policies and/or practices included, but were not limited to:

- a. Failure to train and supervise its police officers so as to prevent violations of its citizens' constitutional rights;
- b. Failure to supervise, review, and/or discipline police officers whom the City of Detroit knew or should have known were violating or were prone to violate citizens' constitutional rights, thereby permitting and/or encouraging its police officers to engage in illegal conduct;
- c. Failure to train and institute proceedings to ensure its police officers would conduct proper and legal investigations of crimes;
- d. Failure to train its police officers and institute policy against falsifying evidence

37. Defendants' conduct was so reckless so as to demonstrate a substantial lack of concern for whether an injury resulted.

38. Defendants' indifferent acts and/or omissions were the direct and proximate cause of Plaintiff's pain and suffering, humiliation, embarrassment, and mental anguish.

39. For the above reasons, Plaintiff respectfully requests this Honorable Court to award Plaintiff exemplary, compensatory, and punitive damages, plus costs, interest, and attorney fees, as set forth in 42 U.S.C. §§ 1983 and 1988.

COUNT IV
CITY OF ROYAL OAK'S CONSTITUTIONAL VIOLATIONS

40. Plaintiff realleges and incorporates by reference all paragraphs of this Complaint as though fully set forth herein.

41. Defendant City of Royal Oak acted recklessly and/or with deliberate indifference when they practiced and/or permitted customs and/or policies and/or practices that resulted in violations to Plaintiff.

42. These customs and/or policies and/or practices included, but were not limited to:

- a. Failure to train and supervise its police officers so as to prevent violations of its citizens' constitutional rights;
- b. Failure to supervise, review, and/or discipline police officers whom the City of Royal Oak knew or should have known were violating or were prone to violate citizens' constitutional rights, thereby permitting and/or encouraging its police officers to engage in illegal conduct;
- c. Failure to train and institute proceedings to ensure its police officers would conduct proper and legal investigations of crimes;
- d. Failure to train its police officers and institute policy against falsifying evidence.

43. Defendants' conduct was so reckless so as to demonstrate a substantial lack of concern for whether an injury resulted.

44. Defendants' indifferent acts and/or omissions were the direct and proximate cause of Plaintiff's pain and suffering, humiliation, embarrassment, and mental anguish.

45. For the above reasons, Plaintiff respectfully requests this Honorable Court to award Plaintiff exemplary, compensatory, and punitive damages, plus costs, interest, and attorney fees, as set forth in 42 U.S.C. §§ 1983 and 1988.

COUNT V
ASSAULT AND BATTERY

46. Plaintiff realleges and incorporates by reference all paragraphs of this Complaint as though fully set forth herein.

47. While Plaintiff was in the presence of Defendants, Defendants threatened Plaintiff with unnecessary and excessive physical contact.

48. The physical contact and/or threat of physical contact was inflicted upon Plaintiff by Defendants.

49. Said physical contact was unwarranted and excessive, and furthermore, was without probable cause or any legal justification whatsoever.

50. As a direct and proximate cause of the assault and battery, Plaintiff sustained various injuries, including but not limited to, physical injuries, pain and suffering, emotional distress, severe psychological harm, shock, fright, humiliation, and embarrassment.

51. Defendants' actions were so egregious and so outrageous that Plaintiff's damages were heightened and made more severe, that Plaintiff is entitled to exemplary damages.

COUNT VI
FALSE ARREST/FALSE IMPRISONMENT

52. Plaintiff realleges and incorporates by reference all paragraphs of this Complaint as though fully set forth herein.

53. While acting within the scope of their employment, the individually-named Defendants knowingly and intentionally caused Plaintiff to be falsely arrested and/or imprisoned.

54. Defendants lacked probable cause to believe that Plaintiff was guilty of any criminal act.

55. Defendants detained Plaintiff for no apparent reason and in violation of her civil rights.

56. As a direct and proximate cause of Defendants' intentional misconduct, Plaintiff sustained various injuries, including, but not limited to, physical injuries, pain and suffering, emotional distress, severe psychological harm, shock, fright, humiliation, and embarrassment.

57. Defendants' actions were so egregious and so outrageous that Plaintiff's damages were heightened and made more severe so that Plaintiff is awarded to exemplary damages.

COUNT VII
INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS

58. Plaintiff realleges and incorporates by reference all paragraphs of this Complaint as though fully set forth herein.

59. Plaintiff was subjected to unreasonable and unnecessary detention without probable cause.

60. Such conduct was extreme, outrageous, and beyond the bounds of decency in a civilized society.

61. As a proximate and direct result of Defendants' intentional and/or reckless conduct, Plaintiff suffered severe emotional distress and all of those damages described herein.

62. Defendants' actions were so egregious and so outrageous that Plaintiff's damages were heightened and made more severe so that Plaintiff is entitled to exemplary damages.

COUNT VIII
GROSS NEGLIGENCE

63. Plaintiff realleges and incorporates by reference all paragraphs of this Complaint as though fully set forth herein.

64. The individually-named Defendants were working for either the City of Detroit or the City of Royal Oak.

65. The individually-named Defendants had a duty to perform their employment activities so as not to endanger or cause harm to individuals.

66. Nevertheless, in performing their duties, the individually-named Defendants breached this duty by acting indifferently or grossly negligent without regard to Plaintiff's welfare.

67. Defendants knew or should have known that by breaching these duties, harm would come to Plaintiff.

68. As a result of Defendants' indifferent/grossly negligent acts and/or omissions, Plaintiff suffered damages.

69. As a direct and proximate result of Defendants' intentional and/or reckless conduct, Plaintiff suffered severe emotional distress and all those damages described herein.

70. Defendants' actions were so egregious and so outrageous that Plaintiff's damages were heightened and made more severe such that Plaintiff is entitled to exemplary damages.

DAMAGES AND RELIEF REQUESTED

71. Plaintiff realleges and incorporates by reference all paragraphs of this Complaint as though fully set forth herein.

72. As a direct and proximate result of the aforementioned deprivation of constitutional rights and breaches of statutory and common law duty by Defendants, Plaintiff was threatened, harassed, assaulted, imprisoned, and suffered loss of liberty, which resulted in severe injuries, including but not limited to:

- a. Physical pain and suffering;
- b. Mental anguish;
- c. Fright and shock;
- d. Emotional, physical, and psychological trauma;
- e. Humiliation, anxiety, fear, and embarrassment;
- f. Injury to reputation;
- g. Loss of self-worth;
- h. Loss of quality and enjoyment of life;
- i. Lost wages;
- j. Lost earning capacity;
- k. Out-of-pocket losses;
- l. Other damages and injuries.

WHEREFORE, Plaintiff demands judgment against the Defendants in an amount that is fair, just, reasonable, and in excess of Seventy-Five Thousand Dollars (\$75,000) as follows:

- a. Awarding Plaintiff compensatory damages for actual injury, emotional distress and/or medical trauma, embarrassment and humiliation, loss of self-worth and self-esteem, loss of quality and enjoyment of life, and loss of earnings;
- b. Awarding Plaintiff punitive damages to punish and deter past, present, and future conduct.
- c. Awarding Plaintiff reasonable costs and expenses of this action, including attorney fees as set forth in 42 U.S.C. § 1988.
- d. Granting Plaintiff such other and further relief as may be deemed just.

Respectfully Submitted,

LAW OFFICE OF McCALL & TRAINOR

BY: Christopher J. Trainor
CHRISTOPHER J. TRAINOR (P42449)
6557 Highland Road, Suite 105
Waterford, MI 48327
(248) 886-8650

Dated: January 17, 2005
CJT/scc

JURY FEE PAID
THE COURT
FEB 02 2005

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

DEBORAH NORTON
Plaintiff,

ND

v.

JEFFREY CLYBURN, FRED WATKINS,
JESSICA JONES, REYNOLD REED, VINCENT
CROCKETT, LYNN MOORE, TYRONE GRAY

ERNEST L. JARRETT
Attorney for Plaintiff
2100 Cadillac Tower Building
Detroit, Michigan 48226
(313) 964-2002

COMPLAINT AND JURY DEMAND

NOW COMES the Plaintiff, DEBORAH NORTON, by and through her attorney,
Ernest L. Jarrett, and for good cause states as follows:

PARTIES AND JURISDICTION

1. The Plaintiff, Deborah Norton, is and was at all times pertinent hereto, a resident of the City of Detroit, County of Wayne, State of Michigan.
2. Each of the defendants named herein are sworn law enforcement officers and members of the City of Detroit Police Department.
3. This action is brought pursuant to the Constitution and laws of the State of

Michigan.

4. The action is also brought pursuant to 42 USC §1983 to redress violations of the Plaintiff's rights protected by the United States Constitution.

5. The amount in controversy exceeds \$25,000.00.

6. All events transactions or occurrences took place in the City of Detroit, County of Wayne, State of Michigan, unless specifically alleged otherwise.

7. This matter is otherwise properly before this Honorable Court.

STATEMENT OF FACTS

8. On or about December 5, 2002, Defendant Vincent Crockett prepared an affidavit in support of his request for a search warrant to a Judge or Magistrate of the 36th District Court. The affidavit was presented to the Court notwithstanding the fact that Defendant Crockett knew that it contained the assertion of false and fraudulent facts.

9. Based exclusively upon the false fraudulent and prejudurious affidavit of Defendant Crockett, the court authorized a warrant for the search of the Plaintiff's home.

10. Thereafter the defendants named herein, all of whom regularly worked together as a Detroit Police Narcotics crew, executed the fraudulently obtained warrant. All members of the crew, particularly the crew supervisors, defendants Clyburn and Watkins, knew or should have known that defendant Crockett had falsified his affidavit in order to deceive the Court about the presence of probable cause to issue the warrant. Moreover, said defendants knew or should have known that defendant Crockett routinely falsified affidavits in support of warrant requests in a substantially similar manner.

11. The defendants entered the Plaintiff's home on the pretext of executing a valid search warrant, while the Plaintiff was not at home. Plaintiff later arrived at her home to find the

defendant inside, conducting their illegal raid therein.

12. Upon her entry into her home, Plaintiff was forced to sit in her kitchen, while the defendants continued their illegal search of her home. While the search continued, the defendants taunted the Plaintiff and caused her severe emotional distress, while accusing her of illegal activities.

13. Thereafter Plaintiff was unlawfully physically abused by several defendants, including but not limited to defendants Jones, Reed and Watkins. Plaintiff was then illegally arrested and charged with assault and battery, although each defendant knew or should have known that the Plaintiff had committed no violations of the law.

14. Defendants unlawfully seized the Plaintiff's automobile and other personal property while falsely claiming to have found a quantity of marijuana in her house.

15. Based upon the facts asserted in the false and fraudulent search warrant affidavit, the falsified return on the search warrant, the defendants false police reports and the pretextual seizure of the Plaintiff's property, the defendants induced the Wayne County Prosecutor's office to commence forfeiture proceedings against the Plaintiff.

16. Based upon the same false documents and assertions described above, the defendants also induced the prosecutor to commence criminal proceedings against the Plaintiff.

17. Criminal proceedings were dismissed while trial was in progress after the Court determined that the defendants were illegally within the Plaintiff's home pursuant to an illegally obtained search warrant.

18. Thereafter, the civil forfeiture action was also dismissed based upon the fact that the search warrant had been illegally obtained.

19. As a direct and proximate result of the defendants' conduct the Plaintiff suffered

and/or continues to suffer:

- a.) Taunting, embarrassment and humiliation
- b.) Unlawful search of her home
- c.) Physical abuse
- d.) Emotional distress
- e.) Loss of use of personal property
- f.) Out of pocket medical expenses
- g.) Out of pocket legal expenses

20. Based upon the above described facts, defendants are liable to Plaintiff for the following claims under the law of the State of Michigan:

- a.) Unlawful search
- b.) Assault and battery
- c.) Intentional infliction of emotional distress
- d.) False arrest
- e.) False imprisonment
- f.) Abuse of process
- g.) Malicious prosecution
- h.) Unlawful seizure of property.

21. Based upon the above the defendants violated rights protected, inter alia, by the fourth, fifth, and sixth and fourteenth amendments of the United States Constitution for the following claim:

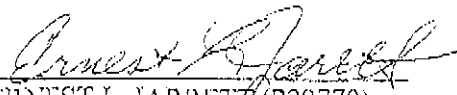
- a.) Illegal search
- b.) Unlawful and/or excessive force
- c.) Unlawful Arrest
- d.) Unlawful Imprisonment
- e.) Unlawful prosecution of criminal proceedings
- f.) Unlawful prosecution of civil proceedings
- g.) Unlawful seizure of personal property.

WHEREFORE Plaintiff prays for judgment including the following relief:

- a.) Damages in excess of \$25,000.00.
- b.) Punitive damages
- c.) Exemplary damages
- d.) Costs of this suit
- e.) Interest as provided by law

f.) Attorney fees.

Respectfully submitted,

By 
ERNEST L. JARRETT (P29770)
Attorney for Plaintiff
2100 Cadillac Tower Building
Detroit, Michigan 48226
(313) 964-2002

Dated: December 2, 2005

STATE OF MICHIGAN
CIRCUIT COURT FOR WAYNE COUNTY

JURY FEE PAID
THIS DATE:

BY: MAY 28 2010

**JIMMIE J. EATON and
MARTEZ P. TOPP,**

Plaintiffs,

-vs-

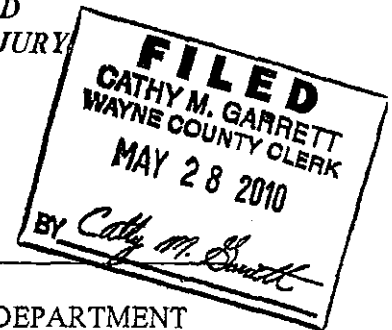
Case No. 09-002413-NO

Hon. Daphne Means Curtis

POLICE OFFICER SHAMAR WOODS,
Badge No. 737, POLICE OFFICER MONICA
EVANS, Badge No. 991, **SERGEANT
DANIEL BUGLO**, Badge No. S-444, POLICE
OFFICER TYRONE GRAY, POLICE
OFFICER JELANI DEW, POLICE OFFICER
ADRIAN SINGLETON, **SERGEANT GREG
McWHORTER**, and LIEUTENANT ROSCOE
MAYFIELD, and THE CITY OF DETROIT,

Defendants.

**SECOND AMENDED
COMPLAINT AND JURY
DEMAND**



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SECOND AMENDED COMPLAINT AND JURY DEMAND

Plaintiffs, JIMMIE J. EATON and MARTEZ P. TOPP, by and through their attorneys, FLOOD LANCTOT CONNOR STABLEIN, PLLC, and for their cause of action against the above named Defendants, state as follows:

Common Allegations

1. At all times relevant, Plaintiff, Jimmie Eaton ("Mr. Eaton") resided in the City of Detroit, County of Wayne, State of Michigan.
2. At all times relevant, Plaintiff, Martez P. Topp, ("Mr. Topp") resided in the City of Detroit, County of Wayne, State of Michigan.
3. Upon information and belief, at all times relevant Defendant, Shamar Woods (hereinafter referred to as "Woods," or when referred to collectively with the other defendant police officers, as "Defendant Police Officers" and/or "Defendants") resided in the County of Wayne, State of Michigan.
4. Upon information and belief, at all times relevant Defendant, Monica Evans (hereinafter referred to as "Evans," or when referred to collectively with the other defendant police officers, as "Defendant Police Officers" and/or "Defendants") resided in the County of Wayne, State of Michigan.
5. Upon information and belief, at all times relevant Defendant, **Tyrone Gray** (hereinafter referred to as "Gray," or when referred to collectively with the other defendant police officers, as "Defendant Police Officers" and/or "Defendants") resided in the County of Wayne, State of Michigan.
6. Upon information and belief, at all times relevant Defendant, **Sergeant Buglo** (hereinafter referred to as "Buglo," or when referred to collectively with the other defendant

police officers, as “Defendant Police Officers” and/or “Defendants”) resided in the County of Wayne, State of Michigan.

7. Upon information and belief, at all times relevant Defendant, Jelani Dew (hereinafter referred to as “Dew,” or when referred to collectively with the other defendant police officers, as “Defendant Police Officers” and/or “Defendants”) resided in the County of Wayne, State of Michigan.

8. Upon information and belief, at all times relevant Defendant, Adrian Singleton (hereinafter referred to as “Singleton,” or when referred to collectively with the other defendant police officers, as “Defendant Police Officers” and/or “Defendants”) resided in the County of Wayne, State of Michigan.

9. Upon information and belief, at all times relevant Defendant, **Sergeant Greg McWhorter** (hereinafter referred to as “Sgt. McWhorter” or when referred to collectively with the other defendant police officers, as “Defendant Police Officers” and/or “Defendants”) resided in the County of Wayne, State of Michigan.) resided in the County of Wayne, State of Michigan.

