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

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

VS.

Case No. 04-012890-01-FC Hon. Timothy M. Kenny

THELONIOUS DESHANE-EAR SEARCY,

Defendant-Appellant.

MICHAEL R. DEZSI (P64530) Law Office of Michael R. Dezsi, PLLC 615 Griswold St., Suite 1600 Detroit, MI 48226 (313) 879-1206 Office (313) 887-0420 Fax mdezsi@dezsilaw.com KIM L. WORTHY (P38875) THOMAS M. CHAMBERS (P32662) Wayne County Prosecutor's Office Frank Murphy Hall of Justice 1441 St. Antoine St Detroit, MI 48226 (313) 224-8811

<u>DEFENDANT'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS</u> <u>DIRECTED TO WAYNE COUNTY PROSECUTOR</u>

By and through counsel, Defendant Thelonious Searcy moves the Court for an Order compelling the Prosecutor to produce its files, if any, relating to the arrest/police report of DeAnothny Witcher including but not limited to files, notes, memos, witness statements, investigation reports, and/or agreements not to prosecute Mr. Witcher. In support of his motion, Defendant states the following:

In May 2005, Defendant was convicted in a trial by jury for the crime of murder in the first degree, MCL § 750.316, assault with intent to murder, MCL § 750.83, and felony firearm, MCL § 750.227b. Defendant was sentenced to life in prison without the possibility of parole.

- 2. Having uncovered no motive and otherwise no connection between Mr. Searcy and the victim in this case, Jamal Segars, the prosecution proceeded to trial on the theory that Searcy actually intended to murder DeAnthony Witcher, but mistakenly murdered Segars instead. To support this theory, the prosecution argued that Witcher and Segars drove identical silver corvettes. The murder took place on September 4, 2004 near Detroit City Airport. Accordingly, the prosecution's entire case and theory rested upon the testimony and credibility of Mr. Witcher as its star witness to support its theory of "murder by mistaken identity."
- 3. In 2015 and 2016, Vincent Smothers confessed to the murder of Segars and drafted several affidavits attesting to his confession. As a result of Smother's confession, Defendant filed a Motion for Relief from Judgment pursuant to MCR 6.502 asserting his entitlement to a new trial based on newly discovered evidence (i.e., Smother's confession). The Court has commenced, and has continued, an evidentiary hearing in this matter.
- 4. Via a FOIA request, Defendant also discovered that, on November 18, 2004, Witcher was arrested by Detroit Police Officer Micah Hull for carrying a concealed weapon. At the time of his arrest, Witcher was driving a blue 1998 Chevy Corvette which was stopped for speeding¹. Officer Hull obtained consent from Witcher to conduct a pat down and search of the vehicle at which time Hull discovered a 9mm handgun "protruding from the rear of the

¹ At trial, the prosecution's theory was that Witcher and Segars had silver "twin" identical corvettes. However, at the time of Witcher's arrest on November 11, 2004, he was driving a <u>blue corvette</u>. These facts further undercut the prosecution's entire theory in this case.

- passenger seat." (**Exhibit A,** Witcher arrest report dated 11/18/2004). Witcher was conveyed to the 9th Precinct where he was booked on the CCW charge and bonded out.
- On November 30, 2004, the same day that Mr. Searcy was arrested for the murder of Jamal Segars, the CCW case against Witcher was "closed" with a notation that "P.A. . . warrant denied." (Exhibit B).
- 6. Despite Defendant's subpoenas to both the Wayne County Prosecutor's Office (Exhibit C) and the Detroit Police Department (Exhibit D), there is no file or records that indicate why the CCW charge, for which Witcher was arrested on November 18th, was dropped. The only document that has been produced indicates only that the "warrant [was] denied" and the case close.
- 7. Defendant's trial commenced before the Wayne County Circuit Court on May 2, 2005 during which the prosecution offered the testimony of Officer Hull and Mr. Witcher. At no time did Hull, Witcher, or the Prosecutor disclose or make any mention whatsoever of Witcher's arrest by Hull.
- 8. The most obvious inference to be drawn from these facts is that Mr. Witcher was offered some form of leniency and/or an agreement not to be prosecuted in exchange for his cooperation and favorable testimony in this matter.
- 9. To be exact, Witcher's testimony was both key and crucial to the prosecution's entire case against Defendant. Against this backdrop, the Court should carefully consider the timeline of events:
 - 9/5/04 Segar is murdered by Detroit City Airport; Officer Hull responds to the scene of the murder

