

**STATE OF MICHIGAN
IN THE MICHIGAN SUPREME COURT**

APPEAL FROM THE MICHIGAN COURT OF APPEALS
DAVID H. SAWYER, P.J., STEPHEN L. BORRELLO and DEBORAH A. SERVITTO, JJ.

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v.

TIFFANY LYNN REICHARD,

Defendant-Appellant.

Michigan Supreme
Court No.: 157688

Court of Appeals
Docket No.: 340732

Jackson County Circuit
Court No.: 16-005052-FC

JACKSON COUNTY PROSECUTOR
Attorney for the Plaintiff-Appellee

MICHAEL A. FARAONE (P-45332)
Attorney for the Defendant-Appellant

APPELLANT'S APPENDIX

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Circuit Court Register of Actions

OPEN CASE REGISTER OF ACTIONS 10/20/17 PAGE 1
 16-005052-FC JUDGE WILSON FILE 10/21/16 ADJ DT 09/19/17
 JACKSON SCAO:SEC B LINE 07

D 001 REICHARD, TIFFANY, LYNN DOB: 11/11/91 SEX: F RACE: W
 340 KEITH DRIVE CTN:381600301001 TCN:
 JACKSON, MI 49201 SID:2670388W PIN:7690049209
 DLN:XXXXXXXXXXXX ST:XX
 ATY: KIRKPATRICK, ANDREW P., PROSECUTOR: DICKERSON, CHRISTOPHER J.,
 P-66842 517-783-3500 APPOINTED P-72396
 LOWER DISTRICT: 1200 CTY# 38 CASE# 1605052FY PRELIM: HELD 10/19/16
 INCARCERATION DATE: 01/21/09 DISTRICT ARRAIGNMENT: 09/01/16

Charges

Num	Type	Charge (Pacc)	Asc/Trf	Charge Description	Offense Dt	Dsp	Evt
01	ORG	750.316-C		HOMICIDE OPEN MURDER SSF	01/21/09	STY	MAJ

Actions, Judgments, Case Notes

Num	Date	Judge	Chg/Pty	Event Description/Comments	
1	10/21/16	WILSON		RETURN TO CIRCUIT COURT	CLK LKK
				HOLD WITHOUT BOND	CLK
2				CO DFT:MICHAEL MATTHEW	CLK LKK
				BEATTY - BOUND OVER 16-5053FC	CLK
3				PROOF OF SERVICE FILED	CLK LKK
				RE:DISCOVERY CD'S 59 & 60	CLK
4	10/24/16			NOTICE SENT FOR: 11/15/16 8:30 AM	CLK NEM
				PRE-TRIAL HEARING	
				W/PROOF OF SERVICE	CLK
5	10/31/16			INFORMATION	CLK AMP
				REQUEST FOR DISCOVERY	CLK
				PROOF OF SERVICE	CLK
6	11/15/16			PRELIMINARY EXAM TRANSCRIPT	CLK AMP
7				PRE-TRIAL HEARING	CRT NEM
				ATTY WALKER FOR THE PROS	CRT
				ATTY KIRKPATRICK W/DFT IN	CRT
				CUSTODY; MATTER SET FOR A JURY	CRT
				TRIAL; REMANDED TO CUSTODY	CRT
8				NOTICE SENT FOR: 03/27/17 8:30 AM	CLK NEM
				JURY TRIAL	
				W/PROOF OF SERVICE	CLK
9	11/17/16			PROOF OF SERVICE FILED	CLK LKK
				DISCOVERY:LAB REPORT RECORD	CLK
				#22 (2 PAGES)	CLK
10	12/15/16			PROOF OF SERVICE FILED	CLK AMP
				RE:DISCOVERY, POLICE & LAB	CLK
				REPORTS	CLK
11	01/11/17			PROOF OF SERVICE FILED	CLK AMP
				RE:DISCOVERY-OTHER EVIDENCE	CLK
				BEATTY LETTER-ENVELOPE (2PGS)	CLK
12	01/25/17			PROOF OF SERVICE FILED	CLK CLR
				DISCOVERY:SUPPLEMENTAL REPORT	CLK
				#39	CLK
13	02/09/17			PROOF OF SERVICE FILED	CLK CLR
				DISCOVERYCD #61	CLK
14	02/27/17			PROOF OF SERVICE FILED	CLK AMP

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16-005052-FC JUDGE WILSON		FILE 10/21/16 ADJ DT 09/19/17				
		RE:DISCOVERY CD #64			CLK	
		CONTAINING MICHAEL BEATTY			CLK	
		INTERVIEW			CLK	
15		WITNESS LIST W/PROOF OF			CLK LSA	
		SERVICE			CLK	
16		PROOF OF SERVICE FILED			CLK LSA	
		TRANSCRIPT FROM PROBABLE CAUSE			CLK	
		HEARING FOR MICHAEL BEATTY ON			CLK	
		CASES 16-4406FY & 16-4407FY			CLK	
17		PROOF OF SERVICE FILED			CLK LSA	
		LETTERS, PHOTOS, REPORTS			CLK	
18		PROOF OF SERVICE FILED			CLK LSA	
		LETTER, REPORTS, PHOTOS			CLK	
19		PROOF OF SERVICE FILED			CLK LSA	
		POLICE REPORTS, LAB WORK, ETC			CLK	
20	03/06/17	PROOF OF SERVICE FILED			CLK AMP	
		RE:SUPPLEMENTAL POLICE REPORT			CLK	
		#40			CLK	
21		PROOF OF SERVICE FILED			CLK AMP	
		RE:FBI LAB REPORT			CLK	
22		PROOF OF SERVICE FILED			CLK AMP	
		RE:LAB REPORT (HAIR)			CLK	
23	03/10/17	PROOF OF SERVICE FILED			CLK AMP	
		RE:LETTER FROM MICHAEL BEATTY			CLK	
24	03/14/17	D 001 MOTION FILED			CLK LKK	
		SET NEXT DATE FOR: 03/21/17 8:30 AM			CLK	
		MOTION HEARING				
		RE:DNA EXPERT			CLK	
		W/PROOF OF SERVICE			CLK	
25		PROOF OF SERVICE FILED			CLK AMP	
		RE:SIX CV'S & PHOTOGRAPH OF			CLK	
		HAIR			CLK	
26	03/21/17	MOTION HEARING			CRT NEM	
		ATTY WALKER FOR THE PROS			CRT	
		ATTY KIRKPATRICK W/DFT IN			CRT	
		CUSTODY; MOTION GRANTED; ATTY			CRT	
		KIRKPATRICK TO PREPARE ORDER;			CRT	
		PRETRIAL AND JURY TRIAL DATES			CRT	
		ARE SET; REMANDED TO CUSTODY			CRT	
27		NOTICE SENT FOR: 04/14/17 8:30 AM			CLK NEM	
		PRE-TRIAL HEARING				
28		NOTICE SENT FOR: 06/05/17 8:30 AM			CLK NEM	
		JURY TRIAL				
		W/PROOF OF SERVICE			CLK	
29		REMOVE NEXT EVENT: 03/27/17 8:30 AM			CLK NEM	
		JURY TRIAL				
30	03/24/17	ORDER			CLK LSA	
		AFTER HEARING RE:DNA EXPERT			CLK	
31	04/14/17	PRE-TRIAL HEARING			CRT NEM	
		ATTY WALKER FOR THE PROS			CRT	
		ATTY KIRKPATRICK W/DFT IN			CRT	
		CUSTODY; DEFENSE TO FILE			CRT	
		MOTION, TO BE HEARD ON 5-16-17			CRT	
		@ 9:30; REMANDED TO CUSTODY			CRT	
32		NOTICE SENT FOR: 05/16/17 8:30 AM			CLK NEM	
		MOTION HEARING				
		W/PROOF OF SERVICE			CLK	

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33 04/20/17	PROOF OF SERVICE FILED		CLK	CLR
	SUPPLEMENTAL POLICE REPORT #42		CLK	
34 05/02/17	REMOVE NEXT EVENT: 05/16/17 8:30 AM		CLK	NEM
	MOTION HEARING			
35	REQUEST OF ATTY KIRKPATRICK		CLK	
	NOTICE SENT FOR: 05/30/17 8:30 AM		CLK	NEM
	MOTION HEARING			
36 05/30/17	W/PROOF OF SERVICE		CLK	
	MISCELLANEOUS HEARING		CRT	NEM
	ATTY MCKINNIE FOR THE PROS		CRT	
	ATTY KIRKPATRICK W/DFT IN		CRT	
	CUSTODY; DEFENSE WITHDRAWS		CRT	
	MOTION; MATTER IS SET FOR A		CRT	
	JURY TRIAL; REMANDED TO CUSTODY		CRT	
37	REMOVE NEXT EVENT: 06/05/17 8:30 AM		CLK	NEM
	JURY TRIAL			
38	NOTICE SENT FOR: 09/25/17 8:30 AM		CLK	NEM
	JURY TRIAL			
39 05/31/17	W/PROOF OF SERVICE		CLK	
	REQ/NOTICE FOR FILM/ELECTRONIC MEDI		CLK	NEM
	A COVERAGE OF CT. PROCEEDINGS		CLK	
40 06/13/17	JACKSON CITIZEN PATIOT		CLK	
	ORDER		CLK	CLR
	DEFENSE COUNSEL SHALL BE		CLK	
	ALLOWED TO HIRE HOLLY ROSEN,		CLK	
	LMSW		CLK	
41 08/11/17	ORDER		CLK	LKK
	RE:INTERVIEW WITH EXPERT		CLK	
	HOLLY ROSEN		CLK	
42 08/24/17	DFT'S WITNESS LIST		CLK	LKK
	W/PROOF OF SERVICE		CLK	
43 09/07/17	MOTION FILED		CLK	AMP
	SET NEXT DATE FOR: 09/15/17 8:30 AM		CLK	
	MOTION HEARING			
	RE:TO INTRODUCE & PRESENT		CLK	
	W/PROOF OF SERVICE		CLK	
44	DFT'S 1ST AMENDED WITNESS LIST		CLK	AMP
	W/PROOF OF SERVICE		CLK	
45 09/13/17	BREIF IN RESPONSE TO DFT'S		CLK	AMP
	MOTION TO INTRODUCE PRIOR BAD		CLK	
	ACTS & TO PRESENT SPECIFIC		CLK	
	EVIDENCE REGARDING AFFIRMATIVE		CLK	
	DEFENSE OF DURESS		CLK	
46 09/14/17	PROOF OF SERVICE FILED		CLK	LKK
	RE:BRIEF IN RESPONSE TO DFT'S		CLK	
	MOTION TO INTRODUCE PRIOR BAD		CLK	
	ACTS		CLK	
47	ADDITIONAL INFO TO DFT'S		CLK	AMP
	MOTION TO INTRODUCE PRIOR BAD		CLK	
	ACTS EVIDENCE AGAINST CO-DFT,		CLK	
	MICHAEL BEATTY & TO PRESENT		CLK	
	SPECIFIC EVIDENCE RE THE		CLK	
	AFFIRMATIVE DEFENSES OF DURESS		CLK	
	W/PROOF OF SERVICE		CLK	
48	WRIT OF HABEAS CORPUS		CLK	AMP
	PROOF OF SERVICE		CLK	
49 09/15/17	MOTION HEARING		CRT	NEM

Circuit Court Register of Actions

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16-005052-FC JUDGE WILSON		FILE 10/21/16		ADJ DT 09/19/17		
			ATTY DICKERSON FOR THE PROS		CRT	
			ATTY KIRKPATRICK W/DFT IN		CRT	
			CUSTODY; DEFENSE MOTIONS ARE		CRT	
			GRANTED; JURY TRIAL DATE		CRT	
			REMAINS; REMANDED TO CUSTODY		CRT	
50			NOTICE SENT FOR: 09/20/17 2:00 PM	CLK NEM		
			MISCELLANEOUS HEARING			
			W/PROOF OF SERVICE	CLK		
51	09/18/17		SET NEXT DATE FOR: 09/19/17 8:30 AM	CLK PCL		
			MISCELLANEOUS HEARING			
52			REMOVE NEXT EVENT: 09/20/17 2:00 PM	CLK PCL		
			MISCELLANEOUS HEARING			
53	09/19/17		MISCELLANEOUS HEARING	CRT KMC		
			DICKERSON FOR PROS -	CRT		
			KIRKPATRICK VIA PHONE W/DFT IN	CRT		
			CUSTODY - DICKERSON PRESENTS	CRT		
			MOT TO STAY - CRT GRANTS STAY	CRT		
			& SIGNS PREPARED ORDER - DFT	CRT		
			REMAINS IN CUSTODY	CRT		
54			ORDER	CLK LKK		
			REQUEST FOR STAY IS GRANTED	CLK		
56		00001	MISCELLANEOUS ACTION BY JUDGE	CRT NEM		
			STAY	CRT		
55	09/20/17		REPORTER/RECORDER CERTIFICATE	CLK LKK		
			OF ORDERING TRANSCRIPT ON	CLK		
			APPEAL	CLK		
58	09/22/17		REQ/NOTICE FOR FILM/ELECTRONIC MEDI	CLK NEM		
			A COVERAGE OF CT. PROCEEDINGS	CLK		
			WLNS TV6 FOR 9-25-17	CLK		
60			REQ/NOTICE FOR FILM/ELECTRONIC MEDI	CLK NEM		
			A COVERAGE OF CT. PROCEEDINGS	CLK		
			JAX CIT PAT FOR 9-25-17	CLK		
57	09/25/17		REMOVE NEXT EVENT: 09/25/17 8:30 AM	CLK NEM		
			JURY TRIAL			
59	09/27/17		ORDER	CLK LKK		
			RE: COURT APPOINTED APPELLATE	CLK		
			COUNSEL FOR DFT	CLK		
61	09/28/17		NOTICE OF FILING OF TRANSCRIPT	CLK AMP		
			& AFFIDAVIT OF MAILING	CLK		
62			TRANSCRIPT OF MOTION HEARING	CLK AMP		
			SEPTEMBER 14, 2017	CLK		
63	09/29/17		ORDER	CLK AMP		
			RE: PROFESSIONAL SERVICES	CLK		
64	10/02/17		ORDER	CLK AMP		
			RE: DURESS AS A DEFENSE	CLK		
65	10/19/17		NOTICE SENT FOR: 10/20/17 8:30 AM	CLK NEM		
			PRE-TRIAL HEARING			
			CONTINUATION	CLK		
			W/PROOF OF SERVICE	CLK		
66			REMOVE NEXT EVENT: 10/20/17 8:30 AM	CLK NEM		
			PRE-TRIAL HEARING			
			PER ATTY KIRKPATRICK	CLK		
.....			END OF SUMMARY		

October 19, 2016 Preliminary Exam at 1

STATE OF MICHIGAN

IN THE 12th DISTRICT COURT FOR THE COUNTY OF JACKSON

PEOPLE OF THE STATE OF MICHIGAN,

V

File 1605052FY

TIFFANY LYNN REICHARD

Defendant.

PRELIMINARY EXAMINATION

BEFORE THE HONORABLE JOSEPH S. FILIP, DISTRICT JUDGE

Jackson, Michigan - Wednesday, October 19, 2016

APPEARANCES:

FOR THE PEOPLE:

JENNIFER WALKER P73048
Asst. Prosecutor
312 South Jackson St.
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(517) 788-4283

FOR THE DEFENSE:

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RECORDED & TRANSCRIBED BY:

KELLY PORUCKER-KING, CER 8044
Certified Court Recorder
(517) 768-8566

October 19, 2016 Preliminary Exam at 2

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DEPUTY JAMES MOORE

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Redirect examination by Ms. Walker	P. 26

DET. BRYAN S. HUTTENLOCKER

Direct examination by Ms. Walker	P. 28
Voir Dire by Mr. Kirkpatrick	P. 44
Further Direct examination by Ms. Walker	P. 49
Further Direct examination by Ms. Walker	P. 66
Cross-examination by Mr. Kirkpatrick	P. 67
Redirect examination by Ms. Walker	P. 73
Recross-examination by Mr. Kirkpatrick	P. 76

WITNESSES FOR THE DEFENSE:

NONE

EXHIBITS:	Identified	Admitted
PX #1		
Autopsy Report	P. 21	P. 21
PX #2		
Photo of knife		P. 21
PX #3		
Photo of knife		P. 21
PX #4		
Video	P. 62	P. 62

October 19, 2016 Preliminary Exam at 3

1 Jackson, Michigan

2 Wednesday, October 19, 2016 - at 8:47 a.m.

3 THE COURT: Tiffany Lynn Reichard --

4 THE COURT OFFICER: She's up in holding, Judge.

5 THE COURT: It will be minute while we --

6 1605052FY, scheduled for preliminary examination this
7 morning. Ms. Walker, here from the prosecuting attorney's
8 office. Mr. Kirkpatrick, here by appointment. And just as
9 a housekeeping matter we do have a photographer or a
10 reporter and a TV guy here uh, request for notice of
11 coverage, to take photographs and electronics. Any comment
12 on that, Ms. Walker?

13 MS. WALKER: No, your Honor.

14 THE COURT: Mr. Kirkpatrick?

15 MR. KIRKPATRICK: No, your Honor.

16 THE COURT: Okay. As far as any witnesses however
17 photographing and videoing is there any witnesses that would
18 need to be protected?

19 MS. WALKER: Your Honor, -- no, I'm expecting to
20 call three witnesses, two of which are police officers and
21 one of which is the pathologist.

22 THE COURT: Okay.

23 MR. KIRKPATRICK: I'm not anticipating calling any
24 witnesses. I would just ask that I don't know what
25 photographs the prosecutor's intending to show, but any

October 19, 2016 Preliminary Exam at 4

1 photographs that depict anything graphic in nature obviously
2 not be photographed. Other than that I don't have any
3 issues, your Honor.

4 THE COURT: Okay. And by the way is there any
5 exhibits?

6 MS. WALKER: Yes, your Honor, I'm intending to
7 admit um, the autopsy report as well as two photographs of a
8 weapon that I have shown Mr. Kirkpatrick. And I believe
9 he's going to be stipulating --

10 MR. KIRKPATRICK: I'm not going to object to any of
11 those, your Honor.

12 THE COURT: Okay, do we have those marked now?

13 MS. WALKER: Yes, I do, one, two, and three.

14 THE COURT: One, what?

15 MS. WALKER: I have them marked already, your
16 Honor.

17 THE COURT: One, two, three?

18 MS. WALKER: One, two, three. And, --

19 THE COURT: There's no objection, so they'll be
20 admitted.

21 (At 8:49 a.m., PX #1, #2, and #3 admitted)

22 MS. WALKER: All right and I think that defense has
23 also stipulated that Dr. Pacris is an expert in pathology.

24 THE COURT: Say that again, please.

25 MS. WALKER: That defense has stipulated Dr. Pacris

October 19, 2016 Preliminary Exam at 5

1 is an expert in path -- forensic pathology.

2 THE COURT: Oh, okay.

3 MR. KIRKPATRICK: That's correct, I'm familiar with
4 Dr. Pacris, your Honor, he's been endorsed as an expert
5 numerous times I will stipulate to that.

6 THE COURT: He's the one we always have difficulty
7 understanding?

8 MS. WALKER: Probably.

9 THE COURT: I always have, he does a good job, but
10 I mean on both sides of the table I'm not sure I understood
11 everything.

12 (At 8:51 a.m., short recess)

13 (At 8:52 a.m., back on the record)

14 THE COURT: Okay, we're on the record in People
15 versus Tiffany Lynn Reichard, 1605052FY, scheduled for
16 preliminary examination on the complaint of open murder.
17 Ms. Walker, here from the prosecuting attorney's office.
18 Are you ready to proceed, Ms. Walker?

19 MS. WALKER: I am, your Honor.

20 THE COURT: Anything preliminary?

21 MS. WALKER: Just what we had previously discussed
22 between the parties that there's a stipulation that Dr.
23 Pacris is an expert in Forensic Pathology and a stipulation
24 to the autopsy report and two photographs of the knives.

25 THE COURT: And, Mr. Kirkpatrick by appointment,

October 19, 2016 Preliminary Exam at 6

1 anything preliminary?

2 MR. KIRKPATRICK: I just invoke the rule and my
3 guess is there's just three witnesses, one of which will
4 probably be the --

5 THE COURT: Sequester?

6 MR. KIRKPATRICK: Yes, your Honor.

7 THE COURT: Okay. Is there one that you would wish
8 to have remain with you and assist?

9 MS. WALKER: Yes, Detective Huttenlocker.

10 THE COURT: Okay.

11 MS. WALKER: And I have Deputy Moore he'll be my
12 first --

13 THE COURT: And Deputy Moore is here.

14 MS. WALKER: -- witness.

15 THE COURT: And Dr. Pacris is --

16 MS. WALKER: He's out in the hallway.

17 THE COURT: Okay, if nothing else we're ready to
18 proceed?

19 MS. WALKER: All right.

20 THE COURT: Ms. Walker?

21 MS. WALKER: Deputy Moore will be my first witness.

22 THE COURT: Raise your right hand. Do you solemnly
23 swear or affirm the testimony you'll give in this matter
24 will be the truth?

25 DEPUTY JAMES K. MOORE: Yes, I do.

October 19, 2016 Preliminary Exam at 7

1 THE COURT: Come around and watch your step coming
2 up. And that chair is on rollers too, so be careful. And
3 the microphone is not going to make you any louder, so make
4 sure you speak up loudly and distinctly for us.

