

STATE OF MICHIGAN
IN THE SUPREME COURT
[ON APPEAL FROM THE MICHIGAN COURT OF APPEALS]

SAMUEL JEROME,

MSC No. 159093

Plaintiff-Appellant,

COA No. 335328

v

LC No. 15-148401-CZ

Hon. Denise Langford Morris

LIEUTENANT MICHAEL CRUM, in his
Individual and Representative Capacity,
and the CITY OF BERKLEY, a
Municipal entity,

Defendants-Appellees,

_____ /

**INDEX OF EXHIBITS TO
DEFENDANTS-APPELLEES ANSWER OPPOSING
PLAINTIFF-APPELLANT'S APPLICATION FOR LEAVE TO APPEAL**

EXHIBIT	DESCRIPTION
1	Complaint and Jury Demand (OCCC) 8/5/15
2	Defendants Lieutenant Michael Crum and City of Berkley's Answer to Complaint (OCCC) 9/3/15
3	<p>Defendant Michael Crum's and City of Berkley's Motion for Summary Disposition (OCCC) 7/8/16</p> <p>Exhibit A City of Berkley Police Report regarding CSC Investigation</p> <p>Exhibit B Berkley PSD Police Report regarding Runaway Incident</p> <p>Exhibit C Police reports regarding Family Trouble/Domestic Violence Case</p> <p>Exhibit D Preliminary Examination (10/9/13)</p> <p>Exhibit E Complaint and Jury Demand (OCCC)</p> <p>Exhibit F Deposition Transcript of Michael Crum (5/18/16) (pp 158-178)</p> <p>Exhibit G Affidavit of Michael Crum (7/8/16)</p> <p>Exhibit H Affidavit of Daniel J. Grant (5/20/16)</p>

4	Plaintiff's Answer to Defendants' Motion for Summary Disposition (OCCC) 8/24/16 Exhibit A City of Berkley Police Records Exhibit B 8/7/14 Trial Transcript Exhibit C Oakland County Prosecutor Request for Further Information Exhibit D Deposition Transcript of Defendant Crum Exhibit E 8/21/13 video interview Exhibit F Petition and Order for <i>Nolle Prosequi</i> Exhibit G 8/8/14 Trial Transcript
5	Defendants City of Berkley and Michael Crum's Reply Brief in Support of Motion for Summary Disposition (OCCC) 9/14/16 Exhibit I Complaint and Jury Demand (USDC) Exhibit J Opinion and Order Granting Defendants' Motion for Summary Judgment (USDC) Exhibit K <i>Williams v City of Grosse Pointe Park</i> , 2008 WL 274872 Exhibit L <i>Dobrowski v Jay Dee Contractors</i> , 2010 WL 293069 Exhibit M <i>Sussman v Dalton</i> , 2012 US Dist LEXIS 165259 (ED Mich 2012) Exhibit N <i>Ghaith v Rauschenberger</i> , 2013 WL 195772
6	Answer to Complaint (USDC)
7	9/28/16 Transcript (Motion for Summary Disposition)
8	Summary Disposition Opinion and Order (OCCC) 9/29/16

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Exhibit 1

PROOF OF SERVICE**SUMMONS AND COMPLAINT**
Case No. 2015-148401-CZ

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

- ☐ I served personally a copy of the summons and complaint,
☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint, together with _____

List all documents served with the Summons and Complaint

_____ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

- ☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature _____

Name (type or print) _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Date Signature: _____
Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____
Attachments

_____ on _____
Day, date, time

Signature _____ on behalf of _____

RECEIVED by MSC 3/7/2019 3:43:00 PM

This case has been designated as an eFiling case. To review a copy of the Notice of Mandatory eFiling visit www.oakgov.com/clerkrod/efiling.

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

SAMUEL JEROME,

Plaintiff,

v

LIEUTENANT MICHAEL CRUM, in his
Individual and Representative Capacity,
And the CITY OF BERKLEY, a
Municipal entity,

Defendants.

2015-148401-CZ
JUDGE LANGFORD MORRIS

Case No.
Hon.

REBECCA H. FILIATRAUT (P46443)
VEN R. JOHNSON (P39219)
JOHNSON LAW, PLC
Attorneys for Plaintiff
535 Griswold Street, Ste., 2632
Detroit, MI 48226
313-324-8300
313-324-8301-Fax
rfiliatraut@venjohnsonlaw.com
vjohnson@venjohnsonlaw.com

COMPLAINT AND JURY DEMAND

There is a previously filed Complaint arising out of the same facts and circumstances currently pending in the United States District Court Eastern District of Michigan in front of Judge John Corbett O'Meara; case number 15-cv-12302 the state counts having been dismissed without prejudice due to the Court declining to exercise pendent jurisdiction.

/s/ Rebecca H. Filiatraut

REBECCA H. FILIATRAUT (P46443)

NOW COMES Plaintiff, SAMUEL JEROME, by and through his attorneys, JOHNSON LAW, PLC and for his Complaint against the defendants states as follows:

1. At all times relevant to this lawsuit, Plaintiff, Samuel Jerome ("Samuel") was a resident of the City of Berkley, County of Oakland, State of Michigan.
2. At all times relevant to this lawsuit, Defendant, Lieutenant Michael Crum ("Crum") was employed as a police officer with the Berkley Police Department; with regard to all of his actions complained of herein, Crum acted under color of state law and is being sued in his individual and representative capacities.
3. At all times relevant to this lawsuit, Defendant City of Berkley ("Berkley") was a municipal corporation, duly organized in carrying on governmental functions in the City of Berkley, County of Oakland, State of Michigan.
4. The amount in controversy exceeds \$25,000.00, exclusive of costs, interest and attorney fees, and jurisdiction is otherwise proper before this court.
5. On May 7, 2013 at approximately 10:00 AM, Alyxis ("Allie") Krahe was brought to the Berkley Police Station by her maternal grandmother Judith Stiltner with a report of being sexually abused by her stepfather Samuel Jerome on two occasions. According to what Allie reported to the Berkley Police, Samuel had touched her inappropriately on two occasions, the first being while her mother was hospitalized around Christmas time in 2012. The second incident of alleged inappropriate touching occurred shortly before Allie presented to the Berkley Police Department on May 7, 2013.
6. Berkley via its police department investigated this crime, which included Lieutenant Crum ordering an interview of Allie at Care House pursuant to Forensic Interviewing Protocol.

7. Although Lieutenant Crum had interviewed Allie at the police station with regard to the alleged sexual abuse on May 7, 2013, he admits that he is not qualified nor has he had any training in conducting forensic interviews of juveniles.
8. On May 16, 2013 Allie was taken to the Care House facility for a forensic interview by her mother, Stacey Krahe.
9. The Care House forensic interview was conducted by Tricia Schuster. During the interview Allie advised that Samuel did not touch her vagina, either above or below her clothing. She recalled him accidentally touching her breast. She further told the interviewer that although Samuel's hand rubbed her hip bones near her pubic line, she asked him to stop and Samuel stopped rubbing her.
10. Despite the fact that Allie recanted her previous statements and the case should have been closed at that time, Crum improperly and impermissibly attempted to go back and "re-interview" Allie for a third time.
11. Defendant Crum admitted during Samuel's criminal trial that is not customary to go back and re-interview an alleged juvenile victim following an interview conducted pursuant to the Forensic Interviewing Protocol, but he attempted to do so anyway.
12. Despite the fact that the Care House interview provided exculpatory evidence, Crum refused to close his case for Criminal Sexual Conduct until he was able to re-interview Allie.
13. Samuel was arrested on September 18, 2013 for the crime of Criminal Sexual Conduct (CSC) in the first degree and was held on a \$500,000.00 bond, despite the fact that Crum knew that the alleged victim had completely recanted her prior statement.

14. A preliminary examination was held in the 45 A Judicial District Court for the County of Oakland in the matter of the State of Michigan v Samuel James Jerome on October 9, 2013.
15. At the preliminary exam, Samuel was bound over on charges of Criminal Sexual Conduct in the first degree and his \$500,000.00 bond was continued.
16. Samuel remained in the Oakland County Jail from September 18, 2013 until his criminal trial began on August 4, 2014.
17. On August 7, 2014, Lieutenant Michael Crum was called to testify at Samuel's criminal trial.
18. On August 7, 2014 while on the witness stand and under oath, Crum denied videotaping any interviews of Allie in connection with the criminal case against Samuel.
19. Further on August 7, 2014 Crum admitted while under oath and on the witness stand that pursuant to the policies and procedures of the Berkley Police Department officers are not allowed to interview juveniles by themselves and, "videotaping is not an option."
20. On the last day of Samuel's criminal trial on August 8, 2014 Crum, for the first time, appeared and produced a disc containing a copy of three videotaped interviews he had improperly and impermissibly conducted of witnesses Allie Krahe, her sister Sabrina Krahe and her maternal grandmother Judith Stiltner.
21. Trial was adjourned by the Honorable Judge Rudy J. Nichols for the parties to review the previously undisclosed videotaped interviews.

22. Despite many requests by Samuel's criminal defense attorney, Marsha Kosmatka, during the course of discovery, these videotaped interviews were never disclosed and their actual existence was denied.
23. After reviewing the undisclosed videotaped interviews of the witnesses, Judge Nichols adjourned the trial and reduced Samuel's bond from \$500,000.00 to \$1,000.00 in order for him to get out of jail.
24. Berkley falsely arrested and imprisoned Samuel who was held in the Oakland County Jail from the date of his arrest on September 18, 2013 through August 8, 2014 when the trial was adjourned and his bond was reduced.
25. On October 6, 2014 when the parties returned for the continuation of Samuel's trial, the Oakland County Prosecutor's office moved the court for an Order of Nolle Prosequi for the reason that after further investigation, the People could not sustain their burden of proving the case beyond a reasonable doubt at trial and therefore the best interest of justice would be served by dismissing the case with prejudice and entering an Order of Nolle Prosequi.
26. Despite having the exculpatory evidence including the Case House interview and the three undisclosed and improperly videotaped witness interviews, neither Crum nor Berkley produced the interviews and affirmatively denied their existence while under oath.
27. Such actions are in violation of Brady v Maryland, 373 US 83 (1963)
28. Crum never disclosed the videos of the improperly conducted witness interview including the interview of Allie despite the fact that it was exculpatory and would necessarily lead to the dismissal of criminal charges against Samuel.

29. Crum and Berkley, negligently, grossly negligently and/or intentionally, knowingly failed to produce the exculpatory interviews of the witnesses taken on August 21, 2013 at the Berkley Police Department.
30. Because of Crums and/or Berkley's negligent, grossly negligent and/or intentional misconduct, Samuel was unlawfully arrested, incarcerated for nearly 11 months, maliciously prosecuted and deprived of due process for a crime that Crum and/or Berkley knew Samuel did not commit.

Count I:

State Claim-Unlawful Arrest-Defendants Crum and Berkley

31. Samuel reasserts and realleges each and every allegation contained in paragraphs 1 through 30 as if fully set forth herein.
32. Samuel was arrested as a result of Crum's and/or Berkley's investigation.
33. Samuel was aware of the arrest and it was against his will.
34. Crum and/or Berkley intended to have Samuel arrested as a result of the information compiled in their investigation.
35. Such an arrest was unlawful because Crum and/or Berkley did not have probable cause as Crum and/or Berkley were in possession of undisclosed and exculpatory evidence which exonerated Samuel.
36. As a direct and proximate result of the above misconduct by Crum and/or Berkley, Samuel suffered and will continue to suffer, damages in the future including but not limited to:
- a. Wrongful arrest for a crime he did not commit;
 - b. Wrongful incarceration for 11 months for a crime he did not commit;

- c. Being labeled in the media and in society as the perpetrator of a crime he did not commit;
- d. Physical pain and suffering;
- e. Mental anguish;
- f. Fright and shock;
- g. Denial of social pleasure and enjoyments;
- h. Embarrassment, humiliation and mortification;
- i. Lost wages and/or earning capacity;
- j. The legal expense incurred by Samuel in the defense of this frivolous case; and
- k. All other damages learned through the course of discovery.

WHEREFORE, Samuel respectfully requests that this Honorable Court enter Judgment in his favor and against Crum and Berkley in an amount in excess of \$25,000.00 and award costs, interest, and attorney fees so wrongfully incurred.

Count II:

State Claim-Malicious Prosecution- Defendants Crum and Berkley

- 37. Samuel reasserts and realleges each and every allegation contained in paragraphs 1 through 36 as if fully set forth herein.
- 38. Crum and/or Berkley caused or continued the prosecution of Samuel based upon their investigation.
- 39. The criminal proceeding was terminated in favor of Samuel when the court dismissed the case with prejudice and entered an Order of Nolle Prosequi.

40. There existed no probable cause for initiating or continuing the proceeding as Crum and/or Berkley were in possession of both undisclosed and exculpatory evidence which proved Samuel to be innocent.
41. The initiation or continuation of the proceeding was done with malice or a primary purpose other than that of bringing the alleged offender to justice.
42. As a direct and proximate result of the above misconduct by Crum and/or Berkley, Samuel suffered and will continue to suffer, damages in the future including but not limited to:
 - a. Wrongful arrest for a crime he did not commit;
 - b. Wrongful incarceration for 11 months for a crime he did not commit;
 - c. Being labeled in the media and in society as the perpetrator of a crime he did not commit;
 - d. Physical pain and suffering;
 - e. Mental anguish;
 - f. Fright and shock;
 - g. Denial of social pleasure and enjoyments;
 - h. Embarrassment, humiliation and mortification;
 - i. Lost wages and/or earning capacity;
 - j. The legal expense incurred by Samuel in the defense of this frivolous case; and
 - k. All other damages learned through the course of discovery.

WHEREFORE, Samuel respectfully requests that this Honorable Court enter Judgment in his favor and against Crum and Berkley in an amount in excess of \$25,000.00 and award costs, interest, and attorney fees so wrongfully incurred.

Count III:

State Claim- False Imprisonment- Defendants Crum and Berkley

43. Samuel reasserts and realleges each and every allegation contained in paragraphs 1 through 42 as if fully set forth herein.
44. Samuel was imprisoned by Crum and/or Berkley when he was arrested without probable cause and was thereby deprived of his personal liberty or freedom of movement.
45. Such imprisonment was against Samuel's will.
46. Crum and/or Berkley accomplished the imprisonment by force.
47. Crum and/or Berkley intended to deprive Samuel of his personal liberty or freedom of movement.
48. Such imprisonment was unlawful because the arrest was made without probable cause.
49. As the direct and proximate result of the above misconduct by Crum and/or Berkley, Samuel suffered and will continue to suffer, damages in the future including but not limited to:
 - a. Wrongful arrest for a crime he did not commit;
 - b. Wrongful incarceration for 11 months for a crime he did not commit;
 - c. Being labeled in the media and in society as the perpetrator of a crime he did not commit;

- d. Physical Pain and suffering;
- e. Mental anguish;
- f. Fright and shock;
- g. Denial of social pleasure and enjoyments;
- h. Embarrassment, humiliation and mortification;
- i. Lost wages and/or earning capacity;
- j. The legal expense incurred by Samuel in the defense of this frivolous case;
and
- k. All other damages learned through the course of discovery.

WHEREFORE, Samuel respectfully requests that this Honorable Court enter Judgment in his favor and against defendant Crum and Berkley in an amount in excess of \$25,000.00 and award costs, interest, and attorney fees so wrongfully incurred.

Count IV:

State Claim- Gross Negligence- Defendants Crum and Berkley

- 50. Samuel reasserts and realleges each and every allegation contained in paragraphs 1 through 49 as if fully set forth herein.
- 51. Crum and/or Berkley had a duty to the general public and especially to Samuel, to refrain from grossly negligent conduct.
- 52. Crum and/or Berkley breached that duty and were grossly negligent, or were so reckless as to demonstrate a substantial lack of concern for whether an injury results, when Crum withheld undisclosed and exculpatory evidence against Samuel.
- 53. Crum's and/or Berkley's gross negligence a direct cause of the injury or damage, e.g. the proximate cause, of Samuel's damages and injuries, including but not limited to:

- a. Wrongful arrest for a crime he did not commit;
- b. Wrongful incarceration for 11 months for a crime he did not commit;
- c. Being labeled in the media and in society as the perpetrator of a crime he did not commit;
- d. Physical Pain and suffering;
- e. Mental anguish;
- f. Fright and shock;
- g. Denial of social pleasure and enjoyment;
- h. Embarrassment, humiliation and mortification;
- i. Lost wages and/or earning capacity;
- j. The legal expense incurred by Samuel in the defense of this frivolous case;
and
- k. All other damages learned through the course of discovery.

WHEREFORE, Samuel respectfully requests that this Honorable Court enter Judgment in his favor and against defendant Crum and Berkley in an amount in excess of \$25,000.00 and award costs, interest, and attorney fees so wrongfully incurred.

Respectfully submitted,

JOHNSON LAW, PLC

By: /s/ Rebecca H. Filiatraut
REBECCA H. FILIATRAUT (P46443)
VEN R. JOHNSON (P39219)
Attorneys for Plaintiff
Buhl Building
535 Griswold Street, Suite 2632
Detroit, MI 48226
313.324.8300
vjohnson@venjohnsonlaw.com
rfiliatraut@venjohnsonlaw.com

Dated: August 5, 2015

This case has been designated as an eFiling case. To review a copy of the Notice of Mandatory eFiling visit www.oakgov.com/clerkrod/efiling.

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

SAMUEL JEROME,

Plaintiff,

v

LIEUTENANT MICHAEL CRUM, in his
Individual and Representative Capacity,
And the CITY OF BERKLEY, a
Municipal entity,

Defendants.

2015-148401-CZ
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JOHNSON LAW, PLC
Attorneys for Plaintiff
535 Griswold Street, Ste., 2632
Detroit, MI 48226
313-324-8300
313-324-8301-Fax
rfiliatraut@venjohnsonlaw.com
vjohnson@venjohnsonlaw.com

DEMAND FOR JURY TRIAL

NOW COMES Plaintiff, SAMUEL JEROME, by and through his attorneys, **JOHNSON LAW, PLC** and hereby demands a trial by jury within cause of action.

Respectfully submitted,

JOHNSON LAW, PLC

By: /s/ Rebecca H. Filiatraut
REBECCA H. FILIATRAUT (P46443)
VEN R. JOHNSON (P39219)
Attorneys for Plaintiff
Buhl Building
535 Griswold Street, Suite 2632
Detroit, MI 48226
313.324.8300
vjohnson@venjohnsonlaw.com
rfiliatraut@venjohnsonlaw.com

Dated: August 5, 2015

Exhibit 2

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

SAMUEL JEROME,

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Case No. 15-148401-CZ

Hon. DENISE LANGFORD MORRIS

LIEUTENANT MICHAEL CRUM, in his
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REBECCA H. FILIATRAUT (P46443)
VEN R. JOHNSON (P39219)
Johnson Law PLC
Attorneys for Plaintiff
535 Griswold, Ste. 2632
Detroit, MI 48226
(313) 324-8300
(313) 324-8301 (fax
rfiliatraut@venjohnsonlaw.com
vjohnson@venjohnsonlaw.com

LAUREL F. McGIFFERT (P31667)
PLUNKETT COONEY
Attorney for Defendants
535 Griswold, Ste. 2400
Detroit, MI 48226
(313) 983-4752
lmcgiffert@plunkettcooney.com

**DEFENDANTS LIEUTENANT MICHAEL CRUM AND CITY OF BERKLEY'S
ANSWER TO COMPLAINT**

NOW COME Defendants, Lieutenant Michael Crum and City of Berkley, by and through their attorneys, PLUNKETT COONEY, and for their Answer to Complaint, state as follows:

1. In response to said allegations, Defendants neither admit nor deny same for lack of information, leaving Plaintiff to his proofs.
2. Defendant Crum was and is a law enforcement officer a/k/a public safety officer a/k/a police officer with the Berkley Public Safety Department a/k/a Berkley Police

Department. As to the remaining allegations, implications, and characterizations herein, Defendants neither admit nor deny same in the form and manner stated, for lack of information, leaving Plaintiff to his proofs.

3. No contest.

4. In response to said allegations, Defendants neither admit nor deny same for lack of information at this time, leaving Plaintiff to his proofs.

5. In response to said allegations, Defendants neither admit nor deny same in the form and manner stated, for lack of information at this time, leaving Plaintiff to his proofs.

6. Defendants deny this paragraph in the form and manner stated, leaving Plaintiff to his proofs.

7. Defendants deny this paragraph in the form and manner stated, leaving Plaintiff to his proofs.

8. In response to said allegations, Defendants neither admit nor deny same for lack of information at this time, leaving Plaintiff to his proofs.

9. In response to said allegations, Defendants neither admit nor deny same for lack of information at this time, leaving Plaintiff to his proofs.

10. Defendants deny this paragraph, leaving Plaintiff to his proofs.

11. Defendants deny this paragraph in the form and manner stated, leaving Plaintiff to his proofs.

12. Defendants deny this paragraph in the form and manner stated, leaving Plaintiff to his proofs.

13. Defendants deny this paragraph, leaving Plaintiff to his proofs.

14. In response to said allegations, Defendants neither admit nor deny same for lack of information at this time, leaving Plaintiff to his proofs.

15. In response to said allegations, Defendants neither admit nor deny same for lack of information at this time, leaving Plaintiff to his proofs.

16. In response to said allegations, Defendants neither admit nor deny same for lack of information at this time, leaving Plaintiff to his proofs.

17. Admitted that Lt. Crum testified at said trial on the referenced date.

18. In response to said allegations, Defendants neither admit nor deny same in the form and manner stated, for lack of information at this time, leaving Plaintiff to his proofs.

19. Defendants deny this paragraph in the form and manner stated, leaving Plaintiff to his proofs.

20. Defendants deny this paragraph leaving Plaintiff to his proofs.

21. In response to said allegations, Defendants neither admit nor deny same for lack of information at this time, leaving Plaintiff to his proofs.

22. In response to said allegations, Defendants neither admit nor deny same for lack of information at this time, leaving Plaintiff to his proofs.

23. In response to said allegations, Defendants neither admit nor deny same for lack of information at this time, leaving Plaintiff to his proofs.

24. Defendants deny this paragraph, leaving Plaintiff to his proofs.

25. In response to said allegations, Defendants neither admit nor deny same for lack of information at this time, leaving Plaintiff to his proofs.

26. Defendants deny this paragraph in the form and manner stated, leaving Plaintiff to his proofs.

27. Defendants deny this paragraph, leaving Plaintiff to his proofs.

28. Defendants deny this paragraph, leaving Plaintiff to his proofs.

29. Defendants deny this paragraph, leaving Plaintiff to his proofs.

30. Further answering, said Defendants neither admit nor deny allegations of damages or other losses for lack of information at this time, leaving Plaintiff to his proofs. However, Defendants deny the alleged misconduct and proximate causation, and further state they are not liable for any alleged damages.

Count I:

State Claim – Unlawful Arrest – Defendants Crum and Berkley

31. Defendants hereby repeat their answers to the corresponding paragraphs one through thirty of Plaintiff's Complaint as if set forth herein in their entirety.

32. Defendants deny this paragraph, leaving Plaintiff to his proofs.

33. In response to said allegations, Defendants neither admit nor deny same in the form and manner stated, for lack of information, leaving Plaintiff to his proofs.

34. Defendants admit only that Plaintiff was arrested pursuant to an arrest warrant, and Defendants deny all other allegations, implications, characterizations and alleged motivations, leaving Plaintiff to his proofs.

35. Defendants deny this paragraph, leaving Plaintiff to his proofs.

36. Further answering, said Defendants neither admit nor deny allegations of damages or other losses for lack of information at this time, leaving Plaintiff to his proofs. However, Defendants deny the alleged misconduct and proximate causation, and further state they are not liable for any alleged damages.

WHEREFORE, Defendants, **Lt. Michael Crum** and **City of Berkley**, seek a judgment of no cause for action against Plaintiff, together with costs and attorney fees.

Count II:

State Claim – Malicious Prosecution – Defendants Crum and Berkley

37. Defendants hereby repeat their answers to the corresponding paragraphs one through thirty-six of Plaintiff's Complaint as if set forth herein in their entirety.

38. Defendants deny this paragraph in the form and manner stated, leaving Plaintiff to his proofs.

39. In response to said allegations, Defendants neither admit nor deny same in the form and manner stated, for lack of information at this time, leaving Plaintiff to his proofs.

40. Defendants deny this paragraph, leaving Plaintiff to his proofs.

41. Defendants deny this paragraph, leaving Plaintiff to his proofs.

42. Further answering, said Defendants neither admit nor deny allegations of damages or other losses for lack of information at this time, leaving Plaintiff to his proofs. However, Defendants deny the alleged misconduct and proximate causation, and further state they are not liable for any alleged damages.

WHEREFORE, Defendants, **Lt. Michael Crum** and **City of Berkley**, seek a judgment of no cause for action against Plaintiff, together with costs and attorney fees.

Count III:

State Claim – False Imprisonment – Defendants Crum and Berkley

43. Defendants hereby repeat their answers to the corresponding paragraphs one through forty-two of Plaintiff's Complaint as if set forth herein in their entirety.

44. Defendants deny this paragraph, leaving Plaintiff to his proofs.

45. In response to said allegations, Defendants neither admit nor deny same for lack of information at this time, leaving Plaintiff to his proofs.

46. In response to said allegations, Defendants neither admit nor deny same in the form and manner stated, for lack of information at this time, leaving Plaintiff to his proofs.

47. Defendant Crum intended only to follow the law pursuant to the arrest warrant, and as to all other allegations, implications, and characterizations, this paragraph is denied, leaving Plaintiff to his proofs.

48. Defendants deny this paragraph, leaving Plaintiff to his proofs.

49. Further answering, said Defendants neither admit nor deny allegations of damages or other losses for lack of information at this time, leaving Plaintiff to his proofs. However, Defendants deny the alleged misconduct and proximate causation, and further state they are not liable for any alleged damages.

WHEREFORE, Defendants, Lt. Michael Crum and City of Berkley, seek a judgment of no cause for action against Plaintiff, together with costs and attorney fees.

Count IV:

State Claim – Gross Negligence – Defendants Crum and Berkley

50. Defendants hereby repeat their answers to the corresponding paragraphs one through forty-nine of Plaintiff's Complaint as if set forth herein in their entirety.

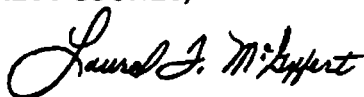
51. This paragraph refers to matters of law (i.e., "duty") to which no answer is required by the Court Rules. However, Defendant Crum contend that he complied with each and every duty which he may have owed to Plaintiff.

52. Defendants deny this paragraph, leaving Plaintiff to his proofs.

53. Further answering, said Defendants neither admit nor deny allegations of damages or other losses for lack of information at this time, leaving Plaintiff to his proofs. However, Defendants deny the alleged conduct and proximate causation, and further state they are not liable for any alleged damages.

WHEREFORE, Defendants, **Lt. Michael Crum** and **City of Berkley**, seek a judgment of no cause for action against Plaintiff, together with costs and attorney fees.

PLUNKETT COONEY,



By: _____

LAUREL F. MCGIFFERT (P31667)
Attorneys for Defendants
535 Griswold Street, Suite 2400
Detroit, MI 48226
(313) 983-4752

DATED: September 3, 2015

Open.00560.52022.15889093-1

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

SAMUEL JEROME,

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Hon. DENISE LANGFORD MORRIS

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Johnson Law PLC
Attorneys for Plaintiff
535 Griswold, Ste. 2632
Detroit, MI 48226
(313) 324-8300
(313) 324-8301 (fax)
rfiliatraut@venjohnsonlaw.com
vjohnson@venjohnsonlaw.com

LAUREL F. MCGIFFERT (P31667)
PLUNKETT COONEY
Attorney for Defendants
535 Griswold, Ste. 2400
Detroit, MI 48226
(313) 983-4752
lmcgiffert@plunkettcooney.com

**DEFENDANTS LIEUTENANT MICHAEL CRUM AND CITY OF BERKLEY'S
SPECIAL AND/OR AFFIRMATIVE DEFENSES**

NOW COME Defendants, Lieutenant Michael Crum and City of Berkley, by and through their attorneys, Plunkett Cooney, and for their Special and/or Affirmative Defenses, state as follows:

1. Plaintiff has failed to state a claim upon which relief can be granted and, at the appropriate time, Defendants will move for Summary Judgment accordingly.
2. At all times relevant to this action, Defendants and their agents and employees acted reasonably and in good faith, and their actions were legal and proper.

3. Investigation and/or discovery may reveal that any injury, damage or losses suffered by Plaintiff was proximately caused by his comparative negligence, and/or wrongful, improper and/or illegal conduct.

4. Investigation and/or discovery may reveal that Plaintiff failed to mitigate damages.

5. Defendants and their employees and agents are entitled to qualified immunity and statutory privilege herein.

6. Defendants are entitled to governmental immunity and employee/individual immunity from tort liability.

7. Defendants object to the extent that Plaintiff has not joined every requisite claim against Defendants as required.

8. Defendants reserve the right to amend their Special and/or Affirmative Defenses as discovery and/or investigation may warrant.

Respectfully submitted,

PLUNKETT COONEY

By: /s/Laurel F. McGiffert
LAUREL F. McGIFFERT (P31667)
Attorneys for Defendants
535 Griswold, Suite 2400
Detroit, MI 48226
(313) 983-4752
lmcgiffert@plunkettcooney.com

DATED: September 3, 2015

Open.00560.52022.15889128-1

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

SAMUEL JEROME,

Plaintiff,

v

Case No. 15-148401-CZ

Hon. DENISE LANGFORD MORRIS

LIEUTENANT MICHAEL CRUM, in his
Individual and Representative Capacity,
And the CITY OF BERKLEY, a
Municipal entity,

Defendants.

REBECCA H. FILIATRAUT (P46443)
VEN R. JOHNSON (P39219)
Johnson Law PLC
Attorneys for Plaintiff
535 Griswold, Ste. 2632
Detroit, MI 48226
(313) 324-8300
(313) 324-8301 (fax
rfiliatraut@venjohnsonlaw.com
vjohnson@venjohnsonlaw.com

LAUREL F. MCGIFFERT (P31667)
PLUNKETT COONEY
Attorney for Defendants
535 Griswold, Ste. 2400
Detroit, MI 48226
(313) 983-4752
lmcgiffert@plunkettcooney.com

**DEFENDANTS LIEUTENANT MICHAEL CRUM AND CITY OF BERKLEY'S
RELiance ON JURY DEMAND**

NOW COME Defendants, **Lieutenant Michael Crum** and **City of Berkley**, by and through their attorneys, Plunkett Cooney, and hereby rely upon the Jury Demand filed by Plaintiff in this litigation.

PLUNKETT COONEY

By: /s/Laurel F. McGiffert
LAUREL F. MCGIFFERT (P31667)
Attorneys for Defendants
535 Griswold, Suite 2400
Detroit, MI 48226
(313) 983-4752
lmcgiffert@plunkettcooney.com

DATED: September 3, 2015

CERTIFICATE OF SERVICE

JEAN ROSSOW, being first duly sworn, deposes and says that She is employed by PLUNKETT COONEY, and that on September 3, 2015 she served a copy of Answer to Complaint, Affirmative Defenses, Reliance on Jury Demand and Proof of Service upon all counsel of record by electronically filing the foregoing paper with the Clerk of the Court using the Wiznet system which will send notification of such filing. Further, I declare that the above statements are true to the best of my knowledge, information and belief.

/s/ JEAN ROSSOW _____

Open.00560.52022.15889134-1

Exhibit 3

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

SAMUEL JEROME,

Plaintiff,

v

Case No. 15-148401-CZ CM
Hon. DENISE LANGFORD MORRIS

LIEUTENANT MICHAEL CRUM, in his
Individual and Representative Capacity,
And the CITY OF BERKLEY, a
Municipal entity,

Defendants.

S. JAY AHMAD (P43206)
VEN R. JOHNSON (P39219)
Johnson Law PLC
Attorneys for Plaintiff
535 Griswold, Ste. 2632
Detroit, MI 48226
(313) 324-8300
(313) 324-8301 (fax)
jahmad@venjohnsonlaw.com
vjohnson@venjohnsonlaw.com

LAUREL F. MCGIFFERT (P31667)
PLUNKETT COONEY
Attorney for Defendants
150 W Jefferson, Suite 800
Detroit, MI 48226
(313) 983-4751
lmcgiffert@plunkettcooney.com

NOTICE OF HEARING

TO: Clerk of the Court
S. Jay Ahmad, Esq.

PLEASE TAKE NOTICE that Defendants' Motion for Summary Disposition will
be heard on the ~~10th day of August, 2016~~ **date to be set by court** at 8:30 a.m. before the Honorable Denise
Langford Morris or as soon thereafter as counsel may be heard.

Respectfully submitted,

PLUNKETT COONEY

By: /s/Laurel F. McGiffert

LAUREL F. MCGIFFERT (P31667)
Attorneys for Defendants
150 West Jefferson Avenue, Suite 800
Detroit, MI 48226
(313) 983-4751
lmcgiffert@plunkettcooney.com

DATED: July 8, 2016

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

SAMUEL JEROME,

Plaintiff,

v

Case No. 15-148401-CZ CM
Hon. DENISE LANGFORD MORRISLIEUTENANT MICHAEL CRUM, in his
Individual and Representative Capacity,
And the CITY OF BERKLEY, a
Municipal entity,

Defendants.

S. JAY AHMAD (P43206)
VEN R. JOHNSON (P39219)
Johnson Law PLC
Attorneys for Plaintiff
535 Griswold, Ste. 2632
Detroit, MI 48226
(313) 324-8300
(313) 324-8301 (fax)
rfiliatraut@venjohnsonlaw.com
vjohnson@venjohnsonlaw.com

LAUREL F. MCGIFFERT (P31667)
PLUNKETT COONEY
Attorney for Defendants
150 W Jefferson, Suite 800
Detroit, MI 48226
(313) 983-4752
lmcgiffert@plunkettcooney.com

DEFENDANT MICHAEL CRUM'S AND CITY OF BERKLEY'S
MOTION FOR SUMMARY DISPOSITION

NOW COME Defendants, **Michael Crum** and **City of Berkley**, by and through their attorneys, PLUNKETT COONEY, and for their Motion for Summary Disposition, state as follows.