- 11/18/04 Witcher was arrested by Officer Hull for carrying a concealed weapon; Witcher is taken to 9th Precinct, booked on the charges and later bonded out
- 11/30/04 Searcy is arrested at his grandmother's house
- 11/30/04 A warrant request for Witcher is "denied" without any documented justification despite the existence of probable cause
- 5/2/05 Defendant's trial begins in Wayne County Circuit Court; the
 Prosecutor advises the Court that Mr. Witcher has expressed "a reluctance to testify... because he doesn't want to be a snitch." (Trial Tr Vol I, pg 120).
- 5/4/05 Witcher testifies on behalf of the prosecution; never mentions anything related to his 11/18/04 arrest by Officer Hull
- 5/4/05 Officer Hull testifies on behalf of the prosecution; never mentions anything related to his 11/18/04 arrest of Witcher.
- 10. In light of these facts, which were wholly unknown to Defendant at the time of his trial, Defendant now seeks an order compelling the prosecution and/or the Detroit Police Department to produce discovery relating to Witcher's 11/18/04 arrest and the subsequent denial of the arrest warrant. Such discovery is imminently relevant to whether the prosecution and/or members of the Detroit Police Department violated Defendant's rights under *Brady v Maryland*, 373 US 83 (1963) and *Giglio v United States*, 405 US 150 (1972) which holds that "[w]hen the reliability of a given witness may well be determinative of guilt or innocence, nondisclosure of evidence affecting credibility falls within this general rule [of Brady]."

- 11. It is well established under both the United States and Michigan Constitutions that the prosecution must disclose any type of *quid pro quo* or agreements of leniency with a prosecution witness, whether formal or otherwise, in exchange for the witness's cooperation or testimony. *People v Chenault*, 495 Mich 142 (2014).
- 12. Based on the above, there is a strong inference that Witcher was given some form of leniency in exchange for his cooperation with law enforcement. The sequence of the relevant dates reveals that although Witcher was arrested for a gun charge on 11/18/04, his warrant request was "denied" and his case "closed" without explanation on 11/30/04, the same day that Defendant was arrested. On the face of the arrest record, there was probable cause to conduct a search of Witcher's vehicle and he consented to same.
- 13. To the extent that both the prosecution and the Detroit Police Department are now claiming that their relevant files relating to Witcher's 11/18/2004 arrest are "missing," the Court should Order them to explain in writing and in detail their efforts to locate such files and provide an explanation for their absence.
- 14. To the extent that the prosecution and/or DPD cannot locate any such files and/or documents relating to the disposition and dismissal of Witcher's CCW charge, the Court should draw a negative inference against the prosecution and DPD which inference should weigh in Defendant's favor as to the relief sought in his motion.
- 15. The law provides amble basis upon which this Court may, for purposes of Defendant's Motion for Relief from Judgment, draw such a negative

inference. *Bloemendaal v Town & Country Sports Center, Inc*, 255 Mich App 207 (2007)("A trial court has the authority, derived from its inherent powers, to sanction a party for failing to preserve evidence[.]"); A sanction may include "an instruction that the jury may draw an inference adverse to the culpable party from the absence of the evidence." *Id* (citing *Brenner v Kolk*, 226 Mich App 149, 155 (1997)). The Court of Appeals has also made clear that "spoliation may occur by the failure to preserve crucial evidence, even though the evidence was not technically lost or destroyed." *Id*

