

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE
CRIMINAL DIVISION**

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,
vs.

Case No. 12-001086-FC
Hon. Nicholas J. Hathaway

ANTON T. BLEVINS,

Defendant.

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**DEFENDANT'S SUCCESSIVE MOTION FOR RELIEF FROM JUDGMENT
AND FOR EVIDENTIARY HEARING BASED ON
NEWLY DISCOVERED BRADY EVIDENCE**

By and through his counsel, LAW OFFICE OF MICHAEL R. DEZSI, PLLC, Defendant ANTON BLEVINS, hereby files his instant Successive Motion for Relief from Judgment under MCR 6.508 based on newly discovered *Brady* evidence.

This case involved charges for a shooting death that occurred on the evening of May 5, 2011, following a melee between two groups of men outside Club Envy in downtown Detroit. The scene of the shooting was chaotic and the trial testimony was deeply conflicting as to the events. At trial, the prosecution told the jury, "[t]his is an old school case; we don't have video surveillance. I wish we did." TT 2/21/13, pg 35. The officer-in-charge, Derryck Thomas, also testified at trial that he, "along with [his] crew" they went to Club Envy to see if there was any

video, “that showed anything regarding Club Envy,” to which Thomas responded, “No . . . I’m not that lucky enough to get any.” TT 2/20/13,k pg 88). Defendant has recently discovered that these representations by both the prosecutor and the officer-in-charge were false.

Defendant recently obtained a sworn Affidavit from the then-manager of Club Envy, Orlando Gordon, who attests that he was interviewed by detectives from the Detroit Police Department and that he did, in fact, have surveillance video depicting the shooting and that he watched the video with the detectives after which the detectives took possession of the video tape of the shooting. (**Ex B**). Gordon’s Affidavit further details what he saw when he viewed the video tape with the detectives and further attests that, “[w]atching the video, I could see the suspects/shooters take off running in the direction of a white Chevrolet Malibu or Impala which they fled in.” **Ex B**, ¶ 9. Gordon’s Affidavit makes clear that the officer-in-charge of the case lied on the stand, and the prosecutor later claims, falsely, that there was no video surveillance of the shooting. The defense was completely unaware that there was, in fact, video surveillance of the shooting (**Ex C**).

Defendant now files his instant Successive Motion for Relief from Judgment under MCR 6.500 *et seq* based on the prosecution’s deliberate suppression of *Brady* evidence. Defendant is thus entitled to a new trial. In further support of his motion, Defendant submits the accompanying brief.

Respectfully submitted,

Dated: August 4, 2026

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BRIEF IN SUPPORT OF DEFENDANT’S MOTION FOR RELIEF FROM JUDGMENT

I. FACTS

Defendant was tried before a jury and convicted on February 22, 2013, of one count of second-degree murder, six counts of assault with intent to do great bodily harm less than murder, and one count of possession of a firearm during the commission of a felony, for his alleged involvement in what is widely referred to as the “Wayne State shooting.” He was sentenced to 30 to 60 years’ imprisonment for the second-degree murder conviction, 5 to 10 years’ imprisonment for each AWIGBH conviction, and 2 years’ imprisonment for the felony-firearm conviction (Register of Actions, Ex 1).

The facts of the underlying incident are generally undisputed. On the evening of May 5, 2011, a group of seven young men—Carlos Spearman, Courtney “Cortez” Smith, DeMario Drummond, Philip Knott, Raleigh Ross, Zachary Easterly, and Raymond Malone—met downtown outside Club Envy, to celebrate Spearman’s college graduation. Some of the young men, including Smith, were football players at Wayne State University. Several of the young men had been drinking, and Spearman was so intoxicated that the group was not permitted to enter Club Envy. The group left the line outside Club Envy and started off toward another club or coney island to wait for Spearman to “sober up.”

As they walked, Easterly fell behind in order to relieve himself in an alleyway. Easterly was approached by a couple of strangers who were upset that Easterly might be urinating on one of the stranger’s car. Easterly’s friends turned when they heard the commotion and returned to assist. Several other individuals also joined the group of strangers, and a scuffle ensued. There is some dispute over the number of individuals in the group of strangers, the occurrence and amount of physical altercation, and exactly how a weapon was introduced into the fray. However, it is

undisputed that one of the strangers produced a handgun (from his waistband or from another individual in his group) and started shooting.

The first shot ricocheted off the ground, hitting Spearman in the knee and sending him to the ground. Six or seven more shots were fired and, as both groups quickly dispersed, “Cortez” Smith was shot and killed.

Officers reported to the scene at around 12:20 a.m. on May 6, 2011, - within one half hour of the shooting. According to one officer, the scene was, “kind of out of control.” (JT 02/14/13, p 25.) There were few witnesses, as most individuals fled when shots were fired. Each of the young men in Smith’s group was interviewed that night, and none of them could identify any of the men in the other group. Several of the young men attempted to describe the shooter. The homicide team recorded a composite description of two individuals in its official report:

#1 B/M/21-22yrs/5’6”/120lbs/dk complex/armed with a blk and gray hand gun 2

#2 B/M/23yrs/6’2”/skinny/light complex/ armed with unk type hand gun [Homicide Scene Report, Ex 2.]

Officer-in-Charge (“OIC”), Derryck Thomas, would later testify at Blevins’ Trial that there were no immediate suspects after the crime, and the police asked the public for leads (JT 02/20/13, p 89). Oddly, two eyewitnesses, Latisha Higgins and Ron Banks, were listed on DPD Incident Reports but were never interviewed by homicide detectives (Incident Reports, Ex 3). Somehow, however, the officers received enough information to conduct several line-ups before Quintin King was arrested on June 8, 2011 (JT 02/20/13, p 90.)

Blevins was not a suspect until after King’s arrest, although there was no evidence presented at trial that would indicate the two knew each other. Blevins was first presented to witnesses in a photo line-up on June 10, 2011 (*Id.*, p 91). After that, investigation of other possible suspects

ceased. Blevins was charged identical to King, with one count of first-degree premeditated murder, six counts of assault with intent to murder, and one count of felony-firearm on June 14, 2011 (Felony Information, Ex 4).

A. Alternative Suspect Allante “Tay” Moseley.

Allante Dale Moseley, who later became a person of significant interest in this case, was charged and pled not guilty to carrying a concealed weapon and an attempt crime on March 14, 2011 (Ex 6.)

OIC Derryck Thomas, along with ATF Agent, Stan Brue, interviewed Moseley on December 12, 2011 (Ex 7). It was not the pending CCW case they were interested in. The 45-minute interview started when Thomas asked Moseley, also known as “Tay,” what he was in for. Moseley stated: “I have a CCW but (inaudible) about this murder case . . . I was not involved into it . . . I was there . . . I even tried to stop it.” (Moseley Interview Transcript, Ex 8, p 1.). Thomas tells Moseley that he’s not interested in the CCW, but, “somebody called me and said you might know about something else because they want to work with you trying to get your shit taken care of.” (*Id.*, p 2.) Thomas reiterated that he was speaking to Moseley, “So we can all be on the same page.” (*Id.*, p 2.)

Thomas questioned Moseley about Quintin King (“Q”) (*Id.*, p 2.) Moseley said he knew “Q” because Q killed his best friend, Reon, “because they think he was going to snitch on ‘Q’ if he ever got caught or whatever[.]” (*Id.*, p 3.) It soon became clear that Reon’s was not the “murder” Moseley had initially referenced.

Officer Thomas: So, you said you were down there the night this happen.

[*Moseley*]: Yes Sir!

Officer Thomas: Tell me about this and . . . and let me back all the

way up . . . what happen that yall was down there? . . .how did yall . . . what was the reason yall went down there? . . . before that even happen.

[*Moseley*]: Me and Reon was in Reon truck we came down there on our own tip . . . you feel me . . . we were about to go to the club Envy . . . we know damn near everybody Reon been getting his money he's been fucking with them pills and shit and now he's dead . . . you feel me. [*Id.*, p 7.]

Moseley then explained that after he and Reon got to Club Envy, "Q" and another individual, a "light carmel skin dude had a tattoo on his neck," pulled up in a gray Focus (*Id.*, p 8-9). Moseley says that, "Q" had a "45 glock" in his lap and asked Moseley to help him get the gun into the club (*Id.*, pp 11-13).

Moseley says that after they were near Q's car, an individual named, "Antoine," who Moseley called "DeKondi" (apparently referring to Blevins) pulled up in a Grand Prix. (*Id.*) DeKondi, who was with another guy that Moseley did not know, called them over (*Id.*, p 15). They stood around DeKondi's car drinking for a minute and then DeKondi asked Q to help him pass out flyers. Moseley offered to help too and said he and DeKondi went one way and Q went the other, handing out the flyers. (*Id.*, pp 16-18.)

Moseley claimed that Q got into an argument with "some dudes" and then, "it's some more dudes coming around the corner . . . like they want to fight." (*Id.*, p 19.) According to Moseley, DeKondi tried to calm everyone down, but, "the boy who rode with Q" hit one of the other boys and then a "commotion" broke out (*Id.*, p 21). Q ran back toward the Focus, and Moseley and DeKondi ran after him. DeKondi was trying to stop him. "Him and Q was arguing about the gun or whatever DeKondi snatched it from him . . . he shot at the ground." (*Id.*)

Moseley says that, at that point, 12 individuals, "who didn't get scared or nothing" start moving in on them. Q snatched the gun back from DeKondi, who was still trying to get Q to stop

what he was doing. (*Id.*, p 23.) Once Q had the gun, DeKondi started backing up because, “he just know that he was going to start shooting.” Then Q started shooting. (*Id.*, p 24.)

Moseley said that he and Reon ran: “once he was shooting he was there by himself man. ‘Q’ was right there.” (*Id.*, p 25). Reon called him the next day and said that Q was all “around the hood telling everybody that he shot somebody.” (*Id.*, p 26.) The day after, according to Moseley, Reon, “got killed because ‘Q’ got locked up.” (*Id.*) Moseley described Reon as, “light skin short like me.” (*Id.*, p 35.)

Thomas asked Moseley, “So if this guy saying that . . . uh . . . you the shooter it aint him he be lying,” and Moseley responded, “Yes Sir, he will . . . ‘Q’ is the fucking killer man.” (*Id.*, p 27.) Thomas asks Moseley, “why would he put your name in all this shit here if he . . . if he . . . was telling it like that.” (*Id.*, p 28.) Moseley responded: “Because man, I swear to god . . . I think . . . he did that shit.” (*Id.*, p 29.)

Toward the end of the interview, Thomas asked Moseley, “So let’s talk about you and this CCW shit. How good a case is that? Is that good or is some . . . some . . . you can get out of it? You need some help?” (*Id.*, p 38.) Moseley responded, “I don’t want to be a snitch man,” but said he did need help. Thomas said he would look into it. (*Id.*, p 39.) Then Thomas questioned whether Moseley wasn’t involved himself:

Officer Thomas: And I don’t know why this boy put your name in it . . . you look like him . . . I aint going to lie about it.

[*Moseley*]: I know I do

Officer Thomas: You know what I mean?

[*Moseley*]: But I don’t look like him tho.

Officer Thomas: Well if I was to put yall.

Officer Brue: When I first looked through the window I said dam

[sic] that him.

Officer Thomas: But somebody can mistake you for him.

Officer Brue: But somebody can mistake you two. [*Id.*, pp 41-42.]

Finally, at the interview's conclusion, Thomas reiterated that it is Moseley's cooperation that he was looking for: "You keep your word . . . and what you telling me is true . . . cause I don't want to . . . cause 'Q' is in custody . . . **and if you did it . . . you did it . . .** you know what I'm saying . . . **as long as we are on the same page . . .** alright." (*Id.*, p 51.)

On April 25, 2012, while Moseley was housed at the Wayne County Jail, he provided a brief statement to Cpl. Mitchell who wrote in his notes that he was asked by "Sgt Twinn" to write up a report after Moseley told a psychologist about information concerning a crime. (04/25/12, Ex 9.) The statement was different than in the interview, and better fit the prosecution's theory of the case.

In the statement, Moseley claimed that he was picked up by his friend, "Reon" and went to the club, where they met King and Blevins. Moseley stated that King had a gun, and, "Anton Blevins asked to hold it while we passed out some party flyers." Moseley said that there was a fight and that Blevins shot at the ground before handing the gun to King, who "shot the football player" before getting in a car with Blevins and driving away. Although it is unclear who he was referring to, Moseley then stated, "he then paid me not to tell on him that's why I didn't tell everything the first time." (*Id.*)

Then, between June and September 2012, Moseley began sending Blevins letters recanting his statement and explaining that he had lied because, "I heard y'all was saying I did it" and, "they told me if I said y'all did it that I would go home." Moseley insisted that Blevins should send an attorney so that he could set the record straight. (Ex 10.)

On August 3, 2012, Moseley sought out Corporal DeGasperis, claiming, “**I need to confess to a murder.**” (DeGasperis Report, Ex 11.) At the time of trial, it was unclear whether Moseley had provided another statement.

The letters continued, with repeated requests for Blevins to send an attorney to talk to Moseley. In a letter dated August 20, 2012, Moseley explains, “the only reason I made up that fake statement is because **somebody snitchin on me** they charge me with first degree murder.” (Ex 10.) Moseley pleads with Blevins to, “tell Q to stop speaking on me . . . **starting when the police came to my house looking for me for murder. He gave them my name.**” (*Id.*) Moseley again stated that he wrote the statement implicating Blevins because, “you wouldn’t write me back so I figured you was snitchin to [sic].” (*Id.*) In another letter, dated August 23, 2012, Moseley reiterates: “I told you I thought yall niggas was snitchin on me so I made a statement.” (*Id.*) In his final letter to Blevins, dated September 20, 2012, Moseley again asked to speak to Blevins’ attorney, and gushed “and they didn’t charge me with the murder my lawyer got that quashed on Friday.” (*Id.*) Included with this last letter is a handwritten statement recanting his implication of Blevins in the shooting. (*Id.*)

Blevins, who was also housed at the Wayne County Jail, discussed the letters with his attorney (Blevins Aff, Ex 12). Blevins also informed counsel that he had been approached by Corporal DeGasperis who had explained that he, “knew something about [Blevins’] case regarding Allante Moseley” and asked Blevins to have his attorney get in contact with him. (*Id.*) Trial counsel told Blevins not to worry about what DeGasperis had said, because the prosecution would not “use” Moseley. (*Id.*)

Moseley was named on the prosecutor’s Witness List. (Ex 13.) However, despite his own admission that he had been at the scene, Moseley was never presented to any of the other witnesses

as part of a photo array, (JT 02/20/13, pp 102, 105), and he was not called to testify at Blevins' Trial. According to Officer Thomas, Moseley was never considered a suspect. (*Id.*) Although he now admits, "[t]he endorsed witness Allante Moseley was a person of interest in this case who may or may not have been present at the scene," Fishman did not attempt to interview Moseley or investigate his claims. (*Id.*)

B. The trial of Blevins and King

In February 2013, Blevins was tried before a jury along with codefendant King. The prosecution's theory was that King had been the one to fire the shots that wounded Spearman and killed Smith. The charges against Blevins were brought under an aiding-and-abetting theory based on the theory that Blevins had initially displayed a handgun and then handed it to King before shots were fired. The defense theory brought forth by Blevins' counsel was that although Blevins had been at the scene, he had not been the man who handed the gun to the shooter (JT 02/13/13, p 32). There was no physical evidence connecting Blevins to the gun, the scene, any of the victims, or even codefendant King.

The officer-in-charge, Derryck Thomas, was asked directly at trial if he had attempted to locate and secure any video recordings of the shooting:

Q – Was there any video that showed anything regarding Club Envy?

A – No . . . I'm not lucky enough to get any.

Q – Did it show anything out of Club Envy that night?

A – Nothing. I think we had one video that showed the door of Club Envy but not the actual scene. It looked down at the door. So you see the top of the patrons' heads, but nothing of . .

Q – So we don't have any video to show the jury, correct?

A – No, I don't.

TT 2/20/13, pg 88-89 (direct questioning of Officer-in-Charge Derryck Thomas)(**Thomas's representations at trial now appear false in light of the newly discovered *Brady* evidence presented herein**).

Each of the young men with Smith on the night of the incident—Easterly, Malone, Ross, Spearman, Drummond, and Knott—offered testimony about the shooting and their involvement, if any, in the subsequent investigation. Each witness's version of events was starkly contrasted by the others.

At trial, Easterly testified that everyone except for him and Smith was drinking on the night of the incident (JT 02/19/13, p 129). He said that after they were denied access to Club Envy, he decided to relieve himself by a trashcan. He was confronted by one person while he was finishing up, but Easterly walked away. When he rounded a corner, two men approached him—one of whom he identified in the courtroom as King. (*Id.*, pp 93-94.) According to Easterly he was punched in the face by King. Four or five individuals came back from the parking lot, and Easterly saw a “light skinned guy” with a silver handgun. Easterly looked at the guy's face for about 30 seconds before the light-skinned guy started shooting. (*Id.*, pp 98-101.)

According to Easterly, who had had the greatest amount of time to observe this group of strangers, King was part of the shooter's group but was not the shooter. Easterly did not recognize Blevins at all. When he was asked to participate in a line-up on June 10, 2011, he had not identified Blevins then either. (*Id.*, pp 105-110.)

At the scene, Easterly had described the individual that punched him during the confrontation as “early twenties, five foot eight, with a medium build and red hoodie.” (*Id.*, p 107.) He did not say this individual had a gun or fired shots at any point, and he described the shooter as “light skinned.” (*Id.*, pp 109-10.) Easterly's description of the incident did not include an account

that anyone lifted their shirt and produced a gun (*Id.*, p 111).

According to Malone, “when we all approaching to go fight . . . that’s when the guy that the defendant was with showed us the gun, and that’s when we all backed up.” (*Id.*, p 162.) Malone identified Blevins as the man with the gun and said it, “looked like” Blevins passed the gun to King. Then King started shooting (*Id.*, pp 163-64). Malone did not see anyone leave the group and return (*Id.*, p 176). He never saw anyone other than King fire shots and did not testify to any shots being fired into the ground.

Malone gave a statement on the night of the incident and participated in later lineups. Malone identified King as the shooter in a lineup on June 2, 2011, and Blevins as, “the guy that handed him the gun,” on June 11, 2011. (*Id.*, pp 168-74.) At trial, Malone admitted that immediately after the incident he had told the officers he did not see anyone pass the gun. When he identified Blevins in the second lineup, he “was making an assumption.” (*Id.*, pp 177, 181-82.)

Ross says he then saw a dark-skinned man, who he indicated was King, “with a gun by his waist.” Ross identified Blevins as another individual in the group but said he did not see the gun in anyone’s waistband or passed from one person to another. (*Id.*, pp 203-204.) Ross then saw the man he identified as King lift the gun and start shooting (*Id.*, pp 207-209).

Ross gave a statement on the night of the incident. He participated in multiple lineups but never identified King. On June 10, 2011, Ross identified Blevins in a photo lineup, explaining, “I seen him at the scene with the group.” (*Id.*, pp 210-12.) When asked about Blevins, Ross testified, “I didn’t see him do anything other than stand there.” (*Id.*, p 218.) Like Malone, Ross never testified about anyone firing shots at the ground.

Spearman was “incoherent” and appeared to be intoxicated when Officer Bryson attempted to interview him at the scene (JT 02/14/13, pp 37-38). Spearman did not know how the shooting

started. Spearman was shot in the knee, but did not see who shot at him (*Id.*, pp 79-80). Spearman was never asked to participate in a lineup (*Id.*, pp 80-81.)

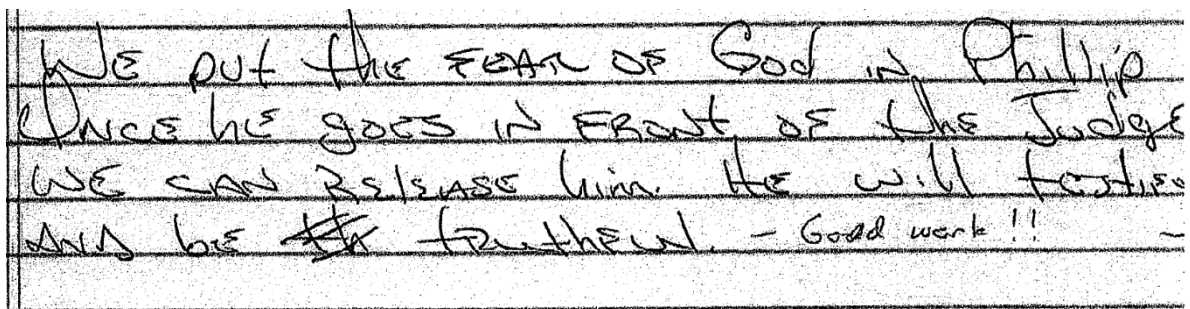
Drummond testified he heard Easterly cry out, and then saw two men approaching him (JT 02/20/13, pp 12-14.) He identified King as one of the guys and the other one as lighter skinned. Drummond said the man he identified as King punched Easterly in the face. (*Id.*, pp 12-14.) Drummond ran back, they tussled, and then about four more guys were coming around the corner. According to Drummond, Blevins pulled out a gun and yelled a warning, then handed the gun to King, who opened fire. King's first shot went at a downward angle, and the rest into the crowd. (*Id.*, pp 19, 22-24.)

Drummond claimed his in-court identifications were 100% positive (*Id.*, p 39). However, on cross-examination, it was revealed Drummond had positively identified a non-suspect in a photo lineup on May 9, 2011 (*Id.*, p 58-60). Then, on May 23, 2011, he identified King and another individual as looking like the shooter and admitted his identification must not have been 100% accurate. (*Id.*, pp 62-63.) Drummond did not identify Blevins in a photo lineup but identified him as the man who passed a gun to the shooter for the first time at Blevins' January 2012 preliminary examination (*Id.*, p 72).

Knott testified after Easterly left the group to relieve himself, he heard a commotion and turned to see Easterly up against a wall cornered by two or three people. Knott saw Easterly punched in the face by a "dark skinned, kind of shorter, small dude. (JT 02/19/13, pp 21-22, 35-36.) After a scuffle, a "skinny light-skinned guy, had braids, about six one, six two," pulled out a gun and addressed Smith, "Tez" by his nickname, attempting to deescalate the situation. Then, the guy who had punched Easterly and disappeared came back and pointed a gun at Knott before firing at him and his friends. (*Id.*, pp 23-29, 38.) Knott's account is the *only* account that suggests there

was more than one gun involved (*Id.*, p 43).

During trial, Knott identified King as the individual who had punched Easterly and then fired the shots and identified Blevins as the second individual with a gun (*Id.*, pp 22, 26). This was his first identification of either defendant, almost two full years after the shooting, because Knott had refused to cooperate in the investigation and had not shown up for the preliminary examination (*Id.*, pp 32-33). However, Knott claimed he was 100% certain that both Blevins and King were there, Blevins had not fired any shots, and King was the shooter (*Id.*, p 53). Relative to Knott, Defendant recently obtained handwritten notes from the investigative file stating, “[we put the fear of god in Phillip [Knott] Once he goes in front of the Judge we can release him. He will testify and be truthful – Good work!!” (Ex E)(emphasis added). This handwritten note serves as additional newly discovered *Brady* evidence upon which Defendant seeks relief in the instant motion.



WE put the FEAR OF God in Phillip
Once he goes in front of the Judge
WE CAN release him. He will testify
and be truthful. - Good work !! -

In sum, of the six witnesses to the shooting, no two witness accounts are consistent. Spearman did not remember anything. Easterly could not place Blevins at the scene at all, and Ross testified Blevins was in the opposing group but had not displayed or passed a gun. Knott identified the two black men at the defendants' table, seen for the first time two years after the incident. Inconsistent with any other testimony, he said both men had guns but only King had fired his. Only Drummond and Malone testified Blevins displayed a gun and then passed it to King. However, on the night of the incident, each told the police the man who passed the gun was very skinny (Blevins weighed 245 pounds.)

The sole defense tactic at trial was to attack the credibility of the eyewitness testimony through cross-examination. It was elicited that it had been very dark outside, (JT 02/19/13, p 9), and all the eyewitnesses had been intoxicated and/or in an extremely emotional state. None of the witnesses' initial scene descriptions matched Blevins.

Moseley was mentioned briefly during the trial. In his opening statement, Fishman told the jurors that in December 2011, the police came into contact with Moseley and, "I'm suggesting to you that when you hear this entire case, you're going to have a sneaking suspicion that they had come in contact with the right shooter." (JT 02/13/13, p 76.) He told the jurors they would hear testimony that investigating officers thought Moseley and King looked like brothers and explained that the similarity coupled with the police failure to place Moseley in any lineups raised questions about the thoroughness of the investigation (*Id.*, pp 76-77).

No mention was ever made of Moseley's attempted confession or the letters he sent to Blevins and Moseley did not testify at trial. Testimony regarding Moseley was limited to that regarding his "voluntary" coming forward to report the crime and his similarity to King. OIC Derryck Thomas was called to testify about the December 12, 2011, interview and a portion of the recorded interview was played silently so the jury could compare Moseley and King. (JT 02/20/13, pp 96-101.) Thomas testified that although Moseley admitted to being present during the shooting, he had never been a suspect and was not offered a deal for information (*Id.*, pp 97, 102, 105).

Blevins' counsel rested without presenting any witnesses (JT 02/20/13 (Second Transcript), p 8). During closing arguments, the prosecution argued that any mention of Moseley was a "red herring." (JT 02/21/13, p 122.). The prosecutor also argued to the jury. "[t]his is an old school case; we don't have video surveillance. I wish we did." TT 2/21/13, pg 35)(**as set forth herein, Defendant has recently uncovered evidence that the prosecution/detectives did, in fact, have**

video surveillance of the shooting and suppressed same from the defense(Ex F).

King was convicted as charged. Blevins was convicted of one count of second-degree murder, six counts of AWIGBH, and one count of felony-firearm.

After trial, King received a letter from an individual named DeQuan Todd, who had been housed at the Wayne County Jail awaiting trial on robbery charges from April 20, 2012, until he was acquitted on January 13, 2013 (Todd Aff, Ex 14; Todd ROA, Ex 15). During that time, Todd and Moseley were housed in the same unit. Moseley admitted to Todd that he, and not Quintin King, was the shooter of the Wayne State University football player. (Ex 14.) Moseley also told Todd that **Blevins was not involved and had never passed Moseley the gun.** (*Id.*) According to Todd, Moseley told him who had passed the gun, but, “I forget the name of the person he said passed him the gun. He told me that person had tattoos.” (*Id.*) Blevins does not have any tattoos. Later, at a postconviction hearing, Todd would testify Moseley said something about the altercation taking place outside a club, and, “I think he said somebody pissed on something.” (EH 01/27/14, p 120.) Because Todd was in jail at the time, he did not know how to contact anyone. When Todd was released, he wrote to King, who informed his attorney and counsel for Blevins. (Ex 14.)

Todd’s statements were corroborated by DeGasperi’s report that Moseley attempted to confess to a murder (Ex 11). Todd’s statement that Moseley had knowledge that the altercation occurred because “someone pissed on something” was credible because Todd was not familiar with the circumstances of the Wayne State shooting and proved Moseley did have direct knowledge of the situation. Todd’s statement exonerated both King and Blevins, and Todd had no conceivable motive to fabricate the confession.

Todd’s account is further supported by Wayne County Jail Incident Reports, which show Todd was moved to Unit 204, the housing unit where Moseley was lodged, on August 29, 2012,

and Todd and Moseley were housed together through September 2012. (Todd Incident Reports, Ex 16). Moseley's alleged confession to Todd temporally coincided with his letter-writing campaign to Blevins and his request to Corporal DeGasperis to "confess to a murder." (Ex 10; Ex 11.)

On March 17, 2013, Blevins filed a direct appeal with the Michigan Court of Appeals. With his appeal pending, Blevins also filed with the trial court a Motion for a New Trial and an Evidentiary Hearing was held over several days starting on January 27, 2014.

Trial counsel, Steve Fishman, testified at the post-trial hearing that the name, "DeQuan Todd" meant nothing to him, although he had a vague memory of an inmate having information but thinking he was "not too sure about this guy." (*Id.*, p 39.) Todd testified consistent with his Affidavit as described above. Todd said he met Moseley in jail and was present when a group of people were accusing Moseley of being a snitch with regard to the Wayne State shooting. Moseley responded that he could not be a snitch against himself. According to Todd, Moseley also revealed the name of the person who passed him the gun during the shooting and that name was not Anton Blevins.

Counsel for King, Nijad Mehanna, testified he had heard of DeQuan Todd from his client two days before trial, and knew Todd had information relating to the case. Directly contradicting Fishman's testimony, Mehanna said he told Fishman about the information and Fishman said the testimony wouldn't be credible. Neither attorney interviewed Todd, and by the Evidentiary Hearing, Mehanna could not even remember what information Todd was supposed to have. (*Id.*, pp 176-178.)

At the Hearing's conclusion, Judge Kenny denied Blevins' Motion for a New Trial, with reasons stated on the record (EH 06/02/14).

The Court of Appeals affirmed Blevins' convictions in a 2-1 decision. *Blevins*, 314 Mich

App 339. Judge Shapiro dissented and concluded a new trial was merited. The Michigan Supreme Court later denied Defendant's Application for Leave to Appeal. *People v Blevins*, 501 Mich 967 (2018).

C. Newly Discovered Evidence presented in Defendant's *prior* Motion for Relief from Judgment.

Following his trial and conclusion of his direct appeals, Blevins discovered significant new evidence in support his claims of ineffective assistance of trial and appellate counsel and to support his assertion of actual innocence. The newly-discovered evidence includes: (1) an affidavit of trial counsel, admitting he did not interview any witnesses prior to Blevins' trial, except for Corporal DeGasperis; (2) an Affidavit of DeGasperis, which states neither Fishman, nor anyone from Fishman's office, ever contacted him; (3) exculpatory Affidavits from witnesses Kimberly Jones and Gerard Cannon; (4) a second statement from Moseley taken before Blevins' trial; (5) a March 21, 2012 Agreement for Special Consideration between the Wayne County Prosecutor's Office and Moseley; (6) jail phone call records of Moseley indicating that on March 19, 2012, he told his family, "this week I'm coming home for good"; and, (7) statements made by Drake Deonte Dodson-Williams and Romello Mitchell regarding the arrest of Moseley, taken by homicide detectives working the Wayne State shooting.

On April 17, 2019, Defendant filed his first Motion for Relief from Judgment on the basis of the newly discovered evidence set forth above, ineffective assistance of trial and appellate counsel, the violation of his Fourteenth Amendment rights at trial, cumulative error pursuant to *People v Johnson*, 502 Mich 541 (2018), and actual innocence.

D. Trial Court Opinion Denying Defendant's Motion for Relief from Judgment

On August 6, 2024, the trial court issued its Opinion and Order denying Defendant's Motion for Relief from Judgment. The trial court concluded, "[a]ssuming the documents Defendant claims

are newly discovered evidence [that] could not have been raised on direct appeal, this Court will consider the merits of each claim[.]” (**Ex A**, Opinion, pg 7)(citing MCR 6.508(D) and *People v Cress*, 468 Mich 678, 692 (2003)).

As to the Affidavit of Gerard Cannon, the trial court found Cannon’s Affidavit was not newly discovered because, “if Cannon was with Blevins at the scene of the incident, Defendant certainly would have known about Cannon’s potential testimony prior to trial.” The trial court further found, even assuming Cannon’s Affidavit was newly discovered evidence, such testimony “would not make a different result probable on retrial.”

The trial court reasoned, “[t]he only difference [in Cannon’s affidavit] is the identification of the shooter and the aider and abettor, and Cannon implicates a deceased individual rather than Cannon’s own friend, Blevins.” “Considering the totality of the circumstances, the certainty of the identifications made at various showups and at trial, and the aggressive cross-examination of the witnesses, Cannon’s testimony would not make a different result probable on retrial.” **Ex A**, Opinion, pg 7

The trial court also rejected the Affidavit of Kimberly Jones reasoning, “[c]redibility is questionable where Jones claims she recognizes an online picture of Blevins as a person she had a very brief encounter with over six years earlier. Investigation by the AG’s CIU reveals additional concerns with Jones’ credibility.” **Ex A**, Opinion, pg 8.

As to the Moseley Agreement for Special Consideration discovered after trial, the court noted the agreement was not signed, “Defendant has not shown there was an agreement, only that an agreement was drafted and considered.” The court further found even if there was an agreement, it would not have made any difference at trial because, “Moseley did not testify” and because, “other witnesses testified consistently with Moseley’s first statement[.]” **Ex A**, Opinion, pg 8.

The trial court also rejected Defendant's reliance on Moseley's statement dated August 27, 2012¹ because, "Moseley's written statement that King was the only person who touched the gun does not comport with the multiple eyewitness' testimony that another man made a threat with a gun prior to King shooting." Pointing to the prior Court of Appeals 2-1 decision affirming Defendant's conviction and sentence, the trial court noted, "[a] new trial is not warranted for these reasons, and for the same reasons found by the trial court and Court of Appeals." *Id* at pg 9.

The trial court also rejected the statements of Romello Mitchell and Drake Dodson-Williams as a basis to grant Defendant's motion. The court reasoned, "[e]ven if 'Tay' is Allante Moseley and even if he and Quinton King were arrested together, that does not conflict with eyewitness testimony of what occurred at the shooting, nor weaken the credibility of the officer-in-charge or any other witness."

The court next rejected Defendant's Due Process claim based on the allegation the officer-in-charge provided false testimony regarding whether any special consideration was given to Moseley. The court found that even if there was an agreement between the prosecution and Moseley, "it is unlikely that this alleged inaccuracy in the officer's testimony would have affected the judgment of the jury." *Id* at pg 10. The court also rejected Defendant's *Brady* claim arising from the suppression of Moseley's Agreement for Special Consideration finding that the agreement was not "favorable" to the defense. *Id* at 11.

As to Defendant's claims of ineffective assistance of trial counsel, the trial court rejected such claims finding that these claims were raised, or could have been raised, in Defendant's prior Motion for New Trial that was heard and rejected by the trial court in 2014. The trial court similarly

¹ It should be noted there is no statement by Moseley dated on or about August 27, 2012, and to the extent the trial court previously noted otherwise, the trial court was factually incorrect.

rejected Defendant's claims that appellate counsel was ineffective for failing to raise the Cannon Affidavit or the Moseley Statement, despite the fact that such documents were contained in the file of appellate counsel. Having found that neither Cannon's Affidavit nor Moseley's Statement would have made any difference at trial, the court found that appellate counsel was not deficient for failing to raise such issues.

Ultimately, the trial court denied Defendant's Motion for Relief from Judgment and both the Court of Appeals and Michigan Supreme Court denied Defendant's Applications for Leave to Appeal.

E. Defendant's instant Successive Motion for Relief from Judgment based on newly discovery *Brady* evidence related to the suppression of the video surveillance of the shooting.

Recently, Defendant obtained a sworn Affidavit from the then-manager of Club Envy, Orlando Gordon, who refutes, entirely, the prosecution's assertion that there was no video surveillance video of the shooting (**Ex B**). According to Gordon, he managed Club Envy in 2011 and that, "detectives came to Club Envy to request the premises' surveillance footage. The detectives did not present a search warrant or subpoena to view the footage." Ex B, pg 1, ¶ 3-5. Gordon further attests as follows:

6. I was present when detectives viewed the video while still at Club Envy. []
7. The quality of the video was clear. However, the angle and placement of the cameras showed the images at a distance.
8. Due to the angle and position of the cameras, a viewer would not be able to clearly see details such as distinct facial features or special markings such as tattoos or piercings. At most, a viewer would be able to see clothing and possibly an individual's height.
9. Watching the video, I could see the suspects/shooters take off running in the direction of a white Chevrolet Malibu or Impala which they fled in.
10. While I was unable to see distinct features of the people running, I could

tell they were three Black men with medium brown complexions; of medium build; and one man was taller than the other two men.

11. []

12. []

13. []

14. The video did not have sound; however, I was able to see the shooting. I do not recall seeing muzzle flashes or how many shots were possibly fired.

15. After reviewing the video with me at Club Envy, on the same day, detectives took possession of the surveillance system's DVR. The DVR is the system's component that controls the cameras. DPD subsequently returned the equipment to Club Envy approximately four months later.

16. On 12/19/2025, I responded to a Facebook social media post that was created to raise awareness for this matter. The post implied that Blevins was wrongfully convicted in the shooting that happened near Club Envy. I responded to the post to share my firsthand information regarding the club's surveillance video that I viewed with investigating detectives.

Ex B, Gordon Affidavit, ¶¶ 6-16. Gordon's name appears in handwritten notes in other recently-obtained documents dated 5-6-11 (**Ex D**)(though it isn't clear why his name appears in the handwritten notes).² Another handwritten note by investigators recently uncovered contains the following cryptic entry about, "Envy Camera # 14" (**Ex D**). This new evidence thus reveals that the prosecution did, in fact, obtain video surveillance footage of the shooting from Mr. Gordon that was suppressed from the defense.

Defendant has also recently obtained a handwritten note from the investigating officers revealing that they threatened and/or coerced Phillip Knott to testify for the prosecution. **Ex E** ("We put the fear of God in Phillip [Knott] Once he goes in front of the Judge we can release him.

² These documents were obtained through a recent FOIA request in 2026 (**Ex F**). The defense asserts that these handwritten documents were also suppressed from the defense (**Ex C**, Fishman Affidavit).

He will testify and be truthful. **Good work!!**”(emphasis added).

Defendant now files his instant Successive Motion for Relief from Judgment under MCR 6.500 *et seq* based on the newly discovered *Brady* evidence relating to the suppression of the video surveillance that was obtained from Club Eny and never produced to the defense, and the handwritten note documenting that investigating officers threatened and/or coerced a witness.

II. DISCUSSION AND ANALYSIS

Subchapter 6.500 of the Michigan Court Rules provides for post-appeal relief from judgment in criminal cases. Because Mr. Blevin’s instant Motion is a successive motion for post-judgment relief, Defendant must first meet the threshold requirement of presenting, “new evidence that was not discovered before the first such motion.” MCR 6.502(G)(2).

Upon satisfying the threshold requirement of presenting “new evidence,” a defendant must next demonstrate entitlement to relief under MCR 6.508(D)(3) which, “by its own language, applies to successive motions.” *People v McSwain*, 259 Mich App 654 (2003).

MCR 6.508(D)(3)(b) provides that a court may not grant relief to a defendant, “if the motion alleges grounds for relief that could have been previously raised, unless the defendant demonstrates both good cause for failing to raise such grounds earlier as well as actual prejudice.” *People v Johnson*, 502 Mich 541, 565 (2018). Good cause is established by showing that some external factor prevented counsel from previously raising the issue.³ “Actual prejudice,” on the other hand, means:

³ It should be noted that MCR 6.508(D)(3) expressly provides, “[t]he court may waive the ‘good cause’ requirement . . . if it concludes that there is a significant possibility that the defendant is innocent of the crime.” As explained herein, Defendant is asserting his actual innocence, thus good cause should not be in dispute in this instance.

- (i) in a conviction following a trial, but for the alleged error, the defendant would have had a reasonably likely chance of acquittal; or,
- (ii) [omitted];
- (iii) in any case, the irregularity was so offensive to the maintenance of a sound judicial process that the conviction should not be allowed to stand regardless of its effect on the outcome of the case[.]

MCR 6.508(D)(3)(b)(i), (iii). Defendant asserts that he is entitled to relief under both subsections (i) and (iii) as set forth above.

Additionally, because Defendant’s newly discovered evidence was previously suppressed, the Court must also address, separate from the *Cress* standard, whether Defendant is entitled to relief under *Brady*. As our Supreme Court has made clear, “[t]hough *Brady* claims and *Cress* claims are often intertwined, trial courts must address each claim separately.” *People v Milton*, 506 Mich 999 (2020). Defendant’s claims are addressed separately below.

1. The police and prosecution violated Defendant’s Due Process Rights by suppressing and denying the existence of video surveillance of the shooting in violation of Defendant’s right to a fair trial under *Brady* and *Napue*.

Suppression-of-evidence claims are grounded in the Due Process Clause of the Fourteenth Amendment which requires that criminal prosecutions comport with fundamental fairness. *California v Trombetta*, 467 US 479 (1984). Moreover, it has long been established that the prosecution is prohibited from using false testimony to obtain a conviction. *Napue v Illinois*, 360 US 264, 269 (1959). *Napue* prohibits the prosecution from using false testimony to obtain a conviction and from allowing such testimony, even if unsolicited, “to go uncorrected when it appears.” *Melville v United States*, 457 Fed Appx 522, 527 (CA6 2012)(citing to and quoting *Napue*). In this case, the prosecution obtained and suppressed surveillance video of the shooting

and then lied about it at Defendant's trial.

The Fourteenth Amendment imposes a duty on the prosecution to disclose to the defense all material information in its possession, or in the possession of the police, that is favorable to the accused. *Brady v Maryland*, 373 US 83 (1963); *Kyles v Whitley*, 514 US 419, 437 (1995). Evidence may be favorable, "either because it is exculpatory or because it is impeaching." *Strickler v Greene*, 527 US 263, 281-82 (1999). *Brady* does not require the defendant to request favorable evidence; the state must disclose it regardless of any such request. *Kyles*, 514 US at 433. Failure to disclose *Brady* material requires a new trial if there is a "reasonable probability" that the suppressed information could have led to a different result at trial. *Kyles*, 514 US at 434.

Under Michigan law, the following three components establish a "true *Brady* violation:" (1) that the prosecution has suppressed evidence; (2) that such evidence is favorable to the accused; and, (3) that such evidence is material. *People v Chenault*, 495 Mich 142, 149-50 (2014). Importantly, our Supreme Court rejected attempts to include a diligence requirement into our State's *Brady* jurisprudence.

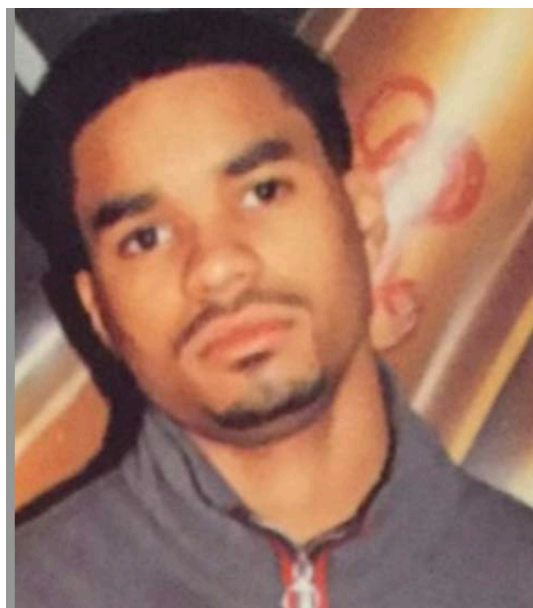
In order to establish materiality under *Brady*, a defendant must show, "there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different." *People v Abcumby-Blair*, 335 Mich App 210, 218 (2020). *Brady*'s materiality standard, "does not require demonstration by a preponderance that disclosure of the suppressed evidence would have resulted ultimately in the defendant's acquittal[.]" *Id* at 218 (quoting *Kyles v Whitley*, 514 US 419, 434 (1995)).

In determining whether suppressed evidence meets the materiality standard, the question is whether, in the absence of the suppressed evidence, the defendant, "received a fair trial, understood as a trial resulting in a verdict worthy of confidence." *Id*; see also *People v Christian*,

510 Mich 52 (2022)(MSC Dkt Nos 162354, 152355, and 152374)(reversing the trial court’s denial of defendants’ motions for relief upon a showing that the prosecution suppressed key *Brady* evidence that called into question defendants’ guilt).

Here, there should be no question that the suppressed video was both material and exculpatory insofar as it showed, “clothing and possibly an individual’s height.” (**Ex B**, Gordon Aff, ¶ 8). It also showed, “the suspects/shooters take off running in the direction of a white Chevrolet Malibu or Impala which they fled in.” *Id* at ¶ 9. According to Gordon, he was also able to discern that the shooter(s) were, “three Black men with medium brown complexions; of medium build; and one man was taller than the other two men.” *Id* at ¶ 10. Given the numerous conflicting descriptions of the shooter(s), presentation of this video to the jury could have created reasonable doubt as to Blevin’s involvement.

This is especially true given that Gordon’s description of the shooters’ complexions does not match Defendant. Gordon described the shooters as Black men with “medium brown complexions.” By contrast, Defendant has a very light complexion.



This is a photo of Defendant taken only days before the shooting. In this regard, Gordon’s Affidavit

is arguably exculpatory insofar as Defendant's complexion does not match the description that Gordon viewed from the suppressed video (**Ex F**).

On this point, it should be noted that on direct appeal one jurists aptly noted: "It is undisputed that this case turned exclusively on the jury's evaluation of eyewitness identification testimony." *People v Blevins*, 314 Mich App 339, 364 (J Shapiro, dissenting).

Given the import of the issue concerning identification, the dissent on direct review of Defendant's conviction concluded that Defendant was denied a fair trial based on trial counsel's failure to present an eyewitness identification expert. *Id* at 384 ("At least in cases in which the evidence of guilt consists exclusively of eyewitness identification testimony, a failure to request a special instruction regarding that evidence or to offer expert testimony describing generally accepted scientific findings about eyewitness memory constitutes ineffective assistance of counsel."). This rationale only further supports Defendant's assertion that the suppressed video tape is both material and exculpatory and could have resulted in a different outcome had it been presented to the jury.

Additionally, upon retrial the Officer-in-Charge, Derryck Thomas, would be wholly impeached by his prior (false) testimony that he wasn't "that lucky" to get any surveillance video of the shooting. Even assuming, *arguendo*, that the suppressed video evidence **may** not relate directly to Defendant's guilt or innocence, such evidence would have served as crucial impeachment evidence to contradict the testimony of the Officer-in-Charge. *See People v Grissom*, 492 Mich 296, 317-18 (2012)(holding, "impeachment evidence alone can be a sufficient basis for a new trial" if "there is an exculpatory connection on a material matter between a witness's testimony at trial and the new evidence."). This impeachment evidence, alone, could create reasonable doubt given that the Thomas perjured himself at the first trial. Based on this new

evidence, a jury could reject, entirely, the prosecution's theory of its case based on Thomas's false testimony.

Moreover, apart from the fact that Defendant, upon retrial, could effectively impeach Officer Thomas's prior (false) trial testimony, the suppressed video would also serve as valuable evidence that the investigating officers conducted a sloppy, inaccurate investigation by ignoring key surveillance video evidence. Michigan courts have consistently recognized that attacking the adequacy of a police investigation is a legitimate and important defense strategy. *People v Kennebrew*, 220 Mich App 601 (1996)(holding that defense attorneys commonly attack the thoroughness of a police investigation, including arguing that police conducted a sloppy investigation, as a legitimate trial strategy); *People v Skellett*, 2020 WL 1046697, *12 (Mich App 2020)(“Defendant was free to attack the adequacy of the police investigation in an effort to argue that deficiencies in the investigation undermined the weight and strength of the prosecution's evidence[.]”).

As set forth herein, Defendant's newly discovered *Brady* evidence reveals that investigating officers obtained video surveillance of the shooting, documented it, and then lied and denied its existence at trial. The prosecutor likewise denied the existence of any video surveillance of the shooting in his arguments to the jury. Moreover, it does not matter whether the prosecutor who tried the case had personal knowledge of the false/fabricated and/or undisclosed favorable information, because the prosecutor, “has a duty to learn of any favorable evidence known to the others acting on the government's behalf in the case, including the police.” *Kyles*, 514 US at 437; *see also Moldowan v City of Warren*, 578 F3d 351 (CA6 2009)(holding that while the prosecutor has the ultimate duty to make disclosure, the police have an equally important “*Brady*-derived” responsibility to turn over potentially exculpatory evidence to the prosecutor's office). Good or bad

faith is irrelevant, and, “the prosecution’s responsibility for failing to disclose known, favorable evidence rising to a material level of importance is inescapable.” *Id* at 437-38.

For the reasons discussed above, the suppressed video surveillance evidence was both material and exculpatory and there is a reasonable probability that, if disclosed, the outcome of Defendant’s trial would have been different.

2. Defendant was denied due process and a fair trial where the investigating officers engaged in impermissible interference and coercion of a witness.

In documents recently obtained through a FOIA request, Defendant also learned for the first time that investigating officers threatened and/or coerced Phillip Knox into testifying favorably for the prosecution. **Ex E and F.**

WE PUT THE FEAR OF GOD IN PHILLIP
ONCE HE GOES IN FRONT OF THE JUDGE
WE CAN RELEASE HIM. HE WILL TESTIFY
AND BE ~~THE~~ FATHER. - GODD WERE !!

Defendant asserts that the investigating officers’ actions constitute impermissible tampering and interference of a witness that denied Defendant his constitutional right to due process in violation of the Fourteenth Amendment and further violated his right to a fair trial under the Sixth Amendment. *Johnson v Bell*, 525 F3d 466 (CA6 2008)(noting that government conduct that rises to the level of substantial interference with a witness’s ‘free and unhampered determination to testify’ violates this right.”); *People v Canter*, 197 Mich App 550, 569-70 (1992)(“attempts by the prosecution to intimidate witnesses from testifying, if successful, also amount to a denial of a defendant’s constitutional right to due process of law.”); *People v Stacy*,

193 Mich App 19 (1992)(“Threats from law enforcement officers may be attributed to the prosecution.”).

Here, the record reveals that Knott never identified Defendant as the individual who passed a gun until two full years after the shooting. The record also establishes that Knott did not show up for the preliminary exam. Defendant only recently learned through the discovery of a handwritten note that the investigating officers “put the fear of God in Phillip [Knott][.]” Another officer, apparently with supervisory authority, seems to have commented “good work!!!” on the fact that they “put the fear of God in Phillip [Knott][.]” **Ex D.**

Such actions on the part of State serve no legitimate purpose other than to interfere and coerce a witness into cooperating with the prosecution. Such actions amount to a violation of Defendant’s constitutional rights. *See People v Harley*, 49 Mich App 729, 733 (1973)(“There is no question that interference, intimidation and threats by the prosecutor to a witness constitutes grounds for reversal, since such actions usually deprive the defendant of his right to a fair trial.”).

Upon retrial, Defendant could use this handwritten note to confront, (cross)examine, and/or impeach the investigating officers as to their misconduct and witness coercion. At a minimum, this newly discovered handwritten note could be used for impeachment purposes against both the officers and Knott. Upon presentation of this evidence, a jury could certainly find reasonable doubt especially when considered in conjunction with the suppression of the video surveillance.

For this reason, too, Defendant is entitled to a new trial.

3. Standard for reviewing newly discovered evidence under *Cress*.

Apart from Defendant’s constitutional claims under *Brady* (suppression of exculpatory/impeachment evidence) and *Napue* (allowing false testimony to stand uncorrected), Defendant is also entitled to relief under MCR 6.500 *et seq* and *Cress*. Under *People v Cress*, 468

Mich 678 (2003), a new trial is appropriate on the basis of newly discovered evidence if: (1) the evidence itself, not merely its materiality, was newly discovered; (2) the newly discovered evidence was not cumulative; (3) the party could not, using reasonable diligence, have discovered and produced the evidence at trial; and, (4) the new evidence makes a different result probable on retrial. *Cress*, 468 Mich at 692.

Here, there is no question that the suppressed video constitutes newly discovered evidence. Indeed, Defendant learned of the video through recent FOIA handwritten notes from the investigative officers as well as the recent obtained sworn affidavit of Orlando Gordon. Before then, Defendant was unaware that the prosecution had obtained video surveillance of the shooting especially since both the prosecutor and the Officer-In-Charge affirmatively denied at trial that any such video surveillance existed. Accordingly, the first three prongs of *Cress* are satisfied, and resolution of Defendant's instant Motion turns on the final prong – whether the new evidence makes a different result probable on retrial. For the same reasons set forth above, the court should answer this question in the affirmative.

4. Considered holistically, Defendant's new evidence makes probable a different result on retrial thus satisfying the fourth *Cress* factor.

The fourth prong of *Cress* requires the Court to consider all of the evidence – old and new – to determine whether there would be a reasonable probability of a different outcome upon retrial. *Grissom*, 492 Mich at 311 (courts in this situation are to consider, “whether defendant has a reasonably likely chance of acquittal in light of the newly discovered evidence and in light of the evidence presented against defendant...”).

Here, the court must now consider not only the evidence presented at Defendant's first trial, but also the ‘newly discovered’ evidence presented in Defendant's *prior motion* for relief from judgment, along with the newly discovery *Brady/Napue* evidence relating to the suppressed

surveillance video.

In his prior Motion for Relief from Judgment, Defendant submitted the Affidavit of Gerard Cannon, dated August 21, 2013 (Ex 18), that was discovered in the file of Defendant's appellate counsel, Elizabeth Jacobs (Ex 17). In it, Cannon avers that he was with Defendant on the evening of May 5, 2011, outside Club Envy passing out flyers with Moseley, King and two other individuals (Ex 18). According to Cannon, Reon pulled up his shirt to reveal a gun and said, "you all don't want none of this." Reon then fired a shot into the ground. Then, he passed the gun to Moseley, after which Cannon and Defendant, "started to run. I saw nothing further but heard shots." *Id.*

While the trial court previously concluded that Cannon's Affidavit was not "newly discovered" evidence, it must still be considered in conjunction with all of the other evidence new or old. *See Johnson*, 502 Mich at 571 (holding that once a defendant satisfies the threshold showing of newly discovered evidence, the court, "must [then] consider the evidence that was previously introduced at trial [along with] the evidence that would be admitted at retrial[.]"). Thus, even if Cannon's Affidavit did not constitute "newly discovered" evidence, it must still be considered in conjunction with the other pieces of newly discovered evidence – including the suppressed video – when deciding whether the new evidence could make probable a different result on retrial.

Cannon avers that an individual named Reon flashed the gun, not Blevins. Cannon further avers that he and Anton started to run when Reon passed Moseley the gun. Cannon's Statement is also supported by the initial interview account of Allante Moseley, who told officers that: (1) Mr. Blevins arrived with another individual in a vehicle other than King's Focus; (2) Moseley was at the scene with an individual named "Reon"; and, (3) Reon was "light skinned," and matched the initial scene description of the suspected gun-passer recorded by homicide detectives.

Upon retrial, a jury could certainly credit Cannon's testimony which would lend support to

Defendant's assertion that while he was at the scene of the shooting, he did not participate, did not pass a gun to the shooter but rather that Defendant, "started to run when Reon passed Moseley the gun." This testimony could certainly make probable a different result on retrial when considered in conjunction with the other newly discovered evidence including the fact that the prosecution obtained, documented, and then lied about the existence of video surveillance of the shooting. See *Johnson*, 502 Mich at 576 n16 (noting that when "the verdict is already of questionable validity, additional evidence of relatively minor importance might be sufficient to create a reasonable doubt."