1. On May 7, 2013, a claim was made to the Berkley Police Department that Plaintiff had inappropriately touched his stepdaughter in a sexual manner, thus prompting the initiation of an investigation of this claim.

FEE

2. After a series of events and extensive investigation (detailed in Defendants' Brief), a request for a warrant was forwarded to the Oakland County Prosecutor's Office by Deputy Chief Michael Crum.¹

3. After consideration by the Prosecutor's Office, the Prosecutor found probable cause to charge Plaintiff with criminal sexual conduct, and requested and received an arrest warrant from the district court judge.

4. On September 18, 2013, Defendant Crum arrested Plaintiff pursuant to said warrant.

5. On October 9, 2013, the Preliminary Examination occurred, at which time, the victim testified, and based on her testimony, the Honorable James Wittenberg of 45A District Court made a finding of probable cause, and bound Plaintiff over for trial.

6. Plaintiff remained incarcerated in the Oakland County jail until his trial commenced on August 4, 2014.

7. On August 5th and 7th, Defendant Crum testified. Part of his testimony included his indication that he was not aware of any of his interviews of the victim was being video recorded, and it was the practice of his department not to video record interviews of sexual assault victim.

8. Subsequent to his testimony, Defendant Crum learned that on August 21, 2013, the DVR video recorder had been turned on by someone else before his interviews started --- and not turned off --- so a video record of his interview of the victim (and her sister and grandmother) did indeed exist.

¹ Defendant Michael Crum was a Detective Sergeant (D/Sgt.) at the time these events began, was promoted to Detective Lieutenant (D/Lt.) in the interim, and now holds the rank of Deputy Chief of the City of Berkley Police Department (a/k/a City of Berkley Public Safety Department). He will be referred to in this Brief as "Deputy Chief Crum" or "Defendant Crum", but it should be noted that his job position/title was different at the time of the events in question.

9. Upon learning this information, Defendant Crum immediately arranged to have disks made for the parties and the trial court, notified the Prosecutor, and produced the recordings.

10. As a result of the timing of the recordings after the three video recorded interviewees had already testified at trial, a mistrial was declared and Plaintiff was released from jail.

11. Subsequently the Prosecutor decided not to re-try Plaintiff.

12. On August 5, 2015, Plaintiff filed his Complaint in this Court, alleging four (4) claims. [Plaintiff has a case pending in federal court as well, asserting federal claims against these same Defendants].

13. The claims against Defendants before this Honorable Court are: Count I – unlawful arrest, Count II – malicious prosecution, Count III – false imprisonment, and Count IV – gross negligence.

14. Probable cause exists which vitiates the claims against Defendant Crum in Counts I, II and III.

15. In addition, Defendant Crum is shielded by governmental/individual immunity from these tort claims as well.

16. Moreover, there are several bases why the purported gross negligence claim against Defendant Crum in Count IV must be dismissed.

17. There are numerous other bases for Summary Disposition on Defendants' behalf.

18. The City of Berkley is entitled to dismissal of all counts because it is entitled to governmental immunity.

19. Defendants are thus entitled to Summary Disposition in their favor as discussed in more detail in the supporting Brief annexed hereto.

20. Defendants sought concurrence from Plaintiff's attorney on July 8, 2016, and concurrence was denied.

WHEREFORE, Defendants, **City of Berkley** and **Michael Crum** respectfully request that this Honorable Court grant their Motion for Summary Disposition, and dismiss Plaintiff's Complaint in its entirety with prejudice.

Respectfully submitted,

PLUNKETT COONEY

By: /s/Laurel F. McGiffert
LAUREL F. McGIFFERT (P31667)
Attorneys for Defendants
150 Jefferson Avenue, Suite 800
Detroit, MI 48226
(313) 983-4751

DATED: July 8, 2016

Open.00560.52022.17151353-1

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

SAMUEL JEROME,

Plaintiff,

v

Case No. 15-148401-CZ CM
Hon. DENISE LANGFORD MORRIS

LIEUTENANT MICHAEL CRUM, in his
Individual and Representative Capacity,
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VEN R. JOHNSON (P39219)
Johnson Law PLC
Attorneys for Plaintiff
535 Griswold, Ste. 2632
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(313) 324-8300
(313) 324-8301 (fax)
jahmad@venjohnsonlaw.com
vjohnson@venjohnsonlaw.com

LAUREL F. McGIFFERT (P31667)
PLUNKETT COONEY
Attorney for Defendants
150 W Jefferson, Suite 800
Detroit, MI 48226
(313) 983-4751
lmcgiffert@plunkettcooney.com

DEFENDANTS MICHAEL CRUM AND CITY OF BERKLEY'S
BRIEF IN SUPPORT OF MOTION FOR SUMMARY DISPOSITION

Introduction:

In response to allegations by 13-year-old Alyxis Krahe ("Allie") that her stepfather Samuel Jerome (Plaintiff herein) inappropriately touched her vagina and breasts, then-Detective Michael Crum initiated an investigation of the allegations. After a series of events that are detailed below (and in attached documents), Defendant Crum submitted a warrant request to the Prosecutor's Office, which was approved after the Prosecutor's determination that probable cause existed to charge Plaintiff with Criminal Sexual Conduct ("CSC"). Plaintiff was arrested pursuant to the arrest warrant. Subsequently at Plaintiff's Preliminary Exam, the District Court Judge also made a finding of the existence of probable cause. Plaintiff was tried, which ended in a mistrial, and the Prosecutor subsequently decided not to re-try him.

Plaintiff has filed the instant lawsuit against Defendant Crum and the City of Berkley, alleging numerous state claims, all of which should be dismissed as a matter of law for the reasons set forth below.

Statement of Pertinent Facts:

On **May 7, 2013**, 13-year-old Alyxis Krahe (referred to herein as "Allie") reported to her mother, Stacey Krahe Jerome ("Stacey"), that her stepfather, Samuel Jerome (Plaintiff herein) had sexually abused her by inappropriately touching her. Stacey notified her mother (i.e., Allie's grandmother), Judy Stiltner ("Judy"), of the alleged abuse, and Judy drove Allie to the Berkley Police Department¹ to report the alleged crime. Detective/Sergeant ("D/Sgt") Michael Crum became the investigating detective. [Since that time, D/Sgt. Crum was promoted to the rank of Lieutenant ("L/Det"), and is now the Deputy Chief of the Department.]. Allie reported to Defendant Crum that Plaintiff had started by rubbing her stomach, then inappropriately touched her vagina on two (2) occasions and her breasts on the second occasion.

¹ Also known as the "Berkley Public Safety Department".

Defendant Crum obtained basic information from Allie in order to classify the alleged crime, prepare a report, and establish a basis for referring Allie to Care House for a forensic interview. As required by law, he notified Child Protective Services (“CPS”) of the alleged assault. He scheduled Allie for a Care House forensic interview on May 16th. [See **Exhibit A**, police reports regarding CSC (“criminal sexual conduct” case) for support of these facts and additional facts in ensuing paragraphs].

Although not summoned, Plaintiff appeared at the station on that day (**May 7th**) and asked to speak with Defendant Crum. Plaintiff admitted to Defendant Crum that he rubbed Allie’s stomach, but denied the inappropriate touching. He agreed to submit to a polygraph examination, which Defendant Crum scheduled for May 21st, and confirmed with Plaintiff. As of May 15th, Stacey advised Defendant Crum that she had allowed Plaintiff to move back into the residence, and Allie was staying with her grandmother (Judy).

On **May 16th**, at Care House, when Allie was interviewed by a forensic interviewer, she described the same two incidents, except she indicated that when Plaintiff rubbed below her hip bones near her pubic line, she asked him to stop and he stopped and did not touch her vagina, and that he accidentally rubbed her breast.

On **May 20th**, Plaintiff notified Defendant Crum that he would not be taking the polygraph exam. On **June 9th**, Defendant Crum asked Stacey if he could talk to Allie to discuss the change in her story, and Stacey refused. Defendant Crum took no further action at that time.

On **July 11th**, Judy came to the station to talk to Defendant Crum, and notified him that Stacey was telling everyone that Plaintiff had passed the police department’s polygraph with “flying colors” and that Defendant Crum did not believe Allie. Judy, who was Stacey’s legal

guardian² now had temporary custody and guardianship of Allie and her 10-year-old sister Sabrina because Stacey was confined to a mental hospital in Texas. Judy authorized Defendant Crum to discuss the case with Allie. [See also **Exhibit F**, Crum's deposition excerpts, pp 164-166, and **Exhibit G**, Crum's Affidavit, ¶ 7].

On that date (**July 11th**), Allie told Defendant Crum that her mother had made her change her story at Care House, telling her (at least 4 times a day leading up to the Care House interview) that she (Stacey) would commit suicide if Allie testified against Sam, Allie would be responsible for Stacey's death, and Allie and Sabrina would be placed in a foster home and raped daily. Allie advised Defendant Crum that she felt intimidated and was afraid of causing her mother to commit suicide, and of her and her younger sister being raped in a foster home. She then confirmed to Defendant Crum that Plaintiff had inappropriately touched her, describing the two incidents again, and expressing her concern and fear that Plaintiff's attention was now being turned to Sabrina.

On **July 14th**, it was reported to Defendant Crum that en route home from her Texas hospitalization, Stacey had learned about Allie talking to Defendant Crum and had called and threatened Allie with "severe consequences", prompting Allie to run away from Judy's residence. A runaway report was filed and entered into the LEIN ("law enforcement information network") system. [See **Exhibit B**, police reports regarding Runaway incident].

On **July 15th**, Stacey notified the Berkley police that she had found Allie. Officers asked to see Allie to confirm her return so they could take her out of the LEIN system. In response, Stacey sent the police on a "wild goose chase", first saying she was taking Allie to Beaumont Hospital (but when they arrived there, she was not there), then changing it to Providence

² Stacey Krahe's mother, Judy Stiltner, had been her legal guardian for many years due to Stacey's mental illness.

Hospital (but when they arrived there, she was not there), then finally notifying Defendant Crum that she was south of Toledo going to Georgia (for a “fresh start”). She refused his request to allow him to see Allie to confirm she was safe. At that point, Defendant Crum did not do anything further to actively pursue the case.

In fact, he was not aware that the Jerome family was back in Michigan until police were called by Judy regarding a disturbance that occurred at the Jerome residence shortly after midnight on **August 2nd**. Officers who were dispatched to the home witnessed (and photographed) injuries to Allie consistent with her account that she was physically assaulted by both her mother and Plaintiff. As a result of this incident, both Plaintiff and Stacey were arrested later that day (**August 2nd**) for Domestic Violence. [See **Exhibit C**, police reports regarding Family Trouble/Domestic Violence case].³

On **August 6th**, Defendant Crum forwarded the Domestic Violence case to the Prosecutor’s Office for consideration. The Prosecutor decided to pursue the action against Plaintiff, but not against Stacey because Stacey was anticipated to be a witness in the CSC case.

On **August 9th**, Defendant Crum forwarded the CSC case to the Prosecutor’s Office for consideration, providing all the pertinent evidence to the Prosecutor of which he was aware. On **August 21st**, the Prosecutor requested “further” information and asked Defendant Crum to obtain the answers to specific questions. [See **Exhibit A**, pages 54-56, and **Exhibit F**, Crum’s deposition, pp 175-176]. On that date (**August 21st**), Judy arrived at the police station (without having been contacted) with Allie and Sabrina, and Defendant Crum interviewed all three of the witnesses in order to obtain the information that the Prosecutor had requested.

³ Photographs of Allie’s injuries will be provided to the Court if requested, but are not made part of this public record.

On **September 18th**, after having determined that probable cause existed, the Oakland County Prosecutor sought and obtained an arrest warrant from the Honorable James Wittenberg (45A District Court). [**Exhibit A**, pages 51-52]. Pursuant to the arrest warrant, Defendant Crum arrested Plaintiff on that date. Plaintiff was incarcerated in the Oakland County jail.

On **October 9, 2013**, the Preliminary Exam was held before Judge Wittenberg. At that time, the only evidence Judge Wittenberg considered was Allie's testimony. [See **Exhibit D**, 10/9/13 Preliminary Examination transcript]. Allie testified about the two incidents of inappropriate touching, and was cross-examined by Plaintiff's defense attorney. Defendant Crum did not testify or actively participate in that proceeding. After hearing Allie's testimony and determining that probable cause existed ("based on her testimony"), Judge Wittenberg bound the matter over to the circuit court for trial on the CSC charges. [See **Exhibit D**, pages 45-46].

After a number of pretrial hearings and trial adjournments, Plaintiff's criminal trial commenced before the Honorable Rudy Nichols on **August 4, 2014**, and proceeded on **August 5 and 7, 2014**. Numerous witnesses testified during the course of the trial; and Defendant Crum testified on August 5th and 7th. He testified that it is his department's practice not to video record interviews of sexual assault victims, and that he had not video recorded any of his interviews of Allie in the CSC case.

After he had testified, Defendant Crum learned that, in fact, unbeknownst to him, the DVR video recorder had been on during his August 21, 2013 interviews of Allie, Sabrina and Judy. As soon as he became aware of this information, Defendant Crum had disks made of the interviews, promptly notified the Assistant Prosecutor, and they notified the Court (and the parties) early the morning of **August 8th**. [See **Exhibit G**, Crum's Affidavit, ¶¶ 24-27]. Because the existence of these recordings had not been known and presented before, a mistrial was

declared. Subsequently, the Prosecutor's Office decided not to re-try Plaintiff and on **October 6, 2014**, an Order of *Nolle Prosequi* was entered. [See **Exhibit G**, Crum's Affidavit, ¶¶ 28-29].

For the various reasons set forth below, Summary Disposition in favor of both Defendants on all Counts/claims is mandated. MCR 2.116(C)(7),(8),(10).

Procedural History

On June 24, 2015, Plaintiff filed a Complaint in federal court (U.S. District Court, Eastern Division), alleging eight (8) counts against Defendants. On July 27, 2015, the USDC Judge entered an "Order of Partial Dismissal", dismissing Plaintiff's state claims of unlawful arrest, malicious prosecution, false imprisonment, and gross negligence that were set forth in Plaintiff's Complaint. On August 5, 2015, Plaintiff filed his Complaint (**Exhibit E**) in this Court, asserting the state claims of unlawful arrest (Count I), malicious prosecution (Count II), false imprisonment (Count III), and gross negligence (Count IV).

The federal claims remain pending in federal court, asserting federal claims against these same defendants (Counts I – False Arrest and False Imprisonment, II – Malicious Prosecution, III – Denial of Due Process, and against Berkley only, IV – Unconstitutional Policy or Custom).

For the reasons set forth below, both Defendants are entitled to Summary Judgment in their favor in this state court case, and dismissal of Plaintiff's Complaint herein in its entirety.

Standard of Review

A Motion for Summary Disposition brought under MCR 2.116(C)(8), for failure to state a claim upon which relief can be granted, is tested by the pleadings alone, and examines only the legal basis of the Complaint. *Maiden v Rozwood*, 461 Mich 109 (1999).

Summary Disposition is proper when immunity granted by law bars a claim. MCR 2.116(C)(7). The applicability of governmental immunity is a question of law for the Court to decide. *Bennett v City of Detroit*, 274 Mich App 307, 310-311 (2007).

A Motion brought pursuant to MCR 2.116(C)(10) tests the factual support of a plaintiff's claim. *Smith v Globe Life Ins Co*, 460 Mich 446 (1999). The party opposing summary disposition has the burden of showing that a genuine issue of material fact exists and may not rest upon the mere allegations contained in the Complaint, but must set forth specific facts supported by affidavits, depositions, or other documentary evidence which would be admissible at trial. *Smith, supra*; *Tope v Howe*, 179 Mich App 91 (1989). In *Quinto v Cross & Peters Co*, 451 Mich 358 (1996), the court quoted a portion of the Supreme Court's decision in *Celotex v Catrett*, 477 US 317, 331 (1986) as follows:

If the non-moving party cannot muster sufficient evidence to make out its claim, a trial would be useless and the moving party is entitled to summary judgment as a matter of law.
Quinto, supra at 362.

Legal Argument:

I. Plaintiff's Unlawful Arrest And False Imprisonment Claims Against Defendant Crum Must Be Dismissed.

A. Defendant Crum Is Entitled To Governmental/Individual Immunity As To Plaintiff's Unlawful Arrest And False Imprisonment Claims.

With regard to Plaintiff's intentional tort claims of unlawful arrest and false imprisonment (set forth in Counts I and III), Defendant Crum is entitled to governmental/individual immunity. In *Odom v Wayne County*, 482 Mich 459 (2008), the Michigan Supreme Court stated that the proper method for determining whether governmental immunity applies to intentional torts is to apply the test set forth in *Ross v Consumers Power Co*, 420 Mich 567 (1984). The *Ross* test sets forth that a governmental employee is entitled to immunity for intentional torts if:

- (1) the employee undertook the action during the course of his employment and was acting, or reasonably believed he was acting, within the scope of his authority,

- (2) the employee undertook the acts in good faith or without malice, and
- (3) the acts were discretionary, rather than ministerial, in nature.
Odom, supra at 479-480.

Clearly, component (1) is met without a doubt. Defendant Crum was acting in his police capacity in his conduct that is complained of, and Plaintiff admits as much in his Complaint. [See **Exhibit E**, ¶ 2].

Component (3) is also indisputably present. It is obvious that Plaintiff complains about the manner in which Defendant Crum utilized his discretionary decision making with regard to conducting his investigation and the evidence he produced to the prosecutor, which Plaintiff claims led to his arrest, incarceration, and prosecution. Discretionary acts require personal deliberation, decision and judgment; and a discretionary act implies the right to be wrong. *Id.* at 476. “Granting immunity to an employee engaged in discretionary acts allows the employee to resolve problems without constant fear of legal repercussions.” *Id.* “Police officers perform many discretionary acts every day. An officer must use his judgment to determine whether there is reasonable suspicion to investigate or probable cause to arrest and to determine the amount of force necessary to effectuate an arrest.” *Id.* In light of the unusual and extraordinary nature of police work, it is improper to second-guess the exercise of a police officer’s discretionary professional duty with the benefit of 20/20 hindsight. *Norris v City of Lincoln Park*, 292 Mich App 574, 579-580 (2011), quoting from *White v Beasley*, 453 Mich 308, 321 (1996).

Despite Plaintiff’s argument to the contrary, the evidence in the instant case also supports the existence of component (2); i.e., good faith/lack of malice. “The good faith element of the *Ross* test is subjective in nature. It protects a defendant’s honest belief and good-faith conduct with the cloak of immunity while exposing to liability a defendant who acts with malicious intent.” *Odom, supra* at 481-482. The Michigan Supreme Court has described a lack of good

faith as “malicious intent, capricious activity or corrupt conduct” or “willful and corrupt misconduct” (citations omitted). *Id.* at 474. The Michigan Supreme Court Justices pronouncement in *Odom* is especially significant with regard to the facts in the instant case:

A police officer would be entitled to immunity under *Ross* if he acted in good faith and honestly believed that he had probable cause to arrest, even if he later learned that he was mistaken. [Emphasis added]. *Id.* at 481.

The standard in evaluating the governmental immunity question is not whether, when viewing the facts objectively with the benefit of hindsight, the police officers’ conduct was justified; rather, the standard is a subjective one from the perspective of the defendant with respect to whether he was acting in good faith. *Latits v Phillips*, 298 Mich App 109, 116 (2012). In the instant case --- much like in *Latits, supra* --- the substance of Plaintiff’s argument is that Defendant Crum exercised poor judgment and/or was mistaken about his justification for his actions. Much like the ruling in *Latits*, even if the Court were to agree with Plaintiff’s argument in this regard, “it would not affect the immunity analysis”. *Id.* at 114-115.

Although Plaintiff may disagree with the results of Defendant Crum’s decision-making, the evidence supports the fact that he undertook his actions in good faith and without malice; and there is no competent evidence to the contrary. [See **Exhibit G**, Crum’s Affidavit, ¶¶ 30-31].

Defendant Crum has been trained in interview and interrogation techniques as a police officer, and has interviewed many children in his career. In his work as a detective, although he is charged with being objective, there are occasions when he needs to assess whether he feels there is enough credible evidence being presented to him to support a reasonable suspicion that the alleged crime has been committed, and at the time he felt probable cause existed for him to refer the case to the prosecutor’s office for consideration, realizing from experience that after the prosecutor’s consideration of the evidence, sometimes they accept and sometimes they reject his recommendation --- depending on whether they determine probable cause exists after they make

their own determination. At the time of his actions, he took into consideration all the facts and circumstances of which he was aware. [See **Exhibit F**, Crum's deposition, pp 158, 168-169, 171, 177-178, and **Exhibit G**, Crum's Affidavit, ¶ 12].

Plaintiff complains that Defendant Crum was in possession of "undisclosed and exculpatory evidence" (**Exhibit E**, ¶ 35). However, Plaintiff cannot show that Defendant Crum intentionally withheld any information from the Prosecutor or the Court, and the evidence indicates the contrary. Deputy Chief Crum testified at deposition that he did not video record his August 21, 2013 interviews of witnesses, and he was unaware that the interviews had been taped, consistent with his sworn testimony in August 2013. [See **Exhibit F**, Crum's deposition excerpts, pp 159-163, 174]. His Affidavit remains consistent in that regard as well. [See **Exhibit G**, ¶¶ 24-15]. Logically, that makes sense because as soon as Defendant Crum learned that the video recording existed, it was he --- not anyone else, but he --- who promptly brought it to the Prosecutor's attention, and they in turn, brought it to the trial Court's attention as soon as court resumed. If he had withheld the video recording initially, there would be no reason why he would later choose to voluntarily disclose and produce it! There is absolutely no evidence that Defendant Crum intentionally suppressed or concealed that information.

Based on the fact that he was acting within the scope of his employment, and acting in good faith during the performance of discretionary acts and decisions, Defendant Crum is entitled to governmental/individual immunity as to the intentional tort claims of both false arrest and false imprisonment.

B. Defendant Crum Is Also Entitled To Dismissal Of Plaintiff's False Arrest And False Imprisonment Claims Based On Probable Cause.

In addition to Defendant Crum's immunity defense, yet another independent basis for dismissal of the false arrest and false imprisonment claims is the existence of probable cause. A

false arrest is an illegal or unjustified arrest; and false imprisonment is an unlawful restraint on a person's liberty or freedom of movement. *Peterson Novelties v City of Berkley*, 269 Mich App 1, 17-18 (2003). To prevail on either claim a plaintiff must show that there was no probable cause. *Id.* at 18. "Whether the plaintiff could actually have been convicted is irrelevant, because actual innocence is not an element of false arrest." [Emphasis added]. *Id.* Probable cause to arrest exists where the facts and circumstances within an officer's knowledge is sufficient to warrant a person of reasonable caution in the belief that an offense has been or is being committed. *People v Champion*, 452 Mich 92, 115 (1996). Where the facts are undisputed, the determination whether probable cause exists is a question of law for the court to decide. *Peterson Novelties*, *supra* at 18. It is well settled that if an arrest is legal, plaintiff cannot maintain a claim of false arrest or false imprisonment. *Id.*

With regard to Defendant Crum's involvement in activities that preceded the Prosecutor's determination of probable cause, he conducted an investigation of the allegations that were brought to his attention, considered all the evidence (both arguably incriminating and exculpatory) in its totality, produced all the pertinent evidence to the Prosecutor of which he was aware, and then formulated a reasonable belief that probable cause existed that the accused (Plaintiff) had committed the alleged crime. [See **Exhibits A** (and **B** and **C**), police reports, **Exhibit F**, Crum's deposition, pp 169, 177-178, and **Exhibit G**, Defendant Crum's Affidavit (§§ 1-11, 13), all of which are consistent].

In this particular case, Allie's initial account to Defendant Crum (on **May 7, 2013**) provided evidence to support probable cause, and other than to deny that he committed the crime, Plaintiff changed his mind about taking the lie detector test and did not offer any further counter-evidence to Defendant Crum. After Allie changed her story at Care House, Defendant Crum discontinued actively pursuing the case until Allie gave him an explanation (on **July 11th**)

of why she changed her story (i.e., threats and coercion from her mother) and reaffirmed the initial account she had given him. Only after that point (and subsequent to other ensuing events as reference above) did he re-activate his investigation, make a reasonable judgment that probable cause existed, and refer the matter to the Prosecutor for further consideration.

As long as he considered all the evidence (which he did) and then made his determination of probable cause, he is not liable for false arrest/imprisonment even if his judgment, in retrospect, should turn out to be wrong. *Odom, supra* at 481. This is the case even where there are allegations that an officer made false statements --- as long as there exists remaining evidence to support a finding of probable cause, in which case, a plaintiff's § 1983 claim would still fail. *Id.* At 459-460. In this case, sufficient evidence exists that establishes probable cause by both the Prosecutor and the District Judge --- independent of Defendant Crum's involvement.

Moreover, independent of that video recording, probable cause was established; and that video recording was not material to the finding of probable cause. Recall that the interviews on August 21, 2013 were for the sole purpose of obtaining additional information that the Prosecutor's Office asked Crum to obtain, which he did obtain and provide to them in his report of that date. [**Exhibit A**, pages 11-13]. As noted above, probable cause exists where the facts and circumstances known to the officer at the time are sufficient to warrant a person of reasonable caution in the belief that the alleged crime was committed. *People v Champion, supra* at 115. In this instance, the facts and circumstances support such a finding on behalf of Defendant Crum. In addition, Chief Daniel Grant of the City of Wyandotte Police Department, whose experience is significant and whose credentials are impeccable, has attested to the reasonableness and appropriateness of Defendant Crum's conduct, further substantiating the "reasonableness" of Defendant Crum's probable cause determination. [See **Exhibit H**, Chief Grant's Affidavit].

In this instance, probable cause did exist for Defendant Crum to seek an arrest warrant from the Prosecutor's Office based on numerous factors including, but not necessarily limited to:

- Alleged facts presented to Crum by the victim when she was brought to the station by her grandmother and spoke to him on May 7, 2013. [**Exhibit A**, pages 4-6].
- Consideration by Crum of the victim's changed account at the Care House interview on May 16, 2013, with subsequent explanation provided to him regarding the coercion that led to the discrepancies (see below). [**Exhibit A**, pages 7-9].
- Alleged facts presented to Crum by the victim when she came to the station to talk to him on July 11, 2013, which were consistent with her May 7th account, and explanation to him that she had been coerced by her mother into lying about the events at the Care House interview. [**Exhibit A**, pages 7-9].

Then Defendant Crum left the matter to the prosecutor and did not intervene in the process until the prosecutor explicitly asked him to obtain answers to some specific questions. On August 21st, Allie reiterated to Defendant Crum that the events that formed the elements of the alleged crime had indeed occurred. To the extent that there were some differences in what Allie said to Defendant Crum on May 7th as compared to what she said to him on August 21st, he did not recognize the differences as material inconsistencies that invalidated the probable cause determination that had already been made based on the totality of the circumstances. Whatever purported inconsistencies may have existed between what Allie told Defendant Crum on May 7th and what she told him on August 21st (as reflected in the video recording) had nothing to do with the probable cause determination. Her accounts remained consistent in terms of what she reported that had been done (e.g., touching of her vagina, etc.) that formed the elements of the alleged crime(s). What she said on August 21st did not change the probable cause determination that had already been established. The August 21st interview of Allie was for the sole purpose of obtaining answers to the questions the prosecutor asked Defendant Crum to obtain --- not to establish the existence (or non-existence) of probable cause. [See **Exhibit G**, Crum's Affidavit, ¶¶ 14-18].

After subsequently obtaining and providing the additional information that the Prosecutor's Office requested, Defendant Crum left the matter to the Prosecutor's Office. Probable cause then became an issue for the Prosecutor, who after careful consideration, also found probable cause to arrest Plaintiff. The Prosecutor then sought an arrest warrant from the Court, which was issued by the Honorable James Wittenberg on September 18, 2013, more than six (6) weeks after Crum's request to the Prosecutor's Office, and almost one month after Crum obtained the "further" information the Prosecutor requested. This was the second layer of probable cause consideration and determination --- by the Prosecutor. Then --- and only then --- did Crum arrest Plaintiff pursuant to the search warrant. [See **Exhibit G**, Crum's Affidavit, ¶¶ 19-20].

The third layer of probable cause consideration was at the October 9, 2013 Preliminary Exam, where Judge Wittenberg determined the existence of probable cause based solely on Allie's testimony --- untainted and unaffected by Defendant Crum's involvement! [See **Exhibit D**, especially pages 45-46]. Allie was the only one who testified at that proceeding; and she was cross-examined by Plaintiff's attorney at that time. Plaintiff (i.e., the criminal defendant) had the opportunity to offer his testimony, but chose not to. No exhibits (e.g., police reports, etc.) were offered to the Court or requested by the Court. Based on the account of the incident(s) that Allie gave the Judge --- not what she did or did not say to Defendant Crum --- the Judge determined there was probable cause, and bound the matter over for Plaintiff to be prosecuted at trial. [See **Exhibit F**, Crum's deposition, pp 169-170, and **Exhibit G**, Crum's Affidavit, ¶¶ 21-23].⁴ This probable cause finding by the Judge at the preliminary exam should be dispositive and foreclose

⁴ Even Plaintiff's criminal defense attorney articulated his recognition that there was a factual issue for the trier of fact regarding Plaintiff's prosecution. [See **Exhibit D**, p 45].

re-litigation of that finding in this action. Probable cause has already been established **three (3) times**, and should be deemed a matter of law, not a question of fact, herein.

Thus, in addition to governmental/individual immunity that shields Defendant Crum from tort liability, the existence of probable cause defeats the false arrest and false imprisonment claims as a matter of law as well.

II. Plaintiff's Malicious Prosecution Claim Against Defendant Crum Must Be Dismissed.

Elements of a *prima facie* claim of malicious prosecution include the defendant: (1) initiating a criminal prosecution against plaintiff, (2) criminal proceedings terminating in the plaintiff's favor, (3) lack of probable cause, and (4) malice by the defendant or a purpose other than bringing the offender to justice. *Walsh v Taylor*, 263 Mich App 618, 632-633 (2004); *Payton v City of Detroit*, 211 Mich App 375, 394-395 (1995). In this case, the existence of governmental/individual immunity and probable cause, as established and referenced above, defeats Plaintiff's malicious prosecution claim in Count II of Plaintiff's Complaint. Moreover, the lack of evidence of malice defeats this claim as well.

III. Plaintiff's Gross Negligence Claim Against Defendant Crum Must Be Dismissed.

A. Plaintiff Has Failed To State A Gross Negligence Claim Upon Which Relief Can Be Granted.

The gravamen of Plaintiff's gross negligence claim (in Count IV of Plaintiff's Complaint) is based on Plaintiff's allegation that that Defendant Crum was grossly negligent because he allegedly "withheld undisclosed and exculpatory evidence against Samuel". [See **Exhibit E**, Plaintiff's Complaint, ¶ 52]. In other words, this purported gross negligence claim is merely a restatement of Plaintiff's unlawful arrest and false imprisonment claims (set forth in Counts I and III). This scenario is addressed explicitly and definitively in *Norris, supra* at 582:

A party's choice of label for a cause of action is not dispositive. We are not bound by the choice of label because to do so "would exalt form over substance. A party cannot avoid the dismissal of a cause of action through artful pleading. The gravamen of plaintiff's claim is determined by examining the entire claim. The courts must look beyond the procedural labels in the complaint and determine the exact nature of the claim. A review of the amended complaint reveals that the gross negligence claim is premised on the alleged assault of plaintiff. Elements of intentional torts may not be transformed into gross negligence claims. (citations omitted) Accordingly, the trial court erred by denying summary disposition of the gross negligence count for failure to state a claim. [Emphasis added].
Norris, supra at 582, quoting *VanVorous v Burmeister*, 262 Mich App 467, 483 (2004).

In *Norris, supra* and *VanVorous, supra*, the court(s) rejected the plaintiff's attempt to transform an intentional tort claim (assault) into a gross negligence claim, and the Court of Appeals dismissed the gross negligence claim pursuant to MCR 2.116(C)(8).

In *Latits, supra* at 119-120, the Court of Appeals concluded that the allegations on which the plaintiff purportedly founded the gross negligence claim was actually an intentional tort (i.e., assault/shooting), not reckless or accidental conduct. Likewise, in the instant case, Plaintiff claims that Defendant Crum's intentional conduct led to his arrest, incarceration and prosecution. These decisions could theoretically form the basis for the intentional torts of "false arrest" and "false imprisonment", but not even arguably form the basis for a "gross negligence claim".

Much like in the above-referenced cases, Plaintiff's attempt herein to redundantly restate and transform his intentional tort claims of false arrest and false imprisonment into a gross negligence claim warrants dismissal of the gross negligence claim for failure to state a claim upon which relief can be granted. MCR 2.116(C)(8).

B. Moreover, The Facts Do Not Support A Prima Facie Claim of Gross Negligence.

The "gross negligence" exception to the shield of governmental immunity is found in MCL 691.1407 (2) (c), with "gross negligence" being defined as "conduct so reckless as to

demonstrate a substantial lack of concern for whether an injury results.” MCL 691.1407(7)(a). Gross negligence has been characterized as a willful disregard of safety measures and a singular disregard for substantial risks. *Oliver v Smith*, 290 Mich App 678, 685 (2010).

With regard to the requirements for finding “gross negligence”, *Tarlea v Crabtree*, 263 Mich App 80, 90 (2004) aptly notes:

Simply alleging that an actor could have done more is insufficient under Michigan law, because, with the benefit of hindsight, a claim can always be made that extra precautions could have influenced the result. However, saying that a defendant could have taken additional precautions is insufficient to find ordinary negligence, much less recklessness.

Likewise, in the instant case, there are no facts to support the “so reckless” threshold that would create a question of fact for a jury to determine. Plaintiff’s claim that Defendant Crum’s investigation should have been more thorough or he should have used better judgment in assessing the evidence or he should have given more weight to purported inconsistencies in Allie’s various accounts, etc. does not suffice to establish the requisite conduct that can be characterized as “so reckless”. Therefore, Plaintiff’s gross negligence claim must be dismissed on this basis also.

