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Updated Register of Actions - 1a

9/1/2020

Case Details - CourtView Justice Solutions

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2015-001559-FC PEOPLE vs. HAMPTON, CURTIS LEE JMF

- Case Type:
- FC-CAPITAL FELONIES
- Case Status:
- Closed
- File Date:
- 05/01/2015
- DCM Track:
- Action:
- MURDER-SECOND DEGREE
- Status Date:
- 12/07/2016
- Case Judge:
- FAUNCE, JENNIFER M
- Next Event:

[All Information](#) [Docket](#) [Party](#) [Charge](#) [Ticket/Citation #](#) [Event](#) [Financial](#) [Receipt](#) [Disposition](#)

Docket Information

Date	Description	Docket Text	Amount Owed	Amount Due	File Ref Nbr.
02/18/2015	RANDOM JUDGE ASSIGNMENT OVERRIDE DUE TO PRIOR ACTION #	RANDOM JUDGE ASSIGNMENT OVERRIDE DUE TO PRIOR ACTION #14-2578-FPX ASSIGNED TO JUDGE JENNIFER M. FAUNCE			
05/01/2015	DISTRICT COURT FELONY PLEA NOT TAKEN	DISTRICT COURT FELONY PLEA NOT TAKEN			
05/01/2015	DISTRICT COURT BINDOVER	DISTRICT COURT BINDOVER			
05/01/2015	ORDERED HELD WITHOUT BOND	ORDERED HELD WITHOUT BOND			
05/04/2015	ARRAIGNMENT/CONFERENCE SCHEDULED	ARRAIGNMENT/CONFERENCE SCHEDULED Event: ARRAIGNMENT/CONFERENCE Date: 05/11/2015 Time: 1:30 pm Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM Result: ARRAIGNMENT WAIVED			
05/06/2015	INFORMATION	INFORMATION			
05/06/2015	LIST OF KNOWN WITNESSES	LIST OF KNOWN WITNESSES			
05/11/2015	ARRAIGNMENT WAIVED: RDG WVD, STD MTE, DEFENSE ATTY PROVIDED WITH COPY OF INFO,	ARRAIGNMENT WAIVED: RDG WVD, STD MTE, DEFENSE ATTY PROVIDED WITH COPY OF INFO, DEFT REFERRED TO CENTER FOR FORENSIC PSYCHIATRY FOR COMPETENCY, P/TRIAL SET FOR 7-21-15 AT 8:30AM -SGD The following event: ARRAIGNMENT/CONFERENCE scheduled for 05/11/2015 at 1:30 pm has been resulted as follows: Result: ARRAIGNMENT WAIVED Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM HELD ON THE RECORD COURT REPORTER: MAKI, ELAINE Certificate #: CSR-4565			
05/11/2015	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			

Updated Register of Actions - 2a

9/1/2020

Case Details - CourtView Justice Solutions

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<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Amount Due</u>	<u>File Ref Nbr.</u>
05/11/2015	PRETRIAL CONFERENCE SCHEDULED	<p>PRETRIAL CONFERENCE SCHEDULED</p> <p>The following event: ARRAIGNMENT/CONFERENCE scheduled for 05/11/2015 at 1:30 pm has been rescheduled as follows:</p> <p>Event: PRETRIAL CONFERENCE Date: 07/21/2015 Time: 8:30 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p> <p>Result: ADJOURNED-STIPULATION & ORDER</p>			
05/11/2015	IMAGE OF:	<p>IMAGE OF:</p> <p>CIRCUIT COURT HEARING DISPOSITION Sent on: 05/11/2015 14:53:17.26</p>			
05/21/2015	ORDER SIGNED:	ORDER FOR COMPETENCY EXAMINATION -SGD			
05/28/2015	TRANSCRIPT OF:	TRANSCRIPT OF: HEARING ON DEFT'S MOTIONS AND PRELIMINARY EXAMINATION BEFORE THE HONORABLE CARL F GERDS III DTD 4/30/15 IN THE 38TH DISTRICT COURT R/F IN FILE			
06/01/2015	MOTION:	MOTION TO STRIKE WITNESS FROM THE INFORMATION/MOTION TO REQUIRE PROSECUTION TO ENDORSE RES GESTAE WITNESSES, CERT OF SERVICE			
06/01/2015	DOCUMENT FILED:	MEMORANDUM IN SUPPORT OF MTN TO STRIKE WITNESS FROM THE INFORMATION/MTN TO REQUIRE PROSECUTION TO ENDORSE RES GESTAE WITNESSES			
06/02/2015	HEARING: MTN TO STRIKE SCHEDULED	<p>HEARING: MTN TO STRIKE SCHEDULED</p> <p>Event: MTN TO STRIKE Date: 06/11/2015 Time: 8:30 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p> <p>BARKOVIC</p> <p>Result: HELD-CRIMINAL</p>			
06/04/2015	JA-TRANSCRIPT FEE	<p>JA-TRANSCRIPT FEE: 179 PAGES @ \$.30 = \$53.70 HEARING DATE 4/30/15</p>	\$0.00	\$0.00	
06/11/2015	HELD:	<p>HELD: MTN TO STRIKE IS HELD IN ABEYANCE UNTIL PRE/TR SET ON 7/14/15 @ 8:30AM</p> <p>The following MTN TO STRIKE event: MTN TO STRIKE scheduled for 06/11/2015 at 8:30 am has been resulted as follows:</p> <p>Result: HELD-CRIMINAL Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p> <p>HELD ON THE RECORD COURT REPORTER: MAKI, ELAINE Certificate #: CSR-4565</p>			
06/15/2015	HEARING: MTN TO STRIKE SCHEDULED	<p>HEARING: MTN TO STRIKE SCHEDULED</p> <p>The following event: MTN TO STRIKE scheduled for 06/11/2015 at 8:30 am has been rescheduled as follows:</p> <p>Event: MTN TO STRIKE Date: 07/14/2015 Time: 8:30 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p> <p>BARKOVIC</p> <p>Result: ADJOURNED-STIPULATION & ORDER</p>			

Updated Register of Actions - 3a

9/1/2020

Case Details - CourtView Justice Solutions

<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Amount Due</u>	<u>File Ref Nbr.</u>
07/10/2015	ADJOURNED - STIPULATION & ORDER	ADJOURNED - STIPULATION & ORDER TO 8-25-15 AT 8:30AM -OTE The following event: MTN TO STRIKE scheduled for 07/14/2015 at 8:30 am has been resulted as follows: Result: ADJOURNED-STIPULATION & ORDER Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM			
07/10/2015	HEARING: MTN TO STRIKE SCHEDULED	HEARING: MTN TO STRIKE SCHEDULED The following event: MTN TO STRIKE scheduled for 07/14/2015 at 8:30 am has been rescheduled as follows: Event: MTN TO STRIKE Date: 08/25/2015 Time: 8:30 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM BARKOVIC Result: ADJOURNED-STIPULATION & ORDER			
07/10/2015	ADJOURNED - STIPULATION & ORDER	ADJOURNED - STIPULATION & ORDER TO 8-25-15 AT 8:30AM -OTE The following event: PRETRIAL CONFERENCE scheduled for 07/21/2015 at 8:30 am has been resulted as follows: Result: ADJOURNED-STIPULATION & ORDER Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM			
07/10/2015	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			
07/10/2015	STIP & ORDER SGD RE:	STIP & ORDER FOR ADJOURNMENT -SGD			
07/10/2015	PRETRIAL CONFERENCE SCHEDULED	PRETRIAL CONFERENCE SCHEDULED The following event: PRETRIAL CONFERENCE scheduled for 07/21/2015 at 8:30 am has been rescheduled as follows: Event: PRETRIAL CONFERENCE Date: 08/25/2015 Time: 8:30 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM Result: ADJOURNED-STIPULATION & ORDER			
08/25/2015	ADJOURNED - STIPULATION & ORDER	ADJOURNED TO 9-10-15 @ 830AM - STIPULATION & ORDER TO ENTER The following event: MTN TO STRIKE scheduled for 08/25/2015 at 8:30 am has been resulted as follows: Result: ADJOURNED-STIPULATION & ORDER Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM			
08/25/2015	HEARING: MTN TO STRIKE SCHEDULED	HEARING: MTN TO STRIKE SCHEDULED The following event: MTN TO STRIKE scheduled for 08/25/2015 at 8:30 am has been rescheduled as follows: Event: MTN TO STRIKE Date: 09/10/2015 Time: 8:30 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM BARKOVIC Result: MOTION HEARING ADJOURNED			
08/25/2015	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			

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9/1/2020

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<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Amount Due</u>	<u>File Ref Nbr.</u>
08/25/2015	ADJOURNED - STIPULATION & ORDER	ADJOURNED TO 9-10-15 @ 830AM- STIPULATION & ORDER TO ENTER The following event: PRETRIAL CONFERENCE scheduled for 08/25/2015 at 8:30 am has been resulted as follows: Result: ADJOURNED-STIPULATION & ORDER Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM			
08/25/2015	PRETRIAL CONFERENCE SCHEDULED	PRETRIAL CONFERENCE SCHEDULED The following event: PRETRIAL CONFERENCE scheduled for 08/25/2015 at 8:30 am has been rescheduled as follows: Event: PRETRIAL CONFERENCE Date: 09/10/2015 Time: 8:30 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM Result: HELD-CRIMINAL			
08/26/2015	STIP & ORDER SGD RE:	STIP & ORDER FOR ADJOURNMENT -SGD			
09/10/2015	MOTION HEARING ADJOURNED	MOTION HEARING ADJOURNED TO 11-12-15 AT 8:30AM The following event: MTN TO STRIKE scheduled for 09/10/2015 at 8:30 am has been resulted as follows: Result: MOTION HEARING ADJOURNED Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM			
09/10/2015	HELD:	HELD: P/TRIAL ADJ TO 11-12-15 AT 8:30AM, CRT GRANTS INDEPENDENT EXAM DR GERALD SHINER IN THE TOTAL AMT OF \$1,800 The following event: PRETRIAL CONFERENCE scheduled for 09/10/2015 at 8:30 am has been resulted as follows: Result: HELD-CRIMINAL Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM HELD ON THE RECORD COURT REPORTER: MAKI, ELAINE Certificate #: CSR-4565			
09/10/2015	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			
09/11/2015	HEARING: MTN TO STRIKE SCHEDULED	HEARING: MTN TO STRIKE SCHEDULED The following event: MTN TO STRIKE scheduled for 09/10/2015 at 8:30 am has been rescheduled as follows: Event: MTN TO STRIKE Date: 11/12/2015 Time: 8:30 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM BARKOVIC Result: HELD-CRIMINAL			
09/11/2015	PRETRIAL CONFERENCE SCHEDULED	PRETRIAL CONFERENCE SCHEDULED The following event: PRETRIAL CONFERENCE scheduled for 09/10/2015 at 8:30 am has been rescheduled as follows: Event: PRETRIAL CONFERENCE Date: 11/12/2015 Time: 8:30 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM Result: HELD-CRIMINAL			

Updated Register of Actions - 5a

9/1/2020

Case Details - CourtView Justice Solutions

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<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Amount Due</u>	<u>File Ref Nbr.</u>
11/12/2015	HELD:	<p>HELD: P/TRIAL ADJ TO 1-14-16 AT 8:30AM FOR DEFT TO HAVE INDEPENDENT PSYCHOLOGICAL EVALUATION -SGD The following event: PRETRIAL CONFERENCE scheduled for 11/12/2015 at 8:30 am has been resulted as follows:</p> <p>Result: HELD-CRIMINAL Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p> <p>HELD ON THE RECORD COURT REPORTER: VIDEO Certificate #:</p>			
11/12/2015	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			
11/12/2015	PRETRIAL CONFERENCE SCHEDULED	<p>PRETRIAL CONFERENCE SCHEDULED</p> <p>The following event: PRETRIAL CONFERENCE scheduled for 11/12/2015 at 8:30 am has been rescheduled as follows:</p> <p>Event: PRETRIAL CONFERENCE Date: 01/14/2016 Time: 8:30 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p> <p>Result: HELD-CRIMINAL</p>			
11/12/2015	HELD:	<p>HELD: MTN TO STRIKE ADJ TO 1-14-16 AT 8:30AM The following event: MTN TO STRIKE scheduled for 11/12/2015 at 8:30 am has been resulted as follows:</p> <p>Result: HELD-CRIMINAL Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p> <p>HELD ON THE RECORD COURT REPORTER: VIDEO Certificate #:</p>			
11/12/2015	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			
11/12/2015	HEARING: MTN TO STRIKE SCHEDULED	<p>HEARING: MTN TO STRIKE SCHEDULED</p> <p>The following event: MTN TO STRIKE scheduled for 11/12/2015 at 8:30 am has been rescheduled as follows:</p> <p>Event: MTN TO STRIKE Date: 01/14/2016 Time: 8:30 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p> <p>BARKOVIC</p> <p>Result: ADJOURNED, NOT PLACED ON RECORD</p>			
11/12/2015	ORDER SIGNED:	ORDER FOR INDEPENDENT PSYCHOLOGICAL EVALUATION -SGD			
01/14/2016	HELD:	<p>HELD: P/TRIAL ADJ TO 2-2-16 AT 8:30AM The following event: PRETRIAL CONFERENCE scheduled for 01/14/2016 at 8:30 am has been resulted as follows:</p> <p>Result: HELD-CRIMINAL Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p> <p>HELD ON THE RECORD COURT REPORTER: VIDEO Certificate #:</p>			
01/14/2016	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			

Updated Register of Actions - 6a

9/1/2020

Case Details - CourtView Justice Solutions

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<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Amount Due</u>	<u>File Ref Nbr.</u>
01/14/2016	PRETRIAL CONFERENCE SCHEDULED	<p>PRETRIAL CONFERENCE SCHEDULED</p> <p>The following event: PRETRIAL CONFERENCE scheduled for 01/14/2016 at 8:30 am has been rescheduled as follows:</p> <p>Event: PRETRIAL CONFERENCE Date: 02/02/2016 Time: 8:30 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p> <p>Result: HELD-CRIMINAL</p>			
01/14/2016	ADJOURNED	<p>ADJOURNED TO 2-2-16 AT 8:30AM</p> <p>The following event: MTN TO STRIKE scheduled for 01/14/2016 at 8:30 am has been resulted as follows:</p> <p>Result: ADJOURNED, NOT PLACED ON RECORD Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p>			
01/14/2016	HEARING: MTN TO STRIKE SCHEDULED	<p>HEARING: MTN TO STRIKE SCHEDULED</p> <p>Event: MTN TO STRIKE Date: 02/02/2016 Time: 8:30 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p> <p>BARKOVIC</p> <p>Result: ADJOURNED-DEFENSE COUNSEL REQUEST</p>			
02/02/2016	HELD:	<p>HELD: PRE-TRIAL SET FOR 2/23/16 AT 8:30AM -SGD</p> <p>The following event: PRETRIAL CONFERENCE scheduled for 02/02/2016 at 8:30 am has been resulted as follows:</p> <p>Result: HELD-CRIMINAL Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p> <p>HELD ON THE RECORD COURT REPORTER: VIDEO Certificate #:</p>			
02/02/2016	PRETRIAL CONFERENCE SCHEDULED	<p>PRETRIAL CONFERENCE SCHEDULED</p> <p>The following event: PRETRIAL CONFERENCE scheduled for 02/02/2016 at 8:30 am has been rescheduled as follows:</p> <p>Event: PRETRIAL CONFERENCE Date: 02/23/2016 Time: 8:30 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p> <p>Result: HELD-CRIMINAL</p>			
02/02/2016	ADJOURNED - DEFENSE REQUEST	<p>ADJOURNED - DEFENSE REQUEST TO 2/23/16 AT 8:30AM - SGD</p> <p>The following event: MTN TO STRIKE scheduled for 02/02/2016 at 8:30 am has been resulted as follows:</p> <p>Result: ADJOURNED-DEFENSE COUNSEL REQUEST Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p> <p>HELD ON THE RECORD COURT REPORTER: VIDEO Certificate #:</p>			
02/02/2016	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			

Updated Register of Actions - 7a

9/1/2020

Case Details - CourtView Justice Solutions

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<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Amount Due</u>	<u>File Ref Nbr.</u>
02/02/2016	HEARING: MTN TO STRIKE SCHEDULED	<p>HEARING: MTN TO STRIKE SCHEDULED</p> <p>The following event: MTN TO STRIKE scheduled for 02/02/2016 at 8:30 am has been rescheduled as follows:</p> <p>Event: MTN TO STRIKE Date: 02/23/2016 Time: 8:30 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p> <p>BARKOVIC</p> <p>Result: ADJOURNED, NOT PLACED ON RECORD</p>			
02/23/2016	HELD:	<p>HELD: P/TRIAL ADJ TO 3-8-16 AT 8:30AM, CRT ALLOWS ATTY BARKOVIC TO W/DRAW, MATTER REFERRED TO JA FOR CAC -SGD</p> <p>The following event: PRETRIAL CONFERENCE scheduled for 02/23/2016 at 8:30 am has been resulted as follows:</p> <p>Result: HELD-CRIMINAL Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p> <p>HELD ON THE RECORD COURT REPORTER: VIDEO Certificate #:</p>			
02/23/2016	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			
02/23/2016	PRETRIAL CONFERENCE SCHEDULED	<p>PRETRIAL CONFERENCE SCHEDULED</p> <p>The following event: PRETRIAL CONFERENCE scheduled for 02/23/2016 at 8:30 am has been rescheduled as follows:</p> <p>Event: PRETRIAL CONFERENCE Date: 03/08/2016 Time: 8:30 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p> <p>Result: HELD-CRIMINAL</p>			
02/23/2016	ADJOURNED	<p>ADJOURNED TO 3-8-16 AT 8:30AM</p> <p>The following event: MTN TO STRIKE scheduled for 02/23/2016 at 8:30 am has been resulted as follows:</p> <p>Result: ADJOURNED, NOT PLACED ON RECORD Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p>			
02/23/2016	HEARING: MTN TO STRIKE SCHEDULED	<p>HEARING: MTN TO STRIKE SCHEDULED</p> <p>The following event: MTN TO STRIKE scheduled for 02/23/2016 at 8:30 am has been rescheduled as follows:</p> <p>Event: MTN TO STRIKE Date: 03/08/2016 Time: 8:30 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p> <p>BARKOVIC</p> <p>Result: SCHEDULED EVENT CANCELLED</p>			
02/23/2016	REFERRED TO CASE MANAGEMENT FOR CAC	REFERRED TO CASE MANAGEMENT FOR CAC			
02/23/2016	IMAGE OF:	<p>IMAGE OF:</p> <p>CIRCUIT COURT HEARING DISPOSITION Sent on: 02/23/2016 11:25:37.06</p>			
02/24/2016	JA-ORDER APPOINTING COUNSEL FOR CASE AT CIRCUIT COURT	<p>JA-ORDER APPOINTING COUNSEL FOR CASE AT CIRCUIT COURT</p> <p>SALLE A. ERWIN (Attorney) on behalf of CURTIS LEE HAMPTON (DEFENDANT) COURT APPOINTED ATTY CASE AT CIRCUIT COURT Sent on: 02/24/2016 12:24:47.21</p>			

Updated Register of Actions - 8a

9/1/2020

Case Details - CourtView Justice Solutions

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<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Amount Due</u>	<u>File Ref Nbr.</u>
03/08/2016	SCHEDULED EVENT CANCELLED	SCHEDULED EVENT CANCELLED The following event: MTN TO STRIKE scheduled for 03/08/2016 at 8:30 am has been resulted as follows: Result: SCHEDULED EVENT CANCELLED Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM			
03/08/2016	HELD:	HELD: CAC SALLE ERWIN'S MTN TO WITHDRAW: GRANTED, REFER TO JA FOR NEW CAC, PRETRIAL ADJ TO 3/29/16 AT 8:30AM The following event: PRETRIAL CONFERENCE scheduled for 03/08/2016 at 8:30 am has been resulted as follows: Result: HELD-CRIMINAL Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM HELD ON THE RECORD COURT REPORTER: VIDEO Certificate #:			
03/08/2016	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			
03/08/2016	REFERRED TO CASE MANAGEMENT FOR CAC	REFERRED TO CASE MANAGEMENT FOR CAC			
03/08/2016	PRETRIAL CONFERENCE SCHEDULED	PRETRIAL CONFERENCE SCHEDULED The following event: PRETRIAL CONFERENCE scheduled for 03/08/2016 at 8:30 am has been rescheduled as follows: Event: PRETRIAL CONFERENCE Date: 03/29/2016 Time: 8:30 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM Result: HELD-CRIMINAL			
03/09/2016	JA-ORDER APPOINTING COUNSEL FOR CASE AT CIRCUIT COURT	JA-ORDER APPOINTING COUNSEL FOR CASE AT CIRCUIT COURT AZHAR H. SHEIKH (Attorney) on behalf of CURTIS LEE HAMPTON (DEFENDANT) COURT APPOINTED ATTY CASE AT CIRCUIT COURT Sent on: 03/09/2016 16:28:45.19			
03/29/2016	HELD:	HELD: PRETRIAL ADJ TO 4/26/16 AT 8:30AM TO ALLOW ATTY SHEIKH TIME TO ACQUIRE DISCOVERY FROM PRIOR CACS The following event: PRETRIAL CONFERENCE scheduled for 03/29/2016 at 8:30 am has been resulted as follows: Result: HELD-CRIMINAL Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM HELD ON THE RECORD COURT REPORTER: VIDEO Certificate #:			
03/29/2016	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			
03/29/2016	PRETRIAL CONFERENCE SCHEDULED	PRETRIAL CONFERENCE SCHEDULED The following event: PRETRIAL CONFERENCE scheduled for 03/29/2016 at 8:30 am has been rescheduled as follows: Event: PRETRIAL CONFERENCE Date: 04/26/2016 Time: 8:30 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM Result: HELD-CRIMINAL			

Updated Register of Actions - 9a

9/1/2020

Case Details - CourtView Justice Solutions

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<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Amount Due</u>	<u>File Ref Nbr.</u>
04/26/2016	HELD:	HELD: FINAL P/TRIAL & COMPETENCY HEARING SET FOR 6-9-16 AT 8:30AM The following event: PRETRIAL CONFERENCE scheduled for 04/26/2016 at 8:30 am has been resulted as follows: Result: HELD-CRIMINAL Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM HELD ON THE RECORD COURT REPORTER: VIDEO Certificate #:			
04/26/2016	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			
04/26/2016	FINAL PRETRIAL HEARING SCHEDULED	FINAL PRETRIAL HEARING SCHEDULED The following event: PRETRIAL CONFERENCE scheduled for 04/26/2016 at 8:30 am has been rescheduled as follows: Event: FINAL PRETRIAL HEARING Date: 06/09/2016 Time: 8:30 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM Result: ADJOURNED, NOT PLACED ON RECORD			
04/26/2016	COMPETENCY HEARING SCHEDULED	COMPETENCY HEARING SCHEDULED Event: COMPETENCY HEARING Date: 06/09/2016 Time: 8:30 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM Result: ADJOURNED, NOT PLACED ON RECORD			
05/04/2016	ORDER SIGNED:	ORDER FOR COMPETENCY EXAMINATION-SGD			
05/04/2016	ORDER SIGNED:	ORDER FOR EVALUATION RELATIVE TO CRIMINAL RESPONSIBILITY - SGD			
06/08/2016	ADJOURNED	ADJOURNED TO 7-28-16 AT 8:30AM The following event: COMPETENCY HEARING scheduled for 06/09/2016 at 8:30 am has been resulted as follows: Result: ADJOURNED, NOT PLACED ON RECORD Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM			
06/08/2016	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			
06/08/2016	COMPETENCY HEARING SCHEDULED	COMPETENCY HEARING SCHEDULED The following event: COMPETENCY HEARING scheduled for 06/09/2016 at 8:30 am has been rescheduled as follows: Event: COMPETENCY HEARING Date: 07/28/2016 Time: 8:30 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM Result: HELD-CRIMINAL			
06/08/2016	ADJOURNED	ADJOURNED TO 7-28-16 AT 8:30AM The following event: FINAL PRETRIAL HEARING scheduled for 06/09/2016 at 8:30 am has been resulted as follows: Result: ADJOURNED, NOT PLACED ON RECORD Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM			

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Case Details - CourtView Justice Solutions

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<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Amount Due</u>	<u>File Ref Nbr.</u>
06/08/2016	FINAL PRETRIAL HEARING SCHEDULED	<p>FINAL PRETRIAL HEARING SCHEDULED</p> <p>The following event: FINAL PRETRIAL HEARING scheduled for 06/09/2016 at 8:30 am has been rescheduled as follows:</p> <p>Event: FINAL PRETRIAL HEARING Date: 07/28/2016 Time: 8:30 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p> <p>Result: ADJOURNED-BY COURT</p>			
07/28/2016	HELD:	<p>HELD: FOR REASONS STATED ON THE RECORD COMPETENCY HEARING/PRE-TRIAL ADJOURNED TO 9-1-16 @ 1:30PM -SGD</p> <p>The following event: COMPETENCY HEARING scheduled for 07/28/2016 at 8:30 am has been resulted as follows:</p> <p>Result: HELD-CRIMINAL Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p> <p>HELD ON THE RECORD COURT REPORTER: MAKI, ELAINE Certificate #: CSR-4565</p>			
07/28/2016	COMPETENCY HEARING SCHEDULED	<p>COMPETENCY HEARING SCHEDULED</p> <p>The following event: COMPETENCY HEARING scheduled for 07/28/2016 at 8:30 am has been rescheduled as follows:</p> <p>Event: COMPETENCY HEARING Date: 09/01/2016 Time: 1:30 pm Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p> <p>Result: ADJOURNED, NOT PLACED ON RECORD</p>			
07/28/2016	ADJOURNED-BY COURT	<p>ADJOURNED-BY COURT TO COINCIDE W/COMPETENCY HRG SET FOR 9-1-16 @ 1:30PM</p> <p>The following event: FINAL PRETRIAL HEARING scheduled for 07/28/2016 at 8:30 am has been resulted as follows:</p> <p>Result: ADJOURNED-BY COURT Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p> <p>HELD ON THE RECORD COURT REPORTER: MAKI, ELAINE Certificate #: CSR-4565</p>			
07/28/2016	FINAL PRETRIAL HEARING SCHEDULED	<p>FINAL PRETRIAL HEARING SCHEDULED</p> <p>The following event: FINAL PRETRIAL HEARING scheduled for 07/28/2016 at 8:30 am has been rescheduled as follows:</p> <p>Event: FINAL PRETRIAL HEARING Date: 09/01/2016 Time: 1:30 pm Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p> <p>Result: ADJOURNED, NOT PLACED ON RECORD</p>			
07/28/2016	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			
08/29/2016	ADJOURNED	<p>ADJOURNED TO 9-21-16 AT 10AM -SGD</p> <p>The following event: COMPETENCY HEARING scheduled for 09/01/2016 at 1:30 pm has been resulted as follows:</p> <p>Result: ADJOURNED, NOT PLACED ON RECORD Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p>			
08/29/2016	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			

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<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Amount Due</u>	<u>File Ref Nbr.</u>
08/29/2016	COMPETENCY HEARING SCHEDULED	COMPETENCY HEARING SCHEDULED The following event: COMPETENCY HEARING scheduled for 09/01/2016 at 1:30 pm has been rescheduled as follows: Event: COMPETENCY HEARING Date: 09/21/2016 Time: 10:00 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM Result: ADJOURNED, NOT PLACED ON RECORD			
08/29/2016	ADJOURNED	ADJOURNED TO 9-21-16 AT 10AM -SGD The following event: FINAL PRETRIAL HEARING scheduled for 09/01/2016 at 1:30 pm has been resulted as follows: Result: ADJOURNED, NOT PLACED ON RECORD Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM			
08/29/2016	FINAL PRETRIAL HEARING SCHEDULED	FINAL PRETRIAL HEARING SCHEDULED The following event: FINAL PRETRIAL HEARING scheduled for 09/01/2016 at 1:30 pm has been rescheduled as follows: Event: FINAL PRETRIAL HEARING Date: 09/21/2016 Time: 10:00 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM Result: ADJOURNED, NOT PLACED ON RECORD			
09/21/2016	ADJOURNED	ADJOURNED TO 11-22-16 AT 130PM The following event: FINAL PRETRIAL HEARING scheduled for 09/21/2016 at 10:00 am has been resulted as follows: Result: ADJOURNED, NOT PLACED ON RECORD Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM			
09/21/2016	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			
09/21/2016	FINAL PRETRIAL HEARING SCHEDULED	FINAL PRETRIAL HEARING SCHEDULED The following event: FINAL PRETRIAL HEARING scheduled for 09/21/2016 at 10:00 am has been rescheduled as follows: Event: FINAL PRETRIAL HEARING Date: 11/22/2016 Time: 1:30 pm Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM Result: HELD-CRIMINAL			
09/21/2016	ADJOURNED	ADJOURNED TO 11-22-16 AT 130PM The following event: COMPETENCY HEARING scheduled for 09/21/2016 at 10:00 am has been resulted as follows: Result: ADJOURNED, NOT PLACED ON RECORD Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM			
09/21/2016	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			
09/21/2016	COMPETENCY HEARING SCHEDULED	COMPETENCY HEARING SCHEDULED The following event: COMPETENCY HEARING scheduled for 09/21/2016 at 10:00 am has been rescheduled as follows: Event: COMPETENCY HEARING Date: 11/22/2016 Time: 1:30 pm Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM Result: HELD-CRIMINAL			

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<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Amount Due</u>	<u>File Ref Nbr.</u>
11/22/2016	HELD:	<p>HELD: CRT HAVING TAKEN TESTIMONY, HRG ADJ TO 12-7-16 AT 1030AM FOR SUMMATION OF FACTS AND ANY FURTHER ARGUMENT The following event: COMPETENCY HEARING scheduled for 11/22/2016 at 1:30 pm has been resulted as follows:</p> <p>Result: HELD-CRIMINAL Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p> <p>HELD ON THE RECORD COURT REPORTER: VIDEO Certificate #:</p>			
11/22/2016	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			
11/22/2016	HEARING SCHEDULED	<p>HEARING SCHEDULED</p> <p>The following event: COMPETENCY HEARING scheduled for 11/22/2016 at 1:30 pm has been rescheduled as follows:</p> <p>Event: HEARING Date: 12/07/2016 Time: 10:30 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p> <p>Result: HELD-CRIMINAL</p>			
11/22/2016	HELD:	<p>HELD: FINAL P/TRIAL ADJ TO 12-7-16 AT 1030AM The following event: FINAL PRETRIAL HEARING scheduled for 11/22/2016 at 1:30 pm has been resulted as follows:</p> <p>Result: HELD-CRIMINAL Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p> <p>HELD ON THE RECORD COURT REPORTER: VIDEO Certificate #:</p>			
11/22/2016	FINAL PRETRIAL HEARING SCHEDULED	<p>FINAL PRETRIAL HEARING SCHEDULED</p> <p>The following event: FINAL PRETRIAL HEARING scheduled for 11/22/2016 at 1:30 pm has been rescheduled as follows:</p> <p>Event: FINAL PRETRIAL HEARING Date: 12/07/2016 Time: 10:30 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p> <p>Result: HELD: NOT PLACED ON RECORD</p>			
12/06/2016	MOTION:	DEFT'S MOTION FOR EXPERT'S FEES W/ PROOF OF SVC			
12/07/2016	HELD:	<p>HELD: CRT FINDS DEFT COMPETENT TO STAND TRIAL FOR REASONS STATED ON THE RECORD -SGD The following event: HEARING scheduled for 12/07/2016 at 10:30 am has been resulted as follows:</p> <p>Result: HELD-CRIMINAL Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM</p> <p>HELD ON THE RECORD COURT REPORTER: MAKI, ELAINE Certificate #: CSR-4565</p>			
12/07/2016	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			

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<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Amount Due</u>	<u>File Ref Nbr.</u>
12/08/2016	HELD: NOT PLACED ON RECORD,	HELD: NOT PLACED ON RECORD, MATTER SET FOR FINAL P/TRIAL ON 2-16-17 AT 830AM & TRIAL SET FOR 3-14-17 AT 10AM The following event: FINAL PRETRIAL HEARING scheduled for 12/07/2016 at 10:30 am has been resulted as follows: Result: HELD: NOT PLACED ON RECORD Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM HELD ON THE RECORD COURT REPORTER: MAKI, ELAINE Certificate #: CSR-4565			
12/08/2016	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			
12/08/2016	FINAL PRETRIAL HEARING SCHEDULED	FINAL PRETRIAL HEARING SCHEDULED The following event: FINAL PRETRIAL HEARING scheduled for 12/07/2016 at 10:30 am has been rescheduled as follows: Event: FINAL PRETRIAL HEARING Date: 02/16/2017 Time: 8:30 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM Result: ADJOURNED-BY COURT			
12/08/2016	JURY TRIAL - CRIMINAL SCHEDULED	JURY TRIAL - CRIMINAL SCHEDULED Event: JURY TRIAL - CRIMINAL Date: 03/14/2017 Time: 10:00 am Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM Result: HELD-CRIMINAL			
02/02/2017	IMAGE OF DEFENSE COSTS	IMAGE OF DEFENSE COSTS Attorney: BARKOVIC, TIMOTHY S. (29797) ATTY WITHDREW 2/23/2016 \$875.00			
02/08/2017	ADJOURNED-BY COURT	ADJOURNED-BY COURT The following event: FINAL PRETRIAL HEARING scheduled for 02/16/2017 at 8:30 am has been resulted as follows: Result: ADJOURNED-BY COURT Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM			
02/08/2017	FINAL PRETRIAL HEARING SCHEDULED	FINAL PRETRIAL HEARING SCHEDULED The following event: FINAL PRETRIAL HEARING scheduled for 02/16/2017 at 8:30 am has been rescheduled as follows: Event: FINAL PRETRIAL HEARING Date: 02/13/2017 Time: 1:30 pm Judge: FAUNCE, JENNIFER M Location: CIRCUIT COURT BUILDING - 5TH FLOOR - COURT ROOM 1 Result: HELD-CRIMINAL			
02/08/2017	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			
02/13/2017	HELD:	HELD: FINAL P/TRIAL CLOSED, MATTER REMAINS SET FOR TRIAL ON 3-14-17 AT 10AM The following event: FINAL PRETRIAL HEARING scheduled for 02/13/2017 at 1:30 pm has been resulted as follows: Result: HELD-CRIMINAL Judge: FAUNCE, JENNIFER M Location: CIRCUIT COURT BUILDING - 5TH FLOOR - COURT ROOM 1 HELD ON THE RECORD COURT REPORTER: VIDEO Certificate #:			
02/13/2017	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			

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<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Amount Due</u>	<u>File Ref Nbr.</u>
02/17/2017	MOTION:	DEFT'S MOTION FOR EXPERT FEES; PROOF OF SERVICE			
02/17/2017	ORDER SIGNED:	ORDER GRANTING EXPERT'S FEES OF \$4,300 TO DR. GERALD SHIENER -SGD			
02/17/2017	STIP & ORDER SGD RE:	STIP & ORDER ALLOWING DEFENSE ATTORNEY'S PARALEGAL TO ACCOMPANY HIM ON JAIL CONSULTATIONS WITH THE DEFT; CONSENT ORDER ALLOWING DEFENSE ATTORNEY'S INVESTIGATOR AND PARALEGAL TO ACCOMPANY HIM ON JAIL CONSULTATIONS WITH THE DEFENDANT -SGD			
03/08/2017	JA-EXPERT WITNESS FEE	JA-EXPERT WITNESS FEE - 4300.00 DR GERALD SHIENER - DATES OF SERVICE 11/22/16 COURT AND 1/29/17 EVALUATION AT JAIL	\$0.00	\$0.00	
03/13/2017	LIST OF KNOWN WITNESSES	PEOPLES LIST OF KNOWN WITNESSES			
03/14/2017	HELD:	HELD: MTN FOR MIS-TRIAL - DENIED, JUROR #'S 140, 54, 319, 240, 337, 37, 59, 235, 296, 207, 211, 43, 41 & 53 DRAWN AND SWORN AT 2:27PM, OPENING STATEMENTS, CONT'D TRIAL 3-15-17 AT 10AM -SGD The following event: JURY TRIAL - CRIMINAL scheduled for 03/14/2017 at 10:00 am has been resulted as follows: Result: HELD-CRIMINAL Judge: FAUNCE, JENNIFER M Location: 5TH FLOOR COURTROOM HELD ON THE RECORD COURT REPORTER: VIDEO Certificate #:			
03/14/2017	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			
03/14/2017	CONTINUED JURY TRIAL	CONTINUED JURY TRIAL The following event: JURY TRIAL - CRIMINAL scheduled for 03/14/2017 at 10:00 am has been rescheduled as follows: Event: CONTINUED JURY TRIAL Date: 03/15/2017 Time: 10:00 am Judge: FAUNCE, JENNIFER M Location: CIRCUIT COURT BUILDING - 5TH FLOOR - COURT ROOM 1 Result: HELD-CRIMINAL			
03/15/2017	CONTINUED JURY TRIAL	CONTINUED JURY TRIAL Event: CONTINUED JURY TRIAL Date: 03/16/2017 Time: 10:00 am Judge: FAUNCE, JENNIFER M Location: CIRCUIT COURT BUILDING - 5TH FLOOR - COURT ROOM 1 Result: HELD-CRIMINAL			
03/15/2017	DOCUMENT FILED:	REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS			
03/15/2017	HELD:	HELD: TESTIMONY BEGAN, CONT'D TRIAL TO 3-16-17 AT 10AM The following event: CONTINUED JURY TRIAL scheduled for 03/15/2017 at 10:00 am has been resulted as follows: Result: HELD-CRIMINAL Judge: FAUNCE, JENNIFER M Location: CIRCUIT COURT BUILDING - 5TH FLOOR - COURT ROOM 1 HELD ON THE RECORD COURT REPORTER: MAKI, ELAINE Certificate #: CSR-4565			
03/15/2017	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			

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<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Amount Due</u>	<u>File Ref Nbr.</u>
03/16/2017	HELD:	<p>HELD: TESTIMONY CONT'D, CONT'D TRIAL 3-21-17 AT 1030AM The following event: CONTINUED JURY TRIAL scheduled for 03/16/2017 at 10:00 am has been resulted as follows:</p> <p>Result: HELD-CRIMINAL Judge: FAUNCE, JENNIFER M Location: CIRCUIT COURT BUILDING - 5TH FLOOR - COURT ROOM 1</p> <p>HELD ON THE RECORD COURT REPORTER: MAKI, ELAINE Certificate #: CSR-4565</p>			
03/16/2017	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			
03/16/2017	CONTINUED JURY TRIAL	<p>CONTINUED JURY TRIAL</p> <p>The following event: CONTINUED JURY TRIAL scheduled for 03/16/2017 at 10:00 am has been rescheduled as follows:</p> <p>Event: CONTINUED JURY TRIAL Date: 03/21/2017 Time: 10:30 am Judge: FAUNCE, JENNIFER M Location: CIRCUIT COURT BUILDING - 5TH FLOOR - COURT ROOM 1</p> <p>Result: HELD-CRIMINAL</p>			
03/21/2017	DOCUMENT FILED:	REQUEST, NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS			
03/21/2017	HELD:	<p>HELD: CONT'D TESTIMONY, CONT'D TRIAL SET FOR 3-22-17 AT 1030AM The following event: CONTINUED JURY TRIAL scheduled for 03/21/2017 at 10:30 am has been resulted as follows:</p> <p>Result: HELD-CRIMINAL Judge: FAUNCE, JENNIFER M Location: CIRCUIT COURT BUILDING - 5TH FLOOR - COURT ROOM 1</p> <p>HELD ON THE RECORD COURT REPORTER: MAKI, ELAINE Certificate #: CSR-4565</p>			
03/21/2017	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			
03/21/2017	CONTINUED JURY TRIAL	<p>CONTINUED JURY TRIAL</p> <p>The following event: CONTINUED JURY TRIAL scheduled for 03/21/2017 at 10:30 am has been rescheduled as follows:</p> <p>Event: CONTINUED JURY TRIAL Date: 03/22/2017 Time: 10:30 am Judge: FAUNCE, JENNIFER M Location: CIRCUIT COURT BUILDING - 5TH FLOOR - COURT ROOM 1</p> <p>Result: HELD-CRIMINAL</p>			
03/22/2017	HELD:	<p>HELD: TESTIMONY CONT'D, CLOSING ARGS, JURY INSTRUCTIONS, JUROR # 140 RELEASED, DELIBERATIONS BEGAN AT 4:12PM, CONT'D TRIAL SET FOR 3-23-17 AT 9AM The following event: CONTINUED JURY TRIAL scheduled for 03/22/2017 at 10:30 am has been resulted as follows:</p> <p>Result: HELD-CRIMINAL Judge: FAUNCE, JENNIFER M Location: CIRCUIT COURT BUILDING - 5TH FLOOR - COURT ROOM 1</p> <p>HELD ON THE RECORD COURT REPORTER: MAKI, ELAINE Certificate #: CSR-4565</p>			
03/22/2017	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			

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<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Amount Due</u>	<u>File Ref Nbr.</u>
03/22/2017	CONTINUED JURY TRIAL	<p>CONTINUED JURY TRIAL</p> <p>The following event: CONTINUED JURY TRIAL scheduled for 03/22/2017 at 10:30 am has been rescheduled as follows:</p> <p>Event: CONTINUED JURY TRIAL Date: 03/23/2017 Time: 10:00 am Judge: FAUNCE, JENNIFER M Location: CIRCUIT COURT BUILDING - 5TH FLOOR - COURT ROOM 1</p> <p>Result: CHANGE EVENT START TIME</p>			
03/22/2017	CHANGE EVENT START TIME	<p>CHANGE EVENT START TIME</p> <p>The following event: CONTINUED JURY TRIAL scheduled for 03/23/2017 at 10:00 am has been resulted as follows:</p> <p>Result: CHANGE EVENT START TIME Judge: FAUNCE, JENNIFER M Location: CIRCUIT COURT BUILDING - 5TH FLOOR - COURT ROOM 1</p>			
03/22/2017	CONTINUED JURY TRIAL	<p>CONTINUED JURY TRIAL</p> <p>The following event: CONTINUED JURY TRIAL scheduled for 03/23/2017 at 10:00 am has been rescheduled as follows:</p> <p>Event: CONTINUED JURY TRIAL Date: 03/23/2017 Time: 9:00 am Judge: FAUNCE, JENNIFER M Location: CIRCUIT COURT BUILDING - 5TH FLOOR - COURT ROOM 1</p> <p>Result: HELD-CRIMINAL</p>			
03/23/2017	HELD:	<p>HELD: JURY CONT'D DELIBERATIONS AT 9AM, JURY RETURNED AT 11:50AM W/VERDICT OF: CT 1 GUILTY OF LESSER CHARGE - 2ND DEGREE MURDER, CT 2 GUILTY OF LESSER CHARGE - 2ND DEGREE MURDER, CT 3 NOT GUILTY; CT 4 GUILTY - MURDER FIRST DEGREE-FELONY & CT 5 GUILTY - CHILD ABUSE - 1ST DEGREE, NO BOND PREVIOUSLY SET - BOND REVOKED, SENT SET FOR 4-25-17 AT 830AM -REFERRAL STAMPED/JMF</p> <p>The following event: CONTINUED JURY TRIAL scheduled for 03/23/2017 at 9:00 am has been resulted as follows:</p> <p>Result: HELD-CRIMINAL Judge: FAUNCE, JENNIFER M Location: CIRCUIT COURT BUILDING - 5TH FLOOR - COURT ROOM 1</p> <p>HELD ON THE RECORD COURT REPORTER: MAKI, ELAINE Certificate #: CSR-4565</p>			
03/23/2017	REFERRED TO CIRCUIT COURT PROBATION	REFERRED TO CIRCUIT COURT PROBATION			
03/23/2017	JURY VERDICT FORM	JURY VERDICT FORM			
03/23/2017	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			
03/23/2017	CRIMINAL SENTENCING SCHEDULED	<p>CRIMINAL SENTENCING SCHEDULED</p> <p>The following event: CONTINUED JURY TRIAL scheduled for 03/23/2017 at 9:00 am has been rescheduled as follows:</p> <p>Event: CRIMINAL SENTENCING Date: 04/25/2017 Time: 8:30 am Judge: FAUNCE, JENNIFER M Location: CIRCUIT COURT BUILDING - 5TH FLOOR - COURT ROOM 1</p> <p>Result: SENTENCE HELD</p>			
04/18/2017	IMAGE OF DEFENSE COSTS	<p>IMAGE OF DEFENSE COSTS</p> <p>Attorney: SHEIKH, AZHAR H. (52365) ATTY BILLED PRIOR TO SENTENCING 4/25/2017 \$4,600.00</p>			

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<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Amount Due</u>	<u>File Ref Nbr.</u>
04/18/2017	JUDICIAL AIDE OFFERS RECOMMENDATION FOR DEFENSE COSTS (NOT IN FILE): \$	JUDICIAL AIDE OFFERS RECOMMENDATION FOR DEFENSE COSTS (NOT IN FILE): \$9,775.00 \$4,600.00 FOR CURRENT CAC AZHAR SHEIKH, \$875.00 FOR PRIOR CAC TIMOTHY BARKOVIC, \$4,300.00 EXPERT WITNESS FEES RECOMMENDATION OF DEFENSE COSTS Sent on: 04/18/2017 10:57:48.16			
04/25/2017	SENTENCE HELD	SENTENCE HELD: DEFT FOUND NOT GUILTY AS TO CT 3, CTS 1 & 2: 415 MOS TO 624 MOS MDOC W/ 803 DYS CREDIT, CT 4: LIFE W/NO PAROLE, CT 5: 13 MOS TO 18 MOS MDOC W/ 803 DYS CREDIT -OTE The following event: CRIMINAL SENTENCING scheduled for 04/25/2017 at 8:30 am has been resulted as follows: Result: SENTENCE HELD Judge: FAUNCE, JENNIFER M Location: CIRCUIT COURT BUILDING - 5TH FLOOR - COURT ROOM 1 HELD ON THE RECORD COURT REPORTER: VIDEO Certificate #:			
04/25/2017	NOTICE OF RIGHT TO TIMELY APPEAL	NOTICE OF RIGHT TO TIMELY APPEAL			
04/25/2017	CVRS-FELONY \$130.00	CVRS-FELONY \$130.00 Receipt: 1025799 Date: 07/12/2017	\$130.00	\$0.00	
04/25/2017	STATE MINIMUM COSTS ASSESSED	STATE MINIMUM COSTS ASSESSED Receipt: 1025799 Date: 07/12/2017 Receipt: 1035599 Date: 08/10/2017	\$204.00	\$0.00	
04/25/2017	JA-DEFENSE ATTORNEY FEE	JA-DEFENSE ATTORNEY FEE Receipt: 1035599 Date: 08/10/2017 Receipt: 1045505 Date: 09/05/2017 Receipt: 1054011 Date: 10/02/2017 Receipt: 1066104 Date: 11/07/2017 Receipt: 1071205 Date: 11/21/2017 Receipt: 1078731 Date: 12/15/2017 Receipt: 1083388 Date: 01/11/2018 Receipt: 1087477 Date: 02/07/2018 Receipt: 1096663 Date: 03/28/2018 Receipt: 1099578 Date: 04/11/2018 Receipt: 1105817 Date: 05/11/2018 Receipt: 1114147 Date: 06/26/2018 Receipt: 1118053 Date: 07/18/2018 Receipt: 1124819 Date: 08/23/2018 Receipt: 1130314 Date: 09/21/2018 Receipt: 1135521 Date: 10/18/2018 Receipt: 1142300 Date: 11/28/2018 Receipt: 1147105 Date: 12/21/2018 Receipt: 1150884 Date: 01/16/2019 Receipt: 1156423 Date: 02/15/2019 Receipt: 1161857 Date: 03/14/2019 Receipt: 1167079 Date: 04/10/2019 Receipt: 1173246 Date: 05/08/2019 Receipt: 1180994 Date: 06/20/2019 Receipt: 1187648 Date: 07/30/2019 Receipt: 1191527 Date: 08/20/2019 Receipt: 1198722 Date: 09/24/2019 Receipt: 1204535 Date: 10/22/2019 Receipt: 1211320 Date: 11/25/2019 Receipt: 1217571 Date: 01/07/2020	\$9,775.00	\$0.00	
04/25/2017	SHERIFF DEPARTMENT NOTIFIED	SHERIFF DEPARTMENT NOTIFIED			
04/25/2017	PRISON-JUDICIAL SECRETARY NOTIFICATION TO PREPARE JOS	PRISON-JUDICIAL SECRETARY NOTIFICATION TO PREPARE JOS			
04/25/2017	DOCUMENT FILED:	REQUEST AND NOTICE FOR FILM AND ELECTRONIC MEDIA COVERAGE OF COURT PROCEEDINGS			
04/26/2017	IMAGE OF JA-INITIAL BILL	IMAGE OF JA-INITIAL BILL JA-INITIAL BILLING NOTICE Sent on: 04/26/2017 13:16:19.82			
05/01/2017	REQUEST FOR APPOINTMENT OF APPELLATE COUNSEL	REQUEST FOR APPOINTMENT OF APPELLATE COUNSEL			
05/03/2017	DISPOSITION OF CRIMINAL CHARGES ENTERED	DISPOSITION OF CRIMINAL CHARGES ENTERED			
05/09/2017	DOC JUDGMENT OF SENTENCE - SGD	DOC JUDGMENT OF SENTENCE - SGD DOC - JUDGMENT OF SENTENCE FORM W/SIGNATURE Sent on: 05/09/2017 15:08:27.90			

Updated Register of Actions - 18a

9/1/2020

Case Details - CourtView Justice Solutions

<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Amount Due</u>	<u>File Ref Nbr.</u>
05/15/2017	ORDER APPOINTING APPELLATE ATTORNEY AND CERTIFICATE OF MAILING-SGD BY JB2 / ATTORNEY:	ORDER APPOINTING APPELLATE ATTORNEY AND CERTIFICATE OF MAILING-SGD BY JB2 / ATTORNEY: SADO			
05/15/2017	ORDER TO REMIT PRISONER FUNDS SENT TO COURT	ORDER TO REMIT PRISONER FUNDS SENT TO COURT (N) ORDER TO REMIT PRISONER FUNDS Sent on: 05/15/2017 12:27:11.36			
05/17/2017	ORDER TO REMIT PRISONER FUNDS SGD	ORDER TO REMIT PRISONER FUNDS SGD			
05/26/2017	CERTIFICATE OF MAILING	CERTIFICATE OF MAILING: ORDER TO REMIT PRISONER FUNDS			
05/26/2017	JA-DEFENDANT IS INCARCERATED	JA-DEFENDANT IS INCARCERATED MDOC#357573 ERD: LIFE MRD: LIFE			
06/02/2017	LETTER	LTR RCV'D FROM APPELLATE ATTY (SADO) DTD 5-23-17 RE: REQUEST FOR DOCS. MAILED COMPLETE FILE, ROA, AND TRANS IN FILE DTD 4-30-15. R/F IN FILE.			
09/14/2017	MOTION:	DEFENDANT'S MOTION TO MODIFY JUDGMENT PURSUANT TO MCL 769.1K(1)(b)(ii); CERTIFICATE OF SERVICE CURTIS LEE HAMPTON (DEFENDANT);			
09/27/2017	ORDER SIGNED:	ORDER DENYING DEFT'S EX PARTE MOTION FOR WAIVER OF FEES AND COSTS -SGD			
09/29/2017	JA-TRANSCRIPT FEE	JA-TRANSCRIPT FEE - 273 PAGES @ \$2.35 = \$641.55 HEARING DATES 5/11/15, 6/11/15, 9/10/15, 11/12/15, 01/14/16, 2/2/16, 2/23/16, 3/08/16, 3/29/16, 4/26/16, 7/28/16,11/22/16, 12/07/16, AND 2/13/17	\$0.00	\$0.00	
09/29/2017	JA-TRANSCRIPT FEE	JA-TRANSCRIPT FEE - 1182 PGS @ \$2.35 = \$2777.70 HEARING DATE 3/14/17, 3/15/17, 3/16/17, 3/21/17, 3/22/17, 3/23/17 AND 4/25/17	\$0.00	\$0.00	
10/20/2017	LETTER	RCVD DUPLICATE LETTER FROM APPELLATE ATTORNEY (SADO) RE REQUESTING DOCS MAILED ON 06/02/2017. COMPLETE FILE MAILED. R/F IN FILE.			
03/20/2018	SENT TO COURT OF APPEALS	SENT TO COURT OF APPEALS COMPLETE (1) VOLUME FILE CERT ROA TRANSCRIPT IN FILE DATED 4-30-15 RECEIPT USPS TRACKING # 9114 9014 9645 0973 6868 20			
03/28/2018	E-FILED TRANSCRIPT OF:	E-FILED TRANSCRIPT OF: OBDH=58626358 E-FILED TRANSCRIPT OF: ARRAIGNMENT DATED 5-11-15			
03/28/2018	E-FILED TRANSCRIPT OF:	E-FILED TRANSCRIPT OF: OBDH=58626359 E-FILED TRANSCRIPT OF: PRETRIAL BEFORE THE HONORABLE JENNIFER FAUNCE DTD 11-12-15			
03/28/2018	E-FILED TRANSCRIPT OF:	E-FILED TRANSCRIPT OF: OBDH=58626360 E-FILED TRANSCRIPT OF: PRETRIAL BEFORE THE HONORABLE JENNIFER M FAUNCE DTD 9-10-15			
03/28/2018	E-FILED TRANSCRIPT OF:	E-FILED TRANSCRIPT OF: OBDH=58626362 E-FILED TRANSCRIPT OF: PRETRIAL BEFORE THE HONORABLE JENNIFER FAUNCE DTD 1-14-16			
03/28/2018	E-FILED TRANSCRIPT OF:	E-FILED TRANSCRIPT OF: OBDH=58626363 E-FILED TRANSCRIPT OF: PRETRIAL BEFORE THE HONORABLE JENNIFER FAUNCE DTD 6-11-15			
03/28/2018	REPORTER'S NOTICE OF FILING TRANSCRIPT; CERTIFICATE OF SERVICE	REPORTER'S NOTICE OF FILING TRANSCRIPT; CERTIFICATE OF SERVICE (REPORTERS NOTICE OF FILING TRANSCRIPT, CERTIFICATE OF SERVICE) OBDH=58626361			
03/28/2018	E-FILED TRANSCRIPT OF:	E-FILED TRANSCRIPT OF: (E-FILED TRANSCRIPT OF: PRE- TRIAL HELD BEFORE JUDGE JENNIFER JAUNCE ON 3/8/16) OBDH=58626367			

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Updated Register of Actions - 19a

9/1/2020

Case Details - CourtView Justice Solutions

<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Amount Due</u>	<u>File Ref Nbr.</u>
03/28/2018	E-FILED TRANSCRIPT OF:	E-FILED TRANSCRIPT OF: (E-FILED TRANSCRIPT OF: JURY TRIAL VOLUME VI HELD BEFORE JUDGE JENNIFER FAUNCE ON 3/23/17) OBDH=58626373			
03/28/2018	E-FILED TRANSCRIPT OF:	E-FILED TRANSCRIPT OF: (E-FILED TRANSCRIPT OF: PRE-TRIAL HELD BEFORE JUDGE JENNIFER FAUNCE O 2/23/16) OBDH=58626374			
03/28/2018	E-FILED TRANSCRIPT OF:	E-FILED TRANSCRIPT OF: (E-FILED TRANSCRIPT OF: COMPETENCY HEARING HELD BEFORE JUDGE JENNIFER FAUNCE ON 11/22/16) OBDH=58626375			
03/28/2018	E-FILED TRANSCRIPT OF:	E-FILED TRANSCRIPT OF: (E-FILED TRANSCRIPT OF: SENTENCING HELD BEFORE JUDGE JENNIFER FAUNCE ON 4/25/17) OBDH=58626376			
03/28/2018	E-FILED TRANSCRIPT OF:	E-FILED TRANSCRIPT OF: (E-FILED TRANSCRIPT OF: PRE-TRIAL HELD BEFORE JUDGE JENNIFER FAUNCE ON 4/26/16) OBDH=58626377			
03/28/2018	E-FILED TRANSCRIPT OF:	E-FILED TRANSCRIPT OF: (E-FILED TRANSCRIPT OF: PRE-TRIAL HELD BEFORE JUDGE JENNIFER FAUNCE ON 2/2/16) OBDH=58626380			
03/28/2018	E-FILED TRANSCRIPT OF:	E-FILED TRANSCRIPT OF: (E-FILED TRANSCRIPT OF: PRETRIAL HELD BEFORE JUDGE JENNIFER FAUNCE ON 2/13/17) OBDH=58626381			
03/28/2018	E-FILED TRANSCRIPT OF:	E-FILED TRANSCRIPT OF: (E-FILED TRANSCRIPT OF: PRETRIAL HELD BEFORE JUDGE JENNIFER FAUNCE ON 3/29/16) OBDH=58626382			
03/28/2018	E-FILED TRANSCRIPT OF:	E-FILED TRANSCRIPT OF: (E-FILED TRANSCRIPT OF: PRETRIAL HELD BEFORE JUDGE JENNIFER FAUNCE ON 12/7/16) OBDH=58626383			
03/28/2018	E-FILED TRANSCRIPT OF:	E-FILED TRANSCRIPT OF: (E-FILED TRANSCRIPT OF: PRETRIAL HELD BEFORE JUDGE JENNIFER FAUNCE ON 7/28/16) OBDH=58660891			
03/28/2018	E-FILED TRANSCRIPT OF:	E-FILED TRANSCRIPT OF: (OBDH=58626378) E-FILED TRANSCRIPT OF: JURY TRIAL VOLUME II HELD BEFORE JUDGE JENNIFER FAUNCE ON 3/15/17			
03/28/2018	E-FILED TRANSCRIPT OF:	E-FILED TRANSCRIPT OF: (OBDH=58626395) E-FILED TRANSCRIPT OF: JURY TRIAL VOLUME IV HELD BEFORE JUDGE JENNIFER FAUNCE ON 3/21/17			
03/28/2018	E-FILED TRANSCRIPT OF:	E-FILED TRANSCRIPT OF: (OBDH=58626403) E-FILED TRANSCRIPT OF: JURY TRIAL VOLUME I HELD BEFORE JUDGE JENNIFER FAUNCE ON 3/14/17			
03/28/2018	E-FILED TRANSCRIPT OF:	E-FILED TRANSCRIPT OF: (OBDH=58626397) E-FILED TRANSCRIPT OF: JURY TRIAL VOLUME III HELD BEFORE JUDGE JENNIFER FAUNCE ON 3/16/17			
03/28/2018	E-FILED TRANSCRIPT OF:	E-FILED TRANSCRIPT OF: (OBDH=58626399) E-FILED TRANSCRIPT OF: JURY TRIAL VOLUME V HELD BEFORE JUDGE JENNIFER FAUNCE ON 3/22/17			
04/19/2018	SENT TO COURT OF APPEALS	SENT TO COURT OF APPEALS CERT ROA ETRANS DTD 05-11-2015, 06-11-2015, 09-10-2015, 11-12-2015, 01-14-2016, 02-02-2016, 02-23-2016, 03-08-2016, 03-29-2016, 04-26-2016, 07-28-2016, 11-22-2016, 12-07-2016, 02-13-2017, 03-14-2017, 03-15-2017, 03-16-2017, 03-21-2017, 03-23-2017, 04-25-2017 RECEIPT			
04/23/2018	RECEIPT RETURNED FRM COURT OF APPEALS	RECEIPT RETURNED FRM COURT OF APPEALS			
08/03/2018	COPY OF ORDER FROM COURT OF APPEALS RECEIVED/FILED	COPY OF ORDER FROM COURT OF APPEALS RECEIVED/FILED DTD 8-1-18			

