

State of Michigan

In the Wayne County Circuit Court

People of the State of Michigan,

Case No. 99-012250-FC

Plaintiff-Appellee,

The Honorable Bradley L. Cobb

vs

Nicholas V. Hudson

Defendant-Appellant.

Attorney for Plaintiff-Appellee:
Wayne County Prosecutor

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Brief Supporting Motion for Relief from Judgment

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Issue I

Mr. Nicholas Hudson was deprived of his State and Federal rights to Due Process and a fair trial where the prosecution and/or 6th precinct of the Detroit Police suppressed material evidence that could have been used to show the lack of good faith of the investigation, impeachment of the single witness who implicated Mr. Hudson, and a viable alternative theory all which would undermine the confidence in his conviction.

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Statement of Questions Presented

- I. Was Mr. Nicholas Hudson was deprived of his State and Federal rights to Due Process and a fair trial where the prosecution and/or 6th precinct of the Detroit Police suppressed material evidence that could have been used to show the lack of good faith of the investigation, impeachment of the single witness who implicated Mr. Hudson, and a viable alternative theory all which undermines the confidence in his conviction.

Defendant answers. "Yes."

Applicable Law: 6.502(G)—Successive Motion

(2) A defendant may file a second or subsequent motion based on a retroactive change in law that occurred after the first motion for relief from judgment was filed or a claim of new evidence that was not discovered before the first such motion was filed. The clerk shall refer a successive motion to the judge to whom the case is assigned for a determination whether the motion is within one of the exceptions.

The court may waive the provisions of this rule if it concludes that there is a significant possibility that the defendant is innocent of the crime. For motions filed under both (G)(1) and (G)(2), the court shall enter an appropriate order disposing of the motion.

(3) For purposes of subrule (G)(2), “new evidence” includes new scientific evidence. This includes, but is not limited to, shifts in science entailing changes:

- (a) in a field of scientific knowledge, including shifts in scientific consensus;
- (b) in a testifying expert’s own scientific knowledge and opinions; or
- (c) in a scientific method on which the relevant scientific evidence at trial was based.

Procedural History

January 12, 2001. Post-conviction motion for new trial and direct appeal. Represented by Elizabeth Jacobs P24245

November 26, 2002, Court of Appeals affirmed conviction Case No. 228030

August 29, 2003, Michigan Supreme Court denied application

Direct Appeal Issues

- I. Counsel failed to investigate and prepare for trial by obtaining before trial the expert's report on gunshot residue tests which were positive as to defendant and by obtaining an expert witness to offer alternative explanations, consistent with innocence for the presence of particles on the defendant.
- II. Counsel failed to object to opinion testimony where the witness Steiner was never declared an expert and could never be declared an expert in gunshot residue tests.
- III. Counsel failed to challenge peremptorily a juror who had 4-5 family members murdered and failed to challenge a juror who said she hated drug dealers.
- IV. Counsel waived the presence of two officers from the Sixth Precinct when he needed to cross examine them as to whether they had heard that the defendant had testified against fellow officers in a federal trial in which they were charged with robbing dope houses.
- V. Counsel failed to subpoena an alibi witness who was neither a relative of the defendant nor his girlfriend.
- VI. Counsel failed to object to prosecutorial misconduct.

- VII. Counsel failed to obtain the criminal record of the prosecution witness, Jimmie Blue, and therefore could not attack his credibility when he committed perjury.

July 15, 2017. First Motion for Relief from Judgment denied. Represented by James Sterling Lawrence

July 3, 2018, Court of Appeals denial of Application for Leave to Appeal
Case No. 341748

April 25, 2019, Michigan Supreme Court denial of Application for Leave to Appeal, Case No. 158323

First 6.500 Issues

- I. Defendant denied a fair trial by improper restriction on defense cross-examination of witness.
- II. Defendant was denied a fair trial by the failure to produce witnesses, failure to give an appropriate jury instruction, and the Trial Court's ruling of due diligence.
- III. Defendant was prejudiced by the Court's abuse of discretion in refusing to give the standard addict-informer instruction.
- IV. Defendant was prejudiced by Prosecutor arguments shifting the burden of proof.
- V. Defendant was prejudiced by Prosecutor argument promoting out of Court statements into substantive evidence, and by misleading the jury about the testimony.
- VI. Defendant was prejudiced by the Prosecutor argument promoting self-interest and civil-duty.
- VII. Defendant was prejudiced by ineffective assistance of counsel on appeal.
- VIII. Newly discovered evidence requires a new trial.

Statement of Facts

Nicholas Hudson was charged in Count I of the Information with premeditated murder in the death of Ivory Harris a/ka/ "Chip" a/k/a "C" in violation of MCL 750.316 and in Count II with possession of a firearm during the commission of a felony in violation of MCL 750.227b. The crime was alleged to have occurred at 14555 Stout St. in the city of Detroit in the early morning hours of August 19, 1999.

Synopsis of Events

Officer Ellis summarized what information they had at 12:30 a.m. on the night of the shooting in his report of August 18, 1999 as follows:

This is an outside scene. As you approach the scene from the south, you see a Great chev blazer 99 mi VQW42 [3] parked on east side of the street. The compl is lying [j]ust west of the blazer. The compl is lying on his back, head facing south/east. There is a pair of glasses next to the right side of his head. [A] There is a oil dip stick lying across the right leg of the compl. [D] A toy pager is lying next to the compl's left knee. There is a 19" MGA tv model cs-1930 lying at the feet of the compl face down. [C]

The story here is the compl paid Janet Inge b/f/34 of [4600 Stout] \$100 yesterday 8-17-99 so he could sell drugs out of her home. Ms Inge's live in boyfriend Jimmie Blue b/m/49 found out about the deal and told Ms Inge he wasn't having it. The compl came by and was informed by Ms Inge that the deal was off. The compl had already spent the money. The compl returned to collect his money and took the tv out of the house for payment. The compl leaves walking from 14600 stout with the tv and a friend of his and a shot is heard minutes later. Witness Mary Wilson w/f/36 observed Ms Inge, Blue and Red from the neighborhood looking over compl and [saw] Red take something from the compl. Witness Patrick Turner w/m/44 heard shot, looked outside and saw a Great or med blue cougar or cutlass drive south bound from the compl with lights off. Writer went to 14541 stout and arrested the local dope man Janarrio Gardner b/m/17 aka Red, Mark Hudson b/m/24, Nicholas Hudson b/m/23 and Kiahrenise Ransburg b/f/25 and conveyed to homicide. Per neighbors, 14541 Stout is dope house. Per Sgt of narcotics, 14541 Stout raided 4-28-99 and 1 juv was arrested for felony and 2 adults were arrested for misd, \$300 and weapon confiscated.

Writer believes Mr Blue and Ms Inge are good suspects because the compl took their tv. If that doesn't work out, Mr Gardner might need a second look because the compl was trying to set up a dope house in his area. Statements taken from all. Ms Ransburg released, Ms Inge placed on 8th floor, Mr Blue, Mr N Hudson, Mr M Hudson, and Mr Gardner are at homicide desk. The 9th floor is full.

The evidence tech took photos, make sketch and collected evidence. GST taken on all.

The Case was Dismissed on November 12, 1999

This case against Nicholas Hudson was dismissed for insufficiency of the evidence after the first preliminary examination. Kiahrenise Ransburg was the only witness. She testified that on August 18, 1999, that she met up with Nick Hudson at about 9:00-9:30 p.m. She went in the house at 14541 Stout St. and found him playing cards with Mark

Hudson, Percy Hudson, Sr., She left with Nick Hudson at approximately 10:00-10:30 p.m. (PE, 11). They all left to go to Percy Hudson, Jr.'s house on Greenview for dinner and a family meeting. The family went outside onto the porch. Ms. Ransburg left that house with Nick Hudson in her car at 1:30-2:00 a.m. They went back to 14541 Stout St. She was driving up Stout, and she couldn't get through because of the police and the ambulance blocking the street. So, she went around and came up Lyndon to Stout. They were not questioned by police. The 14541 Stout house was empty, so they got back in the car and drove around the corner to a house on Dacosta St. (PE, 15). Only Janarrio Gardner a/k/a Red was in the Dacosta house. She and Nick left after about five minutes and went back to 14541 Stout. Mark was outside, and she could see the police questioning him. The police put Nick Hudson, Mark Hudson and Ms. Ransburg into the police car. They were taken to the downtown station for questioning. Ms. Ransburg ultimately made four statements to the police.

The third statement was to Investigator Andrew Sims on October 26, 1999 at 7:15 pm where she stated that she saw Nick Hudson shoot a man. The fourth statement was to Officer Lonze Reynolds on October 26, 1999 at 8:12 p.m. She again stated that she saw Nick Hudson shoot a man. At the preliminary examination, she recanted the contents of the fourth statement.

On cross examination, she explained that after making the statements, she contacted Nick Hudson's attorney and told him that she had lied. Nick Hudson's attorney told her that she needed to contact the prosecution which she did. The prosecution did not get another statement from her. She was then arrested. She was told that she would be charged with murder. (EH, 40). She again told the prosecutor that her

statements implicating Nicholas Hudson were a lie. Defense counsel cross examined her as follows:

Q: Let's talk about the truth. Nicholas Hudson, did he shoot somebody?

A No.

Q Did you see him with a gun?

A No.

Q Did you lie on the 28h about it?

A Yes.

Q When you lied, were you under arrest? Did they have you down - were you under arrest?

Q Did you think that you were going to spend the rest of your days in jail?

A Yes.

Q Did they tell you that you had gun powder residue on your hands?

A Yes.

Q Did they tell you that you were an accessory to murder?

A Yes.

Q You got a family?

A Yes.

Q You got babies?

A Yes.

Q How old is your baby?

A Four.

Q They tell you you will never see your baby again?