C. Defendant Crum’s Actions Were Not “The” Proximate Cause of Plaintiff’s Alleged damages

In order for Plaintiff to prevail on a gross negligence claim, Defendant Crum’s conduct would have to be “the proximate cause” of Plaintiff’s injury or damage. MCL 691.1407(2)(c); *Robinson v City of Detroit*, 462 Mich 439 (2000). The Michigan Supreme Court has interpreted “the proximate cause” to mean the “most immediate, efficient, and direct cause” of the injury. *Robinson, supra* at 462. The Supreme Court Justices continue to recognize that gross negligence that is the proximate cause of injury is “a very narrow exception” to immunity, and that

exceptions to governmental immunity “must be narrowly construed”. *Beals v Michigan*, 497 Mich 363, 370, 378 (2015).

In the instant case, with the prosecutor having conducted its own consideration of probable cause --- and finding same existed, and even more so with the district court judge having found probable cause existed solely on Allie’s testimony at the probable cause hearing, Defendant Crum’s conduct can by no stretch of the imagination be considered the proximate cause (i.e., the most immediate, efficient and direct cause) of Plaintiff’s arrest, incarceration and/or prosecution.

Much like in *Beals*, *supra*, Defendant Crum is protected from tort liability by governmental immunity because the “gross negligence” exception to immunity is inapplicable in this case to defeat his immunity protection on not one, but three (3) separate bases. One basis would suffice to defeat Plaintiff’s gross negligence claim; all three bases exist.

IV. Plaintiff’s Claims Against The City Of Berkley Must Be Dismissed Based On Governmental Immunity.

As a municipality, the City of Berkley is a governmental agency that is statutorily immune from tort liability pursuant to MCL 691.1407 (1) while engaged in the operation of a governmental function. The operation of a police force, including activities of arresting and detaining criminal suspects, is indisputably a governmental function that is immune from tort liability. *Bennett v City of Detroit*, 274 Mich App 307, 315 (2007); *Payton v City of Detroit*, 211 Mich App 375, 391-393 (1995); *Hill v City of Saginaw*, 155 Mich App 161, 170 (1987). Plaintiff’s Complaint (**Exhibit E**) admits that the City of Berkley is a “municipal corporation” (¶ 3) and that its participation in the events in question was “via its police department” (¶ 6) and as the employer of Defendant Crum (¶ 2). Plaintiff’s shotgun approach to gather the City of Berkley into every claim asserted against Defendant Crum is improper and ineffective to

establish liability against the City, which is governmentally immune with regard to the false arrest/imprisonment, malicious prosecution, and gross negligence claims asserted against it in Plaintiff's Complaint.

Conclusion:

Plaintiff's four-count Complaint has been dissected and addressed above, utilizing well-settled legal authority (both statutory and judicial/case law) and undisputed facts. Based on same, Defendants are entitled to Summary Disposition as to all claims, and dismissal of Plaintiff's Complaint in its entirety. MCR 2.116(C)(7),(8),(10).

WHEREFORE, Defendants, **Michael Crum** and **City of Berkley**, respectfully request that this Honorable Court grant their Motion for Summary Disposition, and dismiss Plaintiff's Complaint in its entirety with prejudice.

Respectfully submitted,

PLUNKETT COONEY

By: /s/Laurel F. McGiffert

LAUREL F. McGIFFERT (P31667)
Attorneys for Defendants
150 West Jefferson Avenue, Suite 800
Detroit, MI 48226
(313) 983-4751
lmcgiffert@plunkettcooney.com

DATED: July 8, 2016

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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

SAMUEL JEROME,

Plaintiff,

v

Case No. 15-148401-CZ

Hon. DENISE LANGFORD MORRIS

LIEUTENANT MICHAEL CRUM, in his
Individual and Representative Capacity,
And the CITY OF BERKLEY, a
Municipal entity,

Defendants.

S. JAY AHMAD (P43206)
VEN R. JOHNSON (P39219)
Johnson Law PLC
Attorneys for Plaintiff
535 Griswold, Ste. 2632
Detroit, MI 48226
(313) 324-8300
(313) 324-8301 (fax)
jahmad@venjohnsonlaw.com
vjohnson@venjohnsonlaw.com

LAUREL F. McGIFFERT (P31667)
PLUNKETT COONEY
Attorney for Defendants
150 W Jefferson, Suite 800
Detroit, MI 48226
(313) 983-4751
lmcgiffert@plunkettcooney.com

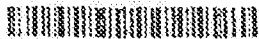
PROOF OF SERVICE

The undersigned certifies that a copy of Defendants City of Berkley and Michael Crum's Motion for Summary Disposition, Brief in Support of Motion for Summary Disposition, Notice of Hearing and Proof of Service were served upon S. Jay Ahmad, Johnson Law PLC, 535 Griswold - Ste. 2632, Detroit, MI 48226, on July 8, 2016 by: electronic filing with the Clerk of the Court using the ECF system, which will send notification of such filing. I declare that the above statements are true to the best of my knowledge, information and belief.

/s/ Laurel McGiffert

EXHIBIT A

CR No: 130055555



BERKLEY PSD

2395 12 MILE RD
BERKLEY MI 48072
2486583380



Case Report

Administrative Details:

CR No	Subject
130055555	C3324 - Suspicious Circumstances
Report Date/Time	Occurrence Date/Time
05/08/2013 10:44	05/08/2013 10:44
Location	Call Source
3600 PHILLIPS AVE	TELEPHONE
Dispatched Offense	Verified Offense
C3324 SUSP CIRCUMSTA	1171 CSC 1st Degree - Penetration Penis/Vagina
DIC	DIC Contact Number
Crum, Michael (BECRUMME-01036)	
County	City/Town/Village
63 - Oakland	66 - Berkley
Division	
Investigation	

Action Requested:

<input checked="" type="checkbox"/> Arrest warrant	<input type="checkbox"/> Review only
<input type="checkbox"/> Search warrant	<input type="checkbox"/> Forfeiture
<input type="checkbox"/> Juvenile petition	<input type="checkbox"/> Other
Agency Contact: Sgt Mike Crum	Contact Number: 248.658.3393

001

1171 - CSC 1st Degree - Penetration Penis/Vagina

IBR Code / IBR Group	Offense File Class	
11A - Forceful Rape / A	11001 - SEXUAL PENETRATION PENIS/VAGINA -CSC IST DEGREE	
Crime Against	Location Type	Offense Completed
PE	20 - Residence/Home	Completed
Domestic Violence	Hears/Elias	
No	00 - None (No Elias)	
Using	Cargo Theft	
A-Alcohol: No C-Computer Equipment: No D-Drugs/Narcotics: No Weapons		
00 - None		
Criminal Activity		
N - None/Unknown		

4805 - Witness -Dissuading [BECRUNME (01036)]

IBR Code / IBR Group	Offense File Class	
90Z - All Other Offenses / B	48000 - OBSTRUCTING POLICE	
Crime Against	Location Type	Offense Completed
	20 - Residence/Home	Completed
Domestic Violence	Hate/Bias	
No	00 - None (No Bias)	
Using	Cargo Theft	
A-Alcohol; No C-Computer Equipment; No D-Drugs/Narcotics; No		

JEROME, SAMUEL JAMES (S-SUSPECT) [BECKUNME 010361]

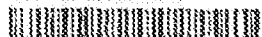
Last Name		First Name		Middle Name		Suffix		Mr/Ms/Ms/Ms	
Jerome		Samuel		James					
Aliases				Driver License#		DL State		DL Country	
				J 650 758 367 379		MI		USA	
DOB (Age)		Sex	Race	Ethnicity	Birth City & State		Birth Country		Country of Citizenship
05/19/1972 (40)		M	WHITE	Unknown					
Complexion		Build		Teeth		Height		Weight	
						5' 11"			
Street Address				Apt #		County		Home Phone	
3800 Phillips						Oakland		USA	
City				State		Zip		Cell Phone	
Berkeley				MI		48072		734.778.5658	
								Email	

KRAHE, STACEY LYNN (G-SUSPECT) (DECRUNME (01038))

Last Name		First Name		Middle Name		Suffix		Mr/Mrs/Ms	
Krahe		Stacey		Lynn					
Aliases			Driver License#			DL State		DL Country	
			K 600 777 664 283			MI		USA	
DOB (Age)		Sex	Race	Ethnicity	Birth City & State		Birth Country		Country of Citizenship
04/11/1977 (36)		F	WHITE	Unknown					
Complexion		Build		Teeth		Height		Weight	Adms
						5' 3"			
Street Address			Apt #		Country		Home Phone		Work Phone
3600 Phillips					Oakland		USA		
City			State		Zip		Cell Phone		Email
Berkley			MI		48072		248.240.6092		

KRAHE, ALYXIS FAY (V-VICTIM) (BECRUNME (01036))

CR No: 130005555



Victim Type		Victim of					
I - Individual		1171 - CSC 1st Degree - Penetration Penis/Vagina, 4805 - Witness - Dissuading					
PE:	W.Type:	Last Name	First Name		Middle Name	Suffix	Mr/Mrs/Ms
	VC	Krahe	Alyds		Fay		
Aliases		Driver License#		DL State	DL Country	Personal ID#	
Allie							
DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship	
07/21/1998 (13)	F	WHITE	Unknown				
Street Address		Apt #	County	Country	Home Phone	Work Phone	
3600 Phillips			Oakland	USA			
City		State	Zip	Cell Phone	Email		
Berkley		MI	48072				
Victim Injury							
N - None							
Victim Offender Relationships							
Offender			Type		Relationship		
Jerome, Samuel James			S-SUSPECT		10-Victim Was Stepchild		
Krahe, Stacey Lynn			S-SUSPECT		05-Victim Was Child		

MILLER, COREY (O-OTHER) (L-POLICE OFFICER) [BECRUMME (01036)]							
PE:	W.Type:	Last Name	First Name		Middle Name	Suffix	Mr/Mrs/Ms SGT.
	OF	Miller	Corey				
DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship	
		UNKNOWN					
Phone/Email							
Type				Description			
BU-Business Phone #1				248.658.3392			
Notes							
Detective							

SCHUSTER, TRICIA (O-OTHER) (L-POLICE OFFICER) [BECRUMME (01036)]							
PE:	W.Type:	Last Name	First Name		Middle Name	Suffix	Mr/Mrs/Ms
	MS	Schuster	Tricia				
DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship	
	F	WHITE	Unknown				
Phone/Email							
Type				Description			
BU-Business Phone #1				248.333.0999			
Notes							
CARE house Forensic Interviewer							

CRUM, MICHAEL (O-OTHER) (L-POLICE OFFICER) [BECRUMME (01036)]							
PE:	W.Type:	Last Name	First Name		Middle Name	Suffix	Mr/Mrs/Ms SGT.
	OC	Crum	Michael				
DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship	
		UNKNOWN					
Street Address		Apt #	County	Country	Home Phone	Work Phone	
2395 W. Twelve Mile			OAKLAND	USA			
City		State	Zip	Cell Phone	Email		
Berkley		MI	48072				
Phone/Email							
Type				Description			

003

CR No: 130005555



BU-Business Phone #1	2485583393
Notes	
CIC	

STILTNER, JUDITH ANN (O-OTHER) (X-MISCELLANEOUS) [BECRUMME (01036)]									
PE:	W.Type:	Last Name	First Name	Middle Name	Suffix	Mr/Mrs/Ms			
		Stiltner	Judith	Ann					
Aliases		Driver License#		DL State	DL Country	Personal ID#			
		S 343 454 067 202		MI	USA				
DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship			
03/17/1940 (73)	F	WHITE	Unknown						
Street Address		Apt #	County	Country	Home Phone	Work Phone			
3310 Thomas			Oakland	USA	248.543.0952				
City		State	Zip	Cell Phone	Email				
Berkley		MI	48072	248.302.1827					

Narrative:

CR No: 130005555-001 Written By: BECRUMME (01036) Date: 05/09/2013 01:03 PM

DETECTIVE BUREAU INVESTIGATIONCRIME:

Criminal Sexual Conduct

SUSPECT:

Samuel James Jerome

W/M, 05-19-1972

VICTIM:

Alyxis Fay Krahe

W/F, 07-21-1999

DATE/TIME:

May 7, 2013 at 1000 Hours

VENUE:

3600 Phillips, City of Berkley, County of Oakland, State of Michigan.

SUMMARY:

Alyxis 'Allie' Krahe reported sexual abuse from her step-father, Sam Jerome.

INVESTIGATION:

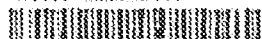
May 7, 2013

I received a report from Alyxis 'Allie' Krahe that her step-father, Sam Jerome had sexual abused her on several occasions. Allie was brought to the station by her maternal grandmother, Judith Stiltner.

Judith Stiltner

Judith advised she was advised of the abuse by her daughter, Stacey Krahe, who is the mother of Allie.

004



Upon hearing of the alleged abuse, Judith picked Allie up from her residence and transported her directly to the police station. Stacey had remained home to confront Sam, her husband, of the abuse.

According to Judith, Sam has touched Allie on at least two occasions. Judith was unsure of the times or dates of the molestations.

Stacey Krahe

Stacey Krahe responded to the station for an interview. Stacey is the biological mother of Allie Krahe. She married Sam Jerome approximately one year ago after meeting him online. Stacey has not observed any activities that would make her suspicious prior to Allie reporting the abuse.

Allie and Stacey were discussing Allie's recent behavior on May 7, 2013. Allie became upset and advised Stacey she was molested by her step-father, Sam Jerome. According to Stacey, Allie advised Sam had touched her vagina on at least two occasions. Both times the touching occurred while Allie was lying on the couch in the living room of the family home. Sam would begin by rubbing Allie's stomach. He would then slowly rub lower until he was touching her vagina on the outside of her clothing. Allie would repeatedly tell him to stop during the assault. Allie described Sam as "holding her down" with his free hand while rubbing her vagina.

During the most recent assault, Sam slipped his hand under her "Yoga" pants and directly touched her vagina. Allie described his finger as separating her "lips". This assault happened when Stacey was at a class for her employment. Stacey advised she would attempt to get the date of the class for the investigation. The first assault happened when Stacey was in the hospital for an extended stay. Stacey is also trying to get the dates of the hospitalization for the investigation. Allie advised Sam felt her breasts on the most recent occasion over her clothing.

Stacey advised she would like Sam to leave the residence while the investigation was ongoing.

Alyxis Krahe

I spoke to Alyxis "Allie" Krahe in the second floor detective bureau. D/Sgt Miller was present in the detective bureau during the interview.

First Incident

Allie advised the first incident occurred while her mother was hospitalized around Christmas time (2012). Sam was home alone with Allie during the hospitalization. Allie was on the couch in the rear of the family residence watching television. Sam sat on the couch with her and began rubbing her stomach. Allie advised she hates her stomach touched and requested Sam stop touching her.

Sam continued touching her until his hand was touching her vagina. Sam rubbed her vagina from outside of her clothing. Allie requested Sam stop but he continued rubbing her vagina. Allie attempted to get up from the couch but Sam held her down with his free hand. The touching lasted for several minutes and Sam let her get up and leave the family room.

Stacey Krahe was released from the hospital and Sam did not touch Allie while Stacey was home. Sam did buy her headbands and earrings to keep her quite about the assault.

CR No: 130005555

**Second Incident**

In late April, Stacey was away at a conference for her employment with the Berkley Schools. Sam was alone with Allie during this time. Allie was on the couch in the family room watching television during the second incident. She advised Sam sat next to her again and began rubbing her stomach. Allie panicked and attempted to get up and leave the room. Sam held her down with his free hand and rubbed her vagina again.

During the second incident, Sam placed his hand under her clothing and directly touched her vagina. Allie described his fingers as inserted between her "lips." She advised he did not insert his finger inside of her but definitely spread her lips apart with his fingers. On the second occasion, Sam rubbed her breasts. Sam rubbed her breasts on both the outside and inside of her clothing. Allie advised he rubbed directly on her nipples.

Sam did not say anything during either assault. He simply held her down against her will and assaulted her. Allie begged him to stop on both occasions but Sam would not comply.

Sam Jerome

I interviewed Sam Jerome in the second floor detective bureau office. Sam denied any inappropriate touching. Sam did admit to rubbing Allie's belly, at Allie's request. Sam agreed to leave the residence for the remainder of the investigation. Sam also agreed to submit to a polygraph examination.

CareHouse

I scheduled a CareHouse forensic interview for May 16, 2013 at 1315 hours.

Child Protective Service

I will contact CPS and advise them of the alleged assault.

STATUS:

Active investigation

CR No: 130005555-002 Written By: BECRUMME (01036) Date: 07/12/2013 09:52 AM

DETECTIVE BUREAU INVESTIGATION**CRIME:**

750.520C1B - Criminal Sexual Conduct - Second Degree

750.1227B - Criminal Sexual Conduct - First Degree

750.1227B - Witness Intimidation / Interfering

SUSPECT #1:

Samuel James Jerome

W/M, 05-19-1972

SUSPECT#2:

Stacey Lynn Krahe

006

CR No: 130005555



W/F, 04-11-1977

VICTIM;

Alyxis Fay Krahe

W/F, 07-21-1999

DATE/TIME:

December 2012 and April 2012

VENUE:

3600 Phillips, City of Berkley, County of Oakland, State of Michigan.

INVESTIGATION:

Criminal Sexual Conduct Investigation

May 15, 2013

I contacted Deputy Chris Lanfear and scheduled a polygraph for May 21, 2013 at 9 AM.

I contacted Sam Jerome and advised him on the scheduled polygraph. Sam advised the date worked well for him and he would be at the polygraph.

I spoke to Stacey Krahe about the scheduled CARE house interview for May 16th. Stacey advised she would be transporting Allie to the interview. Stacey advised she had allowed Sam to move back into the residence. Allie was staying with her Grandmother, Judith Stiltner, until after the polygraph. Stacey also advised she did not believe Allie anymore concerning the assault. Stacey advised she believed Allie was making up the story for attention.

CARE house

May 16, 2013

Stacey Krahe transported Allie to the CARE house facility for the forensic interview (2013-366). Sabree Pryor from CPS was present filing in for Amber Davis. Tricia Schuster conducted the Forensic Interview with Yvonne Cameron working as Crisis Counselor.

Stacey Krahe advised she suffers from Dissociative Identity Disorder, previously known as multiple personality disorder. According to Stacey, she was being hospitalized for the disorder when the first assault occurred. Stacey again advised she did not believe Allie and thought we were all, "being played" by a very intelligent 13 year old.

Allie was interviewed by Tricia Schuster in the North Room. During the interview Allie's story changed when discussion turned to touching her vagina. Everything remained consistent about the dates and where she was positioned. She advised Sam rubbed her stomach and rubbed lower. When recalling the incident at CARE house, Allie advised he did not touch her vagina, either above or below her clothing. She recalled him rubbing her breast but made it sound like an accident.

Allie advised Sam's hand rubbed below her hip bones near her pubic line. She asked him to stop and Sam stopped rubbing her. Allie made excuses for Sam and took most of the blame for the incident. From my perspective, it was a complete reversal of her recollection of the assaults in my office just a few days prior.

007



After the interview, Stacey spoke with me about the incident. Stacey immediately asked if I still believed Allie. I simply advised that I did. Stacey was upset and pressing about what Allie had said and if she had changed her story. I refused to answer her questions and simply reiterated the need for the polygraph.

May 20, 2013

I received a phone call from Sam Jerome advising he would not be attending the scheduled polygraph on the advice of his attorney.

I received a telephone call from Mark Herron advising he was Sam Jerome's attorney and he was not allowing his client to submit to the polygraph.

I cancelled the scheduled polygraph with Deputy Lanfear.

I left several unanswered messages with Stacey Krahe concerning the incident and the cancelled polygraph.

June 9, 2013

I spoke with Stacey Krahe concerning the incident. I requested to meet with Allie to discuss the drastic change in her story. Stacey refused stating it would be best for the family to just drop the case. She advised Allie had admitted to her that the whole story was made up. Stacey advised Sam and Allie are both living in the same residence without any incident. Stacey requested I close the case and to have no further police involvement. I reiterated my desire to speak with Allie prior to closing the case as she was the victim.

July 11, 2013

Judy Stiltner

Judy Stiltner is the maternal grandmother to Allie Krahe. Judy met me at my office to discuss the case. I advised Judy it was still an open investigation and I could not discuss it with her. Judy was surprised to hear that. Judy advised Stacey was telling everyone Sam had passed the police department's polygraph with "flying colors" and that Sgt Crum said he did not believe Allie. I advised Judy this was not true and that I had wanted to discuss the case with Allie prior to closing the case.

Several hours later, Allie knocked on my office door and asked to discuss her case with me. Allie advised her mother was hospitalized in Texas for her mental health disorder. She advised her grandmother was her guardian while her mother was being hospitalized. Judy confirmed this and advised she was Stacey Krahe's legal guardian as well. Judy advised it was ok to discuss the case with Allie.

Allie immediately advised her mother had made her change her story at CARE house. Allie advised her mother would tell her they were going to put her into a Foster Home and she would be raped daily. Allie said her mother told her this at least four times a day leading up to the CARE house interview. When Allie continued to say Sam had assaulted her, Stacey told her she would commit suicide if she testified against Sam. Stacey asked her 13 year old daughter how she would feel to be responsible for her mother's death. Allie advised she felt intimidated and became fearful what would happen if she told the truth. Allie decided to back away from her story because she was afraid of being raped in a foster home and causing her mother to commit suicide. Allie advised she was more fearful of what would happen to her 10 year old

008



sister as Stacey advised she would be raped as well and it would be Allie's fault.

Allie confirmed her original description of the incident was the truth. Allie advised Sam had touched her vagina on two occasions and inserted his finger between her lips on the second occasion. Allie confirmed Sam had directly rubbed her breasts and played with her nipples. Allie confirmed Sam would buy her gifts to keep her quiet about the assault. Allie advised Stacey had threatened her into changing her story at CARE house. And most concerning, Allie advised Sam has turned his attention to her ten year old sister, Sabrina. Allie has witnessed Sam touching and rubbing her stomach in the same fashion he had rubbed her stomach. Allie has also observed Sam buying Sabrina gifts and spending all of his free time with her. Allie is very fearful her sister may be being sexually assaulted by Sam.

July 14, 2013

On July 14th, Stacey Krahe was scheduled to return from her hospitalization in Texas. Stacey called Allie on her way home and advised there would be severe consequences for ruining the family. Allie interpreted this to mean her accusation against Sam Jerome for sexual assault. Allie fled her grandmother's residence and hid from her mother. A runaway report was filed (13-8466) and Allie was entered into LEIN as missing. Allie was discovered by Stacey Krahe on July 15th around 0500 hours. Stacey called the Berkley Police to report Allie found. Officers requested to make the residence to confirm her return. Stacey advised she was taking Allie to Beaumont Hospital because she had been drinking.

PSO Tanghe went to Beaumont hospital to confirm Allie's return. PSO Tanghe was advised by Beaumont staff that Allie Krahe had not been to their facility. PSO Tanghe went to the residence at 3600 Phillips and found the residence empty. Sgt Miller contacted Stacey Krahe who advised she had decided to go to Providence instead of Beaumont for insurance reasons. PSO Tanghe arrived at Providence to discover Allie Krahe had not been to their facility either.

Approximately one hour later, I received a telephone call from Sam Jerome advising Stacey had taken Allie and left Michigan. Sam would not advise me where she was taking Allie. I advised Sam I only needed to confirm Allie had been returned before I could take her out of LEIN and that Stacey was interfering with yet another investigation.

Stacey Krahe called my office approximately two minutes after my conversation with Sam to advise she was south of Toledo and refused to return to Michigan so I could confirm Allie was safe and had returned. She allowed me to speak to Allie on the speaker phone in the vehicle. I was unable to determine if I was in fact speaking with Allie.

According to Stacey, Allie admitted to coming to the police station and speaking with me about Sam assaulting her. Stacey was furious Allie had spoken with me. Stacey advised she did not believe Allie and was traveling to Georgia so the family could get a fresh start. I advised Stacey that Allie was a victim in a reported sexual assault and I needed to speak with her about the case. Stacey refused to allow me to speak to her daughter about the assault. Stacey confirmed she had lied about the hospitals in order to get out of Michigan before I realized she was taking her daughter away so I couldn't speak with her.

August 2, 2013

009

CR No: 130005555

01/10/2019 01:10:10 PM

Stacey Krahe and Sam Jerome were both arrested by Berkley Police for Domestic Violence (13-9252). A warrant was authorized by the Oakland County Prosecutors Office (PO# 13-05789). The family had recently returned to Michigan. The fight started over supposed narcotic use by Allie but quickly turned to the "false" accusations. Officers on scene search for narcotic equipment with negative results. Stacey later admitted she had absolutely no proof Allie had ever used narcotics. Allie advised she has been assaulted on numerous occasions since "telling on Sam." During the assault Allie was punched, choked, and dragged up the stairs by her hair. According to Allie, these are very common occurrences.

When interviewing Stacey about the domestic assault, she adamantly wanted me to listen to messages on her phone. The messages were of her and Allie discussing various topics. I could immediately tell the messages were suspicious at best. I spoke to Allie about the messages after. Allie immediately advised she had been forced to say the things on the messages. Stacey would make her practice until she had it just as Stacey wanted. She would then record the conversation and pretend it was real. Allie advised they would record several times before Stacey would be satisfied with the way it sounded. Stacey threatened, and did assault, Allie if she did not say the things on the recordings.

Stacey Krahe has interfered with my investigation from the beginning by threatening and intimidating a 13 year old victim into changing her story and then assaulting her to make sure she does not tell the truth. It is this investigators opinion that Stacey Krahe is a danger to her children.

CONCLUSION

In December of 2012, Samuel James Jerome, born May 19, 1972 did engage in sexual contact with Alyxis Fay Krahe, born July 21, 1999 by rubbing her vagina. Sam is Allie's stepfather and a member of the same household at 3600 Phillips in the City of Berkley.

In addition, in April of 2013, Sam Jerome did engage in sexual penetration by placing his finger inside the labia majora of Allie Krahe, his 13 year old stepdaughter.

In addition, Stacey Lynn Krahe, born April 11, 1977, did by threat or intimidation, influence the testimony of Alyxis Fay Krahe, born July 21, 1999 by threatening to commit suicide and threatening Allie she would be raped daily if she testified against Sam Jerome in a criminal sexual conduct case with a possible penalty 15 years and/or life.

PROSECUTION REQUESTED:

Sam Jerome

750.520C1B - Criminal Sexual Conduct - Second Degree

750.1227B - Criminal Sexual Conduct - First Degree

Stacey Krahe

750.1227B - Witness Intimidation / Interfering

STATUS:

Case forwarded to the Oakland County Prosecutors Office.

CR No: 130005555-003 Written By: BECRUMME (01036) Date: 09/11/2013 01:35 PM

S1=Samuel JeromeS2=Stacey KraheCRIME:

Criminal Sexual Conduct

Interfere with Criminal Investigation

DB FOLLOW-UP

Further

August 21, 2013

I received a request for further information from APA S. Lynch of the Oakland County Prosecutors Office.

Sabrina Krahe

I interviewed Sabrina Krahe in the second floor detective bureau. Sabrina was brought to the station by her maternal grandmother, Judith Stiltner.

Sabrina had left me a message on my department voicemail on August 20, 2013. I could not make out the content of the message but could determine it was Sabrina on the telephone. Initially, I discussed the voicemail with Sabrina. Sabrina advised she was afraid to tell me the truth because she thought I would be mad at her. Sabrina advised she had been lying to me at her mothers' request. Sabrina was afraid of the punishment her mother would give her if she did not lie. Sabrina had been instructed to lie, by Stacey Krahe, about the domestic violence that had occurred on August 2, 2013. Sabrina did observe Stacey pulling Allie up the stairs by her hair. Sabrina had also witnessed Stacey covering Allie's mouth and nose with her hand. Sabrina believed Allie could not breathe and had screamed for Stacey to stop so Allie could breathe. After the incident, Stacey advised her to lie to the police or Sabrina would be adopted out.

Sabrina has observed the lock on the exterior of Allie's bedroom door and has observed Allie locked in the room. Sabrina has observed Stacey use various pressure points on Allie at different times as punishment, leaving bruises. Sabrina observed Stacey punch Allie, directly in the face, on August 2, 2013 during the domestic assault.

Sabrina was not aware of either incident of sexual assault by Samuel Jerome on Allie Krahe. Sabrina did not recall any incident when Sam had touched her that made her feel inappropriate. Sabrina did remember him rubbing her stomach but did not feel it was inappropriate. Sabrina recalled Sam taking her out for special shopping sprees. She recalled him taking her to Claires for jewelry, Justice for clothing, and lunch at a restaurant. According to Sabrina, it was after Allie had gotten Sam in trouble and he stopped liking her. Sabrina did not have any further information about the sexual assault.

Allie Krahe

I spoke with Allie Krahe in the detective bureau on the second floor of the public safety building. Allie advised she has only told her mother, Stacey Krahe, and grandmother, Judy Stiltner, about the sexual assault. Allie told Stacey everything on May 7, 2013, the same day she was brought to the police station. Allie has told her grandmother, Judy Stiltner, small parts of the assault. According to Allie, her grandmother has not pried and she was too embarrassed by what had happened to her. Allie has never

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discussed the sexual assault with Sabrina.

According to Allie, when Sam was sexually assaulting her he would buy her Phish's Ice Cream from 7-11. Sam would not buy Sabrina anything on the days he brought her ice cream. Once she disclosed the sexual assault, Sam stopped bringing her ice cream and turned his attention to Sabrina. She believed Sam bought Sabrina earrings and clothing. These purchases began, for Sabrina, after Allie would no longer allow him to rub her vagina.

Sexual Assault

I interviewed Allie Krahe about the sexual assault by Sam Jerome. I asked Allie to start from the beginning and tell me everything that had happened. Allie described the first incident exactly as she had on May 7, 2013 in my office. She recalled Sam rubbing her vagina on the exterior of her clothing. Allie recalled Sabrina being at Judy Stiltner's residence at the time of the assault.

Allie recalled the second incident of sexual assault exactly as she had on May 7, 2013. She recalled Sabrina being grounded in her room during the sexual assault. She recalled Sam pinning her down and coming into direct contact with her vagina, including penetration.

I asked Allie what had changed at CAREhouse. Allie reiterated the pressure her mother placed upon her. According to Allie, Stacey told her, "I will always chose Sam over you", "You will be placed in a foster home and raped repeatedly everyday", and that Stacey would commit suicide if she testified against Sam. Stacey advised Allie she would have to tell her sister, Sabrina, why she had, "Killed their mother." Allie has observed her mother attempt suicide on multiple occasions and feared if she testified her mother would kill herself. Allie also felt it was better to be molested by Sam than to be raped by strangers. Allie was most fearful of her sister being raped in foster care. She advised she did not testify against Sam because Stacey had promised it would stop and never happen again. Allie believed her mother until she observed Sam rubbing Sabrina's stomach and buying her gifts. Allie felt this was the same behavior Sam had exhibited just prior to sexually assaulting her.

Judy Stiltner

I interviewed Judy Stiltner in the second floor detective bureau. Judy advised she knew very little about the actual sexual assault. Judy did not want to make Allie relive the experience and has kept her questions to a minimum.

Judy did advise of two separate occasions when she believed Sam had admitted to sexually assaulting Allie. The first incident happened shortly after Allie made the disclosure. Stacey admitted herself into Beaumont hospital after confronting Sam. While in the hospital, Judy had Stacey's phone in case Allie or Sabrina called. Judy observed the following text, from Sam to Stacey. The text stated, "It's not your fault, I did it, I'm sorry, it will never happen again, I'll go far far away if you want me too." After reading the text, Judy brought the phone to Stacey. Stacey read the text and immediately called Sam. During the telephone conversation, Stacey stated, "I know you did it, just admit it. You were rubbing her stomach and you got horny and went farther." Judy feels Stacey is upset that Sam wanted Allie sexually and not upset that Sam touched Allie. In her opinion, Stacey is blaming Allie for Sam touching her vagina.

CR No: 130005555



The second incident occurred when Sam and Judy were talking on the phone about Allie. Sam asked Judy, "What are we going to do about Allie's attitude?" Judy told Sam it was his fault for touching her inappropriately. Sam responded, "Well, she wanted me too."

Judy is fearful of her daughter and fearful for her granddaughters. Judy fears they will flee the state and Sam will continue to molest both granddaughters. Judy knows any involvement on her part means she will never be allowed to see the grandchildren again.

Judy advised she had personally observed Stacey making her daughters say something against their will. She is fearful Stacey has forced them to make statements about Sam against their will and recorded them. When asked why, Judy advised both Allie and Sabrina had indicated to her that Stacey made them "rehearse" things about Sam. Stacey would make them practice until she was satisfied with their answers. This happened in Georgia right after Stacey found out Sam may still be charged with a crime.

DHS 154 Report

I received the DHS report from DHS supervisor Eliza Kendall. A copy of the report is attached to this follow up report.

STATUS:

Additional questions answered and case returned to the OCPO for review.

CR No: 130005555-004 Written By: BEKEMPSKIM (00408) Date: 09/23/2013 09:11 AM

Conditional Bond entered in LEIN as per Court, Jerome/Samuel/James/.

CR No: 130005555-005 Written By: BECRUMME (01036) Date: 11/24/2014 10:51 AM

S=Samuel Jerome

CRIME:

CSC 1st Degree

CSC 2nd Degree

DB FOLLOW-UP

CWS

September 18, 2013

I received a complaint, warrant, and subpoena from the Oakland County Prosecutors Office for MCL 750.520B1B - Criminal Sexual Conduct First Degree and MCL 750.520C1B Second Degree.

I swore to the CWS before Judge James Wittenberg.

Arraignment

September 18, 2013

Jerome was arraigned before Judge Wittenberg with bond set at \$500,000 (no 10%) and a pre-exam conference scheduled for October 1, 2013.

