

TWILLEY MOTION

STATE OF MICHIGAN  
IN RECORDER'S COURT FOR THE COUNTY OF WAYNE

THE PEOPLE OF THE STATE OF MICHIGAN,

vs.

Case No. 87-009820

JOE TWILLEY, JR.,

Defendant.

MOTION FOR RELIEF FROM JUDGMENT  
(IN CAMERA HEARING)

BEFORE THE HONORABLE M. JOHN SHAMO  
RECORDER'S COURT JUDGE

Detroit, Michigan - Wednesday, July 27, 1994

APPEARANCES:

For the People: ROSEMARY GORDON (P33275)  
Wayne County Prosecutor's Office  
1441 St. Antoine, 12th Floor  
Detroit, Michigan 48226-2302  
(313) 224-5777

For the Defendant: MARY ELLEN O'CONNELL (P30482)

Court Reporter: JANICE I. PAYNE, CSMR 3521  
(313) 834-2400



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EXHIBITS:  
 None

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Detroit, Michigan

Wednesday, July 27, 1994

(All parties present.)

THE COURT: This is file number 87-9820; People versus Joe Twilley, Jr. It's a Motion for Relief From Judgment, which is really from sentence, to reconsider the sentence.

Is that basically it, Ms. O'Connell?

MS. O'CONNELL: Yes, your Honor.

THE COURT: Your name for the record?

MS. O'CONNELL: Mary O'Connell on behalf of Joe Twilley.

MS. GORDON: Rosemary Gordon, Assistant Prosecuting Attorney, appearing on behalf of the People.

MR. COLLINS: Dale Collins, Detroit Police Department Homicide Section.

THE COURT: Okay. Let the record reflect that Deputy Burton is in the courtroom -- in the chambers.

This hearing is going on in chambers. It's a suppressed hearing. I don't want this transcript released to anybody. And the defendant, Joe Twilley, Jr. is present in the courtroom (sic); is that correct, sir?

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DEFENDANT-TWILLEY: Yes, sir.

THE COURT: Okay. We all agree that this should be a suppressed hearing?

MS. O'CONNELL: That is correct.

MS. GORDON: Yes, your Honor.

THE COURT: Now, there's going to be some sensitive issues from what I understand, and you may proceed, Ms. O'Connell.

MS. O'CONNELL: Your Honor, I'd ask to call as a witness as to what Mr. Twilley has done, Sergeant Collins.

SERGEANT DALE COLLINS,

(Examined by Defense as follows:)

DIRECT EXAMINATION

BY MS. O'CONNELL:

Q Sergeant Collins, could you tell us, basically, in what manner Mr. Twilley has been of assistance to you?

A Yes. Mr. Twilley, Defendant Joe Twilley has assisted the Detroit Police Department Homicide Section on a number of homicides in the City of Detroit. And he has always cooperated in basically anything that we wanted him to do. We have no objections to -- well, we go along with whatever decision the Judge makes with regard to release or not release.

Q And this cooperation, did it require him to testify in



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20 cases

some of these cases as a witness?

A Yes. He has testified in several cases, your Honor, regarding homicides.

Q Isn't it true that without -- one case recently, that he was the main witness? And without him, that you would not have been able to proceed on that case?

A That is correct.

Q Is there any other police departments that you're aware of that has been assisted by Mr. Twilley? Any other divisions in the Detroit Police Department?

A Yes. There are some that I -- I understand there are some. ~~But~~ I couldn't really testify to what he has done. But my information is he has cooperated with other agencies.

Q Has he cooperated with the arson department?

A Yes. To my knowledge, yes.

MS. O'CONNELL: I have no further questions of the witness.

THE COURT: Ms. Gordon?

CROSS-EXAMINATION

BY MS. GORDON:

Q Approximately how many homicide cases has he helped you out with or given you information on?

A I'd say at least twenty.

MS. GORDON: Okay. I have no further

1                    questions.

2                    THE COURT: Okay. I have a statement and  
3 then I have a couple of questions of Mr. Collins --  
4 Officer Collins.

5                    Officer Collins has been known to this  
6 Court for almost twenty years as a reputable, reliable,  
7 and good police officer, honest and trustworthy. His  
8 word is well-accepted by this Court. He's been known  
9 to me for so long.

10                   So, his statements on this record are  
11 beyond question, as far as this Court is concerned.  
12 And if anyone wants to look at that, they could take  
13 that into consideration, and any other reviews of  
14 Officer Collins' reputation and integrity.

15                   And the other officer that was here with  
16 you the last time that talked to me, was that Sergeant  
17 Rice?

18                   SERGEANT COLLINS: Yes.

19                   THE COURT: Okay.

20                   SERGEANT COLLINS: Sergeant Rice, now  
21 Lieutenant Rice.

22                   THE COURT: Oh. Well, tell him I said  
23 congratulations. And he also informed me a little bit  
24 of what was going on before, about a month or so ago  
25 when we had a private discussion between me and



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Lieutenant Rice and Sergeant Collins. And I think Ms. O'Connell was here at that time. And I don't remember, but I think a prosecutor was here too. Michael Cox I believe was here at that time.

So, but, in your opinion, Sergeant Collins, is Mr. Twilley's health at stake?