A Yes.

Q Who? Point him out. Who said that to you?

A Detective Reynolds.

(PE 42-43)

The trial court refused to bind over the defendant, because the only witness was scared and had recanted. The case was dismissed without prejudice.

Preliminary Examination, December 7, 1999

Janet Inge, a/k/a Yogi testified at the second preliminary examination that the complainant, Ivory Harris, a/k/a Chip, a/k/a "C," was at her home on 14600 Stout St. on August 15, 1999. He wanted to sell drugs out of her house. (PE, 10). He began to sell drugs out of her house on that day. Ms. Inge claimed that three days later on August 18, 1999, that Nicholas Hudson confronted her about selling drugs out of her house. He did not confront the complainant. About an hour later, Ivory Harris left her house. She next saw the complainant that night at 12:00 midnight at her home on Stout. (PE, 14). He was there to collect the \$100 that he had given her. She didn't have it, so he and the friend he brought with him took their¹ TV set. She claimed that as he walked to his car that Nicholas Hudson came out of somewhere and put a gun to Ivory Harris' head and shot him. She claimed it was under the street light.² The complainant was on the driver side of his car. She did not see where Nicholas Hudson went.

On cross examination, she admitted that currently she was detained at the jail and had been for the previous six days. (PE, 20). She had never told the police that Ivory Harris wanted to run a dope house out of her home. She also conceded that she had been using crack the day of the shooting. Her common-law husband, Blue, was drunk on the day of the shooting. On that day, the police took her down to the station, and she stayed for two days.

Trial

On April 11, 2000, trial began before the Hon. Carole Youngblood, a judge of the criminal division of Wayne County Circuit Court.

¹ She lived there with her common-law husband, Jimmi Blue

² The police sketch indicates that there was only one working street light at the end of the street.

Roy Collier—The complainant's ride to Stout St.

Roy Collier was the first cousin of Mario Collier. On August 18, 1999, he was driving his powder-blue, two-door '84 Monte Carlo. On that evening, he saw his cousin, Mario, on the corner of Mattetal and Schoolcraft. He picked Mario up. He also knew Chips, the complainant, a/k/a Ivory Harris, a/k/a "C" as he was an acquaintance of Mario's. (II, 104). They drove to Chip's house on Mansfield and picked him up. (II, 105). After stopping at a party store, they ended up over on Stout St. at Chip's request. (II, 106) Chip wanted to pick up some money from a girl. Roy parked mid-block, maybe six, seven houses from the corner. His car was facing north toward Schoolcraft. (II, 107). He parked on the right side of the street. Chip got out of the car and walked toward the rear of the car. (II, 108). He went into a house on Stout St. and was gone about 15-20 minutes. While waiting, Roy Collier saw a light-skinned slender guy wearing a hood walking up the street and passed their car on Mario's right. (II, 109). Roy Collier's car did not have an outside left mirror, and he watched Chip returning to the car by looking in his rearview mirror and his peripherals on his left side. Chip was carrying a box of some sort. When Chip was 15 feet or so from Roy Collier's Monte Carlo, Roy saw a man walking next to Chip. He heard a gunshot, and he looked in his rearview mirror. A man was behind Chip and Chip dropped out of sight. (II, 111). He then saw an image running across the street from where Chip came from. The image was running away from the rear of the vehicle. (II, 112). He testified that he did not identify anyone at the lineups. Roy Collier could not identify Nicholas Hudson in the courtroom that day. In Roy Collier's first statement to police officer Harris on 11/9/99, Roy did not mention Nicholas Hudson. (Attachment 17). In his second statement to police officer Reynolds on 11/13/99, Roy suddenly stated that Nicholas Hudson shot Ivory Harris and that he had

recognized him from the lineup. (Attachment 18, People's Exhibit 5). However, the Photo Identification Record from 11/10/99, indicates that Roy Collier was unable to identify anyone in the lineup. (Attachment 14). The prosecutor pulled out People's Exhibit Number 5, and confronted Roy Collier with his statement after the lineup. Mr. Collier stated that that was not his handwriting, but he did sign it. The prosecutor asked Roy Collier the following:

Q: And now you were asked the first question, the first full question on Page 2: [Of the second statement.] "Who was the guy that shot Ivory?" Your answer was: "Nicholas Hudson, the guy I seen in the lineup, "

Isn't that true, sir, in that statement?

A: Yes, it is true.

Q: And you went on to say that that's the lineup that you were at with Sergeant Williams; is that correct?

A: I believe I was with Sergeant Williams.

Q: The police asked you why you didn't identify Mr. Hudson at the lineup and you told them you were scared, right?

A: I don't recall.

Q: Now also in that statement, sir, you said you saw a girl out there; is that correct?

A: I did see someone walking after the gentleman was walking past Mario's door, there was someone that walked up the middle of the street.

Q: Okay.

A: And appeared to be a female.³

³ Although he was unable to be located for trial, and his statement was not shared with defense counsel, Janarrio Gardner a/k/a Red reported in his statement that

Coco came by. She wanted a bag or weed for \$9. I told her to go on with that. She was buying it for somebody else. She started walking down the street to Yogi's [Janet Inge] house. I went out to like the where the fence to the house was. She was on Yogi's porch when I called her back down. She came down....I was inside the kitchen with her when we heard the shot (Attachment 19)

Q: You were asked on Page 3, second question: "Did you see Nicholas Hudson shoot Ivory Harris?" And your answer was, "Yes"; isn't that true?

A: I may have, sir.

Q: Well could you look at that on page 3, [Of the second statement] the second question, please?

A: That's what it says.

Q: Okay. And you were asked, "After that how many times?"

"Answer: I heard one shot. One, I've seen."

Were you asked that question, did you give that answer?

A: Yes, I was asked that question.

Q: Okay. Next question: "Did you see what kind of gun Nicholas Hudson had"? And your answer was it was dark. I know it was a black gun.

Were you asked that question?

A: Yes, I was.

Q. And did you give that answer?

A: Yes.

Q. The next question was: "Who else was there when Nicholas Hudson shot Ivory?" And your answer was:

"Nobody. I did not see anyone except a girl walking up the street."

Were you asked that question, you give that answer?

(II, 114-116)

* * *

Q: Now, Mr. Collier, do you know Sergeant Jennings of the police department?

A: Yes.

Q: Isn't it true, sir, that you told Sergeant Jennings that in fact there was a fourth man in a car and that his name was - - his name was Banks?

A: I don't recall that, sir.

Q: Okay. Do you know a Banks, a black male, 24, five foot seven, medium complexion, hundred 70 pounds?

A: No, sir.

Q: You didn't tell Sergeant Jennings that Banks went in the house with Chip? You didn't tell Sergeant Jennings that?

A: No, sir.⁴

(II, 117).

Roy Collier told a much different story on Cross Examination and stated that he was coerced to lie by Officer Lonze Reynolds who threatened him.

Q: Who told you to lie? I mean, no, I will get into that a different way.

Strike that. You don't know this man's name is Nicholas Hudson. Who told you his name was Nicholas Hudson?

A: The lieutenant, the top lieutenant down at the Number One Precinct.

Q: So a police officer had you in custody for use of a better word. You were downtown, right?

A: Yes.

Q: And they were questioning you as if you were a murderer, right?

A: Perhaps.

Q: Yeah. And they told you, in effect, listen something about this don't make no sense. You either gon' tell us Nicholas Hudson did it or you and Banks and them and these other guys with you robbed your friend and killed him. That's the scenario, right?

A: Basically.

Q: Yeah. Listen, they said you got to make a choice on this. You either gonna say Nicholas Hudson – because you didn't know this guy's name, did you?

A: No, I didn't.

Q: You had never had a weapon with him, have you?

A: No, I haven't.

Q: When the police officer's saying Nicholas Hudson in your statement, Nicholas Hudson did this and Nicholas Hudson did that, those are the words of the police officers, right?

A. Correct, yes.

⁴ Had the progress notes been shared with defense counsel, Roy Collier a/k/a KoKo could have been impeached with his statement that “Mr. Collier stated that a person he knows Banks b/m/24 5’ 7” med complx 170 lbs. wrg wht t-shirt and jeans was also in the car. Mr. Collier also stated that Banks went in the house with Chip” (Attachment 20)

Q. Were you aware - - did they tell you that Nicholas Hudson helped break up the Sixth Precinct?

(II, 120 -121)

Q: (By Mr. Paige, continuing): Mr. Collier, sir, so that I can be short with this, it's fair for me to argue to the jury that when you made a statement in police custody about Nicholas Hudson being the guy, that was false?

A: It was uncertainty, sir, under distress.

Q: Right. And when you were at the lineup, you didn't pick him out a lineup, did you?

A: No, I didn't, sir.

Q: There was some discussions with you and was it Officer Reynolds? Who did you give the subsequent statement to?

A: The subsequent statement was given to –

Q: Was it Harris?

A: It was Harris.

Q: Or Reynolds?

A: It was Reynolds.

Q: Right here?

A: Yes.

Q: And so Officer Reynolds sat you down and he had a discussion with you about what he thought the theory of the case was, right?

A: Correct.

Q: And he talked about several different kinds of theories that he had in his head, right? For instance, there was a guy that he said was in your car name Black or something, right?

A: Yes.

Q: And was Black in the car?

A: No.

Q: Okay. But Reynolds put Black in your car, didn't he? You said Black hadn't been in your car, right?

A: It wasn't Sergeant Reynolds. That was Jennings.

Q: Jennings. But they were working at the same squad, right?

A: Right.

Q: Working in tandem with each other.

And so they were tag teaming you, for use of a better word, coming back would with talk to you and then another one would talk to you, right?

A: Correct.

(II, 134-135)

Q: You described a light skin guy that you saw walking down the street, right?

A: Yes.