10. Upon information and belief, at all times relevant Defendant, Lieutenant Roscoe Mayfield (hereinafter referred to as “Lt. Mayfield” or when referred to collectively with the other defendant police officers, as “Defendant Police Officers” and/or “Defendants”) resided in the County of Wayne, State of Michigan.) resided in the County of Wayne, State of Michigan.

11. Defendant, City of Detroit, is a municipal corporation located in Wayne County, Michigan, and operates subject to the law and the constitution of the State of Michigan.

12. The acts and occurrences giving rise to this Complaint happened in the City of Detroit, County of Wayne, State of Michigan.

13. The amount in controversy in this litigation exceeds \$25,000.00, exclusive of costs, interest and attorney fees.

14. This Court has proper jurisdiction over all parties and the subject matter.

15. Woods was at all times relevant to this Complaint, employed as a police officer for the City of Detroit and acting in her capacity as a police officer for the City of Detroit, and under authority and color of law.

16. Evans was at all times relevant to this Complaint, employed as a police officer for the City of Detroit and acting in her capacity as a police officer for the City of Detroit, and under authority and color of law.

17. Gray was at all times relevant to this Complaint, employed as a police officer for the City of Detroit and acting in his capacity as a police officer for the City of Detroit, and under authority and color of law.

18. Buglo was at all times relevant to this Complaint, employed as a police officer for the City of Detroit and acting in his capacity as a police officer for the City of Detroit, and under authority and color of law.

19. Dew was at all times relevant to this Complaint, employed as a police officer for the City of Detroit and acting in his capacity as a police officer for the City of Detroit, and under authority and color of law.

20. Singleton was at all times relevant to this Complaint, employed as a police officer for the City of Detroit and acting in his capacity as a police officer for the City of Detroit, and under authority and color of law.

21. Sgt. McWhorter was at all times relevant to this Complaint, employed as a police officer for the City of Detroit and acting in his capacity as a police officer for the City of Detroit, and under authority and color of law.

22. Lt. Mayfield was at all times relevant to this Complaint, employed as a police officer for the City of Detroit and acting in his capacity as a police officer for the City of Detroit, and under authority and color of law.

23. On or about July 7, 2007, Mr. Topp pulled into the BP gas station located at or near the intersection of Joy Road and Greenfield Road in the City of Detroit, for the purposes of purchasing gasoline for his motor vehicle, a 1988 Chevy Monte Carlo.

24. The 1988 Chevy Monte Carlo was owned by and registered to Mr. Topp.

25. Mr. Eaton, who lived nearby the gas station, met Mr. Topp at the gas station and the two left the gas station in Mr. Topp's vehicle. Mr. Topp was driving the vehicle while Mr. Eaton was seated in the front passenger seat.

26. Shortly after leaving the gas station, Mr. Eaton and Mr. Topp noticed a black Dodge Magnum, following Mr. Eaton and Mr. Topp.

27. The black Dodge Magnum was unmarked and unidentifiable as a police vehicle.

28. Unbeknownst to Mr. Eaton and Mr. Topp, the Dodge Magnum was driven by at least two (2) City of Detroit Police Officers, including but not limited to Evans and Woods.

29. All occupants of the unmarked Dodge Magnum were undercover, in plain clothes and unidentifiable as police officers.

30. Defendants in the Dodge Magnum continued to follow Mr. Eaton and Mr. Topp for several minutes through the streets of the city of Detroit.

31. Mr. Topp pulled his vehicle over, parked his vehicle and he and Mr. Eaton exited the vehicle to determine who was following them. At that point the black Dodge Magnum stopped as well, keeping a distance several yards away from Mr. Topp's vehicle.

32. The individuals in the black Dodge Magnum remained inside the vehicle and did not identify themselves, nor attempt to identify themselves to Mr. Topp and Mr. Eaton.

33. Mr. Topp and Mr. Eaton got back into their vehicle and started driving again and the black Dodge Magnum continued to suspiciously follow Mr. Topp and Mr. Eaton's vehicle.

34. At no point did the individuals in the black Dodge Magnum make any effort to identify themselves as police officers to Mr. Topp or Mr. Eaton.

35. While the black Dodge Magnum was following Mr. Topp's vehicle, Mr. Topp performed a U-turn and at that point Mr. Topp's vehicle was facing front to front with the black Dodge Magnum.

36. As Mr. Topp drove in the direction of the black Dodge Magnum, the black Dodge Magnum started to drive in reverse and continued in reverse onto the front lawn of a residential property.

37. Mr. Topp slowly drove his vehicle towards the black Dodge Magnum to determine who was inside the black Dodge Magnum.

38. At that point the driver and the front passenger in the black Dodge Magnum, Defendants Woods and Evans, pointed handguns out of their respective open windows and pointed the handguns at Mr. Topp and Mr. Eaton. The defendants inside the black Dodge Magnum still did not identify themselves as police officers.

39. Fearing for their safety, Mr. Topp began to drive his vehicle in reverse away from the black Dodge Magnum, due to Woods and Evans pointing their guns at Mr. Eaton and Mr. Topp.

40. Shortly thereafter, a marked or semi-marked Detroit Police vehicle pulled behind Mr. Topp's vehicle. Mr. Topp immediately stopped his vehicle and put his vehicle in park.

41. Upon seeing the Detroit Police vehicle, Mr. Topp and Mr. Eaton raised their hands into the air through the "t-top" convertible top of the vehicle to show the police his hands and to demonstrate their immediate cooperation and obedience.

42. Mr. Topp exited his vehicle with his empty hands raised in plain view for all the police officers to see.

43. At that point, Defendant Buglo arrived on the scene and jumped out of his vehicle and opened fire on Mr. Topp and Mr. Eaton with his department issued handgun, luckily missing both Eaton and Topp. Defendant Buglo later described his discharge of his weapon as, "taking no effect."

44. Defendant Officers and other police officers forcibly dragged Mr. Eaton from the vehicle, threw him to the ground, and handcuffed him.

45. While Mr. Eaton was lying on the ground, defenseless and in handcuffs, Defendant Buglo and/or other Defendant police officers viciously kicked Mr. Eaton in the face, without justification.

46. Defendant Officer Gray and/or other defendant police officers violently struck and hit Mr. Topp repeatedly in the head, and forcibly ground his knees into Mr. Topp's neck and shoulder, without justification, injuring Mr. Topp's head, shoulders and neck.

47. Defendant police officers continued to strike, hit, kick and otherwise assault Mr. Topp and Mr. Eaton, without justification.

48. Defendant police officers searched Mr. Topp, Mr. Eaton, Mr. Topp's vehicle and the surrounding area for guns and other weapons. None were found.

49. Mr. Topp did not possess a gun or any other weapon that evening.

50. Mr. Eaton did not possess a gun or any other weapon that evening.

51. At no time did Mr. Eaton or Mr. Topp pose any immediate threat to the safety of any police officers or anyone else.

52. Mr. Eaton and Mr. Topp did not actively resist arrest rather they immediately complied with police orders.

53. Mr. Eaton and Mr. Topp did not attempt to evade arrest by flight, rather they immediately complied with police orders.

54. Defendants lacked probable cause to arrest Mr. Eaton and Mr. Topp.

55. Defendants arrested Mr. Topp and Mr. Eaton based on lies, misrepresentations and false allegations.

56. Defendants arrested and transported Mr. Eaton and Mr. Topp, in handcuffs, and against their will to the Second Precinct Detroit Police Station on Grand River and Schaefer Avenues.

57. Defendants held Mr. Eaton and Mr. Topp against their will, in the precinct lock-up for approximately three days.

58. On Monday, July 9, 2007, Mr. Topp and Mr. Eaton were transported to the Wayne County Jail where Defendants incarcerated the Mr. Topp and Mr. Eaton against their will until Friday, July 13, 2007.

59. Subsequent to arresting Mr. Topp and Mr. Eaton, Defendants generated PCR's, or narrative reports concerning facts surrounding the arrest using the police department's "Crisnet" system.

60. Afterwards, certain defendants fraudulently altered the reports to incorporate false information and false allegations concerning the facts surrounding the arrests, including but not limited to facts indicating Mr. Topp and Mr. Eaton possessed firearms and assaulted Defendant Officers with the firearms.

61. Defendant Evans subsequently discovered that hers and other Defendant Officers' narrative reports concerning the arrests of Mr. Eaton and Mr. Topp were fraudulently altered.

62. Defendant Evans knew the reports contained fabricated evidence, including but not limited to facts indicating Mr. Eaton and Mr. Topp possessed firearms and feloniously assaulted Defendant Officers with the firearms.

63. Defendant Evans notified her superior officers, Defendants, Lt. Mayfield and Sgt. McWhorter.

64. Defendants Mayfield and McWhorter instructed Defendant Evans to file a complaint and/or separate report stating that her report concerning the arrests of Mr. Eaton and Mr. Topp had been fraudulently altered and contained fabricated evidence.

65. Defendant Evans submitted a complaint and/or separate reports to Defendants Mayfield and McWhorter stating that her reports concerning the arrests of Mr. Eaton and Mr. Topp had been fraudulently altered and contained fabricated evidence.

66. Defendants Mayfield and McWhorter failed to take any action concerning the fraudulently altered reports.

67. Defendants Mayfield and McWhorter, Defendant Evans and the other Defendant Officers failed to notify the Wayne County Prosecutor's Office, who were at the time, prosecuting Mr. Eaton and Mr. Topp based on the fabricated evidence in the investigator's reports and fabricated police crime reports.

68. Defendants Mayfield and McWhorter, Defendant Evans and the other Defendant Officers failed to produce the exculpatory evidence, which would have exonerated Mr. Eaton and Mr. Topp, to their defense attorneys.

69. Defendants delivered warrant requests and police reports and investigator's reports containing false information, misleading information, and blatant lies concerning Mr. Topp and Mr. Eaton and the events that occurred on July 7, 2007, to the Wayne County Prosecuting Attorney's Office for signing and to bring charges against Mr. Topp and Mr. Eaton.

70. Defendant Woods provided perjured testimony at the preliminary examination in the criminal case against Mr. Eaton and Mr. Topp, by, among other things, falsely stating that Mr. Eaton and Mr. Topp possessed firearms and feloniously assaulted Defendant Woods and Defendant Evans with the firearms.

71. Defendants Mayfield and McWhorter Defendant Evans and the other Defendant Officers permitted Officer Shamar Woods to provide perjured testimony at the preliminary examination in the criminal case against Mr. Eaton and Mr. Topp.

72. As a result of defendants' lies and misrepresentations, the Wayne County Prosecuting Attorney's Office charged Eaton and Topp with, two counts of Felonious Assault (to wit pistol) and Felony Firearm.

73. The Defendants' allegations concerning Mr. Topp and Mr. Eaton were false and Defendants knew the allegations to be false.

74. Defendants held Mr. Topp and Mr. Eaton for approximately seven (7) days in custody on the false charges, and would have held them longer but for Eaton and Topp posting bond.

75. Defendants lied and mislead the authorities during all stages of the investigation and court proceedings for malicious reasons and/or other reasons none of which were in the interest of bringing Mr. Topp and Mr. Eaton to justice.

76. On September 24, 2007, the Wayne County Prosecuting Attorney's Office voluntarily dismissed all charges against Mr. Eaton and Mr. Topp, "in the best interest of justice."

77. As a direct and proximate result of the Defendants' actions, Mr. Eaton and Mr. Topp have suffered and will continue to suffer mental and emotional anguish, pain and suffering, loss of enjoyment of life, humiliation, degradation, fright, shock, depression, economic and consequential damages, and physical injuries.

Defendants' Lies and Misrepresentations

78. Defendants lied in the police reports that Topp and Eaton and two unknown males dragged an unknown black male from the driver's seat of the unknown black male's 1988 white Chevy Monte Carlo. In reality, the 1988 Chevy Monte Carlo belonged to and was at all relevant times registered to Mr. Topp.

79. Defendants lied that Mr. Topp and Mr. Eaton jumped into the unknown man's Monte Carlo. Defendants further lied that the Mr. Topp and Mr. Eaton noticed Defendants were watching them at the gas station and started to follow Defendants in the Monte Carlo. These events never occurred. There is no documentation of such alleged victim or unknown male in any police reports, or activity logs; no such victim was interviewed by police officers. In reality,

Mr. Topp and Mr. Eaton were legally in Mr. Topp's own vehicle, which vehicle was registered and owned by Mr. Topp. Defendants followed Mr. Topp and Mr. Eaton for several minutes through the city of Detroit without ever identifying themselves or attempting to identify themselves as police officers.

80. Defendants lied that Mr. Topp and Mr. Eaton got out of the vehicle and pointed a firearm at the Woods and Evans on more than one occasion in order to create a false justification to stop and arrest Mr. Topp and Mr. Eaton. No firearms existed as neither Mr. Topp nor Mr. Eaton possessed a firearm or any other weapon and no such weapon was found on their person, in Mr. Topp's vehicle, nor in the surrounding area. Defendants lied to create a false reason and false justification to stop, harass, shoot at, assault and batter, and arrest Mr. Topp and Mr. Eaton. Probable cause did not exist to stop, detain and/or arrest Mr. Topp and Mr. Eaton.

81. Based on these and other lies and misrepresentations, Mr. Topp and Mr. Eaton were shot at, beaten, then locked up against their will and suffered injuries and damages as described below.

COUNT 1

ASSAULT AND BATTERY

Defendants Woods, Evans, Gray, Buglo, Dew and Singleton

82. Plaintiffs incorporate the preceding paragraphs by reference.

83. Defendants intentionally caused harmful or offensive, unpermitted and direct contact with Plaintiffs.

84. Defendants intentionally caused imminent apprehension of such contact with Plaintiffs.

85. Defendants had the apparent present ability to accomplish the contact.

86. Plaintiffs experienced imminent apprehension.

87. As a direct and proximate result Plaintiff has suffered and will continue to suffer mental and emotional anguish, pain and suffering, loss of enjoyment of life, humiliation, degradation, fright, shock, economic and consequential damages, and physical injuries.

WHEREFORE, Plaintiff requests that this Court enter a judgment against the Defendants, for compensatory, exemplary, treble and punitive damages in an amount to be determined by the trier of fact, together with costs, interest and attorney fees.

COUNT 2

FALSE ARREST & IMPRISONMENT

Defendants Woods, Evans, Gray, Buglo, Dew, Singleton, Mayfield and McWhorter

88. Plaintiffs incorporate the preceding paragraphs by reference.

89. Defendants, by virtue of their purported authority as City of Detroit Police Officers, arrested Plaintiffs and by exercise of force and threats compelled Plaintiffs to accompany them to the Southwest District, under pretense that Plaintiffs had committed a carjacking and an assault with a firearm on police officers.

90. No warrant of arrest had been issued by any magistrate or competent authority for the arrest and detention of Plaintiffs for the above mentioned alleged offense.

91. Defendants lacked probable cause to arrest Plaintiffs.

92. Defendants, by false statements, induced other defendants to make such arrest and to take, detain and incarcerate Plaintiffs, under the charges of Carjacking, Assault with a dangerous weapon, and felony firearm, when they knew the fabricated evidence was the basis for their probable cause.

93. Defendants provided perjured testimony in furtherance of their arrest, imprisonment and seizure of Plaintiffs.

94. Defendants continued to pursue the criminal proceedings against Plaintiffs, when they knew or should have known the evidence against Plaintiffs was fabricated.

95. Defendants continued to pursue the criminal proceedings to continue against Plaintiffs and continued their unreasonable seizure of Plaintiffs, when they knew or should have known that without the fabricated evidence, Defendants lacked probable cause to arrest, detain and/or to continue to detain and to initiate prosecution against Plaintiffs.

96. Defendants continued their seizure of Plaintiffs when they failed to disclose exculpatory evidence to Plaintiffs, their counsel and the Wayne County Prosecutor's Office.

97. Defendants allowed the criminal proceedings to continue against Plaintiffs and continued their unreasonable seizure of Plaintiffs, when they knew or should have known they lacked probable cause to continue the prosecution against Plaintiffs.

98. On or about July 9, 2007, Plaintiffs were arraigned on two counts of Assault with a dangerous weapon and one count of felony firearm, each.

99. On or about September 24, 2007, the Wayne County Prosecuting Attorney's Office dismissed all charges against Plaintiffs "in the best interest of justice."

100. Defendants above described actions were intentional.

101. Defendants' intentional restraint, detention, confinement and seizure of Plaintiffs deprived Plaintiffs of their personal liberty and/or freedom of movement against his will.

102. As a direct and proximate result of Defendants' actions, Plaintiffs were confined to jail for approximately seven (7) days.