- 16. In this instance, there is evidence which strongly points to the conclusion that Witcher received some form of lenience, whether from the prosecution or from law enforcement, for his continued cooperation and testimony against Defendant. Witcher's arrest record firmly establishes his culpability for a gun related charge, and yet the gun charge simply evaporated on the same day that Defendant was arrested. In the absence of the prosecution and/or law enforcement's complete files and records relating to the dismissal of Witcher's CCW charge, it is appropriate for the Court to draw such a negative inference against the prosecution for purposes of Defendant's Motion for Relief from Judgment, and it would have been similarly appropriate for the trial court to have so instructed the jury in the first instance.
- 17. Ultimately, it should be up to a jury to decide what weight, if any, to give to these facts surrounding Witcher's arrest and the subsequent dismissal of his gun charge (on the same day as Defendant's arrest). Without having disclosed the above facts, and without having disclosed any agreements for leniency or

other similar *quid pro quos* between Witcher and the prosecution and/or law enforcement, the jury was never apprised of such relevant information. Nor was Defendant afforded the opportunity to effectively cross-examine and/or impeach the credibility of either Witcher or Hull. Indeed, the prosecution's entire theory rested upon Witcher's credibility.

- 18. At this juncture, the Court's function is to consider whether Defendant is entitled to relief under MCL § 770.1 and MCR 6.508. Under MCL § 770.1, the court "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."
- 19. To date, the prosecution is objecting to the issue raised herein by asserting that Defendant knew, in 2014, about Witcher's November 2004 arrest record because he attached it to a prior *pro se* Motion for Relief from Judgment which was ruled on by the Court. However, Defendant's prior *pro se* motion did not properly frame the issue before the Court such that the Court's ruling on the motion was inapposite to the issue raised herein. Specifically, the Court denied Defendant's prior *pro se* motion on the limited basis that Witcher's arrest record "could not be used for impeachment purposes" under MRE 609 because "Witcher did not have a conviction for carrying a concealed weapon and, even if there had been one at the time of defendant Searcy's trial, the offense did not contain an element of dishonesty, false statement or theft." (Order dated July 2, 2015 denying Defendant's Successive Motion for Relief from Judgment).

- 20. While correct, the Court's July 2, 2015 ruling does not address the issue of whether the prosecution and/or law enforcement offered Witcher some form of leniency (or other *quid pro quo*) in exchange for his cooperation and testimony in this matter. That is the open question for which Defendant now seeks discovery. At this point, the facts surrounding the inexplicable dismissal of Witcher's gun charge are still unknown. The issue isn't whether Witcher's arrest record, standing alone, could have been used for impeachment purposes, but rather whether the prosecution's star witness received an agreement of leniency, whether formal or otherwise, such that his CCW charge was dropped in exchange for his cooperation with law enforcement.
- 21. Apart from Smother's confession (which will be briefed and argued separately from this instant motion), the Court should have serious doubts about whether Defendant has been subject to a grave miscarriage of justice sufficient to grant relief under MCR 6.502.

WHEREFORE, Defendant requests that the Court compel the prosecution and City of Detroit to provide their complete files relating to the November 2004 arrest of DeAnothny Witcher, and to the extent that the prosecution is unable to produce such files, the Court should order them to explain the absence of such files. If the prosecution is unable to produce any such files, the Court should, for purposes of Defendant's Motion for Relief from Judgment, draw a negative inference from the prosecution's failure to produce such files.

Respectfully submitted,

LAW OFFICE OF MICHAEL R. DEZSI, PLLC

Dated: April 19, 2018 /s/Michael R. Dezsi

MICHAEL R. DEZSI (P64530) 615 Griswold St., Suite 1600 Detroit, MI 48226 (313) 879-1206 Office

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

PEOPLE OF THE STATE OF MICHIGAN,

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VS.

Case No. 14-012890-01-FC Hon. Timothy M. Kenny

THELONIOUS DESHANE-EAR SEARCY,

Defendant-Appellant.