Q: Okay. Was he lighter or darker than this gentleman? [Nicholas Hudson]

A: Lighter.

Q: So the guy that you saw walking down the street was not the same pigmentation as the defendant, right?

A: No.

(II, 136)

At a side bar, the attorneys and judge discussed the fact that Roy Collier had failed a polygraph (Attachment 21) regarding whether or not he had shot Ivory Harris, but that could not be shared with the jury. (II, 129).

Mario Collier

Mario Collier testified as follows:

Well I took a friend of mine [Ivory Harris/Chip] over there and he was—he went in the house and he's in there doing whatever he doing. And I am sitting in the car waiting on him to come out and I see a dude come up the street. And then he come back up the street and then a couple seconds later we hear a gunshot and I just tell my cousin [Roy Collier a/k/a KoKo] pull off.

(III, 79)

He stated that he knew “Banks” who was a friend of Ivory Harris. However, he wasn’t with them that night. (III 79). Ivory Harris went into the house on Stout St. at approximately midnight and came back out five to ten minutes later. (III, 80). Then, he

heard one gunshot, and he ducked down and did not see anyone on the street. (III 82-83). When asked to identify Nicholas Hudson, he stated that he had seen him in the county jail and in the lineup “when they tried to have me pick him up.” He did not pick Nicholas Hudson out of the lineup. (III, 87) He did not see Nicholas Hudson on Stout Street that night, and he did not see anyone on Stout Street shoot Chip that night. (III 88). He testified that the one man he had seen walk by the car was not Nicholas Hudson. (III, 89).

Janet Inge

Janet Inge, aka “Yogi,” lived with her common-law husband, Jimmy Blue at 14600 Stout St and knew Nicholas Hudson. On August 19, 1999, she was high on crack cocaine and Jimmy Blue was drunk. (II, 203). She claimed that Nicholas Hudson went by the nickname of “Bill.” (II,145). She claimed that “Bill” and his brother were arguing with Ivory Harris at approximately 5:00 p.m. over who would sell drugs on the street. Ms. Inge had agreed with Ivory Harris that for \$100, he could sell drugs out of her house. (II, 147). At approximately 5:00 p.m. on August 19, 1999, Ivory Harris came to her home and requested the return of his money. She no longer had the money to return to him. Everyone left. At about 12:00 midnight, she was in her house with her common-law husband, Jimmy Blue, and she heard Ivory Harris’s⁵ car with the loud muffler driving up.⁶ Earlier, he had told her that if she didn’t come up with the money, “he was gonna blow my house –burn my house down or shoot it up.” (II, 154). He came into her house

⁵ See Janarro Gardner a/k/a Red interview which was suppressed

⁶ This can’t be accurate because they did not drive Ivory’s “loud” car, they drove Roy Collier’s car.

with a second individual who she stated she had never seen before.⁷ She didn't have the \$100, and Harris wanted something in return. So, he took her television. (II, 155). The two men left and Ivory Harris carried the TV down the street in the direction of Lyndon. (II, 156). She claimed that she and Jimmy Blue were standing on their porch and watched the two carry the TV down the street. She claimed she saw flames and heard a gunshot while the decedent was trying to put the TV in the car on the driver's side.⁸ She claimed that she saw Nicholas Hudson fire the gun at Ivory Harris. She did not see what happened to the individual who had come into their home with the decedent and left with him. While Ivory Harris was lying on the pavement, the car pulled off. (II, 158). Red then came to their house and told them there was a dead body in the street. Red, Jimmy Blue, Janet Inge and a girl named Coco went down to where the body was. Red was carrying a flashlight. (II, 161). Inge claimed that she did not take anything off the body, but she picked up a beeper out of the street. Next, she went down to 14541 Stout St. to purchase some cocaine for herself and for somebody who had pulled up in their car next to the body. The police came eventually, and Ms. Inge was taken down to the police station. She gave a number of statements. In her first two statements,⁹ she did not claim that Mr. Hudson shot Ivory Harris. She also did not mention that she had picked up the pager from the street near the dead body. Eventually, she changed her statement. (II, 164). She was detained for three days when she made her statements. (II, 200). She claimed that Percy Hudson had threatened her regarding her testimony.

⁷ She testified at the preliminary examination (PE, 15) regarding a second man she did not know coming in and leaving with Ivory Harris

⁸ In a two-door Monte Carlo, this would be where Roy Collier would be sitting.

⁹ August 19, 1999, August 20, 1999, August 21, 1999. (II, 176)

On cross examination she conceded that “C” [Ivory Harris] told her that he was coming back the next day to take her weight set and her VCR. (II, 173). In her first statement, she told police that she didn’t see the shooting. She only heard the shot. (II, 180). She told police that she visited the body twice before police arrived. (II, 181). She also told police that she had given the complainant two VCRs, and that he would be coming back for them. She also told police that she heard one shot when “C” reached the Caprice,¹⁰ and thought that “C” was shooting at her. (II, 191).

Jimmie Blue

Jimmie Blue was the common-law husband to Janet Inge. He identified Mr. Hudson as “Bill.” (II, 209). He stated that on the afternoon of August 18, 1999, that Nicholas Hudson, “C,” Tony, Black and Leroy were in their front yard. (II, 216). Blue claimed that Mr. Hudson was stating that “C” could not sell drugs out of their home. Blue claimed that 14541 Stout was a dope house. He knew that because that is where he purchased his “dope.” He claimed that Black, Red, and Leroy worked for Mr. Hudson. Blue claimed that Black¹¹ operated a drug house on Dacosta St. (II, 211). He described how “C” came to their home later that night around midnight, and he came in with another individual. While “C” was in their house, Blue claimed to have seen a third man get out of the Monte Carlo down the street and then get back into the car.¹² Jimmie Blue told them to take the TV set. The two men left. He watched the two men walk down

¹⁰ Roy Collier had testified that he had driven Ivory Harris there in his powder-blue, two-door ’84 Monte Carlo.

¹¹ This man called Black was a friend of Mark Hudson and named Elutheaus.

¹² Incredulously, Blue claimed to have seen this odd detail when he was admittedly drunk, and the streets were so dark that they needed flashlights to see the body where the vehicle had been.

towards Lyndon. “C” walked to the car up on Lyndon with the other man. Jimmie Blue went into his house and Inge said to him, “Baby, I think I seen Bill shoot somebody.”¹³ After arriving, the investigating officers took Jimmie Blue down to the police station along with Ms. Inge. (II, 219). He stayed seven days. He told police that he had been inside the house when actually he had been on the porch when he heard the gunshot. (II, 222). Ten minutes later, Red came to their house and said there was a dead body in the street. Jimmie Blue was not aware that Ms. Inge had told “C” that he could sell dope out of their house. He learned it when he pulled up in the afternoon and found them arguing on the front lawn. (II, 233).

Merry Wilson

Merry Wilson was a neighbor who lived at 14580 Stout St. She recalled that at approximately 12:30 that night on her way home, she saw a body on the street. She went into her house and called 911. (II, 84). She had not been there when the shots had been fired. Five minutes after calling 911, she saw three people at the body. She recognized them from the neighborhood. She saw Red [Janarrio Gardner] and Jimmy Blue. She watched Red shine a flashlight up and down the body on the street, then he reached into the deceased’s pocket and took something out. (II, 85). She would often see Red and Nicholas Hudson at 14541, the second house off the corner. She testified that it was a drug house, although she never saw any exchange of drugs. She testified that Blue did the same thing. She would see Blue go back and forth between 14600 and 14541.

¹³ Jimmie Blue has recanted his claim that Janet Inge was outside and had the ability to see the shooting. (Attachment 11)

On cross examination, she conceded that there were no streetlights where the body was laying. (II, 91). The third person she saw out there was a slim dark complected female who she had seen before in the neighborhood. She knew her to be the girlfriend of Blue. There was a television set on the curb. (II, 94) She stated that they picked something up when a car pulled up with another woman and another man in it. (II, 95) Blue and the female walked over to the car. She watched them talking.

On recross examination, she mistakenly identified Nicholas Hudson as Red. She shared that she had learned his alias from her children. She claimed that it was Nicholas Hudson who she saw over the body with a flashlight, yet she also thought that the defendant seated next to his attorney was Red.

Officer Lonze Reynolds of the DPD 6th Precinct

Officer Lonze Reynolds had all four police statements made by Miss Ransburg. (III, 26). He also had the one statement from Roy Collier. (Attachment 17). The officer denied that he told Ms. Ransburg and Roy Collier to lie. (III, 27). At the time he took the statement from Roy Collier, he was aware that Ms. Inge, Mr. Blue, Mr. Gardner (Red), Mark Hudson and Nicholas Hudson had been arrested. (III, 31). The officer claimed that he had not been aware that Roy Collier had been to a lineup and had not picked out Nicholas Hudson. He took a statement from Roy Collier. The officer admitted that the statement was in his own handwriting.

Officer Reynolds also spoke about the detainment of Ms. Ransburg until they had completed their interviews. (III, 39). The officer denied telling Ms. Ransburg that she would be locked up for the rest of her life and that she would never see her baby again. The officer didn't recall refusing admittance to an attorney who came to check on her. (III, 40). The officer conceded that in Ms. Ransburg's first statement she spoke of going

over to Greenview Street with Nicholas Hudson and his family. She gave her fourth statement to Investigator Andrew Sims. He claimed that he was unaware that Nicholas Hudson had testified in federal court regarding police corruption in the Sixth Precinct, but he was aware of the federal investigation of officers in the Sixth Precinct. (III, 58).

Defense counsel questioned Officer Reynolds about the fourth man in the Monte Carlo with the Collier cousins and Ivory Harris.

Q: And you know that in fact there is a note to the file that Mr. Collier -- there was an extra guy in the car, right?

A: Yes.