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Updated Register of Actions - 20a

9/1/2020

Case Details - CourtView Justice Solutions

<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Amount Due</u>	<u>File Ref Nbr.</u>
08/21/2018	MOTION:	MOTION FOR NEW TRIAL W/ ATTACHMENTS			
08/21/2018	REQUEST FOR HEARING ON A MOTION; NOTICE OF HEARING; PROOF OF SERVICE	REQUEST FOR HEARING ON A MOTION; NOTICE OF HEARING; PROOF OF SERVICE PER CLERK NOT SCHEDULED (MTN FOR NEW TRIAL)			
08/21/2018	NOTICE OF HEARING	NOTICE OF HEARING W/ CERTIFICATE OF SERVICE			
08/24/2018	HEARING: MTN FOR EVIDENTIARY HEARING SCHEDULED	HEARING: MTN FOR EVIDENTIARY HEARING SCHEDULED Event: MTN FOR EVIDENTIARY HEARING Date: 09/24/2018 Time: 8:30 am Judge: FAUNCE, JENNIFER M Location: CIRCUIT COURT BUILDING - 5TH FLOOR - COURT ROOM 1 Result: ADJOURNED-DEFENSE COUNSEL REQUEST			
09/07/2018	ADJOURNED - DEFENSE REQUEST	ADJOURNED - DEFENSE REQUEST The following event: MTN FOR EVIDENTIARY HEARING scheduled for 09/24/2018 at 8:30 am has been resulted as follows: Result: ADJOURNED-DEFENSE COUNSEL REQUEST Judge: FAUNCE, JENNIFER M Location: CIRCUIT COURT BUILDING - 5TH FLOOR - COURT ROOM 1			
09/07/2018	HEARING: MTN FOR EVIDENTIARY HEARING SCHEDULED	HEARING: MTN FOR EVIDENTIARY HEARING SCHEDULED The following event: MTN FOR EVIDENTIARY HEARING scheduled for 09/24/2018 at 8:30 am has been rescheduled as follows: Event: MTN FOR EVIDENTIARY HEARING Date: 10/04/2018 Time: 8:30 am Judge: FAUNCE, JENNIFER M Location: CIRCUIT COURT BUILDING - 5TH FLOOR - COURT ROOM 1 Result: ADJOURNED-BY COURT			
09/11/2018	WRIT OF HABEAS CORPUS - SGD	WRIT OF HABEAS CORPUS - SGD			
09/11/2018	REQUEST FOR HEARING ON A MOTION; NOTICE OF HEARING; PROOF OF SERVICE	RE-REQUEST FOR HEARING ON A MOTION; NOTICE OF HEARING; PROOF OF SERVICE			
09/11/2018	RE-NOTICE OF HEARING	RE-NOTICE OF HEARING			
09/11/2018	DOCUMENT FILED:	RE-PRAECIPE			
09/11/2018	PROOF OF SERVICE	PROOF OF SERVICE			
09/19/2018	BRIEF IN RESPONSE	PEOPLE'S BRIEF IN RESPONSE TO DFNT'S MTN FOR NEW TRIAL, PRF OF SRV			
09/19/2018	ADJOURNED-BY COURT	ADJOURNED-BY COURT TO 11-9-18 AT 9AM The following event: MTN FOR EVIDENTIARY HEARING scheduled for 10/04/2018 at 8:30 am has been resulted as follows: Result: ADJOURNED-BY COURT Judge: FAUNCE, JENNIFER M Location: CIRCUIT COURT BUILDING - 5TH FLOOR - COURT ROOM 1			
09/19/2018	HEARING: MTN FOR EVIDENTIARY HEARING SCHEDULED	HEARING: MTN FOR EVIDENTIARY HEARING SCHEDULED The following event: MTN FOR EVIDENTIARY HEARING scheduled for 10/04/2018 at 8:30 am has been rescheduled as follows: Event: MTN FOR EVIDENTIARY HEARING Date: 11/09/2018 Time: 9:00 am Judge: FAUNCE, JENNIFER M Location: CIRCUIT COURT BUILDING - 5TH FLOOR - COURT ROOM 1 Result: MOTION HEARING ADJOURNED			

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Updated Register of Actions - 21a

9/1/2020

Case Details - CourtView Justice Solutions

<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Amount Due</u>	<u>File Ref Nbr.</u>
09/24/2018	REQUEST FOR HEARING ON A MOTION; NOTICE OF HEARING; PROOF OF SERVICE	REQUEST FOR HEARING ON A MOTION; NOTICE OF HEARING; PROOF OF SERVICE			
09/24/2018	DOCUMENT FILED:	RE-PRAECIPE			
09/24/2018	RE-NOTICE OF HEARING	RE-NOTICE OF HEARING			
09/24/2018	PROOF OF SERVICE	PROOF OF SERVICE			
10/19/2018	MOTION HEARING ADJOURNED	MOTION HEARING ADJOURNED TO 11/20/18 AT 8:30AM The following event: MTN FOR EVIDENTIARY HEARING scheduled for 11/09/2018 at 9:00 am has been resulted as follows: Result: MOTION HEARING ADJOURNED Judge: FAUNCE, JENNIFER M Location: CIRCUIT COURT BUILDING - 5TH FLOOR - COURT ROOM 1			
10/19/2018	HEARING: MTN FOR EVIDENTIARY HEARING SCHEDULED	HEARING: MTN FOR EVIDENTIARY HEARING SCHEDULED The following event: MTN FOR EVIDENTIARY HEARING scheduled for 11/09/2018 at 9:00 am has been rescheduled as follows: Event: MTN FOR EVIDENTIARY HEARING Date: 11/20/2018 Time: 8:30 am Judge: FAUNCE, JENNIFER M Location: CIRCUIT COURT BUILDING - 5TH FLOOR - COURT ROOM 1 Result: HELD-CRIMINAL			
10/23/2018	DOCUMENT FILED:	RE-PRAECIPE **NOT SUBMITTED ON OUR RFH FORM**			
10/23/2018	RE-NOTICE OF HEARING	RE-NOTICE OF HEARING			
10/23/2018	PROOF OF SERVICE	PROOF OF SERVICE			
10/24/2018	WRIT OF HABEAS CORPUS - SGD	WRIT OF HABEAS CORPUS - SGD			
11/20/2018	HELD:	HELD: TESTIMONY TAKEN, CLOSING ARGS, CRT TAKES EVIDENTIARY HRG UNDER ADVISEMENT -OTE The following event: MTN FOR EVIDENTIARY HEARING scheduled for 11/20/2018 at 8:30 am has been resulted as follows: Result: HELD-CRIMINAL Judge: FAUNCE, JENNIFER M Location: CIRCUIT COURT BUILDING - 5TH FLOOR - COURT ROOM 1 HELD ON THE RECORD COURT REPORTER: MADA, ELAINE Certificate #: CSR-4565			
11/28/2018	MEMO TO COURT REPORTER RE: PRODUCTION OF TRANSCRIPT(S) AT PUBLIC EXPENSE	MEMO TO ELAINE MADA, COURT REPORTER, RE: PRODUCTION OF 11/20/18 HRG TRANSCRIPT(S) AT PUBLIC EXPENSE			
12/10/2018	OPINION & ORDER SIGNED	OPINION & ORDER DENYING DEFT'S MTN FOR NEW TRIAL -SGD **REMAINS CLOSED**			
01/11/2019	REPORTER'S NOTICE OF FILING TRANSCRIPT; CERTIFICATE OF SERVICE	REPORTER'S NOTICE OF FILING TRANSCRIPT; CERTIFICATE OF SERVICE (OBDH=68422132) REPORTERS NOTICE OF FILING TRANSCRIPT; CERT OF SVC			
01/11/2019	E-FILED TRANSCRIPT OF:	E-FILED TRANSCRIPT OF: (OBDH=68422133) E-FILED TRANSCRIPT OF: EVIDENTIARY HEARING BEFORE THE HON JENNIFER M FAUNCE DTD 11/20/18			
01/25/2019	JA-TRANSCRIPT FEE	JA-TRANSCRIPT FEE - 45 PGS @ \$2.35 = \$105.75 HEARING DATE NOV 20, 2018	\$0.00	\$0.00	

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Updated Register of Actions - 22a

9/1/2020

Case Details - CourtView Justice Solutions

<u>Date</u>	<u>Description</u>	<u>Docket Text</u>	<u>Amount Owed</u>	<u>Amount Due</u>	<u>File Ref Nbr.</u>
04/04/2019	COPY OF ORDER FROM COURT OF APPEALS RECEIVED/FILED	COPY OF OPINION FROM COURT OF APPEALS RECEIVED/FILED DTD 4-4-19			
06/03/2019	DOCUMENT FILED:	COPY OF NOTICE OF FILING & PROOF OF SERVICE FILED IN THE SUPREME COURT RE APPLICATION FOR LEAVE TO APPEAL			
01/15/2020	CERTIFICATE OF SATISFIED JUDGMENT	CERTIFICATE OF SATISFIED JUDGMENT			

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Judgment of Sentence - 23a

FILED by Macomb County Circuit Court
5/9/2017

1 - Corrections (for return); 3rd copy - State Police CJIC; 4th copy - Defendant; 5th copy - Prosecutor

MACOMB COUNTY

JUDGMENT OF SENTENCE
COMMITMENT TO
DEPARTMENT OF CORRECTIONS

CASE NO.
2015-001559-FC

Address: Macomb County Circuit Court, 40 N. Main, Mt. Clemens, MI 48043
ORI: MI - 500015J

Court telephone number: 586-469-5208
Police Report No. 152715

THE PEOPLE OF THE STATE OF MICHIGAN



Defendant name, address, and telephone no.

CURTIS LEE HAMPTON
31397 MOUNT APT C
WARREN, MI 48092

CTN / TCN

501500172401 /
F315044007J

SID

3441080A

DOB

03/09/1984

Prosecuting attorney's name
JURIJ FEDORAK P46886

Defendant's attorney name
AZHAR H. SHEIKH 52365
Azhar511@Aol.Com

Bar no.

1. The defendant was found guilty on JURY CONVICTION DATE 3/23/17 of the crime(s) stated below:

Count	CONVICTED BY			DISMISSED BY*	CRIME	CHARGE CODE(S) MCL citation/PACC Code
	Plea*	Court	Jury			
1			X		MURDER-SECOND DEGREE	750.317
2			X		MURDER-SECOND DEGREE	750.317
3			X		ATTEMPTED CRIMINAL SEXUAL CONDUCT - 3RD DEGREE (FORCE/COERCION)	750.520D1B[A]
4			X		MURDER FIRST DEGREE-FELONY	750.316-B
5			X		CHILD ABUSE - 1ST DEGREE	750.136B2

*For Plea: insert "G" for guilty plea; "NC" for nolo contendere; or "MI" for guilty but mentally ill. *For dismissal: insert "D" for dismissed by court or "NP" for dismissed by prosecutor/plaintiff

- ☐ 2. The conviction is reportable to the Secretary of State under MCL 257.625(21)(b). H513128497182
- ☐ 3. HIV testing and sex offender registration has been ☐ completed ☐ ordered.
- ☐ 4. DNA ordered.
- ☐ 5. The defendant has been fingerprinted according to MCL 28.243.

IT IS ORDERED:

- ☐ 6. Probation is revoked
7. Participating in a special alternative incarceration unit is ☐ prohibited. ☐ permitted.

8. Defendant is sentenced to custody of the Michigan Department of Corrections. This sentence shall be executed immediately.

Count	SENTENCE DATE	MINIMUM			MAXIMUM		DATE SENTENCE BEGINS	JAIL CREDIT		OTHER INFORMATION
		Years	Mos.	Days	Years	Mos.		Mos.	Days	
1	04/25/2017		415			624	4-25-17		803	CT 1: 415 MOS TO 624 MOS, CREDIT FOR 803 DAYS, CT 2 MERGED WITH CT 1, CT 3 NOT GUILTY CT 4 MANDATORY LIFE W/O PAROLE, CT 5: 13 MOS TO 180 MOS, CREDIT FOR 803 DAYS
2	04/25/2017		415			624	4-25-17		803	
4	04/25/2017				LIFE WITH NO PAROLE		4-25-17			
5	04/25/2017		13			18	4-25-17		803	

- ☐ 9. Sentence(s) to be served consecutively to: (if this item is not checked, the sentence is concurrent)
- ☐ each other ☐ case numbers: SENTENCE TO RUN CONCURRENT TO EACH OTHER

10. Defendant shall pay:

State Minimum	Crime Victim	Court Costs	DNA	Fine	Other Costs	Drug Court Fee	Bond Forfeiture Fees	Oversight Fee
\$204.00	\$130.00	\$	\$	\$	\$	\$	\$	\$
Initial Defense Costs	Additional Defense Costs	20% Late Fee	Alcohol Screening	Victim Restitution				
\$	\$9,775.00	\$	\$	\$				

The due date for payment is date of sentencing. Fine, costs, and fees not paid within 56 days of the due date are subject to a 20% late penalty on the amount owed.

(7/15) - DOCJOS

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Judgment of Sentence - 24a

FILED by Macomb County Circuit Court
5/9/2017

☐ suspend for ____ days ☐ permanently revoke the concealed weapon license, permit

- ☐ 12. The defendant is subject to lifetime monitoring pursuant to MCL 780.520n.
☐ 13. Court recommendation:



5-8-17

Sentence Date

Judge JENNIFER M FAUNCE, Circuit Court Judge Bar. no. P43816

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CURTIS LEE HAMPTON,

Defendant-Appellant.

UNPUBLISHED

April 4, 2019

No. 338418

Macomb Circuit Court

LC No. 2015-001559-FC

Before: LETICA, P.J., and RONAYNE KRAUSE and BOONSTRA, JJ.

PER CURIAM.

Following a jury trial, Curtis Lee Hampton was convicted of first-degree felony murder, MCL 750.316(1)(b), first-degree child abuse, MCL 750.136b(2), and two counts of second-degree murder, MCL 750.317.¹ The first-degree child abuse conviction served as the predicate felony for the felony-murder conviction. The trial court sentenced Hampton to life imprisonment without parole for the felony-murder conviction, 415 to 624 months in prison for each second-degree murder conviction, and 13 to 18 months in prison for the first-degree child abuse conviction, to be served concurrently. Hampton appeals as of right. We affirm in part, vacate in part, and remand for the ministerial task of amending Hampton's judgment of sentence.

I. FACTUAL BACKGROUND

This case arises from the brutal stabbing deaths of Hampton's 13-month-old daughter, CR, and her mother, Monique, who was Hampton's ex-girlfriend. After turning himself in to the police, Hampton admitted that he stabbed Monique to death—she had been stabbed at least 14 times—but he claimed that he did so only after Monique first stabbed him in the chest, and then, in attempting to stab him again, missed and instead fatally stabbed CR in the chest. The prosecution's theory of the case was that Hampton became enraged one evening after Monique rejected his sexual advances, attempted to force her to submit to him sexually, stabbed her to

¹ Hampton was acquitted of attempted third-degree criminal sexual conduct, MCL 750.520d.

death after she continued to resist, fatally stabbed CR, and then cleaned up the scene before leaving the victims' bodies in the bathroom.

II. STANDARDS OF REVIEW

On appeal, Hampton raises several distinct claims of error, which we review under different standards. “[W]hether defense counsel performed ineffectively is a mixed question of law and fact; this Court reviews for clear error the trial court’s findings of fact,” if any exist, “and reviews de novo questions of constitutional law.” *People v Trakhtenberg*, 493 Mich 38, 47; 826 NW2d 136 (2012). Indeed, we review all pure questions of law de novo, including questions of statutory interpretation. *People v Pace*, 311 Mich App 1, 4; 874 NW2d 164 (2015). “[W]e review the trial court’s determination that a jury instruction applies to the facts of the case for an abuse of discretion.” *People v Dupree*, 486 Mich 693, 702; 788 NW2d 399 (2010).

Some of Hampton’s claims of error were not properly preserved at trial. When this Court reviews unpreserved claims of error, we do so under the plain-error standard. *People v Osby*, 291 Mich App 412, 414; 804 NW2d 903 (2011). The plain-error test has four elements:

1) error must have occurred, 2) the error was plain, i.e., clear or obvious, 3) . . . the plain error affected substantial rights . . . [, and 4)] once a defendant satisfies these three requirements, an appellate court must exercise its discretion in deciding whether to reverse. Reversal is warranted only when the plain, forfeited error resulted in the conviction of an actually innocent defendant or when an error seriously affected the fairness, integrity or public reputation of judicial proceedings independent of the defendant’s innocence. [*People v Randolph*, 502 Mich 1, 10; 917 NW2d 249 (2018), quoting *People v Carines*, 460 Mich 750, 763; 597 NW2d 130 (1999) (alteration in original).]

“A clear or obvious error under the second prong is one that is not subject to reasonable dispute.” *Randolph*, 502 Mich at 10 (quotation marks and citation omitted). The third element “generally requires a showing of prejudice, i.e., that the error affected the outcome of the lower court proceedings.” *Carines*, 460 Mich at 763. “It is the defendant rather than the Government who bears the burden of persuasion with respect to prejudice.” *Id.* (quotation marks and citation omitted).

III. ANALYSIS

A. HEARSAY

Hampton argues that various out-of-court statements by Monique, which were introduced through the testimony of Monique’s father and her friends, Tim Brockway and Marc Witt, were

inadmissible hearsay.² We agree with respect to Witt's testimony, but conclude that Hampton has not established entitlement to relief.

Hampton did not object to the challenged evidence, and thus these claims are unpreserved. *Osby*, 291 Mich App at 414. "In general, hearsay—an out-of-court statement offered to prove the truth of the matter asserted—may not be admitted into evidence." *People v Green*, 313 Mich App 526, 531; 884 NW2d 838 (2015), citing MRE 801 and MRE 802.

As the first alleged instance of inadmissible hearsay, Hampton cites the testimony of Monique's father that just before leaving the state to move to Oklahoma, Monique said, "I have to go now, [Hampton] is going to kill me." Hampton fails to recognize that, for spoken words to qualify as a "statement" under the hearsay rules, the words must contain an assertion of fact that is—when made—"[]capable of being true or false." *People v Jones*, 228 Mich App 191, 204; 579 NW2d 82 (1998), mod in part on other grounds 458 Mich 862 (1998); see also *People v Stewart*, 397 Mich 1, 9-10; 242 NW2d 760 (1976), mod in part on other grounds 400 Mich 540 (1977) (observing that "nonassertive acts or conduct are not an exception to the hearsay rule—rather, they are not hearsay in the first place"). Accord *United States v Rivera*, 780 F3d 1084, 1092 (CA 11, 2015) (holding that neither "non-assertive statements that are incapable of being true or false" nor "statements that are indisputably false" qualify as hearsay). Monique's prediction could not have been a true or false assertion of *fact* when made; rather, it was a stated opinion concerning what Monique believed would occur if she remained in Michigan. Moreover, because Monique left for Oklahoma afterward, her prediction about what might have happened had she instead stayed is one that never *could* have been true or false—it was a hypothesis concerning what would have happened in a hypothetical scenario. Thus, Hampton's claim of error regarding the statement is unfounded. The statement was not hearsay.

Hampton also claims that portions of Brockway's testimony contained inadmissible hearsay. To the extent that Hampton challenges Brockway's testimony that Monique requested various things of Brockway before she died, Hampton's claim of error lacks merit. By nature, questions are not assertions of fact, and Michigan does not recognize the "implied assertion" theory regarding questions. See *Stewart*, 397 Mich at 9-10; *Jones*, 228 Mich App at 204, 217-218, 225. And with regard to Brockway's testimony that Monique was "stressed out" about her "relationship" with Hampton, Hampton fails to recognize that Brockway did not attribute his opinion about whether Monique was "stressed out" to any out-of-court statement that she had made. Thus, Brockway's testimony on this subject did not reiterate any hearsay statement made by Monique.

² Hampton argues that as a result of Monique's unavailability as a witness, her out-of-court statements were only admissible if they fell within one of the hearsay exceptions set forth in MRE 804. His argument misconstrues the requirements of the evidentiary rules governing hearsay. Although the MRE 804 exceptions require witness unavailability, see MRE 804(b), it does not follow that an unavailable witness's statements cannot be introduced under other hearsay exceptions.

Finally, Hampton argues that Witt's testimony concerning text messages that he received from Monique approximately two and a half months before she was killed involved inadmissible hearsay. In the text messages, Monique told Witt that Hampton threatened to kill her and the baby and expressed reluctance to report the threat because she lacked proof. We agree that Monique's messages do not fall within a hearsay exception. Responding to this issue, the prosecution argues that the statements were admissible under MRE 803(3), which permits admission of

[a] statement of the declarant's then existing state of mind, emotion, sensation, or physical condition (such as intent, plan, motive, design, mental feeling, pain, and bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the execution, revocation, identification, or terms of declarant's will.

The prosecution's argument is at odds with binding precedent. In *People v Moorner*, 262 Mich App 64, 73; 683 NW2d 736 (2004), this Court rejected the notion that a victim's hearsay statements reiterating the defendant's threats were admissible under MRE 803(3), reasoning that the out-of-court statements "relate[d] to past events and are specifically excluded under MRE 803(3) as statements of 'memory or belief to prove the fact remembered or believed . . .'" *Id.*

Nonetheless, while we agree that Monique's text messages contained inadmissible hearsay, Hampton has not established entitlement to relief because he cannot show that the erroneous admission of hearsay affected the outcome of the proceedings. *Randolph*, 502 Mich at 10; *Carines*, 460 Mich at 763. Although Hampton was charged with first-degree premeditated murder, MCL 750.316(1)(a), for Monique's death, the jury found him guilty of the lesser included offense of second-degree murder. Thus, we can infer that the jury rejected any implication that Hampton's earlier threat indicated that his murder of Monique was a "willful, deliberate, and premeditated killing." MCL 750.316(1)(a).

Hampton relatedly argues that his trial counsel was ineffective for failing to object to the admission of Monique's out-of-court statements. We disagree.

"To establish an ineffective assistance of counsel claim, a defendant must show that (1) counsel's performance was below an objective standard of reasonableness under prevailing professional norms and (2) there is a reasonable probability that, but for counsel's error, the result of the proceedings would have been different." *People v Lockett*, 295 Mich App 165, 187; 814 NW2d 295 (2012). "Effective assistance of counsel is presumed, and the defendant bears a heavy burden of proving otherwise." *Id.* The "reviewing court must not evaluate counsel's decisions with the benefit of hindsight," but should "ensure that counsel's actions provided the defendant with the modicum of representation" constitutionally required. *People v Grant*, 470 Mich 477, 485; 684 NW2d 686 (2004), citing *Strickland v Washington*, 466 US 668, 689; 104 S Ct 2052; 80 L Ed 2d 674 (1984).

With respect to the testimony offered by Monique's father and Brockway, counsel's performance was objectively reasonable because the testimony did not involve inadmissible hearsay. See *Moorner*, 262 Mich App at 76 ("Counsel is not required to raise meritless or futile objections[.]"). And even if we were to presume that defense counsel lacked a tactical or

strategic reason to refrain from objecting to admission of Witt's hearsay testimony, we find it improbable that the result of the trial would have differed if defense counsel had attempted to preclude the evidence. The primary significance of Witt's testimony was to establish Hampton's earlier threat as evidence of premeditated murder and, more generally, to show that Monique was fearful. As we explained earlier, the jury rejected the prosecution's alternative premeditated murder theory. And to the extent that the jury considered Monique's text messages as evidence of her subjective fear of Hampton, that fact was discernable from other properly admitted evidence. Accordingly, we find no merit in Hampton's claim that he was denied the effective assistance of counsel.

B. JURY INSTRUCTIONS

Hampton next argues that we should vacate his convictions because the trial court erred by denying his request for a voluntary manslaughter instruction. We disagree.

Voluntary manslaughter is a necessarily included lesser offense of murder, and thus in a murder case, a voluntary manslaughter instruction should be given upon request "when a rational view of the evidence supports a conviction for the lesser offense." *People v Mendoza*, 468 Mich 527, 544-545; 664 NW2d 685 (2003). To prove that a defendant committed voluntary manslaughter, "one must show that the defendant killed in the heat of passion, the passion was caused by adequate provocation, and there was not a lapse of time during which a reasonable person could control his passions." *Id.* at 535. The provocation must have been such that it would cause a reasonable person to lose control and act out of passion, rather than reason. *People v Mitchell*, 301 Mich App 282, 286-287; 835 NW2d 615 (2013).

Hampton argues that the jury should have been instructed regarding voluntary manslaughter because his trial testimony and earlier statements to various witnesses showed that Monique inadvertently stabbed CR while attempting to attack him. According to Hampton, having seen his young daughter thus wounded, he "lost it," "blacked out," and repeatedly stabbed Monique. Assuming, without deciding, that a rational view of the evidence would have supported a conviction for voluntary manslaughter, we are not persuaded that Hampton would be entitled to a new trial based upon the trial court's refusal to instruct the jury as requested. A preserved instructional error does not warrant reversal unless "after an examination of the entire cause, it shall affirmatively appear that it is more probable than not that the error was outcome determinative." *People v Cornell*, 466 Mich 335, 363; 646 NW2d 127 (2002) (quotation marks and citation omitted). In this instance, the jury convicted Hampton of first-degree child abuse and felony murder for CR's death, implicitly rejecting Hampton's assertions that Monique was the person who inflicted CR's fatal wound. Because the jury did not believe the factual basis for Hampton's claimed provocation, the absence of a voluntary manslaughter jury instruction does not undermine the reliability of the verdict.

C. PREDICATE FELONY FOR FELONY MURDER

Next, Hampton argues that the evidence was insufficient to support his felony murder conviction because the legislature did not intend for felony murder to arise from a single act—in this case, a single stab wound to the chest—that was also the same act establishing child abuse as the predicate felony. In presenting this argument, Hampton asks us to ignore *People v Magyar*,

250 Mich App 408, 410-412; 648 NW2d 215 (2002), in which this Court held that a single assaultive act constituting first-degree child abuse can serve as the predicate felony for a felony-murder conviction related to the abused child. We disagree with Hampton's assertion that *Magyar* is distinguishable from the instant case. Thus, we reject his instant claim of error as inconsistent with binding precedent.

D. SHACKLING

Hampton also argues that he was deprived of his due process right to a fair trial because he was shackled at trial and the attempts to conceal his shackling from the jury failed, as demonstrated by juror testimony that was presented at a post-conviction evidentiary hearing. For several reasons, we reject this claim of error.

First, Hampton's trial counsel waived the substantive claim of error at trial by expressly approving of the measures taken by the trial court to prevent the jury from seeing Hampton's restraints. See *People v Carter*, 462 Mich 206, 215-216; 612 NW2d 144 (2000). "Any other conclusion would be contrary to the rule that defendants cannot harbor error as an appellate parachute." *People v Pipes*, 475 Mich 267, 278 n 39; 715 NW2d 290 (2006) (quotation marks and citation omitted).

Second, by failing to brief an essential aspect of his instant claim of error, Hampton has abandoned it. In his post-remand supplemental brief, Hampton asserts that this issue was preserved by his appellate attorney's motion for a new trial during the remand proceedings. Consequently, he contends that the prosecution bears the burden of proving, beyond a reasonable doubt, that the alleged error did not contribute to the jury's guilty verdict. In support, Hampton relies on *Deck v Missouri*, 544 US 622, 635; 125 S Ct 2007; 161 L Ed 2d 953 (2005) ("[W]here a court, without adequate justification, orders the defendant to wear shackles that will be seen by the jury, the defendant need not demonstrate actual prejudice to make out a due process violation. The State must prove beyond a reasonable doubt that the [shackling] error complained of did not contribute to the verdict obtained.") (quotation marks and citation omitted; alteration in original). However, Hampton cites no authority for the proposition that a motion for a new trial, brought during remand proceedings, is effective to preserve a due process claim arising from shackling during trial. To the contrary, our caselaw reflects that a challenge to shackling procedures must be raised at trial to preserve appellate review. See *People v Davenport*, 488 Mich 1054 (2011); *People v Solomon*, 220 Mich App 527, 532; 560 NW2d 651 (1996). This is consistent with the general purpose of preservation requirements, which is to raise the issue at a time when the error can be avoided or its prejudice alleviated. *People v Mayfield*, 221 Mich App 656, 660; 562 NW2d 272 (1997). Hampton's reliance on *Deck* is misplaced because *Deck* involved *preserved* constitutional error. *Deck*, 544 US at 625. Because the shackling issue in the instant case is *unpreserved*, Hampton—not the prosecution—bears the burden of persuasion with regard to prejudice. See *Carines*, 460 Mich at 763. Hampton makes no attempt to carry that burden here, offering us no prejudice argument within the *Carines* framework.

In any event, Hampton's argument is unpersuasive on the merits, as is his related claim of ineffective assistance of counsel. As aptly noted in the trial court's opinion and order on remand:³

[D]efendant was charged with the repetitive stabbing and death of Monique . . . as well as the stabbing death of [CR]. He had been previously convicted of domestic violence, assault and battery, and aggravated domestic violence (twice). Defendant had also been subject to a no contact order and two different personal protection orders. While arrested on the current charges, he was additionally charged with three counts of possession of a weapon while in jail.

Defendant was clothed in civilian attire throughout the trial. He was only restrained by leg shackles. The defense table was covered and checked to see that the shackles were concealed. Defendant was seated at the defense table before the jurors entered the courtroom. When defendant decided to testify, he was seated on the witness stand before the jury was brought into the courtroom. Defendant's trial counsel checked to see if defendant's shackles would have been viewable by the jurors and was satisfied the shackles were not visible.

* * *

. . . [One juror] stated he could [see] defendant's shackles from the jury box despite defendant standing behind a completely covered table. [The juror] explained the shackles did not make him think that defendant was guilty.

Defendant's trial counsel, Azhar Sheikh, testified he did not pursue removal of the shackles because defendant was a security risk. Sheikh believed the shackles were sufficiently covered and noted defendant was always seated before the jurors entered the courtroom.

First, defendant's violent criminal history supports the Macomb County Sheriff's decision to place ankle restraints on him.

Second, painstaking efforts were taken to ensure the ankle restraints were not visible to the jury. . . . [The juror] denied drawing any negative inference from purportedly seeing defendant's shackles behind the completely covered defense table.

Therefore, defendant was properly required to wear ankle restraints during trial and there is no evidence suggesting he suffered any prejudice from wearing the ankle restraints. Consequently, trial counsel was not ineffective for failing to further pursue the issue of the restraints. See *In re Hoffman*, 382 Mich 66, 84;

³ Hampton does not argue that any of the trial court's quoted factual findings on remand were clearly erroneous.

168 NW2d 229 (1969) (counsel is not required to proceed on grounds determined to be frivolous).

We agree with the trial court's analysis in full. Given that Hampton was a violent felon facing the most severe criminal punishment available under Michigan law—life without the possibility of parole—and coupled with his alleged possession of weapons on several occasions while incarcerated and awaiting trial in this matter, it was altogether appropriate for the trial court to permit his shackling. See *Deck*, 544 US at 633 (holding that although due process forbids courts from “*routinely* plac[ing] defendants in shackles or other physical restraints visible to the jury,” it is permissible for “a judge, in the exercise of his or her discretion, to take account of special circumstances, including security concerns, that may call for shackling” in a given case) (emphasis added). Thus, the trial court committed no error, let alone plain error, by allowing Hampton's leg shackles while simultaneously taking appropriate measures to hide those restraints from the jury's view. And because the trial court committed no error in this regard, Hampton's related claim of ineffective assistance of counsel necessarily fails. See *Moorer*, 262 Mich App at 76 (“Counsel is not required to raise meritless or futile objections[.]”).

E. DOUBLE JEOPARDY

Finally, Hampton argues that the trial court's entry of a judgment of sentence reflecting two convictions for second-degree murder for Monique's death is barred by constitutional considerations regarding double jeopardy. The prosecution concedes this error, agreeing that Hampton is entitled to have his judgment of sentence amended to reflect only a single conviction of second-degree murder.⁴ We agree that Hampton is entitled to such relief.⁵ *People v Clark*, 243 Mich App 424, 429-430; 622 NW2d 344 (2000).

⁴ We recognize that the judgment of sentence notes that the sentences imposed for the two second-degree murder convictions were “merged.” Nonetheless, the judgment reflects two convictions and two sentences arising from the death of a single victim, contrary to the constitutional prohibition against double jeopardy.

⁵ And, although not raised by the parties, we further note that the judgment of sentence is internally inconsistent as to Hampton's acquittal of attempted third-degree criminal sexual conduct. Specifically, while paragraph eight of the judgment correctly notes the jury's not guilty verdict, paragraph one inaccurately states that Hampton was found guilty of that charge. On remand, paragraph one should be amended to accurately reflect the jury's verdict.

In sum, we vacate one of the second-degree murder convictions arising from Monique's death and remand this matter to the trial court for the ministerial task of amending Hampton's judgment of sentence consistent with this opinion. We otherwise affirm Hampton's convictions and sentences. We do not retain jurisdiction.

/s/ Anica Letica
/s/ Amy Ronayne Krause
/s/ Mark T. Boonstra

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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

PEOPLE OF THE STATE

OF MICHIGAN,

People,

vs.

Case No.: 2015-1559-FC

CURTIS LEE HAMPTON,

Defendant.

_____/

JURY TRIAL - VOLUME I,

BEFORE THE HONORABLE JENNIFER M. FAUNCE

Mount Clemens, Michigan - March 14, 2017

APPEARANCES:

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1 record before we break?

2 MR. SHEIKH: Nothing from the defense, your
3 Honor. Thank you for the opportunity.

4 THE COURT: Okay. We'll break for about 15
5 minutes.

6 MR. FEDORAK: Okay.

7 (At about 3:03 p.m., Recess Proceedings).

8 * * *

9 (At about 3:43 p.m., Resume Proceedings).

10 THE COURT: All right. Back on the record.
11 People versus Hampton.

12 MR. FEDORAK: Good afternoon, Judge. Jurij
13 Fedorak for the People.

14 MR. SHEIKH: Good afternoon, your Honor.
15 Azhar Sheikh counsel here on behalf of Mr. Hampton.

16 We're ready to proceed.

17 MR. FEDORAK: People are ready.

18 THE COURT: All right. Bring the jury in.

19 THE BAILIFF: All rise for the jury.

20 (At about 3:45 p.m., Jury Seated).

21 THE COURT: Okay. You are may be seated.

22 We will now proceed with opening statements
23 and the prosecution will begin.

24 Mr. Fedorak.

25 MR. FEDORAK: Thank you, Judge.

1 Good afternoon, ladies and gentlemen. As the
2 judge has indicated to you, this is the opportunity
3 where the attorneys stand before you and present their
4 opening arguments, and it's basically just a roadmap of
5 where we think the case is going to go.

6 Now, again, I, and as I indicated in voir
7 dire, welcome the burden that's put on my shoulders
8 about proving this case beyond a reasonable doubt. The
9 defense, if they so choose, they don't have to do a
10 thing. But, what I am allowed -- when I present my
11 opening statements, it's what, I'm telling you what I
12 think my case will show.

13 Now, depending on what twists or turns or
14 arguments we have, then we'll re-direct and answer
15 those. But, my opening statement is an opportunity to
16 give you a snapshot of how we're going to prove this
17 case.

18 I read a long list of witnesses to you,
19 approximately 30 names, but we're going to pair that
20 down drastically, to a dozen names, maybe 16. Two
21 police officers saw the same thing, there's only reason
22 to call one. Or if certain things are not at issue,
23 depending on how the arguments go in the trial, we won't
24 even go in those areas, right. But, it all goes back to
25 what I told you originally this morning. My entire case

1 is being geared towards proving five crimes alleged
2 against the defendant.

3 Okay. And let me get a formality out of the
4 way by going back to that information that Judge Faunce
5 read to you. And, again, this is the charging document,
6 this is the information. It's not evidence. It is the
7 allegations of what we think the defendant did. And
8 then, the question is, is there going to be enough
9 evidence and proof for you guys to render verdicts on
10 that or any other charges that the judge gives you at
11 the end of this case, depending on how the testimony
12 comes in, okay.

13 So, it is alleged that, one, Curtis -- was
14 there an echo in here? Is that going on?

15 Is that better right now?

16 Okay. I've never been accused of being quiet,
17 that's for sure.

18 It's alleged that one, Curtis Lee Hampton, the
19 defendant sitting at that table next to Mr. Sheikh, did,
20 on or about February 12th, 2015, in the City of
21 Eastpointe, did commit five separate crimes, ladies and
22 gentlemen, that, we're alleging: Homicide in the first
23 degree. That he deliberately and with intent to kill
24 and with premeditation, kill and murder one Monique
25 Rakowski, his girlfriend.

1 It's also alleged, Count II, ladies and
2 gentlemen, in a different theory, that on or about the
3 same date in question, that while in the perpetration or
4 attempted perpetration of criminal sexual conduct in the
5 third degree, one, he did murder one, Monique Rakowski.
6 We'll get to that when we talk about the facts. But,
7 these are the five legal charges.

8 Count III is an attempted CSC. When we say
9 CSC, that means criminal sexual conduct, another common
10 term of rape. It's alleged that the defendant did
11 attempt to commit the following listed offense and in
12 that attempt did an act towards the commission of that
13 offense, but he failed in the perpetration or was
14 prevented in the execution of it. In other words, it
15 was an attempted rape, in layman's terms.

16 Again, Judge Faunce will read specific
17 detailed jury instructions to you at the end of this
18 case.

19 Count IV is, again, felony murder; did, while
20 in the perpetration or attempted perpetration of the
21 child abuse in the first degree, did murder one, Carmon
22 Rakowski. Okay.

23 And V, child abuse, first degree; did
24 knowingly or intentionally cause serious harm to a
25 child, in other words, Carmon Rakowski, because at the

1 end of that night, ladies and gentlemen, there were
2 three people that started off in that house, but at the
3 end of the night, after the defendant left, he was the
4 only one that left that house alive. Monique bled to
5 death numerous times and the baby was there lying, the
6 13-month-old child, with one stab to the heart, also
7 killed. Okay. There were only three people in that
8 house.

9 I told you, you're going to have questions as
10 to what happened exactly and so forth, and we're going
11 to wonder and speculate as to why. But, at the end of
12 this case it's going to be clearly established that both
13 those people, Monique Rakowski and his own daughter,
14 Carmon Rakowski, they had that daughter in common, they
15 were significant others, boyfriend/girlfriend in a
16 relationship previously, that he killed both those
17 people.

18 Now, how are we going to prove that? You
19 heard a long list of witnesses and so forth. Different
20 players in this case play different roles and there's
21 kind of a timeline. The easiest way to describe it to
22 you is the timeline because everything took place
23 starting on February 12th of 2015. Monique Rakowski
24 lived in that house with a daughter, Carmon Rakowski.
25 She was 13 months old. Her parents are Sharon and

1 Michael Rakowski, who live in the area and come visit
2 and actually help her with an older child. But, the
3 bottom line is, what was going on was a situation, a
4 relationship, on again/off again relationship between
5 Monique Rakowski and this defendant, Curtis Lee Hampton,
6 and they had the child in common.

7 You're going to hear testimony that that
8 relationship came to an end in the fall of 2014.
9 Specifically, you're also going to hear that the
10 defendant was on probation for a domestic violence case
11 against Monique Rakowski. We're going to bring in
12 pieces, other big players, people that put another
13 puzzle, another piece to the puzzle, such as friends,
14 about how Monique Rakowski was in fear that one day she
15 would be dead, that she would die, and her daughter died
16 at the hands of Curtis Lee Hampton. And, unfortunately,
17 that's exactly what took place on February 12, 2015,
18 when he finally snapped, when he took it out on both of
19 them, when she spurned his advances, when she said the
20 relationship was over with.

21 We know the relationship was over with because
22 in the fall leading up to 2015, the fall in 2014,
23 leading up to February of 2015, the murder date, she
24 moved away from Michigan and moved back to Oklahoma --
25 moved to Oklahoma and actually got married. She married

1 a different gentleman by the name of Nick Vanlooven,
2 Nicholas Vanlooven. She was in Oklahoma for a few
3 months and then came back to live in the Eastpointe home
4 that her parents had secured for her. In other words,
5 her parents were helping her out financially, provided
6 for her a car and so forth. She was taking care of the
7 child that she had in common with the defendant and the
8 defendant was an invited guest in her house at times.

9 I'm not alleging that he broke into her house
10 and murdered her in the dead of night. You're going to
11 hear testimony that Monique was still dealing with him,
12 that the baby was in the hospital, the 13-month-old
13 victim who's deceased, Carmon Rakowski, his daughter
14 that died at his hands, was in the hospital at the end
15 of January for some minor issues, and during this whole
16 time there's still interaction between the two people
17 who shared a child in common.

18 Okay. But, she, Monique Rakowski, at the end
19 of 2014, clearly signaled exactly where she's going with
20 her relationship. She married another man. Another man
21 and was going to have her life with him and was pushing
22 him, pushing him, the defendant out of hers.

23 Now, again, what exactly, what was the exact
24 timeline of what happened? We exactly don't know. But,
25 what doesn't lie? Physical hard evidence, right.

1 Pictures of the house in question, pictures of the
2 bodies, pictures of injuries and all the scientific and
3 law enforcement work and police work that goes into it
4 afterwards. And here's the timeline. The defendant
5 does show up at that Normandy residence on the night of,
6 on Wednesday, February 12th. Monique is there. They
7 interact a little bit. The defendant -- and we put all
8 these pieces together at the end of it, during the
9 police investigation. We know that the defendant shows
10 up to talk to Monique, that he's worried that he's going
11 to go serve some minor time regarding a situation of his
12 probation violation on his domestic violence case where
13 she was the victim, and that he wanted to get together
14 with her that night and have sexual relations, and
15 that's why he was there: I screwed up, I know I screwed
16 up, I'm going back in, just I want to see you, I want to
17 cuddle with you, I want to have sex with you. Well, how
18 do we know that? Detective Madonia of the Eastpointe
19 police department had an interview with the defendant
20 about 48 hours later, after he was arrested at the
21 Dearborn police department regarding the murder, after
22 the family members had found the two bodies and the
23 police started working non-stop, because from the time
24 the bodies were found on Thursday, on Wednesday evening,
25 to Friday, he was already in custody.

1 Okay. Now, let's establish that timeline for
2 you. In an interview with Detective Madonia,
3 interviewing the defendant, he makes certain admissions
4 that he was at that house that night and between
5 midnight and 2:00 is when it turned ugly. They were
6 watching TV, the three of them, meaning the two adults
7 and the infant child, that Monique was not having any
8 part of him, was not going to agree to have sexual
9 relations with him and went to bed, and even brought the
10 baby to bed to kind of use it as -- one can speculate.
11 It's circumstantial evidence. Is it a reasonable
12 conclusion that you can infer? Absolutely. That's what
13 the Rules of Evidence allow. And that, in the
14 defendant's own words, he lost his temper, he snapped.
15 He's going to come up with various excuses. You'll hear
16 the detective testify himself as to exactly the language
17 and the excuses the defendant uses. But, the bottom
18 line is, at the end of that midnight to 2:00 time frame,
19 both Monique and her child were dead, Monique of
20 multiple stab wounds to the chest and to the back, and
21 the infant child, Carmon Rakowski, one stab wound
22 perfectly into the heart, underneath the left breast,
23 and it pierced the heart and lung, and it was a fatal
24 blow. As if a surgeon, meaning one clean stab right to
25 the heart, who knew what they were doing, as a surgeon

1 would.

2 Okay. Let's go back to our timeline. It's
3 2:00 in the morning or so. We're piecing together the
4 evidence in this case from his partial statements to the
5 detectives. What did the defendant do at this point?
6 In one of his statements he tells the detective he went
7 to the gas station to go get cigarettes and came back to
8 the house, early morning hours. We know that he left
9 4:00 the next day, right. So the murder happened
10 between midnight and 2:00. He stayed there. Did he go
11 to sleep? Possibly passed out for awhile. Who knows.
12 He stayed there from 2:00 a.m. to 4:00 p.m. because we
13 know later, we were able to piece it together that he
14 went and visited his mother at approximately 13 Mile and
15 Mound, at the apartment that she lived in.

16 When the bodies were first discovered they
17 were discovered the next day, Thursday, by Michael
18 Rakowski, the father of Monique Rakowski. He's a nurse
19 anesthetist. He works at the hospital, at Beaumont. He
20 and his wife -- his wife Sharon is a paralegal. They
21 had contact with their daughter on the Wednesday
22 afternoon before the murder, the day of the murder.
23 Sharon Rakowski went bowling with her daughter that
24 afternoon. They, there was a hair appointment, I
25 believe. There was some interaction between phone calls

1 in the p.m. hours of Wednesday evening, 8:00. There's a
2 7:20. The detective pulled all the cell phone records.
3 We know that Monique Rakowski was alive the evening
4 hours of that Wednesday night and, in the defendant's
5 own words, that assault took place between midnight
6 Wednesday night and 2:00 a.m. Thursday.

7 Okay. So you'll hear from Mr. Rakowski that
8 on Thursday afternoon, when the defendant was at the
9 house from 2:00 a.m. to 4:00 p.m., Mr. Rakowski had just
10 missed the defendant and came and appeared at the house
11 7:00, 9:00, he got there. Nobody had heard from
12 Monique. She wasn't answering her phone. She had
13 another child, Damien, who had to be picked up from
14 school, who wasn't picked up from school Thursday
15 afternoon. Now, all of a sudden, it's hey, where's
16 Monique, why didn't she pick up her other child, the
17 child that was living with the Rakowskis, Mr. and Mrs.
18 Rakowski, no relation to this defendant.

19 All right. So Mr. Rakowski goes over to the
20 Eastpointe home, and it's locked up. He's not even able
21 to get in because he didn't have a set of keys. He had
22 to go back to Sterling Heights, I believe, and get the
23 keys to the house and come back to be able to gain
24 entrance into the house. Now, it's 9:00. He walks into
25 the home. He walks up the driveway. It's a bungalow,

1 detached garage in the back. Everyone can picture that
2 type of layout. He comes in through the side door and
3 looks around, can't find anybody, is calling out. He'll
4 testify tomorrow morning in his own words, so will
5 Mrs. Rakowski, about the timeline and when Monique, her
6 daughter, and Mr. and Mrs. Piatkowski's granddaughter
7 was still alive. Mr. Rakowski sees their puppy in a
8 kennel, steel-cage kennel in the living room.

9 Obviously, the dog's been locked up. He let's the dog
10 out to go to the bathroom. In fact, the dog was barking
11 and needed to go out. Who knows how many hours it was
12 already locked up, but it definitely had to go out and
13 go to the bathroom, and there was an accident. He'll
14 describe it for you in his own words. Then, he's
15 checking out the rest of the house. He's calling out.
16 There's no answer. He finally makes it to the bathroom.
17 Now, when he tries to open up the bathroom door -- and
18 you'll see a Power Point presentation tomorrow of all
19 the pictures of the house, the layout and so forth. The
20 door's locked and he can't get into the bathroom. So,
21 he forces it. And when he opens up that bathroom door
22 he sees his daughter in underwear and a bloody T-shirt
23 laying on the floor, on the tile floor in the bathroom,
24 and his granddaughter laying on top, both dead.

25 He has medical training. He's a nurse, nurse

1 anesthetist. He immediately responds to the bodies and
2 handles it almost like a trained professional, based on
3 his medical experience, and tries to administer first
4 aid. But, he also knows, based on his years of
5 experience, that the both of them are long passed. He
6 reaches for a pulse. He reaches for a breath. He's in
7 shock at his daughter and granddaughter, but at the same
8 time he's able to attempt to render aid if it's
9 possible. He calls 911 and the police are involved.

10 You have responding patrol officers. Long
11 list of witnesses, right, Officer Holish, officer Hofer,
12 other Eastpointe patrol officers, evidence techs. They
13 respond to the scene. Detective Madonia is called in.
14 We'll explain to you the different roles of patrol
15 officers, detectives, evidence techs. But, the case
16 starts at that point, and Eastpointe hits the ground
17 running, and they have this case solved within 48 hours.
18 They're on the heels of the defendant for the next 24 to
19 36 hours, following up on any lead that they can, but it
20 culminates with the defendant, his brother-in-law, the
21 defendant's brother-in-law turning him in, driving him
22 to the police department in Dearborn for him to
23 surrender himself, after a road that has twists and
24 turns and interesting occurrences, and we'll go through
25 that timeline.

1 I'll go through the timeline first and then
2 we'll go through the more proper investigation second.
3 What does the defendant do at the house from 2:00 a.m.
4 to 4:00 p.m., because in his statement he leaves the
5 house at 4:00 p.m. We can pinpoint his whereabouts from
6 other witnesses at 4:30. Going from the Nine
7 Mile/Gratiot area to the 13 and Mound area, to his
8 mother's house, his mother's apartment, we can put him
9 there at 4:30; his mother's own testimony. And then,
10 from that 4:30 time-period, he tells his mother he loves
11 her and that he's going to be going away and that she's
12 not going to be seeing him. But, I'm fixated, and I
13 think the evidence is going to clearly establish that a
14 big part of this case, ladies and gentlemen, is going to
15 be what happened between 2:00 a.m. and 4:00 p.m., when
16 he left. Where exactly did the murder take place?
17 Where exactly did the death blows come? Where was the
18 child murdered? Where was Monique murdered? Because
19 after a person is stabbed in the teens, numerous times,
20 18, 16, 18 times, and it all started in the master
21 bedroom, in terms of the argument, because we can piece
22 together his statements. The detectives, during an
23 interview, try to keep him on track to explain how this
24 took place, but it's not that easy, and he won't, he
25 gives up a little bit of the truth, but he never gives

1 up the whole nasty truth, right. That's human nature.
2 A person might admit a little bit, but not all the most
3 terrible aspects of it.

4 The hallway is cleaned. The bedroom's
5 cleaned. There's no blood. You have a woman lying on
6 her bathroom tile floor with 16, 17 stab wounds in her,
7 with no blood in other parts of the house. You have the
8 baby lying on top of her deceased mother, still in a
9 flannel onesie, a cotton baby onesie, and the way that
10 blow was administered, that death blow, that stab wound
11 to her heart, she barely bled, and you'll hear from the
12 medical examiners how all her blood was still in her
13 chest cavity. But, there's still, you'll see the open
14 wounds and you'll see the pictures of all the different
15 stab wounds that Monique had to her upper chest and
16 front and her back, as somebody was on top of her just
17 stabbing her deep because she received several different
18 stab wounds that any one of them could have been a fatal
19 blow to the lungs, to the major organs in the chest.
20 And Dr. Pietrangelo, one of the medical examiners who
21 did an autopsy on Monique, will explain that.

22 So, when the police got there, of course,
23 their first response is to render aid to a potential
24 victim, which, clearly, there were two deceased parties,
25 two deceased people, and then to secure the location and

1 start investigating and figure it out going backwards in
2 time. And we'll cover all the responsibilities of the
3 officers, how they took pictures on the outside of the
4 house, how there was no forced entry, that when the
5 father of the deceased and grandfather of the little one
6 had to gain entry, he still had to unlock doors to get
7 in there. And how they brought the Macomb County
8 sheriff's deputies back with technology that's called
9 Blue Star where, obviously, if somebody had cleaned up,
10 if you suspect that this is a murder scene and somebody
11 had cleaned up with chemicals and towels and rags, that
12 we can still spray chemicals and try and find blood
13 patterns, and you'll see all those pictures of where
14 there was blood found in the hallway and on moldings and
15 on the doors and on the walls, not visible to the naked
16 eye, because somebody was there, somebody was there from
17 2:00 a.m., all by himself, to 4:00 p.m. the next
18 afternoon, when those two people laid dead on a cold
19 tile floor in the bathroom. He was busy cleaning up.
20 He was busy smoking. He was busy figuring out his next
21 move. That's what happened between 2:00 a.m. and 9:00
22 a.m. No calls to 911. No calls for an ambulance. No
23 calls for emergency help to try and resuscitate someone,
24 an adult or a victim or a young child infant victim.
25 Just a guy figuring out his next move. How do I get out

1 from underneath this.

2 Well, first of all, I can't go wrong with
3 cleaning up, right. That's the best way to do it.
4 Let's clean it all up and then let's run. And, he left.
5 In his own words to Detective Madonia he left the scene,
6 goes to mom, 4:30, 5:00 on Thursday afternoon, sees her
7 for a short period of time, professes his love, says
8 he's not going to see her, is cryptic, not saying the
9 whole story but, clearly, something's wrong. Then,
10 what's his next stop? He's driving Monique's car. He
11 doesn't have a car himself. He drives Monique's blue
12 Impala that Monique's parents buy her and provide for
13 her, and he drives it to his cousin's house on the west
14 side of Detroit, kind of like in the Warren/Southfield
15 expressway area on the Dearborn border. He drives over
16 there and he parks the car around the corner from his
17 cousin's house, not in front of his cousin's house, not
18 in his cousin's driveway, but around the corner. What
19 does that show you, ladies and gentlemen? Trying to
20 hide the car so nobody finds it. Leaves it somewhere.
21 Uses it so he can, but doesn't want to leave it right in
22 front of his cousin's house. Walks to his cousin's
23 house and meets Davone Phillips. Now we're talking
24 about the 6:00, 6:30 hour. We have a timeline. We'll
25 put it up on the TV screen for you. Between 5:30 and

1 6:00. And, he's wearing a pull-over. He's got some
2 layered clothing on. It's February, it's cold. Davone
3 Phillips doesn't see a knife at this point, and that's
4 significant later. We'll tie it up. The evidence will
5 establish that. But, remember that. He doesn't really
6 tell Davone Phillips the whole story.

7 Davone Phillips says he's his first cousin.
8 His, Mr. Hampton's mother, Anita Hampton, who will
9 testify in this case, is his father's younger sister,
10 and that, hey, cuz, come on in, they sit down and they
11 talk. They have some drinks. I believe they had vodka
12 is what he told us in his interview, that they had a
13 couple drinks. So, now, it's 6:00, 7:00. It was about
14 20 hours, 18, 19, 20 hours after we know from his own
15 words Monique, his former significant other, and his own
16 child lay dead on a bathroom floor with coins on
17 Monique's eyes, as if from Greek mythology, pay the
18 ferryman and take the soul over. And there's a movie
19 called Boondock Saints that had that same thing, and
20 we'll talk about it with the detective, but I'm trying
21 to put you in the mind set. I'm trying to pull you in
22 so you can focus on exactly what is going through his
23 head. It's less than 24 hours, he stacked up two bodies
24 on a tile floor, a woman and his own 13-month-old child,
25 stacked them up on a cold floor and left them to die

1 after cigarettes. Now, it's time to have some drinks
2 with my cousin, figure out what my options are, do I
3 have any.

4 Davone Phillips will tell you -- and it will
5 be like pulling teeth out of him a little bit. Can you
6 imagine if you had to testify against your first cousin
7 or if you were the mother and had to testify against
8 your child. Look at the witnesses, ladies and
9 gentlemen. Are they telling you the whole story or are
10 they telling you a little bit and it's just too painful
11 and too much risk to tell you the rest of the story?
12 Are they being intentionally deceitful or are they just
13 holding back because it's human nature and they just
14 can't say the words or else it will kill them
15 emotionally inside; no pun intended. It would just tear
16 them up inside to actually have to say the actual words.
17 Compare their statements, their testimony to the
18 physical evidence that the police established within
19 that 48-hour time period from Wednesday night midnight
20 to Friday at 9:00, 9:30 a.m., when he walked, when his
21 brother-in-law takes him to the Dearborn police
22 department and makes him surrender. Because they live
23 in -- you'll see, you'll hear testimony that that's
24 where it ends up, on that Warren/Southfield expressway
25 area on the border of Dearborn.