5 THE WITNESS: I've never had a problem with that.

6 THE COURT: Please state your full name and spell
7 your last.

8 THE WITNESS: Deputy James Kelly Moore, M-o-o-r-e.

9 THE COURT: Thank you. Ms. Walker?

10 MS. WALKER: Thank you.

11 DEPUTY JAMES KELLY MOORE

12 (At 8:53 a.m., called by Ms. Walker, sworn by the
13 Court and testified)

14 DIRECT EXAMINATION

15 BY MS. WALKER:

16 Q. Deputy Moore, where are you employed?

17 A. The Jackson County Sheriff's Office.

18 Q. And what is your position there?

19 A. Currently I'm assigned as the liaison at Jackson County.

20 Q. Okay, how long have you worked for the sheriff's department?

21 A. Since March 1st of 1999.

22 Q. Okay, how many years is that?

23 A. Almost 18.

24 Q. All right, thank you. I want to go back to January of 2009,
25 January 29, 2009, do you recall taking a call to the area of

October 19, 2016 Preliminary Exam at 8

1 Coler Street?

2 A. Yes, ma'am, I was dispatched to initially 118 E. Coler for a
3 suspicious death investigation. Prior to arriving at the
4 correct address I made contact with a subject and found out
5 that the address was 118 W. Coler --

6 Q. Is that --

7 A. -- and then responded there.

8 Q. Is that in Jackson County?

9 A. Yes, it is.

10 Q. Were you the original responding officer the first one to
11 arrive at that location?

12 A. I was the first one to arrive at the scene, yes.

13 Q. Okay, what happened when you arrived?

14 A. I observed two subjects outside I made contact with them,
15 they were later identified by Sergeant Huttenlocker. They
16 stated that their friend was deceased inside the house, so I
17 proceeded up to the house to attempt to determine where the
18 victim was and the circumstances.

19 Q. Okay, so did you go into the house then at that location?

20 A. Yes, I did.

21 Q. Okay, what did you notice or -- if anything as you were
22 walking up to the house?

23 A. I didn't notice anything initially; I made care to make sure
24 I didn't contaminate any footprints or evidence at the
25 doorway into the house. Upon entering the house I

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1 immediately looked to see if there were any snow or ice
2 accumulation inside the door or any footprints inside the
3 door. Not observing these I proceeded into the house.
4 Q. Okay, did you locate the victim?
5 A. Yes, I did, he was in a bedroom on the south side of the
6 house at the end of a hallway. And as I went down the
7 hallway um, upon reaching the bedroom I observed a large
8 bloodstain on a mattress that was on the adjacent to the
9 east wall of the bedroom. Then I observed the victim that
10 was kind of wedged up against the wall on the mattress.
11 Q. Okay, did you check for any signs of life?
12 A. Yes, I did, I went to touch his leg and observed that it was
13 cold and didn't feel a pulse.
14 Q. Okay, did you because you approached the victim and actually
15 had contact with him did you make any other observations
16 about his body other than it being wedged against the wall
17 and the bed?
18 A. Yes, his hands were bound behind his back with an electrical
19 cord. And there was a white piece of cloth around his mouth
20 used as a gag.
21 Q. Okay.
22 A. I observed that there was blood spattered on the east wall
23 of the bedroom adjacent to where the victim's head was. And
24 prior to exiting the bedroom I observed that there was
25 bloodstain on the floor of the bedroom.

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1 Q. Okay. What happened after you exited that room?

2 A. I immediately exited the room and went out the front of the
3 residence and contacted my dispatch and advised them of the
4 situation and waited for Sergeant Huttenlocker and I also
5 advised them to contact the detective bureau and the command
6 staff.

7 Q. Did you assist in securing the scene?

8 A. Yes, upon the arrival of Sergeant Huttenlocker we re-entered
9 the house to clear the house and make sure there were no
10 other subjects or suspects inside. Upon exiting locating
11 none we exited the house. I then helped secure the scene, I
12 stretched crime scene tape and I maintained a log of people
13 that entered and exited the crime scene.

14 Q. Okay, um, and the victim was later identified as Matthew
15 Cramton, is that correct?

16 A. Yes, ma'am.

17 Q. Okay. Thank you, I have nothing further.

18 THE COURT: Officer Moore, Mr. Kirkpatrick may have
19 some questions for you. Mr. Kirkpatrick?

20 CROSS-EXAMINATION

21 BY MR. KIRKPATRICK:

22 Q. Deputy Moore, you never spoke with Mr. Michael Beatty,
23 correct?

24 A. No, sir.

25 Q. You never spoke with Ms. Reichard?

October 19, 2016 Preliminary Exam at 11

1 A. No, sir.

2 Q. And when you went into the bedroom where Mr. Cramton was

3 what all did you touch while you were in there, do you

4 recall?

5 A. I believe just the victim's leg and that was it, sir, I was

6 trying to maintain the -- or trying to prevent myself from

7 contaminating the scene.

8 Q. Okay, did you touch anything within the room before it was

9 photographed or processed?

10 A. Not that I recall, sir, no.

11 Q. Okay.

12 A. Like I said I was trying to exercise --

13 Q. Okay, was it a yes or a no, I mean --

14 A. No, sir.

15 Q. Okay, I have no further questions.

16 THE COURT: Ms. Walker, anything further?

17 MS. WALKER: No, thank you.

18 THE COURT: Thank you, deputy. May the deputy be

19 excused?

20 MS. WALKER: Yes.

21 THE COURT: Thank you very much.

22 THE WITNESS: Thank you.

23 (At 8:58 a.m., witness excused)

24 MS. WALKER: Dr. Pacris will be my next witness.

25 THE COURT: Doctor, come up. Please stop and raise

October 19, 2016 Preliminary Exam at 12

1 your right hand. Do you solemnly swear or affirm the
2 testimony you'll give in this matter will be the truth?

3 DR. BERNARDINO B. PACRIS: I do.

4 THE COURT: Come forward and watch your step there,
5 sir. And the chair is on rollers, so be careful. The
6 microphone is not going to make you any louder, so make sure
7 you speak up loudly and distinctly for us. Will you please
8 state your full name?

9 THE WITNESS: My name is Bernardino Pacris.

10 THE COURT: Will you spell that, please?

11 THE WITNESS: B-e-r-n-a-r-d-i-n-o P-a-c-r-i-s.

12 THE COURT: Thank you very much. Ms. Walker?

13 MS. WALKER: Thank you.

14 DR. BERNARDINO B. PACRIS

15 (At 8:59 a.m., called by Ms. Walker, sworn by the
16 Court and testified)

17 DIRECT EXAMINATION

18 BY MS. WALKER:

19 Q. Dr. Pacris, where are you employed?

20 A. I'm employed as a Deputy Medical Examiner at Oakland County
21 Medical Examiner Office. And also a uh, forensic consultant
22 here in Jackson County.

23 Q. Okay, thank you. How long have you been a medical examiner?

24 A. Twenty years.

25 Q. Twenty years?

October 19, 2016 Preliminary Exam at 13

1 A. That's correct.

2 Q. Thank you. And what type of degrees do you hold?

3 A. I hold a Doctor of Medicine Degree.

4 Q. And where is that from?

5 A. In the Philippines.

6 Q. Okay. And you've testified as an expert before is that
7 correct?

8 A. That's correct.

9 Q. In Jackson County as well?

10 A. I've testified in Federal Court, Jackson County, Wayne
11 County, Macomb, and of course Oakland County.

12 Q. Okay, thank you. And for the record you have already been
13 qualified as an expert per stipulation by defense (inaudible)
14 --

15 MR. KIRKPATRICK: That's correct, your Honor, we'll
16 stipulate.

17 THE COURT: Okay.

18 MR. KIRKPATRICK: I was getting ready to tell the
19 Court that I didn't know what line of questioning she was
20 doing, but that we'll stipulate that he's an expert, your
21 Honor.

22 THE COURT: Okay and the Court's had experiences
23 with Dr. Pacris and agrees with the stipulation. It's so
24 stipulated, Ms. Walker.

25 MS. WALKER: Thank you.

1 BY MS. WALKER:
2 Q. Doctor, I'd like to direct your attention to this case at
3 hand, um, did you perform an autopsy on a body identified to
4 you as Matthew Cramton?
5 A. Yes, I did.
6 Q. And was that autopsy performed on January 30, 2009?
7 A. That's correct.
8 Q. Okay. How was this body presented to you or identified to
9 you?
10 A. It was identified by a body tag, of course there were police
11 officers there and uh, I took a photo and everything.
12 Q. Okay and this was performed actually at Allegiance in
13 Jackson here, is that correct?
14 A. That's correct.
15 Q. All right. What was the condition of the body when you
16 first examined it?
17 A. Um, Mr. Cramton there was some shoelace secured around his
18 ankles with complex knots. There is a white shirt around
19 the mouth extending to the back. There is a loose
20 electrical cord in one of the hands of Mr. Cramton. And uh,
21 he was clad in a blood soaked gray shirt and undershirt
22 where that multiple defects corresponding to the entrance
23 sharp force injuries.
24 Q. I'm sorry, what was the last thing that you said something
25 about multiple?

October 19, 2016 Preliminary Exam at 15

- 1 A. Defects in the shirt --
- 2 Q. Defects in the shirts?
- 3 A. Corresponding to the entrance of the sharp force injuries.
- 4 Q. Thank you. So, typically as part of a routine autopsy what
- 5 do you perform, do you do an external and an internal
- 6 examination?
- 7 A. That's correct. We do the external examination looking for
- 8 any pathology or pattern of injury. We document that and we
- 9 take pictures. If there is needed we retrieve some
- 10 evidence, uh, in this case I think I retrieved some fibers
- 11 from the(inaudible) -- of Mr. Cramton. I believe I did nail
- 12 clippings, I took some of the combed scalp hair, and pulled
- 13 some of his scalp hair. We did the oral and rectal smear
- 14 swabs. I collected some blood samples. And the paper bags
- 15 I collected and it was given to police.
- 16 Q. The paper bags?
- 17 A. That's correct.
- 18 Q. Which were on his hands?
- 19 A. Correct.
- 20 Q. Okay, thank you. Can you talk to me about the external
- 21 examination that you performed?
- 22 A. Externally I observed 91 sharp force injuries that is a
- 23 combination of stab and cutting wounds. I group it into the
- 24 head and neck, which I believe there were twenty-nine. The
- 25 left shoulder and arm, there were eight, uh, three on the

1 right side of the abdomen. Forty-six on the back -- I'm
2 sorry, forty-six on the chest and uh, five sharp force
3 injuries to the back.
4 Q. Okay, for a total then of the ninety-one?
5 A. That's correct.
6 Q. Okay and these are sharp force injuries, correct?
7 A. Right.
8 Q. All right, if we could focus first on the twenty-nine sharp
9 force injuries to the head and neck area. Can you tell me a
10 little bit more about where those were located?
11 A. Those sharp force injuries were located on the face, on the
12 back of the head, and on the neck area, front and back.
13 Q. Okay. What were the size of those wounds?
14 A. The size of the wounds range 5/16" to 2 1/4" with a depth of
15 1/4" and this sharp injuries cuts the right carotid artery,
16 which supply the blood to the brain. And also cut the
17 thyroid gland several times.
18 Q. Okay, could you tell anything about the trajectory of the
19 wounds to this area of the body?
20 A. The trajectory there let me uh, it varied from front to
21 back, left to right, right to left, relatively straight and
22 there are two wounds from the back so it is back to front.
23 Q. Okay, thank you. Moving on I want to talk about the eight
24 injuries to the right shoulder area, um, were those about
25 the same size as --

October 19, 2016 Preliminary Exam at 17

- 1 A. Yeah, I measure it the length it varies from 5/16" to 3/4"
2 in length. There were no major blood vessels that were
3 injured in those eight sharp force injuries.
- 4 Q. And what was the trajectory of those injuries?
- 5 A. The trajectory(inaudible) -- front to back. We cannot make
6 the trajectory if it's more of a cutting; you know it's
7 pretty hard to say it.
- 8 Q. Okay. Your report notes that the trajectory in that area
9 was from right to left?
- 10 A. Yes.
- 11 Q. Is that accurate?
- 12 A. Yes, because it's around -- on this side.
- 13 Q. Okay, thank you.
- 14 THE COURT: You're indicating right arm, correct,
15 doctor?
- 16 THE WITNESS: Correct, yes, sir, right shoulder and
17 arm.
- 18 BY MS. WALKER:
- 19 Q. All right, next to the forty-six injuries to the chest area,
20 can you tell me about the size of those injuries?
- 21 A. Okay, the injuries range in size from 1/4" to 1 1/8" of an
22 inch.
- 23 Q. Could you tell me anything about the trajectory of those
24 wounds?
- 25 A. Okay, it's usually -- it varied from front to back, left to

October 19, 2016 Preliminary Exam at 18

1 right, right to left, and there's relatively straight. From
2 all of those forty-six sharp force injuries uh, the heart
3 was cut fourteen times. The left lung was cut eight times.
4 And the right lung was cut nine times. And the liver was
5 cut five times.

6 Q. Okay. As a result of those injuries to the organs what was
7 -- what happened as a result of that?

8 A. As a result of that uh, there are bilateral hemothorax(sic)-
9 - or meaning to say blood in its chest cavity and also in
10 the pericardial sac. Of course if the heart is cut people
11 die of exsanguination. I didn't go to the scene I don't
12 know how much blood was there on the scene, so probably
13 more.

14 Q. Okay, is this area of your report you also note that the
15 fourth and fifth left anterior ribs were fractured --

16 A. Right.

17 Q. -- is that something that could have been a result of a
18 sharp force injury?

19 A. No, that's not a sharp force injury, it's usually when the
20 rib is fractured, usually it's a blunt force trauma. Who
21 knows if it is -- he was kicked or you know punched.
22 Although, if there's a handle of a knife and you strike the
23 bone it can also uh, cause the bone to fracture, but it's
24 not a sharp force injury. But, uh, the fractures of two
25 ribs are irrelevant because that's not the cause of death.

October 19, 2016 Preliminary Exam at 19

1 Q. Okay.

2 A. But, the injury was there so I just described it.

3 Q. Thank you. The three injuries to the right side of the
4 abdomen um, were those similar in size as to other injuries
5 on the body?

6 A. Yes, it varies, the size varies from $\frac{1}{4}$ of an inch to $\frac{1}{2}$ of an
7 inch and the depth is about $\frac{1}{4}$ inch. These sharp force
8 injuries did not enter the abdominal cavity, so no major
9 organs were injured.

10 Q. Okay. What about the five sharp injuries to the back were
11 those similar in size to other wounds?

12 A. Yeah, the size measures from $\frac{1}{2}$ to $\frac{3}{4}$ of an inch. And the
13 depth, the deepness was about 1 $\frac{1}{4}$ inches. Two stab wounds
14 or stab wound cuts the left kidney.

15 Q. Were there any other injuries besides what you've already
16 noted?

17 A. Besides that there were multiple abrasions on the ankles
18 consistent with probably friction of the cord. And there is
19 a $\frac{1}{2}$ inch abrasion of the left hand.

20 Q. Okay. Doctor, in your opinion what is the manner and cause
21 of death?

22 A. The cause of death is multiple sharp force injuries and the
23 manner death of that is homicide.

24 MS. WALKER: May I approach the witness, your
25 Honor?

October 19, 2016 Preliminary Exam at 20

1 THE COURT: Yes.

2 MS. WALKER: I have what's been marked as People's
3 exhibits two and three to show the doctor.

4 BY MS. WALKER:

5 Q. Doctor, you've had a chance to look at photographs of this
6 knife, is that correct?

7 A. That's correct.

8 Q. Is there anything of import that you can tell us comparing
9 that knife to the wounds of the victim?

10 A. This might be -- I'm not saying this is the knife used, but
11 it could have been consistent to those injuries inflicted to
12 Mr. Cramton.

13 Q. And why do you say that?

14 A. It looks like it has a blunted end and uh, measurement you
15 know it's a single edge knife and looks like the measurement
16 of the rib is or the length I should say is about an inch
17 uh, which are consistent. And you can see the tip of the
18 knife it's pretty sharp so uh, you know once you nick it, it
19 can produce from 5/16 to about 1 3/4. Bear in mind when
20 somebody is stabbed somebody it doesn't only penetrate but
21 it also cuts. So, some of the sharp force injuries will
22 vary in length. Okay, and --

23 THE COURT: What's the number -- go ahead, doctor
24 finish.

25 MS. WALKER: Okay, --

October 19, 2016 Preliminary Exam at 21

1 THE COURT: What's the numbers on those
2 photographs?

3 MS. WALKER: Two and three.

4 THE COURT: Two and three and there's a stipulation
5 then?

6 MR. KIRKPATRICK: For purposes of exam I do not
7 object to the admission, your Honor.

8 THE COURT: Two and three are admitted.

9 (At 9:12 a.m., PX #2 and PX #3 admitted)

10 MS. WALKER: And at this time I ask that I be
11 allowed to publish one to the Court.

12 MR. KIRKPATRICK: For purposes of exam I don't have
13 an objection.

14 THE COURT: And what is this?

15 MS. WALKER: The autopsy report.

16 MR. KIRKPATRICK: I've already reviewed it, I have
17 a copy it.

18 THE COURT: Okay.

19 MR. KIRKPATRICK: It's the autopsy report, your
20 Honor.

21 THE COURT: One is admitted as well.

22 (At 9:13 a.m., PX #1 identified & admitted)

23 MS. WALKER: Thank you, I have no further questions
24 at this time.

25 THE COURT: Doctor Pacris, Mr. Kirkpatrick may have

1 some questions for you. Mr. Kirkpatrick?

2 THE WITNESS: Yes, sir.

3 CROSS-EXAMINATION

4 BY MR. KIRKPATRICK:

5 Q. Dr. Pacris, you testified that there 91 stab injuries total?

6 A. That's correct, to the best of ability, I double checked it
7 I counted 91.

8 Q. So, you would agree that this was a pretty brutal stabbing?

9 A. Maybe passionate if you will uh, 91. I've seen more stab
10 wounds you know and uh, may I say a crime of passion
11 something like that.

12 Q. Okay. So, it's clear though that this appears to be a
13 pretty passionate or um, obviously violent encounter,
14 correct?

15 A. Correct.

16 Q. Regarding the stab wounds you had said that there were 29
17 sharp force injuries to the head and neck, is it fair to say
18 that the one stab wound that nicked the right carotid artery
19 that in and of itself could have been fatal, correct?

20 A. That's correct.

21 Q. Do you have any opinion as to how quickly that could have
22 been fatal from the time that the cut occurred till the time
23 that um, he would have deceased?

24 A. You're talking only of the right carotid and not the heart
25 and not any other injuries, correct?

October 19, 2016 Preliminary Exam at 23

- 1 Q. Correct, just that artery injury itself.
- 2 A. Okay, it's a big artery, it's one of the -- the biggest
- 3 artery would be of course aorta --
- 4 Q. Uh-huh.
- 5 A. -- and once you injure this carotid artery it will bleed a
- 6 lot, in couple of minutes you're going to die.
- 7 Q. Okay.
- 8 A. Just the same thing as those femoral artery, those are big
- 9 arteries. Once they are severed if proper surgery is not
- 10 applied in a couple of minutes you're going to die.
- 11 Q. Okay. Then you talked about the eight sharp force injuries
- 12 to the right shoulder, none of those would have been fatal,
- 13 correct?
- 14 A. No, sir, no major blood vessels were wounded.
- 15 Q. Then you talk about the wounds to the chest and you say that
- 16 there was actually fourteen wounds, or fourteen cuts to the
- 17 heart, is that correct?
- 18 A. That's correct.
- 19 Q. Could any one of those fourteen wounds have been fatal?
- 20 A. Oh, absolutely, once you nick the heart again uh, the heart
- 21 is pumping and at the same token anytime there is a force
- 22 applied to the heart there's a possibility that you will
- 23 develop dysrhythmia or arrhythmia.
- 24 Q. Okay.
- 25 A. That's why you know when somebody is in arrest they pump the

October 19, 2016 Preliminary Exam at 24

1 heart to obtain the rhythm and we have seen people playing
2 baseball you know athletic type and uh, there's a sharp
3 force injury to the chest it can cause sudden death,
4 dysrhythmia.
5 Q. Okay.
6 A. But, of course this is (inaudible) -- of years because I saw
7 some fourteen cuts in the heart and you know as the heart
8 pumps --
9 Q. Right.
10 A. -- uh, more --
11 Q. Do you have any opinion as to how long Mr. Cramton would
12 survive the cuts to the heart?
13 A. It depends because I cannot tell you uh, what is the
14 sequence of the --
15 Q. Okay.
16 A. -- stab/cutting wounds. But, if for instance the heart and
17 the carotid were injured right away it would be a couple of
18 minutes.
19 Q. Okay. If you saw a crime scene -- did you look at any crime
20 scene photos in this case?
21 A. I cannot recall.
22 Q. If you saw crime scene photos do you think that would assist
23 you in any way to determine which cut may have occurred
24 first?
25 A. You know just like multiple gunshot wounds it's hard to

1 determine the sequence. But, if you see for example in this
2 scenario if there's a lot of trail of blood from one place
3 to the other maybe those injuries were -- those superficial
4 injuries were inflicted first, so, uh, the deceased were
5 able to walk. Unfortunately I did not go to the scene, so I
6 have no comment.

7 Q. Okay. You talk about that there was eight cuts to the lower
8 -- the left lower lobe of the lung, would those eight cuts
9 to the -- or could those cuts to the left lower lobe have
10 been fatal?

11 A. In a couple of hours I would say those are fatal, but in
12 minutes, no they --

13 Q. Okay.

14 A. -- it's not fatal.

15 Q. And then regarding the injury to the back, the cutting to
16 the kidney again would that in and of itself be fatal, could
17 it be fatal?

18 A. When you say fatal in couple of minutes, no, it would
19 require several hours.

20 Q. Okay. But, you were never at the scene, correct?

21 A. Correct.

22 Q. You never interviewed anybody regarding this incident?

23 A. Correct, I leave that to the police officers.

24 Q. Very well. The other thing too is the -- you mentioned the
25 fractured ribs, is it fair to say that that would take a

October 19, 2016 Preliminary Exam at 26

1 substantial amount of force to cause those fractures?