103. As a direct and proximate result of Defendants subjecting s to deprivation and violation of their rights, Plaintiffs have suffered and will continue to suffer mental and emotional anguish, pain and suffering, loss of enjoyment of life, humiliation, degradation, fright, shock,

economic and consequential damages, and physical injuries and other damages that may be discovered throughout the course of this lawsuit.

WHEREFORE, Plaintiff requests that this Court enter a judgment against the Defendants, for compensatory, exemplary, treble and punitive damages in an amount to be determined by the trier of fact, together with costs, interest and attorney fees.

COUNT 3
MALICIOUS PROSECUTION AND ABUSE OF PROCESS
(MCL 600.2907)

Defendants Woods, Evans, Gray, Buglo, Dew, Singleton, Mayfield and McWhorter

104. Plaintiffs incorporate the preceding paragraphs by reference.

105. Defendants initiated criminal prosecution against Plaintiffs by making fabricating evidence and making false statements, providing perjured testimony, submitting false police reports, fraudulently altering police reports and issuing warrant requests and investigator's reports with blatantly false and misleading information to the Wayne County Prosecuting Attorney's Office.

106. Defendants lacked probable cause to initiate the prosecution, since Defendants knew the evidence in the police reports, altered police reports, statements and requests for warrants submitted to the prosecution was fabricated.

107. Defendants fabricated evidence in furtherance of the prosecution of Plaintiffs.

108. Defendants allowed the malicious prosecution to continue by failing to disclose exculpatory evidence.

109. Defendants provided perjured testimony in furtherance of the prosecution of Plaintiffs.

110. Defendants did not commit these acts with the purpose of bringing Plaintiffs to justice rather Defendants committed these acts with malice, and/or in an effort to cover up their own improper, illegal actions, misconduct, including violations of the Plaintiffs' civil rights.

111. The criminal proceedings terminated in Plaintiffs' favor, as all charges against Plaintiffs were voluntarily dismissed by the Wayne County Prosecuting Attorney's Office.

112. As a direct and proximate result of Defendants initiating and continuing the malicious prosecution, Plaintiffs were imprisoned and held in custody against their will for a period of seven (7) days.

113. As a direct and proximate result of Defendants subjecting Plaintiffs to deprivation and violation of their rights, Plaintiff has suffered and will continue to suffer mental and emotional anguish, pain and suffering, loss of enjoyment of life, humiliation, degradation, fright, shock, economic and consequential damages, and physical injuries and other damages that may be discovered throughout the course of this lawsuit.

WHEREFORE, Plaintiff requests that this Court enter a judgment against the Defendants, for compensatory, exemplary, treble and punitive damages in an amount to be determined by the trier of fact, together with costs, interest and attorney fees.

COUNT 4

GROSS NEGLIGENCE

Defendants Woods, Evans, Gray, Buglo, Dew, Singleton, Mayfield and McWhorter

114. Plaintiffs incorporate the preceding paragraphs by reference.

115. Defendants owed Plaintiffs the following duties:

- a. The duty to act prudently and with reasonable care, and otherwise to avoid unnecessary, unreasonable and excessive force and not to act grossly negligent;

- b. The duty to disclose exculpatory evidence to Plaintiffs during their criminal prosecution, knowing that the exculpatory evidence would exonerate Plaintiffs;
- c. The duty to prevent other officers from lying and from providing perjured testimony;
- d. The duty to ensure their police reports and other documents which the Wayne County Prosecutor's Office would rely, were true and accurate;
- e. The duty to ensure that their police reports were not tampered with or fraudulently altered, and if their police reports were tampered with and/or fraudulently altered;
- f. The duty to notify the proper authorities, including but not limited to the Wayne County Prosecutor's Office, to prevent the Wayne County Prosecutor's Office from relying on false and fabricated evidence in prosecuting Mr. Eaton and Mr. Topp.
- g. The duty to take actions to terminate criminal proceedings when the defendants lacked probable cause to initiate and continue criminal proceedings.

116. Defendants breached the above duties in a grossly negligent, willful, and reckless manner that demonstrated a substantial lack of concern for whether harm, injury or death would result to the Plaintiffs. More specifically, Defendants breached the duties owed to the Plaintiffs in one or more of the following ways:

- a. Improper use of unreasonable, unnecessary, and excessive force against Plaintiffs;

- b. Failure to use other methods of detainment, arrest, and/or apprehension, short of excessive force;
- c. Failure to use reasonable care in the identification and apprehension of a suspect, according to the common and accepted police policy, guidelines and procedure;
- d. Failure to disclose exculpatory evidence, knowing that said evidence would have exonerated Plaintiffs, during their criminal prosecution;
- e. Failure to notify the proper authorities, including the Wayne County Prosecutor's Office, that the police reports were tampered with and fraudulently altered;
- f. Failure to notify the proper authorities, including the Wayne County Prosecutor's office that defendant police officers were going to provide perjured testimony.
- g. Failure to take actions to terminate criminal proceedings when the defendants lacked probable cause to initiate and continue criminal proceedings.

117. Any and all additional acts of gross negligence and/or willful and wanton misconduct as may become known through the course of discovery.

118. Defendants' gross negligence was the proximate cause of Plaintiffs' harm and injuries.

119. Governmental immunity is not available to Defendants because their conduct described above amounts to gross negligence that was the proximate cause of Plaintiffs' damages.

120. As the direct and proximate result of Defendants' gross negligence, Plaintiff has suffered and will continue to suffer mental and emotional anguish, pain and suffering, loss of enjoyment of life, humiliation, degradation, fright, shock, economic and consequential damages, and physical injuries.

WHEREFORE, Plaintiff requests that this Court enter a judgment against the Defendants, for compensatory, exemplary, treble and punitive damages in an amount to be determined by the trier of fact, together with costs, interest and attorney fees.

COUNT 5
CIVIL CONSPIRACY

Defendants Woods, Evans, Gray, Buglo, Dew, Singleton, Mayfield and McWhorter

121. Plaintiffs incorporate the preceding paragraphs by reference.

122. Defendants illegally, maliciously, and wrongfully conspired with one another with the intent to and for the illegal purposes of maliciously prosecuting, falsely arresting and imprisoning, and assaulting and battering Plaintiffs and abusing process, as described above.

123. Defendants, in combination, conspired to cover up their wrongs and in maliciously prosecuting, falsely arresting and imprisoning, and assaulting and battering Plaintiffs and abusing process, as described above.

124. The conspiracy resulted in the illegal, unlawful, and tortuous activities described above.

125. As a direct and proximate result, Defendants were imprisoned and held in custody against their will for a period of seven (7) days.

126. As a direct and proximate result Plaintiff has suffered and will continue to suffer mental and emotional anguish, pain and suffering, loss of enjoyment of life, humiliation, degradation, fright, shock, economic and consequential damages, and physical injuries.

127. Defendants are jointly, severally, and/or alternatively liable to Plaintiffs for their damages.

WHEREFORE, Plaintiff requests that this Court enter a judgment against the Defendants, for compensatory, exemplary, treble and punitive damages in an amount to be determined by the trier of fact, together with costs, interest and attorney fees.

COUNT 6
CONCERT OF ACTION

Defendants Woods, Evans, Gray, Buglo, Dew, Singleton, Mayfield and McWhorter

128. Plaintiffs incorporate the preceding paragraphs by reference.

129. Defendants engaged in concerted action as described above, designed to accomplish the unlawful purposes of maliciously prosecuting, falsely arresting and imprisoning, and assaulting and battering Plaintiffs and abusing process, as described above.

130. Plaintiffs may not be able to identify all of the activities of Defendants due to the generic similarity of such activities as produced and promoted by these Defendants.

131. As a direct and proximate result, Defendants were imprisoned and held in custody against their will for a period of seven (7) days.

132. As a direct and proximate result Plaintiffs have suffered and will continue to suffer mental and emotional anguish, pain and suffering, loss of enjoyment of life, humiliation, degradation, fright, shock, economic and consequential damages, and physical injuries.

133. Due to the concert of action among all of the various Defendants, each is liable to Plaintiff for these injuries and damages even if there was no direct relation to the activity by a particular defendant.

134. Defendants are jointly, severally and/or alternatively liable to Plaintiffs for all of their damages.

WHEREFORE, Plaintiff requests that this Court enter a judgment against the Defendants, for compensatory, exemplary, treble and punitive damages in an amount to be determined by the trier of fact, together with costs, interest and attorney fees.

FEDERAL CLAIMS

COUNT 7

EXCESSIVE FORCE

(Fourth and Fourteenth Amendment Violation)

Defendants Woods, Evans, Gray, Buglo, Dew, Singleton, Mayfield and McWhorter

135. Plaintiffs incorporate the preceding paragraphs by reference.

136. The Civil Rights Act, 42 USC 1983 provides for civil liability of the deprivation of any right, privilege or immunity secured by the Constitution and laws of the United States, while committed under color of law.

137. At all times relevant to this complaint, Defendants were employed by the City of Detroit as police officers and were acting under color of statute, ordinances, regulations and/or customs of the State of Michigan, County of Wayne and City of Detroit.

138. Defendants' above described actions and the force they used during the arrest of Plaintiffs were excessive in light of the facts and circumstances that confronted them.

139. Plaintiffs posed no threat to the safety of Defendants, since the Plaintiffs fully complied with Defendants' orders.

140. Defendants' above described actions constituted Excessive Force, in violation of Plaintiffs' Fourth Amendment rights.

141. Defendants' above described conduct constituted brutality that shocks the conscience.

142. Defendants' above described conduct violates standards of decency more or less universally accepted .

143. Defendants' above described actions were grossly disproportionate to the need for action under the circumstances.

144. Defendants' above described actions were inspired by malice.

145. Defendants are civilly liable to Plaintiffs pursuant to 42 USC 1983, for subjecting Plaintiffs to deprivation of their rights, privileges and immunities secured by the United States Constitution, specifically for depriving Plaintiffs of their Fourth Amendment right to be free from unreasonable seizure, when Defendants used excessive force against Plaintiffs as described above.

146. As a direct and proximate result of Defendants subjecting Plaintiffs to deprivation and violation of their rights, Plaintiffs have suffered and will continue to suffer mental and emotional anguish, pain and suffering, loss of enjoyment of life, humiliation, degradation, fright, shock, economic and consequential damages, and physical injuries and other damages that may be discovered throughout the course of this lawsuit.

WHEREFORE, Plaintiffs demand the following relief jointly and severally against all defendants:

- a. a declaration that Defendants violated the federal rights of Plaintiffs;
- b. compensatory damages for physical, emotional, and economic injuries suffered by Plaintiffs by reason of defendants' unlawful and unjustified conduct, in an amount fair, just and reasonable and in conformity with the evidence at trial;
- c. punitive and exemplary damages against the individual defendants to the extent allowable by law;
- d. attorneys fees, as allowed, pursuant to 42 U.S.C. §1988 and MCL 37.1606;

- e. the costs and disbursements of this action; and
- f. such other and further relief as appears just and proper.

COUNT 8
FALSE ARREST/FALSE IMPRISONMENT
AND CONTINUED DETENTION WITHOUT PROBABLE CAUSE
(Fourth Amendment Violations)

Defendants Woods, Evans, Gray, Buglo, Dew, Singleton, Mayfield and McWhorter

147. Plaintiffs incorporate the preceding paragraphs by reference.
148. Defendants, by virtue of their purported authority as City of Detroit Police Officers, arrested Plaintiffs and by exercise of force and threats compelled Plaintiffs to accompany them to the Southwest District, under pretense that Plaintiffs had committed a carjacking and an assault with a firearm on police officers.
149. No warrant of arrest had been issued by any magistrate or competent authority for the arrest and detention of Plaintiffs for the above mentioned alleged offense.
150. Defendants lacked probable cause to arrest Plaintiffs.
151. Defendants, by false statements, induced other defendants to make such arrest and to take, detain and incarcerate Plaintiffs, under the charges of Carjacking, Assault with a dangerous weapon, and felony firearm, when they knew the fabricated evidence was the basis for their probable cause.
152. Defendants provided perjured testimony in furtherance of their arrest, imprisonment and seizure of Plaintiffs.
153. Defendants continued to pursue the criminal proceedings against Plaintiffs, when they knew or should have known the evidence against Plaintiffs was fabricated.
154. Defendants continued to pursue the criminal proceedings to continue against Plaintiffs and continued their unreasonable seizure of Plaintiffs, when they knew or should have

known that without the fabricated evidence, Defendants lacked probable cause to arrest, detain and/or to continue to detain and to initiate prosecution against Plaintiffs.

155. Defendants continued their seizure of Plaintiffs when they failed to disclose exculpatory evidence to Plaintiffs, their counsel and the Wayne County Prosecutor's Office.

156. Defendants allowed the criminal proceedings to continue against Plaintiffs and continued their unreasonable seizure of Plaintiffs, when they knew or should have known they lacked probable cause to continue the prosecution against Plaintiffs.

157. On or about July 9, 2007, Plaintiffs were arraigned on two counts of Assault with a dangerous weapon and one count of felony firearm, each.

158. On or about September 24, 2007, the Wayne County Prosecuting Attorney's Office dismissed all charges against Plaintiffs "in the best interest of justice."

159. Defendants above described actions were intentional.

160. Defendants' intentional restraint, detention, confinement and seizure of Plaintiffs deprived Plaintiffs of their personal liberty and/or freedom of movement against his will.

161. As a direct and proximate result of Defendants' actions, Plaintiffs were confined to jail for approximately seven (7) days.

162. As a direct and proximate result of Defendants subjecting s to deprivation and violation of their rights, Plaintiffs have suffered and will continue to suffer mental and emotional anguish, pain and suffering, loss of enjoyment of life, humiliation, degradation, fright, shock, economic and consequential damages, and physical injuries and other damages that may be discovered throughout the course of this lawsuit.

WHEREFORE, Plaintiffs demand the following relief jointly and severally against all defendants:

- a. a declaration that Defendants violated the federal rights of Plaintiffs;
- b. compensatory damages for physical, emotional, and economic injuries suffered by Plaintiffs by reason of defendants' unlawful and unjustified conduct, in an amount fair, just and reasonable and in conformity with the evidence at trial;
- c. punitive and exemplary damages against the individual defendants to the extent allowable by law;
- d. attorneys fees, as allowed, pursuant to 42 U.S.C. §1988 and MCL 37.1606;
- e. the costs and disbursements of this action; and
- f. such other and further relief as appears just and proper.

COUNT 9

MALICIOUS PROSECUTION

(Fourth and Fourteenth Amendment Violations)

Defendants Woods, Evans, Gray, Buglo, Dew, Singleton, Mayfield and McWhorter

163. Plaintiffs incorporate the preceding paragraphs by reference.

164. Defendants initiated criminal prosecution against Plaintiffs by making fabricating evidence and making false statements, providing perjured testimony, submitting false police reports, fraudulently altering police reports and issuing warrant requests and investigator's reports with blatantly false and misleading information to the Wayne County Prosecuting Attorney's Office.

165. Defendants lacked probable cause to initiate the prosecution, since Defendants knew the evidence in the police reports, altered police reports, statements and requests for warrants submitted to the prosecution was fabricated.

166. Defendants fabricated evidence in furtherance of the prosecution of Plaintiffs.

167. Defendants allowed the malicious prosecution to continue by failing to disclose exculpatory evidence.

168. Defendants provided perjured testimony in furtherance of the prosecution of Plaintiffs.

169. Defendants did not commit these acts with the purpose of bringing Plaintiffs to justice rather Defendants committed these acts with malice, and/or in an effort to cover up their own improper, illegal actions, misconduct, including violations of the Plaintiffs' civil rights.

170. The criminal proceedings terminated in Plaintiffs' favor, as all charges against Plaintiffs were voluntarily dismissed by the Wayne County Prosecuting Attorney's Office.

171. As a direct and proximate result of Defendants initiating and continuing the malicious prosecution, Plaintiffs were imprisoned and held in custody against their will for a period of seven (7) days.

172. As a direct and proximate result of Defendants subjecting Plaintiffs to deprivation and violation of their rights, Plaintiff has suffered and will continue to suffer mental and emotional anguish, pain and suffering, loss of enjoyment of life, humiliation, degradation, fright, shock, economic and consequential damages, and physical injuries and other damages that may be discovered throughout the course of this lawsuit.

WHEREFORE, Plaintiffs demand the following relief jointly and severally against all defendants:

- a. a declaration that Defendants violated the federal rights of Plaintiffs;
- b. compensatory damages for physical, emotional, and economic injuries suffered by Plaintiffs by reason of defendants' unlawful and unjustified conduct, in an amount fair, just and reasonable and in conformity with the evidence at trial;

- c. punitive and exemplary damages against the individual defendants to the extent allowable by law;
- d. attorneys fees, as allowed, pursuant to 42 U.S.C. §1988 and MCL 37.1606;
- e. the costs and disbursements of this action; and
- f. such other and further relief as appears just and proper.