CERTIFICATE OF SERVICE

Michael R. Dezsi hereby certifies that on the 19th day of April 2018, he caused to be served a copy of Defendant's Motion to Compel Production of Documents Directed to Wayne County Prosecutor via the Court's E-file and Serve System upon:

wcpo_efile@waynecounty.com

KIM L. WORTHY (P38875) THOMAS M. CHAMBERS (P32662) Wayne County Prosecutor's Office Frank Murphy Hall of Justice 1441 St. Antoine St Detroit, MI 48226

Clerk of the Court Wayne County Circuit Court – Criminal Division Frank Murphy Hall of Justice, 9th Floor 1441 St. Antoine Detroit, MI 48226

> <u>/s/Michael R. Dezsi</u> MICHAEL R. DEZSI (P64530)

EXHIBIT A

2890-01-Fi

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DETROIT POLICE DEPARTMENT ARREST REPORT

DETROIT POLICE DEPARTMENT

Reporting Officer

Assisted By

JEREMY

Assist Agency

-HULL, MICAH

- CHANNELLS,

Case No. 0411180059 Report No. 0411180059.1 Report Date: 11/18/2004

Page 1 of 4

09-09-0931- CCW-MV / Traffic Warrants - (1 Arrest) INC 04138369

Case Report Status County

(and Between)

Location

CSZ

V. VERIFIED 82 - WAYNE

City/Township 99 - DETROIT Occurred On

11/18/2004 2:40:00 AM

HOOVER / S.OF E. 8 MILE DETROIT, MI 48205 5050

Census/Geo Code Grid 88 - SCA 0901 Call Source FIELD/PATROL

NORTH

E. STATE FAIR

Vehicle Activity N/B HOOVER Vehicle Traveling Cross Street

Means Other Means Motive Other Motives

Report Narrative

POLICE OFFICER MICAH HULL POLICE OFFICER JEREMY CHANNELLS

Date Entered

Date Verified

Date Approved

Approved By

Disposition

Division Notified

Connecting Cases

Tactical Actions

Clearance Reason

Date of Clearance

Reporting Agency

Entered By

Verified By

11/18/2004 3:51:57 AM

234974 - HULL, MICAH

11/18/2004 6:03:13 AM

ARREST

9TH PRECINCT

- ASHFORD, HAROLD

DETROIT POLICE DEPARTMENT

A - (1 ARREST) - #1 - DEANOTHNY TERIMIAH WITCHER B/M 56, 160 LBS, BLK / BRO / MED, OF DETROIT, WEARING A BLUE DETROIT BASEBALL HAT, BROWN LEATHER COAT, BLUE JEANS, BLK BOOTS,

#3052

#703

W-8

W-11

S - ROUTINE PATROL - " PLAIN / SEMI MARKED VEHICLE "

C - ON THE ABOVE DATE AND TIME CREW OBSERVED A BLUE, 1998, CHEVY, CORVETTE, 2DR, LIC#YSR369, W/B E. 7 MILE FROM WALTHAM, TRAVELLING AT APPROX 40-45 MPH IN A 35 MPH. CREW FOLLOWED THE VEHICLE TO N/B HOOVER, WHERE THE VEHICLES SPEED CONTINUED AT APPROX 40-45 MPH IN THE 30 MPH ZONE ON HOOVER. I FURTHER OBSERVED THAT THE BRAKE LIGHTS WERE DEFECTIVE AND EMITTED AN AMBER LIGHT WHEN BRAKES WERE ACTIVATED. CREW EEFECTED A TRAFFIC STOP OF THE VEHICLE ON HOOVER, JUST SOUTH OF E. 8 MILE. I MADE CONTACT WITH THE DRIVER AND SOLE OCCUPANT OF THE VEHICLE (LATER ID AS #1 WITCHER). I ASKED #1 (WITCHER) FOR HIS DRIVER'S LICENSE AND PAPERWORK FOR THE VEHICLE. #1 (WITCHER) STATED THAT HE DID NOT HAVE A LICENSE AND IMMEDIATELY BEGAN TO EXIT THE VEHICLE ON HIS OWN. ONCE #1 (WITCHER) EXITED THE VEHICLE, I AKSED #1 (WITCHER) IF I COULD PAT HIM DOWN FOR WEAPONS AND HE STATED "YES". I THEN ASKED #1 (WITCHER) IF I COULD SEARCH THE VEHICLE AND HE AGAIN GAVE ME PERMISSION TO SEARCH THE VEHICLE. I THEN ENTERED THE VEHICLE, AT WHICH TIME I OBSERVED THAT THE PASSENGER SEAT CUSHION WAS DAMAGED AND THE PADDING / LEATHER WAS LIFTED UP AND NOT SECURELY FASTENED. I ALSO OBSERVED A LARGE BULDGE PROTRUDING FROM THE REAR OF THE PASSENGER SEAT. I THEN LIFTED THE CUSHION UP AND I OBSERVED A .9MM BLACK / SILVER, HANDGUN SECURED IN THE BACK REST OF THE SEAT. #1 (WITCHER) WAS THEN ARRESTED, ADVISED, AND TRANSPORTED TO THE NINTH PRECINCT WOUT INCIDENT. #1 (WITCHER) WAS WANTED ON THE FOLLOWING MISDEMEANOR DETROIT TRAFFIC WARRANTS # 035295361, \$196.00, # 035295362, \$100.00, BOTH GOOD PER MILLER-BROWN. #1 (WITCHER) WAS ALSO WANTED ON A 37TH DISTRICT (WARREN) MISDEMEANOR WARRANT # T832535W, \$1,500.00, GOOD PER JOYNER.