2 A. Not necessarily, some older people uh, they fracture easily
3 then the younger people. Mr. Cramton is 56 years old so I
4 don't know the medical history or physical history of Mr.
5 Crampton prior to that.

6 Q. Okay.

7 MR. KIRKPATRICK: I have no further questions.

8 THE COURT: Ms. Walker?

9 REDIRECT EXAMINATION

10 BY MS. WALKER:

11 Q. Just for the record, doctor where are the fourth and fifth
12 left anterior ribs, where are those on the body?

13 A. In front.

14 Q. In front?

15 A. Yes.

16 Q. Up near the heart area?

17 A. Correct.

18 Q. Okay, thank you.

19 MS. WALKER: Nothing further.

20 MR. KIRKPATRICK: Nothing further, your Honor.

21 THE COURT: Doctor, did you use the term arrhythmia
22 at one time?

23 THE WITNESS: Arrhythmia or dysrhythmia.

24 THE COURT: How do you spell that?

25 THE WITNESS: Arrhythmia is spelled a-r-r-h-y-t-h-

October 19, 2016 Preliminary Exam at 27

1 m-i-a.
2 THE COURT: You mentioned that other one too.
3 THE WITNESS: Dysrhythmia, d-y-s-r-h-y-t-h-m-i-a.
4 THE COURT: Okay, thank you.
5 THE WITNESS: You're welcome, sir. Am I excused?
6 THE COURT: Anything further of the doctor?
7 MS. WALKER: No.
8 MR. KIRKPATRICK: No, your Honor.
9 THE COURT: Okay, yes, you are.
10 THE WITNESS: Thank you.
11 THE COURT: Okay, thank you, doctor. Drive careful
12 and watch your step as you step down. And, Ms. Walker?
13 (At 9:19 a.m., witness excused)
14 MS. WALKER: Thank you, Detective Huttenlocker is
15 my next witness, your Honor.
16 THE COURT: Raise your right hand. Do you solemnly
17 swear or affirm the testimony you'll give in this matter
18 will be the truth?
19 DET. BRYAN S. HUTTENLOCKER: I do.
20 THE COURT: Come forward and watch your step. The
21 chair is on rollers, so be careful.
22 THE WITNESS: Thank you.
23 THE COURT: That microphone is not going to make
24 you any louder, so make sure you speak up loudly and
25 distinctly for us. Please state your full name and spell

October 19, 2016 Preliminary Exam at 28

1 your last.

2 THE WITNESS: Bryan Scott Huttenlocker, Bryan is
3 with a Y and Huttenlocker is H-u-t-t-e-n-l-o-c-k-e-r.

4 THE COURT: Thank you very much. Ms. Walker?

5 MS. WALKER: Thank you.

6 DET. BRYAN SCOTT HUTTENLOCKER

7 (At 9:20 a.m., called by Ms. Walker, sworn by the
8 Court and testified)

9 DIRECT EXAMINATION

10 BY MS. WALKER:

11 Q. Detective, where are you employed?

12 A. The Jackson County Sheriff's Office.

13 Q. And you're currently assigned to the detective bureau, is
14 that correct?

15 A. That is correct.

16 Q. Are you the detective sergeant?

17 A. I am.

18 Q. How long have you been a detective?

19 A. A little over two years.

20 Q. Okay and before that what was your position?

21 A. I was road patrol sergeant and then I was the sergeant out
22 to Summit Township Detachment.

23 Q. Okay, how long have you worked with the sheriff's
24 department?

25 A. Twenty-three years.

October 19, 2016 Preliminary Exam at 29

- 1 Q. Okay, thank you. I want to go back to January 29, 2009, do
2 you recall assisting in a homicide investigation on that
3 day?
- 4 A. I do.
- 5 Q. Can you tell me about what was your initial contact with the
6 scene?
- 7 A. I was originally dispatched as the primary officer to
8 respond to a possible DOA, death on arrival call. Prior to
9 my arrival Deputy Moore who happened to be closer arrived on
10 scene. Uh, when I arrived he had come out of the house
11 saying that he had appeared a confirmed DOA, appeared to be
12 non-accidental.
- 13 Q. Okay, so what did you do did you actually enter the house
14 and assist?
- 15 A. I did I just wanted to confirm his suspicions, I went inside
16 I did not touch anything. He pointed to the room where the
17 victim was at, I looked in I got a visual observation and it
18 definitely appeared his assumption was correct. At that
19 point I exited the residence.
- 20 Q. And what did you do after you exited?
- 21 A. I -- we made sure the scene was secure and at that point I
22 started speaking with the two original callers.
- 23 Q. Okay and who were those people?
- 24 A. Martin Wolken and Bryan Bloom.
- 25 Q. Okay, um, --

October 19, 2016 Preliminary Exam at 30

1 THE COURT: Can you spell those names?

2 THE WITNESS: Wolkens is W-o-l-k-e-n-s. Bryan is
3 B-r-y-a-n, Bloom, B-l-o-o-m.

4 THE COURT: Thank you.

5 BY MS. WALKER:

6 Q. And so the task force was called in to assist with this
7 investigation, is that correct?

8 A. It was.

9 Q. So, multiple agencies arrived at the scene to assist the
10 sheriff department?

11 A. Yes.

12 Q. And you kept a log then of everybody who was in and out of
13 the scene?

14 A. Um, I made sure a log was kept.

15 Q. All right, did you do anything else at the scene that day?

16 A. Um, no.

17 Q. Okay. As the investigation continued what was your part in
18 the investigation?

19 A. I didn't do anything else in the investigation for quite
20 some time it was turned over to our -- at that time I was
21 assigned to the Summit Township Detachment other than doing
22 the initial report and initially arriving on scene and
23 securing the scene at that point it was turned over to the
24 Major Crimes Task Force and our detective bureau.

25 Q. Okay, so when did you start working on this case again?

October 19, 2016 Preliminary Exam at 31

1 A. When I was assigned to the detective bureau in July of 2014
2 I was advised that one of our detectives is going to work on
3 the case that being Detective Sullivan. I was to give
4 assistance where needed, but kind of let him -- he had
5 started working on the case and kind of just oversee what he
6 had done. Back in April of 2016 um, Detective Sullivan was
7 out of the detective bureau at that point and it was
8 determined that uh, the Major Crimes Task Force would be
9 taking -- looking at this case again. It did have some
10 potential and at that point I started the investigation
11 again.

12 Q. Okay. So, what did you start doing then more recently on
13 this case?

14 A. After having several meetings with the task force um, and
15 assigning different tasks um, I was taking some of the
16 tasks, overseeing the tasks, and at some point I did
17 interview a Michael Beatty.

18 Q. Okay. Can you tell me a little more about how that came
19 about or why Michael Beatty was interviewed?

20 A. Seems like around July of 2016 his mother had reached out to
21 me, had stated that Michael wanted to speak with me. He was
22 in prison uh, she gave me an exact date he wanted me to
23 interview him at the prison, but it had to be that date.
24 So, at that point I didn't interview him. Knowing a little
25 bit about Michael's history did not want him to feel he was

1 in control of the situation. In August I received a letter
2 from Michael stating that again he would like to speak with
3 me. So, at that point I made some arrangements to have
4 Michael brought to our jail, our detective bureau for an
5 interview.

6 Q. Okay and at that time was Michael Beatty a suspect in this
7 case?

8 A. He was.

9 Q. Okay, so he was transferred from prison over to the county
10 jail here --

11 A. That's correct.

12 Q. -- and you interviewed him?

13 A. I did.

14 Q. Who assisted in the interview?

15 A. Detective Dave Stamler from the Michigan State Police.

16 Q. Okay, was that -- do you remember the approximate date on
17 that was that August?

18 A. It was August 23rd or 24th.

19 Q. Okay.

20 A. Of 2016.

21 Q. All right, thank you. Based on that interview did you
22 interview other people after you met with Michael Beatty?

23 A. I did.

24 Q. Okay and who would those people be?

25 A. I actually met with Tiffany Reichard before I interviewed

October 19, 2016 Preliminary Exam at 33

1 Michael Beatty, the day before. I interviewed her and then
2 I interviewed her after I interviewed Michael.
3 Q. Okay. Why did you interview Tiffany the day before you met
4 with Michael Beatty?
5 A. I knew she was -- had some knowledge of Michael, knew she
6 was at one point considered a suspect. At that point I
7 wanted to -- I was kind of going in blind on the interview
8 with Michael I wanted to know what -- and she was on one our
9 persons we wanted to interview among multiple people. I
10 wanted to know if I could get some background on what
11 Michael was going to come talk about.
12 Q. Okay. So, where did that interview take place?
13 A. At the sheriff's office in the detective bureau.
14 Q. And that would have been August 23rd, is that correct?
15 A. The 23rd of 2016, yes.
16 Q. So, you interviewed her, was anybody else with you when you
17 interviewed her?
18 A. Yes, Investigator Nat Gross from the prosecutor's office.
19 Q. Okay, can you tell me about how it came about that Tiffany
20 actually came into the sheriff's department?
21 A. I believe Investigator Gross had reached out to her upon my
22 request and then we had stopped out to her address where she
23 was living and asked her to come in for an interview.
24 Q. Okay, did she come on her own, did you drive her in, can you
25 tell me about that?

1 A. I believe she came in on her own.
2 Q. Okay, so you said when you met with her it was you and Nat
3 Gross, Investigator Gross and then Tiffany Reichard?
4 A. Uh-huh.
5 Q. Do you see Tiffany in the courtroom today?
6 A. I do.
7 Q. Can you point to her and identify the color of clothing
8 she's wearing?
9 A. She's wearing an orange jumpsuit next to Mr. Kirkpatrick.
10 THE COURT: So, is it the young lady to the far
11 right?
12 THE WITNESS: Yes.
13 THE COURT: The record will reflect that Detective
14 Sergeant Huttenlocker has identified our young lady here
15 Tiffany Lynn Reichard.
16 (At 9:26 a.m., witness identified defendant)
17 MS. WALKER: Thank you.
18 BY MS. WALKER:
19 Q. When you interviewed the defendant did you read her Miranda
20 Rights?
21 A. I did not.
22 Q. Why is that?
23 A. I explained to her that she was there on her own free will,
24 that she allowed to leave the interview at any point. She
25 was not under arrest and at any point if she wanted to leave

1 the interview she could.

2 Q. And did she actually leave that interview --

3 A. Yes.

4 Q. -- and leave on her own accord?

5 A. Yes.

6 Q. Can you tell me a little about her demeanor during that

7 interview?

8 A. Um, seemed concerned, she admitted that she -- she takes um,

9 methadone on a daily basis. She had told me that she had

10 taken her dose of methadone that day, she takes it

11 regularly. She appeared to be relaxed, cooperative.

12 Q. Okay, did she say she was on any other medication besides

13 the methadone?

14 A. I don't believe so.

15 Q. Okay, did she talk to you about the homicide?

16 A. She did a little bit.

17 Q. What did she tell you at that time?

18 A. Just that she had some limited knowledge of it. She gave a

19 couple different stories that she picked somebody up,

20 Michael up at one point and he was covered in blood. She

21 had mentioned she picked up a Dan Hammond who was covered in

22 blood. She had mentioned that she took Michael to his house

23 um, and overheard a conversation with Michael and his mother

24 and about some clothing being bloody and about some disposal

25 of some clothing.

1 Q. Okay. And um, did she talk to you about her relationship
2 with Michael Beatty?
3 A. Yes.
4 Q. Was it a dating relationship?
5 A. It was.
6 Q. And they had a child together at one point --
7 A. Yes.
8 Q. -- is that correct?
9 A. Yes.
10 Q. At the time you were interviewing her do you know if she was
11 still dating Michael Beatty?
12 A. She said she was not.
13 Q. Okay, all right. Did she say anything else about the
14 homicide at that point?
15 A. Um, not really.
16 Q. Okay. So, she left on her accord, is that correct?
17 A. Yes.
18 Q. And then after that interview you interviewed Michael
19 Beatty?
20 A. I did.
21 Q. And was it the same day?
22 A. Uh, I believe it was the next day.
23 Q. The next day, okay. And after you interviewed Michael
24 Beatty you then interviewed the defendant again --
25 A. I did.

October 19, 2016 Preliminary Exam at 37

- 1 Q. -- Tiffany Reichard, is that correct?
- 2 A. Yes, that's correct.
- 3 Q. The next day on the 24th, does that sound about right?
- 4 A. It was, yes.
- 5 Q. Okay, tell me how that interview came about?
- 6 A. Um, because we had some information from Michael Beatty who
- 7 admitted his involvement that Tiffany Reichard was involved
- 8 in the homicide as well. So, we reached out to Tiffany
- 9 again, she came in, she got a ride from her she said
- 10 stepmother into the sheriff's office. And we asked her if
- 11 she'd come in for an interview, she did. Again, we told her
- 12 again she was there on her own free will, that was she not
- 13 Mirandized, she was free to leave at any point in the
- 14 interview if she felt uncomfortable and so we did interview
- 15 her.
- 16 Q. Okay and would this have been you and Investigator Gross
- 17 again interviewing her?
- 18 A. It was, I'm sorry, yes.
- 19 Q. Okay. So, you see her again this day was her demeanor the
- 20 same as the day before or was it any different?
- 21 A. Pretty much the same.
- 22 Q. Okay, did she talk about using methadone that day?
- 23 A. She did.
- 24 Q. Okay, any concerns at that point interviewing her if she's
- 25 under the influence of anything at that point?

- 1 A. Did not appear to be under -- affecting her judgment.
- 2 Q. Okay. Did she talk to you at this point about any
- 3 involvement in the homicide?
- 4 A. She did.
- 5 Q. Can she tell me about that?
- 6 A. The first 45 minutes of the interview she talks -- gives us
- 7 a couple different stories. And eventually she gets the
- 8 point where she discusses that she was involved in planning
- 9 the homicide. She said actually it was planning a robbery.
- 10 She had said that she had driven Michael's mothers, Eileen
- 11 Stanley's vehicle with Michael to the residence. She stated
- 12 that Michael had talked about hitting a lick on a subject
- 13 uh, Matt Cramton, he had been eyeing him for a couple of
- 14 days. Had heard that he had come into some money, also that
- 15 he had had some drugs.
- 16 Q. Can you tell me a little bit, you said, "Hit a lick," have
- 17 you heard that term before?
- 18 A. I have.
- 19 Q. And in your experience what does that term mean?
- 20 A. Rob somebody.
- 21 Q. Okay. So, they were looking for money and drugs I believe
- 22 you said?
- 23 A. Yes.
- 24 Q. Did she say anything else about what happened?
- 25 A. She said Michael asked her to assist him, she agreed. She

October 19, 2016 Preliminary Exam at 39

1 took Eileen Stanley's vehicle with Michael in it, they drove
2 to the residence. She stated she parked out near the
3 residence. Coler Street is a very small street, there's --
4 I believe there's only two houses on the north side of the
5 road and two or three houses on the south side of the road.
6 She parked some place on Coler Street, the intent was to rob
7 the victim of his money. She had stated that Michael had a
8 mask on, had dark clothing and had a handgun. She stated
9 that Mr. Cramton it would be unusual for him to answer the
10 door with someone masked up with a gun, so the plan was for
11 Tiffany to knock at the door, Mr. Beatty would be waiting
12 around a bush. When Mr. Cramton opened the door Mr. Beatty
13 would rush in and commit the robbery. Her involvement at
14 that point was to be a lookout and to let Mr. Beatty know if
15 someone was coming.

16 Q. Okay, did she say if that plan actually was put into place
17 that she knocked at the door and that Beatty run into the
18 house?

19 A. Yes, she said that's what had occurred.

20 Q. Okay. Did she say anything else about what she did that
21 night?

22 A. She stated when Michael Beatty came out he was covered in
23 blood, did have some money in his hands. She did drive him
24 to his mother's residence, which would be 535 Bagg, and then
25 she did assist in -- she did dispose of his clothing by

October 19, 2016 Preliminary Exam at 40

- 1 putting some perfume on it, putting it in a grill and
2 lighting the clothing.
- 3 Q. Okay. Did she say anything about a knife or anything of
4 that nature?
- 5 A. She said he did have a knife. She gave differing stories of
6 what she thought happened to the knife. She thought it was
7 buried um, in the house someplace or next to the house. She
8 thought -- I don't remember the other thing she had thought,
9 but um, she did state -- but she wasn't really sure what
10 happened with the knife. She just said that she never
11 touched the knife.
- 12 Q. Okay. Did she say or give a specific timeline as to when
13 she saw a knife? Did she see -- did she say anything about
14 that at all?
- 15 A. Well, she stated that he had a gun, the intention was to rob
16 him with the gun, but I don't remember where the knife came
17 into play.
- 18 Q. Okay, thank you. Did she talk at all about why um, she
19 didn't tell the story initially or talk about why she gave
20 varying stories?
- 21 A. She said she was scared of Michael he had assaulted her
22 pretty severely in the past and she was worried about
23 repercussions if she came forward.
- 24 Q. Okay. Did she talk about having nightmares?
- 25 A. She did.

- 1 Q. What did she say about that?
- 2 A. She just had nightmares all along about this occurring and
3 her involvement.
- 4 Q. Okay. After the defendant was interviewed at that point
5 what happened?
- 6 A. Um, she was free to leave. Investigator Gross had some
7 concerns that she may be suicidal so we stepped out of the
8 room and discussed it and the concern was that if we let her
9 leave that she would commit suicide because she admitted to
10 her involvement and she was -- said she was depressed and
11 had mentioned that she might want to hurt herself. So, we
12 discussed the matter, I didn't feel there was enough to get
13 her evaluated. Um, so at that point I told Investigator
14 Gross I'm going to go ahead and let her leave that's what I
15 had told her from the beginning. I don't think she's going
16 to harm herself let me run it by her stepmom to keep a close
17 eye on her.
- 18 Q. Okay.
- 19 A. So, we did allow her to leave with the understanding that
20 the stepmother would call if any point she became suicidal.
- 21 Q. Who is the stepmother, do you remember her name?
- 22 A. I think its Tammy, but I'm not certain.
- 23 Q. Okay, charges are issued for the defendant on or about
24 August 31st, is that correct?
- 25 A. Yes, that's correct.

October 19, 2016 Preliminary Exam at 42

1 Q. Okay and at some point she's arrested?
2 A. Right.
3 Q. Did you arrest her?
4 A. No, I had a couple deputies go out and look for her and they
5 arrested her.
6 Q. Okay, but after that at some point you did have contact with
7 her again, is that correct?
8 A. I did.
9 Q. Would that be about September 1st?
10 A. September 1st, yes.
11 Q. Why did you have contact with her again?
12 A. I had a voice message from Detective, or Sergeant Shevock
13 from the jail stating that Tiffany wanted to speak with me.
14 Q. Okay, so did you go and speak with her then at the jail or
15 did you bring her to the detective bureau, can you tell me
16 about that?
17 A. Yes, I brought her up to the same interview room that I had
18 interviewed her the two previous times and did interview
19 her. At that point I did explain to her that um, the
20 previous two times she was free to leave and I asked her if
21 she understood that and she said she did. And I said did I
22 prevent you from leaving and she stated I did not prevent
23 her from leaving. I said well at this point you're not free
24 to leave, so because you're not free to leave and you're
25 under arrest I'm going to have to read you your Miranda

October 19, 2016 Preliminary Exam at 43

1 Rights before I speak with you.

2 Q. And you did?

3 A. I did.

4 Q. Okay. Why did she -- what did she say to you, why did she
5 want to talk to you?

6 MR. KIRKPATRICK: And, your Honor, I'm going to at
7 this point I need to put an objection on the record, because
8 I watched that video, it's clear from the conversation we're
9 having now that in fact she had said she wanted a lawyer on
10 at least three occasions. He continued to talk with her and
11 talked to her and -- "Do you want to talk to me," "Well, how
12 long is going to take for me to get an attorney," "Well, it
13 might take a week." There's a multitude of conversations
14 back and forth, but specifically on this audio on at least
15 three occasions she specifically tells the detective I want
16 an attorney. I want to make a record now, because if you're
17 going to allow some testimony I want that objection
18 preserved or at least the chance to voir dire uh, the
19 detective to determine whether or not there was in fact the
20 Miranda violation regarding the statements going forward.

21 THE COURT: First was Miranda read and was there a
22 signature on any document?

23 THE WITNESS: Yes.

24 THE COURT: Okay. Do you want to some voir dire of
25 the detective/sergeant?

1 MR. KIRKPATRICK: Yes.
2 VCIR DIRE
3 BY MR. KIRKPATRICK:
4 Q. Detective Huttenlocker, when you first met with Ms. Reichard
5 on this -- the last --
6 A. September 1st?
7 Q. Correct, the --
8 A. Yes.
9 Q. -- last interview you did with her she had actually told you
10 in the beginning that she wanted an attorney, correct?
11 A. She did.
12 Q. She also advised you that she was on methadone, correct?
13 A. Um, she had said she had taken it the day before.
14 Q. Okay, she advised you that she was concerned that she was
15 going to get sick; do you recall her telling you that during
16 the interview?
17 A. Yes.
18 Q. And isn't in fact true that often times um, individuals that
19 take methadone will often times take that to help them with
20 a heroin addiction or other addictions?
21 A. My understanding.
22 Q. And is it also fair to say that if someone stops taking
23 methadone abruptly that they become physically ill?
24 A. From my understanding that is correct.
25 Q. So, she tells you she's afraid that she's going to be

October 19, 2016 Preliminary Exam at 45

1 physically ill as a result of the methadone?