The exculpatory testimony of eyewitnesses Cannon and Jones, on its own, is sufficient to prove that a different result is probable on retrial. In *Johnson*, 451 Mich 115 at 122, the Supreme Court found that the presentation of new eyewitnesses represented "exculpatory evidence . . . so substantial that . . . it could have changed the outcome of the trial," despite the fact that, in that particular case, two other eyewitnesses had already testified for the defendant at trial. In this case, two independent eyewitnesses, unrelated to one another, have come forward with exculpatory accounts. Because the jury was not presented with any alternative theory of events at Defendant's trial, and no defense witnesses were called, these new accounts, along with the suppressed video, make a new result on retrial highly probable.

Defendant's proffered newly discovered evidence must also be considered in conjunction with evidence that suggests Moseley was an initial suspect in this case, that Moseley intended to recant his statement that Defendant was involved and sought out DeGasperi to confess to the murder, that Moseley was instead offered a deal in exchange for testimony and released early as a result, and that none of this evidence was disclosed to Defendant before trial.

At trial, OIC Derryck Thomas testified that Moseley had been locked up on a different

charge and, “seeked out to one of our officers at the precinct that he had some information about a homicide” in December 2011 (JT 02/20/12, p 95). According to Thomas, there was no connection between Moseley and the Wayne State shooting until seven months after it occurred, when Moseley brought up information in an attempt to make a deal (*Id.*, pp 105-106). Additionally, the prosecution directly represented that Moseley came forward “on his own” in December 2011, to provide information regarding the Wayne State shooting (JT 02/19/13, p 112). Thomas testified that there was never any deal made with Moseley in exchange for testimony (JT 02/20/13, pp 97, 107). Indeed, even the Court of Appeals in its decision to affirm Mr. Blevins’ sentences relied on the fact that, “[t]here was never a deal reached between Moseley [sic] and the prosecution.” *Blevins*, 314 Mich App at 347.

However, the previously undiscovered Agreement for Special Consideration, located in Jacobs’ files after Blevins’ direct appeal concluded, indicates, “[o]n March 21, 2012, Allante Moseley entered into an agreement with the Prosecutor’s Office for truthful testimony regarding the homicide of Courtney Smith.” (Ex 23). The prosecutor, however, did not disclose any information regarding the Special Agreement with Moseley, Moseley’s jail calls or his August 3, 2012 Statement, the Statements of Mitchell and Dodson-Williams, or the fact that Moseley had been arrested with King months before Moseley allegedly “came forward” on his own. In exchange for his truthful testimony, the prosecutor agreed that Moseley would, “be released early and placed on a tether for 60 days with one year Probation.” (*Id.*)

Moseley faced the pending charges, carrying a concealed weapon and attempt, with a history. He had been arrested for CCW in 2009 and was on probation with HYTA status when he committed his second offense, a CCW and attempted second-degree burglary. His January 10, 2012, presentence report revealed that Moseley had a juvenile history (Ex 35). He missed numerous

court dates and violated his bond conditions (Ex 6). This wasn't just a deal. It was a good one. Despite fleeing to avoid sentencing for the CCW and probation violation, Moseley, according to his phone calls, was released months earlier than expected.

OIC Thomas also testified that he did not see the value in ever placing Moseley in a line-up because by the time Moseley came forward, Blevins and King had already been charged with a crime (JT 02/20/13, pp 110-111). This implication, by both the prosecutor and the OIC, that Moseley "came forward" on his own with evidence regarding the Wayne State shooting is provably false. Previously undisclosed statements of Mitchell and Dodson-Williams reveal that Moseley was arrested **with King** on June 8, 2011. That same day, King was charged with first-degree murder and Mitchell and Dodson-Williams were questioned by homicide investigators interested in the Wayne State shooting.

The arrest, and the fact that Moseley was an alternative suspect, is supported by Moseley's own statement, in a letter dated August 20, 2012, that he was charged with first-degree murder, and that King had been "speaking on" him, **"starting when the police came to my house looking for me for murder 1. He gave them my name."** (Ex 10). Additionally, Thomas mentioned during the December 12, 2011 interview that Moseley had been a suspect in the murder and King had given officers Moseley's name.

The fact that the jury heard Defendant's theory of the case in regard to Moseley is mostly meaningless without Defendant having presented evidence to the jury to support its theory that Moseley was involved. The Agreement for Special Consideration and Moseley's August 3rd Statement would have provided the defense with some documentary evidence to support its theory of the case. In the absence of having had the agreement to present to the jury, the jury had nothing upon which to credit the defense theory. The evidence at trial was weak and consisted of deeply

conflicted witness testimony. Without evidence of an alternative suspect, or at the very least the failure to investigate an alternative suspect, Defendant was deprived of a substantial defense.

Moreover, Defendant's conviction turned on eyewitness identification testimony, yet not one of the eyewitnesses was permitted to review photos of Moseley, who was admittedly at the scene during the shooting. The suppressed video surveillance could have allowed the jury to credit the defense theory that Moseley was the shooter, or at a minimum it could have created reasonable doubt as to Defendant's involvement. Questions of credibility in this close case had the potential to eviscerate what little confidence these jurors had in finding guilt. Defendant's conviction should be set aside for this reason as well as the fact that his newly discovered evidence satisfies the *Cress* standard.

Couple this evidence with the fact that the prosecution deliberately suppressed video surveillance of the shooting. On retrial, the combination of this evidence supports a substantial defense of a viable alternative shooter, and such evidence would further permit the defense to impeach the testimony of OIC Thomas regarding whether and when Moseley became a suspect. Given that OIC Thomas's testimony was necessary to bolster the credibility of highly conflicted eyewitness identifications, a question with respect to Thomas's credibility would greatly weaken the prosecution's case.

Moreover, newly discovered evidence supporting an unexplored theory of a crime warrants a new trial. In *People v George*, unpublished opinion *per curiam* of the Court of Appeals, issued May 4, 2010 (Docket No. 288032) (Ex 34)(affirming the trial court's decision to grant a new trial reasoning that the newly discovered evidence could serve to create new suspects, could serve to impeach witnesses' testimony, and render all the other evidence less than enough to convict beyond a reasonable doubt).

This case is similar to *George* in that the evidence against Defendant was entirely circumstantial, and the new evidence raises significant questions both with respect to Defendant's guilt and the adequacy of the police investigation. While each piece of newly discovered evidence presented here is material and sufficient to independently warrant relief, the weight of all the new evidence considered together makes it strikingly clear that relief from judgment is warranted. Upon retrial, the jury would have the opportunity to consider new defense witnesses' testimony and the credibility of OIC Thomas's testimony in light of the fact that he will now be wholly impeached. Therefore, as in *George*, the new evidence makes a different result reasonably probable upon retrial.

As the Sixth Circuit highlighted in *Gumm v Mitchell*, 775 F3d 345, 364 (CA6 2014), "the state failed to disclose a substantial collection of tips, leads, and witness statements, relating to other individuals who had been investigated for the murder[.]. On its face, the nondisclosure of the identifies of these suspects . . . is an egregious breach of the state's *Brady* obligations. Armed with . . . th[is] evidence implicating [another person], defense counsel would have easily constructed an alternative narrative of the crime." Based on such facts, the Sixth Circuit in *Gumm* granted habeas relief. This Court should do the same.

For these reasons, the Court should conclude that Defendant was denied a fair trial and Due Process by the suppression/denial of video surveillance evidence of the shooting. Whether under the Due Process Clause, *Brady*, or *Cress*, Defendant is entitled to a new trial.

5. Request for Evidentiary Hearing

Our appellate courts have repeatedly emphasized the necessity of conducting evidentiary hearings to assess newly discovered evidence and/or testimony in support of motions for new trials. *See People v Milton*, 506 Mich 999 (2020)(vacating and remanding, in part, because the trial court, "erred in making credibility determinations and failing to conduct the proper credibility analysis

under Johnson”); *People v Vick*, 505 Mich 1022 (2020)(remanding to the trial court to, “determine whether the new evidence presented in [an] affidavit is credible and whether the impact of the new evidence, in conjunction with the evidence that would be presented on retrial, which would include newly discovered evidence presented in previous motions for relief from judgment, would make a different result probable on retrial.”); *People v Hailey*, 505 Mich 1021 (2020)(remanding a post-conviction matter to the trial court for an evidentiary hearing and reconsideration of motion for relief from judgment); *People v Clemmons*, 503 Mich 1013 (2019)(remanding to circuit court for reconsideration of motion for relief from judgment with the reminder that the trial court’s function is limited and it is not the ultimate fact-finder).

Moreover, the Court of Appeals has highlighted the need for a successor judge to hold an evidentiary hearing before assessing a newly discovered affiant’s credibility for purposes of a motion for new trial. In *People v Blair*, 44 Mich App 469, 471-72 (1973), the Court of Appeals held:

Here, however, the trial judge who heard the motion for a new trial was not the same judge who presided at defendant’s initial trial. The affiant was not called to testify during the hearing on the motion. Thus even though the court below never observed or heard the affiant testify, it ruled on the affiant’s credibility, found it questionable, and denied the motion. Under these circumstances, the lower court was in no better position than this Court to rule upon the recanting affiant’s credibility.

See also People v Walker, 2017 WL 4015721, * 3 (Mich App 2017)(highlighting that a successor judge is “encouraged” to hold an evidentiary hearing to evaluate claims of newly discovered evidence where successor judge did not preside over original trial).

As these authorities demonstrate, it is nearly impossible for a successor judge to determine whether new evidence could lead to different result on retrial in the absence of an evidentiary hearing. For these reasons, the Court should schedule an evidentiary hearing to consider

Defendant's newly discovered evidence.

CONCLUSION AND RELIEF REQUESTED

For the reasons set forth herein, Defendant requests that the Court grant his instant Motion for Relief from Judgment and Order a new trial. In the alternative, the Court should hold an evidentiary hearing at which time Defendant intends to call witnesses and present evidence relative to his claims raised herein.

Respectfully submitted,

LAW OFFICE OF MICHAEL R. DEZSI, PLLC,

Dated: August 4, 2026

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CERTIFICATE OF SERVICE

The undersigned certifies that Defendant's Successive Motion for Relief from Judgment, Index of Exhibits, Exhibits A-F, 1-39 and this Certificate of Service were served upon the following counsel of record at their respective email addresses on file on August 4, 2026 via the Court's ECF system:

Kym L. Worthy, Wayne County Prosecutor's Office, wcpaappeals@waynecountymi.gov
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**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE
CRIMINAL DIVISION**

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,
vs.

Case No. 12-001086-01-FC
Hon. Nicholas J. Hathaway

ANTON T. BLEVINS,

Defendant.

APPENDIX OF EXHIBITS

<u>Exhibit</u>	<u>Description</u>	<u>Date</u>
A	Opinion and Order Denying Motion for Relief from Judgment, <i>People v Blevins</i> , Wayne County Circuit Court Case No.12-001086-01-FC (J. Nicholas Hathaway)	08/06/2024
B	Affidavit of Orlando Gordon	01/11/2026
C	Affidavit of Steven Fishman	07/24/2026
D	Handwritten Notes	
E	Handwritten Note	
F	Affidavit of Anton Blevins	07/29/2026
1	Register of Actions, <i>People v Blevins</i> , Wayne County Circuit Court Case No.12-001086-01-FC (J. Nicholas Hathaway)	
2	Homicide Scene Report	
3	Detroit Police Department's Incident Reports	05/06/2011
4	Felony Information	06/14/2011
5	Allante Dale Moseley OTIS MDOC Profile	
6	Register of Actions, <i>People v Moseley</i> , Wayne County Circuit Court Case No. 11-3506-01-FH (J. David J. Allen)	

7	Detroit Police Department's Request for Interview of Allante Moseley	
8	Moseley Interview Transcript; <i>People v Quintin King</i>	12/12/2011
9	Wayne County Sheriff Department Witness Statement of Allante Moseley	04/25/2012
10	Moseley Letters	2012
11	Wayne County Sheriff Department Incident Report (Cpl. Chris DeGasperis)	08/03/2012
12	Affidavit of Anton Blevins	06/06/2018
13	Affidavit of Steven Fishman	2018
14	Affidavit of Dequan Todd	
15	Register of Actions, <i>People v Dequan Marcel Todd</i> , Wayne County Circuit Court Case No. 12-4260-01-FC (J. Linda V. Parker)	
16	Wayne County Jail Incident Reports (Dequan Todd)	08/29/2012
17	Receipt for Blevins File Release	10/19/2018
18	Affidavit of Gerard Cannon	08/21/2013
19	DPD Statement Form of PLB Cannon	05/06/2011
20	Reon Photo	
21	Affidavit of Kimberley Jones	
22	FOIA Response	03/27/2019
23	Agreement for Special Consideration, <i>People v Moseley</i> , Wayne County Circuit Court Case No. 11-3506-01 (J. Allen)	
24	Jail Call	03/04/2012
25	Jail Call	03/16/2012

26	Jail Call	03/19/2012
27	Wayne County Sheriff's Office Witness Statement of Allante Moseley	08/23/2012
28	Audio Transcription of call from Blevins to Jacobs regarding fabrication	
29	Letter from Elizabeth Jacobs to Anton Blevins	03/12/2013
30	Affidavit of C. DeGasperis	04/09/2018
31	Jan Raney Forensic Document Examination Handwriting Report	03/23/2019
32	Detroit Police Department's Statement Form of Romello Mitchell	06/08/2011
33	Detroit Police Department's Statement Form of Drake Deonte Dodson-Williams	06/09/2011
34	Unpublished Opinion Per Curiam, <i>People v George</i> , MI COA Case No. 288032;	05/04/2010
35	Allante Moseley's Sentencing Information Report	
36	Memorandum of Law Regarding Witness Allante Moseley, <i>People v Blevins</i> , Wayne County Circuit Court Case No. 12-01086 (J. Allen)	10/02/2012
37	Supplemental Memorandum of Law Regarding Witness Allante Moseley, <i>People v Blevins</i> , Wayne County Circuit Court Case No. 12-01086 (J. Kenny)	02/06/2013
38	Audio Transcription of telephone call regarding Fishman	
39	Lanfear Consulting & Investigations Polygraph Examination Report regarding Anton Blevins	12/06/2018

EXHIBIT A

STATE OF MICHIGAN
IN THE THIRD CIRCUIT COURT FOR THE COUNTY OF WAYNE
CRIMINAL DIVISION

PEOPLE OF THE STATE OF MICHIGAN
Plaintiff,

vs.

Case No. 12-001086-01-FC
Hon. Nicholas J. Hathaway

ANTON BLEVINS

Defendant

OPINION AND ORDER
DENYING MOTION FOR RELIEF FROM JUDGMENT

This matter is before the Court on Defendant's Motion for Relief from Judgment. For the reasons stated below, the Court will deny this motion.

I. Summary

Defendant Anton Blevins was tried before a jury and convicted on February 22, 2013, of one count of second-degree murder, MCL 750.317, six counts of assault with intent to do great bodily harm less than murder (AWIGBH), MCL 750.84, and one count of felony firearm, MCL 750.227b. Defendant was sentenced to 30 to 60 years imprisonment for the second-degree murder conviction, 5 to 10 years imprisonment for each AWIGBH conviction, and 2 years for the felony firearm conviction.

II. Factual Background

These convictions arise out of an incident publicized as the "Wayne State shooting." On the evening of May 5, 2011, a group of seven young men—Carlos Spearman, Courtney "Cortez" Smith, DeMario Drummond, Philip Knott, Raleigh Ross, Zachary Easterly, and Raymond Malone—met downtown outside Club Envy where they intended to celebrate Spearman's college graduation. Some of the young men, including Smith, were football players at Wayne State University. Some had been drinking, and Spearman was so intoxicated that the group was not permitted to enter the club. The group left the line and started off toward another club or Coney Island to wait for Spearman to "sober up."

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As they walked, Easterly fell behind in order to relieve himself in an alleyway. Easterly was approached by a couple of strangers who were upset that Easterly might be urinating on one of the stranger's car. Easterly's friends turned when they heard the commotion, and returned to assist. Several other individuals joined the group of strangers and a scuffle ensued. There is some dispute over the number of individuals in the group of strangers, the occurrence and amount of physical altercation, and exactly how a weapon was introduced in the fray. However, it is undisputed that one of the strangers produced a handgun (from his waistband or from another individual in his group) and started shooting. The first shot ricocheted off the ground, hitting Spearman in the knee and sending him to the ground. Six or seven more shots were fired and, as both groups quickly dispersed, "Cortez" Smith was shot and killed.

At trial, codefendants Quinton King and Anton Blevins were charged with first-degree murder and other offenses arising from the shooting incident. The theory of the prosecution was that King had been the one to fire the shots that wounded Spearman and killed Smith, and that Blevins was an aider and abettor based on eyewitness testimony that Blevins had initially displayed a handgun and then handed it to King shortly before shots were fired. The following eyewitness members of Smith's group testified as follows:

- **Philip Knott** – testified that he heard a commotion and then saw Easterly backed up against the wall, cornered in by two or three people. He saw a person he identified as King hit his friend in the nose. Knott then hit King, and King took off. A person Knott identified as Blevins then pulled out a gun and threatened Knott and his friends. At that point, King returned to the scene and fired two shots at Knott. Knott did not see where King got the gun. He testified he saw both King and Blevins holding a gun, but not at the same time. He could not say whether it was the same gun or where King got the gun. Knott ran when shots were fired.
- **Zachary Easterly** – testified that right after he relieved himself in the alley, he was approached by a dark-skinned man, who he identified as Quinton King, and another person. These men cornered Easterly, and King hit him. Easterly did not recall what the other person looked like. King then retreated into a parking lot and joined up with a group of four or five others. Easterly then saw a light-skinned guy with a gun, and heard shots being fired about 30 seconds later. Easterly ducked behind a car after the first shot was fired. He did not know whether the gun went from the light-complected person to King after the first shot was fired. He could not say whether King fired any shots. Easterly subsequently viewed a photographic array and identified King as the man who had hit him. He

viewed an array containing a photograph of Blevins but did not identify him as being at the scene of the shooting.

- **Raymond Malone** – identified King as the person who was in an altercation with Easterly. Malone recognized King as a man who had handed him a flyer as Malone was getting out of his car to go to a club. The area was well lit, and King was close to him at the time he handed him the flyer. As Malone approached the scuffle, a man who was with King showed a gun and Malone and his friends backed up. He identified Blevins as the man who displayed the gun by lifting his shirt up. After Blevins flashed the gun, Malone heard King say, "Give me the Mag." Malone then saw King firing the gun. It appeared to be the same gun that Blevins had flashed. Malone subsequently participated in two separate photographic showups. He identified King as the shooter and Blevins as the person who handed King the gun after lifting his shirt and flashing the gun. He admitted he did not actually see Blevins pass the gun to King, but inferred this because of the circumstances.
- **Raleigh Ross** – testified that he saw a man with a gun at his waist, who he identified as King. Ross saw another man about an arm's length from King, whom Ross identified as Blevins in a photographic showup. Ross turned and ran while shots were fired. He did not see Blevins with a gun and had not seen anyone passing the gun to King.
- **DeMario Drummond** – testified that he heard Easterly yelling and then saw two men coming after him. He identified one as King and the other as a person with lighter skin. Drummond saw King strike Easterly in the face, and Drummond then swung on the other man. A tussle ensued, but separated after a few minutes. The men in the opposing group were then joined by about four other men. Drummond identified Blevins as one of those other men. Blevins pulled out a gun and said something along the lines of a threat that they do not want any part of the gun. Blevins was standing right next to King when he displayed the weapon. Drummond then saw Blevins pass the gun to King. Within seconds of getting the gun, King opened fire. When the first shot was fired, all the members of the opposing group, except King, ran from the area, including Blevins. When he finished firing, King too fled the scene. Prior to trial, Drummond had identified Blevins in a photographic array and at a preliminary examination as the person who had passed the gun to the shooter.

- **Carlos Spearman** – testified that he was very intoxicated, and that everyone except Smith, the designated driver, was drinking that evening. Spearman did not know how the shooting started. He was shot in the knee, but did not see who shot at him.

A defense tactic at trial was to attack the credibility of the eyewitness testimony. It was dark and alcohol had been consumed to varying extents. Initial scene descriptions varied from Mr. Blevins' actual appearance and the eyewitness accounts of the shootings contained inconsistencies. The defense argued there were holes in the investigation, including a *res gestae* witness, Allante Mosley, not being pursued as the actual shooter. Despite these issues being addressed in defense argument and cross-examination, the jury found King guilty as charged of first-degree murder and found Blevins guilty of second-degree murder, plus the six counts of AWIGBH and one count of felony firearm. On March 27, 2013, Defendant was sentenced.

III. Direct Appeal and Motion for New Trial

On April 17, 2013, Mr. Blevins filed a direct appeal with the Michigan Court of Appeals, raising claims of (1) impermissibly suggestive photo identification procedures, (2) ineffective assistance of trial counsel for failure to present expert testimony on the issue of eyewitness identification testimony and failure to ensure that the jury was properly instructed on the issue, (3) improper jury instructions, (4) prosecutorial error, (5) insufficient evidence, (6) sentencing issues, and (7) newly discovered evidence, presenting an affidavit from an individual named DeQuan Todd, who had been an inmate at the Wayne County Jail housed in the same unit as Allante Mosley. According to the affidavit, Mosley admitted to Todd that he, and not Quinton King, was the shooter of the Wayne State University football player, and that Blevins was not involved.

With his appeal pending, Mr. Blevins also filed a motion for a new trial in the circuit court. An extensive evidentiary hearing was held over the course of several days starting on January 27, 2014, including testimony from Officer Thomas, who had conducted the photographic showups, trial counsel Steve Fishman, codefendant King's counsel Nijad Mehanna, Valerie Newman—qualified as an expert in the field of criminal law, Dr. Colleen Seifert—qualified as an expert on the issue of eyewitness identification evidence, and DeQuan Todd. The Court found, *inter alia*, that the photo arrays were not unduly suggestive and that there was no ineffective assistance of counsel where counsel did not challenge the identifications or call an expert witness. Judge Kenny denied the motion for new trial and the Court of Appeals affirmed Mr. Blevins' convictions in a published opinion on January 14, 2016, while remanding for resentencing. *People v Blevins*, 314 Mich App 339; 886 NW2d 456 (2016). Judge Shapiro

dissented, believing that “a new trial is merited because of errors arising out of the eyewitness identification testimony and because the prosecutor’s closing argument substantially misstated the legal standards by which the jury could convict Blevins on an aiding-and-abetting theory.” *Id.* at 364 (Shapiro, J., dissenting). The Michigan Supreme Court denied Defendant’s application for leave to appeal on January 24, 2018. *People v Blevins*, 501 Mich 967; 905 NW2d 599 (2018). A *Crosby* hearing and resentencing took place in the circuit court on January 25, 2019. The Court declined to change the sentence originally imposed.

In the Court of Appeals’ opinion, there is extensive discussion regarding DeQuan Todd’s testimony as it relates to Mr. Mosley, ultimately affirming the trial court’s denial of a new trial. The appellate court noted that “Todd’s testimony is to some extent corroborated by an official report that Mosley actually attempted to confess to a murder while in jail. However, it is undermined to an equal extent by the fact that it appears that nothing came of that purported confession.” 314 Mich App at 360. Further “undermining the testimony, Todd said [Mosley’s] admission came up because everyone was calling Mosley a snitch in jail because he may have leaked information about the Wayne State murders, but Mosley told them that ‘I can’t be a snitch against myself,’ implying that he committed the murders.” *Id.* at 361. Therefore, the Court of Appeals believed that “[t]he circumstances [] suggest that it was strongly to Mosley’s immediate benefit to claim to be a murderer rather than a snitch.” *Id.* The Court of Appeals also took into consideration “that the eyewitnesses were shown photographs of Mosley and denied that he was the shooter, and the jury reviewed photographs of Mosley, defendant, and King.” *Id.*

On April 17, 2019, Defendant filed the instant first Motion for Relief from Judgment through retained counsel Rachel Wolfe. The Office of the Attorney General of the State of Michigan is assigned special prosecutor due to a conflict with the Wayne County Prosecutor’s Office. There have been multiple stays ordered by this Court’s predecessor allowing investigation by the Office of the Attorney General’s Conviction Integrity Unit (CIU). Attorney Wolfe was permitted to withdraw as counsel in December 2021. This Court, upon taking the bench in 2023, ordered the People to respond to the Motion for Relief from Judgment and for a new attorney to be appointed for the defendant. In the meantime, current retained counsel filed an appearance and through stipulation and order, was permitted to file an Addendum to Defendant’s Motion for Relief from Judgment on May 23, 2024. This Opinion follows.

IV. Standard of Review

Motions for relief from judgment are governed by MCR 6.501 *et seq.* Defendant must first show that none of the procedural bars contained within MCR 6.508(D) apply to his current motion. If Defendant is able to show that no procedural bar applies, Defendant bears the burden to establish entitlement to relief under the legal standard applicable to his particular claim of error. MCR 6.508(D) provides:

“The court may not grant relief to the defendant if the motion. . .

- (1) seeks relief from a judgment of conviction and sentence that still is subject to challenge on appeal . . .
- (2) alleges grounds for relief which were decided against the defendant in a prior appeal . . . unless the defendant establishes that a retroactive change in the law has undermined the prior decision . . . ;
- (3) alleges grounds for relief, other than jurisdictional defects, which could have been raised on appeal from the conviction and sentence or in a prior motion under this subchapter, unless the defendant demonstrates
 - (a) good cause for failure to raise such grounds on appeal or in the prior motion, and
 - (b) actual prejudice from the alleged irregularities that support the claim for relief.”

“Actual prejudice” following a trial means that but for the alleged error, the defendant would have had a reasonably likely chance of acquittal . . . or that “the irregularity was so offensive to the maintenance of a sound judicial process that the conviction should not be allowed to stand regardless of its effect on the outcome of the case . . .” MCR 6.508(D)(3)(b). Furthermore, a court may waive the good cause requirement “if it concludes that there is a significant possibility that the defendant is innocent of the crimes.” *People v McSwain*, 259 Mich App 654, 681; 676 NW2d 236 (2003), citing MCR 6.508(D)(3).

V. Defendant’s Arguments

Defendant’s Motion for Relief from Judgment makes several arguments based on: 1) newly discovered evidence, 2) due process violations, 3) ineffective assistance of

trial counsel, 4) ineffective assistance of appellate counsel, 5) actual innocence, and 6) entitlement to relief under MCL 770.1.

1. Newly Discovered Evidence

Assuming the documents Defendant claims are newly discovered evidence could not have been raised on direct appeal, this Court will consider the merits of each claim as outlined below. MCR 6.508(D). In *People v Cress*, 468 Mich 678; 664 NW2d 174 (2003), the Michigan Supreme Court explained that a defendant can establish entitlement to a new trial on the basis of newly discovered evidence if he satisfies four criteria:

- (1) [T]he evidence itself, not merely its materiality, was newly discovered;
- (2) the newly discovered evidence was not cumulative; (3) the party could not, using reasonable diligence, have discovered and produced the evidence at trial; and (4) the new evidence makes a different result probable on retrial.

A. Affidavit of Gerard Cannon

The Affidavit of Gerard Cannon is dated August 21, 2013, and states that on May 5, 2011, Cannon drove downtown with Defendant Blevins to pass out flyers for Cannon's sister. Cannon claims that at the time of the incident, he was near Blevins and that it was another man, Reon, now deceased, who pulled up his shirt to make the threat and displaying a gun. Reon then passed the gun to Allante Mosley, who Cannon believed to be the shooter. Blevins and Cannon ran away before shooting started, and drove to the home of Blevins' dad.

Cannon's affidavit does not satisfy the *Cress* test and therefore does not require a new trial. First, if Cannon was with Blevins at the scene of the incident, Defendant certainly would have known about Cannon's potential testimony prior to trial. Therefore, it is not newly discovered and the reasonable diligence requirement has not been met. Further, Cannon's testimony would not make a different result probable on retrial. The affidavit sets out a scenario consistent with the testimony of the prosecution witnesses as to how the events occurred. The only difference is the identification of the shooter and the aider and abettor, and Cannon implicates a deceased individual rather than Cannon's own friend, Blevins. Considering the totality of the circumstances, the certainty of the identifications made at various showups and at trial, and the aggressive cross-examination of the witnesses, Cannon's testimony would not make a different result probable on retrial.

B. Affidavit of Kimberley Jones

The Affidavit of Kimberley Jones claims that in 2017, she saw an Instagram post with a picture of Anton Blevins, stating that he had been wrongly convicted of a 2011 murder. Ms. Jones asserts that she remembered Mr. Blevins face as a man who handed her a flyer that night when she was parked near Club Envy. The person she was with that night has since passed away. Jones' attention was drawn to a commotion nearby and she saw a light skinned man with tattoos pass a gun to a short dark-skinned man. She started to leave in her car when she heard several "booms," but did not see the shooting. The person who passed her the flyer got in the car behind her.

Jones' affidavit does not make a different result probable on retrial. Credibility is questionable where Jones claims she recognizes an online picture of Blevins as a person she had a very brief encounter over six years earlier. Investigation by the AG's CIU reveals additional concerns with Jones' credibility (see Exhibit B to People's Response). Further, even if everything in Jones' affidavit is true, it does not make it any less likely that King shot the victim after receiving the gun from Blevins. Jones saw a "light skinned man" pass a gun to a "dark skinned man." But she did not see the shooting; she only heard "booms" and drove off. Again, in light of the evidence at trial, Jones' affidavit does not make a different result probable.

C. Allante Mosley's Alleged Agreement for Special Consideration and Jail Calls

Defendant asserts that only after his appeal was over and he requested and obtained his file from appellate counsel, he learned of an agreement for special consideration involving Allante Mosley (Defendant's Exhibit 23). The Exhibit contains only two pages, without a signature page, and appears to be an incomplete document. The two pages indicate that Mosley was sentenced to one year in jail in January 2012 on an unrelated case, and in exchange for truthful testimony in Blevins' and King's case, Mosley's sentence would be reduced. Defendant has not shown there was an agreement, only that an agreement was drafted and considered. The Defendant attempts to prove there was an agreement by presenting jail calls from February and March 2012 where Mosley tells the recipient(s) of the calls that he will be out sooner than his original out date. However, even if there *was* an agreement, it would not satisfy the *Cress* test to require a new trial. Mosley did not testify at trial. But if Mosley testified on retrial, in a manner consistent with his first statement to the police, to the effect that Blevins had passed the gun to King, any agreement for special consideration would become relevant to Mosley's credibility. In light of the fact that other witnesses testified consistently with Mosley's first statement, the alleged agreement would not make a different result on retrial probable. Defendant is not entitled to a new trial.

D. Mosley Statement dated August 27, 2012

Defendant submits another statement of Allante Mosley, dated August 27, 2012. In this statement, Mosley asserts that King was the only person who touched the gun. He states that Anton Blevins had nothing to do with it, and that Mosley lied when he initially told police that Blevins passed the gun. In this statement, Mosley is not confessing to the murder, as Todd testified, but Mosley's conflicting statements have been previously considered on appeal in light of Todd's testimony. The trial court found that a new trial was not warranted, and the Court of Appeals affirmed. *Blevins*, 314 Mich App at 361. Furthermore, Mosley's statement does not make a different result on retrial probable. Mosley's written statement that King was the only person who touched the gun does not comport with the multiple eyewitness' testimony that another man made a threat with a gun prior to King shooting. A new trial is not warranted for these reasons, and for same reasons found by the trial court and Court of Appeals.

E. Statements of Drake Deonte Dodson-Williams and Romello Mitchell

Defendant submits statements from Romello Mitchell and Drake Dodson-Williams obtained during Defendant's "post-conviction investigation." In Dodson-Williams' statement dated June 9, 2011, he explained that he and his friend, Romello Mitchell, had gone to buy weed at a house on Burnside run by an individual named "Tay." Tay was there with another individual, "Tay was calling him First 48 [the television show]," and "Tay kept saying Dude was hot." In Mitchell's statement, dated June 8, 2011 (the day King was arrested), Mitchell identifies "Dude" as "Q" which is presumed to be Quinton King. Neither Mitchell nor Dodson-Williams knew "Q" or anything about the shooting of the Wayne State student.

Assuming, arguendo, that the first three prongs of *Cress* are met, these statements do not make a different result probable on retrial. Even if "Tay" is Allante Mosley and even if he and Quinton King were arrested together, that does not conflict with eyewitness testimony of what occurred at the shooting, nor weaken the credibility of the officer-in-charge or any other witness. Furthermore, this is not evidence of an "unexplored theory of a crime." Defense argued that Allante Mosley was one of the perpetrators of the shooting as a defense theory at trial, in post-conviction motions, and on appeal. Therefore, these statements do not warrant a new trial.

F. “Newly Discovered Evidence” Considered as a Whole and In Light of Evidence Presented at Trial

This Court has considered the above documents as a whole and in light of the evidence that was presented at trial and on direct appeal. *People v Johnson*, 502 Mich 541; 918 NW2d 676 (2018). Defendant has not shown that any of this “new evidence,” whether individually or “considered holistically,” makes a different result probable on retrial as is necessary to satisfy the fourth prong of *Cress*. Defendant’s claim of newly discovered evidence fails.

2. Due Process Violations

Defendant next argues two due process violations, based on the documents presented in his newly discovered evidence argument. First, Defendant asserts that the officer-in-charge provided false testimony to the effect that there was never a deal reached between Mosley and the prosecution. It is inconsistent with due process when the prosecution allows false testimony from a state’s witness to stand uncorrected. *Napue v Illinois*, 360 US 264, 269; 79 S Ct 1173 (1959). While “not every contradiction is material” and the prosecutor need not correct every instance of mistaken or inaccurate testimony, it is the *effect* of a prosecutor’s failure to correct false testimony that “is the crucial inquiry for due process purposes,” *Smith v Phillips*, 455 US 290, 220 n. 10; 102 S Ct 940 (1982). A new trial is required if the uncorrected false testimony “could . . . in any reasonable likelihood have affected the judgment of the jury.” *Napue*, 360 US at 271–272, 279.

Here, as discussed above, the prosecution denies that there was a deal reached with Mosley, and the Defendant has not shown otherwise. But even if there was an agreement where the prosecutor promised Mosley lesser time on an unrelated case in exchange for testimony against Blevins and King, it is unlikely that this alleged inaccuracy in the officer’s testimony would have affected the judgment of the jury. The jury found the evidence presented at trial proved Defendant’s guilt beyond a reasonable doubt, based on identifications made by witnesses at various showups and at trial. “The eyewitnesses were shown photographs of Mosley and denied that he was the shooter, and the jury reviewed photographs of Mosley, defendant, and King.” The jury also heard Defendant’s theory of the case in regard to Mosley. The Court of Appeals affirmed the convictions and found that there was sufficient evidence. The existence of an agreement with Mosley would not call into doubt this evidence and would not have affected the judgment of the jury.

Second, Defendant claims his due process rights were violated based on a violation of *Brady v Maryland*, 373 US 83; 83 S Ct 1194 (1963). In order to succeed on a

Brady claim, a defendant must prove that “(1) the prosecution has suppressed evidence; (2) that is favorable to the accused; and (3) that is material,” irrespective of good faith or bad faith of the prosecution. *People v Chenault*, 495 Mich 142, 150; 845 NW2d 731 (2014). To establish materiality, a defendant must show that “there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different. A ‘reasonable probability’ is a probability sufficient to undermine confidence in the outcome.” *United States v Bagley*, 473 US 667, 682; 105 S Ct 3375 (1985). Here, Defendant claims the failure of the prosecution to disclose the special agreement with Mosley, Mosley’s jail calls or his August 3, 2012 statement, and the statements of Mitchell and Dodson-Williams, constitute a *Brady* violation. However, based on the reasons outlined above in section 1, subsections C, D, and E, Defendant has not established that these items are favorable to Defendant, nor has Defendant established their materiality. Defendant has not shown that “there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the [trial] would have been different.” *Id.* Therefore, Defendant has not shown that there is a *Brady* violation.

3. Ineffective Assistance of Trial Counsel

Ineffective assistance is found only where counsel’s performance falls below an objective standard of reasonableness and where the errors committed by counsel were so prejudicial that there is a reasonable probability that without counsel’s errors, the outcome would have been different. *People v Pickens*, 446 Mich 298, 303, 314; 521 NW2d 797 (1994). A reasonable probability that the outcome would have been different occurs when counsel’s performance was so deficient that it undermines one’s confidence in the outcome of the case. *Id.* at 314, citing *Strickland v Washington*, 466 US 668, 694; 104 S Ct 2052 (1984).

Defendant argues he is entitled to a new trial because trial counsel was ineffective in failing to investigate, abandoning challenges to the photo lineup procedures, and failing to call Allante Mosley as a witness. Ineffective assistance of trial counsel was addressed by Judge Kenny at the hearing on the motion for new trial, finding no merit to several arguments, including the argument that counsel was ineffective in abandoning challenges to the photo lineup and that the photo array was unduly suggestive. The Court of Appeals affirmed. This Court will not revisit this argument. See MCR 6.508(D)(2).

The remainder of Defendant’s ineffective assistance of trial counsel arguments could have been raised on appeal, but were not. MCR 6.508(D)(3). These arguments are barred unless good cause for failure to raise such grounds on appeal and actual prejudice are shown. *Id.* Ineffective assistance of counsel, if adequately supported, can

satisfy the good cause requirement. *People v Swain*, 288 Mich App 609; 794 NW2d 92 (2010), citing *People v Kimble*, 470 Mich 305, 314; 684 NW2d 669 (2004).

There is no merit to Defendant's argument that counsel was ineffective for not interviewing or calling Mosley as a witness. Mosley's first statement to police was consistent with the other eyewitnesses in this case—that Blevins passed the gun to King and King was the shooter (Defendant's Exhibit 9). Even if Mosley testified favorably for Blevins, his initial statement would have come out on cross examination. Mosley changed his statement against Blevins only after it was revealed around the jail that Mosley was "snitching" and feared for his safety. As the Court of Appeals stated, "[t]he circumstances [] suggest that it was strongly to Mosley's immediate benefit to claim to be a murderer rather than a snitch." *Blevins*, 314 Mich App at 360 at 361. The Court of Appeals also took into consideration "that the eyewitnesses were shown photographs of Mosley and denied that he was the shooter, and the jury reviewed photographs of Mosley, defendant, and King." *Id.* Under these circumstances, counsel's failure to call Mosley as a witness does not undermine one's confidence in the outcome of the case and there was no deficient performance or prejudice.

Finally, Defendant has not shown that there was deficient performance or that he was prejudiced by trial counsel not interviewing the prosecution's witnesses prior to trial. As found by the trial court at the evidentiary hearing, "an examination of the transcript clearly indicates from voir dire through opening statement, cross-examination and closing argument Mr. Fishman strongly hit on the issues." T 6/2/2014, p 8. Counsel has been found to be well prepared, and made sound strategic choices. There is no indication that counsel was not adequately prepared for trial. Defendant has not shown that he received the ineffective assistance of trial counsel. For these reasons, too, *Cronic* does not apply to this case. See *United States v Cronic*, 466 US 648; 104 S Ct 2039 (1984).

4. Ineffective Assistance of Appellate Counsel

"The test for ineffective assistance of appellate counsel is the same as that for trial counsel," and appellate counsel "[does] not render ineffective assistance by failing to present meritless claims." *People v Pratt*, 254 Mich App 425, 430; 656 NW2d 866 (2002); *People v Reed*, 449 Mich 375, 402; 535 NW2d 496, 504-505 (1995). Appellate counsel's decision to winnow out weaker arguments and focus on those more likely to prevail is not evidence of ineffective assistance. *Jones v Barnes*, 463 US 745, 752; 103 S Ct 3308 (1983). Nor is the failure to assert all arguable claims sufficient to overcome the presumption that counsel functioned as a reasonable appellate attorney in selecting the issues presented. The question is whether a reasonable appellate attorney could conclude that the issue was not worthy of mention on appeal. *Reed*, 449 Mich at 391.

Here, Defendant argues three claims of ineffective assistance of appellate counsel: First, that appellate counsel did not raise argument regarding the affidavit of Gerard Cannon and did not “unearth” further evidence that the August 3, 2012 statement of Allante Mosley was not fabricated. However, for the same reasons that these documents would not warrant a new trial (see section 1, subsections A and C above), the failure to raise these arguments on appeal does not constitute ineffective assistance. Defendant has not shown that raising these issues would have made a different result probable on appeal. Second, Defendant claims failing to raise the other arguments made in this Motion for Relief from Judgment on appeal constitutes ineffective assistance. For the reasons stated in each subsection of this Opinion, Defendant has failed to show defective performance or prejudice as to each issue. Third, Defendant argues that there was a conflict of interest where appellate counsel Elizabeth Jacobs shared office space with trial counsel Steve Fishman and they are close colleagues. However, to show ineffective assistance, “a defendant ‘must establish that an *actual* conflict of interest adversely affected his lawyer's performance.’” *People v Smith*, 456 Mich 543, 556; 581 NW2d 654 (1998), quoting *Cuyler v Sullivan*, 446 US 335, 350; 100 S Ct 1708 (1980). Here, Defendant has not shown there was an actual conflict beyond the mere accusation. In fact, the record shows otherwise, as Attorney Jacobs raised several other claims of ineffective assistance against Attorney Fishman at the evidentiary hearing on the motion for new trial. It is more likely that Jacobs simply found no merit in raising these issues. Defendant has not shown ineffective assistance of appellate counsel.

5. Actual Innocence

To satisfy the “actual innocence” standard, a defendant “must show that it is more likely than not that no reasonable juror would have found [the defendant] guilty beyond a reasonable doubt.” *Schlup v Delo*, 513 US 298, 327; 115 S Ct 851 (1995). This standard does not require absolute certainty about the defendant's guilt or innocence. *House v Bell*, 547 US 518, 538; 126 S Ct 2064 (2006). It is, however, a demanding standard and permits review only in “extraordinary” cases. *Id.*; *Schlup*, 513 US at 327; *People v Swain*, 288 Mich App 609, 638; 794 NW2d 92, 108 (2010).

Defendant claims that the arguments made in his Motion for Relief from Judgment combined with the results of his polygraph examination show that he is actually innocent of this crime. However, the evidence at trial was not “weak.” Based on the certainty of the identifications made at various showups and at trial, and the aggressive cross-examination of the witnesses, the jury found Defendant guilty beyond a reasonable doubt. The Court of Appeals affirmed the sufficiency of the evidence. It cannot be found “that no reasonable juror would have found [the defendant] guilty

beyond a reasonable doubt.” *Schlup*, 513 US at 327. The actual innocence standard has not been satisfied.

Nothing presented in this motion convinces this Court otherwise, including the polygraph examination of the Defendant (Exhibit 39 of Defendant’s Motion). In the December 6, 2018 polygraph examination report consisting of three test questions, the examiner opines that Defendant is being truthful about not being at the scene when Smith was shot. But Defendant does not deny that he was initially at the scene of the shooting or that it was he who fired the first shot. His answers are vague and not inconsistent with trial testimony. When asking if Blevins had passed the gun to King, the examiner phrases the question with the qualifier, “as the witness has said.” The results of the examination “shall be considered only with regard to the general credibility of the examinee and not as to the truth or falsehood of any particular statement.” *People v Barbara*, 400 Mich 352, 413; 255 NW2d 171 (1977) (enumerating nine conditions polygraph evidence must meet to be admissible at a post-conviction hearing). The limitations on polygraph evidence help a judge decide whether alleged newly discovered evidence should go to a jury on a new trial. *Id.* at 413-414. In this case, the Defendant’s polygraph report does not help persuade this Court that Defendant is entitled to a new trial.

6. MCL 770.1

Defendant claims that Mr. Blevins is entitled to relief under MCL 770.1, which states that

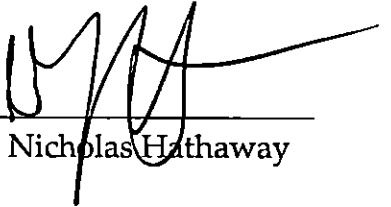
The judge of a court in which the trial of an offense is held may grant a new trial to the defendant, for any cause for which by law a new trial may be granted, or when it appears to the court that justice has not been done, and on the terms or conditions as the court directs.

However, MCL 770.1 does not provide post-appeal relief. Instead, MCR 6.500 establishes the *exclusive* procedure to challenge convictions no longer subject to appellate review. MCR 6.501. Even if MCL 770.1 did apply, there is no basis for finding “that justice has not been done” in this case.

VI. Conclusion

Upon thorough consideration of Defendant's Motion for Relief from Judgment, the record and pleadings—including the People's Response and the Defendant's Addendum—the Court finds that Defendant is not entitled to relief pursuant to MCR 6.501 *et. al.* This Opinion and Order is issued pursuant to MCR 6.508(E). Therefore, for all the reasons set forth above, **IT IS SO ORDERED** that Defendant's Motion for Relief from Judgment is hereby **DENIED**.

DATED: 8-6-2024



Hon. Nicholas Hathaway

STATE OF MICHIGAN
IN THE THIRD CIRCUIT COURT FOR THE COUNTY OF WAYNE
CRIMINAL DIVISION

PEOPLE OF THE STATE OF MICHIGAN
Plaintiff,

vs.

Case No. 12-001086-01-FC
Hon. Nicholas J. Hathaway

ANTON BLEVINS

Defendant

_____ /

ORDER

At a session of said Court held in the Frank
Murphy Hall of Justice on 9-6-24

PRESENT: HON. Nicholas J. Hathaway
Circuit Court Judge

In the above-entitled cause, for the reasons set forth in the foregoing Opinion, IT
IS HEREBY ORDERED that Defendant's Motion for Relief from Judgment is hereby
DENIED.

Dated: _____

8/6/2024

Hon. Nicholas Hathaway
Circuit Court Judge

EXHIBIT B

Affidavit of Orlando Gordon

STATE OF MICHIGAN }
ss }
COUNTY OF WAYNE }

I, ORLANDO GORDON, being duly sworn, hereby states that:

1. I am at least 18 years old, competent to testify, understand the implications of the oath of this affidavit, and that this affidavit is made based on my personal knowledge.
2. I was interviewed by professional investigator Desiree Edwards on 12/30/2025 regarding case caption People of Michigan vs. Anton Blevins 12-001086-01-FC.
3. In 2011, I managed Club Envy located at 234 W. Larned, Detroit, MI 48226.
4. Prior to the date of the incident, I did not know Anton Blevins.
5. Detroit Police Department detectives came to Club Envy to request the premises' surveillance footage. The detectives did not present a search warrant or subpoena to view the footage.
6. I was present when detectives viewed the video while still at Club Envy. The detectives did not conduct a witness interview with me. There was only small talk between the detectives and me as they viewed the video.
7. The quality of the video was clear. However, the angle and placement of the cameras showed the images at a distance.
8. Due to the angle and position of the cameras, a viewer would not be able to clearly see details such as distinct facial features or special markings such as tattoos or piercings. At most, a viewer would be able to see clothing and possibly an individual's height.
9. Watching the video, I could see the suspects/shooters take off running in the direction of a white Chevrolet Malibu or Impala which they fled in.
10. While I was unable to see distinct features of the people running, I could tell they were three Black men with medium brown complexions; of medium build; and one man was taller than the other two men.
11. To provide investigator Edwards a better idea of the men's complexion, I told her, based upon the photo of her printed on her business card, the men were her complexion.
12. The video did not have a zoom feature which prevented the viewer from clearly distinguishing any distinct or unique marks and features of the people captured in the video.

13. At most, you would only be able to positively identify a person in the video if you knew that person or if they were already familiar to you.
14. The video did not have sound; however, I was able to see the shooting. I do not recall seeing muzzle flashes or how many shots were possibly fired.
15. After viewing the video with me at Club Envy, on the same day, detectives took possession of the surveillance system's DVR. The DVR is the system's component that controls the cameras. DPD subsequently returned the equipment to Club Envy approximately four months later.
16. On 12/19/2025, I responded to a Facebook social media post that was created to raise awareness for this matter. The post implied Blevins was wrongfully convicted in the shooting that happened near Club Envy. I responded to the post to share my firsthand information regarding the club's surveillance video that I viewed with investigating detectives.
17. Blevins' family and supporters reached out to me via Facebook Instant Messenger. I agreed to share the information and sign an affidavit regarding what I saw on the surveillance video.
18. If I had been interviewed by detectives, I would have provided them with the same information told within this sworn affidavit. Further, if I was asked to do so, I would have testified in open court to the statements provided in this affidavit.

FURTHER, Affiant sayeth not.

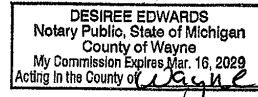
Under the penalty of perjury, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters stated to be on information and belief and as to such matters the undersigned certifies he believes the same to be true.

Orlando Gordon

Orlando Gordon

1-11-26

Date



Subscribed and sworn before me

this 11 day of January, 2026

Desiree Edwards

Notary Public

Wayne County, State of Michigan

My Commission Expires: 03/16/2029

EXHIBIT C

AFFIDAVIT OF STEVEN FISHMAN

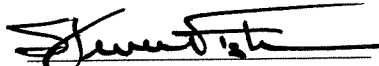
STATE OF MICHIGAN

COUNTY OF WAYNE

I, STEVEN FISHMAN, state as follows:

1. I am of sound mind and competent to testify as to the contents of this affidavit.
2. I served as the attorney of record for Anton Blevins at his 2013 criminal trial before Judge Timothy Kenny in Wayne County Circuit Court.
3. At no time before or during the trial was I given any video surveillance of the shooting for which Mr. Blevins was on trial nor did I receive any discovery that documented the existence of any surveillance video obtained by the investigating officers.
4. At trial, the Officer-in-Charge, Derryck Thomas, denied the existence of any video surveillance of the shooting. (Trial transcript, 2/20/13, pp 88-89.)
5. During closing arguments, the prosecutor also told the jury "we don't have video surveillance. I wish we did. We don't." (Trial transcript, 2/21/13, pp 34-35.)
6. I never saw or had in my possession any video recording of the shooting.

I declare under the penalty of perjury that the foregoing is true and correct pursuant to 28 U.S.C. § 1746.


STEVEN FISHMAN

Dated: July 24, 2026

EXHIBIT D

Marcel Jackson

Vince Shivers

Orlando Gordon

Seth Odyro
Security (Securitas)

Interior cameras only
FX:

586 TOM

Midze Vank

10/15/52

Unit 1000

or 15 250

KIL property mgmt

Attempt to contact Nick

is no longer in service

[REDACTED]

owner of Mark B

* 5-6-11 3:35.45 shooting occurs

Envoy Camera #14

Camera 10 3:36.14 1st shot

Camera 9-7-11

Time 2-3-12

Free time 9:52

5-6-11

EXHIBIT E

All the witnesses have checked in + DeMario, Zach, Raymond, Ross Phillip Carlos. I don't have Peggy or Katherine yet.

Katherine Attorney needs to be contacted by you. She was supposed to produce her @ trial.

Peggy checked in + is in Judge Braxton's court. I'll call Katherine's atty on break.

We put the FEAR OF God in Phillip. Once he goes in front of the Judge we can release him. He will testify and be ~~the~~ truthful. - Good work !!

EXHIBIT F

AFFIDAVIT OF ANTON BLEVINS

I, Anton Blevins, declare under the penalty of perjury, that the forthcoming is true and correct. I make these statements without any offer of reward, threat, or coercion by anyone associated with this case. If called to court affiant will swear that:

1. At the start of my case in Third Circuit Court, case no.12-001086-01-FC, I received a complete copy of my discovery from my retained attorney Steven Fishman. This was back in the year of 2012.
2. All year 2012 and up to trial in February 2013 I would comb daily through all my discoveries.
3. Never once were any disclosures made concerning video footage, still photos or any other relevant exculpatory video or photo evidence being recovered from Club Envy.
4. Never once was there any information about Detroit Police officers talking with Orlando Gordon who had exculpatory information, or any notation of the said.
5. In fact, I recall through trial both the Officer in charge and the prosecutor in closing argument claiming how **"they wish there was video footage in this case."**
6. In 2026 it was discovered through a Freedom of Information request obtained by my girlfriend **Demetria Young** that DPD for over a decade suppressed exculpatory video footage, still photos and an exonerating witnesses who described the three suspects as being a medium brown complexion similar to that of Private Investigator Desiree Edwards skin tone. A distinct feature and tone opposite of this affiant.

Affiant further sayeth not,

28 USC Subsection 1746

I, Anton Blevins, declare under the federal penalty codified in statute 28 USC 1746, that if called to court, affiant will testify in the court of law, under oath and the penalty of perjury that all the above is true and correct.

