

WITNESS INDEX

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EXHIBIT INDEX

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	(None Marked)	

September 9, 2004
(The day before they issued the warrant for my arrest)

1 Detroit, Michigan

2 Thursday, September 9, 2004

3 6:50 p.m.

4 * * * * *

5 MR. DONALDSON: Today is September 9,
6 2004, it's approximately 6:50 p.m. We are here in
7 the twelfth floor conference room of the Frank
8 Murphy Hall of Justice in the office of the Wayne
9 County Prosecutor.

10 We are here today to take testimony
11 into our file number 04-152 which is an
12 investigation into the homicide of Jamal Segars.

13 My name is Robert Donaldson, I'm an
14 assistant prosecuting attorney. I would ask the
15 others here at the table to identify themselves for
16 the record, please.

17 INVESTIGATOR COLLINS: Investigator

18 Dale Collins.

19 LIEUTENANT VINTEVOGHEL: Lieutenant
20 Christopher Vintevoghel.

21 MR. WITCHER: Deanthony Witcher.

22 MR. DONALDSON: Mr. Witcher, before we
23 took the record, you and I had a conversation about
24 what you might expect; is that correct? You need
25 to say yes or no.

1 MR. WITCHER: Yes.

2 MR. DONALDSON: And I provided you
3 with a copy of a subpoena that had a number of
4 rights on it including the right to have a lawyer
5 present and the right not to incriminate yourself,
6 get yourself into legal trouble.

7 I also told you based on what I know
8 of this file you are only a witness but you might
9 know something that I don't; isn't that true?

10 MR. WITCHER: That's right.

11 MR. DONALDSON: And you know that the
12 testimony that you will be giving will be under
13 oath and if you were to lie about something
14 important and I could prove it, you might be
15 chargeable with perjury, you understand that; is
16 that correct?

17 MR. WITCHER: Yes.

18 MR. DONALDSON: And you told me that
19 you would tell me what, if anything, you know about
20 these events under oath; is that correct?

21 MR. WITCHER: Yes.

22 MR. DONALDSON: Would you raise your
23 right hand, please.

24 Do you solemnly swear or affirm the
25 testimony you are about to give will be the truth,

1 the whole truth and nothing but the truth?

2 MR. WITCHER: Yes.

3 DEANTHONY WITCHER:

4 was thereupon called as a witness herein and, after
5 having been first duly sworn to tell the truth, the
6 whole truth and nothing but the truth, was examined
7 and testified as follows:

8 EXAMINATION

9 BY MR. DONALDSON:

10 Q. Would you say your name again for the record,
11 please.

12 A. Deanthony Witcher.

13 Q. Mr. Witcher, there was a homicide that occurred on
14 September 5, 2004 near the intersection of Connor
15 and Whithorn in the city of Detroit. The
16 deceased's name was Jamal Segars. First of all,
17 did you know Jamal Segars?

18 A. No.

19 Q. Were you in the general vicinity of Connor and
20 Whithorn on that date when he was shot?

21 A. Yes.

22 Q. And, as a matter of fact, did you see the vehicle
23 that he was in?

24 A. Yes.

25 Q. What kind of vehicle was he in?

Coercion Started here

- 1 A. Twin to mine, it's a Corvette.
- 2 Q. When you say a twin, it looked just like-
- 3 A. (Interposing) Convertible drop-top, just like
- 4 mine, the same color.
- 5 Q. And were you within earshot of the shooting, did
- 6 you hear the shots?
- 7 A. No, because there was very loud music.
- 8 Q. Sir, had you had a dispute with someone who had
- 9 been looking for you at or about that time?
- 10 A. Yes.
- 11 Q. Do you know that person's true name?
- 12 A. No. (WITCHER DID NOT KNOW SEARCY'S GOVERNMENT NAME)
- 13 Q. Do you know him by a nickname?
- 14 A. Yes.
- 15 Q. And what's the nickname you know him by?
- 16 A. Shawn either or Skinny Man.
- 17 Q. Shawn, Skinny Man and what was the third one?
- 18 A. That's it. Either or those two.
- 19 Q. And how much contact have you had with Shawn or
- 20 Skinny Man? How many times have you seen him and
- 21 over what period of time would you say you have
- 22 seen him?
- 23 A. I seen him maybe 20 to 30 times.
- 24 Q. And it's somebody that you spent a fair amount of
- 25 time with?