Q: It was a statement as three or four guys in the Collier car, right?

A: Yes.

Q: And you know based on your investigation that one of these guys got out with the deceased name "C?"

A: That's correct.

Q: And you know that this one guy that got out name -- do you have a name for the person that went into the house with Mr. C.? As of this day, do you have a name?

A: I don't have his name, no.

Q: But you know that this guy went into the house with "C," right?

A: That's correct.

Q: And you know this guy's unaccounted for as of today?

A: That's correct.

(III, 69-70)

Danny Newkirk of the DPD 6th Precinct

Officer Danny Newkirk testified that he and his partner, James Taylor, arrived at 12:40 a.m. He refreshed his recollection with his report to confirm this arrival time. (III, 90). He testified that he did not see anything in the street near the body, but it was dark. (III, 94).

Voinzell Jennings of the DPD 6th Precinct

Sergeant Jennings was asked outside of the presence of the jury whether he was aware that Nicholas Hudson had been a federal detained witness against the Detroit Police Department Sixth Precinct. He responded that he became aware of that later when Brian Stare from Internal Affairs came down after the warrant had been issued and notified him that they wanted to look at the file in this case. (III, 121). The warrant had been issued on September 3, 1999, and Sergeant Jennings approximated that Brian Stare from Internal Affairs approached him approximately a month after that. (III, 122). Sergeant Jennings claimed that he knew only that Nicholas Hudson was a federal witness involved in a lawsuit regarding the Detroit Police Department Sixth Precinct. (III, 123). He claimed that he was not given any more details, but he had read in the newspapers that there was a problem with some officers from the Sixth Precinct robbing “dope men.” (III, 124). He did not share this information with anyone on his squad but he stated that it was no secret that Internal Affairs was coming to get the file. (III, 126).

He was recalled on the fourth day of trial. He discussed his inability to locate Jannario Gardner (Red) who was considered a viable suspect in the shooting of Ivory Harris. (IV, 5).

Mark Hudson—Nicholas Hudson had an alibi

Mark Hudson, brother to Nicholas Hudson, was arrested in front of the jury on 4-12-00, because of some past due child-support payments. Mark Hudson testified that he and his brother and other members of his family were on Greenview Street to discuss a problem that they were having with their niece and ward, Crystal Hudson on the evening of August 18. After taking Crystal home, he returned to Stout St. He and Red were leaving the house, and the police were outside. He was arrested along with his brother

Nicholas, Nicholas girlfriend Kiahrenishe and two other people and taken to the police station at 3:00 a.m. (IV 17). He told police that starting at nine to nine thirty p.m. on August 18th, he had arrived at his brother's house on Greenview. Prior to Greenview, he had been on Stout St. playing cards with his brother Nicholas, his father, Red, a guy named Black and his older brother. Kiahrenishe came later to Stout St. at about six-thirty to seven p.m. He denied arguing with anyone on Stout St. on that day. The group left and went to his brother's, Percy's house at 6118 Greenview. He drove his brother Nicholas car which was a Monte Carlo. They arrived at Greenview at approximately nine to nine-thirty pm. Only Red was left behind on Stout St. when they all left to go to Greenview. (IV, 20). His niece, his brother, his brother's girlfriend, his brother Percy, and Percy's girlfriend, Damia, Nicholas and Kiahrenishe were all at Greenview St.. The group left Greenview between twelve and one in the morning. He drove his niece, Krystal, to his home in Inkster and arrived there around two to two-thirty. (IV, 32). He then went back out again and went to Dacosta. (IV, 22). Leroy, Nicholas, Kiahrenishe and Red were there. Kiahrenishe had Nicholas and his father left in her car. Mark then intended to go to Stout Street with Red, but the police had the street blocked off. He had to go back around and come up Lyndon to get to the house he was going to. They arrived on Stout St. close to 3:00 a.m. (IV, 24).

Kiahrenishe Ransburg

Kiahrenishe Ransburg was the mother of Nicholas Hudson's children. She rented the home on 14541 Stout St. (I, 149). Neither she nor Mr. Hudson lived there, however, it was rented as a place for him to spend time with his children. (I, 151). On August 18, 1999, at approximately 9:00 p.m. to 9:30, she went to 14541 Stout St, and Mr. Hudson, his brother, Mark Hudson, father, Percy Hudson, Sr., Percy Hudson, Jr. and "Red,"

Jannario Gardner, were there and playing cards. (I, 153). They stayed until 10:00 to 10:30 p.m. She left with Nicholas Hudson. Percy Hudson Jr. left in his own car. Mark Hudson and Percy Hudson, Sr. left in a separate car. (I, 154). Red stayed behind at 14541 Stout St while they were at Greenview. She and Nicholas Hudson returned to Stout St. between 1:30 and 2:00 a.m. She didn't see the body in the street, but she did see a sheet over the body. Red was not at the Stout St house. (I, 161).

Ms. Ransberg First Statement

She testified that her first statement of August 19, 1999, was the truth.

Crystal Hudson

Crystal Hudson was the niece and ward of Mark Hudson. She recalled that she was at her Uncle Percy's home on Greenview on August 18-19, 1999. She recalled that Uncle Nick arrived at about 9:00 p.m. (IV, 37). She knew it was 9:00, because he was the last to arrive, and that's when they started talking to her about some trouble she was getting into. (IV, 38). Her Aunt Damia made ham and potato salad. Later that night at approximately 1:30, she left with her Uncle Mark and he took her to his house in Inkster. Her Uncle Nick left Greenview at the same time as she did.

Xiaojaong Hu

Xiaojaong Hu was employed at the Wayne County Medical Examiner's office. He testified that Ivory Harris had one gunshot wound to the back of the left neck. It was located below the left ear. There was an exit gunshot wound on the front of the neck on the right side below the chin. (III, 11). No bullets or fragments were recovered from the body. (III, 14). There was no evidence of close-range firing. (III, 17)

William Steiner

William Steiner was employed at the Detroit Police Department as a forensic chemist at the Crime Lab. (III, 151).

The chemist testified to the following results of his tests:¹⁴

Ex #10 Test #845 ET #548740 The chemist found no significant amounts of lead barium, antimony (III-158, 167). The swabs were taken from Red. (III-1 00).

Ex #11 Test #846 ET #548741 The chemist found one particle on the right web found particles consistent with gunshot residue on the right web sample but the quantity of particles was not great enough for me to actually confirm it as gunshot residue." (III-159-160). This swab was taken from Mark Hudson. (III-104)

Ex #12 Test #847 ET #548742 The chemist found gunshot residue on both right and left hand web area. This sample came from Nicholas Hudson. (III-105). The chemist testified that it was a possibility that he had fired a gun (III-160). Another explanation was that he handled a gun that had recently been fired. (III 160-161).

Ex #16 Test #842 ET #548743 The chemist found no gunshot residue particles (III-161). On cross, no significant amounts. (III-167). The swabs were taken from Jimmie Blue. (III-134).

Ex #17 Test #843 ET #548744 The chemist detected residue on left hand sample, web area, and on face. (III 161-162). This sample came from Ms. Ransburg. (III-136).

Ex #18 Test #844 ET #548745 The chemist did not find any significant amounts of lead, barium, or antimony. (III-162). This sample came from Janet Inge. (III-137).

The chemist admitted that he was not saying that any of the people who had gunshot residue in the web of the hand fired a gun. (III-172). He further testified that someone who comes off a gun range may have 100 particles. (III-163). On cross, he

¹⁴ Ex refers to Exhibit while ET refers to Evidence Tag

admitted that the absence of particles is not conclusive that the person did not fire a gun. (III-167).

Post-Conviction Evidentiary Hearing

Damia Genia

Damia Genia was the partner of Percy Hudson who was Nicholas Hudson's brother. (EH, 9). On August 18, 1999, she and Percy had visitors. They were Nicholas Hudson, Kiaranese Ransburg, Percy Hudson, Sr., Percy Hudson Jr., Crystal Hudson and Mark Hudson. Chrystal Hudson was a ward of Mark Hudson. (EH, 10). The group arrived around dusk and left after one a.m. Ms. Genia recalled the time because:

Well Crystal was only -- she wasn't even 15 I believe, and she wasn't allowed to be up past 11 when she was at our house. And I kept reminding Percy what time it was but she decided to go with her uncles and that was after one.

(EH, 11)

Mark Hudson

Mark Hudson had returned to 14541 Stout between 12:30 and 1:00 (EH-1, 18) in the early morning hours of August 19, 1999. He arrived there with Nicholas, Kiaranese and Red. (EH-I, 39). He had been at Stout for 10-15 minutes when he was arrested. He testified that Red (Janario Gardner) used the house to sell drugs. (EH-1, 29). On the afternoon of the 18th of August, he had first arrived at Stout St. with Nicholas Hudson, Percy Hudson, Sr, and an individual named Elutheaous. They played cards and rolled dice. (EH-1, 50). Red was already there. Percy, Jr. showed up later. (EH-1, 51). He denied witnessing any confrontation at the Inge's house, but he did see someone he recognized named Steve. (EH-1, 53).

Keith Ballard

Keith Ballard and his partner from the 6th Precinct were on street patrol on August 18-19, 1999. He received a call to respond to Stout St. He and his partner arrived the same time as another unit. He and his partner approached the body. (EH-III, 5). The medics were there and determined that the man lying in the road was deceased. He was instructed to go to 14541 Stout St. to ask questions. (EH-III, 6). There was a discussion between Ballard and his partner and Sergeant Ellis, the Homicide detective, about someone named Red. They were told by Sergeant Ellis to detain Mark Hudson, Nicholas Hudson and Jennario Gardner (Red) who were at 14541 Stout St. (EH-III, 7-8). (EH-III, 11).