Affiant: _____

Date: _____

Subscribed and sworn before me

this 29 day of July, 2026

Merle C Vollick Jr
Notary Public

Chippewa County, State of Michigan

My Commission Expires: 11/1/2030

MERLE C VOLLICK JR
Notary Public, State of Michigan
County of Chippewa
My Commission Expires 01-11-2030
Acting in the County of Chippewa

EXHIBIT 1

REGISTER OF ACTIONS

CASE No. 12-001086-01-FC

RELATED CASE INFORMATION

Related Cases

11-008372-01-FC (Co Defendant)

PARTY INFORMATION

Appellate Attorney	Houston, Melvin	Attorneys	
Defendant	Blevins, Anton T.	Adam Gregory Clements	
		Retained	
		(313) 964-1702(W)	
		Attorney Unreported	
		Retained	
		David J. Wellman	
		Retained	
		(248) 645-9300(W)	
		Loren M. Dickstein	
		Retained	
		(248) 263-6800(W)	
		Rachel Kelly Wolfe	
		Retained	
		(313) 649-4966(W)	
		Steven Fishman	
		Retained	
		(313) 920-2001(W)	
		Thomas W. Deinek	
		Court Appointed	
		(313) 965-1144(W)	
Plaintiff	State of Michigan	Kym L. Worthy	
		(313) 224-5777(W)	
		Richard L. Cunningham	
		(517) 881-4509(W)	

CHARGE INFORMATION

Charges: Blevins, Anton T.	Statute	Level	Date
1. Homicide - Murder First Degree - Premeditated	750316-A	.	05/05/2011
2. Assault With Intent to Murder	75083	.	05/05/2011
3. Assault With Intent to Murder	75083	.	05/05/2011
4. Assault With Intent to Murder	75083	.	05/05/2011
5. Assault With Intent to Murder	75083	.	05/05/2011
6. Assault With Intent to Murder	75083	.	05/05/2011
7. Assault With Intent to Murder	75083	.	05/05/2011
8. Weapons Felony Firearm	750227B-A	.	05/05/2011
9. Homicide - Murder - Second Degree	750317	.	02/22/2013
10. Assault With Intent to Do Great Bodily Harm less Than Murder	75084	.	02/22/2013
11. Assault With Intent to Do Great Bodily Harm less Than Murder	75084	.	02/22/2013
12. Assault With Intent to Do Great Bodily Harm less Than Murder	75084	.	02/22/2013
13. Assault With Intent to Do Great Bodily Harm less Than Murder	75084	.	02/22/2013
14. Assault With Intent to Do Great Bodily Harm less Than Murder	75084	.	02/22/2013

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

01/17/2012	Plea (Judicial Officer: Barthwell, Sidney, Jr.) 1. Homicide - Murder First Degree - Premeditated Defendant Stand Mute: Plea of Not Guilty Entered by Court
01/17/2012	Plea (Judicial Officer: Barthwell, Sidney, Jr.) 2. Assault With Intent to Murder Defendant Stand Mute: Plea of Not Guilty Entered by Court
01/17/2012	Plea (Judicial Officer: Barthwell, Sidney, Jr.) 3. Assault With Intent to Murder Defendant Stand Mute: Plea of Not Guilty Entered by Court
01/17/2012	Plea (Judicial Officer: Barthwell, Sidney, Jr.) 4. Assault With Intent to Murder Defendant Stand Mute: Plea of Not Guilty Entered by Court
01/17/2012	Plea (Judicial Officer: Barthwell, Sidney, Jr.) 5. Assault With Intent to Murder Defendant Stand Mute: Plea of Not Guilty Entered by Court
01/17/2012	Plea (Judicial Officer: Barthwell, Sidney, Jr.) 6. Assault With Intent to Murder Defendant Stand Mute: Plea of Not Guilty Entered by Court
01/17/2012	Plea (Judicial Officer: Barthwell, Sidney, Jr.) 7. Assault With Intent to Murder Defendant Stand Mute: Plea of Not Guilty Entered by Court
01/17/2012	Plea (Judicial Officer: Barthwell, Sidney, Jr.) 8. Weapons Felony Firearm Defendant Stand Mute: Plea of Not Guilty Entered by Court
02/22/2013	Disposition (Judicial Officer: Kenny, Timothy M.) 1. Homicide - Murder First Degree - Premeditated Not Guilty - Found Guilty of Lesser Offense 2. Assault With Intent to Murder Not Guilty - Found Guilty of Lesser Offense 3. Assault With Intent to Murder Not Guilty - Found Guilty of Lesser Offense 4. Assault With Intent to Murder Not Guilty - Found Guilty of Lesser Offense 5. Assault With Intent to Murder Not Guilty - Found Guilty of Lesser Offense 6. Assault With Intent to Murder Not Guilty - Found Guilty of Lesser Offense 7. Assault With Intent to Murder Not Guilty - Found Guilty of Lesser Offense 8. Weapons Felony Firearm Found Guilty by Jury 9. Homicide - Murder - Second Degree Found Guilty by Jury 10. Assault With Intent to Do Great Bodily Harm less Than Murder Found Guilty by Jury 11. Assault With Intent to Do Great Bodily Harm less Than Murder Found Guilty by Jury 12. Assault With Intent to Do Great Bodily Harm less Than Murder Found Guilty by Jury 13. Assault With Intent to Do Great Bodily Harm less Than Murder Found Guilty by Jury 14. Assault With Intent to Do Great Bodily Harm less Than Murder Found Guilty by Jury 15. Assault With Intent to Do Great Bodily Harm less Than Murder Found Guilty by Jury
03/27/2013	Sentence (Judicial Officer: Kenny, Timothy M.) 8. Weapons Felony Firearm State Confinement: Agency: Michigan Department of Corrections Effective 03/27/2013 Term: 2 Yr to 2 Yr Credit for Time Served: 435 Days
03/27/2013	Sentence (Judicial Officer: Kenny, Timothy M.) 9. Homicide - Murder - Second Degree State Confinement: Agency: Michigan Department of Corrections Effective 03/27/2013 Term: 30 Yr to 60 Yr
03/27/2013	Sentence (Judicial Officer: Kenny, Timothy M.) 10. Assault With Intent to Do Great Bodily Harm less Than Murder State Confinement: Agency: Michigan Department of Corrections

	Effective 03/27/2013 Term: 5 Yr to 10 Yr Comment: Counts 10-15 concurrent, but consecutive to Count 8
03/27/2013	Sentence (Judicial Officer: Kenny, Timothy M.) 11. Assault With Intent to Do Great Bodily Harm less Than Murder State Confinement: Agency: Michigan Department of Corrections Effective 03/27/2013 Term: 5 Yr to 10 Yr Comment: Counts 10-15 concurrent, but consecutive to Count 8
03/27/2013	Sentence (Judicial Officer: Kenny, Timothy M.) 12. Assault With Intent to Do Great Bodily Harm less Than Murder State Confinement: Agency: Michigan Department of Corrections Effective 03/27/2013 Term: 5 Yr to 10 Yr Comment: Counts 10-15 concurrent, but consecutive to Count 8
03/27/2013	Sentence (Judicial Officer: Kenny, Timothy M.) 13. Assault With Intent to Do Great Bodily Harm less Than Murder State Confinement: Agency: Effective 03/27/2013 Term: 5 Yr to 10 Yr Comment: Counts 10-15 concurrent, but consecutive to Count 8
03/27/2013	Sentence (Judicial Officer: Kenny, Timothy M.) 14. Assault With Intent to Do Great Bodily Harm less Than Murder State Confinement: Agency: Michigan Department of Corrections Effective 03/27/2013 Term: 5 Yr to 10 Yr Comment: Counts 10-15 concurrent, but consecutive to Count 8
03/27/2013	Sentence (Judicial Officer: Kenny, Timothy M.) 15. Assault With Intent to Do Great Bodily Harm less Than Murder State Confinement: Agency: Michigan Department of Corrections Effective 03/27/2013 Term: 5 Yr to 10 Yr Comment: Counts 10-15 concurrent, but consecutive to Count 8

	OTHER EVENTS AND HEARINGS
06/14/2011	Recommendation for Warrant
06/14/2011	Warrant Signed
01/17/2012	Interim Condition for Blevins, Anton T. - Remand \$0.00
01/17/2012	Arraignment on Warrant (9:00 AM) (Judicial Officer Barthwell, Sidney, Jr.) Parties Present
01/31/2012	Result: Defendant Stands Mute; Plea Of Not Guilty Entered By Court Preliminary Examination (9:00 AM) (Judicial Officer Coleman, Donald) Parties Present
01/31/2012	Result: Held: Bound Over Appearances by a Retained Attorney Filed
01/31/2012	Bound Over
01/31/2012	Order For Production Of Exam Transcript Signed and Filed 73 pages
02/06/2012	Motion To Consolidate
02/07/2012	Scheduled AOI
02/07/2012	Order Signed and Filed (Judicial Officer: Docket, Room 504)
02/10/2012	Arraignment On Information (9:00 AM) (Judicial Officer Allen, David J.) Parties Present <i>02/07/2012 Reset by Court to 02/10/2012</i>
02/10/2012	Result: Held Disposition Conference (9:00 AM) (Judicial Officer Allen, David J.) Parties Present
02/10/2012	Result: Held Calendar Conference (9:00 AM) (Judicial Officer Allen, David J.) Parties Present
02/10/2012	Result: Held Motion Hearing (9:00 AM) (Judicial Officer Allen, David J.) Parties Present
02/10/2012	Result: Held Motion To Consolidate (Judicial Officer: Allen, David J.)
03/09/2012	Motion Hearing (9:00 AM) (Judicial Officer Allen, David J.) Parties Present
03/19/2012	Result: Held Motion Hearing (9:00 AM) (Judicial Officer Allen, David J.) Parties Present
	Result: Held

03/19/2012 **Motion** (Judicial Officer: Allen, David J.)
03/30/2012 **Motion Hearing** (9:00 AM) (Judicial Officer Allen, David J.)
[Parties Present](#)
Result: Held

03/30/2012 **Motion to Reduce** (Judicial Officer: Allen, David J.)
05/02/2012 **Pre-Trial** (9:00 AM) (Judicial Officer Allen, David J.)
[Parties Present](#)
Result: Held

05/03/2012 **Pre-Trial** (9:00 AM) (Judicial Officer Allen, David J.)
[Parties Present](#)
Result: Adjourned at the Request of the Court

05/17/2012 **Order Signed and Filed** (Judicial Officer: Allen, David J.)
05/24/2012 **Pre-Trial** (9:00 AM) (Judicial Officer Allen, David J.)
Result: Held

08/13/2012 **Pre-Trial** (9:00 AM) (Judicial Officer Allen, David J.)
[Parties Present](#)
Result: Held

12/07/2012 **Pre-Trial** (9:00 AM) (Judicial Officer Kenny, Timothy M.)
[Parties Present](#)
Result: Adjourned at the Request of the Court

02/12/2013 **Jury Trial** (9:00 AM) (Judicial Officer Kenny, Timothy M.)
[Parties Present](#)
05/07/2012 Reset by Court to 08/13/2012
08/13/2012 Reset by Court to 08/20/2012
08/20/2012 Reset by Court to 01/14/2013
01/14/2013 Reset by Court to 02/12/2013
Result: Continued

02/13/2013 **Jury Trial in Progress** (9:00 AM) (Judicial Officer Kenny, Timothy M.)
[Parties Present](#)
Result: Continued

02/14/2013 **Jury Trial in Progress** (9:00 AM) (Judicial Officer Kenny, Timothy M.)
[Parties Present](#)
Result: Continued

02/19/2013 **Jury Trial in Progress** (9:00 AM) (Judicial Officer Kenny, Timothy M.)
[Parties Present](#)
Result: In Progress

02/20/2013 **Jury Trial in Progress** (9:00 AM) (Judicial Officer Kenny, Timothy M.)
[Parties Present](#)
Result: Continued

02/21/2013 **Jury Trial in Progress** (9:00 AM) (Judicial Officer Kenny, Timothy M.)
[Parties Present](#)
Result: Continued

02/22/2013 **Jury Trial in Progress** (9:00 AM) (Judicial Officer Kenny, Timothy M.)
Result: Held

02/22/2013 **Found Guilty By Jury** (Judicial Officer: Kenny, Timothy M.)
03/27/2013 **Sentencing** (9:00 AM) (Judicial Officer Kenny, Timothy M.)
03/12/2013 Reset by Court to 03/27/2013
Result: Held

03/27/2013 **Sentenced to Prison Order Signed and Filed** (Judicial Officer: Kenny, Timothy M.)
04/18/2013 **Stenographers Certificate Filed**
04/18/2013 **Order For Production Of Trial Transcript**
Vol./Book 3 57 pages

04/19/2013 **Stenographers Certificate Filed**
06/19/2013 [Notice of Transcript Filed](#)
Vol./Book 1 7 pages

07/12/2013 [Notice of Transcript Filed](#)
Vol./Book 3 57 pages

07/18/2013 [Notice of Transcript Filed](#)
Vol./Book 8 1978 pages

09/04/2013 **Order For Production Of Transcript**
09/04/2013 **Stenographer Certificate Required**
09/05/2013 **Stenographers Certificate Filed**
09/25/2013 [Notice of Transcript Filed](#)
Vol./Book 1 6 pages

11/01/2013 **Motion**
11/05/2013 **Post Conviction** (9:00 AM) (Judicial Officer Kenny, Timothy M.)
10/15/2013 Reset by Court to 11/05/2013
Result: Held

01/27/2014 **Post Conviction** (9:00 AM) (Judicial Officer Kenny, Timothy M.)
Result: Continued

01/28/2014 **Post Conviction** (9:00 AM) (Judicial Officer Kenny, Timothy M.)
Result: Continued

01/31/2014 **Post Conviction** (9:00 AM) (Judicial Officer Kenny, Timothy M.)
[Parties Present](#)
Result: Continued

04/08/2014 **Post Conviction** (9:00 AM) (Judicial Officer Kenny, Timothy M.)
Result: Continued

06/02/2014 **Post Conviction** (9:00 AM) (Judicial Officer Kenny, Timothy M.)
[Parties Present](#)

	04/28/2014	Reset by Court to 05/07/2014
	05/07/2014	Reset by Court to 06/02/2014
		Result: Held
06/02/2014		Motion For A New Trial (Judicial Officer: Kenny, Timothy M.)
06/02/2014		Heard And Denied - Order Signed and Filed (Judicial Officer: Kenny, Timothy M.)
06/11/2014		Stenographers Certificate Filed
06/30/2014		Notice of Transcript Filed
		Vol./Book 5 322 pages
10/17/2014		Transcript Filed
01/05/2015		Notice of Transcript Filed
		Vol./Book 1 62 pages
02/11/2016		Order Signed and Filed (Judicial Officer: Judge, Administrative)
02/25/2016		Motion To Reconsider
02/26/2018		Order Signed and Filed (Judicial Officer: Kenny, Timothy M.)
01/25/2019		Post Conviction (9:00 AM) (Judicial Officer Kenny, Timothy M.)
		Parties Present
		Result: Held
03/01/2019		Order For Production Of Transcript
03/01/2019		Stenographer Certificate Required
03/01/2019		Order For Production Of Transcript
03/01/2019		Stenographer Certificate Required
03/01/2019		Appointment for Claim of Appeal (Circuit)
03/08/2019		Stenographers Certificate Filed
04/02/2019		Stenographers Certificate Filed
04/12/2019		Notice of Transcript Filed
		Vol./Book 3 171 pages
04/17/2019		Miscellaneous, Filed
04/17/2019		Motion For Relief From Judgment
04/17/2019		Motion
04/17/2019		Proof of Service, Filed
04/23/2019		Notice of Transcript Filed
		Vol./Book 1 16 pages
05/22/2019		Motion To Dismiss An Appeal
05/28/2019		Miscellaneous, Filed
05/28/2019		Proof of Service, Filed
07/15/2019		Motion To Adjourn
07/15/2019		Proof of Service, Filed
12/12/2019		Order Signed and Filed (Judicial Officer: Kenny, Timothy M.)
06/30/2020		Miscellaneous, Filed
06/30/2020		Proof of Service, Filed
07/07/2020		Proof of Service, Filed
07/07/2020		Miscellaneous, Filed
10/01/2020		Proof of Service, Filed
10/01/2020		Miscellaneous, Filed
11/10/2021		Order Signed and Filed (Judicial Officer: Kenny, Timothy M.)
12/08/2021		Order Signed and Filed (Judicial Officer: Kenny, Timothy M.)
01/23/2023		Case Reassigned
07/05/2023		Order Signed and Filed (Judicial Officer: Hathaway, Nicholas J.)
10/25/2023		Order Signed and Filed (Judicial Officer: Hathaway, Nicholas J.)
10/30/2023		Appearance By People
10/30/2023		Proof of Service, Filed
11/02/2023		Order Signed and Filed (Judicial Officer: Hathaway, Nicholas J.)
12/18/2023		Motion
12/18/2023		Proof of Service, Filed
01/16/2024		Proof of Service, Filed
01/16/2024		People's Response (Answer) to Motion
03/29/2024		Motion For Relief From Judgment
03/29/2024		Proof of Service, Filed
03/29/2024		Notice Of Hearing
03/29/2024		Proof of Service, Filed
03/29/2024		Notice Of Hearing
03/29/2024		Proof of Service, Filed
04/05/2024		Miscellaneous, Filed
04/05/2024		Proof of Service, Filed
04/17/2024		Order Signed and Filed (Judicial Officer: Hathaway, Nicholas J.)
05/23/2024		Motion For Relief From Judgment
05/23/2024		Proof of Service, Filed
08/06/2024		Order Denying Motion for Relief from Judgment - S/F (Judicial Officer: Hathaway, Nicholas J.)
01/29/2025		Notice of Filing - COA
01/29/2025		Proof of Service, Filed
06/25/2025		Opinion/Order Higher Court Signed and Filed (COA)
07/31/2025		Notice of Appeal Filed
07/31/2025		Proof of Service, Filed
04/23/2026		Opinion/Order Higher Court Signed and Filed (SUPREME)

FINANCIAL INFORMATION

To pay on Adult Criminal cases [CLICK HERE](#)

Defendant Blevins, Anton T.
Total Financial Assessment
Total Payments and Credits
Balance Due as of 07/27/2026

128.00
128.00
0.00

EXHIBIT 2

HOMICIDE SCENE INVESTIGATION

Crime: FATAL SHOOTING

CRISNET# 1105060032

Date of Incident: Thursday, May 05, 2011

Scene Location: CENTRAL DISTRICT Shelby/Larned

Motive:

Victim(s):	Courtney Allen Smith B/M/21	Fatal	☐ PAROLE	PROBATION ☐
	Carlos Spearman B/M/25	Temporary Serious	☐ PAROLE	PROBATION ☐
			☐ PAROLE	PROBATION ☐
			☐ PAROLE	PROBATION ☐

Homicide Team: Sgt. Lalone, Sgt. Mackie, Sgt. Vinson, Sgt. Gardner

Time Notified: 12:00 AM

Arrival Time: 12:20 AM

Suspect(s): #1 B/M/21-22yrs/5'6"/120lbs/dk complex/armed with a blk and gray hand gun
#2 B/M/23yrs/6'2"/skinny/light complex/armed with unk type hand gun

SYNOPSIS: Scout 1-1, manned by P.O. Bryson, 707, and P.O. A. Jackson, 3805, responded to a Police Run to Larned/Shelby for "Shots Fired". Upon arrival the officers observed complainant#2 laying on the west side of Shelby, north of Larned, in the parking lot suffering from an apparent gun shot wound to the left leg and complainant#1 laying on the east side of Shelby, north of Larned, in the parking lot suffering from multiple gun shot wounds to the head and chest. Complainant #1 was conveyed to DRH via Medic 8 and declared DOA per Dr. Rosh ch#615367489. Complainant#2 was conveyed to DRH via Medic 6 and declared Temp Serious Condition per Dr. Rosh ch#615367497.

OFFICER COMPLETING SCENE INVESTIGATION
SGT. ROBERT LALONE S-381
HOMICIDE
SQUAD ONE

WEATHER CONDITIONS: Cloudy STRUCTURE TYPE: Commercial

LIST AND DESCRIBE ALL DOORS, LOCKS AND THEIR CONDITIONS: N/A-Out door Scene

LIST & DESCRIBE WINDOWS, TYPES OF LOCKS,
CONDITION: N/A

BLINDS: _____ DRAPES: _____ SHADES: _____

LIGHTS, LAMPS, DESCRIBE: N/A

ODORS: None

FIRST OFFICER AT SCENE: PO'S Bryson and A. Jackson UNIT: 1-1

TIME DISP: 11:50 PM Arrived 11:55 PM

ORIGINAL RUN INFORMATION "Shots fired at location"

OTHERS AT SCENE: 1-65, 1-77, Medic 6 and 8

EVIDENCE TECHNICIAN: Officer Thomas Smith Officer Ramon Diaz

SCENE SKETCH BY: Officer Thomas Smith

SURVEY MADE BY: Sgt. Mackie/Sgt. Vinson

ADDRESSES SURVEYED: Area around Shelby/Larned

MEDICAL EXAMINER AT SCENE: N/A TIME ARRIVED: _____

MEDICAL EXAMINER REMARKS * (Rigor - Lividity, etc.) Body was transported to DRH
prior to arrival of Homicide Unit

VICTIM # 1

POSITION OF BODY/LOCATION: Both victims removed to DRH prior to arrival

PHYSICAL DESCRIPTION: _____

CLOTHING: _____

LOCATION OF WOUNDS & OTHER MARKS: _____

IDENTITY: Courtney Alan Smith

AGE/SEX/RACE: 21 Male Black

ADDRESS: 1414 S. Annabelle

ID BY Philip Knott

WALLET/PURSE CONTENTS: N/A

OTHER JEWELRY: N/A

WEAPONS: N/A

CONDITION OF HANDS: N/A

BAGGED: NO

OTHER ARTICLES: _____

BLOODSTAINS LOCATION, SIZE . CONDITION: There was a small pool of blood on the side
walk on the east side of Shelby N/O Larmed with smaller drops of blood leading to a large pool of blood
that ran down north from the original pool.

☐ ROOM ☐ EXT TEMP: 50 PROBABLE CAUSE OF DEATH: Multiple Gun Shot Wounds

OBSERVATIONS

1. DESCRIPTION OF SUSPECT(S) ENTRANCE/APPROACH: The suspects were placing advertisement cards on the vehicles that were parked in parking lots on the east and west side of Shelby N/O Larned.

2. DESCRIPTION OF BODY AND ANY EVIDENCE ON THE VICTIM: The complainants were both removed via Medics to DRH prior to arrival.

OBSERVATIONS

3. DESCRIPTION OF CONFRONTATION AREA: This is an out door scene that takes place on Shelby north of Larned. On both the east and west side of the street, just north of Larned there are commercial parking lots that are adjacent to commercial buildings to the North, East and West of the parking lots. Walking north on Shelby from Larned writer observed yellow crime scene tape sectioning off an area around a parking attendants booth in the parking lot on the west side of Shelby and yellow crime scene tape sectioning off an area of the parking lot on the east side of Shelby, just north of Larned. Walking north from Larned in the west parking lot you approach a driveway that opens out onto Shelby. There are yellow painted cement parking poles along the driveway. Next to the first pole north of the driveway there is a spent .45 shell casing. Continuing on you come to the parking attendant booth that is abutted to the side walk that runs parallel with Shelby. There are (7) additional Spent .45 shell casing around the parking attendant booth and (1) spent .45 shell casing in the driveway just north of the parking attendant booth. There is (1) .45 shell casing under the passenger side front tire of a 1999 red Dodge Intrepid MI/CES5596 vin#2B3HD46R0XH631424, which is parked on Shelby street facing south bound, right wheel to curb, just north of the second driveway. Continuing on in the west parking lot there is a partial copper jacket approximately 20'-25' north/west of the parking attendant booth. At the north end of the west parking lot is an alley which runs east/west. There is a 2001 Chevrolet Blazer silver MI/BSE2244 vin#1GNCS18W51K196682, (this vehicle is reported to belong to complainant #1), parked in the alley, against the wall of the commercial building on the north side of the parking lot, facing west bound. This is the area that complainant#2 was reported to have been shot at. The driver's side of the vehicle is facing out towards the parking lot. There are (2) apparent bullet holes in this vehicle, one in the lower quarter panel just behind the driver's door and a second in the rear quarter panel just in front of the tail light on the driver's side. Just in front of this vehicle, to the west, there is a fired bullet with the copper jacket still intact; it is laying in the alley approximately 10' west of the vehicle. There is also a garbage dumpster pushed up against the wall in front of this vehicle. There is enough space between the 2001 Chevrolet Blazer and the dumpster to park an additional vehicle (this is the area that the alleged suspects vehicle was said to be parked). There are other misc. vehicles parked in this parking lot that do not appear to have significance in relation to this scene. Walking east bound across Shelby there is another commercial parking lot. There are numerous vehicles parked both facing north bound along the curb on Shelby facing north bound and many other vehicles parked around this lot. There are two vehicles a 2000 Ford van MI/CB00646 vin#1FTSS34L6YHB18379 and a 2009 Dodge silver PU MI/TJH35 vin#1D3HV18P49S712001, parked on an angle, facing west. There is an empty parking spot between the two vehicles. There is a small pool of blood on the side walk leading up to this empty parking spot and approaching the spot there are smaller spots of blood that leads up to another small pool of blood that then flows north for approximately 4'. In the middle of this blood is a black jacket. Directly east from this area is a 1998 Toyota silver 4dr MI/0261E0 vin#1NXBR12B6WZ112487, that is parked and facing east. There is an apparent bullet hole in the rear window of this vehicle and looking into the vehicle's interior you observe a fired bullet laying on the front passenger seat of this vehicle; the bullet and bullet hole were photographed and the bullet was recovered by the ETU and the vehicle was released at the scene to the owner. There is nothing else pertaining to this scene.

* 4. DESCRIPTION OF ESCAPE ROUTE OF SUSPECT(S) AREA CANVASSED ☐ YES ☒ NO

The suspects fled in a possible gold Ford Focus, south bound on Shelby and then possibly east bound. There are numerous surveillance cameras surrounding these parking lots. 536 Shelby "Wah Hoo" restaurant, owner Bjorn Ph#(313)570-6500, 555 Shelby, cameras facing parking lots, 234 Larned, cameras facing parking lots.

VEHICLE(S)

☒ PERPETRATOR gold Ford Focus
☒ COMPLAINANT 2001 Chevrolet Blazer silver MI/BSE2244 vin#1GNCS18W51K196682

PERPETRATOR(S)
ARRESTED

NAME	HOUSED AT	FOR CHARGE(S)	SUBJECT ON ☐ PAROLE ☐ PROBATION
NAME	HOUSED AT	FOR CHARGE(S)	SUBJECT ON ☐ PAROLE ☐ PROBATION
NAME	HOUSED AT	FOR CHARGE(S)	SUBJECT ON ☐ PAROLE ☐ PROBATION
NAME	HOUSED AT	FOR CHARGE(S)	SUBJECT ON ☐ PAROLE ☐ PROBATION

PERPETRATOR(S)
SUSPECT

NAME	SUBJECT ON ☐ PAROLE ☐ PROBATION
NAME	SUBJECT ON ☐ PAROLE ☐ PROBATION
NAME	SUBJECT ON ☐ PAROLE ☐ PROBATION
NAME	SUBJECT ON ☐ PAROLE ☐ PROBATION

EVIDENCE

LIST EVIDENCE FOR LAB SERVICES: (PRINTS, DNA ITEMS, ETC.) (9) spent .45 shell casings

STORY

The story is being told by Philip Knott, Mario Drummond, Raleigh Ross, Raymond Malone, and Zachary Easterly, friends of the complainants. The complainants and the above witnesses went to "Club Envy" to celebrate complainant#2 graduating from college. They were all denied access to the club because complainant#2, Spearman, was overly intoxicated. The group was leaving when witness Easterly stopped and urinated next to a gold Ford Focus that was parked in front of complainant#1's vehicle. The suspects were placing advertisement cards under the windshield wipers of the vehicles parked in the (2) parking lots on the east and west side of Shelby. The suspects accused Easterly of urinating on their vehicle and there was a physical altercation between the suspects and Easterly. The suspects had Easterly up against the wall when one of the suspects struck Easterly, so Drummond struck one of the suspects. Then the other persons appeared on behalf of the suspects and the complainants behalf. The groups separated and then began to argue back and forth. At this time suspect#2 produced a hand gun from his waist band and began making statements about "you don't want none of this" and "you're a big guy, I got something for you". The groups continued to argue and suspect#2 handed the weapon to suspect#1 who then began to fire shots from the hand gun. Complainant#2 was struck in the left leg. Suspect#1 then fired the weapon towards complainant#1 who ran east bound across Shelby and fell in the parking lot. The suspects then entered the gold Ford Focus and fled the scene south bound and then east bound, from there unknown.

☐ YES ☒ NO CASETRAX CHECK ON CRIME LOCATION:

☐ YES ☒ NO TALON ON SUSPECT(S) VEHICLE(S) WEAPON(S)

☐ YES ☒ NO CASETRAX CHECK ON SUSPECT(S)

☐ YES	☐ NO	FAMILY CONTACTED	NAME	TIME
------------------------------	-----------------------------	------------------	------	------

☐ YES ☒ NO I.O.D. SHOOTING TEAM @ SCENE - NAME(S)

☐ YES ☒ NO CANVASS SHEET ATTACHED?

☐ YES ☒ NO ☐ N/A RAPE KIT

☐ YES ☒ NO ☐ N/A GSRT CAN INCLUDE WITNESS (ES)

C.E.R.T. NOTIFICATIONS:

MANDATORY FOR ALL VICTIM(S) OR OFFENDER(S) UNDER 21

☐ YES ☒ NO GANG SQUAD: NAME
TIME

☒YES ☐NO HOMICIDE: NAME Sgt Gardner
TIME:

MANDATORY FOR ALL SCENES

☐ YES ☒ NO NARCOTICS: NAME
TIME

☐ YES ☒ NO TMU: NAME
TIME

☐ YES ☒ NO VCTF: NAME
TIME

EXHIBIT 3

DETROIT POLICE DEPARTMENT CRIME REPORT

DETROIT POLICE DEPARTMENT

Case No. 1105060032
Report No. 1105060032.3
Report Date: 5/6/2011

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Page 1 of 6.

Subject: SCT. 1-1 1-FATAL 1-CRITICAL SHOOTING CD 28 29

Case Report Status	1 - IN PROCESS	Date Entered	5/6/2011 5:31:15 AM	Reporting Officer	
County	82 - WAYNE	Entered By	236413 - JACKSON, ALLISON	234518 - MATELIC, AMY	
City/Township	99 - DETROIT	Date Verified		Assisted By	
Occurred On (and Between)	5/5/2011 11:50:00 PM	Verified By		225954 - BRYSON, LISA	
Location	SHELBY/W. CONGRESS	Date Approved		Assist Agency	
CSZ	DETROIT	Approved By			
Census/Geo. Code	5172	Connecting Cases			
Grid	C4 - 0104	Disposition	ACTIVE		
Call Source		Tactical Actions			
Vehicle Activity		Clearance Reason			
Vehicle Traveling		Date of Clearance			
Cross Street		Reporting Agency	DETROIT POLICE DEPARTMENT		
Means		Division	HOMICIDE SECTION		
Other Means		Notified			
Motive					
Other Motives					

Report Narrative: P.O. ALLISON JACKSON, BADGE 3805, CENTRAL 0101, S-10
P.O. LISA BRYSON, BADGE 707, S-10

A: NONE-SUSPECT #1-UNKNOWN B/M, APPROX. 21 YRS OLD, DARKER CLOTHING, APPROX. 5'7", MED COMPLEX.
SUSPECT #2-UNKNOWN B/M, APPROX. 21 YRS OLD, WEARING RED SHIRT, APPROX. 6'0", LIGHT SKINNED.

S: P/R TO ABOVE LOC. ON SHOTS FIRED, TWO PEOPLE SHOT AT LOC.

C: WRITER/PARTNER WHILE WORKING IN FULL UNIFORM IN MARKED SCOUT CAR MADE LOC. WRITER OBS. TWO PERSONS DOWN AT SCENE. WRITER OBS. B/M FOUND TO BE VICTIM #2 LYING ON WEST SIDE OF SHELBY MID BLOCK AT THE END OF ALLEYWAY, DOWN WITH A GUNSHOT WOUND TO THE LEG AREA. WRITER THEN WAS DIRECTED TO VICTIM #1 WHO WAS DOWN ON HIS BACK, HEAD FACING EAST, FEET WEST, WITH A LARGE POOL OF BLOOD AROUND THE RIGHT SIDE OF HEAD AREA, BLOOD ON CHEST AREA AND A POOL OF BLOOD APPROX. 2 FEET WEST OF VICTIM'S FEET. VICTIM #1 WAS IN BETWEEN TWO CARS IN THE PARKING LOT. PARTNER THEN CHECKED VICTIM #1 FOR SIGNS OF LIFE AND DID OBS. A SMALL BREATH FROM VICTIM. MEDICS WERE IN ROUTE. WRITER THEN SECURED SCENE AROUND VICTIM #1 AND ATTEMPTED TO SECURE THE 4 OTHER WITNESSES AT SCENE. WRITER OBS. PRO WHO WAS SITTING ON A GOLD/1998/4DR/TOYOTA/COROLLA/LIC# 0261E0-HANDICAPPED PLATE/VIN# 1NXBR12E6WZ112487, APPROX. 20 FEET AWAY FROM VICTIM #1 IN PARKING LOT. WRITER APPROCHED PRO WHO WAS SOBBING. WRITER DID OBS. IN REAR WINDOW OF VEH. WHAT APPEARED TO BE A GUNSHOT. WRITER THEN T/T PRO WHO STATED THAT HE AND SEVERAL OTHER WITNESSES (1, 2, 3, 4, 5) WERE GOING TO ENVY NIGHTCLUB AT 234 W. LARNED BUT WAS NOT ALLOWED ENTRY BECAUSE VICTIM #2 WAS VERY INTOXICATED. THAT IS WHEN PRO STATES THAT HE AND WITNESSES 1, 2, 3, 4, 5

Offense Detail: 0990 - INFORMATION

Offense Description	0990 - INFORMATION	Location	03 - BAR/NIGHT CLUB	No. Prem. Entered	
IBR Code		Offense Completed?	YES	Entry Method	
IBR Group		Hate/Bias	00 - NONE (NO BIAS)	Type Security	
Crime Against		Domestic Violence	NO	Tools Used	
Offense File Class	99009 -				
PACC					
Local Code					
Using Criminal Activity					
Weapons					

Suspect S1: UNKNOWN SUSPECT

Suspect Number	S1	DOB		Place of Birth	
Name	UNKNOWN SUSPECT	Age	00	SSN	
AKA		Sex	U - UNKNOWN	DLN	

DETROIT POLICE DEPARTMENT

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Page 2 of 6

Victim V1: SMITH, COURTNEY ALAN

Injury Circumstances

Justifiable Homicide Circumstances	

Victim Notes

Victim V2: SPEARMAN, CARLOS

Place of Birth
SSN
DLN
DLN State
DLN Country

DETROIT POLICE DEPARTMENT CRIME REPORT

DETROIT POLICE DEPARTMENT

Case No. 1105060032
Report No. 1105060032.3
Report Date: 5/6/2011

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CSZ
Home Phone
Work Phone
Email Address
Attire

Ht.
Wt.
Eye Color
Hair Color
Facial Hair
Complexion

Occupation/Grade
Employer/School
Employer Address
Employer CSZ
Res. County
Res. Country
Resident Status

R - RESIDENT OF THE
COMMUNITY, CITY,
OR TOWN WHERE
THE OFFENSE
OCCURRED

Testify

Injury
Circumstances

Law Enforcement Officer Killed or Assaulted Information	Type
	Assignment
	Activity
Other ORI	

Justifiable Homicide Circumstances	
---------------------------------------	--

Victim Offender Relationships

Offender Relationship

Victim Notes

Witness W1: ROSS, RALEIGH LEE

Witness Code W1
Name ROSS, RALEIGH LEE
AKA
Alert(s)

DOB 12/16/1988
Age 22
Sex M - MALE
Race B - BLACK
Ethnicity U - UNKNOWN
Ht.
Wt.

Place of Birth
SSN
DLN
DLN State
DLN Country
Occupation/Grade
Employer/School WAYNE STATE
UNIVERSITY

Address 10575 W Outer Dr
CSZ DETROIT, MI

Home Phone 313 768-8051
Work Phone
Email Address

Eye Color
Hair Color
Facial Hair
Complexion

Employer Address
Employer CSZ
Res. County
Res. Country
Resident Status
Testify YES

Attire

Witness Notes

Witness W2: KNOTT, PHILIP

Witness Code W2
Name KNOTT, PHILIP
AKA
Alert(s)

DOB 5/31/1986
Age 24
Sex M - MALE
Race B - BLACK
Ethnicity U - UNKNOWN
Ht.
Wt.

Place of Birth
SSN
DLN
DLN State
DLN Country
Occupation/Grade
Employer/School WAYNE STATE
UNIVERSITY

Address 20289 Waltham
CSZ DETROIT, MI

Home Phone 313 330-4662
Work Phone
Email Address

Eye Color
Hair Color
Facial Hair
Complexion MBR - MEDIUM BROWN

Employer Address
Employer CSZ
Res. County
Res. Country
Resident Status
Testify YES

Attire

Witness Notes

Witness W3: MALONE, LIL RAYMOND SHAWN II

Witness Code W3

DOB 3/29/1989

Place of Birth

DETROIT POLICE DEPARTMENT CRIME REPORT

DETROIT POLICE DEPARTMENT

Case No. 1105060032
Report No. 1105060032.3
Report Date: 5/6/2011

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Name	MALONE, LIL RAYMOND SHAWN II	Age	22	SSN	
AKA		Sex	M - MALE	DLN	
Alert(s)		Race	B - BLACK	DLN State	
		Ethnicity	U - UNKNOWN	DLN Country	
Address	9276 Vaughn	Ht.		Occupation/Grade	
CSZ	DETROIT, MI 48223	Wt.		Employer/School	
Home Phone	313 828-8065	Eye Color		Employer Address	
Work Phone		Hair Color		Employer CSZ	
Email Address		Facial Hair		Res. County	
		Complexion		Res. Country	
Altire				Resident Status	
Witness Notes				Testify	YES

Witness W4: BANKS, RON

Witness Code	W4	DOB	4/20/1991	Place of Birth	
Name	BANKS, RON	Age	20	SSN	
AKA		Sex	M - MALE	DLN	
Alert(s)		Race	B - BLACK	DLN State	
		Ethnicity	U - UNKNOWN	DLN Country	
Address	3818 Crane	Ht.		Occupation/Grade	
CSZ	DETROIT, MI	Wt.		Employer/School	
Home Phone	313 624-6677	Eye Color		Employer Address	
Work Phone		Hair Color		Employer CSZ	
Email Address		Facial Hair		Res. County	
		Complexion		Res. Country	
Altire				Resident Status	
Witness Notes				Testify	YES

Witness W5: EASTERLY, ZACHARY

Witness Code	W5	DOB	4/9/1989	Place of Birth	
Name	EASTERLY, ZACHARY	Age	22	SSN	
AKA		Sex	M - MALE	DLN	
Alert(s)		Race	B - BLACK	DLN State	
		Ethnicity	U - UNKNOWN	DLN Country	
Address	4417 2nd	Ht.		Occupation/Grade	
CSZ	DETROIT, MI	Wt.		Employer/School	
Home Phone	313 433-5993	Eye Color		Employer Address	
Work Phone		Hair Color		Employer CSZ	
Email Address		Facial Hair		Res. County	
		Complexion		Res. Country	
Altire				Resident Status	
Witness Notes				Testify	YES

Witness W6: HIGGINS, LATISHA YVONNE

Witness Code	W6	DOB	7/28/1986	Place of Birth	
Name	HIGGINS, LATISHA YVONNE	Age	24	SSN	
AKA		Sex	F - FEMALE	DLN	
Alert(s)		Race	B - BLACK	DLN State	
		Ethnicity	U - UNKNOWN	DLN Country	
Address	4106 Mcdougal	Ht.		Occupation/Grade	
CSZ	DETROIT, MI	Wt.		Employer/School	
Home Phone	313 585-9193	Eye Color		Employer Address	
Work Phone		Hair Color		Employer CSZ	
Email Address		Facial Hair		Res. County	
		Complexion		Res. Country	
				Resident Status	

DETROIT POLICE DEPARTMENT CRIME REPORT

DETROIT POLICE DEPARTMENT

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Attire

Testify **YES**

Witness Notes

Witness W7: SIMMONS, APRIL ELAINE

Witness Code	W7	DOB	8/24/1984	Place of Birth	
Name	SIMMONS, APRIL ELAINE	Age	26	SSN	
AKA		Sex	F - FEMALE	DLN	
Alert(s)		Race	B - BLACK	DLN State	
		Ethnicity	U - UNKNOWN	DLN Country	
Address	9321 Penrod	Ht.		Occupation/Grade	
CSZ	DETROIT, MI	Wt.		Employer/School	
Home Phone	313 685-1736	Eye Color		Employer Address	
Work Phone		Hair Color		Employer CSZ	
Email Address		Facial Hair		Res. County	
		Complexion		Res. Country	
Attire				Resident Status	
Witness Notes				Testify	YES

Other Entity: O1 -- DRUMMOND, DEMARIO JAMES Jr.

Entity Code	O1	DOB	1/17/1989	Place of Birth	
Entity Type	PRO - PERSON REPORTING OFFENSE	Age	22	SSN	
Name	DRUMMOND, DEMARIO JAMES Jr.	Sex	M - MALE	DLN	
AKA		Race	B - BLACK	DLN State	
Alert(s)		Ethnicity	U - UNKNOWN	DLN Country	
Address	22805 Grove	Ht.		Occupation/Grade	
CSZ	EASTPOINTE, MI 48021	Wt.		Employer/School	WAYNE STATE UNIVERSITY
Home Phone	313 574-3395	Eye Color		Employer Address	
Work Phone		Hair Color		Employer CSZ	
Email Address		Facial Hair		Res. County	
Attire		Complexion		Res. Country	
Entity Notes				Resident Status	

Property Description Item 1: 1802 - BUSINESS CARD - 6-BUSINESS FLYERS

Item No.	1
Property Category	1802 - BUSINESS CARD
Property Class	88
IBR Type	77 - OTHER
UCR Type	K - MISCELLANEOUS
Status	E - EVIDENCE (INCLUDING OTHER SEIZED PROPERTY AND TOOLS)
Count	1
Value	
Manufacturer	
Model	
Serial No.	
License No.	
Color	
Description	6-BUSINESS FLYERS
Vehicle Year	
Body Style	
State	
License Year	

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Recovered Date/Time 5/6/2011 2:00:00 AM
Owner
Disposition
Evidence Tag E44971305
Lock Seals
Evidence Recovered Date/Time 5/6/2011 2:00:00 AM
Evidence Recovered By 236413 - JACKSON, ALLISON
Evidence Recovered From SHELBY/W. CONGRESS
Evidence Location HOM - HOMICIDE
Alert(s)
Drug Type
Drug Quantity
Drug Measure

Property Notes

Property Description Item 2: 3501 - AUTOMOBILE (NOT STOLEN OR RECOVERED) - 2 DR, CHEVY, BLAZER

Item No. 2
Property Category 3501 - AUTOMOBILE (NOT STOLEN OR
RECOVERED)
Property Class 03
IBR Type 03 - AUTOMOBILES
UCR Type V - OTHER VEHICLE (NOT STOLEN OR
RECOVERED)
Status E - EVIDENCE (INCLUDING OTHER SEIZED
PROPERTY AND TOOLS)
Count 1
Value
Manufacturer CHEVROLET
Model BLAZER
Serial No.
License No. BSE2244
Color TAN - TAN
Description 2 DR, CHEVY, BLAZER
Vehicle Year 2001
Body Style 2D - 2 DOOR
State MI - MICHIGAN
License Year

Recovered Date/Time
Owner
Disposition
Evidence Tag E44971204
Lock Seals
Evidence Recovered Date/Time 5/6/2011 2:00:00 AM
Evidence Recovered By 236413 - JACKSON, ALLISON
Evidence Recovered From SHELBY/W. CONGRESS
Evidence Location TL - PRIVATE TOW
Alert(s)
Drug Type
Drug Quantity
Drug Measure

Property Notes

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Subject: SCT. 1-1 1-FATAL 1-CRITICAL SHOOTING CD-28 29

Case Report Status	S - SUBMITTED	Date Entered	5/6/2011 6:39:24 AM	Reporting Officer	236860 - ADDISON, LAWRENCE
County	82 - WAYNE	Entered By	236860 - ADDISON, LAWRENCE	Assisted By	238155 - POWERS, ADAM
City/Township	99 - DETROIT	Date Verified		Assist Agency	
Occurred On (and Between)	5/5/2011 11:30:00 PM	Verified By			
Location	234 LARNED	Date Approved			
CSZ	DETROIT, MI 48206	Approved By			
Census/Geo Code	5127	Connecting Cases			
Grid	C4 - 0104	Disposition	ACTIVE		
Call Source		Tactical Actions			
Vehicle Activity		Clearance Reason			
Vehicle Traveling		Date of Clearance			
Cross Street		Reporting Agency	DETROIT POLICE DEPARTMENT		
Means		Division	1st/Central District		
Other Means		Notified			
Motive					
Other Motives					

Report Narrative LAWRENCE ADDISON 4507
ADAM POWERS 2622

A: NO ARR PERP#1: B/M 18-25 5'8" DRK COMPLX WEARING A BLK HOODED SWEATSHIRT WITH "NIKE" ON FRONT IN WHITE LETTERS, DRK PANTS.

S: BACK 1-1 ON SHOOTING.

C: CREW MADE LOCATION AND SECURED AREA BLOCKING TRAFFIC TRAVELING NORTH BOUND ON SHELBY. I T/T COMP#2 WHO STATED HE WAS STANDING ON THE SIDEWALK WHEN HE HEARD SEVERAL SHOTS AND WAS STRUCK IN THE LEFT LEG AND FELL TO THE GROUND. COMP#2 WAS CONVEYED TO DETROIT RECEIVING HOSPITAL BY EMS. T/T WIT#4 WHO STATED HE WAS TRAVELING SOUTH BOUND ON SHELBY WHEN HE OBSERVED THE PERP BEGIN TO FIRE AT COMP#2 THEN TURN SOUTH BOUND AND FIRE INTO THE PARKING LOT ACROSS THE STREET ON THE SOUTH SIDE OF SHELBY. PERP THEN FLED WEST BOUND THROUGH THE ALLEY TOWARD WASHINGTON BLVD. CREW HELD SCENE ALONG WITH 1-1 AND 1-65 FOR EVIDENCE TECHS AND HOMICIDE TO MAKE THE SCENE. 4703 MADE LOCATION AND PROCESSED SCENE.

CREW STOODBY AND TOWED A GOLD 2001 CHEVROLET BLAZER MI/11 BSE2244 VIN#1GNCS18W51K196682 WITH 2 BULLET IN DRIVERS SIDE. TOWED BY JAVION AND SAMS AND HELD ON EVID TAG#E44971204.

O: OBS COMP#2 WITH A GUNSHOT WOUND IN THE LEFT LEG. OBSERVED 7 SPENT .45 CASING IN PARKING LOT ON WEST SIDE OF SHELBY.

T: N/A.

Offense Detail: 0990 - INFORMATION

Offense Description	0990 - INFORMATION	Location	18 - PARKING LOT/GARAGE	No. Prem. Entered	
IBR Code		Offense Completed?	YES	Entry Method	
IBR Group		Hate/Bias	00 - NONE (NO BIAS)	Type Security	
Crime Against		Domestic Violence	NO	Tools Used	
Offense File Class	99009 -				
PACC					
Local Code					
Using					
Criminal Activity					
Weapons					

Suspect S1: UNKNOWN SUSPECT

Suspect Number	S1	DOB		Place of Birth	
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DETROIT POLICE DEPARTMENT CRIME REPORT

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Report No. 1105060032.5
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Name	UNKNOWN SUSPECT	Age	00	SSN	
AKA		Sex	U - UNKNOWN	DLN	
Alert(s)		Race	U - UNKNOWN	DLN State	
		Ethnicity	U - UNKNOWN	DLN Country	
Address		Ht.		Occupation/Grade	
CSZ		Wt.		Employer/School	
Home Phone		Eye Color		Employer Address	
Work Phone		Hair Color		Employer CSZ	
Email Address		Hair Style		Res. County	
		Hair Length		Res. Country	
		Facial Hair		Resident Status	U - UNKNOWN
		Complexion			
		Build			
		Teeth			
Scars/Marks/Tattoos					
Suspect MO					
Other MO					
Attire					
Habitual Offender					
Status					
Suspect Notes					

Suspect S2: UNKNOWN SUSPECT

Suspect Number	S2	DOB		Place of Birth	
Name	UNKNOWN SUSPECT	Age	21	SSN	
AKA		Sex	M - MALE	DLN	
Alert(s)		Race	B - BLACK	DLN State	
		Ethnicity	U - UNKNOWN	DLN Country	
Address		Ht.	5' 7"	Occupation/Grade	
CSZ		Wt.		Employer/School	
Home Phone		Eye Color		Employer Address	
Work Phone		Hair Color		Employer CSZ	
Email Address		Hair Style		Res. County	
		Hair Length		Res. Country	
		Facial Hair		Resident Status	U - UNKNOWN
		Complexion	MBR - MEDIUM BROWN		
		Build	M - MEDIUM		
		Teeth			
Scars/Marks/Tattoos					
Suspect MO					
Other MO					
Attire					
Habitual Offender					
Status					
Suspect Notes					

Victim V1: SMITH, COURTNEY

Victim Code	V1	Victim Of	0990 - INFORMATION		
Victim Type	I - INDIVIDUAL				
Name	SMITH, COURTNEY	DOB	7/6/1990	Place of Birth	
AKA		Age	20	SSN	
Alert(s)		Sex	M - MALE	DLN	
		Race	B - BLACK	DLN State	
Address	1414 Annabell	Ethnicity	U - UNKNOWN	DLN Country	
CSZ		Ht.		Occupation/Grade	
Home Phone		Wt.		Employer/School	
Work Phone		Eye Color		Employer Address	
Email Address		Hair Color		Employer CSZ	
		Facial Hair		Res. County	
		Complexion		Res. Country	

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DETROIT POLICE DEPARTMENT

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Resident Status **R - RESIDENT OF THE COMMUNITY, CITY, OR TOWN WHERE THE OFFENSE OCCURRED**

Testify

Injury
Circumstances

Law Enforcement Officer Killed or Assaulted Information	Type
	Assignment
	Activity
	Other ORI

Justifiable Homicide Circumstances	
---------------------------------------	--

Victim Offender Relationships
Offender Relationship

Victim Notes

Victim V2: SPEARMAN, CARLOS

Victim Code **V2**
Victim Type **I - INDIVIDUAL**

Victim Of **0990 - INFORMATION**

Name **SPEARMAN, CARLOS**
AKA
Alert(s)
Address **16216 Avon**
CSZ
Home Phone
Work Phone
Email Address

DOB **3/29/1986**
Age **25**
Sex **M - MALE**
Race **B - BLACK**
Ethnicity **U - UNKNOWN**
Ht.
Wt.
Eye Color
Hair Color
Facial Hair
Complexion

Place of Birth
SSN
DLN
DLN State
DLN Country
Occupation/Grade
Employer/School
Employer Address
Employer CSZ
Res. County
Res. Country

Attire

Resident Status **R - RESIDENT OF THE COMMUNITY, CITY, OR TOWN WHERE THE OFFENSE OCCURRED**

Testify

Injury
Circumstances

Law Enforcement Officer Killed or Assaulted Information	Type
	Assignment
	Activity
	Other ORI

Justifiable Homicide Circumstances	
---------------------------------------	--

Victim Offender Relationships
Offender Relationship

Victim Notes

Witness W4: BANKS, RON

Witness Code **W4**
Name **BANKS, RON**
AKA
Alert(s)
Address **3818 Crane**
CSZ **DETROIT, MI**
Home Phone **313 624-6677**
Work Phone
Email Address

DOB **4/20/1991**
Age **20**
Sex **M - MALE**
Race **B - BLACK**
Ethnicity **U - UNKNOWN**
Ht.
Wt.
Eye Color
Hair Color
Facial Hair
Complexion

Place of Birth
SSN
DLN
DLN State
DLN Country
Occupation/Grade
Employer/School
Employer Address
Employer CSZ
Res. County
Res. Country

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Altire

Resident Status

Testify YES

Witness Notes

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Report Date: 5/6/2011

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Subject: SCT. 1-1 1-FATAL 1-CRITICAL SHOOTING CD 28 29

Case Report Status	S - SUBMITTED	Date Entered	5/6/2011 6:43:20 AM	Reporting Officer	
County	82 - WAYNE	Entered By	234094 - DECKER, ERIC		234094 - DECKER, ERIC
City/Township	99 - DETROIT	Date Verified		Assisted By:	
		Verified By			238155 - POWERS, ADAM
Occurred On (and Between)	5/5/2011 11:30:00 PM	Date Approved		Assist Agency	
Location	234 LARNED	Approved By			
CSZ	DETROIT, MI 48206	Connecting Cases			
Census/Geo Code	5127	Disposition	ACTIVE		
Grid	C4 - 0104	Tactical Actions			
Call Source		Clearance Reason			
		Date of Clearance			
Vehicle Activity		Reporting Agency	DETROIT POLICE DEPARTMENT		
Vehicle Traveling		Division	1st/Central District		
Cross Street		Notified	NONE BY WRITER		
Means					
Other Means					
Motive					
Other Motives					

Report Narrative: LT ERIC DECKER, BADGE L-76, S-3
SGT ALFRED CASTILLO, BADGE S-414, S-6

A. NO ARREST

S. POLICE RUN TO SHELBY AND LARNED FOR A SHOOTING - INFORMATION PERSON SHOT OUTSIDE ENVY NIGHT CLUB

C. CREW RESPONDED TO THE ABOVE POLICE RUN (SCOUT 1-1 PO'S JACKSON/BRYSON PRIMARY). UPON ARRIVAL WRITER WAS FLAGGED DOWN ON SHELBY NORTH OF LARNED IN THE EAST SIDE PARKING LOT. AS I EXITED AND APPROACHED I OBSERVED VICTIM 1 LAYING ON THE GROUND IN THE PARKING LOT BETWEEN A SILVER DODGE AND A RED VAN JUST EAST OF THE SIDEWALK. THE VICTIM HAD A POOL OF BLOOD ABOUT HIS HEAD AND CHEST AND WAS UNRESPONSIVE. I ALSO OBSERVED A SECOND VICTIM ACROSS THE STREET NEAR THE NORTH ALLEY OF THE WEST PARKING LOT. THE VICTIM WAS MOVING AND APPEARED TO BE SUFFERING A GSW TO HIS LEG. I ATTEMPTED TO LOCATE WITNESSES OBSERVING WITNESSES #1 THRU #5 ATTEMPTING TO ATTEND TO VICTIM #1. ALL 5 STATED THEY WERE PRESENT AND GAVE BRIEF STATEMENTS AS TO WITNESS #5 URINATING NEAR A POSSIBLY GOLD FOCUS, AT WHICH TIME, A B/M DESCRIBED BY WITNESS #5 AS BEING IN HIS EARLY 20'S 5'8", MED BLD WITH A RED HOODIE APPROACHED HIM AND BEGAN YELLING AT HIM FOR URINATING ON HIS CAR. THE SUBJECT THEN PUNCHED WITNESS #5 IN HIS FACE, AFTER WHICH THE VICTIMS AND WITNESS 1-4 APPROACHED THE LOCATION AND AN ARGUMENT ENSUED BETWEEN THE SUBJECT AND 5-6 ADDITIONAL BLACK MALES. WITNESS #5 STATED A LIGHT SKINNED BLACK MALE THEN PRODUCED A SILVER HANDGUN AND BEGAN FIRING SHOTS, AT WHICH TIME, HE AND HIS FRIENDS BEGAN TO RUN. WITNESS #5 STATED AFTERWARDS HE DISCOVERED VICTIM #1 AND #2 SHOT. WITNESS #5 WAS TO DISTRAUGHT TO PROVIDE FURTHER INFORMATION. WRITER SECURED THE NORTH SIDE OF THE SCENE FOR HOMICIDE UNITS AND EVIDENCE TECHS.

OBSERVED SEVERAL SPENT CASINGS IN THE WEST PARKING LOT NEAR A PAY BOOTH, GUN SHOT TO REAR WINDOW A TOYOTA COROLLA IN THE EAST PARKING LOT AND GUN SHOTS TO THE DRIVER'S SIDE OF A CHEVY BLAZER IN THE WEST PARKING LOT NEAR THE N ALLEY.