1 All right. Let's get back to the defendant,
2 20 hours after the deaths of those two people, Monique
3 and Carmon. He's having a couple vodkas, kicking it
4 back with his cousin, trying to figure out what his
5 options are. Let's pick up where I left off there. The
6 evidence is going to establish that he asks his cousin,
7 Davone Phillips, to drive him to a woman's house, not
8 too far away, in that same area, called Brianna Keinath,
9 and she's going to be here to testify, as well. Davone
10 Phillips, Brianna Keinath. And he drops, the cousin
11 drops the defendant off at Brianna Keinath's house, and
12 he spends a few hours there, and he ends up calling the
13 cousin again for a ride, using Anna Keinath's phone,
14 because he can't stay there.

15 We're going to ask tough questions of Davone
16 Phillips, what the defendant said, what he did, how he
17 was acting. We're going to ask tough questions of
18 another friend of the defendants, Brianna Keinath; what
19 was he like that night? What did you see? What did you
20 observe?

21 And, then, at some point that Thursday
22 night -- now we're talking Thursday into midnight,
23 right, a full 24 hours after the murder of those two
24 helpless people, the defendant's cousin comes back to
25 Brianna's house because Brianna doesn't want the

1 defendant there; he's got to go. The defendant brings
2 him to his house -- excuse me, the defendant's cousin,
3 Davone Phillips, takes him back to his house. We're
4 still talking about that Warren/Southfield area. They
5 both live on that side of town. And you're going to
6 hear, in his own words, I believe, from the cousin, that
7 at that point he's got to go, you cannot stay, cousin,
8 you cannot be in my house, you got to go.

9 What's going on ladies and gentlemen? What's
10 going on without anybody really saying the specific
11 stuff? The evidence is going to clearly establish they
12 knew what was going on and Davone Phillips, who had his
13 girlfriend in his house, said you can't stay here, you
14 got to go.

15 So the defendant leaves that place in the
16 middle of the night, Detective Madonia, Detective
17 Matthew Merlo and all the other Eastpointe officers,
18 going visiting the mom's house just after the defendant
19 was there at 4:00, 4:30. Then, they figure out a
20 cousin, Davone Phillips, then they're getting phone
21 records. The detectives are in pursuit, so to speak.
22 By pursuit, I mean they're following the information
23 trail and they're going to known locations the defendant
24 might be. And you're going to see in this 40-hour
25 period they missed him at the mom's house a few hours

1 later, they missed him at Davone Phillips's house, then
2 they went and checked with Brianna Keinath because, yes,
3 Davone Phillips said, partially said what he did, how he
4 drove him somewhere and then drove him back, but then he
5 left and walked away. And Brianna Keinath is going to
6 say the same thing, yeah, he just left several hours
7 ago, he was here and he left several hours ago, but
8 they're both tight-lipped. They don't give them the
9 whole story. It's just those painful things that you
10 just don't want to admit to.

11 Still on that side of town, Warren and
12 Southfield expressway, he's now on foot, the defendant
13 is. He starts walking to his sister's house. His
14 sister is married to a Gregory Jones, a guy in the
15 security business, an armed security guard, has his own
16 company, a hard-working guy. He wakes up Friday morning
17 in the early a.m. hours and goes to his business, opens
18 up the business, and then comes back home. He's on the
19 phone with his wife. You can imagine his wife, the
20 defendant's sister is on the phone with the mom, right.
21 Everyone's had contact with each other. Everyone is now
22 notified of the deaths of Monique and Carmon and that
23 the police are looking for the defendant. Gregory Jones
24 is coming back, driving up to his house in that same
25 area. It's a few blocks over. We'll show you a GPS map

1 that points as to where the three houses are located and
2 why it was feasible for the defendant to walk from his
3 cousin's house to Gregory Jones' house. And at about
4 8:00, 8:30, 8:15 in the morning, Gregory Jones, as he
5 pulls up to his house, after opening up his business,
6 sees his brother-in-law walking down the street with a
7 hoodie. And as he walks up to him, he's already on the
8 phone with his wife, everyone is talking but nobody is
9 giving details, and Gregory Jones knows he's got to get
10 the defendant in the car, and it's already his game plan
11 to drive the defendant to the Dearborn police department
12 because that's the closest police department in the
13 area. And he's going to describe to you in his own
14 words how that took place. Curtis, CJ, however family
15 members refer to the defendant, get in the car, here,
16 your mother wants to talk to you.

17 Gregory Jones is going to testify about the
18 conversation and what was going on and the things that
19 he could pick up, and it was clear to him that it was
20 reaching out to a son to prevent him from committing
21 suicide. What's the safest thing Greg Jones could do is
22 basically exactly what he did, drive him to a police
23 department and have him turn himself in, and that's what
24 ended up happening. He took him to the Dearborn PD.
25 It's about 9:00, a little after 9:00. He's an armed

1 security guard with weapons on him. He leaves the
2 defendant in his truck without any weapons after talking
3 to his mom and quickly goes in the police department and
4 says, you guys got to come out here, this, this is who I
5 have in the car, we have to stop this. And it's almost
6 like they don't take him seriously, the Dearborn guys,
7 and he has to interact with them and force the issue,
8 and you'll hear Greg Jones describe it for himself.
9 But, eventually, what happens is the Dearborn police
10 officers, uniformed police officers from the police
11 station go out and the defendant comes in, and they take
12 the defendant into custody without any incident. They
13 pat him, they search him, and he's got a knife on him, a
14 black Rapala fishing knife, four-inch thin-bladed
15 fishing knife, and he's got a couple of wounds to his
16 chest.

17 That's what the evidence will establish
18 happened within 48 hours of crime. Right. Then, you
19 have the Dearborn officers playing a role. We have
20 about four, five officers from Dearborn. If something's
21 at issue about what happened at Dearborn, we'll call all
22 five of them. Depending on how this case goes, ladies
23 and gentlemen, and I told you I'm going to structure
24 this case to answer the elements of the crimes charged
25 and I'll prove that case to you, that he committed

1 murder against both of those individuals, and the
2 attempted CSC, and the child abuse, et cetera. That
3 will be proven to you beyond a reasonable doubt. But,
4 if we don't have to call officers that played a minor
5 role, then we won't. But, that's the timeline.

6 Behind the scenes, in the next several days,
7 next several weeks, next several months is what the
8 other witnesses are all about. Detective Madonna's
9 interview with the defendant. And Detective Madonia
10 will testify for you, in summary fashion, as to what the
11 defendant did admit to, how the detective was trying to
12 get him back on track to focus during a three-hour
13 interview covering numerous topics. But, per the Rules
14 of Evidence, he's going to -- and what the judge allows,
15 Detective Madonia is going to testify, in summary
16 fashion, as to what the defendant did admit to. And if
17 it fits the direct evidence, if it fits the physical
18 evidence or it clearly shows they're cheap lies and
19 excuses and not really, yeah, you might be telling the
20 truth about one or two things, but you're not telling
21 the truth about 10 out of 10; always holding back the
22 most horrific aspects that can't be spoken into words.
23 But, the physical evidence will clearly show you exactly
24 what happened; that both those people died at his hands,
25 ladies and gentlemen, after he was enraged from Monique

1 Rakowski turning him away from sex, being with another
2 man, taking his child away from him and not being a part
3 of the lives of those two people.

4 You'll hear from the medical examiners that
5 went to the scene, that analyzed the scene, that did the
6 autopsies, the cause of death. Dr. Mary Pietrangelo,
7 who actually responded to the scene, Dr. Daniel Spitz,
8 who did the autopsy on Carmon, 13-month-old infant.

9 You'll hear testimony from Jodi Corsey who works for the
10 MSP crime lab, regarding collecting blood and DNA.

11 You'll hear from Amanda Fazi, a DNA expert, as to
12 certain things that were tested. We'll explain to you,
13 through the officers, what their responsibility, what
14 their roles are, Detective Madonna's role, not only as a
15 interrogator of the defendant, with the defendant's
16 admissions, but also the person in charge of this case,
17 guiding it through the court system, getting it here,
18 taking things to the lab, working with the lab,
19 analyzing where the case has taken him to, we need this
20 piece of evidence tested. But, if the case takes us
21 this way, then we need another piece tested.

22 But, the bottom line, ladies and gentlemen, is
23 there were two murder weapons, in other words, two
24 knives, the evidence will establish, were found, and
25 you'll see pictures of them. One knife was found on the

1 tile floor next to Monique Rakowski and Carmon
2 Piatkowski's body, exactly the way he left them at 4:00
3 p.m., dead on a slab tile floor, and another knife
4 that's consistent with the injuries, consistent with the
5 deep penetrating small incision on a 13-month-old, like
6 a four-inch filet knife that has narrow blade as
7 compared to a folding buck knife that has a wide blade,
8 and depending on how deep you go into a person's body
9 you'll see the different wounds. You'll be able to see
10 them for yourself.

11 And yes, you are going to have to see some
12 tough pictures. But, ladies and gentlemen, the evidence
13 will establish and at the end of this case it's going to
14 be clear to you that there's no excuse for what
15 happened, that he did it, he's responsible for each and
16 every crime charged, and there's no reason why Monique
17 Rakowski and Carmon Rakowski shouldn't be alive today,
18 except for his selfishness, his temper, his actions and
19 then his run away.

20 And you're going to hear in his own words, the
21 defendant's own words to Detective Madonia, that he was
22 a coward, that he couldn't even kill himself, he tried
23 drowning himself in the house, he tried stabbing himself
24 in the chest, and all these just terrible cheap excuses.
25 After leaving those two people dead in Eastpointe, he's

1 going to try and portray he was stabbed and he then
2 tried to commit suicide. And we're going to show you
3 pictures of his injuries, ladies and gentlemen. So, at
4 the end of this case, you're also going to see those
5 life-threatening so-called injuries that defendant had
6 on his person, or the suicide attempt with a knife
7 sticking out of his chest that were treated by two
8 band-aids and a little antibiotic ointment that the
9 hospital in Dearborn, after he surrendered himself in
10 Dearborn. And, that's it, ladies and gentlemen.

11 I think you for your attention in advance.

12 THE COURT: Mr. Sheikh, do you care to open
13 now? Thank you --

14 MR. SHEIKH: Good afternoon, ladies and
15 gentlemen. You're probably thinking what's he going to
16 say now, after what Mr. Fedorak has painted this picture
17 before you folks. Just remember a couple of things.
18 First of all, you're hear until the decision is made.
19 So whether you listen to me or not, you're still going
20 to be here. It's very common that people think that as
21 soon as the defense attorney comes up, what's he going
22 to come up with now. It's nothing like that at all. I
23 want you to listen to certain things. All right.

24 First of all, as I indicated to you before,
25 people and situations aren't always black and white.

1 There's different shades of gray. Nobody's perfect.
2 Nobody's imperfect.

3 Let's start with this; first of all, the
4 relationship. Mr. Fedorak keeps referring to it as a
5 relationship being over and somehow Mr. Hampton being
6 upset by it and trying to work his way back into it.
7 That's not the case at all. You're going to hear
8 testimony. Don't listen to what I say. You're going to
9 hear testimony they were in a relationship for about a
10 year. They had the young lady, Carmon, who is 13 months
11 old at the time that this happened. There comes a time
12 where Monique meets somebody on-line or something, goes
13 off to see him down south, gets married, it doesn't work
14 out, comes back, all in a couple of months. She's back
15 in January, connects with Mr. Hampton, has him move back
16 to her. He's living with her. He wakes up the day that
17 this happens and everything. They want you to somehow
18 think that he's somebody that came over all upset and
19 did all this premeditated. What happens is they're in
20 the relationship, they're together. Even this
21 particular day she goes out, as she went bowling and she
22 took care of some other things. Mr. Hampton stays at
23 the home and takes care of Carmon.

24 Now, what happens is, you know, there are bad
25 things and good things. The bad things are that Mr.

1 Hampton -- well, they're not so much bad, but just
2 circumstances in life. He has three sons by three
3 different ladies and they're under 18. So he's paying
4 child support on them and so forth. And he's got this
5 case out there with Monique that we talked about, the
6 domestic violence case that they had going on which,
7 obviously, both of them were still back together even
8 after that. What happens is, is that Mr. Hampton is
9 very close with his mother, gives her some money to go
10 pay on some of these accounts for the Friend of the
11 Court, cases that he's got to pay for on his child
12 support and so forth. When she goes to pay, she's just
13 paying -- she pays, I guess, on the wrong one and forgot
14 to pay on one or something. So that issues a warrant
15 for his arrest for failure to pay child support. He's
16 very upset about it. He knows now he's going to have to
17 explain to her and so forth. He brings that up to
18 Monique at her house, the house where they wake up
19 together after being intimate, after being together all
20 night long. Goes out, gets the kids, comes back, he
21 explains to her and they have a tussle. You know, by
22 tussle they argue about it and stuff. She's really mad.
23 She says to him, you know, your mom f'd up really bad
24 and now, you know, you got to go, and what about Carmon,
25 and I need diapers, and I need other things and stuff.

1 They start getting into a fight and stuff, and he says
2 relax, first of all, don't say anything about my mom,
3 it's not her fault. I'm trying to get her to do me a
4 favor and she paid on the wrong one, and it caused this,
5 some sort of clerical error, that's on me. I'm going to
6 take care of this and stuff. They start edging back and
7 forth between them. She picks up Carmon and she starts
8 threatening and says no, you better take care of this
9 right now (inaudible) hurt the baby now.

10 Let's talk about one other thing. You notice
11 Mr. Fedorak mentioned a couple of times that Monique had
12 an older son that the parents keep taking care of.
13 She's got some issues with addictions and stuff. You'll
14 see her alcohol content, the drugs and stuff that she
15 took, stability. Her parents had to take care of her.
16 Very similar to the situation with this juror here where
17 her son has, you know, got a situation and she stepped
18 in and had to take care of her. That's why she doesn't
19 work or anything. They take care of her house. They
20 take care of everything for her and they have custody of
21 her son. She does not have custody of her son.

22 So, again, I'm not trying to knock the lady,
23 but, obviously, there's some situations there. Who has
24 a 10-year-old son here in Michigan and a little baby,
25 and meets some guy on-line and runs off down south,

1 marries him, and comes back within two months, and then
2 picks up the phone and calls the guy that's supposedly
3 abusive to her and says, hey, baby, come on over, you
4 know, come back in with me, I'm back in town, let's just
5 hang out at Normandy again.

6 Again, I'm not knocking the lady, but the
7 bottom line is it's not like this would beyond her for
8 them to have had this agitated discussion.

9 Somehow, we don't know, some things we're not
10 going to know the answer to. I will never know until
11 the day I die exactly how Carmon died, other than we
12 know what killed her. What killed is one wound, just
13 one wound, and it happened to go through the heart and
14 lung and took her life. Whether that happened on
15 accident or while Monique was, you know, threatening to
16 do it or did it intentionally. At that point, Mr.
17 Hampton did, in fact, flip out. He started going crazy.
18 She's running and she's hitting herself, and he's
19 stabbing her. He's just -- it's (inaudible) what
20 happens.

21 The reason that that's supported is there's a
22 difference between first-degree murder, second-degree
23 murder, manslaughter and things like that. You have to
24 keep all of this stuff in perspective. So that's where
25 that part comes in.

1 Now, under the scenario that Mr. Fedorak would
2 have you believe is that somehow Mr. Hampton is living
3 somewhere, where ever he lives, he knows he's going to
4 jail -- rather handsome looking guy. He's going to say
5 to himself, you know what, before I go to jail I'm going
6 to go over there, see Monique and hit it, whether she
7 wants to or not, I don't care what she wants to do, and
8 he goes over there, and she says I'm here with the baby
9 and stuff, I'm not going to let you be intimate with me,
10 and he goes off on her, kills her, and then kills the
11 baby and hangs around there for hours. That doesn't
12 make any sort of sense at all. What, you're taking
13 nothing with him. These knives were from the house, in
14 addition to which Monique had a habit sleeping with
15 knives under the bed, the mattress, you'll hear about
16 that and stuff. They were there, their knives.

17 Now, at this point, you know, what Mr. Hampton
18 did is inappropriate. He should have handled it
19 differently. After that happens, he goes back, he looks
20 at the baby, he's just very sad, tries to give the baby
21 mouth to mouth and stuff. He told Detective Madonia
22 that. He'll testify to that if he testifies truthfully
23 in accordance with what was told him. He tries and
24 tries, and he notices that she's wet herself, basically
25 indicates that she's lost body functions, she's

1 deceased. He zips her back up. He goes and puts her
2 quietly on top of her mother and he puts the pacifier in
3 her mouth. He doesn't know what to do. He's
4 devastated. Then, he tries to kill himself by drowning
5 himself in the bathtub. He'd been stabbed during this
6 injury and stuff, too. So, he goes in and cleans that.
7 He doesn't know what to do. None of this stuff makes a
8 whole lot of sense because none of this case is going to
9 make sense. If you believe every single thing that Mr.
10 Fedorak says, that he would like you to believe from his
11 interpretation of the evidence, it's still not going to
12 make sense, and everything that I tell you is not going
13 to make sense. We're not here to make sense over this.
14 We're here to see are the charges appropriate for what
15 is being alleged against this individual. No matter how
16 much they try to cover it up, what happens? Mr.
17 Hampton, what does he do? He stays there. He doesn't
18 know what to do. He's cleaning up. He doing -- he's
19 stressed out. Goes get some cigarettes. He stays there
20 until about 4:30 the next day. What does this brilliant
21 criminal that's going to go right across the world do?
22 He goes to his mom's house. Where do you think is the
23 first place anybody would look for him if that was the
24 case? And just because he's not telling her everything
25 that happened, he's distraught and stuff, that doesn't

1 mean he's lying. He didn't lie to her. He said mom,
2 you know, things are happening, I may not see you again,
3 I love you. What does that show? Remorse and stuff,
4 not anybody that's done anything consistent with a
5 first-degree murder.

6 Then, on top of that, when he goes to his
7 relatives and he's seeing them and he goes and turns
8 himself in. They want to characterize that as somehow
9 his cousin took him and said hey, we got no place for
10 you over here, I'm going to throw you in the back of a
11 police car and take you over to Dearborn police and turn
12 you in over there. That's not what happened. You're
13 going to hear that that's not the testimony either.
14 But, again, the characterization is there. And, really,
15 the whole thing is, the whole mystery with Carmon.
16 Nobody's going to tell you anything other than the fact
17 that there's one wound, penetrated the heart and lung
18 and took the baby's life right away.

19 He's there feeling remorse, feeling
20 (inaudible) what's all happened, what's happened to
21 Carmon, what happened to Monique and stuff. Goes gets a
22 pillow, puts it there, pillowcase, blanket. And Monique
23 had a poster of this movie, Boondock what ever it's
24 called. I have never heard of it, but I guess in that
25 movie when somebody dies they put coins on there. He's

1 trying to comfort her. That's one of her favorite
2 movies. That doesn't make any sense. Does that make
3 any sense of somebody that is being characterized as a
4 first-degree killer, that goes over and kills somebody
5 and is heartless and doesn't care. He puts the coins on
6 the eyes and he's standing -- he doesn't know what to
7 do. He's trying to (inaudible).

8 I'm not saying that by the time this trial is
9 over you're going to say, okay, Mr. Hampton is a great
10 guy and he got the short end of the stick. We're not
11 here blaming the victim. We're not here saying that any
12 of these things should have happened the way that they
13 happened, but you have to put all of these things in
14 perspective. You hear Mr. Fedorak say oh, 16, 17 times
15 she's stabbed. Now, really, actually, it's either 13 or
16 14. Autopsy report indicates 13. Most of the police
17 reports indicate 14. So it's not that big a deal in
18 that sense, but you have to keep it all in perspective,
19 ladies and gentlemen, that they have a certain scenario
20 that they want you to believe.

21 The charges of attempted sexual assault, that
22 makes no sense at all. When Mr. Hampton is there at the
23 police station and he's talking to them about, you know,
24 like what kind of led up to arguments, or what it was,
25 and he's saying, well, you know, we were in bed, I

1 wanted to have sex and she didn't, and, you know, other
2 things of that. Nothing about I tried to have sex with
3 her against her will.

4 There's no indication that any sex was had.
5 There's no indication of anything like that. All there
6 is, is when they do find Monique she's wearing sweats,
7 sweat pants around the house, and she's wearing a pair
8 of dark panties, green and black, and the panties are
9 down by the knee. Now, she's been, you know, dragged
10 back and forth. She's laying there like this. It's not
11 unseen that that would come down a little bit. From
12 that, they're deducing that somehow there was some sort
13 of attempt to conduct sexual activity and so forth like
14 that.

15 Now, as far as the child abuse case is
16 concerned, there is absolutely no child abuse. What
17 they're doing is putting the cart before the horse.
18 They're saying somehow that Mr. Hampton killed Carmon
19 and that that itself is child abuse, the wound. There's
20 nothing else, you'll see. There's no broken bones.
21 This child is taken very well care of. If you see most
22 of the pictures from the house, I'm surprised. I have
23 grandkids and they don't have nearly as many toys, and
24 the diapers are there. It's a beautiful crib that she
25 has. This child, God bless her, was very well cared

1 for, and you'll see that from the pictures, that's not
2 just me talking, depending on how many get introduced.
3 There is no abuse.

4 So, what they're doing is taking this
5 situation, which Mr. Hampton did not act the way he
6 should have acted. He should have calmed things down.
7 He probably shouldn't have got re-involved with somebody
8 that could just take off on a moment's notice with
9 somebody on-line, abandon the kids, and then say come on
10 back, baby, and you come running back over there. So,
11 shame on you for that. But, once he gets back into this
12 relationship and stuff, and the way he acted and
13 everything like that, if you must, find him guilty of
14 manslaughter when the judge instructs you, which I hope
15 she will. But, ladies and gentlemen, by no stretch of
16 the imagination is this case a case of first-degree
17 murder, attempted sexual assault or child abuse.

18 When you're listening to the evidence, and I
19 know you will be, and it's going to be very captivating,
20 look, you're going to see no injuries on Carmon at all
21 indicating any sort of abuse. You're not going to see
22 any signs of sexual activity to do with Monique at all,
23 any attempt, anything like that at all. They're drawing
24 all these inferences from the things that I told you
25 because she's found in her panties with her sweats down.

1 Now, if this guy is some brilliant
2 first-degree murder/rapist sort of guy that's going to
3 go over there, abuse the child and do all that, you
4 don't think he's going to dress the woman back up or
5 something, or at least do what he came to do. There's
6 none of that kind of stuff. That's all meant to inflame
7 your emotions and stuff.

8 All I'm asking you, ladies and gentlemen, to
9 do is not to believe a single thing I said, but keep
10 your eyes open, keep your ears open, listen to the
11 evidence, because you do owe Mr. Hampton that, you owe
12 Monique that, and you owe Carmon that, because when you
13 look at everything you will realize that this is not
14 anything to do with first degree. At the most, it's a
15 manslaughter conviction at that.

16 Thank you.

17 THE COURT: Thank you. We will conclude
18 today. We will resume tomorrow at 10:00 a.m. Thursday,
19 I anticipate starting around 10:00 or 10:30, and Friday,
20 remember, we're not going to be here nor the following
21 Monday. So we'll see you all tomorrow at 10:00 a.m.

22 THE BAILIFF: All rise for the jury.

23 (At about 4:36 p.m., Jury Excused).

24 THE COURT: You may be seated. Anything else
25 for the record before we recess?

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

PEOPLE OF THE STATE

OF MICHIGAN,

People,

vs.

Case No.: 2015-1559-FC

CURTIS LEE HAMPTON,

Defendant.

_____/

JURY TRIAL - VOLUME II,

BEFORE THE HONORABLE JENNIFER M. FAUNCE

Mount Clemens, Michigan - Wednesday, March 15, 2017

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Wednesday, March 15, 2017

Mt. Clemens, Michigan

At about 10:18 a.m.

* * *

THE COURT: People versus Hampton.

MR. PALEPU: Kumar Palepu.

MR. SHEIKH: Good morning, your Honor. Azhar Sheikh, counsel here on behalf of Mr. Curtis Hampton who is to my left and ready to proceed.

THE COURT: Okay.

MR. FEDORAK: Good morning, Judge. Juriј Fedorak for the People. We're ready to proceed as well, Judge.

THE COURT: Ready for the jury, then. Bring them in.

Is your first witness present?

MR. FEDORAK: Yes, your Honor.

(At about 10:33 a.m., Jury Seated).

THE COURT: Okay. You may be seated. Welcome back.

Mr. Fedorak, your first witness.

MR. FEDORAK: Thank you, Judge. We call Sharon Rakowski, your Honor.

THE COURT: Before you sit down, raise your right hand. Do you swear to tell the truth, whole

1 truth, nothing but the truth, so help you God?

2 THE WITNESS: Yes ma'am.

3 SHARON RAKOWSKI,
4 after having first been duly sworn by the Court to
5 tell the truth, testified as follows:

6 THE COURT: Have a seat. You're under oath.
7 Please state and spell your name for us.

8 MS. RAKOWSKI: Sharon Rakowski. Sharon,
9 S-h-a-r-o-n. Rakowski, R-a-k-o-w-s-k-i.

10 THE COURT: Thank you.

11 MR. FEDORAK: Your Honor, may I approach the
12 witness? Counsel and I have stipulated to something.

13 THE COURT: Yes.

14 (At about 10:34 a.m., Discussion off the
15 Record).

16 THE COURT: Go ahead.

17 DIRECT EXAMINATION

18 BY MR. FEDORAK:

19 Q. Good morning.

20 A. Good morning.

21 Q. I know this is going to be extremely difficult. At any
22 time you need to take a break, please indicate it, or to
23 collect yourself, you need a cup of water, please let us
24 know.

25 A. Okay.

1 Q. If you can introduce yourself to the jurors. Tell them
2 your name.

3 A. My name is Sharon Rakowski. I'm Monique's mother. Was.

4 THE COURT: You've got to keep your voice up
5 just a little bit more.

6 MS. RAKOWSKI: Okay. I'm sorry. Talk into
7 here.

8 Q. (By Mr. Fedorak) Back in 2014 -- excuse me, 2015, the
9 February time is where we're going to start and go back.
10 You are married. And your husband's name is?

11 A. Michael.

12 Q. Okay. And what city, just generically, the city that
13 you two live in.

14 A. Sterling Heights.

15 Q. At the time, in February, where was Monique living?

16 A. In her house in Eastpointe.

17 Q. Okay. And that was on Normandy street.

18 A. Yes, sir.

19 Q. Okay. And is it fair to say that you and your husband
20 were helping Monique not only with the day-to-day lives
21 but also some financial things, the house and her other
22 older child?

23 A. Yes.

24 Q. Okay. Can you please describe, at that time, was
25 Monique married, in February of 2015?

1 A. Yes.

2 Q. Who was she married to?

3 A. Nick VanLooven.

4 Q. Okay. And where does Nick fit into this picture? In
5 other words, how long had Monique known Nick?

6 A. Monique first met Nick in 2006, I believe. They lived
7 together for about eight months. Then, they broke up.
8 He came back into the picture later. Damien was about
9 three.

10 Q. Okay. Let's start with that. Damien is a child --

11 A. Yes.

12 Q. -- that Monique had.

13 A. Yes.

14 Q. That was with another gentleman that had nothing to do
15 with this case, correct?

16 A. Yes.

17 Q. In 2015, how old was that child, Damien?

18 A. Damien was 10.

19 Q. Okay. And where was Damien living in February of 2015?

20 A. He was living with us.

21 Q. And why was he living with you guys?

22 A. So he could go to Utica Community Schools, the same
23 school that Monique went to. She wanted him to go
24 there.

25 Q. Okay. Ultimately, you did have to get a guardianship

1 over him; is that correct?

2 A. After Monique was killed.

3 Q. Exactly.

4 Now, let's get back to Nick, please. In the
5 end of 2014, leading into January and February of '15,
6 where was Nick living at the time, her then husband?

7 A. Oklahoma.

8 Q. And when, when did Monique go back to -- I'm sorry. At
9 some point, did she leave Michigan for awhile?

10 A. Yes.

11 Q. Okay. Where did she go?

12 A. She went to see Nick in Oklahoma.

13 Q. And did she renew her relationship with Nick?

14 A. I believe they had started prior to that, perhaps in
15 November of that year, through on-line. They hooked up
16 on Facebook again and started talking.

17 Q. Okay. And at some point, did she actually physically
18 get married with Nick?

19 A. Yes, she left our house in December, early December,
20 like the first or the second, and they got married
21 December 8th.

22 Q. Okay. December 8th of 2014?

23 A. Yes, ma'am -- sir. I'm sorry.

24 Q. I'm sorry?

25 A. Yes, sir, December 8, 2014.

1 Q. Okay. A couple months prior to the reason we're all
2 here.

3 A. Yep.

4 Q. Okay. How long did she stay in Oklahoma as it relates
5 to December? Was she in Oklahoma all of December and at
6 some point did she come back?

7 A. Yeah. She, she went in December. She went with Carmon,
8 and then Carmon's birthday was December 21st. My
9 brother had died on December 10th. So she was coming
10 back for the wake and Carmon's birthday on the 21st, her
11 and Nick and the baby came back.

12 Q. Okay. At that point, was she having any contact with a
13 person that you know as Curtis Hampton?

14 A. Not that I know of.

15 Q. Okay. I have to ask you some tough questions. Do you
16 see the person that you know is Curtis Hampton here in
17 the courtroom?

18 A. Oh, yeah.

19 Q. Can you please point to him and describe what he's
20 wearing?

21 A. A red shirt.

22 MR. FEDORAK: Your Honor, if the record can
23 reflect the witness has identified the defendant, Mr.
24 Hampton.

25 THE COURT: So noted.

1 Q. (By Mr. Fedorak) Earlier in 2014, and even in 2013, did
2 Monique have a relationship with Curtis Hampton?

3 A. On and off.

4 Q. Okay. And they had a child in common?

5 A. Yep.

6 Q. That was your granddaughter.

7 A. Carmon.

8 Q. Did you see, did you see -- let's structure it this way.

9 We're talking about December. She's getting married,

10 she's in Oklahoma, she's with Nick. She comes back in

11 December for the two events that you referenced, your

12 brother's funeral and the wake and Carmon's birthday.

13 When was the first time you saw or heard of Curtis

14 Hampton interacting with your daughter as it relates to

15 December of '14, January of 15?

16 A. Monique came back from Oklahoma in early January of '15

17 and the baby, Carmon, was sick.

18 Q. Okay. And what exactly was wrong with the baby?

19 A. She had an infection in her lymph node and it became

20 really bad. She had a huge high fever. She was in the

21 hospital for like seven days. They had to end up doing

22 surgery and packing it with gauze.

23 Q. Your husband is in the medical field?

24 A. Yes, sir.

25 Q. What does he do for a living?

1 A. He's a nurse anesthetist.

2 Q. And your profession?

3 A. I'm a legal assistant.

4 Q. I assume that the two of you helped Monique out in
5 January and helped with the baby.

6 A. Of course, yes.

7 Q. And when would you say is the first time that Curtis
8 Hampton re-entered the picture in January of '15, as it
9 relates to the baby's medical treatment in January?

10 A. I think Monique told him as soon as Carmon went in the
11 hospital. She was very concerned. She thought
12 something was really wrong with Carmon and I think she
13 probably told him that he needed to get to the hospital.

14 Q. Okay. So she was allowing him to have contact with his
15 biological daughter.

16 A. When she was sick, I believe so, yeah.

17 Q. Okay. How long was Carmon in the hospital for,
18 approximately?

19 A. Seven to 10 days. We were -- can't really remember
20 because everything sort of, sort of just mushes in
21 together. But she was in the hospital at least seven
22 days because they were for four days before they even
23 did the surgery.

24 Q. Okay. Is it fair to say it was pretty much probably the
25 last week of January and she was discharged at the

1 beginning of February?

2 A. Yes, yes.

3 Q. Okay. And during the time of this tragedy, was she
4 still, was Monique still tending to Carmon and her
5 medical treatment in terms of the infection and the
6 gauze and so forth?

7 A. Oh, she was there every single day and all night, and I
8 gave her breaks. I would go to the hospital. She would
9 go for a couple hours and change, take a shower, but she
10 was there 24/7. He was pretty much there 24/7.

11 Q. By he, you mean Curtis Hampton?

12 A. Right. They were very concerned. I'm sorry. They were
13 very concerned. She was very sick.

14 They did the surgery and they packed it with
15 gauze because of where it was. It had like a huge gap
16 there or something. I mean I'm not a medical person. I
17 don't know.

18 Q. We'll ask the detailed of questions of your husband.

19 A. Right.

20 Q. Your husband assisted with Carmon's care.

21 A. Yes, yes.

22 Q. Okay.

23 A. They packed it with gauze and then everyday for 10 days
24 after the surgery she would have to pull out two inches
25 of the gauze out of Carmon's neck and cut it off because

1 it had to grow from the inside out. So the gauze had to
2 be pulled out so it had room to heal inside. So
3 everyday, for however many days after that, she would
4 hold Carmon or Curtis would hold Carmon and they'd pull
5 out two inches of the gauze and cut it off.

6 Q. And during this time, at the end of January and the
7 first couple weeks of February, where was Nick living,
8 her husband at the time?

9 A. In Oklahoma.

10 Q. So he was back working in Oklahoma.

11 A. Right.

12 Q. Okay. At some point, Monique was able to take Carmon
13 home to the Normandy address in Eastpointe, correct?

14 A. Correct.

15 Q. Okay. As far as you know, was Curtis Hampton living or
16 staying at that address?

17 A. No, not that I knew.

18 Q. Okay. Now, I'd like to kind of turn your attention to
19 the days that led up to that time period on February
20 12th. Wednesday, it was a Wednesday on February 12th,
21 2015. Did you have contact with your daughter that day?

22 A. Yeah. Every Wednesday we bowled on a league.

23 Q. Okay.

24 A. So I met her at the bowling alley, as usual, Carmon, and
25 we bowled our usual games.

1 Q. And Carmon was present with Monique. She brought her to
2 the bowling alley?

3 A. Oh, yeah. We had a crib that used to fit right at the
4 end of the bowling alley.

5 Q. One of those pop-up cribs?

6 A. Pack-and-play.

7 Q. And if I remember correctly, there was something about a
8 hairdresser that day, one of the other events, scheduled
9 events you had.

10 A. Yeah, that was, Monique had wanted to get her hair
11 highlighted for Christmas. I think it was for
12 Christmas. Oh, no. I don't even remember. She wanted
13 it highlighted for something she was doing. And so, I
14 made an appointment for that day and we went. She went
15 home and left the baby with CJ, and then we went to the
16 hairdresser together and both got our highlights done
17 that day.

18 Q. Okay. And at some point, did you guys separate that
19 evening?

20 A. Yeah. It took a lot longer at the hair place than we
21 had anticipated and she was anxious to get home because
22 she was afraid Curtis was going to be mad because it
23 took so long.

24 Q. Okay. And as far as you know, approximately what time
25 did she leave you that night?

1 A. About 4:30.

2 Q. In the afternoon?

3 A. 4:30, yeah, because our appointment was at 1:00, and I
4 think she left the house about 4:30, 5:00 maybe.

5 Q. Okay. And as far as you know, she went home to the
6 Normandy address?

7 A. Oh, yeah. She was in a hurry to get there.

8 Q. Okay. Did you have any telephone contact or attempted
9 telephone contact that evening?

10 A. I tried to call her about 7:00 to confirm for baseball
11 the next day, but I don't remember her answering.

12 Q. Okay. And her son, Damien, was staying with you guys.

13 A. Yep.

14 Q. It's February. So, I assume he's in school at that
15 point. No break, winter break or Christmas break?

16 A. Right.

17 Q. Was there a routine that --

18 A. Yeah, she would --

19 Q. -- the next day --

20 A. She would come every morning and get Damien off for
21 school.

22 Q. Did she show up the next day, on Thursday?

23 A. No. She didn't show up. But, she had an appointment
24 with Carmon to take her for follow-up for the surgery.
25 So I assumed that she just ran out of time because

1 sometimes with getting the baby ready and stuff she'd
2 run out of time. She'd call and say, mom, I can't get
3 there for Damien this morning. But, she didn't call or
4 anything. So I just thought she was going to take
5 Carmon to the doctor, and I texted and I texted.

6 Q. Okay. And you indicated that that Thursday appointment
7 for Carmon was a follow-up for the procedure to the
8 doctors?

9 A. (Nodding Affirmatively).

10 Q. I'm sorry. Is that yes?

11 A. Yes. I'm sorry.

12 Q. That's okay. The court reporter is typing every word.

13 A. I'm sorry.

14 Q. So you, again, started trying to reach her Thursday
15 morning?

16 A. Yeah. I texted you know, what's going on, you know, got
17 to get to school, are you taking Carmon to the doctor,
18 what did the doctor say. I never got any response.

19 Q. Okay. At some point, did you interact with your husband
20 about Carmon's -- excuse me, Monique and Carmon's
21 whereabouts?

22 A. Well, she was always there when Damien got out of
23 school. Always. She was always there when Damien got
24 out of school. She wasn't there. And she had signed
25 him up for a traveling baseball league, and we'd had

1 really big conversations about what a commitment it was
2 and how much money it cost, and she had promised
3 religiously that she would be there to take him to
4 baseball practice because, you know, I said we can't
5 keep up with this, we can't travel all over the place
6 with him, you're going to have to do it. And she
7 promised religiously that she was going to get him to
8 practice, she was going to take him to the games, she
9 was going to do all that. And then, she didn't show up
10 for practice. Right then, I knew something bad was
11 wrong because she would have never missed that practice.
12 She was religiously taking him because she wanted him so
13 badly to do well at baseball.

14 Q. Okay. And at some point, did you ask your husband to do
15 something that evening, on Thursday, February 13th?

16 A. Yeah, I called him. I said I got to go to baseball
17 practice, got to take Damien to baseball practice, I
18 don't know, can you check on her, she hasn't answered me
19 all day.

20 Q. So you took Damien to practice that evening, that
21 afternoon, that evening?

22 A. Yeah, right. Yep, I took him to practice and I kept
23 texting Michael and saying just check on her because it
24 isn't like her not to come to practice.

25 Q. Okay. And as far as you know, did your husband go to

1 the Normandy address at some point that evening?

2 A. He went there and texted me and said it's all locked up,
3 I can hear a dog barking, but it's all locked up, I
4 don't have the key with me, her car's not here, so
5 they're probably not here.

6 Q. Let's talk about that car for a second. What type of
7 car was she driving at the time?

8 A. I don't know. I don't remember. We just bought it for
9 her.

10 Q. A blue Chevy Impala.

11 A. Yeah.

12 Q. Does that sound right?

13 A. Yeah, probably. We just bought it for her. I mean her
14 other car had died and we didn't want Carmon in, you
15 know, a broken-down car, and my husband --

16 Q. An unreliable car?

17 A. Right. We said you can't be in an un-safe car with a
18 baby. So we had just bought it for her. My mother had
19 just bought it for her, actually.

20 MR. FEDORAK: Okay. One second.

21 (At about 10:49 a.m., Discussion off the
22 Record).

23 Q. (By Mr. Fedorak) After the hairdresser and the bowling
24 on the afternoon of that Wednesday, did you ever see
25 your granddaughter and your daughter again?

1 A. No. I said bye, I love you. She said bye, I love you,
2 too, mom. I never saw her after that.

3 MR. FEDORAK: Thank you, your Honor. Nothing
4 further.

5 THE COURT: Mr. Sheikh.

6 MR. SHEIKH: Yes.

7 CROSS-EXAMINATION

8 BY MR. SHEIKH:

9 Q. Good morning, Mrs. Rakowski.

10 A. Good morning.

11 Q. First of all, ma'am, it probably doesn't mean a lot
12 coming from me, being the defense attorney, but I'm
13 very, very sorry for your loss. As a father, a
14 grandfather and a human being, words fail me. Okay.

15 I do have to ask you some questions, if you
16 don't mind, okay.

17 A. Yes, sir.

18 Q. Okay. First of all, to the best of your knowledge,
19 ma'am, how long were Monique and the defendant -- I
20 believe you also referred to him as CJ, Curtis or CJ --
21 in a relationship, to the best of your knowledge?

22 A. She was still living in the trailer when he met her.
23 Maybe 2013. No, no. Before that. Maybe 2012 or '11.
24 I don't know. She was living in the trailer and he
25 lived across the street with his other baby mama.

1 Q. Okay. And did they -- they started a relationship which
2 went off and on for a couple of years; is that correct?

3 A. I don't -- it was very on and off. He'd show up and
4 then go away for awhile. I mean we -- he showed up at
5 one point after she hadn't seen him in like six months
6 with a limo. I don't even remember. It was one of
7 those over-the-top things.

8 Q. Was this, when he showed up with the limo, was this at
9 the trailer or was this at the house on Normandy, if you
10 recall, ma'am?

11 A. I don't think it was at the house on Normandy. I think
12 she might have been in-between the trailer and the
13 house.

14 Q. Okay. And it's obvious that their relationship involved
15 some level of intimacy because Carmon was a product of
16 this intimacy; is that correct?

17 A. Yes, sir.

18 Q. Did there come a time -- where in the relationship, if
19 you recall, ma'am, did you come to meet Mr. Hampton? In
20 the beginning of the relationship, towards the end, in
21 the middle?

22 A. I think in the beginning I met him, maybe. He came with
23 us on vacation in 2014, I think. I think that was the
24 year.

25 Q. And --

1 A. The same year Carmon was born. No, she was born
2 in -- I'm sorry. Let me just --

3 Q. That's fine, ma'am. Take your time.

4 A. Carmon was born in 2013.

5 Q. '13.

6 A. Right. So, yeah, in 2014 he came on vacation with us.

7 Q. And was this an overnight weekend get away or was it a
8 little longer?

9 A. No, it was a week.

10 Q. Okay. And of course, Monique and the whole family came,
11 correct?

12 A. Yep, cousins. There was a whole bunch of us.

13 Q. And did other family members meet Curtis, as well?

14 A. Oh, yeah.

15 Q. And as time went on, did there come a time where maybe
16 either you or you and your husband were not that crazy
17 about Curtis and Monique being in a relationship?

18 A. Yes.

19 Q. Did you ever convey that to Monique?

20 A. After he put her in the hospital I was pretty adamant
21 about it.

22 Q. Okay. Ma'am, just -- so, at some point, there came a
23 point where you expressed dislike for her being in a
24 relationship with Mr. Hampton; is that correct?

25 A. That's correct.

1 Q. Okay. Do you know if after that point of which you just
2 indicated, did they re-kindle? Did they get back
3 together after that, as well?

4 A. After he put her in the hospital?

5 Q. After that incident, yes.

6 A. Yes.

7 Q. Okay. And do you know, was that a mutual thing?

8 A. Mutual what?

9 Q. In terms of whether Monique and Curtis, they, what ever
10 reason, decided to get back together. It wasn't like he
11 just came and stormed over.

12 A. He always put the full court press on. He'd bring
13 flowers, apologize, what ever, and she'd -- what ever.
14 That's what she did. She accepted him back.

15 Q. Did Monique have any kind of substance abuse problems
16 that you know of?

17 A. She drank a lot.

18 Q. Okay. And did she have any difficulty with prescription
19 drugs, that you know of?

20 A. They prescribed her Adderall. As far as I know, that's
21 what she took.

22 Q. And Damien is her son from her prior relationship,
23 correct?

24 A. Correct.

25 Q. He was approximately 10 years old on February 12th --

1 A. Yes.

2 Q. -- 2014.

3 A. He just turned 10.

4 Q. And how long had he been residing with you at that

5 point?

6 A. Since he started kindergarten.

7 Q. So about five years.

8 A. Um-huh.

9 Q. Now, would he stay with you during the week?

10 A. During the week.

11 Q. Okay. And would it be every weekend or every other

12 weekend that he would go to stay with his mom?

13 A. Well, usually, every weekend she would pick him up

14 Friday and then bring him back Sunday night so that he'd

15 be ready to go to school on Monday.

16 Q. Okay. Just for specificity sake, would she more or less

17 pick him up right after school from your home or from

18 school after school on Friday?

19 A. No. On Friday, she would pick him up from Mike's,

20 Michael's parents' house, because Nana and Papa always

21 pick him up on Friday.

22 Q. Okay. And on Sunday evening she would drop him back

23 over there?

24 A. At my house.

25 Q. Was Damien's father in the picture, if you recall?

1 A. He was incarcerated.

2 Q. And at the time that Carmon was born, did Monique seem
3 happy about the child?

4 A. Oh, yeah. She was ecstatic.

5 Q. And other than this incident that you indicated where
6 she had a problem with her ear infection, did Carmon
7 have any other health problems that you know of?

8 A. No.

9 Q. Happy, healthy baby?

10 A. Oh, yeah.

11 MR. SHEIKH: Your Honor, if I may briefly
12 confer with my client.

13 THE COURT: Yes.

14 MR. SHEIKH: Before passing.

15 (At about 10:56 a.m., Discussion off the
16 record).

17 Q. (By Mr. Sheikh) Do you remember for sure when CJ came
18 back into Monique's and Carmon's life just prior to this
19 incident occurring?

20 This incident occurred on February 12th of
21 2014, and I think you said that she had went, around the
22 fall of the year prior, to Oklahoma and that's when she
23 got married to Nick.

24 Do you know when she came back? I think you
25 said prior to December because, unfortunately, your

1 brother passed and it was also Carmon's birthday
2 December 21st.

3 So she came back prior to that period; is that
4 correct?

5 A. Prior to December 21st?

6 Q. Yes.

7 A. Not that I recall. She was in Oklahoma from December
8 8th, when they got married, until they arrived around --
9 they showed up for the funeral. So I think they drove
10 in that night. I don't know.

11 Q. And I know this is difficult. But, when approximately
12 was the funeral?

13 A. December 21st, Carmon's birthday.

14 Q. Okay. So they were back then --

15 A. Nick and Monique, yes.

16 Q. Okay. And I know that had to be a difficult time with
17 your brother's passing, but was there any sort of
18 celebration for Carmon's birthday or not really?

19 A. Yes. We had birthday cake at my house after the wake.

20 Q. And was CJ present --

21 A. No.

22 Q. -- at that birthday party?

23 A. I don't think so. He wasn't at the wake.

24 Q. Okay. Do you know how long after that Monique and CJ
25 hooked back up?

1 A. I don't think it was until after Carmon got sick because
2 her and Nick went -- she left Carmon with me and her and
3 Nick went back and got his child because he didn't have
4 him on Christmas. He could only have him on New Years.
5 So she drove all the way back to Oklahoma and picked up
6 Nick's kid. I don't remember his name. Then, they
7 drove all the way back and spent until after the new
8 year, when he had to return the child and they drove
9 back to Oklahoma. And Monique stayed in January, in
10 Oklahoma, probably for maybe a couple of weeks, and she
11 came back when Carmon was sick.

12 Q. Okay. And during that time period, do you know for sure
13 if CJ was living with Monique or not at the Normandy
14 house?

15 By that time period, I'm talking about perhaps
16 late January, very beginning of February.

17 A. He should not have been living there, as far as I know,
18 since I had told her that he was not allowed there.

19 Q. Okay. And I know, again, ma'am, this is difficult, but
20 would Monique always do what you requested of her?

21 A. Never.

22 Q. Okay. So you have no reason to believe that she abided
23 by that request; is that correct?

24 A. Of course not.

25 Q. I appreciate your honesty very much, ma'am.

1 Do you know if Nick and Monique were still in
2 a relationship --

3 A. As far as I know.

4 Q. -- in January.

5 And at the time that Monique became deceased,
6 they were still legally married.

7 A. Yes, they were. Nick filed income taxes. Nick took her
8 cars. I think they were married.

9 Q. Again, this is difficult, but I have to ask, do you
10 know, had Monique made any suicide attempts or cutting
11 behavior?

12 A. To herself?

13 Q. Are you -- no. Monique wouldn't cut off her hair to
14 give to cancer patients. She would never hurt herself.

15 MR. SHEIKH: Your Honor, if I may briefly
16 confer with my client.

17 Q. (By Mr. Sheikh) Ma'am, again, I want to put this in as
18 gentle terms as possible. Did Monique have any mental
19 or emotional issues that required medication, treatment
20 or therapy, that you know of?

21 A. I told you she was prescribed Adderall.

22 Q. Okay. And not being a physician, what is Adderall for?

23 A. ADHD.

24 Q. Okay. Did she have a temper, if you recall? I mean
25 everybody has a temper, but did she have what you might

1 call a volatile or fragile temper?

2 A. Yes.

3 Q. I'm sorry?

4 A. Yes.

5 MR. SHEIKH: Your Honor, one last time, if I
6 may.

7 A. Sorry.

8 Q. (By Mr. Sheikh) That's fine. Take your time, ma'am.
9 Let me know when you're ready. I have just one last
10 question.

11 Do you recall Monique ever sending a picture
12 to you, that she had sent to CJ, of her hurting herself?

13 MR. FEDORAK: I'm sorry, Judge, can we get a
14 time frame?

15 THE COURT: Thank you. Go ahead. If you
16 could narrow that down.

17 MR. SHEIKH: Thank you.

18 Q. (By Mr. Sheikh) Approximately a week prior to this
19 incident. We know this happened on February 12. So,
20 probably February 7th or some time, do you recall CJ
21 sending you a picture of Monique hurting herself?

22 A. CJ sending me a picture or Monique sending me a picture?

23 Q. Monique. No, CJ. CJ sending you a picture of Monique
24 hurting herself, that he forwarded to you?

25 A. He could have. I don't know.

1 Q. Don't recall for sure?

2 A. I remember him sending me things a lot and telling me
3 things, and I pretty much just ignored them because I
4 never believed them to be true. He sent me lots of
5 things.

6 MR. SHEIKH: Thank you very much, and I wish
7 you continued healing, ma'am. I know it will be a
8 life-long process. Take care.

9 THE COURT: Thank you.

10 Mr. Fedorak.

11 REDIRECT EXAMINATION

12 BY MR. FEDORAK:

13 Q. First of all, the police conducted investigation
14 afterwards, correct?

15 A. Correct.

16 Q. And you've met with Detective Madonia numerous times and
17 discussed numerous aspects of this case.

18 A. Yes, sir.

19 Q. The police asked you for all your phones and your phone
20 numbers and Monique's phone numbers, and they have all
21 those records, correct?

22 A. Correct.

23 Q. You gave them everything.

24 A. Yep.

25 Q. Monique's cell phone, who was paying for it?

1 A. She was.

2 Q. Okay. She was taking care of it. All right. But, all
3 the numbers and all the contracts with the phones,
4 including your own phone, the police followed up and got
5 that information from you?

6 A. Yes, sir.

7 Q. Mr. Sheikh asked you, and he used the specific words
8 hook up, did Monique and the defendant, Curtis Hampton,
9 hook-up the end of January, beginning of February, okay.

10 A. Yes.

11 Q. As far as you knew, were Monique and Nick still married
12 through January, through the end --

13 A. She was married when she died.

14 Q. Okay. And as far as you know, did she restart her
15 relationship with Curtis Hampton, as far as you know?

16 A. No, not that I know of.

17 Q. Did she allow Curtis Hampton into a situation where she
18 was deathly afraid of the health of their child that
19 they had in common?

20 A. Yeah.

21 Q. Did she let him into that?

22 A. Yeah. She was deathly afraid something was wrong with
23 her. She kept telling me they're lying to me, she's got
24 cancer, why would she have this lump if she didn't have
25 cancer. She was out of her mind. She was crawling the

1 walls. She was afraid Carmon was going to die.

2 Q. But, again, and maybe the medical questions are better
3 for your husband --

4 A. Yes.

5 Q. -- given his field.

6 Monique was given -- excuse me. Carmon was
7 given a clean bill of health. They did a procedure and
8 the prognosis was great.

9 A. Right. It was an infection. After the surgery, Monique
10 finally understood what was, what actually was going on.
11 She didn't understand why they didn't do something
12 because Carmon's fever kept spiking to 104, and they
13 would want her to leave it, to get to 104 because then
14 they would say, well, now we know the medicine's not
15 working and we can give her something to lower the
16 fever. But, Monique couldn't stand when Carmon's fever
17 was 104. She was just like dead weight, you know. She
18 was all lethargic and it was just making Monique very,
19 very scared.

20 Q. Okay. And lastly, Mr. Sheikh asked you a series of
21 questions about that you didn't like Curtis Hampton, and
22 you gave a pretty sharp answer about the defendant
23 putting her, Monique, in the hospital.

24 A. In the hospital.

25 Q. In the fall of 2014, leading into December, the

1 defendant was on probation for domestic violence against
2 Monique; isn't that true?

3 A. Yes.

4 Q. And what type of injury did she suffer?

5 A. They thought she had a broken orbital bone, but it was a
6 big black eye. I have pictures on my phone. They
7 probably got those, too.

8 Q. We do.

9 And that happened from Mr. Hampton?

10 A. Yes. Mr. Hampton threw a bottle at her and threw her
11 down the stairs was what Monique told me.

12 MR. FEDORAK: Okay. Thank you. Nothing
13 further, your Honor.

14 THE COURT: Go ahead, Mr. Sheikh.

15 RECROSS-EXAMINATION

16 BY MR. SHEIKH:

17 Q. Ma'am, just very, very briefly.

18 This is going to be a long question, but I
19 think the answer may be short.

20 At that point in time, in January -- I'm
21 sorry, in February, when they got back together, you
22 would not have necessarily --

23 A. Who's they?

24 Q. By that, I mean CJ and Monique. If she had allowed him
25 back into her life, you would not necessarily have known

1 that, right?

2 A. No.

3 Q. That's not something she would have necessarily called
4 you and said, mom, guess who's coming over for dinner?

5 A. No. That would be the last thing she'd be telling me.

6 Q. So, in all honesty, you're not in a position to indicate
7 to this court or ladies and gentlemen of the jury if in
8 fact they had gotten together or not, whether it was
9 good or bad, correct?

10 A. Correct. I don't know.

11 MR. SHEIKH: Okay. Thank you.

12 THE COURT: Anything else or can this witness
13 step down?

14 MR. SHEIKH: Thank you for your time.

15 MR. FEDORAK: No, your Honor.

16 THE COURT: Thank you. You may step down.

17 (At about 11:07 a.m., Witness Excused).

18 MR. FEDORAK: Our second witness is Mr.
19 Michael Rakowski.

20 Detective Madonia is getting him, your Honor.

21 THE COURT: Thank you.

22 The witness stand is right here. Before you
23 sit down, please raise your right hand.

24 Do you swear to tell the truth, whole truth,
25 nothing but the truth, so help you God?

1 MR. RAKOWSKI: I do.

2 MICHAEL RAKOWSKI,
3 after having first been duly sworn by the Court to
4 tell the truth, testified as follows:

5 THE COURT: Have a seat. You're under oath.
6 Please state and spell your name for the court reporter.

7 MR. RAKOWSKI: My name is Michael John
8 Rakowski, M-i-c-h-a-e-l, J-o-h-n, R-a-k-o-w-s-k-i.

9 THE COURT: Thank you. Go ahead, Mr. Fedorak.

10 MR. FEDORAK: Thank you, Judge.

11 DIRECT EXAMINATION

12 BY MR. FEDORAK:

13 Q. Good morning, Mr. Rakowski.

14 A. Good morning.

15 Q. Obviously, you know why we're here. I have a series of
16 difficult questions to ask, but I'd like to go through
17 them briefly, if I can, to explain to the jurors what
18 happened back in February of 2015.

19 Your wife is Sharon Rakowski, correct?

20 A. Correct.

21 Q. She's already testified. But, obviously, you were in
22 the conference room in back and you have not heard her
23 testimony, correct?

24 A. No, sir.

25 Q. She's already explained to us briefly that the two of

1 you live in a home in Sterling Heights.

2 A. Yes.

3 Q. And that you also took care of your daughter -- you had
4 a daughter named Monique, correct?

5 A. Correct.

6 Q. And a granddaughter named Carmon?

7 A. Correct.

8 Q. Do you see the person that you know is Curtis Hampton
9 here in the courtroom today?

10 A. Yes, I do.

11 Q. Could you please point to him, describe what he's
12 wearing?

13 A. He's wearing the red-colored shirt over there.

14 Q. Okay. And is it fair to say he was the father of Carmon
15 because he had a prior relationship with your daughter,
16 Monique?

17 A. Yes.

18 Q. Okay. You also had -- Monique also had a child
19 unrelated to this case, a boy by the name of Damien.

20 A. Yes.

21 Q. And that child was living with you guys, you and your
22 wife, in Sterling Heights.

23 A. Correct.

24 Q. And he was going to, I'm sorry, the Utica Community
25 schools.

1 A. Yes, about two blocks from the house.

2 Q. Got it. Is that where Monique went to school, as well?

3 A. Yes, it is.

4 Q. All right. Your profession, sir, is what?

5 A. Nurse anesthetist.

6 Q. Okay. Your wife has already established some of the
7 background in terms of the relationship, the
8 on-again-off-again relationship with Mr. Hampton and
9 your daughter Monique. I'd like to kind of pinpoint the
10 relationship or the time frame to the end of 2014. Do
11 you know if your daughter was having a relationship with
12 Mr. Hampton at the end of 2014, October, November,
13 December-ish?