Henry Ellis

Sergeant Henry Ellis was employed in the Detroit Police Homicide Section and he was in charge of the investigation of the shooting on Stout St. on August 19, 1999. He spoke with Merry Wilson. She told him that she saw three individuals at the body—Janet, Blue and Red. (EH-III, 20). He went down to 14541 Stout St to find Red. There was a group of individuals on the lawn drinking beer. They said they didn't know anything about the shooting. (EH-III, 23). Ms. Ransburg was at the door, and Sergeant Ellis asked if he could come in and look around. Ms. Ransburg consented to his entry. He was looking for a weapon. He did not find a weapon. (EH-III, 28). Ms. Ransburg told him that they had arrived after the shooting occurred. All the individuals at Stout St. voluntarily went downtown to make a statement. They all said they didn't know anything about the shooting because they weren't there when it happened. (EH-III, 29).

Issue I

Mr. Nicholas Hudson was deprived of his State and Federal rights to Due Process and a fair trial where the prosecution and/or 6th precinct of the Detroit Police suppressed material evidence that could have been used to show the lack of good faith of the investigation, impeachment of the single witness who implicated Mr. Hudson, and a viable alternative theory all which would undermine the confidence in his conviction.

Good Cause

Good cause can be established by demonstrating that “some external factor prevented counsel from previously raising the issue.” *People v Reed*, 449 Mich 375, 378; 535 NW2d 496 (1995). Withholding evidence establishes good cause. *Banks v Dretke*, 540 US 668, 691, 124 S Ct 1256 (2004); (withholding evidence constitutes good cause).

Brady Claim

A defendant in a criminal trial has the due process right “to seek out the truth in the process of defending himself.” *Davis v Alaska*, 415 US 308, 320; 94 S Ct 1105 (1974). This includes the right to show that someone else committed the crime. *Rock v Arkansas*, 483 US 44, 107 S Ct 2704 (1987); *Holmes v South Carolina*, 547 US 319, 126 S Ct 1727 (2006); *Chambers v Mississippi*, 410 US 284, 93 S Ct 1038 (1973)

Suppression of Evidence

Defendant, Nicholas Hudson was not afforded the opportunity to show that someone else committed the crime, because the police/prosecution withheld all evidence pertaining to its investigation of Mark Greathouse who was more likely the shooter. Defense counsel was completely unaware of Mark Greathouse. All documents containing his name had not been shared with the defense. The two prior appellate attorneys made no mention of Mark Greathouse, and considering his significance as a prime suspect who the police had investigated, indicates that prior appellate counsel did not have access to the evidence either.

The prosecution has a federal constitutional duty to provide exculpatory evidence to a criminal defendant. *Brady v Maryland*, 373 US 83 (1963). The suppression of favorable evidence that is material to the question of guilt or punishment violates due process, irrespective of the good or bad faith of the prosecution. *Brady*, 373 US at 87. This obligation to disclose extends equally to impeachment evidence. *United States v Bagley*, 473 US 667, 676; 105 S Ct 3375 (1985). The evidence at issue need not be specifically requested by defense counsel. *United States v Agurs*, 427 US 97, 107-110; 96 S Ct 2392 (1976). This duty to disclose extends to other agents acting on behalf of the government, including the police. *Kyles v Whitely*, 514 US 419, 437; 115 S Ct 1555 (1995).

To establish a *Brady* violation, a defendant must show that: “(1) the prosecution has suppressed evidence; (2) that is favorable to the accused; and (3) that is material.” *People v Chenault*, 495 Mich 142, 150; 845 NW2d 731 (2014), citing *Strickler v Greene*, 527 US 263, 281-282; 119 S Ct 1936 (1999).

Materiality/Prejudice

Prejudice, or “materiality,” is established when there is a reasonable probability of a different result. *Kyles*, 514 US at 434. A “reasonable probability” does not require a demonstration that the suppressed evidence would more likely than not have resulted in an acquittal, but merely that confidence in the outcome of the trial is undermined. *Bagley*, 473 US at 682, 105 S Ct 3375. *Chenault*, 495 Mich. at 150. A defendant need not “demonstrat[e] by a preponderance that disclosure of the suppressed evidence would have resulted ultimately in the defendant's acquittal” *Kyles v Whitley*, 514 US 419,

434, 115 S Ct 1555 (1995).¹⁵ Rather, the relevant question is whether the defendant “received a fair trial, understood as a trial resulting in a verdict worthy of confidence.” *Id*

Producing enough evidence to require an acquittal is above and beyond the level of materiality sufficient for a *Brady* violation:

The fact that such evidence was available to the prosecutor and not submitted to the defense places it in a different category than if it had simply been discovered from a neutral source after trial. For that reason the defendant should not have to satisfy the severe burden of demonstrating that newly discovered evidence probably would have resulted in acquittal . . . if the standard applied to the usual motion for a new trial based on newly discovered evidence were the same when the evidence was in the State’s possession as when it was found in a neutral source, there would be no special significance to the prosecutor’s obligation to serve the cause of justice.

Agurs, supra, 427 US at 111.

The recent case of *People v Christian*, ____ Mich ____ 2022 WL 3376950, examines three ways to determine whether the suppressed evidence is material.

1. An alternative theory could have been advanced by the defense with the suppressed evidence. *Turner v United States*, ____ US ____, 137 S Ct 1885 (2017).
2. Impeachment evidence where the link between the offense and the defendant is tenuous. *Wearry v Cane*, 577 US 385, 136 S Ct 1002 (2016)
3. The lack of good faith of the investigation. *Kyles v Whitley*, 514 US 419, 115 S Ct 1555 (1995).

This case contains all three instances of prejudice/materiality.

¹⁵ In other words, Mr. Hudson satisfies the prejudice prong when he shows less than a preponderance of the evidence.

1. The Lack of Good Faith of the Investigation

In this case, the Detroit Police Department 6th Precinct suppressed evidence that was both favorable and material to the defense.

In this case, On August 28, 2019, private investigator, Scott Lewis, obtained the Detroit Police Department response to his FOIA request regarding the death of Ivory Harris AKA Chips AKA "C" on August 18, 1999. He was informed that the report contained 206 written pages and 24 pages of color photographs. (Attachment 1). Appellate counsel also requested documents from the prosecutor's office and was informed that the prosecution's file was lost. (Attachment 2)

Officer Henry Ellis summarized what was first observed in his police report of August 18, 1999 as follows:

This is an outside scene. As you approach the scene from the south, you see a Great chev blazer 99 mi VQW42 parked on east side of the street. The compl is lying [j]ust west of the blazer. The compl is lying on his back, head facing south/east. There is a pair of glasses next to the right side of his head. There is a oil dip stick lying across the right leg of the compl. A toy pager is lyng next to the compl's left knee. There is a 19" MGA tv model cs-1930 lying at the feet of the compl face down.

The story here is the compl paid Janet Inge [of 14660 Stout St.] b/f/34 of \$100 yesterday 8-17-99 so he could sell drugs out of her home. Ms Inge's live in boyfriend Jimmie Blue b/m/49 found out about the deal and told Ms Inge he wasn't having it. The compl came by and was informed by Ms Inge that the deal was off. The compl had already spent the money. The compl returned to collect his money and took the tv out of the house for payment. The compl leaves walking from 14600 stout with the tv and a friend of his and a shot is heard minutes later. Witness Mary Wilson w/f/36 observed Ms Inge, Blue and Red from the neighborhood looking over compl and [saw] Red take something from the compl. Witness Patrick Turner w/m/44 heard shot, looked outside and saw a Great or med blue cougar or cutlass drive south bound from the compl with lights off. Writer went to 14541 stout and arrested the local dope man Janarrio Gardner b/m/17 aka Red, Mark Hudson b/m/24, Nicholas Hudson b/m/23 and Kiahrenise Ransburg b/f/25 and conveyed to homicide. Per neighbors, 14541 Stout is dope house. Per Sgt of narcotics, 14541 Stout raided 4-28-99 and 1 juv was arrested for

felony and 2 adults were arrested for misd, \$300 and weapon confiscated.

Writer believes Mr Blue and Ms Inge are good suspects because the compl took their tv. If that doesn't work out, Mr Gardner might need a second look because the compl was trying to set up a dope house in his area. Statements taken from all. Ms Ransburg released, Ms Inge placed on 8th floor, Mr Blue, Mr N Hudson, Mr M Hudson, and Mr Gardner are at homicide desk. The 9th floor is full. (emphasis added)

(Attachment 3)

The prosecution's theory was laid out in his cryptic opening statement to the jury as follows:

What happens later on that night about midnight Mr. Harris is going over Ms. Inge's house to get his hundred dollars back. Ms. Inge either smoked a hundred dollars up or whatever.

Mr. Harris goes in there with another person, takes the TV set in lieu of his hundred dollars. And he is walking to a car down here that's in front of 14555. As he is carrying Ms. Inge's TV set down here on the street, and it's midnight, it's dark out, ladies and gentlemen, there is a streetlight a little bit north of 14555. Comes up to the car.

Now the car that's an interesting car. We have a person by the name of Roy Collier that's in the car. We have a person by the name of Mario Collier that's in the car and they are gonna testify. And also a person by the name of Black.

Black went up to 11600 (sic) with Mr. Harris. Black and Mr. Harris are coming down to the car and the defendant walks up and shoots Mr. Harris in the back left neck and it was a fatal gunshot.

Mr. Black, Roy Collier, Mario Collier, are--two are in the car. Black gets in the car and they drive away. The defendant's last seen heading down towards I think 14451.

(1, 139)

The fourth man in the car, Mr. Black, is not mentioned again in trial until Roy Collier denies that Mr. Black or anyone else was the fourth person in the car. There were numerous individuals who witnessed Ivory Harris walk up to the Inge/Blue house with another man. Roy Collier's testimony was an anomaly.