2 A. The --

3 Q. That's part of it, correct?

4 A. From my understanding from not being able to have methadone
5 from the next day.

6 Q. That she specifically tells you at least two occasions that
7 she wanted her attorney, isn't that a fair statement?

8 A. She mentions her attorney two to three times.

9 Q. And then she asks you how long do you think it will be
10 before I get an attorney?

11 A. She does.

12 Q. You tell her it could be upwards of a week, correct?

13 A. I said it would probably be shortly after arraignment maybe
14 even the day of arraignment. I said for you to actually
15 talk to with your attorney depending on their schedule maybe
16 up to a week.

17 Q. Okay, so at that point after you tell her that it could be
18 up to a week before she's even going to see an attorney you
19 then talk to her again and ask her if she wants to talk to
20 you again, correct?

21 A. Some --

22 THE COURT: Is this the same conversation -- when
23 you say again --

24 MR. KIRKPATRICK: Yes, your Honor.

25 THE COURT: -- you don't mean another date you mean

October 19, 2016 Preliminary Exam at 46

1 continuing?

2 MR. KIRKPATRICK: No, it's continuous, this is the

3 --

4 THE WITNESS: Yes.

5 MR. KIRKPATRICK: -- same interview.

6 THE WITNESS: Sounds somewhat accurate.

7 BY MR. KIRKPATRICK:

8 Q. So, at that point she's already asked for an attorney at

9 least three times, is that a fair statement?

10 A. Sure, that would be a fair statement.

11 Q. And I mean in your training and experience when someone asks

12 for an attorney when they're in custody isn't it a fair

13 statement that the practice should be to stop questioning at

14 that point?

15 A. Well, I can explain upon that. As you watch the same video

16 I explained to her well, if you want an attorney I cannot

17 speak to you. But, if you don't want an attorney I have to

18 read this Miranda Rights --

19 Q. So, basically you're talking her into talking to you

20 regarding the attorney, correct?

21 A. I told her you're the one who wanted to come up here and

22 speak today, if you want to talk to me today that's fine.

23 If you don't want to talk to me or you want to talk to your

24 attorney first that's your right and I can't speak to you if

25 you want to talk to your attorney first.

October 19, 2016 Preliminary Exam at 47

- 1 Q. And you understand that waivers of Miranda have to be
2 voluntarily given, correct?
- 3 A. That's correct.
- 4 Q. So, you understand that you've got an individual here that's
5 on methadone, correct?
- 6 A. Said had taken it the day before.
- 7 Q. Concerned about becoming sick, correct?
- 8 A. That's correct.
- 9 Q. Wanting to talk to her attorney as quickly as possible,
10 correct?
- 11 A. She wanted to talk to an attorney.
- 12 Q. Advised by you that it would be at least a week before she
13 could talk to her attorney?
- 14 A. I didn't say that.
- 15 Q. You said it could be at least a week, correct?
- 16 A. I said it could be up to at least a week.
- 17 Q. That's what I asked you.
- 18 A. It could be -- or it could be up to 24 -- anywhere from 24
19 hours to a week.
- 20 Q. Twenty-four hours to a week?
- 21 A. Yes.
- 22 Q. So, it could go 24 hours all the way to a week that she
23 could be sitting in the county jail, correct?
- 24 A. That is correct.
- 25 Q. They don't give methadone over there do they?

October 19, 2016 Preliminary Exam at 48

1 A. I'm not aware that they do. They give some type of stuff
2 for withdraws.

3 Q. So, now after you tell her all this stuff and you keep
4 telling her okay repeatedly well if you want an attorney I
5 can't talk to you, but if you don't want an attorney I can
6 talk to you, ultimately she says, okay I don't want an
7 attorney I want to talk to you, is that my understanding of
8 the gist of it?

9 A. Somewhat accurate.

10 MR. KIRKPATRICK: Your Honor, based on that
11 testimony I think any statements made -- I understand why
12 the Court asked the question the Court did, I get that. Did
13 she sign waiver, and I she did and I don't dispute that, I
14 saw the waiver, I saw the video. The problem is she's
15 asking for an attorney at least three times, she's clearly
16 potentially going to be physically ill as a result of the
17 methadone that in and of itself is a concern. And the
18 detective is questioning her and telling her uh, "Well you
19 know you want a lawyer, but well it could be up to a week,
20 24 hours to a week before you're even going to get a
21 lawyer." "Okay, well do you want to talk to me?" "Well, I
22 want a lawyer," "Okay, well, if you want a lawyer I can't
23 talk to you." "Well, maybe I'll talk to you." "Okay, well
24 if you want a lawyer you can't talk to me, but if you don't
25 want a lawyer you can talk to me." I'm sorry, Judge, at

October 19, 2016 Preliminary Exam at 49

1 that point she is unequivocally asked for any attorney. And
2 quite frankly the fact that he continued this line of
3 questioning I don't think was a voluntary waiver of Miranda
4 and that's my argument, your Honor.

5 MS. WALKER: Can I have a chance to question, --

6 THE COURT: Sure.

7 MS. WALKER: -- Detective Huttenlocker on this
8 issue?

9 THE COURT: Sure.

10 FURTHER DIRECT EXAMINATION

11 BY MS. WALKER:

12 Q. Detective, at what point did the defendant sign the waiver
13 was it before she started talking about an attorney getting
14 more in depth about that attorney, can you tell me a little
15 bit more about the timeline?

16 A. No, it would have been after, after I explained to her again
17 as Mr. Kirkpatrick said, "I can't give you the timeframe,"
18 and she goes well, I want to know when I'll be able to talk
19 with my attorney. I said I don't know that, I don't know
20 how the process works. I said, --

21 THE COURT: You asked him when she signed it, is
22 that correct?

23 MS. WALKER: Uh-huh, yes.

24 THE WITNESS: Yes, it was after we talked about
25 that.

1 BY MS. WALKER:
2 Q. That discussion?
3 A. Yes.
4 Q. Do you remember her specific words or what she was saying
5 about an attorney, she was just saying when, when can I
6 speak to an attorney, did she say, I want an attorney now,
7 like do you remember her words?
8 A. "I just want to talk with -- I would like to talk with an
9 attorney at some point."
10 Q. Okay. And after that um, you explained to her what would
11 happen that you can't talk to her if she wants an attorney
12 and the opposite?
13 A. That's correct.
14 Q. And after that is when she actually signed the Miranda
15 Waiver, is that correct?
16 A. I read it to her, asked her if she understood it, and she
17 signed it.
18 Q. Okay. So, you have spoken to her on two prior occasions to
19 this where she said she was on methadone those days?
20 A. Right, that's correct.
21 Q. Did her appearance appear any different on September 1st as
22 compared to those two other occasions?
23 A. Um, she was a little -- you could see she was upset, scared,
24 other than that, no.
25 Q. Okay. Did she look like she was ill like going through drug

October 19, 2016 Preliminary Exam at 51

1 | withdraws?

2 | A. No.

3 | Q. And I just want to clarify she reached out to you through a
4 | jail deputy, is that correct?

5 | A. That is correct.

6 | Q. And is that the reason why you went to talk to her?

7 | A. I did, I had no intention of talking to her initially.

8 | Q. Okay. Did you threaten her in any way?

9 | A. No.

10 | Q. Did you coerce her into talking to you to get an additional
11 | statement?

12 | A. No.

13 | Q. Did it appear that she was deprived of any food or sleep or
14 | anything of that nature?

15 | A. No.

16 | Q. Did you make any other threats towards her at all?

17 | A. No.

18 | Q. Okay.

19 | MS. WALKER: Your Honor, at this point I think it's
20 | appropriate to admit the defendant's statements. I think
21 | that it was voluntarily and knowingly made.

22 | THE COURT: Sergeant Huttenlocker, you've continued
23 | to use the words "She mentioned," what specifically did she
24 | say?

25 | THE WITNESS: Verbatim, I don't know that I can

October 19, 2016 Preliminary Exam at 52

1 give you --

2 THE COURT: Do we have the video?

3 THE WITNESS: We do.

4 MS. WALKER: I can get it.

5 THE COURT: Would that be of assistance to the --

6 THE WITNESS: It would be.

7 THE COURT: Mr. Kirkpatrick?

8 MR. KIRKPATRICK: We have the video, your Honor. I
9 mean I left all my videos at the office, but --

10 THE WITNESS: It's no more than fifteen minutes
11 long.

12 MR. KIRKPATRICK: -- the prosecutor surely has the
13 video.

14 MS. WALKER: And it's up in our office we can get
15 it.

16 THE COURT: Well, I think we do have serious
17 question and if we have a video that will clear up --

18 MR. KIRKPATRICK: We do, we do, your Honor.

19 THE COURT: -- your questions and your concerns as
20 well as well as the Court's. There does appear to be a --
21 there's some question is it clear and unequivocal, I don't
22 know if it is from what we have here and I think it would
23 very much assist the Court and your motion to admit it and
24 yours to object to it.

25 MR. KIRKPATRICK: I agree, your Honor.

October 19, 2016 Preliminary Exam at 53

1 THE COURT: And I think that would be the best
2 evidence at this point. I appreciate the sergeant
3 experience that he is, but this occurred some time ago and I
4 don't know if there was any handwritten notes it wouldn't be
5 verbatim, they're usually not. But a video is a video and
6 it's verbatim, I'd assume. It started at the beginning and
7 at some point there was a conclusion?

8 MR. KIRKPATRICK: It does, your Honor, it shows
9 everything from the minute he walks into the room all the
10 way through the entire interview, your Honor.

11 THE WITNESS: It's about 20 minutes long is all.

12 MR. KIRKPATRICK: But the beginning is all we need
13 to see, I watched it last night.

14 THE COURT: Well, I think it's important no matter
15 how long it is for the Court to see it based on your motion
16 and your objections to it, which I think have some issues
17 raised properly. So, can we do that?

18 MS. WALKER: Yes.

19 THE COURT: Okay.

20 MS. WALKER: Yes, so recess and then come back?

21 THE COURT: We'll recess and have it back.

22 THE WITNESS: I can go get it; it will take me two
23 minutes.

24 MS. WALKER: I have it up in my office too.

25 THE COURT: Do you have any other matters?

October 19, 2016 Preliminary Exam at 54

1 MR. KIRKPATRICK: I don't, your Honor.
2 THE COURT: Okay, then we'll recess briefly for
3 that. Sergeant, you may step down.
4 THE WITNESS: Thank you, sir.
5 THE COURT: You're free to move around the
6 courtroom if you'd like.
7 THE WITNESS: Thank you.
8 THE COURT: If you do leave though let the Ms.
9 Walker --
10 THE WITNESS: Just going to use the restroom.
11 THE COURT: Oh, you can use the restroom just let
12 her know where you are.
13 MS. WALKER: Would you like me to bring it down
14 immediately or do you want to take up any other matters in
15 between?
16 THE COURT: Yeah, bring it down as soon as
17 possible, I don't --
18 MS. WALKER: Okay.
19 THE COURT: -- know what other matters I do have.
20 MS. WALKER: Okay, will do.
21 (At 9:45 a.m., short recess)
22 (At 9:51 a.m., back on the record)
23 THE COURT: We're back on the record with the
24 People versus Tiffany Lynn Reichard, 1605032FY. Ms.
25 Walker's here, Mr. Kirkpatrick is here, Ms. Reichard is

October 19, 2016 Preliminary Exam at 55

1 here, and Sergeant Huttenlocker is on the stand. Ms.
2 Walker, what have learned as far as the disk?
3 MS. WALKER: I have the disk --
4 THE COURT: Video I guess we call it.
5 MS. WALKER: Yes, it's about 23 minutes long in
6 total. I am able to play it in the court however it can't -
7 - I cannot pause it.
8 THE COURT: You're unable to play it now?
9 MS. WALKER: Yes.
10 THE COURT: You are able to play it?
11 MS. WALKER: Yes.
12 THE COURT: Oh, I misunderstood you, okay.
13 MS. WALKER: I cannot, I just cannot pause it, I
14 can't rewind, fast forward, anything of that nature. So,
15 once it's started if there's an error and it screws up we
16 have to start back at the beginning again. I just want to
17 make everybody clear about that in case that you want to
18 pause or stop it.
19 THE COURT: What type of error are you talking
20 about, technical?
21 MS. WALKER: Yes, yes, it's the --
22 THE COURT: Oh, okay.
23 MS. WALKER: -- way the disks come from the
24 sheriff's department.
25 THE COURT: Is that normal, is that way normal?

October 19, 2016 Preliminary Exam at 56

1 MS. WALKER: I'm not as familiar with their
2 technology.

3 MR. KIRKPATRICK: And, your Honor, just so we're
4 clear too, um, this video has some statements many of which
5 are objectionable, so I just want to make it clear that
6 we're going to play this video just of purposes of my
7 objection regarding the Miranda violation. Once we get to
8 the point where the waiver is signed by her and it does show
9 her signing the waiver at that point I would like the tape
10 stopped.

11 THE COURT: Yeah, okay.

12 MS. WALKER: I also would suggest though that it's
13 the totality of the circumstances surrounding this and at
14 one point --

15 MR. KIRKPATRICK: There's absolutely nothing new
16 it's Miranda.

17 MS. WALKER: Yes, but also taking into account all
18 of her behavior because this interview actually was stopped
19 at the end because she requested a lawyer.

20 THE COURT: Well, let me -- are we saying that
21 after Miranda is signed the discussion is --

22 MR. KIRKPATRICK: He can testify --

23 THE COURT: -- she mentions the attorney?

24 MR. KIRKPATRICK: Correct.

25 THE COURT: And he has his discussion back with her

1 leading to Miranda signed, --
2 MR. KIRKPATRICK: Uh-huh.
3 THE COURT: -- correct?
4 MS. WALKER: Yes.
5 THE COURT: Then after we continue does she -- does
6 Tiffany ever bring up again an attorney?
7 MR. KIRKPATRICK: No.
8 MS. WALKER: At the end she does she requested an
9 attorney at the end.
10 THE COURT: At the end?
11 MS. WALKER: Yes.
12 THE COURT: Okay, but --
13 MS. WALKER: And that's when the interview is
14 cutoff by the detective.
15 MR. KIRKPATRICK: But here's the thing this tape is
16 --
17 THE COURT: When you say cutoff?
18 MS. WALKER: Stopped, it's stopped, Detective
19 Huttenlocker --
20 THE COURT: When you say at the end, so you mean
21 the end -- the sergeant wasn't --
22 MS. WALKER: At the end of the video --
23 THE COURT: -- done talking to her and she then
24 said that and then the sergeant respects that and stops?
25 MS. WALKER: That's my understanding.

October 19, 2016 Preliminary Exam at 58

1 THE COURT: Does that sound right?

2 MR. KIRKPATRICK: That sounds right, but in the

3 middle of the video after she signs the waiver and before

4 she asks for an attorney again at the end there is numerous

5 objectionable statements and issues presented in that video

6 that --

7 THE COURT: Well, I won't take any substantive --

8 MR. KIRKPATRICK: If she wants to play the whole

9 thing and that's what I'm objecting to. I just --

10 THE COURT: I'm not sure if that's -- is that what

11 you're intending?

12 MS. WALKER: Well, I think it's -- the end portion

13 is relevant.

14 THE COURT: Can you fast forward?

15 MS. WALKER: No, I can't.

16 THE COURT: You --

17 MS. WALKER: We can take testimony from the

18 detective, but I can't -- that's what I'm saying I can't

19 move it --

20 THE COURT: We can put a man on the moon, but we

21 can't stop the tape?

22 MS. WALKER: No.

23 THE COURT: I'm not going to take any of that --

24 the only statements I have at this point are the ones

25 previous --

October 19, 2016 Preliminary Exam at 59

1 MR. KIRKPATRICK: Correct.

2 THE COURT: -- that would be used at this point
3 subject to the Court's ruling on that and I have some
4 concerns.

5 MS. WALKER: And there are talks about a polygraph
6 in this video, so I just want to make --

7 THE COURT: I'm not going to pay --

8 MS. WALKER: And I just want to make everybody
9 aware.

10 THE COURT: I've been around long enough to be able
11 to wipe that out and not use that if in fact that's uh, --

12 MR. KIRKPATRICK: The problem is though we have
13 media and if in fact the whole tape is going to be played I
14 don't want the media hearing stuff that's not going to be
15 admissible in court at trial.

16 THE COURT: Well, we can -- that's why I thought
17 fast forwarding it. Um, of course then can we stop
18 it(inaudible) -- get to the right position?

19 MR. KIRKPATRICK: I don't see where the --

20 THE COURT: If she mentions it again at the end I
21 think that's beyond your point, is it not?

22 MR. KIRKPATRICK: Correct, my point is in the
23 beginning if you believe that she voluntarily waived Miranda
24 based on the beginning of this tape that's it the arguments
25 over.

October 19, 2016 Preliminary Exam at 60

1 THE COURT: Well, let's do this we'll get to the
2 point where the waiver is signed. You're telling me we
3 can't stop it, but we're going to stop it.

4 MS. WALKER: Okay.

5 THE COURT: Okay?

6 MS. WALKER: We can stop it, but I just can't --

7 THE COURT: Then if we need to go forward the Court
8 -- if the Court needs to go forward then then we'll start
9 all over and fast forward it all the way to the end. Okay,
10 but don't want -- I'm not going to consider substantive
11 stuff --

12 MR. KIRKPATRICK: And if the media wasn't here and
13 there wasn't a possibility that somehow people could --
14 potential affect the jurors down the road because somehow
15 hear or this gets out and I don't want any of that out
16 there.

17 THE COURT: Right, no, that's why we're going to
18 stop it at that point and then have our -- finish our
19 discussion and then if the Court decides we're going -- want
20 to see the backend that Ms. Walker's talking about we'll
21 fast forward through the substantive conversations.

22 MR. KIRKPATRICK: Okay.

23 THE COURT: Does that work?

24 MS. WALKER: I can't fast forward, but we'll figure
25 it out.

October 19, 2016 Preliminary Exam at 61

1 THE COURT: You can't fast forward?
2 MS. WALKER: No.
3 THE COURT: Okay, well then everybody will leave
4 while you get it to the point.
5 MS. WALKER: That's fine, that's fine.
6 THE COURT: But, obviously Mr. Kirkpatrick would
7 stay with us. So, are we playing it now?
8 MS. WALKER: Yes, do you want me to go ahead and
9 play it?
10 MR. KIRKPATRICK: I'm ready.
11 MS. WALKER: Do you want it marked for just -- for
12 the record as --
13 THE COURT: Marked?
14 MS. WALKER: We'll say it's People's four?
15 THE COURT: Four, we'll call it People's four.
16 MS. WALKER: Okay. All right, here I go.
17 (At 9:56 a.m., video being played for the Court)
18 THE COURT: Is that the smallest -- can you get it
19 bigger?
20 MS. WALKER: Yes.
21 THE COURT: There you go.
22 MR. KIRKPATRICK: Is there volume on the TV?
23 MS. WALKER: It's on my computer, I can't plug it
24 in. It's not on the TV it's on my computer, I can't plug it
25 in.

October 19, 2016 Preliminary Exam at 62

1 MR. KIRKPATRICK: You'll probably hear it better
2 over here, Judge.

3 THE COURT: Okay, by the speaker?

4 MR. KIRKPATRICK: No, it's on her computer. She
5 said, "I want a lawyer."

6 MS. WALKER: Is the point that I'm stopping it?

7 (At 10:09 a.m., video stopped)

8 THE COURT: That video is number four and admitted
9 for purposes only here this morning. Do we have, Ms. Walker
10 any questions of the sergeant?

11 (At 10:09 a.m., PX #4 identified & admitted)

12 MS. WALKER: No.

13 THE COURT: Do you have any more questions of the
14 sergeant?

15 MR. KIRKPATRICK: Just some closing remarks
16 regarding what was on the video that's all, your Honor.

17 THE COURT: Okay. All right, any last thoughts you
18 have?

19 MR. KIRKPATRICK: Well, your Honor, it's clear
20 immediately when she goes in she says she wants a lawyer.
21 Um, she then says it another time she wants a lawyer. He
22 then tells -- she tells him he's going -- she tells him
23 she's going to be sick. "I got to be in here for a whole
24 week?" "You could be in here for upwards of a week." She
25 says well I want a lawyer, but I want to talk to you,

October 19, 2016 Preliminary Exam at 63

1 basically because I don't want to be in here and be sick. I
2 mean that's what I can -- the Court can infer and that's
3 what I read from this video. At the end when she's sitting
4 there for two minutes looking at the document she again
5 shows her unsureness of signing the document and again says,
6 "I can't get a lawyer for up to a week?" It's clear she
7 wants to talk to him because she's concerned she's going to
8 be in jail for entire week or more, she's not going to be
9 able to have her methadone, she's going to be sick. She's
10 clearly asked for an attorney on at least three occasions
11 that you can clearly hear in the video. And I think based
12 on all that, your Honor, -- and I get what their argument is
13 going to be well, at the end of the day she looked over the
14 document and she signed the document and therefore she
15 waived. And oh, yeah by the way she could have stopped
16 talking to him if she wanted to talk to him. I'm sorry, but
17 when officers are trained when someone says they want an
18 attorney on more than one occasion and are continuing to
19 question it and you have talk them into not having an
20 attorney that's inappropriate, it's a Miranda violation and
21 I think any statements made from that point going forward
22 are inadmissible as a result.