COUNT 10

42 U.S.C. § 1983 – BRADY VIOLATIONS

(Fourteenth Amendment)

Defendants Woods, Evans, Gray, Buglo, Dew, Singleton, Mayfield and McWhorter

173. Plaintiffs incorporate the preceding paragraphs by reference.

174. Defendants suppressed exculpatory and impeaching evidence that was material, by way of a reasonable probability that disclosure would have affected the course of the criminal proceedings and the prosecutor's willingness to continue with the prosecution and towards trial.

175. The Defendants above described failure to disclose material evidence favorable to the Plaintiffs when they were accused violated the Plaintiffs' Fourteenth Amendment due process right to a fair trial.

176. As a direct and proximate result of Defendants initiating and continuing the malicious prosecution, Plaintiffs were imprisoned and held in custody against their will for a period of seven (7) days.

177. As a direct and proximate result of Defendants subjecting Plaintiffs to deprivation and violation of their rights, Plaintiff has suffered and will continue to suffer mental and emotional anguish, pain and suffering, loss of enjoyment of life, humiliation, degradation, fright, shock, economic and consequential damages, and physical injuries and other damages that may be discovered throughout the course of this lawsuit.

WHEREFORE, Plaintiffs demand the following relief jointly and severally against all defendants:

- a. a declaration that Defendants violated the federal rights of Plaintiffs;
- b. compensatory damages for physical, emotional, and economic injuries suffered by Plaintiffs by reason of defendants' unlawful and unjustified conduct, in an amount fair, just and reasonable and in conformity with the evidence at trial;
- c. punitive and exemplary damages against the individual defendants to the extent allowable by law;
- d. attorneys fees, as allowed, pursuant to 42 U.S.C. §1988 and MCL 37.1606;
- e. the costs and disbursements of this action; and
- f. such other and further relief as appears just and proper.

COUNT 11
42 U.S.C. § 1983 - MONELL CLAIM
(Fourteenth Amendment)
Defendant City of Detroit

178. Plaintiffs incorporate the preceding paragraphs by reference.

179. At all times herein the City of Detroit established, promulgated, implemented and maintained customs, policies and/or practices, with regard to the City of Detroit Police Department.

180. At all times herein the City of Detroit established, promulgated, implemented and maintained the following customs, policies and/or practices:

- a. to hire and/or retain as police officers and supervisors of police officers certain persons whom the City of Detroit knew, or should have known, employed excessive and unreasonable force;
- b. to inadequately train, supervise and discipline those police officers and supervisors of police officers, whom the City of Detroit knew, or should have known, to employ excessive and unreasonable force;
- c. to inadequately train, supervise and discipline police officers and supervisors of police officers, with regard to the circumstances and procedures under which to undertake seizures and arrests, including handling exculpatory evidence, reporting officer misconduct and crimes, use of force, and use of deadly force.

181. Each of the aforementioned policies was instrumental and a driving force in the violations of rights sustained by Plaintiffs, as set forth herein.

182. Each of the aforementioned policies of failure to train, supervise and discipline the individual Defendants and others, were implemented with deliberate indifference to constitutional rights of the Plaintiffs.

183. As a direct and proximate result of the City of Detroit subjecting Plaintiffs to deprivation and violation of her Fourteenth Amendment rights, Plaintiffs has suffered further deprivation of her Constitutional rights, and has suffered and will continue to suffer mental and emotional anguish, pain and suffering, loss of enjoyment of life, humiliation, degradation, fright, shock, economic and consequential damages.

WHEREFORE, Plaintiffs demands the following relief against Defendant City of Detroit:

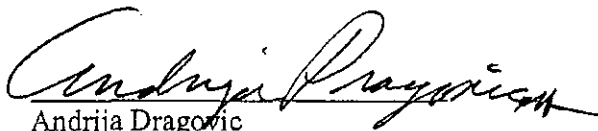
- a. a declaration that Defendant Municipalities violated the federal rights of Plaintiffs;
- b. compensatory damages for physical, emotional, and economic injuries suffered by Plaintiffs by reason of Defendant Municipalities' unlawful and unjustified conduct, in an amount fair, just and reasonable and in conformity with the evidence at trial;
- c. punitive and exemplary damages against the Defendant Municipalities' to the extent allowable by law;
- d. attorneys fees, as allowable by law;
- e. the costs and disbursements of this action; and
- f. such other and further relief as appears just and proper.

JURY DEMAND

Plaintiffs demand a trial by jury on all so issues so triable.

Respectfully Submitted,

FLOOD LANCTOT CONNOR STABLEIN



Andrija Dragovic
Attorneys for Plaintiffs
401 N. Main Street
Royal Oak, MI 48067
(248) 547-1032

Dated: May 6, 2010



Ralph L. Godbee
Chief of Police

INTER-OFFICE MEMORANDUM

EXHIBIT 50

Date

January 13, 2011

To: Mary Lynn Zarembski, Legal Department (Direct)

Subject: REQUESTED DISCIPLINARY FILES

Enclosed are the requested Disciplinary Files for Daniel Buglo, Michael Brown, Brandon Cole, Tyrone Gray, Sheron Johnson, Gregory McWhorter, Anthony Potts, Kathleen Singleton, Charles Turner, and Vicki Yost. Due to unforeseen circumstances at our archive location, we are not able to process files prior to 2007.

A handwritten signature in black ink, appearing to read "Tina Orr".

TINA ORR
Chief Investigator
Board of Police Commissioners

TO/yc

EXHIBIT 5112/2/2010
14:40***Detroit Police Department***
Officer Information Report

Pension# [REDACTED]

GRAY, TYRONE E

Badge# 4591

CCR Officer Alligations					
BPC Nr	CCR Nr	Allegation	Findings	Unit	Closed
01-0849	31870	ENTRY	PROPER CON	6TH PCT	03/04/2002
02-0615	32712	DEMEANOR	IMPROPER C	6TH PRECINC	01/11/2005
		PROCEDURE	IMPROPER C	6TH PRECINC	
		DEMEANOR	NOT SUSTAI	6TH PRECINC	
		FORCE	NOT SUSTAI	6TH PRECINC	
		ARREST	PROPER CON	6TH PRECINC	
0960	32345	FORCE	NOT SUSTAI	NARCOTICS	09/29/2003
1025	33118	PROCEDURE	NOT SUSTAI	6TH PCT	03/06/2003
		DEMEANOR	NOT SUSTAI	6TH PCT	
		ARREST	PROPER CON	6TH PCT	
		FORCE	NOT SUSTAI	6TH PCT	
		FORCE	NOT SUSTAI	6TH PCT	
99-0841	29505	Procedure	IMPROPER C	6TH PCT	04/06/2000
		DEMEANOR	INSUFFICIEN	6TH PCT	

Complaint Allegations Against Officer: 14Complaint Cases Against Officer: 5



Citizen Complaint Report Filed Against DPD Officer



GRAY, TYRONE

Officer:	Appointment	Pension	Badge	Command
	4/27/1998		4591	NORTHEASTERN DISTRICT

OFFICE OF THE CHIEF INVESTIGATOR

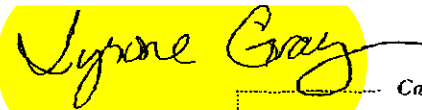
BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
03-883	34366	Dememeanor	Not Sustaine	NARCOTICS DIVISION	NARCOTICS DIVISION	9/3/2003	9/17/2004	Herrera, J.
		Procedure	Not Sustaine					

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
03-422	33298	Dememeanor	Not Sustaine	WEST-NORTH SECTION	NARCOTICS DIVISION	9/22/2003	4/23/2004	Garrell, K.
		Dememeanor	Not Sustaine	EASTERN DISTRICT	Unknown Command			
		Force	Not Sustaine	WEST-NORTH SECTION	NARCOTICS DIVISION			
		Force	Not Sustaine	EASTERN DISTRICT	Unknown Command			
		Procedure	Not Sustaine	WEST-NORTH SECTION	NARCOTICS DIVISION			
		Procedure	Not Sustaine	EASTERN DISTRICT	Unknown Command			

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
03-1277	34829	Dememeanor	Not Sustaine	WEST-NORTH SECTION	NARCOTICS DIVISION	12/18/2003	6/28/2004	Staples, C.
		Procedure	Not Sustaine					

Thursday, December 02, 2010

Def-City-891



BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
04-26	35248	Demeanor	Not Sustained	NARCOTICS DIVISION	NARCOTICS DIVISION	1/29/2004	11/1/2004	Buckner, E.
		Procedure	Exonerated					

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
05-1430	38356	Demeanor	Not Sustained	NARCOTICS DIVISION	NARCOTICS DIVISION	12/23/2005	3/12/2007	Murphy, E.
		Procedure	Not Sustained					

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
06-911	39441	Procedure	Exonerated	VICE ENFORCEMENT	VICE ENFORCEMENT	8/24/2006	12/8/2007	Madrigal, R.

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
05-149	37055	Force	Not Sustained	NARCOTICS DIVISION	ORGANIZED CRIME UNIT	2/15/2007	6/20/2007	Pallerson, J.
		Procedure	Exonerated					

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
07-678	40654	Arrest	Exonerated	VICE ENFORCEMENT	VICE ENFORCEMENT	6/21/2007	8/6/2007	Akbar, L.

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
07-428	40488	Demeanor	Not Sustained	VICE ENFORCEMENT	NARCOTICS DIVISION	10/1/2007	6/26/2008	Madrigal, R.

Thursday, December 02, 2010



BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 08-171	42015	Procedure	Exonerated	VICE ENFORCEMENT	VICE ENFORCEMENT	2/15/2008	10/13/2009	Nelson, A.

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 08-412	42281	Property	Unfounded	VICE ENFORCEMENT	VICE ENFORCEMENT	4/14/2008	8/19/2009	Banks, R.

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 09-213	43741	Force	Not Sustained	VICE ENFORCEMENT	VICE ENFORCEMENT	2/27/2009	3/31/2010	Banks, R.

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 09-1412	44989	Demeanor	Not Sustained	NORTHEASTERN DISTRICT	NORTHEASTERN DISTRICT	10/23/2009	5/20/2010	Nelson, A.
		Force	Not Sustained					
		Procedure	Exonerated					

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 10-279	45648	Demeanor	**Pending**	NORTHEASTERN DISTRICT	NORTHEASTERN DISTRICT	3/15/2010	10/27/2010	Miles, E.

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 10-885	46291	Arrest	Exonerated	NORTHEASTERN DISTRICT	NORTHEASTERN DISTRICT	7/12/2010	11/11/2010	Long, S.
		Force	Exonerated					

Thursday, December 02, 2010

Def-City-893

Iyone Gray

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 10-1072	46505	Demeanor	Not Sustained	NORTHEASTERN DISTRICT	NORTHEASTERN DISTRICT	8/19/2010	10/27/2010	Nelson, A.
		Procedure	Exonerated					

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 10-1123	46342	Demeanor	**Pending**	NORTHEASTERN DISTRICT	NORTHEASTERN DISTRICT	8/26/2010		White, M.
		Procedure	**Pending**					

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 10-1466	45975	Demeanor	**Pending**	NORTHEASTERN DISTRICT	NORTHEASTERN DISTRICT	11/9/2010		Nelson, A.
		Procedure	**Pending**					
		Service	**Pending**					

Thursday, December 03, 2010

12/2/2010
14:05

Detroit Police Department

Officer Information Report

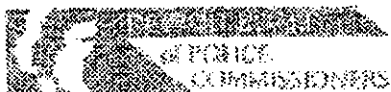
TURNER, CHARLES

Badge# 4947

CCR Officer Alligations

BPC Nr	CCR Nr	Allegation	Findings	Unit	Closed
91- 0479	21636	SEARCH	PROPER CON	7TH PCT	08/19/1991
		DEMEANOR	INSUFFICIEN	7TH PCT	
		FORCE	UNFOUNDED	7TH PCT	
93- 0234	23135	FORCE	UNFOUNDED	VICE SECTI	09/13/1993
		ARREST	PROPER CON	VICE SECTI	
94- 0555	23854	FORCE	INSUFFICIEN	NARCOTICS -	11/21/1994
		FORCE	UNFOUNDED	NARCOTICS -	
		DEMEANOR	INSUFFICIEN	NARCOTICS -	
95- 0314	24988	DEMEANOR	INSUFFICIEN	HDQ BUR	08/17/1995
96- 0063	25571	FORCE	INSUFFICIEN	EXECUTIVE	04/19/1996
0132	25811	ARREST	PROPER CON	EXECUTIVE	07/09/1996
		PROPERTY	INSUFFICIEN	EXECUTIVE	
		FORCE	PROPER CON	EXECUTIVE	
97- 0278	25813	DEMEANOR	UNFOUNDED	EXEC PROT	11/26/1997
98- 0943	28701	DEMEANOR	INSUFFICIEN	HDQ BUR	05/05/1999
		DEMEANOR	INSUFFICIEN	HDQ BUR	
99- 0123	28892	DEMEANOR	INSUFFICIEN	NARCOTICS	08/19/1999
		DEMEANOR	INSUFFICIEN	NARCOTICS	
0781	29602	FORCE	INSUFFICIEN	VICE ENFOR	12/28/2000
0809	29558	FORCE	INSUFFICIEN	VICE ENFOR	02/26/2001

Complaint Allegations Against Officer: 20Complaint Cases Against Officer: 11



Citizen Complaint Report Filed Against DPD Officer



TURNER, CHARLES

Officer:	Appointment	Pension	Badge	Command
	7/29/1985	200866	1260	DOMESTIC VIOLENCE UNIT

OFFICE OF THE CHIEF INVESTIGATOR

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
06-595	39153	Properly	Exonerated	VICE ENFORCEMENT	VICE ENFORCEMENT	6/28/2006	1/28/2009	Buckner, E.
		Property	Not Sustained					

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 07-132	40063	Demeanor	Resolved	VICE SECTION	NORTHWESTERN DISTRICT	1/31/2007	3/3/2007	Murphy, E.
		Harassment	Resolved					
		Procedure	Resolved					

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 07-913	40991	Procedure	Exonerated	VICE ENFORCEMENT	VICE ENFORCEMENT	8/6/2007	6/26/2008	Murphy, E.

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 07-428	40488	Demeanor	Not Sustained	VICE ENFORCEMENT	NARCOTICS DIVISION	10/1/2007	6/26/2008	Madrigal, R.

Thursday, December 03, 2010

Def-City-2218

Charles

Turner

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 67-1239	41145	Demearor	Not Sustaine	VICE ENFORCEMENT	VICE ENFORCEMENT	7/22/2008	6/23/2008	Banks, R.

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 10-194	45898	Harassment	Unfounded	DOMESTIC VIOLENCE UNIT	DOMESTIC VIOLENCE UNIT	2/23/2010	7/29/2010	Franklin, S.
		Procedure	Exonerated					
		Service	Unfounded					

Thursday, December 02, 2010

Def-City-2219

12/2/2010
14:07

Detroit Police Department

Officer Information Report

Pension# 234284

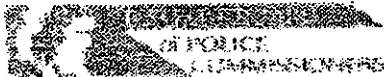
SINGLETON, KATHLEEN M

Badge# 3714

CCR Officer Allegations					
BPC Nr	CCR Nr	Allegation	Findings	Unit	Closed
00-0380	30042	DEMEANOR	INSUFFICIENT	4TH PCT	04/30/2001
		HARASSMEN	INSUFFICIENT	4TH PCT	
01-0130	30907	PROCEDURE	IMPROPER C	4TH PCT	08/02/2001
02-0393	32334	SEARCH	PROPER CON	4TH PCT POS	03/14/2003
99-0129	28823	SEARCH	PROPER CON	4TH PCT	08/25/1999
0266	29072	DEMEANOR	INSUFFICIENT	4TH PCT	09/24/1999
0807	29655	DEMEANOR	INSUFFICIENT	4TH PCT	05/16/2001
0862	29757	DEMEANOR	INSUFFICIENT	4TH PCT	05/04/2000
		Service	INSUFFICIENT	4TH PCT	

Complaint Allegations Against Officer: 9

Complaint Cases Against Officer: 1



Citizen Complaint Report Filed Against DPD Officer



SINGLETON, KATHLEEN M

Officer:	Appointment	Penston	Badge	Command
	9/30/1996	234284	3714	EASTERN DISTRICT

OFFICE OF THE CHIEF INVESTIGATOR

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
03-15	32810	Demeanor	Not Sustained	ORGANIZED CRIME UNIT	ORGANIZED CRIME UNIT	1/15/2003	8/28/2003	Thompson, S.
		Properly	Exonerated					

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
03-519	34261	Demeanor	Not Sustained	NARCOTICS DIVISION	NARCOTICS DIVISION	6/16/2003	9/30/2003	Sassine, E.