Pre-Exam Conference

013



October 1, 2013

A pre-exam conference was held before Judge Wittenberg with an Examination scheduled for October 9, 2013 at 9AM. Judge Wittenberg denied Jerome's request to modify the bond and lower the amount or allow contact with his wife, Stacey Krahe.

I called Judy Stiltner and advised her of the date for the exam. I also requested a date and time to meet with Allie and Sabrina prior to the court date.

October 2, 2013

I confirmed with Chris George and Judy Stiltner a meeting for Friday, October 4, 2013 at 3:30 PM.

I contacted Stacey Krahe by telephone and advised her of the Exam scheduled for October 9, 2013 at 1 PM. Stacey was advised she was subpoenaed to attend the exam. Stacey refused to tell me where she was currently living so I could personally serve the subpoena.

Examination

October 9, 2013

The Exam was held before Judge Wittenberg with testimony from Alyxis Krahe. Krahe testified to the facts of the case. After hearing testimony from Allie, Judge Wittenberg bound the case over to the Circuit Court as charged.

Circuit Court

Arraignment

October 18, 2013

Jerome was arraigned before Judge Rudy Nichols with a pretrial scheduled for November 8, 2013 at 0830 hours.

Pretrial

November 8, 2013

The pretrial was adjourned by Judge Nichols for discovery with a new pretrial scheduled for November 22, 2013 at 0830 hours.

November 22, 2013

The Domestic Violence trial (13-9252) was dismissed in the Berkley 45a District Court and added to this CSC complaint. The domestic was a direct result of the victim accusing Jerome of CSC. The Pretrial was adjourned until December 13, 2013 for both cases.

December 13, 2013

A pretrial was held before Judge Nichols with a trial scheduled for February 5, 2014.

Trial

February 5, 2014

The trial was adjourned by Judge Nichols until March 26, 2014 at 1000 hours.

March 26, 2014

A pretrial was held before Judge Nichols with a trial scheduled for June 9, 2014 at 0830 hours.

Trial

014

CR No: 130003555

**June 9, 2014**

The defense attorney was not available for trial and Judge Nichols adjourned the trial until August 4, 2014.

August 4, 2014

Jury selection began and continued for a majority of the day. Opening statements were made by both attorneys and the jury was dismissed until August 8, 2014 for the first witness.

August 5, 2014

Alyxia 'Allie' Krahe took the stand and testified until approximately 1040 ours when she was allowed to leave the stand to review her Carehouse video.

Judith Stiltner, PSO Michael Bunting, DHS Jason Rotenheber, and Lt Crum all took the stand on the first day, with Allie finishing after reviewing the video.

August 6, 2014

No court

August 7, 2014

Lt Crum continued and finished the prosecutions witness'

Defense

The defense began after lunch with Brett Chudzinski, Jayne Chudzinski, Mary Jerome Whiting, Sabrina Krahe and Stacey Krahe.

August 8, 2014

Judge Rudy Nichols declared a mistrial and reduced Jerome's bond to \$1,000 (10%).

October 6, 2014

An order of Nolle Prosequi was filed by APA George

STATUS:

Closed

015

9/17/2013 SML/AW

Page 1 of 2

STATE OF MICHIGAN

PROS. ORDER NO.

13-05884

THE DISTRICT COURT-JUDICIAL DISTRICT NO. 45/A

County of OAKLAND

COMPLAINT/GENERAL
INFORMATIONTHE PEOPLE OF THE STATE OF MICHIGAN
VS.Date of Offense: ON OR ABOUT DECEMBER 2012
THROUGH APRIL 2013SAMUEL JAMES JEROME /63-13-005884-01
3600 Phillips Ave
Berkley, MI 48072

Location: CITY OF BERKLEY

Complainant: ALYXIS KRAHE

Complaining
Witness: LT. CRUM

Defendant(s)

WITNESSES

LT. M. CRUM, c/o BERKLEY POLICE DEPT.
DET. C. MILLER
ALYXIS FAY KRAHE
STACEY LYNN KRAHE
SABRINA KRAHE
JUDITH ANN STILTNER
REP. OF DHS
REP. OF DHS
(DT) RE: 154 REPORT OF KRAHE FAMILY

STATE OF MICHIGAN, COUNTY OF OAKLAND

The COMPLAINING WITNESS says that on the date and at the location described, the defendant, contrary to law,

COUNT 1

engage in sexual penetration, to-wit: digital penetration - vagina, with a 13 year old child, Alexis Krahe and the defendant was related to the victim by blood or affinity to the 4th degree; contrary to MCL 750.520b(1)(b). [750.520B1B]

SORA NOTICE: This is a Tier III Offense under the Sex Offender Registration Act (SORA) unless the court finds that the victim was between the ages of 13 to 15 inclusive, consented to the conduct, and the defendant was not more than 4 years older than the victim. MCL 28.722(w)(iv).

HIV/STD TESTING NOTICE

Take notice that pursuant to MCL 333.5129, upon bindover to circuit court or recorder's court, the district court judge shall order the defendant to be tested for venereal disease, hepatitis B infection, and for the presence of HIV or an antibody to HIV if the judge determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.

FELONY: Life; mandatory lifetime electronic monitoring; mandatory AIDS/STD testing; DNA to be taken upon arrest. The Court may impose a consecutive sentence under MCL 750.520.b(3).

CRIMINAL SEXUAL CONDUCT - FIRST DEGREE (Relationship)

STATE OF MICHIGAN

PROS. ORDER NO.

13-05884

THE DISTRICT COURT-JUDICIAL DISTRICT NO. 45/A

County of OAKLAND

COMPLAINT/GENERAL
INFORMATION

COUNT 2

did engage in sexual contact with a child, Alyxis Krane who was at least 13 but less than 16 years of age, and the defendant was related to the victim by blood or affinity to the 4th degree; contrary to MCL 750.520c(1)(b). [750.520C1B]

SORA NOTICE: This is a Tier II Offense under the Sex Offender Registration Act (SORA). It is a Tier III Offense if the defendant has a prior conviction for a Tier II Offense. MCL 28.722(u) & (v).

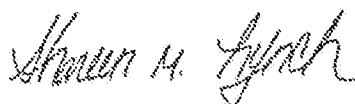
HIV/STD TESTING NOTICE

Take notice that pursuant to MCL 333.5129, upon bindover to circuit court or recorder's court, the district court judge shall order the defendant to be tested for venereal disease, hepatitis B infection, and for the presence of HIV or an antibody to HIV if the judge determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.

FELONY: 15 Years; mandatory AIDS/STD testing; DNA to be taken upon arrest.

CRIMINAL SEXUAL CONDUCT - SECOND DEGREE (Relationship)

WARRANT AUTHORIZED BY
THE OAKLAND COUNTY PROSECUTING ATTORNEY



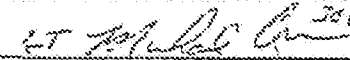
Assistant Prosecuting Attorney

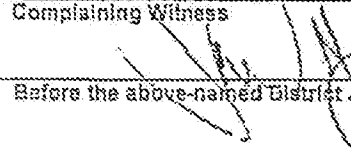
The complaining witness asks that defendant be apprehended and dealt with according to law.

Date: 9/18/13

No: _____

Subscribed and Sworn to on this day by


Complainant Witness

 66525
Before the above-named District Judge/Deputy Clerk/Magistrate

JESSICA R. COOPER
Prosecuting Attorney



OAKLAND COUNTY
PROSECUTOR'S OFFICE
1200 N. TELEGRAPH RD.
PONTIAC, MI 48341
Phone: (248) 858-0656
Fax: (248) 452-2054

A Fax Transmission From: **Office of the Prosecuting Attorney**

To: <u>Sgt CRUM</u>	From: <u>Shareen</u>
Fax:	Date: <u>8-21-13</u>
Phone:	Pages: <u>3</u> (including Cover Sheet)

ROUTING PRECEDENCE:

☐ IMMEDIATE

☒ ROUTINE

*Further
on Is Krahe &
Jerome
Thank you!
Shareen*

CONFIDENTIALITY NOTICE

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054

**OFFICE OF THE PROSECUTING ATTORNEY
COUNTY OF OAKLAND**

PO# 2013-05884

PROSECUTOR'S DISPOSITION RECORD

ALLEGED DEFENDANT(S): Krahe, Stacey
Jerome, Samuel
LAST FIRST

ALLEGED OFFENSE: CSC 1st and CSC 2nd

DATE OF OFFENSE: On or about December 2012 through April 2013

LOCATION: Berkley

VICTIM: Alyxis

POLICE OFFICER: Sgt. Crum

AND/OR DEPARTMENT: Berkley PD

CASE NUMBER: 13-5555

DISPOSITION:

1. DENIED ☐ 2. FURTHERED ☒ 3. REFERRED ☐

IF REQUEST NOT GRANTED OR FURTHER INVESTIGATION IS ORDERED, GIVE

REASONS: VC is 14 year old daughter of Defendant 1 and the step-daughter of Defendant 2. The VC recently disclosed of touchings to her vagina both under clothes and over clothes. She also disclosed a touching to her breasts. VC has stated Defendant 2 is the subject who sexually assaulted her and Defendant 1 has threatened her and told her to recant her allegation. Furthered for the following information: Need to know who is the very person the VC told about the sexual abuse? Need this person identified and interviewed. Need to know when the VC told this subject about the sexual abuse and what exactly the VC told them about it. The sister of the VC should be interviewed. (How old is this child? I did not see her listed on the 3200 form submitted to DHS) Does this child know anything about what happened to the VC? Was the sister home when the molestations occurred to the VC? If so, where in the house was she? Did the VC ever tell her what was going on? Was this child ever molested as well? (The VC seems to suggest that the Defendant was rubbing this child's stomach in the same fashion he did to her and appeared to be paying the younger sibling a lot of attention as well.) Can Defendant 1 corroborate the fact that the Defendant was buying the VC things in the last 6 months? Need the 154 report from DHS when completed. All of this information is critical to a determination being made on this warrant request.

055

TOTAL \$1,000

IF FURTHER OLDER THAN 30 DAYS, PLEASE QUERY THE FOLLOWING:

PROMIS: _____

CCH: _____

WARRANT ISSUED: _____

SIGNED: Shareen Lynch

DATE: August 21, 2013

056

EXHIBIT B

CR No: 130008468



BERKLEY PSD

2385 W. TWELVE MILE
BERKLEY CA 94702
2438583380



Case Report

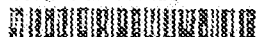
Administrative Details

CR No	Subject
130008468	7070 - Runaway (70000)
Report Date/Time	Occurrence Date/Time
07/14/2013 18:52	07/14/2013 12:00
Location	Call Source
3800 PHILLIPS AVE	TELEPHONE
Dispatched Offense	Verified Offense
7070 RUNAWAY	7070 Runaway
County	City/Town/Village
63 - Oakland	68 - Berkeley
Division	
Investigation	

Action Requested

- | | |
|--|--------------------------------------|
| <input type="checkbox"/> Arrest warrant | <input type="checkbox"/> Review only |
| <input type="checkbox"/> Search warrant | <input type="checkbox"/> Forfeiture |
| <input type="checkbox"/> Juvenile petition | <input type="checkbox"/> Other |

CR No: 13008466



Offenses		
7070 - Runaway [BEPOUNDERSC (01174)]		
IBR Code / IBR Group	Offense File Class	
901 - Runaway / B	70000 - JUVENILE RUNAWAY	
Crime Against	Location Type	Offense Completed
NC	20 - Residence/Home	Completed
Domestic Violence	Hate/Bias	
No	00 - None (No Bias)	
Using		
A-Alcohol: No C-Computer Equipment: No D-Drugs/Narcotics: No		

People									
JEROME, STACEY (O-OTHER) [BEPOUNDERSC (01174)]									
PE:	W.Type:	Last Name	First Name	Middle Name	Suffix	Minors/MS			
		JEROME	STACEY						
DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship			
04/11/1977 (36)	F	WHITE							
Eye Color	Hair Color	Hair Style	Hair Length	Facial Hair					
Blue									
Complexion	Build	Teeth	Height	Weight	Arms				
			5' 3"	130					
Street Address	Apt #	County	Country	Home Phone	Work Phone				
3600 PHILLIPS		Oakland	USA						
City	State	Zip	Cell Phone	Email					
Berkeley	MI	48072	248-240-6092						

STILTNER, JUDY (O-OTHER) (R-REPORTED BY) [BEPOUNDERSC (01174)]									
PE:	W.Type:	Last Name	First Name	Middle Name	Suffix	Minors/MS			
		STILTNER	JUDY						
DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship			
03/17/1940 (73)	F	WHITE							
Street Address	Apt #	County	Country	Home Phone	Work Phone				
3310 THOMAS		Oakland	USA	248-643-0962					
City	State	Zip	Cell Phone	Email					
Berkeley	MI	48072	248-302-1827						

KRAHE, ALYXIS FAY (O-OTHER) (K-MISSING PERSON) [BEPOUNDERSC (01174)]									
PE:	W.Type:	Last Name	First Name	Middle Name	Suffix	Minors/MS			
		KRAHE	ALYXIS	FAY					
DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship			
07/21/1999 (13)	F	WHITE		ROYAL OAK Michigan	USA	USA			
Eye Color	Hair Color	Hair Style	Hair Length	Facial Hair					
	Brown	Straight	Long						
Complexion	Build	Teeth	Height	Weight	Arms				
	Thin				BLACK TANK TOP, JEAN SHORTS				
Street Address	Apt #	County	Country	Home Phone	Work Phone				
3600 PHILLIPS		Oakland	USA						
City	State	Zip	Cell Phone	Email					
Berkeley	MI	48072	248-794-0807						
NO	Gang Active		Gang Name						
Alerts		On Probation/Parole		Historical Offender Status		085			

CR No: 13000E466



No

Narrative:

CR No: 13000E466-001 Written By: BEPOUNDERS (01174) Date: 07/14/2013 07:01 PM

DATE AND TIME:

July 14, 2013

1200 Hours

VENUE:

3310 Thomas

City of Berkley

County of Oakland

State of Michigan

MISSING JUVENILE:

Alyxis Fay Krahe

DOB: 07/21/1999

3600 Phillips

Berkley, MI 48072

248-794-0807

Last seen wearing- Black tank top with silk shirt over it, blue jean shorts, "DC" tennis shoes.

REPORTED BY:

Judy Stiltner

DOB: 03/17/1940

3310 Thomas

Berkley, MI 48072

248-543-0952

CIRCUMSTANCE:

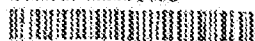
Unit 410 (PSO Kobernick and I, PSO Pounders) was dispatched to 3310 Thomas for a missing juvenile report. Upon arrival we spoke to Judy Stiltner DOB: 03/17/1940 who said her granddaughter Aleyxis Fay Krahe DOB: 07/21/1999 has been missing since 12:00 on July 14, 2013. Stiltner stated Aleyxis has been staying at her house for the past three weeks due to the fact that Aleyxis's mother was in Texas. On today's date, Stiltner said Aleyxis was upset about her mother coming home. Stiltner stated Aleyxis asked to go for a walk to deal with her anxiety. Stiltner told Aleyxis to return in 30 minutes. Aleyxis called one time around 12:30 to ask for an extension, she was told no. Aleyxis never returned home or called after that. Stiltner said Aleyxis doesn't have many friends and doesn't know where she would have walked to or who she could possibly be with.

CONCLUSION:

Aleyxis was entered into LEIN by dispatcher Shirer (SYSID #43814263). Stiltner was advised to call if

086

CR No: 130008466



Aleyxis made contact with her. Case forwarded to DB for further investigation.

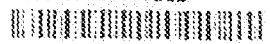
CR No: 130008466-002 Written By: BEHERRIMANK (01168) Date: 07/15/2013 10:10 AM

Stacey Jerome called to say she found her daughter Alyxis Krahe who was reported missing. However, she refused to allow officers to confirm this. Krahe was prematurely removed in LEIN but was reentered due to our inability to confirm her status.

087

EXHIBIT C

CR No: 130009252



BERKLEY PSD

2385 12 MILE RD
BERKLEY MI 48072
2485533380



Case Report

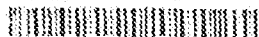
Administrative Details:

CR No 130009252	Subject Family Trouble (KRAHE)
Report Date/Time 08/02/2013 00:11	Occurrence Date/Time 08/02/2013 00:11
Location 3600 PHILLIPS AVE	Call Source TELEPHONE
Dispatched Offense C3310 FAMILY TROUBLE	Verified Offense 1399 Assault (Other)
DIC Crum, Michael (BECRUMME-01036)	DIC Contact Number
County 63 - Oakland	City/Twp/Village 66 - Berkley
Division Patrol	

Action Requested:

<input checked="" type="checkbox"/> Arrest warrant	<input type="checkbox"/> Review only
<input type="checkbox"/> Search warrant	<input type="checkbox"/> Forfeiture
<input type="checkbox"/> Juvenile petition	<input type="checkbox"/> Other
Agency Contact: D/Lt Mike Crum	Contact Number: 248.658.3393

CR No: 130002252

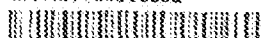


Offenses:		
1399 - Assault (Other)		
IBR Code / IBR Group	Offense File Class	
13A - Aggravated Assault / A	13002 - AGGRAVATED/FELONIOUS ASSAULT	
Crime Against	Location Type	Offense Completed
PE	20 - Residence/Home	Completed
Domestic Violence	Hate/Bias	
Yes	00 - None (No Bias)	
Using	Cargo Theft	
A-Alcohol: No C-Computer Equipment: No D-Drugs/Narcotics: No		
Weapons		
40 - Personal Weapons (Hands, Feet, Teeth, etc.)		
Criminal Activity		
N - None/Unknown		

People:									
JEROME, SAMUEL JAMES (A-ARRESTEE) [BEGEARYD (01046)]									
Last Name		First Name		Middle Name		Suffix		Mr./Mrs./Ms.	
JEROME		SAMUEL		JAMES					
Aliases		Other License#		OL State	OL Country	Personal ID#			
		J650758367379		MI					
DOB (Age)	Sex	Race	Birth City & State	Birth Country	Country of Citizenship				
05/19/1972 (41)	M	UNKNOWN	Detroit Michigan	USA	USA				
Eyes Color	Hair Color	Hair Style	Hair Length	Facial Hair					
Brown	Brown	Straight	Short	Full Beard and Mustache					
Complexion	Build	Teeth	Height	Weight	Age				
			5' 11"	220					
Held For	Finger Prints	Photos	Murders Read	Murders Waived	Number of Warrants		FBI#		
	Yes	Yes	No	No					
Street Address		Apt #	County	Country	Home Phone		Work Phone		
3600 PHILLIPS			Oakland	USA					
City	State	Zip	Cell Phone	Email					
BERKLEY	MI	48072	734.778.5655						
SSN	MOC/CP/PA#								
378-68-3152									
Alerts			On Probation/Parole		Federal Gender Abuse				
			No						
Arrest Information									
Offenses			Details						
1399 - Assault (Other)			Arrest Date/Time:		02/02/2013 10:00				
			Location:		Berkley DPS				
			Arrested:		2013-083				
			Arrest Type:		Onview				
			CWI Arrest/BAC:						
			Offense Type:		Felony				
			Count:						
			Arresting Officer 1:		BEGARUME (Garrett, Michael 01027)				
Mug Clearance		Mug Clearance Offense		Armed With					
N - Not Applicable				01 - Unarmed					
Date/Time Booked		Booked Location							
08/02/2013 10:30		Berkley DPS							
Date/Time Released		Released Location		Released By		Release Reason			
08/03/2013 16:00		Berkley DPS		BEGARNETT M					
				(Garrett, Michael 00027)					

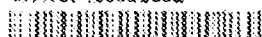
111

CR No: 130003252



KRAHE, STACEY LYNN (A-ARRESTEE) [BEGEARYD (01046)]									
Last Name		First Name		Middle Name		Suffix		Mr/Mrs/Ms	
KRAHE		STACEY		LYNN					
Address				Driver License #		DL State		DL Country	
				K600777564283		MI		USA	
DOB (Age)		Sex	Race	Birth City & State	Birth Country		Country of Citizenship		
04/11/1977 (36)		F	WHITE	Royal Oak Michigan	USA		USA		
Eye Color		Hair Color		Hair Style		Hair Length		Facial Hair	
Blue		Blond							
Complexion		Build	Teeth	Height	Weight	Able			
				5' 3"	140				
Held For		Finger Print	Photos	Miranda Read	Miranda Waived	Number of Warrants		PB#	
		Yes	Yes	No	No				
Street Address				City	State	Zip	County	Home Phone	Work Phone
3600 PHILLIPS AVE				BERKLEY	MI	48072	OAKLAND	678.652.5392	
Cell Phone				Email					
366991944									
Arrest Information									
Offenses				Details					
1399 - Assault (Other)				Arrest Date/Time:		08/02/2013 09:50			
				Location:		Berkley DPS			
				Arrested:		2013-682			
				Arrest Type:		Onview			
				CWI Arrest/BAC:					
				Offense Type:		Felony			
				Count:					
				Arresting Officer 1		SECURINE (Crim/Michael 01036)			
MUC Clearance				Null Clearance Offense		Armed With			
N - Not Applicable						01 - Unarmed			
Date/Time Booked				Booked Location					
08/02/2013 10:00				Berkley DPS					
Date/Time Released				Released Location		Released By		Release Reason	
08/02/2013 18:00				Berkley DPS		BEHADFIELDAW (Hadfield, Andrew 01160)		Temporary Transfer to Other Institutions	
KRAHE, ALYXIS FAY (V-VICTIM) [BEGEARYD (01046)]									
Victim Type		Victim of							
I - Individual		1399 - Assault (Other)							
PE:	W Type	Last Name		First Name		Middle Name		Suffix	
	VC	KRAHE		ALYXIS		FAY			
DOB (Age)		Sex	Race	Birth City & State	Birth Country		Country of Citizenship		
07/21/1999 (14)		F	WHITE	Royal Oak Michigan	USA		USA		
Street Address				City	State	Zip	County	Home Phone	Work Phone
3600 PHILLIPS AVE				BERKLEY	MI	48072	OAKLAND		
Cell Phone				Email					
Victim Injury									
M - Apparent Minor Injury									
Victim Offender Relationships									
Offender				Type		Relationship			
JEROME, SAMUEL JAMES				A-ARRESTEE		10-Victim Was Stepchild			
KRAHE, STACEY LYNN				A-ARRESTEE		05-Victim Was Child			

CR No: 136009252



ROTENHEBER, JASON (O-OTHER) (L-POLICE OFFICER) [BEGEARYD (01048)]									
PE	W Type	Last Name	First Name	Middle Name	Suffix	Mr/Ms/Ms			
	OF	Rotenheber	Jason						
DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship			
	M	UNKNOWN							
Phone/Email									
Type					Description				
BU-Business Phone #1					248.701.8243				
Notes									
CPS									

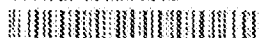
GEARY, DENNIS (O-OTHER) (L-POLICE OFFICER) [BEGEARYD (01046)]									
PE	W Type	Last Name	First Name	Middle Name	Suffix	Mr/Ms/Ms			
		Geary	Dennis			OFFICER			
DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship			
		UNKNOWN							
Street Address			Ap#	Country	Country	Home Phone		Work Phone	
2395 W. Twelve Mile				OAKLAND	USA				
City			State	Zip	Cell Phone	Email			
Berkley			MI	48072					
Phone/Email									
Type					Description				
BU-Business Phone #1					2486583380				

CRUM, MICHAEL (O-OTHER) (L-POLICE OFFICER) [BEGEARYD (01046)]									
PE	W Type	Last Name	First Name	Middle Name	Suffix	Mr/Ms/Ms			
		Crum	Michael			LT.			
DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship			
		UNKNOWN							
Street Address			Ap#	Country	Country	Home Phone		Work Phone	
2395 W. Twelve Mile				OAKLAND	USA				
City			State	Zip	Cell Phone	Email			
Berkley			MI	48072					
Phone/Email									
Type					Description				
BU-Business Phone #1					2486583393				
Notes									
OIC									

(O-OTHER) (B-BUSINESS, ETC.) [BEBUNTINGM (01056)]									
PE	W Type	Name				Suffix	Mr/Ms/Ms		
		Rep of Alliance Mobile Health							
DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship			
		UNKNOWN							

COMBS, PAUL (O-OTHER) (L-POLICE OFFICER) [BEBUNTINGM (01056)]									
PE	W Type	Last Name	First Name	Middle Name	Suffix	Mr/Ms/Ms			
		Combs	Paul						
DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship			
		UNKNOWN							
Street Address			Ap#	Country	Country	Home Phone		Work Phone	
2395 W. Twelve Mile				OAKLAND	USA				
City			State	Zip	Cell Phone	Email			
Berkley			MI	48072					

CR No: 130009252



Berkley	MI	48072	
Phone/Email			
Type		Description	
BU-Business Phone #1		2486583380	

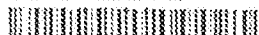
CORRADI, KURT (O-OTHER) (L-POLICE OFFICER) [BEBUNTINGM (01056)]							
PE	W Type	Last Name	First Name	Middle Name	Suffix	Mr/Ms/Ms	
		Corradi	Kurt				
DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship	
		UNKNOWN					
Street Address		Apt #	County	Country	Home Phone	Work Phone	
2395 W. Twelve Mile			OAKLAND	USA			
City		State	Zip	Cell Phone	Email		
Berkley		MI	48072				
Phone/Email							
Type				Description			
BU-Business Phone #1				2486583380			

LAITY, BRIAN (O-OTHER) (L-POLICE OFFICER) [BEBUNTINGM (01056)]							
PE	W Type	Last Name	First Name	Middle Name	Suffix	Mr/Ms/Ms	
		Laity	Brian				
DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship	
		UNKNOWN					
Street Address		Apt #	County	Country	Home Phone	Work Phone	
2395 W. Twelve Mile			OAKLAND	USA			
City		State	Zip	Cell Phone	Email		
Berkley		MI	48072				
Phone/Email							
Type				Description			
BU-Business Phone #1				2486583380			

BUNTING, MICHAEL (O-OTHER) (L-POLICE OFFICER) [BEBUNTINGM (01056)]							
PE	W Type	Last Name	First Name	Middle Name	Suffix	Mr/Ms/Ms	
		Bunting	Michael				
DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship	
		UNKNOWN					
Street Address		Apt #	County	Country	Home Phone	Work Phone	
2395 W. Twelve Mile			OAKLAND	USA			
City		State	Zip	Cell Phone	Email		
Berkley		MI	48072				
Phone/Email							
Type				Description			
BU-Business Phone #1				2486583380			

STILTNER, JUDY (O-OTHER) (I-PERSON INTERVIEW) [BEBUNTINGM (01056)]							
PE	W Type	Last Name	First Name	Middle Name	Suffix	Mr/Ms/Ms	
		STILTNER	JUDY				
DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship	
03/17/1940 (73)	F	WHITE					
Street Address		Apt #	County	Country	Home Phone	Work Phone	
3310 THOMAS					2485430952		

CR No: 130009252



City BERKLEY	State MI	Zip 48072	Cell Phone 2483021827	Email
Aliases			On Probation/Parole No	Has Past Offender Status

Narrative:

CR No: 130009252-001 Written By: BEBUNTINGM (01056) Date: 08/02/2013 01:55 AM

Incident

On Friday, August 2nd 2013 at 0011hrs, Officers were dispatched to 3600 Phillips for a family trouble. Arriving officers met with mother Stacy KRAHE, age 36 who allowed officers into the home. We also contacted a visibly upset daughter Alyxis KRAHE, age 14 and husband/step-father Samuel JEROME, age 41.

Investigation

Investigating Officers spoke to Alyxis and Stacy. Alyxis states she was in her room, when Stacy and Samuel came in, believing Alyxis was smoking marijuana. Stacy said when she entered, Alyxis threw a cigarette pack out of her window, that contained marijuana. Officer's smelled Alyxis clothes and bedroom. No marijuana was detected. No cigarette pack was found outside, where Stacy said it was thrown.

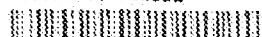
The three argued, and a physical altercation began. Alyxis states she did have a lighter, and when she attempted to hide it, she was thrown down and hit in her face and thrown against a wall without provocation. Photos of Alexis face, upper chest, and leg were taken. See attached photos.

Stacy and Samuel then tore Alyxis room apart to find the marijuana. She bagged Alyxis clothes, and told me she was going to throw them away because Alyxis might have hidden "something" in them. When I pointed out that was unreasonable, Stacy looked confused. Stacy found NO marijuana in Alyxis' room.

Stacy version is that she believed Alexis was smoking marijuana. When she went in to confront Alexis, Alyxis went crazy and assaulted Stacy, and had to be restrained. During Alyxis assault, Stacy said she injured her finger, and was scratched. There are photos of scratches on Stacy's chest.

Stacy said she was having heart issues. Alliance arrived on scene, but the heart issues went away. There was no transport.

CR No: 130009252

Alyxis

After Sgt Combs spoke to Lt Crum, Alyxis was turned over to her grandmother, Judy Stillner.

CR No: 130009252-002 Written By: BEGABRIELR (00012) ATTACHMENT ONLY REPORT - No Narrative

CR No: 130009252-003 Written By: BEGARNETTM (00027) ATTACHMENT ONLY REPORT - No Narrative

CR No: 130009252-004 Written By: BEFROSTS (00407) ATTACHMENT ONLY REPORT - No Narrative

CR No: 130009252-005 Written By: BEGEARYD (01046) Date: 08/05/2013 03:48 PM

DETECTIVE BUREAU INVESTIGATIONCRIME:

750.136b4 - Child Abuse, 3rd Degree

SUSPECT #1:

Stacey Lynn Krahe

W/F, 04-11-1977

SUSPECT #2:

Samuel James Jerome

W/M, 03-17-1940

VICTIM:

Alyxis Fay Krahe

W/F, 07-21-1999

DATE/TIME:

August 2, 2013 at 0011 hours

VENUE:

3600 Phillips, City of Berkley, County of Oakland, State of Michigan.

SUMMARY:

Alyxis (Allie) Krahe was assaulted by her mother, Stacey Krahe, and her stepfather, Samuel Jerome.

Parties were originally separated for the evening until reviewed by the detective bureau. After review, it



was determined Allie Krahe was still in danger from her parents and arrests were made in the case.

INVESTIGATION:

August 2, 2013

PSO Bunting, PSO Corradi, and Sgt Combs were dispatched to 3600 Phillips on a family trouble. Officers on scene separated the parties and advised everyone to come to the detective bureau for interviews. I am currently investigating a criminal sexual conduct allegation (13-5555) involving the same parties.

Alyxis Fay Krahe (Allie)

I spoke with Allie Krahe regarding the assault. Allie advised Sam installed a lock on the exterior of her bedroom door so she can not leave her room. She was locked in her room on the night in question. Stacey entered her room and began making accusations of narcotic use. Allie denies any drug use, now or in the past. Allie advised she had a lighter in her room she used to light candles. When confronted by her mother, Allie denied the use of narcotics. Stacey became enraged and grabbed Allie by the face and hair. Stacey slammed Allie's head into the rail on her bed multiple times.

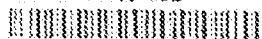
Stacey then grabbed Allie, covering her mouth and nose with her hand. Stacey advised Allie, "Eventually you will have to give up when you run out of air." Allie advised she could not breathe when Stacey was covering her airway. Eventually, Allie ran out of air and felt like she was going to pass out. Stacey continued to ask where the marijuana was while assaulting Allie. Stacey allowed her to breathe just as Allie felt she was passing out.

Stacey then began to press on pressure points in Allie's body. Stacey is a special needs teacher and learned the pressure points to control her students. She tried several pressure points on Allie during the assault. Allie showed me red marks on her left upper chest. Allie advised her mother was causing severe pain when pushing on the pressure points.

Sam Jerome entered the bedroom and "slammed" Allie into a chair in her room. When Sam threw Allie down, her head struck the wall behind the chair. Allie advised she had several personal items on the chair. One of the items was a signed picture of Johnny Depp she values. Allie attempted to get out of the chair to remove the picture. Sam threw her back into the chair each time she attempted to get up. Each time she slammed her head on the wall. Allie advised Sam threw her into the wall on seven (7) occasions.

Stacey Krahe then punched Allie directly in the face the last time Sam threw her into the chair. Allie stated it was Stacey's closed right fist that struck her directly in the right eye. Allie's eye was swollen and red with bruising starting to show around the eye. Allie advised her eye was hurting whenever she moved it. During the assault, Allie was allowed to use the bathroom on the first floor of the residence. Stacey went with her to use the restroom. After, Stacey shoved Allie down to the floor at the base of the stairs. Sam counted to "three" for Allie to get to her feet. When Allie was unable to get to her feet in time, Stacey grabbed her by the hair and dragged her up the stairs. While being dragged up the stairs, Allie struck her shin on the riser of the stair, causing it to bleed. A photo of the cut on her leg was taken by the officers on scene.

During the assault, one of her parents would hold Allie down, and the other was placing all of her



belongings into plastic bags. Stacey was advising Allie they were throwing all of her clothing out because she didn't deserve clothing and would never be allowed to leave the residence again. Stacey also advised Allie she was going to throw her Hermit Crabs away. Although Stacey did not throw the crabs away, it is a constant threat from Stacey to harm Allie's living pets.

The maternal grandmother, Judy Stiltner was called by Stacey during the assault. Judy arrived at the residence and observed all of Allie's clothing in white plastic bags. Judy also observed Stacey assault Allie while Sam was holding her down. Judy advised Stacey often calls her as a witness when something is happening in the residence. Judy arrived before Stacey was aware this time and actually observed the assault in progress.

Allie advised the scratches on her mothers chest occurred when Stacey was covering her airway and she thought she was going to die. She began to move around attempting to clear her mother's hands from her mouth and nose to be able to breathe.