23 THE COURT: Ms. Walker?

24 MS. WALKER: Your Honor, um, so at the beginning,
25 detective, we hear the defendant say, I want a lawyer and

October 19, 2016 Preliminary Exam at 64

1 Detective Huttenlocker says, I'm going to read you Miranda.
2 The defendant then starts questioning the detective about
3 the lawyer and the process and how it works. And the
4 detective is giving her information, he's not questioning
5 her really at that point, he's explaining the court process.
6 I counted at least six separate times that Detective
7 Huttenlocker explained to her her rights and that she didn't
8 have to talk to him. In addition to giving Miranda and
9 after he read Miranda he again said, it's your right not to
10 speak with me, read this over. It's clear from the video
11 that Detective Huttenlocker is not hovering over the
12 defendant and he's giving her her space, he's not yelling at
13 her, not threatening her. Um, one of the important phrases
14 that she says as well is, "I want to talk to a lawyer, but I
15 don't know how long it will take and I want to talk to you."
16 So, look at the entire context of that entire sentence. She
17 also says numerous times, "I can sign here, but I can stop
18 at any time?" Detective Huttenlocker says, yes and
19 Detective Huttenlocker goes on to say if you're not
20 comfortable you can talk to a lawyer first and she says I
21 don't know what I want to do. And then Detective -- and the
22 defendant goes on to say, "Well, I will talk to you for a
23 minute if I get too uncomfortable I will stop." She's
24 knowing what's she doing, she understands the process and
25 she's knowingly waiving her rights at that point. Even

October 19, 2016 Preliminary Exam at 65

1 asked again by the detective verifying, so, if you're
2 uncomfortable you will stop it, yes.

3 THE COURT: We have a young lady here of age 25, so
4 she's a mature person. I don't know about the education I
5 didn't quite catch that, but it was of the opinion she did
6 not finish high school as the Court understands the video.
7 For an in-custody under arrest interview to proceed you have
8 to have a clear and unequivocal waiver of the preliminary
9 examination, excuse me, of the attorney, right to an
10 attorney. Almost immediately the young lady says, I want an
11 attorney, I want to talk to an attorney, I want to have a
12 polygraph I lied to you before, as I understood that. There
13 is further discussion by the officer, but that was -- that
14 should have been a red flag to the sergeant that "I want an
15 attorney." The fact that she requested the conversation you
16 know is important but that doesn't stop her from changing
17 her mind if she wants to have an attorney before she talks.
18 The conversation about well it might be a week or something
19 like that um, -- . And certainly the sergeant's demeanor
20 during this wasn't coercive, outwardly coercive, but
21 sometimes the words that you use become coercive,
22 particularly to uh, I don't know anything about the young
23 lady other than she's 25 years old, and what we've heard
24 earlier about the statement that she gave to the sergeant in
25 a previous conversation when I think Investigator Gross was

October 19, 2016 Preliminary Exam at 66

1 present. But, I -- and the Court finds that this is not an
2 admissible statement that there was -- that the conversation
3 should have stopped when she says I want an attorney and she
4 continually has that throughout the thread of the rest of
5 the time that these folks are together. And certainly the
6 sergeant was gentle and kind to her and so forth. Um, she
7 was -- became unequivocal actually after she was
8 unequivocal, uh, she became equivocal I should say. She was
9 clear at the start that -- it's very noticeable to the Court
10 and I think significant for purposes of what we're trying to
11 accomplish here and will not allow the admission of the
12 statement at this hearing. Do you have any further
13 questions of the sergeant?

14 MS. WALKER: I do, just a few follow-up, your
15 Honor.

16 FURTHER DIRECT EXAMINATION

17 BY MS. WALKER:

18 Q. Detective, at some point you got information about the
19 weapon used in this homicide, is that correct?

20 A. I did.

21 Q. And where did that information come from?

22 A. From Michael Beatty.

23 Q. Okay. At some point then did you begin to search for a
24 knife?

25 A. Yes.

October 19, 2016 Preliminary Exam at 67

1 Q. Can you tell me about that?

2 A. Yeah, he had told me during one of the interviews that he
3 had tossed the knife over a fence behind his house, where
4 his fence line is, which he indicated was east of his
5 residence if I remember correctly. So, on the 26th of August
6 I did from what he described go to the location where he
7 described. And actually his backyard separates between two
8 houses, so I went to each house and did get consent to
9 search their backyard and at 810 Comstock I did locate a
10 knife, which was shown in the photograph.

11 Q. Okay, can you tell me a little bit more about the knife,
12 what it --

13 A. It was just the blade of the knife; it didn't have a handle
14 on it. It was just the metal part of the knife.

15 Q. And this is what's shown in People's exhibits two and three,
16 is that correct?

17 A. That is correct.

18 Q. So, is that essentially what the knife looked like when you
19 collected it from that property?

20 A. It is, that is correct.

21 Q. Thank you, I have nothing further.

22 THE COURT: Anything further of the sergeant?

23 MR. KIRKPATRICK: Yes, your Honor.

24 CROSS-EXAMINATION

25 BY MR. KIRKPATRICK:

October 19, 2016 Preliminary Exam at 68

- 1 Q. Detective Huttenlocker, you -- so you received some
2 information from Mr. Beatty that he wanted to talk to you,
3 correct?
- 4 A. That is correct.
- 5 Q. And he was already in the department of corrections at that
6 time?
- 7 A. Yes.
- 8 Q. And you had met with Mr. Beatty in the past, is that a fair
9 statement you had spoken to him in the past?
- 10 A. Um, I had spoken with him um, on unrelated cases, yes.
- 11 Q. So, you said something -- you said that uh, when you brought
12 him in you wanted to control the situation, or you wanted to
13 make sure that you controlled the situation with Mr. Beatty,
14 correct?
- 15 A. Right.
- 16 Q. And I think you said that's because he's a controlling
17 individual?
- 18 A. That's correct.
- 19 Q. So, during your interactions with him not necessarily with
20 this case, but just your interactions in general he would
21 like to control the situation with you whenever he'd be
22 interviewed or questioned?
- 23 A. I think it's been more the um, because my interaction had
24 been so long ago, more the videos that I watched um, of the
25 prior interviews with him on this case.

October 19, 2016 Preliminary Exam at 69

1 Q. So, it appeared that he was a controlling individual?
2 A. Yes.
3 Q. And throughout your investigation you also -- you had an
4 opportunity to review numerous reports, correct?
5 A. Yes.
6 Q. And is that standard for a detective to review all the
7 reports involving a case that you're investigating?
8 A. Yes.
9 Q. And throughout all those reports that you reviewed isn't it
10 a fair statement that there was a pretty controlling theme
11 in that Mr. Beatty was a violent person?
12 A. Yes, he appeared to be a violent person from my
13 interactions.
14 Q. And also throughout the investigation there was also
15 information that not only was Mr. Beatty violent to others
16 he was actually violent to Ms. Reichard as well, correct?
17 A. Yes.
18 Q. When you talked with Mr. Beatty he -- you never received any
19 information that Ms. Reichard ever went into the home,
20 correct?
21 A. Uh, no.
22 Q. In fact Mr. Beatty said she never went in the home --
23 THE COURT: Excuse me. That's not correct what he
24 asked you?
25 THE WITNESS: Um, it's correct that information

October 19, 2016 Preliminary Exam at 70

1 that she never went in the house.

2 THE COURT: Yeah, I think that's the right --
3 that's what --

4 MR. KIRKPATRICK: Yes.

5 THE COURT: -- I think he meant too.

6 THE WITNESS: Sorry.

7 BY MR. KIRKPATRICK:

8 Q. So, Mr. Beatty says that she never goes in the house?

9 MS. WALKER: I'm going to object to these line of
10 questions as it's hearsay, your Honor. If he's --

11 MR. KIRKPATRICK: It's a co-conspirator, it's an
12 aiding and abetting theory my guess is we're talking felony
13 murder here with an underlying armed robbery. Statements
14 made by Mr. Beatty although he might not be a co-defendant
15 necessarily in this case, um, I don't know if he's listed on
16 the complaint as one.

17 THE COURT: Well, the statements on a conspiracy
18 are in the furtherance of the conspiracy, these are more in
19 a defense posture. And I certainly appreciate where you're
20 going I can understand that.

21 MR. KIRKPATRICK: I understand, your Honor.

22 THE COURT: This guy is generously described as an
23 animal as far as his -- what he's done in the past much less
24 -- well even if Dr. Pacris half of what he says is true.
25 But, I think you'll be able to develop that at a later time.

1 MR. KIRKPATRICK: I'll go a different angle with
2 it, your Honor.
3 THE COURT: Well, okay.
4 BY MR. KIRKPATRICK:
5 Q. You spoke with Ms. Reichard -- when you initially spoke with
6 Ms. Reichard and she gave you a statement that you testified
7 to a minute ago, correct?
8 A. Yes.
9 Q. She told you that she never went into the home, correct?
10 A. That is correct.
11 Q. She told you or there's no indication through your
12 investigation that there was ever any talk of harming Mr.
13 Cramton, is that correct?
14 A. There was talk of robbing him.
15 Q. Robbing?
16 A. Yes.
17 Q. But, I'm talking about there was never any conversation
18 between Ms. Reichard and Mr. Beatty that Mr. Beatty was
19 going to go in there and stab him 91 times, correct?
20 A. Not from the information I received from Ms. Reichard.
21 Q. Okay. And in fact the information you received from Ms.
22 Reichard was she was going to drive him there, she was going
23 to knock on the door say I'm broke down, the door would be
24 opened and Mr. Beatty would enter into the house at that
25 time, correct?

October 19, 2016 Preliminary Exam at 72

- 1 A. That is correct.
- 2 Q. And then she was to wait and once Mr. Beatty contacted her
3 she'd go pick him up and they would leave?
- 4 A. No, she'd be waiting outside the door as a lookout is what
5 she told me.
- 6 Q. Okay, so she's waiting outside as a lookout, but she never
7 goes into the house?
- 8 A. That's what she says, no, that's correct.
- 9 Q. Then you testified that Ms. Reichard told you when Mr.
10 Beatty came out of the house and got into the vehicle he
11 told her never talk about this again, correct?
- 12 A. I don't -- that discussion took place, but I don't think I
13 testified to that.
- 14 Q. Okay, but it did take place, correct?
- 15 A. According to Ms. Reichard, or according to Mr. Beatty.
- 16 Q. Correct, that she was not to talk about this ever again?
- 17 A. That is correct.
- 18 Q. And -- so, based on your investigation its Mr. Beatty that
19 actually did the stabbing, correct?
- 20 A. Yes.
- 21 Q. Its Mr. Beatty that actually tossed the knife into the
22 neighbor's yard, correct?
- 23 A. Yes.
- 24 Q. Um, to your knowledge there was never any discussion to
25 shoot or stab Mr. Cramton while this robbery took place,

October 19, 2016 Preliminary Exam at 73

1 correct?

2 A. Correct.

3 Q. To your knowledge there was never any communication between
4 Ms. Reichard based on her testimony to anyone that the plan
5 was for Mr. Beatty to go in and stab Mr. Cramton 91 times,
6 correct?

7 A. That is correct.

8 Q. And again Mr. Beatty throughout your investigation you found
9 him to be a very controlling individual?

10 A. Yes.

11 Q. And you found information confirming that in fact he was
12 controlling and abusive towards Ms. Reichard, is that
13 correct?

14 A. On at least one occasion.

15 MR. KIRKPATRICK: I have no further questions.

16 THE COURT: Anything further, Ms. Walker?

17 REDIRECT EXAMINATION

18 BY MS. WALKER:

19 Q. Defense counsel asked about any plan to harm the victim, but
20 it's true that this defendant told you she knew Michael took
21 a gun into Mr. Cramton's house?

22 A. That's correct.

23 Q. Is that right?

24 A. That is correct.

25 Q. And you testified that you didn't have any information that

October 19, 2016 Preliminary Exam at 74

1 Beatty and this defendant were talking while this homicide
2 is going on or plans to actually stab or shoot the victim at
3 the time?
4 A. Right.
5 Q. Is that correct?
6 A. That is correct.
7 Q. At the crime scene was there other evidence indicative of
8 somebody else being in the house?
9 A. There -- yes.
10 Q. Can you tell me about that?
11 A. Yes, there were three hairs found in the hand of the victim.
12 MR. KIRKPATRICK: I would object to speculation
13 unless they've got further evidence to support where the
14 hairs came from, whether or not they were even part of this.
15 At this point this is clear speculation --
16 THE COURT: Well, I think you're right if we go
17 further into it but at least hairs are found I think that's
18 not speculative. You know and then where Ms. Walker goes
19 may -- your objection then may be appropriate. Ms. Walker?
20 BY MS. WALKER:
21 Q. You said that there were some hairs found, is that correct?
22 A. In the victim's hair(sic) --
23 Q. Can you tell me about what the hairs looked like?
24 A. Um, --
25 Q. To the best of your ability, I mean are they long --

October 19, 2016 Preliminary Exam at 75

1 A. Blondish color.
2 Q. Are they long hairs?
3 A. Fairly long, yes.
4 Q. Okay and you said they were in the hands of the victim?
5 A. From the investigation, yes.
6 Q. Okay.
7 THE COURT: When you say from the investigation did
8 you see them in the hand?
9 THE WITNESS: I did not.
10 THE COURT: You were told that by an invest --
11 MR. KIRKPATRICK: Again, objection speculation, I
12 move to strike everything that he just testified to.
13 THE COURT: Ms. Walker?
14 MS. WALKER: I can talk more about it, I know the
15 detective has handled these hairs and has taken them to the
16 lab.
17 THE WITNESS: Well, that may be true, but I think
18 Mr. Kirkpatrick was saying you shouldn't be allowed to get
19 into that anyway, because somebody else told him about the
20 hairs he doesn't have personal knowledge of that.
21 MR. KIRKPATRICK: Absolutely.
22 BY MS. WALKER:
23 Q. Have you seen any photographs of these hairs?
24 A. Yes.
25 Q. Can you tell me about that?

October 19, 2016 Preliminary Exam at 76

1 A. Um, just --
2 THE COURT: Limited to the hair, why don't you just
3 limit that to the hair?
4 BY MS. WALKER:
5 Q. To the hairs?
6 A. Just saw a hand with hairs in it.
7 Q. And those appeared from the crime scene, is that correct?
8 A. Yes.
9 Q. And you actually saw the victim at the crime scene, is that
10 correct?
11 A. I did.
12 Q. And the pictures appeared to be similar in nature to what
13 you observed at the crime scene, is that correct?
14 A. Yes.
15 THE COURT: Anything further then of the sergeant?
16 MS. WALKER: No, thank you, nothing further.
17 THE COURT: Anything further of the sergeant?
18 MR. KIRKPATRICK: A couple things.
19 RECROSS-EXAMINATION
20 BY MR. KIRKPATRICK:
21 Q. You have no idea where any hairs came from though, correct?
22 A. I'm sorry I don't --
23 Q. You have no knowledge where any hairs came from, correct,
24 all you have is a hair, right?
25 A. Yes.

October 19, 2016 Preliminary Exam at 77

1 Q. Regarding the gun there was no shots fired that evening,
2 correct?
3 A. Not that the -- investigation did not show.
4 Q. There was no bullet holes in Mr. Cramton, correct?
5 A. No.
6 Q. It was all knife wounds?
7 A. (No verbal response) --
8 Q. And in fact throughout your investigation you learned that
9 Mr. Beatty had actually planned this robbery a week or two
10 ago and someone backed out of it, correct?
11 A. That's correct.
12 Q. So, he had already --
13 A. Some time ago.
14 Q. He had already planned to rob Mr. Cramton with another
15 individual that backed out, correct?
16 A. That is correct.
17 Q. And then later on now we have Ms. Reichard involved, fair
18 statement?
19 A. Yeah.
20 MR. KIRKPATRICK: I have no further questions.
21 THE COURT: Okay. All right, sergeant, you may
22 step down, watch your step and have a seat next to Ms.
23 Walker. Ms. Walker, any further presentation?
24 (At 10:26 a.m., witness excused)
25 MS. WALKER: No, thank you.

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1 THE COURT: Mr. Kirkpatrick, any presentation?

2 MR. KIRKPATRICK: No, your Honor.

3 THE COURT: Ms. Walker, a motion?

4 MS. WALKER: Move for bind over, your Honor,
5 evidence today has clearly established felony murder. I ask
6 that you bind over as charged on open murder.

7 THE COURT: Let me ask you something on that
8 procedurally open murder encompasses first degree, second
9 degree, felony murder?

10 MS. WALKER: It does, your Honor.

11 THE COURT: That's how I understand it. Mr.
12 Kirkpatrick?

13 MR. KIRKPATRICK: Well, your Honor, just for the
14 record the Court heard the testimony and I think at best all
15 we have here is an abusive individual who stabbed an
16 individual 91 times, who was by the testimony abused and
17 been controlling to Ms. Reichard prior to this incident.
18 And what we have is at best her driving him there, knocking
19 on the door, him going inside -- the testimony was yes he
20 did have a gun and the testimony was based on the testimony
21 by the detective that Ms. Reichard knew that there was a gun
22 in his possession. But, I don't think it can be reasonably
23 foreseeable in an armed robbery case such as this with the
24 facts as presented as this that during the commission of
25 this robbery an individual would be as the medical examiner

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1 testified passionately stabbed 91 times that is foreseeable
2 in any agreement or involvement in an armed robbery. I
3 understand the difficulty here when you're dealing with
4 felony murder, you've got an underlying felony and a murder
5 occurs as a result of -- or during the commission or getting
6 away from that actual felony. I'm not naive to that and the
7 law, your Honor, I understand the hurdle the Court has
8 especially at a preliminary exam. But, at best I think what
9 was proven here today was an armed robbery, basically aiding
10 and abetting an armed robbery, which would be an armed
11 robbery and accessory after the fact, i.e., destroying
12 potential evidence of any -- of the clothing.

13 THE COURT: Thank you. Well, you certainly have
14 from Dr. Pacris an unnatural cause of death by multiple
15 sharp force injuries(inaudible) -- homicide. We had the
16 date in Jackson County, Summit Township, the dates, Ms.
17 Walker, are January 21, 2009 through January 29, 2009. I
18 don't recall any testimony from Dr. Pacris how long he was
19 able to(inaudible) -- a person who is dead.

20 MS. WALKER: And I don't believe he was. If you
21 want to take further testimony from our detective about the
22 time and date range we can do that.

23 THE COURT: Well, he was first here for purposes of
24 hair there may be some other discussions if the case goes to
25 Circuit Court, we're using January 29, 2009, the day used by

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1 both Deputy Moore and Detective Sergeant Huttenlocker. And
2 the nature of it based on Dr. Pacris's testimony as well as
3 Deputy Moore that this was a murder and certainly the
4 question is is what probable cause do we have that Tiffany
5 Lynn Reichard at this state of the case is -- there's
6 probable cause to believe she committed the offense or aided
7 and abetted someone that did with the knowledge necessary to
8 that. It is interesting case law through the times on
9 felony murder which is interesting I think there was cases
10 where a bank was robbed and someone was killed, but not by
11 the defendant that was on trial. But, because of the
12 knowledge before preparation or whatever that there was --
13 that person was guilty of felony murder. I think as I
14 recall also there was a case where a co-defendant was
15 murdered, uh, shot and killed I think by the police in
16 attempts to get away or maybe even the victim, and that
17 person was found guilty of murder -- felony murder of the
18 person that was helping him commit the murder. I could be
19 wrong and there will be some research done on that I'm sure.
20 What we have here contacts before the jail interview and
21 that's not -- the Court will not take any consideration of
22 that. There's a conference with Ms. Reichard on August 23,
23 2016, she appeared on her own, no rights were read and she
24 was advised she could leave of her will and she's not under
25 arrest. And at some point during the conversation maybe at

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1 the end she left on her own accord. She did say there was
2 limited knowledge of what may have happened, Mr. Beatty was
3 covered in blood, um, and they did have a relationship
4 before that date as well. I don't recall what the sergeant
5 said as far as how that interview ended, but the next day
6 there was again a conversation with her, August 24th, came in
7 again on her own free will and therefore based on that
8 Sergeant Huttenlocker says did not read Miranda. She did
9 admit to the sergeant that she was involved in planning a
10 robbery of the person in question. She drove the vehicle to
11 the scene and she understood at that time from Mr. Beatty
12 that there was to -- he was to hit a lick on Mr. Cramton,
13 rob the person. She parked near the residence and that the
14 intent of Mr. Beatty was to rob with a gun and knife. And
15 it became interesting at that point because she told
16 Sergeant Huttenlocker that Mr. Cramton would not open the
17 door for someone he didn't know and that -- unless he knew
18 the person and therefore it was determined or -- that Ms.
19 Reichard would do it or she offered that she would knock on
20 the door and then act as a lookout. Certainly from that the
21 Court can make reasonable inferences of the knowledge
22 necessary to aid and abet Mr. Cramton(sic) -- in this brutal
23 killing, brutal senseless killing that she was aware of what
24 was going on. You suffer the consequences in felony murder
25 or even first degree, not um, felony murder that there's

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1 probable cause to believe that she aided and abetted that
2 the murder of Mr. Cramton. Accordingly the Court will order
3 her to Circuit Court for trial proceedings with Judge
4 Wilson. She's being held without bond and that will
5 continue based on the circumstances that we have here. And
6 we'll try to have it to Circuit Court as soon as possible.
7 We'll ask that it be on the desk of Judge Wilson by November
8 8th. And, Tiffany is remanded to custody of the sheriff.
9 We'll return the exhibits to Ms. Walker.

10 MR. KIRKPATRICK: Thank you, your Honor.

11 MS. WALKER: Thank you.

12 THE COURT: Thank you. And, Ms. Reichard, good
13 luck to you in Circuit Court. Thank you, sergeant.

14 DET/SGT. BRYAN HUTTENLOCKER: Thank you.

15 (At 10:34 a.m., proceedings concluded)

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AFFIDAVIT FOR A SEARCH WARRANT

Det. Christopher R. Boulter, Affiant, states that the place to be searched in this investigation is:

1) 535 Bagg Ave. The residence is described as light blue in color. The residence is further described as being a modular home that is located on the East side of Bagg Ave between Floyd and Justin Ave. The residence has an exterior shed. The residence has a front door to the West side of the home and an additional door to the south side of the residence that has a porch that would be described as a deck. The deck is wood and brown in color. The residence has a dirt driveway to the south of the home. The home is located in Vandercook Lake, Jackson County, and the State of Michigan.