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
03-1022	34810	Force	Not Sustained	NARCOTICS DIVISION	NARCOTICS DIVISION	10/15/2003	6/4/2004	Thompson, S.
		Procedure	Not Sustained					

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
03-1278	34883	Demeanor	Not Sustained	NARCOTICS DIVISION	NARCOTICS DIVISION	12/18/2003	10/22/2004	Buckner, E.
		Force	Not Sustained					
		Procedure	Not Sustained					

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Kathleen Singleton

RPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
03-1366	35189	Arrest	Exonerated	NARCOTICS DIVISION	NARCOTICS DIVISION	1/21/2004	2/16/2005	Hayes, J.
		Demeanor	No Charge					
		Force	Not Sustained					
		Procedure	Exonerated					

RPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
04-556	35820	Demeanor	Not Sustained	NARCOTICS DIVISION	NARCOTICS DIVISION	5/19/2004	12/7/2004	Nelson, A.
		Procedure	Exonerated					
		Properly	Not Sustained					

RPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
03-1212	35113	Property	Exonerated	NARCOTICS DIVISION	NARCOTICS DIVISION	1/6/2005	12/29/2004	Murphy, F.
		Search	Unfounded					

RPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
06-A	38485	Demeanor	Not Sustained	NARCOTICS DIVISION	NARCOTICS DIVISION	1/12/2006	12/8/2007	Patterson, J.
		Search	Not Sustained					

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Def-City-1763

Nathren

Singleton

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 07-03	39655	Dememeanor	Not Sustaine	NARCOTICS DIVISION	NARCOTICS DIVISION	1/15/2007	1/28/2008	Moses, D
		Procedure	Not Sustaine					
		Property	Not Sustaine					

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
05-149	37055	Force	Not Sustaine	NARCOTICS	ORGANIZED CRIME UNIT	2/15/2007	6/20/2007	Patterson, J.
		Procedure	Exonerated					

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 08-111	41948	Property	Not Sustaine	NARCOTICS DIVISION	NARCOTICS DIVISION	1/30/2008	10/20/2008	Jones, C.
		Search	Exonerated					

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 08-1637	43378	Procedure	Exonerated	NARCOTICS DIVISION	NARCOTICS DIVISION	12/5/2008	8/24/2009	Monroe, J

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 09-391	43798	Dememeanor	Not Sustaine	NARCOTICS DIVISION	NARCOTICS DIVISION	4/13/2009	4/6/2010	Jones, A.
		Procedure	Exonerated					

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Def-City-1764

Kathleen Singletary

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 09-537	44235	Force	Not Sustained	8TH PRECINCT	8TH PRECINCT	5/14/2009	5/20/2010	Jones, C

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 09-606	44206	Harassment	Unfounded	NARCOTICS DIVISION	NARCOTICS DIVISION	5/27/2009	5/13/2010	Banks, R
		Procedure	Exonerated					
		Properly	Not Sustained					

Void						Case Disposition		
BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Assigned	Closed	Investigator
09-684	44311	Demeanor	Void	NARCOTICS DIVISION	NARCOTICS DIVISION	6/10/2009	6/10/2009	Not Required,

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 09-858	43830	Demeanor	Not Sustained	NARCOTICS DIVISION	NARCOTICS DIVISION	7/22/2009	10/6/2009	Franklin, S.
		Procedure	Exonerated					

Duplication						Case Disposition		
BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Assigned	Closed	Investigator
✓ 09-881	44484	Demeanor	Duplication	NARCOTICS DIVISION	NARCOTICS DIVISION	7/27/2009	11/24/2009	Monroe, J

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 09-1185	44774	Demeanor	Not Sustained	NARCOTICS DIVISION	NARCOTICS DIVISION	9/18/2009	5/27/2010	Banks, R.

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Kathleen S. Ingels

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 09-1646	45410	Dememeanor	**Pending**	NARCOTICS DIVISION	NARCOTICS DIVISION	12/9/2009	10/27/2010	Jones, C.
BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 08-1157	43083	Procedure	Exonerated	NARCOTICS DIVISION	NARCOTICS DIVISION	1/22/2010	5/6/2010	Godbee, R.
BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 10-554	46048	Dememeanor	**Pending**	EASTERN DISTRICT	EASTERN DISTRICT	5/3/2010		Buckner, E.
		Service	**Pending**					
BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 10-925	46340	Dememeanor	Sustained	EASTERN DISTRICT	EASTERN DISTRICT	7/20/2010	10/12/2010	Nelson, A.

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Def-City-1766

12/2/2010
14:43

Detroit Police Department

Officer Information Report

JOHNSON, SHERON D

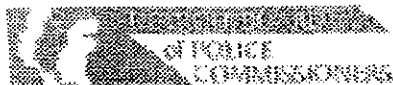
Badge# 4610

CCR Officer Alligations

BPC Nr	CCR Nr	Allegation	Findings	Unit	Closed
02- 0218	31173	PROCEDURE	PROPER CON	NARCOTICS	08/27/2002
		SEARCH	PROPER CON	NARCOTICS	
0614	32711	ENTRY	NOT SUSTAI	NARCOTICS	01/24/2003

Complaint Allegations Against Officer: 3

Complaint Cases Against Officer: 2



Citizen Complaint Report Filed Against DPD Officer



JOHNSON, SHERON D

Officer:	Appointment	Pension	Badge	Command
	4/27/1998	235084	4610	NORTHEASTERN DISTRICT

OFFICE OF THE CHIEF INVESTIGATOR

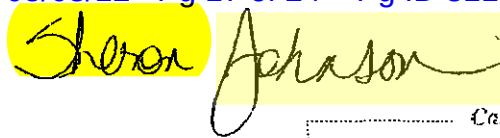
BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
03-300	33612	Procedure	Sustained	WEST-NORTH SECTION	NARCOTICS DIVISION	4/2/2003	3/25/2004	Herrera, J.
		Procedure	Exonerated					

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
04-791	33749	Demeanor	Not Sustained	NARCOTICS DIVISION	NARCOTICS DIVISION	7/7/2004	4/19/2005	Staples, C.
		Harassment	Not Sustained					
		Procedure	Not Sustained					
		Search	Not Sustained					

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
04-1064	33793	Entry	Exonerated	NARCOTICS DIVISION	NARCOTICS DIVISION	8/19/2004	4/19/2005	Staples, C.
		Force	Not Sustained					
		Procedure	Not Sustained					
		Search	Exonerated					

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BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
04-1297	36582	Enlry	No Charge	EASTERN DISTRICT	EASTERN DISTRICT	10/13/2004	1/7/2005	Thompson, S.
		Procedure	Exonerated					
		Property	Not Sustaine					
		Search	Not Sustaine					

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
04-1394	36515	Force	Not Sustaine	NARCOTICS DIVISION	NARCOTICS DIVISION	2/28/2006	9/27/2006	Staples, C.
		Procedure	Not Sustaine					
		Search	Not Sustaine					
		Search	Exonerated					

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
06-911	39441	Procedure	Exonerated	VICE ENFORCEMENT	VICE ENFORCEMENT	8/24/2006	12/8/2007	Madrigal, R.

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
06-928	39408	Procedure	Exonerated	NARCOTICS DIVISION	NARCOTICS DIVISION	8/31/2006	12/26/2006	White, M.

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
07-128	40257	Demeanor	Not Sustaine	VICE ENFORCEMENT	VICE ENFORCEMENT	2/6/2007	4/27/2008	Mercer, S.
		Procedure	Not Sustaine					

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Def-City-1376

Sheron Johnson

Case Disposition

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Assigned	Closed	Investigator
✓ 07-511	40732	Demeanor	Not Sustained	VICE ENFORCEMENT	VICE ENFORCEMENT	6/18/2007	4/29/2008	Murphy, E.
		Procedure	Not Sustained					

Case Disposition

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Assigned	Closed	Investigator
✓ 07-428	40488	Demeanor	Not Sustained	VICE ENFORCEMENT	NARCOTICS DIVISION	10/1/2007	6/26/2008	Madrigal, R.

Case Disposition

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Assigned	Closed	Investigator
✓ 08-171	42015	Procedure	Exonerated	VICE ENFORCEMENT	VICE ENFORCEMENT	2/15/2008	10/13/2009	Nelson, A.

Duplication

Case Disposition

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Assigned	Closed	Investigator
✓ 08-220	41812	Demeanor	Void	VICE ENFORCEMENT	VICE ENFORCEMENT	2/28/2008	2/29/2008	Not Required.
		Procedure	Void					

Case Disposition

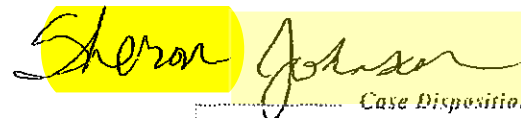
BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Assigned	Closed	Investigator
✓ 07-1239	41145	Demeanor	Not Sustained	VICE ENFORCEMENT	VICE ENFORCEMENT	7/22/2008	6/23/2009	Banks, R.

Case Disposition

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Assigned	Closed	Investigator
✓ 09-213	43741	Demeanor	Not Sustained	VICE ENFORCEMENT	VICE ENFORCEMENT	2/27/2009	3/31/2010	Banks, R.
		Force	Not Sustained					

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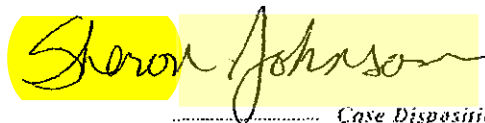
Def-City-1377



BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 09-1324	45124	Procedure	Exonerated	NORTHEASTERN DISTRICT	NORTHEASTERN DISTRICT	10/9/2009	5/27/2010	Madrigal, R.
		Property	Not Sustaine					
BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 09-1412	44989	Demeanor	Not Sustaine	NORTHEASTERN DISTRICT	NORTHEASTERN DISTRICT	10/23/2009	5/20/2010	Nelson, A.
		Force	Not Sustaine					
		Procedure	Exonerated					
BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 09-1716	45225	Procedure	Not Sustaine	NORTHEASTERN DISTRICT	NORTHEASTERN DISTRICT	1/12/2010	9/30/2010	Perkins, D.
BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 10-279	45648	Demeanor	**Pending**	NORTHEASTERN DISTRICT	NORTHEASTERN DISTRICT	3/15/2010	10/27/2010	Miles, E.
BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 10-774	46102	Demeanor	Not Sustaine	NORTHEASTERN DISTRICT	NORTHEASTERN DISTRICT	6/15/2010	9/24/2010	Ways, F.

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BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 10-885	46291	Arrest	Exonerated	NORTHEASTERN DISTRICT	NORTHEASTERN DISTRICT	7/12/2010	11/11/2010	Long, S.
		Demeanor	Exonerated					
		Force	Exonerated					

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 10-1072	46505	Demeanor	Not Sustained	NORTHEASTERN DISTRICT	NORTHEASTERN DISTRICT	8/19/2010	10/27/2010	Nelson, A.

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 10-1123	46342	Demeanor	**Pending**	NORTHEASTERN DISTRICT	NORTHEASTERN DISTRICT	8/26/2010		White, M.
		Procedure	**Pending**					

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 10-1435	46243	Procedure	**Pending**	NORTHEASTERN DISTRICT	NORTHEASTERN DISTRICT	11/4/2010		Moses, D.

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 10-1466	46975	Demeanor	**Pending**	NORTHEASTERN DISTRICT	NORTHEASTERN DISTRICT	11/9/2010		Nelson, A.
		Procedure	**Pending**					
		Service	**Pending**					

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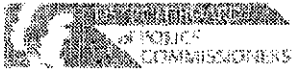
Detroit Police Department**Officer Information Report****BUGLO, DANIEL**

Badge# 2055

CCR Officer Alligations

BPC Nr	CCR Nr	Allegation	Findings	Unit	Closed
95-0062	20861	PROCEDURE	IMPROPER C	TACTICAL S	04/07/1995
		PROCEDURE	PROPER CON	TACTICAL S	
		DEMEANOR	INSUFFICIEN	TACTICAL S	
		FORCE	INSUFFICIEN	TACTICAL S	
0072	24712	PROCEDURE	INSUFFICIEN	TACTICAL S	05/18/1995
		PROCEDURE	INSUFFICIEN	TACTICAL S	
		DEMEANOR	INSUFFICIEN	TACTICAL S	
		FORCE	PROPER CON	TACTICAL S	

Complaint Allegations Against Officer: 8Complaint Cases Against Officer: 2



Citizen Complaint Report Filed Against DPD Officer



BUGLO, DANIEL

Officer:	Appointment	Pension	Badge	Command
	4/10/1989	231996	444	ORGANIZED CRIME UNIT

OFFICE OF THE CHIEF INVESTIGATOR

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
04-352	35611	Arrest	Exonerated	WESTERN DISTRICT	WESTERN DISTRICT	4/5/2004	3/30/2005	Hayes, J.
		Demeanor	Not Sustained					
		Force	Unfounded					

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 07-423	40486	Demeanor	Not Sustained	WESTERN DISTRICT	VICE ENFORCEMENT	4/24/2007	7/17/2007	Monroe, J.

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 07-678	40654	Arrest	Exonerated	VICE ENFORCEMENT	VICE ENFORCEMENT	6/21/2007	8/8/2007	Akbar, L.

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 08-316	42167	Property	Exonerated	VICE ENFORCEMENT	NARCOTICS DIVISION	3/25/2008	6/26/2008	Buckner, E.

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Detroit Police Department**Officer Information Report**

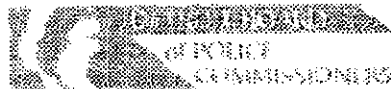
Pension: [REDACTED]

BROWN, MICHAEL

Badge# 0029

CCR Officer Alligations					
BPC Nr	CCR Nr	Allegation	Findings	Unit	Closed
00- 0103	29819	DEMEANOR	INSUFFICIEN	NARCOTICS	10/02/2000
		DEMEANOR	INSUFFICIEN	NARCOTICS	
02- 0748	32823	SEARCH	PROPER CON	NARCOTICS	07/14/2003
93- 0559	23272	PROCEDURE	IMPROPER C	1ST PCT	10/14/1993
98- 0819	28366	SEARCH	INSUFFICIEN	NARCOTICS	08/25/1999
		FORCE	INSUFFICIEN	NARCOTICS	
0911	28655	Entry	PROPER CON	UNKNOWN	04/06/2000
		Search	INSUFFICIEN	UNKNOWN	
		Property	INSUFFICIEN	NARCOTICS	
		Procedure	INSUFFICIEN	NARCOTICS	

Complaint Allegations Against Officer: 10Complaint Cases Against Officer: 5



Citizen Complaint Report Filed Against DPD Officer



BROWN, MICHAEL L

Officer:	Appointment 6/16/1977	Pension [REDACTED]	Badge 29	Command NARCOTICS

OFFICE OF THE CHIEF INVESTIGATOR

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
03-278	33522	Demeanor	Sustained	ORG. CRIME UNIT	ORGANIZED CRIME UNIT	3/27/2003	12/19/2003	Mercer, S.
		Procedure	Sustained					
03-528	34267	Harassment	Unfounded	ORG. CRIME UNIT	ORGANIZED CRIME UNIT	10/16/2003	8/18/2004	Mercer, S.
		Procedure	Exonerated					
06-235	38706	Demeanor	Unfounded	ORG. CRIME UNIT	NARCOTICS DIVISION	3/16/2006	12/18/2006	Madrigal, R.
		Procedure	Unfounded					
		Property	Unfounded					
		Search	Unfounded					

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EXHIBIT 5212/2/2010
14:40

Detroit Police Department

Officer Information Report

Pension# [REDACTED]

GRAY, TYRONE E

Badge# 4591

CCR Officer Alligations					
BPC Nr	CCR Nr	Allegation	Findings	Unit	Closed
01-0849	31870	ENTRY	PROPER CON	6TH PCT	03/04/2002
02-0615	32712	DEMEANOR	IMPROPER C	6TH PRECINC	01/11/2005
		PROCEDURE	IMPROPER C	6TH PRECINC	
		DEMEANOR	NOT SUSTAI	6TH PRECINC	
		FORCE	NOT SUSTAI	6TH PRECINC	
		ARREST	PROPER CON	6TH PRECINC	
0960	32345	FORCE	NOT SUSTAI	NARCOTICS	09/29/2003
1025	33118	PROCEDURE	NOT SUSTAI	6TH PCT	03/06/2003
		DEMEANOR	NOT SUSTAI	6TH PCT	
		ARREST	PROPER CON	6TH PCT	
		FORCE	NOT SUSTAI	6TH PCT	
		FORCE	NOT SUSTAI	6TH PCT	
99-0841	29505	Procedure	IMPROPER C	6TH PCT	04/06/2000
		DEMEANOR	INSUFFICIEN	6TH PCT	

Complaint Allegations Against Officer: 14Complaint Cases Against Officer: 5

12/2/2010
14:07

Detroit Police Department

Officer Information Report

Pension# 234284

SINGLETON, KATHLEEN M

Badge# 3714

CCR Officer Allegations					
BPC Nr	CCR Nr	Allegation	Findings	Unit	Closed
00-0380	30042	DEMEANOR	INSUFFICIENT	4TH PCT	04/30/2001
		HARASSMEN	INSUFFICIENT	4TH PCT	
01-0130	30907	PROCEDURE	IMPROPER C	4TH PCT	08/02/2001
02-0393	32334	SEARCH	PROPER CON	4TH PCT POS	03/14/2003
99-0129	28823	SEARCH	PROPER CON	4TH PCT	08/25/1999
0266	29072	DEMEANOR	INSUFFICIENT	4TH PCT	09/24/1999
0807	29655	DEMEANOR	INSUFFICIENT	4TH PCT	05/16/2001
0862	29757	DEMEANOR	INSUFFICIENT	4TH PCT	05/04/2000
		Service	INSUFFICIENT	4TH PCT	

Complaint Allegations Against Officer: 9

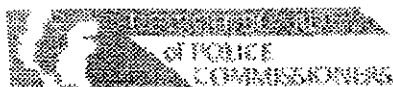
Complaint Cases Against Officer: 1

Kathleen S. Ingels

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 09-1646	45410	Dememeanor	**Pending**	NARCOTICS DIVISION	NARCOTICS DIVISION	12/9/2009	10/27/2010	Jones, C.
BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 08-1157	43083	Procedure	Exonerated	NARCOTICS DIVISION	NARCOTICS DIVISION	1/22/2010	5/6/2010	Godbee, R.
BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 10-554	46048	Dememeanor	**Pending**	EASTERN DISTRICT	EASTERN DISTRICT	5/3/2010		Buckner, E.
		Service	**Pending**					
BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
✓ 10-925	46340	Dememeanor	Sustained	EASTERN DISTRICT	EASTERN DISTRICT	7/20/2010	10/12/2010	Nelson, A.