O - SEE ABOVE - SEE ATTACHED PHOTOS OF VEHICLE.

T - ET# E07882904 - (1) .9MM, BLACK SLIDE / SILVER FRAME HANDGUN, SMITH & WESSON, SERIAL# A616080, W/ (14) LIVE ROUNDS.

ET# E07367304 - (1) BLUE, 1998, CHEVY, CORVETTE, 2DR, LIC# YSR369, VIN# 1G1YY22G6W5127017, EXECUTIVE TOW, TCRU LYNCH.

Offense Detail: 5295 - CONCEALED WEAPONS - FIREARM IN AUTO (CCW)

Offense Description IBR Code

IBR Group

SO

Crime Against

5295 - CONCEALED WEAPONS - FIREARM IN AUTO (CCW)

520 - WEAPON LAW VIOLATIONS

Offense Completed? Hate/Bias

Location

13 - HIGHWAY/ROAD/ALLEY YES

00 - NONE (NO BIAS)

No. Prem. Entered Entry Method

Printed: April 21, 2005 - 12:29 PM

DETROIT POLICE DEPARTMENT ARREST SREPORT Case No. 0411180059

DETROIT POLICE DEPARTMENT

Page 2 of 4

Report No. 0411180059.1 eport Date: 11/18/2004

Offense File Class

Brenda

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9/2018

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S

COUNTY

MAX

52001 - WEAPONS OFFENSE-

CONCEALED

Domestic Violence NO

Type Security

Tools Used

Local Code

PACC

Using Criminal Activity Weapons

P - POSSESSING/CONCEALING 11 - FIREARM (TYPE NOT STATED)

Offense Detail: 8940 - WARRANTS - CORPORATE SUMMONS

Tense Description IRR Code IBR Group Crime Against

Offense File Class PACC

Local Code Using Criminal Activity

Weapons

8940 - WARRANTS - CORPORATE SUMMONS

Location Offense Completed?

> Hate/Bias Domestic Violence

13 - HIGHWAY/ROAD/ALLEY YES

00 - NONE (NO BIAS)

NO

No Prem Entered Entry Method Type Security Tools Used

rrestee A1: WITCHER, DEANOTHNY TERIMIAH

89004 - WARRANTS





Arrestee Number AKA Alert(s)