Defense counsel must have been completely flummoxed by the Prosecution's apparent knowledge of a Mr. Black being the fourth person in the car who walked up to the Inge and Blue's house with the complainant. There was no mention of a Mr. Black in the police report released to Scott Lewis. Common sense would indicate that the police were derelict in their duty to find this valuable eye witness who was standing next to the complainant and could provide solid identification of the shooter. Also, common sense would cause one to question why—if Nicholas Hudson was a cold-blooded murderer-- why would he not also shoot the person standing next to the complainant to protect his own identity?

Nicholas Hudson's defense was his alibi. All of the following testified or provided affidavits that he was at a family gathering that evening and did not arrive at 14541 Stout St. until after the shooting of Ivory Harris.

Kiahrenise Ransburg (Attachment 8)

Percy D. Hudson, Jr. (Attachment 9)

Damia Genia Evidentiary Hearing Testimony (P 9-18) and Affidavit
(Attachment 10)

Mark Hudson Evidentiary Hearing Testimony (p 18-67)

Percy Hudson, Sr.

Nicholas Hudson

The DPD failed to investigate Nicholas Hudson's alibi.

Nicholas Hudson's case is simultaneously being evaluated by the Wayne County Criminal Integrity Unit. Appellate counsel called the CIU and asked for guidance as to why no reference to "Black" or "Banks" could be found in the documents other than a few mentions in the trial transcripts. The prosecutor, in his opening statement, had

promised the jury that a Mr. Black would testify that he was the fourth person in the car. He would also testify that he walked up to the Inge/Blue house with the complainant. There was no Mr. Black on the endorsed witness list. There was no testimony from a Mr. Black. The CIU stated that it would share with appellate counsel what documents it had regarding Nicholas Hudson's case.

In the meantime, Scott Lewis, during his investigation, interviewed the woman who leased a room to the complainant, Ivory Harris a/k/a Chips a/k/a "C" and obtained an affidavit from her. (Attachment 4). Her name was Velicia Ann Brandom, a/k/a Lisa. She was the last person to see the complainant alive, yet she was not called to testify nor was her name on the witness list. Her name was not shared with the defense. What she had to say to Mr. Hudson's private investigator left appellate counsel gob smacked. *Inter alia* she stated in an interview with Scott Lewis:

1. My name is Velicia Brandom and I make this affidavit from personal knowledge of the matters addressed herein.
2. At the time of his murder in 1999, Ivory Harris, AKA "Chips", was living at my house on Mansfield Street in Detroit and was paying rent.
3. On the day Ivory was murdered, a guy that I knew as Fleetwood came to my house with another guy whose name I didn't know to pick up Ivory. Prior to this, Ivory had issues with Fleetwood because Ivory bought a .380 pistol and Fleetwood stole it. When Fleetwood arrived to pick up Ivory, they did not appear to be having any issues.
4. Ivory got in the back seat of the car; the guy whose name I didn't know was driving, and they drove off.¹⁶
5. When Detroit Police questioned me after Ivory's murder, I told them that Ivory left with Fleetwood and never came home.
6. I also told police that Ivory had been beefing with a guy named Mark Greathouse. I knew that Greathouse had been carrying a big gun at the

¹⁶ This would be Roy Collier. Fleetwood was later determined to be Roy's cousin, Mario Collier.

time; maybe a .357. I told the police about the gun and said they should look at Greathouse for Ivory's murder. I don't remember the police taking a formal statement from me or writing down what I told them about Mark Greathouse. (emphasis added)

The police/prosecution withheld the name of a material witness

The documents from the Wayne County CIU arrived, and they totaled 593 pages¹⁷ rather than the 230 pages that Scott Lewis had obtained through FOIA. Apparently, the Detroit police 6th precinct had taken a written statement from Ms. Brandom on the day after the shooting where she suggested that a Mark Greathouse was someone to investigate in the murder of Ivory Harris' murder. The DPD had not shared her statement with defense counsel. (See Attachment 5) (All withheld documents are printed on colored paper) She made her official statement to police on the day after the murder as follows:

Q: What can you tell me about the fatal shooting of Ivory Harris AKA Chip?

A: Nothing. I can only tell you about the last day I saw him. I last saw Chip on Wednesday at my house he was living with me we were just friends. I could tell something was wrong. It was around 9:30pm and chip and Steve McCullum AKA Stevie were on the couch talking. It appear that they were having a serious conversation. Every time I came in the room they would get quiet and this was unusual. They normally are loud and joking around. Around 11:30 pm I saw Coco [Roy Collier] pulled up in his car. He then came to the door, when he got to the door I told Coco that his friend Fleetwood [Mario Collier] was not here and Coco said I know. Fleetwood is in the car. I then told Chip that Coco was at the door. Chip walked up to the door and outside, Coco came in the house. Coco and I started talking about going out and we exchanged phone numbers. I then went outside and talked to Fleetwood. When I got outside I saw this guy from across the street walking up to Chip and call Chip name. Chip responded by telling the guy to go back wait about ten minutes. I then got some candy out of my car. After I got the candy I then walked up to Coco's car. As I was walking up to Coco's car Chip had got up and walked into the house. I then sat in Coco's car and talked to

¹⁷ See attached USB

Fleetwood. I talked to Fleetwood for a couple of minutes. When I got out of the car Chip got back in and Coco pulled off.

Q: Name all the people in Coco's car?

A: Coco b/m/38-40 5'10" 240 lbs brown skin driving a burgandy older model regal. Fleetwood b/m/32 5" 10 170 lbs lt complx curly hair about an inch long and a b/m/20 5'7" dark complx thick lips 170 lbs was sitting in the back seat.

[She did not state that Chip was in the back seat. She described a b/m/20 5'7" dark complx thick lips 170 lbs was sitting in the back seat. It would not make sense that she would describe Chip since he was deceased, and they would have his description from the crime scene and autopsy.]

Q: Did you know where Chip, Fleetwood and Coco was going?

[recall that someone on Mansfield Street where Lisa lived had called out to Chip and Chip told him to wait 10 minutes]

A: No

Q: Was Steve still at the house when Chip left?

A: Yes, but when I went back in the house I told Steve to leave because Chip was gone. Steve asked me if he could stay until Chip got back I told him no and he left.

* * *

Q: Who is Mark Greathouse?¹⁸

A: He used to live across the street before I moved over there. Mark sell drugs too he always showing a big wad of money and dope to people.

Q: Were Chip and Mark Greathouse having any problems?

A: They were having a problems but they would not tell me what their problems was but they did go to the casino a week after it open together.

Q: Describe Mark?

¹⁸ Apparently, Detective Voinzell Jennings of the Detroit Police 6th precinct was aware of Mark Greathouse as a potential suspect the day after the murder. He also was advised that Greathouse and the complainant were having problems.

A: Mark Greathouse b/m/32 6'9 muscular build lt complx drives an older model grand marquis lt Great in color.

Greathouse did not “used to” live across the street as Brandom claimed

Private investigator, Scott Lewis, performed an online person search and discovered that Mark Greathouse had lived at 14032 Mansfield St. in Detroit from 1988 to January 2003. Whereas, Lisa Brandom lived at 14105 Mansfield in Detroit in 1999—a mere approximate 268 feet¹⁹ from where Mark Greathouse lived at 14032 Mansfield St. Lisa Brandom’s statement could have been used to link “Black” to his association with the Collier cousins and the complainant.

Police Coercion of Witnesses used to convict Nicholas Hudson

Officer Lonze Reynolds

Roy Collier and Kiahrenise Ransburg both stated that they had been coerced into implicating Nicholas Hudson by Officer Lonze Reynolds. This is corroborated by language contained in the following cases:

Marilyn Figueroa v Lonze Reynolds 1-11-02 Case 2:02-cv-70124

At the time of her arrest, there was no legal basis for arresting and detaining Plaintiff. Defendants Edward Williams, Henry Ellis²⁰, David Wilkerson, and Lonze Reynolds caused Plaintiff to be arrested knowing full well that there was no legal basis for arresting Plaintiff. In fact, Defendants Edward Williams, Henry Ellis, David Wilkerson, and Lonze Reynolds caused Plaintiff to be arrested for an illegal and unlawful purpose, to wit; to extract information from her which would lead to the whereabouts and/or arrest of Jose Luis Castro and Joel Fuentes. In addition, she was essentially held hostage in an attempt to force her sister, Carelin Rivera, to provide information concerning the whereabouts of Jose Luis Castro and Joel Fuentes.

14. During Plaintiff's incarceration, she was threatened that her children would be taken away from her unless she gave information which would lead to the apprehension of Joel Fuentes and/or Jose Luis Castro. She was also told that if she did not assist the officers in the apprehension of

¹⁹ Google maps

²⁰ Henry Ellis was also active in the Hudson investigation.

the wanted men, she would be charged with possession of narcotics allegedly found at 2381 Carson at the time of her arrest.

Plaintiff was incarcerated for five days at 1300 Beaubien before finally being released from custody.

Plaintiff was never formally charged with any offense related to the murder of Elvin Cruz nor was she charged with any other offense related to the Cruz investigation

Carelin Rivera v Lonze Reynolds, et. al. Filed 1-11-02 2:02-cv-70125

During Plaintiffs incarceration, she was threatened that she would never see her child again unless she gave information which would lead to the apprehension of her boyfriend Jose Luis Castro.

15. Plaintiff was incarcerated for four days at 1300 Beaubien before finally being released from custody. During that time period, Plaintiff suffered a medical emergency which required that she be taken to the hospital. After receiving treatment, she was not released from custody; rather, she was returned to the eighth floor lockup at 1300 Beaubien and held for an additional time.

16. Plaintiff was never formally charged with any offense related to the murder of Elvin Cruz.

William Underwood v Lonze Reynolds, et. al. Filed 6-13-13 Case 2:03-cv-72339

On or about May 20, 2000, Edward Jerrett was shot to death in the City of Detroit, specifically at 3337 Superior.