Thursday, December 03, 2010

Def-City-1766



Citizen Complaint Report Filed Against DPD Officer



JOHNSON, SHERON D

Officer:	Appointment	Pension	Badge	Command
	4/27/1998	235084	4610	NORTHEASTERN DISTRICT

OFFICE OF THE CHIEF INVESTIGATOR

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
03-300	33612	Procedure	Sustained	WEST-NORTH SECTION	NARCOTICS DIVISION	4/2/2003	3/25/2004	Herrera, J.
		Procedure	Exonerated					

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
04-791	33749	Demeanor	Not Sustained	NARCOTICS DIVISION	NARCOTICS DIVISION	7/7/2004	4/19/2005	Staples, C.
		Harassment	Not Sustained					
		Procedure	Not Sustained					
		Search	Not Sustained					

BPC #	CCR #	Allegation	Finding	Officer's Assigned Command	Unit Involved	Case Disposition		
						Assigned	Closed	Investigator
04-1064	33793	Entry	Exonerated	NARCOTICS DIVISION	NARCOTICS DIVISION	8/19/2004	4/19/2005	Staples, C.
		Force	Not Sustained					
		Procedure	Not Sustained					
		Search	Exonerated					

Thursday, December 02, 2010

Def-City-1375

EXHIBIT 53



D.P.D. 568 (rev. 9/97)

INTER-OFFICE MEMORANDUM

Date

September 15, 2010

To: Citizen Complaint Subcommittee, Board of Police Commissioners (Through Channels)

Subject: COMPLAINT OF MS. SHEQUITA JOHNSON, CCR 46340, BPC 10-925, assigned to Police Commission Sr. Investigator Abdullah Nelson.

COMPLAINT INFORMATION

Date Assigned: July 20, 2010
Due Date: October 21, 2010
Date of Complaint: July 15, 2010
Date of Incident: July 14, 2010

II. AREAS OF CONCERN:

DEMEANOR

The complainant alleged that Police Officer Kathleen Singleton, Badge 3714, assigned to the Eastern District, was rude towards her and used profanity when she filed a report at the Eastern District Patrol Desk.

III. INVESTIGATION

On July 23, 2010 at 9:10 am, writer conducted an audio recorded telephone interview with Ms. Shequita Johnson and the following is a synopsis of her statement.

Ms. Johnson stated that she went into the Eastern District Patrol Desk to file a harassment complaint. Ms. Johnson stated Officer Singleton took her report at the patrol desk. Ms. Johnson alleged that Officer Singleton was rude towards her and used profanity when she attempted to explain the circumstances involved in her complaint. Ms. Johnson alleged that Officer Johnson informed her that she did not care about the situation. Ms. Johnson alleged that Officer Singleton yelled at her and stated, "You know, I really don't give a damn what happened", "I just want to get this report done and over with."

Witness:

No witnesses were identified by name.

Officer:

Not needed in this case.

Citizen Complaint Subcommittee
 CCR 46340 BPC 10-925
 Page 2

ADDITIONAL INFORMATION

Writer reviewed the video of the incident involving the conversation between the complainant and Officer Singleton from the video camera at the Eastern District. The review revealed that Officer Singleton was asking Ms. Johnson about the circumstances involving her complaint and why she was filing a report. At one point in the conversation Officer Singleton stated to Ms. Johnson, "*Honestly, 'I don't give a damn what happened, I just need to be able to write this report.'*"

DOCUMENTS

1. Audio recorded telephone interview with the complainant, Ms. Shequita Johnson conducted on July 23, 2010.
2. Daily Detail for Wednesday, July 14, 2010, Platoon III, Eastern District, Patrol.
3. Copy of the Eastern District Citizen Service Log for July 14, 2010 for Platoon III.
4. Request for In Precinct Security Camera Video Recording at the Eastern District: Patrol Desk/Lobby Area for July 14, 2010 from the Technical Service Bureau dated July 23, 2010.
5. Two CDs containing the video recordings (*same incident from cameras #1 and #2 near Eastern Patrol Desk*) of the conversation between Ms. Johnson and Officer Singleton on July 14, 2010 that was obtained from the Technical Service Bureau.
6. Copy of Crisnet #1007140549: ED/Desk/Harassment on July 14, 2010 at 3:30 pm at Mack and McDougall prepared by Kathleen Singleton.
7. Copy of letter to update complainant on case progress dated September 10, 2010.

CANVASS

Not applicable.

ADJUDICATION

Not applicable.

V. FINDINGS

Police Officer Kathleen Singleton Badge 3714 Eastern District

DEMEANOR

SUSTAINED

The complainant alleged that Officer Singleton was rude to her and used profanity toward her when she filed a report at the Eastern District.

Citizen Complaint Subcommittee
CCR 46340 BPC 10-925
Page 3

Directive Number 102.3, Code of Conduct, Section 6, Officer's Responsibilities, Subsection 2, Courtesy, states in part,

"...2. Disrespect, gestures, or language of a course, profane, abusive, demeaning, or insolent nature to any citizen or fellow officer shall constitute a basis for disciplinary action..."

A review of the audio/video recordings supports the allegation in the investigation. The statement made by Officer Singleton towards Ms. Johnson was similar to the statement she alleged in the CCR.

According to this writer's investigation, with the assistance of audio video evidence, Officer Singleton was rude towards Ms. Johnson and used profanity during their interaction as she prepared a police report at the Eastern District.

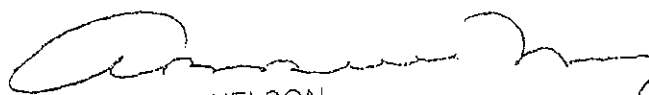
The preponderance of the evidence shows that the alleged conduct did occur and the actions of the officers violated DPD policies, procedures or training.

V. RECOMMENDATION

Based on the above investigative findings, it is recommended that CCR 46340, BPC 10-925, be forwarded to the Chief of Police for further action to be taken.

Citizen Complaint Subcommittee
CCR 46340 BPC 10-925
Page 4

SIGNATURE PAGE


ABDULLAH NELSON
Senior Investigator, O.C.I.

Approved
Office of the Chief Investigator


Supervising Investigator


Read and Approved Date
Citizen Complaint Subcommittee

AN/an



D.P.D. 568 (rev. 9/97)

INTER-OFFICE MEMORANDUM

Date

March 11, 2010

To: Citizen Complaint Subcommittee, Board of Police Commissioners (Through Channels)

Subject: CITIZEN COMPLAINT INVESTIGATION BY THE OFFICE OF THE CHIEF INVESTIGATOR

Attached for your review and approval is the following Citizen Complaint Investigation completed by the Office of the Chief Investigator.

NAME OF COMPLAINANTCASE NO.

MS. KIM MOBLEY

CCR 42558
BPC 08-696INVOLVED OFFICERSALLEGATIONSFINDINGSLt. Vicki Yost
Badge L-112
Tactical Mobile

PROCEDURE

EXONERATED

AINSLEY CROMWELL
Supervising Investigator
Office of the Chief Investigator

AC/mw



O.P.D. 563 (rev. 9/97)

INTER-OFFICE MEMORANDUM

Date

March 8, 2010

To: Citizen Complaint Subcommittee, Board of Police Commissioners (through channels)

Subject: COMPLAINT OF MS. KIM MOBLEY, CCR 42558, BPC 08-696

I. MANNER OF COMPLAINT RECEIPT

On June 11, 2008, the investigation of Ms. Kim Mobley's complaint was assigned to Senior Police Commission Investigator Melanie White, assigned to the Office of the Chief Investigator and withdrawn from writer on the date of 10/13/09.

II. AREAS OF CONCERN

Procedure

The complainant alleged her vehicle was improperly towed from the Art Gallery located at 5141 Rosa Parks on the date of May 31, 2008.

III. INVESTIGATION CONDUCTED BY THE OFFICE OF THE CHIEF INVESTIGATOR

On May 31, 2008, at approximately 12:20 a.m., the complainant, Ms. Kim Mobley, alleged her vehicle was parked at the Art Gallery and was improperly towed and confiscated for a number of months. She stated she was not present at the time the vehicle was towed. She stated she did not get the vehicle back until October 2009. The complainant stated the Art Gallery was raided and the vehicle was parked a half mile away. She stated someone was sent to get the vehicle and bring it back to the Art Gallery's parking lot in order for it to be towed.

The complainant was not present at the time of the incident nor did the complainant provide information that Mr. Ian Mobley was the driver of the vehicle at the time it was towed.

Writer attempted to contact Mr. Ian Mobley; however he has not cooperated with the investigation of this case.

Sergeant Vickie Yost, who was the officer in charge of the raid crew on the date and time in question, stated she and her crew members executed a search warrant at 5141 Rosa Parks after receiving a complaint of "Blind Pig" activity (Illegal Alcohol Sales and Consumption). She stated they conducted surveillance of the location on two separate occasions, March 29, 2008 and April 26, 2008. While conducting the undercover operation on April 26, 2008, Lieutenant Yost stated she and Sergeant Buglo were both served alcohol for which the location is not properly licensed. She also stated they observed people rolling marijuana cigarettes on the table outside. They subsequently obtained Search Warrant 08001827 which was an anticipatory search warrant for the location and it was approved by Assistant Prosecuting Attorney Sarah

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CCR 42558 3PC 08-396

DeYoung. Lieutenant Yost stated on May 31, 2008, she and Sergeant Buglo went in an undercover capacity to conduct surveillance. Upon entry into the location on this date, they were charged a \$5 cover and \$3 membership fee at the door. They observed several patrons with alcohol. They purchased alcohol from the bar that cost \$4. Lieutenant Yost stated as a result of the sale of alcohol not being allowed after 2a.m. and the location being an unlicensed establishment, she notified the raid crew to execute the search warrant. The raid crew was shortly notified after 2:15a.m. and they entered at approximately 2:20a.m. Once they entered, the people were cited for "Engage in a Place of Illegal Occupation" and "Loiter in a Place of Illegal Operation." Lieutenant Yost stated vehicles were seized consistent with Nuisance Abatement Statute. She stated the driver on the complainant's vehicle was Mr. Ian Mobley. She stated the Nuisance Abatement Statute is handled by Wayne County Prosecutor's Officer through the Forfeiture Division. They charge a nuisance abatement fee in order to return the vehicle to owner. Lieutenant Yost stated the seizing of the vehicle was consistent with practices and policies based on the search warrant and the illegal conduct observed. The return of the Search Warrant indicated that alcohol was seized from the premises along with a keg of beer, five containers of Franzia Wine and one 30 pack case of Miller beers. The complainant's son was issued a citation for Loitering in a Place of Illegal Occupation. Lieutenant Yost denied seizing the complainant's vehicle. She stated vehicles were seized under her direct order. She stated multiple units would have assisted with the execution because there were at least 140 defendants listed in the original Crisnet Report.

ADDITIONAL INFORMATION

Lieutenant Vicki Yost was the officer in charge of Vice Enforcement. She directed her staff to conduct an investigation of the Art Gallery and based upon the preliminary investigation a search warrant was obtained and executed.

The complainant's vehicle was one of many vehicles that were towed from the scene as a result of the raid.

Lieutenant Yost was on the scene and was an active participant in the raid. This investigation only dealt with department procedure and Lieutenant Yost addressed the issues during her garrity interview. No other officers are required to be interviewed concerning this matter. All vehicles associated with the raid were towed in violation of the vice statues and the enforcement of the statues were not applied arbitrarily.

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CCR 42558 BPC 08-696

DOCUMENTS

1. Statement of Ms. Kim Mobley in the form of her CCR taken by former Investigator LaTonya Coleman, formerly assigned to the Office of the Chief Investigator
2. A copy of the Activity Log for Sergeant Willie Smith, Badge S-205, Officers Stephen Jackson, Badge 4400, Kathy Singleton, Badge 3714, Gerry Johnson, Badge 159, James Kisselburg, Badge 4745, Chadwick Hopkins, Badge 4114, Officer Dondre Pen, Badge 4706, all assigned to Narcotics Enforcement which revealed the officers assisted Tactical Mobile and Vice Enforcement with executing a search warrant at 5141 Rosa Parks.
3. A copy of the Anticipatory Search Warrant 08001827 for the date of for the location of 5141 Rosa Parks which revealed the description of the location and what would be seized, secured, tabulated and made returned according to the law. The following items were listed: all 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 Big." The affiant in the search warrant was Sergeant Daniel Buglo, and it was signed by Assistant Prosecuting Attorney Sarah DeYoung and signed by Judge of the 36th District court.
4. A copy of the Affidavit which revealed the details of the investigation that led to the execution of the search warrant. The affidavit revealed Vice Enforcement received complaints of unlicensed after hour alcohol consumption and illegal narcotic activity occurring at 5141 Rosa Parks with heavy activity on the last Friday night of each month and carrying over into the early morning hours of Saturday. On March 29, 2008, through May 24, 2008, investigations were being conducted at the location of 5141 Rosa Parks. On those dates various illegal activities took place consisting of 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. The affiant requested the granting of a 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. The affidavit also revealed that the activity would take place during early morning hours of May 31, 2008. The affidavit was signed by the affiant Sergeant Daniel Buglo, Sarah DeYoung, Assistant Prosecuting Attorney and Judge assigned to the 36th District Court.