14 A. No, I'm not aware of that.

15 Q. Okay. Where was your daughter living at the time?

16 A. In Eastpointe, on Normandy Street.

17 Q. Okay. And is it safe to say that you and your wife
18 helped Monique out? And your wife already described the
19 securing of that house for her.

20 A. Yes.

21 Q. Okay. And in December of 2014, who did she live there
22 with, as far as you knew?

23 A. She was living there with herself and Carmon.

24 Q. Okay. And at some point, in December of '14, did she
25 re-establish, or prior to that, did she re-establish a

relationship with a gentleman named Nick?

A. Yeah. Nick was a previous boyfriend. They lived together for awhile and tried to make a go of it as a couple probably when Damien was about three years old. So that would have been about seven years before this, before. So maybe like 2012.

Q. Well, if this was 20 --

A. I'm sorry, 20 --

Q. If this was 2015, it would be approximately, you know, minus seven. So '08, '09?

A. Right, right. Sorry.

Q. But, the bottom line, I guess I'm trying to narrow it down to, what was going on in Monique's life in December '14 with Nick? Did something big happen?

A. Yeah. She decided that her and Nick were going to get back together and live in Oklahoma.

Q. Okay. And the daughter Carmon, what were the plans for that?

A. Carmon was going to go with her, and my understanding was that Nick was prepared to be a father to Carmon and, at some point later, after the school year was over, they were planning to take Damien with them, too, down to Oklahoma.

Q. Okay. And in fact, did she end up visiting Oklahoma in December of 2014?

1 A. Yes, she did.

2 Q. And did she bring back news of what took place in
3 Oklahoma?

4 A. Yeah, she -- her and Nick got married.

5 Q. Okay. Mrs. Rakowski's already mentioned how,
6 unfortunately, her brother passed in December of 2014.
7 She used that as a time frame of a memory in terms of
8 dates.

9 Did Nick and Monique come and visit you guys,
10 or come back to Michigan I should say, in December of
11 2014.

12 A. Yeah, she did. And it was just before the memorial we
13 had for Sharon's brother, Neil. That was on, I think,
14 Sunday. It was the 21st. And that was also Carmon's
15 birthday, the 21st of December. So they come back a day
16 or two before then and were there with us for the
17 memorial.

18 Q. And I know it's tough to remember dates from two years
19 ago, except for, you know, important dates, like
20 Carmon's birthday and so forth.

21 Do you know how long Nick stayed in town. In
22 other words, at some point, did he go back to Oklahoma?

23 A. Yes, he did. He had to. He had a young son, a few
24 years old, from a girl in Oklahoma, and he had to take
25 him back to Oklahoma for Christmas.

1 Q. Okay. And at the end of the January, did Carmon have a
2 medical condition?

3 A. Yeah, it was probably more like the middle to the end of
4 January. She was sick and sort of like had a fever like
5 that, and she went to the doctor and she developed a
6 cyst under her mandible. They first tried to give her
7 antibiotics, and then they had to put her in the
8 hospital and they gave her IV antibiotics, and they
9 weren't effective. So she had a surgery, small surgery
10 to drain that cyst. And then they packed it with gauze
11 to let it heal sort of like from inside-out. Not
12 uncommon.

13 Q. Is it safe to say Monique was rather nervous until the
14 doctors found out exactly what was going on with Carmon?

15 A. She was really upset about the whole thing. She was
16 convinced that Carmon was deathly ill and that maybe she
17 wasn't getting the whole story from the doctor. She was
18 afraid they were like sugar coating it. She just
19 couldn't understand why she wasn't getting better after
20 all these antibiotics. But any way, once she had
21 surgery and seemed to be doing better, she seemed to be
22 more upbeat about it.

23 Q. Okay. As far as you know, in December of '14 and
24 January of '15, do you know if Curtis Hampton, prior to
25 the hospitalization of Carmon, was Curtis Hampton in the

1 picture at all?

2 A. Well, to the extent that Monique told me that the day
3 she left to go to Oklahoma, it was late on a Monday
4 night, she typically came over and watched Monday night
5 football with me, and it was like about half time of the
6 game, about 10:30, and she says she's leaving, and she
7 told me she was leaving for Oklahoma then. I said why
8 are you leaving now. She goes, I have to go now. I
9 said why don't you stay for the rest of the game, go
10 tomorrow. She said I have to go now, Curtis is going to
11 kill me. I said c'mon, really? She said no, you don't
12 know what he's capable of. And she left for Oklahoma.

13 Q. In January, when Monique is having Carmon by herself at
14 the Eastpointe address, Nick's already gone, for the
15 first three weeks do you see Curtis Hampton around at
16 all?

17 A. I didn't see Curtis until Carmon was in the hospital and
18 I saw him there at the hospital. Monique had contacted
19 him and told him that if you want to be a part of your
20 daughter's life it had to be now because she was gravely
21 ill. And to the best of my knowledge they were at the
22 hospital. She was at the hospital around the clock,
23 sleeping in the, in the patient's room and everything
24 with the baby, and Curtis was there when ever. Pretty
25 much every time I went up to see them he was around the

1 hospital.

2 Q. Okay. We've already heard about the successful medical
3 treatment and the clean bill of health for Carmon.
4 Other than the follow-up care with the gauze, was
5 everything looking very good and hopeful for Carmon. It
6 was nothing serious?

7 A. Yeah. She was doing great. She didn't like having the
8 dressing taken off and having gauze pulled out of the
9 wound. But, other than that, she was doing quite well.

10 Q. Okay. And no serious, no other medical condition after
11 that?

12 A. No.

13 Q. Okay. Now, I'd like to turn your attention to February
14 12th, the Wednesday.

15 Go to the first slide, please.

16 Judge, I believe we have a stipulation
17 regarding the Power Point that we're going to use for
18 the large screen TV. I believe Mr. Sheikh has seen all
19 of these. This, I'm only concentrating on the initial
20 residence.

21 MR. SHEIKH: Your Honor, the recitation made
22 by Mr. Fedorak is true. We do have stipulation to this
23 Power Point.

24 THE COURT: So are these exhibits that we're
25 going to be seeing; is that it?

1 MR. FEDORAK: Correct. On the screen right
2 now, your Honor, is People's Exhibit No. 1.

3 Q. (By Mr. Fedorak) Sir, do you recognize that picture?

4 A. Yeah, it's Monique's house.

5 Q. Is that the house that you and your wife Sharon provided
6 for her?

7 A. Yes, it is.

8 Q. Did you have an opportunity to go to that house on
9 February 12th, a Wednesday?

10 A. Yeah. Actually, more than one opportunity. Actually,
11 no, not on Wednesday. It was Thursday when I went
12 there. Wednesday was, Sharon and Monique bowled every
13 Wednesday morning. After they got done with bowling
14 they went to get their haircut.

15 Q. That's correct. I'm sorry.

16 A. It was some time later on that day that Monique left,
17 and I didn't see her again after she left that day.
18 That was Wednesday. On Thursday is when I went to the
19 house.

20 Q. Thank you for correcting me. You're absolutely correct.

21 So your wife was with Monique on Wednesday,
22 the 11th.

23 A. The 11th, yeah, right, in the morning. And I don't
24 know, couldn't have been much later than 2:00 or so,
25 what ever, she said she had to go because CJ was home

1 with Carmon and she didn't want him to get mad.

2 Q. Okay. And did you have any contact with Monique on
3 Wednesday at all?

4 A. In the morning when they were there around the house. I
5 was off on Wednesday and I saw her. She was all happy
6 with her new haircut and what ever, and seemed pretty
7 bright and happy and left.

8 Q. Okay.

9 A. That was all I saw of her that day.

10 Q. And at some point, on Thursday the 12th, did your wife
11 ask you to do something?

12 A. Yeah. She called me at work and said she hadn't been
13 able to get hold of Monique all day. We were expecting
14 to hear from her because she had an appointment to take
15 Monique to see the surgeon. I believe the appointment
16 was for like 11:30 in the morning. And she hadn't heard
17 back from Monique after that, and it was very unusual
18 that if there was anything going on with Carmon or
19 Monique that Monique wouldn't at least be texting her
20 mom and telling her what was going on. So Sharon
21 couldn't get ahold of her. She called me, it was about
22 5:00 in the evening at work, she said look, I don't want
23 to freak out or anything but I haven't been able to get
24 ahold of Monique all day, will you please stop on the
25 way home from work see what you can find out at the

1 house.

2 When I got off work about 7:00, I went over to
3 the house. There was no car there. Didn't really look
4 like anybody was there.

5 Q. What car would you expect to see? What was Monique
6 using at the time?

7 A. We had just bought her a car. And to tell you the
8 truth --

9 Q. A blue Impala?

10 A. She had an Impala. There was another car, too. I'm
11 sorry. We had just bought that car like in November or
12 something, the newer one. The older one that was kind
13 of a wreck was in the garage and the newer one -- yeah,
14 it was a dark blue Impala. Nice car.

15 Q. And is that a pretty accurate picture of the way that it
16 looked with the snow on the ground and so forth, when
17 you showed up on Thursday?

18 A. Yes, it is.

19 Q. Were you able to get in on your first visit to that
20 house?

21 A. No, I went up, I knocked on the door. The front door,
22 the screen door or storm door was also locked, and I
23 went around and checked on the side and the doors were
24 all locked and no one was answering the door. I could
25 hear the puppy inside barking and whining on the inside.

1 Q. Okay. What did you have to do at that point?

2 A. Well, I didn't have a key. So, I had to go home. My
3 wife was with Damien, our grandson. He was having
4 baseball practice. He was on like a travel league and
5 they were having indoor practices at that time. So I
6 had to wait for her to get home with the key for
7 Monique's house. So, after she got home, I took the key
8 and went back down there. It was like around 8:30 or so
9 I guess when I got there. And because the storm door
10 was locked, I couldn't enter through the front. So I
11 let myself in through the side and --

12 Q. We have People's Exhibit No. 2 on the screen. It
13 depicts the driveway and the side entrance of the house.
14 Is that the walk you took?

15 A. Yeah. The wooden gate opens up, and you can see the
16 awning there is where the back door is. That's where I
17 let myself in. The storm door was open.

18 Q. People's Proposed 3 will come up on the screen, excuse
19 me, People's Exhibit 3, based on the stipulation.

20 Is that the door you entered?

21 A. That's the door. The storm door wasn't locked, but the
22 one on the inside, I had to undo the dead bolt and other
23 lock to open the door.

24 Q. Now, we have People's 4. You indicated a puppy.

25 A. Yep, there's the puppy. That crate was completely

1 covered with the blanket when I went in and she was
2 locked in there. I didn't know for how long. But when
3 I let her out she immediately peed on the floor. So I
4 let her outside and she peed some more. I cleaned up
5 the mess. I fed her.

6 You know, when I walked in the house I called
7 out, you know, hello, anybody here, Monique. No answer.
8 And so, then I went about looking through the house. I
9 went down the basement. I went around up the stairs, in
10 the bedroom, and the only room that I couldn't get into
11 was the bathroom. I could see the light was on in the
12 bathroom but the door was locked from the inside.

13 Q. Do you remember approximately what time this was, when
14 you got in? You had to come back a second time and
15 actually got in with the keys.

16 A. Right. When I got in with the keys it was probably
17 after 8:30. Somewhere between 8:30 and a quarter to
18 9:00, something like that. Then, I let the dog out,
19 then I had to clean up dog pee, then I let the dog out,
20 I fed the dog and I had to let her out again to go to
21 the bathroom, then I let her in again. So all that took
22 a bit of time.

23 Q. Okay. And at this point, can you sense anything's
24 wrong? Is there anything visible in the house? I mean
25 other than maybe some clutter and the dog situation.

1 But, do you see anything that alarms you yet?

2 A. Not really. It was just, it was erie that we hadn't
3 heard from her. I wanted to leave, but I knew I
4 couldn't leave without opening the bathroom door because
5 my wife asked me to stop there and look every where and
6 I hadn't looked everywhere.

7 Q. Okay. People's 5.

8 What's that a picture of, sir?

9 A. This is the hallway in Monique's house. The first, the
10 door to the right goes upstairs. It's a bungalow. It's
11 like finished upstairs. And the far door on the right
12 is the down stairs bedroom where Monique was using that
13 as her room, and the room in the back, to the left was
14 Carmon's room, and this door up here on the front, on
15 the left, was the bathroom door.

16 Q. Okay. And that's the door you indicated that was locked
17 and you initially couldn't get into.

18 A. Correct.

19 Q. Okay. People's 6 is a depiction of what, sir? Do you
20 recognize it?

21 A. Yeah, that's the bathroom door being opened a crack.

22 Q. Were -- how did you actually gain access to the
23 bathroom?

24 A. I tried to find something I could stick in through the
25 doorknob to open it up. Like, I didn't have anything

1 small enough to go in there. That was another thing I
2 did, I was walking around the house looking for
3 something to get into the doorknob to open it. I
4 couldn't find anything. So I just stood there and
5 wiggled the doorknob and pushed it as hard as I could
6 and forced it open with my shoulder.

7 Q. Okay. We have People's 7. That, kind of, a close-up of
8 that doorknob. Then, we go to People's 8. I have to
9 ask you some tough questions, sir.

10 Is People's 8 a fair and accurate depiction of
11 the first thing that you saw in that bathroom on
12 Normandy?

13 A. Yes, it is. I was in shock. Like, I couldn't believe
14 what I saw when I opened the door. You can't. Nobody's
15 prepared to see their daughter and granddaughter laying
16 dead on the floor.

17 Q. People's 9. Sir, is that an accurate picture of what
18 you saw on that bathroom floor in Normandy?

19 A. Actually, when I walked in the door Carmon had her
20 pacifier in her mouth. And I'm a nurse. I've worked in
21 the medical field for a long time. So when I walked in
22 there and saw them laying there motionless and
23 everything, I pretty much knew they were dead, but part
24 of me couldn't believe it. And so, of course, I had to
25 get down there and feel for a pulse, and I couldn't feel

1 anything. I couldn't feel anything on Monique. I took
2 the pacifier out of Carmon's mouth and tried to blow
3 some life into her, but her lungs were very stiff and
4 really didn't accept the air. I pushed on her chest
5 once and some sort of clear brownish fluid came out of
6 her mouth, and I realized that there was no possible
7 hope of them being alive and that I shouldn't touch
8 anything else, and I called 91.

9 Q. Sir, we have one more photo, if I may ask you to look
10 at, is People's 11 -- People's 10, excuse me.

11 Is that the positions that they were in, other
12 than what you described about checking on Carmon with a
13 pacifier?

14 A. Yep.

15 Q. Did the police respond after you called 911, sir?

16 A. Yes, yes, they did.

17 Q. Did you stay there and answer the police, the officers'
18 questions and the detectives' questions and everything
19 that led up to today over the last two years?

20 A. Yes, sir.

21 MR. FEDORAK: Thank you, your Honor. Nothing
22 further.

23 THE COURT: Remove the exhibit, please, Mr.
24 Fedorak.

25 Thank you.

CROSS-EXAMINATION

BY MR. SHEIKH:

Q. Good morning, Mr. Rakowski. First of all, I'm very sorry for your loss. I can't imagine.

I'm just going to ask you couple of things. Those of us that are not in the medical field, I heard you indicate that the problem Carmon has was with her mandible. What is a mandible, sir?

A. It's the jawbone. It wasn't actually her mandible that was the problem. It was called a submandibular cyst. You have glands underneath there and one of them was infected and swollen up.

Q. Did you ever find out what exactly it was, what the doctors had said, or was it just an infection or something?

A. It was an infection. These things happen. Like I said, as concerned as I was about Carmon having to go through the experience of being in the hospital and having an IV and getting surgery and everything, I see that stuff all the time, and it was not something that was truly life-threatening. It was something that she was going to get over and she was doing quite well, actually.

Q. Monique was quite obviously worried about it.

A. Oh, yeah, she was upset.

Q. I just want to make sure that I clear up a few things.

1 Do you know how long Mr. Curtis Hampton and
2 Monique were in a relationship, whether it was on
3 again/off again, but the total time period,
4 approximately?

5 A. More than a year.

6 Q. Okay. And without going into the reasons, did there
7 come a point where you weren't too crazy about Mr.
8 Hampton and Monique being in a relationship any longer?

9 A. Well, I guess I'll take it back to the first day I met
10 Mr. Hampton. It was at Monique's trailer. Monique was
11 pregnant and they were telling me how they were going to
12 have the baby and plan a life together and everything,
13 and they're afraid, he was afraid I didn't like him, and
14 I told him right then that I didn't really know him well
15 enough to like him or dislike him, and that a person,
16 you can't tell really much by just looking at them, that
17 their character and their deeds defines the kind of
18 person they are. And I was more concerned that my
19 daughter would find someone who had a good steady job
20 with benefits and was going to treat her well and
21 provide her with the kind of life that she was used to
22 having with me. And I, I just didn't think that, even
23 though they seemed to have a lot of passion for each
24 other at that point in time, I didn't know that they had
25 what it would take to actually have that kind of a

1 relationship, and I expressed that concern to him.

2 It wasn't until later, as I got to know more
3 about Mr. Hampton, that I thought that he probably
4 wasn't that guy, that he didn't really have the steady
5 job, that there's -- and I think the part where I really
6 didn't think they should be together anymore is after he
7 had assaulted her, hit her with a booze bottle and threw
8 her down the stairs.

9 Q. And did you express to Monique your dislike for the
10 relationship or your concerns?

11 A. Yeah, of course, I did.

12 Q. Even after that dislike, if you know, sir, did Monique
13 and Mr. Hamilton still continue to see each other?

14 A. Yeah, they did. I think -- Monique was a very forgiving
15 person and she, she really wanted to have that kind of a
16 relationship like she saw her mother and I having, and
17 she didn't want to be the reason why anyone was sent to
18 jail or anything, she didn't want to have anybody locked
19 up. So she was actually the person who made it possible
20 for CJ to be out of jail to do all the rest of the
21 things he did. After he assaulted her, she was the one
22 who allowed him to plead down to a misdemeanor and she
23 was the one who had them remove the no contact clause.
24 So, I assumed they had contact.

25 Q. And sir, you indicated, I believe, that she took off to

1 Oklahoma, she had known Nick about seven years prior.
2 They had lived together for awhile. And she went down
3 to Oklahoma and they got married, correct?

4 A. That's correct.

5 Q. Okay. And then, she came back. And at some point,
6 Carmon was ill, and I believe your testimony, sir, has
7 been that Monique perhaps contacted Mr. Hampton, let him
8 know that Carmon was ill and he needed to step up, which
9 he, I believe you indicated he did because he was at the
10 hospital practically every time you went, correct?

11 A. Right.

12 Q. Did they seem to be getting along at that point, in the
13 hospital, if you recall?

14 A. They, they had the kind of relationship where I would
15 say that they were, they were both there for Carmon, but
16 it didn't seem like there was that great of
17 interpersonal relationship.

18 They had sort of a thing where they would just
19 be picking at each other all the time, finding something
20 to say, and not letting anything go, and just sort of
21 picking back and forth at each other like, I don't know,
22 like adolescents do.

23 Q. And that was a two-way street.

24 A. Right.

25 Q. They both kind of would egg each other on.

1 A. Right.

2 Q. Sir, the Court has been considerate enough to bring
3 another block of Kleenex if you need anything.

4 A. I'm good.

5 Q. Just so you know, it's right up there.

6 Now, you indicated, at some point you
7 indicated some dislike or concern for Curtis and Monique
8 being in a relationship. And after that, she went to
9 Oklahoma, she came back, she contacted Mr. Hampton. So
10 it -- do you think that she would have necessarily told
11 you that I let Curtis move back in the house in the
12 beginning of January?

13 A. I have no idea.

14 Q. Okay. It's not something you would have welcomed with
15 open arms, such news; is that correct?

16 A. No, but I -- I don't know. I had no idea whether she'd
17 let him move back in, and I wouldn't have been happy if
18 she'd let him move in.

19 Q. So she may not have been very forthcoming with that bit
20 of information; is that true?

21 A. True.

22 Q. Okay. And, sir, again, these are some difficult
23 questions, but I have to ask them.

24 Did Monique have any problems with temper or
25 temperamental or getting angry, anger issues?

1 A. Yeah, I would say so. At times, yeah.

2 Q. And was she taking any medication that you know of or
3 anything to help alleviate anxiety or mood swings?

4 A. Yeah, I think she was on a medication called Adderall.

5 Q. Anything else?

6 A. Not that I'm aware of.

7 Q. And I believe that your wife had indicated that Adderall
8 is for ADHD. Is that kind of what --

9 A. I give anesthesia drugs. It's not something that I
10 typically -- I know that they give it to people for ADH.
11 I think that it's for mood. I don't -- I'm not a
12 psychiatrist. That's not my field.

13 Q. So you're not for sure exactly what it's prescribed for,
14 but it is prescribed for mood and ADHD.

15 A. Right.

16 MR. SHEIKH: Your Honor, may I confer with my
17 client before passing.

18 THE COURT: Go ahead.

19 Q. (By Mr. Sheikh) Do you know the reason, if you know,
20 why Monique and Nick decided to get married right at the
21 time frame that they did?

22 A. I don't know. No, I don't. I would just have to be
23 taking a wild guess and I'm not here to guess.

24 Q. Sir, if you don't mind, I have to ask you to keep your
25 voice up. I want to make sure the jurors hear you. I

1 know it's difficult.

2 Could it have been because she was scared that
3 Charles, which is Damien's father, may have been trying
4 to regain custody of Damien and she thought she would be
5 in a better position if they were married.

6 A. No. She was never worried about Charles getting custody
7 of Damien. Charles' rights had been terminated when
8 Damien was an infant and there was never any concern at
9 all about that.

10 She may have had some concern about Curtis'
11 claims on --

12 Q. Carmon.

13 A. -- on Carmon, though.

14 Q. Had Monique ever indicated to you if CJ or Mr. Hampton
15 had went with her to get the baby's social security card
16 and some concern about who would be putting Carmon on
17 their taxes? Do you recall those conversations coming
18 up?

19 A. I don't recall her saying anything about taking CJ with
20 her to get a social security card. I do remember her
21 getting a social security card for Carmon and her and
22 Nick claiming them on, claiming Carmon on her taxes for
23 2014 because they were married before the end of 2014.

24 Q. Okay. And sir, do you know, if you know, where there
25 times Curtis would take Carmon with him to his mother's

home for overnight visits, extended stays?

A. I'm not aware of Carmon being away from Monique for any period of time, overnight stays or anything like that, no.

Q. Do you know -- do you have any reason to believe that, if you know, do you know, would he take her at least on day visits, to the best of your knowledge? Would he take her?

A. I know that he, that she left Carmon with him to get her haircut on the Wednesday morning before she was murdered.

Q. And I believe you indicated, if I'm not mistaken, that she expressed some concern that she needed to get home because Curtis might be upset because he was watching the child?

A. Right.

Q. Is that something that she had said was a common thing or would Curtis often watch the child?

A. No, more often worried about Curtis being angry.

Q. About watching the child or just in general?

A. Just in general. You don't want to get Curtis angry.

Q. Has she ever expressed any concern that Curtis' so-called anger would have ever been potentially detrimental to Carmon?

A. We never had a conversation like that, no.

1 MR. SHEIKH: Thank you.

2 Your Honor, if I may briefly confer.

3 THE COURT: Go ahead.

4 MR. SHEIKH: Thank you, again, sir, for your
5 time and good luck.

6 THE COURT: Anything further, Mr. Fedorak.

7 MR. FEDORAK: No, your Honor.

8 THE COURT: Thank you. You may step down.

9 (At about 11:40 a.m., Witness Excused).

10 THE COURT: We're going to take a five-minute
11 break. We're going to go through until about 12:30. So
12 you know, you'll get lunch break about that time.

13 THE DEPUTY: All rise for the jury.

14 (At about 11:41 a.m., Jury Excused).

15 THE COURT: Okay. We're in recess.

16 (At about 11:42 a.m., Recess Proceedings).

17 * * *

18 (At about 11:51 a.m., Resume Proceedings).

19 THE COURT: Okay. Back on the record. People
20 versus Hampton.

21 MR. FEDORAK: Good morning, your Honor. Jurij
22 Fedorak for the People.

23 MR. SHEIKH: Azhar Sheikh on behalf of the
24 defendant, Mr. Hampton, who's to my immediate left,
25 Judge.

1 MR. FEDORAK: Your Honor, I indicated to Mr.
2 Sheikh that we're calling a witness out of order, or at
3 least the way I suggested to Mr. Sheikh or told him we
4 were going to order, Mr. Timothy Brockway, we sent him
5 numerous subpoenas. We didn't have any contact. The
6 family was able to get ahold of him. He rushed down
7 here. He took off work immediately. So I figured I'd
8 just throw him up, get him in and out.

9 THE COURT: That's fine.

10 MR. SHEIKH: Your Honor, I would just like to
11 indicate, just as a standing, we have no problem with
12 taking anybody out of order when ever. I know we're
13 progressing differently. And pursuant to your court
14 reporter's request, I went and got some more coffee. I
15 want the record to be clear.

16 THE COURT: And that's fine. I made it a very
17 short break because we do, I have a meeting around
18 12:30. So we will have to break even it's in the middle
19 of the witness.

20 MR. SHEIKH: Yes, your Honor.

21 THE COURT: Let's bring the jury back in and
22 can you have your -- Mr. Fedorak, can you have your next
23 witness available.

24 MR. FEDORAK: Correct. Detective Madonia is
25 bringing him in, Judge.

1 THE COURT: Thank you.

2 MR. FEDORAK: Mr. Brockway.

3 THE DEPUTY: All rise for the jury.

4 (At about 11:52 a.m., Jury is Seated).

5 THE COURT: Okay. You may be seated.

6 Your next witness.

7 MR. FEDORAK: Timothy Brockway, your Honor.

8 THE COURT: Before you sit down, raise your
9 right hand.

10 Do you swear to tell the truth, whole truth,
11 nothing but the truth, so help you God?

12 MR. BROCKWAY: Yes.

13 TIMOTHY BROCKWAY,
14 after having first been duly sworn by the Court to
15 tell the truth, testified as follows:

16 THE COURT: Have a seat. You're under oath.
17 Please state and spell your name for the court reporter,
18 please.

19 THE WITNESS: Tim Brockway, T-i-m,
20 B-r-o-c-k-w-a-y.

21 THE COURT: Thank you. Go ahead, Mr. Fedorak.

22 DIRECT EXAMINATION

23 BY MR. FEDORAK:

24 Q. Sir, how old are you?

25 A. Thirty-three.

1 Q. My name is Jurij Fedorak, and we met for the first time
2 approximately eight minutes ago.

3 A. Yes.

4 Q. It's my understanding that you had changed addresses
5 recently and, despite Detective Madonia sending you some
6 subpoenas, you never even knew that we were requesting
7 your presence; is that fair to say?

8 A. Correct.

9 Q. And the family was able to help us and they made contact
10 with you at work this morning.

11 A. Yes.

12 Q. And you work in the area, not too far from here.

13 A. Yes.

14 Q. And you dropped everything and came here today.

15 A. Absolutely.

16 Q. Is that a fair description?

17 A. Yes.

18 Q. Thank you for being here.

19 Can you explain to the jurors how you know,
20 how you knew Monique Rakowski.

21 A. She was my wife's best friend. She was like a sister to
22 me. I've known her for quite awhile. That's basically
23 it. She was my wife's best friend.

24 Q. We all know why we're here. It's something that
25 happened in February of 2015. So I'm going to use that

1 as a reference point.

2 A. Okay.

3 Q. How many years prior to February of 2015 had you known
4 Monique?

5 A. Five to six years.

6 Q. And how did you and your wife and Monique know each
7 other?

8 A. They went to high school together.

9 Q. Okay. And you got married approximately what year?

10 A. September 2009.

11 Q. Okay. So in the years leading up -- so we're talking
12 about several, five, six, seven years leading up to
13 2012.

14 A. Yes.

15 Q. Is when you probably knew Monique.

16 A. Yeah. Pretty much as long as I've known my wife.
17 Around that time.

18 Q. And were you friend with Monique, as well? My wife has
19 certain friends. But, were you actually friends with
20 Monique?

21 A. Very close.

22 Q. And why is that? What kind of things did you do
23 together, you, your wife and Monique?

24 A. We did everything together, from bbq'g all the time
25 together. I was there for her first child a lot. I

1 mean we did everything. We went to sporting things
2 together. We went everywhere together, dream cruises,
3 everything.

4 Q. Monique's father mentioned Monday night football and
5 when I was asking you a series of questions just now you
6 brought up football.

7 Can you explain to the jurors what the
8 significance of football was.

9 A. She loved football. She knew more about football than I
10 knew and most men that I knew. She was big time into
11 sports. She loved football, she loved baseball and
12 softball. There's nothing that she didn't like. She
13 loved cars, stuff like that.

14 Q. In fact --

15 A. Tom boy.

16 Q. -- I asked you if you had ever been to the Normandy
17 address in Eastpointe.

18 A. Um-huh.

19 Q. Have you been there?

20 A. Yes.

21 Q. Again, we have a court reporter, so we're asking for
22 verbal answers rather than um-huhs, uh-huhs.

23 A. Yes. I'm sorry.

24 Q. No problem. You nervous?

25 A. Yes, I am.

1 Q. Okay. How many times do you think you were at the
2 Normandy address?

3 A. Approximately 10 times.

4 Q. Okay. Were you around Monique in the summer and fall of
5 2014?

6 A. Yes.

7 Q. Okay. Did you happen to know a person by the name of
8 Curtis Hampton?

9 A. Yes.

10 Q. Do you see Curtis Hampton here in the courtroom today?

11 A. Yes, I do.

12 Q. Can you please point to him and describe what he's
13 wearing.

14 A. Red shirt.

15 MR. FEDORAK: Your Honor, if the record can
16 reflect, again, this witness as well has identified
17 Curtis Hampton.

18 THE COURT: So noted.

19 MR. FEDORAK: Thank you.

20 Q. (By Mr. Fedorak) At some point, were there some
21 problems between Monique and Mr. Hampton?

22 A. Yes.

23 Q. Did you see or were you around Ms. Rakowski, Monique
24 Rakowski, at the end of the summer of '14 and fall of
25 '14 and witness any injuries that she had?

1 A. Yes.

2 Q. What type of injuries did she have?

3 A. To her head and her chest, her arms, a good half of her
4 body.

5 Q. Okay.

6 A. She had bruises everywhere.

7 Q. Did you and Monique talk about her and Mr. Hampton?

8 I'm not asking you what she said. I have to
9 abide by the Rules of Evidence. But, did you have
10 conversations with Ms. Rakowski, Monique and your wife
11 in the ending months of 2014?

12 A. Yes.

13 Q. Okay. Were you around in 20 -- January 2015?

14 A. Yes.

15 Q. How often would you have talked to Monique in the month
16 of January '15?

17 A. Every other day, every couple days.

18 Q. I mentioned something about the Normandy address and
19 some of the activities that you shared with Monique.
20 Did you ever help her around the house?

21 A. Yes, I have.

22 Q. Such as what?

23 A. I put the roof on her garage.

24 MR. FEDORAK: People's Exhibit 2 please.

25 Q. (By Mr. Fedorak) You can barely see it, but do you

1 recognize on the TV, People's Exhibit 2?

2 There you go. Is that the detached garage in
3 the back?

4 A. Yes.

5 Q. Is that the roof that you're talking about?

6 A. Yes.

7 Q. Do you know like a reference point as to when you were
8 over there doing it?

9 A. I believe it was near October, November. I know it was
10 close to the holidays.

11 Q. Okay. Halloween?

12 A. Yeah. Yes.

13 Q. In the weeks of January leading up to -- were you
14 familiar with Carmon's medical condition where she went
15 to the hospital for several days?

16 A. Yes, yes.

17 Q. Okay. Were you and your wife talking with Monique at
18 that time?

19 A. Yes.

20 Q. Okay. Besides Monique's medical condition -- excuse me.
21 Beside Carmon's medical condition, was Monique stressed
22 out about something else that was going on at that time?

23 A. Yes.

24 Q. What was she stressed out about?

25 A. About the relationship between her and Mr. Hampton.

1 Q. Okay. Did she make any requests of you?

2 A. Yes, she has.

3 Q. Or did you, did you volunteer any information that you
4 had?

5 A. Yes.

6 Q. What exactly did you volunteer to her or how did you
7 offer any help to her?

8 A. Offering her sanctuary at my home. And I have a friend
9 that is an officer. She requested for me to call him to
10 help out in the situation.

11 Q. Okay. It's already come out as part of this case that
12 the defendant was on probation regarding domestic
13 violence, with Monique being the victim, and that was at
14 this time period; is that correct?

15 A. Yes.

16 Q. And if you can reference the dates, exactly when were
17 you going to reach out to your friend -- I believe it
18 was with the Wayne County sheriff's department.

19 A. Yes.

20 Q. And when were you going to, what time period were you
21 going to reach out and contact him?

22 A. That would be February 8th, 8th, 9th.

23 Q. Just days before February 12th of 2015?

24 A. '15, yes.

25 Q. And what, if anything, what type of information did you

1 receive from Monique?

2 A. Name and a picture.

3 Q. Name and picture of whom?

4 A. Of Mr. Hampton.

5 Q. And who were you going to give that name and information
6 to?

7 A. To the sheriff.

8 Q. Okay. When was the last time you think you talked to
9 Monique or had contact, either electronic or verbal
10 contact?

11 A. Say about 30 hours before the incident, before I found
12 out. Yeah, a day and-a-half before I found out.

13 Q. And were you ever able to supply that information before
14 the tragedy of the 12th?

15 A. I was, but it was too late.

16 MR. FEDORAK: Nothing further, your Honor.

17 THE COURT: Cross.

18 CROSS-EXAMINATION

19 BY MR. SHEIKH:

20 Q. Good morning, Mr. Brockway.

21 A. Good morning.

22 Q. You and I have never met or spoken prior to just now; is
23 that correct?

24 A. Correct.

25 Q. Okay. And sir, in terms of Monique and Mr. Hampton's

1 relationship, do you know how long it was going on,
2 approximately?

3 A. I mean a year. Probably somewhere in there.

4 Q. And during that time, it seems apparent from your
5 testimony, in response to Mr. Fedorak's questions, that
6 you weren't too crazy about this relationship; is that
7 correct?

8 A. Correct.

9 Q. And approximately when did you become, in the
10 relationship, let's say the one-year-relationship,
11 approximately where in the relationship did you start to
12 have concerns?

13 I don't need to know why or anything else, but
14 when?

15 A. Right. At the least in the last five months, four, five
16 months I believe is when I started hearing more.

17 Q. Okay. So we're talking February. Going backwards.
18 Maybe around October?

19 A. July. I'm sorry. About six months. It was in the
20 summertime.

21 Q. Okay. And did you ever express that concern to Monique?

22 A. Yes.

23 Q. Did you ever express that concern to Mr. Hampton?

24 A. No. We have never met.

25 Q. I'm sorry?

1 A. No.

2 Q. You and Mr. Hampton have never met?

3 A. Nope.

4 Q. To this day, you've never met.

5 A. I've seen him from a distance, but we have never had a

6 one-on-one conversation, no.

7 Q. Okay. And so once you -- when was it that you expressed

8 some concern to Monique about her relationship with Mr.

9 Hampton, if you recall?

10 A. September is when I got pretty serious about it.

11 September, October.

12 Q. September of 2013, sir, or '14?

13 A. '14, yes.

14 Q. And after that, do you know if she still continued to

15 see him?

16 A. Here and there.

17 Q. Okay. Did it come up again?

18 A. Yes.

19 Q. And after it came up again, did they still continue to

20 see each other, to the best of your knowledge?

21 A. Here and there. I mean yes.

22 Q. Did you have any dealings with Carmon?

23 A. I'm sorry?

24 Q. Did you have any dealings with Carmon? In other words,

25 did you see Carmon --

1 A. Oh, absolutely, yes.

2 Q. And were you aware, toward the end, when she got ill?

3 A. Um-huh.

4 THE COURT: Is that yes or no?

5 A. I'm sorry. Yes. Excuse me.

6 Q. (By Mr. Sheikh) About Monique's great concern for her
7 welfare.

8 A. Yes.

9 Q. And did you come to find out that Monique was at the
10 hospital practically non-stop the time that Carmon was
11 there?

12 A. Yes.

13 Q. Did you also come to find out that she had contacted
14 Curtis and Curtis was also at the hospital quite a bit
15 during that time period?

16 A. That, I'm not too sure of.

17 Q. Did you ever have occasion, sir, or your wife, to go to
18 the hospital while Carmon was admitted?

19 A. I didn't personally. I believe my wife has. I'm not
20 too sure, but I know they were talking and she was
21 heading over. That's the end of that conversation.

22 Q. Okay. And sir, I don't want to be indelicate, but I
23 need to ask something. You indicated that you saw some
24 bruising or some other marks on Monique Rakowski; is
25 that correct?

1 A. Yes.

2 Q. When was this, approximately?

3 A. I know it was after the incident in August, in the
4 summertime.

5 Q. August of 2014?

6 A. '14, yes.

7 Q. Okay. And I believe you indicated in direct testimony
8 that some of the areas of concern you saw were in her
9 chest area; is that correct?

10 A. I saw her arms. She had verbally told me that she was
11 bruised all over, and that's what she had said to me,
12 all over, and I seen the ones on her arms.

13 Q. Okay. But you didn't see anything on her chest?

14 A. No, absolutely.

15 MR. SHEIKH: Your Honor, may I confer with my
16 client.

17 THE COURT: Go ahead.

18 (At about 12:05 p.m., Discussion off the
19 Record).

20 Q. (By Mr. Sheikh) Was there any romantic involvement ever
21 between you and Monique?

22 A. Never romantic.

23 Q. Did you ever either send her or promise to send her
24 pictures of your private parts?

25 A. No.

1 Q. By text?

2 A. No.

3 Q. You never sent such a text to her?

4 A. Uh-uh.

5 THE COURT: Is that yes or no?

6 A. No, no, we were not.

7 Q. (By Mr. Sheikh) Did you and Monique go to the
8 gunshot -- I'm sorry, to the gun range for shooting?

9 A. Yes, many years ago.

10 Q. More than once or several times?

11 A. One time.

12 Q. And had you indicated to her you didn't want your wife
13 to know; is that correct?

14 A. No, that --

15 Q. That never came up?

16 A. No. That was totally fine.

17 Q. It was just you and Monique?

18 A. Yeah, yeah.

19 Q. Do you remember approximately when that was?

20 A. Oh, I mean that was many, that was many years ago. I
21 couldn't even tell you how long ago. It was quite
22 awhile ago.

23 Q. Okay. Did you ever --

24 A. Years before that.

25 Q. -- advise Mr. Hampton to perhaps break away from Monique

1 because of issues relating to her temper and emotions?

2 A. No.

3 Q. Never once?

4 A. I never had a conversation with him.

5 Q. And sir, when you did this roof for Ms. Rakowski's home
6 were you compensated for that in any manner? Were you
7 paid for that?

8 A. Yes.

9 Q. And did there come a time that Monique wanted to redo
10 her kitchen as well? Do you recall that?

11 A. I know she had mentioned something about a sink.

12 Q. You don't remember if she said she wanted to do the
13 whole kitchen?

14 A. Not the whole kitchen. I know it was the sink.

15 Q. Did you ever end up doing the sink?

16 A. No.

17 Q. Did it come to your knowledge that actually Mr. Hampton
18 is the one who did the kitchen and the sink? Did that
19 come to your attention?

20 A. I never asked.

21 Q. Did that ever come up in conversation with Monique?

22 A. No.

23 MR. SHEIKH: Your Honor, if I may, one more
24 time, confer.

25 THE COURT: Go ahead.

1 Q. (By Mr. Sheikh) I think this is my last question.

2 Do you recall the dates and the times -- I
3 know you indicated briefly that it was some time in the
4 summer of 2014. What makes you remember approximately
5 when it was, other than the fact that it was summer?

6 I mean do you remember something distinctly
7 about these conversations you had with Monique where you
8 indicated your dissatisfaction with her relationship
9 with Curtis?

10 A. Just in passing. She would say, you know, we're
11 fighting, we're arguing, things of that nature. Just
12 normal quick conversations.

13 Q. Okay. So nothing that would stand out, in terms of
14 reference, as far as a particular date or time or place;
15 is that correct?

16 A. Correct.

17 MR. SHEIKH: Thank you. Nothing further.

18 Thank you, your Honor.

19 And thank you for coming on such short notice.

20 THE COURT: Mr. Fedorak?

21 MR. FEDORAK: Nothing further, your Honor.

22 THE COURT: Thank you. You may step down.

23 Your next witness.

24 (At about 12:09 p.m., Witness Excused).

25 MR. FEDORAK: Officer Hofer. And Mr. Palepu

1 will be asking, directing Mr. Hofer.

2 THE COURT: Thank you.

3 MR. FEDORAK: Thank you, Judge.

4 THE COURT: The witness stand is over here.

5 Good afternoon. Raise your right hand.

6 Do you swear to tell the truth, whole truth,
7 nothing but the truth, so help you God?

8 OFFICER HOFER: I do.

9 NICHOLAS HOFER,
10 after having first been duly sworn by the Court to
11 tell the truth, testified as follows:

12 THE COURT: Have a seat. You're under oath.
13 Please state and spell your name for the court
14 officer -- court reporter, excuse me.

15 OFFICER HOFER: Nicholas Hofer, H-o-f-e-r.

16 DIRECT EXAMINATION

17 BY MR. PALEPU:

18 Q. Sir, I see you're wearing a Warren police uniform.

19 A. Yes.

20 Q. That's where you work now.

21 A. Yes.

22 Q. Where did you work back on February 12 of 2014?

23 A. Eastpointe police department.

24 Q. Okay. What were your duties at that time?

25 A. I was a patrol officer, patrolman.

1 Q. On that date how long had you been with the police
2 department?

3 A. About a year and-a-half.

4 Q. Okay. Did you get a call on Normandy at around 9:00
5 p.m. that day?

6 A. Yes.

7 Q. Do you recall that day?

8 A. Yes.

9 Q. When you got to -- when you were headed there was there
10 a radio run for that address?

11 A. Yes, there was.

12 Q. And what was the nature of the run?

13 A. The caller called dispatch, said he came to check on his
14 daughter because he hadn't been able to get ahold of her
15 and, when he went to check on his daughter, he found his
16 daughter and his granddaughter deceased.

17 Q. Okay. So going into it, you knew that you were going to
18 expect a scene with a deceased at the scene?

19 A. Yes.

20 Q. Okay. When you first got to the scene on Normandy, what
21 did you see?

22 A. Mr. Rakowski was standing on the porch, waiting for
23 officers to arrive. He was holding the dog. Once we
24 pulled up, he went inside, put the dog away, and then he
25 came back out, told us that he hadn't been able to speak

1 with his daughter, Monique, all day, hadn't been able to
2 get ahold of her, so he came to check on her, tried the
3 front door, the front door was locked, had to come in
4 through the side door. He said he went to the -- the
5 bathroom door was locked, saw the light on. He was able
6 to get into the bathroom door and that's when he
7 discovered Monique and Carmon deceased on the floor.

8 Q. Okay. Exhibit 1. Do you recognize this?

9 A. Yes.

10 Q. This is the house?

11 A. Yes.

12 Q. On Normandy.

13 A. Yes.

14 Q. Okay. And you said Mr. Rakowski is on the front porch
15 at the time.

16 A. Correct.

17 Q. When you get there?

18 A. Yes.

19 Q. Okay. You go in and you see that -- after you get the
20 information from him, who were you with that day?

21 A. Officer Fortunado (ph).

22 Q. Okay. After you and Officer Fortundado hear this, get
23 that information, how do you proceed?

24 A. Officer Fortunado proceeded to the bathroom with Mr.
25 Rakowski standing just inside the house at the front

1 door, because at that time he already moved the
2 obstruction. We go to the bathroom, I see Monique and
3 Carmon lying -- the bathroom door is about
4 three-quarters of the way open. I see Carmon lying on
5 top of Monique, both on their backs, and it was apparent
6 that they were deceased.

7 At that time, Officer Fortunado continued to
8 do a sweep of the rest of the house to make sure there
9 was no one inside and I spoke further with Mr. Rakowski.

10 MR. PALEPU: At this time, I'm going to show a
11 difficult picture. I just want to warn everyone. It's
12 Exhibit 8.

13 Q. (By Mr. Palepu) Do you recognize this?

14 A. Yes.

15 Q. Is this what you saw that day?

16 A. Yes.

17 Q. You mentioned that the door was open a certain amount.
18 Was it open that much?

19 A. I believe it was open more than that when I went in
20 there.

21 Q. Okay. But this is an accurate depiction of what you saw
22 that day?

23 A. Yes.

24 MR. PALEPU: Okay. You can take that down.

25 Q. (By Mr. Palepu) After you see this do you make any

1 calls?

2 A. I do.

3 Q. Who do you call?

4 A. My supervisor.

5 Q. Who was that, at that time?

6 A. Sergeant Degel (ph).

7 Q. What else do you do in relation to the scene as a first
8 responder?

9 A. I hold it, make sure there's no -- the fire department
10 arrived. One fire fighter went in, confirmed that they
11 were in fact deceased. And, at that time, no one else
12 was allowed other than the officers, the detectives and
13 the supervisors that showed up on the scene.

14 Q. Okay. Was that to protect the scene?

15 A. Yes.

16 Q. Did you give them the information that Mr. Rakowski had
17 actually gone into the bathroom to attempt first aid?

18 A. I did.

19 MR. PALEPU: Okay. I have no further
20 questions. Thank you.

21 THE COURT: Go ahead, Mr. Sheikh.

22 MR. SHEIKH: Your Honor, I have no questions
23 of this witness.

24 Thank you for your time, Officer.

25 THE COURT: Thank you. You may step down.

(At about 12:13 p.m., Witness Excused).

MR. PALEPU: Detective Holish.

THE COURT: The witness stand is right here.
Before you sit down, raise your right hand.

Do you swear to tell the truth, whole truth,
nothing but the truth, so help you God?

DETECTIVE HOLISH: I do, your Honor.

DETECTIVE ALEXANDER HOLISH,
after having first been duly sworn by the Court to
tell the truth, testified as follows:

THE COURT: Have a seat. You're under oath.
Please state and spell your name for my court reporter.

DETECTIVE HOLISH: Detective Alexander Holish,
last name H-o-l-i-s-h.

THE COURT: Thank you. Go ahead, Mr. Palepu.

MR. PALEPU: Thank you.

DIRECT EXAMINATION

BY MR. PALEPU:

Q. Detective, do you recall the date of February 12 of
2015?

A. I do, sir.

Q. And were you called to a house on Normandy?

A. Yes, I was.

Q. And what did they call you there for?

A. At the time, I was assigned to their afternoon shift as

1 a patrol officer and I was serving as an evidence
2 technician for the department, for the afternoon shift.
3 So I was called to 23737 Normandy to process the
4 homicide scene.

5 Q. When you say process, what are your duties at scenes
6 such as this as an evidence tech?

7 A. A large scene like this would be to check the perimeter
8 of the house for any break-in damages, check every door,
9 check every window, photograph the perimeter, photograph
10 the interior of the house, look for any weapons that
11 might be used in crime, look for fingerprints, if there
12 are any readily visible, look for blood stains, check
13 victims, their position, and photograph everything that
14 is around the scene.

15 Q. Did you photograph the outside of the house?

16 A. Yes, I did.

17 Q. Did you photograph the inside of the house?

18 A. Yes, I did.

19 Q. And what about the deceased, did you photograph them as
20 well?

21 A. Yes, I did.

22 MR. PALEPU: Your Honor, I believe we have a
23 stipulation for People's 11 through 36 to be admitted.

24 MR. SHEIKH: So stipulated, your Honor. Thank
25 you.

1 THE COURT: Okay. We didn't address the other
2 photos yet, the other exhibits.

3 MR. PALEPU: I believe there was a
4 stipulation.

5 THE COURT: There was a stipulation, but I
6 haven't formally admitted them.

7 MR. PALEPU: They were one through 10. I
8 would just ask that they be admitted into evidence as
9 People's 1 through 10.

10 MR. SHEIKH: No objection, your Honor. We
11 have been provided copies and I have reviewed them with
12 my client. Thank you.

13 THE COURT: So, now they are. So 1 through 10
14 and 11 through 36 are admitted.

15 MR. SHEIKH: Yes, your Honor.

16 MR. PALEPU: Thank you.

17 Q. (By Mr. Palepu) At that point in time, in 2015, how
18 long had you been at the Eastpointe police department?

19 A. 2015, it was over seven years.

20 MR. PALEPU: Okay. Could you bring up 11,
21 please. One's fine.

22 Q. (By Mr. Palepu) Do you recall the house?

23 A. Yes.

24 Q. Is this the house on Normandy?

25 A. Yes, sir.

1 Q. Okay. Now, tell me, where did you start first when you
2 were conducting your --

3 MR. SHEIKH: Mr. Palepu, could you just
4 indicate a number for reference.

5 MR. PALEPU: I believe this is one. I
6 apologize.

7 MR. SHEIKH: Thank you.

8 A. The first thing, I take the aerial shot of the house
9 itself, which you see in this picture. So you can see
10 complete house on the photograph.

11 MR. PALEPU: Now, could you hit 11 for me.

12 Q. (By Mr. Palepu) Do you recall what this picture is of?

13 A. This is the entrance door, and it just shows there is
14 no -- that there are locks. The dead bolt lock and
15 regular lock are both in tact. There's no break-in
16 damage on them.

17 Q. Okay. So you just took that just to show, for future
18 reference, no one broke into the front door?

19 A. Yes, sir.

20 MR. PALEPU: Next, 12.

21 Q. (By Mr. Palepu) We're looking at 12 here, tell me about
22 this.

23 A. That's the kitchen of the house, taken from the actual
24 kitchen to little dining area, and there's a table, and
25 on this table I located some prescription pill bottles

1 and marijuana.

2 MR. PALEPU: Okay. Next slide.

3 Q. (By Mr. Palepu) What about this? Tell us about this.

4 A. This is kitchen of the house, as well. It's just pretty
5 much turned around 180 on it and just general
6 photograph. There's a window with the blinds being down
7 and the entrance door from the side door. That's how
8 you enter the house from the side door.

9 Q. Okay. So that's the side door that Ms. Rakowski came
10 through, to your knowledge?

11 A. I do not know what door Ms. Rakowski came through.

12 MR. PALEPU: Okay. Thirteen.

13 Q. (By Mr. Palepu) That's just another picture of the
14 kitchen?

15 A. Just another picture of the house, the frige, the
16 kitchen.

17 When we take these pictures, I pretty much
18 stand in middle of the room and I do 380. I take each
19 side.

20 Q. Okay. Fourteen. So we're looking at 14 here. You just
21 took a picture of the kitchen area, the sink in
22 particular?

23 A. Also, in this picture, although windows were closed and
24 blinds were drawn, I checked, I looked at the kitchen
25 sink, if you see stainless steel kitchen sink. And

1 often, on smooth surfaces, like stainless steel, could
2 be left either fingerprint or boot print if somebody
3 stepped on it, and I didn't see none, so I took a
4 picture of it. If I would see any, I would take more
5 close-up photographs of that evidence.

6 Q. Okay. Fifteen. Do you remember what door this is that
7 you took a picture of?

8 A. This is side door, sir.

9 Q. Okay. Sixteen. Now, you had mentioned that you go
10 around the house and take pictures of the house for
11 break-in damage.

12 A. Yes, sir.

13 Q. And is this one of those pictures?

14 A. Yes, sir. It's going to be picture. I took picture of
15 every window, whether it's a small window crawl window,
16 basement window or big. I will take picture of every
17 window.

18 Q. All right. And in this case, there's obviously no
19 damage here.

20 A. Yes, sir.

21 Q. Seventeen. We're looking at another window?

22 A. That's second floor window. Once again, I will even do
23 second floor windows.

24 Q. Okay. Eighteen, same thing, correct?

25 A. Yes, sir.

1 Q. Eighteen is just a window, no damage.

2 A. Different window of the house.

3 Q. All right. Nineteen.

4 A. That's basement window. I will take even small windows.

5 Q. And hit 20 for me.

6 Same thing, basement window, no break-in.

7 A. No break-in. No foot steps around it in the snow.

8 Q. Twenty-one. Now, is that the back of the house?

9 A. That's, yes, sir, correct, it's back of the house, two
10 rear windows of the house. I believe they're both
11 bedroom windows.

12 Q. And you didn't see no issues there as far as break-in?

13 A. No, sir, no break in, no foot steps to the house leading
14 to them.

15 Q. Twenty-two. Do you recognize that?

16 A. It's just a garage, detached garage, and door was
17 closed.

18 MR. PALEPU: Okay. All right. I'm going
19 to -- I just want to say that 23 is a difficult picture.
20 I just wanted to warn everyone. Twenty-three, please.

21 Q. (By Mr. Palepu) Do you recall taking this picture?

22 A. Yes, I have. I saw that -- that's how I found it
23 originally, with door cracked open, and that's what I
24 saw from the outside, from the hallway area into the
25 bathroom.

1 Q. Twenty-four.

2 A. Just a closer picture as I slid open the door to enter.

3 Q. Twenty-five.

4 A. It's another even closer picture of Carmon and Monique
5 was laying under her.

6 MR. PALEPU: Take that picture down.

7 One moment. Twenty-six is also difficult.

8 Q. (By Mr. Palepu) Now, in this picture I'm seeing
9 something. Can you tell me what's in the content of the
10 photo.

11 A. It's just a close picture of Monique's and Carmon's
12 faces and there were two coins placed over Carmon's
13 eyes -- I'm sorry, Monique's eyes.

14 Q. Okay. Twenty-seven.

15 A. That's how she was found and I just took picture of her
16 legs, just showing her drawers down, and also there's a
17 knife just to the right of her.

18 Q. If you could stand up. Could you just point out where
19 the knife is to the jury.

20 A. There's a black handle of the folding knife and the
21 blade kind of goes -- it's not under their bodies, but
22 it's, it's not visible. I couldn't reach far enough.

23 Q. Is that because of the angle?

24 A. It's because angle of picture. There might be another
25 one where I kind of reached over. I'm not sure.

1 Q. And could you come back out from this picture.

2 You said that the -- were those sweat pants
3 that she's wearing?

4 A. Yeah, they were down around her ankles. That's how I
5 found her.

6 Q. So when you entered, that's the state she was in with
7 the pants down around her ankles?

8 A. Yes, sir.

9 Q. Twenty-eight. Now, you had said something about coins.

10 A. Yeah, there were two coins over Monique's eyes.

11 Q. Twenty-nine.

12 A. Just a better angle. I moved around just to take a
13 picture of the knife.

14 Q. Okay. That's on the right side of where Monique is
15 lying.

16 A. Yes, sir.

17 Q. Okay. Thirty. Tell me about this picture. Where is
18 this room located in that house?

19 A. This one of the back bedrooms. Just took a picture of
20 what, what state the bedroom was in.

21 Q. Okay. Where is this bedroom in relation to the
22 bathroom?

23 A. I remember this is the first-floor bedroom, but I cannot
24 tell you if it's east or west bedroom -- actually, north
25 or south bedroom, the way the house is located.

1 Q. When you look in this room, I believe you said before
2 you take pictures and you're looking for evidence,
3 whether it be blood or fingerprints or boot prints; is
4 that correct?

5 A. Yes, sir.

6 Q. Did you find or did you see any blood when you took a
7 look at this room initially?

8 A. No, sir. Actually, once I saw the knife and I had a
9 strong suspicion there might be stabbing involved. So I
10 actually specifically looked for blood all over the
11 whole house and I could not find any obvious blood.

12 Q. Okay. Thirty-one. So it's obviously a picture of the
13 child's room.

14 A. Yes, sir.

15 Q. Okay. Did you see anything in this room when you took
16 the picture?

17 A. No, sir.

18 Q. Thirty-two Is this picture, 32, also in the child's
19 room, that we saw in 31?

20 A. Yes, sir, that's just of a dresser.

21 MR. PALEPU: One moment.

22 Q. (By Mr. Palepu) Thirty-two. Why did you take a picture
23 of this?

24 A. This poster's from the movie Boondock Saints, and it was
25 right when you enter from the front door, the first

1 thing you would see in the living room. I seen this
2 movie prior to the investigation and I recognized these
3 two gentlemen, they were main characters in the movie,
4 and when they would kill people they would place coins
5 on people's eyes, on their victim's eyes.

6 Q. What was the significance of putting coins on the eyes?

7 A. It was explained in the movies that it was an ancient
8 Christian tradition, actually, Greek tradition, to be
9 specific, to place coins on deceased eyes so deceased
10 will have money to pay to their gatekeeper of the after
11 life. And once money is paid, gatekeeper will take them
12 on a boat across this mythological river into the after
13 life, whether it's heaven or hell. It was not
14 specified.

15 Q. What were they paying for specifically?

16 A. They were paying for their sins and for the transport.

17 Q. I see. Thirty-three.

18 A. I just took a closer picture. At the time I was taking
19 these pictures I wasn't sure of significance of the
20 coins over victim's eyes and significance in the movie
21 itself. So I just took their writing of it. I didn't
22 know if it would be, at a later time, significant or
23 not. I'm not sure. I don't think it is now, but.

24 MR. PALEPU: Okay. You can take the slide
25 down.

1 Q. (By Mr. Palepu) So after you go to the scene, take
2 these pictures, what other things do you seek to process
3 at this location?