O. ABOVE

T. NONE

Offense Detail: 0990 - INFORMATION

Offense Description	0990 - INFORMATION	Location	03 - BAR/NIGHT CLUB	No. Prem. Entered	
IBR Code		Offense Completed?	YES	Entry Method	
IBR Group		Hate/Bias	00 - NONE (NO BIAS)	Type Security	
Crime Against		Domestic Violence	NO	Tools Used	
Offense File Class	99009 -				
PACC					
Local Code					
Using					

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Criminal Activity
Weapons

Suspect S1: UNKNOWN SUSPECT

Suspect Number	S1	DOB		Place of Birth	
Name	UNKNOWN SUSPECT	Age	00	SSN	
AKA		Sex	U - UNKNOWN	DLN	
Alert(s)		Race	U - UNKNOWN	DLN State	
		Ethnicity	U - UNKNOWN	DLN Country	
Address		Ht.		Occupation/Grade	
CSZ		Wt.		Employer/School	
Home Phone		Eye Color		Employer Address	
Work Phone		Hair Color		Employer CSZ	
Email Address		Hair Style		Res. County	
		Hair Length		Res. Country	
		Facial Hair		Resident Status	U - UNKNOWN
		Complexion			
		Build			
		Teeth			
Scars/Marks/Tattoos					
Suspect MO					
Other MO					
Attire					
Habitual Offender Status					
Suspect Notes					

Suspect S2: UNKNOWN SUSPECT

Suspect Number	S2	DOB		Place of Birth	
Name	UNKNOWN SUSPECT	Age	21	SSN	
AKA		Sex	M - MALE	DLN	
Alert(s)		Race	B - BLACK	DLN State	
		Ethnicity	U - UNKNOWN	DLN Country	
Address		Ht.	5' 7"	Occupation/Grade	
CSZ		Wt.		Employer/School	
Home Phone		Eye Color		Employer Address	
Work Phone		Hair Color		Employer CSZ	
Email Address		Hair Style		Res. County	
		Hair Length		Res. Country	
		Facial Hair		Resident Status	U - UNKNOWN
		Complexion	MBR - MEDIUM BROWN		
		Build	M - MEDIUM		
		Teeth			
Scars/Marks/Tattoos					
Suspect MO					
Other MO					
Attire					
Habitual Offender Status					
Suspect Notes					

Victim V1: SMITH, COURTNEY

Victim Code	V1	Victim Of	0990 - INFORMATION		
Victim Type	I - INDIVIDUAL				
Name	SMITH, COURTNEY	DOB	7/6/1990	Place of Birth	
AKA		Age	20	SSN	
Alert(s)		Sex	M - MALE	DLN	
		Race	B - BLACK	DLN State	

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Address 1414 Annabell
CSZ

Home Phone
Work Phone
Email Address

Attire

Ethnicity U - UNKNOWN
Ht.
Wt.
Eye Color
Hair Color
Facial Hair
Complexion

DLN Country
Occupation/Grade
Employer/School
Employer Address
Employer CSZ
Res. County
Res. Country
Resident Status

R - RESIDENT OF THE
COMMUNITY, CITY,
OR TOWN WHERE
THE OFFENSE
OCCURRED

Testify

Injury
Circumstances

Law Enforcement Officer Killed or Assaulted Information	Type
	Assignment Activity Other ORI

Justifiable Homicide Circumstances

Victim Offender Relationships
Offender Relationship

Victim Notes

Victim V2: SPEARMAN, CARLOS

Victim Code V2
Victim Type I - INDIVIDUAL

Victim Of 0990 - INFORMATION

Name SPEARMAN, CARLOS
AKA
Alert(s)

Address 16216 Avon
CSZ

Home Phone
Work Phone
Email Address

Attire

DOB 3/29/1986
Age 25
Sex M - MALE
Race B - BLACK
Ethnicity U - UNKNOWN
Ht.
Wt.
Eye Color
Hair Color
Facial Hair
Complexion

Place of Birth
SSN
DLN
DLN State
DLN Country
Occupation/Grade
Employer/School
Employer Address
Employer CSZ
Res. Country
Resident Status

R - RESIDENT OF THE
COMMUNITY, CITY,
OR TOWN WHERE
THE OFFENSE
OCCURRED

Testify

Injury
Circumstances

Law Enforcement Officer Killed or Assaulted Information	Type
	Assignment Activity Other ORI

Justifiable Homicide Circumstances

Victim Offender Relationships
Offender Relationship

Victim Notes

Witness W1: ROSS, RALEIGH LEE

Witness Code W1
Name ROSS, RALEIGH LEE
AKA
Alert(s)

DOB 12/16/1988
Age 22
Sex M - MALE
Race B - BLACK

Place of Birth
SSN
DLN
DLN State

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Address	10575 W Outer Dr	Ethnicity	U - UNKNOWN	DLN Country	
CSZ	DETROIT, MI	Ht.		Occupation/Grade	
		Wt.		Employer/School	WAYNE STATE UNIVERSITY
Home Phone	313 768-8051	Eye Color		Employer Address	
Work Phone		Hair Color		Employer CSZ	
Email Address		Facial Hair		Res. County	
		Complexion		Res. Country	
Attire				Resident Status	
Witness Notes				Testify	YES

Witness W2: KNOTT, PHILIP

Witness Code	W2	DOB	5/31/1986	Place of Birth	
Name	KNOTT, PHILIP	Age	24	SSN	
AKA		Sex	M - MALE	DLN	
Alert(s)		Race	B - BLACK	DLN State	
		Ethnicity	U - UNKNOWN	DLN Country	
Address	20289 Waltham	Ht.		Occupation/Grade	
CSZ	DETROIT, MI	Wt.		Employer/School	WAYNE STATE UNIVERSITY
Home Phone	313 330-4662	Eye Color		Employer Address	
Work Phone		Hair Color		Employer CSZ	
Email Address		Facial Hair		Res. County	
		Complexion	MBR - MEDIUM BROWN	Res. Country	
Attire				Resident Status	
Witness Notes				Testify	YES

Witness W3: MALONE, LIL RAYMOND SHAWN II

Witness Code	W3	DOB	3/29/1989	Place of Birth	
Name	MALONE, LIL RAYMOND SHAWN II	Age	22	SSN	
AKA		Sex	M - MALE	DLN	
Alert(s)		Race	B - BLACK	DLN State	
		Ethnicity	U - UNKNOWN	DLN Country	
Address	9276 Vaughn	Ht.		Occupation/Grade	
CSZ	DETROIT, MI 48223	Wt.		Employer/School	
Home Phone	313 628-8065	Eye Color		Employer Address	
Work Phone		Hair Color		Employer CSZ	
Email Address		Facial Hair		Res. County	
		Complexion		Res. Country	
Attire				Resident Status	
Witness Notes				Testify	YES

Witness W4: BANKS, RON

Witness Code	W4	DOB	4/20/1991	Place of Birth	
Name	BANKS, RON	Age	20	SSN	
AKA		Sex	M - MALE	DLN	
Alert(s)		Race	B - BLACK	DLN State	
		Ethnicity	U - UNKNOWN	DLN Country	
Address	3818 Crane	Ht.		Occupation/Grade	
CSZ	DETROIT, MI	Wt.		Employer/School	
Home Phone	313 624-6677	Eye Color		Employer Address	
Work Phone		Hair Color		Employer CSZ	
Email Address		Facial Hair		Res. County	
		Complexion		Res. Country	
Attire				Resident Status	
				Testify	YES

DETROIT POLICE DEPARTMENT CRIME REPORT

DETROIT POLICE DEPARTMENT

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Witness Notes

Witness W5: EASTERLY, ZACHARY

Witness Code	W5	DOB	4/9/1989	Place of Birth	
Name	EASTERLY, ZACHARY	Age	22	SSN	
AKA		Sex	M - MALE	DLN	
Alert(s)		Race	B - BLACK	DLN State	
		Ethnicity	U - UNKNOWN	DLN Country	
Address	4417 2nd	Ht.		Occupation/Grade	
CSZ	DETROIT, MI	Wt.		Employer/School	
Home Phone	313 433-5993	Eye Color		Employer Address	
Work Phone		Hair Color		Employer CSZ	
Email Address		Facial Hair		Res. County	
		Complexion		Res. Country	
Attire				Resident Status	
Witness Notes				Testify	YES

Witness W6: HIGGINS, LATISHA YVONNE

Witness Code	W6	DOB	7/28/1986	Place of Birth	
Name	HIGGINS, LATISHA YVONNE	Age	24	SSN	
AKA		Sex	F - FEMALE	DLN	
Alert(s)		Race	B - BLACK	DLN State	
		Ethnicity	U - UNKNOWN	DLN Country	
Address	4106 Mcdougal	Ht.		Occupation/Grade	
CSZ	DETROIT, MI	Wt.		Employer/School	
Home Phone	313 585-9193	Eye Color		Employer Address	
Work Phone		Hair Color		Employer CSZ	
Email Address		Facial Hair		Res. County	
		Complexion		Res. Country	
Attire				Resident Status	
Witness Notes				Testify	YES

Witness W7: SIMMONS, APRIL ELAINE

Witness Code	W7	DOB	8/24/1984	Place of Birth	
Name	SIMMONS, APRIL ELAINE	Age	26	SSN	
AKA		Sex	F - FEMALE	DLN	
Alert(s)		Race	B - BLACK	DLN State	
		Ethnicity	U - UNKNOWN	DLN Country	
Address	9321 Penrod	Ht.		Occupation/Grade	
CSZ	DETROIT, MI	Wt.		Employer/School	
Home Phone	313 685-1736	Eye Color		Employer Address	
Work Phone		Hair Color		Employer CSZ	
Email Address		Facial Hair		Res. County	
		Complexion		Res. Country	
Attire				Resident Status	
Witness Notes				Testify	YES

DETROIT POLICE DEPARTMENT CRIME REPORT

DETROIT POLICE DEPARTMENT

Case No. 1105060032
Report No. 1105060032.7
Report Date: 5/6/2011

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Subject: SCT. 1-1 1-FATAL 1-CRITICAL SHOOTING CD 28 29

Case Report Status	S - SUBMITTED	Date Entered	5/6/2011 7:12:03 AM	Reporting Officer	
County	82 - WAYNE	Entered By	238155 - POWERS, ADAM		234094 - DECKER, ERIC
City/Township	99 - DETROIT	Date Verified		Assisted By	
		Verified By			238155 - POWERS, ADAM
Occurred On (and Between)	5/5/2011 11:30:00 PM	Date Approved		Assist Agency	
Location	234 LARNED	Approved By			
CSZ	DETROIT, MI 48206	Connecting Cases			
Census/Geo Code	5127	Disposition	ACTIVE		
Grid	C4 - 0104	Tactical Actions			
Call Source		Clearance Reason			
		Date of Clearance			
Vehicle Activity		Reporting Agency	DETROIT POLICE DEPARTMENT		
Vehicle Traveling		Division	1st/Central District		
Cross Street		Notified	NONE BY WRITER		
Means					
Other Means					
Motive					
Other Motives					

Report Narrative P.O. POWERS, ADAM # 2622
P.O. ADDISON LARRY # 4507

A: NO ARREST

S: ASSISTING ON PERSON SHOT OUTSIDE OF CLUB ENVY

C: CREW MADE SCENE WRITER TALKED TO WITNESS # 7 WHO STATED SHE WAS DRIVING S/B ON SHELBY AT THE TIME OF THE SHOOTING AND SEEN A B/M WEARING A WITH T-SHIRT WITH THE (NIKE JUST DO IT EMBLEM) FORE SEVERAL SHOTS AND THEN FLED E/B THROUGH THE ALLEY. WRITER ALSO TALKED TO WITNESS # 6 WHO SEEN A UNK B/M THAT ALSO HAD A WEAPON BUT DID NOT SEE HIM SHOOT HIS WEAPON SHOOTER WEARING A GRAY T-SHIRT. CREW STOOD BY AND ASSISTED IN SECURING SCENE.

O: SEE ABOVE

T: N/A

Offense Detail: 0990 - INFORMATION

Offense Description	0990 - INFORMATION	Location	13 - HIGHWAY/ROAD/ALLEY	No. Prem. Entered	
IBR Code		Offense Completed?	YES	Entry Method	
IBR Group		Hate/Bias	00 - NONE (NO BIAS)	Type Security	
Crime Against		Domestic Violence	NO	Tools Used	
Offense File Class	99009 -				
PACC					
Locat Code					
Using					
Criminal Activity					
Weapons					

Suspect S1: UNKNOWN SUSPECT

Suspect Number	S1	DOB		Place of Birth	
Name	UNKNOWN SUSPECT	Age	00	SSN	
AKA		Sex	U - UNKNOWN	DLN	
Alert(s)		Race	U - UNKNOWN	DLN State	
		Ethnicity	U - UNKNOWN	DLN Country	
Address		Ht.		Occupation/Grade	
CSZ		Wt.		Employer/School	
Home Phone		Eye Color		Employer Address	
		Hair Color		Employer CSZ	

DETROIT POLICE DEPARTMENT CRIME REPORT

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Report Date: 5/6/2011

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Work Phone
Email Address

Hair Style
Hair Length
Facial Hair
Complexion
Build
Teeth

Res. County
Res. Country
Resident Status U - UNKNOWN

Scars/Marks/Tattoos

Suspect MO

Other MO

Attire

Habitual Offender
Status

Suspect Notes

Suspect S2: UNKNOWN SUSPECT

Suspect Number

S2

Name

UNKNOWN SUSPECT

AKA

Alert(s)

Address

CSZ

Home Phone

Work Phone

Email Address

DOB

Age 21

Sex

M - MALE

Race

B - BLACK

Ethnicity

U - UNKNOWN

Ht.

5' 7"

Wt.

Eye Color

Hair Color

Hair Style

Hair Length

Facial Hair

Complexion

Build

Teeth

Place of Birth

SSN

DLN

DLN State

DLN Country

Occupation/Grade

Employer/School

Employer Address

Employer CSZ

Res. Country

Res. Country

Resident Status

U - UNKNOWN

Scars/Marks/Tattoos

Suspect MO

Other MO

Attire

Habitual Offender
Status

Suspect Notes

Victim V1: SMITH, COURTNEY

Victim Code

V1

Victim Type

I - INDIVIDUAL

Victim Of

0990 - INFORMATION

Name

SMITH, COURTNEY

AKA

Alert(s)

Address

1414 Annabell

CSZ

Home Phone

Work Phone

Email Address

Attire

Injury

Circumstances

DOB 7/6/1990

Age 20

Sex

M - MALE

Race

B - BLACK

Ethnicity

U - UNKNOWN

Ht.

Wt.

Eye Color

Hair Color

Facial Hair

Complexion

Place of Birth

SSN

DLN

DLN State

DLN Country

Occupation/Grade

Employer/School

Employer Address

Employer CSZ

Res. Country

Res. Country

Resident Status

R - RESIDENT OF THE
COMMUNITY, CITY,
OR TOWN WHERE
THE OFFENSE
OCCURRED

Testify

DETROIT POLICE DEPARTMENT CRIME REPORT

DETROIT POLICE DEPARTMENT

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Report No. 1105060032.7
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Law Enforcement Officer Killed or Assaulted Information	Type
	Assignment
	Activity
	Other ORI

Justifiable Homicide Circumstances

Victim Offender Relationships
Offender Relationship

Victim Notes

Victim V2: SPEARMAN, CARLOS

Victim Code V2
Victim Type I - INDIVIDUAL

Victim Of 0990 - INFORMATION

Name SPEARMAN, CARLOS
AKA
Alert(s)
Address 16216 Avon
CSZ
Home Phone
Work Phone
Email Address
Attire

DOB 3/29/1986
Age 25
Sex M - MALE
Race B - BLACK
Ethnicity U - UNKNOWN
Ht
Wt
Eye Color
Hair Color
Facial Hair
Complexion

Place of Birth
SSN
DLN
DLN State
DLN Country
Occupation/Grade
Employer/School
Employer Address
Employer CSZ
Res. County
Res. Country
Resident Status

R - RESIDENT OF THE
COMMUNITY, CITY,
OR TOWN WHERE
THE OFFENSE
OCCURRED

Testify

Injury
Circumstances

Law Enforcement Officer Killed or Assaulted Information	Type
	Assignment
	Activity
	Other ORI

Justifiable Homicide Circumstances

Victim Offender Relationships
Offender Relationship

Victim Notes

Witness W7: SIMMONS, APRIL ELAINE

Witness Code W7
Name SIMMONS, APRIL ELAINE
AKA
Alert(s)
Address 9321 Penrod
CSZ DETROIT, MI
Home Phone 313 685-1736
Work Phone
Email Address
Attire
Witness Notes

DOB 8/24/1984
Age 26
Sex F - FEMALE
Race B - BLACK
Ethnicity U - UNKNOWN
Ht
Wt
Eye Color
Hair Color
Facial Hair
Complexion

Place of Birth
SSN
DLN
DLN State
DLN Country
Occupation/Grade
Employer/School
Employer Address
Employer CSZ
Res. County
Res. Country
Resident Status

Testify YES

DETROIT POLICE DEPARTMENT CRIME REPORT

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Witness W6: HIGGINS, LATISHA YVONNE

Witness Code	W6	DOB	7/28/1986	Place of Birth	
Name	HIGGINS, LATISHA YVONNE	Age	24	SSN	
AKA		Sex	F - FEMALE	DLN	
Alert(s)		Race	B - BLACK	DLN State	
		Ethnicity	U - UNKNOWN	DLN Country	
Address	4106 McDougal	Ht.		Occupation/Grade	
CSZ	DETROIT, MI	Wt.		Employer/School	
Home Phone	313 585-9193	Eye Color		Employer Address	
Work Phone		Hair Color		Employer CSZ	
Email Address		Facial Hair		Res. County	
		Complexion		Res. Country	
Attire				Resident Status	
Witness Notes				Testify	YES

Witness W5: EASTERLY, ZACHARY

Witness Code	W5	DOB	4/9/1989	Place of Birth	
Name	EASTERLY, ZACHARY	Age	22	SSN	
AKA		Sex	M - MALE	DLN	
Alert(s)		Race	B - BLACK	DLN State	
		Ethnicity	U - UNKNOWN	DLN Country	
Address	4417 2nd	Ht.		Occupation/Grade	
CSZ	DETROIT, MI	Wt.		Employer/School	
Home Phone	313 433-5993	Eye Color		Employer Address	
Work Phone		Hair Color		Employer CSZ	
Email Address		Facial Hair		Res. County	
		Complexion		Res. Country	
Attire				Resident Status	
Witness Notes				Testify	YES

Witness W4: BANKS, RON

Witness Code	W4	DOB	4/20/1991	Place of Birth	
Name	BANKS, RON	Age	20	SSN	
AKA		Sex	M - MALE	DLN	
Alert(s)		Race	B - BLACK	DLN State	
		Ethnicity	U - UNKNOWN	DLN Country	
Address	3818 Crane	Ht.		Occupation/Grade	
CSZ	DETROIT, MI	Wt.		Employer/School	
Home Phone	313 624-6677	Eye Color		Employer Address	
Work Phone		Hair Color		Employer CSZ	
Email Address		Facial Hair		Res. County	
		Complexion		Res. Country	
Attire				Resident Status	
Witness Notes				Testify	YES

Witness W3: MALONE, LIL RAYMOND SHAWN II

Witness Code	W3	DOB	3/29/1989	Place of Birth	
Name	MALONE, LIL RAYMOND SHAWN II	Age	22	SSN	
AKA		Sex	M - MALE	DLN	
Alert(s)		Race	B - BLACK	DLN State	
		Ethnicity	U - UNKNOWN	DLN Country	
Address	9276 Vaughn	Ht.		Occupation/Grade	
CSZ	DETROIT, MI 48223	Wt.		Employer/School	
Home Phone	313 828-8065	Eye Color		Employer Address	
		Hair Color		Employer CSZ	

DETROIT POLICE DEPARTMENT CRIME REPORT

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Work Phone
Email Address

Attire

Witness Notes

Facial Hair
Complexion

Res. County
Res. Country
Resident Status

Testify **YES****Witness W1: ROSS, RALEIGH LEE**

Witness Code **W1**
Name **ROSS, RALEIGH LEE**
AKA
Alert(s)

Address **10575 W Outer Dr**
CSZ **DETROIT, MI**

Home Phone **313 768-8051**
Work Phone
Email Address

Attire

Witness Notes

DOB **12/16/1988**
Age **22**
Sex **M - MALE**
Race **B - BLACK**
Ethnicity **U - UNKNOWN**
Ht.
Wt.

Eye Color
Hair Color
Facial Hair
Complexion

Place of Birth
SSN
DLN
DLN State
DLN Country
Occupation/Grade
Employer/School **WAYNE STATE UNIVERSITY**

Employer Address
Employer CSZ
Res. County
Res. Country
Resident Status
Testify **YES**

Witness W2: KNOTT, PHILIP

Witness Code **W2**
Name **KNOTT, PHILIP**
AKA
Alert(s)

Address **20289 Waltham**
CSZ **DETROIT, MI**

Home Phone **313 330-4662**
Work Phone
Email Address

Attire

Witness Notes

DOB **5/31/1986**
Age **24**
Sex **M - MALE**
Race **B - BLACK**
Ethnicity **U - UNKNOWN**
Ht.
Wt.

Eye Color
Hair Color
Facial Hair
Complexion **MBR - MEDIUM BROWN**

Place of Birth
SSN
DLN
DLN State
DLN Country
Occupation/Grade
Employer/School **WAYNE STATE UNIVERSITY**

Employer Address
Employer CSZ
Res. County
Res. Country
Resident Status
Testify **YES**

Other Entity: O1 -- DRUMMOND, DEMARIO JAMES Jr.

Entity Code **O1**
Entity Type **PRO - PERSON REPORTING OFFENSE**

Name **DRUMMOND, DEMARIO JAMES Jr.**
AKA
Alert(s)

Address **22805 Grove**
CSZ **EASTPOINTE, MI 48021**

Home Phone **313 574-3395**
Work Phone
Email Address

Attire

Entity Notes

DOB **1/17/1989**
Age **22**
Sex **M - MALE**
Race **B - BLACK**
Ethnicity **U - UNKNOWN**
Ht.
Wt.

Eye Color
Hair Color
Facial Hair
Complexion

Place of Birth
SSN
DLN
DLN State
DLN Country
Occupation/Grade
Employer/School **WAYNE STATE UNIVERSITY**

Employer Address
Employer CSZ
Res. County
Res. Country
Resident Status

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DETROIT POLICE DEPARTMENT

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Report Date: 5/6/2011

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EXHIBIT 4

STATE OF MICHIGAN

CASE NO: 2011711883

INFORMATION
FELONY36TH DISTRICT COURT DETROIT
3rd Judicial Circuit

The People of the State of Michigan

vs

ANTON T. BLEVINS 82-11711883-01

Offense Information

Police Agency / Report No.

82DPHO 1105060032

Date of Offense

05/05/2011 wd

Place of Offense

F/O 234 Larned, DETROIT

Complainant or Victim

COURTNEY SMITH, CARLOS SPEARMAN, DEMARIO

DRUMMOND, RAYMOND MALONE, ZACHARY

EASTERLY, RALEIGH ROSS, PHILIP KNOTT

Complaining Witness

INFO & BELIEF

STATE OF MICHIGAN, COUNTY OF WAYNE

IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN: The prosecuting attorney for this county appears before the court and informs the court that on the date and at the location described above, the Defendant(s):

COUNT 1: HOMICIDE - MURDER FIRST DEGREE - PREMEDITATED

did deliberately, with the intent to kill, and with premeditation, kill and murder one Courtney Smith; contrary to MCL 750.316; [750.316-A]

FELONY: Life without parole; DNA to be taken upon arrest.

COUNT 2: ASSAULT WITH INTENT TO MURDER

did make an assault upon Carlos Spearman with intent to commit the crime of murder; contrary to MCL 750.83. [750.83].

FELONY: Life or any number of years; DNA to be taken upon arrest.

COUNT 3: ASSAULT WITH INTENT TO MURDER

did make an assault upon Demario Drummond with intent to commit the crime of murder; contrary to MCL 750.83. [750.83].

FELONY: Life or any number of years; DNA to be taken upon arrest.

COUNT 4: ASSAULT WITH INTENT TO MURDER

did make an assault upon Raymond Malone with intent to commit the crime of murder; contrary to MCL 750.83. [750.83].

FELONY: Life or any number of years; DNA to be taken upon arrest.

COUNT 5: ASSAULT WITH INTENT TO MURDER

did make an assault upon Zachary Easterly with intent to commit the crime of murder; contrary to MCL 750.83. [750.83].

FELONY: Life or any number of years; DNA to be taken upon arrest.

COUNT 6: ASSAULT WITH INTENT TO MURDER

did make an assault upon Raleigh Ross with intent to commit the crime of murder; contrary to MCL 750.83. [750.83].

FELONY: Life or any number of years; DNA to be taken upon arrest.

COUNT 7: ASSAULT WITH INTENT TO MURDER

did make an assault upon Philip Knott with intent to commit the crime of murder; contrary to MCL 750.83. [750.83].

FELONY: Life or any number of years; DNA to be taken upon arrest.

COUNT 8: WEAPONS - FELONY FIREARM

did carry or have in his/her possession a firearm, to-wit: handgun, at the time he/she committed or attempted to commit a felony, to-wit: murder and/or assault and/or felon in possession of a firearm; contrary to MCL 750.227b. [750.227B-A]
FELONY: 2 Years consecutively with and preceding any term of imprisonment imposed for the felony or attempted felony conviction; Mandatory forfeiture of weapon or device [See MCL 750.239]

Upon conviction of a felony or an attempted felony court shall order law enforcement to collect DNA identification profiling samples.

and against the peace and dignity of the State of Michigan.

Kym Worthy
P38875
Prosecuting Attorney

6/14/2011
Date

By: _____
Bar Number

EXHIBIT 5

BIOGRAPHICAL INFORMATION



ALLANTE DALE MOSELEY

Image Date:

7/19/2018

MDOC Number:	722427
SID Number:	2955393J
Name:	ALLANTE DALE MOSELEY
Racial Identification:	Black
Gender:	Male
Hair:	Black
Eyes:	Brown
Height:	5' 9"
Weight:	150 lbs.
Date of Birth:	09/07/1991 (27)

MDOC STATUS

Current Status:	Prisoner - Released to court on writ (02/26/2019)	Earliest Release Date:	05/13/2019
Assigned Location:	<u>Ionia Correctional Facility</u>	Maximum Discharge Date:	05/13/2033
Security Level:	V		

ALIASES

TAE

ALLANTE MOSELEY

ALLANTE DALE MOSELEY

ALLANTE DALE MOSLEY

ALLANTE DEL MOSLEY

MARKS, SCARS & TATTOOS

Body Piercing- Ear - Both ears pierced

Mark- Arm

Mark- Back

Scar- Abdomen -

Scar- Hand

Scar- Left Leg - Gunshot wound

Scar- Left Shoulder

Scar- Left Wrist - Gunshot wound

Tattoo- Center Left Neck - A.G Baby

Tattoo- Left Face - 1 tear drop

Tattoo- Left Neck - "A.G. Baby"

Tattoo- Left Neck - JC Baby - Red and Green

Tattoo- Lower Left Eye - 2 tear drops

Tattoo- Lower Right Eye - 1 tear drop

Tattoo- Right Face - 2 tear drops

Tattoo- Right Forearm -

Tattoo- Right Forearm - RIP Chris
(Cross)

Tattoo- Right Neck - "Blood Money"

PRISON SENTENCES

ACTIVE

Sentence 1

Offense:	Home Invasion - 2nd Degree	Minimum Sentence:	1 year 0 months 0 days
MCL#:	<u>750.110A3</u>	Maximum Sentence:	15 years 0 months
Court File#:	18004430-01-FH	Date of Offense:	05/14/2018
County:	Wayne	Date of Sentence:	07/17/2018
Conviction Type:	Plea		

INACTIVE

Sentence 1

Offense:	Weapons - Felony Firearms	Minimum Sentence:	2 years 0 months 0 days
MCL#:	<u>750.227BA</u>	Maximum Sentence:	2 years 0 months
Court File#:	12011695-01-FH	Date of Offense:	11/27/2012
County:	Wayne	Date of Sentence:	01/22/2013
Conviction Type:	Plea	Discharge Date:	11/26/2014

Discharge Reason: Offender Discharge

PROBATION SENTENCES

ACTIVE

None

INACTIVE

Sentence 1

Offense:	Weapons - Carrying Concealed	Minimum Sentence:	
MCL#:	<u>750.227</u>	Maximum Sentence:	0 years 6 months
Court File#:	09031536-01	Date of Offense:	12/12/2009
County:	Wayne	Date of Sentence:	05/21/2010
Conviction Type:	Plea	Discharge Date:	01/10/2012

Discharge Reason: HYTA Probation Revoked

Sentence 2

Offense:	Weapons - Carrying Concealed	Minimum Sentence:	
MCL#:	<u>750.227</u>	Maximum Sentence:	2 years 0 months
Court File#:	09031536-01	Date of Offense:	12/12/2009
County:	Wayne	Date of Sentence:	05/21/2010
Conviction Type:	Plea	Discharge Date:	01/10/2012

Discharge Reason: HYTA Probation Revoked

SUPERVISION CONDITIONS

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EXHIBIT 6

REGISTER OF ACTIONS
CASE NO. 11-003506-01-FH**PARTY INFORMATION**

Defendant	Moseley, Allante	Lead Attorneys Clifford Woodards <i>Court Appointed</i> (313) 333-4975(W)
Plaintiff	State of Michigan	Parisa Mary Kiani (313) 833-3113(W)

CHARGE INFORMATION

Charges: Moseley, Allante	Statute	Level	Date
1. Weapons - Carrying Concealed	750227	.	03/12/2011
1. Attempt to Commit Crime (Attempt)	75092	.	05/03/2011

EVENTS & ORDERS OF THE COURT**DISPOSITIONS**

03/14/2011	Plea (Judicial Officer: Anderson, Charles W., III) 1. Weapons - Carrying Concealed Defendant Stand Mute: Plea of Not Guilty Entered by Court
05/03/2011	Disposition (Judicial Officer: Allen, David J.) 1. Weapons - Carrying Concealed Dismissed - Plea Reduction 1. Attempt to Commit Crime (Attempt) Pled Guilty
01/10/2012	Sentence (Judicial Officer: Allen, David J.) 1. Attempt to Commit Crime (Attempt) Fee Totals: - Crime Victims Fee - \$130.00 (FEL) - State Minimum Cost \$68.00 (FEL) Fee Totals \$ \$198.00 SGL Range (Minimum 0 Months, Maximum 9 Months) Local Confinement: Agency: Wayne County Jail Term: 12 Mo, Start Date: 01/10/2012 Credit Time Served: 36 Days Comment: Concurrent w/09031536

OTHER EVENTS AND HEARINGS

03/13/2011	Recommendation for Warrant
03/13/2011	D36 Pre-Examination Track
03/13/2011	Warrant Signed
03/14/2011	Interim Condition for Moseley, Allante - 10% \$25,000.00
03/14/2011	Arraignment on Warrant (9:00 AM) (Judicial Officer Anderson, Charles W., III) Parties Present Result: Defendant Stands Mute; Plea Of Not Guilty Entered By Court
03/25/2011	CANCELED Preliminary Examination (9:00 AM) (Judicial Officer Judge, District Court) <i>Adjourned: At The Request Of The Court</i>
04/01/2011	Preliminary Examination (9:00 AM) (Judicial Officer Chatman, George A) Parties Present Result: Failure to Appear
04/01/2011	Motion to Assign Counsel Filed/Signed
04/01/2011	Interim Condition for Moseley, Allante - Cash or Surety \$5,000.00
04/01/2011	Bond Forfeited
04/06/2011	Interim Condition for Moseley, Allante - 10% \$25,000.00
04/06/2011	Capias Arraignment (9:00 AM) (Judicial Officer Chatman, George A) Parties Present Result: Defendant Arraigned On Failure to Appear

04/06/2011 **Arraignment on Failure to Appear - Pre Disposition**
04/06/2011 **Preliminary Examination** (9:00 AM) (Judicial Officer Chatman, George A)
[Parties Present](#)
Result: Waived/Bound Over
04/06/2011 **Appearances by a Retained Attorney Filed**
04/06/2011 **Interim Condition for Moseley, Allante**
- 10%
\$25,000.00
04/06/2011 **Bound Over**
04/06/2011 **Failure to Appear - Pre Disposition**
04/06/2011 **Motion Reinstate Bail Filed/Signed**
04/06/2011 **Filed**
04/06/2011 **Motion for Suppression of Evidence**
04/06/2011 **Filed**
04/20/2011 **Scheduled AOI**
04/20/2011 **Arraignment On Information** (9:00 AM) (Judicial Officer Allen, David J.)
[Parties Present](#)
Result: Held
04/20/2011 **Disposition Conference** (9:00 AM) (Judicial Officer Allen, David J.)
[Parties Present](#)
Result: Held
05/03/2011 **Calendar Conference** (9:00 AM) (Judicial Officer Allen, David J.)
[Parties Present](#)
Result: Plea Entered and Accepted
05/03/2011 **Plea of Guilty Accepted** (Judicial Officer: Allen, David J.)
05/03/2011 **Refer to Probation For Pre-Sentence Report** (Judicial Officer: Allen, David J.)
05/03/2011 **Order For DNA Sample** (Judicial Officer: Allen, David J.)
06/09/2011 **Sentencing** (9:00 AM) (Judicial Officer Allen, David J.)
[Parties Present](#)
06/02/2011 *Reset by Court to 06/09/2011*
Result: Adjourned at the Request of the Court
06/09/2011 **Refer to Probation For Pre-Sentence Report** (Judicial Officer: Allen, David J.)
07/13/2011 **Sentencing** (9:00 AM) (Judicial Officer Allen, David J.)
[Parties Present](#)
Result: Failure to Appear
07/13/2011 **Failure to Appear - Post Disposition** (Judicial Officer: Allen, David J.)
09/23/2011 **Bond Forfeiture Hearing** (9:00 AM) (Judicial Officer Hathaway, Michael M.)
Result: Adjourned at the Request of the Defense
11/22/2011 **Bond Forfeiture Hearing** (9:00 AM) (Judicial Officer Hathaway, Michael M.)
12/13/2011 **Arraignment on Failure to Appear** (9:00 AM) (Judicial Officer Allen, David J.)
[Parties Present](#)
Result: Held
12/13/2011 **Attorney Appointed**
12/13/2011 **Arraignment on Failure to Appear - Post Disposition**
12/13/2011 **Interim Condition for Moseley, Allante**
- Remand
01/10/2012 **Sentencing** (9:00 AM) (Judicial Officer Allen, David J.)
[Parties Present](#)
Result: Held
01/10/2012 **Sentenced/Committed To The Wayne County Jail** (Judicial Officer: Allen, David J.)
01/02/2013 **Case Reassigned**

FINANCIAL INFORMATION

	Defendant Moseley, Allante	
	Total Financial Assessment	198.00
	Total Payments and Credits	0.00
	Balance Due as of 03/31/2019	198.00
01/10/2012	Transaction Assessment	198.00

EXHIBIT 7



REQUEST FOR INTERVIEW / INTERROGATION DVD

COMMAND: Homicide

FILE # / CRISNET #: 11-130

NAME OF PERSON INTERVIEWED: Allan Mosley

DATE OF INTERVIEW: 12/12/11

TIME OF INTERVIEW: 3:30 pm

ENDING TIME OF INTERVIEW: 4:15 p

ROOM #: 3

REQUESTED BY:	RANK	NAME	BADGE	DATE	COMMAND
<u>PO</u>	<u>Derryek</u>	<u>Thomas</u>	<u>1253</u>	<u>12/12/11</u>	<u>Homicide</u>

DOWNLOADED BY:	RANK	NAME	BADGE	DATE	COMMAND
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RECEIVED BY:	RANK	NAME	BADGE	DATE	COMMAND
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EVIDENCE TAG: _____

REQUESTING OFFICER CONTACT INFO:

WORK # _____

CELL # _____

NOTES:

EXHIBIT 8

People of State of Michigan v. Quintin King

Disc 12/12/2011

Approximately 3:49 pm – 4:32 pm

Officer Thomas: What are you in for crisco?

Tay: I have a CCW but (inaudible) about this murder case.

Officer Brue: Stand up.

Officer Thomas: Take those things off.

Officer Brue: stand up let me take them off.

Tay: I was not involved into it ...I was there...I even tried to stop it

Officer Thomas: ...Turn around... Let me take this one off for you too... why it didn't get caught on the other hand... want you to sit over there I need to sit here...

Officer Brue: Oh yea.

Officer Thomas: What uuh... what do you know?

Tay: Everybody sir.

Officer Thomas: Like who?

Tay: Off the case?

Officer Thomas: Okay, let me backup backup, backup, backup, backup...I don't know about your uuh CCW case but somebody called me and said you might know about something else because they want to work with you trying to get your shit taken care of.

Tay: Yes.

Officer Thomas: You need to talk to me so I can tell them yeah.

Tay: Yes.

Officer Thomas: You know what I mean.

Tay: Yea.

Officer Thomas: So we all can be on the same page.

Tay: Yeah.

Officer Thomas: Uuuh. We are talking about this guy, Quintin King, and Tom Black.

Tay: Yeah, and "Q"

Officer Thomas: and Q... right...How do you know that guy? How do you know Quintin?

Tay: They be over there with the Bloods and TTO and all them niggas.

Officer Thomas: You said TTO.

Tay: They killed my best friend tho.

Officer Thomas: Who...who.

Tay: TTO did.

Officer Thomas: Who's your best friend?

Tay: Reon.

Officer Thomas: Where did that happen at?

Tay: Off...uuh...damn what the fuck that street called? You would know the name. It was...I think...it's and unsolved...or whatever...but he got killed in a jeep...them niggas took all...everything that he had... I think that they said he had some jewelry on... they killed him because they think he was going to snitch on "Q" if he every got caught or whatever cause that's what he said, he was like...

Officer Thomas: Hold on...When did this happen?

Tay: This had to of been like three months ago.

Officer Thomas: After this shit happen with "Q" them did?

Tay: Yeah.

Officer Thomas: The TTO boys killed this dude.

Tay: Two days afterward...like a week...no more than like a week...it was off... hell what in the fuck is that street called? Where...where...the works.

Officer Thomas: What's the district? Too many people...yeah.

Tay: It's like this would be the 8th street... down this way...but it's like it's some type of projects... it's called...damn...

Officer Thomas: Project? Off Woodward?

Tay: It's no project...but it's like...that shit turn something or something around there... what's that shit called? They be smoking works, they be selling work...

Officer Thomas: Over there on seven mile?

Tay: Naw.

Officer Thomas: Six mile?

Tay: Naw, on Woodward.

Officer Thomas: Six Mile?

Tay: ...Like this is six mile down here is Woodward... it's turning HP...all this be HP...this be like...from this way across Woodward is..

Officer Thomas: You mean...General (inaudible)...down there

Tay: down here...down here like over there where that store is...what is it? Uuuh...big ass liquidator store? Then you gotta another clothing store in that little mini mall it's a McDonald round there...

Officer Thomas: Oh! Oh! You mean down there near... near uuh Forman Mill.

Tay: Yeah, that hood over there what's that shit called?

Officer Thomas: Uuh, that's HP.

Tay: Not HP, but it's something else tho.

Officer Thomas: ...but it's all in Highland Park tho you call it like what...Is it a black crew in southland...

Tay: I don't know the niggas around there but I know they hood and they sell work around there.

Officer Thomas: They sell work around there...okay.

Tay: You know what I'm saying.

Officer Thomas: Uuuh haw.

Tay: They sell something around there tho...

Officer Thomas: So they got at who? They got at your man?

Tay: Yeah they killed him over there...he was over there bout to bring them niggers some works and shit...like two months...and some works...and they killed him two months.

Officer Thomas: And they killed him because...

Tay: They killed him.

Officer Thomas: They killed him because of what reason?

Tay: They said the nigga was going to snitch that was the word on the street was... so after that shit happen I went out of town with my mother...my mother stay in Atlanta George...I went out of town to Atlanta George for a while...then I came back and then I went to Kentucky and then I got locked up in Kentucky. I just came back into the city...but I been out of town from the city because them niggass is like I'm next whatever but...

Officer Thomas: Who is...who is these guys?

Tay: TTO.

Officer Thomas: I mean... but you said after ...after the crew...but who the people you think did your man?

Tay: I really don't know.

Officer Thomas: You just heard about it.

Tay: I swear to God I really don't know Sir...I swear to God I don't know.

Officer Brue: What's TTO?

Tay: TTO is Linwood...basically its Linwood.

Officer Thomas: What does TTO stand for? The abbreviation.

Tay: I swear I don't know TTO's name...I know other names like GSCH and IC...ATM... all that shit...but TTO I never ask them niggas what that shit stand for like TTO but you will hear TTO for show...for show.

Officer Thomas: So, you said you were down there the night that this happen.

Tay: Yes Sir!

Officer Thomas: Tell me about this and...and let me back all the way up... what happen that yall was down there?...how did yall...what was the reason yall went down there?...before that even happen.

Tay: Me and Reon was in Reon truck we came down there on our own tip...you feel me...we were about to go to the club Envy ... we know damn near everybody Reon been getting his money he's been fucking with them pillss and shit and now he's dead...you feel me.

Officer Thomas: Mm-hum.

Tay: He's been fucking with them pills but that was my right hand man he was looking out for me every time he was coming back to town

Officer Thomas: Hey you said Reon...Reon...his real name.

Tay: Reon!

Officer Thomas: What's his last name?

Tay: I don't know his last name.

Officer Thomas: You don't know his last name? Where is he from?

Tay: He was from around 7 mile.

Officer Thomas: 7 mile...east 7 mile or west 7 mile

Witness: West.

Officer Thomas: West 7 mile...is he with the 7 miles boys?

Tay: He probably ...I think so...

Officer Thomas: Ok go ahead...you...you meet Reno down there? Or you...uuh were with them...

Tay: Naw, I was in the passenger seat.

Officer Thomas: You were with them?

Tay: Yes Sir.

Officer Thomas: What was yall in?

Tay: A truck...a truck...a Toyota truck ...

Officer Thomas: Ok...okay go ahead.

Tay: I was in a truck.

Officer Thomas: getting down there.

Tay: Getting off the road...uuh we were down there at Club Envy and they pulled up uuh...

Officer Thomas: Where they pull up in?

Tay: In like a Focus or some shit like that...a gray Focus...

Officer Thomas: Gray, gold, blue...what color?

Tay:: Gray... dark gray...

Officer Thomas: Gray!

Tay: It was like...It was like night time...it had to of been like a light gray in the day time or some shit like that.

Officer Thomas: But it was a Focus.

Tay: Yeah it was a Focus...a new Focus

Officer Thomas: Okay, a new Focus...did you know who's it was?

Tay: No, hell no, "Q" was in the passenger set but the driver was some niggas I've seen off Linwood before he had on a hat like a fisherman hat with a little string under that motherfucker...

Officer Thomas: That dude...

Tay: Yeah!

Officer Thomas: Ok go ahead I'm listen.

Tay: So "Q" pulled up and shit so we was about to get in line...and "Q" was like hey Tay...he called my name so I don't now why he said Little Tay cause I aint never in my life been called Little Tay. They called me Tay... T.a.y you know what I'm saying. Some people call me T.A. you know what I'm say...that's the end of it...but uuh...I went to halla at them and they pulled inside of the alley right there by the club this was club Envy.

Officer Thomas: Mm-hum.

Tay: This will be the bouncers one, two, he be checking the females...I mean a lady will be checking...it be another dude... you'll see him back ... niggas checking female...I mean males in this line and females in this line...so this the parking lot...

Officer Brue: Mm-hum.

Tay: ...This the whole sidewalk...right...we haven't even made it down here yet but we made it over there...they pulled up in the alley...you know what I'm saying...this is the whole parking lot...

Office Brue: Mm-hum.

Tay: This is the building right here cutting North to that street right there...You feel me...

Officer Brue:Mm-hum.

Tay: ...They pulled...they came...they came down pass the club Envy and shit and they seen us right...hey Tay...you know what I'm saying...we were about to get in line... come here real quit...so they pull...they turned down that little left street right there and pulled into the alley and they stayed right there and they parked and we walked over there to the alley

Officer Thomas: Hold on...hold on I drew something for you and tell me if it's right or wrong...

Tay: Yea that's right!

Officer Thomas: That's Envy.

Tay: Yes Sir.

Officer Thomas: This is the street.

Tay: Yes Sir

Officer Thomas: This is the parking lot.

Tay: Yes Sir.

Officer Thomas: This is the street...this is the alley...this is the building right here...now where is...when you talk just draw how it went down...

Tay: Envy...that's the parking lot.

Officer Thomas: Yeah...that's the parking lot...that big parking lot...with the cars...

Tay: Where the cars get in...

Officer Thomas: Yep...yep...yep...yep...

Tay: Boom...boom...boom...boom... the same thing all the way down...

Officer Thomas: So where they parked at?

Tay: Boom, right here...yeah this had to been, yeah this had to been like...right here...

Officer Brue: Mm-hum...

Tay: The street right here...

Officer Thomas: Right... so where did they parked at.

Tay: It had to been...yeah...it had to have been right here...like this the building?

Officer Thomas: Yeah, this the building...yes that's they car...ok... so alright...what happen then?

Tay: So uuh...we walked over there whatever...uuh...we walked over there...that nigga had the gun in his lap or whatever...

Officer Thomas: Who did?

Tay: "Q"

Officer Thomas: "Q" okay

Tay: "Q" had a 45 glock...I mean it was a glock... but it was a black pistil looking like a glock plastic.

Officer Thomas: Okay

Tay: I swear to god!

Officer Thomas: Yeah you're doing good.

Officer Brue: He had it where?

Tay: He had it in his lap..."Q" right here... is the driver...I don't know the driver name but I know how he looks...kind of...he was a carmel skin dude...light carmel skin dude had a tattoo on his neck, he had a fisherman hat on...that's the driver...I'm calling him the driver...

Officer Thomas: Okay.

Tay: Cuz I don't know the nigga like that...then DeKondi them pulled up...DeKondi name pulled up

Officer Thomas: Now who's DeKondi?

Tay: The boy Antoine.

Officer Thomas: Antoine...yall call him DeKondi?

Tay: They beginning 1 and 2 ...you know what I'm saying?

Officer Thomas: Where they pull up in>

Tay: They pull up in a regular little Grand Prix or some shit like that...

Officer Thomas: Mm-hum... and they parked right there.

Tay: They parked here...they parked right here... you know what I'm saying.

Officer Thomas: Mm-hum.

Tay: We parked like right here.

Officer Thomas: Okay.

Tay: You know what I'm saying... cause we was in the middle of the motherfucker...

Officer Thomas: ...Cause yall was going to the club..

Tay: I swear to god... We were about to walk into the club... like he called us... like come here and we walked over there... and Reon don't know the nigga... Reon don't know "Q" like that... you know what I'm saying... that's my home boy from Linwood... you know what I'm saying... he be with the Bloods or whatever... you know what I'm saying... he be with the TTO niggas and all them niggas Bloods... and I fuck with Bloods and any Hoods from 8 mile to West Warren... you feel me?... If they Bloods... they Bloods... that's just how I do... you know what I'm saying... so... uuh... I know them niggas or whatever... so Boom he told me to help him get ... get into the club with it... so nigga what the fuck... how am I suppose to help you with a gun... you feel me... Nigga, man just try to help me... you know what I'm saying... alright fuck it come on... I'm about to get around a nigga and once I get up to the front... you know what I'm saying... trying to sneak around him... I'm going to make him... try to get his attention or something... you know what I'm saying... I was going to try and get his attention and let that nigga sneak passed me with the gun... boom alright come on... Then DeKondi ... before we come make it... we were all walking... all walking... down this way... about to walk pass ... DeKondi name call... Deco Nome said like ... come here... so we cut through the parking lot to see Deco Nome... this is DeKondi right here... DeKondi pull over... with another nigga I've never meet before... you feel me

Officer Thomas: Was he driving or?

Tay: No DeKondi was driving... nigga in the passenger seat just.

Officer Thomas: Just regular guy...

Tay: yeah regular... just fresh... I'm going to call him Fresh... you feel me... so I want get mistaken or whatever... this DeKondi, this me, this Reon.

Officer Thomas: Ok.

Tay: That's "Q" that's driver...

Officer Thomas: Yeah...

Tay: ...You feel me...so ...uuh we walked over there to the back of DeKondi car...DeKondi went to the car first...he was just sitting there talking...we were talking for like 10 or 15 minutes...you know what I'm saying...everybody laughing...everybody having fun...me and Reon kind of drunk because we had just grab some Petron from the store or whatever...you know what I'm saying...I'm serious...me and Reon kind of drunk or whatever...so we gave them some...he really didn't sipped...he sipped some but then he passed the drink to "Q" because he knows "Q" him and "Q" is cool or whatever because they are from the same area...Like "Q" live on this block... he lives on this block...so uuh...he told "Q" to help him pass out some flyers...so he gave "Q" a stack and I was like shit give me a stack too you know what I'm saying...cause I aint doing shit right now we all about to go in together or whatever...

Officer Brue: Who gave out the flyer... who DeKondi?

Tay: Yea.

Officer Brue: Who did DeKondi...

Tay: Yea Dekondi.

Officer Brue: Okay.

Tay: Yea, DeKondi...DeKondi, he gave us the flyers or whatever...we were walking around passing out the flyers once we passed out the flyers...like on this street...lets see...this the building...

Officer Thomas: Mm-hum.

Tay: That's Indianapolis right there.

Officer Thomas: That's the building?

Tay: Yeah.

Officer Thomas: Okay.

Tay: That's the start...

Officer Thomas: Okay.

Tay: That's the end...so we were walking down...this the sidewalk...that's the sidewalk...this the street...

Officer Thomas: Mm-hum...draw on this...I can't see shit and my eyes bad, you know? This the side walks?

Tay: Yea...crossed over is another sidewalk...going down...so this the street.

Officer Thomas: Mm-hum.

Tay: That's the street start...right there...this is the sidewalk again...we were walking down...we were walking in the middle of the street...at first...just walking down the middle of the street cause ...flyer... flyer... flyer... flyer... flyer... flyer...flyer... you feel me

Officer Thomas: Mm-hum.

Tay: Then we walked down this street...me and DeKondi went down this way and "Q" and them went down that way passing...we just passing out flyers right now once we got back and shit or whatever...we were walking down this corner me and DeKondi and the boys he came with..."Q" them came back down this way walking down this sidewalk...some niggas came from the club or what ever...niggas walked... from the club...I didn't see which way they came from the club...but they hit the corner like they were coming from the car...

Officer Thomas: Mm-hum.

Tay: So they walked down this way...then they walk back toward...you know what I'm saying.

Office Thomas: Mm-hum.

Tay: ...Down the sidewalk or whatever.

Officer Brue: Piece it together something like that...

Tay: Thanks.

Officer Brue: There you go...

Officer Thomas: (laugh)

Officer Brue: Go ahead...you're alright.

Tay: This niggas lying on me...shit...are yea they were walking down...they walked passed...you know what I'm saying...they had some words like right around there...then they were walking... we were telling these niggas fuck that shit leave that shit along... you feel me...we were telling them to leave that shit along...them niggas keep on...first "Q" and them was still walking...but he didn't have the gun out...that bitch was in the car...you feel me...so then we were having words with them...we all know he had the gun man...you know what I'm saying...we know how "Q" is so we kind of made him listen...but he listen to us he always kind of...he listen to us like we owed it to him ..you know what I'm saying...

Office Thomas: (inaudible)

Tay: ...That nigga just be on that tip tho....uuh...he walk... the got down to like right here or whatever...so we walking still...we got down there too...you know what I'm saying...they still have words with the dudes or whatever...but they thinking these are the only dudes...but it's some more dudes coming around the corner...you know what I'm saying...that's with them dudes...so some more dudes start coming around the corner again...you know what I'm saying...so once they got right there... when they got right there... "Q" aint see them coming because they still arguing with these dudes...these stopped...now they yelling and shit like... WHAT YALL TRYING TO DO... you feel me...like they want to fight...with a nigga.

Officer Thomas: So, so the dude that was coming from the parking lot was it more of them than "Q" and his boys...right?

Tay: Right!

Officer Thomas: Right...so who was the aggressor at the time?

Tay: Shit...Q...Q...was...I mean he step to them niggas thothem
niggas didn't seem like the type of niggas like they seem like they went to school
and shit...like man that shit was fucked up you dog how he got killed tho...

Officer Thomas: So what happen?

Tay: I was crying all night and two days.

Officer Thomas: So they arguing...

Tay: Uuh...So they right here loud as fuck...you know what I'm saying...so then uuh Q that nigga uuh he just starting nuting up and shit...so DeKondi tried to calm the nigger down so he just argued...so he just argued with them niggas for a minute but when these boys came...you know what I'm saying... they seem like they were about to start jumping on "Q" or whatever so I ran over there...you know what I'm saying...so "Q" bounced back or whatever...and then the boy who "Q"...who...who...he rode with in the Focus hit the nigga in his mouth like boom...you know what I'm saying... after he hit him "Q" hit him...like boom...you know what I'm saying and then uuh...that's when the commotion just started so we as about...I was about to get to fighting and everything...we didn't...I didn't get a chance to fight cause the nigga right here... hold it...hold it...hold it...you feel me...was like pushing us out of the way...like its on them ... them two nigga who's about to fight...you feel me... so they was trying to break it up ... so we was like alright...alright...alright...alright... and then....so he... "Q" ran off you understand to the car...the driver still over there fighting the nigga or what ever you know what I'm saying... the driver was like shit...nigga what ever he was just about to get jump I wasn't about to fight because I was to clean...you know what I'm saying he was just looking like what ever so the driver nigga was the primary nigga any way. I didn't know the nigga and I wasn't going to help the nigga no way "Q" ran off so I ran after "Q"...DeKondi come after me. You know what I'm saying... DeKondi rushed pass me like watch out you know what I'm saying. Like "Q" what in the fuck are you doing? You know like trying to talk to that nigga cause DeKondi get way more money than all of us what ever. I don't know what the fuck he do...I really don't. But...uuh here go this...DeKondi...this is the thing that DeKondi did. Him and "Q" was arguing about the gun or what ever. DeKondi snatched it from him. You know what I'm saying.

Officer Thomas: So DeKondi had the pistol?

Tay: Yea, he snatched the pistol from him. He shot at the ground. You know what I'm saying.

Officer Thomas: The gun was shot at the ground...who? Dekondi did

Tay: DeKondi shot at the ground. You know what I'm saying. And then uuh...
Them niggas ran.

Officer Thomas: DeKondi is Blood...that light skin guy.

Tay: Yes.

Officer Thomas: Okay.

Tay: I don't know his last name.

Officer Thomas: Antoine.

Tay: Yes!

Officer Thomas: Ok go ahead...

Tay: And then uuh. The other nigga after they shot at the ground they were right
there ...you feel me...these are the second group of niggas,

Officer Thomas: Mm-hum.

Tay: This the first group of niggas.

Officer Thomas: Mm-hum.

Tay: Still right there...he shot at the ground...they didn't get scared or nothing...so they still start rushing in...these niggas start coming in...like all together...once they all got together they were part of like 12 of them niggas you feel me?

Officer Thomas: Mm-hum.

Tay: It was only like five of us...you feel me? So uuh, I'm just...I'm just backing up cause he got the gun...you feel me. I'm just in the back now...I'm over here now we all down this way now. All them niggas.

Officer Thomas: Okay.

Tay: Everybody...you feel me? This is where everybody was at... you feel me.

Officer Thomas: Okay.

Tay: So I started sliding off...other niggas start...some of they people start sliding off you feel me.

Officer Thomas: Mm-hum.

Tay: Cause they had a gun or whatever...cause I'm still sliding off. DeKondi right there with them like dog what the fuck are you doing? Put the gun down cause he done snatch the gun from DeKondi you know what I'm saying...so DeKondi still right there in the way.

Officer Thomas: So DeKondi fired a shot.

Tay: He shot at the ground.

Officer Thomas: And then uuh.