4 Citizen Complaint Subcommittee
CCR 42558 BPC 08-696

5. A copy of the Return to Search Warrant signed by Officer Raymond Smith, Badge 1619, assigned to the Detroit Police Department revealed that the following items were seized from the location:
 1. \$168.00 U.S. Currency from premises
 2. \$60.00 U.S. Currency from Brandon Wesley
 3. \$663.00 U.S. Currency from Joseph Tomlin
 4. (1) Prostar laptop computer with black leather bag
 5. (1) Technics Turn-table model SL1200
 6. (1) Vestax Mixer Ospro (premises)
 7. (1) Technics Turn-table model SL 1200 (premises)
 8. (3) 5 liter containers of Franzia Wine (premises)
 9. (1) 30 pack case of Miller beer in cans (premises)
 10. \$367.00 U.S. Currency from (premises)
 11. (1) Keg of Beer metal container (premise)
6. A copy of the Preliminary Complaint Record regarding report on Blind Pig Activity, signed and completed by Sergeant Daniel Buglo, revealed on the date of March 28, 2008 at 1:40a.m., he and Lieutenant Vicki Yost conducted an investigation of the location working in an undercover capacity in order to investigate a complaint of illegal "Blind Pig" activity. They observed illegal activity consisting of persons concealing alcohol and smelled strong odors of marijuana from an attached patio of the location.
7. A copy of the Preliminary Complaint Record regarding report on Blind Pig Activity, signed and completed by Sergeant Daniel Buglo, revealed on the date of April 26, 2008 at 0100 a.m., he and Lieutenant Vicki Yost conducted an investigation of the location working in an undercover capacity where they paid \$5.00 cover charge and \$3.00 each for a month membership and were then allowed to enter the location. Both officers observed beer and wine for sale. Both officers purchased beer for \$3.00 and mingled with a crowd of approximately 100. They observed illegal activity consisting of people with cans of beer, liquor bottles, people smoking what appeared to be marijuana by sight and by smell, a person who had a baggie of marijuana and roll it into marijuana cigarettes and persons passing around the marijuana cigarettes.
8. A copy of the Crisnet Report No. 0805310096, 0805310093.3, and 0805310096.2 completed by Sergeant Daniel Buglo which revealed on the date of May 31, 2008, Vice Enforcement, Narcotics Code 3025 and 2913 and Tactical Mobile executed a search warrant number 08001827 on 5141 Rosa Parks boulevard and the vehicles were impounded under Nuisance Abatement. The tow lots used were AC Towing, B& T towing, Gene's Towing and B& G Towing. The report further revealed Lieutenant Vicki Yost, Badge L-112 and Sergeant Daniel Buglo, Badge S-444, both previously assigned to vice Enforcement entered the location in an undercover capacity to confirm illegal activity. They both were charged a \$5.00 cover charge and a \$3.00 membership fee. They observed several patrons with alcohol. Lieutenant

- 5 Citizen Complaint Subcommittee
CCR 42558 BPC 08-696

Yost and Sergeant Buglo purchased beer from the bar at \$4.00 a cup. At approximately 2:10 a.m. patrons were still being allowed into the location and the bar was still open. Lieutenant Yost notified the raid crew and same executed the anticipatory search warrant. Sergeant Buglo was the affiant on the search warrant. There were 134 defendants who were issued citations for "Loiter in Place of Illegal Occupation" and "Engage in Illegal Occupation."

9. A copy of the A copy of the Release of Liability signed by Ian Mobley, complainant's son acknowledging that he was the driver of vehicle with VIN No. 5J6YH28554L001540 and that all personal property was removed from the vehicle.
10. A copy of the Nuisance Abatement Notice of Impoundment of Vehicle for the date of May 3, 2008 at approximately 2:20a.m. The document revealed Lieutenant Yost was the confiscating officer. The complainant, Ms. Kim Mobley was the owner of the vehicle with VIN mentioned above however she failed to sign document and Mr. Ian Mobley as the driver on the date mentioned above. The redemption fee was \$900.00 for first offense.
11. A copy of the contact letter sent to the complainant requesting Mr. Ian Mobley's cooperation in this matter.
12. A copy of the Request for Extension submitted to Supervising Investigator Curtis Staples submitted by Investigator Mariama Johnson.
13. A copy of the Request for Extension submitted to Supervising Investigator Curtis Staples submitted by Senior Investigator Melanie White.
14. A copy of the status of investigation letter sent to the complainant.
15. Audio taped copy of the complainant and Lieutenant Vickie Yost, assigned to Tactical Mobile.

ADJUDICATION

Mr. Ian Mobley, (relative of the complainant) was issued a citation for Loitering in a Place of Illegal Occupation. The case was closed on September 19, 2008, on the motion of the City Attorney.

CANVASS

Writer conducted a canvass of the area of 5141 Rosa Parks and found no additional witnesses.

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CCR 42558 BPC 08-696

IV. FINDINGS

LT. VICKIE YOST

BADGE L-112

TACTICAL MOBILE

PROCEDURE

EXONERATED

The complainant alleged her vehicle was improperly towed from the Art Gallery located at 5141 Rosa Parks on the date of May 31, 2008.

MICHIGAN COMPILED LAWS COMPLETE
600.3801 Nuisance; injunction; abatement; guilt. Sec. 3801. "Any building, vehicle, boat, aircraft, or place used for the purpose of lewdness, assignation or prostitution or gambling, or used by, or kept for the use of prostitutes or other disorderly persons, or used for the unlawful manufacture, transporting, sale, keeping for sale, bartering, or furnishing of any controlled substance as defined in section 7104 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.7104 of the Michigan Compiled Laws, or of any vinous, malt, brewed, fermented, spirituous, or intoxicating liquors or any mixed liquors or beverages, any part of which is intoxicating, is declared a nuisance, and the furniture, fixtures, and contents of the building, vehicle, boat, aircraft, or place and all intoxicating liquors therein are also declared a nuisance, and all controlled substances and nuisances shall be enjoined and abated as provided in this act and as provided in the court rules. Any person or his or her servant, agent, or employee who owns, leases, conducts, or maintains any building, vehicle, or place used for any of the purposes or acts set forth in this section is guilty of a nuisance."

The complainant stated she was not present at the time of the incident.

Lieutenant Yost denied improperly towing the complainant's vehicle. She stated as a result of conducting surveillance on March 29, 2008, through April 26, 2008 as an undercover operation, which revealed the illegal sell and

7 Citizen Complaint Subcommittee
CCR 42558 BPC 08-696

consumption of alcohol and marijuana activity, a warrant was executed. She stated the vehicles were seized under her direct order in accordance with the Nuisance Abatement laws.

According to this writer's investigation, the actions of Lieutenant Yost along with the other Detroit Police Personnel who assisted with the execution of the search warrant were justified. The seizing of the vehicle was consistent with practices and policies based on the search warrant and the illegal conduct observed.

The preponderance of the evidence shows that the alleged conduct did occur but did not violate Detroit Police Department policies, procedures or training regarding the procedure allegation.

V. RECOMMENDATION

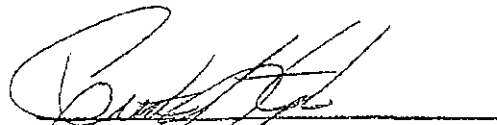
Based on the above investigation findings, it is recommended that Citizen Complaint Report 42558, BPC 08-696, be closed with no further action taken.

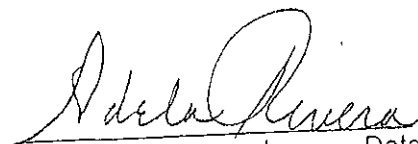
3 Citizen Complaint Subcommittee
CCR 42558 BPC 08-696

SIGNATURE PAGE


MELANIE WHITE
Senior Investigator

Approved
Office of the Chief Investigator


Supervising Investigator

 3-12-10
Read and Approved Date
Citizen Complaint Subcommittee



O.P.D. 568 (rev. 9/97)

D-12
INTER-OFFICE MEMORANDUM

Date

February 16, 2010

To: Supervisor, Lt. Allen, and L-219

Subject: Request for Extension (2008 Case Processing) CCR 42558, BPC 08-696

From: Investigator Mariama Johnson

Writer requesting an extension for case processing of 2008 case received on November 17, 2009, which was previous assigned to Investigator White on 6/11/2008. Ms. Kim Mobley filed this complaint on 6/5/2008. This case has exceeded 90 day time frame for completion.

At this point the case is near finalization and should be completed soon.


Inv. Mariama Johnson
Office of Chief Investigator

Approved
Office of the Chief Investigator


Supervising Investigator



D.P.D. 568 (rev. 9/97)

112
INTER-OFFICE MEMORANDUM

Office of the Chief Investigator

Date

February 26, 2010

To: Chief Investigator Arnold Sheard, Office of the Chief Investigator (through channels)

Subject: **REQUEST FOR EXTENSION REGARDING CITIZEN COMPLAINT REPORT
42558, BOARD OF POLICE COMMISSIONERS CASE 08-696**

I, Investigator Melanie A. White, assigned to the Office of the Chief Investigator, am requesting an extension request for CCR 42558, BPC 08-696. The following reasons have delayed the completion of CCR 42558:

- Difficulties contacting witness.
- Difficulties identifying officers.

A handwritten signature in cursive script that reads "Melanie White".

MELANIE WHITE
Police Commission Investigator
Office of the Chief Investigator



LOCAL NEWS MAIN: DETROIT OAKLAND WAYNE MACOMB MICHIGAN POLITICS LOTTERY

POSTED: 10:33 A.M. FEB. 18, 2010 | UPDATED: 7:11 P.M. FEB. 18, 2010

ACLU sues Detroit over controversial gallery raid

BY DAVID ASHENFELTER
FREE PRESS STAFF WRITER
[Comments \(103\)](#) [Recommend \(5\)](#) [Print](#) [E-mail](#) [Letter to the editor](#) [Share](#)

The ACLU of Michigan sued the City of Detroit in federal court today over a controversial 2008 police raid at the Contemporary Art Institute of Detroit where more than 100 partygoers were ticketed for loitering and their cars impounded.

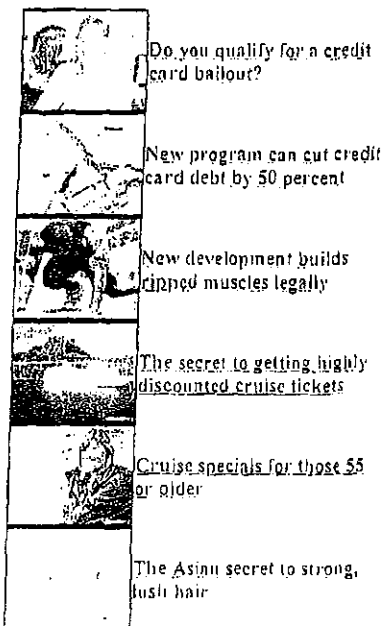
"The City of Detroit is riding roughshod over the Bill of Rights by seizing cars from innocent people and refusing to return them unless they pay a \$900 ransom," ACLU legal director Michael Steinberg said in a news release after filing the suit in U.S. District Court. "This practice is the ultimate Motor City shakedown."

The Detroit Police Department said it couldn't comment on pending litigation other than to say that the \$900 fee motorists had to pay to get their cars back is controlled by the Wayne County Prosecutor's Office, not the city, although the police department receives 75 percent of the fee.

Gun-toting cops wearing masks and commando-style clothing burst into the institute's monthly members-only Funk Night party shortly after 2 a.m. May 31, 2008, because the owner of the facility had failed to obtain the necessary permits to serve alcohol.

In the hours that followed, the cops ticketed 116 people and towed 44 vehicles. The city agreed to dismiss the tickets after the ACLU intervened on the grounds that the partygoers — mostly young, suburban college students — had no idea the institute didn't have the necessary permits.

But authorities refused to return the \$900 penalty or the towing and daily storage fees that patrons had to pay to get their cars back. One man's car was stolen while sitting in an



impound lot.

"In a free country, the police may not conduct commando-style raids on innocent people and seize their property without justification," Steinberg added.

The ACLU asked U.S. District Judge Victoria Roberts to halt the city's practice of seizing vehicles under a city ordinance and state nuisance abatement law. It likened the practice to seizing the vehicles of innocent bar patrons who didn't know that the tavern owner was serving alcoholic

- PDF: Download the ACLU's lawsuit

DETROIT (AP) — The ACLU of Michigan filed a lawsuit today against the City of Detroit over a controversial 2008 police raid at the Contemporary Art Institute of Detroit where more than 100 partygoers were ticketed for loitering and their cars impounded.

- Kilpatrick's lawyer: No payment, no appeal today
- Riddle must wear tether again
- Pugh to take strip club debate to the streets
- Detroit Police release sketches of rape suspects
- Riddle in new trouble, wants new lawyer

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- 4 Riddle in new trouble over ex, wants new lawyer
- 5 University of Michigan regents hit with lawsuit over closed meeting on NCAA football probe
- 6 \$79,011 due today, but will Kilpatrick pay?
- 7 Final-game loss pushes Tigers' Rick Porcello
- 8 Great-grandson of Ford founder dies
- 9 Partygoers sue Detroit over seizure of their cars
- 10 MSU coy on quarterbacks

ACLU sues Detroit over controversial gallery raid | freep.com | Detroit Free Press

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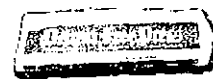
Contextual linking provided by Topix

beverages without a liquor permit.

The lawsuit said cops drove one mile to retrieve the car of one partygoer who had left his vehicle at a friend's house and walked to the event. The suit also accused the police of using excessive force on some partygoers and forcing them to lay face down in the mud until they were processed.

The plaintiffs included 9 people who attended the party and four parents whose vehicles were seized. The defendants include the city and two vice squad officers who led the raid.

Contact **DAVID ASHENFELTER**: dashe@freep.com or 313.467.4242



Def-City-0739

The Detroit News

February 19, 2010

<http://detroitnews.com/article/20100219/METRO01/2190359>

ACLU sues Detroit over the impounding of vehicles

Complaint over '08 art party where vehicles were towed

GEORGE HUNTER
The Detroit News

Detroit -- An attorney for the American Civil Liberties Union filed a lawsuit in federal court Thursday to fight what he called "the ultimate Motor City shakedown" -- the police seizure of vehicles driven by people who attended a Detroit art gallery party two years ago.

During the raid of "Funk Night," a dance party at the Contemporary Art Institute of Detroit in May 2008, police issued 130 tickets for loitering and seized 44 vehicles. Because the art gallery did not have a license to serve alcohol, patrons were issued misdemeanor tickets for loitering in a place of illegal occupation, and their vehicles were towed to an impound lot.

"It would be nice if I could get my money back, but more importantly, people need to know that this is going on," said Jacque Sutton, 22, of Mount Clemens, whose vehicle was among those seized. "This needs to be exposed."

After the ACLU filed a motion to dismiss the criminal cases against the partygoers, city attorneys agreed to drop the loitering charges. But the police and the Wayne County Prosecutor's Office refused to release most of the patrons' cars unless they paid \$900, plus towing and storage fees.

Attempts to reach city attorney Krystal Crittendon on Thursday were unsuccessful.

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DETROIT
DEPARTMENT
POLICE

CITIZEN COMPLAINT REPORT

08-696

#42558

DATE OF REPORT TIME OF REPORT
REPORT

June 5, 2008 2:25 P.M.

OFFICER PREPARING REPORT

BADGENUMBER

UNIT RECEIVING

Inv. L. Coleman

OCI - Desk

COMPLAINANT'S NAME	LAST	FIRST	MIDDLE	DATE OF BIRTH	SEX
	Mobley	Kim		4/26/58	female

ADDRESS (STREET)	(CITY)	(STATE)	(734) 377-8731
21808 E. RIVER Rd.	GROSSE	MI	48138

AGENT REPRESENTING COMPLAINANT	RELATIONSHIP	PHONE

AREA (S) OF CONCERN	UNIT INVOLVED
1. Procedure	Vice

AREA (S) OF CONCERN	UNIT INVOLVED
1.	

DATE OF INCIDENT	TIME OF INCIDENT	LOCATION OF INCIDENT	NO. OF WITNESSES	NO. OF OFFICERS INVOLVED
May 31, 2008				
June 1, 2008	12:20 A.M.	Art Gallery 5141 Rosa Park	more than 50	several IOPD

P.O. Hughes # 3248 arresting officer on paper. Complainant doesn't know the names of the officers who actually pushed her, etc.

DETAILS OF INCIDENT

The complainant stated that her vehicle was improperly towed. See attached article.

IF RESOLVED, DESCRIBE RESOLUTION

I HAVE RECEIVED A COPY OF THE ABOVE COMPLAINT AND ATTEST
THAT THE INFORMATION THEREON IS CORRECT TO THE BEST OF MY KNOWLEDGE.
I HEREBY AUTHORIZE THE RELEASE OF ANY MEDICAL RECORDS
RELATED TO THIS INCIDENT.

() ACCEPT RESOLUTION
() FURTHER INVESTIGATION REQUESTED

SIGNED

PERSON ENTERING COMPLAINT

COMPLAINANT ENTERED ELSEWHERE LOCATION OF COMPLAINT ENTRY MODE OF COMPLAINT ENTRY DATE OF COMPLAINT ENTRY

THIS COMMAND WILL HANDLE FORWARD TO UNIT: O.C.I. PHONE: XXX LETTER WALK-IN
XX REQUEST CCS INVESTIGATION

SIGNED

Due Date: 8/13/2008

BPC No: 08-696

COMPLAINANT(s) Mooley, Kim

CDR No 42558

DATE COMPLAINT MADE 6/5/2008

DATE ASSIGNED 6/11/2008

INVESTIGATOR/SERGEANT Investigator Melanie White

AREA(s) OF CONCERN

Procedure

Date	Significant Event Log
2-9-10	Submit for Review
2-9-10	To Investigator — Concerns
2-10-10	To Chief Investigator Review
2/18/10	Marked for Investigation Review
02/28/10	After submitted case for review
3/3/10	Reviews w/ concerns To Chief Investigator Review
3/4/10	Case Reopened by S ^E AC
3/4/10	To Investigator — Concerns
3/5/10	Reviews w/ concerns To Chief Investigator Review
3/8/10	Case Reopened by S ^E AC case approved
3/11/10	Complete From OCI To BPC Review
3/12/10	Approved
3/19/10	CLOSED
3.22.10	memo prepared for CAP forwarded to Bore office this date.