4 A. On a scene like this, pretty much, I was done. I was
5 waiting for detectives to arrive because they're already
6 called, and medical examiner. When we have a deceased
7 person we will not touch deceased person until medical
8 examiner arrives and they do their thing whatsoever. So
9 on this type of crime, that's about it.

10 Q. Okay. So fair to say that you did what you had to do to
11 take the pictures without disturbing the scene or
12 anything that medical examiners had to, had to
13 investigate?

14 A. That's correct. I never touched Carmon or Monique.
15 Pictures were taken of them and that's it, and I walked
16 out of the room.

17 Q. Okay. When you were doing this, what other officers
18 were at the location?

19 A. When I arrived, Officer Hofer was already at the
20 location and Sergeant Degel was at the location. I
21 believe Officer Fortunado was there, too. They were all
22 outside. They met me outside.

23 Once I walked in, I did my pictures on my own.
24 I did not ask them to come in because be try to minimize
25 people coming to the scene and disturbing stuff. I mean

1 we are trained, but something stuff gets knocked over by
2 accident or whatnot. So we try to minimize that by only
3 necessary people go on a scene like this.

4 Q. In this circumstance, was there anything that you saw
5 that you, yourself, might have bumped or --

6 A. I did not touch anything. I was extremely careful.

7 MR. PALEPU: Okay. One moment, your Honor.

8 Q. (By Mr. Palepu) When you got to the scene did Officer
9 Hofer give you a rundown of what was going on at the
10 scene when you entered?

11 A. He did told me what was, what he was investigating, yes.

12 Q. Okay.

13 A. He did not have much information because he didn't
14 really -- he just told me there were two deceased people
15 in the bathroom and that's it. He said he didn't touch
16 much else, didn't look at anything else, he backed out
17 right away.

18 MR. PALEPU: I have no further questions.

19 Thank you.

20 THE COURT: Mr. Sheikh.

21 MR. SHEIKH: Thank you. I have no questions
22 for this witness.

23 I just want the record to reflect that him, as
24 well as the officer prior, I did consult with my client
25 and we have no questions for either witness.

1 Thank you, your Honor.

2 THE COURT: Thank you. You may step down.

3 All right. This will take us up to lunch
4 break. We'll resume at 1:30.

5 THE DEPUTY: All rise for the jury.

6 (At about 12:31 p.m., Jury Excused).

7 THE COURT: Anything for the record before we
8 break?

9 MR. FEDORAK: Just to make sure we have enough
10 witnesses, your Honor.

11 THE COURT: Okay. Go ahead.

12 MR. FEDORAK: Go ahead.

13 MR. PALEPU: Well, when I had --

14 THE COURT: You can be seated. Go ahead.

15 MR. PALEPU: When I had been going through the
16 photos and calling out the numbering of them, I was
17 mistaken with my first picture that I thought was 11.
18 So my number --

19 THE COURT: It was 12, correct?

20 MR. PALEPU: Well, it was actually, it was --
21 the number one slide was the house, the front of the
22 house.

23 THE COURT: Correct.

24 MR. PALEPU: And then, after that point, it
25 should have been 11, 12, 13 and on. So I'm one off of

1 each photo.

2 THE COURT: The ones you showed, the numbers
3 were not the same as the marked exhibits. Is that what
4 you're saying?

5 MR. PALEPU: Correct.

6 THE COURT: Okay.

7 MR. PALEPU: So let's say, for reference, 22
8 should really be 21.

9 THE COURT: Okay. I don't think that's a big
10 problem. We just -- I think I'll try and remember to
11 make a comment to the jury when they came out that if
12 they, when they request the exhibits or when they look
13 at the exhibits that the numbering might be one off from
14 what they were looking at.

15 MR. PALEPU: And I'm going to fix them right
16 now, as far as putting the proper number on the proper
17 slide that I went over with Detective Holish.

18 THE COURT: Okay. So you're going to make the
19 paper exhibits the same as what you --

20 MR. PALEPU: Correct.

21 THE COURT: Okay. So we don't have to explain
22 anything to the jury. Do you have any objection?

23 MR. SHEIKH: We have absolutely no objection.
24 What ever remedial measures they take, we will stipulate
25 to those.

1 MR. FEDORAK: And Judge, we'll have one master
2 binder with every picture and every number.

3 THE COURT: You referred to 32 -- I kind of
4 caught that, too. I think you referred to 32 as two
5 different exhibits. I think you referred to the last
6 one, which I don't know what it should have been. A
7 poster.

8 MR. PALEPU: Well, the last one, I probably
9 referred to it as 33, but it should have been 32.

10 THE COURT: So what was 32? I thought 32 was
11 the child's room, another one of the child's room.

12 MR. PALEPU: On here, I referred to 32 -- I
13 see what you're saying. You're correct, I did do that.

14 THE COURT: Okay. I'm going to tell them when
15 they get the exhibits the numbers are going to coincide
16 with the actual exhibits they're able to have, there
17 could potentially be just a small mix-up on the number
18 versus the picture.

19 MR. SHEIKH: And your Honor, we were provided
20 all the picture in ample time. So, we have absolutely
21 no objection.

22 THE COURT: That should not cause any
23 confusion. They're not going to memorize those numbers.

24 MR. FEDORAK: And we will have a master binder
25 to present if they ever ask.

1 Judge, I just want to double check this
2 afternoon. We're picking up at 1:30.

3 THE COURT: Yes.

4 MR. FEDORAK: And your Honor, how long would
5 you like to go?

6 THE COURT: About 4:00, 4:30, 4:00 or
7 4:30-ish.

8 MR. FEDORAK: Okay. I just want to make sure
9 we have enough witnesses, because we are moving at a
10 rapid pace.

11 MR. SHEIKH: Thank you.

12 (At about 12:34 p.m., Recess Proceedings).

13 * * *

14 (At about 1:39 p.m., Resume Proceedings).

15 THE COURT: Back on the record. People versus
16 Hampton.

17 MR. PALEPU: Kumar Palepu for the People.

18 MR. SHEIKH: Azhar Sheikh for the defense.
19 I'm waiting for my client.

20 THE COURT: I think they're going to be
21 bringing him out.

22 MR. SHEIKH: Thank you, your Honor.

23 THE COURT: All right. Are we ready for the
24 jury?

25 MR. FEDORAK: Good afternoon, Judge. Juriij

1 Fedorak for the People. We're ready.

2 MR. SHEIKH: Good afternoon, your Honor.
3 Azhar Sheikh, counsel on behalf of Mr. Hampton, who's
4 standing to my left. We are ready to proceed.

5 THE COURT: Is your next witness ready.

6 MR. FEDORAK: Yes, Judge.

7 THE COURT: Bring the jury in.

8 MR. FEDORAK: Would you like him next to the
9 stand, Judge.

10 THE COURT: If they're here, yes.

11 MR. FEDORAK: Come on up, sir.

12 THE COURT: You can come on up around. Just
13 stand near the chair. I'll swear you in after the jury
14 comes in.

15 (At about 1:42 p.m., Jury is Seated).

16 THE COURT: You may be seated. Your next
17 witness.

18 MR. FEDORAK: Your Honor, first, Mr. Witt
19 asked me to apologize to the Court for his entire.
20 Again, based on our lightening pace, we're calling in
21 witnesses early. He apologizes. We brought him in
22 straight from the work site.

23 THE COURT: Looks like he's been working.

24 Raise your right hand. Do you swear to tell
25 the truth, whole truth, nothing but the truth, so help

1 you God?

2 MR. WITT: Yes.

3 MARC WITT,
4 after having first been duly sworn by the Court to
5 tell the truth, testified as follows:

6 THE COURT: Okay. Have a seat. You're under
7 oath. Please state and spell your name for our court
8 reporter here.

9 MR. WITT: Marc, M-a-r-c, Witt, W-i-t-t.

10 THE COURT: Thank you.

11 Okay. You know, and I just want to the
12 briefly mention to the jury, there were, you went
13 through a lot of pictures with exhibits and numbers that
14 were mentioned. You are going to have the opportunity,
15 when this is all over, to look at the exhibits, and
16 they're going to be marked with stickers. One or two of
17 them, if you were taking copious notes, you might find
18 the number one off from maybe what was stated with the
19 picture. But, all the pictures that you saw will be
20 there and the exhibit numbers will be on the actual
21 pictures. There could be, especially like around
22 32-ish, the picture and number could be off, but it
23 really doesn't mean a whole lot. You'll have the real
24 exhibits, which are the paper exhibits.

25 MR. FEDORAK: Thank you, Judge.

1 THE COURT: Go ahead.

2 DIRECT EXAMINATION

3 BY MR. FEDORAK:

4 Q. Sir, could you just introduce yourself and state your
5 name for the jurors.

6 A. Marc Witt.

7 Q. Okay. And again, we called you in at the last minute.
8 We thought we were going to call you later in this
9 trial, but we asked you to come in, and as soon as you
10 were available you ran right over here, right?

11 A. Yes.

12 Q. Okay. Thank you for doing that.

13 We all know why we're here. I would like to
14 explain to the jurors or have you explain to the jurors
15 what role you play.

16 You're a friend of Monique Rakowski's,
17 correct?

18 A. Yes.

19 Q. When did you first meet Monique Rakowski?

20 A. It was about 2011.

21 Q. Okay. And under what circumstances did you guys meet?

22 A. Her cousin's son's birthday party.

23 Q. Okay. And at that time, Monique was living in Sterling
24 Heights.

25 A. Yes.

1 Q. Have you been to that location in Sterling Heights?

2 A. Yes.

3 Q. It was a trailer park at 18 and Ryan, behind VG's
4 grocery store.

5 A. Yes.

6 Q. Through the course of 2011 through February of 2015, did
7 you and Monique stay friends?

8 A. Yes.

9 Q. Okay. Would you -- now, I'm going to kind of fast
10 forward through the summer and fall of 2014. I want to
11 talk about the months leading up to the tragedy in
12 February, okay.

13 A. Okay.

14 Q. What type of contact were you having with Monique in the
15 fall of 2014?

16 A. Once in awhile we talked to each other on the phone,
17 text messages. We would hang out sometimes at her
18 house. I've even met her at her mother's house before.
19 It was just, you know, friendship.

20 Q. Okay. And in fact, after this tragedy, you even did
21 some work for Monique's father, Mr. Rakowski, some
22 repair work and other things like that.

23 A. Yes.

24 Q. Okay. Again, not asking you what Monique specifically
25 told you, but were you guys in communication the months

1 leading up to January of '15?

2 A. Yes.

3 Q. Okay. And you indicated that you had conversations both
4 verbally on the phone and you were texting as well.

5 A. Yes.

6 Q. At some point, did you hear about the tragedy that took
7 place on February 12 of 15th?

8 A. Yes, I did.

9 Q. And did you contact the Eastpointe police and Detective
10 Madonia?

11 A. Yes, I did.

12 Q. And what information did you have that you feel was
13 important for the police to know?

14 A. I had some text messages from Monique saying that
15 Charles, I'm sorry, saying that CJ was threatening her
16 and the baby.

17 MR. FEDORAK: Okay. Exhibits, please.

18 Q. (By Mr. Fedorak) Do you recognize the picture on the
19 screen right now?

20 A. Yes.

21 MR. FEDORAK: Judge, we've got that marked as
22 People's Exhibit 36.

23 THE COURT: Is that correct?

24 MR. FEDORAK: Yes.

25 THE COURT: Okay.

1 Q. (By Mr. Fedorak) Who's phone is that?

2 A. That's my phone.

3 Q. Okay. And if you can just explain for the jurors, it
4 might sound obvious, I'm pulling out obvious
5 information, but the court reporter's got to put it down
6 in your words rather than mine.

7 A. Okay.

8 Q. So what is that a screen shot of?

9 A. That is a screen shot of the text messages between me
10 and Monique.

11 Q. Okay. Can you tell, what part is Monique's
12 conversation.

13 A. The white boxes.

14 Q. Can you read it into the record, please?

15 A. It says Charles hasn't seen the --

16 Q. Go ahead.

17 A. -- fucking kid in 10 years and CJ threatened to kill me
18 and the baby.

19 Q. Okay. What did you indicate to her?

20 A. I told her to tell the authorities.

21 Q. And her response to you?

22 A. I don't have any proof. I'll just sound like some
23 crazy, mad, baby mama drama.

24 MR. FEDORAK: Okay. Next exhibit, please.

25 Q. (By Mr. Fedorak) Have you personally had contact with

1 Mr. Hampton?

2 A. No.

3 Q. Okay. Have you seen him around?

4 A. When Monique was living in Sterling Heights I've seen
5 him around the neighborhood.

6 Q. Okay. And in the conversations that you had with
7 Monique in the months leading up to the end of '14 and
8 beginning of 15, have you been to the Eastpointe house?

9 A. Yes.

10 Q. On Normandy?

11 A. Yes.

12 Q. Okay. And what was the status of your relationship with
13 her at that point in the fall.

14 A. We were just friends.

15 Q. Okay. And would you happen, on occasion, to be around
16 when CJ was around?

17 A. No.

18 Q. Was there a reason for that?

19 A. I always, I always felt she wanted to keep that private,
20 almost like CJ was jealous, like a jealous person,
21 jealous boyfriend.

22 Q. Okay. And I don't think anybody's ever asked you this
23 question, did you see any evidence of any injuries
24 Monique had? Were you seeing her, would you see her on
25 occasion in August or September of '14, any physical

injuries she had on her person?

A. I didn't see any injuries. She had sent me pictures, though, of what had happened to her face.

Q. And what, if anything, do you remember seeing in terms of those pictures?

A. She had a really bad black eye.

Q. And that was around September of 2014.

A. Yes.

MR. FEDORAK: Thank you, your Honor. Nothing further.

THE COURT: Mr. Sheikh.

MR. SHEIKH: Yes. Thank you, your Honor.

CROSS-EXAMINATION

BY MR. SHEIKH:

Q. Good afternoon, Mr. Witt. You and I have never met or spoken prior to today; is that correct?

A. Correct.

MR. SHEIKH: Could I ask you to put Exhibit 36 back on, please.

Q. (By Mr. Sheikh) Sir, can you read that from where you're at?

A. Yes.

Q. Okay. And that's the text back and forth between you and Monique that you read into the record, correct?

A. Yes.

1 Q. Would you be so kind as to also read the date and time
2 of the interaction, approximately?

3 A. December 1st, 2014, from 10:51 a.m. until 11:06 a.m.

4 MR. SHEIKH: Thank you. You can take that
5 down.

6 Q. (By Mr. Sheikh) Do you know -- you were in contact with
7 Monique after that; is that correct?

8 A. Yes.

9 Q. Okay. And forgive me if I'm not recalling, when is the
10 last time you saw Monique prior to this incident?

11 We know this incident occurred on February
12 12th.

13 A. Honestly, it would probably be before these text
14 messages.

15 Q. So you hadn't seen her then. Okay. Did you come to
16 find out at some point that Carmon was ill?

17 A. No, I did not know Carmon was ill.

18 Q. Did you come to find out that at some point Monique had
19 went down to Oklahoma?

20 A. Yes.

21 Q. Do you know if, when this text was sent to you December
22 1st, when you two had this interaction, she was still in
23 Oklahoma or she was back in Michigan; if you know?

24 A. I believe she was back in Michigan.

25 Q. And do you know that since she came back she had

1 rekindled her relationship with Mr. Hampton?

2 A. Yes.

3 MR. FEDORAK: Your Honor, objection, assuming
4 facts not in evidence. Mr. Sheikh said it as a fact in
5 his question, but nobody's ever testified to that yet,
6 if it can be established.

7 THE COURT: All right. Rephrase your
8 question.

9 Q. (By Mr. Sheikh) Despite this text interaction you and
10 Monique had on December 1st, right?

11 A. Okay.

12 Q. As far as you know, she allowed Curtis back into her
13 life; is that correct?

14 A. Yes, yes.

15 Q. And do you know if he would actually stay at her house
16 or not?

17 A. I always assumed.

18 Q. That he did?

19 A. Yes.

20 MR. SHEIKH: Your Honor, before I pass the
21 witness may I consult with my client?

22 THE COURT: Yes.

23 MR. SHEIKH: Thank you, sir.

24 Nothing further, your Honor.

25 THE COURT: Thank you. Any follow-up?

1 MR. FEDORAK: Yes.

2 REDIRECT EXAMINATION

3 BY MR. FEDORAK:

4 Q. You see the difference in the question when I objected?
5 Mr. Sheikh assumed that they were in a romantic
6 relationship again in January. Do you know that for a
7 fact, one way or another, if she was back in a
8 relationship with CJ in January?

9 A. No, I don't.

10 Q. As far as you know, when was the last time she led it on
11 to you in some way acknowledging that she was in a
12 relationship with CJ?

13 A. Honestly, there was never like, hey, I'm back with CJ.
14 It was more or less he was back around and I just
15 figured it was more or less for the daughter, their
16 daughter.

17 Q. Okay. So it would be misleading to assume then that
18 your testimony would come off that they were somehow
19 back together in a loving relationship or in a
20 boyfriend/girlfriend relationship in December, January
21 and February.

22 A. Could you repeat that? I'm sorry.

23 Q. You're not trying to tell this jury that, based on your
24 conversation, they were back together in December,
25 January or February.

1 A. No.

2 Q. They had interaction because of the kid.

3 A. Yeah.

4 MR. FEDORAK: Perfect. Thank you, Judge.

5 MR. SHEIKH: Your Honor, may I?

6 THE COURT: Go ahead.

7 RECROSS-EXAMINATION

8 BY MR. SHEIKH:

9 Q. As far as we know, off and on, in between, Monique was
10 involved with Charles, who is the father of Damien,
11 correct?

12 A. Yes.

13 Q. At some point.

14 MR. FEDORAK: Judge, I'm going to have to
15 object unless there's a time frame.

16 THE COURT: Okay.

17 MR. FEDORAK: Because we're talking several
18 years earlier now.

19 MR. SHEIKH: That's fine.

20 Q. (By Mr. Sheikh) What year do you recall, what years do
21 you recall them being together?

22 A. I mean it would probably have to be way before I even
23 met Monique.

24 Q. Okay. And we know that Mr. Hampton was involved with
25 her, correct?

1 A. Yes.

2 Q. Okay. And if you know, did you know that a gentleman
3 named Nick was involved with her, from Oklahoma?

4 A. Honestly, I can't recall.

5 Q. Okay. So you know -- your testimony has been that the
6 relationship with at least what you know about Mr.
7 Hampton was on again and off on again, correct?

8 A. Yes.

9 Q. And would Monique come to you everyday or when ever you
10 have a conversation and say that it's on today or it's
11 off today, or would you just know that from their
12 interaction?

13 A. I didn't know anything, honestly. She would talk about
14 him and -- I mean it was never, it was never a topic
15 that we'd ever talk about.

16 Q. So it was a transitional sort of thing; is that correct?
17 She wouldn't say to you, okay, we're on this week and
18 we're off next week, anything like that. She would
19 bring him up, she would not bring him up; is that
20 correct?

21 A. Yes.

22 Q. You wouldn't definitely be able to testify, you know,
23 without a doubt as to whether or not the relationship
24 was on or off at any particular time; is that correct?

25 A. That's correct.

1 MR. SHEIKH: Thank you, your Honor.

2 THE COURT: Anything?

3 MR. FEDORAK: Nothing.

4 THE COURT: Thank you. You may step down.

5 (At about 1:54 p.m., Witness Excused).

6 MR. FEDORAK: Deputy Bosek, your Honor.

7 Your Honor, may the witness be excused.

8 THE COURT: Yes.

9 MR. FEDORAK: As far as the People are
10 concerned.

11 THE COURT: Good afternoon.

12 DEPUTY BOSEK: Good afternoon.

13 THE COURT: Raise your right hand. Do you
14 swear to tell the truth, whole truth, nothing but the
15 truth, so help you God?

16 DEPUTY BOSEK: Yes, ma'am.

17 JOSEPH DARREN BOSEK,
18 after having first been duly sworn by the Court to tell
19 the truth, testified as follows:

20 THE COURT: Have a seat. You're under oath.
21 Please state and spell your name for us for the record.

22 DEPUTY BOSEK: Joseph Darren Bosek,
23 J-o-s-e-p-h, D-a-r-r-e-n, B-o-s-e-k.

24 THE COURT: Thank you.

25 DIRECT EXAMINATION

1 BY MR. PALEPU:

2 Q. Where do you work?

3 A. Macomb County sheriff's office.

4 Q. How long you been there?

5 A. Nineteen years.

6 Q. Okay. Were you working -- what are your duties?

7 A. I'm an evidence technician.

8 Q. Were you working in that capacity in February of 2015?

9 A. Yes.

10 Q. And at some point in time, were you called to a Normandy
11 address in the City of Eastpointe?

12 A. I was.

13 Q. And what was the purpose of that call?

14 A. It was to assist the Eastpointe police department with
15 the application of Bluestar on their crime scene.

16 Q. Could you tell, explain to the jury what Bluestar is.

17 A. It's basically a chemical reagent whose purpose is to
18 detect blood stains that have been washed out, wiped up
19 or invisible to the naked eye.

20 Q. How does that process work?

21 A. It's basically you mix up a chemical, you spray it on
22 areas, and it will illuminate if you have a positive
23 reaction.

24 Q. Take us through the process of what you have to do when
25 ever you're investigating and you're using the Bluestar.

1 A. What we would do is we would go to the area that we
2 wanted to spray, and then we would spray it and -- first
3 of all, we would photograph the area. Then we would
4 turn the lights off, spray the area. If you got a
5 positive reaction, we would then photograph that
6 positive reaction, and then we would collect a sample of
7 the area and we would turn the lights back on, take
8 another photo of the area that we just collected the
9 sample from.

10 Q. Did you do that process at this location?

11 A. Yes.

12 Q. The Normandy address?

13 A. Yes.

14 Q. Okay. Were you working with someone at that time?

15 A. Yes.

16 Q. Who was that?

17 A. It was Deputy Stone.

18 Q. Okay. Do you have training with Bluestar?

19 A. Yes.

20 Q. Okay. Now, did you, while you were investigating the
21 scene, come to determine that you needed to use the
22 Bluestar and there were, there was some evidentiary
23 significance to things you found at the home?

24 A. Can you repeat that question?

25 Q. Did you find things that you felt you needed to take

1 pictures of when you used the Bluestar at the home?

2 A. Yes.

3 Q. Okay. Could you bring up slide 37.

4 All right. Do you recognize this?

5 A. Yes.

6 Q. All right. Tell us what we're looking at.

7 A. This is the main bedroom in the home.

8 Q. Okay. Is this where you started?

9 A. Yes.

10 Q. All right. Now, you just explained the process. This
11 was the first picture that someone took. Was it you or
12 your partner?

13 A. That was Deputy Stone.

14 Q. Okay. And when this picture was taken, was it just to
15 get what location was in?

16 A. Yes.

17 Q. And then, at this point, would the Bluestar be sprayed
18 or would you turn off the lights first?

19 A. We would turn the lights off first and then spray the
20 Bluestar.

21 Q. Okay. Thirty-eight, please.

22 Okay. Now, the lights are off. Once the
23 lights are off, you said the Bluestar is sprayed,
24 correct?

25 A. Yes.

1 Q. In this picture what are we looking at?

2 A. You're looking at a positive reaction here at the side
3 of the mattress.

4 Q. Okay. And then the picture was taken once you saw the
5 positive reaction?

6 A. Yes.

7 Q. All right. Thirty-nine.

8 All right. What are we looking at here?

9 A. This is the same area, but on the floor next to the
10 mattress. What we did was we started on the mattress
11 itself and then we would come on the floor. We broke
12 the room up in sections because the room's too big to do
13 all at once. So, you do it in sections. And this is
14 first section we did and, as you can see, we get a
15 positive reaction on the floor as well.

16 Q. Now, this Blue, the positive reaction to what you spray,
17 do you know exactly what it is when you're spraying it?

18 A. No.

19 Q. What could it be?

20 A. It could be blood.

21 Q. What else?

22 A. It also will react to some household chemicals.

23 Q. Okay.

24 A. Detergents. It will react to some iron, some copper,
25 stuff like that. Generally, you'll be able to tell from

1 the color of the reaction. The blue-ish reaction is
2 more blood. You get kind of like a white-ish one, a
3 white-ish one will be more like probably a false
4 positive.

5 Q. In this circumstance we're looking at bright blue,
6 correct?

7 A. Yes.

8 Q. Okay. Forty.

9 What are we looking at in 40?

10 A. Another area next to the bed, a little bit closer to the
11 bed. You've got a positive reaction here on the floor.

12 Q. Forty-one.

13 Okay. Now, we're looking at 41. I see the
14 two placards. My question is are those placards placed
15 where we saw the reaction?

16 A. Yes.

17 Q. The blue?

18 A. Yes.

19 Q. The process is, basically, while we're doing this you
20 mark where you saw reactions?

21 A. Yes.

22 Q. And you take a picture before, during and after?

23 A. Yes. And then, the placards would be consistent with,
24 as we collect each sample we would label the sample that
25 we collected with a one if it was in this area and then

1 with a two if it was in this area.

2 Q. Okay. Forty-two.

3 One moment, apologize.

4 MR. FEDORAK: Judge while we're working
5 through a technical difficulty I've got a few questions.

6 THE COURT: Go ahead.

7 DIRECT EXAMINATION

8 BY MR. FEDORAK:

9 Q. Detective, when you first got there, you were working
10 with Detective Anthony -- excuse me, Deputy Anthony
11 Stone at the time, correct?

12 A. Correct.

13 Q. And, basically, you guys were a team doing it together.

14 A. Yes.

15 Q. One would photograph and one would write?

16 A. Yes.

17 Q. He is now the polygraph operator at the Macomb County
18 Sheriff's department. So you got stuck coming to court
19 and actually testifying to the work that you both did
20 together?

21 A. Correct.

22 Q. When you first got to the scene did you see any blood,
23 to your naked eye, anywhere?

24 A. Yes.

25 Q. Where did you see that?

1 A. In the bathroom and right outside the bathroom on the
2 floor. I remember seeing some blood there.

3 Q. Okay. And do you remember -- I'm sorry, I may have
4 missed it. Do you remember what day you actually showed
5 up at the house on Normandy?

6 A. I believe it was February 9th.

7 Q. If the incident date was February 12th -- do you have a
8 report with you or do we have your report?

9 A. No, I don't. Sorry.

10 Q. Okay. But, you were called in by the Eastpointe
11 detectives to assist, correct?

12 A. Yes.

13 Q. Were any of the Eastpointe officers there with you as
14 well when you entered the scene?

15 A. Yes.

16 Q. Do you remember, was it a patrol officer or a detective?

17 A. Detective Madonia was there.

18 Q. Okay. So you worked with Detective Madonia.

19 A. Yes.

20 Q. Okay. Did he kind of give you a summary of what they
21 believed happened, so you guys would start working and
22 pick specific areas of the house.

23 A. Yes.

24 Q. Okay. Is it safe to say that the bathroom -- and we'll
25 get to pictures of that in a minute -- was obvious to

1 you because of the residue that was on the bathroom
2 tile?

3 A. Yes.

4 Q. But your Bluestar, what you were asked to come in and
5 find blood that's not visible to the naked eye, they
6 asked you to check out the master bedroom and then the
7 hallway area that led to the first-floor bathroom.

8 A. Correct.

9 Q. Okay. So other than the bathroom, was there any blood
10 visible to you anywhere, to the naked eye?

11 A. No.

12 Q. Okay. You've already indicated that you started on the
13 mattress.

14 A. Yes.

15 Q. And then, what -- we'll see the pictures in just a
16 second. But, what was your mode of operation? What are
17 you trying to do with these placards?

18 A. We're just following it right outside into the hallway,
19 and then down the hallway, then we did do a little bit
20 of the bathroom, too, away from the visible blood
21 though.

22 MR. FEDORAK: Okay. That's all I got for
23 filler. I'm sorry.

24 MR. PALEPU: I think we're almost ready.

25 MR. SHEIKH: Want me to do my cross while

1 we're waiting.

2 THE COURT: Looks like he's ready.

3 MR. FEDORAK: Thank you for everyone's
4 patience.

5 DIRECT EXAMINATION

6 BY MR. PALEPU (continuing):

7 Q. Okay. Do you recognize this?

8 A. Yes.

9 Q. Okay. Could you just tell the jury what we're looking
10 at?

11 A. Once again, it's the master bedroom. After we finished
12 with these areas right here, we apply the Bluestar right
13 in this area right here. This would be the entry door
14 right here to the bedroom.

15 Q. When you applied it, am I seeing a blue dot somewhere in
16 the middle, center of that photo?

17 A. Yes, right here.

18 Q. Okay. Forty-three.

19 So, you did it again. We see a little more
20 now, right?

21 A. Yes.

22 Q. Okay?

23 A. Kind of going into areas of one and two now, as well.
24 Basically, it's the same area, though.

25 Q. And when you mark things, you're not marking every

1 specific dot, but a general area, correct?

2 A. Correct.

3 Q. Okay. Next slide, 44.

4 A. This is the area marked placard three, which would be
5 swab number three. It's just labeling the area that was
6 swab number three, basically.

7 Q. Okay. And three represents what we saw in the last --

8 A. Correct, with the lights on.

9 Q. Okay. Forty-five.

10 Now, are you in the hallway at this point?

11 A. Yes.

12 Q. Okay. And you're taking the picture into the room
13 still?

14 A. Yes.

15 Q. All right. Forty-six.

16 Now, what are we looking at here?

17 A. This is the same picture with the lights out. We
18 sprayed already. We might not have gotten a very good
19 reaction. There's a little bit down here, you can see,
20 it's not very bright, though.

21 Q. Okay. Forty-seven.

22 So what you just described, apparently, you
23 marked it in slide 47.

24 A. Yes. We marked it as area number four.

25 Q. Okay.

1 A. So, basically, the master bedroom was broken up into
2 four areas, one through four. Then we started coming
3 out to the hallway.

4 Q. Okay. And once you're in the hallway. Forty-eight.

5 And the process, you just slowly walk your way
6 to where you see some areas where you think you might
7 need to add Bluestar, correct?

8 A. Well, we try to cover most of the area, you know, best
9 we could. Once we start seeing the area, you can kind
10 of tell like what, where it's going, you know, you can
11 kind of tell where it's leading to just by the area that
12 it's illuminating.

13 Q. Okay. Forty-nine.

14 A. This is taken from inside the child's room, and we're
15 basically just showing a picture of the hallway before
16 we Bluestar it.

17 MR. PALEPU: One moment.

18 MR. FEDORAK: And if I may, your Honor. I left
19 off with questions.

20 DIRECT EXAMINATION

21 BY MR. FEDORAK (continuing):

22 Q. You were summoned by Detective Madonia and you were
23 working in conjunction with Detective Madonia.

24 A. Yes.

25 Q. Did Detective Madonia indicate to you that he was able

1 to -- that he received information regarding the
2 investigation and he supplied you a summary of what he
3 wanted you to do in terms of the areas?

4 A. Yes. All the areas that were applied with Bluestar were
5 under the direction of the Detective Madonia because he
6 did, basically, the initial investigation.

7 Q. Okay. In fact, did you know, at that point, that the
8 Detective Madonia had already interviewed the defendant?

9 A. I don't recall that.

10 Q. Okay. Obviously, you played no role in Detective
11 Madonia's investigation and interview of the defendant
12 and his statements that he made, correct?

13 A. Correct.

14 Q. You were just called in for the specific role as an
15 evidence tech because you had the Bluestar capability.

16 A. Correct.

17 Q. But Detective Madonia brought you to the -- met you at
18 the scene, et cetera, and then the two of you worked
19 together to go through the direction that he wanted you
20 to go through?

21 A. Correct.

22 DIRECT EXAMINATION

23 BY MR. PALEPU (Continuing):

24 Q. The next slide, this is 49.

25 A. This is a positive reaction in the hallway area that we

1 just took the photo to on the prior slide, photo of.

2 Q. This seems like a much larger area reaction, correct?

3 A. Yes, yes, it does.

4 Q. Okay. Now, there's an orange bar that's up in the
5 right-hand corner. Is there a light on somewhere in one
6 of the rooms.

7 A. Yes. More than likely, that's a light on the other side
8 that's coming into the camera exposure.

9 Q. Okay. Fifty.

10 And you marked the spot where we just saw the
11 last reaction, 49.

12 A. Correct.

13 Q. Okay. Fifty-one?

14 A. This is, in the next couple slides you're going to see a
15 placard number six. This is another area that we
16 sprayed and that's going to be labeled number six in
17 probably the next slide or two.

18 Q. I think out of the slides we've seen so far, was that
19 the greatest reaction that you've had thus far?

20 A. I believe so.

21 Q. Okay. It looks like it's half-way up the wall; is that
22 correct?

23 A. Yes.

24 Q. Fifty-two.

25 A. And that's just the area before it was Bluestar'd.

1 Q. Okay. I see. And 53, that's where you marked the wall.

2 A. That's where we marked it, yes.

3 Q. Okay. Fifty-four.

4 Once again, you're walking backwards along
5 that trail, correct?

6 A. Correct.

7 Q. All right. Fifty-five.

8 Actually, can we go back to 54, just briefly.
9 I apologize.

10 So in 54, placard number five, is it correct
11 that it's next to -- on the right-hand side would be the
12 bedroom that you just came out of.

13 A. Correct.

14 Q. Now, on the left-hand side there's an open door. Where
15 does that open door lead to?

16 A. It leads to the bathroom.

17 Q. Okay. Fifty-five.

18 A. This is a positive reaction next to the first doorway on
19 that previous slide. I believe that would be marked
20 number seven, eventually, when we get to it. But,
21 that's another positive reaction in front of that door.

22 Q. So on the left-hand side would be the bathroom, the open
23 door.

24 A. Correct.

25 Q. And the right-hand side would be another room?

1 A. Yes.

2 Q. Okay. Fifty-six.

3 A. There's number seven. It's marked as the item, the area
4 we collected.

5 Q. Okay. Fifty-seven.

6 Seems like it's just a different perspective.

7 A. This just kind of shows an overall, five six and seven,
8 the areas that were collected.

9 Q. Okay. Fifty-eight.

10 Now, what are we looking at here?

11 A. This is, we marked the visible blood stain right here
12 with number eight.

13 Q. Okay. And this visible blood stain is right outside of
14 the bathroom?

15 A. Yes.

16 Q. And that, you didn't necessarily need to Bluestar that
17 to see it?

18 A. No, we don't Bluestar, if it's visible we won't Bluestar
19 it.

20 Q. Okay. Fifty-nine.

21 A. And then, this is just an area kind of off the ledge
22 leading into the bathroom that is a more positive
23 reaction from the bathroom.

24 And we did swab this area before we did the
25 Bluestar. Once we saw the visible stain, marked it

1 number eight, it gets swabbed and then the Bluestar gets
2 applied. Now we already have a sample of it, so we're
3 not really too worried about it.

4 Q. Now, at this point, did you get the feeling that you had
5 a path of where, basically, point of origin where the
6 event happened to where it ended?

7 A. Yes, or the other way around. There was definitely a
8 significant trail of a positive reaction from the
9 bathroom to the bedroom or from the bedroom to the
10 bathroom.

11 Q. Okay. At some point, did you discover that Monique and
12 Carmon Rakowski were found in the bathroom?

13 A. Yes.

14 Q. Okay. And -- strike that. One moment. Sixty.

15 A. Again, this is just an overall shot showing areas seven
16 and eight.

17 Q. Okay. A little bit, is it fair to say this is a little
18 bit further into what would be the living room?

19 A. It's back, yeah, the living room would be right around
20 this corner here, this area right here, make-believe it.

21 Q. Next slide, sixty-one.

22 A. Then, this is another area marked number nine, which was
23 from the positive reaction we had a couple slides ago.

24 Q. Okay. Sixty-two.

25 A. And this is another picture. We applied it over here

1 now on the wall. So we wanted to show how it was all
2 kind of together in the same area; seven, eight and
3 nine.

4 Q. Sixty-three.

5 A. Again, this is leading into the living room, and you see
6 the positive reaction right here, which would be number
7 10, eventually.

8 Q. How long does each application of Luminol -- I
9 apologize, Bluestar, take to apply? The process of
10 taking a picture, looking to where you need to spray
11 after you turn off the lights and then another
12 photograph?

13 A. The photograph usually takes a minute to a minute
14 and-a-half exposure, spraying it is just a, just a fine
15 mist spray over the area. That doesn't take very long.
16 So, a couple minutes each.

17 (Discussion off the Record).

18 Q. Okay. So, 65 then. So you marked that one out in the
19 living room.

20 A. Yes.

21 Q. And that's what we're looking at right here?

22 A. Yes.

23 Q. Okay. Sixty-six.

24 (Discussion off the Record).

25 MR. PALEPU: I need to clarify. Can you go

1 back one slide. I apologize.

2 UNIDENTIFIED SPEAKER: That's 64.

3 Q. (By Mr. Palepu) Okay. So 65, which will be the next
4 slide.

5 All right. What are we looking at here?

6 A. This is a brown mat that was draped over the side of the
7 tub, with a positive reaction on it.

8 Q. Okay. And this is where?

9 A. This is in the bathroom, draped over the bathtub.

10 Q. Could you tell if it was wet or dry?

11 A. I couldn't tell.

12 Q. Okay. Sixty-six.

13 Is that just another shot of the same?

14 A. Another photo, yes.

15 Q. Sixty-seven.

16 A. This is just looking into the bathroom, showing an
17 overall shot of the bathroom.

18 Q. Okay. Sixty-eight.

19 A. This is -- we sprayed kind of more towards the door and
20 we got a positive reaction on the tile there right
21 inside the door, as well as on the door itself.

22 Q. And in the bathroom there was visible blood that you
23 could see without having to spray, correct?

24 A. Yes.

25 Q. But, once you sprayed, could you see more?

1 A. Yes.

2 Q. All right. Sixty-nine.

3 So you marked that grouping 11?

4 A. Yes.

5 Q. Seventy.

6 A. Twelve was the door.

7 Q. And that was the other side of the grouping along the
8 door.

9 A. Yes.

10 Q. So that was large enough that you felt it was necessary
11 to actually have two markers.

12 A. Well, we did one for the door and one for the floor,
13 yes.

14 Q. Okay. So is it fair to say each surface, if they're
15 different surfaces you might mark them separately?

16 A. Yes.

17 Q. Okay. Seventy-one.

18 Now, is that the sink?

19 A. A reaction in the sink.

20 Q. Now, before you had sprayed that, could you see anything
21 on the sink that looked like blood?

22 A. No, I couldn't see anything, no.

23 Q. Okay. Seventy-two.

24 Better shot of the sink?

25 A. Yes. And again, you see a little bit of different

1 coloring here, this is a little bit whiter, as opposed
2 to like a bright blue, so that this could be possibly a
3 cleaning --

4 Q. I see.

5 A. -- A cleaning agent of some sort. And then, this is
6 more like probable blood.

7 Q. Blood being washed down the sink.

8 A. Yes.

9 Q. Okay. Seventy-three.

10 And 13, you marked the sink, correct?

11 A. Yes.

12 Q. Okay. Seventy-four.

13 Now, in one of the early pictures I believe we
14 saw the wall had been illuminated.

15 A. Yes. So we're just marking that as number 14.

16 Q. Okay. Seventy-five.

17 Where exactly -- I have a difficult time
18 finding where in reference to the other part of the
19 house this is.

20 A. This is the entrance to the kid's room. That will be
21 across the hall from the main bedroom.

22 Q. Okay. Seventy-six.

23 A. And then, that's marked with the number 15.

24 Q. So 76, you just marked 15. Seventy-seven.

25 A. Now, this is the, I believe it's the west wall in the

1 main bedroom.

2 Q. Okay. So, the master bedroom.

3 A. Yes.

4 Q. Where you initially started the trail?

5 A. Yes.

6 Q. It appears as if it's a hand print.

7 A. Yes.

8 Q. Okay. Seventy-eight.

9 A. It's just another photo, same area.

10 Q. Okay. Seventy-nine.

11 Now, this is the same wall, right?

12 A. Yes.

13 Q. All right. So before you used the Bluestar you weren't
14 able to see anything on the wall, correct?

15 A. Correct.

16 Q. Was there any indication there might be something on
17 that wall before the Bluestar?

18 A. No.

19 Q. So what does that, what does that mean to you? How do
20 you take that process?

21 Do you believe it was cleaned up?

22 A. It was either cleaned up or just invisible to the naked
23 eye. It could be just a minute amount of blood you
24 couldn't see it visibly. That's possible, too.

25 Q. Eighty.

1 Now, it kind of looks damp from here. What's
2 your perspective on it?

3 A. That's after it was Bluestar'd.

4 Q. After it was Bluestar'd.

5 A. Yeah.

6 Q. Okay?

7 A. It's probably the liquid from the Bluestar that you're
8 seeing right there.

9 Q. I see right there.

10 What drew your attention to the wall in the
11 first place, if you can remember?

12 A. I think we just decided to do the wall, too. I don't
13 know if it was anything in particular.

14 Q. Okay. Eighty-one.

15 A. And then we marked that side as number 16 and the other
16 side will be number 17.

17 Q. Eighty-two. Eighty-two is -- okay, so the other one was
18 17, correct.

19 Eighty-three.

20 A. This is the entry door into the master bedroom, and you
21 have a reaction on the doorknob as well as on the door
22 itself.

23 Q. And this is the master bedroom. That door is leading
24 out to the hallway, correct?

25 A. Yes.

1 Q. Eighty-four. And you marked that 18?

2 A. Yes.

3 Q. After you performed these -- you can have a seat.

4 After you go through this process and you've
5 taken all your pictures, what happens after this is
6 finished?

7 A. All the evidence collected is turned over to the
8 Eastpointe police department.

9 Q. Okay. How is that evidence collected?

10 A. Okay. When you swab an area, when you collect an area
11 with the swab, you get two cotton swabs in a package.
12 What we do is we take them out and we put one with
13 distilled water and one we leave dry. We swab the
14 areas, place them back in their original packaging and
15 we secure them in an evidence envelope. That way it
16 prevents any contamination because it's coming out of
17 the same package that you're putting it back in.

18 MR. PALEPU: Okay. People move to admit 37
19 through 84. I believe there's a stipulation.

20 MR. SHEIKH: There is a stipulation. No
21 objection, your Honor.

22 THE COURT: Thirty-seven through 84 is
23 admitted. Was 36 previously addressed?

24 MR. FEDORAK: Thirty-six was the text message,
25 your Honor, the screen shot.

1 THE COURT: That was previously admitted.
2 Thirty-seven through 84 is admitted.

3 MR. PALEPU: Thank you, your Honor. One
4 moment.

5 I have no further questions. Thank you.

6 THE COURT: Mr. Sheikh.

7 MR. SHEIKH: Thank you, your Honor.

8 CROSS-EXAMINATION

9 BY MR. SHEIKH:

10 Q. Good afternoon, Deputy Bosek. How are you?

11 A. Good. How are you, sir?

12 Q. Good.

13 I'm going to ask you some questions that are
14 going to seem real simple. So, forgive me.

15 A. Okay.

16 Q. You have been with the Macomb County sheriff's
17 department for about 19 years.

18 A. Yes.

19 Q. And how long have you been an evidence technician?

20 A. Nine years.

21 Q. Okay. And as part of that training, were you trained
22 with obviously collecting evidence, but also the
23 Bluestar?

24 A. Yes.

25 Q. We often hear the term, us lay people, Luminol. Is

1 Luminol and Bluestar the same thing or are they
2 different?

3 A. No, they are different.

4 Q. Could you tell us how they're different.

5 A. They're different in the way the Luminol tends to, not
6 ruin, but could have an effect on the DNA inside the --
7 if it's blood that you're collecting, and Bluestar has
8 been shown not to have an effect on the DNA after you
9 collect, after spraying it.

10 Q. So I'm guessing that Luminol preceded Bluestar. And now
11 that Bluestar is in fashion they probably don't use too
12 much Luminol; is that correct?

13 A. I don't know anybody that uses it, no, I don't.

14 Q. Okay. Now, let's go back to Bluestar. What is it -- I
15 believe you indicated that it turns and has a reaction
16 and turns blue.

17 Do you know specifically what protein or what
18 makes it change color?

19 A. No, I don't.

20 Q. And you did indicate that some cleaning agents also will
21 cause the changes.

22 A. Correct.

23 Q. And I think you also indicated that you only spray it
24 where you don't see anything by the naked eye, correct?

25 A. Correct.

1 Q. So just as a lay person, if I can understand this, you
2 come into a place, you see blood, so you don't need to
3 use the Bluestar on that, correct?

4 A. Correct.

5 Q. Because it's obvious.

6 So how do you decide where to spray if you
7 can't see it? Is that where Detective Madonia guided
8 you or --

9 A. Yes.

10 Q. Is that what happens?

11 A. Yes.

12 Q. Okay. So you don't go in and blindly just spray
13 everywhere and look, correct?

14 A. Correct.

15 Q. Okay. So if you're told that something may have
16 happened here or there, that's where you would spray,
17 correct?

18 A. Correct.

19 Q. Okay. And I believe you indicated that the gradation
20 and the blue color may be indicative of the lighter blue
21 could be a cleaning agent and the darker, more
22 fluorescent blue would be possibly blood; is that
23 correct?

24 A. Correct.

25 Q. Okay. And if somebody has attempted to clean it up, by

1 what ever manner, you know, scrubbed it or something,
2 that would give the appearance of a much more wider area
3 than in fact the blood that was there; is that correct?

4 A. Yes, yes, that's correct.

5 Q. So, in other words -- and I don't want to mislead you,
6 sir. So if there's like three drops of blood on the
7 floor or elsewhere, okay, and a person takes a towel and
8 some cleaning and tries to wipe it, and they think
9 they've done a good job because of the naked eye. You
10 come in and spray Bluestar, it could look like a lot
11 bigger area, correct?

12 A. Correct.

13 Q. Because of the combination?

14 A. Yes.

15 Q. And is there any way that you could date the blood?
16 Could you tell if a particular thing is fresh or not
17 fresh?

18 A. No.

19 Q. No way to tell?

20 A. Not that I know of.

21 Q. Okay. And as far as the Bluestar that was done at this
22 house, did you come to find out whose blood was where?

23 A. I'm not sure what happened after we collected it and
24 turned it over to Eastpointe. I'm not sure which ones
25 they sent to the lab or what ever. I'm not sure about

1 that.

2 Q. Okay. So just so the ladies and gentlemen of the jury
3 are clear, your involvement does not -- your job
4 description does not involve the testing and the coming
5 back with testing.

6 A. Correct.

7 Q. It's more collecting, correct?

8 A. Correct.

9 Q. So you don't know if some of the blood was Mr. Hampton's
10 or not, correct?

11 A. Correct.

12 Q. You don't know if some of the blood was Carmon's or not,
13 correct?

14 A. Correct.

15 Q. And you also don't know if some of the blood was
16 Monique's or not, correct?

17 A. Correct.

18 Q. You also don't know how long any of those blood samples
19 may have been there or not, correct?

20 A. Correct.

21 Q. And you also don't know precisely how much blood was
22 there or how much was a combination of cleaning agent,
23 correct?

24 A. Correct.

25 Q. And you also don't know if there were spots that, I

1 don't know how to phrase this, were cleaned up so well
2 that you saw nothing, but there may have been blood
3 there at some time, correct?

4 A. It's possible.

5 Q. Okay. Bluestar is not infallible; isn't that correct?

6 A. Correct.

7 Q. So if somebody did clean super clean, if they had OCD or
8 something, they cleaned it really well, it may not react
9 to it; is that correct?

10 A. The purpose is to reveal the blood stains that you
11 cannot see. That is its purpose.

12 Q. Okay. And so, if it's cleaned up real well, there's a
13 possibility it may not show?

14 A. Yeah, it's a possibility, yeah.

15 Q. Okay. Now, I want to ask you one other thing that I
16 have a little bit of confusion on, sir.

17 The placards that we saw, one through 18.

18 A. Yes.

19 Q. The little yellow things. Who determines where those
20 are placed?

21 A. Me.

22 Q. Okay.

23 A. Depends on where I'm collecting it at.

24 Q. Now, again, so the ladies and gentlemen of the jury are
25 clear and I'm a little bit clearer, does that indicate

1 some sort of progression? So are you saying that you
2 started seeing blood at one and it led to 18 or
3 something, or is one just the first one that you had and
4 you put it there?

5 A. No, I just go in numerical order, that's all.

6 Q. Okay. So that, that would not be any indication or
7 testimony by you, and correct me if I'm wrong, okay,
8 that blood started at spot number one and ended at 18 or
9 anything?

10 A. Correct.

11 Q. That would be foolish to think that, correct?

12 A. Yes.

13 Q. It could have been vice versa or could have been some
14 other spectrum, correct?

15 A. That's correct.

16 Q. Okay. And when you spray the Luminol, how long is that
17 active, if you know?

18 A. I believe it's a couple minutes. It'll illuminate for a
19 couple minutes.

20 Q. Okay. And then it will --

21 A. Yes.

22 Q. Is it dangerous? Is it toxic?

23 A. We wear masks just because it's a chemical. It's a
24 chemical compound. So, as with any chemical, you put a
25 mask on just to --

1 Q. So we know, unfortunately, this is a very sad situation,
2 the people became deceased and no longer live in the
3 home. But, if you have a scene like that where people
4 are not deceased, would they have to have it
5 contaminated or call hazard team to clean it before they
6 resume living in the home?

7 A. I'm not sure on that. To be honest with you, I don't
8 know what, I don't know what the after-effect is as far
9 as that goes.

10 Q. Okay. We did see one picture. I don't remember the
11 number. But, it was by the bathroom door. There's some
12 other individual standing there. I believe they were
13 wearing gloves. Were you also wearing gloves when you
14 were use the Bluestar?

15 A. Yes.

16 MR. SHEIKH: Could you put up picture 65 for a
17 moment. Thank you.

18 Q. (By Mr. Sheikh) Deputy, if you need to get up, you can.
19 But, I notice the blue there that's on the lower part of
20 the -- your Honor, may I approach the screen?

21 THE COURT: Yes.

22 Q. (By Mr. Sheikh) Is this a rug itself, if you know?

23 A. It's like a mat, yes, rug or a mat.

24 Q. Is this another rug?

25 A. That's the bathtub.

1 Q. That's the bathtub?

2 A. Yes.

3 Q. All right. So what I was going to ask is is there blood
4 underneath that? Do you know?

5 A. I'm not sure.

6 Q. And if you recall, sir, is that a towel?

7 A. I don't recall.

8 Q. But there are -- if you recall, is that blue?

9 A. Yes.

10 Q. Bluestar.

11 A. Yes.

12 Q. And also some over here, correct?

13 A. Yes.

14 Q. Do you have any opinion as to if this is a combination
15 of cleaning agent and blood, or all blood, or all
16 cleaning agent, by the coloration, can you tell?

17 A. It looks pretty consistent to me. It looks pretty
18 consistent blue to me.

19 MR. SHEIKH: Thank you, sir.

20 Would you please put up picture 77.

21 Your Honor, may I approach the screen one more
22 time.

23 THE COURT: Yes.

24 Q. (By Mr. Sheikh) This is picture number 77, and you
25 indicated that this was obviously not originally visible

1 to the naked eye; is that correct?

2 A. Correct.

3 Q. Sprayed it with Bluestar, correct?

4 A. Yes.

5 Q. And this is the part -- and just so the record is clear,
6 it's the second from the right as we're looking at the
7 screen. Is this what you were thinking maybe a hand
8 print?

9 A. It looks, it appears to be a possible hand print, yes.

10 Q. Okay. Now, did you ever have occasion to find out to
11 match that, whether, whose it was, whether it was
12 Monique's? I doubt it was the baby. But, whether it
13 was Mr. Hampton's or Monique's?

14 A. No.

15 Q. Okay.

16 A. There wasn't enough -- are you talking about matching
17 the hand to the print?

18 Q. Right.

19 A. Yeah, there's not enough detail --

20 Q. Ridge?

21 A. -- ridge structure in that print to match anything with
22 the hand.

23 Q. Okay. Now, most often, evidence technicians, in some
24 instances, take photographs with a scale to indicate,
25 right? There's a ruler usually put in the picture.

1 A. Yes.

2 Q. Do you have any recollection, was this larger, like
3 perhaps a man's hand or was it smaller, like a female?

4 A. I can't recall.

5 Q. You can't recall. Okay.

6 Nothing -- you can take that down, sir.

7 Your Honor, may I consult with my client?

8 THE COURT: Yes.

9 Q. (By Mr. Sheikh) Do you have any idea how that blood got
10 on the bathtub, sir?

11 A. No, I don't.

12 Q. Okay. Could some of the blood spots that you saw on the
13 floors could have been from footprints or from people
14 smearing with their feet, if you know?

15 A. Generally, you would see some type of outline of a foot
16 if somebody was walking through it. If it was something
17 contaminated with a foot or something, or a shoe I mean,
18 you would probably see some of the detail.

19 Q. Okay. So you don't have any specific recollection of
20 seeing a shoe print because you would have certainly
21 documented that, correct?

22 A. Correct.

23 MR. SHEIKH: Your Honor, if I may briefly
24 consult one more time.

25 (At about 2:36 p.m., Discussion off the

Record) .

MR. SHEIKH: Thank you for your patience.

THE COURT: Thank you. Mr. Palepu.

REDIRECT EXAMINATION

BY MR. FEDORAK:

Q. It looked to me that through all those areas, one through 18, that you were doing almost all of them exclusively horizontal, flat, right?

A. Yes.

Q. So the Bluestar was not running in any way?

A. Correct.

Q. I assume you apply a lot of it in certain areas, and if it's a vertical wall like this is, which is Exhibit 73, I believe, 77, I can see some lines running, as if you sprayed too much Windex on a window when you're trying to wash and the Windex starts to run.

Is that the solution, the Bluestar solution that's starting to run a little bit?

A. Yes.

Q. Gravity taking affect.

A. Yes.

Q. Okay. Thank you. And the bottom line is, Detective Madonia was armed with some information that he received during the course of his investigation and you played one small part in Detective Madonia's investigation; is

1 that fair to say?

2 A. Yes.

3 Q. It is what it is. You try and get area, confirmation
4 for blood in areas of the house that Detective Madonia
5 may think there might have been blood.

6 A. Correct.

7 Q. You went to the scene, you did it, what the detective
8 asked of you, and you either confirmed or denied
9 information that he had obtained.

10 A. Yes.

11 Q. Is that fair to describe your role in this situation?

12 A. Yes.

13 Q. And it is consistent, a lot of the areas, as you already
14 described, that are darker blue, that's consistent with
15 blood based on your experience?

16 A. Yes.

17 Q. And some of the weaker areas may be contaminated areas
18 from cleaning solutions or rags or other things that
19 might set off Bluestar?

20 A. Correct.

21 Q. But, the both bottom line, is it obvious to you that
22 there was a lot of blood there and somebody cleaned up
23 after it?

24 A. Yes.

25 MR. FEDORAK: Thank you, Judge. Nothing

1 further.

2 MR. SHEIKH: Your Honor, if I may briefly
3 follow up.

4 THE COURT: Yes.

5 MR. SHEIKH: Mr. Duncan, you've been very kind
6 and accommodating, but if I could ask you one more time
7 to put up 77, sir.

8 Your Honor, may I approach.

9 THE COURT: Yes.

10 RE CROSS-EXAMINATION

11 BY MR. SHEIKH:

12 Q. Mr. Fedorak just asked you perhaps, I don't know what
13 specific one he was referring to, but if some or part of
14 this could be run off from the Bluestar being sprayed;
15 is that correct?

16 A. Correct.

17 Q. And you indicated that some of it could be, right?

18 A. Yes.

19 MR. SHEIKH: Mr. Duncan, if you could, could
20 you enlarge this part. Thank you, sir.

21 Q. (By Mr. Sheikh) This is the part that we've been
22 referring to as a possible hand print, correct?

23 A. Yes.

24 Q. Okay. Now, not to put words in your mouth, do you have
25 any reason to believe that some of this is run-off or

1 would you say that's pretty much a hand print?

2 A. It's a possibility some of it may be run-off from up
3 here.

4 Q. We do see, if this were a hand, that these would be the
5 tips, correct?

6 A. Yes.

7 Q. If we're going to make that assumption. And those seem
8 brighter than the rest; is that correct?

9 A. Correct.

10 Q. Okay. Looking at it up close, does it draw your
11 attention any more to if any part definitively looks
12 like run-off?

13 A. I can't be sure.

14 Q. More likely, this is probably run-off, right?

15 A. Correct.

16 Q. It's very unlikely that somebody would put their hand
17 there and hold; is that correct?

18 A. Yes.

19 MR. SHEIKH: Thank you. Thank you, Mr.
20 Duncan. Nothing further.

21 THE COURT: Anything else.

22 REDIRECT EXAMINATION

23 BY MR. FEDORAK:

24 Q. Just to confirm, I agree with you, it looks like a hand
25 print, doesn't it?

1 When I was talking about the run-off was from
2 the palm down. Is that fair to say?

3 A. Yeah, that's what I said.

4 Q. Did you notice how the box springs on the mattress kind
5 of stood out a little further than the mattress?

6 A. Yes.

7 Q. So if a person's kind of leaning over and trying to take
8 sheets off of that bed to remove things that was in that
9 room, they might have to lean and kind of put a hand on
10 the wall to balance --

11 MR. SHEIKH: Objection, your Honor. That's
12 speculation.

13 THE COURT: Sustained.

14 MR. SHEIKH: Asking the witness to speculate.

15 MR. FEDORAK: Thank you, your Honor.

16 THE COURT: Disregard the last question. I
17 don't think there was an answer.

18 MR. FEDORAK: I'm sorry, Judge.

19 Q. You did see that box spring sticking out further than
20 the mattress?

21 A. Yes.

22 MR. FEDORAK: Thank you. Nothing further,
23 Judge.

24 MR. SHEIKH: Your Honor, if I may follow-up.

25 RE CROSS-EXAMINATION

1 BY MR. SHEIKH:

2 Q. Sir, how many times were you at the house on Normandy,
3 if you recall?

4 A. Twice.

5 Q. Twice. And do you have any reason to believe that the
6 mattress was always like that before or somebody else
7 may have moved it?

