

STATE OF MICHIGAN
IN THE THIRD CIRCUIT COURT

PEOPLE OF THE STATE OF MICHIGAN

Plaintiff,

-VS-

CASE NO. 10-001495-02-FC

DARRELL RASHARD EWING

Defendant.

HONORABLE KEIFER J. COX

MOTION TO MAKE WITNESS
AVAILABLE TO THE DEFENSE FOR INTERVIEW
PURSUANT TO MICH. CT. R. 6.201(A)(1) & CASE-LAW

NOW COMES the Defendant, Darrell R. Ewing, hereinafter, ("Mr. Ewing"), in proper, moving this Just and Thoughtful Court to Order the State to make prosecutor Kym Worthy, (former) Detroit Police Chief James Craig; DPD Deputy Chief David Levalley, D.P.D. Officer Theopolis Williams; D.P.S. Officer Anthony Reed; F.B.I. agent Matthew Allen; Christopher Hess; Lori Dillion; Kareem Wheeler; Royce Hill and George Linen, as well as Raymond Love, Willie Williams; Phillip Reed and Larita Thomas available for an interview pursuant to Mich. Ct. R. 6.201(A)(1), case-law and the following reasons:

ARGUMENT:

- 1) Our Court of Appeals recently explained Mich. Ct. R. 6.201(A)(1) provides two options to a party when in the course of discovery, it is requested to provide witness information:

1.

"(1) it may provide the 'name and addresses' of the witnesses; or (2) in the alternative, the party may provide the name of the witness and make the witness available to the other party for interview." see People v. Jack, 336 Mich. App. 316, 325 (March 11, 2021).

2.) Here, the defense does not seek the address of the prosecutor's or other government officials. This indeed could be considered, redacted, privileged or protected material. However, the People should be made to make them available for an interview.

3.) On 10/10/23, the People when responding to the Court on a Motion to Compel answers on what the requested individuals for interview did upon receipt of Tyree Washington's letter to them in seeking to exonerate two innocent men immured on crimes, Mr. Washington committed. see (EXHIBIT A: Washington Letters).

4.) This attentive Court well knows the State responded to every question compelled to answer:

"I don't know", "I can't tell you your Honor." see (FC transcripts 10/10/23)

5.) The question sought to be answered are "necessary in the preparation of the defense". People v. Tomko, 202 Mich. App. 673, 679 (1993). As who know what, when and what actions were taken must be known to aid the defense. AP Sawyer and Bastel can't answer the questions, so Ewing seeks an order from the Court to make the said individuals available for an interview. see MCR 6.201(A)(1).

6.) Our Supreme Court has penned:

"The effective operation of our criminal justice system depends on the discovery of truth, and evidence is the lifeblood of this pursuit." see People v. Yost, 483 Mich. 856, 859 (2009).

This Keen Court will agree, this Motion is brought on the sole basis of the discovery of truth, and "Fairness requires a defendant to be given access to all relevant information on discovery order". People v. Baskin, 145 Mich. App. 526, 538-539 (1985).

7.) Weigh, stare decisis holds, "If relevant evidence is shielded by privilege for some purpose other than enhancing truth-seeking function of a trial, then the danger of convicting an innocent defendant increases." People v. Stanaway, 446 Mich. 643, 662 (1994). In the instant, no grounds of privilege that could be asserted can hinder the truth-seeking function of this Court hearing.

8.) The Exhibits attached show this is not "a fishing expedition". Stanaway at 680, but actions to help facilitate and collect the truth of the matter at bar.

9.) This Honorable Court should adopt a holding of our high Court granting this Motion:

"It is especially important that the defense, judge and jury have the assurance that the doors that may lead to the truth have been unlocked." see People v. Wimberly, 384 Mich. 67 (1970).

RELIEF REQUESTED

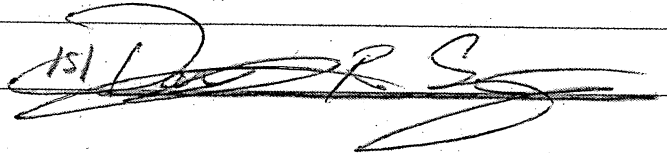
Seeing that the Prosecutor's in this case have failed in their duty as ministers of justice "to take care that the innocent be protected" and have instead kept the door that may lead to the truth locked and entombed, by not inquiring / seeking-out with each mentioned individual the answers to the questions compelled, the defense have no other choice, but to plead for this Court to discharge it's truth-seeking role and issue an Order for Worthy; Craig; Levalley; Williams; Allen; Hess; Dillion; Wheeler; Hill; Linen; Love; W. Williams; Reed, and Thomas to be made available for interview.

DO NOTE: The Defense intends to call the said, herein, witnesses for trial.

Respectfully, Humbly and Earnestly sought,

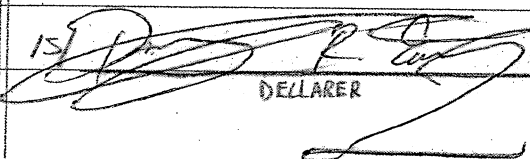
Wrongfully Convicted
&

Now Again Charged



PROOF OF SERVICE

I, Darrell Ewing, certify, this Motion was served on all parties. 28 U.S.C. § 1746.



DELLARER

4.

October 12th 2023
EXECUTED ON (DATE):