Due Date: 8/13/2008

BPC No: 08-696

COMPLAINANT(s) Mobley, Kim
 CCR No 42558
 DATE COMPLAINT MADE 6/5/2008
 DATE ASSIGNED 6/11/2008
 INVESTIGATOR/SERGEANT Investigator Melanie White
 AREA(s) OF CONCERN Procedure

Date	Significant Event Log
06/11/08	Writer ph'd Compl. left a voicemail message. 3025 T.H.
	black Honda Element.
	CAID paid.
10/13/09	October 2009 - Case re-assigned
2/18/09	Writer rec'd statement of Compl.
6/15/09	6/15/09 - reviewed w/ S.I. Foster
11/17/09	Inv. Johnson Reassigned to Case
11/19/09	Sent contact letter
1/12/10	No show for P.O. Hugh Curnley
1/25/10	County officer Hughes
2/10/10	Submit for Review
2/26/10	Case assigned to Inv. Melanie White
	Conducted Interview of J. Vest conducted on 2/21/10
02/25/10 to 02/26/10	Obtained 11 CCP Variant Records
02/28/10	Submitted for Review signature

Complainant Face Sheet

Investigator Melanie WhiteCompl's Name: Vim MackeyDistrict/Unit: Vice Cr. Mob. Tact. MobileBPC# 00-696CCR# 42558Date of Incident: 05/31/08

Officer(s) involved and Badge #'s:

H. Vickie Yost, Badge 1-122, Tactical Mobile

TO DO

Complainant Contact/Interview/Letter

1. 02/18/09 - Recd. Compl't's statement.

2. _____

3. _____

Leave Days

Garrity Officer #1 - H. Vickie Yostsetup for 02/26/10 (date)

deliver/faxed/emailed

signed copy received

status

Garrity Officer #2 - _____

setup for _____ (date)

deliver/faxed/emailed

signed copy received

status

Identify/List All Witnesses (& Interview)

Canvass (date conducted)

Other Documents/Items Needed

Requested	Item/Document	Received
<u>02/26/10</u>	Activity Log Sheet (scout # Needed)	<u>02/26/10</u>
<u>02/26/10</u>	Daily Detail	<u>02/26/10</u>
<u>02/26/10</u>	PCR (Crisnet Report)	<u>02/26/10</u>
	Accident Report (Need # & Location)	
	Desk Blotter (Day Needed)	
	Citation(s) & Disposition	
	Impound Card	
	(copy) vehicles held by DPD)	
	911 Communications Request	
	In car video tape request	
	(Technical Services Bureau)	
	(ITS) Information Technology Request	
	(Lien inquires)	
	Property Book	
	(Evidence Tag #)	
	Prisoner Property Book	
	DOI package	
	(Prisoner in-take forms & Hospital forms)	
	Injured Prisoner Report/Use of Force Form	
	Prisoner (Telephone Book)	
	Prisoner (Meal Book)	
	Investigators Report/Warrant package	
	Medical History Request	

ADDITIONAL NOTES:

1/8/10 - Sammy Salesman
for P.O. Hughes
on 1/12/10 @ 10:00
(info shown)

01/25/10 - Obtained ticket
disposition of Tan Mob.
- Obtained 1st state
paperwork.

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

EXHIBIT 55

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

Plaintiffs,

vs.

Honorable Victoria A. Roberts
Magistrate Judge Mona K. Majzoub

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.

NOTICE OF TAKING
DEPOSITION DUCES TECUM
OF SUPERVISING
INVESTIGATOR AINSLEY
CROMWELL

Daniel S. Korobkin (P72842)
Michael J. Steinberg (P48085)
Kary L. Moss (P49759)
American Civil Liberties Union Fund of MI
2966 Woodward Ave.
Detroit, MI 48201
(313) 578-6824
dkorobkin@aclumich.org & msteinberg@aclumich.org
Attorneys for Plaintiffs

William H. Goodman (P14173)
Julie H. Hurwitz (P34720)
Kathryn Bruner James (P71374)
Goodman & Hurwitz, P.C.
Cooperating Attorneys, ACLU Fund of MI
1394 E. Jefferson Ave.
Detroit, MI 48207
(313) 567-6170
mail@goodmanhurwitz.com
Co-Counsel for Plaintiffs

Jerry Ashford (P47402)
John A. Schapka (P36731)
City of Detroit Law Department
660 Woodward Avenue
1650 First National Building
Detroit, MI 48226
(313) 237-3089
ashfj@detroitmi.gov & schaj@detroitmi.gov
Attorneys for Defendants

Lee'ah D.B. Giaquinto (P60168)
City of Detroit Law Dept-Litigation Section
660 Woodward Avenue, Suite 1650
Detroit, MI 48226
(313) 237-3035
basel@detroitmi.gov
Attorneys for Defendant Yost & Buglo ONLY

TO: Jerry Ashford & Lee'ah Giaquinto, Attorneys for Defendants

Please be advised that Plaintiffs, by and through their attorneys, GOODMAN & HURWITZ P.C., pursuant to Federal Rule of Civil Procedure 30, will take the following deposition *duces tecum*, under oral examination, under oath and before a certified court reporter:

Person: **Supervising Investigator Ainsley Cromwell**

Date/Time: **Tuesday, January 31, 2012 at 10:00 a.m.**

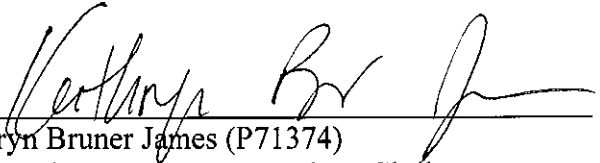
Place: **City of Detroit Law Department
660 Woodward Avenue
1650 First National Building
Detroit, MI 48226**

Pursuant to FRCP 34, deponent is directed to produce at the time of the deposition any and all of the following documents and things in the possession, custody or control of deponent or the City of Detroit:

1. The original file containing all documentation pertaining to Citizen Complaint Case No. CCR 42558/BPC 08-696 made by Kimberly Mobley on or about June 11, 2008, including but not limited to:
 - a. All citizen complaint forms;
 - b. All investigation records;
 - c. All written statements, witness interviews, Garrity statements;
 - d. All photographs and audio/visual recordings, along with the transcript of each such recording;
 - e. All documents regarding the disposition of the complaint.

You are invited to attend and examine the witness.

Respectfully Submitted,

By: 
Kathryn Bruner James (P71374)
Cooperating Attorneys, American Civil
Liberties Union Fund of Michigan
Goodman & Hurwitz, P.C.
1394 E. Jefferson Ave.
Detroit, MI 48207
(313) 567-6170
bgoodman@goodmanhurwitz.com
Attorneys for Plaintiffs

Date: January 17, 2012

Court Reporter: Hanson Renaissance Court Reporters & Video – 313.567.8100

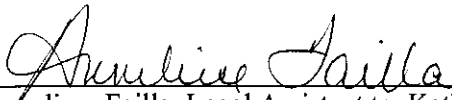
CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2012, I served the foregoing document by U.S. Mail and by e-Mail to the following:

Jerry Ashford
City of Detroit Law Department
660 Woodward Avenue
1650 First National Building
Detroit, MI 48226

-and-

Lee'ah D.B. Giaquinto
City of Detroit Law Dept-Litigation Section
660 Woodward Avenue, Suite 1650
Detroit, MI 48226


Anneliese Failla, Legal Assistant to: Kathryn Bruner James

GOODMAN & HURWITZ, PC

ATTORNEYS AND COUNSELORS

1394 EAST JEFFERSON AVENUE, DETROIT, MICHIGAN 48207

WILLIAM H. GOODMAN*
JULIE H. HURWITZ
KATHRYN BRUNER JAMES
BRANDON STUMP

OF COUNSEL
GOODMAN KALAHAR, PC

January 17, 2012

Jerry L. Ashford
City of Detroit Law Department
660 Woodward Ave., Ste. 1650
Detroit, MI 48226
ashf@detroitmi.gov

Via e-Mail and U.S. Regular Mail

Re: Mobley, et al. v. City of Detroit, et al.
Case No. 10-cv-10675

Dear Jerry:

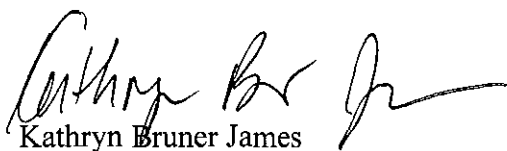
Enclosed please find *Plaintiffs' Notice of Taking Deposition Duces Tecum of Supervising Investigator Ainsley Cromwell* set for January 31, 2012. Since the date of this deposition was set by us without seeking your availability, I am willing to reschedule it to a mutually agreeable date.

With the close of discovery on February 1, 2012 quickly approaching, I am once again requesting your cooperation in resolving any or all of the issues outlined in my letter dated January 9, 2012. This is my final attempt to seek your concurrence without the necessity of seeking relief from the Court, including default judgment, other available sanctions, and an extension of deadlines.

Thank you for your cooperation in this matter.

Sincerely,

GOODMAN & HURWITZ, P.C.


Kathryn Bruner James

KBJ:af

Enclosure

cc: ACLU Fund of Michigan (*via e-Mail only*)
Lee'ah D. B. Giaquinto (*via e-Mail & U.S. Regular Mail*)

**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, and LAURA MAHLER,

Plaintiffs,

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.

Honorable Victoria A. Roberts
Magistrate Judge Mona K. Majzoub

Case No. 10-cv-10675

**SECOND
NOTICE OF TAKING
DEPOSITION DUCES TECUM
OF SUPERVISING
INVESTIGATOR AINSLEY
CROMWELL**

Daniel S. Korobkin (P72842)
Michael J. Steinberg (P48085)
Kary L. Moss (P49759)
American Civil Liberties Union Fund of MI
2966 Woodward Ave.
Detroit, MI 48201
(313) 578-6824
dkorobkin@aclumich.org & msteinberg@aclumich.org
Attorneys for Plaintiffs

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Cooperating Attorneys, ACLU Fund of MI
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Lee'ah D.B. Giaquinto (P60168)
City of Detroit Law Dept-Litigation Section
660 Woodward Avenue, Suite 1650
Detroit, MI 48226
(313) 237-3035
basel@detroitmi.gov
Attorneys for Defendant Yost & Buglo ONLY

TO: Jerry Ashford & Lee'ah Giaquinto, Attorneys for Defendants

Please be advised that Plaintiffs, by and through their attorneys, GOODMAN & HURWITZ P.C., pursuant to Federal Rule of Civil Procedure 30, will take the following deposition *duces tecum*, under oral examination, under oath and before a certified court reporter:

Person: **Supervising Investigator Ainsley Cromwell**

Date/Time: **Thursday, February 16, 2012 at 10:00 a.m.**

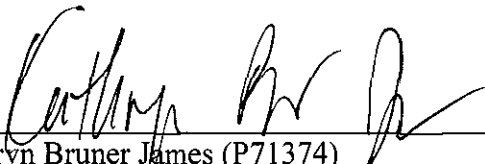
Place: **City of Detroit Law Department
660 Woodward Avenue
1650 First National Building
Detroit, MI 48226**

Pursuant to FRCP 34, deponent is directed to produce at the time of the deposition any and all of the following documents and things in the possession, custody or control of deponent or the City of Detroit:

1. The original file containing all documentation pertaining to Citizen Complaint Case No. CCR 42558/BPC 08-696 made by Kimberly Mobley on or about June 11, 2008, including but not limited to:
 - a. All citizen complaint forms;
 - b. All investigation records;
 - c. All written statements, witness interviews, Garrity statements;
 - d. All photographs and audio/visual recordings, along with the transcript of each such recording;
 - e. All documents regarding the disposition of the complaint.

You are invited to attend and examine the witness.

Respectfully Submitted,

By: 

Kathryn Bruner James (P71374)
Cooperating Attorneys, American Civil
Liberties Union Fund of Michigan
Goodman & Hurwitz, P.C.
1394 E. Jefferson Ave.
Detroit, MI 48207
(313) 567-6170
bgoodman@goodmanhurwitz.com
Attorneys for Plaintiffs

Date: February 2, 2012

Court Reporter: Hanson Renaissance Court Reporters & Video – 313.567.8100

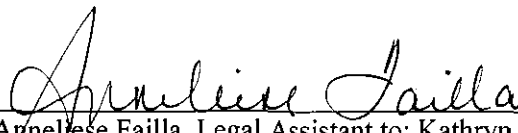
CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2012, I served the foregoing document by U.S. Mail and by e-Mail to the following:

Jerry Ashford
City of Detroit Law Department
660 Woodward Avenue
1650 First National Building
Detroit, MI 48226

-and-

Lee'ah D.B. Giaquinto
City of Detroit Law Dept-Litigation Section
660 Woodward Avenue, Suite 1650
Detroit, MI 48226


Anneliese Failla, Legal Assistant to: Kathryn Bruner James

GOODMAN & HURWITZ, P.C.
ATTORNEYS AND COUNSELORS

WILLIAM H. GOODMAN*
JULIE H. HURWITZ
KATHRYN BRUNER JAMES

OF COUNSEL
GOODMAN KALAHAR, P.C.
ANDREW THOMAS STRAHAN

February 8, 2012

Jerry L. Ashford
City of Detroit Law Department
660 Woodward Ave., Ste. 1650
Detroit, MI 48226
ashf@detroitmi.gov

Via e-Mail and U.S. Regular Mail

Re: Mobley, et al. v. City of Detroit, et al.
Case No. 10-cv-10675

Dear Jerry:

I am writing in response to your email to my secretary yesterday regarding the deposition of Ainsley Cromwell. I understand from your email that you have another deposition in Oakland County at 1pm, which you did not mention in your previous communications regarding your availability for the remaining depositions. Unfortunately, that does not provide us with sufficient time to complete this deposition, and we prefer not to begin a deposition knowing in advance that we will likely have to adjourn it and reconvene at another time. Therefore, we must reschedule this deposition for a date when you and Mr. Cromwell are available for a longer period of time, preferably up to six hours although I anticipate the deposition only taking approximately three or four hours.

Moreover, there are still a number of outstanding documents that must be produced in order for us to take an effective deposition of Mr. Cromwell, to wit:

- **Request #14-** Directive 102.3 (Code of Conduct) was missing from the Detroit Police Manual CD that you produced per court order on October 10, 2011. Please provide a copy of this directive at your earliest convenience.
- There are a number of items relevant to Mr. Cromwell that are currently the subject of *Plaintiffs' Motion for Default or, in the Alternative, for Other Sanctions*. [Doc. #69] Given that the Court has now ordered Defendants to produce these items three times [Docs. #40, #57, and #64], Plaintiffs insist that you produce these items immediately. Otherwise, we are left with no choice but to either start Mr. Cromwell's deposition with the understanding that it will have to be continued, or delay taking his deposition until after the Court's decision on Plaintiffs' Motion. Neither of these options are preferable, so once again, we ask that you produce, at a minimum, the following items relevant to Mr. Cromwell:

Jerry Ashford

Re: Mobley, et al. v. City of Detroit, et al.

February 8, 2012

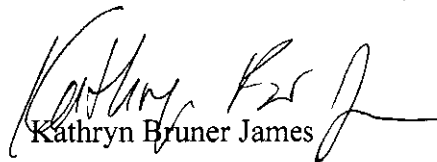
Page | 2

- **Requests #6, #8, & #10** (Complete personnel files, disciplinary history, complaints, and internal investigations regarding all officers who participated in the raid)- Although Defendants have produced much of this information for the named Defendants, you have not produced any such material regarding the other officers who participated in the raid.
- **Request #12** (documents regarding complaints against the City or any officers from 2004 to present arising from similar incidents or activities (see enumerated list, subparts (a) through (e) of RFP #12))- Defendants have not produced any documents in response to this Request.
- **Request #15** (documents regarding monitoring and tracking of complaints against the City and/or its officers from 2003 to present – i.e., “early warning systems”)- Again, Defendants have not produced any documents in response to this Request.

Please contact my office immediately to provide us with dates for the rescheduling of Mr. Cromwell’s deposition – setting aside a six hour block – and also to advise if you are willing to cooperate in producing any of the above listed items prior to the Court’s decision. Thank you for your anticipated cooperation in this matter. I look forward to hearing from you.

Sincerely,

GOODMAN & HURWITZ, P.C.


Kathryn Bruner James

KBJ:af

cc: ACLU Fund of Michigan (*via e-Mail only*)
Lee'ah D. B. Giaquinto (*via e-Mail & U.S. Regular Mail*)