Any and all vehicles associated with the residence at the time the search warrant is executed whether located on the street or within the curtilage of the residence.

Any and all out buildings, trailers or garages at the time the search warrant is executed.

Any and all persons present and their clothes at the time the search warrant is executed.

2) And that the items to be seized, secured, tabulated according to law are the following property and things:

Any and all items that would be considered evidence of a crime including but not limited to: clothing, weapons to include knives, swords, and guns. Any and all shoes including but not limited to boots, tennis shoes, and dress shoes. Any and all items that might contain trace evidence including but not limited to fibers, blood, or any type of transfer evidence.

Any and all illegal controlled substances including but not limited to heroin, cocaine, and marijuana.

Any and all items of residency including but not limited to, deeds, bills, leases, phone records, bank records, safety deposit box records, income tax forms and identification.

Any and all items that would be used to transmit, transfer or record information through the internet or a computer including but not limited to computers, computer discs, hard drives, modems, and any other computer related devices.

Any and all vehicles associated with the residence.

One set of bucal swabs from Michael Matthew Beatty 1-6-86

Any and all items believed to be stolen property.



The following facts are sworn to by Affiant in support of the issuance of this warrant:

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3) Your Affiant is a Detective with the Blackman Township Department of Public Safety with approximately 12 years of experience investigating major crimes. Your Affiants training and experience started in 1996 at the Kalamazoo Valley Community College Police Academy where your Affiant learned the basic information in regards to police investigations, criminology, police organization and management, criminal law and procedures, juvenile delinquency as well as various other disciplines that involve police officers, their jobs and investigations conducted by them. Your Affiant was then certifiable by MCOLES. Your Affiant started his active duty police career in 1998 at the Jackson Police Department and ultimately to the Blackman Township Department of Public Safety in 2003. Your Affiant additionally has a Bachelors of Science in Public Safety Studies with a minor in Psychology. Your Affiant has a Masters of Science in Psychology with a focus on violence, trauma and more specifically, criminal psychology. Your Affiant has been assigned to a multi jurisdictional drug task force known as the Jackson Narcotics Enforcement Team (JNET) which is part of the Southeastern Criminal Intelligence Division (SECID). Your Affiant has attended schools, seminars and lectures on drug enforcement. These drug related schools would include: Patrol Response in Drug Interdiction (PRIDE) schools, Basic and Advanced Narcotics Schools, Gang and Advanced Gang School and Asset Forfeiture School. Your Affiant has also attended classes, seminars and debriefings on the following: Narcotics investigations in package interdiction, Narcotics investigations in hotel interdiction, Major Crimes investigation, Narcotics interdiction in street level drug dealing, Surveillance, Drug identification, handling and use of confidential informants and other sources, use of field test kits for illegally possessed controlled substances and interview and interrogation skills. Your Affiant has been trained by the Jackson Police Department, Michigan State Police, Drug Enforcement Administration and the Bureau of Alcohol Tobacco and Firearms. Your Affiant is currently assigned to the Blackman Public Safety F.A.S.T. Team which is responsible for all drug investigations originating in Blackman Township. Your Affiant is part of the Jackson County Major Crimes Task Force. This task force is designed to investigate and assist in the prosecution of major crimes to include serial crimes and crimes against persons in Jackson County. Your Affiant has participated in the investigation, arrest and prosecution of drug dealers on local, state and federal levels. Your Affiant has investigated, arrested and assisted in the prosecution of several hundred persons as it relates to drugs or drug related crimes. Your Affiant has investigated crimes against persons to include CSC, Homicide, Kidnapping and Assaults. Your Affiant has investigated crimes against property to include MDOP, Larceny, Home Invasion, Breaking and Entering and Bank Robbery. In Your Affiants' career, Your Affiant has drafted several hundred search warrants as part of investigations for Your Affiant or other investigators. A part of your Affiants duties is the investigation contained within this affidavit.

4) Your Affiant and members of the Jackson County Major Crimes Task Force are investigating a series of home invasions that occurred in Jackson County. Additionally, Your Affiant and members of the Jackson County Major Crimes Task Force believe that at least one of the people involved in these home invasions were responsible for killing Matthew Cranton on or about 1-29-09. Your Affiant makes this hypothesis based on the following information.

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- 5) Your Affiant and members of the Jackson County Major Crimes Task Force began the investigation into Matthew Cramton's homicide by observing the crimes scene. During Your Affiant's observations of the crimes scene he noticed that Cramton had been stabbed multiple times, had been bound at his wrists and ankles, and had been left in his home.
- 6) Your Affiant knows that in speaking with the members of the Jackson County Major Crimes Task Force that this type of crimes scene had not been seen by any of the members before. This is important based on the fact that some of the members have upwards of 20 years of experience being investigators in Jackson County.
- 7) Your Affiant knows through continuing the investigation that the members of the Task Force searched the local law enforcement database to find any crimes that had a similar method of operation or a similar signature. Your Affiant and members of the Jackson County Major Crimes Task Force learned that a home invasion had occurred on 10-2-08 at 1166 Floyd Ave in Jackson County that was similar in nature. Your Affiant and members of the Jackson County Major Crimes Task force learned that this particular crime was a home invasion where a mentally handicapped male had his home broken into, he was dragged out of bed, bound at the wrists and ankles, and was beaten until he was unconscious.
- 8) Your Affiant knows that through the investigation that a suspect identified as Joshua Haire was identified as one of the people being involved of these series of home invasions. Contact was made with Joshua Haire and Your Affiant and members of the Jackson County Major Crimes Task Force were told the following by Haire.
- 9) Your Affiant learned from Haire that he had been involved in these home invasions. Further, Your Affiant learned that MICHAEL MATTHEW BEATTY 1-6-86 was identified by Haire as the other person that had broken into these homes. Haire continued by saying that BEATTY was the mastermind behind these crimes and that he had coerced him into being a part of these crimes through threats, intimidation, and physical violence.
- 10) Your Affiant and members of the Jackson County Major Crimes Task Force were told the following information by Haire about the home invasion that occurred at 1166 Floyd Ave:
 That MICHAEL BEATTY and JOSH HAIRE were the only two people that had entered the residence. HAIRE indicated that BEATTY and he had approached the back door to the home. HAIRE indicated that BEATTY placed his back to the door and "mule kicked" the door until it came open. Haire indicated that they both then entered the residence, at which time BEATTY went to the victim's bedroom and ultimately dragged him into the living room. HAIRE indicated that BEATTY then told him to cut a telephone cord so that he could tie up the victim. HAIRE indicated that he had obtained a cutting instrument, possibly a knife, from the kitchen, cut the cord and threw it to BEATTY. HAIRE indicated that BEATTY then tied the victim's hands behind his back with the wire, thus using an object that was not brought to the scene but that was immediately accessible. HAIRE continued by stating that BEATTY then found something else, which was later determined to be a lanyard and tied the victim's feet. This item was yet again immediately accessible and was not brought to the home by either of the suspects. HAIRE indicated that BEATTY then began to beat the victim, demanded money, and then when no money was

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received, beat the victim until he lost consciousness. HAIRE indicated that they then fled the crime scene, got into BEATTY's mother's vehicle and drove around the neighborhood. HAIRE indicated that while driving, that they threw out the makeshift masks that they had been wearing along the gloves that they had on. It should be noted that later that same day that Det. Duaine Pittman and Your Affiant recovered the gloves and the makeshift masks in the location that Haire claimed that he and Beatty discarded them.

Your Affiant was then told by HAIRE that he and BEATTY had gone back to the residence at 535 Bagg Ave where they removed their clothes and shoes and burned them in the back yard.

Your Affiant was also told by HAIRE that approximately an hour and a half after this home invasion that he and BEATTY had gone out and completed an additional home invasion at 913 Gerald in Jackson County. Your Affiant was told the following information by HAIRE. Your Affiant was told that he and BEATTY had again driven to the residence at 913 Gerald. Once at the residence, they again covered their faces, approached the front of the home and BEATTY again placed his back to the door and "mule kicked" the door at which time he and BEATTY had entered the residence. HAIRE stated that BEATTY then went to the bedroom, retrieved the victim, and directed her to her purse. HAIRE indicated that he believes that BEATTY was able to obtain approximately \$4.00. HAIRE stated that the victim was not physically assaulted; however, HAIRE indicated that BEATTY told her that if she called the police that he would come back and kill her. HAIRE indicated that they then left the residence and drove around for a short while before returning to 535 Bagg Ave. HAIRE stated that once at the home, that they again removed all of their clothes and shoes and that they were burned in a fire pit behind the home.

11) Your Affiant was further told by HAIRE that later that morning that he had been picked up by Emily McGee and that they had gone back to her residence together. HAIRE indicated that he broke down and told McGee what had happened. This was later confirmed through interviewing EMILY MCGEE who stated that HAIRE had told her that he had committed these crimes.

12) Your Affiant and members of the Jackson County Major Crimes Task Force asked HAIRE if he had any knowledge of the murder of MATTHEW CRAMTON. HAIRE indicated that he believed that BEATTY had committed the murder. When HAIRE was asked why he advised the following:

HAIRE stated that BEATTY had approached him about robbing MATTHEW CRAMTON. HAIRE indicated that he was approached by BEATTY who stated that he wanted to rob Cramton. Further, HAIRE indicated that BEATTY told him that they would approach the front of the residence, knock on the door, and when Cramton came to the door that BEATTY would punch him, that they would tie him up, and that they would rob him. HAIRE indicated that they had started to go through with the plan to the point where they approached the front of the residence but then he backed off and left the area.

13) Your Affiant additionally knows the following information that was obtained through this investigation. Your Affiant knows that Cramton was found by a friend from Albion.

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Additionally, he knows that through investigating the crimes scene that the level of decomposition was not extreme enough for the residence to smell. Your Affiant learned that members of the Jackson County Major Crimes Task force interviewed GARY KELLER regarding his relationship with BEATTY and any knowledge that he may have of the homicide of Matthew Cramton. Your Affiant learned that KELLER was told by BEATTY that he and JAMES MICHAEL HOVERMALE were the people that had smelled the victim and who had called 911. Your Affiant knows that this information is false. Your Affiant further knows that KELLER stated that BEATTY had told him that the victim had been stabbed in excess of 20 times in the throat and the shoulder. Your Affiant knows that the information of a stabbing had been released to the media; however the number of times and the locations of the injuries were not released. Your Affiant does know through his personal observations that the description of the injuries and the locations that were provided by BEATTY to Keller were accurate.

14) Your Affiant further knows that BEATTY and HOVERMALE were briefly interviewed by Det. Schlundt and Det. Pittman. Your Affiant knows through his conversations with these detectives that both HOVERMALE and BEATTY stated that they understand that the victim had died on 1-31-09 and that the motive of the crime was robbery. Your Affiant knows that the last contact that anyone had with CRAMTON was on the afternoon of 1-31-09. Additionally, Hovermale and Beatty indicated that they could not have done the murder because they had been together drinking on 1-31-09. Further, Your Affiant knows the following information:

Your Affiant and members of the Jackson County Major Crimes Task Force had conducted several interviews in regards to the motive of this crime. Your Affiant and members of the Jackson County Major Crimes Task Force believe the home invasions and this murder were motivated by robbery. Your Affiant knows through the interviews that CRAMTON was known by his neighbors to have cash on his person. Your Affiant also knows through this investigation that BEATTY and HOVERMALE both live in or frequent this neighborhood which would allow them to gain knowledge of CRAMTON and his routine, habits and income. Additionally, it would allow them to enter the neighborhood without drawing suspicion to themselves. Further, upon examination of the crime scene by the Michigan State Police laboratory's criminalists that the vast majority of the fingerprints in the residence that had been identified at this point were the victims. This would be an indicator that the offenders had knowledge of crime scene evidence and procedures which is similar to the prior home invasions where BEATTY and HAIRE wore masks and gloves.

15) Your Affiant knows the following based on his training, experience, and education:

That these crimes are similar in victimology. Your Affiant knows that all of the victims in these cases were either elderly or appeared to have a mental handicap. Your Affiant also knows that all victims lived alone and were in an area that was known to the offenders. By way of example, Your Affiant knows that the victim at 1166 Floyd Ave was seen on a regular basis walking in his yard and in the streets by both HAIRE and BEATTY. Your Affiant knows that BEATTY and HAIRE at both linked to the residence at 913 Gerald through work that was preformed at the home. HAIRE indicates that he, Michael Beatty and Michael Beatty's brother had installed drywall in this victim's home. HAIRE indicated

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that the victim had paid cash and thus they believed that she would have money in the home. Your Affiant knows that BEATTY, HOVERMALE, and HAIRE live or have lived in the 100 Block of West Coler. Your Affiant knows that based on the fact that the neighborhood is small that they have all admitted to knowing about Matthew Cramton and his physical or mental problems.

Your Affiant also knows that the method of operation in these cases are similar. By way of example, all doors were forced open, and according to HOVERMALE, BEATTY, and HAIRE, the motive for these home invasions was robbery. HAIRE indicated that at least he and BEATTY were aware that Cramton kept cash in his home. Additionally, Your Affiant knows that through statements that the clothes and implements that were used in these crimes were ultimately removed from the crime scene and taken back to 535 Bagg where they were burned.

Finally, Your Affiant knows that in these cases that there is a similar signature to the crimes scenes that link them together. This signature is the use of the bindings, and more specifically the type of bindings and where they were located. By way of example, in comparing the crimes scenes located at 1166 Floyd to the crime scene located at 118 W. Coler, both victims were bound at the wrists and ankles. HAIRE indicated that the victim at 1166 Floyd had been gagged and Matthew Cramton had also been gagged. The ligatures were also specific to the signature. In the case of 1166 Floyd and electrical wire to a cell phone charger was used to bind the wrists of the victim behind his back. This wire had been cut with a cutting implement to reduce the bulk or the portion that had actually plugged in to the wall. He was also bound with a lanyard that was cloth in nature and similar to a shoe string at his ankles. In comparing this case with the Cramton murder, there are strikingly similar signatures. Cramton's wrists had been bound with an electrical cord that had been cut from a fan with a cutting implement. His hands were also bound behind his back. Cramton's feet were tied with a shoe string that had been located in the bedroom. In both cases, the ligatures were items that were found in the crime scene and were near the victims.

16) Your Affiant has also learned that BEATTY has been involved in several assaults in Jackson County. Two of these assaults, one of which occurred at Francis and Coler, and the other of which occurred at Trail and Steward were areas in which Michael Beatty had to obtain a car ride to get home. In both cases it has been reported to Your Affiant through Sean Emery and Josh Haire, that Michael called his mother Ilene Stanley who came and got him.

17) Your Affiant also knows the following information based on his training, experience, and education. Based on the statements of HAIRE, Beatty would take the items that he believed to contain evidence and burn them in his back yard or fire pit at 535 Bagg. Your Affiant knows that the time of year when this burning would have occurred was in the fall and winter months thus the items were wet or would have extinguished rapidly based on the moisture on the ground and in the air. Your Affiant knows that items such as cutting implements are often made with a steel blade that is hard to burn. This item would either be left to mix with the remaining debris or would be removed and placed in a secure location such as the residence so that it would not be accidentally located. Additionally, Your Affiant knows that if any items were stolen from these homes, that they will often be kept

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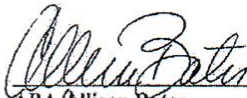
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where someone has dominion and control over them and can use them. This location is often the residence.

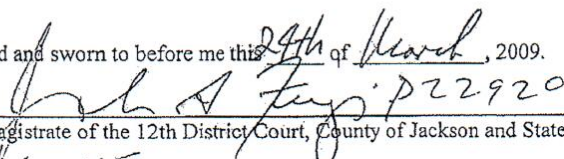
18) Based on the above information Your Affiant believes the following: Your Affiant believes that Michael Beatty and an accomplice, such as Josh Haire or James Michael Hovermale have committed the crimes described in the Affidavit. Your Affiant further believes that BEATTY, HAIRE, and HOVERMALE had intimate knowledge of all of the victims, the victim's homes, their physical condition and the reason to believe that they had cash in their houses. In each case the person was targeted for physical property such as money or stereos. Further, based on the confession of HAIRE, your Affiant believes that the victimology, Method of Operation, and signature that are present in these crimes scenes indicate that the same person was involved in each of these crimes. Further, Your Affiant knows through this investigation that BEATTY is often the mastermind or ring leader behind these crimes and will often get his accomplices to engage in this activity through alcohol use, drug use, threats, or physical violence. Additionally, Your Affiant knows through HAIRE'S statement that BEATTY is the only person that has kept property taken from these home invasions. Additionally, through HAIRE'S statements your Affiant knows that Ilene Stanley's vehicle was used to transport them from two crime scenes (1166 Floyd and 913 Gerald) and that it has been used in the past to transport Beatty from crime scenes by his mother (Francis and Coler along with Trail and Steward). Because of these facts along with the additional information listed above in the affidavit, your affiant believes that evidence from all three crimes scenes will be located on the property, in the residence, and in the vehicle located at or belonging to the residents of 535 Bagg Ave. Your Affiant also believes that based in this information that there is probable cause to enter the residence and property listed in the affidavit to make a search for any evidence related to these or any other crime.

19) Further Your Affiant Sayeth Not.


 APA Allison Bates


 Affiant, Christopher R. Boulter

Subscribed and sworn to before me this 29th of March, 2009.


 Judge / Magistrate of the 12th District Court, County of Jackson and State of Michigan

3/24/09 115 p
 Date and Time

Defendant's Motion for Duress Defense with Addendum

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF JACKSON

PEOPLE OF THE STATE OF MICHIGAN,

File No. 16-05052-FY

Plaintiff,

Hon. Thomas D. Wilson

v

TIFFANY REICHARD,

Defendant.

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Telephone: (517) 783-3500

**DEFENDANT'S MOTION TO INTRODUCE PRIOR BAD ACTS EVIDENCE AGAINST
CO-DEFENDANT, MICHAEL BEATTY AND TO PRESENT SPECIFIC EVIDENCE
REGARDING THE AFFIRMATIVE DEFENSE OF DURESS**

NOW COMES the Defendant, Tiffany Reichard ("Ms. Reichard"), by and through her counsel of record, Andrew P. Kirkpatrick, and in support of her motion states as follow:

1. Ms. Reichard is charged with Open Murder, under a theory of aiding and abetting an armed robbery of the co-defendant, Michael Beatty and during the armed robbery, Mr. Beatty murdered the victim.

Defendant's Motion for Duress Defense with Addendum

2. Ms. Reichard has admitted to law enforcement and will testify at trial that she drove Mr. Beatty to the location, knocked on the door and after Mr. Beatty went inside the residence to commit the robbery, she went back to the vehicle and waited for Mr. Beatty.

3. Ms. Reichard contends that she was threatened and coerced into her involvement of the armed robbery and had no idea that Mr. Beatty was going to commit such a heinous murder of the victim.

4. Ms. Reichard had been the victim of domestic violence by Mr. Beatty for quite sometime before she was coerced into assisting him on this occasion.

5. There have been witnesses to this abuse and Ms. Reichard plans to further testify in court about this abuse at trial.

6. Counsel for Ms. Reichard also intends to call Holly Roosen to further educate the jury on domestic violence and it's effect on victims of it.

7. Counsel for Ms. Reichard is mindful of the fact that duress is not a defense to murder. However, it is a defense to Armed Robbery, which in this case is the predicate felony for felony murder.

8. Counsel for Ms. Reichard intends to provide evidence of the duress at trial.

9. Ms. Reichard also believes that Mr. Beatty's prior bad acts to the murder are relevant and admissible under MRE 404(b) and is requesting a ruling that they be presented at trial.

10. A three-part test is utilized to determine the admissibility of other bad acts evidence: First, that the evidence is offered for a proper purpose under MRE 404(b); second, that it is relevant under MRE 402 as enforced through MRE 104(b); third, that the probative value of the evidence is not substantially outweighed by unfair prejudice. Further, the trial court may,

Defendant's Motion for Duress Defense with Addendum

upon request, provide a limiting instruction to the jury.

11. The proposed prior bad act evidence is that Mr. Beatty was involved in at least 3 Home Invasions while armed just prior to, or in close proximity to this case. One of these occurred on October 8, 2008 when Mr. Beatty, along with a Joshua Haire, broke into the victim's home. Mr. Beatty dragged the victim out into the living room, tied him up with a cut electrical cord and a laynard and then proceeded to beat him unconscious.

12. In the case at bar, Mr. Beatty tied the victim up with electrical cord and then stabbed in excess of 90 times, killing him.

13. After the home invasion on October 8, 2008 and another home invasion committed with Mr. Haire, they went home and burned their clothing.

14. In the case at bar, Mr. Beatty went home and burned his clothing.

15. Josh Haire advised law enforcement when he confessed to the home invasions, that Mr. Beatty got him to assist him by threatening harm to him, which happened in this case.

16. On all the prior Home Invasions, Ms. Reichard was not present with Mr. Beatty. On this occasion, the robbery of the victim was actually planned to occur with Joshua Haire, until Mr. Haire withdrew his involvement. Shortly after that, Mr. Beatty forced Ms. Reichard to assist him.