Tay: That nigger start rushing in...DeKondi shot at the ground...this is how it went all fast...like...DeKondi shot at the ground them niggas...them nigga seen he shot at the ground...you feel me...like he wasn't going to shot at them niggas so they looking at them like this nigga softy as fuck... you feel me...fuck that nigger they started rushing in like they were about to start fighting them niggers or what ever you feel me so that's when I started backing up like what the fuck...they got guns these niggas running in...you feel me. I'm like...I don't know what the fuck is about to happen. You feel me... for real I'm like man these niggas are about to fight because they not shooting or nothing you feel me. He shot at the ground...they coming in. They know he got a gun and they running in on him. You feel me? Like I'm shit...I don't know what the fuck...I'm thinking he just about to start shooting at the ground...hitting them niggas...throwing guns...that type of shit...that's the type of niggas DeKondi is...so that's when "Q" snatched the gun back out of his had like nigga give me that bitch...that's when he snatched the bitch...so he snatched the bitch out of his hand...that's when DeKondi start backing up...cause DeKondi knows that nigga more than I do... you know what I'm saying. He just know that he was going to start shooting. I thought he was just going...you know what I'm saying...shoot at the wall some type of shit like on my mama for real for real. You know what I'm saying...I'm so serious. Like I thought he was going to shoot at the wall.

Officer Thomas: So when "Q" snatched the gun then what?

Tay: That nigga killed the nigga.

Officer Thomas: I mean what happen. Tell me how it happen.

Tay: Shit...he just start shooting once he start shooting.

Officer Thomas: Did he follow the guys? What happen?

Tay: I don't know...the nigga start shooting...he start bugging out... I swear to god.

Officer Brue: How many times did "Q" shoot?

Tay: Man shit... had to been like...like seven times I swear to god or more or more.

Officer Thomas: When uuh "Q" start bugging after he start bugging...what happen then?

Tay: Shit!

Officer Thomas: Everybody scatter now, right.

Tay: Hell yeah, we got the fuck on...

Officer Thomas: Yall got back in yall car or yall jump in they car?

Tay: Me and Reon got in the car and we left...really me and Reon ran this way...once he was shooting he was there by himself man. "Q" was right there.

Officer Thomas: Mm-hum!

Tay: The parking lot was right there.

Officer Thomas: Mm-hum

Tay: It was some niggas like we seen ducking down and shit all them Arabic dude but uuh we made an escape. DeKondi made an escape the driver was still like still standing right here.

Officer Thomas: Where did your car go when this shooting started to happening?

Tay: I really don't know...I swear to god I really don't know because they was standing right there we got in our car and we pulled out you know what I'm saying we went this way. We supposed to go this way...you feel me...we went this way and speed out... got down on Jefferson and shot on the freeway...you feel me...I don't know which way DeKondi went. They were the first ones gone...really. I don't know which way they went...you know what I'm saying...they left last... you feel me?...Because they were gone...we were gone...they dip...after they dip...shit...I was back at my dad's house on Joy Rd. Two days...one day...the first day I didn't even watch the news...you feel me...I didn't even cut on nothing...I didn't even tell my dad shit. I came in the house. I was crying you know what I'm saying...I just had a feeling that somebody got shot you know what I'm saying...I swear to god... then uuh I never cut on the TV. I went straight to sleep. You know what I'm saying... I left all the lights off and everything. Next day...Reno calling me telling me that "Q" around the hood telling everybody that he shot somebody some bull shit you know what I'm saying like okay you know what I'm saying...it's just a normal day...you feel me. "Q" always shooting niggas...okay...you know what I'm saying...then next day after that they telling me that Reno got killed because "Q" got locked up. I'm like humm fuck you and Reno got killed. You know what I'm saying...like shit like that...so I just lost it. I got the fuck out. I said hey...I swear to god I went to my mama's house. You can ask her. I was down there for like...

Officer Thomas: You didn't have anything to do with this shooting?

Tay: I swear to god.

Officer Thomas: You didn't touch no gun?

Tay: I didn't even get a chance to touch the gun. I didn't even help him get the gun into the club.

Officer Thomas: After it was over with did they passed you the gun so you could get rid of it?

Tay: Not at all Sir. I swear to god.

Officer Thomas: So if this guy saying that ...uuh...you the shooter it aint him he be lying...

Tay: Yes Sir, he will.

Officer Thomas: So what if he went to court and said you the shooter and it's actually him... then what will happen.

Tay: Sssah...man...Then I'm going to have to bring some people in or something...man.

Officer Thomas: You his man...why he put you out there like that? "Q" well uuh you cool with Teck...uuh... "T" ...what you call him...T...

Tay: Yeah uuh "Q."

Officer Thomas: Uuh. Teck mode what you call him.

Tay: Yeah "Q" is the fucking killer man.

Officer Thomas: Who else did he kill?

Tay: People on Linwood...three people.

Officer Thomas: You know like who?

Tay: I don't know exactly but he told me that if I paid him \$2,000.00 that he would kill them for me...anybody and his...his name is know for killing people around...He keeps an A-K insides of his pants...I swear...on a daily...on a nightly basic...every night you hear AK shoots coming off Richton because of "Q" or you hear somebody just got shot up in a car with a AK. He got three bodies over there on Linwood. He told me if I pay him \$2,000.00 he would kill somebody for me... no problem.

Officer Thomas: So he just wild like that...Huhl

Tay: I swear to god that nigga is nut.

Officer Thomas: Do you know who was giving the party the flyer that they were throwing out?

Tay: No Sir...I mean DeKondi was passing out the flyer. I think he was bringing some rapper here. He was bringing uuuh T I...I think he was bringing T I here.

Officer Thomas: You're not sure you think he was bringing

Tay: It was somebody from Atlanta ...tho.

Officer Thomas: All...Okay...why...why would he put your name in all this shit here if he ...if he...was telling it like that...why.

Tay: Because man, I swear to god ..I think...he did that shit...I think DeKondi put my name in that shit because "Q" is his man and you know what I'm saying I kind of look like "Q" he smarter than "Q" and they got my man Reno killed just in case if we both get locked up he already know we both snitching because Reno is my right hand. You feel me... if he do anything, I'm doing it with him...period. They killed my man you know what I'm saying.

Officer Brue: Where was Reno killed?

Tay: Over there like off of...uuh dam...Mm-hum...it's going to come to me...hold it...it's called...uuh...dam what the fuck is that place called...it's over there it sound like some type of like...yall know exactly what I'm talking about...It's a hood over there like off HP you drove over there...It's like a McDonald right there

Officer Thomas: (inaudible)

Tay: What's that street? They have like apartment building right there where all those custos be in and there be some more custos that be everywhere...man

Officer Brue: You're talking about Palmer Park?

Tay: Not that way...

Officer Brue: not that far...

Officer Thomas: Man you down there near...You're down there near...You're on the other side of Highland Park High School...

Officer Brue: You're beyond there...okay

Tay: It's called... Dam...it's like a name that everybody know...tho...but it's in the city just popping like it but everybody knows works being sold around there

Officer Thomas: Manchester...ain't Manchester...Hamilton...

Tay: Not Hamilton...keep going...

Officer Thomas: I'll pull out my phone and it will tell you...

Officer Brue: Now cause you got me.

Tay: It's in the hood. The name that they use is on the street sign too.

Officer Thomas: Right.

Tay: It's like a three word name or some shit like that.

Officer Brue: South of Highland Park.

Tay: No Sir...naw...it's nothing like HP...HP HP.

Officer Brue: No, I'm saying it's south of Highland Park.

Tay: Yeah, it's going that-a-way...instead of going like from seven mile to six mile it aint going toward 8 mile it's going...toward.

Officer Brue: The other way...

Tay: Yeah.

Officer Brue: (inaudible)

Tay: I swear to god that's what happen that day.

Officer Thomas: It did...

Officer Thomas: He's talking about there's a Popeye Chicken right there on that corner...uuh...

Officer Brue: Uuh...on Davison?

Officer Thomas: Naw, on Woodward. Right to far from Highland Park where that police station in the back...back there.

Officer Brue: Yeah that's the Davison there...

Officer Thomas: Naw not Davison...Its uuh (Inaudible) it's uuh.

Officer Brue: The police station...Manchester?...Woodward?

Tay: Naw

Officer Thomas: North of that...north of that...

Officer Brue: Okay!

Tay: it's the hood man...

Officer Thomas: Back in there...you know where Puritan ends at Hamilton?

Tay: It's the hood man!

Officer Brue: Mm-hum.

Officer Thomas: Keep going straight across... cause the street turns and you go straight across there and that take you to Woodward and you'll be right there

Tay: Right!

Officer Brue: Right! I'm on Puritan and Woodward...then I'm on Puritan.

Officer Thomas: Keep going...go to Woodward and Six Miles...go south...

Officer Brue: Okay.

Officer Thomas: And you'll see Highland Park High School.

Officer Brue: Yeah!

Officer Thomas: Keep going south...it's a...it's a... strip mall up there.

Officer Brue: Right...You got Farmer Jack on one side and the old Sears.

Officer Thomas: Yeap, The old Sears use to be over there...

Officer Brue: Right...

Officer Thomas: Before (inaudible)

Officer Brue: Right (inaudible)

Tay: It's off...dam man I almost said it...it's a hood ass name

Officer Thomas: Is it a hood name for a street or they call it a certain area?

Tay: Yeah...a certain area around there but...dam what is it called...it's called

Officer Brue: I know what you're talking but...

Officer Thomas: Manchester...Victor Street...

Officer Brue: Right!

Officer Thomas: Uuh...Ford...Pasadena...East Garden... East Grand...uuh

Tay: It sound like the name of Pasadena...

Officer Thomas: Ok let...let...let... me show you ...pass that strip mall...where the CI train is...

Tay: Mm-hum.

Officer Thomas: Ford Motor Company...

Tay: That's it right there.

Officer Thomas: You see Woodward...yeah that's that Mall...that's Woodward.

Tay: Yeah.

Officer Thomas: Highland Park High School is up here somewhere...

Tay: Mm-hum.

Officer Thomas: So that's Manchester going to ...to Hamilton...

Tay: Alright, keep going...

Officer Thomas: Which way down? or up?

Tay: Yeah, this way.

Officer Thomas: Up... that's Woodward.

Tay: Yeah...it's like around Waverly...these types of streets.

Officer Thomas: You have Tyler...Buena Vista...uuh...I can't see that...you can see that word...some park.

Tay: Next to the hood man.

Officer Thomas: You don't know that the name of it tho.

Tay: It's like the project type of ...type of shit...I think it is the project over there that they call it...

Officer Thomas: The project...

Tay: You know the project around this way.

Officer Thomas: The project...I aint from Highland Park.

Tay: It's the hood man.

Officer Thomas: You don't know the name of the hood?

Tay: I can't think of it right now but I'm trying too.

Officer Brue: ...I need to get down the house to Madison.

Officer Thomas: But it's right behind there you think...behind that strip mall?

Tay: Yeah...it's in there...it's called ...it happen like off of Woodward tho like.

Officer Thomas: So this is a Highland Park case that happen?

Tay: Yeah.

Officer Thomas: They killed your bro in Highland Park .

Tay: Yeah...Reon.

Officer Thomas: When did this happen...let me call somebody I know somebody that might know...stand by...what's her name? Sergeant something...

Tay: best friend he was light skin short like me

Officer Thomas: This happen what month you think?

Tay: this happen like three months ago...really...three months ago.

Officer Brue: Was he killed in a house? On the street? In car? In a jeep?

Tay: In the same jeep?

Officer Thomas: Hey I have a question for you...did you have a shooting on... in Highland Park...by a guy name Reon...may be gotton killed in a jeep or something over hear...uuh... near like Manchester and Woodward area you heard anything like that? You have. What was...what was his name...Yeah I was trying to get information on it...

Tay: (inaudible)

Officer Thomas: trying to get information on it...hello...hello... Oh, what you say? I didn't here you I'm sorry ...

Lady's voice on the phone: all I thought you said (inaudible)

Officer Brue: (inaudible) do you have a cell phone?

Officer Thomas: About three or four months ago.

Tay: I have a house phone I don't have a cell phone Sir.

Officer Brue: You don't have a cell phone?

Tay: No Sir!

Officer Thomas: Can you look out for me I got...I got...

Officer Brue: (inaudible) what are the numbers to those...

Tay: They were some people who use to live in that house Sir they just moved in (inaudible).

Officer Thomas: Oh! Oh! You got a call? You want me to call? Who can I talk to?

Tay:... Off F Mansfield I've only been there for like three days. They just moved out of that house like one week ago...seven days ago

Officer Brue: What was the address?

Tay: They still got little cloths and little items and telephone...and shit

Officer Thomas: What's the number there?

Officer Brue: you were just squatting there sort-of-kind-of?

Tay: They gave me the keys...

Officer Brue: All...okay...what was the address?

Tay: Yeah I was squatting...

Officer Brue: What was the address?

Tay: Guess they got kicked out; I don't know...It was like the 15

Officer Thomas: I'll call tomorrow than...

Officer Brue: What was the address: What was the phone number that you used?

Tay: I was using the people from across the street number.

Officer Thomas: It was Manchester.... Where it happen at...it was on Manchester.

Office Brue: Mm-hum.

Tay: But it's some hood over there tho...they have it like...he was in that hood...they called it something...I'll figure it out and I'll tell yall but...it's something man...what the fuck is the name of that shit?

Officer Brue: You have a number for DeKondi?

Tay: Dang man them niggas be hood over there in them project.

Officer Brue: Do you have a number for DeKondi?

Tay: No Sir.

Officer Thomas: Hey what's the name of that hood over there...is there a hood name over there like a ghetto hood name...what they call that over there?

Tay: Three letter word name...

Officer Thomas: Yeah over there ...over there behind the ..the strip mall like a little project or something back in there...what they called it?
Naw...Okay...alright...thanks you...appreciate it...

Tay: That's where he was at just serving some works these niggas just killed him.

Officer Thomas: Mmm-mmm I'm going...I'm going to look on that ... that's Highland Park so I got to get help from another department. So let's talk about you and this CCW shit. How good of a case is that? Is that something good or is some...some... you can get out of? You need some help?

Tay: Naw man, I'll be straight.

Officer Thomas: Naw...you need some help?

Tay: What...to get out of the CCW.

Officer Thomas: I'm asking... (Phone rings) this (inaudible) I'll call you back in a minute.

Tay: I don't want to be a snitch man.

Officer Thomas: It alnt about that...I'm talking about you...what you going to do

Tay: Yeah, I need some help.

Officer Thomas: Alright see if we can look into it...let see who ...who we can talk to...

Tay: Okay.

Officer Thomas: That's all I'm worried about...alright.

Tay; Yeah.

Officer Thomas: Alright...we'll work...we'll see what happen...I can't promise you but I'm going to talk to whoever I can talk to over there at Wayne County to see what's up with you. I'm ...I'm come and see you tomorrow... alright!

Tay: Yeah.

Officer Thomas: And we will kick it some more.

Tay: Okay.

Officer Thomas: Cause uuh...who was you investing officer? Who's ...who's the person in charge there? I need somebody...who can I talk too...so we will know what's going on?

Officer Thomas: Naw...Naw...I don't care about that...I talking about whoever got you on this CCW case...Who's that officer? Where was it at? Detroit

Tay: that was on the eastside ...I was at a club.

Officer Thomas: That's Detroit? So..so... It's a Detroit case?

Tay: Yes Sir.

Officer Thomas: Alright. that's all I want to know...

Tay: Like five... going on six months ago...

Officer Thomas: So it's been a while...

Tay: And it was only going to be like six months in Dickerson County Jail...I was only going to do like three months.

Officer Thomas: So didn't go to prison...

Tay: Yeah.

Officer Thomas: You went to Atlanta.

Tay: Girl told me she had a baby on the way...baby due in like two months...so I panicked and I ran...I'm just telling the truth...

Officer Thomas: Hey real talk...you built up

Tay: Yeah

Officer Thomas: So, it's...it's in Wayne County then?

Tay: Yeah Sir.

Officer Thomas: That's good. Okay that's what up...Alright...I just want to make sure...and...just...just so we can finish this up...I...I got to make some calls for you and I got to find out where your case is and how...how the status is...alright. Now listen...a lot of time this happen you know the police...they help you.

Tay: Yes Sir!

Officer Thomas: So keep that in your mind.

Tay: Yes Sir...alright

Officer Thomas: And I don't why this boy put your name in it...you look like him...I alnt going to lie about it

Tay: I know I do...

Officer Thomas: You know what I mean?

Tay: But I don't look like him tho.

Officer Thomas: Well if I was to put yall.

Officer Brue: When I first looked through the window I said dam that him.

Officer Thomas: But somebody can mistake you for him

Officer Brue: But somebody can mistake you two

Tay: Somebody got me fucked up.

Office Brue: When was the last time you talked to "Q"?

Tay: I aint talked to that nigger.

Officer Thomas: What about that DeKondi guy?

Tay: last time I heard...you know what I'm saying this shit... I really don't even want to talk to that nigga.

Officer Thomas: What about that DeKondi guy?

Officer Brue: When was the last time you talked to him?

Tay: Like five months...it's been a while...

Officer Thomas: You've been out of town.

Tay: It's been like gone...gone...you know what I'm saying

Officer Thomas: You talked to him while you were in Atlanta? Or you talked to him while you were here?

Tay: I talked to...I talked to somebody...that talked to him while I was in Atlanta but the number that they were calling off was the nigga from my nigga Tate who I be calling but he change his number and DeKondi change his number about four time...

Officer Thomas: Right!

Tay: I called and talked to him...that bitch cut off...the second number was a 1-800 number that bitch saying this number that you calling you can not reach period. You know what I'm saying.

Officer Thomas: What state would you say that he was in?

Tay: Atlanta Georgia.

Officer Thomas: but he...he...

Tay: but I was on the north side.

Officer Thomas: Naw I mean DeKondi?

Tay: That's what I'm saying...

Officer Thomas: You said he was in Georgia?

Tay: Atlanta Georgia...but I was in...what is that...Northwest... that's like where Buckhead.

Officer Thomas: Buckhead.

Tay: Buckhead...I don't know where the fuck he at...Right hand to god.

Officer Thomas: Who would I talk to who may know where that mother-fucker at?

Tay: Probably talk to his sister that's who I use to talk to get in contact with him

Officer Thomas: She aint going to fuck with...fuck with me and him...to handle.

Tay: She aint even fucking with me man...I'm telling you

Officer Thomas: You got...you got his sister number?

Tay: Uuuh...it's 313-926-1984

Officer Thomas: 926-1984...she keeps in contact with him?

Tay: Yeah.

Officer Thomas: Cause she use to fuck with him.

Tay: Yeah.

Officer Thomas: What's her name?

Tay: Hlshanna...

Officer Thomas: Hi- shanna.

Tay: Yeah...like shona.

Officer Thomas: How you spell that?

Tay: with a H. I... in the front...H-I-S-H-A-N-N-A.

Officer Thomas: Do you know her last name?

Tay: I think they have the same last name...but I think they have different mother or some shit like that.

Officer Thomas: His momma rich...I heard she...she...

Tay: Naw...naw.

Officer Thomas: I heard she was paralyzed or some shit.

Tay: I aint heard that at all...I saw her like once or twice.

Officer Thomas: She in a wheelchair?

Tay: She was in a car she might be in a wheelchair.

Officer Thomas: She was driving?

Tay: Yeah...she was driving...the only one seeing thang.

Officer Thomas: (laughing) Who knows man...who knows...

Officer Brue: Did you have a cell phone back then?

Tay: No Sir.

Officer Brue: That night you didn't have a cell phone?

Tay: I don't think so Sir...I aint been having no money in a while...

Officer Thomas: (inaudible) Did you have a cell phone that night?

Tay: No Sir...

Officer Thomas: Naw...

Tay: No Sir...

Officer Thomas: Alright.

Officer Brue: Did you recall by chance "Q" or DeKondi...phone number back then?

Tay: Uuh...I had a number and he was here and I could of got it if wanted it but I didn't have it he stayed off works when he was here too so I could just go by the house... and he would be there...that type of shit...but after that shit happen...I went over the house a few times..

Officer Brue: Whose house was it?

Tay: Uuh...I think his father's house...

Officer Brue: Which house on Courtland?

Tay: The first house...like...right at the corner...then it's the second house that his dad own...but I think...his uncle owned the first house...but...I know his dad own the second house after the road block...they have a vacant house...I mean a vacant spot next to it...but the first house like... the third house on the corner...the third house on the corner...Just...nobody be in there...some shit.

Officer Brue: Okay

Officer Thomas: (on the phone talking) Yeap.. Yeap...I'm going to try...alright

Tay: That nigga "Q" he be killing everybody that's what he told me...If I paid him \$2,000.00 he would kill somebody for me...crazy...

Officer Thomas: You don't have no (Inaudible).

Tay: Naw...Naw...love hood shit

Officer Thomas: But he would kill them tho haw.

Tay: that nigga be doing all type of shit just for no reason tho shooting niggas with that SK that he got he got a AK too he be shooting that bitch in the night all-night... Over there on Linwood if I go over there and stay one night that nigga have me uncomfortable because he be on pills...the niggas he be with be gecking him up the TTO niggas...you know what I'm saying...the niggas going to fire him literally...right there cold...let's go firebomb somebody shit... then you hear them niggas walk off...then you hear the house got burned down the next day...but you heard some shots that same night too...a lot of shots like they shooting...having a shot out when niggas...when they putting niggas out the hood from selling works...shooting niggers...killing niggers...firebombing they houses and steady shooting niggas...every night you go over there you're going to hear some gun shots...I be over there just chilling...selling the shit that I do have...a little weed...a little...a little work and shit that I do...If I do taste some...it's probably some bullshit...not to kill me or nothing... you know what I'm saying.

Officer Thomas: Is there...Is there anything about "Q" that I should know about? Any Armed Robbery's...anything like that?

Tay: That nigga do all type of shit...

Officer Thomas: That you know of... I know he do be out here...

Tay: He be robbing...running into them niggas' houses...breaking into niggas houses that's all I know..."Q" he...if he gets coke...If you know that he has Covon he already hit about five houses...period... that nigga hit licks on houses all day...all I do is sell a little dope...I do have. I sell dope...I sell weed...I sell I sell dope...you feel me...I've never got caught for its cause it's so small.

Officer Thomas: You be careful.

Tay: I already know what yall know.

Officer Thomas: You be careful... you leave that shit alone...you better get back out of town...you don't need to be around here...

Tay: Atlanta Georgia...came back from Kentucky...

Officer Thomas: ...Take your ass back...take your ass back to Atlanta Georgie...and do something with yourself...don't be down there just...just living off you mama man...you getting to...getting to old.

Tay: Yeah...I don't be asking her for nothing.

Officer Thomas: Time going bye brother...you will be my age in a minute...and you're going to look back and say dam I wasted all that time...get you a job so you can get you some social security...so you know...you can get a pention...or something to take care of you when you get old...that's just real talk...you don't want to be this mother-fuckers age and not have it...

Tay: Right

Officer Thomas: You know...and look like him

Tay: (inaudible) times too

Officer Brue: But...what... what will be wrong with that? What's wrong with the way I look?

Officer Thomas: (inaudible) you say what

Tay: Yall look like movie stars.

Officer Thomas: Naw, we are regular people like you. I have a son your age, you understand.

Officer Brue: How old are you? How old are you?

Tay: 21.

Officer Thomas: My son is 21.

Officer Brue: My daughter is 21.

Officer Thomas: I'm just telling you thing that I would tell my own son

Officer Brue: Mm-hum.

Officer Thomas: Stay out of trouble...find something to do with yourself...you keep fucking with these guys in the street...they're going to lead you right where you going...you know what I'm saying...you don't need that no more...you're getting to old...you got...you're going to have kids pretty soon dude... and somebody gotta look up at you...and they don't want to see their daddy on mother-fucker MDOC site.

Officer Brue /Officer Thomas: (inaudible)

Officer Thomas: Over some dumb... work at McDonald first I'm telling you...because over the long run you're going to wish you did...

Tay: Yeap.

Officer Thomas: Because it aint nothing nice...you ready...I'll be back here tomorrow because I'm going to find some people that know you. So that we can get this taken care of...Okay...I'm just saying now...if in...if in fact...find somebody who look out for you...You keep your word...and what you telling me is true...cause I don't want to...cause "Q" is in custody...and if you did it...you did it...you know what I'm saying...as long as we are on the same page...alright.

Tay: Alright.

Officer Thomas: Let's go...see you later.

Officer Brue: You're sure.

Tay: Yes.

Officer Thomas: Ok...you aint got to put that back on... (Inaudible).

Officer Thomas: You don't have to put it back on.

EXHIBIT 9

WAYNE COUNTY SHERIFF DEPARTMENT WITNESS STATEMENT

WITNESS NAME: Allante Mosley

OFFICER NAME RECEIVING STATEMENT: CPL DENIS MITCHELL

STATEMENT: I was picked up by my friend Leon. We went to the club. We met Quinton King there, he had a gun, and Anton Blevins asked to hold it while we passed out some party flyers. We got into a argument, Anton shot at the ground then gave Quinton King the gun, Quinton King shot the football player and got in the car with Anton. They left after I left. He then paid me not to tell on him. That's why I didn't tell everything the first time.

WITNESS SIGNATURE:

Allante Mosley

TIME AND DATE:

1347 4-25-12

CASE NUMBER:

7604

OFFICER SIGNATURE:

Denis Mitchell

Wayne County Sheriff's Office

Jail Divisions I and II

IAS REQUEST FORM

To: Captain Alan Bulifant, Internal Affairs or
Sergeant Terrie Smiddy, Division I - RDC

From: Executive Commander Scott Gatti
Commanding Officer, Jail Division II

Commander Lynnette O. Cain
Commanding Officer, Jail Division I

Date: 4-25-12

RE: Recommendation and Commander's Approval of IAS Requests

Incident type: Misc. Investigation

Case #: 7604-12

I have reviewed the divisional investigation of the above matter and I have consulted with the shift commander indicated below. The shift commander's recommendation and my approval are either:

1. ☒ Request for Internal Affairs Section Investigation (please investigate the case and determine if) :
 - If any laws were violated and/or
 - If any departmental rules, regulations, policies, procedures, or orders were violated
2. ☐ Request for Jail Division I Sergeant Terrie Smiddy to investigate and process.
3. ☐ Record only. No request for the Internal Affairs Section to investigate. Information is attached for review and IAS record.
4. ☐ One of the inmates involved is an United States Marshal detainee. After review of the matter, please fax report or synopsis of incident to USM Operations Chief at 313.234.5672.

Recommended by:

Sgt. Brian D. T. [Signature]
Recommending officer

Approved by:

Executive Commander Scott Gatti
Commanding Officer, Jail Division II

Approved by:

Commander Lynnette O. Cain
Commanding Officer, Jail Division I

WAYNE COUNTY JAIL SYSTEM

Incident Report

Incident Information:

Entry Dt/Tm: 04-25-2012 1432

Entered By: 2146 , MITCHELL

Updated By: 3749 , TWINN

MISCELLANEOUS INVESTIGATION

SUBJECT:MOSELEY,ALLANTE#11-29782 B/M D.O.B. [REDACTED]

ON THE ABOVE DATE SGT. TWIN ASKED ME TO WRITE A REPORT ABOUT SUBJECT. SUBJECT HAD SPOKEN WITH MR. LYLE (PSYCHOLOGIST) ABOUT SOME INFORMATION HE HAD CONCERNING A CRIME. SUBJECT WAS GIVEN A WITNESS STATEMENT FORM AND FILLED IT OUT. |

Incident Information:

Entry Dt/Tm: 04-25-2012 1432

Entered By: 2146 , MITCHELL

Updated By:

MISCELLANEOUS INVESTIGATION

SUBJECT:MOSELEY,ALLANTE#11-29782 B/M D.O.B. [REDACTED]

ON THE ABOVE DATE SGT. TWIN ASKED ME TO WRITE A REPORT ABOUT SUBJECT. SUBJECT HAD SPOKEN WITH MR. LYLE (PSYCHOLOGIST) ABOUT SOME INFORMATION HE HAD CONCERNING A CRIME. | ATTACHED IS A STATMENT THAT SUBJECT WROTE CONCERNING THAT INFORMATION. |

WAYNE COUNTY SHERIFF DEPT
ORIGINAL
INCIDENT REPORT

DATE REPORTED 4-25-12	INCIDENT NO. 7604	YEAR 12
TIME REPORTED 1347	FILE CLASS 9900-9	LEGAL
LOCATION OF INCIDENT 570 CLINTON DET., MI 48226 DIV 14ND		VENUE 82/99
COMPLAINANT MOSELEY, ALLANTE #11-29782	TELEPHONE NO. [REDACTED]	
ADDRESS: STREET & NO. 570 CLINTON	CITY DETROIT	STATE MICH
		ZIP CODE 48226

INCIDENT STATUS

☒ 0

0 OPEN

1 LEIN VALIDATION 2 UNFOUNDED

3 EXCEPTIONAL CLEARANCE

4 INACTIVE

5 CLOSED

6 OPEN PENDING RELEASE OF PROPERTY 7 TOT OTHER POLICE DEPT

NATURE OF INCIDENT

MISCELLANEOUS INVESTIGATION

SUBJECT: MOSELEY, ALLANTE #11-29782 B/M D.O.B. [REDACTED]

ON THE ABOVE DATE SGT. TWINN ASKED ME TO WRITE A REPORT ABOUT SUBJECT. SUBJECT HAD SPOKEN WITH MR. LYLE (PSYCHOLOGIST) ABOUT SOME INFORMATION HE HAD CONCERNING A CRIME. ATTACHED IS A STATEMENT THAT SUBJECT WROTE CONCERNING THAT INFORMATION.

Incident No.

7604

File Class:

9900-9

Page 1/1	Investigated By MITCHELL, DENIS #1309	Officer's Signature [Signature]	Reviewed By St. Bern. O. T. #145
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EXHIBIT 10

Anton i know we havent talked in
a while but there lying on me.

Tell your lawyer to come visit me.
so i can write a signed statement.
saying the prosecutor bribed me
to write that statement they have
please dont be mad because i heard
yall was saying i did it.

just tell your lawyer to come
visit me so i can get that
statement they have thrown out.
I going to write a new one
saying they told me if i said
yall did it that i would go home.
Im going to write a new
statement say i was never
at the shooting scene and i made
it all up to go home.

Im trying to save you here.
help me help you.

Write me back

06/25/12

Anton tell your lawyer to come
visit me so i can clear the first
statement with another one by
saying they bribed me to write
that statement. they told me
they would let me go home
if i said that you did it.
but if your lawyer can prove
they bribed me the statement
will get thrown out.

My info is Atlanta Moseley
2011029782

Write me back
Im in the old county jail
unit 512.

07-19-12

The only reason I made up that fake statement is because somebody snatched on me they charged me with first degree murder I got caught on the 17th I'm trying to get it pushed back passed my out date so I can go to court from the streets.

I told my uncle friend he is a Sergeant to put me on and floor old jail so I can talk to you.

I can get that ~~fake~~ statement threw out that's y I been writing you.

I just need you to tell a stop speaking on me. It have to be him if it ain't you.

Starting when the police came to my house looking for me for murder 1.

he gave them my name. I wasn't trying to put you in that statement 2. but you wouldn't write me back so I figured you was sitting to. that's y I put your name in it but all I have to say is I was lying on you because I was mad at you for a different reason.

08/08/12

What's good on, I wrote another statement

Whats good am, i wrote another Statement
to the judge and told him you didn't
have anything to do with it.

tell your lawyer to come with me so i can
write any statement that he can have
in his documents. Write me back so i
can see you got my letter.

in envelope w/ 08/20/12 letter

Damn bro you not gonna write me back.

I told you i thought yall niggas was
Snitchin on me. So i made a statement.

my statement can be thrown out

if you tell your lawyer to visit me

so i can write another statement,

write me back.

08/23/12

Witness Statement

I Allante Mosley did not get threatened or bribed to write this statement.

I did not witness anton blevis on the scene of the crime.

I made that statement before because i was mad at him, do not use that statement against him i lied.

x Allante Mosley
witness statement.

in envelope marked 09/20/12

Man i moved off the rock because
them niggas was about to jump me
fuck what they told you. I
forgot that nigga p like 10 times.
Then another nigga hit me i was
~~gone~~ gone but i'd ass but
another nigga was gonna jump in.
I'm still gonna write that statement
for you hopefully it hold up.
write me back.

the Statement is in here.
it will be better if you have a
lawyer come and get a Statement
from me then they will believe it
better. It will be his word against there
instead of your word against there.

And they didnt charge me with
the murder my lawyer got that
quashed on Friday.

but they are here

envelope marked 09/20/12.

EXHIBIT 11

WAYNE COUNTY SHERIFF DEPT
ORIGINAL
INCIDENT REPORT

DATE REPORTED 08-03-12	INCIDENT NO. 14769	YEAR 12
TIME REPORTED 1255	FILE CLASS 9900-9	LOCAL 02
LOCATION OF INCIDENT 525 Clinton Detroit, MI Ward 606		VENUE 82/99

COMPLAINANT Cpl Chris DeGasperi		TELEPHONE NO 313 224 2208	
ADDRESS: STREET & NO. 525 Clinton	CITY Detroit	STATE MI	ZIP CODE 48226

INCIDENT STATUS

☒ 5	0 OPEN	1 LEIN VALIDATION	2 UNFOUNDED	3 EXCEPTIONAL CLEARANCE
4 INACTIVE	5 CLOSED	6 OPEN PENDING RELEASE OF PROPERTY	7 TOT OTHER POLICE DEPT	

NATURE OF INCIDENT

Miscellaneous Investigation

Subject: Moseley, Allante 11 - 29782 B/M, D.O.B 9/1/91

On todays date while at my duty station , I Cpl DeGasperi was called to ward 606 . Upon arrival the Inmate Moseley stated "I need to confess to a murder ". Moseley was removed from the ward and placed in the hallway bullpen without incident . Witness statement forms were completed. Sgt Osantowski was notified.

Incident No. 14769-12

File Class: 9900-9

Page 1/1	Investigated By Cpl C. DeGasperi # 1399	Officer's Signature <i>Cpl C. DeGasperi</i>	Reviewed By <i>Sgt M. Osantowski</i>
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PJ - 83 CHECK LIST

Case Number: 1476 9-12

Date & Time: 8-3-12 @ 1255

Writing Officer: Degas/05

- ☒ REPORT PROPERLY WRITTEN AND CHECKED BY THE SERGEANT AND SHIFT LIEUTENANT FOR PROPER FORMAT, TITLE, INFORMATION COMPLETE, LOCK DOWN, MEDICAL ETC...
- ☐ PROSECUTION RIGHTS FORM PROPERLY FILLED OUT & SIGNED BY THE APPROPRIATE PARTIES
- ☐ WITNESS STATEMENTS
- ☐ WHO WARD
- ☐ IMS REPORT
- ☐ PROPER EVIDENCE COLLECTION
- ☐ PROPER RESPONSE TO CODES DOCUMENTED
- ☐ RESPONSE OF THE SUPERVISOR DOCUMENTED
- ☐ USE OF FORCE REPORTS
- ☐ SUPERVISOR'S REVIEW OF FORCE REPORT
- ☐ MICR

COMMENTS:

A. J. Bulifant

Reviewing Command Officer

Wayne County Sheriff's Office

Jail Divisions I and II

IAS REQUEST FORM

To: Captain Alan Bulifant, Internal Affairs or
Sergeant Terrie Smiddy, Division I - RDC

From: Executive Commander Scott Gatti
Commanding Officer, Jail Division II

Commander Lynnette O. Cain
Commanding Officer, Jail Division I

Date: August 03, 2012

RE: Recommendation and Commander's Approval of IAS Requests

Incident type: Miscellaneous Investigation

Case #: 19769-17

I have reviewed the divisional investigation of the above matter and I have consulted with the shift commander indicated below. The shift commander's recommendation and my approval are either:

1. ☐ Request for Internal Affairs Section Investigation (please investigate the case and determine if) :
 - If any laws were violated and/or
 - If any departmental rules, regulations, policies, procedures, or orders were violated
2. ☐ Request for Jail Division I Sergeant Terrie Smiddy to investigate and process.
3. ☒ Record only. No request for the Internal Affairs Section to investigate. Information is attached for review and IAS record.
4. ☐ One of the inmates involved is an United States Marshal detainee. After review of the matter, please fax report or synopsis of incident to USM Operations Chief at 313.234.5672.

Recommended by:

Apt. [Signature]
Recommending officer

237-1164

Approved by:

Executive Commander Scott Gatti
Commanding Officer, Jail Division II

Approved by:

Commander Lynnette O. Cain
Commanding Officer, Jail Division I



WAYNE COUNTY SHERIFF'S DEPT.

REPORT ON PROPERTY
and/or
PROPERTY RECEIPT

PJ 400

Community 3			Complaint No. 8
Confiscated 4 ☒	Recovered 5 ☐	Other 6 ☐	File Class No. 9
From Whom and Where Obtained 7			Date Received 10
CPT. PATRICIA ROBERSON WCSO DIV II			08.07.12
			Division or Bureau 11
			IAS

Description of Property: 12 Number each item listed - Describe fully, include manufacturer's make, serial number, etc.
If cash also list denomination and amount of money seized.Estimated Value,
If any 13
(Each Item Listed)1 WCSO WITNESS STATEMENT FROM
INMATE ALLANTE MOSELY # 2011079782

⊕

14 Total Value \$

Name of Owner 15	Address 16
Names of officers seizing property 17	
SGT MICHAEL BEMIS # 345 IAS	
Property Status (Held in property room, garage, etc.) 18	Signature of Receiving Officer 19
IAS PROPERTY ROOM	SGT MICHAEL BEMIS 345

PROPERTY RECEIPT

Type name of person receiving property 20	(Rank) Signature of releasing officer 23
Signature of person receiving property 21	(Rank) Signature of authorizing officer 24
Address 22	Date 25

(Do not use the back side of this form)

EXHIBIT 12

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff,

Case No 12-001086-FC

v.

Hon. Timothy M. Kenny

ANTON T. BLEVINS,
Defendant.

AFFIDAVIT OF ANTON BLEVINS

STATE OF MICHIGAN)
) SS:
COUNTY OF CHIPPEWA)

I, Anton Blevins, being first duly sworn, depose and state as follows:

1. I am the defendant in the above-captioned case and, if sworn as a witness, I can testify competently and on personal knowledge to the facts set forth herein.
2. The attached April 25, 2012 Witness Statement by Allante Moseley is a true and accurate copy of the original that I received before trial from my trial attorney.
3. While I was in jail awaiting trial in this case, a guard named Corporal DeGasperis told me that he knew something about my case regarding Allante Moseley. DeGasperis did not reveal what he knew. He only told me to tell my lawyer, Steve Fishman, to contact DeGasperis so he could relay the information.
4. I immediately told Fishman what DeGasperis told me.
5. Fishman responded, "It's okay, the prosecution is not going to use Moseley." Fishman did not explain how he knew this, and I did not know at the time.
6. On March 11, 2013, I told my appellate counsel, Elizabeth Jacobs, the facts set forth in paragraphs 3-5, above.
7. Soon March 11, 2013, I received a letter from Ms. Jacobs dated March 12, 2013 (a true and accurate copy of which is attached), which says, "I tracked down the Deputy you mentioned. He was at the jail and we talked for about 15

minutes."

8. After trial in this case but before my brief on appeal was filed, I received a copy of the prosecutor's discovery and saw a document that I had never seen nor heard of before then, a Wayne County Sheriff's Department Incident Report authored by Corporal C. DeGasperis and dated August 3, 2012, that says Moseley said, "'I need to confess to a murder'. . . . Witness statement forms were completed." A true and accurate copy is attached.
9. Also after trial in this case, a friend of mine told me that he found on the internet a witness statement dated August 3, 2012 and signed by Moseley and DeGasperis in which Moseley said he lied about me having a gun and that I had nothing to do with the shooting in this case, a true and accurate copy of which is attached. I was not aware of that statement before then.
10. After trial in this case, I learned for the first time through King's appellate attorney, who contacted my appellate attorney, Elizabeth Jacobs, that a person named DeQuan Todd overheard Moseley confess to the murder in this case at the jail before trial.
11. In late 2017 and 2018, I obtained affidavits from Steve Fishman, Chris DeGasperis, and Kimberly Jones.
12. I did not know Kimberly Jones and did not know that she witnessed any events in this case, nor did I have reason to know, until July or August 2017, when a friend of mine told me that Jones contacted him on Instagram in response to his post on that website about me and my convictions in this case. Jones told my friend that she remembered me handing her a flier and then seeing someone else pass a gun before hearing gunshots.
13. While my appeal was pending in the Michigan Supreme Court, I asked my appellate counsel, Elizabeth Jacobs, why she never raised a claim that trial counsel was ineffective for failing to investigate or call Moseley, Todd, or DeGasperis to testify. She first said she could not verify the authenticity of Moseley's written statement of August 3, 2012. But when I pointed out that it was signed by Cpl. DeGasperis and corroborated by his official report of August 3, 2012, she admitted that Moseley's statement was authentic and had been in my file since before my trial and added, "I didn't raise the issue because I didn't want to go against Fishman anymore. We work in the same office, and we've been friends and colleagues for years."
14. The attached letter from Elizabeth Jacobs dated November 5, 2013 and saying that some of Moseley's records "are under a protective order" is a true and accurate copy of the

original.

15. In 2018, I hired attorney David L. Moffit, who told me that he investigated and could find no evidence of any protective order being issued regarding Moseley's records.
16. On May 31, 2018, after I fired Moffit and he turned over my case file, I discovered therein the following documents (true and accurate copies of which are attached), the existence and substance of which I was previously unaware: (1) the August 21, 2013 affidavit of Gerard Cannon, (2) the Agreement for Special Consideration saying that Moseley entered an agreement with the prosecutor to testify in this case, and (3) Moseley's jail phone call records.
17. Prior to May 31, 2018, I did not know what Gerard Cannon saw during the shooting in this case. We never talked about it.
18. Attached to this affidavit is a true and accurate copy of the America's Most Wanted description of me as a suspect in this case, saying I have tattoos.
19. At the time -- and now -- I had and have no tattoos.

AFFIANT SAYS NOTHING FURTHER.


Anton Blevins

Subscribed and sworn to before me on this 6th day of June 2018.
My commission expires on 3-14-22.


Notary Public

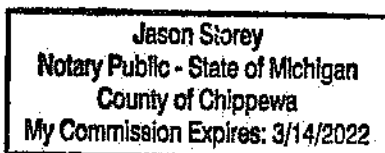


EXHIBIT 13

AFFIDAVIT

STATE OF MICHIGAN)
)SS
COUNTY OF WAYNE)

Steven Fishman, being first duly sworn, deposes and states as follows:

1. I am a lawyer who was retained to represent Anton Blevins in the case of People v Anton Blevins (Wayne Circuit Court case #12-01086, Hon. Timothy Kenny).

2. I represented Mr. Blevins at all proceedings in the case, including his preliminary examination in 36th District Court and pre-trial proceedings, a jury trial, and sentencing in Wayne Circuit Court.

3. I do not have a present recollection of the prosecution's witness list nor do I have my case file, said file having been turned over to appellate counsel years ago. Based on information received from Mr. Blevins' present counsel, the following individuals were named on the prosecution's witness list:

1. Robie Smith
2. Beverly Smith
3. Dr. Carl Schmidt
4. Demario Drummond
5. Zachary Easterly
6. Raymond Malone
7. Raleigh Ross
8. Phillip Knott
9. Carlos Spearman
10. April Simmons

11. Peggy Cannon
12. Katherine Cannon
13. Latisha Higgins
14. Ron Banks
15. Lisa Bryson
16. Allison Jackson
17. Amy Matelic
18. Edward Lawson
19. Lawrence Addison
20. Adam Powers
21. Lt. Eric Decker
22. Sgt. Algert Castillo
23. P.O. Thomas Smith
24. P.O. Raymond Diaz
25. P.O. David Andrews
26. Sgt. Robert Lalone
27. Sgt. Sam Mackie
28. Sgt. Alex Vinson
29. Sgt. Kenneth Gardner
30. P.O. Karen Miller
31. Sgt. Lil Drew
32. Sgt. Kevin Nance
33. P.O. Theopolis Williams

34. P.O. Derrick Thomas
35. P.O. Michael Russell
36. Sgt. Ernest Wilson
37. P.O. Gerald Williams
38. Lt. David Balash
39. Sgt. Nicole Bock
40. S/A Stan Brue
41. Dr. Rosh
42. Kay Sobol
43. Koren Mensy
44. Christiana Burton
45. Monique Mitchell
46. Allante Moseley

My recollection is that the overwhelming majority of the listed witnesses did not testify at trial.

4. I did not interview any of the above-listed witnesses prior to trial.
5. The endorsed witness Allante Moseley was a person of interest in this case who may or may not have been present at the scene of the homicide. I received information about statements that he allegedly made about the homicide to law enforcement officers. I also learned of a video recording of an interview with Mr. Mosely by Detroit Police homicide officers. Neither the statements nor the video recording were included in the initial discovery package because they had not been given to the prosecutor in charge of the case. After I informed the prosecutor of the existence of the statements/ video, she obtained them from the officer in charge and provided them to me.

6. I did not interview Allante Moseley. Mr. Moseley was incarcerated in the Wayne County Jail at the time and my recollection is that he was represented by counsel.

7. The only defense witness that I interviewed was Corporal Chris DeGasperi of the Wayne County Sheriff's Department, who had taken a statement from Mr. Mosely at the Wayne County Jail. I do not recall being informed of the existence of any other potential defense witnesses.

Further Affiant sayeth not.


STEVEN FISHMAN

Subscribed and sworn to before me
this day of 11/20/18


Notary Public, Wayne County

My commission expires: 10/30/21

EXHIBIT 14

STATE OF MICHIGAN
IN THE WAYNE COUNTY CIRCUIT COURT
CRIMINAL DIVISION

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

v.

LCT #12-1086 FC

ANTON T. BLEVNS,

Defendant.

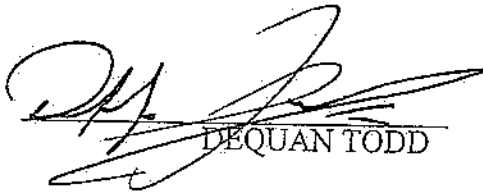
AFFIDAVIT OF DEQUAN TODD

COUNTY OF WAYNE)
)ss
STATE OF MICHIGAN)

DeQuan Todd, being first duly sworn, deposes and states the following:

1. I was incarcerated in the Wayne County Jail from April 20, 2012 until January 22, 2013 when I was found not guilty by a jury;
2. While at the jail, I met Quentin King and I met Allante Mosley although at separate times;
3. I knew that Quentin King was charged with what we in the jail called the "Wayne State murder" although I was told that it took place outside of a club in downtown Detroit;
4. When I was in Ward 204 with Allante Mosley, during discussions about the case, he admitted that he was the person who shot the victim and he said that he took the gun from someone other than Anton Blevins. I forget the name of the person he said passed him the gun. He told me that that person had tattoos.
5. Quentin King and Allante Mosley look very much alike.
6. I am 19 years old. I have lived in Detroit all of my life. I have never been convicted of a crime.
7. I am available to come to court and testify.

Further deponent saith not.


DEQUAN TODD

Subscribed and sworn to before me
this 3rd day of May.

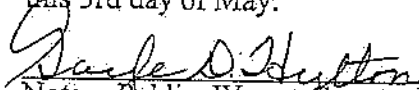

Notary Public, Wayne County, Michigan
My commission expires: 03/12/18

EXHIBIT 15

REGISTER OF ACTIONS

CASE NO. 12-004260-01-FC

RELATED CASE INFORMATION

Related Cases

12-004259-01-FC (Prior Action - Pending or Open Probation Case)

PARTY INFORMATION

Defendant	Todd, Dequan Marcel	Lead Attorneys Bryan J. Sherer <i>Public Defender</i> (810) 232-3600(W)
Plaintiff	State of Michigan	Kimberly F. Miles (313) 224-5777(W)

CHARGE INFORMATION

Charges: Todd, Dequan Marcel	Statute	Level	Date
1. Assault With Intent to Murder	75083	.	04/01/2012
2. Robbery - Armed	750529	.	04/01/2012
3. Weapons Felony Firearm	750227B-A	.	04/01/2012

EVENTS & ORDERS OF THE COURT

DISPOSITIONS	
04/20/2012	Plea (Judicial Officer: Echartea, Laura A) 1. Assault With Intent to Murder Defendant Stand Mute: Plea of Not Guilty Entered by Court
04/20/2012	Plea (Judicial Officer: Echartea, Laura A) 2. Robbery - Armed Defendant Stand Mute: Plea of Not Guilty Entered by Court
04/20/2012	Plea (Judicial Officer: Echartea, Laura A) 3. Weapons Felony Firearm Defendant Stand Mute: Plea of Not Guilty Entered by Court
01/22/2013	Disposition (Judicial Officer: Parker, Linda V.) 1. Assault With Intent to Murder Not Guilty by Jury 2. Robbery - Armed Not Guilty by Jury 3. Weapons Felony Firearm Not Guilty by Jury
OTHER EVENTS AND HEARINGS	
04/18/2012	Recommendation for Warrant
04/18/2012	Warrant Signed
04/20/2012	Interim Condition for Todd, Dequan Marcel - Cash or Surety \$250,000.00
04/20/2012	Arraignment on Warrant (9:00 AM) (Judicial Officer Echartea, Laura A) Parties Present
05/01/2012	Result: Defendant Stands Mute; Plea Of Not Guilty Entered By Court Preliminary Examination (9:00 AM) (Judicial Officer Bryant-Weeks, E. Lynise) Parties Present
05/01/2012	Result: Held: Bound Over
05/01/2012	Motion to Assign Counsel Filed/Signed
05/01/2012	Bound Over
05/08/2012	Scheduled AOI
05/08/2012	Arraignment On Information (9:00 AM) (Judicial Officer Parker, Linda V.) Parties Present
05/08/2012	Result: Held
05/08/2012	Calendar Conference (9:00 AM) (Judicial Officer Parker, Linda V.) Parties Present
05/23/2012	Result: Held
05/23/2012	Transcript Filed
05/29/2012	Motion Hearing (9:00 AM) (Judicial Officer Parker, Linda V.) Parties Present

	Result: Held
05/29/2012	Motion (Judicial Officer: Parker, Linda V.)
05/29/2012	Denied - Order Signed and Filed (Judicial Officer: Parker, Linda V.)
06/26/2012	Final Conference (9:00 AM) (Judicial Officer Parker, Linda V.) Parties Present
	Result: Adjourned at the Request of the Defense
06/26/2012	Motion for Discovery Signed and Filed (Judicial Officer: Parker, Linda V.)
07/13/2012	Final Conference (9:00 AM) (Judicial Officer Parker, Linda V.) <i>07/13/2012 Reset by Court to 07/27/2012</i> <i>07/27/2012 Reset by Court to 07/13/2012</i>
	Result: Held
10/03/2012	Motion Hearing (9:00 AM) (Judicial Officer Parker, Linda V.) Parties Present <i>09/07/2012 Reset by Court to 09/27/2012</i> <i>09/27/2012 Reset by Court to 10/03/2012</i>
	Result: Held
10/03/2012	Motion to Suppress (Judicial Officer: Parker, Linda V.)
10/03/2012	Heard And Granted - Order Signed and Filed (Judicial Officer: Parker, Linda V.)
10/11/2012	Jury Trial (9:00 AM) (Judicial Officer Parker, Linda V.) Result: Adjourned at the Request of the Court
10/15/2012	Pre-Trial (9:00 AM) (Judicial Officer Parker, Linda V.) Result: Adjourned at the Request of the Court
10/16/2012	Pre-Trial (9:00 AM) (Judicial Officer Parker, Linda V.) Parties Present
	Result: Held
01/08/2013	Jury Trial (9:00 AM) (Judicial Officer Parker, Linda V.) Parties Present
	Result: In Progress
01/09/2013	Jury Trial (9:00 AM) (Judicial Officer Parker, Linda V.) Parties Present
	Result: In Progress
01/10/2013	Jury Trial in Progress (9:00 AM) (Judicial Officer Parker, Linda V.) Parties Present
	Result: In Progress
01/11/2013	Jury Trial in Progress (9:00 AM) (Judicial Officer Parker, Linda V.) Parties Present
	Result: In Progress
01/22/2013	Jury Trial in Progress (9:00 AM) (Judicial Officer Parker, Linda V.) Parties Present
	Result: Held
01/22/2013	Found Not Guilty By Jury Trial (Judicial Officer: Parker, Linda V.)
04/28/2014	Case Reassigned

EXHIBIT 16

WAYNE COUNTY JAIL SYSTEM

Incident Report

Incident #: 12004996

Incident Dt/Tm: 08-29-2012 1851

Incident Type Code: 304

ENEMIES IN FACILITY

Participants:

Name (L,F,M,S):	CIN	Book #	Fac	Post	Ward	Cell	Bed	Inv
CARTER, ROBERT	343650	2012003607						S
CRAWFORD, DONALD	379226	2012002772						S
DOWDY, LACY	306454	2012012190						S
ERVING, MELVIN	370065	2012018625						S
JONES, EDWARD	200645	2012019319						S
MATELIC, JOHN	272864	2012011262						S
OLDHAM, ERIC	195265	2012018134						S
PAYNE, PHILLIP	377724	2011028900						S
PERCIVAL, LEON G.	298098	2012011249						S
RANDALL, DEMETRIUS	384411	2012019734						S
TALLEY, RANDOLPH	297573	2011016052						S
TODD, DEQUAN M.	381246	2012009500						V

Incident Occurred:

Fac: 1

Post: A5

Ward: 12

Location: Div 2, 5th Floor, 5 Annex, Ward 512

Officer: 5174, KLINEBRIEL

Submitted Dt/Tm: 08-29-2012 1947

Update By: 1752, LOVING

Update Dt/Tm: 08-29-2012 2034

Supervisor: 1752, LOVING

Approval Dt/Tm: 08-29-2012 2034

Use of force? N

CS Violence? N

Inmate Violence? N

Contraband? N

Facility Damage? N

Disciplinary? N

Hearing Required? N

Action Taken:

Inmat Todd, Dequan #12-9500
Removed from Ward 512 and rehoused on Ward 204
SGT. Loving notified.

Approval Action:

Per classification, inmate moved to Ward 204.

WAYNE COUNTY JAIL SYSTEM

Incident Report

Incident Information:

Entry Dt/Tm: 08-29-2012 1857

Entered By: 5174, KLINEBRIEL

Updated By: 5174, KLINEBRIEL

ENEMIES IN FACILITY

SUBJECT : TODD, DEQUAN #12-9500 DOB [REDACTED] B/M

DURING SECURITY ROUNDS ON WARD 512 INMATE TODD STATED TO ME THAT HE NEEDS TO BE MOVED OFF THE WARD. HE SAID "I DONT FEEL SAFE BECAUSE I KNOW PEOPLE FROM THE OUTSIDE WORLD AND THEY KNOW ABOUT MY CASE. I HEARD THEM TALKING ABOUT IT DURING REC AND THEY WERE GETTIN MAD". INMATE TODD WAS PLACED IN THE HALLWAY HOLDING CELL WITH ALL OF HIS PROPERTY FOR HIS OWN SAFETY. PER CLASSIFICATION OFC ALLENBAURGH INMATE TODD WILL BE REHOUSED ON WARD 204. SGT. LOVING NOTIFIED AND INMATE WAS H/C AND ESCORTED WITH ALL OF HIS PROPERTY BY CPL. VANDENBERG TO WARD 204 W/O INCIDENT.