SERGEANT COLLINS: Yes.

THE COURT: Because of what he has done for the police department?

SERGEANT COLLINS: Yes.

THE COURT: And as I stated earlier, I trust you one thousand percent.

He's done approximately, what, seven years or eight years of my sentence?

SERGEANT COLLINS: Yes.

THE COURT: And I know your answer, and I know what Lieutenant Rice's answer was, and you gentlemen wish me to reduce this sentence because of his fear for his safety and health and his life, and because of the cooperation he's given the police department; is that correct?

SERGEANT COLLINS: That's correct, your Honor.

THE COURT: And I think that this Court and its wisdom should take all this into consideration --

for  
up

1 and I gave him, what, twelve to twenty-five years at  
2 the time -- by reducing it to a few years. It would  
3 save the gentleman's life. For all the cooperation and  
4 work he's done, I should do this, and I will do this.

5 And I think that this Court must take  
6 into consideration all the factors involved that have  
7 changed since it gave its sentence. And one of the  
8 factors is how well he's done within the prison system  
9 with the Department of Corrections, what he has done to  
10 redeem himself, and to cooperate with law enforcement,  
11 and other factors that this Court must consider. And I  
12 am considering them. And I will grant this request for  
13 Relief from Judgment.

14 But I do think that I have to get an  
15 updated presentence report to do it. And I will have  
16 it -- today is Tuesday?

17 MS. O'CONNELL: The only concern would be  
18 that there's nothing really new that the presentence  
19 report could add.

20 THE COURT: I'm going to have my aide do it,  
21 and we'll have it by -- today is Tuesday? We can do it  
22 by --

23 MS. O'CONNELL: Today is Wednesday.

24 THE COURT: Today is Wednesday. We can do it  
25 by Friday. Okay? Tell Mary I want this done by





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Friday.

And is there anything else I should add to this, Ms. Gordon or Ms. O'Connell?

MS. GORDON: I had a conversation with a prosecutor by the name of Thomas Beadle who indicated that Mr. Twilley was extremely helpful in a -- I believe it was an arson/homicide that he prosecuted. That it was Mr. Twilley's testimony that really made the case for him. That he certainly supports the -- you know, helping -- you know, consideration, and the fact that he may very well be in danger because of the consideration, and the fact that he has come to court on numerous occasions. It is my understanding from people in the prosecutor's office. And I think that's a well-founded fear for his safety.

THE COURT: Right. And I think that this Court would be remiss in its function as a Judge in this town not to take all of this into consideration. And I have done similar actions in the past where a person's life has been at stake. And I'm always willing to stick my neck out for people who are willing to stick their neck out. And the motion is granted.

We will resentence him on Friday.

MS. O'CONNELL: Thank you very much, your Honor.



# TWILLEY RESENTENCING

STATE OF MICHIGAN

IN RECORDER'S COURT FOR THE COUNTY OF WAYNE

THE PEOPLE OF THE STATE OF MICHIGAN,

vs.

Case No. 87-9820

JOE TWILLEY,

Defendant.

## SENTENCING

BEFORE THE HONORABLE M. JOHN SHAMO  
RECORDER'S COURT JUDGE

Detroit, Michigan - Friday, July 29, 1994

### APPEARANCES:

For the People: MICHAEL J. KING (P26781)  
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(313) 224-5777

For the Defendant: MARY ELLEN O'CONNELL (P30482)

Court Reporter: JANICE I. PAYNE, CSMR 3521  
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Detroit, Michigan

Friday, July 29, 1994

(All parties present.)

THE COURT: File number 87-9820; People versus Joe Twilley. This matter is here for a sentence today on a resentence.

State your name for the record, Counsel.

MS. O'CONNELL: Your Honor, for the record, Mary O'Connell appearing on behalf of Mr. Twilley.

THE COURT: Mr. King, you're here for the People?

MR. KING: Your Honor, Michael King on behalf of the People, and I'm standing in for Ms. Rosemary Gordon.

THE COURT: Thank you. Okay. Anything you want to say before I pass sentence, Ms. O'Connell?

MS. O'CONNELL: No, your Honor.

THE COURT: Anything you want to say?

DEFENDANT TWILLEY: No, your Honor.

THE COURT: People?

MR. KING: Your Honor, I understand Ms. Gordon spoke to the Court and defense counsel, and I have nothing to say.

THE COURT: Absolutely. We had a meeting the other day on this.

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Okay. It's the sentence of this Court on both counts is 1,818 days. The first two years for the felony firearm. That would be like 704 days, I believe. And the balance is for the Count I. And they'll run consecutive to each other.

So, as far as this Court is concerned, you're sentenced to a total of, including the consecutive sentencing, of 1,818 days.

If I said concurrent before, I meant consecutive. Count I shall be consecutive to Count II. And my staff will make arrangements for his discharge. He doesn't have to return to the prison system.

You have a right to appeal this to a higher court. If you're without funds to hire a lawyer, the Court will appoint one for you.

Sign the appeal rights form to show you received a copy of it and return it to this court within 42 days if you wish to appeal.

Okay. Good luck to you, sir.

DEFENDANT TWILLEY: Thank you, your Honor.

MS. O'CONNELL: Thank you very much, your

Honor,

(Proceedings concluded.)