Address CSZ

Home Phone

Scars/Marks/Tattoos Modus Operandi Other MO

Attire

Work Phone

WITCHER, DEANOTHNY TERIMIAH

CW - KNOWN TO CARRY CONCEALED **WEAPONS**

DETROIT, MI 48213

Hair Color

B-BLACK U - UNKNOWN

M - MALE

HŁ 5' 6" WŁ 160 Eye Color **BRO-BROWN** BLK - BLACK

A - AFRO Hair Style

DOB •

Age 31

Sex

Race

Ethnicity

DI N State **DLN Country** Occupation/Grade

Place of Birth

SSN

DLN

DETROIT

Employer/School Res. County Res. Country

Resident Status

WAYNE USA - UNITED STATES OF AMERICA R - RESIDENT OF THE COMMUNITY, CITY, OR TOWN WHERE THE OFFENSE OCCURRED

Hair Length Facial Hair

S - SHORT 03 - FULL BEARD AND

MUSTACHE MED - MEDIUM M - MEDIUM

Complexion Build Teeth

BLUE DETROIT BB HAT, BRO LEATHER COAT, BLUE JEANS, BLK BOOTS

Printed: April 21, 2005 - 12:29 PM

Garrett 2 OFFICE

Z 04-012890-01-FC

2 4/19/2018 ERK S COUNTY WAYNE Garrett

OFFICE Cathy M. Garrett WAY

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04-012890-01-FC

DETROIT POLICE DEPARTMENT ARREST

DETROIT POLICE DEPARTMENT

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Page 3 of 4

Case No. 0411180059 Report No. 0411180059.1 Report Date: 11/18/2004

Habitual Offender Status 8940 - WARRANTS - CORPORATE SUMMONS Arrested For Arrest No. 16734 5295 - CONCEALED WEAPONS - FIREARM IN AUTO (CCW) T - TAKEN INTO CUSTODY Count Arrest Type Arrested On 11/18/2004 2:40:00 AM Fingerprints Force Level 01 - LEVEL 1 HOOVER / S.OF E. 8 Arrest Location Photos FBI No. MILE Booked On Miranda Read State No. Booked Location Miranda Waived 01 - UNARMED Armed With Released Location Number of Warrants N - NOT APPLICABLE Multi. Clearance Released On Multi. Clearance Offense Released By Prev. Suspect No. Release Reason Juvenile Disposition Adult Present Notified Arrest Notes /ictim V1: 8940 - WARRANTS - CORPORATE SUMMONS Victim Of Victim Code 5295 - CONCEALED WEAPONS - FIREARM IN AUTO (CCW) S - SOCIETY/PUBLIC Victim Type Place of Birth DOB Name SSN Age AKA DLN Sex Alert(s) **DLN State** Race DLN Country Ethnicity Address Occupation/Grade Ht. CS7 Employer/School W Res. County Eye Color Home Phone Res. Country Hair Color Work Phone Resident Status Facial Hair Testify Complexion Attire Injury Circumstances Justifiable Homicide Type Law Enforcement

Officer Killed or Assignment
Assaulted Activity
Other ORI

Justifiable Homicide Circumstances

Victim Offender Relationships
Offender Relationship

Victim Notes

Property Description Item 1: 3711 - HANDGUN - (1) BLK/SILVER, SMITH & WESSON, 9MM, W/ 14 RNDS

Status E - EVIDENCE (INCLUDING OTHER SEIZED

PROPERTY AND TOOLS)

Count 1
Value 1
Manufacturer S

SMITH & WESSON

Model 59
Serial No. A616080
License No.

Color SIL - SILVER OR ALUMINUM



04-012890-01-FC

DETROIT POLICE DEPARTMENT ARREST REPORT

DETROIT POLICE DEPARTMENT

Case No. 0411180059 Report No. 0411180059.1 Report Date: 11/18/2004

4

Page 4 of 4

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Description
                         (1) BLK/SILVER, SMITH & WESSON, 9MM, W/ 14
             Vehide Year
               Body Style
                   State
             License Year
       Recovered Date/Time
              Disposition
             Evidence Tag
                        0411180059.001
              Lock Seals
Evidence Recovered Date/Time
                         11/18/2004 2:40:00 AM
     Evidence Recovered By
                         - HULL, MICAH
   Evidence Recovered From VEHICLE
         Evidence Location
                         9THM - 9TH PRECINCT TO MOVE
```

Ironorty Naton -

Property Notes ET# E07882904

Alert(s)

Drug Type Drug Quantity Drug Measure

Item No.

Property Description Item 2: 3501 - AUTOMOBILE (NOT STOLEN OR RECOVERED) - BLUE, 98, CHEVY, CORVETTE, 2DR, YSR 369