Incident Information:

Entry Dt/Tm: 08-29-2012 1857

Entered By: 5174, KLINEBRIEL

Updated By:

ENEMIES IN FACILITY

SUBJECT : TODD, DEQUAN #12-9500 DOB [REDACTED] B/M

DURING SECURITY ROUNDS ON WARD 512 INMATE TODD STATED TO ME THAT HE NEEDS TO BE MOVED OFF THE WARD. HE SAID "I DONT FEEL SAFE BECAUSE I KNOW PEOPLE FROM THE OUTSIDE WORLD AND THEY KNOW ABOUT MY CASE. I HEARD THEM TALKING ABOUT IT DURING REC AND THEY WERE GETTIN MAD". INMATE TODD WAS PLACED IN THE HALLWAY HOLDING CELL WITH ALL OF HIS PROPERTY FOR HIS OWN SAFETY.

WAYNE COUNTY JAIL SYSTEM

Incident Report

Incident #: 12005136

Incident Dt/Tm: 09-04-2012 1952

Incident Type Code: 304

ENEMIES IN FACILITY

Participants:

Name (L,F,M,S):	CIN	Book #	Fac	Post	Ward	Cell	Bed	Inv
DALE, DONALD	330961	2012018814						S
MATTHEW, ERIK	383044	2012015399						S
MOSELEY, ALLANTE	342213	2011029782						M
PRICE, WILLIAM	359658	2012013426						S
SAVAGE, ROBERT	138175	2012019919						S
STEPHENS, FRANK D.	201044	2012011347						S
TODD, DEQUAN M.	381246	2012009500						S
TORRES, DANIEL	381666	2012017272						S

Incident Occurred:

Fac: 1

Post: O2

Ward: 04

Location: 525 CLINTON ST, DETROIT, MI, DIV 2, 2 OLD, WARD 204

Officer: 5174, KLINEBRIEL

Submitted Dt/Tm: 09-04-2012 2056

Update By: 1752, LOVING

Update Dt/Tm: 09-05-2012 2023

Supervisor: 1752, LOVING

Approval Dt/Tm: 09-05-2012 2023

Use of force? N

CS Violence? N

Inmate Violence? N

Contraband? N

Facility Damage? N

Disciplinary? N

Hearing Required? N

Action Taken:

Approval Action:

INMATE MOSELEY, ALLANTE DALE #11-29782
(204) PLACED IN HALLWAY HOLDING CELL.
SGT LOVING NOTIFIED.

Inmate reassigned to Division I

INMATE EVALUATED BY NURSE PORTER
PER CLASSIFICATION OFC SMITH INMATE WILL
BE REHOUSED TO DIVISION 1 8 NE CELL 7.
INMATE H/C ESCORTED BY OFC ANDREWS.

WAYNE COUNTY JAIL SYSTEM

Incident Report

Incident Information:

Entry Dt/Tm: 09-04-2012 1954

Entered By: 5174, KLINEBRIEL

Updated By:

ENEMIES IN FACILITY

SUBJECT : MOSELEY, ALLANTE DALE #2011029782 WARD 204 B/M

DURING SECURITY ROUNDS AT 1900 HOURS INMATE MOSELEY STATED THAT HE NEEDS TO BE MOVED BECAUSE THE OTHER INMATES ARE BOTHERING HIM, AND THAT THERE WILL BE A FIGHT. INMATE MOSELEY WAS PLACED IN THE HALLWAY HOLDING CELL AND WAS EVALUATED BY NURSE

Incident Information:

Entry Dt/Tm: 09-04-2012 1954

Entered By: 5174, KLINEBRIEL

Updated By: 5174, KLINEBRIEL

ENEMIES IN FACILITY

SUBJECT : MOSELEY, ALLANTE DALE #2011029782 WARD 204 B/M

DURING SECURITY ROUNDS AT 1900 HOURS INMATE MOSELEY STATED THAT HE NEEDS TO BE MOVED BECAUSE THE OTHER INMATES ARE BOTHERING HIM, AND THAT THERE WILL BE A FIGHT. INMATE MOSELEY WAS PLACED IN THE HALLWAY HOLDING CELL AND WAS EVALUATED BY NURSE PORTER. PER CLASSIFICATION OFC SMITH INMATE MOSELEY WILL BE REHOUSED TO DIVISION 1 8 NE CELL 7. INMATE MOSELEY WAS H/C AND ESCORTED TO DIVISION 1 BY OFC ANDREWS WITH ALL OF HIS PROPERTY W/O INCIDENT.

EXHIBIT 17

RECEIP FOR BLEVINS FILE

On Oct. 19, 2018, I received the following files from Elizabeth L. Jacobs:

- † 1. Allante Moley file
5 envelopes and letters
Witness Statement
docket print out
note re; Todd and Stephens
2. Police Reports
Photos of scene
witness statements
evidence tech report
autopsy, partial ?
- × 3. Drake Dodoson file
- × 4. April Simmons file
- † 5. Homicide scene investigation - file
- × 6. Raleigh Ross file
- × 7. Carlos Spearman file
- × 8. Lt. Eric Decker file
9. PO Matelic file
10. PO Bryson and Jackson
- × 11. Romello Mitchell file
- × 12. Sentencing folder
PSI and SIR
Fishman sentencing memo and supplemental memo
13. Moseley Memo and supplemental
14. 03/19/12 Transcript cross by Fishman (Judge Allen)
15. Witness list
16. Evid Tech report and sketch
17. Photos of men with guns
18. Jury instructions
- × 19. Thomas OIC file
- × 20. Motion file
- × 21. Phillip Knot File
- × 22. Anton Blevins file - discovery PCR etc
- × 23. Raymond Malone file
- × 24. Zachary Easterly file
- × 25. Demarco Drummond

DATED: _____

EXHIBIT 18

STATE OF MICHIGAN
IN THE WAYNE COUNTY CIRCUIT COURT
CRIMINAL DIVISION

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

v

LCT 12-1086FC

ANTON T. BLEVINS,

Defendant.

AFFIDAVIT OF GERARD CANNON

COUNTY OF WAYNE)
)ss
STATE OF MICHIGAN)

Gerard Cannon, being first duly sworn, deposes and states the following:

1. On May 5, 2011, I drove downtown with Anton Blevins to pass out flyers for my sister, Katherine Cannon.
2. Allante Mosely, Carlton Reed, Trent Guyton and Quentin King were also distributing the flyers.
3. While distributing the flyers, an incident occurred.
4. At the time of the incident, I was near Anton Blevins.
5. I saw Reon, now deceased, pull up his shirt and reveal a gun and say "You all don't want none of this." People were still walking in his direction. He pulled out the gun from underneath his shirt and I heard him say "Back the fuck up." He shot into the ground.
6. I then saw him pass the gun to Allante Moseley.
7. Both Anton and I started to run. I saw nothing further but heard shots.
8. Anton and I drove to Courtland Street where Anton's dad stays.
9. A little later, Allante with the others drove up. Allante said, "Lay them motherfuckers down. That's how you do it."
10. I inferred from that statement that he had shot someone.

11. Carlton Reed and Trent Guyton have not contacted the police because they are scared of Allante. Even now that he is locked up, they are still scared of him because he is crazy.

12. I did not come forward until now for two reasons:

a. I was frightened of the police because I learned of their harassment of my family. The police and the United States Marshall's Office harassed my elderly sick mother and my injured niece, and they jailed my sister, Katherine, for three days for no reason.

b. It also never occurred to me that an innocent person would be convicted for a crime they did not commit.

13. I am 45 years old. I have no criminal record. I design and sell clothing in the Detroit area.

Further deponent saith not.


GERARD CANNON

Subscribed and sworn to before me
this 21st day of August, 2013,

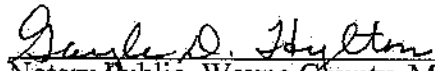

Notary Public, Wayne County, Michigan
My commission expires: 03/12/18

EXHIBIT 19

Witness contact information

☒ Walk-in to police facility
☐ Conveyed by a DPD member (Document on Witness Conveyance Form)
☐ In Field/At Scene

STATEMENT FORM

☐ WITNESS ☐ INTERROGATION
CASE PROGRESS

FILE/CASE NO.
11-130

DISTRICT/COMMAND Homicide TASK FORCE					
DATE 5/6/2011	TIME STARTED 4:11pm	TIME ENDED 5:13pm	PLACE OAK PARK P.D	STATEMENT TAKEN BY DISGT DREW #129	
WITNESS Peggy Lynn Bady CANNON		RACE / SEX / AGE B/F/47	D.O.B. [REDACTED]	HGT. 5-5	WGT. [REDACTED]
SOC. SEC. NO. [REDACTED]	RESIDENCE [REDACTED]		PHONE [REDACTED]		
EMPLOYER ELLEN CANNON	DEPARTMENT [REDACTED]		BUS. RES. [REDACTED]		
RESIDING WITH: [REDACTED]		CHILDREN/SCHOOL: (20yrs)			
RELATIONSHIP [REDACTED]		ADDRESS [REDACTED]			
REVIEWING SUPERVISOR NAME & RANK: [REDACTED]		SIGNATURE OF SUPERVISOR: [REDACTED]		DATE & TIME OF SUPERVISORY REVIEW: [REDACTED]	

Q. MRS. Peggy Cannon what CAN you tell me About the Homicide that occurred At Club Envy on 5/6/2011 @ OR About 12:30AM?

A. NOTHING. P.C.

Q. MRS. Peggy Cannon Do you know who PASSED OUT the FLYERS promoting A PARTY?

A. NO. P.C.

Q. MRS. Cannon Did you DO ANY WORK CONCERNING the FLYERS?

A. YES. P.C.

Q. Did you DIRECT ANYONE to Pick up the FLYERS?

A. NO. P.C.

Q. Who is Cathy?

A. Cousin (in law) - Former not married to their Family anymore. X sister (in law) P.C.

(NEXT PAGE)

Q. WHAT IS CATHY LAST NAME?

A. Cannon. P.C.

Q. Do you know if CATHY CANNON PICKUP the FLYERS?

A. ~~Kathy~~ Kathy sent somebody to pick up her
flyers. ~~PC.~~ P.C.

Q. I DO NOT KNOW WHO PICKED UP THE
FLYERS. P.C.

Q. Do you know ~~what~~^{AD} when the FLYERS WERE PICKED
UP?

A. 5/5/11 P.C. Yesterday P.C.

Q. IS THERE ANYTHING ELSE YOU CAN ADD TO THIS
INVESTIGATION?

A. That is the only person I know P.C.
that picked up flyers THAT NIGHT.
(I changed Pens) P.C.

END OF STATEMENT

Peggy R Cannon HLLH

EXHIBIT 20

No one can rest in our family wondering
everyday who killed my other half my brother
jerry Clark aka Reon birthday coming up may
31st he should be here to celebrate with his
family us I miss him we love you bro with
Francine D. Clark Mary Clark



IN MEMORY OF

JERRY

REONMARQUI

CLARK

General Information

Full Name	Jerry Reonmarqui Clark
Date of Birth	Friday, May 31st, 1985
Date of Death	Tuesday, July 12th, 2011

Visitation

When	Tuesday, July 19th, 2011 3:00pm - 9:00pm
Location	James H. Cole Home for Funerals - Main Chapel
Address	2624 W. Grand Blvd. Detroit, MI 48208

[Text Me Directions](#)[Map & Directions](#)[Share on Facebook](#)[Send Flowers](#)

Additional Information

Family Hour: Tuesday 8:00-
9:00 Blvd. Chapel

This obituary is protected by copyright by James H. Cole Home for Funerals - Main Chapel.
Proudly Serving the Community of Detroit. James H. Cole Home for Funerals - Main Chapel is
located in the state of Michigan, United States.
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James H. Cole Home for Funerals - Main Chapel

[Print](#)



Information Provided

Name : Jerry Clark
Date of Birth : May 31, 1985
Gender : Male
Race : Black
Reason : Other
Amount Paid : \$10.00
Order Date : 4/16/2019 3:47:55 PM
Miscellaneous No :

Based on the information provided, the following is a result of a search of the Michigan State Police criminal history files as of 4/16/2019 3:47:55 PM:

Important: Information Contained in this Record

THE RECORD RESULT PROVIDED IS BASED ON A DATA MATCH AS EXPLAINED ON THE ICHAT HOME PAGE. THE ICHAT SYSTEM HAS LIMITATIONS THAT MAY CAUSE FALSE POSITIVES OR FALSE NEGATIVES. PLEASE REVIEW THE RESULTS CAREFULLY AND DO NOT TAKE ADVERSE ACTION BASED SOLELY ON THIS RECORD. IF YOU CANNOT DETERMINE THESE RESULTS DO NOT BELONG TO THIS INDIVIDUAL, AND THE INDIVIDUAL IS DISPUTING THE RECORD, PLEASE PROVIDE THAT INDIVIDUAL WITH A COPY OF THIS REPORT AND OFFER THAT INDIVIDUAL THE OPPORTUNITY TO PERFORM A RECORD CHALLENGE BY SUBMITTING FINGERPRINTS. THE PROCEDURES ARE EXPLAINED AT THE BOTTOM OF THIS PAGE. SINCE ARRESTS, CONVICTIONS, OR CRIMINAL RECORD DELETIONS MAY OCCUR AT ANY TIME, DO NOT USE THIS INFORMATION FOR FUTURE CLEARANCES.

MICHIGAN CRIMINAL HISTORY RECORD INFORMATION MEETING DISSEMINATION CRITERIA
FOR SID: 2338219J AS OF 04/16/2019

NAM: CLARK, JERRY JERRY SID: 2338219J
RAC: B SEX: M DOB: 05/31/1985
HGT: 509 WGT: 185 HAI: BLK
EYE: BRO POB: MI
MNU:

CIZ:

SCAR/MARK/TATTOO: TAT L SHLD

ADDITIONAL IDENTIFIERS AND COMMENTS:

NAM: CLARK, JERRY REONMARQUI CLARK, JERRY R
CLARK, JERRY CLARK, JERRY REONMAOQUI
CLARK, JERRY REONMAQUI
DOB: 05/13/1985

CRIMINAL TRACKING NUMBER: 990639647001 INCIDENT DATE: 10/27/2005
TCN/OCA: A106275704M/15599
NAME USED: CLARK, JERRY REONMARQUI

ARREST SEGMENT	CHARGE SEGMENT	JUDICIAL SEGMENT
DATE: 10/27/2005	DATE: 10/27/2005	DATE: 11/16/2005
MI6346500	MI630061A	MI630135J
HAZEL PARK POLICE DEPT	HAZEL PARK CITY ATTORNEY	43RD DISTRICT COURT
OCA: 15599	1 CNT MCL 257.904-A	HAZEL PARK
1 CNT OF 5400	MISDEMEANOR	CFN: T239950X-OT
MISDEMEANOR	OPERATING-SUSPENDED	
TRAFFIC OFFENSE	OR REVOKED LICENSE	CNT-1 MCL 257.904-A
DISP: CHGD BY PROSECUTOR		ORDINANCE VIOL
		OPERATING-SUSPENDED
		OR REVOKED LICENSE
		DISP: PLED GUILTY
		SENT/REMARKS:
		CONF-35D F/C/R-\$700

INCIDENT DATE: 10/16/2003

TCN/OCA: D203039904W/2306485
NAME USED: CLARK, JERRY JERRY

ARREST SEGMENT	CHARGE SEGMENT	JUDICIAL SEGMENT
DATE: 10/16/2003	NO DATA RECEIVED	NO DATA RECEIVED
MI8234900		
DETROIT POLICE		
DEPARTMENT		
OCA: 2306485		
1 CNT OF 2400		
ATTEMPT-FELONY		
STOLEN VEHICLE		
DISP: PF INVESTIGATION		

INCIDENT DATE: 03/06/2008

TCN/OCA: DA08108288J/200806864
NAME USED: CLARK, JERRY R

ARREST SEGMENT	CHARGE SEGMENT	JUDICIAL SEGMENT
DATE: 03/06/2008	NO DATA RECEIVED	NO DATA RECEIVED
MI8234900		

DETROIT POLICE : :
DEPARTMENT : :
OCA: 200806864 : :
1 CNT OF 5000 : :
MISDEMEANOR : :
OBSTRUCTING JUDICIARY : :
OR CONGRESS OR : :
LEGISLATURE OR : :
COMMISSION : :
DISP: WARRANT REQUESTED : :
=====

INCIDENT DATE: 04/03/2008

TCN/OCA: DB08115257W/200809529
NAME USED: CLARK, JERRY
=====

ARREST SEGMENT	CHARGE SEGMENT	JUDICIAL SEGMENT
DATE: 04/03/2008	NO DATA RECEIVED	NO DATA RECEIVED
MI8234900		
DETROIT POLICE		
DEPARTMENT		
OCA: 200809529		
1 CNT OF 1300		
FELONY		
ASSAULT EXCLUDING		
SEXUAL		
DISP: WARRANT REQUESTED		

=====

INCIDENT DATE: 07/05/2009

TCN/OCA: DA09112560K/200917808
NAME USED: CLARK, JERRY REONMAOQUI
=====

ARREST SEGMENT	CHARGE SEGMENT	JUDICIAL SEGMENT
DATE: 07/05/2009	NO DATA RECEIVED	NO DATA RECEIVED
MI8234900		
DETROIT POLICE		
DEPARTMENT		
OCA: 200917808		
1 CNT OF 5400		
MISDEMEANOR		
TRAFFIC OFFENSE		
1 CNT OF 5000		
MISDEMEANOR		
OBSTRUCTING JUDICIARY		
OR CONGRESS OR		
LEGISLATURE OR		
COMMISSION		
DISP: WARRANT REQUESTED		

=====

INCIDENT DATE: 08/31/2010

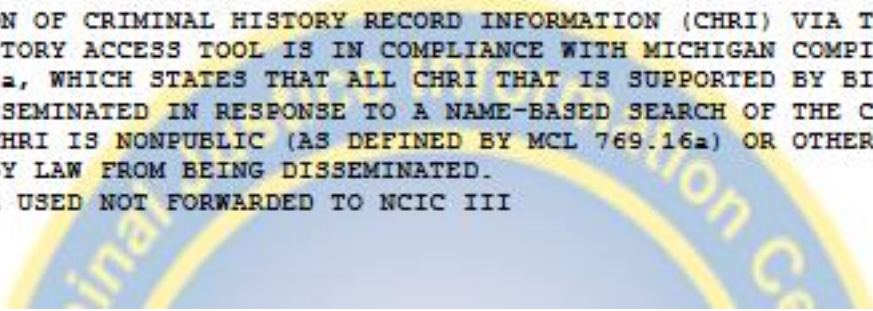
TCN/OCA: DB10126737X/201020845
NAME USED: CLARK, JERRY REONMAOQUI
=====

ARREST SEGMENT	CHARGE SEGMENT	JUDICIAL SEGMENT
DATE: 08/31/2010	NO DATA RECEIVED	NO DATA RECEIVED
MI8234900		
DETROIT POLICE		
DEPARTMENT		
OCA: 201020845		
1 CNT OF 5000		
MISDEMEANOR		
OBSTRUCTING JUDICIARY		
OR CONGRESS OR		
LEGISLATURE OR		
COMMISSION		
DISP: WARRANT REQUESTED		

=====

=====

DISSEMINATION OF CRIMINAL HISTORY RECORD INFORMATION (CHRI) VIA THE INTERNET
CRIMINAL HISTORY ACCESS TOOL IS IN COMPLIANCE WITH MICHIGAN COMPILED LAW
(MCL) 28.242a, WHICH STATES THAT ALL CHRI THAT IS SUPPORTED BY BIOMETRIC DATA
SHALL BE DISSEMINATED IN RESPONSE TO A NAME-BASED SEARCH OF THE CHRI DATABASE,
UNLESS THE CHRI IS NONPUBLIC (AS DEFINED BY MCL 769.16a) OR OTHERWISE
PROHIBITED BY LAW FROM BEING DISSEMINATED.
PURPOSE CODE USED NOT FORWARDED TO NCIC III
END MSG.





PROCEDURES FOR CORRECTING A RECORD

THE STEPS FOR CORRECTING A MISTAKEN OR INACCURATE RECORD ARE AS FOLLOWS:

1. WRONG PERSON - RECORDS THAT DO NOT BELONG TO THE INDIVIDUAL WHOSE NAME HAS BEEN SEARCHED

- IF THE INDIVIDUAL BELIEVES THAT THE RECORD DOES NOT BELONG TO HIM OR HER, THE INDIVIDUAL SHOULD GO TO THE NEAREST LAW ENFORCEMENT AGENCY AND REQUEST TO BE FINGERPRINTED ON A STATE APPLICANT FINGERPRINT CARD FOR THE PURPOSES OF "RECORD CHALLENGE"; CALL AHEAD TO VERIFY FEES AND/OR SERVICE HOURS. THERE IS NO CHARGE FOR SUCH FINGERPRINTING IF IT IS DONE AT A MICHIGAN STATE POLICE POST.
- THIS CARD SHOULD BE MAILED TO THE CRIMINAL JUSTICE INFORMATION CENTER WITH A COPY OF THIS RECORD AND A LETTER REQUESTING THE CRIMINAL JUSTICE INFORMATION CENTER TO VERIFY THAT THE ENCLOSED CRIMINAL RECORD DOES NOT BELONG TO HIM/HER. THERE IS NO FEE. THE ADDRESS IS:

MICHIGAN STATE POLICE -- CJIC
ATTN: RECORD CHALLENGE
P.O. BOX 30634
LANSING, MI 48909

2. RIGHT PERSON - INACCURATE, INCOMPLETE, OR OUT-OF-DATE INFORMATION

- SOMETIMES RECORDS CONTAIN REPORTING ERRORS. FOR EXAMPLE, THE NATURE OR DATE OF THE CONVICTION WAS REPORTED INCORRECTLY, OR THE RECORD CONTAINS A CONVICTION THAT SHOULD HAVE BEEN REMOVED FROM THE RECORD.
- IN SUCH CASES THE INDIVIDUAL SHOULD OBTAIN CERTIFIED COPIES OF THE COURT JUDGEMENT OR OTHER DOCUMENTS WHICH SHOW THAT THE INFORMATION CONTAINED ON THE CRIMINAL RECORD IS INCORRECT. IF THE PROOF PROVIDED IS SATISFACTORY, THE MICHIGAN STATE POLICE WILL MODIFY THE RECORD ACCORDINGLY. YOU MAY SEND THE DOCUMENTS TO:

MICHIGAN STATE POLICE -- CJIC
ATTN: CRIMINAL HISTORY RECORD CORRECTION
P.O. BOX 30634
LANSING, MI 48909

EXHIBIT 21

/

AFFIDAVIT OF KIMBERLEY JONES

State of Michigan)
)ss
County of Wayne)

Kimberley Jones, being first duly sworn, deposes and says the following:

1. I am not related to, nor do I know anyone connected with this case.
2. In July or early August of 2017, I was on Instagram and saw a photograph of a young man whose name according to the post was Anton Blevins. The post said that he had been wrongly convicted of murder which occurred in 2011.
3. I remembered Mr. Blevins' face.
4. Mr friend and I had just parked the car near Club Envy when a young man handed me a flyer. That was Mr. Blevins.
5. Our attention was drawn to a commotion occurring near the parking lot.
6. I saw a light-skinned man with tattoos pass a gun to a short dark-skinned man.
7. My friend and I got back in the car and started to leave. I heard several "booms" I did not see the shooting.
8. The person who passed me the flyers got in the car behind ours.
9. I had intended to go to Club Envy that night to celebrate my birthday which had occurred some days earlier on May 1.
10. I do not watch the news nor read the papers so I did not know that anyone had died that night or that the person I saw that night had been charged with and convicted of the killing.
11. The person I was with that night has since passed away.

Also there are letters from Allante Moseley to Anton saying he's sorry for lying on him but he also says in the letter that they charged him with murder. We don't know if he was ever charged or originally in question or arrested as a suspect for this murder but if he was that's a big problem. Especially considering the fact he was made a special agreement. Anton has never seen his own discovery. Because when asked Fishman he said no and when he asked Liz she said she doesn't need help, but we're very close to

EXHIBIT 22



KYM L. WORTHY
PROSECUTING ATTORNEY

COUNTY OF WAYNE
OFFICE OF THE PROSECUTING ATTORNEY

FRANK MURPHY HALL OF JUSTICE
1441 ST. ANTOINE STREET
DETROIT, MICHIGAN 48226-2302

March 27, 2019

Wendy Woods
Solomon Radner
Excolo Law, PLLC
26700 Lahser Rd, Ste. 400
Southfield, MI 48033
(248) 291-9712
wwoods@excololaw.com
sradner@excololaw.com

FOIA Request – Allante Moseley – Prosecutor's File

Dear Ms. Woods and Mr. Radner,

The above request has been received and reviewed.

You requested:

A copy of ANY and ALL police and prosecutor records of Allante Dale Moseley (Case # 11-003506-01). All witness statements. All recordings, all evidence recovery logs, all police reports, all investigative reports.

Your request is granted in part and denied in part. We cannot provide you with an "original full" file; our original file was scanned and destroyed, so we are providing you a copy.

In addition, your request is denied to the extent that the records contain personal identification information for individuals under MCLA § 15.243(1) (a), and (w).

Copies of any medical records enclosed in the file are being denied. These records are exempt from disclosure, and are being withheld under MCL § 15.243(1) (l).

In addition, any LEIN or live scan information enclosed within the file has been denied. These records are exempt from disclosure and are being withheld under MCL §

1

The legally required posting of the "Wayne County Freedom of Information Act Procedures & Guidelines," as well as the "Wayne County Summary of FOIA Procedures & Guidelines," are available for viewing under the "Public Records" section of the County's website at the following web address: <http://www.waynecounty.com/transparency.htm>

15.243(1) (d). Any communication, notes and frank communications are being withheld under MCL 15.243(1) (m).

Since our response is late, **costs will be waived** in this case and therefore an invoice will not be provided.

Notice of Remedies

You have the right to do either of the following:

1. Submit a written appeal to the County Executive, which specifically states the word "appeal" and states the reason or reasons the denial should be reversed. Submit your appeal to Wayne County Corporation Counsel, 500 Griswold, Suite 3127, Detroit, MI 48226, Attn: FOIA APPEAL.

OR

2. Commence an action in the circuit court to compel disclosure. Should you prevail, you will be entitled to have reasonable attorneys' fees, costs and disbursements assessed against the County by the court. If you or the County prevails in part, the court may, in its discretion, award you all or an appropriate portion of reasonable attorneys' fees, costs, and disbursements. If the court determines that the County has been arbitrary and capricious in its denial, you will also be entitled to punitive damages in the amount of \$500.00.

Sincerely,

/s/ Mahmoud M. Awad
Mahmoud M. Awad
Wayne County Prosecutor's Office
Assistant Prosecuting Attorney
Office: 313-224-2530

EXHIBIT 23

**STATE OF MICHIGAN
IN THE THIRD CIRCUIT COURT FOR THE COUNTY OF WAYNE**

PEOPLE OF THE STATE OF MICHIGAN

Plaintiff,

-VS-

**Case #11-003506-01
Hon. David Allen**

ALLANTE MOSELEY,

Defendant.

AGREEMENT FOR SPECIAL CONSIDERATION

The Wayne County Prosecutor's Office makes the following offer to
Allante Moseley:

1. While awaiting sentence on a Carrying Concealed Weapon case, Allante Moseley sought out homicide detectives in charge of the Courtney Smith case, who was murdered on May 5, 2011.
2. On December 12, 2012, Police Officer Derryck Thomas and Special Agent Stan Brue interviewed Allante Moseley who gave them a willing and voluntary statement to the police regarding witnessing the murder of Courtney Smith and the involvement of Quintin King and Anton Blevins in that homicide.
3. On January 10, 2012, Allante Moseley was sentenced to one year in the Wayne County Jail.
4. On March 21, 2012, Allante Moseley entered into an agreement with the Prosecutor's Office for truthful testimony regarding the homicide of Courtney Smith.

5. If called upon to testify at any preliminary exam, trial or any other proceeding, Allante Moseley must provide complete and truthful testimony regarding any information he may have as to his involvement, the involvement of Quintin King, Anton Blevins or any other persons involved with the murder of Courtney Smith which occurred on or about May 5, 2011 in front of 234 Larned in the City of Detroit. This includes details before, during and after the murder of Mr. Smith.
6. If Allante Moseley agrees to testify truthfully and completely about the murder of Courtney Smith, the Wayne County Prosecutor's Office will ask the Court to allow the Defendant to be released early and placed on a tether for 60 days with one year Probation. If the Defendant fails to testify truthfully or breach his agreement, the Court can find that the Defendant is in violation of his probation and reinstate the original sentence.
7. It is also agreed that Allante Moseley will cooperate with the Wayne County Prosecutor's Office and give additional statements as necessary.
8. It is understood that if Allante Moseley gives false, incomplete, misleading testimony or information or recants his testimony at a later date, he shall be subject to full prosecution, including perjury and obstruction of justice. It is agreed that this testimony may and will be used against him in any subsequent proceeding against him. Should Allante Moseley fail to cooperate i.e., if he should lie about or omit telling about his participation or that of persons known to him to be present before, during or after the murder of Courtney Smith, or if he should lie about their participation or its extent the Wayne County Prosecutor's Office can unilaterally cancel this agreement and petition the Court to reinstate the original sentence.
9. If the Prosecutor's Office cancels this agreement based on a breach of the agreement by Allante Moseley, then the Prosecutor's Office shall have the power to prosecute Allante Moseley for any other offenses that become known to the Prosecution. Furthermore, it is understood that the crime of perjury is completely outside the terms of this agreement and no promises, express or implied have been made to Allante Moseley in connection with the offense of perjury.
10. Should Allante Moseley breach the agreement for any reason, any information he has provided can be used against him in any subsequent prosecutions. It is further understood that such information can be used in the prosecution or prosecutions against Allante Moseley for perjury or criminal contempt, or obstruction of justice.

EXHIBIT 24

Call Detail Results

TOOL	BTN	DATE	TIME	PIN	First Name	Last Name	Phone	DURATION	RESULT	NOTES
✓	3133780411	20120229	1910	2011029782	ALLANTE	MOSELEY	410-Div 2/Low Usage	11:24	Inmate Hungup	N/A
✓	3134622644	20120229	1923	2011029782	ALLANTE	MOSELEY	410-Div 2/Low Usage	01:00	Funds Expired	N/A
✓	3133780411	20120302	2057	2011029782	ALLANTE	MOSELEY	410-Div 2/Low Usage	02:09	Inmate Hungup	N/A
✓	3133780411	20120304	1837	2011029782	ALLANTE	MOSELEY	410-Div 2/Low Usage	09:44	Inmate Hungup	N/A
✓	3133780411	20120304	1715	2011029782	ALLANTE	MOSELEY	410-Div 2/Low Usage	05:39	Inmate Hungup	N/A
✓	3133780411	20120304	2043	2011029782	ALLANTE	MOSELEY	410-Div 2/Low Usage	01:24	Inmate Hungup	N/A
✓	3133780411	20120318	1855	2011029782	ALLANTE	MOSELEY	4SWL1-DIV I	02:15	Inmate Hungup	N/A
✓	3133780411	20120319	1432	2011029782	ALLANTE	MOSELEY	4SWL1-DIV I	02:38	Inmate Hungup	N/A

Jail Calls
Allante Moseley

1. BTN 3133780411 DATE 20120229 TIME 1910
He asked her to call this number if there is enough time left on the phone call. 248-692-4505.

Caller tried to call for him, but it didn't go through.
Is going to let Moseley (?) no she talked to him.
He must be somewhere (?) because it's not ringing.

Your older brother is in a fight and he is in "the hole" until March 9th.
Mentions Grandma Shirley

2. BTN 3134522644 DATE 20120229 TIME 1923
Talked to Mo? (phone cut off because money expired)

3. BTN 3133780411 DATE 20120302 TIME 2057
A. Moseley "Try to call this number real quick." 313-926-1984
Unsuccessful. A Moseley, "It might still be cut off."
"Try to call this number right here." Never gives it because phone call cut off.

4. BTN 3133780411 DATE 20120304 TIME 1637
Caller, "Moseley wanted to talk to you, I told him you were going to call."
A. Moseley, "Call him."
She does a three way call. (It appeared to be his brother. They talked about sports, mix tape)

5. BTN 3133780411 DATE 20120304 TIME 1715
He (A. Moseley) gives her the number - 313-926-1123
She calls the number for him.
Third Party, "What charge did you get locked up, bro?"
A Moseley, "A pistol. 007."
A. Moseley "Tried to put my name in that shit that's been in the news."
He talks about how he "beat the fuck out of that ni***." Somewhere at the mall.
Third Party said he thought he'd run into Ian.

- He talks to the third party generally about the charge that he is locked up for and about some incident at a mall

Call appears to die unexpectedly.

6. BTN 3133780411 DATE 20120304 TIME 2043
He asks caller if Kurt messed up her car.

7. BTN 3133780411 DATE 20120316 TIME 1655

Dad came down and left money for him and she went with him, but A. Moseley was in "time out."

A. Moseley said that his attorney told him he will be getting out soon because he has to go to court on some other thing.

She responds, "I hope you don't get caught up in the other thing."

A. Moseley, "No, hell no. I shouldn't."

He says he doesn't know what the other thing was.

B. RTN 31337R0411 DATE 20120319 TIME 1432

Tells her he gets out this week for good.

Says she will let his dad know.

Says he is going to be on a (other and he can call her on another phone from Dickerson.

AUDIO TRANSCRIPTION

FILE: 1330897030_313

RECORDING: For English -- for a collect --
please enter the area code and phone number -- please
wait while your call is being processed.

RECIPIENT: Hello? Hello?

RECORDING: Hello. This is a collect call
from Tay, an inmate at the Wayne County Sheriff's
office. This call is subject to monitoring and
recording. To accept this call, press zero. To refuse
this call --

Your current balance is \$21.37. This call is
subject to monitoring and recording. Thank you for
using PCS.

RECIPIENT: Hello?

CALLER: What I done?

RECIPIENT: Tay, I had -- Mosa wanted to talk
to you because I told him you was gonna call. Is that
okay?

CALLER: Call it.

RECIPIENT: Okay.

Hello?

CALLER: Hmm.

RECIPIENT: What up, Cutty?

CALLER: (Inaudible).

1 RECIPIENT: All right. Shit. Let's deal
2 with it. Just like the mother fucker knew those
3 niggers would get their ass whooped.

4 CALLER: Some New York niggers?

5 RECIPIENT: Yeah. Hell, yeah. I'm riding
6 with them.

7 CALLER: Hell, yeah. I ain't doing shit.
8 Chillin'.

9 RECIPIENT: Yeah. You watching the game?
10 Shit, the Lakers and the Heat playin' right now.

11 CALLER: Hell, yeah. He watching this shit
12 (inaudible).

13 RECIPIENT: And what -- yeah, I know -- yeah,
14 y'all got -- y'all ain't got no TV in that bitch?

15 CALLER: Yeah. I got the TV. I got the
16 channel on 8 now. I don't even want to watch it and
17 they got -- them niggers, they got their ass whooped.
18 They was supposed to win now. I mean, I ain't tryin'
19 to wish the Heat losing, too.

20 RECIPIENT: But have -- yeah.

21 CALLER: (Inaudible) whoopin' their ass and I
22 seen already. I just changed it. I ain't tryin' to
23 see two of my teams get whooped.

24 RECIPIENT: Hell, yes. Yeah, they -- they
25 tryin' to come back, though. And here they is.

1 CALLER: I think they're going to win the
2 whole thing. I want them to win the whole thing
3 (inaudible).

4 RECIPIENT: Yeah.

5 CALLER: Shit. Fuck you at now?

6 RECIPIENT: (Inaudible).

7 CALLER: Just chillin' now at my (inaudible)
8 yeah, chillin' --

9 RECIPIENT: (Inaudible) got dressed and shit.

10 CALLER: I get out in -- let me see -- like,
11 four months, in, like, four months.

12 RECIPIENT: How long you been in there, Mo,
13 already?

14 CALLER: Since, like, December. December,
15 like, in the middle, like, the 10th or something like
16 that, or 12th. I get out, like, around July 30th.
17 Well, I would say July 30th. They might let me out
18 before then, but --

19 (Inaudible) when I get out this time, he
20 might be fucking with me.

21 RECIPIENT: Yeah, you always say that shit.
22 You gotta stay focused. Just gotta just do you, see?

23 CALLER: Right.

24 RECIPIENT: That's all. You know what you
25 going to do. You ain't even gotta say nothin'. You

1 ain't gotta tell me. Just do -- you know what I mean?

2 CALLER: Right.

3 RECIPIENT: A grown man (unintelligible)

4 CALLER: Right.

5 RECIPIENT: The way I gotta make a commander

6 chief --

7 CALLER: Hell, yeah.

8 RECIPIENT: You know, be good, get out there

9 and get on some business suit, man. Go outta town or

10 something.

11 CALLER: Hell, yeah.

12 RECIPIENT: You about to move back to the D?

13 CALLER: Hell, no.

14 RECIPIENT: (Inaudible.)

15 CALLER: Shit, more (inaudible) on the West

16 Coast or something, man.

17 RECIPIENT: I mean, I went out to Vegas.

18 (Inaudible) like, two weeks ago.

19 CALLER: And it was lookin' like they got the

20 pretty bitches and shit out there?

21 RECIPIENT: Hell, yeah. I wasn't even

22 worried about that. It's just -- I mean, I was out

23 there for something nice, but I was -- I just like how

24 it is out there, man, 'cause it's nice, man.

25 CALLER: For sure.

1 RECIPIENT: That's more me. I'm still gonna
2 be everywhere, I just want to get a crib or something
3 out there and just, you know --

4 CALLER: For sure.

5 RECIPIENT: -- be out there, have, I guess,
6 some downtime and shit, even though I got somewhere to
7 go and shit.

8 CALLER: Mm, can't leave.

9 RECIPIENT: Get established out there. I
10 know a few people out there already.

11 CALLER: My man's in --

12 RECIPIENT: And, like, go out and away from
13 LA and shit.

14 CALLER: My man just came back from LV, just
15 came back (inaudible) LV.

16 RECIPIENT: No, yeah, I was going out and
17 everything and shit. I'm going to be out (inaudible)
18 and shit.

19 CALLER: Straight.

20 RECIPIENT: Hell, yeah.

21 CALLER: For sure.

22 RECIPIENT: You say you been chillin',
23 though?

24 CALLER: Yeah, I been real cool and shit. I
25 have to pick a motherfuckin' (inaudible) I'm chillin'.

1 RECIPIENT: You know, yeah.

2 CALLER: Who that is? Is that Aunt Kay?

3 RECIPIENT: Hell, no.

4 CALLER: You mean you ain't watchin' the
5 game?

6 RECIPIENT: I'm at my brother house. I don't
7 know where (inaudible) at.

8 CALLER: Who that? Eddie?

9 RECIPIENT: Yeah.

10 CALLER: Tell him I said what I done?

11 RECIPIENT: He'll probably say, what up,
12 Eddie? He block. Her brother say what up?

13 RECIPIENT: What up, bro?

14 CALLER: What (inaudible)

15 RECIPIENT: Hell, yeah. (Inaudible) but,
16 yeah, (inaudible) tryin' to stay at a time. Yeah, but
17 (inaudible)

18 CALLER: Hell, yeah. For sure.

19 RECIPIENT: Chill out. I gotta mix tape
20 already done. So I'm damn near done on my second one.
21 I (inaudible) but I ain't even put that shit out. I
22 ain't dropped the shit (inaudible) I gotta -- nigger
23 all tryin' to have me do a video up in a dealership.
24 That nigger -- nigger Mustard. Yeah, I'm out there
25 tryin' to shoot this video.

1 CALLER: You said Mustard?

2 RECIPIENT: Yeah, that nigger Mustard.

3 CALLER: You're saying "Mustard," right?

4 RECIPIENT: Yeah.

5 CALLER: Yeah. (Inaudible) he cool.

6 RECIPIENT: Hell, yeah. I've just been
7 tryin' to -- I'm just -- want me to focus on something
8 real quick. Yeah, I'm going to get back to that shit
9 probably like a week or so.

10 CALLER: All right.

11 RECIPIENT: I'll do a photo shoot. That's
12 all I really need to do is a photo shoot and get my mix
13 tape cover done, then I can drop my shit.

14 CALLER: Yeah. Hell, yeah.

15 RECIPIENT: But why -- why don't you -- I
16 just want to make sure, so I got on with our work. You
17 know what I mean? Like, hey, I know -- I want to take,
18 like, three different type of pictures, three for
19 outfit -- I'm going to have three different outfits,
20 you know what I mean?

21 CALLER: I mean, yeah, (inaudible) fresh
22 shit. You ain't been on that Adidas hookup?

23 RECIPIENT: Say what?

24 CALLER: You going to be out there fucking
25 with that Adidas, the Adidas hookup?

1 RECIPIENT: You said Adidas?
2 CALLER: Yeah.
3 RECIPIENT: No. Yeah, them are too crispy.
4 No.
5 I could do something like that, though, huh?
6 CALLER: Yeah. (Inaudible)
7 RECIPIENT: Talking about, like, the cat
8 foods or something?
9 CALLER: Yeah. Like Ryan Dias (phonetic)
10 said, them niggers, when they came up.
11 RECIPIENT: Yeah. I should do, like, a royal
12 blue or something, huh?
13 CALLER: Yeah. Hell, yeah. It's going to be
14 sweet.
15 RECIPIENT: Yeah, that blue (inaudible) I
16 could do -- I could put the blue out for Jeezie
17 (phonetic) one time.
18 Hell, yeah. I'm about to go through this
19 (inaudible) still debatin'.
20 CALLER: All right.
21 RECIPIENT: Yeah. But I say I'll probably do
22 that, throw some buffs on their phone.
23 CALLER: You saying throw the bus out?
24 RECIPIENT: Hell, yeah.
25 CALLER: Yeah. You need to get the white

1 bitch with the black pants.

2 RECIPIENT: Hell, yeah. I'm going to have
3 to.

4 CALLER: I'm going to have to get some of
5 them bitches, too, when I get out. Shit, they gonna be
6 hot as hell, too. About to be, like, July 30th. Oh,
7 man, it's gonna be hot. I went into the bitch in
8 wintertime.

9 RECIPIENT: Yeah. Yeah, I hear you, bro.

10 All right. Shit. (Inaudible)

11 CALLER: Yeah, I got some more cheese on the
12 phone and shit. She said you left her the 20 so it's
13 at 21 (inaudible) but it say -- it say, like, yeah,
14 like --

15 RECIPIENT: What they charge you -- what they
16 charge you a phone for?

17 CALLER: Shit, like seven.

18 RECIPIENT: \$7 a phone call?

19 CALLER: Hell, yeah. That's here. You know,
20 over there at that prison joint, it was only, like, one
21 fifty (inaudible) 10-cent a minute, really, for 15
22 minutes.

23 RECIPIENT: Yeah.

24 CALLER: So we about to eat, anyway
25 (inaudible)

1 RECIPIENT: Hell, yeah. Sure, go on ahead.
2 Just call me in a minute.

3 CALLER: For sure, bro. She needs to stay in
4 bed or what. I'll call in a minute.

5 RECIPIENT: All right, for sure. I love you,
6 boy.

7 CALLER: Love you, too. Bye.

8 RECIPIENT: See you around.

9 RECORDING: Thank you for using PCS.
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1 STATE OF MICHIGAN)

2 COUNTY OF OAKLAND)

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Certificate of Notary Public

5

I certify that this transcript, consisting of 11 pages,
6 is a complete, true, and accurate transcript of the audio
7 file labeled "1330897030_313". I further certify that I am
8 not connected by blood or marriage with any of the parties,
9 their attorneys or agents, and that I am not interested
10 directly, indirectly or financially in the matter of
11 controversy.

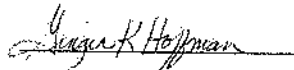
12

13

In witness whereof, I have hereunto set my hand this
14 day at Davisburg, Michigan, County of Oakland, State of
15 Michigan.

16

17



18

Ginger K. Hoffman, CSMR-9234

19

Notary Public, Oakland County, Michigan

20

My Commission expires 12/13/2021

21

Core Litigation Support, LLC

22

24901 Northwestern Highway, Suite 725

23

Southfield, Michigan

24

25

Dated: April 5, 2019

EXHIBIT 25

Allante Moseley

Call Detail Results

TOOL	BTN	DATE	TIME	PIN	First Name	Last Name	Phone	DURATION	RESULT	NOTES
✓	3133780411	20120229	1810	2011029782	ALLANTE	MOSELEY	410-Div 2/Low Usage	11:24	Inmate Hungup	N/A
✓	3134622844	20120229	1923	2011029782	ALLANTE	MOSELEY	410-Div 2/Low Usage	01:00	Funds Expired	N/A
✓	3133780411	20120302	2057	2011029782	ALLANTE	MOSELEY	410-Div 2/Low Usage	02:09	Inmate Hungup	N/A
✓	3133780411	20120304	1837	2011029782	ALLANTE	MOSELEY	410-Div 2/Low Usage	09:44	Inmate Hungup	N/A
✓	3133780411	20120304	1715	2011029782	ALLANTE	MOSELEY	410-Div 2/Low Usage	05:39	Inmate Hungup	N/A
✓	3133780411	20120304	2043	2011029782	ALLANTE	MOSELEY	410-Div 2/Low Usage	01:24	Inmate Hungup	N/A
✓	3133780411	20120318	1855	2011029782	ALLANTE	MOSELEY	4SWL1-DIV I	02:15	Inmate Hungup	N/A
✓	3133780411	20120319	1432	2011029782	ALLANTE	MOSELEY	4SWL1-DIV I	02:38	Inmate Hungup	N/A

Jail Calls
Allante Moseley

1. BTN 3133780411 DATE 20120229 TIME 1910
He asked her to call this number if there is enough time left on the phone call. 248-692-4505.
Caller tried to call for him, but it didn't go through.
Is going to let Moseley (?) no she talked to him.
He must be somewhere (?) because it's not ringing.

Your older brother is in a fight and he is in "the hole" until March 9th.
Mentions Grandma Shirley
2. BTN 3134522644 DATE 20120229 TIME 1923
Talked to Mo? (phone cut off because money expired)
3. BTN 3133780411 DATE 20120302 TIME 2057
A. Moseley "Try to call this number real quick." 313-926-1984
Unsuccessful. A Moseley, "It might still be cut off"
"Try to call this number right here." Never gives it because phone call cut off.
4. BTN 3133780411 DATE 20120304 TIME 1637
Caller, "Moseley wanted to talk to you, I told him you were going to call."
A. Moseley, "Call him."
She does a three way call. (It appeared to be his brother. They talked about sports, mix tape)
5. BTN 3133780411 DATE 20120304 TIME 1715
He (A. Moseley) gives her the number - 313-926-1123
She calls the number for him.
Third Party, "What charge did you get locked up, bro?"
A Moseley, "A pistol. 007."
A. Moseley "Tried to put my name in that shit that's been in the news."
He talks about how he "beat the fuck out of that ni***" Somewhere at the mall.
Third Party said he thought he'd run into Ian.

- He talks to the third party generally about the charge that he is locked up for and about some incident at a mall

Call appears to die unexpectedly.
6. BTN 3133780411 DATE 20120304 TIME 2043
He asks caller if Kurt messed up her car.
7. BTN 3133780411 DATE 20120316 TIME 1655

Dad came down and left money for him and she went with him, but A. Moseley was in "time out."

A. Moseley said that his attorney told him he will be getting out soon because he has to go to court on some other thing.

She responds, "I hope you don't get caught up in the other thing."

A. Moseley, "No, hell no. I shouldn't."

He says he doesn't know what the other thing was.

B. BTN 31337R0411 DATE 20120319 TIME 1432

Tells her he gets out this week for good.

Says she will let his dad know.

Says he is going to be on a tether and he can call her on another phone from Dickerson.

AUDIO TRANSCRIPTION

FILE: 1331931343_108

RECORDING: For English, press one.

(Spanish). For a collect -- please enter your --
please enter the area code and phone number you are
calling now. Please wait while your call is being
processed.

RECIPIENT: Hello?

RECORDING: Hello. This is a collect call
from an inmate at the Wayne County Sheriff's office.
This call is subject to monitoring and recording. To
accept this call, press zero. To refuse this --

Your current balance is \$7.98. This call is
subject to monitoring and recording. Thank you for
using PCS.

CALLER: Hello?

RECIPIENT: Yeah.

CALLER: Yeah.

RECIPIENT: The last time I didn't pick --
'cause you didn't answer so, and I just took a chance
and did it.

CALLER: Yeah.

RECIPIENT: When your dad came down there on
Wednesday --

CALLER: Yeah.

1 RECIPIENT: -- he took him -- he left some
2 money for you. I told them to tell you I came down.

3 CALLER: Oh, you came, too?

4 RECIPIENT: Yeah.

5 CALLER: You came Wednesday?

6 RECIPIENT: Yeah.

7 CALLER: Hmm. You came with him?

8 RECIPIENT: Yeah. Yeah, I came with him.

9 CALLER: Dang.

10 RECIPIENT: But that's okay. But you're out
11 next Wednesday because they said you was in timeout.
12 So I told the guard to tell you that I came down there.

13 CALLER: Yeah.

14 RECIPIENT: So you still in timeout?

15 CALLER: Yeah, a little bit. I'll be out of
16 here in a minute, though. But my lawyer told me I
17 should be coming home, like, today or -- like, I don't
18 know. He said -- he told me yesterday he was going to
19 let me go yesterday or something, like, today or
20 something.

21 RECIPIENT: Uh-huh.

22 CALLER: He told me I might be getting out.
23 That's because I'm supposed to be having to go back to
24 court on something else.

25 RECIPIENT: Oh, really?

1 CALLER: Yeah.

2 RECIPIENT: I hope you don't get caught up in
3 the other thing.

4 CALLER: No. I don't know.

5 RECIPIENT: Huh?

6 CALLER: I shouldn't, no.

7 RECIPIENT: Did he tell you what the other
8 thing was?

9 CALLER: No.

10 RECIPIENT: Okay. I hope everything's going
11 to be okay.

12 CALLER: It be good.

13 RECIPIENT: All right.

14 CALLER: For sure.

15 RECIPIENT: I hope -- okay. Also, just pray
16 on it, it's going to be okay.

17 CALLER: Yeah, yeah.

18 RECIPIENT: Okay. Well, I don't want to stay
19 on the phone, you know, because it's early time,
20 because my minutes don't start until really, like, 7:00
21 anyway. So, yeah. I just wanted to make sure you knew
22 we came down and he -- like I said, he brought you a
23 money order.

24 CALLER: Uh-huh.

25 RECIPIENT: But I'll let him know I talked to

1 you, though.

2 CALLER: Yeah.

3 RECIPIENT: Okay?

4 CALLER: Yeah.

5 RECIPIENT: So when they let you out or
6 whatever, just call, try to call. There's like \$7 on
7 the phone, okay?

8 CALLER: Uh-huh.

9 RECIPIENT: All right. I'm going to get off
10 of here, though.

11 CALLER: Miss y'all.

12 RECIPIENT: Okay. Love you.

13 CALLER: Yeah. Love you, too.

14 RECIPIENT: Okay. Bye-bye.

15 RECORDING: Thank you for using PCS.

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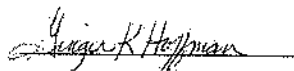
1 STATE OF MICHIGAN)

2 COUNTY OF OAKLAND)

3
4 Certificate of Notary Public

5 I certify that this transcript, consisting of 5 pages,
6 is a complete, true, and accurate transcript of the audio
7 file labeled "1331931343_108". I further certify that I am
8 not connected by blood or marriage with any of the parties,
9 their attorneys or agents, and that I am not interested
10 directly, indirectly or financially in the matter of
11 controversy.

12
13 In witness whereof, I have hereunto set my hand this
14 day at Davisburg, Michigan, County of Oakland, State of
15 Michigan.

16
17 

18 Ginger K. Hoffman, CSMR-9234

19 Notary Public, Oakland County, Michigan

20 My Commission expires 12/13/2021

21 Core Litigation Support, LLC

22 24901 Northwestern Highway, Suite 725

23 Southfield, Michigan

24
25 Dated: April 5, 2019

EXHIBIT 26

Allante Moseley

Call Detail Results

TOOL	BTN	DATE	TIME	PIN	First Name	Last Name	Phone	DURATION	RESULT	NOTES
✓	3133780411	20120220	1910	2011029782	ALLANTE	MOSELEY	410-Div 2/Low Usage	11:24	Inmate Hungup	N/A
✓	3134522844	20120220	1923	2011029782	ALLANTE	MOSELEY	410-Div 2/Low Usage	01:00	Funds Expired	N/A
✓	3133780411	20120302	2057	2011029782	ALLANTE	MOSELEY	410-Div 2/Low Usage	02:08	Inmate Hungup	N/A
✓	3133780411	20120304	1837	2011029782	ALLANTE	MOSELEY	410-Div 2/Low Usage	09:44	Inmate Hungup	N/A
✓	3133780411	20120304	1715	2011029782	ALLANTE	MOSELEY	410-Div 2/Low Usage	05:39	Inmate Hungup	N/A
✓	3133780411	20120304	2043	2011029782	ALLANTE	MOSELEY	410-Div 2/Low Usage	01:24	Inmate Hungup	N/A
✓	3133780411	20120316	1855	2011029782	ALLANTE	MOSELEY	4SWL1-DIV 1	02:15	Inmate Hungup	N/A
✓	3133780411	20120319	1432	2011029782	ALLANTE	MOSELEY	4SWL1-DIV 1	02:38	Inmate Hungup	N/A

Jail Calls
Atlanta Moseley

1. BTN 3133780411 DATE 20120229 TIME 1910
He asked her to call this number if there is enough time left on the phone call. 248-692-4905.
Caller tried to call for him, but it didn't go through.
Is going to let Moseley (?) no she talked to him.
He must be somewhere (?) because it's not ringing.

Your older brother is in a fight and he is in "the hole" until March 9th.
Mentions Grandma Shirley.

2. BTN 3134522644 DATE 20120229 TIME 1923
Talked to Mom (phone cut off because money expired)

3. BTN 3133780411 DATE 20120302 TIME 2057
A. Moseley "Try to call this number real quick" 313-926-1984
Unsuccessful. A. Moseley, "It might still be cut off."
"Try to call this number right here." Never gives it because phone call cut off.

4. BTN 3133780411 DATE 20120304 TIME 1637
Caller, "Moseley wanted to talk to you, I told him you were going to call."
A. Moseley, "Call him."
She does a three way call. (It appeared to be his brother. They talked about sports, mix tape)

5. BTN 3133780411 DATE 20120304 TIME 1715
He (A. Moseley) gives her the number - 313-926-1123
She calls the number for him.
Third Party, "What charge did you get locked up, bro?"
A. Moseley, "A pistol .007."
A. Moseley "Tried to put my name in that shit that's been in the news."
He talks about how he "beat the fuck out of that n***" Somewhere at the mall.
Third Party said he thought he'd run into Ian.

He talks to the third party generally about the charge that he is locked up for and about some incident at a mall.