Question: How did they come up
with Thelonious Searcy

1 A. Yes. He did some work for me.

2 Q. If you saw a picture of him, would you recognize
3 the individual?

4 A. Yes.

5 Q. Before we took the record we showed you a document
6 that's entitled at the top Detroit Police Mugshot
7 Profile, it has a name on it. Last name Searcy,
8 first name Thelonious Shawn. Do you recognize the
9 individual that's depicted in that photograph?

How did they
Discover
my
Name?

10 A. Yes.

11 Q. And who is that?

Witcher

12 → (A. That's Shawn, as far as I know, Skinny Man or
13 whatever.

He did
NOT KNOW
me as.

14 Q. And he's the person that was looking for you?

15 A. Yeah. That's what the word is, yeah.

Thelonious
Searcy

16 Q. Now, sir, can you put your initials and today's
17 date on that document for me, please. And today's
18 date is the ninth.

19 I'm going to give this back to the
20 investigators and ask them to retain it for their
21 files.

22 Now, sir, had the individual that you
23 just identified, had he ever done anything to you,
24 done you any physical harm?

25 A. Yes, he shot me.

1 Q. And when did he shoot you?

2 A. Back November 16th.

3 INVESTIGATOR COLLINS: Of '03.

4 THE WITNESS: Of '03.

5 BY MR. DONALDSON:

6 Q. November of '03. And, sir, did that happen at a
7 house you owned?

8 A. Yes, a rental property.

9 Q. And did you receive word from anyone there at the
10 rental property that they had seen the man that you
11 just identified that night?

12 A. Yes.

13 Q. And did they say anything about him being at that
14 location?

15 A. Yeah. They said he was waiting on me.

16 Q. Did they say whether he had anything with him or
17 not?

18 A. Yeah, said he had a gun.

19 Q. Did you go by that location after hearing that?

20 A. Yes.

21 Q. And did you go into the location?

22 A. Yes.

23 Q. And what did you see when you went into the
24 location?

25 A. When I pulled up, I seen the door of the house wide

1 open and I jumped out of my car, my truck, and I
2 ran in the house. I could smell gun smoke from on
3 the porch so when I go in the house it's a little
4 smoky in there or whatever. I seen the house been
5 ransacked and I see the house gun sitting on the
6 couch. Then I look to the corner. I see him
7 standing there with a gun and he's telling me, "Oh,
8 I got to kill you"--no. He say, "I'm going to kill
9 you."

10 Q. Then what happened?

11 A. He started firing and I pushed up out of there, up
12 out of the house, and he shot me in my hand. And
13 as I'm running across the street, he shot at me
14 like 30 times. He hit me in the back and the
15 bullet exited out of my heart. I'm a living
16 miracle right now to this day, doctors, everybody
17 know it.

18 Q. Any doubt in your mind that the man that you
19 identified here today was the man that shot you?

20 A. Oh, it was him. He didn't have no mask on or
21 nothing, no hood or nothing, just all black.

22 Q. Was there anybody in the house besides you at the
23 time leading up to the shooting or at the time of
24 the shooting?

25 A. Yes. It was a guy, he was in the back room already

1 shot and a female there named Tessa, she was there
2 too. But Shawn told her to get up and get out of
3 the house because he fixing to kill this nigger,
4 like that.

5 Q. Have you spoken with--who is the man that got shot
6 there besides you?

7 A. Yeah. I seen him but since all this been happening
8 to him, he's not the reliable type of person. He
9 don't want nothing to do with the authorities,
10 period.

11 Q. What's his name again?

12 A. I call him Bushwick (phonetic). I don't know his
13 real name. Charles, I believe, his real name.

14 Q. And the girl's name is Tessa, did you say?

15 A. Tessa. I don't know her last name.

16 Q. Do you know where her people stay at?

17 A. Yeah. She's somewhere over there on the east side
18 off of Six Mile she stay, probably be there some.

19 Q. Did you have any contact with this man while you
20 were in the hospital or shortly after you got out
21 of the hospital?

22 A. Yeah. Once I came home, a phone call came to my
23 phone and he said he was going to kill me when he
24 catch me out at a party.

25 Q. Did you recognize his voice?

1 A. Oh, yeah, it was him.

2 Q. It was the man whose picture you have identified
3 here today?

4 A. Yes.

5 Q. Exactly what did he say again?

6 A. He said, "Oh, yeah, nigger, you like to make
7 statements." Just don't--you know, he said, "Yeah.
8 You like to make statements on niggers and shit.
9 I'm going to kill your ass because I'm going to
10 catch you out at the club. You like the club,
11 nigger."