Plaintiff heard the shooting and went to the 7th Precinct to report said shooting. Despite having no basis to arrest Plaintiff, all of the individual Defendants caused Plaintiff to be arrested and locked in a holding room for several hours causing Plaintiff to urinate on himself.

At the time of Plaintiffs arrest, there was no legal basis for arresting and detaining Plaintiff.

Jose Alberto Lopez v Lonze Reynolds, et.al. filed 8-15-02 2:02-cv-73323

At the time of his arrest, there was no legal basis for arresting and detaining Plaintiff. Defendants Edward Williams, Henry Ellis, and David Wilkerson caused Plaintiff to be arrested knowing full well that there was no legal basis for arresting Plaintiff.

14. During Plaintiffs incarceration, he was threatened that he would not be released unless he gave information which would lead to the apprehension of Jose Luis Castro.

15. Plaintiff was incarcerated for three days at 1300 Beaubien before finally being released from custody.

16. Plaintiff was never formally charged with any offense related to the murder of Elvin Cruz.

Sharon McConnell, v Lonze Reynolds et. al., Filed 8-28-02, Case 2:02-cv-73471

10. On a date prior to and February 1, 2001, Defendants Edward Williams and Lonze Reynolds caused Plaintiff, the girlfriend of DeShawn White to be arrested and conveyed to Detroit Police Headquarters located at 1300 Beaubien in the City of Detroit.

11. At the time of her arrest, there was no legal basis for arresting and detaining Plaintiff. Defendants Edward Williams and Lonze Reynolds caused Plaintiff to be arrested knowing full well that there was no legal basis for arresting Plaintiff. In fact, Defendants Edward Williams and Lonze Reynolds caused Plaintiff to be arrested for an illegal and unlawful purpose, to wit; to extract information from her which would lead to the arrest of her boyfriend DeShawn White

12. During Plaintiff's incarceration, she was threatened that she would never see her family again unless she gave information which would lead to the apprehension of her husband, DeShawn White.

13. Plaintiff was incarcerated for two days at 1300 Beaubien before finally being released from custody.

14. Plaintiff was never formally charged with any offense related to the murder of Richard Bell.

William Kucharczyk v Lonze Reynolds, et.al. Filed 3-3-08 Case 2:08-cv-10880

That Defendant Lonze Reynolds informed one or more eye witnesses to the crime that they had been wrong in identifying Woodham as the perpetrator and insisted that they pick out another alleged perpetrator in either photo displays and or live line ups or both in which the Plaintiff was overly suggestively displayed in that he differed significantly from others displayed in the line up causing the witnesses to mis-identify him as the perpetrator of the crime;

That Defendant Lonze Reynolds used coercion or unfair tactics such as but not limited to promises of dropping possible cases against the witnesses, all know to be involved in the drug trade of to be users of same, in order to manipulate, influence and intimidate one or more eye witnesses into changing their previous identification of Woodham as the perpetrator and to name the Plaintiff instead, in violation of the civil rights of the Plaintiff;

That Defendant Lonze Reynolds presented false statements or statements that he knew or should have known were false, or acted with a reckless disregard for the truth in presenting the facts and statements to the magistrate in order to establish fake probable cause for the arrest of the Plaintiff;

That had the magistrate issuing the warrant for the arrest of the Plaintiff been made aware of all the facts in this case and had not been presented facts which were either false, or facts which upon reasonable investigation would have been proved to be false, or had not been presented with "facts" obtained only with a reckless disregard for the truth, said magistrate would not have issued the warrant for the arrest of the Plaintiff.

That the Defendant Lonze Reynolds deliberately omitted certain exculpatory facts, such as the fact that eye witnesses had positively identified in line ups and under oath that Woodham was the perpetrator, not the Plaintiff when he presented the request for a warrant against the Plaintiff for Murder which if said facts had been presented, said magistrate would not have issued the warrant for the arrest of the Plaintiff.

That Defendant Lonze Reynolds committed other acts and omissions undetermined at this time that caused him to present a warrant request for the arrest of the Plaintiff even though he knew or reasonably should have known no facts existed for the arrest of the Plaintiff which rose to the level of probable cause.

That as a direct and primate result of the acts of the Defendant Lonze Reynolds above described, the Plaintiff was caused to be arrested on March 4, 2005 and caused to be housed in horrible and inhumane conditions for five months before a jury of his peers acquitted him on August 4, 2005.

Sergeant Voinzell Jennings

Somehow, the prosecution also had some knowledge that a Mr. Banks was the fourth person in the car who walked up to the house with the complainant. (Attachment 20) Roy Collier denied the accuracy of that scenario.

Q: Now, Mr. Collier, do you know Sergeant Jennings of the police department?

A: Yes.

Q: Isn't it true, sir, that you told Sergeant Jennings that in fact there was a fourth man in a car and that his name was -- his name was Banks?

A: I don't recall that, sir.

Q: Okay. Do you know a Banks, a black male, 24, five foot seven, medium complexion, hundred 70 pounds?

A: No, sir.

Q: You didn't tell Sergeant Jennings that Banks went in the house with Chip? You didn't tell Sergeant Jennings that?

A. No, sir.

(II, 117-118)

Defense counsel followed up with the following:

Q: Yeah. And they told you, in effect, listen something about this don't make no sense. You either gon' tell us Nicholas Hudson did it or you and Banks and them and these other guys with you robbed your friend and killed him. That's the scenario, right?

A. Basically.

Q. Yeah. Listen, they said you got to make a choice on this. You either gonna say Nicholas Hudson--you didn't know this guy's name, did you?

A. No, I didn't.

(II, 120)

2. The Defense was denied an Alternative Theory

We know that defense counsel was completely unaware of Mark Greathouse who Lisa Brandom believed was a promising suspect. Defense counsel expressed his mystification at the *Ginther* Hearing as follows:

I am trying to figure out, I was trying to figure out during the course of trial, and I still to this day don't see it, why Nicholas Hudson would have a grievance against this individual who's agreed -- if you believe in the record that Nicholas Hudson was a drug guy, here is a guy that said he is not gonna sling dope out of the house, he stops. And I never understood what the grievance between Nicholas Hudson and the complainant was. And so I was trying to look for other theories.

Defense counsel's other theories aligned with the Detroit Police Department 6th precinct opinion that Janet Inge, a/k/a Yogi, Jimmi Blue and Janarrio Gardner, a/k/a Red were at the top of their list as suspects. A shot rang out and a neighbor, Merry Wilson, saw the three leaning over the body and removing items from the deceased. Inge and Blue had motive because they were frightened that Ivory Harris would make good on his promise to come back the next day and shoot up their house. Janarrio Gardner a/k/a Red—who could not be found for trial—would have motive to eliminate potential competition. All three had a motive and opportunity. They were seen with the body before police or EMS arrived.

Mark Greathouse as the Shooter would have been the Alternative Theory

Mark Greathouse had a significant alias--a criminal history record shows that he was a/k/a Mark Black and/or Carl Black. (Attachment 7). The police had investigated Mark Greathouse in conjunction with this case and shared none of it with the defense. It appears from the suppressed documents that Ivory Harris and Mark Greathouse had been beefing for years. Another suppressed document indicated that Ivory Harris had filed a police report regarding Mark Greathouse on September 9, 1986. The complaint signed by Ivory Harris stated as follows:

Mark Greathouse and I were playing tonk and I won about \$38 off him. He got loud and wanted to fight and wanted his money back. I wouldn't give it to him so he told the police I robbed him. I didn't rob him or have a gun.

(Attachment 6)

Nicholas Hudson avers that this man who called out to Ivory Harris on Mansfield St. was Mark Greathouse, a/k/a Black. Mark Greathouse walked up to the Inge/Blue house with the complainant/Ivory only to discover that Ivory had botched his task of expanding their drug distribution to Stout St. Ivory lost the \$100 and received a non-

working television set in return. When the trunk was popped for the television set, Mark Greathouse, a/k/a Black, shot him with the gun that Lisa Brandom knew that he owned—a .358. The timing was right. Lisa Brandom stated in her affidavit that the Collier cousins arrived on Mansfield St. around 11:30 p.m. They left with the Complainant. They picked up a fourth person—potentially the individual who Mario Collier told he would talk to in 10 minutes. Greathouse was intentionally suppressed by the 6th precinct to guarantee Nicholas Hudson’s conviction in retribution for Nicholas Hudson testifying in federal court regarding corruption in the 6th Precinct.

3. Impeachment Evidence

Impeachment evidence where the link between the offense and the defendant is tenuous can also satisfy the prejudice/materiality prong. *Wearry v Cane*, 577 US 385, 136 S Ct 1002 (2016)

Janet Inge

Janet Inge’s was the **ONLY** witness to testify that Nicholas Hudson shot Ivory Harris, but her testimony was riddled with lies and inconsistencies.

- At the preliminary examination, she claimed the deceased complainant was lying under a street light. However, People’s Exhibit 9 indicates that there was only one working streetlight which was at the end of the street. This fact that it was very dark was corroborated by Merry Wilson (T II, 91), Officer Danny Newkirk, (T III, 94), and Officer William Niarhos (T III, 98-99).
- At the preliminary examination Inge claimed that the complainant was on the driver’s side of the parked car which be on the opposite side of her line of vision.
- Inge was on crack the day of the shooting (II, 203).