8 A. No.

9 Q. So you don't know if that's in its natural state, right?

10 A. Right.

11 MR. SHEIKH: Thank you. Nothing further, your
12 Honor.

13 THE COURT: Nothing. You may step down.
14 Thank you.

15 (At about 2:41 p.m., Witness Excused).

16 THE COURT: Is your next witness available or
17 do we need a break.

18 MR. FEDORAK: Jodi Corsi from the crime lab,
19 your Honor. It could be awhile. Maybe this is a good
20 time for a five-minute break.

21 THE COURT: Okay.

22 MR. SHEIKH: We would have no objection to 15
23 minutes.

24 THE BAILIFF: All rise for the jury.

25 (At about 2:42 p.m., Jury Excused).

1 THE COURT: All right. Back on the record,
2 People versus Hampton.

3 MR. SHEIKH: Good afternoon, your Honor.
4 Azhar Sheikh, counsel here on behalf of Mr. Curtis Lee
5 Hampton, who stands to my immediate left. We are ready
6 to proceed.

7 MR. PALEPU: Kumar Palepu for the People.

8 MR. FEDORAK: And Juriy Fedorak for the
9 People, if I may.

10 THE COURT: Are we ready for the jury?

11 MR. FEDORAK: We are.

12 MR. SHEIKH: Yes, your Honor.

13 THE BAILIFF: All rise for the jury.

14 (At about 3:08 p.m., Jury Seated).

15 THE COURT: You may be seated. Mr. Palepu,
16 your next witness is?

17 MR. PALEPU: Thank you. Ms. Corsi.

18 THE COURT: Raise your right hand. Do you
19 swear to tell the truth, whole truth, nothing but the
20 truth, so help you God?

21 MS. CORSI: Yes, I do.

22 JODI CORSI,
23 after having first been duly sworn by the Court to
24 tell the truth, testified as follows:

25 THE COURT: Have a seat. You're under oath.

1 Please state and spell your name for us.

2 MS. CORSI: J-o-d-i C-o-r-s-i.

3 THE COURT: Thank you. Go ahead, Mr. Palepu.

4 MR. PALEPU: Thank you.

5 DIRECT EXAMINATION

6 BY MR. PALEPU:

7 Q. Good afternoon.

8 A. Good afternoon.

9 Q. Where do you work?

10 A. I work for the Michigan State police at the Sterling
11 Heights forensic lab.

12 Q. And what are your duties there?

13 A. I work in the biology unit doing basic body fluid
14 identification.

15 Q. How long have you been doing that?

16 A. About 10 years now.

17 Q. I want to go to your educational experience. Just give
18 me a brief summary on what that is.

19 A. I have a bachelor of science in biological sciences from
20 Wayne State University.

21 Q. Okay. And with your current role at Michigan State
22 Police, what kind of training do you have?

23 A. Once I hired in, I worked at the Bridgeport laboratories
24 with the State Police but at a different location for
25 six years. My first year was training underneath my

1 supervisor and a senior analyst. I would observe them
2 doing case work. Toward the end of my training, they
3 observed me doing case work. We take yearly proficiency
4 tests. I've passed all of those and I've attended
5 numerous training in reference to blood stain pattern
6 analysis and body fluid identification.

7 Q. Okay. And tell me what a normal day is for you when you
8 get to the lab, what kind of things you do.

9 A. We receive evidence from surrounding police agencies,
10 surrounding counties. Mostly, the area that we service
11 is St. Clair County, Wayne County, Oakland County,
12 Macomb County. So any agency would bring in evidence.
13 Depending on the case details, I'm processing for the
14 presence of particular body fluids. Mostly, the fluids
15 that we test for are blood and semen, but we also do
16 have tests for other fluids.

17 I'm also identifying --

18 THE COURT: Hang on.

19 MR. SHEIKH: Your Honor, I just need to speak
20 to Mr. Palepu for one second.

21 THE COURT: Just a moment.

22 MR. PALEPU: Continue. I apologize.

23 MR. SHEIKH: My apologize, as well.

24 A. I'm also identifying any items of evidence that have
25 value for DNA. Anything that might be suitable for DNA

1 analysis, I'm prepping that and then that gets sent to a
2 DNA laboratory.

3 Q. (By Mr. Palepu) How many tests in a given week do you
4 possibly perform?

5 A. On average, I complete 30 cases a month. Each case can
6 have anywhere between, on average, one to 20 items.

7 Q. Okay. And you've been doing that for nine years.

8 A. I've been -- first year of training. So, I've been
9 there 10 years, but doing case work for nine years.

10 Q. Okay. What kind of tests do you run on items that you
11 receive at the lab?

12 A. It depends on the type of body fluid that we're trying
13 to identify. In the case of blood we have a couple
14 different chemical tests that we can use to potentially
15 identify blood.

16 Q. Okay. What are those? What are those tests?

17 A. The test that we use most frequently is called
18 phenolphthalein. It's a chemical reaction that reacts
19 with the hemoglobin in blood and it turns a bright pink
20 color in the presence of that.

21 Q. What is the other test?

22 A. There's another test called hemosticks that does the
23 same thing, it reacts with the hemoglobin and blood.
24 It's just a different chemical. The phenolphthalein is
25 in a liquid form and the hemosticks is in more of an

1 applicator, paper applicator form.

2 Q. Okay. We just spoke to Deputy Bosek from the Macomb
3 County sheriff's department. And can you tell us -- I
4 believe you received evidence from him, correct?

5 A. That's correct.

6 Q. Can you tell us the difference between an evidence tech
7 on the scene, their role, and an evidence tech in a
8 laboratory and what role that is.

9 A. Most evidence techs that are employed through a police
10 agency are enlisted, they're officers, they carry a
11 weapon and they have that degree as well.

12 I am not an enlisted member of the Michigan
13 State Police. I'm a civilian. We do respond to crime
14 scenes. So I am proficient in processing crime scenes.
15 But most of my time is spent in the laboratory
16 processing the evidence that the evidence technicians of
17 the local police agencies collect.

18 Q. How often would you say you went to a crime scene?

19 A. It depends where you're employed, what laboratory. When
20 I was at Bridgeport I went maybe twice a month. Now, at
21 the Sterling Heights lab, I might respond to a scene
22 couple times a year.

23 Q. Okay. Is that because of volume?

24 A. Yes.

25 Q. Okay. So where there's less volume, you're able to get

1 out in the field more.

2 A. And also depending on the agency's comfort level,
3 whether they want to call the Michigan State Police to
4 the scene or they have their own evidence technicians
5 that are proficient in processing.

6 Q. Okay. How many times have you performed phenolphthalein
7 test?

8 A. Thousands and thousands.

9 Q. What about the hemosticks test?

10 A. Not quite as frequently, but hundreds and hundreds.

11 Q. Okay. And how many times have you had to come to court
12 to testify about your testing of items related to a
13 crime?

14 A. Between 50 and 60 times now.

15 Q. Okay. When was the last time you were in court
16 testifying?

17 A. About a month ago.

18 MR. PALEPU: Okay. Your Honor, at this time,
19 I move to have Ms. Corsi qualified as an expert in body
20 fluid identification.

21 MR. SHEIKH: Your Honor, I believe that Mr.
22 Palepu has done an excellent job of bringing forth Ms.
23 Corsi's education, training and experience. We would
24 stipulate as to her expertise.

25 THE COURT: All right. I do find her an

1 expert in forensic bodily fluid identification.

2 MR. SHEIKH: Thank you, your Honor.

3 MR. PALEPU: Thank you, your Honor.

4 Q. (By Mr. Palepu) At some point, did you come into
5 contact with Eastpointe police?

6 A. Yes.

7 Q. Who specifically did you come in contact with?

8 A. In this particular case, I was in contact mostly with
9 Detective Madonia.

10 Q. Okay. And was it concerning a Mr. Hampton?

11 A. Yes.

12 Q. Okay. And do you remember performing tests on different
13 items related to that case?

14 A. Yes.

15 Q. Tell us about how this evidence comes to your lab.

16 A. In this case, it was brought by, I believe it was
17 Officer Ignace from the Eastpointe police department who
18 submitted the evidence related to this case. It gets
19 put in the secured storage until we're able to work on
20 it.

21 Q. Okay. And you probably get several items from a crime
22 scene. Do you test everything that you get from the
23 scene?

24 A. Typically, on a larger case we'll met with the officer
25 or the detective when they're submitting the evidence

1 and sometimes at that point discuss the case with them
2 and screen what we actually accept. And then, even
3 further on in the process, once we start actually
4 opening the items of evidence and processing those, yes,
5 there are further discussions sometimes and then
6 decisions made, maybe other things that are not
7 processed.

8 Q. Okay. Were there decisions made between Michigan State
9 Police and Eastpointe police on what items to test and
10 what items not to test?

11 A. Yes.

12 Q. Okay. In this specific case what did you test?

13 A. There were several knives that were submitted, some
14 items of clothing, a sheet, and then numerous swabs that
15 were collected from the agency. It was my understanding
16 that those samples all reacted with the Bluestar that
17 was used at the scene.

18 Q. For each item do you have a corresponding number to
19 identify.

20 A. Yes.

21 Q. Now, you generated a report as well on this, correct?

22 A. Yes, I did.

23 Q. All right. You came to come conclusions based on some
24 of your tests.

25 A. That's correct.

1 Q. Do you have your report with you?

2 A. Yes, I do.

3 Q. If you could refer to it. I'd like to start with your
4 conclusions and go through some of the items that you
5 tested.

6 A. Okay.

7 Q. I believe the first item tested, or at least given to
8 you, there was a conclusion from what's called a buccal
9 swab; is that correct?

10 A. Yes.

11 Q. Could you explain to the jury what a buccal swab is.

12 A. Any time we have evidence we're wanting to send for DNA
13 analysis we prefer to have known samples from who they
14 think might have contributed to those evidence samples.
15 So in this case, a buccal swab is just a swab of the
16 inside of your cheek. The cells on the inside of your
17 cheek are called buccal cells and they're a good source
18 of DNA. So instead of drawing blood for DNA, we
19 typically now just recommend the buccal swabs.

20 Q. The next group of items were some swabs from the
21 deceased; is that correct?

22 A. No. Actually, those were also collected from Curtis
23 Hampton.

24 Q. I see. And there were two knives; is that correct?

25 A. Two knives that tested positive for blood, one that

1 tested negative. I had three knives total.

2 Q. So there was a knife designated SH156892.

3 A. 2A, yes.

4 Q. 2A.

5 Could you tell me what you're looking at
6 there. Do you recognize that?

7 A. Yes. The number on there, the SA15-689-2A, and then my
8 initial JC. That's my writing.

9 Q. Could you bring up the numbers on that.

10 So SH15689-2A is one of the corresponding
11 numbers that is in your report, correct?

12 A. That's correct.

13 Q. Do you remember this knife specifically?

14 A. No.

15 Q. Okay. You've done how many cases since this one?

16 A. Several hundred.

17 Q. Okay. But you write that number on there so you can
18 remember; is that correct?

19 A. That's correct.

20 Q. Tell me what you determined from this knife after
21 testing?

22 A. It was examined with what's called a stereo microscope.
23 It's a form of a microscope. And there was an area
24 basically where the handle and the blade meet that
25 tested positive with the phenolphthalein chemical that's

1 positive for blood.

2 MR. PALEPU: Between the handle and the blade,
3 the center portion of that.

4 Q. (By Mr. Palepu) So you had just described where you
5 came up with the positive test on the phenolphthalein
6 test, correct?

7 A. That's correct.

8 Q. Could you point to the jury where exactly that would
9 have been.

10 A. You want me to get up?

11 Q. Yes, please.

12 A. Basically, in this area, and I tested an area near, near
13 this, basically. So, location in here, here, and on
14 both sides of the handle and blade were positive.

15 Q. You may have a seat.

16 What was your reasoning for testing that
17 specific spot?

18 A. When I looked at it under the stereo microscope there
19 were what appeared to be -- we call them red/brown
20 stains. So when blood dries -- a red/brown color.

21 Q. So you found blood on, at least as far as the
22 phenolphthalein test goes, it shows that there was blood
23 on that handle, near the hilt.

24 A. On the handle and the blade, near that groove between
25 the two.

1 Q. Okay. You tested another knife, as well, correct?

2 A. Yes.

3 Q. And what was the number of the other knife?

4 A. SH15-689-3A.

5 Q. Do you recognize this knife?

6 A. Yes.

7 Q. Okay. Does it have the corresponding number to it?

8 A. Yes, and my initials.

9 Q. What we're looking at now is slide 86.

10 A. All of those areas that are marked with the dash, the
11 circle around it, those are all areas that were tested
12 with the phenolphthalein test and they were negative.
13 Those are all negative marks.

14 Q. Were there any positive marks on this knife?

15 A. There was one very small stain on the blade.

16 Q. Can you tell us where exactly on the blade that positive
17 test would have come?

18 A. I believe it was on the other side of the blade.

19 Q. I see. You mentioned that you tested a number of
20 clothing items. Can you tell the jury what results you
21 had after testing the clothing?

22 A. Any of the clothing items that I did examine and were
23 tested with the phenolphthalein test, they were all
24 positive for blood.

25 Q. Okay. On each and every single item?

1 A. With the exception of a gray T-shirt. There were no
2 stains noted on that item.

3 Q. Okay. Some of those items, is it true -- black jeans
4 with a belt.

5 A. Yes.

6 Q. Okay. A red jacket?

7 A. Yes.

8 Q. Black, long-sleeve shirt?

9 A. Yes.

10 Q. A black T-shirt?

11 A. Yes.

12 Q. And some sheets?

13 A. A fitted sheet, yes.

14 Q. I see. In addition to those items, those physical
15 items, you handled some swabs, correct?

16 A. Yes, I did.

17 Q. How do those swabs come to you when ever you receive
18 them?

19 A. Those were also submitted by the police department.

20 Q. And when they're submitted what kind of packaging do
21 they come in?

22 A. It depends on how the agency collects them. Typically,
23 the swabs themselves are packaged in some kind of paper
24 packaging. So a lot of people choose to just slide them
25 right back in there and then the swabs usually get put

1 into some kind of envelope or paper bag or something
2 like that.

3 Q. And were some of these swabs from the walls and door
4 handles of the home?

5 A. Yes.

6 Q. Okay. One in particular was a door handle that you
7 tested.

8 A. Yes.

9 MR. PALEPU: Can you magnify that for me, the
10 door handle area.

11 Q. (By Mr. Palepu) So in your report, you had taken a swab
12 from door handle number 18. What were your results from
13 that door handle?

14 A. Well, I received the swabs of the handle. I didn't
15 actually collect the sample.

16 Q. Okay.

17 A. So I tested the swabs with the phenolphthalein test and
18 on that sample they came back positive.

19 Q. And that's positive for blood?

20 A. Positive for the possible presence of blood.

21 Q. Okay. Are you familiar with Bluestar?

22 A. Yes.

23 Q. And does Bluestar have any effect on blood samples?

24 A. It does not interfere with the tests that we use. It
25 does not interfere with the phenolphthalein. It does

1 not interfere with the hemosticks tests and it does not
2 interfere with DNA testing either.

3 Q. Okay. So someone can spray the Bluestar on a sample and
4 it won't degrade the sample; is that correct?

5 A. That's correct. The only thing it may do is dilute it a
6 little bit, you're applying a liquid to it, so it might
7 dilute it a little bit.

8 Q. Okay. Another swab that you had tested was on a
9 bathroom door handle. I believe it was for SH1568928A.

10 A. Yes.

11 Q. Are you familiar with that sample?

12 A. Yes.

13 Q. When you tested that sample, what did you -- what was
14 your conclusion?

15 A. That was positive, as well, with the phenolphthalein
16 test. So indicated the possible presence of blood.

17 Q. There's another from a hallway molding threshold. It
18 says number eight, which I believe is placard eight; is
19 that correct?

20 A. That's correct, and it's my item number SH15-689-24A.

21 Q. When you received these swabs, it's true that you also
22 received a number of pictures from the scene; is that
23 correct?

24 A. That's correct.

25 Q. So that you could take a look at the scene and what you

1 were actually the swabs corresponded to?

2 A. Yes.

3 Q. So when it says number eight in your report, does that
4 mean it's your placard number eight?

5 A. Those numbers were provided by the agency. Typically,
6 when the agencies submit the items of evidence they have
7 their item number that they've associated with that, and
8 then we give it a different item number. So we try to
9 correspond the two. So my item number 24A is agency
10 number eight.

11 Q. Okay. So when we were looking at the inside bedroom
12 door handle earlier and it says number 18, that's the
13 agency's placard 18, and then you gave it your own so
14 that you could identify it within your system.

15 A. That's correct.

16 Q. Okay. And the bathroom door which we looked at was
17 number 12, placard number 12.

18 A. That's correct.

19 Q. There was also a swab from, it says west bedroom
20 hallway, which is placard number 16. What was, what
21 were your results on placard number 16?

22 A. Also phenolphthalein positive, positive for the possible
23 presence of blood.

24 Q. So from placard number 16 it did indicate blood?

25 A. Placard number 16 did. It was positive for the possible

1 presence of blood.

2 Q. The next item on the list was a swab from placard number
3 nine. And what were your results on placard number
4 nine?

5 A. Also positive with phenolphthalein, and I did an
6 additional test in this case called hemosticks, that I
7 discussed earlier. It tests for the same thing. It's
8 just a different test. They were both positive.

9 Q. And with placard number nine it also says swabs from
10 hallway floor in front of bathroom.

11 A. That's correct.

12 Q. What was your reasoning for using hemosticks as well as
13 phenolphthalein on the bathroom floor -- or the hallway
14 floor in front of the bathroom with number nine?

15 A. My initial test with phenolphthalein, it gave a slightly
16 delayed weak reaction. So I wanted to verify it with
17 another test.

18 Q. Okay. After you test these items and they come --
19 they're positive, whether it be phenolphthalein or
20 hemosticks for what you believe is blood, a biological
21 sample, where does it go once you've made that
22 determination?

23 A. If we decide that it needs to go for DNA testing, then
24 basically the swab tip of it gets cut off, we put it
25 into a small tube called an extraction tube. Those get

1 sealed, packaged, and then those would go to a different
2 lab for DNA testing.

3 Q. Did that happen in this circumstance?

4 A. Yes.

5 Q. There were things that you did send to another lab for
6 DNA testing?

7 A. That's correct.

8 Q. What were those items?

9 A. Do you want me to just list all of the samples that were
10 sent?

11 Q. Sure.

12 A. There were known DNA samples from Curtis Hampton, from
13 Carmon Rakowski and from Monique Rakowski. And then,
14 the items of evidence, there were swabs from the two
15 different knives that we discussed. There was a sheet
16 that I processed, two areas of that sheet were sent for
17 DNA testing, and then the swabs that we discussed; swabs
18 from inside bedroom door handle, swabs from outer
19 bathroom door, hallway floor in front of bathroom, swabs
20 from the hallway molding threshold and swabs from west
21 bedroom wall. All of those samples were sent for
22 further DNA testing.

23 Q. And there were a number of things that you decided not
24 to send, correct?

25 A. That's correct.

1 Q. And is that -- would it be fair to say that they came up
2 negative for the phenolphthalein test?

3 A. They either came up negative or my discussions with
4 Detective Madonia were not deemed probative to send for
5 the first round of testing.

6 Q. Okay. I'm going to ask you a few more questions here.
7 So I want to go over -- you said the inside bedroom door
8 handle came up positive, correct?

9 A. That's correct.

10 Q. And that swab was sent to Lansing?

11 A. Northville.

12 Q. Northville, the Northville lab for DNA testing?

13 A. That's correct.

14 Q. Okay. And there was a fitted bed sheet that was
15 positive for blood as well, correct?

16 A. That's correct.

17 Q. And you sent that for DNA testing with the Northville
18 lab.

19 A. Right. There were two samples from the sheet that were
20 sent.

21 Q. I see. Why with the fitted sheet were there two samples
22 that you sent?

23 A. There were numerous blood stains that were identified on
24 the sheet. I had information that both victims were
25 bleeding and potentially the suspect may have been

1 bleeding as well. So I had potentially three different
2 sources of blood. So I choose to send more than one
3 sample.

4 Q. I see. Then, there were two knives that you sent after
5 they came back positive, correct?

6 A. I sent swabs from the knife, correct.

7 Q. Swabs from the knives, of course.

8 One was a knife with a black handle.

9 A. Correct.

10 Q. With fixed blade.

11 A. Yes.

12 Q. I believe that was the Rapala knife.

13 A. Yes.

14 Q. And the other knife that was positive after the
15 phenolphthalein test was a Foley knife.

16 A. Correct.

17 MR. PALEPU: One moment.

18 Q. (By Mr. Palepu) There was a sample from the hallway
19 floor in front of the bathroom.

20 A. Yes.

21 Q. And you -- that was the one that you did the hemosticks
22 and the phenolphthalein, correct?

23 A. That's correct.

24 Q. And that was, you say you cut them, you put them in
25 a -- what kind of container did they get put into?

1 A. I have an example.

2 Q. Oh, I'd love to see it, yes, please.

3 Any objection to that?

4 MR. SHEIKH: May I approach and see what the
5 example is first?

6 Your Honor, is it okay if I approach?

7 THE COURT: Yes.

8 MR. SHEIKH: No objection, your Honor.

9 A. Every sample that goes for DNA analysis gets put into
10 this tube. It's called an extraction tube. And then,
11 each tube is individually sealed and then the samples
12 would all go into an envelope with identifying marks
13 that would then get transported to one of the DNA
14 laboratories.

15 Q. (By Mr. Palepu) Then we had the west bedroom wall,
16 which came to you as a swab.

17 A. That's correct.

18 Q. And I believe that was indicated as number 16, placard
19 16.

20 A. Yes.

21 Q. That you tested, and that came back positive according
22 to the phenolphthalein test, you sent that?

23 A. Yes.

24 MR. PALEPU: One moment. Could I see 87.

25 Q. (By Mr. Palepu) Now, you had mentioned that you had

1 tested the folding knife. When we were looking at it
2 earlier, I believe we were looking at the side that was
3 not positive for phenolphthalein.

4 Is this, is this the side that you tested
5 where it came up positive according to the
6 phenolphthalein test?

7 A. Yes. There's a marking near the tip of the blade that
8 has the positive marking.

9 Q. Can you magnify the tip of the blade, please. I believe
10 there's a circle.

11 And I think I just understood this now. So we
12 see a number of marking symbols on the blade. Some are
13 a straight line and the other -- this one looks like a
14 plus sign. Of course, plus is positive. The other ones
15 are negative.

16 A. Correct.

17 Q. And this, the tip of the blade you marked positive.

18 A. That's correct.

19 Q. This was the folding knife.

20 MR. SHEIKH: Sorry, Mr. Palepu. I didn't hear
21 that last word.

22 MR. PALEPU: This was the folding knife.

23 MR. SHEIKH: Thank you, sir.

24 A. Yes, folding knife.

25 Q. (By Mr. Palepu) Do you recognize this report?

1 A. Yes, I do.

2 Q. And whose report is this?

3 A. This is my report.

4 Q. Okay. When you put this together could you please
5 explain to the jury what we're looking at.

6 A. The information at the top of the report shows our
7 laboratory number. That number is continued through
8 with all the item numbers as well, and that's the
9 SH15-689. There's information about the agency. And
10 then, the evidence received lists all of the items that
11 were submitted to our laboratory for testing.

12 MR. SHEIKH: Your Honor, may I move closer so
13 I can --

14 THE COURT: Yes.

15 Q. (By Mr. Palepu) So you have a list of evidence --

16 THE COURT: I don't want you to block the
17 jury. That's all.

18 MR. SHEIKH: Can you see, ma'am? Okay. Thank
19 you.

20 MR. PALEPU: Could we go to the next page.

21 Q. (By Mr. Palepu) You doctored this report, correct?

22 A. What's that?

23 Q. You're the one who created this report?

24 A. Yes.

25 Q. This is a compilation of all the tests that you

1 performed and all the evidence that you received.

2 A. That's correct.

3 Q. And it was received on March 9th, 2015; is that correct?

4 A. Yes, that's correct.

5 Q. People move to admit the laboratory report by Ms. Corsi.

6 MR. SHEIKH: We have no objection, your Honor.

7 THE COURT: All right. I will admit it. What
8 is it marked as?

9 MR. PALEPU: Eighty-eight.

10 THE COURT: That's admitted.

11 MR. PALEPU: Thank you, your Honor.

12 Q. (By Mr. Palepu) You said that when you receive the
13 items sometimes you can't get to them right away and
14 they're put into storage. What kind of storage are they
15 put in?

16 A. We have different areas of storage throughout our lab.
17 They're all locked locations.

18 Q. So based on your report and what we've seen, of all the
19 evidence you've tested, that you had a positive test for
20 the west bedroom, the west bedroom where there was --
21 from a hand-print swab, which I believe was placard 16,
22 positive for phenolphthalein, you clipped the swab and
23 you sent it for DNA testing.

24 A. Correct.

25 Q. There was some hallway molding that also was tested

1 positive for blood based on the phenolphthalein test,
2 you clipped it, sent it for further testing, further DNA
3 testing.

4 A. Correct.

5 Q. Outer bedroom door, also positive according to
6 phenolphthalein, clipped and sent to the lab.

7 A. Yes.

8 Q. And inside door handle of the master bedroom
9 that -- well, no. One moment. Inside door handle of a
10 bathroom that positive for phenolphthalein for blood,
11 clipped and sent to the lab for DNA testing.

12 A. Yes.

13 Q. The two samples from the fitted sheet, because you
14 weren't sure how many donors there could be, both came
15 up positive for phenolphthalein, clipped and sent to the
16 lab for DNA?

17 A. Yes.

18 Q. And then, there where two knives, the fixed blade and
19 the folding, that you had positive samples on each that
20 you felt that both needed to be sent to the lab for DNA
21 testing?

22 A. Correct. And then both of the knives, I also sent swabs
23 of the handles separate from the swabs of the blood
24 stains.

25 Q. Okay. So in the case of the folding knife, there was

1 just one positive on the blade itself and then you also
2 did another swab on the handle and sent it.

3 A. Yes. Two swabs on the handle, yes.

4 MR. PALEPU: One moment, your Honor. I have
5 no further questions. Thank you.

6 THE COURT: Mr. Sheikh.

7 MR. SHEIKH: Yes, your Honor.

8 CROSS-EXAMINATION

9 BY MR. SHEIKH:

10 Q. Good afternoon, Ms. Corsi. How are you?

11 A. Good afternoon. Good.

12 Q. Good. I notice you've been very precise and I very much
13 appreciate that. I want to ask you a couple of
14 questions.

15 One of the witnesses before you, I can't
16 recall his name, but the one that was an evidence tech
17 that actually took the swabs, he indicated that he took
18 two swabs of everything, one distilled water, one with
19 distilled water and one dry.

20 So when you say you looked at the swabs, were
21 both transmitted to you?

22 A. Yes.

23 Q. Okay. And when you do the testing on them, did you, or
24 do you normally find any discrepancy between the two or
25 are they usually pretty uniform?

1 A. Typically, they're pretty uniform.

2 Q. They're pretty uniform. Okay. In this particular case,
3 did you find any discrepancy at all?

4 A. I had no notation of that. So, no.

5 Q. Okay. Just so that I'm clear, what happens is the
6 evidence technician goes out and obtains the evidence,
7 correct?

8 A. Correct.

9 Q. Sends it to the lab where you analyze it, correct?

10 A. Correct.

11 Q. But you don't make the conclusions; is that correct?

12 A. I make --

13 Q. Or do you have conclusions here?

14 A. I have conclusions based on the chemical testing I
15 performed. The DNA analysis is not done at my
16 laboratory.

17 Q. Okay. So if I understand it correctly, and I heard you
18 use the phrase that some things test as phenol --
19 phenol, whatever that stuff is.

20 A. Phenolphthalein.

21 Q. That it shows as a possibility of positive for blood,
22 correct?

23 A. Correct.

24 Q. Not necessarily blood itself, but possibility, correct?

25 A. Correct.

1 Q. And once you do that, then you submit it as to whose
2 blood it is or not. That's done elsewhere; is that
3 correct?

4 A. That's correct.

5 Q. Okay. And so, your conclusions are indicative of the
6 presence of things, but not so much identification of
7 whose they are, correct?

8 A. That's correct.

9 MR. SHEIKH: Your Honor, before I pass the
10 witness may I consult?

11 THE COURT: Yes.

12 MR. SHEIKH: Thank you, very much.

13 THE COURT: Mr. Palepu, any follow-up.

14 MR. PALEPU: No, your Honor.

15 THE COURT: Okay. You may step down.

16 (At about 3:45 p.m., Witness Excused).

17 THE COURT: Do you have another witness
18 available.

19 MR. FEDORAK: We do.

20 THE COURT: Very good.

21 MR. FEDORAK: Amanda Fazi, your Honor.

22 THE COURT: Did we move for, Mr. Palepu, the
23 admissions? I know we moved for 88.

24 Are we up-to-date?

25 MR. PALEPU: Move to admit --

1 THE COURT: I think 85, 86 and 87 have not
2 been.

3 MR. PALEPU: People move to admit 85, 86 and
4 87.

5 MR. SHEIKH: We would stipulate to their
6 admission and publication.

7 THE COURT: Very good.

8 Before you sit down, please raise your right
9 hand. Do you swear to tell the truth, whole truth,
10 nothing but the truth, so help you God.

11 MS. FAZI: I do.

12 AMANDA FAZI,
13 after having first been duly sworn by the Court to tell
14 the truth, testified as follows:

15 THE COURT: Have a seat. You're under oath.
16 Please state and spell your name for our court reporter.

17 MS. FAZI: My name is Amanda Fazi, A-m-a-n-d-a
18 F-a-z-i.

19 THE COURT: Thank you.

20 DIRECT EXAMINATION

21 BY MR. PALEPU:

22 Q. Where do you work?

23 A. I work with the Michigan State police at the Northville
24 laboratory, in the biology unit.

25 Q. How long have you been there?

1 A. I've been there about four years.

2 Q. Okay. Tell the jury a little about your education.

3 A. I have a bachelor's degree from Wayne State University
4 in biology and I also have a master's degree from
5 Michigan State University in forensic science with a
6 biology concentration.

7 Q. What kind of training do you have in your current field?

8 A. In order to do my work at the Michigan State police I
9 had -- at least six months was required in order to do
10 DNA work. I did have over one year of training in-house
11 with the State Police.

12 Q. Do you have any teaching experience?

13 A. Yes. While I was a graduate student I taught the
14 laboratory sections of a few classes at Michigan State
15 University. I also am adjunct faculty at Oakland
16 Community College where I teach an introduction class to
17 forensic science.

18 Q. What about laboratory and research experience.

19 A. I have laboratory research experience both in my
20 undergraduate and graduate programs. I worked in
21 biochemistry laboratory in my undergrad studies, as well
22 as an ecology lab. In my graduate program, the
23 programmed was research heavy. We were required to
24 complete a master's thesis based on unique research of
25 myself, and that was over a year and-a-half of

laboratory research in which I published and defended my research.

Q. As far as your training, do you have continued education? Do you continue to train in your field?

A. Yes. We are required to have certain number of hours ever year in order to work with the State Police in the biology unit. We usually have far more than that. We have two days of specific biology unit meetings every year that fills the technical aspect of that. We also have other training throughout the year, whether it's webinars or required readings that we are required to do in addition to the meetings that we have.

Q. As far as the biology unit, what would you say your expertise was within the biology unit?

A. I'm qualified in body fluid identification as well as DNA testing in the biology unit.

Q. On a day-to-day basis, how many given tests do you do?

A. It depends. Right now I'm working more in the DNA end. So we could work a number of cases at a time. So in the last year I've probably done several hundred samples.

Q. Of DNA?

A. Yes.

Q. How many tests do you believe you've done of the body fluid?

A. Probably about the same. In the last six months I

1 haven't really done much body fluid identification.

2 Prior to that, I had done several hundred probably. And
3 part of my training was at least 400 samples of
4 evidence-like samples, and then I did do case work in
5 body fluid identification.

6 Q. With a body fluid identification, what kind of tests
7 would you perform?

8 A. I performed screening tests for blood, semen and saliva.
9 There was a number of tests for blood that detected the
10 possible presence of blood. Those are called
11 presumptive tests. I also had confirmatory tests, which
12 is specific to human blood. There was presumptive test
13 for semen as well as presumptive test for saliva.

14 Q. Are you familiar with phenolphthalein test?

15 A. Yes.

16 Q. What about hemosticks test?

17 A. Yes.

18 Q. What would you say both of those tests are designed to
19 indicate?

20 A. Both of those are tests that we use to indicate the
21 possible presence of blood.

22 Q. We just spoke to Ms. Corsi from Sterling Heights lab,
23 who had performed a number of tests with the
24 phenolphthalein and hemosticks. When those are finished
25 do you receive positive phenolphthalein tests and

1 hemostick tests in your line of work?

2 A. Yes. Depending on the case and the evidence present in
3 each case, I may receive samples that test positive.
4 Sometimes we receive samples that are negative,
5 depending on what the evidence target is for DNA, and we
6 receive those in the DNA unit.

7 MR. PALEPU: Your Honor, at this time, move to
8 have Ms. Fazi qualified as an expert in body fluid
9 identification as well as DNA testing.

10 MR. SHEIKH: Your Honor, may I voir dire
11 briefly?

12 THE COURT: Yes.

13 VOIR DIRE EXAMINATION

14 BY MR. SHEIKH:

15 Q. Good afternoon, Ms. Fazi?

16 A. Good afternoon.

17 Q. I just want to make sure I've got a couple of things
18 clear. Did you say you've been working for the Michigan
19 State police for approximately one year?

20 A. About four years.

21 MR. SHEIKH: About four years. Okay.

22 Your Honor, that's fine. I thought it was one
23 year.

24 THE COURT: Any objection?

25 MR. SHEIKH: Your Honor, we would stipulate to

1 her qualifications.

2 THE COURT: All right. I will find her an
3 expert in DNA testing and bodily fluid identification.

4 MR. PALEPU: Thank you, your Honor.

5 DIRECT EXAMINATION

6 BY MR. PALEPU (continuing):

7 Q. Are you familiar with a case involving Curtis Lee
8 Hampton?

9 A. Yes.

10 Q. Did you perform tests based on evidence you received
11 from Sterling Heights lab?

12 A. I did.

13 Q. Do you have your report with you?

14 A. Yes.

15 Q. Could you take a look at it for me, and could you tell
16 the jury what items of evidence you received from the
17 Sterling Heights lab?

18 A. Sure. I received 11 evidence items as well as three
19 reference samples.

20 Q. Let's go with the reference samples first. What
21 reference samples did you receive?

22 A. I received a portion of a buccal swab from Curtis
23 Hampton, Jr., I received a portion of blood from Carmon
24 Rakowski and a portion of blood from Monique Rakowski.

25 Q. Why did you receive those samples?

1 A. Those are used as standard. They're collected to be of
2 known origin from the people that I mentioned so that we
3 can make comparisons after all the evidence is tested,
4 and possibly put a statistic to the weight or to show
5 the weight of the evidence after I do my analysis of the
6 evidence.

7 Q. Now, I want to emphasize on something. Is it true that
8 with the blood samples and the buccal sample from Mr.
9 Hampton, from Ms. Rakowski and her daughter, Carmon, how
10 are those handled? When are those opened to be used as
11 a comparison with the evidence that you process?

12 A. In general, all of the evidence is processed first and
13 then the reference samples are tested. So I perform all
14 of the extractions and obtain just the DNA samples from
15 all the evidence.

16 I generate a DNA profile from all of the
17 evidence as well as from the reference samples, but I
18 draw my conclusions from the evidence first. And then,
19 after that point, I make comparisons to the reference
20 samples.

21 Q. Is there another reason why those items aren't even
22 handled before you test the evidence itself?

23 A. Yes. Evidence is handled prior to the reference samples
24 in order to avoid any type of contamination or anything
25 else like that.

1 Q. Okay. So after those items -- and they're put to the
2 side, correct, so you can test the other items?

3 A. Correct.

4 Q. What are some of the items that you received apart from
5 the confirmatory or the samples of blood and the buccal
6 swab from the individuals?

7 A. I received a swab of the knife blade handle, just a
8 stain. I received swabs from a knife handle that tested
9 phenol pos. I received a swab from the folding knife
10 blade, swabs from the folding knife handle, as well as
11 cuttings from the fitted sheet, two different cuttings.
12 I received swabs from the inside bedroom door handle,
13 swabs from the outer bathroom door, swabs from the
14 hallway floor in front of bathroom, swabs from the
15 hallway molding threshold, and swabs from the west
16 bedroom wall.

17 Q. Okay. Let's start with the knife handle swab.

18 Now, the evidence in this -- one moment.

19 Do you recognize what's on the screen?

20 You can stand if you need to take a closer
21 look.

22 A. Yeah, that's a copy of my report, the first page.

23 Q. Okay. That's the first page.

24 This is the report that you generated after
25 collecting the evidence, reviewing the evidence, testing

1 the evidence and coming to your conclusions, correct?

2 A. Correct.

3 Q. And you signed it at the end?

4 A. Yes.

5 MR. PALEPU: People move to have the report
6 admitted.

7 THE COURT: As exhibit number?

8 MR. PALEPU: Eighty-nine.

9 MR. SHEIKH: We have no objection, your Honor.
10 We just ask, for the record, if you could indicate the
11 date, Mr. Palepu.

12 MR. PALEPU: The date received was April 8,
13 2015. The date completed, June 16, 2015.

14 MR. SHEIKH: Thank you. Your Honor, we
15 stipulate to its admission.

16 THE COURT: Okay. Exhibit 89 is admitted.

17 Q. (By Mr. Palepu) Okay. I think I said let's start with
18 the knife blade and handle swab. Were you able, after
19 testing, to come to any conclusions about the knife
20 blade and the handle swab?

21 A. Yes.

22 Q. Now, one moment. I believe with each piece of evidence
23 there is a corresponding number.

24 A. Correct.

25 Q. Is that the corresponding number that you receive from

1 the lab prior to your lab, which was Sterling Heights?

2 A. Yes. Every item has a unique identifier based on our
3 laboratory number and then a sequential number after
4 that. So every number listed in my report was created
5 by the scientist before me in Sterling Heights.

6 Q. Okay. So with item SH15689281, you came to some
7 conclusions, correct?

8 A. Yes.

9 Q. What conclusions, after testing, did you come to about
10 this knife?

11 A. This item, the DNA profile obtained was consistent with
12 a male contributor, and the DNA profile from that item
13 matched the DNA profile from Curtis Hampton's buccal.

14 MR. FEDORAK: Which part of the knife?

15 Q. (By Mr. Palepu) So with this item, knife blade handle
16 swab.

17 There was another test done on this particular
18 item; is that correct?

19 A. Yes. And I was reading the conclusion from the stain
20 collected from that item.

21 Q. Correct.

22 A. Okay. The other item from that -- or the other sample
23 from that item was swabs from the handle, 2A2. The DNA
24 types from that item were consistent with a mixture of
25 three or more individuals, including a major male

1 contributor, and a major profile from that item matched
2 the DNA types from Curtis Hampton.

3 Q. Did it match anyone else?

4 A. No. The items, Carmon Rakowski and Monique Rakowski
5 were excluded as major donors and the minor DNA types
6 from that sample were insufficient for comparison.

7 Q. Okay. Those were the two sole tests you ran on the
8 Rapala knife, correct, or this item SH15689281.

9 A. Correct.

10 Q. There was another item after that, another knife that
11 you handled the swabs; is that correct?

12 A. Yes.

13 Q. And in the report it's labeled SH15689381, folding
14 knife; is that correct?

15 A. Yes.

16 Q. And there were two stains for that.

17 A. I had a Stain 3A1 and swabs or touch 3A2.

18 Q. 3A1, what specifically was 3A1?

19 A. The description for that was folding knife blade swab
20 stain.

21 Q. With a folding knife, this first test, what kind of
22 conclusion did you come to?

23 A. The DNA profile from that item was consistent with a
24 female contributor and the DNA profile from that item
25 matched the DNA from Monique Rakowski?

1 Q. Okay. And specifically, in the explanation, was that
2 the blade swab?

3 A. Yes.

4 Q. Okay. So the blade of this knife matched Monique
5 Rakowski?

6 A. Correct.

7 Q. Were there any other conclusions you came to?

8 A. For this item, I excluded Curtis Hampton and Carmon
9 Rakowski as possible donors to the item. Also, with
10 this item and the others we put a statistical or I put a
11 statistical weight to the associations made, and I can
12 give those numbers if you'd like.

13 Q. At some point, yes. But, let's move forward.

14 There was another test done on the folding
15 knife, correct?

16 A. Yes.

17 Q. And once you tested the second sample from the folding
18 knife, what conclusion did you come to?

19 A. The sample which was swabs of the folding knife handle,
20 the DNA types were consistent with a mixture of at least
21 two individuals, including a major male contributor.
22 DNA -- excuse me, item 1A1, or Curtis Hampton, matched
23 the major donor to this item.

24 Q. Okay. So the handle of the folding knife, which is 1A1,
25 matched the defendant?

1 A. The handle of the folding knife was 3A2, and that --

2 Q. Oh, I apologize.

3 A. -- matched the reference from Curtis Hampton.

4 Q. Okay. I believe next in your report are some fitted
5 sheet cuttings; is that correct?

6 A. Yes.

7 Q. You tested those, right?

8 A. Yes.

9 Q. And what conclusions did you come to after the fitted
10 sheet was tested?

11 A. For the first stain, item 13A1A, the DNA types were
12 consistent with a mixture of two individuals, including
13 a male contributor. Monique Rakowski matched the major
14 donor to this item and Curtis Hampton and Carmon
15 Rakowski were excluded as major donors to this item.
16 The minor donor was insufficient for conclusive
17 association.

18 Q. Now. When you say excluded, what exactly do you mean by
19 excluded?

20 A. Exclusions mean that the DNA types from the reference
21 samples were not consistent with the DNA types and the
22 evidence. So in this case, the major donor or the DNA
23 that contributed most to the sample were not consistent
24 with the types from Carmon and Monique Rakowski, excuse
25 me, Carmon Rakowski and Curtis Hampton.

1 Q. Okay. So Monique was the major contributor to the
2 fitted sheet for the first test.

3 A. Correct.

4 Q. And there was a second test from the same piece of
5 evidence; is that correct?

6 A. Yes.

7 Q. And what conclusion did you come to after going over
8 that piece of evidence?

9 A. So for the second stain from the fitted sheet, the
10 major -- the conclusions for this was that in one
11 scenario I assumed that there was two contributors and
12 in the other scenario I considered that there was three
13 contributors, due to the sharing of the DNA, because the
14 individuals were related. That's why I have two
15 different conclusions. So assuming two contributors,
16 the DNA types from the second stain were consistent with
17 a mixture of two individuals, including a male
18 contributor. Monique Rakowski matched the major donor
19 to the sample and Curtis Hampton matched the minor donor
20 to the sample, with Carmon Rakowski being excluded as
21 possible contributor.

22 In the assumption there are three
23 contributors, I also state there was a mixture of three
24 individuals. The item, Monique Rakowski was the major
25 donor to this item. However, Curtis Hampton and Carmon

1 Rakowski are excluded as major donors and the minor
2 types are insufficient.

3 Q. Okay. So in one conclusion it's Monique Rakowski being
4 the major donor and possibly -- and Curtis Hampton being
5 the other minor donor, correct?

6 A. Correct.

7 Q. On the other hand, when you evaluated three different
8 people, possibilities, you're coming still with the
9 conclusion that Monique Rakowski is the major donor and
10 then it's inconclusive as to the minor donor.

11 A. Correct.

12 Q. I see.

13 I believe next on your list we've got inside
14 bedroom door handle swabs, which I believe you tested
15 against, of course, all the individuals in this case,
16 and what conclusions did you come to?

17 A. For the swabs from the inside bedroom door handle, the
18 DNA types were consistent with the mixture of two
19 individuals, including a major male contributor. Curtis
20 Hampton matches the major donor to this sample, Carmon
21 Rakowski and Monique Rakowski were excluded as major
22 donors, and the minor donor was insufficient for
23 comparison quality.

24 Q. Okay. So inside bedroom door handle, Mr. Hampton.

25 Next on your list is a hallway floor in front

1 of bathroom swabs that you received from Mr. Corsi; is
2 that correct?

3 A. Next, I have the outer bathroom door swabs.

4 Q. Oh, okay. I see that.

5 You did an outer bathroom door swab, and what
6 did you come to, what was your conclusion?

7 A. A mixed DNA profile was obtained from that sample and it
8 was too complex to make any comparisons.

9 Q. Could you explain a little to us about when you have a
10 conclusion that's mixed and you're not able to come to
11 any conclusions based on. What does that mean?

12 A. So sometimes, basically, a single-source sample has DNA
13 from one person. A mixture has more than one person.
14 Sometimes, there are so many DNA types that we can't
15 estimate how many people are in there and it's difficult
16 to make any kind of comparison. Also, sometimes
17 mixtures don't have DNA types at every location, in
18 which case it's not suitable to make any comparisons
19 because there's just not enough information.

20 So it could be that there was too much data to
21 be able to make a comparison or just not enough.

22 Q. You had another test, hallway floor in front of
23 bathroom. What conclusions did you come to after
24 testing that?

25 A. For this sample, similarly to the stain from the fitted

1 sheet, there was two different assumptions made in order
2 to draw conclusions, the first being that there was two
3 contributors and the second being that there was three
4 contributors.

5 So assuming that there was two contributors,
6 the DNA types were consistent with a mixture of two
7 people, including a male contributor. Monique Rakowski
8 matched the major donor to this item and Curtis Hampton
9 matched the minor donor to this item, with Carmon
10 Rakowski excluded as a possible contributor.

11 Assuming that there were three contributors,
12 again, Monique Rakowski matched the major donor to the
13 sample and Curtis Hampton and Carmon Rakowski were
14 excluded as major donors, and the minor donors were
15 considered insufficient for comparison purposes.

16 Q. Is it true that the next on your list is a hallway
17 molding threshold?

18 A. Yes.

19 Q. Okay. You tested that. What conclusions did you come
20 to?

21 A. The DNA types from this sample were consistent with a
22 mixture of three or more individuals, including at least
23 one male contributor. Monique Rakowski matched the
24 major donor to this item, Curtis Hampton and Carmon
25 Rakowski are excluded as major donors, and the minor

1 donors are insufficient for comparison.

2 Q. All right. I believe the last one on your list is the
3 west bedroom wall.

4 A. Yes.

5 Q. And after testing that swab what conclusion did you come
6 to?

7 A. The DNA types obtained from the west bedroom wall were
8 consistent with a mixture of two individuals, including
9 a major male contributor. Curtis Hampton DNA matched
10 the major donor to this sample. Excuse me. Carmon
11 Rakowski and Monique Rakowski were excluded as major
12 donors and the minor donor to the sample was
13 insufficient for comparison.

14 Q. Okay. So the west bedroom wall, major donor, Curtis
15 Hampton?

16 A. Correct.

17 MR. PALEPU: One moment.

18 Q. (By Mr. Palepu) Based on everything we've gone over, I
19 just want to go over this with you to make sure I've got
20 a good idea of what your conclusions were. We have the
21 fixed blade knife, the Rapala knife. You tested the
22 blade handle. There were two things that you tested.
23 And out of those two tests, after coming to your
24 conclusions, your conclusion was the first test came
25 back Curtis Hampton's DNA and the second on the blade

1 handle was also Curtis Hampton's DNA?

2 A. Right, the second, his test for the major donor to that
3 sample.

4 Q. Okay. He was a major donor to that blade?

5 A. To the handle.

6 Q. To the handle.

7 A. And the blade was a single source, matched him.

8 Q. Matched him, too. So both the blade and the handle were
9 both him?

10 A. Correct.

11 Q. And then we have the folding knife where there is a
12 blade test and a handle test. You evaluated both of
13 those. The blade came back, the blade of the folding
14 knife, Monique Rakowski as the major donor.

15 A. There was just a single donor and she was the donor.

16 Q. Okay. She was the donor. She was the only one that
17 came back on the blade?

18 A. Correct.

19 Q. And then, on the handle of that same folding knife the
20 major donor was Curtis Hampton.

21 A. Correct.

22 Q. And we have the fitted sheet. The fitted sheet, there
23 were two tests, as well, and your conclusions were that
24 the first test was the major donor, Monique Rakowski.

25 A. Correct.

1 Q. The second was also Monique Rakowski.

2 A. Correct.

3 Q. The inside door handle, after testing, Curtis Hampton,
4 major donor.

5 A. Correct.

6 Q. Okay. I believe we have an outer bedroom door. I don't
7 see it marked up here. Do you have that within your
8 document?

9 A. That was the mixed sample that was too complex.

10 Q. Okay. Then we have the hallway molding, you tested
11 that. Hallway molding was Monique's?

12 A. Yes, she was the major for that sample.

13 Q. And then, finally, we have the west bedroom, the hand
14 print on the wall, after testing, Curtis Hampton.

15 A. He was the major for the bedroom wall swabs, yes.

16 MR. PALEPU: Okay. I have no further
17 questions. Thank you.

18 THE COURT: Mr. Sheikh. Go ahead.

19 CROSS-EXAMINATION

20 BY MR. SHEIKH:

21 Q. Ms. Fazi, can you see this from where you're at?

22 A. Yes.

23 Q. I'm going to ask you to go back through these one last
24 time. Okay.

25 The west bedroom wall, when you say Curtis

1 Hampton's DNA was found, are we talking about blood or
2 touch DNA?

3 A. One second. The information I had was that it was a
4 stain. I don't have the information on the blood test
5 from that. It would have been done by the body fluid
6 identification analyst.

7 Q. Okay. So do you have any information above and beyond
8 the fact that it was a stain? Do we know if it was a
9 blood stain or just a stain?

10 A. I do not know.

11 Q. Okay. So for somebody that resided in the house, for
12 their DNA to be on the wall, hand on the bedroom wall
13 would not be unusual, correct?

14 A. It would not.

15 Q. Okay. Now, let's take the hallway molding. You find
16 only Monique's DNA there, correct?

17 A. Correct, I found -- it was a mixture and hers was the
18 major to that sample.

19 Q. Okay. And when you say mixture, the other one was
20 unidentifiable, correct?

21 A. Right.

22 Q. Okay. And were you able to ascertain whether the other
23 one was male or female?

24 A. I was able to conclude that there was at least one male
25 contributor, but -- so there was male DNA detected, but

1 I can't say anything about those minor types that were
2 present.

3 Q. Okay. Now, as far as this, where Monique's was found on
4 the molding, was this DNA, do you know if it was touch,
5 blood or stain or what was it?

6 A. It was identified as a stain for my purposes.

7 Q. Once again, no further elaboration as to whether there
8 was blood or some other bodily fluid or anything like
9 that, correct?

10 A. I'm not aware.

11 Q. Now, the outer bedroom door, I believe you indicated
12 they were mixtures but insufficient to form a
13 conclusion?

14 A. The outer --

15 Q. I'm sorry, the outer bedroom door.

16 A. I have an outer bathroom door.

17 MR. SHEIKH: Should that be bathroom?

18 MR. FEDORAK: I'll fix it.

19 MR. SHEIKH: Thank you.

20 Q. (By Mr. Sheikh) What's your recollection about the
21 results of the outer bathroom door?

22 A. That one was a mixed sample that I couldn't make
23 comparisons due to the complexity of the sample.

24 Q. And if you recall, what was it that you were provided?

25 A stain or --

1 A. It was identified as a stain.

2 Q. Once again, we don't know for sure if it was blood or
3 bodily fluid?

4 A. Right.

5 Q. Were you able to tell if it was male or female, or no?

6 A. I don't have it in my report. It's possible. But we
7 don't report it out if it's too complex.

8 Q. Okay. And again, if somebody resided in a home, you
9 would pretty much expect everybody but the baby's DNA to
10 be on the bathroom door if they lived in the house,
11 correct?

12 A. It wouldn't be unexpected.

13 Q. As far as the inside door handle, just for
14 clarification, I think we're talking about the entrance
15 door handle to the house?

16 MR. FEDORAK: No, bedroom.

17 MR. SHEIKH: Oh, bedroom.

18 Q. (By Mr. Sheikh) The inside door handle, your records
19 indicate is Curtis Hampton's, correct?

20 A. Correct. His was the major types in that sample.

21 Q. Okay. So let's go back through this.

22 What were you provided to -- were you
23 provided, again, a stain, or do you recall what you were
24 provided?

25 A. It was identified as a stain.

1 Q. Okay. And he was a major contributor. How many
2 additional contributors did you find, if you found any?

3 A. There was two individuals in this mixture.

4 Q. Okay. Do you know if the other individual was male or
5 female?

6 A. I can't make that conclusion. Once male DNA is detected
7 I can't say who's DNA is from whom at that point because
8 of the nature of what we test to determine male or
9 female.

10 Q. I'm not sure I understand that, ma'am.

11 If it's a male DNA and you find it, it makes
12 it impossible or improbable to determine the gender of
13 the second contributor.

14 A. Pretty much. If there's a major male contributor the
15 minor donor in that case could be male or could be
16 female.

17 Q. Is there scientific explanation for why that's so hard
18 to ascertain?

19 A. We look at a location that is different than the other
20 locations that we look at, the other identifying
21 information, locations. Let me -- how to say this. So
22 it's based on our sex chromosomes. Females have two Xs
23 and males have an X and a Y. As soon as a Y chromosome
24 is detected it shows there's a male, but it doesn't
25 show, if there's a mixture, was that other person male

1 or female, because once there's Y detected the minor
2 could be either. That's why maybe in a major sample, if
3 male has contributed more DNA, we could say that it is a
4 major male, but the minor might be male or female.

5 Q. Okay. By the same token, ma'am, in terms of inside door
6 handle or somebody resided in a home, it would not be
7 unusual to find their DNA there, correct?

8 A. I wouldn't expect it to be unusual.

9 Q. Go next to the fitted sheet and what you refer to as
10 stain number, number one or report number one. Okay.
11 Now, that one was to be Monique. Was there anybody
12 else?

13 A. It was a mixture. There was a male contributor, but the
14 major was Monique.

15 Q. Okay. Now, here, you're going from female to male. Is
16 there a reason the male could not be identified or was
17 it just insufficient?

18 A. There was just a little bit of male DNA detected. So
19 that's why we say that there is male DNA present.

20 Does that answer your question?

21 Q. Well, you could not tell for sure whether that male was
22 Curtis Hampton or not; is that correct?

23 A. Correct. I couldn't make any comparisons to those other
24 DNA types.

25 Q. Okay. Now, again, once we're talking about DNA, this,

1 do you know if it was a stain or blood sample?

2 A. This was a stain.

3 Q. This was a stain.

4 And by the same token, the one that you could
5 not match, that was probably male, was that one also
6 blood or was that some other bodily fluid, if you
7 recall?

8 A. I believe we're still talking about the same sample.

9 Q. Yes.

10 A. That it was a mixture.

11 Q. Oh, that's right.

12 A. So once it's determined to be a stain, I can't really
13 say what the DNA came from, whether those minor types
14 were from the stain itself or from, you know, touch DNA
15 or something like that.

16 Q. Okay. If I may be a little bit indelicate for a moment,
17 if Ms. Rakowski was still during her reproductive years
18 and menstruating, would menstrual blood have shown any
19 different in your testing or could this have possibly
20 been menstrual blood?

21 A. So blood is one of the body fluids we look at. Every
22 cell in your body is expected to have the same DNA
23 profile. So I wouldn't be able to differentiate from
24 DNA that was positive there from -- well, actually, at
25 my point I can't even say that it was blood, just that

1 the DNA there is consistent with her, the major types.
2 So it could be blood. It could be other skin cells,
3 also.

4 Q. So no matter how tidy or conscientious the young lady is
5 in her reproductive years, it probably would not be
6 unnatural to find some DNA in their sheets, in their bed
7 sheets, is that correct, if they're still having their
8 monthly cycles?

9 A. I suppose.

10 Q. And I think what we're referring to as the second sample
11 on the fitted sheet, you indicated that the major
12 contributor was Monique Rakowski again, correct?

13 A. Correct.

14 Q. And Mr. Curtis Hampton was determined to be the minor
15 contributor; is that correct?

16 A. When I determined -- when I assumed that there was two
17 contributors, yes, his types matched the minor
18 contributor.

19 Q. I'm not trying to put you on the spot. I'm just trying
20 to think, both of these stains, one and two, came from
21 the same fitted sheet; is that correct?

22 A. Yes.

23 Q. Were they approximately the same size or the same age or
24 anything?

25 A. I actually don't know the size of these stains. I

1 didn't see the sheet itself. All I received was a small
2 cutting of that stain. The stains were analyzed by the
3 scientist in Sterling Heights before I received the
4 items.