17. A search warrant was requested by Detective Christopher Boulter, sworn and signed on March 24, 2009 and all the above was set forth in the affidavit. Specifically, Detective Boulter outlines the similarities of the previous home invasions with the case at bar. Detective Boulter also goes into great detail about Mr. Beatty's violent past and that he "often get his accomplices to engage in this activity through alcohol use, drug use, threats, or physical violence". (See Exhibit A)

Defendant's Motion for Duress Defense with Addendum

18. Clearly these prior bad acts pass the 3 prong test for admissibility for the following reasons: They are not being introduced for an improper purpose. The jury should be aware of Mr. Beatty's actions shortly before the case at bar. It is clearly relevant because Ms. Reichard's defense is that she was not involved in any previous or future home invasions, that Mr. Beatty committed the case at bar in the same manner he committed other home invasions without Ms. Reichard, and that Ms. Reichard was forced into assisting him with the Armed Robbery. Without this information being presented to the jury, Ms. Reichard can not receive a fair trial. The probative vs prejudicial effect has no bearing on this case as Mr. Beatty has already pled guilty to felony murder and is serving life without parole.

WHEREFORE, Defendant prays this Honorable Court will grant Defendant's Motion to allow admissibility of Mr. Beatty's prior bad acts and allow testimony regarding the defense of duress.

Dated: September 7, 2017


 Andrew P. Kirkpatrick, #66842
 Attorney for Defendant

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing was served upon Prosecuting Attorney by hand delivery September 7, 2017 at 312 South Jackson Street, Jackson, Michigan 49201.

I DECLARE THAT THE FOREGOING STATEMENT IS
 TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.


 Kellie Woods, Secretary to Andrew P. Kirkpatrick

Defendant's Motion for Duress Defense with Addendum

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF JACKSON

PEOPLE OF THE STATE OF MICHIGAN,

File No. 16-05052-FY

Plaintiff,

Hon. Thomas D. Wilson

v

TIFFANY REICHARD,

Defendant.

Jerard Jarzynka, P35496
Attorney for the People
PROSECUTING ATTORNEY FOR JACKSON
312 South Jackson Street
Jackson, Michigan 49201
Telephone: (517) 788-4283

Andrew P. Kirkpatrick, P66842
Attorney for Defendant
DUNGAN & KIRKPATRICK, P.L.L.C.
503 S. Jackson Street
Jackson, Michigan 49203
Telephone: (517) 783-3500

**ADDITIONAL INFORMATION TO DEFENDANT'S MOTION TO INTRODUCE
PRIOR BAD ACTS EVIDENCE AGAINST CO-DEFENDANT, MICHAEL BEATTY
AND TO PRESENT SPECIFIC EVIDENCE REGARDING THE AFFIRMATIVE
DEFENSE OF DURESS**

NOW COMES the Defendant, Tiffany Reichard ("Ms. Reichard"), by and through her counsel of record, Andrew P. Kirkpatrick, and in support of her additional information to motion states as follow:

1. Ms. Reichard incorporates by reference all other statements set forth in the

Defendant's Motion for Duress Defense and Addendum

original Motion to Introduce Prior Bad Acts Evidence Against Co-Defendant, Michael Beatty and to Present Specific Evidence Regarding the Affirmative Defense of Duress.

2. Counsel for Ms. Reichard had an opportunity to conduct further research on the issue of the Duress Defense and request for jury instruction.

3. Ms. Reichard understands that Michigan law holds that duress is not a defense to murder. *People v Gimotty*, 216 Mich. App 254; 549 NW2d 39 (1996); *People v Dittis*, 157 Mich. App 38; 403 NW2d 94 (1987) .

4. However, the facts of every single case that cites the law that duress is not a defense to murder has distinguishable facts from the case at bar. Specifically, in all the case cited, the defendant played some part in the murder itself, was present while the murder took place and actually assisted during the murder. This did not happen in the case at bar.

5. There are no cases in Michigan that hold duress is not an available defense to aiding and abetting murder, citing Justice Shapiro, dissenting opinion in an unpublished opinion of *People v Harris*, Docket No. 287724 (2010) (Exhibit A)

6. Justice Shapiro further states, "Indeed, at least one case from our Supreme Court suggests that such a defense is permissible, citing *People v Garcia*, 448 Mich. 442; 531 NW2d 683 (1995). Justice Shapiro goes on to cite other cases, which are all relevant to the duress defense in this case. (See Exhibit A) Justice Shapiro went on to say that he would have reversed and remanded for a new trial with the duress instruction.

7. Even if the court rejects the duress instruction, testimony regarding the duress upon Ms. Reichard would still be admissible as it goes to her state of mind and state of mind is clearly an issue with a charge of open murder.

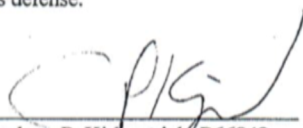
8. Furthermore, Ms Reichard also has a 6th Amendment right to present her entire

Defendant's Motion for Duress Defense and Addendum

defense at trial, which would include the influence that Mr. Beatty had over her and the effect it had upon her state of mind to drive him there and knock on the door." U.S. Const. amend VI, a crucial part of the Constitution's more basic guarantee of "a meaningful opportunity to present a complete defense." *California v. Trombetta*, 467 U.S. 479, 485 (1984). As applied to the States by the Due Process Clause of the Fourteenth Amendment, the accused has the right at trial to present testimony that is "relevant," "material," and "vital to the defense." *Washington v. Texas*, 388 U.S. 14, 16 (1967). *See also Crane v. Kentucky*, 476 US 683, 690-691 106 SCt 2142, 2146, 90 L.Ed.2d 636 (1986).

WHEREFORE, Defendant prays this Honorable Court will grant Defendant's Motion to allow testimony and jury instruction regarding the Duress defense.

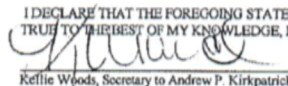
Dated: September 13, 2017


 Andrew P. Kirkpatrick, P66842
 Attorney for Defendant

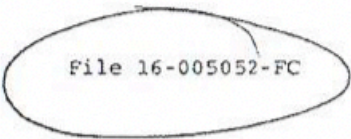
PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing was served upon Prosecuting Attorney by hand delivery and email on September 13, 2017 at 312 South Jackson Street, Jackson, Michigan 49201.

I DECLARE THAT THE FOREGOING STATEMENT IS
 TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.


 Keffie Woods, Secretary to Andrew P. Kirkpatrick

The Circuit Court Motion Hearing

STATE OF MICHIGAN	
IN THE 4 th CIRCUIT COURT FOR THE COUNTY OF JACKSON	
PEOPLE OF THE STATE OF MICHIGAN,	
V	
TIFFANY LYNN REICHARD	
Defendant.	
MOTION HEARING	
BEFORE THE HONORABLE THOMAS D. WILSON, CIRCUIT JUDGE	
Jackson, Michigan - Friday, September 14, 2017	
APPEARANCES:	
FOR THE PEOPLE:	CHRISTOPHER DICKERSON P72396 Asst. Prosecutor 312 South Jackson St. Jackson, MI 49201 (517) 788-4283
FOR THE DEFENSE:	ANDREW KIRKPATRICK P66842 503 S. Jackson St., Lev. 2 Jackson, MI 49203 (517) 783-3500
RECORDED & TRANSCRIBED BY:	KELLY PURUCKER-KING, CER 8044 Certified Court Recorder (517) 768-8566
1	

The Circuit Court Motion Hearing

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WITNESSES FOR THE PLAINTIFF:		
NONE		
WITNESSES FOR THE DEFENSE:		
NONE		
EXHIBITS:	Identified	Admitted
NONE		
2		

The Circuit Court Motion Hearing

1 Jackson, Michigan

2 Friday, September 14, 2017 - at 9:32 a.m.

3 THE COURT: Come on up, gentlemen.

4 MR. KIRKPATRICK: Good morning, your Honor, Andrew
5 Kirkpatrick on behalf of Ms. Reichard.

6 THE COURT: Go up whenever you're ready, counsel.

7 MR. KIRKPATRICK: Your Honor, first I want to start
8 off with the prosecutor's response to my motion. I don't
9 dispute and I also sent an additional information motion to
10 the Court, because I found a case that I think is very
11 important to the proceedings today and I'll explain why here
12 in just a minute. We do not; Ms. Reichard does not disagree
13 with the concept in Dittis that one cannot submit to
14 coercion to take the life of a third person but should risk
15 or sacrifice his own life instead. Which is the crux and
16 the reason why duress is not -- cannot be used as a defense
17 to murder in the State of Michigan. I don't dispute that
18 law, that law is correct law. However, when you look at
19 every case that's cited by the prosecuting attorney and
20 quite frankly every case in Michigan Jurisprudence will
21 start off with Etheridge. In Etheridge the defendant had a
22 knife pushed the victim on the bed, both Sanders and
23 Etheridge threatened him, he assisted in the removal the
24 body, was intimately involved in the murder, was armed
25 himself, was engaged in the threatening behavior and was

The Circuit Court Motion Hearing

1 present when the murder took place. Gimotty, defendant was
2 driving the get away car from a retail fraud crashed into
3 vehicle killing a child. Again, intimately involved in the
4 case, he was the driver of the vehicle and caused the death
5 of another individual. Henderson, in Henderson the
6 defendant went to the scene to fight with one of the
7 victim's that was there knowing that the co-defendant was
8 armed. The defendant himself was armed with a handgun,
9 knowing that the co-defendant wanted to kill one of the
10 victims he still went with the defendant. He engaged in the
11 fight and in fact had fired his gun several times which is
12 based upon casings found at the scene and his own admission.
13 Again, duress was not found to be a proper instruction in
14 that case. In toll the defendant assisted the co-defendant
15 in the actual kidnapping of the victim, assisted in taking
16 her to a greater place of danger and stood by doing nothing
17 to stop the murder while the co-defendant choked, strangled,
18 and murdered the victim. And then went with the co-
19 defendant to a garage in Detroit where the body was burned.
20 In Carp, which is another case, it's an unpublished case
21 that was cited as well, in that case defendant threw a mug
22 at the victim and closed the shades while the murder was
23 occurring. He then drove around in the vehicle's(sic) --
24 truck with the co-defendant. Now, the reason why I bring
25 all those factual issues to the Court's attention is in this

The Circuit Court Motion Hearing

1 case I think it's undisputed that the facts in this case are
2 going to be Ms. Reichard drove Mr. Beatty to Mr. Crampton's
3 home. She knocked on the door, Mr. Crampton(sic) -- went
4 inside with a handgun. Ms. Reichard waited outside, never
5 went inside, was never engaged in anything that happened
6 inside and while Mr. Beatty was inside he doesn't use his
7 gun instead he stabs Mr. Crampton 91 times and kills him.
8 Gets out, comes out, ultimately Ms. Reichard finds out about
9 it, that's her involvement, your Honor, knocking on the
10 door. In the unpublished opinion that I sent to the Court
11 and this is why I think that this case is right and quite
12 frankly I don't think there's any case law directly on point
13 on this issue. In my exhibit A, *People v Harris*, they talk
14 about duress, but more compelling is the dissents opinion.
15 And again, I understand that a dissent is not law in this
16 state. But, Shapiro specifically says there are no cases
17 that hold that duress is not an available defense to aiding
18 and abetting murder. Indeed at least one case from our
19 Supreme Court suggests that such a defense is permissible
20 and equally divided Supreme Court resulted in the affirmance
21 of this Court's vacation of the defendant's conviction,
22 although, the issue in that case dealt with one other issue.
23 Justice Riley in that case noted, because the defendant was
24 tried on a theory of aiding and abetting using duress as the
25 defense the jury may have rejected the verdict of first

The Circuit Court Motion Hearing

1 degree murder and exercise of (inaudible) --. The prosecutor
2 charged this case as an open murder; they didn't charge it
3 as a felony murder with a predicate armed robbery. As the
4 Court is well aware the duress is a defense to robbery. So,
5 while I agree with the premise that one, if I'm in a home
6 and I go with someone else and they threaten to kill me,
7 threaten to harm me, do something to me and it forces me to
8 kill that other human being I agree with the rule of law
9 that you should sacrifice your own life instead of taking
10 someone else's. That didn't happen here, there's going to
11 be no testimony in this case, your Honor, zero that Ms.
12 Reichard went in that house participated with this murder,
13 knew that the murder was going to take place. Furthermore,
14 I know the prosecutor could argue and I'm sure they'll argue
15 at trial, well the fact that she went there, she knocked on
16 the door, which assisted him to get into the house she
17 assisted in the armed robbery. But, that ultimately she
18 assisted in the murder itself, because it's foreseeable that
19 a murder could occur during the course of an armed robbery.
20 But, what do you we know here he went in there with a
21 handgun, he ended up stabbing him 91 times. Not only is
22 that not foreseeable it's completely outside of the realm of
23 what happened here. The prosecutor also talks about -- and
24 again, I think the Court would agree that every case that's
25 been addressed with duress not being a viable defense are

The Circuit Court Motion Hearing

1 completely and totally distinguishable from this case on all
2 avenues. The prosecutor then goes on to say that in order
3 for there to be a duress that there's got to be a threat of
4 immediate harm in order for the duress defense to be
5 applicable. Well, your Honor, at trial the Court appointed
6 a expert in domestic violence, she is going to testify. And
7 she's going to testify about the control wheel, she's going
8 to testify about domestic violence. And she's going to
9 testify about what a victim of domestic violence fears
10 specifically in a case like this is retribution to what
11 happens if they disagree. If she disagrees with her abuser
12 what's the abuser going to do, that's the threat of harm.
13 And I believe a jury is going to see that. I believe that
14 my witness is -- and Ms. Reichard is going to testify that's
15 happening. I don't think it's a surprise to anyone. So,
16 there was a threat of immediate harm here, because if she
17 disagreed with him she would have been -- there's going to
18 be testimony of her nose being broken, her being beaten
19 repeatedly, sexually assaulted by Mr. Beatty, numerous years
20 of abuse. The other thing, the other part of my motion and
21 I listed it as a 404(b) motion against the co-defendant Mr.
22 Beatty and I think it's relevant. I think that it falls
23 within the requirements, because what do we know about Mr.
24 Beatty. I'm going to have a witness Joshua Saire is going
25 to testify at trial. He's going to testify to two prior

The Circuit Court Motion Hearing

1 home invasions that occurred within two months of this
2 murder. One of which Mr. Beatty goes into a home commits a
3 home invasion of an elderly man. Mr. Beatty by himself
4 drags this man into the living room ties him in electrical
5 cord, which is what happened in the case at bar and beat him
6 unconscious. Mr. Haire didn't assist him or do anything of
7 that other than the fact after that home invasion took place
8 Mr. Haire and Mr. Beatty leave that home invasion they go
9 back to another location and they burn their clothes, which
10 is exactly what happened in this case. Mr. Haire is with
11 him on another home invasion where he threatens a female and
12 ultimately steals drugs from her from her purse, again, same
13 M.O., same method, same common plan and scheme. And that's
14 relevant, your Honor, -- one other issue Joshua Haire is
15 going to testify and actually this was something that was
16 said back a while ago this isn't some concocted defense this
17 was said to the investigator before I even came on to this
18 case that Mr. Beatty would repeatedly threaten him, that's
19 Mr. Haire into engaging in this criminal activity. It's in
20 the affidavit for the search warrant signed by Detective
21 Boulter, who will also testify. He actually threatened Mr.
22 Haire and they actually went to Mr. Cramton's house to do
23 this robbery without her. They got to the doorsteps of that
24 house and this is what the testimony will be, Josh Haire got
25 cold feet got scared and ran. Now look what happens now Ms.

The Circuit Court Motion Hearing

1 Reichard's brought into this, that's why it's necessary for
2 the jury to hear his actions prior to this evening, because
3 I don't want the jury to think that this is some kind of
4 Bonnie and Clyde where Ms. Reichard's out with this guy who
5 served in prison for home invasions and this that and the
6 other thing. And also it does fit within the prongs and the
7 jury needs to hear this. The duress in this case -- the
8 other argument even if the Court believes that I shouldn't
9 be able to argue duress, which I would disagree with that
10 respectfully. She also has a 6th Amendment right to present a
11 defense. At that defense is going to be her state of mind,
12 which by the way is also a relevant fact in open murder.
13 Open murder by its very nature is what degree are we talking
14 about. Well, how do we determine degree, we determine
15 degree by state of mind. What's her state of mind, what
16 effect is on her at the time that caused her to act and do
17 what she did on this particular evening? So, it's relevant
18 on all three issues, your Honor. I'm asking the Court to
19 rule that I'm allowed to use duress as a defense. I don't
20 think that there's any case law that supports -- to be
21 honest I don't think there's any case laws that supports the
22 prosecution's proposition that I shouldn't be able to
23 duress. And I don't think there's any case law on point
24 that says I shouldn't be able to use it and I think the
25 justice clearly that laid that out. This is a novel issue;

The Circuit Court Motion Hearing

1 I've researched this, your Honor, and researched it and the
2 facts of the case being distinguishable from the facts of
3 all these other cases I'm asking the Court to allow it. I'm
4 also asking the Court to allow for me to present testimony
5 and evidence through individuals that have personal
6 knowledge of his prior home invasions, because that was
7 person was there, he's already been convicted, he's already
8 been to prison he's out on parole to testify to that. The
9 jury needs to hear all of this, your Honor, for Ms. Reichard
10 to have a fair defense in this case and I'm asking that the
11 Court grant my motion.

12 THE COURT: Mr. Dickerson?

13 MR. DICKERSON: Thank you. Your Honor, I actually
14 don't think the law could be any more clear that duress is
15 just simply not a defense to homicide at all. We're not
16 just not talking about first degree, second degree, we're
17 talking about felony murder as well when I cited Gimotty and
18 Etheridge, those are both felony murder cases where it
19 simply says, duress is not defense to homicide. Mr.
20 Kirkpatrick makes an argument about well it is a defense to
21 the predicate of the armed robbery or whatever, but then if
22 you look at *People v Tull*, uh, the exact wording in *People v*
23 *Tull*, is "Defendant argues duress was available as a defense
24 to the predicate offense of kidnapping. To allow the
25 defendant to assert the defense of duress for a predicate

The Circuit Court Motion Hearing

1 felony of felony murder is seemingly contradictory to the
2 rationale." That says you can't use it for the predicate
3 felony. I find it even more support for my position when
4 you look at the cases that he's provided. When you look at
5 *People v Carp*, *People v Carp* actually breaks it down and
6 talks about when you're looking at felony murder and you're
7 looking at first degree murder and you're looking at second
8 degree murder. You're starting with a homicide; felony
9 murder is essentially second degree murder, it's the
10 underlying felony that raises it up to first degree, you
11 start with a felony. And furthermore in *People v Carp*, it
12 says, since you can't use duress in a second degree murder
13 you can't use it in felony murder. So, the issues of
14 homicide and felony murder and duress have been well
15 established by case law. I find it amusing that the only
16 case that he can cite to support any type of thing for an
17 aider or abettor is a 2010 unpublished opinion where he
18 cites the dissent. And when you look what the majority said
19 in that case, the majority actually said it is never and
20 they use the word "never", never a defense to homicide. He
21 cites that Shapiro said that there's no case law to support
22 that uh, that duress isn't a defense to aider and abettor.
23 The problem with that is *People v Henderson*, which I
24 provided in my packet that even Mr. Kirkpatrick mentioned,
25 which is a 2014 published opinion that says, "Defendant

The Circuit Court Motion Hearing

1 maintains that the principle that duress is not a defense to
2 homicide is inapplicable when he did not actually commit the
3 murder himself but was instead prosecuted primarily as an
4 aider and abettor to murder. We fail to see the logic in
5 this argument, and defendant provides no supporting
6 authority that an aider and abettor to murder can employ a
7 duress defense even though a principal is not entitled to do
8 so. If directly committing a homicide is not subject to a
9 duress defense, assisting a principal in the commission of a
10 homicide cannot be subject to a duress defense either,
11 considering that an aider and abettor to murder is assisting
12 in taking the life of an innocent third person instead of
13 risking the sacrifice of his or her own life." It can't be
14 more clear that it's not a defense to aiding and abetting
15 either. Even if you were to find that it is a defense -- or
16 duress is a defense to felony murder which the case law
17 clearly states that it is not, but you still have that
18 element that it has to be immediate, it has to be -- an
19 immediate -- immediacy of harm right there, it's perfectly
20 clear that it can't be a threat of future harm. The
21 testimony is going to show not only was she a part of this
22 but she actually made a suggestion of it of you need to go
23 get some money and then he suggested okay, I have this
24 house, you have to be the lookout. She drives him there and
25 it's not just she knocks on the door there's a reason why

The Circuit Court Motion Hearing

1 she knocks on the door. She knocks on the door because they
2 know he won't answer the door for him, that she(sic) --
3 would answer it for her and therefore he can rush in once he
4 answers the door for her. And then the most important part
5 is she stays outside as a lookout while he's inside
6 committing the offense. There's no immediacy there anymore,
7 she's not -- she doesn't have a gun held to her head saying
8 you have to stay here. He's inside she can leave, any
9 threat or fear that she would have at that point if it
10 existed at all would be a fear of future harm, which the
11 case law is clear that that is not the case. As far as
12 these other acts that Mr. Kirkpatrick wants to get in when
13 you take away the duress argument it really becomes
14 completely irrelevant why these other acts would be
15 necessary to come in. What purpose is it to show that Mr.
16 Beatty committed some home invasion months prior to this,
17 what relevance does it have to whether or not he committed
18 this one and whether she aided and abetted him in doing it.
19 It becomes irrelevant at that point. There's no doubt that
20 he committed this, I mean if there was some question did he
21 commit this home invasion, he's pled to it, there's no
22 question about it. If there was some question of it I can
23 see where those acts might need to come in, but since there
24 is no issue of that the only issue is whether she aided and
25 abetted him in it, it become completely irrelevant to allow

The Circuit Court Motion Hearing

1 these prior acts in. I ask that you dismiss the motion or
2 at least deny the use for duress and the use of prior bad
3 acts, because it's not relevant and it's not a defense.