Stacey Krahe

I spoke to Stacey Krahe in the lobby of the police station. Stacey confirmed she was looking for marijuana in her daughter's room when the assault occurred. Stacey confirmed no marijuana was discovered and the officers could not smell marijuana when they arrived on scene. Stacey advised it was Allie's fault she was struck in the eye. She attempted to blame Allie for standing up and "running" into her finger. Stacey's story changed several times and was not deemed credible.

Stacey blamed Allie for lying and causing all of the turmoil in the residence. Stacey is upset Allie made allegations of sexual abuse against her stepfather, Sam Jerome. Since the allegation, Stacey has manipulated the entire investigation. Including refusing to allow me to speak to Allie without her present. On one occasion, Stacey actually drove to Georgia, interfering with my investigation into the sexual assault. Stacey allegedly told Allie she would be raped everyday if she testified against Sam. She threatened suicide another time if Allie testified. Allie has been forced to make a false PPO request against her grandmother, Judy, as a result of Stacey.

Stacey was arrested for assault, child abuse, and booked by Officer Garnett. It was determined Allie was not safe as a result of the assault that occurred at the residence and the fact Stacey has fled the state on prior occasions when a crime was being investigated.

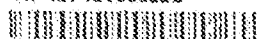
Samuel Jerome

Sam Jerome was arrested in the police lobby for assault, child abuse. Sam pushed Allie into a chair in her room on at least seven occasions. Each time, Allie struck her head on the wall behind the chair.

Voice Memos

During the investigation, Stacey insisted I listen to several voice memos she had on her phone. All of the voice memos were recorded conversations she had with Allie. All of the voice memos appeared to be rehearsed and led by Stacey. In the past, Stacey has instructed her children how to answer questions to both the police and CPS. The voice memos were an obvious attempt by Stacey to manipulate the investigation. None of the information matched the facts of the case.

CR No: 130009252



I interviewed Allie about the voice memos on Stacey's phone. Allie immediately claimed she was forced to make any and all of the statements on the voice memos. Stacey threatened severe punishment unless Allie agreed to make the statements. I was unable to record the voice memos or detail what each said. They are not credible evidence. According to Allie, she had to repeat the voice memos several times until Stacey was satisfied with the results.

Michigan Department of Human Services

PSO Dennis Geary completed a DHS3200 form and faxed it to the Department of Human Services. Agent Jason Rotenheiser responded to the Berkeley Public Safety Department to interview Stacey Krahe. Stacy agreed to a safety plan where the children could stay with their maternal grandmother, Judy Stiltner, until the case was decided by the Oakland County Prosecutor.

William Beaumont Hospital

Stacey advised she was having medical issues and needed to be seen by a doctor. Alliance Mobile Health was contacted and transported Stacey to Royal Oak Beaumont Hospital for evaluation. Stacey was released pending further investigation upon being transported to the hospital.

Sam Jerome

After Stacey was released pending further investigation, Sam Jerome was also released to care for his wife. Sam was advised to not contact the children for any reason and to stay away from Judy Stiltner.

CONCLUSION

On August 2, 2013 at 0011 hours, Stacey Lynn Krahe, born April 11, 1977, did intentionally physically harm Alyxis Fay Krahe, born July 21, 1999 by punching her in the right eye causing a bruise and blocking her airway causing Alyxis to fear death.

In addition, Samuel James Jerome, born May 19, 1972, did slam Alyxis into a chair on at least seven occasions, each time causing her head to strike the wall behind the chair, leaving bruising and red marks on the back of Alyxis' head.

PROSECUTION REQUESTED:

750.136B4 - Child Abuse, 3rd Degree = Stacey Krahe

750.136B4 - Child Abuse, 3rd Degree = Samuel Jerome

STATUS:

Case forwarded to the Oakland County Prosecutors Office.

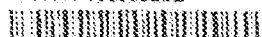
CR No: 130009252-006 Written By: BEMOSCHELLIM (01173) Date: 08/08/2013 01:13 AM

Ref: Jerome/Samuel/james// DOB: 05/19/1972. Conditional Bond entered in LEIN as per court.

Ref: Krahe/Stacey/Lynn// DOB: 04/11/1977. Conditional Bond entered in LEIN as per court

CR No: 130009252-007 Written By: BEFROSTS (00407) ATTACHMENT ONLY REPORT - No Narrative

CR No: 130009252



CR No: 130009252-008 Written By: BEFROSTS (00407) ATTACHMENT ONLY REPORT - No Narrative

CR No: 130009252-009 Written By: BEMOSCHELLIM (01173) ATTACHMENT ONLY REPORT - No

CR No: 130009252-010 Written By: BECRUMME (01036) Date: 09/12/2013 08:50 AM

S=Stacey KraheS=Samuel JeromeCRIME:

Domestic Violence

DB FOLLOW-UP

CWS

August 6, 2013

I received a complaint, warrant, and subpoena from the Oakland County Prosecutors Office for MCL 750.812 domestic violence for both Stacey Krahe and Samuel Jerome.

I swore to the CWS before Judge James Wittenberg with an arraignment date scheduled for August 7, 2013 at 9 AM.

I received a 911 recording and copies of the DB interviews of both Allie Krahe and Sabrina Krahe.

Arraignment

August 7, 2013

Stacey Krahe and Sam Jerome were arraigned before Judge Wittenberg. Both were issued personal recognizance bonds in the amount of \$5000 and a pretrial date of August 13, 2013 at 9 AM. Bond conditions were set for both to have no contact with the victim, Allie Krahe, or any child under the age of 18.

PreTrial Conference

August 13, 2013

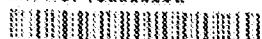
The pretrial was adjourned until August 27, 2013 by Judge Wittenberg. A bond hearing was heard with Judge Wittenberg refusing to change the terms of the bond without written notification from CPS.

August 27, 2013

A Pretrial was held before Judge Wittenberg. Judge Wittenberg followed the direction of the Juvenile Court Referee and CPS to allow Sabrina Krahe to be returned to Stacey Krahe. APA C. George advised Judge Wittenberg of the continued coercion by Stacey Krahe of her children. He advised to have to matter brought before the Juvenile Court for review. A Bench Trial date was scheduled for November 1, 2013 before Judge Wittenberg on the Domestic Violence.

August 28, 2013

CR No: 138009252



I testified before the Juvenile Court Referee regarding the custody of Sabrina Krahe. I testified to the fact Sabrina told me her mother, Stacey Krahe, made her lie about the domestic violence. I also testified regarding the physical abuse to Sabrina, including locking her in her room for days at a time. I testified to the possible grooming of Sabrina by Sam Jerome with Stacey's full knowledge and consent. I testified to my personal knowledge of Stacey Krahe being hospitalized for mental illness on at least four occasions. I testified to the fact Sabrina has been made to lie to CPS, the Police, her Teacher's, and Ministers by Stacey Krahe with extreme punishment for telling the truth. The Referee allowed Sabrina to be returned to Stacey.

September 3, 2013

A custody hearing was held before Judge Matthews at Oakland County Circuit Court. Judge Matthews temporarily suspended Stacey Krahe's parental rights and placed both Sabrina and Allie in the custody of Judy Stillner, their maternal grandmother.

Stacey Krahe transported Sabrina to Judy's residence on Thomas. I confirmed she had been safely brought to the residence. I confirmed Sabrina and Allie both had separate bedrooms in their grandmothers residence and there was adequate food in the residence. I contacted Angell Elementary and confirmed Sabrina was enrolled for classes. Stacey had informed me she was planning on home schooling Sabrina and had not signed her up for school.

STATUS:

Case open awaiting trial.

CR No: 138009252-011 Written By: BECRUMME (01036) Date: 09/12/2013 10:34 AM

S=Stacey Krahe

S=Samuel Jerome

CRIME:

Domestic Violence

Conditional Bond Violation

DB FOLLOW-UP

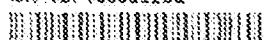
September 10, 2013

I was contacted by Judy Stillner and advised Sam Jerome and Stacey Krahe were following Allie around Berkley and photographing her again. According to Allie, she was extremely intimidated by Sam and Stacey following her and photographing her. Stacey confirmed this to Judy when she called and claimed to have seen Allie on several occasions in town doing drugs. Judy asked for proof which Stacey could not provide. I scheduled a meeting with Allie for September 11, 2013 at 1700 hours.

September 11, 2013

Myxix 'Allie' Krahe

Allie Krahe was brought to the detective bureau by Judy Stillner for an interview. I interviewed Allie in



the second floor detective bureau with Sgt Miller present. Allie advised she felt her mother and Sam were stalking her. She routinely observes them driving by her and following her. She described three specific incidents when they (Jerome/Krahe) followed her very closely. While following her, Allie observed her mother, Stacey, holding her cell phone out of the window and taking photographs of her. All three of these incidents violate the no contact provision in Stacey and Sam's bond through the 45a District Court.

First Incident

The first incident happened during the week of August 26, 2013. Allie believes it was August 28, 2013. Allie was walking on the north side of 12 Mile near Buckingham. She initially observed Sam drive by, alone, in the family minivan. After a few minutes, the van returned and Stacey was sitting in the front passenger seat with Sam still driving. Sam and Stacey followed Allie down 12 Mile for approximately six (6) blocks. The entire time, Stacey was holding her iPhone out of the window and taking photographs of Allie. Allie also believed she was videotaping her as they followed her. After Allie passed their vehicle, Sam would drive past her very slowly and then park just in front of her. Each time, Allie had to pass right by the parked vehicle.

Allie tried to hide behind a vehicle parked on 12 Mile. Allie could hear Stacey laughing and telling her she could not hide. Allie eventually ran to the police station to get away from Sam and Stacey. The police station is ten blocks from where Allie initially observed Sam and Stacey following her. I spoke with Allie and drove her home. When I spoke with her she appeared very afraid. She told me she was "terrified" of what they would do to her. Allie felt they were trying to intimidate her into not testifying again. She described her mother as being very controlling when she manipulates her. Allie also felt like Stacey was trying to send a message to her that there is nothing the court can do to her.

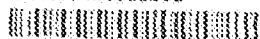
Second Incident

The second incident happened on Labor Day, September 2, 2013. Allie was walking on Beverly, which is a side street south of 12 Mile. She was approximately one block from her grandmother's residence when she observed Sam and Stacey slowly pass by her in the family minivan. Sam quickly turned around and stopped the van right next to her on Beverly. Stacey again began holding her phone out of the window and taking photographs of Allie. Allie tried to walk away from both of them and Sam continued to follow her. Allie moved her chair approximately four feet from me to show me how close they were to her. Stacey was shouting out the window at her and laughing at her. Allie could not recall exactly what was being said, but paraphrased the encounter. She remembers Stacey indicating Allie would be returned eventually and in "severe" trouble for getting them arrested.

Again, Allie felt "terrified" of Stacey and Sam. She felt they were intimidating her and showing her she would never be safe. Allie described the encounter as "paralyzing".

Lt. Crum / Stacey Krahe

On September 3, 2013, Judge Matthews ordered Sabrina Krahe removed from Stacey Krahe's custody and turned to Judy Stiltner. Stacey transported Sabrina to Judy's residence to turn her over. I met the family at 3310 Thomas (Judy's residence) to confirm Sabrina was safely turned over. During the exchange, I met



with Stacey in the living room of the residence. During the conversation, I brought up the encounter with Allie and the photographs. Stacey did not confirm or deny she was violating her bond. I indicated I believed it was a violation of the bond. Stacey had indicated to Judy she felt she was due visitation with Allie during the process. I made it clear there would be no visitation. I confirmed this with both CPS and DHS in Stacey's presence.

Third Incident

The third incident happened on Monday, September 9, 2013. Allie was walking home from school with a fellow classmate, James. While walking down 12 Mile, east of the 7-11 at Oakshire, Allie observed Sam and Stacey drive by the family minivan. The vehicle slowed when they passed Allie and she observed Stacey holding out her iPhone. The van then pulled into the 7-11, less than a block from Allie's location. The parking lot for the 7-11 is directly connected to 12 Mile. Allie and James were forced to walk right next to Sam and Stacey. James called Judy Stilner on his cell phone as they passed the van. Judy advised them to just ignore them and walk directly home.

Sam and Stacey followed them the five additional blocks to Thomas Street. Sam would position the van in the crosswalk so Allie would have to walk out into 12 Mile to pass the van. When she passed she was less than three feet from Stacey. She could hear Stacey calling her names and threatening her as she passed. Once on Thomas, Sam and Stacey followed them down the block and continued to drive around the block. Allie advised she "Literally felt like dying". She advised she felt like she could not longer put up with the constant harassment and intimidation. She was fearful to testify in court and just wanted to be left alone. Allie advised she no longer feels anyone can keep her safe from Sam and Stacey. They constantly torture her.

As soon as Allie and James entered Judy's residence, Stacey called Judy. Stacey admitted to being in the 7-11 parking lot and taking photos of Allie. Stacey claimed Allie was kissing James in the parking lot. She also admitted to following them home because she was trying to catch Allie smoking.

Sabrina Krahe

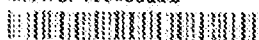
Sabrina Krahe was initially taken from Stacey Krahe the day after the domestic assault, August 3, 2013. Initially she told me she slept through the DV. Once out of the control of Stacey, Sabrina described the assault in great detail. Sabrina advised Stacey told her to lie to the police about the assault or she would be placed in foster care and never see her family again.

On August 27, 2013, Sabrina was returned to Stacey by court order. Within hours, Sabrina was saying she slept through the assault. It was very clear Stacey had manipulated her daughter once again.

On September 3, 2013, Sabrina was again removed from Stacey and returned to Judy Stilner. I interviewed Sabrina seconds after Stacey dropped her off. I did not allow Judy to talk to Sabrina before I interviewed her. Sabrina described again what she had observed on the night of the assault. She again indicated her mother told her what to say when she was living with her. Sabrina was very upset she had been returned to Stacey.

As part of the court order, Stacey can still contact Sabrina by phone. Stacey uses the phone conversations

CR No: 130009252



with Sabrina to have third party contact with Allie. One evening after Sabrina spoke with Stacey, Sabrina advised Allie she was going to be placed in a mental institution. According to Sabrina, as soon as Stacey gets Allie back, she will be locked up. Stacey claimed to already have the facility paid for. Stacey, through Sabrina, advised she will be locked up in the mental institution until her 18th birthday. Sabrina then told Allie she would have to undress in front of other people, including men. Allie felt this was another threat from her mother about being raped. Allie advised every time Stacey tries to manipulate her she tells Allie she is going to be raped. Allie has been told she is going to be raped since she was ten years old. Allie is terrified of being raped and Stacey constantly uses that to get her way.

Allie has caught Sabrina in her room tearing it a part. When confronted, Sabrina acknowledges she has been told to do it by Stacey to find evidence against Allie. Sabrina said she was looking for cigarettes or marijuana. If she finds them, Sabrina is to call Stacey immediately so she can "show the judge". Allie advised this is a daily occurrence as soon as Sabrina gets off of the phone with Stacey.

Allie Krahe

Allie advised she can no longer deal with the constant torture from Stacey and Sam. Allie advised she has nightmares every evening where she is being raped or killed. In every nightmare, Stacey and Sam are the ones raping and killing her. Allie has suicidal thoughts as a result of the intimidation and harassment. She advised she is paralyzed by fear when she sees them following her. Allie advised she knows why they are following her. According to Allie, Stacey wants her to drop all of the charges and she won't be punished. Allie does not believe they will ever stop tormenting her.

James

James is a friend of Allie's who attends Berkley High School. I have not been able to contact James as of this report for a statement. Once identified, I will contact James and forward his version of the events. I did confirm with Judy Stilner that James called her on September 9, 2013 about Stacey and Sam following them.

STATUS:

Case forwarded to APA Chris George to a possible bond violation.

CR No: 130009252-012 Written By: BEFRQSTS (00407) ATTACHMENT ONLY REPORT - No Narrative

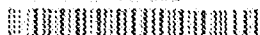
CR No: 130009252-013 Written By: BEKEMPSKIM (00408) Date: 11/20/2013 09:51 AM

Conditional Bond cancelled in LEIN per recall notice from 45th Dist Court,
Jerome/Samuel/James/.

CR No: 130009252-014 Written By: BECRUMME (01036) Date: 03/04/2014 04:08 PM

S=Stacey Krahe

CR No: 130009252



S= Samuel Jerome

CRIME:

Domestic Violence

DB FOLLOW-UPJury Trial

November 1, 2013

The jury trial for Stacey Krahe was adjourned at the prosecutors request for a psychological evaluation at the Forensic Center. A pretrial was scheduled for February 11, 2014 at 0900 hours for a status update. The pretrial for Samuel Jerome was adjourned until November 19, 2013. It is the intention of the APA to join the Domestic case with the ongoing CSC case in Circuit court for Jerome.

Pretrial Jerome

November 19, 2013

Jerome's case in the district court was dismissed without prejudice and combined with his CSC case in the Circuit Court. The case against Stacey Krahe will still be adjudicated in the 45A District Court.

Pretrial

February 11, 2014

A pretrial was held before Judge Wittenberg. Krahe was found competent and requested a bench trial on March 4, 2014 at 0830 hours.

Trial

March 4, 2014

Krahe pled guilty at the Circuit Court to a related charge and the local misdemeanor was dismissed, without prejudice, as a result.

STATUS:

Closed with conviction and sentence.

CR No: 130009252-015 Written By: BEKEMPSKIM (00408) Date: 06/13/2014 06:15 PM

Conditional Bond cancelled in LEIN as per recall notice from 45th Dist Court.
Krahe/Stacey/Lynn/.

CR No: 130009252-016 Written By: BECRUMME (01036) ATTACHMENT ONLY REPORT - No Narrative

REPORT OF ACTUAL OR SUSPECTED CHILD ABUSE OR NEGLECT

Michigan Department of Human Services

Was complaint called to DHS?				
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, Log # <u>3191307</u> If no, contact Centralized Intake (855-444-3911) immediately				
INSTRUCTIONS: REPORTING PERSON: Complete items 1-19 (20-28 should be completed by medical personnel, if applicable). Send to Centralized Intake at the address list on page 2.				Date <u>8/2/13</u>
2. List of child(ren) suspected of being abused or neglected (Attach additional sheets if necessary)				
NAME	BIRTH DATE	SOCIAL SECURITY #	SEX	RACE
ALYXIS EAY KRAHE	07/21/97		F	W
3. Mother's name <u>STACY KRAHE</u>				
4. Father's name				
5. Child(ren)'s address (No. & Street)		6. City	7. County	8. Phone No.
<u>3600 PHILLIPS</u>		<u>Berkeley</u>	<u>OAKLAND</u>	
9. Name of alleged perpetrator of abuse or neglect		10. Relationship to child(ren)		
<u>STACY KRAHE, SAMUEL JEROME</u>		<u>MOTHER, STEP FATHER</u>		
11. Person(s) the child(ren) living with when abuse/neglect occurred		12. Address, City & Zip Code where abuse/neglect occurred		
<u>STACY KRAHE, SAMUEL JEROME KRAHE</u>		<u>3600 PHILLIPS</u>		
13. Describe injury or conditions and reason for suspicion of abuse or neglect				
<u>SCRAPEES ON UPPER CHEST AREA FROM DOOR RIGHT LEG</u> <u>BURNING WOUND AROUND HER RIGHT EYE. Injuries caused by</u> <u>A CONFRONTATION BETWEEN ALYXIS KRAHE and STACY KRAHE & SAMUEL JEROME</u>				
14. Source of Complaint (Add reporter code below)				
01 Private Physician/Physician's Assistant 13 School Administrator 45 Private Agency Social Worker 02 Hosp/Clinic Physician/Physician's Assistant 14 School Counselor 46 Court Social Worker 03 Coroner/Medical Examiner 21 Law Enforcement 47 Other Social Worker 04 Dentist/Registered Dental Hygienist 22 Domestic Violence Provider 48 FIDES Worker/Supervisor 05 Audiologist 23 Friend of the Court 49 Social Services Specialist/Manager (CPS, FC, etc.) 06 Nurse (Not School) 25 Clergy 51 Hospital/Clinic Personnel 07 Paramedic/EMT 31 Child Care Provider 52 DHS Facility Personnel 08 Psychologist 41 Hospital/Clinic Social Worker 53 DMH Facility Personnel 09 Marriage/Family Therapist 42 DHS Facility Social Worker 54 Other Public Social Agency Personnel 10 Licensed Counselor 43 DMH Facility Social Worker 55 Private Social Agency Personnel 11 School Nurse 44 Other Public Social Worker 56 Court Personnel 12 Teacher				
15. Reporting person's name <u>Dennis Greary</u>		15a. Name of reporting organization (school, hospital, etc.) <u>Berkeley Police Station</u>		
15b. Address (No. & Street) <u>2395 W 12th Ave</u>		15c. City <u>Berkeley</u>	15d. State <u>MI</u>	15e. Zip Code <u>48072</u>
16. Reporting person's name		16a. Name of reporting organization (school, hospital, etc.)		
16b. Address (No. & Street)		16c. City	16d. State	16e. Zip Code
16f. Phone No.				
17. Reporting person's name		17a. Name of reporting organization (school, hospital, etc.)		
17b. Address (No. & Street)		17c. City	17d. State	17e. Zip Code
17f. Phone No.				
18. Reporting person's name		18a. Name of reporting organization (school, hospital, etc.)		
18b. Address (No. & Street)		18c. City	18d. State	18e. Zip Code
18f. Phone No.				
19. Reporting person's name		19a. Name of reporting organization (school, hospital, etc.)		
19b. Address (No. & Street)		19c. City	19d. State	19e. Zip Code
19f. Phone No.				

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EXHIBIT D

STATE OF MICHIGAN

45-A JUDICIAL DISTRICT COURT FOR THE COUNTY OF OAKLAND

THE STATE OF MICHIGAN,

v

File No. 13-0681FY

SAMUEL JAMES JEROME,

Defendant.

PRELIMINARY EXAMINATION

BEFORE THE HONORABLE JAMES L. WITTENBERG, DISTRICT JUDGE

Berkley, Michigan - Wednesday, October 9, 2013

APPEARANCES:

For the People:

MR. CHRISTOPHER R. GEORGE (P65963)
Assistant Prosecuting Attorney
1200 N. Telegraph Road
Pontiac, Michigan 48341
(248) 858-0656

For the Defendant:

MR. LAWRENCE J. BUNTING (P27111)
PO Box 1683
Troy, Michigan 48099
(248) 689-4200

Reported by:

Ms. Elizabeth Calabria, CER #263
Certified Electronic Recorder
(248) 658-3406

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<u>EXHIBITS:</u>	<u>Marked</u>	<u>Admitted</u>
None.		

1 Berkley, Michigan

2 Wednesday, October 9, 2013 - 1:40 p.m.

3 THE REPORTER: On the record, Judge.

4 THE COURT: All right. This is 13-0681, Jerome.

5 MR. GEORGE: Good afternoon, your Honor. Chris
6 George for the People.

7 MR. BUNTING: Good afternoon, your Honor. Larry
8 Bunting, P27111, on behalf of Mr. Jerome.

9 THE COURT: All right. Good afternoon. All right.
10 Today is the date and time set for an exam. It's my
11 understanding that both sides are ready to proceed this
12 afternoon.

13 MR. BUNTING: We are ready to proceed. There is a
14 couple things I'd like to put on the record.

15 THE COURT: Sure.

16 MR. BUNTING: I've asked the court recorder for the
17 dates of the swear-to, arraignment, pre-exam conference. I
18 have those, I'll be submitting a request for transcripts.
19 Obviously we don't need to delay the exam for that. I've also
20 spoken with the assistant prosecutor regarding itemization in
21 the preliminary -- excuse me -- the police report for five
22 attachments identified as being part of the reports that were
23 not provided to me. The prosecutor assures me he'll check
24 with the officer in charge as to what those are, we can
25 discuss it further; is that correct, Mr. Prosecutor?

1 MR. GEORGE: Yes.

2 MR. BUNTING: Other than that, your Honor, I'm ready
3 to proceed.

4 MR. GEORGE: Prior to proceeding, Judge, I would ask
5 the Court to close the courtroom given that this -- the
6 allegation involves a sexual assault and the witness is a
7 minor. I'm not sure if there's any objection to that but I
8 know in these types of cases when we have child witnesses on
9 sexual assault cases involving an adult, especially a parent,
10 that we typically will close the courtroom to any unnecessary
11 parties.

12 MR. BUNTING: I understand his intelllection in --
13 I'm just requesting that if you're going to close the court
14 then you close it all people other than the officer in charge,
15 the witness, the prosecutor, my client, and myself.

16 THE COURT: And we've got security too so there
17 would be no objection -- we've got a court officer and I think
18 we've got an officer that's watching the -- that's security
19 for the defendant so --

20 MR. BUNTING: I understand that, Judge --

21 THE COURT: But you're just --

22 MR. BUNTING: -- when I said court officer --

23 THE COURT: Yeah. We've got a court officer here, a
24 court recorder here, we've got -- we've got one officer that
25 is part of security because your client's in custody, and then

1 it would just be the people at the table.

2 MR. BUNTING: I understand that.

3 THE COURT: Is there --

4 MR. BUNTING: That's --

5 THE COURT: Is there a victim advocate here?

6 MR. GEORGE: No, your Honor.

7 THE COURT: Okay. Okay. So we've got -- and again
8 -- so there's two other people that are in the courtroom then
9 that don't need to be here?

10 MR. BUNTING: Yeah.

11 THE COURT: So I will then -- I'll grant your
12 request. I'll have the people then wait outside. They -- if
13 there's any additional testimony that is not from a child --
14 that's not the child in question, they can certainly come back
15 in and hear the testimony if there's any other witnesses that
16 will be testifying.

17 MR. BUNTING: Thank you, your Honor. And obviously
18 we are going to have the one witness in here. Obviously it
19 doesn't pertain but if there are additional witnesses or
20 people come back in, I'd ask for a sequestration order for any
21 other witnesses the prosecutor is going to call.

22 THE COURT: That would be on both sides. Anyone
23 that you would like -- so it will be a mutual sequestration
24 then? There's really no one else in the courtroom so there
25 really -- the question is if somebody pops in --

1 MR. BUNTING: Right.

2 THE COURT: -- we'll find out who they are, if
3 they're a potential witness. There really isn't any reason
4 anyone else should be in here. If there's a defendant that
5 comes in on a walk-in warrant, we'll have them wait in the
6 lobby. But it's -- I don't believe there needs to be anyone
7 else in this courtroom other than who we have?

8 MR. BUNTING: That's my understanding, Judge.

9 MR. GEORGE: Yes, sir.

10 THE COURT: Okay. All right.

11 MR. BUNTING: And --

12 THE COURT: So we're ready?

13 MR. BUNTING: I'm not trying to mislead the Court.
14 The prosecutor said there would only be one witness but I --
15 what I'm just trying to protect against is somebody coming in
16 later on if he -- if he does indeed call another witness that
17 it would be a prosecution witness at trial. I'm not trying to
18 foreclose him from calling anybody he wants, I just don't want
19 people sitting around for other people's testimony if they're
20 going to be called later on by the prosecutor at trial. I
21 don't have any witnesses here today.

22 THE COURT: Yeah. I granted a mutual sequestration.

23 MR. BUNTING: Oh.

24 THE COURT: Anyone that may be a potential witness
25 that testifies, I will have remain out of the courtroom then.

1 I will do that.

2 MR. BUNTING: Excluding the officer in charge,
3 obviously.

4 THE COURT: Excluding the officer in charge,
5 excluding the two officers that I have here; one, my own court
6 officer; the other one from the -- Berkley for security.

7 MR. BUNTING: Right. Thank you, Judge.

8 THE COURT: And for the record, there's no one else
9 in the courtroom --

10 MR. BUNTING: I --

11 THE COURT: -- other than --

12 MR. BUNTING: -- agree.

13 THE COURT: -- the court recorder and myself.

14 MR. BUNTING: Yes, sir.

15 THE COURT: Including even some chairs we're
16 missing. All right, we're ready to proceed then?

17 MR. GEORGE: Yes, your Honor, we are.

18 THE COURT: Okay. Any other preliminary matters?

19 MR. GEORGE: No, sir.

20 THE COURT: All right. Good afternoon. Can you
21 state your full name for the record, please.

22 MS. KRAYE: It's Alyxis Krahe.

23 THE COURT: And how do you spell your name?

24 MS. KRAYE: A-l-y-x-i-s, K-r-a-h-e.

25 THE COURT: All right. Do your best to speak up

1 because over there she's recording everything so -- I know
2 it's hard sometimes for witnesses to speak up in court but
3 just do your best. There may be sometimes where I may ask you
4 to speak up a little but just because we've got some recording
5 equipment in here and we just want to make sure everything is
6 recorded; okay?

7 MS. KRAHE: Okay.

8 THE COURT: Let me have you raise your right hand.
9 Do you swear or affirm that the testimony you're going to give
10 in this matter, this afternoon, will be the whole truth and
11 nothing but the truth?

12 MS. KRAHE: Yes.

13 THE COURT: You may proceed then.

14 MR. GEORGE: Thank you, Judge.

15 ALYXIS KRAHE

16 (At 1:45 p.m., called by Mr. George and sworn by the
17 Court, testified as follows)

18 DIRECT EXAMINATION

19 BY MR. GEORGE:

20 Q Alyxis, do you go by Aly?

21 A Yeah.

22 Q All right. And may I call you that this afternoon?

23 A Yes.

24 Q Thank you. Aly, can you tell us how old you are?

25 A I'm 14.

1 Q And when is your birthday, Aly?

2 A July 21st.

3 MR. BUNTING: I'm sorry. I can't hear, Judge.

4 THE WITNESS: July 21st.

5 BY MR. GEORGE:

6 Q Of what year?

7 A 1999.

8 Q And so you just recently turned 14 --

9 A Yes.

10 Q -- this August -- or July --

11 A July.

12 Q -- I'm sorry. And what grade are you in, Aly?

13 A I'm in 9th grade.

14 Q And where do you go to school?

15 A Berkley High School.

16 Q Do you have any brothers or sisters?

17 A Well I have Sabrina, she's my half-sister.

18 Q How old is Sabrina?

19 A She's 10.

20 Q Do you have any other brothers or sisters?

21 A I have a step-brother and sister, Nick and Cassie.

22 Q And how old are they?

23 A I think they're 12 and 13 now.

24 Q And your mother, what is her name?

25 A Stacey.

1 Q And do you know if Stacey is married?

2 A Yeah.

3 Q Who is she married to?

4 A Sam.

5 Q And that's Sam Jerome?

6 A Yeah.

7 Q All right. And the person that you've identified as Sam
8 Jerome, do you see that person in the courtroom today?

9 MR. BONTING: Objection, Judge. She didn't identify
10 anybody as Sam Jerome. I apologize for not standing. He
11 said, is that Sam Jerome? She didn't give the last name so I
12 think it's a mistake.

13 THE COURT: I'll have him rephrase the -- the
14 question.

15 MR. GEORGE: Thank you.

16 BY MR. GEORGE:

17 Q Aly, do you know Sam's last name?

18 A Yeah. It's Jerome.

19 Q Thank you. And would you recognize if you saw him again?

20 A Yeah.

21 Q Do you see him in the courtroom today?

22 A Yes.

23 Q Could you point to him and tell us something that he's wearing
24 please?

25 A He's --

1 MR. BUNTING: Stipulate to identification, Judge.

2 THE COURT: Okay. We'll stipulate then -- you're
3 stipulating to the identification that the defendant is
4 Jerome?

5 MR. BUNTING: She would identify Mr. Jerome.

6 THE COURT: Okay. I'll note that.

7 BY MR. GEORGE:

8 Q Now, Aly, I want to bring you back to Christmas time, December
9 2012. Where were you living then?

10 A In my house on -- 3600 Phillips.

11 Q And what city is that in?

12 A Berkley.

13 Q Okay. Who did you live at that house with?

14 A My mom, Sam, Sabrina, and Nick and Cassie on weekends and
15 breaks. Some breaks, some like switch back and forth.

16 Q And do you know somebody by the name of Judy Stiltner?

17 A Yeah.

18 Q Who is that?

19 A She's my grandma.

20 Q All right. And -- and you're currently living with her now?

21 A Yeah.

22 Q Now, Aly, I want to bring you back to again around Christmas
23 of 2012, do you recall something happening around that time
24 with Sam that made you feel uncomfortable?

25 A Yes.

1 Q Could you tell us about that?

2 A Yeah. So my mom, she was in a hospital.

3 Q Do you know what she was in the hospital for?

4 A Mental illness.

5 Q All right. So your mom was in a -- in a hospital for mental
6 illness?

7 A Yeah.

8 Q And was she there for just a day or --

9 A She --

10 Q -- was she --

11 A -- was there--

12 Q -- there for multiple days?

13 A -- for, like, a few weeks.

14 Q All right.

15 A And --

16 Q And when your -- when your mom was away, who was living with
17 you at that time?

18 A Sam. And I was at my grandma's some of the time too.

19 Q Okay. So when your mom was in hospital you would stay at home
20 and then sometimes you would stay at your grandmother's?

21 A Yeah.

22 Q All right. And does she live nearby -- near or close to you?

23 A Yeah. She lived, like, four blocks away.

24 Q So your mom was in the hospital and you were at your house.

25 Tell us about what happened the first time that made you feel

1 uncomfortable.

