

Some charges dismissed against suspended cops accused of vigilantism in Detroit



Suspended St. Clair Shores police Sgt. Michael Notoriano, left, and suspended Detroit police Sgt. David Pomeroy appear at a prior court hearing. (DAVID DALTON/MACOMB DAILY FILE PHOTO)

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POSTED: 05/02/14, 3:23 PM EDT | UPDATED: 1 WEEK, 2 DAYS AGO | 18 COMMENTS

Substantial portions of the cases against two suspended cops accused of doling out vigilante justice in Detroit were dismissed Friday after prosecutors said one of the victims lied.

Judge Michael Callahan threw out four charges each against St. Clair Shores Sgt. Michael Notoriano and Detroit Sgt. David Pomeroy on the request of Wayne County prosecutors due to key witness Robert Cureton's alleged lies. Cureton, one of three original accusers, has been charged with perjury and carrying a concealed weapon, and, according to attorneys, fled to West Virginia, where he is awaiting extradition.

The major development in the case not only reduces the number of charges against each of the suspended officers by about half but shows a general weakness of the prosecution's case, contended the attorneys for Notoriano and Pomeroy.

"What did I say in the beginning?" Notoriano's attorney Todd Flood said outside court. "This is a house of cards. What happens to a house of cards? ... You've got a lying witness who perjured himself."

Pomeroy's attorney, Michael Rataj, said the case is falling apart because the defendants did not commit a crime.

"In my mind, the rest of the charges should be dismissed as well," he said. "The prosecution can't make a case out of the rest of the charges. The judge should cut out the rest of the case."

Maria Miller, spokeswoman for Wayne County Prosecutor Kym Worthy, said the charges were dropped for "obvious reasons" and prosecutors remain confident in obtaining convictions in the case.

Cureton's alleged false testimony would destroy his credibility in front of a jury, said local criminal defense attorney Randy Rodnick, who is not connected to the case.

This article shows the Wayne County Prosecutor charging the VICTIM of a Police misconduct case with perjury. The pattern of charging witnesses with perjury is just like the Voice of Detroit 4/18/14 Aiyana Jones article was referring too. Why isn't the Media reporting this!!

“The defense attorney would have a heyday,” Rodnick said. “This wasn’t just a little white lie.”

Rodnick, however, was somewhat surprised prosecutors didn’t continue the prosecution due to the defendants’ status as police officers.

The two suspended officers are accused of accosting the men July 21, 2013, at an east-side Detroit gas station in retaliation for the theft of the phone of Notoriano’s teenage daughter the day before at another east-side Detroit gas station. Notoriano, who is white, is accused of using racial slurs while assaulting one of the black men.

They were accused of stealing back the phone, which was located in the accusers’ Yukon Denali, a gun in the vehicle, as well as marijuana and cash from accuser Sergio Love.

Cureton, 29, of Detroit, testified he was taken from the Denali and forced into the defendant’s black Ford F150 and hit in the face by Notoriano. He was then forced to the ground.

Cureton’s alleged perjury involves false testimony that he was not involved in or had no information about the theft of Megan Notoriano’s cell phone although he admitted he was at the gas station at Kercheval and Chalmers where it occurred, Rataj said. He said he bought the girl’s cell phone from a stranger at an open cell phone store at East Warren and Audubon at about 10:30 p.m. on that Saturday, contrary to Flood’s claim the store closed at 8 p.m.

Rataj said witnesses have changed their stories and revealed that Cureton purchased the phone from a man to whom Cureton said, “If you don’t steal it, I’m going to steal.” Cureton paid the man, who has admitted to the unarmed robbery, \$60 for the phone in a transaction at Jefferson Avenue and Marlboro Street, a few blocks from the theft, Rataj said.

A perjury warrant was issued for Cureton on April 1, court records say. He has not been arrested because he fled to West Virginia, she said. She couldn’t predict how long it will take for him to be extradited.

Cureton has not been charged in connection with the theft.

The judge Friday dismissed all of the charges involving Cureton. Those include one count each of unlawful imprisonment, felonious assault, ethnic intimidation and willful neglect of duty against Notoriano, and one count each of armed robbery, felonious assault, unlawful imprisonment and willful neglect of duty against Pomeroy.

Eleven charges total remain against the defendants for actions involving the other accusers, Love, who attended Friday’s hearing, and his brother, Lank. Sergio Love said he was robbed at gunpoint and forced to the ground by Notoriano.

Notoriano, 42, is charged with six offenses, one count of each armed robbery, felony firearm, unlawful imprisonment, ethnic intimidation, felonious assault and willful neglect of duty and willful failure to uphold the law.

Pomeroy, 48, faces five charges, one count each of unlawful imprisonment, larceny of a weapon, felony firearm, willful neglect of duty and willful failure to uphold the law.

The development in the case prompted Assistant Wayne County Prosecutor Christine Kowal to announce plea-deal proposals to both defendants, who quickly rejected them.

“We’re going to trial if the judge doesn’t dismiss the rest of the case,” Rataj said.

The plea deal offered to Notoriano was for him to plead guilty to unlawful imprisonment, ethnic intimidation and failure by an official to uphold the law. His sentencing guidelines would require a sentence between three and six years in prison. For Pomeroy, he would plead guilty to unlawful imprisonment and failure by an official to uphold the law. His sentencing guideline range would be lower, 19 to 38 months in prison.

In both deals, the men would have to rescind their police officer certification and pay restitution.

Judge Callahan also issued a pre-emptive warning against attorneys in the case, referring to the contentious January preliminary examination in front of Judge Joseph Baltimore in 36th District Court in Detroit.

Judge Callahan noted the “combative” nature of exchanges between Rataj and Kowal, and warned the attorneys that kind of behavior will not continue in his courtroom in Wayne County Circuit Court in Detroit. He said he will not hesitate to jail one of them for contempt of court.

“Let me be clear to the lawyers,” he said. “I will no doubt throw you in jail. The behavior that occurred in front of Judge Baltimore, I will not tolerate. It will be met with jail time. I am not messing around.”

He said he also does not allow lawyers to interact with each other “while on the record.”

Kowal handed over compact disks of evidentiary material to the defense attorneys.

The judge scheduled a May 14 hearing to listen to arguments regarding defense attorneys’ motions to dismiss the remaining charges.