Call appears to die unexpectedly.

6. BTN 3133780411 DATE 20120304 TIME 2043
He asks caller if Kurt messed up her car.

7. BTN 3133780411 DATE 20120316 TIME 1655

Dad came down and left money for him and she went with him, but A. Moseley was in "time out."

A. Moseley said that his attorney told him he will be getting out soon because he has to go to court on some other thing.

She responds, "I hope you don't get caught up in the other thing."

A. Moseley, "No, hell no. I shouldn't."

He says he doesn't know what the other thing was.

8. BTN 3133780411 DATE 20120319 TIME 1432

Tells her he gets out this week for good.

Says she will let his dad know.

Says he is going to be on a tether and he can call her on another phone from Dickerson.

AUDIO TRANSCRIPTION

FILE: 1332181934_108

RECORDING: For English, press one. For a collect call -- please enter your -- please enter the area code and phone number you are calling now. Please wait while your call is being processed.

RECIPIENT: Hello?

RECORDING: Hello. This is a collect call from an inmate at the Wayne County Sheriff's office. This call is subject to monitoring and recording. To accept this call, press zero. To refuse this call -- your current balance is \$4.35. This call is subject to monitoring and recording. Thank you for using PCS.

CALLER: Hello?

RECIPIENT: Yeah.

CALLER: This (inaudible).

RECIPIENT: Hey. Just back-and-forth going to take care of some business. What's going on?

CALLER: Oh, shit. Nothing. I get out of the -- I get outta here this week.

RECIPIENT: Oh, for good?

CALLER: Yeah.

RECIPIENT: Oh, that's good. Is that why you go to court?

CALLER: Yeah.

1 RECIPIENT: Okay. Tell your dad, then. But
2 you don't know when, though, right?

3 CALLER: Nope. It's going to be -- it's
4 going to be before Friday, though.

5 RECIPIENT: Okay. Okay, I'll let him know,
6 then.

7 CALLER: Yeah. Yeah, 'cause he be working,
8 don't he?

9 RECIPIENT: Yeah, I think. Yeah, he might
10 still be working. I'll check with him. Just call back
11 'cause ain't that much on the phone, anyway.

12 CALLER: Right.

13 RECIPIENT: Okay?

14 CALLER: Now, (unintelligible) I'm going to
15 be able to use a normal phone to call you when I get --
16 the day they take -- 'cause they gonna put me on a
17 tether. He gonna --

18 RECIPIENT: Oh, okay.

19 CALLER: He picked -- he picked me up -- you
20 picked me up from that spot before, I think. Yeah. Me
21 and you did drive over there to the --

22 RECIPIENT: Hamtramck?

23 CALLER: Yeah, Hamtramck.

24 RECIPIENT: That's where you're going to be
25 at?

1 CALLER: (inaudible).

2 RECIPIENT: That's where you're going to be
3 at?

4 CALLER: You know, I'm just talking about the
5 whole phone call.

6 RECIPIENT: Huh?

7 CALLER: Straight up. Hello?

8 RECIPIENT: Yeah. That's where you're going
9 to be at?

10 CALLER: Yeah. I'm going to be over there at
11 Davis.

12 RECIPIENT: Okay. Just call him. Call me
13 and let me know, then.

14 CALLER: Well, what? You still here?

15 RECIPIENT: Yeah.

16 CALLER: Okay. Okay. You gonna be -- you
17 gonna be here before -- I mean, you still gonna be --
18 you ain't going to leave until -- before Friday, is
19 you?

20 RECIPIENT: No. I think I should still be
21 here.

22 CALLER: Okay. Okay. Okay. Yeah, I'm
23 (inaudible).

24 RECIPIENT: Just -- just -- just call me
25 back.

1 CALLER: You got a rental (inaudible).

2 RECIPIENT: Uh-uh. Uh-uh. I'll probably
3 ask -- what's his name? Tye?

4 CALLER: Okay. Who?

5 RECIPIENT: Tye. Big guy (inaudible).

6 CALLER: Oh, yeah.

7 RECIPIENT: Okay?

8 CALLER: Yeah.

9 RECIPIENT: All right. So just call and let
10 me know. That's all.

11 CALLER: He won't let you drive his car?

12 RECIPIENT: No. That car messed up.

13 CALLER: Oh it is?

14 RECIPIENT: Yeah.

15 CALLER: What's wrong with it?

16 RECIPIENT: You need to put it in the shop.
17 He gotta put it in the shop.

18 CALLER: Hmm.

19 RECIPIENT: It need to go in the shop bad.

20 CALLER: Uh-huh.

21 RECIPIENT: Okay?

22 CALLER: Yeah.

23 RECIPIENT: All right. Just call me back.

24 CALLER: All right. I will.

25 RECIPIENT: All right. Love you.

1 CALLER: Love y'all, too.

2 RECIPIENT: All right. Bye-bye.

3 RECORDING: Thank you for using PCS.

4 * * *

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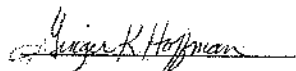
1 STATE OF MICHIGAN)

2 COUNTY OF OAKLAND)

3
4 Certificate of Notary Public

5 I certify that this transcript, consisting of 5 pages,
6 is a complete, true, and accurate transcript of the audio
7 file labeled "1332181934_108". I further certify that I am
8 not connected by blood or marriage with any of the parties,
9 their attorneys or agents, and that I am not interested
10 directly, indirectly or financially in the matter of
11 controversy.

12
13 In witness whereof, I have hereunto set my hand this
14 day at Davisburg, Michigan, County of Oakland, State of
15 Michigan.

16
17 

18 Ginger K. Hoffman, CSMR-9234

19 Notary Public, Oakland County, Michigan

20 My Commission expires 12/13/2021

21 Core Litigation Support, LLC

22 24901 Northwestern Highway, Suite 725

23 Southfield, Michigan

24
25 Dated: April 5, 2019

EXHIBIT 27



WAYNE COUNTY SHERIFF'S OFFICE
WITNESS STATEMENT

WITNESS NAME: Allante Moseley 2011029782

OFFICERS NAME RECEIVING STATEMENT: Cpl Ch. DeSpain #1399

STATEMENT: I went to club early i seen Quinn King he had a gun. But i lied about him giving it to Anton Blevins, Anton was not there i lied to get him in trouble because i was mad at him. But im writing this statement to clear up my lies. Quinn King was the only person who touched that gun.

The people on this case name is Anton Blevins and Quinn King.

I hope i dont get in trouble for lying. But Anton had nothing to do with it.

I will testify that Quinn King had that Gun.

My name is Allante Moseley and I witnessed Quinn shoot a boy at CLUB early.

WITNESS SIGNATURE: Allante Moseley 2011029782

DATE AND TIME: 8-3-12

CASE NUMBER: 14769-12

OFFICER'S SIGNATURE: Cpl Ch. DeSpain

EXHIBIT 28

A U D I O T R A N S C R I P T I O N

FILE: 1495806567_116

OPERATOR: For English -- please -- at the
beep, repeat the phrase: With Global Tel Link, my
voice is my password.

CALLER: With Global Tel Link, my voice is my
password.

OPERATOR: Your current balance is \$50.04.
Please enter the area -- please hold. Please wait
while your call is being connected.

Please hold.

RECIPIENT: Hello?

OPERATOR: Hello. This is a prepaid debit
call from a prisoner at the Michigan Department of
Corrections, Kinross facility. If you feel you are
being victimized or extorted by this prisoner, please
contact GTL customer service at (855)466-2832. To
accept his call, press zero. To refuse this call, hang
up or press one. To prevent calls from this facility,
press six.

Hello. This call is from a correction
facility and is subject to monitoring and recording.
Thank you for using GTL.

RECIPIENT: Can I help you?

CALLER: How you doing, Ms. Jacobs?

1 RECIPIENT: Yeah. Who is this?

2 CALLER: This is Mr. Blevins.

3 RECIPIENT: Oh, hi. How are you?

4 CALLER: Yeah, I apologize --

5 RECIPIENT: I didn't hear the name. I didn't
6 hear the name when it --

7 CALLER: Okay.

8 RECIPIENT: -- when it came through.

9 CALLER: I didn't mean to be calling your
10 cell phone like this, but I heard the office didn't
11 have a secretary anymore so this is the only way I can
12 get in contact with you.

13 RECIPIENT: It's okay.

14 CALLER: How's the back?

15 RECIPIENT: Fine, thank you. So Ryan Hicks
16 called. You know about what Ryan Hicks is doing?

17 CALLER: Okay. Now, I wasn't sure if this
18 was true or not.

19 RECIPIENT: Okay.

20 CALLER: So that's why I really wanted to
21 call you.

22 RECIPIENT: Ryan Hicks found -- somebody told
23 him to go and look at Lynwood Gissel's (phonetic)
24 Facebook page.

25 CALLER: Correct.

1 RECIPIENT: And he did and there are some
2 documents from the Wayne County Sheriff's Department.

3 CALLER: Okay.

4 RECIPIENT: One of which we already have,
5 which is of -- (inaudible) -- which is of Atlanta
6 Mosley talking -- two of them are of Atlanta Mosley
7 talking, one of which we have.

8 CALLER: Right.

9 RECIPIENT: The one where he -- there's one
10 that is kind of screwy. Fishman looked at it and he
11 said, "This can't be true because, you know, X, Y, and
12 Z," something that -- that happened at trial but that
13 no one in the appellate courts knows about, so it's
14 helping that, but also the signatures of the Wayne
15 County Sheriff's do not match, although the batch
16 number is the same. So it looks like it's of forgery.
17 It's on different types of paper.

18 CALLER: (inaudible).

19 RECIPIENT: But there's also -- there's also
20 a 48-page transcript from somebody named -- I think
21 it's T-a-o. I'm not sure what the name is, actually.
22 Oh, no. Tay, T-a-y.

23 CALLER: No. Remember -- remember the
24 December 12th, the interrogation with Mosley --

25 RECIPIENT: --

1 CALLER: -- and the head officer?

2 RECIPIENT: Right. Right, which --

3 CALLER: I think that's what that is.

4 RECIPIENT: It's Tay Atlanta Mosley? Is that
5 his nickname?

6 CALLER: Alante Mosley? Yeah.

7 RECIPIENT: Yeah, exactly.

8 CALLER: Yeah, that's what that one is.

9 RECIPIENT: Okay.

10 CALLER: Now, the other one -- now, the other
11 one, I remember Fish said -- this is what Fish told me:
12 He said this guy has made some more statements. I
13 don't think the prosecution is going to use him
14 anymore, you know, but --

15 RECIPIENT: Yeah, again --

16 CALLER: -- he also -- Alante also wrote me a
17 letter in the county saying how he lied and all that
18 and I gave Fish the letter. You should have that
19 letter, too.

20 RECIPIENT: Okay. I don't know whether I've
21 got that or not, but let me continue with what I was
22 saying, okay?

23 CALLER: Okay.

24 RECIPIENT: Of the 48 pages -- and we know
25 there are 48 pages because there are page numbers at

1 the bottom of the page we were actually able to get
2 ahold of.

3 CALLER: Yeah, I got that.

4 RECIPIENT: So all that could be printed
5 out -- you have a copy of the 48-page document?

6 CALLER: Yeah.

7 RECIPIENT: Is --

8 CALLER: It's 51 -- 51 all together.

9 RECIPIENT: Okay. Well, it doesn't matter
10 because I'm -- Facebook, you can't -- we couldn't print
11 off of Facebook that's looking very good, so I need --
12 I told Ryan to try and make friends with this Lynwood
13 Gissel and see if you could get the original. But if I
14 have the 51-page transcript, we don't need it and it's
15 nothing new.

16 CALLER: You don't have --

17 RECIPIENT: And if I have the other -- if I
18 have -- I think I've only gotten one. I've got one
19 Wayne County Sheriff's thing that looks real and the
20 other one doesn't.

21 I'm keeping all of this, and I'm happy --
22 I'll be happy to send it to you, these two things. I'm
23 keeping all of them in a file for you. We can't use
24 these now. What this should be -- if we lose, then
25 this should be part of a 6500 motion, okay? So I'm

1 keeping it all so that it's there for you, but, you
2 know, we're waiting for this decision from the Michigan
3 Supreme Court and I think it's too late for it to go
4 into the court and ask to be remanded if -- especially
5 when I'm so conflicted in terms of the legitimacy of
6 one of these documents, so...

7 CALLER: I know it's legit because Fish the
8 one --

9 RECIPIENT: (Inaudible.)

10 CALLER: -- Fish the one told me. The only
11 reason I said that is because Fish one told me. He
12 said that the guy said he changed his statement up.
13 Now, he did this in the county before it was that time.

14 RECIPIENT: And I'll send these -- Fishman
15 just looked at it yesterday and he agreed with me it's
16 not legit.

17 CALLER: He said it's not legit?

18 RECIPIENT: This is something you haven't
19 seen yet.

20 CALLER: Right.

21 RECIPIENT: That's what I think. That's what
22 I'm trying to tell you.

23 CALLER: Yeah.

24 RECIPIENT: So I will send them both to you
25 and you can look at them and you can -- you can see

1 what's going on. But Fishman also -- this is the one
2 where -- I don't want to talk about this on the phone.

3 CALLER: I understand. You don't have to
4 tell -- you don't have to say much.

5 RECIPIENT: Because --

6 CALLER: You don't have to say nothing at
7 all.

8 RECIPIENT: -- Fishman would have to take the
9 witness stand and we told Fishman something that
10 completely counteracts what Atlanta Mosley said, which
11 made Atlanta Mosley not look believable. So if you do
12 a ineffective assistance of counsel argument against
13 him, he wouldn't volunteer it. But if he was asked a
14 question that came to this point that I'm -- that I
15 don't want to talk about on the phone --

16 CALLER: Right.

17 RECIPIENT: -- Fishman would have to tell the
18 truth and he would tell the truth. So let me just send
19 you the two -- I won't send you what I've got of the
20 transcripts, but I'll send you these two interviews of
21 Atlanta Mosley. And you've got a copy already of -- in
22 the -- in the appendix to all of our documents, there's
23 a copy of the PCR, not the -- well, you know, the
24 report that that Corporal Duplessis or Duplane or
25 whatever his name is, Duchamp -- that he wrote and you

1 can look at his signature and then you can compare it
2 with the signature we have on one of these documents
3 that looks a little squirrely, okay?

4 CALLER: Okay.

5 RECIPIENT: Okay.

6 CALLER: Is this talking about Duquan Todd
7 (phonetic)?

8 RECIPIENT: Say that again.

9 CALLER: Were you talking about Duquan Todd?

10 RECIPIENT: I don't understand that last
11 word.

12 CALLER: No. I said were you talking about
13 the Duquan Todd?

14 RECIPIENT: That's the last word I don't
15 understand. What -- what -- can you spell it for me?
16 I apologize.

17 CALLER: T-o-d-d, Todd.

18 RECIPIENT: No, no. Not Todd. No, no, no,
19 not Todd. Atlanta Mosley.

20 CALLER: Oh, you're talking about whoever the
21 clerk was at the Wayne County --

22 RECIPIENT: Atlanta Mosley (inaudible)
23 Atlanta Mosley went to a deputy sheriff and said, "I
24 want to confess to a murder."

25 CALLER: Right, right, right.

1 RECIPIENT: And that document is in your --
2 is along in your appendix that you've got a copy of
3 this.

4 CALLER: Yeah.

5 RECIPIENT: And the person that took the
6 report is this commander or sheriff or whatever his
7 name is, Duchamp, Duplane -- I don't have it in front
8 of me so I can't tell you -- Badge No. 1399.

9 CALLER: Okay.

10 RECIPIENT: You can take that document and
11 compare the signature to the signature on one of these
12 documents that I'm going to send you and you'll see
13 that it looks a little squirrely, okay?

14 CALLER: So -- okay.

15 RECIPIENT: Yeah. I will send those --

16 CALLER: Can I ask you one more question?

17 RECIPIENT: Sure.

18 CALLER: Because I really don't -- I don't
19 need the documents. I just want to know do you --
20 okay. Like, okay, I understand what you said about
21 Fish, but do you think because this is -- what's
22 tripping me out is Fish told me this, but I never seen
23 the documents, right? So by him telling me this a long
24 time ago, I'm thinking that you probably already knew
25 about it, but by now -- now -- now, you -- you -- you

1 haven't even seen it and you didn't even know about it
2 so now that you just seen it, did you feel like it was
3 helpful or did you -- or did -- or --

4 RECIPIENT: Well, if it's -- if the one
5 document that I'm looking at is a complete -- is --
6 appears fake, it's not going to be helpful.

7 CALLER: Is it -- and what if it's real?

8 RECIPIENT: (inaudible) well, that's another
9 question because we've got the problem where one
10 document contains a lie, making Atlanta Mosley not look
11 credible, which is why Fish, we never called him to
12 trial.

13 CALLER: Right.

14 RECIPIENT: That was the whole problem is
15 that Atlanta Mosley had made two different conflicting
16 statements and the one that would have gotten you out
17 from underneath the weight of this charge is not
18 corroborated by anybody, including yourself, okay?

19 CALLER: I never made a statement.

20 RECIPIENT: You talked on the phone. You
21 talked on the phone, remember? You know what I'm
22 talking --

23 CALLER: (inaudible), yeah, Fish said the
24 only thing I said was --

25 RECIPIENT: Don't repeat it.

1 CALLER: (inaudible).

2 RECIPIENT: I don't want you to repeat this
3 on this line.

4 CALLER: Okay.

5 RECIPIENT: I'm telling you, let's just leave
6 it so that -- there was something that you said that
7 made Atlanta Mosley out to be -- out to be a liar and
8 the prosecution has a copy of this, of the phone calls,
9 you know?

10 CALLER: Yeah.

11 RECIPIENT: Yeah, okay. So I will send you
12 these items so that you will know what is going on. I
13 won't send you the transcript now that I --

14 CALLER: (inaudible).

15 RECIPIENT: I just don't -- I don't remember
16 reading the transcripts.

17 CALLER: Just (inaudible) Liz.

18 RECIPIENT: What?

19 CALLER: You don't have to do all that, Liz.

20 RECIPIENT: Why? Sending you two pieces of
21 paper, it's not going to kill me. Don't worry. I'm
22 just not going to send you the transcripts. And
23 Atlanta Mosley almost inarticulate --

24 CALLER: I know it.

25 RECIPIENT: -- with the English language.

1 CALLER: But if it's not --

2 RECIPIENT: So I remember how impossible it
3 was to read.

4 CALLER: If it's not beneficial, I don't even
5 want to see it. I'm all right.

6 RECIPIENT: Well, I want you to look at it
7 and I want you to compare the signatures.

8 CALLER: All I want to do is get out of here,
9 Liz.

10 RECIPIENT: Okay.

11 CALLER: I say --

12 RECIPIENT: So let me tell you what I think
13 is going on.

14 CALLER: Okay.

15 RECIPIENT: There's people -- there's this
16 Steanhouse, which is what your case has been held in
17 abeyance on.

18 CALLER: Yeah.

19 RECIPIENT: And we're waiting for it to be
20 decided. The Michigan Supreme Court has a rule it
21 decides all cases by the end of July for that year, so
22 the opinions are slowly coming out, and every day I
23 look to see if they decided that. Once they decide
24 that case, they then have to apply their decision in
25 that case to your case. So the Steanhouse decision

1 doesn't automatically mean your case is now through.
2 It means we then have to wait for a further order or
3 opinion, and I -- this is long and this is hard and I
4 understand that, but there's nothing -- there's nothing
5 that I can do to move the Michigan Supreme Court.

6 CALLER: Right.

7 RECIPIENT: They are immovable. And you are
8 not the only guy that's waiting on this decision.

9 CALLER: Okay.

10 RECIPIENT: This is a very important
11 decision, and I have two clients alone -- and I have a
12 very small docket now, so I only have -- I have two
13 clients that are waiting, you and one other, that are
14 waiting on this decision. And, you know, there -- I
15 think there are probably, I'm going to say, 50 to 100
16 prisoners, people in prison like you that are waiting
17 for this case to be decided because their cases have
18 been held up by it.

19 CALLER: Right.

20 RECIPIENT: So it's not a small issue, but
21 it's one -- it's not a small issue.

22 So I won't be back in my office until
23 Monday -- until Tuesday because it's a four-day
24 holiday, three-day holiday.

25 CALLER: Right.

1 RECIPIENT: So sometime when I get back on
2 Tuesday, I'll send out what it is that we got --
3 what -- that Ryan Hicks is trying to --

4 CALLER: Liz, don't worry about that. I'm
5 all right.

6 RECIPIENT: I just want you to know what's
7 going on in your case, you know?

8 CALLER: Yeah, I know, but I just -- I just
9 pray that we get a good decision back on top of the
10 Steanhouse.

11 RECIPIENT: Okay. Now your grandma,
12 Mrs. Grant?

13 CALLER: Yes.

14 RECIPIENT: She called me and I'm not in and
15 so she leaves a number that doesn't work, so when you
16 talk to her, tell her I'm not ignoring her --

17 CALLER: Yeah.

18 RECIPIENT: -- but the number didn't go
19 through. I did -- I was able to return it once and
20 get -- I'm not -- or you still there?

21 CALLER: Yes, I'm right here.

22 RECIPIENT: Okay. And was able to leave a
23 message from her, but I don't want her to think I'm
24 not -- that I'm not being responsive to her call, okay?

25 CALLER: Okay. Okay.

1 RECIPIENT: Okay. So nice talking to you.
2 If you feel you have to talk to me and you need to use
3 the cell phone, that's fine.

4 CALLER: Okay.

5 RECIPIENT: But like you did today, sometimes
6 when it says Carrollton, Texas, on the phone I just
7 ignore it because I can't remember.

8 CALLER: Yeah.

9 RECIPIENT: Yeah. I don't know anybody in
10 Carrollton, Texas, here and I have to remember that
11 this is going to be from -- from -- from you. So if I
12 don't pick up on the first one, gave me about a
13 half-hour and try and call back, okay?

14 CALLER: Before I hang this phone up, listen.

15 RECIPIENT: Yes.

16 CALLER: My brother, my real brother, he
17 talked to some sheriff or some detective. Long story
18 short, he went downtown to try to order this piece of
19 paper and try to find it, because he went to the guy
20 Gissel and he went to, like, three other people to get
21 this paper.

22 OPERATOR: You have one minute remaining.

23 CALLER: He wasn't able to get it, but he --
24 he was able to go downtown and they said that in three
25 to four days that they would produce this paper. So I

1 don't know if it is real, do you want to -- want the
2 papers still?

3 RECIPIENT: (inaudible) I want it. I want to
4 see it. They produced it. I want to see it.

5 CALLER: Okay.

6 RECIPIENT: Something that comes out over the
7 Internet I'm suspicious of, and so if it's coming -- is
8 this Ryan Hicks? Is he your real brother or is there
9 somebody else?

10 CALLER: No. This is my real brother, but
11 I'll have Ryan Hicks bring it to you.

12 RECIPIENT: Okay. Great.

13 CALLER: Okay. Okay.

14 RECIPIENT: They're going to make us hang up.

15 CALLER: Okay.

16 RECIPIENT: Nice talking to you again.

17 CALLER: Nice talking to you, too.

18 RECIPIENT: (inaudible) bye-bye.

19 CALLER: Oh.

20 * * *

1 STATE OF MICHIGAN)

2 COUNTY OF OAKLAND)

3
4 Certificate of Notary Public

5 I certify that this transcript, consisting of 16 pages,
6 is a complete, true, and accurate transcript of the audio
7 file labeled "1495806567_116". I further certify that I am
8 not connected by blood or marriage with any of the parties,
9 their attorneys or agents, and that I am not interested
10 directly, indirectly or financially in the matter of
11 controversy.

12
13 In witness whereof, I have hereunto set my hand this
14 day at Davisburg, Michigan, County of Oakland, State of
15 Michigan.

16
17 

18 Ginger K. Hoffman, CSMR-9234

19 Notary Public, Oakland County, Michigan

20 My Commission expires 12/13/2021

21 Core Litigation Support, LLC

22 24901 Northwestern Highway, Suite 725

23 Southfield, Michigan

24
25 Dated: APRIL 6, 2019

EXHIBIT 29

ELIZABETH L. JACOBS

ATTORNEY AT LAW
SUITE 1125
FORD BUILDING
615 GRISWOLD
DETROIT, MICHIGAN 48226-3907

(313) 962-4090
FAX (313) 962-8068

Anton Blevins 12-1316
Wayne County Jail
525 Clinton St.
Detroit, MI. 48226

March 12, 2013

Re: People v Blevins

Dear Mr. Blevins,

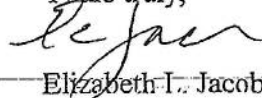
Enclosed please find my card.

After I left you on Monday, I tracked down the Deputy you mentioned. He was at the jail and we talked for about 15 minutes.

Over the next couple of weeks I will be reviewing, the police reports and witness statements and the Mosely letters, his video and his written statement. I will not be filing a motion for new trial until I am completely familiar with all the facts. This includes reading the trial transcript.

If you have any questions about what we discussed on Monday, give me a call.

Yours truly,



Elizabeth L. Jacobs

enc

EXHIBIT 30

Affidavit of C. DeGasperis

BEFORE ME, the undersigned Notary, on 4/9/19 personally appeared Corporal C. DeGasperis who being by me first duly sworn, on his oath, deposes and says:

1. My name is Corporal C. DeGasperis, and I make this affidavit from personal knowledge of the matters addressed herein.
2. I am employed as a Corporal in the Wayne County Sheriff's Department, badge number 1399, assigned to the Wayne County Jail.
3. On August 3, 2012, I was assigned to the old Wayne County jail, Division II, located at 525 Clinton Street in Detroit, Michigan.
4. On that date, while working in a common area on the 6th floor of the jail I was approached by an inmate named Allante Moseley, who stated that he had some information about a crime that he wanted to report.
5. I escorted inmate Moseley to a small private room used for attorney and inmate conferences. I gave Mr. Moseley a witness statement form and left the room while he filled out the form and signed it.
6. After Moseley finished writing his statement, I signed the statement, assigned it a case number, took Moseley back to the common area of the jail, and gave the witness statement to my Sergeant.
7. I do not recall whether I told Anton Blevins, who was also an inmate in the jail at the time, to tell his attorney Steve Fishman to call me to testify in his case.
8. I was never contacted by attorney Steve Fishman or anybody from his office about testifying in the Blevins case.
9. If I had been called to the witness stand, I would have testified that I took the witness statement from Allante Moseley, signed it, and gave it to my Sergeant.

FURTHER, YOUR AFFIANT SAYETH NOT.

C. DeGasperis
[Signature of affiant]

C. DeGasperis
Corporal, Wayne County Sheriff's Department

Subscribed and sworn to before me on 4/9/19, in WAYNE County, Michigan.

My commission expires: 9/10/24

Signature: [Signature]

(1 of 1)



AFFIDAVIT

STATE OF MICHIGAN)
COUNTY OF WAYNE)SS

Steven Fishman, being first duly sworn, deposes and states as follows:

1. I am a lawyer who was retained to represent Anton Blevins in the case of People v Anton Blevins (Wayne Circuit Court case #12-01086, Hon. Timothy Kenny).

2. I represented Mr. Blevins at all proceedings in the case, including his preliminary examination in 36th District Court and pre-trial proceedings, a jury trial, and sentencing in Wayne Circuit Court.

3. I do not have a present recollection of the prosecution's witness list nor do I have my case file, said file having been turned over to appellate counsel years ago. Based on information received from Mr. Blevins' present counsel, the following individuals were named on the prosecution's witness list:

1. Robie Smith
2. Beverly Smith
3. Dr. Carl Schmidt
4. Demario Drummond
5. Zacharly Easterly
6. Raymond Malone
7. Raleigh Ross
8. Phillip Knott
9. Carlos Spearman
10. April Simmons

11. Peggy Cannon
12. Katherine Cannon
13. Latisha Higgins
14. Ron Banks
15. Lisa Bryson
16. Allison Jackson
17. Amy Matelic
18. Edward Lawson
19. Lawrence Addison
20. Adam Powers
21. Lt. Eric Decker
22. Sgt. Algert Castillo
23. P.O. Thomas Smith
24. P.O. Raymond Diaz
25. P.O. David Andrews
26. Sgt. Robert Lalone
27. Sgt. Sam Mackie
28. Sgt. Alex Vinson
29. Sgt. Kenneth Gardner
30. P.O. Karen Miller
31. Sgt. Lil Drew
32. Sgt. Kevin Nance
33. P.O. Theopolis Williams

34. P.O. Derrick Thomas
35. P.O. Michael Russell
36. Sgt. Ernest Wilson
37. P.O. Gerald Williams
38. Lt. David Balash
39. Sgt. Nicole Bock
40. S/A Stan Brue
41. Dr. Rosh
42. Kay Sobol
43. Koren Mensy
44. Christiana Burton
45. Monique Mitchell
46. Allante Moseley

My recollection is that the overwhelming majority of the listed witnesses did not testify at trial.

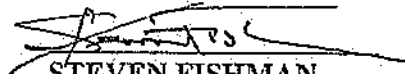
4. I did not interview any of the above-listed witnesses prior to trial.

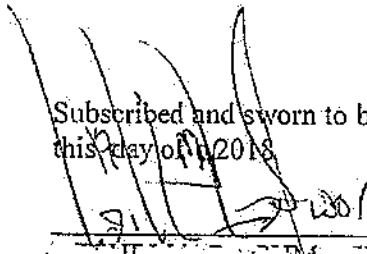
5. The endorsed witness Allante Moseley was a person of interest in this case who may or may not have been present at the scene of the homicide. I received information about statements that he allegedly made about the homicide to law enforcement officers. I also learned of a video recording of an interview with Mr. Mosely by Detroit Police homicide officers. Neither the statements nor the video recording were included in the initial discovery package because they had not been given to the prosecutor in charge of the case. After I informed the prosecutor of the existence of the statements/ video, she obtained them from the officer in charge and provided them to me.

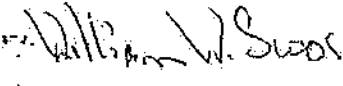
6. I did not interview Allante Moseley. Mr. Moseley was incarcerated in the Wayne County Jail at the time and my recollection is that he was represented by counsel.

7. The only defense witness that I interviewed was Corporal Chris DeGasperis of the Wayne County Sheriff's Department, who had taken a statement from Mr. Mosely at the Wayne County Jail. I do not recall being informed of the existence of any other potential defense witnesses.

Further Affiant sayeth not.


STEVEN FISHMAN


Subscribed and sworn to before me
this day of 10/20/18


Notary Public, Wayne County

My commission expires: 10/20/21

EXHIBIT 31

JAN RANEY FORENSIC DOCUMENT EXAMINATION

215 S. JACKSON ST., BEVERLY HILLS, FLORIDA 34465

248-924-7424

MARCH 23, 2019

Flood Law

Ms. Rachel Wolfe

401 N. Main Street

Royal Oak, Michigan 48067

Ms. Rachel Wolfe:

I have received a package containing copies of the questioned documents on March 16, 2019 for examination. The examination task was to determine if the questioned documents were written by Allante Moseley and signed by Allante Moseley.

I have labeled the Questioned Documents Q 1 through Q 9. The documents are as follows:

Q1 is dated 4-25-12

Q2 is dated 6/25/12

Q3 is dated 7-19-12

Q4 is dated 8-3-12

Q5 is dated 8/20/12

Q6 is dated 8/20/12

Q7 is dated 8 /23/12

Q8 is dated 9/20/12

Q9 is dated 9/20/12

JAN RANEY FORENSIC DOCUMENT EXAMINATION

Page 2

When examining handwriting of letters and numbers, and signatures, I follow a procedure prescribed by SAFE, Scientific Association of Forensic Examiners.

I examine all features of the collective exemplars in an attempt to determine the writer's handwriting habits and variables. I compare initials to initials, numerals to numerals, size to size, all strokes, construction, stroke directions, unusual letter formations and ending strokes, under magnification.

The pictorial appearance of the handwriting is governed by factors such as slant, size, arrangement, spacing and the degree of simplification or elaboration. Attempts at disguise are not usually successful due to the person's inability to totally eliminate subconscious or automatic writing habits.

This shows me that the Q1 Moseley signature and the Q4 Moseley signature are of uncommon authorship. Each letter of each name is written with formations that are not the same. It is my professional opinion that these two signatures were not written by the same person.

I do believe the signature on Q9 document was written by the same person as Q4 signature.

I have examined Q1 through Q9 documents handwriting. It is my professional opinion that each document was written by Allante Moseley.

My opinion is based on the observations I made during my examinations and my ability to evaluate these observations, based on the training and experience I have had.

The basis for the opinion expressed herein can be demonstrated in a Court of Law.

Sincerely,


Janice Raney, Consultant

Jan Raney Forensic Document Examination

WAYNE COUNTY SHERIFF DEPARTMENT WITNESS STATEMENT

WITNESS NAME: Allante Moseley

OFFICER NAME RECEIVING STATEMENT: CPL. DENIS MITCHELL

STATEMENT: I was picked up by Ray Arden and Leon. We went to the club, we met Quinton King there, he had a gun, and Arden asked to hold it while we passed out some party flyers.

We got into a argument, Arden shot at the ground then gave Quinton King the gun, Quinton King shot the football player and got in the car with Arden. They left after I left.

He then paid me not to tell on him that's why I didn't tell everything the first time.

WITNESS SIGNATURE:

Allante Moseley

TIME AND DATE:

1347

4-25-12

CASE NUMBER:

7604

OFFICER SIGNATURE:

Dennis Mitchell

Anton i know we havent talked in
a while but there lying on me,
Tell your lawyer to come visit me
so i can write a signed statement
saying the prosecutor bribed me
to write that statement they have
please dont be mad because i heard
yall was saying i did it.

just tell your lawyer to come
visit me so i can get that
statement they have thrown out,
I going to write a new one
saying they told me if i said
yall did it that i would go home.
Im going to write a new
statement say i was never
at the shooting scene and i made
it all up to go home.

Im trying to save you here.
help me help you.

Write me back

06/25/12

Anton tell your lawyer to come
visit me so i can clear the first
Statement with another one by
saying they bribed me to write
that Statement, they told me
they would let me go home
if i said that you did it.
but if your lawyer can prove
they bribed me the statement
will get thrown out.

My info is Allante Moseley
2011029782

Write me back
Im in the old county jail
unit 512.

07-19-12



WAYNE COUNTY SHERIFF'S OFFICE
WITNESS STATEMENT

WITNESS NAME: Allante Moseley 201102978

OFFICER'S NAME RECEIVING STATEMENT: Cpl Ch. D. Degrains #1399

STATEMENT: I went to club early I seen Quinn King he had a gun. But I lied about him giving it to Anton Blevins, Anton was not there I lied to get him in trouble because I was mad at him. But im writing this statement to clear up my lies. Quinn King was the only person who touched that gun.

The people on this case name is Anton Blevins and Quinn King.

I hope I dont get in trouble for lying. But Anton had nothing to do with it.

I will testify that Quinn King had that gun.

My name is Allante Moseley and I witnessed Quinn shoot a boy at club early.

WITNESS SIGNATURE: Allante Moseley 201102978

DATE AND TIME: 8-3-12

CASE NUMBER: 14769-12

OFFICER'S SIGNATURE: Cpl Ch. D. Degrains

The only reason made up that false statement is because somebody snitched on me they charged me with first degree murder i got court on the 17th im trying to get it pushed back passed my outdate so i can go to court from the streets.

I told my uncle friend he is a sergant to put me on and clear old jail so i can talk to you.

I can get that ~~stat~~ statement threw out thats y i been writing you.

I just need you to tell a stop speaking on me. it have to be him if it aint you.

Starting when the police came to my house looking for me for murder 1, he give them my name. I wasnt trying to put you in that statement 2 but you wouldnt write me back so i figured you was snitching for that. y i put your name in it but all i have to say is i was lying on you because i was mad at you for a different reason.

08/00/12

Q6
What's good am, I wrote another Statement
to the judge and told him you didn't
have anything to do with it.

tell your lawyer to come visit me so i can
write any statement that he can have
in his documents. write me back so i
can see you got my letter.

1 envelope w/ 08/20/12 letter

Dam bro you not gonna write me back.
 I told you i thought yall niggas was
 switchin on me. So i made a statement.
 my statement can be thrown out
 if you tell your lawyer to visit me.
 so i can write another statement,
 write me back.

08/23/12

Man i moved off the rock because
 them niggas was about to jump me
 fuck what they told you. I
 fight that nigga p like 6 times
 then another nigga hit me i was
~~the~~ gone beat his ass but a
 another nigga was gonna jump in.
 I'm still gonna write that statement
 for you hopefully it hold up.
 write me back.

the statement is in here.

It will be better if you have a
 lawyer come and get a statement
 from me then they will believe it
 better. It will be his word against there
 instead of your word against there.

And they didnt charge me with
 the murder my lawyer got that
 quashed on Friday.

bye from me love

envelope marked 09/20/12.

Witness Statement

I Alvin Mosley did not get threatened or bribed to write this statement.

I did not witness any beatings on the scene of the crime.

I made that statement before because I was told or told, do not use that statement against him I lied.

~~X Alvin Mosley~~
witness statement.

in envelope marked 09/20/12

EXHIBIT 32

Witness contact information

- ☐ Walk-in to police facility
☒ Conveyed by a DPD member (Document on Witness Conveyance Form)
☐ In Field/At Scene

STATEMENT FORM

- ☐ WITNESS ☐ INTERROGATION
CASE PROGRESS

TROY
DEPARTMENT
POLICE

PAGE 1 of

FILE/CASE NO.

11-130

DISTRICT/COMMAND HOMICIDE		STATEMENT TAKEN BY Schaefer Station D. Thomas	
DATE 6/8/11	TIME STARTED 1030P	TIME ENDED	PLACE Schaefer Station
WITNESS Romello Mitchell		RACE / SEX / AGE B M 17	D.O.B. 1/1/93
SOC. SEC. NO.		RESIDENCE [REDACTED]	HGT. 5'8"
EMPLOYER		DEPARTMENT	WGT. 135
RESIDING WITH: Rubin Mitchell 8/1/51		CHILDREN/ SCHOOL:	PHONE BUS. RES. [REDACTED]
RELATIVES/FRIENDS: LARUE Mitchell		ADDRESS ?	BADGE NO. SHIFT
REVIEWING SUPERVISOR/NAME & RANK		SIGNATURE OF SUPERVISOR	DATE & TIME OF SUPERVISORY REVIEW

Q-What can you tell me ABOUT the fatal shooting At club envy on May 5, 2011?

A-I Don't know nothing about that

Q-Where were you at on that date?

A-I was probably at home I can't remember.

Q-What did you hear ABOUT the incident that took place?

A-I didn't hear anything.

Q-Do you know "Q" (Quintin King)?

A-No, he was already at the house when I got there.

Q-Is that your home?

A-No, I don't know who owns it I was going there to hang out with Drake.

Q-Who was inside of that house BESIDES

Romello Mitchell 6/8/11 10:50PM

CONTINUE:

Q - You AND Drake, Along with Quentin?

A - That it just us.

Q - Have you ever hung out w/ Drake AND "Q"?

A - Just with Drake the other guy I don't know, he was with Drake.

Q - Did you go with Drake or "Q" to pass out flyers for a birthday party?

A - I don't know nothing about passing out flyers. I NEVER PASSED OUT ANY FLYERS.

Q - Did you see "Q" with a gun today?

A - No

Q - Did you see Drake with a gun today?

A - No

Q - Does Drake carry a gun?

A - No

Q - Why did you run from the police officers?

A - Because I seen people running up to the house

Q - Is there anything else you want to add to this statement?

A - No

Ramell Mitchell 6/8/11 10:50pm

SIGNATURE OF PERSON PROVIDING STATEMENT / DATE AND TIME

DPD-103 (REV. 02/09)

EXHIBIT 33

Witness contact information

- ☐ Walk-in to police facility
☐ Conveyed by a DPD member (Document on Witness Conveyance Form)
☐ In Field/At Scene

STATEMENT FORM
☐ WITNESS ☐ INTERROGATION
CASE PROGRESS

FILE/CASE NO.
11/130

DISTRICT/COMMAND Schaefer Station / Homicide							
DATE June 9, 2011	TIME STARTED 4:15PM	TIME ENDED 4:52P	PLACE Schaefer Station	STATEMENT TAKEN BY D/Sgt. Nance			
WITNESS aka Drizzy		RACE / SEX / AGE B/M/20		D.O.B. [REDACTED]	HGT 5-10	WGT 165	
SOC. SEC. NO. [REDACTED]		RESIDENCE [REDACTED]			PHONE BUS: [REDACTED] RES: [REDACTED]		
EMPLOYER N/A		DEPARTMENT			BADGE NO. [REDACTED] SHIFT [REDACTED]		
RESIDING WITH: Ciere Mitchell, F, 19 [REDACTED]		CHILDREN / SCHOOL: [REDACTED]					
RELATIVES / FRIENDS: Shahidda Williams, F, 36 Mother		ADDRESS [REDACTED]			PHONE [REDACTED]		
REVIEWING SUPERVISOR NAME & RANK: [REDACTED]		SIGNATURE OF SUPERVISOR: [REDACTED]		DATE & TIME OF SUPERVISORY REVIEW: [REDACTED]			

Q. What were doing at the house on Burnside yesterday when you were taken into custody?

A. Going to buy some weed. D.D.W

Q. Who runs the house on Burnside?

A. Tay. D.D.W

Q. What is Tay's real name?

A. I don't know. D.D.W

Q. Who did you go to the house with?

A. Romello Mitchell. D.D.W

Q. Who was the fourth guy in the house?

A. Tay was calling him First 48. D.D.W

Q. Do you know his real name?

A. No. D.D.W

Q. What does First 48 mean?

A. He was hot, I knew he did something. D.D.W

Q. What conversation did you have with the guy you refer to as First 48?

A. None. D.D.W

NA Q. What were Tay and the guy you refer to as First 48 talking about?

A. Dude wasn't really saying nothing but Tay kept saying Dude was hot. Dude is going to be on first 48 (the television show). D.D.W

Q. Where did Dude say he was from?

A. Dude said he came from the barbershop on Linwood and he seen the hook (police). Dude was talking to Tay. D.D.W

Q. What else did you hear Tay and Dude talking about?

A. Dude was sitting on the sofa. He got up and said he about to get up out of here and get out of town (spontaneous comment). D.D.W

*Dude and person Tay refers to as First 48 are the same person. D.D.W

Q. Have you ever seen Dude before?

A. No. D.D.W

Drake Dash Williams 6/9/2011

Q. Does Dude know know you?

A. No. D.D.W

Q. What information do you know about the shooting of the Wayne State College student in downtown Detroit?

A. Nothing, I just heard about it. D.D.W

Q. Have you seen any of Dude's associates/friends?

A. Tay D.D.W

Q. Did you read the first question and answer out loud?

A. Yes. D.D.WDuke Dodson-Williams 6/09/2011

EXHIBIT 34

2010 WL 1779898

Only the Westlaw citation is currently available.

UNPUBLISHED OPINION. CHECK
COURT RULES BEFORE CITING.

UNPUBLISHED
Court of Appeals of Michigan.

PEOPLE of the State of
Michigan, Plaintiff-Appellant,

v.

Michael Ralph GEORGE, Defendant-Appellee.

Docket No. 288032.

|
May 4, 2010.

Macomb Circuit Court; LC No.2007-004766-FC.

Before: GLEICHER, P.J., and O'CONNELL and
WILDER, JJ.

Opinion

PER CURIAM.

*1 Following a jury trial, defendant was convicted of first-degree premeditated murder, MCL 750.316(1)(a), insurance fraud, MCL 500.4511(1), false pretenses over \$100, MCL 750.218, and possession of a firearm during the commission of a felony, MCL 750.227b. He was sentenced to life in prison for the murder conviction and concurrent prison terms of one to four years for the insurance fraud conviction, and one to five years for the false pretenses conviction, to be served consecutive to a two-year term of imprisonment for the felony-firearm conviction. The trial court subsequently granted defendant's motion for a new trial, concluding that a new trial was warranted because of misconduct by the prosecutor, newly discovered evidence, and to prevent a gross injustice. This Court originally denied plaintiff's application for leave to appeal, but our Supreme Court, in lieu of granting leave to appeal, remanded the case to this Court for consideration as on leave granted. *People v. George*, 483 Mich. 921, 762 N.W.2d 921 (2009). We affirm.

Defendant's convictions arise from the shooting death of his wife, Barbara George, on July 13, 1990, in the Clinton Township comic book store, Comics Book World,

which they both owned. The original police investigation in 1990 was discontinued without any charges having been brought. The investigation was reopened in late 2006, and defendant was later charged in August 2007 with first-degree murder and other offenses in connection with his wife's death. The prosecution's theory at trial was that defendant killed his wife because he was unhappy with their marriage and was involved with another woman. There was no direct evidence linking defendant to the crime. The prosecution's case principally relied on circumstantial evidence of defendant's conduct before and after the offense, and on the absence of evidence providing an alternative explanation for the victim's death. Defendant presented an alibi defense that he was at his mother's home at the time of the shooting and theorized that his wife was killed during a "robbery gone bad."

After defendant was convicted, he moved for a new trial on several different grounds. While that motion was pending, the prosecution discovered seven police tip sheets that apparently had become misplaced and were never previously provided to defendant. Relying on those tip sheets, defendant thereafter supplemented his motion to also request a new trial on the basis of newly discovered evidence. The trial court granted defendant's motion, concluding that defendant was entitled to a new trial because of several instances of prosecutorial misconduct, the newly discovered evidence, and to prevent what it believed would be an injustice because it would not have found defendant guilty beyond a reasonable doubt had it been the trier of fact.

This Court reviews a trial court's decision on a motion for a new trial for an abuse of discretion. *People v. Blackston*, 481 Mich. 451, 460, 751 N.W.2d 408 (2008). An abuse of discretion occurs when the trial court's "decision falls outside the principled range of outcomes." *Id.* Although the trial court based its decision to grant defendant a new trial on several different grounds, we only address the trial court's ruling based on the newly discovered evidence, which, by itself, supports the trial court's decision.

*2 A new trial may be granted on the basis of newly discovered evidence. MCR 6.508(D). To obtain a new trial on such grounds, the defendant must show that "(1) 'the evidence itself, not merely its materiality, was newly discovered'; (2) 'the newly discovered evidence was not cumulative'; (3) 'the party could not, using reasonable

diligence, have discovered and produced the evidence at trial'; and (4) the new evidence makes a different result probable on retrial." *People v. Cress*, 468 Mich. 678, 692, 664 N.W.2d 174 (2003), quoting *People v. Johnson*, 451 Mich. 115, 118 n. 6, 545 N.W.2d 637 (1996). The only prong of this test that is reasonably in dispute is the last one.¹

The newly discovered evidence in this case consists of seven police tip sheets, three of which the trial court determined were significant enough to entitle defendant to a new trial. The first tip sheet documented Sergeant Donald Steckman's receipt of a telephone call from an unidentified person who called to report information about the case at 10:55 a.m. on July 14, 1990. Sergeant Steckman wrote, in pertinent part:

[The caller] stated that his son wanted a special hockey [sic] card and was bugging him when he got home from work to find out if Comic World had it. The caller states he called there at approx 1755 hrs (just before 6:00 pm) and a male voice answered the phone "HELLO" at which time caller asked if they had this card, and the male on the other end said "NO" and hung up the phone.

Informant states that he thought this was aa [sic] strange [sic] way to answer the phone and handle a customer.

Sergeant Steckman was the officer in charge of the investigation in 1990. Although plaintiff argues that the unidentified caller's statements are inadmissible hearsay, this evidence would have been significant for its impeachment value. The time of the call was critical because the evidence established that the victim was killed shortly after 6:00 p.m. There were numerous gaps in the 1990 investigation. In particular, the police did not confirm what time Michael Renaud's or Renee Balsick's calls came into the store on the afternoon of the offense, and defendant's mother's neighborhood was never canvassed to confirm or dispel defendant's alibi. Evidence that an unknown male's voice answered the telephone in the store shortly before the victim was killed, and answered it in a way that struck the caller as unprofessional, coupled with evidence that there was no attempt to identify the caller, could have raised questions about the adequacy and credibility of the original 1990 police investigation, upon which the more recent investigation was based.

The second tip sheet indicated that a telephone call was received on July 24, 1990, from an identified person who reported that she had spoken to a magazine owner or manager who told her that a "kid" had sold him a box of vintage comic books on July 22, 1990, in Harrisville, Michigan. The seller asked for \$20 for the whole box, but the ultimate buyer inspected the contents of the box and discovered that the comic books inside were very valuable, with one being worth \$385. The sale was made nine days after the offense. A significant portion of the prosecution's case was devoted to discrediting defendant's theory that his wife was killed during a robbery at the store in which comic books were stolen. The prosecutor argued that there was no credible evidence that any robbery was committed, or that any comic books were stolen. At a minimum, this new evidence could have significantly aided defendant in countering the prosecution's claim and theory that there was "no robbery anywhere" and "certainly not in defendant's store." In addition, the fact that apparently nothing was done to follow up this tip in 1990, and again during the reinvestigation beginning in 2006, would have further enabled defendant to question the adequacy of the police investigation.

*3 The third tip sheet, dated July 29, 1990, contained information from an identified person, Pat Flannery, with the Wayne County Sheriff's Department, Trustee's Services, who reported that a woman with whom he lived, Rita Prog, had previously been married to a man named Marshall David Prog. Flannery believed that Marshall may have been involved in the victim's death. Flannery stated that the Progs were friends and business acquaintances of defendant and his wife, and that Marshall, who lived in Florida, came to Michigan on July 10 or 11, 1990, asking Rita for \$500. Rita would not give him the money. According to Flannery, Marshall was a drug addict who frequently dealt in sports cards and coins. Flannery claimed Marshall had boasted that (1) he purchased coins with stolen checks, for which he did not get caught; and (2) years earlier he had been involved in a homicide and "did not tak[e] the rap." Flannery told the police that Marshall left Michigan on July 18, 1990, to return to Florida and that, despite having arrived in Michigan with nothing, he had a large sum of money with him when he left. This information suggested an alternative suspect who had ties to defendant and his wife, with a motive to commit a robbery. The failure to follow-up on this tip could have further called into question the adequacy of the 1990 police investigation and the

credibility and reliability of the evidence that stemmed from it.

In evaluating whether the newly discovered tip sheets could make a different result probable on retrial, we note the importance of the fact that the case against defendant was entirely circumstantial, and that most of the witness testimony was based on 18-year-old memories that often was inconsistent and frequently conflicted. In addition, much of the prosecution's case was focused on discrediting any suggestion that the victim was killed during a robbery. The prosecution maintained that there was no evidence that any robbery was ever committed, or that any comic books were taken. The information in the tip sheets could have significantly aided defendant in refuting this contention. As the trial court observed:

The newly discovered evidence could serve to create new suspects, could serve to impeach witnesses' testimony, and render all the other evidence less than enough to convict beyond a reasonable doubt.

* * *

This evidence unquestionably raises doubt as to whether defendant should have been the only suspect, and further emphasizes inadequacy of the investigation both initiatively and when the case was reopened.

Taking into account these factors, we conclude that the trial court, who had a superior opportunity to evaluate the weight and strength of the evidence, had a principled basis for finding that the collective effect of the newly discovered tip sheets would make a different result probable on retrial. Therefore, the trial court did not abuse its discretion in granting defendant's motion for a new trial on this basis.

***4** Having concluded that the trial court did not abuse its discretion in granting a new trial on the basis of newly discovered evidence, it is unnecessary for us to address the trial court's finding that prosecutorial misconduct supported its determination to grant defendant a new trial. We do, however, take this opportunity to address the trial court's determination that it could properly grant a new trial to prevent what it believed would be an injustice.

Relying on *People v. Johnson*, 391 Mich. 834, 218 N.W.2d 378 (1974) (*Johnson II*) and MCL 770. 1, the trial court accepted defendant's argument that it could properly

grant a new trial if it would not have found defendant guilty beyond a reasonable doubt had it been the trier of fact. The court determined that this concept was viable as long as it adhered to the prohibition against making credibility determinations, in keeping with *People v. Lemmon*, 456 Mich. 625, 576 N.W.2d 129 (1998).

In *Johnson II*, 391 Mich. at 384, 217 N.W.2d 37, our Supreme Court upheld a trial court's decision to grant the defendants a new trial. The trial court in that case had stated, "I don't hesitate to say that had I tried this case without a jury I could not, consistent with my oath as a judge, have concluded that either one of these defendants was guilty beyond a reasonable doubt." *People v. Johnson*, 52 Mich.App. 385, 388, 217 N.W.2d 417 (1974) (*Johnson I*). The trial court decided that it was justified in substituting its judgment for that of the jury because justice had not been done. *Id.* at 389, 217 N.W.2d 417. Through subsequent appeals, the Supreme Court reaffirmed its decision in *Johnson II*. *People v. Johnson*, 397 Mich. 686, 687-688, 246 N.W.2d 836 (1976) (*Johnson III*).

In *Lemmon*, however, our Supreme Court more recently stated, "Today we clarify that a judge may not repudiate a jury verdict on the ground that 'he disbelieves the testimony of witnesses for the prevailing party.'" *Lemmon*, 456 Mich. at 636, 576 N.W.2d 129, quoting *Johnson III*, 397 Mich. at 687, 246 N.W.2d 836. We conclude that *Johnson II* cannot be reconciled with our Supreme Court's more recent pronouncement in *Lemmon*, which now sets forth the standard for a trial court to apply when considering a motion for a new trial. When a trial court views evidence as it would have in a bench trial, except for credibility determinations, it is essentially weighing the evidence. The *Lemmon* Court provides specific guidelines for a court to consider in determining whether manifest injustice has occurred such that there is concern that an innocent person was convicted; the trial court's analysis should focus on the great or overwhelming weight of the evidence. *Lemmon*, 456 Mich. at 644-645, 576 N.W.2d 129.

The trial court here failed to evaluate defendant's claim in accordance with those guidelines, and erred in relying on the former standard in *Johnson II*, which is no longer controlling. As previously explained, however, the trial court did not abuse its discretion in determining that defendant was entitled to a new trial on the basis of

newly discovered evidence. Accordingly, we affirm the trial court's decision.

All Citations

***5** Affirmed.

Not Reported in N.W.2d, 2010 WL 1779898

Footnotes

- 1** We disagree with plaintiff's argument that because the prosecutor and the police investigators had prior knowledge of the police tip sheets, and merely inadvertently failed to disclose them to defendant before trial, they cannot be considered newly discovered evidence. Plaintiff does not dispute that the tip sheets were unknown to defendant, the party seeking a new trial, nor does plaintiff contend that defendant, using reasonable diligence, could have discovered and produced the evidence at trial. Thus, as to defendant, the tip sheets were "newly discovered."