2 A I was laying on the couch in the back of the house.

3 Q All right. Do you recall what you were doing on the couch?

4 A I was watching a movie.

5 Q And what happened then?

6 A Sam came over.

7 Q What did he do when he came over?

8 A He started rubbing my stomach.

9 Q And you were -- you were laying on the couch you said?

10 A Yeah.

11 Q And when he came -- did he come -- did he sit on the couch,
12 did he lay on the couch --

13 A He sat --

14 Q -- or do something different?

15 A -- like right next to me.

16 Q He sat -- he sat down on the couch with you?

17 A Yeah.

18 Q What did he start doing at that point?

19 A He was rubbing my stomach.

20 Q How did that make you feel when he was doing that?

21 A I didn't like it because I don't like my stomach touched.

22 Q And was he rubbing your stomach on top of your clothes or
23 under your clothes?

24 A Under my clothes.

25 Q All right. And you said you didn't like that?

1 A Yeah.

2 Q Did you tell him to stop?

3 A Yeah.

4 Q How did he respond?

5 A He said, "Why?"

6 Q And what did you say?

7 A I said, "Please stop."

8 Q And did he stop?

9 A No.

10 Q Tell us what he did, Aly?

11 A And he kept getting, like, lower to, like, where my hip bones
12 are.

13 Q Aly, I know this is hard but can you speak up just a little
14 for me.

15 A He --

16 Q He -- he was rubbing your -- your stomach?

17 A Yeah.

18 Q And what happened with -- he was rubbing with his hand?

19 A Yeah.

20 Q All right. And as he's rubbing your stomach, tell us what's
21 happening?

22 A He started, like, touching my vagina and I kept telling him to
23 stop and he wouldn't.

24 Q All right. And when he touched your vagina, did he do that --
25 were you wearing pants or shorts or something?

1 A I was wearing yoga pants.

2 Q All right. And when he touched you, did he do it on top of
3 your pants or under your pants?

4 A It was kind of both because they were yoga pants and they kept
5 getting like pushed down.

6 Q All right. And how were they getting pushed down?

7 A Because he was rubbing and, like, his hand kept almost going
8 under them and they would just be, like, pushed down.

9 Q All right. And you said his hand was touching your vagina?

10 A Yeah.

11 Q And what was his hand doing?

12 A It was just --

13 Q Was it moving, was it stopped?

14 A It was moving.

15 Q Okay. And how are you feeling at this point?

16 A I don't know.

17 Q Okay. What -- what did you do at that point as he was rubbing
18 your vagina?

19 A I closed my eyes.

20 Q And what do you remember happening next?

21 A I -- he stopped after a while. I don't really remember how
22 long it was.

23 Q Okay. But you -- but he did -- he -- but you remember him
24 stopping at some point?

25 A Yeah.

1 Q All right. And when you were on the couch, did he touch you
2 anywhere else? You say he touched your tummy and rubbed on
3 your vagina over your clothes?

4 A Yeah.

5 Q Did he touch you anywhere else?

6 A Not the first time.

7 Q All right. And after he stopped touching you, did he say
8 anything to you about telling or not telling or?

9 A No.

10 Q And after this happened did he treat you any differently? Did
11 he buy you anything or --

12 A Yeah.

13 Q -- take you places?

14 MR. BUNTING: Objection; leading, Judge.

15 MR. GEORGE: I don't think that's leading, Judge.

16 It's --

17 THE COURT: I'll allow the question.

18 BY MR. GEORGE:

19 A Yeah. He dyed my hair for me.

20 Q He dyed your hair for you?

21 A Yeah.

22 Q And did he do anything special other than that that you can
23 remember?

24 A I don't know. He just went out and would get my jewelry and
25 stuff and, like, pony tails and bracelets.

1 Q All right. And as he's doing these things for you, does he
2 ever talk to you about what happened on the couch?

3 A No.

4 Q No?

5 A No.

6 Q All right. Now, Aly, the time that you just told us about
7 around Christmas 2012 and your mom was in the mental -- or in
8 the hospital, was that the first and only time he touched you
9 that way or did he touch you again?

10 A It happened again.

11 Q Do you recall approximately when it happened again?

12 A I think it was like May.

13 Q Of which year?

14 A 2013.

15 Q Okay. So this was -- so the first one happened Christmas of
16 2012, we're talking about a couple months or so after that?

17 A Yeah.

18 Q In between Christmas and May or so of 2013, had he touched you
19 that way or said anything to you about what had happened on
20 the couch?

21 A No.

22 Q And had your mom come back from the hospital by then?

23 A Yeah.

24 Q All right. And she came and moved back in with you and Sam
25 and your sister and your step-siblings?

1 A Yeah.

2 Q So in May, you said he touched you again in a way that made
3 you feel uncomfortable, could you tell us about that?

4 A I was laying on the couch.

5 Q All right. Is this the same couch or is this a different
6 couch?

7 A It was a different couch. It was in, like, the front of the
8 house.

9 Q All right. Was anyone -- were you at your house at the time?

10 A Yeah.

11 Q All right. And was anyone home?

12 A Yeah. Sam and Sabrina but Sabrina was grounded to her room so
13 he sent her to her room.

14 Q Okay. And so then it was Sabrina in her room and then you and
15 Sam?

16 A Yeah.

17 Q And tell us what happened?

18 A Well I was laying on the couch and I was reading a book
19 called, Wonder and --

20 Q What was the name of the book?

21 A Wonder. And he came over and he, like, sat on my legs and he
22 started rubbing my stomach again.

23 Q Did he say anything to you about --

24 A He was, like, I don't know. He was talking about Hem --
25 something about her.

1 Q And what -- you said she wasn't home or she wasn't there, do
2 you know where she was?

3 A She was at, like, a training for her work.

4 Q Was this a day training or did she spend the night --

5 A She --

6 Q -- or two?

7 A Well she was going to be back around 7:00 and it was like 4:00
8 in the afternoon.

9 Q All right. So he sits down on the couch with you?

10 A Yeah.

11 Q All right. You said he was rubbing your stomach again?

12 A Yeah.

13 Q Was this kind of the same way he rubbed it before?

14 A Yeah.

15 Q Was it over your shirt or under your shirt?

16 A It was under my shirt.

17 Q Did you say anything to him about that this time?

18 A I told him to stop.

19 Q Did he stop?

20 A No. And I tried to sit up but he pushed me back down.

21 Q What happened then?

22 A And then he started touching my vagina again but this time his
23 finger, like, actually went in between the lips of my vagina.

24 Q All right. So his hand, as he's rubbing your stomach -- it
25 went under your pants this time?

1 A Yeah.

2 Q All right. And that was different than the first time?

3 A Yeah.

4 Q All right. And his hand goes under your pants and you said
5 his hand touched your vagina?

6 A Yeah.

7 Q All right. And you said his fingers actually went inside you
8 this time?

9 A Yeah.

10 Q All right. I think you said they went between the lips of
11 your vagina?

12 A Yeah.

13 Q Is that how you described it? You just have to say, "yes or
14 no."

15 A Yes.

16 Q Okay. And as that's happening, Aly, what -- you know, what do
17 you do?

18 A When I get scared, I just close my eyes. That's what I did.

19 Q All right. And what happened then?

20 A Well he stopped again, like, after a while because he had to
21 make dinner.

22 Q Do you remember him touching any other parts of your body?

23 A When I sat up, he pushed my chest down.

24 Q All right. He pushed your chest?

25 A Yeah.

1 Q All right. And what part of your chest?

2 A My boobs.

3 Q Okay. And as he was touching your vagina, did you try to get
4 up again or did you just kind of lay there?

5 A Well after a while I gave up.

6 Q Okay. And after he stopped, did he talk to you about not
7 telling or?

8 A No.

9 Q Did he talk to you -- and after that incident, Aly, did he
10 treat you any differently by buying you things or letting you
11 have any kind of privileges or?

12 A Well he would play hide-and-seek with us at night.

13 Q Okay. When your mom came back from her training, did you talk
14 to her about what happened?

15 A Not until, like, two weeks later.

16 Q How come you didn't tell your mom when she came back from her
17 training?

18 A Because I knew she wouldn't have listened.

19 Q Was she the first person you told about what happened to you?

20 A Yeah.

21 Q All right. And you said it was a couple weeks later you
22 talked to your mom?

23 A Yeah.

24 Q What made you want to talk to her a couple weeks later? How
25 come you told her then?

1 A Because I got angry with her --

2 Q You got --

3 A -- because she --

4 Q -- angry --

5 A -- wouldn't listen to me --

6 Q -- with your mom?

7 A -- so I told her.

8 Q How did she respond when you talked to your mom about this?

9 A She took me over to grandma's and grandma took me to the
10 police station.

11 MR. BUNTING: I couldn't hear the end of that,
12 Judge.

13 THE WITNESS: She took me over to grandma's and
14 grandma brought me over to the police station.

15 BY MR. GEORGE:

16 Q All right. And you talked to a police officer about what
17 happened?

18 A Yes.

19 Q Okay. Now, Aly, when you talked to us about the defendant
20 rubbing your -- your stomach -- you have a sister, Sabrina,
21 right?

22 A Yeah.

23 Q Have you ever seen him rub her stomach that way?

24 A Yeah. Like, the same day the first time it happened.

25 Q Do you know if Sam moved out of your house after you first

1 told your mom?

2 A For like a week.

3 Q Okay. What happened after the week?

4 A My mom let him move back in.

5 Q Okay. And, Aly, do you remember going to CARE House --

6 A Yeah.

7 Q -- and talking to somebody there about what happened to you?

8 A Yeah.

9 Q All right. And when you went to CARE House, did your mom talk
10 to you before you went to CARE House?

11 A Yeah.

12 Q All right. And did she -- did she tell -- talk to you at all
13 about what you should say at CARE House?

14 A Yeah. She told us that if I changed the story so he doesn't
15 go to jail then she won't kill herself.

16 Q And did you in fact do that?

17 A Yeah.

18 Q All right. And -- and as time had gone on, how did your mom
19 treat you as it relates to --

20 MR. BUNTING: Irrelevance.

21 MR. GEORGE: Well I don't think so, Judge.

22 MR. BUNTING: Objection, your Honor, on the basis of
23 relevance. This is an allegation against my client not her
24 mother.

25 MR. GEORGE: Well I think it's relevant in that the

1 mother directly influenced the child to change her -- her
2 statements during the CARE House interview and I just -- I'm
3 just trying to establish that. So I'm sure he'll no doubt
4 cross-examine her about inconsistencies between her CARE House
5 statement and her statements to the police.

6 MR. BUNTING: I may but then -- that's when he can
7 -- try to rehabilitate her not -- not beforehand.

8 THE COURT: Yeah. I'll sustain the objection.

9 MR. BUNTING: Thank you.

10 THE COURT: I -- yes. It's not that he can't do it,
11 I think now is not the time.

12 MR. GEORGE: Okay. Judge, I have no further
13 questions for, Aly.

14 THE COURT: Thank you.

15 MR. BUNTING: Thank you, your Honor.

16 CROSS-EXAMINATION

17 BY MR. BUNTING:

18 Q Good afternoon. My name is Larry Bunting, I represent Mr.
19 Jerome. Do you understand that, ma'am?

20 A Yeah.

21 Q You said you're 14 now?

22 A Yes.

23 Q You have a very soft voice, you'll have to excuse me I have
24 old ears. I'm going to ask you some questions you've already
25 answered so I can get the answers. Okay. You said you go to

1 school at Berkley High School and you're in 9th grade?

2 A Yeah.

3 Q Do you participate in any extra-curricular activities?

4 A No.

5 Q Okay. You say you live now with Ms. Stiltner, who is your
6 grandmother?

7 A Yeah.

8 Q Did you see her frequently last year -- this year?

9 A Yeah.

10 Q Before you started living with her?

11 A Yes.

12 Q Okay. How often would you see her before Sam moved out and
13 before you told your mother?

14 A All the time. Like, I'd go over there after school.

15 Q Every day?

16 A Pretty much.

17 Q Were you close with her?

18 A Yeah.

19 Q How far is her house from where you were living then?

20 A Like, four -- four blocks. I --

21 Q Four blocks?

22 A -- don't know the exact math from Phillips to Thomas.

23 Q Okay.

24 A I think it's four blocks.

25 Q When you were talking us about this you said the first

1 incident occurred around Christmas of last year, 2012?

2 A Yeah.

3 Q You remember what day Christmas was on, I mean, it's already
4 on the 25th but you remember Christmas Day; correct?

5 A Yeah.

6 Q Was it before Christmas Day or after?

7 A After.

8 Q How far after?

9 A Not long.

10 Q Okay. You know New Year's Day is always January 1st?

11 A Yup.

12 Q Was it before January 1st or after January 1st?

13 A I don't know.

14 Q Did you do anything special on January 1st?

15 A Yeah.

16 Q What did you do?

17 A Stayed up at my grandma's house and watched a movie and ate
18 Chinese food.

19 Q Who all was there?

20 A It was me, my cousin Bratt, Ashley, Aunt Janie, and Sabrina.

21 Q Okay. So that -- you know that day now because you were at
22 your grandma's, you had Chinese food, and you stayed up late
23 probably to watch the ball drop in New York or wherever; is
24 that right?

25 A Yeah.

1 Q This incident that you told us about, was that before you
2 spent the evening at your grandma's house or after?

3 A I honestly don't remember.

4 Q You don't remember?

5 A Not really, like, the exact time it was --

6 Q No.

7 A -- at.

8 Q No. Not the exact time. I'm not saying, was it a Tuesday
9 afternoon at 2:00? What I'm saying is, it was a startling
10 event; right?

11 A Yeah.

12 Q For Sam to put his hand -- rubbing your stomach and putting
13 his hand down by your crotch?

14 A Yeah.

15 Q Did that startling event occur before New Year's night at your
16 grandma's or after?

17 A I don't know.

18 Q Okay. Now, you told us that this happened in a room in your
19 house, where you lived with your mom and Sam, where you were
20 watching TV?

21 A Yeah.

22 Q Right?

23 A Yeah.

24 Q Okay. Now, could you tell me a little bit about that room?
25 Was it the front of the house or the back?

1 A It was the back.

2 Q Okay. Is it -- is it a room for, like -- dedicated to TV or
3 -- is it called a family room or is it a den or what?

4 A It's called a family room.

5 Q Well what's all in the family room?

6 A A really big TV, a --

7 Q A really big TV?

8 A Yeah.

9 Q Okay.

10 A A sectional.

11 Q A sectional couch?

12 A Yeah. And a fireplace and, like, and tables.

13 Q Okay. Could that room be bigger than this room or smaller?
14 I'm just asking you to estimate.

15 A Like, three-quarters of the --

16 Q Three --

17 A -- size.

18 Q -- quarters of it. Now, you say it's at the back of the
19 house. Is there an exit from that room out to the backyard?

20 A Yes.

21 Q Is that a patio door or what?

22 A What's a patio door?

23 Q A sliding door.

24 A Oh. No.

25 Q A --

1 A It was --

2 Q -- door that opens like a regular door?

3 A Yeah.

4 Q Okay. If I'm in that room -- looking at that room and looking
5 at the TV and the door to the backyard, where's the couch in
6 relationship to that?

7 A It's on the completely other side of the room.

8 Q So it's against the wall completely on the other side from the
9 back door?

10 A Yeah.

11 Q And where is the TV at?

12 A It's like -- okay, the couch is here and the TV's, like, right
13 here and the door is, like, over here.

14 Q Okay.

15 MR. BUNTING: Will you give me leave, Judge, just to
16 move around a little bit?

17 THE COURT: Yes.

18 MR. BUNTING: Thank you.

19 BY MR. BUNTING:

20 Q Now -- Aly, may I call you Aly?

21 A Aly.

22 Q Aly, may I call you that?

23 A Yeah.

24 Q Let's pretend that this room is your family room --

25 A Okay.

1 Q -- okay. Now when you're sitting there, what would be behind
2 you, the door?

3 A Yeah.

4 Q And where would the sectional couch be?

5 A It would be in that corner right there.

6 Q Over there where the TV is?

7 A Yeah.

8 Q And where would the T --

9 A Well no --

10 Q -- TV --

11 A -- the TV's not over there -- the couch -- it's -- the TV
12 would be over here.

13 Q Okay.

14 THE COURT: For the record, you're indicating --
15 she's indicating to her left where --

16 MR. BUNTING: Yes.

17 THE COURT: -- she's in position is where the couch
18 would be.

19 MR. BUNTING: I was just going to follow-up on that,
20 Judge --

21 THE COURT: Okay.

22 MR. BUNTING: -- but thank you.

23 BY MR. BUNTING:

24 Q So if you're standing with your back to the outside door;
25 correct?

1 A Yeah.

2 Q Then the sectional is to your left?

3 A Yeah.

4 Q And the TV is to the right?

5 A Yup.

6 Q How do you get to the rest of the house from there?

7 A There's a hallway and if I'm sitting where the door is the
8 hallway would right here.

9 Q To your left?

10 A Yes.

11 Q Closer to -- to the back than the TV is -- or the sectional
12 is?

13 A Yes.

14 Q Okay. And when you say you were sitting there on the
15 sectional watching TV, where did Sam sit? What side?

16 A On the side that -- that's farthest -- it would be like --
17 okay. If there's the couch like that --

18 Q Okay. To the left.

19 A -- it would be on that side of the, like --

20 Q He would be on the right side of the couch just to the left of
21 where the back door is; correct?

22 A Yes.

23 Q And which hand was he using?

24 A I don't know.

25 Q You don't know?

1 A No.

2 Q Was anybody else in the house?

3 A No.

4 Q How long did this last?

5 A Like, a half hour.

6 Q Half hour?

7 A Half hour, forty-five minutes.

8 Q Okay. Did his hand go below your clothing?

9 A For --

10 Q On that first occasion?

11 A For some of it, yes.

12 Q Did he touch your vagina?

13 A Yes.

14 Q Was there penetration? Did his hand go between the lips of
15 your vagina?

16 A Not the first time.

17 Q How long was your mother gone in that period between Christmas
18 -- around Christmas?

19 A I think two or three weeks. It might have been only two.

20 Q Pardon me?

21 A It might have only been two.

22 Q Two -- two or three, might have been only two?

23 A Yeah.

24 Q What were you watching?

25 A I was watching a movie. I don't remember what it was called

1 but it was the one with the little girl who bedazzles her
2 dad's football and gives him cinnamon cookies.

3 Q Miss, I'm very sorry but I -- I --

4 A Am I being --

5 Q -- really --

6 A -- too quiet again?

7 Q You have to keep your voice up, these old ears don't hear that
8 well.

9 A Okay.

10 Q You were watching a movie with a little girl --

11 A Who bedazzles her dad's football and gives him cinnamon
12 cookies because he's allergic.

13 Q Do you remember who the actress was?

14 A No.

15 Q Or the actor?

16 A No but he's, like, very famous.

17 Q Okay.

18 A I just -- I just can't think about --

19 Q It's fine.

20 A -- it right now.

21 Q I can't think of my name half the time. Okay. So when your
22 mom came home did you tell her about this?

23 A No.

24 Q Did you tell her any time in January of 2013? January of this
25 year?

1 A No.

2 Q Did you tell her anytime in February of 2013?

3 A No.

4 Q Did you tell her anytime in March of 2013?

5 A No.

6 Q Did you tell her anytime in April of 2013?

7 A No.

8 Q But you did tell her -- according to you -- what you said to
9 us today -- in May of 2013?

10 A Yup.

11 Q And why did you say it then? You were mad at her you said?

12 A She was saying something about -- I don't remember what it was
13 but something happened and I just started crying and I told
14 her what happened.

15 Q Okay. Where were you when you told her?

16 A I was in her bedroom.

17 Q Where?

18 A In her bedroom.

19 Q In her bedroom?

20 A Yeah.

21 Q Did she share a bedroom with Sam?

22 A Yeah.

23 Q Do have any idea what it was about?

24 A Huh?

25 Q Do you have any idea what you were mad at her about?

1 A Oh. No. She was just, like -- she was saying something about
2 Sam and then I just got, like, angry and sad at the same time.

3 Q Was she saying anything nice about Sam?

4 A No. I --

5 Q Bad about Sam?

6 A It was just, like -- I don't really remember what it was. I
7 just remember it was about her and Sam and some plan and
8 something --

9 Q Her --

10 A -- like that.

11 Q -- and Sam and some plans?

12 A Yeah.

13 Q Were they going on a trip?

14 A No.

15 Q Were they doing something around the house?

16 A I don't remember, like, exactly what it was about.

17 Q Okay. What were you wearing in December?

18 A I was wearing yoga --

19 Q Around Christmas time?

20 A I was wearing yoga pants.

21 Q Yoga pants?

22 A Yeah.

23 Q You got --

24 A And --

25 Q -- to help me out a little here, are those like sweatpants?

1 A They're like loose black pants with -- they had like a pink
2 (sic) or a purple --

3 Q Loose black pants?

4 A They were like loose pants that were made --

5 Q Loose?

6 A Yeah. They weren't like sweats.

7 Q Loose pants?

8 A Yeah.

9 Q And what else were you wearing?

10 A A black shirt.

11 Q Now, the second time this happened, when was it?

12 A It was in May.

13 Q May?

14 A Yeah.

15 Q How long before your -- you told your mother?

16 A Like two weeks.

17 Q Two weeks. And I couldn't quite hear what you were saying,
18 what room did this happen in?

19 A This happened in the front of the house on the couch in the
20 living room. That's what we call that room.

21 Q Okay. If you come in the front door of your house, you come
22 right in to that living room?

23 A Yeah.

24 Q Does the door in the middle of -- of the living room or at one
25 side?

1 A It's at one side.

2 Q Okay. Just -- just imagine if you would that I'm coming in
3 the front door of your house right here, okay, and this is
4 your front door.

5 A Okay.

6 Q I come through the front door, is the living room starting
7 here on this side or starting here towards my left or towards
8 my right?

9 A It would be on this side.

10 Q Towards the left of the front door?

11 A Yeah.

12 Q As you're standing there looking at it?

13 A Yeah.

14 Q Okay. And is there a -- what time of the day was this?

15 A Like 4:00 because I had a time limit I needed to get home from
16 school by.

17 Q I really am sorry.

18 A It was --

19 Q You said --

20 A -- 4:00.

21 Q -- 4:00 and something about school?

22 A Yeah I have -- I had a time limit that I had to get home from
23 school by.

24 Q You had a curfew, like?

25 A Yeah.

- 1 Q You have to be home by 4:00?
- 2 A Yeah.
- 3 Q And who set that curfew, your mom?
- 4 A My mom.
- 5 Q Okay. So your mom said you had to be home by 4:00 but she
- 6 wasn't home yet because she was at some kind of training?
- 7 A Yup.
- 8 Q Was it all day or?
- 9 A She was there since seven in the morning to --
- 10 Q So it would be all day?
- 11 A -- eight or -- to seven at night. She was there from seven to
- 12 seven.
- 13 Q Okay. So it would be all day essentially?
- 14 A Yeah.
- 15 Q Where was Sabrina?
- 16 A She was in her room -- well when they came home.
- 17 Q Okay. And if I come through the front door to your house and
- 18 off my left as I'm standing there in the doorway is the living
- 19 room, where is the couch?
- 20 A The couch would be where I'm sitting.
- 21 Q Okay. Off to the left of the front door?
- 22 A Yeah.
- 23 Q And is there a large window in the front?
- 24 A There's about six small windows.
- 25 Q Okay.

1 A It's --

2 Q By a small window -- I'm sorry, I didn't mean to interrupt.

3 A It's -- they're like normal-sized windows. It's pretty much
4 like that right there.

5 Q Are you talking -- pointing at the back --

6 A Yeah. Like the windows right there is what it looked like but
7 they were all, like, normal-sized windows.

8 Q Okay. Were they covered with blinds like these are?

9 A They had white curtains.

10 Q Thick curtains you couldn't see through --

11 A Yes.

12 Q -- or thin curtains you can see through?

13 A Thick curtains that you can't see through.

14 Q Thick that you cannot see through?

15 A Yes.

16 Q Is there a TV in that room?

17 A Yeah.

18 Q Was the TV on?

19 A Yeah.

20 Q What was on?

21 A Adventure Time.

22 Q Okay. Is that -- what program is that? Is that a --

23 A It's a cartoon.

24 Q Okay. We're making progress. You were reading a book and Sam
25 came and sat beside you?

1 A He, like, sat on my legs.

2 Q Sat on your legs?

3 A Yeah.

4 Q He straddled you with both legs on one side and the other side
5 of your legs?

6 A Huh?

7 Q Okay. I'm -- I'm not being clear. He sat on your legs?

8 A Yes.

9 Q Were your legs on the couch?

10 A Yes. I was laying down. I was laying down.

11 Q You were laying down on the couch?

12 A Yes.

13 Q And he sat on top of your leg?

14 A Yes.

15 Q Did that hurt?

16 A No.

17 Q And then what happened?

18 A And then he started rubbing my stomach.

19 Q Okay. When you say you're -- go ahead.

20 A No.

21 Q I didn't --

22 A It's --

23 Q -- mean --

24 A -- okay.

25 Q -- to cut you off.

1 A It's okay.

2 Q When you say you're laying down, was your -- would your head
3 have been closer on the couch to the windows or further away
4 from the windows?

5 A The whole couch is, like, right across from the windows so no
6 matter where I was, I was right by the windows.

7 Q Okay. Is the couch up next to the window?

8 A No. It's on the other side of the room.

9 Q How deep is that room?

10 A Like, big?

11 Q Yeah.

12 A It would be, like, from where you guys are --

13 Q From where I am?

14 A Yeah -- to that window back there.

15 Q Okay.

16 A It wasn't a big room.

17 Q From here to the back of the room -- room --

18 MR. BUNTING: Mr. Prosecutor, would you estimate
19 about 15 feet according to the floor tiles -- the ceiling
20 tiles?

21 MR. GEORGE: Yes.

22 MR. BUNTING: Okay.

23 BY MR. BUNTING:

24 Q So the couch is all the way against the far wall?

25 A Yes.

1 Q And he sat -- Sam, according to your testimony, sat on your
2 legs while you were laying on the couch?

3 A Yes.

4 Q Since you had your head -- your feet were closer to the
5 window, which way would your head have been, closer to the --

6 A It would have been --

7 Q -- center of the room or the outside of the room?

8 A It would have been closer to -- I was laying on the arm rest
9 and the arm rest was, like, on the side by where the door
10 would be and that's at, like, the far end of the -- of the
11 room --

12 Q I'm not sure I understand you. I'm just going to ask you a
13 few more questions on that part. You said, closest to the
14 door. Are you talking about the front door?

15 A Yes.

16 Q So if the couch is going horizontally to the front door -- do
17 you know what the word horizontal means?

18 A Yeah.

19 Q Crossways. Then your head would have been closer to the main
20 entrance to the house as opposed to the outside wall; is that
21 right?

22 A Yes.

23 Q What were you wearing that day?

24 A I was wearing a blue pair of sweats.

25 Q What else?

1 A Jacket.

2 Q Jacket?

3 A That matched the pants. Yeah.

4 Q Had you just came in?

5 A Yeah because it was raining outside so I went upstairs and
6 changed my clothes.

7 Q And you say Sam sat on your legs?

8 A Yup.

9 Q And what hand did he use to put underneath your clothing?

10 A I don't know.

11 Q During all this period of time you're seeing Ms. Stiltner,
12 your grandmother, all the time; correct?

13 A Yeah.

14 Q Did you ever tell her?

15 A No.

16 Q What was her relationship with Sam if you can characterize it
17 for me?

18 A They were okay. They didn't talk much but they didn't, like,
19 argue either.

20 Q Okay. Were you startled that day?

21 A Yeah.

22 Q Is there any reason you didn't tell your grandmother?

23 A I just didn't tell anybody.

24 Q And you didn't tell your mother until you got upset with her
25 for something?

1 A Well it wasn't because -- I was going to tell her anyways but
2 I kind of worked myself up and got upset with her because she
3 wouldn't, like, listen to me because we were getting ready for
4 school. And she was saying something about Sam when I went to
5 tell her and then she decided it was because of that that I
6 told her.

7 Q In the time in December -- I'll be -- I'm almost done. This
8 -- I don't want you to get the wrong impression. I'm not
9 going back to start over. In the time in December, did we
10 establish if anyone else was at the house?

11 A Yeah.

12 Q Who was there?

13 A Nobody.

14 Q But in May there was somebody else there?

15 A Yes.

16 Q Okay.

17 MR. BUNTING: Can I have just a moment to confer
18 with my client?

19 THE COURT: Yes.

20 MR. BUNTING: Nothing further, Judge.

21 MR. GEORGE: No further questions, Judge.

22 THE COURT: Okay. Ms. Krahe may be excused?

23 MR. GEORGE: Yes, sir.

24 THE COURT: Mr. Bunting, she can be excused?

25 MR. BUNTING: I'm sorry, Judge. I was tying my

1 shoe.

2 THE COURT: She can be excused; is that correct?

3 MR. BUNTING: No objection, your Honor.

4 THE COURT: Ms. Krahe, thank you for your testimony.

5 (At 2:24 p.m., witness excused)

6 THE COURT: All right. Any -- any other witnesses?

7 MR. GEORGE: No, your Honor.

8 THE COURT: Anything else from the defense?

9 MR. BUNTING: No witnesses.

10 THE COURT: Okay. Okay. All right. Anything else
11 then?

12 MR. GEORGE: I don't believe so, your Honor.

13 THE COURT: No other witnesses, no other exhibits.
14 All right. Go --

15 MR. GEORGE: No, sir.

16 THE COURT: -- ahead then.

17 MR. GEORGE: Judge, I know you just heard the
18 testimony. I believe it's a question of fact and I would
19 reserve any further argument for rebuttal if necessary.

20 MR. BUNTING: Judge, as I told my client, this (sic)
21 factual issue in front of a jury when we get to that level.

22 THE COURT: Yeah. That's correct. I agree. I
23 believe that at this point I have one witness and she -- she
24 testified as to the two incidents that the defendant is
25 charged with. The first one that took place on or about

1 Christmas 2012, the second one, approximately May or so of
2 2013. She did testify as to the two different incidents and I
3 agree with -- with both sides. I believe that this is a
4 question of fact, proper in front of the trier of fact. So I
5 will find that there has been -- based on her testimony --
6 probable cause as far as the two counts that the defendant is
7 charged with -- specifically Count I is CSC in the first
8 degree. That would be in regards to the -- really the second
9 incident. That would be the incident where Ms. Krahe
10 testified that there was penetration of the vagina, that would
11 be for Count I. She did testify as far as her age, as far as
12 her relationship with the defendant. And then Count II was
13 the CSC 2nd degree, that would be the December incident where
14 there were some rubbing over the yoga pants, a bit of rubbing
15 on the vagina, under the pants, some rubbing on the stomach.

16 So again, based on her testimony, I do believe it is
17 a question of fact and I will bind this matter over as charged
18 in the complaint in warrant to the circuit court.

19 MR. BUNTING: Thank you, your Honor.

20 THE COURT: Anything else in this matter?

21 MR. BUNTING: Yes, before the Court's leave, I
22 indicated at the pre-exam conference I was requesting a
23 personal bond for my client. You said you wanted to listen to
24 the testimony.

25 THE COURT: So -- are you -- you're asking me to

1 address bond again?

2 MR. BUNTING: Yes. I don't want to re -- re-hit
3 that hammer again. I know you -- I know you know what I'm
4 asking for. My client is in custody, he has a job, he can go
5 back to work, you can put any restrictions on him you would
6 like but I'd ask that you put him out on bond.

7 THE COURT: Thank you. Anything?

8 MR. GEORGE: Your Honor, I would ask that the court
9 continue the bond as it is. I think it was reasonable when
10 set. The Court just heard from Aly. It's the People's
11 position that she's a credible witness but beyond that, there
12 was a lot going on with this family. I know the Court knows
13 some of what was going on but there's a lot going on here,
14 especially with the mother -- mother and -- and working
15 against an investigation, attempting to get these girls, at
16 the defendant's request, to not cooperate with the
17 investigation. She took them to Georgia. The Court heard a
18 -- a bond motion filed by the People where the defendant was
19 driving around following Aly. You know, given the
20 circumstances, Judge, I think that the bond as set is
21 reasonable.

22 THE COURT: We did address bond briefly back on
23 October -- October 1st. I didn't change the bond at that
24 point and as I said, I'll listen to any argument at any time.
25 You certainly have the right to address bond every time you're

1 in court. But I can tell you after hearing her testimony, I
2 really don't see any reason to change the bond, especially
3 considering on October 1st I had not heard any testimony but
4 now I've heard testimony where there clearly has been a
5 question of fact or at least probable cause as far as the two
6 crimes so if any -- if anything, I have more evidence now
7 presented to me today than I did on October 1st.

8 So again, I don't see any reason to lower the bond.
9 He has now been bound over on CSC-1 which again, is one of the
10 most serious charges, it's a life offense. It is actually an
11 offense that a court could set no bond.

12 MR. BUNTING: Yes.

13 THE COURT: I have set a bond. I don't see any
14 reason to change it -- either up or change it down so I will
15 keep the bond where it's at and I'm sure that you can
16 certainly raise that argument in circuit court if you believe
17 it's appropriate. And -- so I will continue the bond as
18 previously ordered.

19 He's also to have no contact with any of the
20 complaining witnesses. I know that was brought up -- or any
21 of the -- the complaining witness or any potential witness in
22 this case. I know that his -- last time it was brought up
23 briefly about his wife being on the witness list as a
24 prosecution witness and I think you were going to address that
25 as well --

1 MR. BUNTING: Yes.

2 THE COURT: -- Mr. Bunting?

3 MR. BUNTING: Sorry, Judge. When I was here the
4 last time I did not yet have the opportunity to get -- read
5 through the discovery which I received that day. The
6 discovery rules to the lady as a defendant and that's --
7 suspect -- excuse me -- suspect. I want to use the correct
8 language. That's crossed off and then she's listed as a
9 witness. However I'm sure you recall, the -- the assistant
10 prosecutor present on October 1st said there's still a
11 question whether she's going to be prosecuted on this case. I
12 think a fair-minded person could say, this is a subterfuge to
13 keep my client from speaking with his wife. There's no reason
14 to prevent my client from speaking with his wife. If the
15 court would allow it, I'd like my client to have the
16 opportunity to speak with his own wife on the telephone.
17 They're not going to be -- he's not going to be out to go with
18 her but there's no reason he shouldn't be allowed to talk to
19 her. Thank you, Judge. No valid reason I should say.

20 THE COURT: Okay.

21 MR. GEORGE: Well I can think of a number of valid
22 reasons, Judge. First of all, they're co-defendants on the
23 domestic violence case that's before this court. Both the
24 defendant as his wife, Stacey, are alleged to have assaulted
25 Aly. I know the Court hasn't heard the facts in that case

1 yet. There's been some motions but that fight involved not
2 only the mother bringing up the false allegation of marijuana
3 use but as it turns out -- what that altercation involved was
4 the mother being upset with Aly for brining these allegations.
5 And as -- the Court really didn't allow me to get into too
6 much but Aly first disclosed a sexual assault to her mother,
7 Stacey. Stacey at first took reasonable steps to protect the
8 child but then within a week or so, she allowed the defendant
9 to move back in and the two of them are then pressuring and
10 influencing Stac -- excuse me -- Aly to change her testimony.