```
Property Category
                 3501 - AUTOMOBILE (NOT STOLEN OR
                 RECOVERED)
     Property Class
                 03
        IBR Type
                 03 - AUTOMOBILES
        UCR Type
                 V - OTHER VEHICLE (NOT STOLEN OR
                 RECOVERED)
                 I-INFORMATION ONLY
          Count
           Value
      Manufacturer
                 CHEVY
          Model
                 CORVETTE
        Serial No.
                 1G1YY22G6W5127017
      License No.
                YSR 369
                 BLU - BLUE
                 BLUE, 98, CHEVY, CORVETTE, 2DR, YSR 369
       Description
      Vehide Year
                 1998
       Body Style
                 2D - 2 DOOR
          State
                 MI - MICHIGAN
     License Year
                 2005
Recovered Date/Time
                 11/18/2004 2:40:00 AM
         Owner
       Disposition
```

Lock Seals
Evidence Recovered Date/Time
Evidence Recovered By
Evidence Recovered From
Evidence Location
Alert(s)

11/18/2004 2:40:00 AM
- CHANNELLS, JEREMY
HOOVER / E. 8 MILE
9THM - 9TH PRECINCT TO MOVE

0411180059.002

Drug Type Drug Quantity Drug Measure

Evidence Tag

Property Notes ET# E07367304

EXHIBIT B

Cathy M. Garrett FILED IN MY OFFICE 04-012890-01-FC

Cases

Case Number: 0411180059 Subject: 09-09-0931- CCW-MV / Traffic Warrants - (1 Arrest) INC

Case

Case Number 0411180059

> Subject 09-09-0931- CCW-MV / Traffic

Warrants - (1 Arrest) INC 04138369

Status O-OPEN

Date Opened 11/18/2004 Date Closed 11/30/2004

> Agency **DPD - DETROIT POLICE**

DEPARTMENT

Case Assignments

Officer Assigned 591 - VOID, 5TH DISTRICT IOU

APPROVAL

Assignment Type

Date Assigned 11/30/2004

Date Unassigned 6/18/2005 12:59:17 PM

11/18/2004

P.A.....WARRANT DENIED Notes

Officer Assigned

Assignment Type

236022 - CHANNELLS, JEREMY J **Date Unassigned**

Notes PROBABLE EXISTS

Officer Assigned **Assignment Type** 234974 - HULL, MICAH D

PO - PRIMARY OFFICER

Date Assigned Date Unassigned

Date Assigned

11/18/2004

Notes PROBABLE EXISTS

Solvability

Solvability Code	Description	Points
Routing	Solvability Factor: 0	
On Report Submission		
Personnel On Report Approval	Date	
Personnel On Report Verification	Date	
Personnel	Date	

Date

Printed For: April 13, 2018 - 10:06 AM

EXHIBIT C

04-012890-01-FC

Approved, SCAO

Original - Return 1st copy - Witness 2nd copy - File 3rd copy - Extra

	STATE OF MICHIGAN					CASE NO.
Third	JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	Order to Appear and/or Produce			04-01289	0-01-FC
Court	address Frank Murphy Hall of Ju	ustice, Hon. Kenny, 1441	St. Anto	oine St., Rm 602 Detr	roit, MI	Court telephone no.
	Report No. (if applicable): 04111					313-224-2506
Plaint	tiff(s)/Petitioner(s)			Defendant(s)/Respond	lent(s)	
✓	People of the State of Michiga	ın	v	Thelonious Deshand	e-Ear Searc	cy

	***************************************	and the second s				
	Civil	✓ Criminal		Charge Murder		
	Probate In the matter of					
In the	Name of the Books of the Sta	ato of Michigan TO:				
	e Name of the People of the Sta	_	th Diag	- 1441 Ct Autoine D	Nadura ! 4 - NAT	49227
1 1101	mas M. Chambers (P32662), Asst.	•			•	
\/O!!	If you require special accommodatio	ns to use the court because	of disabi	lities, please contact the	court imme	ediately to make arrangements.
YOU	ARE ORDERED TO:		****			
☑1.	Appear personally at the time a	and place stated below:	You ma	y be required to appear	from time to	time and day to day until excused.
	☑ The court address above	Other:				
		ate			Time	
Frida	y A	April 13, 2018	***************************************		9:00am	
	Testify at trial / examination / h	•			_	