12 Q. And had you given a statement to the police about
13 him shooting you?

14 A. No.

15 Q. After the shooting did you have any thoughts about
16 who the intended target of that shooting was?

17 A. After the shooting-

18 Q. (Interposing) I'm sorry. Bad question.

The one we are here investigating, the
murder, after that happened-

21 A. (Interposing) Yeah. People told me that he did it
22 and it was meant for me.

23 MR. DONALDSON: I have no further
24 questions. The officers may have some for you,

25 EXAMINATION

Witcher Never
gave a statement
about me
shooting him.
So why was
he being
questioned?

Prosecutor
Donaldson

On Line
15-

18, Prosecutor
Donaldson caught
his self
coopering
Witcher

Mr. Donaldson
coerced
DeAnthony
to say
who the
intended
target
was

← BY Coercing

1 BY LIEUTENANT VINTEVOGHEL:

2 Q. Did you, in fact, receive some phone calls pursuant
3 to what happened-

4 A. (Interposing) Numerous calls.

5 Q. What were those calls about?

6 A. People said, you know, that that was meant for me.
7 Shawn running around telling everybody he going to
8 still catch up with me, he going to get me or
9 whatever and that was me, that they was so hundred
10 percent that that was me dead in the car.

11 Q. So people, actually, were calling to check on you?

12 A. Calling, yeah. I'm still in the party, partying
13 and I'm telling them that ain't me. But, I guess,
14 by him--people who knew him out on the street who
15 ain't going to probably come forth and tell on him
16 was saying--you know what I'm saying? "Woo, woo,
17 woo, yeah. I just got that nigger." You feel me?
18 So that's how that played out.

19 The word spread instantly like
20 wildfire because everybody in the community love
21 me. I'm a good citizen. I don't hurt nobody or
22 nothing. If I got it and I can loan it to you, you
23 can get it and pay me back later. You know what
24 I'm saying? So instamatically (sic) the word was
25 spreading like wildfire. I done got calls from as

1 far as California. "Man, I'm so glad to hear your
2 voice, that it ain't you." And talking about, "The
3 police ain't got that little wild nigger yet? He
4 still running around up there robbing, doing all
5 the stuff that he do?" You know, so that's what
6 it's been.

7 MR. DONALDSON: Anything else?

8 (A brief interruption.)

9 MR. DONALDSON: All right. It's my
10 habit at this point in time to remind you that your
11 testimony has been giving under oath and give you a
12 chance to change anything that you told us that
13 isn't true. Is there anything you would like to-

14 THE WITNESS: (Interposing) Oh, no.
15 All of that is true. All of that is true. I
16 explained to how I come in contact with him. I
17 seen him several times. He always walks, skipping
18 down the street. I'm looking at him like he pretty
19 young. I'm not knowing he like 20 something. You
20 know what I'm saying? I'm thinking he like 16, 17
21 and so I cut into him like, "Hey, man, you want to
22 make some money?" You know what I'm saying?
23 Because he was kind of--this one particular day
24 when I needed some help, he walking with his head
25 down, you know, and so I cut into him like, "Hey,

1 man, you can come down here and paint this porch.
2 I got a house, you can empty it out, throw all the
3 stuff out."

4 MR. DONALDSON: I'm going to interrupt
5 you because I don't know that we need to make a
6 record of that but if you want to put it on, that's
7 fine.

8 The question was, is there anything
9 you told us that wasn't true or you want to change?

10 THE WITNESS: Oh, no. Everything is
11 true. So that's what it is.

12 MR. DONALDSON: We can close the
13 record. Thank you.

14 (At 7:05 p.m., statement
15 concluded.)

16 * * * * *

1 STATE OF MICHIGAN)
2) ss
3 COUNTY OF WAYNE)

4 I, Allison Lee Tokman, Notary Public
5 within and for the County of Wayne, State of Michigan, do
6 hereby certify that the witness whose attached statement
7 was taken before me in the above-entitled matter was
8 duly sworn at the aforementioned time and place; that the
9 testimony given by said witness was recorded in the
10 presence of said witness and afterwards transcribed by
11 computer under my personal supervision, and that the said
12 statement is a full, true and correct transcript of the
13 testimony given by the witness.

14 I further certify that I am not
15 connected by blood or marriage with any of the parties or
16 their attorneys, and that I am not an employee of either
17 of them, nor financially interested in the action.

18 IN WITNESS WHEREOF, I have hereunto
19 set my hand at the City of Detroit, County of Wayne,
20 State of Michigan, this 18th day of September, 2004.

21
22 Allison Lee Tokman, Notary Public
23 Wayne County, Michigan

24 My commission expires: 3-23-05

25 CER# 5250