5 Q. So what ever you did receive, that sample, was it
6 approximately the same size for one and two?

7 A. We take the same size cuttings. I might have it in my
8 notes if you would like me to check.

9 Q. Certainly, if that would refresh your recollection.

10 Your Honor, may she refresh her recollection?

11 THE COURT: Yes.

12 A. So I don't have a note on the staining of that item.
13 That would have been in the body fluid identification
14 notes. But, in this case, I didn't record any of the
15 staining on that item.

16 Q. (By Mr. Sheikh) Okay. I'm going to get to the point
17 because, believe it or not, I do have a point. You get
18 two stains to match from the same sheet, correct?

19 A. Yes.

20 Q. You got them arguably about the same time in the same
21 manner?

22 A. Yes.

23 Q. Delivered to you in the same manner.

24 You can't recall for sure if these two swabs
25 were the same size or not, correct?

1 A. Correct.

2 Q. These, whatever you call it, swabs or whatever, right?

3 A. These were cuttings and I'm not sure of the size of the
4 stains on those cuttings.

5 Q. Okay. So my ultimate question is, is there a reason why
6 here, on stain number two, you were able to determine
7 that Curtis Hampton was a minor contributor and not on
8 the first one? Is there a difference in the stains or
9 location or size of the sample?

10 A. Just -- probably not. I don't really know what the
11 difference in the stains themselves were. All I can say
12 is what the DNA types were on those items. In the first
13 one, number one, the minor types just weren't of quality
14 to be able to make any comparison. And in the second
15 stain, the minor types were sufficient to make
16 comparisons in that case.

17 Q. Thank you, ma'am. Now, for the knife that we're calling
18 the Rapala knife, which is, I guess, the non-folding
19 one, your report indicates that on the blade was Mr.
20 Curtis Hampton's DNA, correct?

21 A. Yes.

22 Q. Was anybody else's, whether it was determined as to
23 whose it is or not, male or female, was there any other
24 DNA at all on the blade part of the handle -- I'm sorry,
25 on the blade part of the Rapala knife?

1 A. On the sample I received called knife blade slash handle
2 swab, it was just male DNA that matched Curtis Hampton.

3 Q. And again, just to be absolutely clear, we're talking
4 about on the blade, what would be called the business
5 end of the knife, correct?

6 A. It was referred in my -- in the item that I received it
7 was named knife blade slash handle. That's all I'm
8 aware of.

9 Q. All right. Now, on the handle, again, we have an
10 indication here that Mr. Hampton's DNA was found,
11 correct?

12 A. Correct.

13 Q. Was any other found?

14 A. This was a mixture of three or more individuals. So in
15 this case, the major types were consistent or matched
16 the DNA from Curtis Hampton.

17 Q. Okay. But we don't know who else, the other two
18 contributors were; is that correct?

19 A. Correct. I can't make any comparisons to those minor
20 contributors in that sample.

21 Q. And as to those minor contributors, can we at least
22 ascertain the gender, or is it not possible?

23 A. It's not possible.

24 Q. Clearly, there were others, correct?

25 A. Yes.

1 Q. Now, as far as what we've been calling the folding
2 knife, on the blade end was Monique exclusively or was
3 there anybody else's?

4 A. It was just Monique.

5 Q. Okay. Not a minor, not anything else, correct?

6 A. No, it was a single contributor.

7 Q. And as far as on the handle?

8 A. The handle was a mixture of at least two individuals,
9 and the major, the major DNA types matched Curtis
10 Hampton's DNA.

11 Q. Okay. The minor, were you able to ascertain the gender
12 of the minor?

13 A. No.

14 Q. So it could have been Monique's, it could have been
15 anybody else's?

16 A. Possibly.

17 Q. Did you ever come to find out if either of these two
18 knives belonged to Monique Rakowski, Mr. Hampton,
19 somebody else, or one and one, anything like that?

20 A. I have no knowledge as to who those knives belonged to.

21 Q. Were you ever indicated -- was any indication ever
22 provided to you that these knives came from the home on
23 Normandy in Eastpointe?

24 A. That is what I was told.

25 Q. Okay. I think I didn't say that as specific I needed

1 to.

2 Was there any indication made to you that
3 these were knives that were customarily kept at the
4 house on Normandy or if they were just recovered at the
5 scene?

6 Do you know what I'm saying?

7 Did you ever have any information that the
8 Rapala knife normally would be at the Normandy house and
9 the folding knife, or just the fact that they were
10 obtained from there.

11 A. That specific information wasn't something that I was
12 aware of.

13 Q. So you couldn't say one way or the other to the ladies
14 and gentlemen of the jury those knives were Monique's,
15 somebody else's, or from the house, correct?

16 A. May I refer to my notes?

17 Q. Sure, you may.

18 MR. SHEIKH: Your Honor, is it okay if she
19 refreshes her recollection.

20 THE COURT: Yes.

21 MR. FEDORAK: Your Honor, technically, I
22 object because that would be a hearsay answer of
23 information that was supplied to her. I think the
24 proper witness that comes from is Detective Madonia at
25 the end of this case, about where the evidence was

1 collected and the Dearborn officer that is yet to
2 testify.

3 MR. SHEIKH: Your Honor, she's already, if the
4 witness is already looking at her notes and she has some
5 recollection of it, I think she's more than qualified.
6 It's their witness.

7 THE COURT: Well, I guess if she wants to
8 testify as to what it is identified as, the name that
9 she was referring to. I guess she wasn't at the scene.
10 There's nothing to suggest she was at the scene. So
11 I'll allow her to testify as to what the name of the
12 sample she was investigating at the time.

13 MR. FEDORAK: Thank you, Judge.

14 A. The information that I was given was just that there was
15 three knives with possible blood or biological evidence
16 on them, with the assumption they were from the scene,
17 and that was all the information I had.

18 MR. SHEIKH: Okay. Thank you.

19 Your Honor, may I consult with my client?

20 THE COURT: Go ahead.

21 MR. SHEIKH: Thank you. I know this has been
22 very repetitive. Thank you for your patience.

23 REDIRECT EXAMINATION

24 BY MR. PALEPU:

25 Q. Do you know what Bluestar is?

1 A. I'm a little aware of it.

2 Q. Are you aware of how it's used?

3 A. It's used as a presumptive test for the possible
4 presence of blood.

5 Q. Okay. Are you aware of the process in which this
6 evidence came to you, procedurally?

7 A. The evidence that I received was all samples or cuttings
8 or swabs of items that were submitted to me from the
9 Sterling Heights laboratory.

10 Q. Okay. So, at some point, fair to say that Bluestar was
11 used at the scene, went to Sterling Heights lab. After
12 testing at the Sterling Heights lab, phenolphthalein
13 tests were performed. Based on those being positive,
14 they came to you for testing, for further testing for
15 DNA; is that correct?

16 A. Yes.

17 Q. Okay. Now, when you test what you test, you're testing
18 specific pieces of evidence that come from a lab that
19 came to you because it was positive for something; is
20 that correct?

21 A. In this case some of the samples were positive for the
22 possible presence of blood, some were sent as possible
23 touch DNA. So sometimes we do get stains or samples
24 that aren't always positive for blood. But, in this
25 case, I had both.

1 Q. Okay. And I think you said earlier that DNA, positive
2 test doesn't necessarily mean it's from blood. It can
3 be from touching, from skin cells, hair, other things;
4 is that correct?

5 A. Exactly. Once we're testing the DNA, I can't
6 differentiate what that DNA source was, whether it was
7 skin cells, saliva, blood, semen, for that fact at all.

8 Q. Okay. Just so you don't see blood, if someone touched a
9 surface, let's say a wall, and that was tested with
10 Bluestar, then tested with phenolphthalein, and it came
11 back, given to you, you're able to possibly get DNA from
12 that sample. It doesn't have to be blood. It can just
13 be from whether it be sweat or what ever came off that
14 individual.

15 A. Right.

16 MR. PALEPU: Okay. I have no further
17 questions. Thank you.

18 THE COURT: Any follow-up.

19 MR. SHEIKH: Yes, your Honor.

20 RECROSS-EXAMINATION

21 BY MR. SHEIKH:

22 Q. I don't know if you've been asked this question, Ms.
23 Fazi, but in terms of the blue, it's called Bluestar,
24 does it in any way affect the outcome of the DNA test
25 that you come up with?

1 A. We can still generate DNA profiles if an item has been
2 subjected to Bluestar.

3 Q. Okay. Let me ask you this. If you had two things that
4 you tested, one that you knew had been subjected to
5 Bluestar and one had not, would you expect any
6 difference, any variance in the results that you got
7 back?

8 A. Not necessarily. Sometimes, as with other presumptive
9 tests for blood, sometimes the initial testing will
10 dilute a sample. So maybe it might interfere with it,
11 but I wouldn't be able to know, looking at it before
12 hand, what my results might be or how it would affect
13 it.

14 Q. Okay. And I think there's a term you have used many
15 times, as well as the witness prior to you, Ms. Corsi,
16 positive for presumption for blood doesn't necessarily
17 mean positive for blood; is that correct?

18 A. That's correct.

19 Q. Okay. Now, when we're talking about these samples, and
20 you're talking, you're indicating that something was not
21 sufficient for you to make a conclusive determination as
22 to either gender or identity, correct, of that, is there
23 a threshold that you use, is there some sort of
24 numerical way, or does it depend on the analyst?

25 A. So, our procedure, we do have thresholds, analytical and

1 other thresholds for our data. So at a minimum level of
2 where the DNA is. I mentioned that our DNA profiles
3 look like a graphical representation. So if it
4 surpasses that minimum level it's usable for
5 interpretation. So sometimes the DNA types or the DNA
6 present below those levels, we can not make comparisons.

7 Q. Okay. And just, from watching TV, from what I
8 understand, DNA technology is constantly improving; is
9 that correct?

10 A. Yes.

11 Q. What may have been a sample that would have been
12 inconclusive or futile to try to attempt to match, may
13 now, even with a smaller sample, give you a better
14 match; is that correct?

15 A. It might be. This sample, this was from 2015. So, we
16 haven't really changed a lot since then. We do have
17 different chemistry we use now, which is somewhat more
18 sensitive, but it's possible it still might be
19 inconclusive. It really depends on the age of the
20 sample and which chemistries we use prior and which we
21 use now.

22 Q. Okay. And I think this is my last question.

23 When you have an example and you're about to
24 generate a report, put your signature on it, is there a
25 secondary person, either a supervisor or peer, that kind

1 of looks over your work to see.

2 A. Yes. Every time we write a report it is technically
3 reviewed by our peer. Sometimes that peer could be a
4 supervisor. After they approve or pass that technical
5 review, meaning that they approved that I followed all
6 of the procedures, that I made the appropriate
7 conclusions, that they agree with my conclusions of the
8 case, it is then gone for an administrative review. In
9 this case, I believe it was my supervisor that
10 administratively reviewed my report.

11 So there's two different people that review
12 every single report that goes out the door in the DNA
13 unit.

14 Q. And all this is done prior to being transmitted to the
15 agency that submitted the sample; is that correct?

16 A. That's correct.

17 MR. SHEIKH: Thank you, your Honor. Thank
18 you, ma'am.

19 THE COURT: Any redirect?

20 MR. PALEPU: None. Thank you.

21 THE COURT: All right. Thank you. You may
22 step down.

23 (At about 4:32 p.m., Witness Excused).

24 MR. FEDORAK: Judge, may counsel and I
25 approach regarding the schedule?

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

PEOPLE OF THE STATE

OF MICHIGAN,

People,

vs.

Case No.: 2015-1559-FC

CURTIS LEE HAMPTON,

Defendant.

_____/

JURY TRIAL - VOLUME III,

BEFORE THE HONORABLE JENNIFER M. FAUNCE

Mount Clemens, Michigan - Thursday, March 16, 2017

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Thursday, March 16, 2017

Mt. Clemens, Michigan

At about 10:49 a.m.

* * *

THE COURT: People versus Hampton.

MR. FEDORAK: Jurij Fedorak for the People,
Judge.

MR. SHEIKH: Good morning, your Honor. Azhar
Sheikh, counsel here on behalf of Mr. Curtis Lee
Hampton, who stands to my immediate left. We're ready
to proceed.

MR. PALEPU: Kumar Palepu for the People.

THE COURT: We can bring the jury in.

MR. FEDORAK: Did we talk about the problem
with the shuttle bus yet, the jury shuttle bus?

THE COURT: They're going to see if they can
resolve it throughout the day. We'll see how things are
going. We'll know closer to 2:00.

MR. SHEIKH: We would stipulate to leaving by
4:00, if it's necessary, your Honor. I just want the
record to be clear.

THE COURT: That might actually work out,
depending on how the witnesses fall anyhow.

MR. SHEIKH: Thank you.

THE BAILIFF: All rise for the jury.

(At about 10:52 a.m., Jury Seated).

THE COURT: You may be seated. Welcome back.
Your first witness, Mr. Fedorak.

MR. FEDORAK: Dr. Mary Pietrangelo.

THE COURT: Raise your right hand. Do you
swear to tell the truth, whole truth, nothing but the
truth, so help you God?

DR. PIETRANGELO: Yes, I do.

MARY PIETRANGELO,
after having first been duly sworn by the Court to
tell the truth, testified as follows:

THE COURT: Have a seat. You're under oath.
Please state and spell your name for the court reporter,
please.

THE WITNESS: My name is Dr. Mary Pietrangelo,
M-a-r-y P-i-e-t-r-a-n-g-e-l-o.

THE COURT: Thank you. Go ahead, Mr. Fedorak.

DIRECT EXAMINATION

BY MR. FEDORAK:

Q. Good morning, Doctor. Can you please introduce yourself
to the jurors?

A. Good morning. I'm Dr. Mary Pietrangelo.

Q. And where are you a currently employed?

A. I'm employed at the Macomb County medical examiner's
office.

1 Q. Okay. And can you briefly describe for the jurors what
2 your background is in terms of your training, your
3 education. Obviously, you are a medical doctor; is that
4 correct?

5 A. Sure, yes.

6 Q. Can you explain to the jurors your background.

7 A. Sure. I graduated from Wayne State School of Medicine
8 in 1995. I then did a residency in family medicine,
9 from which I graduated in 1998. I practiced family
10 medicine until 2007 and then I switched over to another
11 area of study, pathology, and I did a second residency
12 in anatomic and clinical pathology at William Beaumont
13 Hospital. After I completed that, in 2011, I did a
14 forensic pathology fellowship in Cleveland, and at the
15 completion of that I came back here, and I've been
16 employed with the Macomb County medical examiner's
17 office since 2012.

18 Q. Okay. And have you testified in court previously?

19 A. Yes.

20 Q. Have you been labeled as an expert in forensic
21 pathology?

22 A. Yes.

23 Q. And your current employment from 2012 to today has been
24 continuing with the county and you've, again,
25 concentrated at the medical examiner's office?

1 A. Yes.

2 MR. FEDORAK: Okay. Your Honor, at this
3 point, we'd like to ask if the Court could recognize the
4 witness as an expert in forensic pathology.

5 MR. SHEIKH: Your Honor, we would have no
6 objection to that. We've worked with Dr. Pietrangelo
7 before.

8 THE COURT: Okay. I will find her an expert
9 in forensic pathology.

10 MR. FEDORAK: Thank you.

11 Q. (By Mr. Fedorak) Now, if you can briefly describe for
12 the jurors what that actually means, in terms of your
13 day-to-day job and how you assist the local police
14 departments within your jurisdiction or within our
15 jurisdiction here.

16 A. Okay. My day-to-day job is to investigate deaths that
17 occur in the County of Macomb and decide what type of
18 investigation, if any, needs to be performed to safely
19 and reliably come to conclusions about cause and manner
20 of death. Much of that involves autopsies. That's
21 probably the main thing that I do, is perform autopsies.

22 My specialty in forensic pathology. Now,
23 pathology is a very, very broad specialty and it's more
24 or less the study of disease, illness, injury or the
25 absence thereof. And forensic pathology is a branch of

1 pathology that's involved in identifying, recognizing
2 and interpreting injuries and illnesses and then
3 applying that information for legal purposes.

4 Q. Okay. Where would your office be located?

5 A. The office is at Elizabeth Road and Groesbeck in Mt.
6 Clemens.

7 Q. Okay. So it's by the Macomb County jail complex and the
8 Martha T. Berry complex, everything right there on
9 Groesbeck?

10 A. Yes.

11 Q. If you can briefly describe who actually works at the
12 medical examiner's office, in terms of how many doctors,
13 and if you have support staff and what type of support
14 staff.

15 A. The two physicians are myself and Dr. Spitz. Dr. Spitz
16 is the chief medical examiner. I'm the deputy medical
17 examiner. We have clerical employees. We have several
18 autopsy assistants that actually help us in the autopsy
19 room as far as preparing bodies and we have
20 investigators, medical legal death investigators who go
21 to the sceenes when there's a death that doesn't occur
22 in a hospital.

23 Q. Okay. And let's say, as was this case, for example,
24 when a jurisdiction such as the Eastpointe police
25 department contacts you regarding a death in their city,

1 do you send those investigators out to assist them?

2 A. Yes.

3 Q. And sometimes do you even go along to assist your
4 investigators?

5 A. Yes.

6 Q. On this specific occasion, do you remember getting
7 contacted or your staff getting contacted by the
8 Eastpointe PD?

9 A. Our staff was contacted initially and presented to the
10 scene, and then it became apparent what type of an
11 incident had occurred. Then, I was called and I came
12 out to the scene.

13 Q. Okay. And so, do you remember approximately when you
14 arrived at the scene on Normandy, in Eastpointe?

15 A. It would have been around, after midnight, right after
16 midnight I think on February the --

17 Q. Well, we --

18 A. -- 13th.

19 Q. We haven't heard this. Obviously, we've been -- this is
20 our third day of trial. We've had all the other
21 witnesses who played their roles, who've already
22 testified. Mr. Rakowski, the deceaseds' father and
23 grandfather, discovered the bodies on Thursday evening
24 at approximately 9:00 p.m., is when the 911 call came
25 out.

1 So you would have been there approximately
2 three hours later, that midnight?

3 A. Yes, yes.

4 Q. And please tell the jurors, when you arrived on the
5 scene, on Normandy street -- if we can show a picture of
6 the house, please. People's 1.

7 Does that look familiar?

8 A. Yes.

9 Q. Okay. And you physically arrived on that scene?

10 A. Yes.

11 Q. When you arrived there do you remember who else -- well,
12 who from your staff was there with you, if anybody?

13 A. Well, the staff who was there prior to me, which is on
14 our staff, was David Holhelder, Holeshower. I'm sorry,
15 I'm getting his -- he's not working with us anymore. So
16 I've mixed his name up. Dave Holdfelder. That was our
17 investigator.

18 Law enforcement had been on the scene up until
19 then, too. So it was law enforcement, Dave and myself.
20 Yeah, I think that was the extent of it.

21 Q. Okay. And the Eastpointe police department still had
22 the scene secured as a crime scene for you.

23 A. Yes.

24 Q. And you were allowed to go inside the residence?

25 A. Yes.

1 Q. Okay. And what are your objectives at this point, if
2 you can tell the jurors. How do you approach your job
3 when you walk up to a scene like this?

4 You've already been informed there are two
5 bodies inside the house, correct?

6 A. Correct.

7 Q. What do you do next?

8 A. I begin surveying the scene for the environment; where
9 am I. Then, where are the bodies. Why are the bodies
10 where they are. How did they get there. What kind of
11 circumstances might we be dealing with in this case.
12 And that's essentially what I followed that evening,
13 too.

14 Q. Okay. Was Detective Madonia on the scene at that point
15 or did you interact with him later?

16 A. I don't remember.

17 Q. Okay. So do you physically go into the bathroom where
18 the officers direct you to?

19 A. Yes.

20 MR. FEDORAK: Okay. If we can go to the first
21 slide, please, the first slide for this witness.

22 MR. PALEPU: That should be 90.

23 MR. FEDORAK: I'm sorry, Judge. We are going
24 to be going through a series of pictures.

25 Judge, we have this marked as People's 90.

1 Q. (By Mr. Fedorak) Doctor, do you recognize that picture?

2 A. I do.

3 Q. What does it depict?

4 A. Well, this is Monique Rakowski, who is the mom, lying on
5 her back on the bathroom floor, with her daughter,
6 Carmon, lying on top of her on a pillow.

7 Q. Okay. And they were in this position when you got
8 there?

9 A. They were.

10 Q. Okay. Who's in charge of what's going to happen in the
11 bathroom right now, once you're there, in terms of
12 moving the bodies, doing the work that you have to do?
13 In other words, it's your call as to how you're going to
14 process --

15 A. It's my call as far as how we're going to manipulate or
16 handle the bodies.

17 Q. Okay. Initially, when you see something this drastic,
18 what, if anything, else are you trying to do, observe,
19 or what's your methodology of how you're going to
20 perform your responsibilities?

21 A. I guess I would describe it just proceeding in an
22 organized fashion from a distance all the way to
23 focusing on close-up areas, and that's what I did that
24 evening.

25 Q. Okay. Did you move any of the bodies?

1 A. Well, after, I did have a look at how they were lying in
2 there, yes. I picked up the baby.

3 Q. Okay.

4 A. And I took the baby out into the living room on the
5 couch to examine her further, because I had seen a
6 little stain on her pajamas on her onesie. So I took
7 the onesie off and that's when I saw the wound to her
8 chest.

9 Q. Okay. And where did this examination take place?

10 A. This was in the living room of the house.

11 Q. Did you take any precautions or did you prep your area
12 of work as to before you started to undress the infant?

13 A. I believe she was lying on a paper bag.

14 MR. FEDORAK: Okay. If we can move to the
15 next slide, please.

16 Again, your Honor, these are going to be
17 difficult pictures.

18 Q. (By Mr. Fedorak) People's 91, that we have now marked.

19 Are you the person that undressed the baby and
20 removed the onesie from the baby?

21 A. Yes.

22 Q. Okay. Please continue. Is this a fair and accurate
23 representation of the child on the evening when you were
24 there examining her?

25 A. Yes.

1 Q. Please, continue. What are you looking for, what --

2 A. Well, clearly, she's been injured. Clearly, she has an
3 injury that's consistent with, you know, a mortal
4 injury. So that was, you know, the first, the first of
5 the injuries that I was able to examine.

6 Q. Okay. People's 92 is a close-up of what, Doctor?

7 A. That's a close-up of the stab wound.

8 Q. Okay. Did you specifically perform the autopsy back at
9 the medical examiner's on this child?

10 A. I did not.

11 Q. That would be Dr. Spitz.

12 A. Dr. Spitz did it on the baby and I did it on Monique.

13 MR. FEDORAK: Okay. People's 93, please.

14 Q. (By Mr. Fedorak) Can you explain to the jurors what
15 your intent is, what you're looking for and what you
16 actually found?

17 A. Well, I'm looking for signs of other injuries, which we
18 don't see. I'm also looking for indications of how much
19 time might have elapsed since she'd been injured. And
20 what I'm looking at specifically in this photograph are
21 areas of kind of purplish-red skin discoloration, which
22 is known as lividity, and lividity refers to the pooling
23 of blood due to gravity. That happens after death.

24 So, in this photograph we do see that she has
25 the presence of lividity.

1 Q. Okay. And again, those are not bruises or other
2 injuries. That is all lividity?

3 A. Yes.

4 MR. FEDORAK: Okay. People's 94, please.

5 Q. (By Mr. Fedorak) Again, is that just a different angle
6 of the same wound?

7 A. That's the same wound, and that's a picture of the
8 pajamas with my gloved blue hand underneath it showing
9 the defect in the fabric.

10 Q. We just enlarged that same picture for you highlighting
11 the cut through the, lack of a better word, the onesie,
12 pajama onesie?

13 A. Yes.

14 Q. Was there much blood there?

15 A. No.

16 Q. Did you see much blood anywhere as it relates to the
17 infant?

18 A. No, I did not.

19 Q. In fact, Doctor, when you first walked through the home
20 and down the wooden floor hallway and the threshold of
21 the master bedroom and the threshold of the bathroom,
22 did you notice much blood at all to your naked eye?

23 A. I did not, and I was surprised and puzzled.

24 Q. That, as far as the baby was concerned, is that the only
25 piece of clothing that was on the baby that evidenced

1 any type of fluid blood stain at all?

2 A. Yes.

3 Q. What, how detailed was your examination of the child on
4 the couch that day in the family room? At what point do
5 you stop the investigation and I assume you take the
6 baby back to the medical examiner's office for the full
7 work-up.

8 A. Yes. Essentially, this is the extent of the examination
9 here at the scene. Now it's time to go back into the
10 bathroom and evaluate the mom's body.

11 Q. And what precautions do you take in terms of the
12 transportation of the infant at this point?

13 A. Well, I believe the infant was transported with the mom.

14 Q. Okay.

15 A. At the time.

16 Q. But, are they -- to preserve evidence, you're using --
17 she's on a paper bag right now.

18 A. They're put in a body bag, yes.

19 Q. In a body bag.

20 A. Yes.

21 Q. So you finish your preliminary examination of the child
22 and now you move back to the bathroom to examine the
23 adult?

24 A. Correct.

25 Q. People's 95, is that a fair and accurate depiction of

1 the way Monique Rakowski was on the floor in the home
2 that evening?

3 A. Yes, it is.

4 Q. Okay. What are you doing at this point? What are your
5 responsibilities?

6 A. Again, primarily, observation and interpretation.

7 Q. Okay. And you see a knife against the wall laying.

8 If you can highlight that knife.

9 A. I do.

10 Q. And you can see the size of that blade and the width of
11 that blade.

12 A. Yes, I do.

13 Q. In that consistent with the infant's injuries that you
14 already have taken a look at? Was that knife consistent
15 with the baby?

16 A. I would say not.

17 Q. Okay. Did you have an opportunity to physically examine
18 Monique? Obviously, there's some pieces of clothing, a
19 blanket, a towel, a shirt. Did you physically
20 manipulate the body to examine her body superficially at
21 the scene?

22 A. Oh, yes, yes.

23 MR. FEDORAK: People's 96, please.

24 Q. (By Mr. Fedorak) What is that a close-up of, Doctor?

25 A. That is a close-up of a tear in her shirt which is in

1 the general vicinity of a wound that's underneath it.

2 Q. Okay. Is it safe to describe your actions are you're
3 starting to take the articles, either the blanket or the
4 shirt off to start examining the body physically.

5 A. Yeah, I think she had a brown towel like over the top of
6 her face, neck. So, that's gone. She had two nickles
7 placed on -- one nickel on each eye, her closed eyes.
8 So, then, we began to examine her body. The clothing
9 sometimes pointed us in the direction of where a wound
10 would be, but we also removed the clothing partially to
11 get a better assessment of what's underneath.

12 Q. Okay. Now, we move to People's 97.

13 Are you the one who removed the black shirt
14 to, again, get closer to the body for a more
15 accurate --

16 A. It would have been either me or my investigator, Dave.
17 We were -- he would be photographing. So, I suspect it
18 was me.

19 Q. And what does that reveal again for the record, if you
20 could describe. Once you remove the black shirt, what
21 do you find underneath it?

22 A. Well, there's another shirt underneath that. It's kind
23 of a green shirt that's blood stained on the front.

24 Q. Okay. People's 98, what is the picture trying to depict
25 there, Doctor?

1 A. That is a stab wound.

2 Q. Now, for the record, the black T-shirt is pulled up.
3 The lime green T-shirt is pulled up as well. I believe
4 we can see the bottom of a bra and a wound right in the
5 middle of the -- would that be properly described as the
6 sternum area?

7 A. Lower sternum, yes.

8 Q. Lower sternum.

9 People's 99. Again, Doctor, what are you or
10 your investigator trying to depict at this point?

11 A. Well, we pushed the bra away from the, out of the way so
12 that we could examine for other injuries, and there are
13 two wounds on that left breast.

14 Q. People's 100. Did you ever, at a point, flip the body
15 over?

16 A. Yes.

17 Q. People's 100, please.

18 Again, what is this shot depicting? Can you
19 describe the part of her body that it's depicting?

20 A. Okay. What we're looking at here is her upper back.
21 Her head would be at the top of the screen. The bra
22 clasp is at the bottom of the screen. And we see a
23 number of injuries to the back.

24 Q. Okay. And now I'm going to People's 101, which is the
25 report, the actual scanned-in report. The next report,

1 please. That would be Carmon. Monique's, please.

2 Doctor, did you have an occasion to author a
3 report?

4 A. Yes.

5 Q. We've scanned it in as an exhibit, but do you have a
6 copy of it with you?

7 A. I do.

8 Q. Can you pull it out, please.

9 A. Sure.

10 MR. FEDORAK: Judge, for the record, we have
11 it marked as People's Exhibit No. 101. I'd be moving
12 for the admittance of this report.

13 MR. SHEIKH: No objection, your Honor. Thank
14 you.

15 THE COURT: It's admitted.

16 MR. FEDORAK: Thank you. And obviously, based
17 on the previous stipulations, all the photographs I just
18 went through.

19 THE COURT: 90 through 100 are also admitted.

20 MR. SHEIKH: Yes, your Honor.

21 MR. FEDORAK: Thank you, your Honor.

22 THE COURT: Thank you.

23 Q. (By Mr. Fedorak) Can you please tell the jurors, you've
24 done your inspection at the scene, you've collected the
25 items you wanted to, you preserved the body as best as

1 you can for evidentiary purposes. How are the bodies
2 transported then back to the medical examiner's office?

3 A. They're wrapped in a white sheet, a paper-type sheet,
4 and that is then put into the body bag and the body bag
5 is taken to the medical examiner's office.

6 In this instance, the two bodies were
7 together, Carmon and Monique.

8 Q. Okay. And at the medical examiner's office either the
9 next day or depending on the schedule and all the other
10 emergencies that are going on, at some point, do you
11 perform a full autopsy?

12 A. Yes. I believe that was in the morning of the 13th,
13 February 13th.

14 Q. You've already testified that you were responsible for
15 Monique Rakowski's autopsy?

16 A. Yes.

17 Q. And Dr. Spitz did the child?

18 A. Yes.

19 Q. Okay. Can you please describe, in summary fashion, what
20 the purpose of the autopsy is and how you conduct that.

21 A. Well, the purpose of autopsy is to obtain further
22 information that's going to aid me in defining a cause
23 of death for this individual. So the autopsy begins
24 with an external examination after the clothing has been
25 removed. I examined the external surfaces of the body

1 from head to toe and then I collect some trace evidence.
2 I collected various swabs of the hands, finger nail
3 clippings, hair samples, things that would be possibly
4 useful in an examination. And then, after the external
5 examination and the collection of the trace evidence,
6 then we proceed to the internal exam.

7 Q. At the medical examiner's office, do you take another
8 series of pictures?

9 A. Yes.

10 Q. Okay. And we've gone through a series of pictures at
11 the scene with various clothing, garments removed to
12 highlight injuries to the body. Was there a
13 full-frontal picture of the upper torso taken without
14 any clothing?

15 A. Yes, I think so.

16 MR. FEDORAK: Again, your Honor, as requested,
17 we're going to -- I'd like to go to People's proposed
18 102.

19 Q. (By Mr. Fedorak) Without the obstruction of the
20 clothing and so forth you had to move, does this depict
21 another wound that is highlighted by this photograph?

22 A. It looks like there are, there's a wound definitely on
23 the right breast, above the right breast. There looks
24 like there are two wounds on the left breast towards the
25 midline from the nipple. I can see the stab wound below

1 the breasts, and I'm not sure about the, if there's, if
2 that's an actual wound below that tattoo.

3 MR. FEDORAK: Okay. If we can remove that
4 please and go back to the report.

5 Q. (By Mr. Fedorak) Doctor, do you have a diagram, a
6 generic diagram of a shape of a body?

7 A. Yes, I made a sketch.

8 Q. Okay. If we can go to that sketch, please.

9 We have that as People's 103. And Doctor, can
10 you describe what the purpose of this form is that you
11 use.

12 A. This form is a summary of the location of the various
13 wounds on the body, front and back, and then my
14 handwriting down the side is just additional information
15 that correlates with each wound, which is numbered from
16 1 to 13, and then again one on the arm, and the
17 numbering has no bearing as to when and what sequence
18 these wounds occurred. This is just an arbitrary
19 numbering to keep track of them. So I've gone through
20 each wound and jotted down notes as far as the size of
21 the wound, the depth of the wound and the direction of
22 the wound track.

23 Q. Okay. In fact, we met a few weeks ago in preparation of
24 today's events, correct?

25 A. Yes.

1 Q. And I asked you to just quickly diagram the width of the
2 wound and the depth of the wound, correct?

3 A. Yes.

4 Q. Can you please describe for the jurors how you -- what
5 words you use to describe wounds, either cuts, stabs,
6 slashes. What is the proper terminology that you're
7 using in this report?

8 A. In this report, I am referring to what we call sharp
9 impact injuries. This is in contrast to blunt impact
10 injuries although she did have some blunt impact
11 injuries. Sharp impact injuries are created by
12 something with a cutting edge and sharp impact injuries
13 can be further divided into stab wounds or incised
14 wounds. And there's somewhat of a spectrum, when does
15 an incised wound become a stab wound and vice versa.
16 But, in general, a stab wound is deeper than the area
17 you see on the skin. And in general, an incised wound
18 has a greater wound on the skin surface than its depth.

19 MR. FEDORAK: Okay. And if I can ask if we
20 can magnify the left vertical half of that.

21 Q. (By Mr. Fedorak) Can you please tell the jurors how
22 many wounds and what type of wounds you found on the
23 deceased, Monique Rakowski?

24 A. There were 13 stab wounds to the trunk, there was one
25 stab wound to the right arm, and there were a few

1 incised wounds on the fingers.

2 Q. In other words, when you say incised wounds I think of
3 cuts. Is that a layman's way of saying an incised
4 wounds?

5 A. Cuts, superficial, not deep.

6 Q. If we can highlight at the top of your handwriting, to
7 get both, the entire column of the handwriting. Maybe a
8 little larger, maybe the top half, so we can read those
9 numbers.

10 Are you able to read those numbers, Doctor?

11 I'm sorry. Do you have a copy of it in front of you?

12 A. It's not a part of my report, but I do have a copy of
13 the sketch in front of me.

14 Q. Okay. The copy of the sketch in front of you, does it
15 have those same numbers that are on the screen right
16 now?

17 A. Yes.

18 Q. Basically, instead of asking you to stand up there and
19 squint at those little numbers, are you able to tell the
20 jurors number one, two, three, the way we went through
21 it?

22 A. Yes, I can.

23 Q. Okay. Let's start with number one. What notes did you
24 make regarding number one?

25 A. The wound that's labeled number one measures one and

1 five-eighths inch on the skin surface.

2 Q. Okay. Then there's another number behind it. There's a
3 dash and there's four and-a-quarter. What does four
4 and-a-quarter designate?

5 A. The four and-a-quarter refers to the depth of the wound
6 that I was able to carefully probe with a small metal
7 probe to get an idea of how deep this wound went.

8 Q. Okay. And the next wound, number two.

9 A. Number two was one-half inch in length on the skin.

10 Q. And depth?

11 A. And depth of six inches.

12 Q. Okay. So it was narrow, one-half inch, but it was deep.

13 A. Yes.

14 Q. Six and-a-half.

15 A. Yes.

16 Q. Do you find that some of the wounds are narrow and some
17 of the wounds are rather wide? In other words, as
18 comparison to the wounds themselves.

19 A. Yes.

20 Q. Okay. Number three.

21 A. Number three is one and seven-eighths inches in length
22 on the skin surface and to a depth of two inches.

23 Q. Okay. And Doctor, if we can just move the highlighting
24 to cover the numbers one, two and three. I'd like to
25 point something out, if I may.

1 Certain numbers are circled and certain
2 numbers are not circled. What's the significance of
3 that?

4 A. The significance of the circled numbers were, in our
5 discussions, meaning beforehand, I circled the wounds,
6 the stab wounds that would have caused significant
7 injury contributing to the death.

8 Q. In other words, each and every one of those circles
9 designate a possible fatal blow in and of itself.

10 A. Yes.

11 Q. And if I'm looking at our forms correctly and our notes,
12 you have numbers one, two, four, five and 13 circled.

13 A. Yes.

14 Q. So there were five separate wounds that on their own
15 could have been fatal if the other ones were never even
16 administered?

17 A. Yes.

18 Q. But, clearly, the combination of the five potentially
19 dead blows. Could you tell which one of those blows was
20 the actual -- which one of those stab wounds was the
21 actual wound that took her life?

22 A. I believe that number one, which perforated the aorta,
23 is the most serious of the wounds.

24 Q. And let's just quickly go through the rest of the list.
25 I think we left off, we did three, we're on four. Four

1 is five-eighths and it was five inches deep?

2 A. Yes.

3 Q. Five is five-eighths and five inches long?

4 A. I'm sorry, number five is five-eighths long and one
5 and-a-half inches deep.

6 Q. Number six.

7 A. Is one-half inch in length and one and-a-quarter inch
8 deep.

9 Q. Number seven?

10 A. One-half inch in length and three-quarters of an inch
11 deep.

12 Q. And you had a squiggly line in between number six and
13 number seven. Is it safe to say we've transitioned from
14 the front to the back?

15 A. Yes.

16 Q. And number eight?

17 A. Number eight is one-half inch and it is seven-eighths
18 inch deep.

19 Q. Number nine?

20 A. Number nine is one inch in length on the skin surface
21 and three-quarters of an inch deep.

22 Q. Number 10?

23 A. Number 10 is seven-16ths of an inch in length on the
24 skin and two-and-three-quarters inches deep.

25 Q. Number 11?

1 A. Number 11 is three-quarters of an inch long on the skin
2 and one and-a-quarter inches in depth.

3 Q. And 12.

4 A. Number 12 is one inch in length and one-and-a-quarter
5 inch deep.

6 Q. And finally, number 13.

7 A. Number 13 is one and an eighth inch in length on the
8 skin with a depth of three inches.

9 Q. As part of the report that you author do you have to
10 state, based on your expert opinion, what type of death
11 this was?

12 A. When you say type of --

13 Q. The classification.

14 A. Do you mean referring to the cause of death or --

15 Q. Correct.

16 A. -- the manner of death?

17 Q. Both.

18 A. Okay. The cause of death was multiple stab wounds and
19 the manner of death was homicide.

20 MR. FEDORAK: Thank you, your Honor. Nothing
21 further.

22 THE COURT: Mr. Sheikh.

23 MR. SHEIKH: Yes, your Honor. Thank you.

24 CROSS-EXAMINATION

25 BY MR. SHEIKH

1 Q. Good morning, Doctor. How are you?

2 A. Good morning.

3 Q. I wish we would meet under better circumstances. It's
4 always rather unfortunate.

5 A. Me, too.

6 Q. I'm going to ask you just a few brief questions to make
7 sure that I've got some things correct, okay.

8 A. Sure.

9 Q. First of all, if you did, did you see if there was any
10 sexual activity, or did you look for it, or signs of
11 bodily fluids?

12 A. We did examine for sexual activity, performed
13 essentially a sexual assault work-up factor in the
14 autopsy.

15 Q. And do you recall your results? Or if you could look at
16 your report.

17 A. Well, grossly, meaning just by looking, it did not
18 appear that she had any injury to her sexual organs.
19 But swabs were taken and I don't know the results of
20 what those were.

21 Q. So you didn't see any signs of trauma, forced sex or
22 attempted forced sex; is that correct?

23 A. I did not see anything like that.

24 Q. Okay. And Doctor, in formulating your medical
25 examiner's report you also do what's called a toxicology

1 report; is that correct?

2 A. Yes.

3 Q. And do you recall doing that in this case?

4 A. Yes.

5 Q. And do you have that before you?

6 A. I do, in the chart. I can flip to it.

7 Q. If it would refresh your recollection, I'm going to ask
8 you some questions. If you could pull it out.

9 A. Okay. I'm looking at the toxicology report now.

10 MR. SHEIKH: Your Honor, may I briefly
11 approach the witness, just to show her what page I'm on.

12 THE COURT: Yes.

13 MR. SHEIKH: So we're on the same page.

14 THE WITNESS: That's it.

15 Q. (By Mr. Sheikh) Okay. There's quite a few terms on
16 here that I don't understand, some that I do. I'm just
17 going to ask you about the significance of them, okay.

18 A. Sure.

19 Q. In the box that says positive findings there's a
20 compound ethanol and I believe the result is 1. -- or
21 .101 or 101.

22 A. Yes.

23 Q. And what is that?

24 A. That's the blood alcohol concentration.

25 Q. Now, right under it you have blood alcohol

1 concentration, BAC, it says 0.101. Are the findings for
2 ethanol and blood alcohol concentration the same or are
3 they --

4 A. Well, they're essentially the same, but they're
5 expressed in different units, because that can be
6 expressed in many different units, and some people rely
7 on one way of expression, another relies on another way
8 of expression, but they are equivalent.

9 Q. Okay. In the law field we see the BAC all the time. We
10 rarely see the ethanol.

11 A. Right.

12 Q. And ma'am, also, where it says matrix source it says
13 pleural blood. What does pleural blood mean?

14 A. Pleural blood means that -- okay, let me back up just
15 for a moment.

16 Q. Sure.

17 A. Specimens that I routinely take at autopsy are from
18 initially we attempt to get some external blood from
19 drawing in the femoral circulation in the groin area,
20 and that is submitted generally if we have it. I don't
21 believe we were able to obtain that in Monique's case
22 due to the amount of blood loss that she had. So, then,
23 my next choice is blood from the heart, and at autopsy,
24 during the internal examination, after I've opened the
25 chest cavity and I'm examining the heart as it's sitting

1 in the chest cavity, then I attempt to take blood from
2 the aorta as it leaves the heart, and that's called
3 heart blood. Again, she didn't have anything that I
4 could use.

5 What she did have was blood out in her lung
6 cavities that I used for analysis. That was the best
7 available specimen. She had bled out around her lungs.

8 Q. And is that what the term plural blood means?

9 A. That's what the term plural blood refers to.

10 Q. And just so the record is clear, I notice that all the
11 sources, except for the last two, which are urine, that
12 all of it was blood, plural blood; is that correct?

13 A. Yes.

14 Q. I'm going to ask you number about number three, pretty
15 self-explanatory, positive for caffeine, correct?

16 A. Yes.

17 Q. It doesn't give a value. Okay. Next, delta nine THC
18 3.5, what is that exactly?

19 A. That's marijuana.

20 Q. Okay. And the 3.5, does that -- what kind of scale is
21 that on, if you know?

22 A. I'm sorry, could you repeat?

23 Q. Is that any sort of scale, like one to 10, one to five?

24 A. It's difficult to know because the laboratory who does
25 the analysis makes that projection based on a certain

1 concentration of marijuana in the substance. But we
2 really don't know that, because we don't know, we don't
3 have the marijuana on hand. So it's, it is a
4 quantitation, yes, it is. That's specifically how much
5 was found.

6 Q. Okay. And it could vary by the strength of the --

7 A. It can vary by the strength and by the amount of time
8 that had lapsed since the marijuana was smoked or
9 consumed.

10 Q. Thank you, ma'am. And right underneath it, Doctor, it
11 says delta nine carboxy THC 68, what is that?

12 A. That is an inactive metabolite or an inactive breakdown
13 product of marijuana.

14 Q. What does inactive mean, just for our purposes?

15 A. It means it doesn't have any effect on the body. It's
16 not, it's not the substance in marijuana that gives it
17 its desired effects.

18 Q. So would it be safe to say, residual, left over from
19 prior use or chronic use, but not necessarily immediate
20 use, correct?

21 A. No, not prior use or chronic use. It's looking at the
22 milieu of the body as-is. And, again, with every
23 compound you're going to see the actual compound,
24 chemical compound and the things it breaks down to in
25 the body.

1 Q. Okay. Next on the line, ma'am, is amphetamine, it says
2 130. Is that, could you -- well, it is milligrams --

3 A. Is amphetamine is a medication that's prescribed in a
4 variety of conditions, such as attention deficit
5 disorder.

6 Q. We have had some testimony, I believe, that the young
7 lady may have taken Adderall. Would Adderall have shown
8 up as this?

9 A. Yes.

10 Q. As amphetamine?

11 A. Yes.

12 Q. Underneath that is metaxalone?

13 A. Yes.

14 Q. 0.14. What is that, ma'am?

15 A. Metaxalone is a muscle relaxant.

16 Q. And does the .14 give you any indication as to any kind
17 of gradation as to whether that's a high amount?

18 A. It's a very small amount, very small.

19 Q. Next, you have cannabinoids. It says presumption
20 positive. What does that mean?

21 A. What that refers to, and I'll go with the cannabinoids
22 and the amphetamines together because they were both
23 done in the urine. When a specimen is sent to the lab
24 for evaluation, the first testing is done on urine, and
25 that's considered screening tests because, obviously,

1 there are thousands and thousands of compounds that can
2 be looked for. We have to, they have to narrow it down
3 in some way as to what are the categories of the
4 compounds that they need to look for. So the testing
5 that's done on the urine is what we call screening, and
6 that's why the result doesn't give you a number, it just
7 gives you the phrase presumed positive. So that means
8 that if there's a presumed positive in the urine, then
9 the blood will have to be analyzed further to support
10 that or to refute that. Sometimes a presumed positive
11 is a false positive.

12 In this case, it was presumed positive for
13 cannabinoids, which the blood did confirm, and it was
14 positive for amphetamines, which the blood did confirm.

15 MR. SHEIKH: Your Honor, before I pass, may I
16 consult.

17 THE COURT: Go ahead.

18 MR. SHEIKH: Doctor, thank you, very much, and
19 I hope it's a long time before I see you again
20 professionally.

21 THE WITNESS: Likewise.

22 THE COURT: Mr. Fedorak, any follow-up?

23 REDIRECT EXAMINATION

24 BY MR. FEDORAK:

25 Q. Doctor, when I was asking you questions on direct, and

1 Mr. Sheikh touched upon it, the one wound that you
2 talked about, the aorta, in other words, the most severe
3 wound, how long, based on the nature of the wound,
4 do you think a person, and apologize for lack of a
5 better word, would have died as a result, in other
6 words, would have bled out?

7 A. I would say it would take minutes.

8 Q. Minutes. Okay. Mr. Sheikh asked you also about the
9 milligrams of blood and the testing and so forth.

10 Approximately, how many milligrams -- excuse
11 me, not milligrams. Milliliters. That's why I went to
12 law school and not biology.

13 How many milliliters of blood are in a woman
14 that size, meaning Monique Rakowski, approximately?

15 A. Approximately 5,000 milliliters.

16 Q. Okay. And you indicated with Mr. Sheikh's questioning,
17 during his questioning, that you were able to account
18 for approximately 1500 in the cavity; is that correct?

19 A. With the blood that we got from the cavities, and I
20 believe those were both plural spaces, the lung
21 cavities, the pericardium had some blood in it which was
22 measurable, and then there was a hematoma in that
23 general area, hematoma is a collection of blood, kind of
24 like a, kind of like a bruise or a contusion, I
25 estimated that I could account for about 1500 ml's of

1 blood there, yes.

2 Q. Okay. And obviously, I assume there was residual blood
3 still in the vessels, still in the other major organs.

4 A. Correct. That, I can't measure.

5 Q. Sure. But, would it be safe to say, based on your
6 expert opinion, approximately another -- even if I'm
7 rounding up to make sure what blood was left in the
8 body, another 500 to 1,000 milliliters?

9 A. Yes. I would agree with that.

10 Q. Okay. So, again, rounding up, to err on the side of
11 caution rather than exaggeration, you could say that
12 there's approximately 2500, between 2000 and 2500
13 milliliters still in her body that you're in possession
14 of?

15 A. Correct.

16 Q. You were at the scene, correct?

17 A. Correct.

18 Q. You saw a picture of the bathroom floor once the body of
19 Monique Rakowski was removed, correct, and the amount of
20 blood that was on the floor?

21 A. Yes.

22 Q. Would it be safe to say that we can approximate, again,
23 approximating on the side of caution, not exaggeration,
24 500 milliliters of blood on the floor?

25 A. I don't think it was that much.

1 Q. Okay. Let's say 300.

2 A. I'd say 250.

3 Q. 250. All right. So we're at 2750 that you can account
4 for between a combination of the body itself and the
5 scene that was on the bathroom floor, we're covering
6 about 2750 milliliters of blood, right?

7 A. Correct.

8 Q. We're missing approximately 3,000 -- excuse me, 2250
9 milliliters of blood, if we're basing that number on
10 5,000.

11 A. Yes.

12 Q. So 2250 milliliters of blood.

13 If I remember correct, when I buy my wife her
14 favorite bottle of wine, there's 750 milliliters in a
15 bottle of wine, correct?

16 A. Yes.

17 Q. A regular bottle of wine.

18 That's over three bottles of wine of fluid
19 that's missing, correct?

20 A. Yes.

21 Q. Did you see three bottles of wine, in other words, 2250
22 milliliters of blood anywhere in that house?

23 A. I did not.

24 Q. Three bottles, 2250 milliliters of blood at a crime
25 scene would create a large area of blood, wouldn't it?

1 A. Yes.

2 MR. FEDORAK: Thank you.

3 THE COURT: Mr. Sheikh.

4 MR. SHEIKH: Brief follow-up.

5 RECROSS-EXAMINATION

6 BY MR. SHEIKH:

7 Q. Doctor, following up along the same thing, we normally
8 don't ask witnesses to speculate, but where do you think
9 that blood went? Was there any explanation that came to
10 your mind with your experience and knowledge?

11 A. Well, I was actually so busy at the scene that it
12 registered that there's not really a lot of blood here.
13 But, then, at the scene I didn't know how much I was
14 going to find in the body, sitting in the cavities. And
15 when I did the autopsy, yes, I did find blood sitting in
16 the cavities, but that still left quite a bit
17 unaccounted for. And I didn't give it another thought.
18 I don't know where with the blood went.

19 Q. Did any of the wounds, or any of the organs, or any of
20 your other autopsy findings give you any kind of clue as
21 to what might have happened or nothing really as to what
22 would have happened to the blood?

23 A. When you say as to what would have happened, I'm not
24 sure what you're asking.

25 Q. I'm not sure I understand that either. I think

1 sometimes, you know, when somebody gets stabbed they
2 bleed internally, as opposed to externally, and you
3 explained you didn't find that much inside.

4 A. Oh, I did find. I found up to 1500 inside. Those were
5 the things I could measure that were here, and here, and
6 here, and then kind of subtract that from what I know
7 the general blood volume of a woman that age and size
8 is. And yeah, it was noteworthy to me that there was
9 significant blood loss, but I couldn't account for it at
10 the scene.

11 Q. Okay. And we're talking about 2250.

12 A. Roughly.

13 MR. SHEIKH: Thank you, ma'am. Nothing
14 further, your Honor.

15 THE COURT: Anything else?

16 MR. FEDORAK: Nothing, your Honor.

17 THE COURT: Thank you. You may step down.

18 (At about 11:39 a.m., Witness Excused).

19 THE COURT: Your next witness.

20 MR. FEDORAK: Your Honor, as far as the People
21 are concerned, is Dr. Pietrangelo free to leave?

22 MR. SHEIKH: Yes, yes, she is.

23 MR. FEDORAK: We won't need her anymore.

24 Thank you, Doctor.

25 THE COURT: Very good. You're released.

1 MR. SHEIKH: Thank you for asking, Mr.
2 Fedorak.

3 THE COURT: Okay. Your next witness is?

4 MR. FEDORAK: Dr. Daniel Spitz, your Honor.

5 THE COURT: Thank you. Raise your right hand.
6 Do you swear to tell the truth, whole truth, nothing but
7 the truth, so help you God?

8 DR. SPITZ: I do.

9 DR. DANIEL SPITZ,
10 after having first been duly sworn by the Court to
11 tell the truth, testified as follows:

12 THE COURT: Have a seat. You're under oath.
13 Please state and spell your name for us.

14 DR. SPITZ: Yes, Dr. Daniel Spitz, S-p-i-t-z.

15 THE COURT: Go ahead, Mr. Fedorak.

16 MR. FEDORAK: Thank you.

17 DIRECT EXAMINATION

18 BY MR. FEDORAK:

19 Q. Good morning, Doctor.

20 A. Good morning.

21 Q. Can you please introduce yourself to the jurors.

22 A. Yes. My name is Dr. Daniel Spitz.

23 Q. And you are currently employed as?

24 A. I am the chief medical examiner for Macomb County.

25 Q. Can you briefly describe for the jurors what your

1 background is and your professional training, et cetera,
2 that led you up to your responsibilities today.

3 A. Sure. I went to college for four years. Then, I went
4 to medical school at Wayne State University School of
5 Medicine here in Detroit. After medical school, I chose
6 to do pathology for my post-graduate training. I spent
7 five years of training in anatomic and clinical
8 pathology at Rush Presbyterian St. Lukes Medical Center
9 in Chicago. Following that training, I chose to do
10 what's called a fellowship, this is like a specialized
11 training program, and that was in forensic pathology. I
12 did that training at the Miami Dade County medical
13 examiner's office in Florida. I was an associate
14 medical examiner in Miami. I also worked as an
15 associate medical examiner in Hillsboro County, which is
16 Tampa and surrounding areas. Then, in 2004, I came
17 here.

18 Just backing up a bit, I did receive my board
19 certification in the three medical specialties, anatomic
20 clinical forensic pathology, and that occurred in 2000
21 for the anatomic and clinical pathology and 2001 after
22 my fellowship.

23 Q. Okay. And have you testified previously in court?

24 A. Yes.

25 Q. Been labeled as an expert numerous times.

1 A. Yes.

2 Q. Approximately how many autopsies do you think you've
3 been a part of, either you as the lead or assisting?

4 A. Well, I think I've done myself close to five or 6,000
5 and then supervised another couple thousand.

6 MR. FEDORAK: Your Honor, the People are
7 asking that the doctor be labeled as an expert in
8 forensic pathology.

9 MR. SHEIKH: Your Honor, may I voir dire?

10 THE COURT: Go ahead.

11 VOIR DIRE EXAMINATION

12 BY MR. SHEIKH:

13 Q. Doctor, may I ask you to spell your last name.

14 A. Sure, S-p-i-t-z.

15 MR SHEIKH: Your Honor, we find him abundantly
16 qualified.

17 THE COURT: Thank you.

18 DR. SPITZ: Thank you.

19 THE COURT: I will find him qualified as an
20 expert in forensic pathology.

21 DIRECT EXAMINATION

22 BY MR. FEDORAK (continued):

23 Q. Obviously, we've already had Dr. Pietrangelo testify as
24 to her responsibilities. She's already covered, in
25 great detail, for us the work of the medical examiner's

1 office, how certain investigators and even doctors go
2 out on the scene, and she's already explained her role,
3 that she responded to the house on Normandy, the whole
4 reason why we're all here today.

5 You played more of a specific role in terms of
6 assisting her with an autopsy. Is that fair to say?

7 A. Yes.

8 Q. You did not respond to the scene in question?

9 A. I did not.

10 Q. Okay. She was on-call that night.

11 A. Correct.

12 Q. Did you meet with her the next day?

13 A. Yes.

14 Q. Okay. What were her responsibilities as it related to
15 this Eastpointe homicide investigation? That would be,
16 fair to say, dealing with Monique Rakowski?

17 A. Well, she went to the scene, she talked to the police,
18 she worked with our forensic investigator from the
19 medical examiner's office. And then, in the interest of
20 doing these cases, she spent a lot of time on the one
21 victim, the adult, and I assisted her in completing this
22 death investigation by doing the autopsy and preparing a
23 report for the child.

24 Q. Exactly. So your responsibilities fell towards the
25 autopsy regarding the child, Carmon Rakowski; is that

1 fair to say?

2 A. Correct.

3 Q. And again, did you author a report similar to the one
4 that Dr. Pietrangelo authored regarding Monique
5 Rakowski?

6 A. Yes.

7 Q. Okay. And, again, we've already had the benefit of her
8 describing her responsibilities, what the procedure is
9 and so forth. But, if you can briefly describe what did
10 you or what was your goal and responsibilities as you
11 took over the responsibility for Carmon Rakowski.

12 A. Well, I discussed the scene with Dr. Pietrangelo. I
13 reviewed some photographs and then, again, I agreed to
14 conduct the autopsy on Carmon Rakowski. And my role in
15 conducting that autopsy was to do what is done in all
16 autopsies, really, with a few variations considering the
17 circumstances of this particular death.

18 I started with, you know, again gaining an
19 understanding as to the circumstances. I did an
20 external examination of this child, identifying personal
21 characteristics, injuries and other findings. I
22 collected trace evidence and other evidence that was
23 submitted for further testing by the crime lab, as
24 indicated. I took evidentiary photographs and then I
25 proceeded with an internal examination in which I,

1 again, identified various injuries an documented
2 findings from the internal exam, took microscopic
3 sections and included that in the report and as well as
4 ordered toxicology testing to evaluate for the presence
5 of any drugs or other findings in the blood or body
6 fluids of this child.

7 Q. Now, your initial external examination, was there an
8 obvious wound to you regarding what her condition was?

9 A. Yes.

10 Q. What was that?

11 A. There was a single stab wound to the child's chest.

12 Q. Did you notice on other parts of her body if she had any
13 other recent medical procedures or any other,
14 technically, an injury or a wound, but not an assaultive
15 type?

16 A. Yes. What I noticed was that there was a dressing, like
17 a gauze dressing with a clear adhesive bandage overlying
18 the gauze dressing, and that was on, that was on her
19 neck. That clearly looked as though some type of
20 medical procedure had been done. And I did have an
21 understanding as to this child being recently evaluated
22 for what was described as a small abscess involving the
23 skin of the neck, and that was drained with a small
24 incision, a surgical incision. That was on the left
25 side of the neck and that was, again, documented and

1 evaluated. But, clearly, that was a medical treatment
2 for an underlying natural condition.