End of Document

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EXHIBIT 35

SENTENCING INFORMATION REPORT

Offender: Mosley, Atlanta SSN: [REDACTED] Workload: 1936 Docket Number: 11003506-01-FH
Judge: The Honorable David J Allen Bar No.: P48962 Circuit No.: 03 County: 82

Conviction Information

Conviction PACC: <u>750.227</u>	Offense Title: <u>Weapons - Carrying Concealed (Attempt)</u>
Crime Group: <u>Public Safety</u>	Offense Date: <u>03/12/2011</u>
Crime Class: <u>Class H</u>	Conviction Count: <u>1</u> of <u>1</u>
Statutory Max: <u>30</u>	Habitual: <u>No</u>
	Attempted: <u>Yes</u>

Prior Record Variable Score

PRV1: 25 PRV2: 5 PRV3: 0 PRV4: 2 PRV5: 5 PRV6: 10 PRV7: 0

Total PRV: 47

PRV Level: D

Offense Variable:

OV1: 0 OV3: 0 OV4: 0 OV9: 0 OV10: 0 OV12: 0 OV13: 0
OV14: 0 OV16: 0 OV18: 0 OV19: 0 OV20: 0

Total OV: 0
OV Level: 1

Sentencing Guideline Range

Guideline Minimum Range : 0 to 9

Minimum Sentence

	Months	Life
Probation:		☒
Jail:		☐
Prison:		☐

Sentence Date: 01/10/2012

Guideline Departure: _____ Consecutive Sentence: _____

Concurrent Sentence: Yes

Sentencing Judge: _____ Date: _____

Prepared By: ALLEY, MALINA

MICHIGAN DEPARTMENT OF CORRECTIONS
PRESENTENCE INVESTIGATION REPORT

Prosecutor Copy

CFJ-145

Rev. 11/09

Honorable: David J Allen

County: Wayne County

Sentence Date: 01/10/2012

MDOC Nbr.: 722427

Attorney: Clifford Woodards

Appointed/Retained: Appointed

Defendant: Moseley, Atlanta

Age: 20

D.O.B.: [REDACTED]

CURRENT CONVICTION(S)

Final Charge(s)	Max			Jail Credit Days	Bond	Convicted By	Conviction Date
	Yrs	Mo.	Days				
Charge(1): 750.227 (A) Weapons - Carrying 110C3506-01-FH Concealed (Attempt)	2	8		35	N/A	Plea	05/03/2011

SOR Required: ☒ N

Date SOR Completed: N/A

Plea Agreement: Agree to guideline sentence 0-9 (prior CCW). Probation with 6 months WCJ and keep HYTA: No
HYTA on old case

Pending Charges: N/A

Where: N/A

Status at Time of Offense: Probation/HYTA

PRIOR RECORD

Conviction: Felonies: 0

Misdemeanors: 1

Juvenile Record: Yes

Probation: Active: Yes

Former: Yes

Pending Violation: Yes

Parole: Active: No

Former: No

Pending Violation: No

Current Michigan Prisoner: No

Currently Under Sentence: Yes

Sentence Date	Offense	County/State	Sentence	Min.	Max.
05/21/2010	Weapons - Carrying Concealed	Wayne County	Probation		2y
05/21/2010	Weapons - Carrying Concealed	Wayne County	Probation		6m
12/06/2011	Att. Burglary 2nd Degree	Franklin/Kentucky	Suspended sentence		2 yrs.

PERSONAL HISTORY

Where Employed: Unemployed

Education: Ninth Grade

Psychiatric History: Yes

Physical Handicaps: No

Marital Status: Single

Substance Abuse History: Yes

What	How Long
THC (Marijuana, Hashish, etc.)	2006 to 2006

Investigating Agent: MALINA ALLEY

Caseload No.: 1935

Date: 01/03/2012

Worksite: Wayne/Detroit Court Serv./Probation

Phone No: [REDACTED]

MICHIGAN DEPARTMENT OF CORRECTIONS
PRESENTENCE INVESTIGATION REPORT

CFJ-145

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DEPARTMENT OF CORRECTIONS RECOMMENDATION

Jail Credit:

DOCKET NO. 11003506-01-FH			
Date(s)	Action	Sentence Details	Days
03/12/11-03/17/11	Arrest	Posted bond	6
04/06/11	Capias arrest	Posted bond	1
12/12/11-01/10/12	Capias arrest	Remanded	29
Total Days Jail Credit			36

It is respectfully recommended the defendant be sentenced to Probation for a period of 2 years, subject to the following special conditions:

1. (02.2) You must comply with the requirements of drug testing directed by the field agent. You must not attempt to submit any fraudulent or adulterated samples for testing. You must not hinder, obstruct, tamper, or otherwise interfere with the testing procedures. You must present proper identification at the time of testing.
2. (03.1) You must participate in an adult education or GED program as directed by the field agent.
3. (03.2) You must complete a psychological evaluation when you are referred by the field agent.
4. (03.3) You must complete mental health, domestic violence/batterer intervention or other recommended treatment following assessment by a qualified community-based service provider.
5. (04.7) You must not have verbal, written, electronic, or physical contact with anyone you know to be a member of a gang and you must not be involved in any gang related activities.
6. (06.4) You must make genuine efforts to find and maintain legitimate employment of a minimum of 30 hours per week, unless engaged in an alternative program approved by the field agent. You must provide ongoing verification of employment or alternative program to the field agent. You shall not give reason to be terminated or voluntarily terminate your employment or alternative program, unless you first obtain written permission from the field agent.
7. (08.0) You must serve jail time as follows: 6 months Wayne County Jail, with credit for 36 days served.
8. (08.18) You must pay \$68.00 State Cost as ordered by the Court.
9. (08.2) You must pay a crime victim's assessment in the amount of \$130.00 as ordered by the Court.
10. (08.3) You must pay a supervision fee of \$240.00 as ordered by the Court.
11. (08.4) You must pay court costs of \$600.00 as ordered by the Court.
12. (08.6) You must pay attorney fees of \$400.00 as ordered by the Court.

Supervisor: NINA GORDON

Date: 01/03/2012

Michigan Department of Corrections
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Evaluation and Plan

Attached hereto and made a part thereof is a Pre-Sentence Investigation Report dated 03/10/09 for the Honorable David J. Allen, Wayne County 3rd Circuit Court. Any additions or corrections are contained herein.

Appearing before the Court for sentencing on the conviction of Attempt Carrying a Concealed Weapon is Allante Dale Moseley, date of birth [REDACTED]. The information in this report was obtained from the defendant during an interview on 12/19/11, at the Wayne County Jail.

The defendant is a 20 year old, single male. He has been a member of the Bloods since his early teenage years and bears tattoos of his involvement. The defendant was born and raised in Detroit, Michigan but has ties to Georgia, Kentucky, and Ohio. The defendant was so involved in gang activity that he had to leave the state for fear he would be killed. He recently suffered the loss of his best friend, who was also a gang member, and is considering moving to Atlanta, Georgia where his mother resides.

The defendant is not employed and has a ninth grade education. His goals include earning a GED and attending college for Linguistics or Business Management. Contact was made with his mother, [REDACTED] on 12/27/11. She believes these are reasonable goals for the defendant and will assist him should he move with her. In the meantime, the defendant reported that he would reside with his maternal grandmother on Griggs Street in Detroit but his grandmother will not allow him to return because she is ill and he is "hard-headed". She feels he wants her to "mind him" as opposed to him "minding" her. The defendant can reside with his father, [REDACTED] who resides at [REDACTED] in Detroit.

The defendant's criminal history consists of seven juvenile petitions for criminal behavior and five for status offenses. He was placed on juvenile probation once and committed for three petitions. Wardship terminated in 2008. As an adult, the defendant has served HYTA probation twice. The first time was in 2009 for Home Invasion 2nd Degree. He completed SAI as well and despite a violation for new criminal activity, probation was closed under HYTA in 2010. The second case was for Carrying a Concealed Weapon. He was placed on HYTA probation in 2010 and sentenced to the first six months at the Thumb Correctional Facility. He pled guilty to violating probation and re-sentencing is scheduled for 01/10/12.

The defendant was residing in Kentucky in the Fall of 2011. He was attending a bible study program on the campus of Kentucky State University and compensated for assisting the facilitator(s). He was arrested in November of 2011 for Burglary 2nd Degree. He pled guilty to Attempt Burglary 2nd Degree on 12/06/11 and sentenced to six months jail. The jail sentence was suspended for two years of no criminal activity. As of this writing, the defendant has not been assigned a probation officer in Kentucky.

The instant offense occurred in March of 2011, prior to the defendant moving to Kentucky. He capiased twice, once from 04/01/11-04/06/11 and again from 07/13/11-12/13/11. The defendant's Sentencing Guidelines are 0

**Michigan Department of Corrections
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to 9 months making him ineligible for P.A. 511. Due to the low guidelines and a prior SAI sentence, he is not eligible for SAI again. There is an agreement for probation with the first six months in the Wayne County Jail. Therefore, the Michigan Department of Corrections respectfully recommends the defendant serve a two year term of probation, with the special conditions as outlined in the face sheet of this report.

Restitution is not applicable.

Agent's Description of the Offense

According to the Felony Information Report dated 03/13/11, the defendant did carry a handgun, concealed on or about his person, while at or near 8180 House Street in Detroit, Michigan.

The defendant was charged with Carrying a Concealed Weapon. He pled guilty to Attempt Carrying a Concealed Weapon on 05/03/11 and sentencing is scheduled for 01/10/12.

Consecutive Sentences

The Wayne County Prosecutor's Office has not submitted a statement regarding consecutive sentencing in this matter.

Victim's Impact Statement

Not applicable.

Defendant's Description of the Offense

"I would have came back to court but I got caught up with another case. My best friend got killed."

/s/ Allante Moseley

Criminal Justice

Juvenile History:

NO. 1 OF 10

Offense Date:	10/03/2001
Petition Date:	10/03/2001
Petitioning Agency:	Detroit Police Department
Charge(s) at Petition:	School Truancy
Court of Jurisdiction:	Wayne County Juvenile Court, Pet. #99-88172
Final Charges:	School Truancy (Status)

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Adjudication Date/Method:	02/06/2002 / Plea
Sentence/Disposition:	Detroit JAC S.A.F.E.T.Y Program
Sentence/Disposition Date:	03/18/2002
Attorney Present:	Yes
Discharge Date:	03/18/2002
Notes:	Satisfactory adjustment

NO. 2 OF 10

Offense Date:	02/02/2003
Petition Date:	02/03/2003
Petitioning Agency:	Detroit Police Department
Charge(s) at Petition:	Domestic Violence
Court of Jurisdiction:	Wayne County Juvenile Court, Pet# 03002259
Final Charges:	N/A
Adjudication Date/Method:	N/A
Sentence/Disposition:	Dismissed (Petition Denied)
Sentence/Disposition Date:	02/03/2003
Attorney Present:	Yes
Discharge Date:	N/A
Notes:	

NO. 3 OF 10

Offense Date:	02/07/2005
Petition Date:	02/07/2005
Petitioning Agency:	Detroit Police Department
Charge(s) at Petition:	Disturbing the Peace
Court of Jurisdiction:	Wayne County Juvenile Court, Pet# 05002993
Final Charges:	Disturbing the Peace (Misdemeanor)
Adjudication Date/Method:	02/15/2005 / Plea
Sentence/Disposition:	Detroit JAC S.A.F.E.T.Y Program
Sentence/Disposition Date:	04/15/2005
Attorney Present:	Yes
Discharge Date:	04/15/2005
Notes:	Satisfactory adjustment.

NO. 4 OF 10

Offense Date:	02/17/2005
Petition Date:	02/14/2006
Petitioning Agency:	Detroit Police Department
Charge(s) at Petition:	Disturbing the Peace
Court of Jurisdiction:	Wayne County Juvenile Court, Pet# 05017108
Final Charges:	N/A
Adjudication Date/Method:	N/A
Sentence/Disposition:	Dismissed Without Prejudice
Sentence/Disposition Date:	03/29/2006
Attorney Present:	Yes

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Discharge Date:	N/A
Notes:	

NO. 5 OF 10

Offense Date:	04/12/2005
Petition Date:	04/12/2005
Petitioning Agency:	Parents
Charge(s) at Petition:	Incorrigible
Court of Jurisdiction:	Wayne County Juvenile Court, Pet. #05-7682
Final Charges:	Incorrigible (status)
Adjudication Date/Method:	04/12/2005 / Plea
Sentence/Disposition:	Placed with Department of Community Justice
Sentence/Disposition Date:	08/26/2005
Attorney Present:	Yes
Discharge Date:	06/19/2008
Notes:	Probation violation 11/04/05 (pet. #05-23711) and committed 12/19/05 Wardship terminated 06/19/08.

NO. 6 OF 10

Offense Date:	04/27/2005
Petition Date:	04/27/2005
Petitioning Agency:	Detroit Police Department
Charge(s) at Petition:	Disturbing the Peace
Court of Jurisdiction:	Wayne County Juvenile Court, Pet# 05018481
Final Charges:	Disturbing the Peace (Mischemeanor)
Adjudication Date/Method:	10/06/2005 / Plea
Sentence/Disposition:	Detroit JAC S.A.F.E.T.Y Program
Sentence/Disposition Date:	10/06/2005
Attorney Present:	Yes
Discharge Date:	10/06/2005
Notes:	Satisfactory adjustment.

NO. 7 OF 10

Offense Date:	11/04/2005
Petition Date:	11/04/2005
Petitioning Agency:	Juvenile Probation Department
Charge(s) at Petition:	Truancy School; Violation Probation; Curfew U/16
Court of Jurisdiction:	Wayne County Juvenile Court, Pet #05-23711
Final Charges:	Truancy School (Status); Violation Probation; Curfew U/16 (Status)
Adjudication Date/Method:	11/04/2005 / Plea
Sentence/Disposition:	Placement with Community Justice
Sentence/Disposition Date:	12/19/2005
Attorney Present:	Yes
Discharge Date:	06/19/2008
Notes:	

NO. 8 OF 10

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Offense Date:	02/09/2007
Petition Date:	02/09/2007
Petitioning Agency:	Detroit Police Department
Charge(s) at Petition:	UDAA
Court of Jurisdiction:	Wayne County Juvenile Court, Pet# 07003410
Final Charges:	UDAA (Property E)
Adjudication Date/Method:	02/13/2007 / Plea
Sentence/Disposition:	Placement with Community Justice
Sentence/Disposition Date:	04/17/2007
Attorney Present:	Unknown
Discharge Date:	06/19/2008
Notes:	

NO. 9 OF 10

Offense Date:	06/18/2008
Petition Date:	07/08/2008
Petitioning Agency:	Detroit Police Department
Charge(s) at Petition:	Weapons - Carrying Concealed
Court of Jurisdiction:	Wayne County Juvenile Court, Pet# 08011635
Final Charges:	N/A
Adjudication Date/Method:	N/A
Sentence/Disposition:	Dismissed
Sentence/Disposition Date:	08/04/2008
Attorney Present:	Yes
Discharge Date:	N/A
Notes:	

NO. 10 OF 10

Offense Date:	08/30/2008
Petition Date:	09/04/2008
Petitioning Agency:	Detroit Police Department
Charge(s) at Petition:	Felonious Assault
Court of Jurisdiction:	Wayne County Juvenile Court, Pet# 08015228
Final Charges:	N/A
Adjudication Date/Method:	09/04/2008
Sentence/Disposition:	Dismissed (Petition Denied)
Sentence/Disposition Date:	09/04/2008
Attorney Present:	Yes
Discharge Date:	N/A
Notes:	

Adult History:

NO. 1 OF 6

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Offense Date:	09/19/2008
Status at Time of Offense:	None
Arrest Date:	09/19/2008
Arresting Agency:	Southfield Police Department
Charge(s) at Arrest:	Disturbing the Peace
Court of Jurisdiction:	46th District Court, Dkt# 08-S-887939A
Final Charges:	NA
Conviction Date/Method:	N/A
Sentence/Disposition:	Dismissed
Sentence Date:	09/30/2008
Attorney Present:	Yes
Discharge Date:	N/A
Notes:	

NO. 2 OF 6

Offense Date:	10/21/2008
Status at Time of Offense:	None
Arrest Date:	10/31/2008
Arresting Agency:	Detroit Police Department
Charge(s) at Arrest:	A WIM 2 Counts
Court of Jurisdiction:	36th District Court, Dkt# 08066654-01
Final Charges:	NA
Conviction Date/Method:	12/05/2008
Sentence/Disposition:	Dismissed, No probable cause
Sentence Date:	12/05/2008
Attorney Present:	Yes
Discharge Date:	N/A
Notes:	

NO. 3 OF 6

Offense Date:	01/13/2009
Status at Time of Offense:	None
Arrest Date:	01/13/2009
Arresting Agency:	Detroit Police Department
Charge(s) at Arrest:	Home Invasion 2nd Degree
Court of Jurisdiction:	3rd Judicial Circuit Court, Dkt. #09003326-03-FH
Final Charges:	Home Invasion 2nd Degree (Person C)
Conviction Date/Method:	02/27/2009 / HYTA
Sentence/Disposition:	2 years HYTA probation w/SAI
Sentence Date:	03/16/2009
Attorney Present:	Yes
Discharge Date:	05/21/2010
Notes:	Completed SAI 03/16/09-04/03/09. VOP for new criminal activity 05/21/10, resentenced to 9 mos. WCJ, w/83 days credit under HYTA, and probation closed under HYTA.

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NO. 4 OF 6

Offense Date:	02/12/2009
Status at Time of Offense:	Probation
Arrest Date:	02/12/2009
Arresting Agency:	Detroit Police Department
Charge(s) at Arrest:	Weapons - Carrying Concealed
Court of Jurisdiction:	3rd Judicial Circuit Court, Dkt. #09031536-01-FH
Final Charges:	Weapons - Carrying Concealed (Public Safety/E)
Conviction Date/Method:	03/18/2010 / Plea
Sentence/Disposition:	2 years probation w/1st 6 mos. prison under HYTA w/2 days credit
Sentence Date:	05/21/2010
Attorney Present:	Yes
Discharge Date:	N/A
Notes:	VOP 12/13/11 and resentencing scheduled for 01/10/12.

NO. 5 OF 6

Offense Date:	03/12/2011
Status at Time of Offense:	Probation/HYTA
Arrest Date:	03/12/2011
Arresting Agency:	Detroit Police Department
Charge(s) at Arrest:	Weapons-Carrying Concealed
Court of Jurisdiction:	3rd Judicial Circuit Court, Dkt. #11005506-01-FH
Final Charges:	Att. Weapons-Carrying Concealed (Public Safety/II)
Conviction Date/Method:	05/03/2011 / Plea
Sentence/Disposition:	Instant Offense/Pending
Sentence Date:	01/10/2012
Attorney Present:	Yes
Discharge Date:	N/A
Notes:	Capiased 04/01/11-04/06/11 & 07/13/11-12/13/11.

NO. 6 OF 6

Offense Date:	11/20/2011
Status at Time of Offense:	Not Applicable
Arrest Date:	11/20/2011
Arresting Agency:	Frankfort Police Department
Charge(s) at Arrest:	Burglary 2nd Degree
Court of Jurisdiction:	Franklin County Court, Dkt. #11-M-01274
Final Charges:	Att. Burglary 2nd Degree (Misd.)
Conviction Date/Method:	12/06/2011 / Plea
Sentence/Disposition:	60 days jail suspended sentence for 24 months of no criminal activity.
Sentence Date:	12/06/2011
Attorney Present:	Yes
Discharge Date:	N/A
Notes:	Alias Used: Allante Dale Goodman Per Franklin County Probation Department, the defendant has not been assigned a probation officer.

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Personal Protection Order(s): None.

Gang Involvement:

Start Date	End Date	Gang Name	Gang Location	Gang Role	Gang Rank/Status
2004	Present	Bloods	Atlanta, Georgia		

The defendant stated he is a member of the Bloods and associates with members in Detroit, Michigan and Atlanta, Georgia. He reports being a member of the gang since he was a teenager and being introduced to it by the neighborhood he grew up in. Mr. and Mrs. Moseley stated they did not raise the defendant to be involved in gangs but suspected he was. He would lie when they questioned him about it and his involvement became common knowledge around 17 or 18 years old.

The defendant goes by the name of "Tae" and has several tattoos about his body to represent his affiliation with the Bloods. He noted that the one tear drop on his right eye represents his best friend being killed and is filled with red to signify it was a friend and fellow gang member. The two tear drops on his left eye are not filled in with any color and represent witnessing the killing of two non-Blood members. The defendant described wars going on between the Bloods and other gangs and feels he may be a target of a rival gang.

Gang Marks, Scars, & Tattoos:

Tattoo Right Neck ("Blood Money"); Tattoo Left Lower Eye (2 tear drops); Tattoo Right Lower Eye (1 tear drop); Tattoo Left Neck ("A.G. Ruby")

Gang Names:

Tae

Family

The defendant noted that he has one additional brother, [REDACTED] date of birth [REDACTED]. He is serving a prison term under MDOC #739875 for Murder 2nd Degree, Felony Murder, Carjacking, Armed Robbery, two counts of Resist & Obstruct a Police Officer, Fleeing & Eluding a Police Officer 3rd Degree, and Felony Firearm. The defendant's father, [REDACTED] served prison terms in the 90's under MDOC #252535 for Felonious Assault and drugs.

Contact was made with [REDACTED] on 12/28/11. He expressed support for the defendant and stated he could reside with him at [REDACTED] Detroit, MI 48206. He was vaguely aware of the defendant's gang involvement and feels his behavior is more of a young adult making bad decisions. He feels community supervision will help reinforce values and morals the defendant was taught as a child.

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Marriage

The defendant has never been married and does not have any children. He is dating [REDACTED] of Southfield, Michigan. She is currently attending school in Ohio. The defendant did not have contact information for Ms. [REDACTED]

Health

The defendant reported being diagnosed with [REDACTED]. This was confirmed with Mrs. Moseley. She stated the defendant was prescribed Albuterol and Ritalin during elementary school but taken off the medication when he reached middle school. The doctor's wanted to see how he would do without the medication and quickly found that his behavior worsened. They tried various medications but the side effects, such as stomach pain and irregular heartbeat, were intolerable. The defendant never returned for treatment which his mother stated he is still in need of because his mood changes quickly.

Please see the attached Presentence Investigation Report for additional background information.

MA/NG/ab

EXHIBIT 36

**STATE OF MICHIGAN
WAYNE COUNTY CIRCUIT COURT
CRIMINAL DIVISION**

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

-vs-

Case # 12-01086

HON. DAVID ALLEN

ANTON BLEVINS,

Defendant.

Lisa Screen, APA
Wayne County Prosecutor's Office
1441 St. Antoine
Detroit, MI 48226
(313) 224-5777

Steven Fishman (P23049)
Attorney for Defendant Blevins
615 Griswold, Suite #1125
Detroit, MI 48226
(313) 962-4090

**MEMORANDUM OF LAW
REGARDING WITNESS ALLANTE MOSELEY**

STATEMENT OF FACTS

Anton Blevins is charged with first-degree murder, six counts of assault with intent to murder, and felony-firearm. The above charges arose out of an incident that occurred at approximately 11:50pm on May 5, 2011 in front of 234 Larned in the city of Detroit that resulted in the shooting death of Courtney Smith.

On or about February 1, 2012, defense counsel received information that an individual other than the civilian witnesses listed in the Investigator's Report may have been interviewed by the officer in charge (OIC) of the instant case. That same day, defense counsel sent an email to the prosecutor inquiring about the existence of any other civilian witnesses. The prosecutor replied that she had no knowledge of any other civilians who claimed to have been present at the scene of the shooting. There is no doubt in defense counsel's mind that the prosecutor's

statement was truthful and that she had no knowledge of the existence of another civilian witness at that time.

Later in the month of February, defense counsel learned that the name of the witness was Allante Moseley. Defense counsel further learned that Mr. Moseley had allegedly been interviewed at either the Wayne County Jail or some other holding facility after being arrested on an outstanding warrant. Defense counsel contacted the prosecutor and asked that she check again with the OIC to verify the information.

On March 1, the prosecutor emailed defense counsel, informing him that she again asked the OIC whether he had interviewed an individual in custody in connection with this case. She further indicated that the OIC told her that he had recorded an interview with Allante Moseley but that it had not been reduced to writing. She then made a copy of the DVD and provided it to defense counsel.¹

On March 7, 2012, defense counsel sent a confirming email to the prosecutor, indicating that neither of them would have know of the existence of the Allante Moseley interview had it not been for the information provided to defense counsel that prompted his inquiry about the witness. As the Court knows, all witness interviews have to be disclosed - - at least to the prosecutor - - and in all likelihood to the defense as well. Although there was some suggestion by the OIC that he had provided the Moseley DVD prior to her requesting it from him, defense counsel is confident that such is not the case. No prosecutor - - and certainly not this prosecutor - would have failed to turn over a witness statement in a homicide case, let alone a DVD of a fairly lengthy interview.²

In his lengthy interview with the OIC, Mr. Moseley claimed that co-Defendant Quintin

¹ The date of the interview was December 12, 2011, more than 2 ½ ^{months} before it was turned over to the prosecutor by the OIC.

² The OIC's failure to turn over the DVD to the prosecutor also may have violated Brady v Maryland, since there are statements made by Mr. Moseley during the interview that could be considered exculpatory to Mr. Blevins.

King initially had the pistol, that Mr. Blevins snatched the pistol from him and shot at the ground, and that Mr. King then snatched the pistol back from Mr. Blevins and started shooting. When asked by the OIC why people were saying that he did the shooting, Mr. Moseley responded the he "kind of looked like Q." Just prior to the end of the interview, the OIC told Mr. Moseley "you do look like him," "I ain't gonna lie," "I would think you all two were brothers." That sentiment was echoed by the second interrogating officer³, who stated that "someone could mistake you two."

On April 25, 2012, more than four months after his initial interview with the OIC, Mr. Moseley informed a psychologist at the Wayne County Jail that he had "some information" concerning a crime. He subsequently gave a written statement to Wayne County Sheriff's Deputy Denis Mitchell claiming that Mr. Blevins gave the gun to Mr. King before the shooting, and that Mr. King and Mr. Blevins left the area together. He also stated that "he" (presumably Mr. Blevins) paid him not to tell on him and "that's why I didn't tell everything the first time."

On August 3, 2012, Cpl. Chris DeGasperi went to Ward 606 in the Wayne County Jail where he was told by Mr. Moseley: "I need to confess to a murder." Mr. Moseley then signed a written statement which indicated that he saw Quintin King with a gun but that he "lied about him giving it to Anton Blevins." Mr. Moseley's statement further indicated that he lied about Mr. Blevins "to get him in trouble because [he] was mad at him." Mr. Moseley then indicated that he was "writing this statement to clear up [his] lies," that he "hoped [he] didn't get in trouble for lieing (sp.), but Anton had nothing to do with it."

Defense counsel has not been advised of any further statements made by Allante Mosely and presumes, therefore, that none have been made. Mr. Moseley remains in the Wayne County Jail serving the sentence imposed by this Court in January. The purpose of this memorandum is to provide the Court with the facts and the law with respect to the production of witnesses at trial.

³ On information and belief, the second officer works for the Bureau of Alcohol, Tobacco, and Firearms (ATF).

DISCUSSION

MCL 767.40(a) requires the prosecution to file a witness list in criminal cases. On April 23, 2012, in anticipation of a then-scheduled trial date, the prosecution complied with this requirement by filing a witness list that included the witness Allante Moseley. At that time, Mr. Moseley was safely ensconced in the Wayne County Jail and readily available to testify when required. Such will not be the case in January, 2013 when this case will now be tried.

Investigation has revealed that Allante Moseley was originally placed on Holmes Youthful Trainee status by this Court on May 21, 2010 (Case # 09-31536-FH). A warrant for violation of probation was subsequently issued by the Court on April 12, 2011. Mr. Moseley was arraigned on the probation violation on April 20, 2011 and released on personal bond. His violation hearing was adjourned twice (May 3, 2011 and June 9 2011) and was re-scheduled for July 13, 2011.

On July 13, 2011, Mr. Moseley failed to appear for the violation hearing and a capias was issued by the Court. On or about December 11, 2011, Mr. Moseley was arrested on the outstanding warrant.⁴ He was arraigned on the warrant on December 13, 2011, and remanded to the Wayne County Jail.

On January 10, 2012, Mr. Moseley pled guilty to probation violation and was sentenced to one year in the Wayne County Jail with credit for 36 days time served. On information and belief, after receiving credit for time served and good time, Mr. Moseley is scheduled to be released from the jail on October 5.

The prosecution is obligated to exercise due diligence to produce endorsed witnesses at trial. People v Eccles, 260 Mich App 379, 388 (2004). The test for due diligence is "whether good-faith efforts were made to procure the testimony of the witness, not whether increased efforts would have produced it." People v Watkins, 209 Mich App 1, 4 (1995). If a trial court

⁴ The phrase "on or about" is used because the OIC's interview of Mr. Moseley was conducted on December 11, and it appeared from the preliminary conversation between Mr. Moseley and the officers that he has been arrested shortly before the interview.

determines that the prosecution did not exercise due diligence in producing an endorsed witness, then the jury should be instructed with CJI2d 5.12, so "that it may infer that the missing witness's testimony would have been unfavorable to the prosecution's case." Eccles, supra at 388.

In the instant case, if the endorsed witness Allante Moseley does not appear for trial, and the Court finds that due diligence was not exercised by the prosecution, defense counsel will be requesting the following instruction: "Allante Moseley is a missing witness whose appearance was the responsibility of the prosecution. You may infer that this witness's testimony would have been unfavorable to the prosecution's case." CJI2d5.12.

In People v Perez, 469 Mich 415, at 420-21 (2003), the Supreme Court approved this instruction, holding that it "may be appropriate if a prosecutor fails to secure the presence at trial of a listed witness who has not been properly excused..." The Court went on to state that there also may be other occasions where the instruction is appropriate depending upon the specific facts of the case.

Respectfully submitted,


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Email: sfish66@yahoo.com

Dated: October 2, 2012

CERTIFICATE OF SERVICE

I certify that on September, 2012, I served a copy of the attached Memorandum of Law Regarding Witness Allante Moseley upon Lisa Screen, Assistant Wayne County Prosecutor, by email.


Steven Fishman (P23049)

EXHIBIT 37

**STATE OF MICHIGAN
WAYNE COUNTY CIRCUIT COURT
CRIMINAL DIVISION**

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

-vs-

Case # 12-01086

HON. TIMOTHY KENNY

ANTON BLEVINS,

Defendant.

Michael Reynolds, APA
Wayne County Prosecutor's Office
1441 St. Antoine
Detroit, MI 48226
(313) 224-5777

Steven Fishman (P23049)
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(313) 962-4090

**SUPPLEMENTAL MEMORANDUM OF LAW
REGARDING ALLANTE MOSELEY**

STATEMENT OF FACTS

Anton Blevins and Quintin King are charged with first-degree murder, six counts of assault with intent to murder, and felony-firearm. The above charges arose out of an incident that occurred at approximately 11:50pm on May 5, 2011 in front of 234 Larned in the city of Detroit that resulted in the shooting death of Courtney Smith. A jury trial is scheduled for February 12, 2013.

On October 2, 2012, defense counsel filed a memorandum regarding Allante Moseley, an endorsed prosecution witness. In that memorandum, defense counsel set forth the facts concerning Mr. Moseley's alleged connection to the Courtney Smith homicide, as well as a summary of certain statements made during interviews of Mr. Moseley by police officers. Defense counsel's memorandum included a proposed jury instruction that would be requested in

the event that Mr. Moseley did not appear at trial and the Court found that the prosecution did not exercise due diligence in producing him.¹

Recently, the prosecution filed an amended witness list which did not include Allante Moseley. Based on conversations and emails with the prosecutor, it is apparent that Mr. Moseley will not be testifying as a prosecution witness at trial. However, Derrick Thomas, the officer in charge of the case (OIC), is endorsed on the witness list and will be testifying at trial. Defense counsel intends to cross-examine the OIC with respect to certain things pertaining to Allante Moseley. The purpose of this supplemental memorandum is to inform the Court of the line of questioning that defense counsel will pursue with the OIC, and to seek the Court's guidance as to the admissibility of those questions and answers.²

DISCUSSION

In February, 2012, defense counsel learned of the existence of Allante Moseley as a potential witness and requested that all interviews with Mr. Moseley be provided to him. At some point in early March, 2012, the prosecutor provided defense counsel with a copy of a DVD of an interview of Mr. Moseley conducted by the OIC and another police officer.³

Toward the end of his lengthy interview with the OIC, the OIC asked Mr. Moseley why people were saying that he did the shooting. Mr. Moseley responded the he "kind of looked like Q (Quintin King)." Just prior to the end of the interview, as the police officers and Mr. Moseley were getting up from the table, the OIC told Mr. Moseley "you do look like him," "I ain't gonna lie," "I would think you all two were brothers." That sentiment was echoed by the second

¹ For purposes of this supplemental memorandum, Defendant Blevins adopts and incorporates by reference his original memorandum concerning Mr. Moseley.

² Given that the Court, the prosecutor, and defense counsel, have nearly 120 years of combined experience in the practice of law, it appears to be a good idea to hash out this issue outside the presence of the jury and before the trial begins.

³ The date of the interview was December 12, 2011, more than 2 ½ months before it was turned over to the prosecutor by the OIC.

interrogating officer⁴, who stated that “someone could mistake you two.”

On March 19, 2012, an evidentiary hearing was conducted to inquire into the numerous photographic lineup identification procedures utilized in the instant case. During that hearing, the OIC, when asked whether Mr. Moseley and Quintin King “favored each other,” stated that “...as far as looking at them both, Moseley has tattoos all over him, **so I would say no.**”⁵

Defense counsel intends to pursue the following specific lines of inquiry in his cross-examination of the OIC: (1) Whether Mr. Moseley was interviewed in connection with this case on December 12, 2011 and whether that interview was recorded on a DVD; (2) whether the OIC has had the opportunity to review the DVD to refresh his recollection of things he and his fellow officer may have said to Mr. Moseley during the interview; (3) whether he asked Mr. Moseley why people in the street were saying that Mr. Moseley did the shooting; (4) whether he told Mr. Moseley at the end of the interview that he [Mr. Moseley] did “look like him” [Quintin King], that he [the OIC] “ain’t gonna lie,” and that he [the OIC] “would think you all two [Mr. Moseley and Mr. King] were brothers;” (5) whether he heard the second officer state that “someone could mistake you two;”⁶ (6) why, in light of the statements made during the DVD interview, he testified at the evidentiary hearing that Mr. Moseley and Mr. King did not look alike; and (6) whether he ever conducted a photograph lineup or otherwise showed a photograph of Mr. Moseley to the civilian witnesses in the case.⁷

As the prosecution well knows, the defense contends that Allante Moseley was the person

⁴ On information and belief, the second officer works for the Bureau of Alcohol, Tobacco, and Firearms (ATF).

⁵ Evidentiary hearing transcript, pp 20-21

⁶ Defense counsel fully understands that the testimony from the OIC concerning what the other officer said is in all likelihood hearsay, and is prepared to request the presence of that officer to testify at trial in the event that the prosecution objects to the OIC recounting the other officer’s statement.

⁷ Defense counsel understands that statements made by Mr. Moseley during the interview are hearsay, and has no intention of asking the OIC to repeat anything said by Mr. Moseley

who shot Quintin King on the night of May 5, 2011, and that the civilian witnesses are mistaken in their identification of Mr. King as the shooter. The defense further contends that the OIC (and the second officer at the Moseley interview) know full well that Mr. Moseley and Mr. King look enough alike to be brothers. And finally, the defense contends that the failure to include a photograph of Mr. Moseley in any photographic array that was shown to the civilian witnesses casts significant doubt on the accuracy of their identifications in this case.

WHEREFORE, Defendant Blevins requests that this Court address the issues concerning Allante Moseley prior to the beginning of trial, and rule that defense counsel may inquire into the areas discussed in this supplemental memorandum.

Respectfully submitted,

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Email: sfish66@yahoo.com

Dated: February 6, 2013

CERTIFICATE OF SERVICE

I certify that on February 6, 2013, I served a copy of the attached Supplemental Memorandum of Law Regarding Allante Moseley upon Michael Reynolds, Assistant Wayne County Prosecutor, by email.

Steven Fishman (P23049)

EXHIBIT 38

A U D I O T R A N S C R I P T I O N

FILE: 1496430793_134

OPERATOR: For -- for -- please -- at the
beep, repeat the phrase: With Global Tel Link, my
voice is my password.

CALLER: With Global Tel Link, my voice is my
password.

OPERATOR: Your current balance is \$42.14.
Please -- please hold. Please wait while your call is
being connected.

Please hold. Hello. This is a prepaid debit
call from a prisoner at the Michigan Department of
Corrections, Kinross facility. If you feel you are
being victimized or extorted by this prisoner, please
contact GTL customer service at (855)466-2832. To
accept this call, press zero. To refuse this call --
this call is from a correction facility and is subject
to monitoring and recording. Thank you for using GTL.

CALLER: Yeah. How you doing?

RECIPIENT: Yes. Hello?

CALLER: Yeah. How you doing?

RECIPIENT: I'm fine. How are you?

CALLER: Well, I just had someone go down
there and speak with Corporal Degaspers (phonetic). So
that statement is real.

1 RECIPIENT: Yeah?

2 CALLER: The statement is real, and I just
3 had somebody come down to the office, but you're not at
4 the office.

5 RECIPIENT: No. I'll be at the office on, I
6 think, Monday.

7 CALLER: And then I had looked -- I looked
8 there was some things; on November 5th, we was asking
9 for all of these files on Alante Mosley. The only
10 thing they gave us was the presentence reports, and it
11 said, "The latter documents cannot be disclosed. They
12 are under protective order." So I want to know who --
13 who are they trying to hide these documents from? Just
14 me?

15 RECIPIENT: No. Are you -- first of all, I
16 don't know what you're talking about. Are you saying
17 that they did not give us the presentence report or
18 they did give us the presentence report?

19 CALLER: I'm saying that these statements
20 right here they didn't give it -- give them to us.

21 RECIPIENT: Oh, the statements -- which --
22 I'm sorry. Anton --

23 CALLER: These statements that you just sent
24 me.

25 RECIPIENT: Okay. But we did -- I thought we

1 got those.

2 CALLER: How did we get them and you just
3 told me that Fishermen said they was fake?

4 RECIPIENT: Yeah, but Fishman and I --
5 Fishman was trying to compare the signatures and -- of
6 the -- of the -- of processor, whatever his name is.

7 But I'm almost positive we got -- we had them
8 and that the reason -- and that, actually, we didn't
9 have them, I didn't have them, Fishman had them, and
10 Fishman told you that he couldn't use -- he wouldn't
11 use Mosley because Mosley was going to be impeached
12 with the two separate and opposite statements.

13 CALLER: So I don't understand. So did he
14 say that they were fake or he just said that --

15 RECIPIENT: No. Don't pay -- don't pay any
16 attention to that. Please don't pay any attention to
17 that, Anton. That's just going to make you paranoid.
18 It's going to make you upset. Just forget that I said
19 it. It's meaningless. It is absolutely meaningless
20 what I said okay?

21 CALLER: Now, how do I supposed to take that,
22 Liz? It just got sent --

23 RECIPIENT: I'm asking -- so I'm asking you
24 to take it the way it's said. Forgot that it was said.

25 CALLER: But you told me you'll go against

1 him if need be, if it had to be, because it seems like
2 it --

3 RECIPIENT: (inaudible) I did. I did go
4 against him. I had him found -- I had him found
5 ineffective by at least one court of appeals judge.
6 Are you kidding?

7 CALLER: Yeah, but I'm saying now that we
8 have these statements, one minute you said this could
9 be a ball changer and then he said it could be fake and
10 then now I just found out it's real.

11 RECIPIENT: I don't -- Anton, Anton, I'm
12 telling you to forget that. You don't trust Fishman,
13 so don't pay any attention to what he said.

14 CALLER: Right.

15 RECIPIENT: Right?

16 CALLER: Right.

17 RECIPIENT: Okay. So forget it.

18 CALLER: So that's all I'm saying.

19 RECIPIENT: Now you --

20 CALLER: I know that his ass. This is newly
21 discovered evidence. This can get me a new trial.

22 RECIPIENT: Okay. So you'll -- I put it --
23 as I said to you, I put these statements in a file that
24 I have and it's called a 6500 motion and they're in a
25 file for you, everything that might help you if we lose

1 this appeal.

2 CALLER: So we're going to chance it on
3 losing it instead of putting it through to get a
4 remand?

5 RECIPIENT: Where do you want me to do a
6 remand? In the Michigan Supreme Court?

7 CALLER: I mean, why not?

8 RECIPIENT: We are so close to getting
9 this -- a decision from them.

10 CALLER: Do you know if the decision is going
11 to be a yay or nay? It's just going -- for sure --

12 RECIPIENT: I have no idea. I have no idea.
13 The only thing I can tell you is that I cannot work on
14 your case until after July 12th, and that is the
15 absolute God's honest truth. And nothing will be done
16 on your case until -- the only thing that I consider to
17 be -- that I consider to be an emergency is, like, when
18 that guy was going to show up. Then, of course, I make
19 time to be at my office because if someone's going to
20 not offer new evidence, I'm going to be there.

21 CALLER: Oh, so this isn't -- is this
22 considered new evidence or no?

23 RECIPIENT: Anton, you're fighting with me.

24 CALLER: No. I'm asking you a question
25 because I don't understand.

1 RECIPIENT: There is no -- I don't know
2 whether it's new evidence or not. I assumed that
3 Fishman had this all along. New evidence -- and you're
4 going to forgive me for using terminology that maybe I
5 shouldn't have used. Somebody called me on the phone,
6 and it might have been Ryan Hicks, but he said,
7 "There's a man here that says that he's got new
8 information about Anton that'll help them. Can I bring
9 him in to see you?"

10 Well, let me tell you something, Anton. If
11 somebody says that and they're willing to come in, I
12 will put aside what I'm doing because how do you know
13 if this guy's not going to back out or not? So I said,
14 "Sure. Bring him in. I'll make myself available
15 whenever he wants to do it." Well, in the end, he did
16 back out.

17 But as in terms of writing any kind of
18 motions for any court, nothing is happening on any case
19 other than the one case that I'm working on that I will
20 be through with on July 12th.

21 CALLER: Okay. Okay. Can I just -- can I
22 ask you -- but I want to know if this is newly
23 discovered evidence right here, these statements that
24 I've never seen before.

25 RECIPIENT: Well, if Fishman has them,

1 they're not new. If Fishman had them, they're not
2 newly discovered.

3 CALLER: They would be in the (inaudible).

4 RECIPIENT: So I --

5 CALLER: (inaudible) you know?

6 RECIPIENT: I will have to look at the file.
7 I can't look at the file right now. I'm not at my
8 office.

9 CALLER: No. I'm asking. If he didn't show
10 these to me, then that would be ineffective assistance
11 of counsel, right?

12 RECIPIENT: It might very well be ineffective
13 assistance of counsel.

14 CALLER: I never seen them. You even told
15 me, like, "You never seen this?" I said, "I know I
16 never seen it."

17 RECIPIENT: I think I've seen them before. I
18 think that we got them before, but I can't -- you know,
19 but I -- but, Anton, you and I can quarrel all day, but
20 it's not going to mean anything until I get back to the
21 office and look in your file.

22 CALLER: I'm just trying to understand, man,
23 because you just had me have my family go down here and
24 get -- try to figure out if it was real and all that
25 and then you tell me -- now you tell me you think you

1 might have them. You know what I'm saying? So it's,
2 like -- it's, like, a --

3 RECIPIENT: Anton, I didn't know what -- I
4 did not know what statements they were going to give
5 you.

6 CALLER: What you mean? You sent it to me.
7 You just sent the statements to me.

8 RECIPIENT: Somebody gave them -- they were
9 the ones that came over the Facebook. They're what
10 Ryan Hicks sent me. You're telling me --

11 CALLER: You never --

12 RECIPIENT: You're telling me that your
13 family went down and got those statements. I don't
14 know about those. I haven't seen them yet.

15 CALLER: The same shit -- the same stuff off
16 the Internet. That's what I'm talking about.

17 RECIPIENT: Well, then, there's your answer.
18 Look it, Anton, all you want to do is quarrel with me.
19 That's all you're doing is quarreling with me.

20 CALLER: No. All I want to do is come home.
21 I don't got time -- do you think I want to keep arguing
22 with you? I don't want to argue with you.

23 RECIPIENT: No. (Inaudible) you know. I
24 don't think you want out (inaudible).

25 CALLER: If that was the case, I wouldn't

1 even paid you no money. I wouldn't -- I wouldn't even
2 wanted to hire you if I didn't pay you -- I paid you to
3 get me out of here, not to argue with you. That's
4 not -- that's not the point that -- you know what I'm
5 saying? That's not what I want to do. I'm not having
6 fun in here arguing with you. This is not fun to me.

7 RECIPIENT: And I am not lying to you. I am
8 not trying to do anything bad to you. I have worked my
9 heart out for you. Right now, I am working for another
10 person, and if you will listen to me, you will hear the
11 words "4000-page transcript." Do you know what that
12 means? 4000 pages. Yours wasn't even anywhere near
13 that. I have to work on this man's case.

14 CALLER: I understand, Liz.

15 RECIPIENT: Yours does not have a due date.

16 CALLER: But you said -- you're telling
17 someone that in prison damn near for a life sentence
18 about somebody else that's going through this
19 circumstance. Do you think somebody that's going --
20 you know what I'm saying? Come on, now. Let's just be
21 logical here.

22 RECIPIENT: And I (inaudible) understand --
23 I'm asking you to understand that I'm working on
24 another person's case. You have no due date. There is
25 no emergency right now. You can wait until July 12th

1 when I'm through with this other case. What do you
2 want me to do? Turn aside and blow this man's appeal
3 because I can't get his brief in on time?

4 CALLER: No.

5 RECIPIENT: That's not fair to him. I can be
6 fair to both of you if you will understand that I'm not
7 working on your case until after July 12th.

8 CALLER: All right, Liz.

9 RECIPIENT: I suggest, Mr. Blevins, that you
10 look for another attorney. I cannot have this quarrel
11 with you. I cannot have you accusing me of not being a
12 good attorney. I mean, for God sakes. I'm the one
13 that won ineffective assistance of counsel against
14 Fishman, who is in my office and my longtime friend.

15 CALLER: Okay. You're telling --

16 RECIPIENT: I did what any good attorney
17 would do.

18 CALLER: You're telling me -- you're telling
19 me to get a new attorney after I done gave you this
20 money. What, you going to give me my money back?

21 RECIPIENT: I'm not giving you any money back
22 because I've done the job, Anton. I did the job.

23 CALLER: I'm saying, I wish you --

24 RECIPIENT: (inaudible).

25 CALLER: I wish you'd have told me --

1 RECIPIENT: (inaudible) you need someone new
2 to go forward from this date because you don't trust me
3 anymore.

4 CALLER: This -- this is what I'm actually --
5 this is what I'm telling you. I wish you would have
6 told me, you know, if I don't do my job or this, this,
7 and that, I'll give you your money back or something.

8 RECIPIENT: I did my job. I did my job.

9 CALLER: But you got the -- you've got the
10 nerve to tell me to get a --

11 RECIPIENT: I did my job.

12 CALLER: -- to get a new attorney.

13 RECIPIENT: I did my job. I never once --

14 CALLER: Can I talk? Can I speak?

15 RECIPIENT: Yeah, go ahead.

16 CALLER: You're telling me -- you're telling
17 me to get a new attorney because I -- because I --
18 because some new information came to you and when I
19 spoke to you --

20 RECIPIENT: No. That's not -- I'm telling
21 you to get a new attorney because you don't trust me
22 anymore.

23 CALLER: I don't --

24 RECIPIENT: I'm telling you to get a new
25 attorney because you're not listening to me. I'm

1 telling you to get a new attorney because you can't
2 understand --

3 CALLER: Because I'm not going to let you
4 just tell me any fucking thing up under the sun? What
5 the fuck? I mean, I don't understand.

6 RECIPIENT: I'm not telling you any fucking
7 thing under the sun. You don't understand, Anton. I'm
8 not telling you any fucking thing under the sun. I am
9 representing you to the best of my ability.

10 CALLER: Okay.

11 RECIPIENT: I have (inaudible) done
12 everything I can.

13 CALLER: Okay.

14 RECIPIENT: You have hit me at a bad time.

15 CALLER: Okay.

16 RECIPIENT: I have -- you have hit me at a
17 bad time.

18 CALLER: Well, until then -- until then --

19 RECIPIENT: And you or not understanding.

20 CALLER: Until then, you're paid right now.
21 So, shit. What, you quitting on me?

22 RECIPIENT: I'm not quitting on you. I'm
23 telling you if you are dissatisfied with me --

24 CALLER: Okay, then. Okay, then.

25 RECIPIENT: -- because I cannot jump and do

1 what you want me to do right away, then find another
2 attorney. Otherwise, I'm representing you through the
3 Michigan Supreme Court because that's what I promised
4 your mom and you.

5 CALLER: I don't know how this game go
6 this -- these days. This is 2017 stuff, but it's real
7 wild, man. And so, like I said --

8 RECIPIENT: Well, then, you get an attorney
9 that can call the Michigan Supreme Court and tell them
10 Anton Blevins is tired of being in prison and he wants
11 you to decide his case today. I won't do that. That's
12 not how you conduct law.

13 CALLER: I didn't -- I didn't say anything
14 about that.

15 RECIPIENT: Well, I can't do anything about
16 it and you're blaming me.

17 CALLER: I'm blaming you. Wow. So now this
18 is about you?

19 RECIPIENT: Anton, all you're trying to do is
20 just quarrel with me. I'm going to hang up. This is
21 getting us nowhere. If there's a new document that
22 somebody has, a new document, and they want to bring it
23 in, I will certainly look at it. I cannot work on your
24 case until July 12th, and that is my final statement.

25 CALLER: Okay. Well, let me ask you this:

1 Can you -- can you find out if this is no newly
2 discovered evidence and whatever for me? That's all I
3 need to know.

4 RECIPIENT: I'll do that on Monday. I cannot
5 do that today.

6 CALLER: Thank you.

7 RECIPIENT: I will do that on Monday.

8 CALLER: Who would you -- who would you call?
9 Can you call my mother and tell her if it is or not?

10 RECIPIENT: Yes.

11 CALLER: All right.

12 OPERATOR: Thank you for using GT --

13 * * *

1 STATE OF MICHIGAN)

2 COUNTY OF OAKLAND)

3
4 Certificate of Notary Public

5 I certify that this transcript, consisting of 14 pages,
6 is a complete, true, and accurate transcript of the audio
7 file labeled "1496430793_134". I further certify that I am
8 not connected by blood or marriage with any of the parties,
9 their attorneys or agents, and that I am not interested
10 directly, indirectly or financially in the matter of
11 controversy.

12
13 In witness whereof, I have hereunto set my hand this
14 day at Davisburg, Michigan, County of Oakland, State of
15 Michigan.

16
17 

18 Ginger K. Hoffman, CSMR-9234

19 Notary Public, Oakland County, Michigan

20 My Commission expires 12/13/2021

21 Core Litigation Support, LLC

22 24901 Northwestern Highway, Suite 725

23 Southfield, Michigan

24
25 Dated: April 6, 2019

EXHIBIT 39

Lanfear Consulting & Investigations Ltd

P. O. Box 183356 Shelby Township, Michigan 48318

December 6, 2018

PRIVILEGED AND CONFIDENTIAL

Mr. Cornell Pettiford, Attorney at Law
263 East Sherwood Road
Williamston, Michigan 48895

Re: ANTON TECUMSEH BLEVINS
Inmate / MDOC
Chippewa Correctional Facility
4269 M-80
Kincheloe, Michigan 49784
Polygraph # LCI-1206A-18

POLYGRAPH EXAMINATION REPORT

HISTORY

Anton Blevins was convicted of 2nd Degree Murder and other crimes and is serving a multiple year sentence currently at the Chippewa Correctional Facility of the Michigan Department of Corrections. It is his request and at the direction of his attorney, Mr. Cornell Pettiford, that he submit to a polygraph examination in the matter of the death by shooting of Courtney Smith. The case facts in court were that two small groups of men engaged in an altercation in which the men on one side had at least one gun. One man had urinated on or near the car belonging to one man from that first group. There was a physical assault by two men against the man who urinated. Then his friends from group II came back to help him. A man in group I, the group associated with Anton Blevins, pointed a gun and warned those in group II to stay away. They did not. A second man from group I, thought to be Anton Blevins, fired a gun at the ground. The groups both then dispersed. A man from group I fired multiple rounds toward group II killing Courtney Smith. Anton Blevins is thought to have given a gun to Quintin King, who is thought to be the one who shot the volley of bullets, killing the victim. Both Quintin King and Anton Blevins were charged and convicted.

EXAMINATION DATE

A polygraph examination was scheduled for ANTON TECUMSEH BLEVINS in the Chippewa Correctional Facility located at 4269 M-80, Kincheloe, Michigan at 1:00 PM, 12-06-18.

POLYGRAPH RIGHTS

ANTON TECUMSEH BLEVINS was informed of his rights according to Act 295, P.A. 1972. The advice of rights and permission forms were reviewed and signed.

REVIEW MATERIAL

Mr. Pettiford's office provided the background information necessary to conduct this polygraph examination of Anton Tecumseh Blevins, including police reports in this matter.

PRETEST INTERVIEW

For the purpose of this polygraph examination Anton Blevins does not dispute that there was a single shot fired at the ground that a ricochet struck one man in the leg and injured him. Anton Blevins denies giving a gun to any one on the men in the group he was associated with and also specifically says he never saw Quintin King with any gun during this incident. Anton Blevins said after the shot in the ground both groups dispersed. He said he ran to his car. He said that Allante Mosely, who was one of the men in the group that Anton Blevins was associated with, went to the car and got a gun. Anton Blevins said he and his friend were in the car driving away when they heard the volley of shots being fired. He insists that this is two separate incidents and he was not a part of the second incident in which Courtney Smith was killed. Anton Blevins named everyone in the group he was associated with and named the shooter of the volley of shots as Allante Mosely. All test questions were formulated and reviewed with ANTON TECUMSEH BLEVINS. He acknowledged that he understood them.

INSTRUMENT

During the polygraph examination a Lafayette LX4000 Computerized Instrument, containing electrically enhanced components was used. The control question technique was utilized. A blind double verification test (DVT) was successfully conducted with Anton Tecumseh Blevins. The blind D.V.T. serves as an internal confirmation of the reliability of the chart recordings, the total co-operation of the subject, and the accuracy of the polygraph examiner's diagnostic ability in the examination conducted on Anton Tecumseh Blevins.

RELEVANT TEST QUESTIONS

1. (Q) Are you deliberately lying about how this incident occurred?
(A) No.
2. (Q) Did you pass any gun to Quintin King as the witness has said?
(A) No.
3. (Q) At the time that Courtney Smith was shot were you even at the scene?
(A) No.

OPINION

It is the opinion of the undersigned examiner, based on the analysis of the polygraph examination of ANTON TECUMSEH BLEVINS, that he is being truthful to the pertinent test questions.

Respectfully submitted,



Christopher J. Lanfear
Certified Polygraph Examiner
Michigan License # PE-163

CJL/ml

- Act 295, P.A. of 1972 (MCL 338.1728)

Any recipient of information, reports or results from a polygraph examiner, except for the person tested, shall not provide, disclose or convey such information, report or results to a third party, except as may be required by law and the rules promulgated by the State Board of Forensic Polygraph Examiners.