4 MR. KIRKPATRICK: Your Honor, just briefly may I
5 respond?

6 THE COURT: I'm granting your motion.

7 MR. KIRKPATRICK: Thank you, your Honor.

8 THE COURT: And I'm doing so because in looking at
9 the other cases I find this case to be extremely unique. I
10 don't in any of those cases I have not seen anything that
11 would come close to the circumstances that occurred here and
12 without that information at least presented to the jury I
13 think that that keeps a significant portion of what was
14 going on from their knowledge and making their decision.
15 And if the Supreme Court wants to tell me I'm wrong that's
16 fine. At least this issue it's been pretty well laid to
17 rest, Mr. Dickerson cited multiple cases but the
18 circumstances in this case I think are different enough that
19 I'm going to allow it.

20 MR. KIRKPATRICK: Thank you, your Honor. And in
21 regarding of the request to allow a witness to testify with
22 personal knowledge --

23 THE COURT: Advised of priors.

24 MR. KIRKPATRICK: -- of the priors? Thank you,
25 your Honor.

The Circuit Court Motion Hearing

1 THE COURT: I'll probably get reversed, but I --

2 MR. KIRKPATRICK: I don't think you will, I think
3 this is novel issue, your Honor, and I think that --

4 THE COURT: I just -- the other cases are so
5 different compared to this one.

6 MR. KIRKPATRICK: Thank you, your Honor.

7 (At 9:51 a.m., proceedings concluded)

Order on Circuit Court's Ruling Dated September 29, 2017

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF JACKSON

PEOPLE OF THE STATE OF MICHIGAN,

FILE NO. 16-5052-FC

Plaintiff,

HON. THOMAS WILSON

vs.

TIFFANY REICHARD,

Defendant.

Jerard M. Jarzynka (P35496)
Prosecuting Attorney
Christopher Dickerson (P72396)
Assistant Prosecuting Attorney
312 South Jackson Street
Jackson, MI 49201
(517) 788-4283


DUNGAN, KIRKPATRICK AND DUNGAN
By: Andrew P. Kirkpatrick (P66842)
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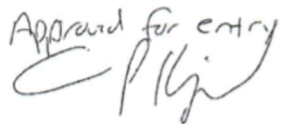
FILED
OCT -2 PM
JACKSON COUNTY
CIRCUIT COURT

ORDER

Defendant's motion is granted. She will be allowed to raise duress as a defense to murder.

Dated: 9/29/17


HONORABLE THOMAS D. WILSON
CIRCUIT COURT JUDGE

Approved for entry
 P66842



Court of Appeals Docket Entries

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Case Search

Case Docket Number Search Results - 340732

Appellate Docket Sheet

COA Case Number: 340732**MSC Case Number: 157688**

PEOPLE OF MI V TIFFANY LYNN REICHARD

1	PEOPLE OF MI Oral Argument: Y Timely: Y	PL-AT	PRS	(33223) SCHROTENBOER JERROLD
2	REICHARD TIFFANY LYNN Oral Argument: Y Timely: Y	DF-AE	APP	(45332) FARAONE MICHAEL A

COA Status: Case Concluded; File Open **MSC Status:** Pending on Application**Case Flags:** Criminal Interlocutory; Prosecutor Appeal; Expedited Appeal**Remarks:** stayed pending appeal

- 10/23/2017 1 App For Leave to Appeal - Criminal
 Proof of Service Date: 10/25/2017
 Register of Actions: Y
 Answer Due: 11/15/2017
 Fee Code: EPAY
 Attorney: 33223 - SCHROTENBOER JERROLD
- 10/02/2017 2 Order Appealed From
 From: JACKSON CIRCUIT COURT
 Case Number: 16-005052-FC
 Trial Court Judge: 42371 WILSON THOMAS D
 Nature of Case:
 Criminal Miscellaneous
 Comments: order dated 9/29/17 entered in register of actions 10/2/17
- 10/23/2017 3 Transcript Filed By Party
 Date: 10/23/2017
 Filed By Attorney: 33223 - SCHROTENBOER JERROLD
 Hearings:
 09/14/2017
- 10/23/2017 17 Notice Of Filing Transcript
 Date: 10/23/2017
 Hearings:
 09/14/2017
- 10/25/2017 5 Transcript Filed By Party
 Date: 10/25/2017
 Reporter: 8044 - PURUCKER-KING RAQUEL M
 Filed By Attorney: 33223 - SCHROTENBOER JERROLD
 Hearings:
 10/19/2016 prelim exam
- 10/25/2017 6 Proof of Service - Generic

Court of Appeals Docket Entries

Date: 10/25/2017
 For Party: 1 PEOPLE OF MI PL-AT
 Attorney: 33223 - SCHROTENBOER JERROLD
 Comments: service of application on atty Kirkpatrick via hand delivery

10/25/2017 **7 Murphy Notice to Appointed Atty**
 For Party: 2 REICHARD TIFFANY LYNN DF-AE
 Attorney: 66842 - KIRKPATRICK ANDREW

11/08/2017 **8 LCt Order - Appoint AE Atty**
 Date: 11/02/2017
 For Party: 2 REICHARD TIFFANY LYNN DF-AE
 Attorney: 45332 - FARAONE MICHAEL A

11/08/2017 **9 Appearance - Appellee**
 Date: 11/08/2017
 For Party: 2 REICHARD TIFFANY LYNN DF-AE
 Attorney: 45332 - FARAONE MICHAEL A

11/13/2017 **10 Answer - Application**
 Proof of Service Date: 11/13/2017
 Event No: 1 App For Leave to Appeal - Criminal
 For Party: 2 REICHARD TIFFANY LYNN DF-AE
 Filed By Attorney: 45332 - FARAONE MICHAEL A

11/13/2017 **11 Motion: Expedite Appeal**
 Proof of Service Date: 11/13/2017
 Filed By Attorney: 45332 - FARAONE MICHAEL A
 For Party: 2 REICHARD TIFFANY LYNN DF-AE
 Fee Code: I
 Answer Due: 11/20/2017

12/04/2017 **14 Reply to Answer - Application**
 Proof of Service Date: 12/04/2017
 Event No: 10 Answer - Application
 For Party: 1 PEOPLE OF MI PL-AT
 Filed By Attorney: 33223 - SCHROTENBOER JERROLD

12/05/2017 **15 Submitted On Motion Docket**
 Event: 1 App For Leave to Appeal - Criminal
 Event: 11 Expedite Appeal
 District: G
 Item #: 7

12/11/2017 **16 Order: Application - Grant - Expedite**
 View document in PDF format
 Event: 1 App For Leave to Appeal - Criminal
 Event: 11 Expedite Appeal
 Panel: JPH,DHS,MTB
 Attorney: 33223 - SCHROTENBOER JERROLD
 Comments: mot expedite granted; AT bf due w/in 28 dys; AE bf w/in 21 dys svc AT bf; Clk expedite submission

01/05/2018 **18 Brief: Appellant**
 Proof of Service Date: 01/05/2018
 Oral Argument Requested: Y
 Timely Filed: Y
 Filed By Attorney: 33223 - SCHROTENBOER JERROLD
 For Party: 1 PEOPLE OF MI PL-AT

01/05/2018 **19 Record Request**

Court of Appeals Docket Entries

File Location:
Mail Date: 01/05/2018

01/08/2018 **20 Brief: Appellee**
Proof of Service Date: 01/08/2018
Oral Argument Requested: Y
Timely Filed: Y
Filed By Attorney: 45332 - FARAONE MICHAEL A
For Party: 2 REICHARD TIFFANY LYNN DF-AE
Comments: e-filing received on weekend docketed as filed next business day

01/08/2018 **21 Noticed**
Record: REQST
Mail Date: 01/09/2018

01/11/2018 **22 Record Filed**
File Location:
Comments: FILE; 2 TRNS

01/29/2018 **29 Brief: Reply**
Proof of Service Date: 01/29/2018
Oral Argument Requested:
Timely Filed:
Filed By Attorney: 33223 - SCHROTENBOER JERROLD
For Party: 1 PEOPLE OF MI PL-AT

03/06/2018 **31 Submitted on Case Call**
District: L
Item #: 6
Panel: DHS,SLB,DAS

04/17/2018 **40 Opinion - Authored - Published**
View document in PDF format
Pages: 4
Panel: DHS,SLB,DAS
Author: DHS
Result: Reversed and Remanded

05/01/2018 **41 SCt: Application for Leave to SCt**
Supreme Court No: 157688
Answer Due: 05/29/2018
Fee: Indigent Person
For Party: 2
Attorney: 45332 - FARAONE MICHAEL A

05/22/2018 **42 SCt: Answer - SCt Application/Complaint**
Filing Date: 05/22/2018
For Party: 1 PEOPLE OF MI PL-AT
Filed By Attorney: 33223 - SCHROTENBOER JERROLD

05/24/2018 **43 Supreme Court - Record Sent To**
File Location:
Comments: sc#157688 lcf;2 tr

05/24/2018 **44 SCt: Trial Court Record Received**
2 tr; 1 files

05/28/2018 **45 SCt: Reply - SCt Application/Complaint**
Filing Date: 05/28/2018
For Party: 2 REICHARD TIFFANY LYNN DF-AE
Filed By Attorney: 45332 - FARAONE MICHAEL A

Court of Appeals Docket Entries

Timely: Y

10/30/2018	46 Michigan Appeals Reports Publication 323 Mich App 613
11/21/2018	47 SCt Order: MOAA -Oral Argument on Lv Appl View document in PDF format Comments: Invited AC=PAAM, CDAM.

Case Listing Complete

Opinion of the Court of Appeals

People v. Reichard, 323 Mich.App. 613 (2018)
919 N.W.2d 417

323 Mich.App. 613
Court of Appeals of Michigan.

PEOPLE of the State of
Michigan, Plaintiff-Appellant,
v.
Tiffany Lynn REICHARD,
Defendant-Appellee.

No. 340732
|
Submitted March 6, 2018, at Lansing.
|
Decided April 17, 2018, at 9:00 a.m.

Synopsis

Background: After defendant was charged with open murder, defendant filed motion to present evidence of duress at trial. The Circuit Court, Jackson County, No. 16-005052-FC, [Thomas D. Wilson, J.](#), granted defendant's motion. State appealed.

[Holding:] On an issue of apparent first impression, the Court of Appeals, [Sawyer, P.J.](#), held that duress was not available as defense to predicate felony in felony murder prosecution.

Reversed and remanded.

West Headnotes (3)

[1] Homicide
⚡ [Compulsion, necessity, or duress](#)
Duress is not a defense to homicide.

[Cases that cite this headnote](#)

[2] Homicide
⚡ [Compulsion, necessity, or duress](#)
Duress was not available as defense to predicate felony in felony murder prosecution; duress was not an

available defense to homicide, and it was the existence of the predicate felony that raised the liability of the principal from second-degree murder to first-degree murder, such that allowing a duress defense to the predicate felony would have been to essentially allow a duress defense to homicide.

[Cases that cite this headnote](#)

[3] Homicide
⚡ [Compulsion, necessity, or duress](#)
Because directly committing a homicide is not subject to a duress defense, assisting a principal in the commission of a homicide cannot be subject to a duress defense either, considering that an aider and abettor to murder is assisting in taking the life of an innocent third person instead of risking or sacrificing his or her own life.

[Cases that cite this headnote](#)

Jackson Circuit Court, LC No. 16-005052-FC,
[Thomas D. Wilson, J.](#)

Attorneys and Law Firms

[Bill Schuette](#), Attorney General, [Aaron D. Lindstrom](#), Solicitor General, [Jerard M. Jarzynka](#), Prosecuting Attorney, and [Jerrold Schrottenboer](#), Chief Appellate Attorney, for the people.

Michael A. Faraone PC (by [Michael A. Faraone](#))
for defendant.

Before: [Sawyer, P.J.](#), and [Borrello](#) and [Servitto, JJ.](#)

Opinion

[Sawyer, P.J.](#)

****418 *614** In this interlocutory appeal, we must resolve the question whether duress may be used as a defense to first-degree felony murder when the claim of duress goes to the defendant's

Opinion of the Court of Appeals

People v. Reichard, 323 Mich.App. 613 (2018)
919 N.W.2d 417

participation in the underlying felony. We agree with the prosecutor that it may not.

Defendant is charged with open murder, with the predicate felony being armed robbery. The trial court granted her motion to present evidence of duress at trial.¹ Defendant acknowledges that duress is not a defense to murder but argues that it may be a defense to the predicate felony in a felony-murder charge. The prosecution argues that duress cannot be a defense to murder in any form. We agree with the prosecutor.

[1] [2] This case presents a question of law that we review de novo.² As we observed in *People v. Henderson*,³ “it is *615 well established that duress is not a defense to homicide.” In *Henderson*, this Court rejected the availability of the duress defense when the defendant claimed to have only been an aider and abettor to the killing. The Court⁴ reasoned as follows:

“The rationale underlying the common law rule is that one cannot submit to coercion to take the life of a third person, but should risk or sacrifice his own life instead.” *People v. Dittis*, 157 Mich. App. 38, 41, 403 N.W.2d 94 (1987). Because duress is not a defense to homicide, the trial court did not err by declining to instruct the jury in this regard with respect to defendant’s murder charge. Defendant maintains that the principle that duress is not a defense to homicide is inapplicable when he did not actually commit the murder himself but was instead prosecuted primarily as an aider and abettor to murder. We fail to see the logic in this argument, and defendant provides no supporting authority that an aider and abettor to murder can employ a duress defense even though a principal is not entitled to do so. If directly committing a homicide is not subject to a duress defense either, considering that an aider and abettor to murder is assisting in taking the life of an innocent third person instead of risking or sacrificing his or her own life. See *Dittis*, 157 Mich. App. at 41 [403 N.W.2d 94]. The underlying rationale articulated in *Dittis* is equally sound and not distinguishable in the

context of aiding and abetting murder. The court in *State v. Dissicini*, 126 N.J. Super. 565, 570, 316 A.2d 12 (1974), aff’d 66 N.J. 411 [331 A.2d 618] (1975), in rejecting a similar argument, observed:

Defendant does not dispute the general rule, but argues that it is applicable only to a defendant who is the actual perpetrator of the killing, and that the defense should be available to one such as he who did not directly kill but only aided and abetted. *616 Authoritative discussion of the point is sparse ... and this is **419 undoubtedly so because the argument has little merit.

The California Supreme Court has stated that “because duress cannot, as a matter of law, negate the intent, malice or premeditation elements of a first degree murder, we further reject defendant’s argument that duress could negate the requisite intent for one charged with aiding and abetting a first degree murder.” *People v. Vieira*, 35 Cal. 4th. 264, 290, 25 Cal.Rptr.3d 337, 106 P.3d 990 (2005). Even the United States Court of Appeals for the Ninth Circuit has noted that duress does not excuse murder and “in many jurisdictions, duress does not excuse attempted murder or aiding and abetting murder[.]” *Amachamy v. Holder*, 733 F.3d 254, 260 n. 6 (C.A. 9, 2012). We are unaware of any Michigan precedent to the contrary in which the issue was directly confronted.

Moreover, this Court has, with limited analysis and arguably in dicta, rejected duress as a defense to felony murder.⁵ These cases, however, did not focus on the issue of duress as it relates to the predicate felony. There does not appear to be a published decision in this state that does so.

[3] We see no logical reason to allow the duress defense to negate the predicate and mitigate the first-degree felony murder down to second-degree murder. As observed in *Henderson*, the public policy of this state is to disallow duress as a defense to homicide. Moreover, this remains true even when the defendant’s liability is based upon aiding and abetting. More to the point, because “directly committing a homicide is not subject to a duress defense, assisting a principal in the commission of a homicide cannot be subject to a

Opinion of the Court of Appeals

People v. Reichard, 323 Mich.App. 613 (2018)
919 N.W.2d 417

duress defense either, considering that an aider and abettor to *617 murder is assisting in taking the life of an innocent third person instead of risking or sacrificing his or her own life.”⁶

It is the existence of the predicate felony that raises the principal’s liability from second-degree murder to first-degree murder. We fail to see why aiding and abetting the murder itself should disallow the duress defense, while aiding and abetting the predicate felony would allow for it. That is, if this were simply a second-degree murder case but the facts otherwise the same, with defendant’s liability being based upon an aiding and abetting theory, both defendant and the principal would be guilty of second-degree murder, and the duress defense would be unavailable to defendant. With the addition of the predicate felony, the principal’s liability is raised to first-degree murder. Yet defendant’s role as an aider and abettor has remained the same, so her criminal responsibility should also be raised to first-degree murder. Simply put, in both cases she aided and abetted a crime that resulted in the taking of a human life.

What is lost in this case is that the real issue is not whether defendant was acting under duress, but whether she actually aided and abetted a criminal homicide. *Henderson*⁷ discussed aiding and abetting in rejecting the defendant’s argument that there was insufficient evidence to support his conviction as an aider and abettor to the homicide:

“The phrase ‘aids or abets’ is used to describe any type of assistance given to **420 the perpetrator of a crime by words or deeds that are intended to encourage, support, or incite the commission of that crime.” *618 *People v. Moore*, 470 Mich. 56, 63, 679 N.W.2d 41 (2004). To show that an individual aided and abetted the commission of a crime, the prosecution must establish

“that (1) the crime charged was committed by the defendant or some other person, (2) the defendant performed acts or gave encouragement that assisted the commission of the crime, and (3) the defendant intended the commission of the crime or had knowledge that the principal intended its commission at the time he gave

aid and encouragement.” [*People v. Carines*, 460 Mich. 750, 757, 597 N.W.2d 130 (1999) (citation omitted).]

With respect to the intent element, our Supreme Court in *People v. Robinson*, 475 Mich. 1, 15, 715 N.W.2d 44 (2006), elaborated:

We hold that a defendant must possess the criminal intent to aid, abet, procure, or counsel the commission of an offense. A defendant is criminally liable for the offenses the defendant specifically intends to aid or abet, or has knowledge of, as well as [for] those crimes that are the natural and probable consequences of the offense he intends to aid or abet. Therefore, the prosecutor must prove beyond a reasonable doubt that the defendant aided or abetted the commission of an offense and that the defendant intended to aid the charged offense, knew the principal intended to commit the charged offense, or, alternatively, that the charged offense was a natural and probable consequence of the commission of the intended offense.

Thus, to convict defendant, the prosecutor will have to show (1) that she intended to aid in the charged offense, or (2) that she knew that the principal intended to commit the charged offense, or (3) that the charged offense was a natural and probable consequence of the crime that she intended to aid and abet.⁸ *619 If the prosecutor is able to make this showing, then defendant will have intentionally or knowingly participated in a homicide or, at a minimum, participated in a crime for which homicide was a natural and probable consequence. Therefore, to allow the duress defense in this context would, in fact, allow it to be used as a defense to murder.

For these reasons, we conclude that the trial court erred by granting defendant’s motion to raise duress as a defense to the murder charge, including the felony-murder theory.

Reversed and remanded for further proceedings consistent with this opinion. We do not retain jurisdiction.

Opinion of the Court of Appeals

People v. Reichard, 323 Mich.App. 613 (2018)
919 N.W.2d 417

BORRELLO and SERVITTO, JJ., concurred with
SAWYER, P.J.

All Citations

323 Mich.App. 613, 919 N.W.2d 417

Footnotes

- 1 Defendant will apparently take the position at trial that she was threatened or coerced into participating in the armed robbery and served as a lookout, but that she was not in the house during the robbery and that she did not know of the murder until after the fact.
- 2 *People v. Petty*, 469 Mich. 108, 113, 665 N.W.2d 443 (2003).
- 3 306 Mich. App. 1, 5, 854 N.W.2d 234 (2014).
- 4 *Id.* at 5-6, 854 N.W.2d 234.
- 5 See *People v. Gimotty*, 216 Mich. App. 254, 257, 549 N.W.2d 39 (1996), and *People v. Etheridge*, 196 Mich. App. 43, 56, 492 N.W.2d 490 (1992).
- 6 *Henderson*, 306 Mich. App. at 5-6, 854 N.W.2d 234.
- 7 306 Mich. App. at 10-11, 854 N.W.2d 234.
- 8 *Henderson*, 306 Mich. App. at 12, 854 N.W.2d 234.

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Order of this Court

People v. Reichard, 919 N.W.2d 405 (2018)

919 N.W.2d 405 (Mem)
Supreme Court of Michigan.

PEOPLE of the State of
Michigan, Plaintiff-Appellee,
v.
Tiffany Lynn REICHARD,
Defendant-Appellant.

SC: 157688

|

COA: 340732

|

November 21, 2018

Jackson CC: 16-005052-FC

Order

On order of the Court, the application for leave to appeal the April 17, 2018 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. [MCR 7.305\(H\)\(1\)](#). The appellant shall file a supplemental brief within 42 days of the date of this order addressing whether the Court of Appeals correctly determined that duress is not an

available defense to the charge of felony murder under any circumstances. See *People v. Aaron*, 409 Mich. 672, 299 N.W.2d 304 (1980); *Wright v. State*, 402 So.2d 493, 498 n. 8 (Fla. Dist. Ct. App., 1981). In addition to the brief, the appellant shall electronically file an appendix conforming to [MCR 7.312\(D\)\(2\)](#). In the brief, citations to the record must provide the appendix page numbers as required by [MCR 7.312\(B\)\(1\)](#). The appellee shall file a supplemental brief within 21 days of being served with the appellant's brief. The appellee shall also electronically file an appendix, or in the alternative, stipulate to the use of the appendix filed by the appellant. A reply, if any, must be filed by the appellant within 14 days of being served with the appellee's brief. The parties should not submit mere restatements of their application papers.

***406** The Prosecuting Attorneys Association of Michigan and the Criminal Defense Attorneys of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issue presented in this case may move the Court for permission to file briefs amicus curiae.

All Citations

919 N.W.2d 405 (Mem)

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