11 The police reports indicate that the mother
12 threatened that if Aly comes forward and talks to police and
13 comes to court that Aly and her sister would be sent to foster
14 care where they would be repeatedly raped, that the mother
15 would kill herself, and essentially coerce this child into
16 minimizing much of her statements at CARE House. This is an
17 individual, who also along with the mother, bolts these
18 childs, Sabrina and Aly's, doors from the outside. The mother
19 -- also as these allegations were pending -- in an effort to
20 prevent Aly from coming forward -- lied to the Lieutenant
21 multiple times about her whereabouts and fled to Georgia so
22 that Aly couldn't speak with the police. Again, the defendant
23 is involved with that. So I think the fact that there
24 actively interfering with the case as well as they're co-
25 defendants for assaulting Aly, I think are really good reasons

1 to prohibit contact between the two of them.

2 Stacey is a prosecution witness, she is on our
3 witness list, I intend to keep her on our witness list. I
4 don't know to what extent she'll be cooperative down the road
5 but she was certainly the one that received the first
6 disclosure. When Stacey talked to the police initially she
7 corroborated -- and with the police -- Aly's initial
8 statements -- that -- were essentially consistent today, you
9 know, but then all of a sudden, she switches gears and -- and
10 is, you know, obviously changed her position with regard to
11 the defendants. I just think allowing them to have contact is
12 just asking for trouble and it's asking for additional
13 interference with the court proceedings and the prosecution of
14 these two cases.

15 MR. BUNTING: Your Honor, non-specific response --
16 asking for trouble, what's the trouble? My client is married
17 to the woman. Why can't my client speak to the woman on the
18 phone? The prosecutor indicates that he's prosecuting this
19 woman in one case and is going to keep her on his witness list
20 on another case so they can't communicate. That's the only
21 reason I can see, Judge.

22 THE COURT: Well I -- again, I don't want to get
23 into the -- the domestic violence case so much because this
24 case -- I know that they're tied in and both times we've been
25 in court on all these cases, they -- these cases -- both cases

1 get brought up at the same time.

2 I'm looking at the witness list, she is listed as a
3 witness. The testimony this afternoon -- the witness did
4 testify that the first person she told was her mother. So
5 again, based on the testimony, based on the -- the information
6 that I have here I'm going to keep the bond where it's at. I
7 don't want any contact. I usually set that in every case. As
8 far as any of the witnesses, he cannot have any contact with
9 any of the witnesses. Now if -- you're correct -- maybe if
10 she were to get charged or something else were to happen, you
11 might have a different argument. But at this point she has
12 not been charged. She is listed on the witness list. Not
13 only is she listed but again I have actually heard testimony
14 from the complaining witness at this point that she did
15 disclose to her mother. And clearly then she would absolutely
16 be a witness at that point. So I will continue it and
17 certainly that's another thing that can be brought up as you
18 get further along in this case but at this point, I don't see
19 any reason to change that. I'm going to keep it where it's
20 at. So I will continue the bond that I previously ordered
21 back on September 18th.

22 MR. BUNTING: Thank you, Judge.

23 THE COURT: Thank you.

24 MR. GEORGE: Thank you, Judge.

25 MR. BUNTING: Appreciate it.

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THE COURT: Okay. Thank you both.

MR. BUNTING: Can I just have a moment to speak with
my client before they take him back?

THE COURT: Yeah. That's up to the -- up to the
officers. Sure.

(At 2:35 p.m., proceedings concluded)

STATE OF MICHIGAN)

)

COUNTY OF OAKLAND)

I certify that that this transcript, consisting of 54 pages,
is a complete, true, and correct transcript of the proceedings
and testimony taken in this case as recorded on Wednesday,
October 9, 2013.

OCT 22 2013

Date: _____

E Calabris

Elizabeth Calabris, CER 8263
45-A District Court
3338 Coolidge Highway
Berkley, Michigan 48072
(248) 658-3405

EXHIBIT E

This case has been designated as an eFiling case. To review a copy of the Notice of Mandatory eFiling visit www.oakgov.com/clerkrod/efiling.

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

SAMUEL JEROME,

Plaintiff,

v

LIEUTENANT MICHAEL CRUM, in his
Individual and Representative Capacity,
And the CITY OF BERKLEY, a
Municipal entity,

Defendants.

2015-148401-CZ
JUDGE LANGFORD MORRIS

Case No.
Hon.

REBECCA H. FILIATRAUT (P46443)
VEN R. JOHNSON (P39219)
JOHNSON LAW, PLC
Attorneys for Plaintiff
535 Griswold Street, Ste., 2632
Detroit, MI 48226
313-324-8300
313-324-8301-Fax
rfiliatraut@venjohnsonlaw.com
vjohnson@venjohnsonlaw.com

COMPLAINT AND JURY DEMAND

There is a previously filed Complaint arising out of the same facts and circumstances currently pending in the United States District Court Eastern District of Michigan in front of Judge John Corbett O'Meara; case number 15-cv-12302 the state counts having been dismissed without prejudice due to the Court declining to exercise pendent jurisdiction.

/s/ Rebecca H. Filiatraut

REBECCA H. FILIATRAUT (P46443)

NOW COMES Plaintiff, SAMUEL JEROME, by and through his attorneys, JOHNSON LAW, PLC and for his Complaint against the defendants states as follows:

1. At all times relevant to this lawsuit, Plaintiff, Samuel Jerome ("Samuel") was a resident of the City of Berkley, County of Oakland, State of Michigan.
2. At all times relevant to this lawsuit, Defendant, Lieutenant Michael Crum ("Crum") was employed as a police officer with the Berkley Police Department; with regard to all of his actions complained of herein, Crum acted under color of state law and is being sued in his individual and representative capacities.
3. At all times relevant to this lawsuit, Defendant City of Berkley ("Berkley") was a municipal corporation, duly organized in carrying on governmental functions in the City of Berkley, County of Oakland, State of Michigan.
4. The amount in controversy exceeds \$25,000.00, exclusive of costs, interest and attorney fees, and jurisdiction is otherwise proper before this court.
5. On May 7, 2013 at approximately 10:00 AM, Alyxis ("Allie") Krahe was brought to the Berkley Police Station by her maternal grandmother Judith Stiltner with a report of being sexually abused by her stepfather Samuel Jerome on two occasions. According to what Allie reported to the Berkley Police, Samuel had touched her inappropriately on two occasions, the first being while her mother was hospitalized around Christmas time in 2012. The second incident of alleged inappropriate touching occurred shortly before Allie presented to the Berkley Police Department on May 7, 2013.
6. Berkley via its police department investigated this crime, which included Lieutenant Crum ordering an interview of Allie at Care House pursuant to Forensic Interviewing Protocol.

7. Although Lieutenant Crum had interviewed Allie at the police station with regard to the alleged sexual abuse on May 7, 2013, he admits that he is not qualified nor has he had any training in conducting forensic interviews of juveniles.
8. On May 16, 2013 Allie was taken to the Care House facility for a forensic interview by her mother, Stacey Krahe.
9. The Care House forensic interview was conducted by Tricia Schuster. During the interview Allie advised that Samuel did not touch her vagina, either above or below her clothing. She recalled him accidentally touching her breast. She further told the interviewer that although Samuel's hand rubbed her hip bones near her pubic line, she asked him to stop and Samuel stopped rubbing her.
10. Despite the fact that Allie recanted her previous statements and the case should have been closed at that time, Crum improperly and impermissibly attempted to go back and "re-interview" Allie for a third time.
11. Defendant Crum admitted during Samuel's criminal trial that is not customary to go back and re-interview an alleged juvenile victim following an interview conducted pursuant to the Forensic Interviewing Protocol, but he attempted to do so anyway.
12. Despite the fact that the Care House interview provided exculpatory evidence, Crum refused to close his case for Criminal Sexual Conduct until he was able to re-interview Allie.
13. Samuel was arrested on September 18, 2013 for the crime of Criminal Sexual Conduct (CSC) in the first degree and was held on a \$500,000.00 bond, despite the fact that Crum knew that the alleged victim had completely recanted her prior statement.

14. A preliminary examination was held in the 45 A Judicial District Court for the County of Oakland in the matter of the State of Michigan v Samuel James Jerome on October 9, 2013.
15. At the preliminary exam, Samuel was bound over on charges of Criminal Sexual Conduct in the first degree and his \$500,000.00 bond was continued.
16. Samuel remained in the Oakland County Jail from September 18, 2013 until his criminal trial began on August 4, 2014.
17. On August 7, 2014, Lieutenant Michael Crum was called to testify at Samuel's criminal trial.
18. On August 7, 2014 while on the witness stand and under oath, Crum denied videotaping any interviews of Allie in connection with the criminal case against Samuel.
19. Further on August 7, 2014 Crum admitted while under oath and on the witness stand that pursuant to the policies and procedures of the Berkley Police Department officers are not allowed to interview juveniles by themselves and, "videotaping is not an option."
20. On the last day of Samuel's criminal trial on August 8, 2014 Crum, for the first time, appeared and produced a disc containing a copy of three videotaped interviews he had improperly and impermissibly conducted of witnesses Allie Krahe, her sister Sabrina Krahe and her maternal grandmother Judith Stiltner.
21. Trial was adjourned by the Honorable Judge Rudy J. Nichols for the parties to review the previously undisclosed videotaped interviews.

22. Despite many requests by Samuel's criminal defense attorney, Marsha Kosmatka, during the course of discovery, these videotaped interviews were never disclosed and their actual existence was denied.
23. After reviewing the undisclosed videotaped interviews of the witnesses, Judge Nichols adjourned the trial and reduced Samuel's bond from \$500,000.00 to \$1,000.00 in order for him to get out of jail.
24. Berkley falsely arrested and imprisoned Samuel who was held in the Oakland County Jail from the date of his arrest on September 18, 2013 through August 8, 2014 when the trial was adjourned and his bond was reduced.
25. On October 6, 2014 when the parties returned for the continuation of Samuel's trial, the Oakland County Prosecutor's office moved the court for an Order of Nolle Prosequi for the reason that after further investigation, the People could not sustain their burden of proving the case beyond a reasonable doubt at trial and therefore the best interest of justice would be served by dismissing the case with prejudice and entering an Order of Nolle Prosequi.
26. Despite having the exculpatory evidence including the Case House interview and the three undisclosed and improperly videotaped witness interviews, neither Crum nor Berkley produced the interviews and affirmatively denied their existence while under oath.
27. Such actions are in violation of Brady v Maryland, 373 US 83 (1963)
28. Crum never disclosed the videos of the improperly conducted witness interview including the interview of Allie despite the fact that it was exculpatory and would necessarily lead to the dismissal of criminal charges against Samuel.

29. Crum and Berkley, negligently, grossly negligently and/or intentionally, knowingly failed to produce the exculpatory interviews of the witnesses taken on August 21, 2013 at the Berkley Police Department.
30. Because of Crums and/or Berkley's negligent, grossly negligent and/or intentional misconduct, Samuel was unlawfully arrested, incarcerated for nearly 11 months, maliciously prosecuted and deprived of due process for a crime that Crum and/or Berkley knew Samuel did not commit.

Count I:

State Claim-Unlawful Arrest-Defendants Crum and Berkley

31. Samuel reasserts and realleges each and every allegation contained in paragraphs 1 through 30 as if fully set forth herein.
32. Samuel was arrested as a result of Crum's and/or Berkley's investigation.
33. Samuel was aware of the arrest and it was against his will.
34. Crum and/or Berkley intended to have Samuel arrested as a result of the information compiled in their investigation.
35. Such an arrest was unlawful because Crum and/or Berkley did not have probable cause as Crum and/or Berkley were in possession of undisclosed and exculpatory evidence which exonerated Samuel.
36. As a direct and proximate result of the above misconduct by Crum and/or Berkley, Samuel suffered and will continue to suffer, damages in the future including but not limited to:
- a. Wrongful arrest for a crime he did not commit;
 - b. Wrongful incarceration for 11 months for a crime he did not commit;

- c. Being labeled in the media and in society as the perpetrator of a crime he did not commit;
- d. Physical pain and suffering;
- e. Mental anguish;
- f. Fright and shock;
- g. Denial of social pleasure and enjoyments;
- h. Embarrassment, humiliation and mortification;
- i. Lost wages and/or earning capacity;
- j. The legal expense incurred by Samuel in the defense of this frivolous case; and
- k. All other damages learned through the course of discovery.

WHEREFORE, Samuel respectfully requests that this Honorable Court enter Judgment in his favor and against Crum and Berkley in an amount in excess of \$25,000.00 and award costs, interest, and attorney fees so wrongfully incurred.

Count II:

State Claim-Malicious Prosecution- Defendants Crum and Berkley

- 37. Samuel reasserts and realleges each and every allegation contained in paragraphs 1 through 36 as if fully set forth herein.
- 38. Crum and/or Berkley caused or continued the prosecution of Samuel based upon their investigation.
- 39. The criminal proceeding was terminated in favor of Samuel when the court dismissed the case with prejudice and entered an Order of Nolle Prosequi.

40. There existed no probable cause for initiating or continuing the proceeding as Crum and/or Berkley were in possession of both undisclosed and exculpatory evidence which proved Samuel to be innocent.

41. The initiation or continuation of the proceeding was done with malice or a primary purpose other than that of bringing the alleged offender to justice.

42. As a direct and proximate result of the above misconduct by Crum and/or Berkley, Samuel suffered and will continue to suffer, damages in the future including but not limited to:

- a. Wrongful arrest for a crime he did not commit;
- b. Wrongful incarceration for 11 months for a crime he did not commit;
- c. Being labeled in the media and in society as the perpetrator of a crime he did not commit;
- d. Physical pain and suffering;
- e. Mental anguish;
- f. Fright and shock;
- g. Denial of social pleasure and enjoyments;
- h. Embarrassment, humiliation and mortification;
- i. Lost wages and/or earning capacity;
- j. The legal expense incurred by Samuel in the defense of this frivolous case;
and
- k. All other damages learned through the course of discovery.

WHEREFORE, Samuel respectfully requests that this Honorable Court enter Judgment in his favor and against Crum and Berkley in an amount in excess of \$25,000.00 and award costs, interest, and attorney fees so wrongfully incurred.

Count III:

State Claim- False Imprisonment- Defendants Crum and Berkley

43. Samuel reasserts and realleges each and every allegation contained in paragraphs 1 through 42 as if fully set forth herein.
44. Samuel was imprisoned by Crum and/or Berkley when he was arrested without probable cause and was thereby deprived of his personal liberty or freedom of movement.
45. Such imprisonment was against Samuel's will.
46. Crum and/or Berkley accomplished the imprisonment by force.
47. Crum and/or Berkley intended to deprive Samuel of his personal liberty or freedom of movement.
48. Such imprisonment was unlawful because the arrest was made without probable cause.
49. As the direct and proximate result of the above misconduct by Crum and/or Berkley, Samuel suffered and will continue to suffer, damages in the future including but not limited to:
- a. Wrongful arrest for a crime he did not commit;
 - b. Wrongful incarceration for 11 months for a crime he did not commit;
 - c. Being labeled in the media and in society as the perpetrator of a crime he did not commit;

- d. Physical Pain and suffering;
- e. Mental anguish;
- f. Fright and shock;
- g. Denial of social pleasure and enjoyments;
- h. Embarrassment, humiliation and mortification;
- i. Lost wages and/or earning capacity;
- j. The legal expense incurred by Samuel in the defense of this frivolous case;
and
- k. All other damages learned through the course of discovery.

WHEREFORE, Samuel respectfully requests that this Honorable Court enter Judgment in his favor and against defendant Crum and Berkley in an amount in excess of \$25,000.00 and award costs, interest, and attorney fees so wrongfully incurred.

Count IV:

State Claim- Gross Negligence- Defendants Crum and Berkley

- 50. Samuel reasserts and realleges each and every allegation contained in paragraphs 1 through 49 as if fully set forth herein.
- 51. Crum and/or Berkley had a duty to the general public and especially to Samuel, to refrain from grossly negligent conduct.
- 52. Crum and/or Berkley breached that duty and were grossly negligent, or were so reckless as to demonstrate a substantial lack of concern for whether an injury results, when Crum withheld undisclosed and exculpatory evidence against Samuel.
- 53. Crum's and/or Berkley's gross negligence a direct cause of the injury or damage, e.g. the proximate cause, of Samuel's damages and injuries, including but not limited to:

- a. Wrongful arrest for a crime he did not commit;
- b. Wrongful incarceration for 11 months for a crime he did not commit;
- c. Being labeled in the media and in society as the perpetrator of a crime he did not commit;
- d. Physical Pain and suffering;
- e. Mental anguish;
- f. Fright and shock;
- g. Denial of social pleasure and enjoyment;
- h. Embarrassment, humiliation and mortification;
- i. Lost wages and/or earning capacity;
- j. The legal expense incurred by Samuel in the defense of this frivolous case; and
- k. All other damages learned through the course of discovery.

WHEREFORE, Samuel respectfully requests that this Honorable Court enter Judgment in his favor and against defendant Crum and Berkley in an amount in excess of \$25,000.00 and award costs, interest, and attorney fees so wrongfully incurred.

Respectfully submitted,

JOHNSON LAW, PLC

By: /s/ Rebecca H. Filiatraut
REBECCA H. FILIATRAUT (P46443)
VEN R. JOHNSON (P39219)
 Attorneys for Plaintiff
 Buhl Building
 535 Griswold Street, Suite 2632
 Detroit, MI 48226
 313.324.8300
vjohnson@venjohnsonlaw.com
rfiliatraut@venjohnsonlaw.com

Dated: August 5, 2015

This case has been designated as an eFiling case. To review a copy of the Notice of Mandatory eFiling visit www.oakgov.com/clerkrod/efiling.

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

SAMUEL JEROME,

Plaintiff,

v

LIEUTENANT MICHAEL CRUM, in his
Individual and Representative Capacity,
And the CITY OF BERKLEY, a
Municipal entity,

Defendants.

2015-148401-CZ
JUDGE LANGFORD MORRIS

Case No.

Hon.

REBECCA H. FILIATRAUT (P46443)
VEN R. JOHNSON (P39219)
JOHNSON LAW, PLC
Attorneys for Plaintiff
535 Griswold Street, Ste., 2632
Detroit, MI 48226
313-324-8300
313-324-8301-Fax
rfiliatraut@venjohnsonlaw.com
vjohnson@venjohnsonlaw.com

DEMAND FOR JURY TRIAL

NOW COMES Plaintiff, SAMUEL JEROME, by and through his attorneys, **JOHNSON
LAW, PLC** and hereby demands a trial by jury within cause of action.

Respectfully submitted,

JOHNSON LAW, PLC

By: /s/ Rebecca H. Filiatraut
REBECCA H. FILIATRAUT (P46443)
VEN R. JOHNSON (P39219)
Attorneys for Plaintiff
Buhl Building
535 Griswold Street, Suite 2632
Detroit, MI 48226
313.324.8300
vjohnson@venjohnsonlaw.com
rfiliatraut@venjohnsonlaw.com

Dated: August 5, 2015

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

SAMUEL JEROME,

Plaintiff,

v

Case No. 15-148401-CZ

Hon. DENISE LANGFORD MORRIS

LIEUTENANT MICHAEL CRUM, in his
Individual and Representative Capacity,
And the CITY OF BERKLEY, a
Municipal entity,

Defendants.

S. JAY AHMAD (P43206)
VEN R. JOHNSON (P39219)
Johnson Law PLC
Attorneys for Plaintiff
535 Griswold, Ste. 2632
Detroit, MI 48226
(313) 324-8300
(313) 324-8301 (fax)
jahmad@venjohnsonlaw.com
vjohnson@venjohnsonlaw.com

LAUREL F. McGIFFERT (P31667)
PLUNKETT COONEY
Attorney for Defendants
150 W Jefferson, Suite 800
Detroit, MI 48226
(313) 983-4752
lmcgiffert@plunkettcooney.com

AFFIDAVIT OF MICHAEL CRUM

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

Michael Crum, being first duly sworn, states as follows:

1. I am currently employed by the City of Berkley in the capacity of Deputy Chief of the Public Safety Department, having previously served in the capacity of Lieutenant, Sergeant and prior to that, Public Safety Officer, after having been hired by the City of Berkley in 1998.

2. I attest to the following facts based on personal knowledge and/or review of documents.

3. On May 7, 2013, 13-year-old Alyxis Krahe ("Allie") provided information to me, alleging that her stepfather, Samuel Jerome (the Plaintiff herein), had inappropriately touched her vagina and breasts, and I began my investigation of her allegations.

4. On that same date (May 7, 2013), Mr. Jerome denied inappropriately touching Allie, and indicated he would take a polygraph, but subsequently after I had scheduled the polygraph and confirmed the date with him, he changed his mind and advised me that he would not take a polygraph.

5. I scheduled Allie for a forensic interview at Care House.

6. On May 16, 2013, Allie changed her story at her Care House interview, and her mother would not let me talk to her to find out why her story changed, so at that time, my investigation became inactive.

7. On July 11, 2013, while Allie's mother was in a mental hospital in Texas and Allie's grandmother, who was Allie's mother's guardian and also the temporary guardian and custodian of Allie at the time, authorized me to talk to Allie; and Allie gave me an explanation of why her story had changed at Care House, describing threats and intimidation she received from her mother, which is referenced in more detail in my police report.

8. On that date (July 11, 2013), Allie confirmed to me her original account of two incidents of inappropriate sexual touching by Mr. Jerome. Her confirmation of the two incidents as well as her explanation regarding why she had changed her story at Care House appeared credible to me.

9. During my investigation of these allegations, I did not ignore any information that was provided to me, but instead considered the fact that Mr. Jerome had denied the

inappropriate touching, the fact that Allie had changed her story at Care House, and all the information and evidence that came to my attention.

10. Thereafter, in August 2013, after a series of additional events as detailed in my police reports, I reached the conclusion that there was probable cause sufficient to submit the case to the Prosecutor's Office for consideration of Criminal Sexual Conduct ("CSC") charges.

11. I formulated that conclusion by considering the totality of the circumstances and all evidence and information of which I was aware at that time including, but not limited to:

- a. Allie's May 7, 2013 accusations against Samuel Jerome
- b. Mr. Jerome's May 7, 2013 denial of same
- c. Allie's May 16, 2013 interview at Care House and her changed story at that time
- d. Allie's July 11, 2013 explanation to me regarding why she had changed her story at Care House, and her reaffirmation on that date of her accusations of alleged criminal conduct by Mr. Jerome
- e. Numerous other events, conversations and considerations.

12. It had been my experience that sometimes the Prosecutor's Office charged the suspect on my cases, and sometimes they did not, so I was aware that regardless of my warrant request submissions to their office, the Prosecutor would do their own consideration and determination regarding whether they felt sufficient probable cause existed.

13. I provided to the Prosecutor's Office all the pertinent information that I was aware of.

14. Upon subsequent request from the Prosecutor's Office for me to obtain "further" information, I again interviewed Allie related to these allegations on August 21, 2013. I did not video record the interviews that I conducted on that date, and I was not aware that the DVR video recording equipment had been turned on and left on by someone else. I was not aware that my interviews conducted on that date were recorded.

15. When I interviewed Allie on August 21, 2013, it was for the sole purpose of obtaining "further" information and answers to specific questions as requested of me by the Prosecutor's Office; and during that interview, I used foundational information in my questions to Allie based on information she had already provided to me.

16. Prior to that time, I had already reached the conclusion that there was probable cause sufficient to submit the case to the Prosecutor's Office for consideration of Criminal Sexual Conduct ("CSC") charges.

17. On August 21, 2013, Allie reiterated to me that the events that formed the elements of the alleged crime had indeed occurred. To the extent that there were differences in what Allie told me on August 21, 2013 as compared to what she told me on May 7, 2013, those differences did not appear to me --- and even now, do not appear to me -- to be material inconsistencies that invalidate the probable cause determination that I had made based on the totality of the circumstances.

18. Taking all information that I had into consideration, both before and after I interviewed Allie on August 21, 2013, I felt I had enough credible evidence to support a reasonable suspicion that the alleged crime had been committed.

19. Subsequently, the Prosecutor's Office made a determination that there was probable cause to charge Mr. Jerome, and the District Court issued an arrest warrant.

20. I arrested Mr. Jerome pursuant to that arrest warrant.

21. On October 9, 2013, because I was in charge of the police investigation, I was present at the Preliminary Examination before Judge James Wittenberg, but I did not testify at the hearing or actively participate in the hearing.

22. Allie testified at the hearing, and was cross-examined by Mr. Jerome's attorney. Although Mr. Jerome was present at the hearing, he did not testify on his own behalf. No other witnesses testified, and no exhibits were offered.

23. After Allie testified, Judge Wittenberg made a finding that there was probable cause for the two CSC charges, and indicated on the record that his finding was "based on her testimony" (referring to Allie), and Judge Wittenberg bound the matter over for trial in circuit court.

24. When I provided evidence to the Prosecutor and even when I testified at Mr. Jerome's criminal trial in August 2014, I was still not aware that my August 21, 2013 interviews had been recorded.

25. On August 7, 2014 after I had testified at Mr. Jerome's criminal trial, it was discovered and brought to my attention that video recordings of my August 21, 2013 interviews did exist and had been located on the DVR equipment.

26. At that time, upon learning for the first time of the existence of the recordings, it never occurred to me to withhold or not disclose this evidence. Having become aware of its existence, I knew I was obligated to produce it, and I immediately began efforts to do so.

27. I arranged to have enough copies made to give to the parties and to the Court, and early on the morning of August 8, 2013, I notified the Assistant Prosecutor in charge of the case of this development, and produced copies of the disks to be provided to the parties and the Court.

28. Prior to the time that the Prosecutor filed their "Petition to Nolle Prosequi" on October 6, 2014, various events had occurred at trial (in August 2014) and numerous witnesses had testified at trial in ways that were not totally favorable to the Prosecutor prevailing if the case were to be tried again.

29. The Prosecutor's Petition to Nolle Prosequi did not indicate that their belief that they could not "sustain their burden of proving the case beyond a reasonable doubt at trial" was based in any way upon my August 21, 2013 interview of Allie, the video recording of same, or the timing regarding when I discovered the existence of said recording.

30. During the course of the underlying events, I believed that my actions were lawful; and even in hindsight, I now still believe that my actions were lawful.

31. I never attempted or intended to violate Mr. Jerome's legal or constitutional rights.

32. And if called upon to do so, I will testify accordingly in Court.

FURTHER DEPONENT STATES NOT.

Deputy Chief Michael Crum

Subscribed and sworn to before me
this _____ day of July, 2016.

Notary Public, _____ County
My commission expires: _____

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EXHIBIT F

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1 Q. Have you been trained as a forensic interviewer?

2 A. I have not.

3 Q. Did you, at any point in time, profess to be doing a
4 forensic interview on Allie Krahe?

5 A. No.

6 Q. Have you been trained in interview and interrogation
7 techniques as a police officer?

8 A. I have.

9 Q. And as a detective?

10 A. Yes.

11 Q. Would you say that you've had considerable experience
12 interviewing children?

13 A. I have, I have interviewed many children in my career,
14 both victims and suspects.

15 Q. Okay. And although I do understand that you referred
16 Allie for a forensic interview at CARE House, but
17 before you even get to that point, do you have any
18 responsibility to conduct a basic interview of her in
19 order to obtain some preliminary information to
20 establish the existence of a reasonable suspicion that
21 a crime has been committed?

22 A. CARE House requests that we provide a police report,
23 and that's why my original report was written so
24 quickly. They request that we provide a police report
25 so they can read that and review it before the

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1 interview, so I do that to establish kind of the
2 parameters of what we, is being alleged so they can
3 read that initial report, CARE House.

4 Q. So you do have to get enough information to classify
5 the alleged crime --

6 A. They require a police report, yes.

7 Q. -- and to prepare a report?

8 You had an opportunity to, not in detail,
9 but during the course of the deposition at least, go
10 through some of your reports. Based on your reports
11 at the time that you prepared them, did you consider
12 them to be accurate?

13 A. I did.

14 Q. Now, you were asked some questions about the video
15 recording, and I want to refer specifically to the
16 video recording of the August 21, 2013 interviews that
17 you conducted of Allie, Sabrina and the grandmother,
18 Judith Stiltner.

19 A. Yes.

20 Q. Did you create the videotape?

21 A. I did not turn on the recording.

22 Q. Okay. Were you aware at the time that it was being
23 video recorded?

24 A. No.

25 Q. Okay. Did there come a point in time when you asked

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1 someone to pull the video recordings pertaining to
2 this matter?

3 A. I did that three times during this process.

4 Q. Okay.

5 A. Initially my -- it indicates Dennis Geary, Geary,
6 G-e-a-r-y, he was loaned out to the Detective Bureau
7 at that time when we increased manpower. Sergeant
8 Hatfield, I'm sorry, Sergeant Miller, a second time,
9 and then in the trial, Sergeant Hatfield.

10 Q. Before the end of trial -- let's go back to how many
11 times were tapes, discs, like DVD or CDs, generated as
12 a result of the search of the DVR equipment.

13 A. Prior to trial?

14 Q. Prior to trial.

15 A. The system was a brand new system when this was going
16 on. I guess I don't know how many would have been --
17 you're asking department-wide or just this case?

18 Q. Well, no, let me clarify the question.

19 At some point in time, did you ask someone
20 to search the DVR equipment and to pull off any
21 recordings pertaining to this case and create discs
22 from those?

23 A. Yes, I did, two times prior to trial.

24 Q. Okay. Do you know when the first time was?

25 A. I don't recall the dates, but we have to turn

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1 everything over at arraignment, so they would have
2 been 9252 and 5555 on the date of arraignment. Just
3 prior to that, I would have had them pull all those
4 tapes off for those cases. So if I look at the
5 dates --

6 Q. Well, that's okay. I think it's going to take a while
7 for you to find it.

8 A. Yes.

9 Q. I guess the bottom line I want to know is during the
10 course of Mr. Jerome's trial, when you testified on, I
11 believe -- well, when you testified on two separate
12 days during the trial.

13 A. I recall that.

14 Q. At the time that you testified, were you aware that
15 there was a video recording that had been made on
16 August 21st, 2013?

17 A. I was not aware.

18 Q. So when you said that there was no video recording,
19 were you intentionally lying about that?

20 A. I was not.

21 Q. The first time that you learned of the existence of
22 the August 21, 2013 recordings, was that before,
23 during or after your testimony?

24 A. It was after.

25 Q. And I think you indicated that Sergeant Hatfield --

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1 A. Sergeant Hatfield, yes.

2 Q. -- that he actually advised you of the recording?

3 A. Yes.

4 Q. And what did you do? When would that have been? Let
5 me just give you some dates.

6 August 8th, 2013 was the day that the
7 mistrial was declared, so using that date, when was it
8 that you first learned of the existence of the
9 August 21, 2013 videotape?

10 A. It was the day before as I was driving home from
11 court, he called me. He told me he found the video.
12 I drove directly to the station. I reviewed it.
13 After I reviewed it, I made three copies of the
14 videotape.

15 Q. Okay. And did you notify -- first of all, let me just
16 ask you at that point in time, what did you, why did
17 you make three copies?

18 A. Well, I knew I'd give one to the defense, one to the
19 prosecutor, and I had one for the Court, and I had an
20 original for myself. At that point I knew it would be
21 an issue, I knew it would be an issue in the Court
22 proceedings.

23 Q. Were you aware, either through training or other
24 information, that you were responsible for providing
25 to the prosecutor all pertinent evidence of which you

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1 were aware?

2 A. Yes. That's something that, I mean, we're shown in
3 police academy, but more specifically in detective
4 school, and then all my interactions with the
5 prosecutor over the years, that's something that
6 they've reiterated and something that we had to
7 provide.

8 Q. Did you think that you had done that before this trial
9 began?

10 A. Yes.

11 Q. In any event, did you provide that, those copies to
12 the prosecutor?

13 A. I did.

14 Q. Of the August 21st, 2013 recordings?

15 A. I did.

16 Q. And was that on the morning of August 8th?

17 A. The morning of the mistrial, yes.

18 Q. Okay. Once you learned of the existence of that
19 recording, did it ever occur to you to destroy,
20 conceal or not disclose it?

21 A. No. I knew immediately I had to turn it in, and I
22 knew immediately that it was going to be a problem.

23 Q. You were asked some questions about the morning or the
24 day of, I should say, the day of the CARE House
25 interview and why you didn't provide information to

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1 Stacey regarding what had happened during the
2 interview. Was that something that you would normally
3 do or something that you would normally leave to the
4 CARE House individuals to do?

5 A. At the CARE House facility, that's -- they have a
6 conversation with the parents after we leave and they
7 discuss the interview with the parents. It's not
8 something that we, as a police, routinely do. We sit
9 at the beginning, and generally what I do is schedule
10 the next appointment with that parent. So once that's
11 done, I leave. And that usually takes just a few
12 minutes. And then I really don't know how long they
13 stay after my time. The actual interview or covering
14 it, CARE House will do with the individual, but I'm
15 not sure how much they even disclose at that time.

16 Q. Okay. But in any event, you thought that was
17 something of the responsibility of CARE House as
18 opposed to your responsibility?

19 A. Correct. At that point, we wouldn't discuss that with
20 them, not in that setting at CARE House. We go back
21 to my office.

22 Q. Okay. I'd like to have you focus on July 11th, 2013.

23 Between June 9th, 2013 when you had a
24 conversation with Stacey and July 11th, 2013, had you
25 made any efforts to continue your investigation

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1 between those two dates?

2 A. No.

3 Q. On July 11th, 2013, did you initiate any contact with
4 the family or did they initiate contact with you?

5 A. They initiated with me.

6 Q. Okay. And on that date, were you advised by Allie's
7 grandmother that Stacey was unavailable because she
8 was hospitalized?

