



KYM L. WORTHY
PROSECUTING ATTORNEY

COUNTY OF WAYNE
OFFICE OF THE PROSECUTING ATTORNEY
DETROIT, MICHIGAN

1200 FRANK MURPHY HALL OF JUSTICE
1441 ST. ANTOINE STREET
DETROIT, MICHIGAN 48226-2302

TEL: (313) 224-5777
FAX: (313) 224-0974

MEMO-FOLLOW UP WORK REQUESTED

TO: Lt. James Tolbert
Commanding Officer-DPD Homicide

FROM: APA Patrick Muscat
Wayne County Prosecutor's Office-Homicide Unit
[REDACTED]

RE: People v. Kenneth Nixon and Latoya Caulford
Trial Date: 9/12/05 DPD Jacket #05-154 and #05-155

Date: 8/3/05

Dear Lt. Tolbert,

I am the prosecutor assigned to the above referenced case. This is the firebombing arson homicide of two children from 5/19/05 at 19428 Charleston. I believe the officer-in-charge at the time was Inv. Kurtiss Staples. I'm not sure who it is now.

As you know this is an extremely high profile case. This case is centered around the testimony of 13-year old Brandon Vaughan. He is the brother of the two victims.

To be blunt, this case has serious problems. The cast rests on Brandon Vaughan and he is, at best, unpredictable. He has given 3 different statements. He then incorporated all 3 versions when he testified at the preliminary examination. We need to find a way to corroborate this eyewitness' testimony. This case also needs some serious follow-up work. I am sending this directly to you because of the sensitive issues addressed below and the desperate need for work on this case.

I have spent hours going over Wayne County jail calls and have found some serious issues to be addressed.

Here is the follow-up work that I am requesting:

Defendant's family contacting a police officer (see attached jail call on c.d.)

In several of his calls, Kenneth Nixon refers to a police officer that can be used to dig up information on the victim's family. She is referred to as "Woods." He tells a friend to offer her \$100.00 and she'll do anything like a crack head. Although they do not say directly that she is a police officer they do say

she “drives a squad car and can look stuff up.” They mention her cell number as being (313) 802-1795. This person needs to be identified and interviewed to see exactly what if anything was requested of her, bribes, defendant’s incriminatory statements, etc.

Defendant’s family contacting a firefighter (same call)

In the same call (and a few others) the defendant and his families discuss contacting a firefighter named Shawn or Sean. They discuss having this firefighter pull some paperwork regarding a previous arson at the victim’s previous home. He would be hard to identify, but if possible may provide information.

Prior Arson

There is reference in the calls to the victim’s prior home being firebombed by a jealous boyfriend and a Molotov cocktail. Facts that are extremely similar to this case. I need any and all paperwork pulled on this incident.

Prior shooting between defendant and witness Rico Simmons

Simmons says in a statement that he was shot at by the defendant in March, 05. I need any and all paperwork pulled on this incident.

All evidence fingerprinted and compared

Several items were placed on evidence per the evidence tech report (see attached). I want to confirm that all those items will be tested for prints and compared to the defendant’s prior to trial.

They are:

ET #11226404 Red plastic gas can

ET #11227104 latent print from Neon (needs comparison to both defendant’s)

Lt. Frank Maiorana of the Arson squad mentions in his report “remains of a Molotov cocktail.” I’m not sure where that evidence is, but it needs to be tested for prints if possible.

Letters to OIC

Kenneth Nixon mentions writing letters to the OIC. I believe he is referring to Inv. Staples. I would like copies of those letters if they exist.

Interview with both defendant’s cellmates

This is an unusual request, but considering the evidence in this case I need to ask. Both defendants seem to talk about their case with cellmates. I would like to request that someone interview their cellmates (not offering any deals to them) and inquire as to anything either defendant may have said about their case. I realize that is a long shot and that most inmates will not want to talk, but I think this case dictates that we try anyhow. Defendant Kenneth Nixon is listed as staying on ward 612 (at least that’s where he makes his calls). Defendant Latoya Caulford is listed as staying on ward 5SWL1 (at least that’s where she makes her calls).


I know this is a lot of work, but I feel it has to be done to give us a chance. They trial date is September 12th, 2005 so I believe there is enough time.

I am returning the police file with this request and I have included the jail call mentioning the possible police officer and the evidence tech report.

Please contact me if you have any questions or concerns.

Thanks,

APA Patrick Muscat
1441 St. Antoine-Homicide Division
Wayne County Prosecutor's Office
Detroit, MI 48072



CC: Elizabeth Walker-WCPO
Rob Moran-WCPO