∡ 3.	Produce/permit inspection or c	opying of the following it	tems: _	Entire file of the Way	ne County	Prosecutor's Office relating in
ar	ny way to the arrest/police report of	of Deanothny Witcher incl	luding b	out not limited to file,	notes, mer	nos, witness statements,
in	vestigation reports, photographs,	drawings, records, and ag	reement	ts not to prosecute, ev	erything ta	ingible in your possession.
	Testify as to your assets, and b	oring with you the items	listed i	n line 3 above.		
<u></u> 5.	Testify at deposition.					
□ 6.	Abide by the attached prohibiti	on against transferring	or dispo	osing of property. (M	ICL 600.610	4(2), 600.6116, or 600.6119.)
□7.	Other:			Managadian benjamban pengangan pengangan benjamban benjamban benjamban benjamban benjamban benjamban benjamban	n Hellette dermenne en transmisse krist	
8.	Person requesting subpoena	,	hone no.	E		
	Michael R. Dezsi	313-8	379-120)6		MICHIGAN
	Address 615 Griswold St., Suite 1600					TUSTITIAM A
	City	State		Zip		A STATE OF THE STA
	Detroit MI 48226			·		
must b	:: If requesting a debtor's examination oe issued by a judge. For a debtor ex must also be completed. Debtor's assi idavit of debtor examination or issuance	amination, the affidavit of delets can also be discovered the	btor exai	mination on the other sid	de of this	7 7 7
FAIL	.URETOOBEYTHECOMMANI EANDPLACEMAYSUBJECT	DS OF THE SUBPOENA	ORTO			LANSING
04/00	0/2018	, 11	X OX		P64530	Court use only
Date	Judge/Cle	y Michael Sh rk/Attorney	. Dexs	į	Bar no.	Served Not served

EXHIBIT D

Approved, SCAO

Original - Return 1st copy - Witness 2nd copy - File 3rd copy - Extra

CASE NO.

STATE OF MICHIGAN	
JUDICIAL DISTRICT	SUBPOENA
JUDICIAL CIRCUIT	Order to Appear and/or Produ
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04/09/2	018	s/Michael S	R Douri	P64530 Served Not served
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I	City Detroit MI 48226	State	Zip	
6	Address 515 Griswold St., Suite 1600	Chain	7:	THICHIGAN OF THE PARTY OF THE P
0. N	Michael R. Dezsi		79-1206	NICHIGAN ON
	Person requesting subpoena	Telanh	one no.	
7. C		agamot adnotoring t	Gloposing of prop	orey. (mol 000.0104(2), 000.0110, 01 000.0119.)
		ition against transferring o	or disposing of prop	erty. (MCL 600.6104(2), 600.6116, or 600.6119.)
□ 5. T	estify at deposition.			
□4. T	estify as to your assets, and	I bring with you the items	listed in line 3 abov	re.
any	thing and everything tangible i	n your possession or contro	1.	
incl	uding any and all contents of t	he file, notes, memos, witne	ess statements, invest	igation reports, photographs, drawings, records, an
				olice report of Deanothny Witcher, dated 11/18/04
	estify at trial / examination /	-		
Friday		April 13, 2018		9:00am
ļ	The court address above	Other:	WINDOWS AND	Time
				appear normaine to time and day to day unit excused.
71 A	nnear personally at the time	and place stated below:	You may be required to	appear from time to time and day to day until excused.
	it you require special accommodat .REORDEREDTO:	ions to use the court because of	of disabilities, please co	intact the court immediately to make arrangements.
			-	ard Ave, Suite 500 Detroit, MI 48226
In the I	Name of the People of the S	tate of Michigan. TO:		
Р	Probate In the matter of			
	Civil	☑ Criminal	Charge Murder	
✓ F	People of the State of Michig	jan	v Thelonious	Deshane-Ear Searcy
	(s)/Petitioner(s)	1100037	Defendant(s)/	Respondent(s)
	ddress Frank Murphy Hall of Report No. (if applicable): 041		St. Antoine St., Rm 6	Court telephone n 313-224-2506
	COUNTY PROBAT	E		
Third	JUDICIAL DISTRIC JUDICIAL CIRCUI	•	POENA ar and/or Produce	04-012890-01-FC