9 A. That's what Judy told me, she was in Texas
10 hospitalized.

11 Q. And did you understand that the children, Allie and
12 Sabrina, were staying in the custody of Judy at that
13 time?

14 A. Yes, that was pretty standard for the two girls to be
15 at grandma's house even outside of the hospital.

16 Q. And on that day, did Judy authorize you to talk to
17 Allie?

18 A. She did.

19 Q. On that date, did Allie give you an explanation for
20 why she had recanted, at least with regard to some of
21 her story, when she was at CARE House?

22 A. Yes.

23 Q. And on that date, did Allie reaffirm what she had told
24 you on May 7th, 2013 about the inappropriate touching?

25 A. Yes.

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1 Q. At that time, did you believe it was appropriate to
2 activate and continue your investigation?

3 A. At that time, my case went from inactive back to
4 active and we began looking into it again.

5 Q. Okay. Now, the only hypothetical I think I'm going to
6 give you is I want you to assume that, according to
7 the calendar, that day, July 11, 2013, was a Thursday,
8 and I want you to assume, according to the calendar,
9 July 14, 2013 was a Sunday. So am I to understand
10 that on, just a few days later on that Sunday,
11 July 14th, 2013, your department received a report
12 that Allie had run away?

13 A. Yes.

14 Q. And is that the same day that I understand that Stacey
15 took Allie out of state?

16 A. On the 14th?

17 Q. Yes. Check your report. Maybe it's the 15th.

18 A. She left on the 14th, and according to the report, she
19 was found at 5:00 a.m. on the 15th, so it was
20 overnight.

21 Q. And so at that point in time, once they left the
22 State, was there anything further in particular that
23 you could do with regard to any further interviewing?

24 A. No. And just to clarify, the LEIN is the Law
25 Enforcement Information Network, and when we put

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1 somebody as missing in LEIN, we then are required to
2 physically see them to take them out of LEIN, and
3 that's why that really became important about chasing
4 her around to the different hospitals. I had to have
5 a hospital physically see her to take her out of LEIN.
6 And it seems like we were chasing around and there was
7 no reason for it, but that's really why we were trying
8 to find them, trying to find Allie, so we could take
9 her out of the system as missing.

10 Q. Okay. Now, the next time that there was any contact
11 with the family, am I correct, would have been when
12 there was a report to the department about a domestic
13 violence incident on August 2nd, 2013?

14 A. With our department, yes.

15 Q. Okay. Prior to that date, were you aware that they
16 were even, the family was even back in Michigan?

17 A. I was not.

18 Q. Now, you were asked some questions, and I'm looking in
19 particular, Deputy Chief Crum, on Page 10 of 15 of
20 your report, and you were asked some questions about
21 your statement in your report about Stacey interfering
22 with your investigation. And my question for you is:
23 If, in fact, Stacey had threatened Allie, as Allie
24 said, in terms of threatening to kill herself if Sam
25 went to jail, threatening that Allie would be sexually

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1 assaulted if she was put in foster home and so on and
2 so forth, would you consider that to be interference
3 of your investigation?

4 A. Yes.

5 Q. I know in your report on that very page, maybe about
6 six lines down, do you see where you reported Allie
7 advised she has been assaulted on numerous occasions
8 since "telling on Sam." Do you see that?

9 A. I don't remember that. Okay.

10 Q. Is that what Allie told you?

11 A. Yes.

12 Q. You were asked some questions about "taking sides"?

13 A. Yes.

14 Q. In your work as a detective, although you are charged
15 with being objective, etcetera, are there occasions
16 when you need to assess whether you feel that there's
17 enough credible evidence being presented to you to
18 support a reasonable suspicion of a crime?

19 A. Yes.

20 Q. And am I correct that you don't charge, the prosecutor
21 charges individuals?

22 A. On felonies I do not charge.

23 Q. And is it your understanding that before the
24 prosecutor charges anyone with a felony, that they
25 must have probable cause?

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1 A. Correct.

2 Q. Do you feel, even in hindsight, that you had probable
3 cause to refer this case to the prosecutor's office
4 for consideration?

5 A. I do.

6 Q. And did there come any point in time where the
7 prosecutor concluded that they had probable cause to
8 charge Mr. Jerome?

9 A. They did.

10 Q. Did there ever come a point in time when the Court,
11 the district court, determined that they had probable
12 cause to bind Mr. Jerome over for prosecution?

13 A. Yes.

14 Q. Were you present at the preliminary exam that took
15 place on October 9th, 2013?

16 A. I was.

17 Q. Did you actively participate in that proceeding at
18 all?

19 A. I did not.

20 Q. Did anybody, any witness testify other than Allie
21 Krahe?

22 A. Just Allie.

23 Q. And at the conclusion of her testimony at the
24 preliminary exam, did the Court, the district court,
25 Judge Wittenberg, find probable cause to bind

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1 Mr. Jerome over for trial?

2 A. He did. And I would say on that pre-exam, Judge
3 Wittenberg doesn't review any of the reports. He
4 doesn't read anything that I say or that I -- he
5 listens only to testimony, and so he only listened to
6 what Allie had to say, and then anybody that
7 Mr. Jerome wanted to testify, could, to make his
8 determination.

9 Q. Let me see if I understand this. You're saying that
10 it's your understanding that Judge Wittenberg didn't
11 review any of the reports, didn't review any of the
12 videos, but he just took testimony from Allie on that
13 occasion?

14 A. That's my understanding, yes.

15 Q. And am I correct that Mr. Jerome's attorney was there
16 and cross examined Allie while she was on the stand?

17 A. He was.

18 Q. If, in fact, on July 11, 2013 when Allie came to talk
19 to you the second time, she gave you an explanation
20 that she had lied to you and that's why her story was
21 different at CARE House, what would you have done?

22 A. That she had lied to me?

23 Q. The first time.

24 A. So that CARE House was the truth?

25 Q. Yes.

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1 A. I would have closed my case.

2 Q. Have you had occasions, Deputy Chief Crum, where you
3 have provided information to the prosecutor's office
4 for a warrant request and, in fact, the warrant
5 request was rejected?

6 A. Yes. In fact, in this case I did. In this particular
7 case, we submitted a warrant for Stacey and they
8 rejected that warrant.

9 Q. So there are some times they accept your
10 recommendation after consideration and other times
11 they reject your recommendation after consideration?

12 A. Absolutely.

13 Q. So you do understand that they make their own
14 determination of the existence of probable cause
15 regardless of what you say or regardless of what you
16 recommend?

17 A. Yes, absolutely.

18 Q. Now, just to make sure I understand and the record's
19 not confusing, you offered a, or requested a warrant
20 for Stacey regarding the domestic violence?

21 A. No. I requested a warrant for Stacey for witness
22 intimidation and interfering, 750.1227(B), and that's
23 right in the report. And the prosecutor denied that
24 warrant and indicated that they believed that Stacey
25 would ultimately be a witness for the victim, and they

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1 believed that if they charged her, they wouldn't be
2 able to interview her, she wouldn't be able to
3 testify. That's the indication they gave me why they
4 didn't charge her.

5 Q. They believed she would ultimately be a witness for
6 her daughter?

7 A. For her daughter, correct, and by charging her, she
8 could not be a witness to the crime.

9 Q. I see because, in fact, Allie had first gone to her
10 mother?

11 A. Correct.

12 Q. And she was the first one she told about it?

13 A. Right.

14 Q. Okay. I want to move ahead to August 21st.

15 First of all, let me ask you, are you aware
16 of any law against video recording interviews of
17 witnesses in general?

18 A. No.

19 Q. Victims in general with regard to law?

20 A. No.

21 Q. Or even juveniles in particular?

22 A. No. If they're victims?

23 Q. Yes.

24 A. No.

25 Q. Okay. And I'm understanding you to say, and I think

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1 you said earlier somewhere, that your chief just has a
2 practice that if it's a sexual assault victim, that's
3 just a practice that you don't do that?

4 A. My chief came from the City of Detroit for 33 years
5 and he investigated a lot of sex crimes in the city,
6 got more experience than I do and he, that's the
7 practice when he came to our department that he
8 brought from the City of Detroit.

9 Q. Okay. To your knowledge, did anyone intentionally and
10 with purpose, purposefully record the interviews that
11 you conducted on August 21, 2013?

12 A. I'm sorry, can you say that again?

13 Q. Purposefully --

14 A. Record the interview?

15 Q. Yes.

16 A. It's my understanding Sergeant Miller did, in fact,
17 turn the recorder on on purpose because of the
18 situation that was going on with the young lady in the
19 room. He did not turn it on -- Allie was not at the
20 building at that time. She came after the interview
21 with Sabrina, so I guess to try to answer, Sergeant
22 Miller turned it on on purpose because of the
23 situation, but not because Allie was there or he
24 interviewed Allie.

25 Q. Is it your understanding that he turned it on for the

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1 purpose of having his presence in the room with a
2 juvenile captured on tape?

3 A. Correct.

4 Q. Did you have any understanding that he ever turned it
5 on for the purpose of actually memorializing the
6 interview that you were conducting?

7 A. No, he didn't even realize that I would be in or out
8 of the office. I was not even in the office for
9 several months. My office at that time was actually
10 downstairs. He flipped it on because he was in the
11 room by himself.

12 Q. Okay.

13 A. I just chose to come up there at that point.

14 Q. You've seen that, I think you said you watched it at
15 court, that particular video, from August 21, 2013?

16 A. I did.

17 Q. Once the video starts, are you even in the room?

18 A. No, not for several minutes.

19 Q. Okay. And then after several minutes, you enter the
20 room?

21 A. I do.

22 Q. Okay. So the video had to have been turned on before
23 you even entered the room?

24 A. It was on, yes, for several minutes before I entered.
25 You can see, you can hear Sergeant Miller. My

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1 recollection is you can hear Sergeant Miller and you
2 can see Sabrina, I believe, and then you hear me come
3 in the room several minutes later.

4 Q. Okay. Now, on August 21st, I understand that you
5 received that morning a fax from the prosecutor's
6 office asking you to obtain further information.

7 A. Correct.

8 Q. And the interviews that were conducted later that day,
9 I want to know did you call those individuals in for
10 interviews or did they come in on their own?

11 A. I did not call them in, and it was routine for that
12 family to be in my office once a week. They were in
13 there for whatever reason, and that's why it was so
14 common to see them in or out, or they would just come
15 to the office, so that particular day, Sabrina came
16 with Judy and knocked on our door.

17 Q. Okay.

18 A. It just happened to be hours after I got the Further
19 from the prosecutor.

20 Q. Okay. Now, I believe I saw in here, but correct me if
21 I'm wrong, had Sabrina called you the previous day?

22 A. She did. She left a voicemail on my station phone,
23 and I couldn't really make it out and I still don't
24 recall exactly what was said in the voicemail, but the
25 next day when I saw her, I assumed it was from the

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1 voicemail she had left me the day before.

2 Q. When she called the day before, give us an idea, I
3 mean why couldn't you make it out? Was she emotional?
4 What was going on?

5 A. I don't recall, and my report just says I could not
6 make out the content of the message but could
7 determine it was Sabrina on the telephone.

8 Q. Okay. Now, once the prosecutor sent you the Further
9 and asked you to obtain answers to these specific
10 questions, were you, as the detective in charge of the
11 investigation, obliged to get answers to those
12 questions?

13 A. Absolutely. We, technically we work for them on these
14 cases.

15 Q. Okay. At the time that you interviewed Allie on
16 August 21st, 2013 and prepared your report, did you at
17 that point in time identify inconsistencies and
18 intentionally leave them out of your report?

19 A. I don't recall any inconsistencies between -- the only
20 inconsistencies I remember in the case is CARE House,
21 the changes at CARE House. Other than that, I thought
22 that her story was very, stayed very accurate, what
23 was on television, what she was wearing, these things
24 stayed very accurate throughout the entire process,
25 and that's what we generally, we look for, the little

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1 things like what's on TV or what you're wearing, and
2 those are questions we often ask, so.

3 Q. From your interview of Allie on August 21, 2013, did
4 you identify anything that you thought was
5 exculpatory, meaning something that tended to support
6 Mr. Jerome's story and his defense?

7 A. Even reviewing it during court, I didn't find anything
8 that would defend his position or show any innocence.
9 In fact, all I saw was that it contradicted what
10 Sabrina testified to was really the only difference
11 that I observed that day.

12 Q. But not with regard to Allie that you identified?

13 A. But Sabrina testified for Mr. Jerome in trial, and
14 that was the only changes I saw, what she testified to
15 and what she said on that day.

16 Q. Okay. At the time that you requested the warrant, did
17 you -- were you taking into consideration all the
18 facts and circumstances that you were aware of?

19 A. I was.

20 Q. Were you at that time even taking into consideration
21 the change in Allie's story at the CARE House
22 interview?

23 A. Absolutely. I documented it in my report. I
24 documented whatever through there, you know, her story
25 changed or the fact she ran away was documented.

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1 Everything was documented inside the report for the
2 prosecutor to review.

3 Q. And Mr. Jerome told you on May 7, 2013, that he never
4 inappropriately touched Allie?

5 A. He did.

6 Q. Did you document that for the prosecutor to read?

7 A. I did.

8 Q. And Stacey said that she didn't believe her daughter
9 and she thought that she was lying. Did you document
10 that in your report for the prosecutor to see?

11 A. I did.

12 Q. And you were aware that Allie changed her story when
13 she was interviewed at CARE House. Did you document
14 that in your report for the prosecutor to see?

15 A. I did.

16 Q. Now, on August 21, 2013 -- strike that.

17 If, in fact, on one occasion Allie told you
18 that during the events that she described as
19 inappropriate touching, Sam sat on her, and on another
20 occasion she described the events the same way but
21 said he pinned her down, would that be a significant
22 difference for you?

23 A. Not that, sat or pinned down would not be, no.

24 Q. Were there tapes of the -- strike that.

25 Were the interviews or some of the

EXHIBIT G

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

SAMUEL JEROME,

Plaintiff,

v

Case No. 15-148401-CZ

Hon. DENISE LANGFORD MORRIS

LIEUTENANT MICHAEL CRUM, in his
Individual and Representative Capacity,
And the CITY OF BERKLEY, a
Municipal entity,

Defendants.

S. JAY AHMAD (P43206)
VEN R. JOHNSON (P39219)
Johnson Law PLC
Attorneys for Plaintiff
535 Griswold, Ste. 2632
Detroit, MI 48226
(313) 324-8300
(313) 324-8301 (fax)
jahmad@venjohnsonlaw.com
vjohnson@venjohnsonlaw.com

LAUREL F. MCGIFFERT (P31667)
PLUNKETT COONEY
Attorney for Defendants
150 W Jefferson, Suite 800
Detroit, MI 48226
(313) 983-4752
lmcgiffert@plunkettcooney.com

AFFIDAVIT OF MICHAEL CRUM

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

Michael Crum, being first duly sworn, states as follows:

1. I am currently employed by the City of Berkley in the capacity of Deputy Chief of the Public Safety Department, having previously served in the capacity of Lieutenant, Sergeant and prior to that, Public Safety Officer, after having been hired by the City of Berkley in 1998.

2. I attest to the following facts based on personal knowledge and/or review of documents.

3. On May 7, 2013, 13-year-old Alyxis Krahe ("Allie") provided information to me, alleging that her stepfather, Samuel Jerome (the Plaintiff herein), had inappropriately touched her vagina and breasts, and I began my investigation of her allegations.

4. On that same date (May 7, 2013), Mr. Jerome denied inappropriately touching Allie, and indicated he would take a polygraph, but subsequently after I had scheduled the polygraph and confirmed the date with him, he changed his mind and advised me that he would not take a polygraph.

5. I scheduled Allie for a forensic interview at Care House.

6. On May 16, 2013, Allie changed her story at her Care House interview, and her mother would not let me talk to her to find out why her story changed, so at that time, my investigation became inactive.

7. On July 11, 2013, while Allie's mother was in a mental hospital in Texas and Allie's grandmother, who was Allie's mother's guardian and also the temporary guardian and custodian of Allie at the time, authorized me to talk to Allie; and Allie gave me an explanation of why her story had changed at Care House, describing threats and intimidation she received from her mother, which is referenced in more detail in my police report.

8. On that date (July 11, 2013), Allie confirmed to me her original account of two incidents of inappropriate sexual touching by Mr. Jerome. Her confirmation of the two incidents as well as her explanation regarding why she had changed her story at Care House appeared credible to me.

9. During my investigation of these allegations, I did not ignore any information that was provided to me, but instead considered the fact that Mr. Jerome had denied the

inappropriate touching, the fact that Allie had changed her story at Care House, and all the information and evidence that came to my attention.

10. Thereafter, in August 2013, after a series of additional events as detailed in my police reports, I reached the conclusion that there was probable cause sufficient to submit the case to the Prosecutor's Office for consideration of Criminal Sexual Conduct ("CSC") charges.

11. I formulated that conclusion by considering the totality of the circumstances and all evidence and information of which I was aware at that time including, but not limited to:

- a. Allie's May 7, 2013 accusations against Samuel Jerome
- b. Mr. Jerome's May 7, 2013 denial of same
- c. Allie's May 16, 2013 interview at Care House and her changed story at that time
- d. Allie's July 11, 2013 explanation to me regarding why she had changed her story at Care House, and her reaffirmation on that date of her accusations of alleged criminal conduct by Mr. Jerome
- e. Numerous other events, conversations and considerations.

12. It had been my experience that sometimes the Prosecutor's Office charged the suspect on my cases, and sometimes they did not, so I was aware that regardless of my warrant request submissions to their office, the Prosecutor would do their own consideration and determination regarding whether they felt sufficient probable cause existed.

13. I provided to the Prosecutor's Office all the pertinent information that I was aware of.

14. Upon subsequent request from the Prosecutor's Office for me to obtain "further" information, I again interviewed Allie related to these allegations on August 21, 2013. I did not video record the interviews that I conducted on that date, and I was not aware that the DVR video recording equipment had been turned on and left on by someone else. I was not aware that my interviews conducted on that date were recorded.

15. When I interviewed Allie on August 21, 2013, it was for the sole purpose of obtaining "further" information and answers to specific questions as requested of me by the Prosecutor's Office; and during that interview, I used foundational information in my questions to Allie based on information she had already provided to me.

16. Prior to that time, I had already reached the conclusion that there was probable cause sufficient to submit the case to the Prosecutor's Office for consideration of Criminal Sexual Conduct ("CSC") charges.

17. On August 21, 2013, Allie reiterated to me that the events that formed the elements of the alleged crime had indeed occurred. To the extent that there were differences in what Allie told me on August 21, 2013 as compared to what she told me on May 7, 2013, those differences did not appear to me --- and even now, do not appear to me -- to be material inconsistencies that invalidate the probable cause determination that I had made based on the totality of the circumstances.

18. Taking all information that I had into consideration, both before and after I interviewed Allie on August 21, 2013, I felt I had enough credible evidence to support a reasonable suspicion that the alleged crime had been committed.

19. Subsequently, the Prosecutor's Office made a determination that there was probable cause to charge Mr. Jerome, and the District Court issued an arrest warrant.

20. I arrested Mr. Jerome pursuant to that arrest warrant.

21. On October 9, 2013, because I was in charge of the police investigation, I was present at the Preliminary Examination before Judge James Wittenberg, but I did not testify at the hearing or actively participate in the hearing.

22. Allie testified at the hearing, and was cross-examined by Mr. Jerome's attorney. Although Mr. Jerome was present at the hearing, he did not testify on his own behalf. No other witnesses testified, and no exhibits were offered.

23. After Allie testified, Judge Wittenberg made a finding that there was probable cause for the two CSC charges, and indicated on the record that his finding was "based on her testimony" (referring to Allie), and Judge Wittenberg bound the matter over for trial in circuit court.

24. When I provided evidence to the Prosecutor and even when I testified at Mr. Jerome's criminal trial in August 2014, I was still not aware that my August 21, 2013 interviews had been recorded.

25. On August 7, 2014 after I had testified at Mr. Jerome's criminal trial, it was discovered and brought to my attention that video recordings of my August 21, 2013 interviews did exist and had been located on the DVR equipment.

26. At that time, upon learning for the first time of the existence of the recordings, it never occurred to me to withhold or not disclose this evidence. Having become aware of its existence, I knew I was obligated to produce it, and I immediately began efforts to do so.

27. I arranged to have enough copies made to give to the parties and to the Court, and early on the morning of August 8, 2013, I notified the Assistant Prosecutor in charge of the case of this development, and produced copies of the disks to be provided to the parties and the Court.

28. Prior to the time that the Prosecutor filed their "Petition to Nolle Prosequi" on October 6, 2014, various events had occurred at trial (in August 2014) and numerous witnesses had testified at trial in ways that were not totally favorable to the Prosecutor prevailing if the case were to be tried again.

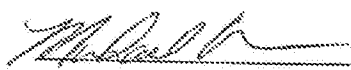
29. The Prosecutor's Petition to Nolle Prosequi did not indicate that their belief that they could not "sustain their burden of proving the case beyond a reasonable doubt at trial" was based in any way upon my August 21, 2013 interview of Allie, the video recording of same, or the timing regarding when I discovered the existence of said recording.

30. During the course of the underlying events, I believed that my actions were lawful; and even in hindsight, I now still believe that my actions were lawful.

31. I never attempted or intended to violate Mr. Jerome's legal or constitutional rights.

32. And if called upon to do so, I will testify accordingly in Court.

FURTHER DEPONENT STATES NOT.


Deputy Chief Michael Crum

Subscribed and sworn to before me
this 07 day of July, 2016.


Notary Public, LISA VECCHIO County

My Commission Expires Aug 4, 2021
Macomb County

Open 005000
Acting in the County of Oakland

EXHIBIT H

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAMUEL JEROME,

Plaintiff,

v

Case No. 15-cv-12302

Hon. John Corbett O'Meara

LIEUTENANT MICHAEL CRUM, in his
Individual and Representative Capacity,
And the CITY OF BERKLEY, a
Municipal entity,

Defendants.

S. JAY AHMAD (P43206)
VEN R. JOHNSON (P39219)

Johnson Law PLC

Attorneys for Plaintiff

535 Griswold, Ste. 2632

Detroit, MI 48226

(313) 324-8300

(313) 324-8301 (fax

jahmad@venjohnsonlaw.com

vjohnson@venjohnsonlaw.com

LAUREL F. MCGIFFERT (P31667)

PLUNKETT COONEY

Attorney for Defendants

150 W Jefferson, Suite 800

Detroit, MI 48226

(313) 983-4752

lmcgiffert@plunkettcooney.com

AFFIDAVIT OF DANIEL J. GRANT

STATE OF MICHIGAN)

) ss.

COUNTY OF WAYNE)

Daniel J. Grant, being first duly sworn, states as follows:

1. I am currently employed by the City of Wyandotte in the capacity of Chief of the Wyandotte Police Department, and I have served in said capacity since March 2007.

2. Prior to that time, I worked for the Brownstown Police Department from 1982 to 2007 as a Police Officer, Detective, Sergeant, Detective Lieutenant, Inspector, Deputy Chief, then Chief of the Police Department for thirteen (13) years.

3. Previous to my employment at Brownstown, I was a police officer at the City of Flat Rock from 1978 to 1982.

4. I have an Associates Degree in Criminal Justice from Henry Ford Community College, a Bachelors Degree in Public Administration from Eastern Michigan University, and a Masters Degree in Public Administration from the University of Michigan.

5. Since 2004, I have also held the position of part-time Adjunct Instructor at Schoolcraft College, teaching Criminal Justice at Schoolcraft College and at the Police Academy, as well as serving as the Chairperson of the College Law Enforcement Advisory Committee and Wayne County Regional Police Academy.

6. For further information regarding my background and experience, I attach my Curriculum Vitae.

7. I have reviewed materials in this case, and based thereon, I state the following.

8. Based on my education, training and vast experience in law enforcement at the officer level, management level and twenty-two (22) years as Chief, as well as my experience in an educational and advisory role, I attest to the following facts and opinions with regard to the City of Berkley's policies, procedures, practices and training, and the events that occurred involving Defendant Michael Crum that are the subject matter of this lawsuit.

9. The Michigan Commission on Law Enforcement Standards ("MCOLES") sets the standards for training of law enforcement officers in the State of Michigan, and MCOLES has no requirement to train law enforcement officers on the Forensic Interview Protocol.

10. Most police officers who conduct interviews and interrogations are not trained in the use of the Forensic Interview Protocol; and use of this Protocol by interviewing police personnel is not mandated by any legal authority.

11. It was reasonable that the City of Berkley did not require its personnel, who would be conducting interviews, to be trained in the use of the Forensic Interview Protocol or to be trained as forensic interviewers.

12. According to evidence in this case, Defendant Crum was trained in interview and interrogation techniques as a police officer and as a detective, and had experience interviewing children.

13. It was reasonable and appropriate for Defendant Crum to interview the victim on May 8, 2013; and upon being presented with her allegations, it was imperative that he conduct a basic interview of her in order to obtain preliminary information to establish the existence of a reasonable suspicion that a crime had been committed, classify the alleged crime, prepare a report, and establish a basis for a referral of the victim to Care House for a forensic interview.

14. Based on the results of the victim's interview at Care House on May 16, 2013, it was not uncommon or unusual for Defendant Crum to keep his file in inactive status rather than to close his file at that time.

15. Under the presenting circumstances, it was reasonable and appropriate for Defendant Crum to re-interview the victim on July 11, 2013, at which time the victim reaffirmed her accusation that a crime had been committed, and gave an explanation regarding the inconsistency between her prior two interviews and why her story changed at Care House.

16. Based on the events of August 2, 2013, and the information provided to Defendant Crum on that date, it was appropriate for Defendant

Crum to forward information to the Prosecutor's Office for consideration for prosecution.

17. When the Prosecutor asked Defendant Crum to obtain additional information for consideration by the Prosecutor's Office, Defendant Crum was obliged to do so, and the interviews he conducted on August 21, 2013 were appropriately undertaken.

18. There is no law against video recording interviews of witnesses, in general, or juveniles, in particular.

19. Under the law and the circumstances presented, Defendant Crum was compelled to investigate the allegations of criminal activity that were told to him, and it is my opinion that his conduct in doing so was reasonably prudent, responsible, and evidence of due diligence as a law enforcement officer.

20. The facts and circumstances presented to him in their totality constituted probable cause to believe that a crime had been committed; and thus his submission of the evidence of which he was aware to the Prosecutor's Office was also reasonable and appropriate.

21. Once the Prosecutor's Officer found probable cause and issued charges against Plaintiff and the district court authorized an arrest warrant,

Defendant Crum was compelled to execute the warrant and to arrest Plaintiff; and his arrest of Plaintiff pursuant to said arrest warrant was proper.

22. The court transcript indicates that Defendant Crum did not testify or actively participate in the Preliminary Exam that occurred on October 9, 2013, at which time the victim testified and was cross-examined; and therefore, Defendant Crum was not a factor in the district court judge's finding of probable cause at that proceeding and the judge's resulting decision to bind Plaintiff over for prosecution and trial.

23. There is evidence in this case that upon discovery of the video recording of the August 21, 2013 interviews, the existence of which he was not previously aware, Defendant Crum promptly turned over that evidence to the Prosecutor, which was in turn produced to the district court in a timely manner.

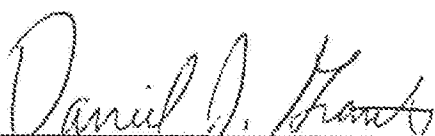
24. From the evidence in this case regarding what Defendant Crum turned over to the Prosecutor's Office, his conduct as referenced in paragraph 23 above, and also based on his Interrogatory Answer (# 11), it is clear that Defendant Crum had adequate training and knowledge regarding his *Brady* obligation, and that he complied with that obligation in this instance.

25. I find that Defendant Crum's training and his conduct, as reflected by the evidence in this case, was adequate, reasonable and appropriate.

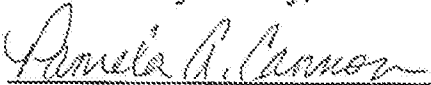
26. These opinions expressed in this Affidavit are only some, not all, of the opinions that I have formulated in this matter.

27. I reserve the right to modify my opinions to the extent warranted by additional information that is provided to me.

FURTHER DEPONENT STATES NOT.


Daniel J. Grant, Law Enforcement Consultant

Subscribed and sworn to before me
this 20th day of May, 2016.



PAMELA A. CANNON
NOTARY PUBLIC, WAYNE COUNTY
STATE OF MICHIGAN
COMMISSION EXPIRES 9/20/2018

Notary Public, Wayne County

My commission expires: 9/28/2018

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Daniel J. Grant

Work Experience

March 2007 to Present: Wyandotte Police Department
2015 Biddle Avenue
Wyandotte, Michigan 48192

Hired as Police Chief subsequent to retiring from previous Police Chief position.
Current Director of Downriver Mutual-Aid Task Force Police Services with
supervision over SWAT, Crisis Negotiators, Drug Team, and Underwater Search
& Recovery Teams.

December 2004 to Present: Schoolcraft College
18600 Haggerty Road
Livonia, Michigan 48150

Current Chair of College Law Enforcement Advisory Committee and Wayne
County Regional Police Academy.

March 1982 to 2007: Brownstown Police Department
23125 King Road
Brownstown, Michigan 48183

Since 1982, positions held have been uniformed Police Officer, Detective,
Sergeant, Detective Lieutenant, Inspector, Deputy Chief, and for thirteen years,
Chief of Police.

February 1978 to 1982: Flat Rock Police Department
25500 Gibraltar Road
Flat Rock, Michigan 48134

While employed with the Flat Rock Police Department, I held positions as a
Uniformed Police Officer and the last 1 ½ years as an undercover narcotics
officer assigned to the Michigan State Police.

Education

HENRY FORD COMMUNITY COLLEGE, Dearborn, Michigan
Associates Degree in Criminal Justice

EASTERN MICHIGAN UNIVERSITY, Ypsilanti, Michigan
Bachelors Degree in Public Administration

UNIVERSITY OF MICHIGAN, Dearborn, Michigan
Masters in Public Administration

Professional Memberships

Downriver Mutual-Aid Police Services Division -- Director and current Board Chair of
 Undercover Drug Team, S.W.A.T. and Crisis Negotiations Team
 Michigan Association of Chiefs of Police -- past member Board of Directors and Chairman of
 Asset Forfeiture Committee
 International Association of Chiefs of Police
 Southeastern Michigan Association of Chiefs of Police
 Wayne County Association of Chiefs of Police -- past President
 Wayne County Regional Police Training Center -- current Chairman of Advisory Committee
 Wayne County Detectives Association
 Current President of Wayne County Police Lieutenants, Sergeants, and Corporals Association
 F.B.I. National Academy Association
 Michigan Law Enforcement Action Forum -- past Chairman
 Michigan Tactical Officers Association

Law Enforcement Training

Advanced 1 st Aid Training	Sept 1977
Mich. Dept. of Health/Extrication from Vehicles	Sept 1977
Detroit Police Department/Basic Police Academy	Aug. 1978
Detroit Police Department/Advanced Police Academy	May 1979
Traffic Radar Operations Certification	August 1979
Detroit Police Department/Advanced-Precision Driving	July 1979
DRMATP - Patrol Tactics Training	June 1981
PAAM- Update on laws of interrogation/confessions/etc.	April 1982
Michigan State Police/LEIN School	May 1983
Michigan State Police/Arson Investigation School	October 1983
Strategies for Handling the Problem Police Employee	February 1983
Training in Search and Seizure	November 1983
FEMA/Radiological Emergency Preparedness	March 1984
"One Minute Managing the Municipal Employee"	June 1984
Seminar in Aircraft Accident Investigation-FAA	June 1984
MACP - Management Symposium	October 1984
Mich. State Police -- Investigation of Violent Death	November 1984
Seminar in Forensic Homicide Investigation	November 1984
WCDA - Crime Scene Investigation	November 1985
Seminar in Use/Wearing of Soft Body Armor	December 1985
F.B.I. Firearms Instructor School	May 1986
Seminar in Managing Police Agencies/MML	June 1986
Seminar in Fundamentals of Collective Bargaining	January 1987
Police Computers/Record Systems Symposium/MACP	October 1987
Mich. State University/Grant Writing Seminar	December 1987
Emergency Response to Radiological Emergencies	February 1988
School of Police Staff & Command/Northwestern Univ.	November 1988
Seminar in Asset Forfeiture/Wayne Co. Prosecutor	May 1989
Seminar in Confiscation Laws and Procedures	May 1989
Basic SWAT School	May 1991
Michigan State Police LEIN Agency Coordinator	August 1991
Wayne County Prosecutor's Criminal Law Update	January 1992
Seminar in Managing the Use of Force/MML	November 1993
F.B.I. National Academy	December 1994

Managing Negativity in the Workplace	March 1995
FEMA/Course in Response to Domestic Terrorism	March 2000
Dealing with Unacceptable Employee Behavior	April 2000
Course in Cultural Diversity	May 2001
PPCT Training	March 2004
Taser Training	January 2006
Investigation of Child Homicides, NYPD	September 2006
Intro. To Incident Command System	January 2007
ICS for Single Resources & Initial Action Incidents	January 2007
National Incident Management System	January 2007
National Response Plan	January 2007
Response to CBRNE Incidents	August 2007
Militant Terrorism & Prevention Strategies	September 2007
ICS in Hazardous Chemical Scenario	September 2007
Anti-Terrorism Seminar, U.S. Department of Justice	November 2007
Update - Commercial Drivers licensing/fines/enforcement	February 2010
Drug Team Leadership Seminar -- Michigan State Police	May 2010
Management of Law Enforcement Critical Incidents	October 2010
Seminar in Community Oriented Policing, USDOJ	August 2011
Police Response to Individuals with Autism	February 2012
Taser Re-Certification	October 2012
Risk Management for Law Enforcement	May 2013
Active Shooter Training	September 2013
Emergency Response to Radiological Incidents	April 2014
Supervisor's Role in a Drug Free Workplace	December 2014
Seminar in Discipline & Termination	April 2015
Veteran's Mental Health First-Aid Training	October 2015
Michigan Assoc. of Chiefs of Police Investigative & Mgmt. Training attended twice per year since 1983	February 2016