- At about 12:00 midnight, she was in her house with her common-law husband, Jimmy Blue, and she heard Ivory Harris' car with the loud muffler driving up, yet they drove in Roy Collier's car and not Ivory's "loud" car.
- She claimed that she and Jimmy Blue were standing on their porch and watched Ivory and his friend carry the TV down the street.
- Jimmie Blue has recanted his claim that Janet Inge was outside and had the ability to see the shooting. (Attachment 11)
- The shooting took place approximately 270' from the Inge/Blue home. It was pitch black (II, 91), and she claimed that from that distance she saw the flash of the gun illuminate Nicholas Hudson's face.
- Inge claimed she saw flames and heard a gunshot while the decedent was trying to put the TV in the car on the driver's side. The vehicle was a two-door Monte Carlo and not conducive to fitting the TV in the driver's seat or for Roy Collier to get out and flip the seat forward to attempt to navigate the television into the back seat.
- Inge picked up a pager from the body in the street and lied about it.
- Jannario Gardner, a/k/a Red was a viable suspect that did not appear at trial. His statement to police that was suppressed, stated that Janet Inge went through the pockets of the victim and took money. (Attachment 19)
- Officer Lonze Reynolds testified that he knew that there was a fourth person in the car, yet he was unaccounted for at trial. (III, 70). Lisa Brandom had told police the day after the murder to look at Mark Greathouse because he had the gun and a beef with the complainant.

The Probability of a Different Result upon Retrial

“[T]he evidence that must be taken into consideration when assessing a claim of newly discovered evidence is not simply the evidence presented at the original trial, but also the evidence that would be presented at a new trial.” *People v Johnson*, 502 Mich 541, 571; 918 NW2d 676 (2018)US.

- **Nicholas Hudson passed a polygraph** where he was asked if he shot Ivory Harris (Attachment 12)
- Any reference to Mark Greathouse and Lisa Brandom that was suppressed from the defense.
- Nicholas Hudson testified regarding corruption in the 6th precinct filed on March 11, 1999. *USA v Brawner*, Case No. 2:99-cr-80202 DPH (Attachment 22)

Roy Collier

- Roy Collier who drove to Stout St. that night, and failed the polygraph (Attachment 13)
- Roy Collier could not recognize Nicholas Hudson at the line up or at trial. (Attachment 14)

Mario Collier

- Mario could not identify Nicholas Hudson in the lineup. (Attachment 14)
- Mario Collier testified that he saw one man walk by the car that night and it was not Nichols Hudson. (III, 89).
- Mario Collier was a stone-cold killer. In the case of *People v Mario Collier*, unpublished opinion per curiam of the Court of Appeals, issued June 21, 2002 (Docket No. 232859), (Attachment 15) the statement of facts indicates that approximately one month earlier on July 17, 1999 the following occurred:

Defendant describes the shooting as “spontaneous” and asserts that there was no evidence of planning. However, evidence elicited at trial supported a rational factfinder's conclusion beyond a reasonable doubt that (1) defendant's brother summoned defendant to the scene of the shooting to confront the individuals harassing defendant's brother and his friends, (2) defendant advised his brother to remain where he was and that defendant would come over, (3) ten to thirty minutes elapsed between his brother's call and defendant's arrival at the scene, and (4) on his arrival at the scene defendant learned who was harassing his brother, cut off the victim's vehicle, pointed a gun at the victim and fired several shots at the victim. This evidence and all reasonable inferences drawn therefrom amply established the elements of first-degree murder.

Merry Wilson

The Court of Appeals stated in *People v Nicholas Hudson*, opinion per curiam of the Court of Appeals, issued November 26, 2002 (Docket No. 228030) (Attachment 16) that “It was clear from the other evidence that [Merry] Wilson was mistaken. In any event, she did not implicate either defendant or “Red” in the shooting.”

Lisa Brandom

- Lisa Brandom showed police where Fleetwood (Mario Collier) lived at 15000 Mendota which was .2 miles from where Mark Greathouse lived.

The gunshot residue test evidence was speculative at best

At the post-conviction evidentiary hearing, Officer Henry Ellis and Officer Ballard testified that they were instructed to walk down to 14541 Stout to question Janarrio Gardner a/k/a Red. Officer Ellis testified at the evidentiary hearing that when he arrived at 14541, he found a group of individuals sitting outside and drinking beer. They told him they didn't know anything about the shooting. He told them all that they were going downtown to give statements. (EH p 22) Nicholas Hudson was taken downtown at 3:00 a.m. Nicholas Hudson was given a gunshot residue test at 4:45 a.m. (Attachment 23) Since the general consensus was that the shooting occurred at approximately 12:30 a.m.,

Nicholas would have had 4 ½ hours between the time of the shooting and the gunshot residue test. Gunshot residue tests are considered speculative at best. Additionally, there was no accounting for what Nicholas may have touched between arriving at 14541 Stout St and his ride to the police department at 3:00 a.m.

The Court of Appeals was unimpressed with the evidentiary value of the gunshot residue test as well. They stated:

The gunshot residue test evidence was not highly incriminating. The prosecution's expert admitted that he found only small amounts of residue on defendant and defendant's girlfriend, Kiahrenishe Ransburg, and that the amount he found on Mark Hudson was so small that it could not be conclusively attributed to gunfire. He also admitted that the presence of residue on a person does not necessarily mean that the person fired a gun. Rather, he testified that it is possible to pick up the residue by touching a person who fired a gun or by touching an object that came in contact with a person who fired a gun. He also admitted that the absence of gunshot residue does not necessarily mean that a person did not fire a gun, because most of the residue sheds off the hand within two hours, or earlier if the person rubs or washes his hand.

A "verdict or conclusion only weakly supported by the record is more likely to have been affected by errors than one with overwhelming record support." *Strickland v Washington*, 466 US 668 (1984). Here, with only one witness testifying that Defendant did the shooting, the verdict is weakly supported by the record, which makes the error prejudicial. *Montgomery v Bagley*, 581 F3d 440 (6th Cir 2009). Additionally, if Jimmi Blue had testified truthfully, there would have been absolutely no one who would link Nicholas Hudson to the shooting.

Defense counsel knew there was more to this story, but he and Nicholas Hudson were forbidden access to a material witness that the 6th Precinct had not shared with the defense. At the *Ginther* hearing, he expressed his bewilderment.

Q: So what would be your Sixth Precinct defense?

A: My Sixth Precinct defense was that I believe that there was a reason why the police department was so vigorous in their prosecution of Nicholas Hudson. I felt that the evidence against him -- I thought the way that they went about putting the case together was egregious.

They had arrested people, in my opinion, without probable cause on a scene, taken them down, performed gunshot residue tests on them, held one of the key witnesses for seven days Mr. Blue.

Arrested -- and this came in trial. Arrested Mark Hudson and Percy Hudson during the course of the trial for apparently obstruction. Percy Hudson was subsequently charged with obstruction and subsequently exonerated on those charges.

But it was a lot of stuff going on with this case and I was just trying to figure out what was going on. Here you have a situation in which I wanted to know **why they were so interested in Nicholas Hudson.**

Q: Was it your defense that the police were putting this case, so to speak, on Nicholas Hudson because he had testified against the police officer that were from the Sixth Precinct?

A: Well the police didn't put the case on him. The police-- when you say put the case on him, the police-- I don't believe the police did a competent investigation of everything that was going on relative to the shooting that happened on the street.

It never made sense to me why Nicholas Hudson would have a grievance against a man who ostensibly was told that he can't run a drug house out of this location by Miss Enge and Mr. Blue. This man comes back and he's been told he can't do it, he takes -- he's given Miss Enge an advance on running the house, money. He asked for the Hundred Dollars or something back. She don't have it. She smoked it back and he takes her television set.

I am trying to figure out, I was trying to figure out during the course of trial, and I still to this day don't see it, why Nicholas Hudson would have a grievance against this individual who's agreed -- if you believe in the record that Nicholas Hudson was a drug guy, here is a guy that said he is not gonna sling dope out of the house, he stops.

And I never understood what the grievance between Nicholas Hudson and the complainant was. And so I was trying to look for other theories.

The Theory that made the most sense was withheld from the defense

If the Detroit 6th precinct hadn't suppressed critical information of a res gestae suspect, trial counsel would have been able to supplement Nicholas Hudson's alibi and

have shown a reasonable possibility that someone else with motive and opportunity was more likely the shooter—especially when Nicholas Hudson’s wasn’t even present at his house on Stout St and subsequently passed a polygraph examination.

Summation

Back in 1999, the City of Detroit struggled with police corruption within its police force. Nicholas Hudson—the Defendant here—testified against the police officers of the 6th precinct who were the target of the federal investigation. The case began in March of 1999. In 2022, appellate counsel finally received a complete copy of the police report. Appellate counsel discovered that material evidence had not been shared with prior counsel. First of all, a far more likely suspect had been investigated and those reports had not been shared. A woman who was the last person to see the victim alive knew this other suspect [Mark Greathouse] and told police that they should look at this individual since he had been “beefing” with the decedent. She provided this information the date after the murder. Her name was Lisa Bandom. The police/prosecution suppressed the name of this woman and the defense had been denied this alternative theory.

Instead, the 6th circuit chose to disbelieve Nicholas Hudson’s alibi rather than verify it. They took most of his family downtown and pressured them into implicating Nicholas Hudson. The primary offender was Officer Lonze Reynolds who has a documented history of threatening women that they would lose custody of their children if they didn’t testify in a certain way, or holding individuals in jail until they produced the evidence that they needed to convict a defendant.

There was a Ginther hearing after Nicholas Hudson’s trial, and trial counsel expressed that something just wasn’t right about this prosecution. He could not figure out why they were gunning for Nicholas Hudson.

This was a prosecution that was fraught with corruption. In light of the bad faith of the Detroit Police and/or the prosecution, they obtained a false conviction of a man who is actually innocent.

Relief Requested

WHEREFORE, for the foregoing reasons, Nicholas Hudson moves this Honorable Court to grant relief from judgment and reverse his convictions, or order an evidentiary hearing to expand the record if this Court needs additional information in order to make a decision.

Respectfully submitted,

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