3 Q. Okay. So, in essence, the one and only wound injury
4 would be the stab wound to the chest that you described.

5 A. Correct.

6 Q. If we can go to People's 91.

7 Is that a fair and accurate depiction of
8 Carmon Rakowski -- obviously, this was taken at the
9 scene. This is one of Dr. Pietrangelo's pictures. But,
10 is this a fair and accurate representation of the way
11 you took over the next day at the medical examiner's
12 office?

13 A. Yes. You can see the child's stab wound to the left
14 side of the chest. You can see the white gauze bandage
15 on the neck. You can't quite see the clear adhesive
16 dressing that's over lying it, but it is there. So
17 those really were the two significant findings
18 externally. Of course, her whole body was examined and
19 the personal characteristics, height, weight, other
20 measurements were included in the autopsy.

21 Q. People's 92, please.

22 Can you describe for the jurors what that is.

23 A. Yes. That is a penetrating stab wound, which you see
24 here is the effects of the stab wound on the skin. And
25 of course, this was documented, photographed, evaluated

1 and then it followed with an internal examination where
2 the, where the more significant results of the stab
3 wound were identified.

4 Q. Now, Doctor, did you take measurements of that wound?

5 A. Yes.

6 Q. And what were the measurements of that wound?

7 A. 7/16ths inch vertically oriented stab wound.

8 Q. Okay. Were you able to tell how deep it was?

9 A. Yes. That was evaluated during the internal
10 examination. It was measured to be approximately three
11 and-a-half inches in depth.

12 Q. Can you briefly explain how -- based on the possible
13 compression of the body, how even a short or what you
14 would assume to be a shorter blade, depending on how
15 hard it's pressed on a body, can you actually tell
16 exactly what length, the depth of the wound and so
17 forth. Can you explain that to the jury, please.

18 A. Sure. Sometimes it's very difficult to determine the
19 exact, down to the millimeter, the depth or degree of
20 penetration of a wound. That's for two reasons. Number
21 one is our body tissues and structure is compressible.
22 So if we push on the abdomen or push on the chest, the
23 chest is a little more rigid because of our ribs. But,
24 the abdomen or the skin overlying soft tissues can be
25 indented so that a penetrating object such as a knife

1 can go in deeper than it might actually measure. The
2 other thing is that, depending on what cavity the knife
3 enters, not all of our body is solid. So if it goes
4 into a cavity or into an organ that can move, then we
5 don't quite know the actual end point of the knife tip
6 exactly. We can certainly guesstimate and sometimes the
7 knife will go into a solid organ that then gives us a
8 better idea. But, none of our organs are totally
9 immobile. Things move. And so, that's why we have to
10 approximate that number.

11 Q. Okay. But given the depth of that wound and the angle
12 of that wound, what was it able to do?

13 A. Well, again, what you see here is the injury to the
14 skin. As that knife entered the skin, it involved a
15 variety of vital organs. As you can imagine, this is a
16 vital area of the body. So as that wound went through
17 the skin it went through our front of our rib cage or
18 front of her rib cage and then it got into the chest
19 cavity. And just going back to the report, it involved
20 what's called a pericardial sack, which is a thin
21 membrane that surrounds our heart. Once it went through
22 that membrane it actually penetrated the heart towards
23 near the apex, which is the bottom portion of the heart,
24 and went through that, resulting in a defect into the
25 ventricle of the heart, that's the chamber where the

1 blood is, where that gets pumped. So each time now,
2 because of the communication between the chamber and the
3 chest cavity each time the heart beats, that blood,
4 instead of going through the vasculature, much of that
5 blood came out of the defect and went into the chest
6 cavity. And then, ultimately, it terminated in the
7 lower lobe of the left lung.

8 So, as you probably know, lungs inflate, they
9 deflate. They're moveable. It's a moveable organ. So
10 that's why, in this case, the approximation of three
11 and-a-half inches was determined. But, we do know that
12 it involved the heart and lung, both very vital organs.

13 Q. So, basically, that was a perfect shot to the heart,
14 went through the heart and into the lung.

15 A. Correct.

16 Q. Doctor, did you author a report?

17 A. Yes.

18 Q. We have -- I'm going to mark it as 104, People's Exhibit
19 104.

20 Is that a copy of your report that you're
21 referring to?

22 A. Yes. I have a copy here, as well.

23 Q. And on the screen is a picture of the front page.

24 A. Yes, that is the report for Carmon Rakowski, file number
25 ME0365-15.

1 MR. FEDORAK: And your Honor, if I may
2 approach.

3 THE COURT: Yes.

4 MR. FEDORAK: With People's Proposed 105.

5 Q. (By Mr. Fedorak) Doctor, if I may hand you this. Can
6 you briefly examine that.

7 A. Yes.

8 Q. Is that knife consistent with the injury that you saw on
9 Carmon Rakowski? In other words, is it consistent with
10 the type of wound, based on the width on the skin and
11 the ability to penetrate in depth when she was stabbed
12 through the heart and lung?

13 A. It is. There's really three characteristics of this
14 knife that correlate with the wound on the child's body.
15 Number one is the length of the blade. Keep in mind
16 that that's an approximation, but this knife would fit
17 with that approximation.

18 The other thing is that the wound indicates a
19 single-edged knife with a bracketed or spine on the
20 opposite edge. So here we have a bladed portion of the
21 knife and then on the opposite side we have a bracketed
22 portion, which is the blunt edge of the knife. In other
23 words, this knife is not double-edged. It is a
24 single-edge knife with a sharp edge and then an opposite
25 bracketed edge. That bracketed edge is depicted upon

1 close examination of the wound.

2 The other thing is the size of the wound on
3 the skin. It fits with this type of blade and it
4 indicates that there's not a lot of movement. In other
5 words, the movement is into the body and out of the
6 body, not an up and down movement. Otherwise, you can
7 have a very small blade cause a very big wound if the
8 knife goes in and then there's upward downward pressure.
9 You can make a wound very big with a small knife. But,
10 this wound indicates that this knife is going in and
11 coming out without a lot of movement in any other
12 direction. That's why the wound size fits with the size
13 of the blade.

14 Q. Okay. Now, when you make your measurements and make
15 your report do you also put the angle of the incision,
16 in other words, the angle of the stab wound?

17 A. Yes. In other words, we do the trajectory, which is
18 when the knife goes in does it go up or down, right to
19 left, front to back, what have you. So, we do that, and
20 it was done here. And the determination was made, after
21 looking at the location on the skin and where the knife
22 tip terminated in the lower lobe of the left lung. That
23 angle or direction, if you will, was determined to be
24 front to back, which is obviously quite simple.

25 The wound went slightly upward. So the knife

1 angle was slightly upward toward the head region, but
2 not much, and then there was a slight right to left
3 trajectory. So it didn't just go straight in. There
4 was a slight angle to the left of the child's body. So
5 front to back, slightly upward, slightly leftward or
6 right to left.

7 Q. Doctor, if I were to try and mimic what we have on the
8 screen here today, in terms of if this tube is the torso
9 of the infant, with her head being closer to you and her
10 feet being closer to mine, am I accurately depicting the
11 blow or the angle, the trajectory of the knife when it
12 was inserted in her, in terms of from top down, and you
13 indicated how much of an angle approximately?

14 A. Well, it's slight, again. The main angle is front to
15 back. That's the predominant trajectory. It is slight
16 to the left and slight toward the head or upward, but
17 those angles are quite small.

18 Q. Okay. And then, right through into the heart and lung.

19 A. It is predominantly front to back.

20 MR. FEDORAK: Okay. If we can have a picture
21 of the onesie, please. Dr. Pietrangelo's examination on
22 the couch.

23 Q. (By Mr. Fedorak) We had Dr. Pietrangelo testify that
24 she is the one that removed the baby from on top of the
25 mother as they were laying on a bathroom floor, and that

1 Dr. Pietrangelo moved the baby in a horizontal fashion
2 and placed her on a couch area, on a paper, to fully
3 examine the baby. The doctor removed the onesie and we
4 highlighted the cut in the onesie.

5 A. Yes.

6 Q. Is that cut consistent with the size of the injury on
7 the baby's body?

8 A. Yes. This sharp defect in the clothing correlates with
9 a stab wound to the chest, yes.

10 MR. FEDORAK: If we can have a picture,
11 please, of the baby laying on Monique on the bathroom
12 floor, still dressed in the onesie.

13 Q. (By Mr. Fedorak) Doctor, while we're still on this
14 picture, do you see much blood on that onesie?

15 A. No, I don't, just around the edges of the fabric.

16 Q. Do you see much blood on the body?

17 If we can go back briefly. Back to the
18 previous picture, please.

19 Do you see any blood on the skin of the
20 child's chest, any dried blood?

21 A. No, no. Virtually none. What you see at the edges is
22 some drying out of the skin edges that have been, you
23 know, adjacent to the stab wound.

24 Q. Okay.

25 A. It turns the skin a bit of a yellow discoloration as the

1 skin dries. It's no different than if we skin our knee
2 and we wait a little bit, it oozes a little bit, but
3 then it dries out. It's the beginning of a scab.
4 There's no real healing going on here because this child
5 is deceased, but there is a drying of tissue just from
6 exposure to air.

7 MR. FEDORAK: I'm asking for People's 26 to be
8 placed on the screen.

9 Q. (By Mr. Fedorak) Again, looking at the baby, do you see
10 much blood or any stains regarding the onesie and the
11 pajamas at all?

12 A. No. You just see a small amount of red blood staining
13 adjacent to the defect in the clothing.

14 Q. During the course of your internal autopsy, your
15 internal inspection, are you able to locate and measure
16 the blood in her body?

17 A. Yes.

18 Q. If you can describe for the jurors, based on the nature
19 of the wound, what evidence did you find within the
20 internal examination as it relates to the blood?

21 A. Well, when somebody suffers a stab wound and it involves
22 a vital structure, a main organ or a large blood vessel,
23 the way in which somebody dies as a result of that stab
24 wound is from bleeding. So, when the heart was
25 perforated and the lung was perforated, that resulted in

1 bleeding, extensive bleeding. But that bleeding is
2 internal because you're inside the body and there's a
3 body cavity that will accommodate that blood. So there
4 was 240 cc's of blood in this child's body that came
5 into the -- that had came out of the body, out of the
6 vasculature, out of the heart, into the body cavity.
7 Essentially, that's non-usable blood. That is, that
8 causes hemorrhagic shock and death from exsanguination
9 of blood loss.

10 And so, you don't see a lot of external blood
11 for two reasons. Number one, if this child is in a
12 horizontal position, supine or face up, and gravity
13 causes blood to seep out of the wound, it goes to the
14 back of the chest cavity. There's not blood that's
15 going to be pouring out of the wound. If you were
16 upright, even after death there could be some passive
17 movement of blood if you were upright because that chest
18 cavity is now going to be filled with blood. So if you
19 are upright, you could have some oozing out. But, to
20 me, the minimal blood externally, number one, indicates
21 that I was going to find a whole lot of blood
22 internally, which I did, and it also indicates that this
23 child was not moved, was not moving, was not upright
24 when the stab wound occurred, that this child was
25 horizontal, that the stab wound occurred, and that the

1 child was not moved or did not move to any degree from a
2 horizontal supine position, because if she was that
3 blood would have started to ooze out of the wound. It
4 would have started to come down, suffering the
5 effects of -- or being affected by gravity, going down
6 the skin, down the clothing, and none of that is visible
7 here. All you see is a very small amount of staining
8 around the fabric, which would have come from the skin
9 bleeding, not from the heart or lung bleeding because
10 all the heart and lung blood would have gone into the
11 chest cavity.

12 Q. So it's safe to describe your assumption that basically
13 the injury probably happened when she was lying and that
14 when she was moved, if she was moved, it would all be
15 horizontally, because if she was moved vertically or
16 cuddled or cradled or stood up in any way there would
17 have been much more blood loss of the heart, out of the
18 heart area?

19 A. Out of the wound.

20 Q. Out of the wound.

21 A. That blood that was in the chest cavity would have come
22 up to the wound and would have passively come out of the
23 wound to some degree, staining, staining the clothing in
24 a much larger fashion and going down, down the clothing,
25 down the skin, due to gravity.

1 Q. If anybody would have tried to render, let's say like an
2 emergency technician, somebody would have tried to
3 render aid, like CPR or blowing into the baby's mouth,
4 et cetera, if it happened close in time, close in
5 proximity to the injury, what, if anything, would there
6 be evidence of? Would there be blowback of blood from
7 the wound?

8 A. I think if you did CPR where the chest was forcibly
9 pressed and let go multiple times, you would have seen
10 quite a bit of blood come out of the wound and, again,
11 stained clothing. It would have been a much larger
12 amount of blood loss externally as a result of that
13 movement.

14 Q. And none of that was here?

15 A. No.

16 Q. And Doctor, as part of your report, do you have to
17 author, based on your expert opinion, again, both for
18 medical and legal purposes, what the cause of death was?

19 A. Yes.

20 Q. And what was it?

21 A. The cause of death was determined to be stab wound of
22 the chest with perforation of the heart and lung. And
23 also, statutorily, cause of death is issued, but also
24 manner of death is issued, and in this case the manner
25 of death is classified as homicide.

1 MR. FEDORAK: Thank you, Doctor.

2 Nothing further, your Honor.

3 THE COURT: Go ahead, Mr. Sheikh.

4 CROSS-EXAMINATION

5 BY MR. SHEIKH

6 Q. Good morning, Doctor. How are you?

7 A. Good morning.

8 Q. As I told your associate, it would be nice to see you
9 folks in other surroundings. It's always unfortunate
10 when we get together.

11 I'm just going to ask you a few brief
12 questions. Generally, when you do an autopsy, sir, do
13 you also do an x-ray?

14 A. Yes.

15 Q. And was one done on Carmon, if you recall?

16 A. Yes.

17 Q. And was there any broken bones or any bones in healing
18 or any problems like that at all?

19 A. No.

20 Q. Okay. And when you have a child particularly, do you
21 look for any signs of abuse externally? Did you find
22 anything that you noted?

23 A. No signs of abuse whatsoever.

24 Q. Okay. And so --

25 A. What I mean by that, sorry to interrupt, what I mean by

1 that is chronic abuse, unrelated, obviously, to the stab
2 wound. But, there was not an indication that this child
3 had been suffering from injuries that were inflicted by
4 somebody else at some point prior.

5 Q. Thank you. No board marks, anything like that, correct?

6 A. Right.

7 Q. Sir, to take you back to what Mr. Fedorak asked about
8 the injury and the nature of injury, based on your
9 professional experience, do you have any idea how long
10 it would have been between the injury being inflicted
11 and this young lady passing away?

12 A. I think over the course of a few minutes the death would
13 have occurred. I think the dying process would have
14 occurred within seconds, once blood loss is accumulating
15 inside the chest, and I think on the high side a couple
16 of minutes.

17 Q. Okay. And there's only one wound. Is there any way to
18 tell for sure if that could have been caused by accident
19 or if it was a purposeful wound?

20 A. Well, it's a single wound to the chest. That, by all
21 accounts, is a purposeful wound. I don't see how it
22 could have been inflicted accidentally.

23 Q. If somebody were holding a knife or something, it could
24 happen, but it doesn't seem likely; is that your
25 position? You're not ruling it out.

1 A. I would have to be given some type of accidental
2 circumstance to evaluate. But, this is, in my opinion,
3 inflicted by another person.

4 Q. Oh, clearly. I'm sorry. I think I misspoke.

5 I don't mean accident caused by Carmon. I
6 mean if somebody were holding a knife, kind of just
7 threatening somebody else with perhaps harming Carmon,
8 just for example, and either they accidentally pushed it
9 in further than they intended or something. There's no
10 way to tell if the actual wound, let's say it's
11 inflicted by another person, if that person did it
12 accidentally or purposefully. There's no way to tell
13 100 percent, correct?

14 A. Well, it's a single stab wound that penetrates to a
15 depth of approximately three and-a-half inches. By all
16 accounts, again, short of having an actual scenario to
17 evaluate, this seems to be a purposeful act.

18 Q. Okay. And sir, you have no indication as to who
19 committed this purposeful act, correct? I mean you
20 don't have anything from your findings that you did
21 professionally?

22 A. The autopsy does not answer the question as to who
23 inflicted the stab wound, that's true.

24 Q. Okay. And I think you said something about, correct me
25 if I'm wrong, hemorrhagic shock or something. What is

1 that, sir?

2 A. Well, that's just the physiology associated with massive
3 blood loss. So, again, when you have a wound that
4 involves a major organ or major blood vessel and
5 bleeding occurs either externally or internally, there
6 comes a point where your body suffers the effect, and
7 that process where our body functions begin to
8 deteriorate because of blood loss is called hemorrhagic
9 shock. Obviously, her period of hemorrhagic shock was
10 very brief because of how rapid the blood loss. So it's
11 just more the mechanism by which somebody dies after
12 having suffered an injury that causes blood loss.

13 Q. Thank you. And sir, on what I have as page two of your
14 report, under final diagnosis, it indicates stab wound
15 to chest, perforation of the heart and left lung; is
16 that correct?

17 A. Yes.

18 Q. Underneath it, it says left hemothorax. What does that
19 mean, sir?

20 A. That's just blood accumulation within the left chest
21 cavity.

22 Q. Okay. Now, did you, do you, as part of your process or
23 in this particular case take any DNA swabs from
24 different areas?

25 A. Yes.

1 Q. Okay. Were DNA swabs taken from Carmon?

2 A. I'm sorry?

3 Q. Were DNA swabs taken from Carmon?

4 A. Yes.

5 Q. From this young lady?

6 A. Yes.

7 Q. Okay. And do you know if any of them come back to
8 saliva, from mouth to mouth by Mr. Hampton to try to
9 resuscitate her?

10 A. I don't have the results. We collect the specimens and
11 then the crime lab does the evaluation. I don't have an
12 crime lab results.

13 Q. Okay. And I believe this might be my last question.

14 Mr. Fedorak was asking you about bleeding and
15 the child. If the child were initially stabbed in a
16 horizontal position and transported, then we wouldn't
17 necessarily see all that blood oozing out and stuff,
18 right?

19 A. That's correct. If the child was stabbed in a supine
20 horizontal position and then moved without tilting the
21 child fully vertical, then, yes, you could have very
22 minimal staining of the clothing and have these findings
23 even though the child was moved.

24 MR. SHEIKH: Thank you, your Honor.

25 May I consult with my client, please, before

1 passing?

2 THE COURT: Yes.

3 Mr. Fedorak, any redirect? Oh, I'm sorry.
4 You were still consulting. I apologize.

5 MR. SHEIKH: I'm in consultation, your Honor.

6 (At about 12:08 p.m., Discussion off the
7 Record)

8 THE COURT: Go ahead.

9 Q. (By Mr. Sheikh) Dr. Spitz, is there any way that you
10 can give a time of death or were you able to ascertain
11 that based on all the information and analysis of the
12 young lady?

13 A. Difficult to determine exactly, but I think the -- I
14 mean, obviously, the death would have occurred within a
15 period of minutes following the stabbing.

16 Q. Yes, sir.

17 A. As far as the time of death, I think it's a difficult
18 determination to make. I can do my best here and give
19 you an approximation. But, as far as like rigamortis,
20 rigamortis had completely passed by the time that I did
21 my exam. So that indicates likely more than a couple, a
22 day or more than a day by the time that I did my exam.
23 So I think this child had been deceased for quite a few
24 hours to a day or so by the time I did my exam.

25 Q. Okay. Two quick questions, very related. Can you just

1 explain briefly what lividity is and, second, how that
2 played into determining time of death.

3 A. Well, rigamortis is stiffening of muscles after death.
4 It follows a very sort of approximate process by which
5 time of death can be guesstimated. Lividity is the
6 pooling of blood after death. So when our heart stops
7 beating our blood in our body will slowly settle to the
8 dependent portions of the body, and that also follows a
9 very sort of rough guesstimate as far as how that
10 process occurs. So we can use that to begin to
11 determine an approximate range of time regarding when
12 the death occurred. Really, the best way to do it is to
13 know when somebody was last known to be alive, and
14 obviously we know when somebody is found dead, and then
15 we try to narrow it down from there. Sometimes we can
16 narrow it down to make it a little bit more of a tighter
17 window. In other situations you cannot narrow it down.
18 And the best scenario we have is last known alive at X,
19 found dead at Y. We know the death occurred within that
20 time frame.

21 MR. SHEIKH: Thank you, your Honor.

22 Your Honor, just one brief second.

23 THE COURT: Sure.

24 MR. SHEIKH: Thank you, your Honor.

25 THE COURT: Thank you. Anything?

1 MR. FEDORAK: Nothing further.

2 THE COURT: Thank you. Dr. Spitz, you may
3 step down.

4 MR. FEDORAK: May he be excused, your Honor?

5 THE COURT: Yes.

6 MR. SHEIKH: Yes. Thank you.

7 (At about 12:11 p.m., Witness Excused).

8 THE COURT: Counsel, approach.

9 (At about 12:11 p.m., Discussion Side Bar).

10 THE COURT: Okay. We're going to break for
11 lunch until 1:30 this afternoon.

12 THE BAILIFF: All rise for the jury.

13 (At about 12:12 p.m., Jury Excused).

14 THE COURT: You may be seated. Anything for
15 the record before we break?

16 MR. FEDORAK: No, your Honor. It's my
17 understanding that at 1:30 I'm supposed to have here,
18 confirmed from yesterday's conversation with these
19 people, Davone Phillips, Brianna Keinath, Gregory Jones
20 and Anita Hampton.

21 THE COURT: Okay.

22 MR. FEDORAK: And I have one detective for
23 filler, Detective Merlo, in the back, just in case we
24 move quickly today.

25 THE COURT: Okay. Very good.

1 MR. SHEIKH: Your Honor, one brief thing if I
2 could briefly put on the record.

3 THE COURT: Go ahead.

4 MR. SHEIKH: Your Honor, as you know,
5 throughout these proceedings I have consulted with Mr.
6 Hampton before passing on any witness, to ensure that he
7 had questions. With Dr. Spitz, the last question that
8 he wanted me to ask was: How are you an expert if you
9 cannot tell the time of death. I thought that was an
10 inappropriate question and chose not to ask it, and Mr.
11 Hampton wanted me to put that on the record.

12 THE COURT: Okay. I don't find that
13 inappropriate.

14 MR. SHEIKH: Thank you, your Honor.

15 THE COURT: It's noted for the record.

16 (At about 12:14 p.m., Recess Proceedings).

17 * * *

18 (At about 1:41 p.m., Resume Proceedings).

19 THE COURT: For the record, People versus
20 Hampton.

21 MR. FEDORAK: Jurij Fedorak for the People.

22 MR. PALEPU: Kumar Palepu for the People.

23 MR. SHEIKH: Good afternoon, your Honor.
24 Azhar Sheikh on behalf of Mr. Curtis Lee Hampton, the
25 defendant, to my immediate left. We're ready to

1 proceed. And my associate's with me, Theresa Subnar
2 (ph).

3 THE COURT: Very good. Are we ready for the
4 jury?

5 MR. SHEIKH: We are, your Honor.

6 MR. PALEPU: For the record, he's got a jail
7 bracelet on. He should probably cover that while we're
8 in trial.

9 THE COURT: Yes, if it's possible. Although,
10 I can tell you, personally, I would not have recognized
11 that. But, others might.

12 THE BAILIFF: All rise for the jury.

13 (At about 1:43 p.m., Jury Seated).

14 THE COURT: Thank you. You may be seated.

15 Mr. Fedorak, who's your next witness? Your
16 next witness is?

17 MR. FEDORAK: Anita Hampton, your Honor.

18 THE COURT: Ms. Hampton, please raise your
19 right hand. Do you swear to tell the truth, whole
20 truth, nothing but the truth, so help you God?

21 MS. HAMPTON: I do.

22 ANITA HAMPTON,
23 after having first been duly sworn by the Court to tell
24 the truth, testified as follows:

25 THE COURT: Have a seat. You're under oath.

1 Please state and spell your name for our court reporter.

2 MS. HAMPTON: Anita Hampton, A-n-i-t-a,
3 H-a-m-p-t-o-n.

4 THE COURT: Thank you. Go ahead, Mr. Fedorak.

5 DIRECT EXAMINATION

6 BY MR. FEDORAK:

7 Q. Good afternoon, Ms. Hampton. I know it's very difficult
8 for you to be here. I just have a series of questions
9 to ask.

10 Your son is Curtis Hampton; is that fair to
11 say?

12 A. Yes.

13 Q. And I'd like to turn your attention back to the February
14 time period, February of 2015. Where were you living at
15 the time?

16 A. I was living in Harlow apartments in Warren.

17 Q. Is that in the 13 Mile and Mound area?

18 A. Yes.

19 Q. Did you know a person by the name of Monique Rakowski?

20 A. Yes.

21 Q. And did you know a person by the name of Carmon
22 Rakowski?

23 A. Yes.

24 Q. Can you tell the jurors who they were.

25 A. Carmon was my son's daughter, my grandchild, and Monique

1 was her mother.

2 Q. Okay. And is it safe to say -- we've heard other
3 witnesses testify in this trial and they've described
4 that your son and Ms. Rakowski, Monique Rakowski were in
5 an on again/off again relationship starting maybe in
6 2013 and going through '14. And, obviously, we all know
7 what happened in February of '15; is that fair a
8 description?

9 A. Yes, couple years that I know of.

10 Q. Was your son living with you at your address on Mound at
11 any time?

12 A. Off and on.

13 Q. Off and on. How long had you been living at that
14 address on Mound, the apartment in the 13 and Mound area
15 as it relates to '14 and turning over into '15?

16 A. I moved there in 2003, April 2003. So I had been there
17 over 10 years.

18 Q. Okay. Did you name, did you know a person by the name
19 of Anna or Brianna for a formal name, but she goes my
20 Anna Keinath?

21 A. Yes.

22 Q. When would you first have known Anna Keinath?

23 A. I'm not really sure. I've known her for a number of
24 years. I don't know when I met her. I can't tell you
25 that I remember that, no.

1 Q. Okay. And can you tell the jurors how you would know
2 her. Is she a friend of yours? Is she a friend of --

3 A. She was a friend of my sons.

4 Q. Is it safe to say they were in a dating relationship, as
5 well, on again/off again in the '13, '14 --

6 A. Not really that I'm aware of. I saw them as friends.
7 He introduced her as a friend. She was at my home
8 several times as a friend. So I don't know that they
9 were dating, per se, because he never had said that they
10 were dating and I never got any indication that they
11 were in any type of relationship, no.

12 Q. Would she -- she did some work for you at the house.
13 She did some cleaning --

14 A. Yes.

15 Q. -- work and things like that?

16 A. She's cooked there, she's cleaned there.

17 Q. She spent the night.

18 A. Yes.

19 Q. Okay. And how many different times would you say she
20 would have spent the night? I mean I'm talking like
21 once, twice or as often as she wanted to?

22 A. Not that often. Maybe a few times total in the years
23 that I've known her.

24 Q. Okay. Is it safe to say that your son was staying with
25 you nearing the end of January, beginning of February of

1 2015?

2 A. Not for that total time period no, no.

3 Q. Okay.

4 A. Because he was with Monique and at the hospital during
5 the time that Carmon was in the hospital.

6 Q. And I was just going to segue into that. At some point,
7 using that as a reference, Monique was -- it's our
8 understanding that Monique was -- excuse me, Carmon was
9 in the hospital.

10 A. Yeah, Carmon.

11 Q. The last week of January, give or take.

12 A. Yes. And she had a surgery on Super Bowl Sunday,
13 because we were at the hospital for that, and he had
14 been there with, you know, Monique during the time that
15 Carmon was hospitalized.

16 Q. Okay. And then, after she got out of the hospital and
17 she was in Monique's care, your son had stayed with you
18 at your apartment on Mound.

19 A. For the most part of that time he was with her. I may
20 have --

21 Q. At the hospital.

22 A. -- saw him. But, I mean at her home after, because he
23 was doing work at the home, at her home.

24 Q. Okay. But he was still residing with you at the
25 apartment is my point. He was spending the nights with

1 you at your apartment.

2 A. Okay. I can't really say that he had spent the night
3 there with me because he was with her for the most part
4 of the time. So he may have come to visit, he may have
5 took a nap on my sofa. But, you know, in the days prior
6 to he was with her, for the most part, because I had
7 stopped by in the evening after work and he was there.

8 Q. Okay.

9 A. You know, is what I'm saying.

10 Q. Right. And he kept belongings at your apartment?

11 A. Yes.

12 Q. What type of things did -- natural stuff, the normal
13 stuff, clothes, probably some clothes belonging to --

14 A. Clothes, fish, a fish that resided with me for several
15 years that belonged to him.

16 Q. I'm sorry?

17 A. Fish, a fish. He had a big fishing tank and it had a
18 big fish in it, and that fish lived with me for five,
19 six, seven years as he was, you know, back and forth
20 between different places that he lived at and those kind
21 of things.

22 Q. Right. Probably some of his gear, maybe fishing gear or
23 stuff? It's my understanding he was a fisherman.

24 A. Yes.

25 Q. Okay. At some point, did the Eastpointe police

department come over to your house in February?

A. Yes.

Q. Okay. And do you remember when that took place, what date?

A. I remember it was about 3:00 in the morning that they were beating on my door. That startled me.

Q. Okay.

A. Okay. If I had a calendar in front of me, I could, you know, tell you the exact date.

Q. Okay. If the evening that this all happened was Wednesday, February 11th, into the a.m. hours of Thursday, February 12th of 2015, would it be in those Thursday midnight hours?

A. Yes.

Q. Thursday, earlier morning?

A. Early, early morning Thursday, yes.

Q. Okay. And prior to that, when was the last time you had any contact with your son?

A. Prior to them being there.

Q. Correct.

A. Then, that would have had to been the day before.

Q. Wednesday afternoon?

A. Yes.

Q. Well, let me strike that for a second.

Again, if the incident happened -- Wednesday

1 was February 11th.

2 A. Okay.

3 Q. So Thursday during the hours, isn't it safe to say that
4 they came to your apartment for the first time in the
5 evening that Thursday, ma'am?

6 A. The detectives?

7 Q. Correct.

8 A. It was, it was early morning when they came knocking on
9 my door.

10 Q. Okay. They asked you a series of questions on when you
11 had seen your son, correct?

12 A. Yes.

13 Q. And you indicated to them that you talked to him,
14 correct?

15 A. I probably did. I'm not -- because I mean this happened
16 over two years ago.

17 Q. I understand.

18 A. So I'm not really sure on the step-by-step. I can give
19 you the gist of things.

20 Q. Okay. I'll try and make it step-by-step and you tell me
21 if it's accurate or not.

22 When the first, when the first time the police
23 came and talked to you, you thought it was just over the
24 Friend of the Court spousal -- or child support
25 payments; is that fair to say?

1 A. No. I thought it was about a probation violation.

2 Q. Okay. But part of the probation violation is he didn't
3 go to his probation officer regarding his domestic
4 violence case because of the FOC, Friend of the Court
5 warrants?

6 A. I thought that he may have missed his appointment
7 because his appointment was on that Thursday morning.

8 Q. Okay. And you were taken back or surprised that there
9 were three or four detectives --

10 A. Yes, with guns.

11 Q. -- coming to talk to you about such a minor thing?

12 A. With guns. And they didn't really tell me why they were
13 there. They just told me that they were looking for
14 him.

15 Q. Correct. And they point blank asked you if and when you
16 had seen, last seen your son; isn't that true?

17 A. Well, nothing was point blank to me at that time because
18 I was awoken out of a deep sleep because I heard beating
19 on my door, and I didn't know for sure, I thought I
20 heard a buzzer. So I was still kind of startled and
21 kind of half asleep as I fell before I got to the door,
22 and one of the detectives had asked me by name if I was
23 all right.

24 Q. Okay.

25 A. And I'm wondering who, how did somebody know what my

1 name was, I hadn't even got to the door to open it.

2 Q. Right.

3 A. So I was kind of like startled and in shock, and I'm
4 thinking something must have happened to somebody that
5 somebody's at my door. They knew my name and then they
6 came in and everybody had their hands on their gun. So
7 I was really in shock because I didn't know what
8 happened and it took a while for them to tell me what
9 happened.

10 Q. I understand that.

11 A. So nothing was clear to me.

12 Q. Okay. But just so this jury has an accurate portrayal,
13 no detective ever pointed a gun at you, did they?

14 A. I couldn't really tell you that because I was really in
15 shock. I can't tell you that. I remember, as I
16 remember after the incident and I'm trying to pull my
17 memory together, I just remember everybody had their
18 hands on their gun. That's what I remember.

19 Q. Having their hand on a gun belt is different than
20 pointing a gun at someone; is that safe to say?

21 A. When I was awakened in the middle of the night, to me,
22 and I didn't know what was going on, to me, I didn't
23 know if they planned to use them.

24 Q. Okay.

25 A. They did ask me at some point if I had any weapons or

1 guns in the house and I told them no. But, I was
2 shaking.

3 Q. Did they abuse you in any way, ma'am? That's the point
4 I'm trying to get at. Because it seems like you're
5 sliding in a direction to try and be accusatory against
6 them for doing something improper?

7 A. I'm not trying to accuse anybody.

8 Q. Did they abuse you in any way, ma'am?

9 A. Mentally.

10 Q. Okay. Physically, they never did? They never drew
11 their guns and pointed them at you in any way; yes or
12 no?

13 A. I don't know is what I'm trying to tell you. You're
14 trying to make me say something you want me to say, but
15 all I know is I remember hands being on guns. I don't
16 remember. Because everyone was not fully in my sight
17 for the full time.

18 Q. Ma'am.

19 A. They were searching around the apartment.

20 Q. You just indicated I'm trying to get you to say
21 something you don't want to say.

22 A. That's what you said.

23 Q. I'm trying to get you to say the truth, as best as you
24 can remember, ma'am.

25 A. That is what I'm doing, I'm telling you the truth.

1 Q. Okay. Do you remember telling the police that you spoke
2 to your son on a phone but you didn't see him in person?

3 A. Yes.

4 Q. That turned out to be a lie, wasn't it?

5 A. Which time did I talk to them on the phone that you're
6 talking about?

7 Q. Did you admit to the police officers, ma'am, that you
8 had seen your son earlier that day before you went to
9 sleep, that he physically came to your apartment?

10 A. No, I did not tell him that he physically came to my
11 apartment, no.

12 Q. Okay. In fact, the officers tried to find his location;
13 is that fair to say?

14 A. They were looking for him, yes.

15 Q. Did they ask you about his phone?

16 A. They asked me about him.

17 Q. Ma'am, my question was --

18 A. I don't, I do not recall.

19 Q. Ma'am, I know this is very difficult.

20 A. I do not recall. Yes, it is very difficult.

21 Q. Do you remember your son's phone was sitting on your
22 coffee table in your apartment?

23 A. No, I do not.

24 Q. Do you remember the officers asking you to reach out to
25 your son and call him and see if you can find out his

1 whereabouts because they were worried about his own
2 safety?

3 A. Yes.

4 Q. And did you call your son's phone?

5 A. Yes.

6 Q. And what happened when your connection went through on
7 your side of the phone? Were you able to make contact
8 to the other phone?

9 A. No.

10 Q. In essence, did you know where that phone that you were
11 calling really was?

12 A. The phone that I was calling, that was my phone, was on
13 the table.

14 Q. Was sitting on your coffee table.

15 A. It was not on the coffee table, no.

16 Q. My point is, ma'am, did you create a ruse, so to speak?

17 A. No, I did not.

18 Q. The officers asked you to call your son and you called a
19 phone that was sitting in your --

20 A. And was I not shaking, too, when I was calling, because
21 at that point in time they did not tell me why they were
22 there. They just told me that they wanted to make sure
23 he was safe.

24 Q. And they were worried for his own safety.

25 A. That's all they told me, that they were concerned about

1 him.

2 Q. And you were concerned about your son's own safety?

3 A. Yes, because they were concerned about him.

4 Q. You had seen him several hours beforehand in the
5 apartment complex parking lot; isn't that true?

6 A. I did not recall it at the time.

7 Q. Do you recall it now?

8 A. It is true.

9 Q. And he basically was telling you things like he's going
10 away, you're not going to see him, and you, yourself,
11 were scared that he was going to commit suicide; is that
12 fair to say?

13 A. At that time, no.

14 Q. Did he say --

15 A. Later, yes, but not at that time, no.

16 Q. In the parking lot, in the apartment complex, at
17 approximately 4:35, 5:00 that Thursday afternoon, didn't
18 he say things to you like he's going away and you're not
19 going to see him and he's so sorry?

20 A. He said he wasn't going to see me for awhile.

21 Q. You failed to tell the police that later that evening
22 when they came to your apartment looking for him; is
23 that fair to say?

24 A. They didn't come in the evening. You keep saying
25 evening. They came in the morning. They woke me up out

1 of bed 3:00 in the morning. You keep saying evening.

2 The police came to see me in the morning.

3 Q. It would be Friday in the a.m.; is that fair to say?

4 A. Friday a.m.? The police did not come to see me on
5 Friday morning.

6 Q. Ma'am, if you saw your son on a Thursday afternoon,
7 about 4:30, 5:00 -- let's put it this way. Do you know
8 that he was the first stop, you were the first stop he
9 went to after he left the Normandy residence at about
10 4:00 in the afternoon on Thursday?

11 A. No, I did not.

12 Q. Okay. Anna Keinath, did she contact you either that
13 Thursday or the next day on Friday?

14 A. She called me not Friday, because I did not have my
15 phone on Friday. The police took my phone when they
16 left my residence that early Thursday morning.

17 Q. When this was going on did Anna Keinath reach out to you
18 and you make contact with her, you actually connected,
19 the two of you, and she was worried about CJ's health.

20 A. Yes.

21 Q. And that she received a text that he had passed. Did
22 she reach out to you in that fashion?

23 A. Yes.

24 Q. And her specific question was had CJ passed, I received
25 a weird text?

1 A. Okay. I don't remember the specifics. As I said, I
2 didn't have the phone to recall. She did reach out to
3 me.

4 Q. About CJ's passing?

5 A. To say that she was concerned about him. I'm not sure
6 about the passing part at this time, because it's been a
7 long time. But she did reach out to me, and she was
8 concerned about him, and she wanted to know if he was
9 okay.

10 Q. Besides having his phone in your apartment --

11 A. It's not his phone. It was my phone.

12 Q. Did you let him use that phone?

13 A. It was my phone though. Yes.

14 Q. My question --

15 A. Yes.

16 Q. Did he also leave a bag of property with you, some
17 belongings in a bag?

18 A. Yes, he gave me a bag.

19 Q. He handed you that bag in the parking lot of your
20 apartment complex when he saw you earlier before the
21 police had woken you up; is that fair to say?

22 A. Yes.

23 Q. Okay. When you had --

24 A. I guess you giving a whole lot of more things in there,
25 too, but he gave me a bag.

1 Q. What things did I put in there, ma'am?

2 A. I don't know, because you're going with longer sentences
3 with me instead of asking me what you want me to know,
4 and you're repeating the same things over.

5 Q. What part of he gave you a bag in the parking lot did I
6 add to that's not true?

7 A. I don't know what you added because I'm confused right
8 now. This is really stressful for me, too, and it would
9 help if it was more to the point and not just a series
10 of you repeating the same thing.

11 Q. Ma'am, I'm just trying to get a straight answer out of
12 you.

13 A. I'm giving you a straight answer and I'm telling you the
14 truth.

15 Q. Okay. When the police were at your apartment that first
16 time pounding on your door, did you tell them about the
17 bag of property you had?

18 A. It slipped my mind, no.

19 Q. At some point, did the detectives inform you of this is
20 more than just an FOC and a probation violation, that
21 Monique and Carmon were dead?

22 A. FOC?

23 Q. Friend of the Court. I'm sorry. Friend of the Court
24 warrant.

25 A. They did tell me that they had passed.

1 Q. Okay. The police left, at some point.

2 A. Yes, because they said they had to go.

3 Q. Okay. When was the next time you had spoken to your son
4 after the police left?

5 A. The next morning, Friday morning.

6 Q. Okay. And that was, let's say, approximately 8:30 in
7 the morning?

8 A. I'm not sure. 9:00. I'm not really sure exactly what
9 the time was, no.

10 Q. Do you have a daughter?

11 A. Yes, I do.

12 Q. And her name is, please.

13 A. Tanesha (ph).

14 Q. And she's married to Gregory Jones?

15 A. Yes, she is.

16 Q. And is it safe to say they live on the west side of
17 Detroit, around Warren Avenue and Southfield express
18 way, generally?

19 A. Yes.

20 Q. And had you reached out to your daughter and spoken to
21 your daughter after the police paid you a visit --

22 A. Yes.

23 Q. -- and informed you of everything?

24 A. That morning.

25 Q. And at some point, did you receive a -- did you tell her

1 everything?

2 A. I told her what I knew about the police visit and what
3 the police told me.

4 Q. And at some point, did you receive a phone call from
5 your son-in-law, Mr. Gregory Jones?

6 A. I believe that he called me, yes, because my daughter
7 had called me and said that I needed to talk to my son.

8 Q. And you were anxious to talk to your son that morning?

9 A. Well, I was more anxious for her to talk to him and give
10 him the message that he needed to turn himself in, but
11 she said he needed to talk to me.

12 Q. And at some point, is it your understanding that he
13 ended up in Gregory Jones' truck?

14 A. They were together, yes.

15 Q. And you were able to connect and actually speak with
16 your son when he was in the presence of Gregory Jones?

17 A. Yes, he was with him because it was his phone that we
18 spoke on.

19 Q. What, if anything, were you trying to do at that point
20 when you were talking to your son?

21 A. I was trying to tell him to turn his self in.

22 Q. Were you worried for his safety?

23 A. Yes, I was.

24 Q. Did the words suicide or fear of suicide come into play
25 at this point?

1 A. Well, I did not use the word. I did not use the word
2 suicide.

3 Q. But if a detective or Gregory Jones or something
4 described it as trying to talk to him to turn himself in
5 and not commit suicide, not hurt himself; is that
6 basically what was going on at that point?

7 A. Well, I was talking to him. I wasn't talking to my
8 son-in-law. I was talking to my son, and my son, I was
9 trying to tell him that he needed to turn himself in,
10 and he was saying that he didn't want to do that.

11 Q. Did you tell him not to hurt himself?

12 A. Not in those words, but -- not in those words, but yes.

13 Q. What words did you use?

14 A. I'm saying because I don't think I would just tell my
15 son don't hurt yourself. I always tell my children to
16 be safe, but I don't necessarily say don't hurt yourself
17 as you would tell a small child not to fall down and
18 hurt yourself. I don't normally talk to him with those
19 words is what I'm saying.

20 Q. Okay. Do you remember going to the Eastpointe police
21 department on February 16th of 2015?

22 A. Vaguely.

23 Q. And you drove yourself to the police department and went
24 into the lobby and asked to speak to a detective.

25 A. I didn't drive myself. A friend drove me because I was

1 still nervous and still shaky.

2 Q. Okay. And at some point, did you meet with Detective
3 Madonia in the lobby of the police department?

4 A. Yes.

5 Q. And what was --

6 A. I think that was him.

7 Q. The gentleman seated at this table.

8 A. No, I think it was him because I ended up in a room with
9 more than one person. So, I think it was him.

10 Q. Okay. Why did you go to the police department that day,
11 ma'am?

12 A. Because they wanted -- they asked me to come down there.

13 Q. And did you bring anything with you?

14 A. I brought a phone with me --

15 Q. Which phone?

16 A. -- because they said they needed it. I brought a white
17 phone with me because they said they needed the phone.

18 Q. Okay. And was that the same phone that was in your
19 apartment?

20 A. Yes.

21 Q. That wasn't talked about prior?

22 A. Right.

23 Q. And then, again, ma'am, on February 19th of 2015, did
24 detectives come to your apartment for a second time?

25 A. I don't remember the date, but they did meet me at my

1 apartment one evening.

2 Q. Okay. And did you ask them or were they allowed to come
3 into your apartment?

4 A. Yes. I met them there. They came in.

5 Q. Okay. And did you surrender anything to them?

6 A. Okay. Obviously, your memory is better than mine
7 because you have things wrote in front of you. I do
8 remember the detectives coming to my apartment that
9 evening.

10 Q. Did you turn over the bag that your son had given you
11 previously?

12 A. I believe that's what I did then, too, yes.

13 Q. Okay. And did you also inform them that you had seen
14 your son in the parking lot? In other words, that's the
15 first time you opened up with the detectives and
16 actually told them you had seen him that day in the
17 parking lot of your complex?

18 A. Okay. See, all that, to me, as I've been trying to tell
19 you, is kind of a blur, exactly, you know, pinpointing
20 dates, times, when all the events occurred.

21 I do know that I shared that with them. I did
22 not remember exactly when, but I shared it mostly, I
23 believe it was a different detective who seemed easier
24 to communicate with me and talk to me.

25 Q. That would be Detective Merlo, a taller guy?

1 A. That would be the guy, because he talked to me in a
2 different manner that put me more at ease where I wasn't
3 so emotional and feeling like I was under attack, as if
4 I was the victim.

5 Q. Detective Madonia was rather rough on you.

6 A. When I went to the police station I was just a mess and
7 I was so emotional, I couldn't respond, I couldn't do
8 anything, as it seemed like I was in a room with people
9 who wanted to play good cop/bad cop and I was the
10 victim. I couldn't deal with that because I was still
11 so emotional and everything was so raw, because I was
12 not coping good with what happened, what I was told what
13 watch going on, and it felt like I was being victimized
14 when all I was doing was trying to help. That's all I
15 was doing, was trying to help, to be truthful and to be
16 honest, and things weren't clear to me in my head.

17 So when you come to ask me did this happen at
18 this time, that time, and even my cell phone, what was
19 on it, I haven't seen it in over two years. So I have
20 no idea what exactly it is. If I was reading something
21 that allowed me to refresh my memory and to read over
22 notes, as you have reports in front of you, then I would
23 be clear on all this. But, I am not clear on it because
24 I have not been repeating those days over and over.
25 I've been trying to get some kind of simulation of this

1 is my reality, this is my truth, and praying that I can
2 make it through each day if there is some resolution to
3 this. I don't have exact on this day, this time and all
4 that from two years ago. Sometimes it's hard for me to
5 remember what happened the week before. I won't have
6 all of that to say exactly for sure it happened then and
7 this is what happened there.

8 Q. Ma'am, do you remember telling Detective Merlo, the
9 nicer detective, that second time, on February 16th, do
10 you remember admitting to them that your son was driving
11 Monique's car, the blue Impala, and he actually did meet
12 you in that parking lot of your apartment complex?

13 A. I remember letting him know that I did meet him in the
14 complex, yes, and that I thought he was driving her car.
15 I did not remember the color of it. And he indicated
16 that it was blue, because I did not remember the color.
17 It just was a dark color to me.

18 Q. We're just trying to pull something up on the screen
19 right now.

20 Ma'am, we have an exhibit on the screen. If
21 you can turn around and look at it, please.

22 And by the way, we're just talking about text
23 messages here. There will be no pictures of the scene.

24 MR. SHEIKH: Mr. Fedorak, is it okay if I get
25 closer?

1 MR. FEDORAK: Absolutely.

2 Q. (By Mr. Fedorak) Do you recognize the name at the top
3 of the screen, obviously?

4 A. That's my son's name.

5 Q. And is that a text message? Is that a copy of a text
6 message of a screen shot of what your son had sent to
7 you?

8 I'm going to read it into the record, if I
9 may, and if I misstate it, please, Mr. Sheikh, indicate
10 if I'm misreading it. It's from Curtis Hampton, Jr. It
11 says: Make sure you get all of my stuff, it's yours to
12 do with as you please. I sorry, life is too hard and I
13 can't give you my troubles anymore. I love you. The
14 past word for my phone is CJS 9353. The past code to
15 Monique phone is 9353. And when the safety lock screen
16 on my phone pops up it's a seven, but you have to draw
17 it, period. Let everyone know -- let everyone and my
18 phone know what happened to me please. I will love and
19 miss you. All the doors are locked but Monique's
20 parents have keys and they have to break the back doors
21 window out to get the screen door open. Just have them,
22 they break out a window and come inside. I'm gone.
23 Last you will hear from me. Love you, your son, CJ.

24 Is that an accurate reading of that screen
25 shot of the text message that your son sent to you?

1 A. I can't tell you that it's accurate. But the gist of
2 the message was something to give me concern because,
3 like I told you, I only got a chance to read this one
4 time. And immediately, when I looked at it, my first
5 thought is I need to find out what's going on. When I
6 saw the message on my phone, I immediately started to
7 type up a message to find out what's going on.

8 Q. This is a continuation of the screen shot. It left
9 off --

10 MR. SHEIKH: Mr. Fedorak, if it's okay.

11 MR. FEDORAK: Absolutely. Please.

12 MR. SHEIKH: Thank you, sir.

13 Q. (By Mr. Fedorak) We pick up from the last line of the
14 first screen shot. From me, love your son, CJ. Monique
15 numbers are phone number cell and another cell for the
16 house. P.S. I wanted not to be replaced anymore. Just
17 have something for the rest of my life with Monique and
18 my baby but always had other plans and made snap and go
19 crazy. Sorry. Love you. Goodbye. This the hardest
20 thing I had to do that I didn't not want to do -- that I
21 didn't want to. I feel I was made to do this.

22 And then, of course, you're texting him back
23 trying to comfort him, talk to him and help him
24 emotionally; is that fair to say?

25 A. I was trying to find out what was going on, yes.

1 Q. There's one last one.

2 Said she will take me. No need to. Sorry.
3 Just let me know when you get the money together. Love
4 you. Bye. Love you always too.

5 Again, you're trying to comfort him but he's
6 sending you some extremely difficult and emotional text
7 messages, isn't he?

8 A. Yes.

9 MR. FEDORAK: Thank you, ma'am.

10 Thank you, your Honor.

11 THE COURT: Mr. Sheikh?

12 MR. SHEIKH: Yes, your Honor. Thank you.

13 CROSS-EXAMINATION

14 BY MR. SHEIKH:

15 Q. Good afternoon, Mrs. Hampton.

16 Do you need to take a break or are you okay?

17 A. I'm okay.

18 Q. Need a glass of water or anything?

19 A. I'm good.

20 Q. Okay. Please, ma'am, keep your voice up so the jurors
21 that are the furthest from you can hear you. I know
22 it's difficult.

23 A. Okay.

24 Q. But the record needs to be clear. Okay.

25 Ma'am, how many children do you have all

1 together?

2 A. Two.

3 Q. Who's older, Curtis or his sister?

4 A. My daughter's older.

5 Q. By about how much?

6 A. Five years.

7 Q. And I believe you indicated that you moved into this
8 complex that you live in some time in 2003.

9 A. Yes, April 2003.

10 Q. Did Curtis move in with you at that time?

11 A. No, just me.

12 Q. Okay. When did he first move in with you, if you
13 recall?

14 A. It was about six months later when he was in-between
15 places. He came by supposedly for a few days or a week
16 and he ended there more months than he needed to be.

17 Q. And would that pretty much be the pattern for the next
18 few years?

19 A. Yes. He was off then on. He had his own place at
20 different times and then in-between he would be back
21 there with me.

22 Q. Okay. And ma'am, did there come a time, if you know,
23 that he met Monique Rakowski?

24 A. I can't tell you when exactly they met, but I knew that
25 he had met someone, yes.

1 Q. Okay. And do you know, as we use the reference point
2 the date of February 12th, 2015, approximately how much
3 prior to that, if you know?

4 A. Well, at least a couple years.

5 Q. At least a couple years.

6 A. At least a couple years, yes.

7 Q. Now, prior to that, was Mr. Curtis involved with other
8 people?

9 A. Yes.

10 Q. Did he have other children?

11 A. Yes.

12 Q. How many children did he have or does he have?

13 A. He has three sons.

14 Q. Do you know their ages, by chance?

15 A. The oldest one just turned 10, the other one is six or
16 seven, and the youngest one is three, he'll be four this
17 month.

18 Q. Okay. And did you get a chance to meet Monique
19 Rakowski?

20 A. Yes.

21 Q. Was this in the beginning of the relationship, towards
22 the end, or somewhere in the middle, if you recall?

23 A. No, I'm thinking that was kind of closer to the time
24 of -- I met her probably for the first time after she
25 had the baby, I think. I don't think I met her while

1 she was pregnant. I met her after Carmon was born.

2 Q. Okay. And where was this? Was this at your house, her
3 house, or somewhere else?

4 A. Where did I meet her for the first time at?

5 Q. If you recall.

6 A. I believe I met her at my place.

7 Q. Okay. Now, do you know, at the time she had Carmon, was
8 she living at the house on Normandy or was she living in
9 the trailer in Sterling Heights, if you recall?

10 A. When I met her, she was on Normandy.

11 Q. Okay. Now, to the best that you can, would you describe
12 the relationship between Monique and Curtis as on
13 again/off again, steady?

14 A. It was on and off.

15 Q. Do you know why?

16 A. The two of them weren't getting along. Seemed like they
17 were, you know, texting a lot back and forth and just
18 not getting along. She would get upset, tell him to
19 leave, he would leave. The next thing I knew, he was
20 telling me he was going back to see her, that she wanted
21 to see him because she missed him. He would show me
22 long texts, you know, and ask me what I thought, and I
23 had told him I really didn't want to get involved, but
24 they weren't getting along.

25 Q. To the best of your knowledge, ma'am, in this

1 approximately one-year, two-year-period that they had
2 this on again/off again relationship, do you know about
3 how many times this sequence happened where he moved in
4 with you and then moved back in with Monique?

5 A. I mean it's kind of hard to say because sometimes he
6 would come and, you know, stay the night, or he'd come
7 by have a nap and then tell me I'm going to see my baby,
8 he was going to see Carmon, then he would be gone, you
9 know, a couple days and may come back, so.

10 Q. Was he living with you at the time that Carmon was born?
11 Where was he living, where was Curtis living at the time
12 Carmon was born, if you recall?

13 A. It's really kind of hard for me to say if he was with me
14 or if he was with another baby mama because he was back
15 and forth. I mean it is my son and I do love him, but
16 he was, you know, he had a son -- he had two children
17 basically born in the same year by two different people.
18 And so, it was kind of really hard for me to tell
19 because when I started doing the math, I'm thinking,
20 well, wait a minute, this child is being born and you
21 making another baby, you know. And my thought for him
22 was that I wanted him to take care of himself and get
23 his life in order, then he would be a good parent, a
24 good mate, a good person with other people.

25 Q. Okay.

1 A. So that was basically my thought. So I don't know if he
2 was back with baby mama number three or if he was with
3 me, because I really couldn't tell you that he was with
4 me any long length of time where I could say he was
5 living with me again because he did have his own place
6 and he did live in several different places.

7 Q. Now, did you come to find out, at some point, that
8 Monique left the State of Michigan and went to Oklahoma
9 or somewhere else?

10 A. I believe that he told me in December that she was
11 leaving the state. I don't know if it was around the
12 middle of December or what ever, but I believe it was
13 some time that month he said she was leaving.

14 Q. And during that period that she was gone or leaving, as
15 your understanding is, did Curtis move in with you? Did
16 he stay with you during that time period?

17 A. Yeah, he was back there with me, yes.

18 Q. Do you know if Monique left the home on Normandy, sold
19 it, rented it out or something?

20 A. I don't know.

21 Q. Just kind of left it vacant.

22 A. I don't know.

23 Q. Did there come a point that you know that Monique came
24 back to Michigan?

25 A. I knew she was back when he told me that Carmon was

1 sick, and I think Carmon was sick some time in January,
2 and he was trying to explain to me what was going on
3 with the baby, and he said she was sick and he had to
4 get medicine for her, and she eventually ended up in the
5 hospital. That's when I knew that she was back, because
6 the baby was sick.

7 Q. Which hospital was she in, do you know?

8 A. St. John on Moross.

9 Q. How often would Curtis go to see Carmon at the hospital?

10 A. He was there everyday.

11 Q. Would he basically go with Monique or would he go by
12 himself?

13 A. Well, I know they were there together, and I know I went
14 to visit, and there were some times when I went to get
15 them something to eat to bring back to the hospital. He
16 rode with me and I dropped him back at the hospital.
17 And on the day of her surgery, I remember that it was
18 snowing because it was Super Bowl Sunday because I
19 remember, you know, being at the hospital with him.

20 Q. Okay. Now, at some point, if you recall, I don't know
21 if you have something to trigger that might help you
22 remember when Carmon came back home. Do you know? We
23 know that she had the surgery on Super Bowl Sunday.

24 A. Right.

25 Q. Do you know, approximately?

1 A. I don't know if it was like later, you know, within a
2 week or something. I don't know. It was a short time.
3 I don't know if it was a few days or a week or that week
4 even. I'm not really sure.

5 Q. So it was more than a couple of days.

6 A. Yeah.

7 Q. But less than two weeks --

8 A. Yes.

9 Q. -- that she was in the hospital?

10 A. That's what I'm thinking, yes. I'm not really sure
11 about the dates.

12 Q. Okay. Now, do you know, did Monique then, did she bring
13 Carmon back home with her to Normandy, if you know?

14 A. Yes.

15 Q. You don't know exactly when that was?

16 A. I don't remember exactly the dates.

17 Q. Okay. Now, let's go back to that time frame.

18 Now, Monique brings Carmon back home from the
19 hospital.

20 A. Yes.

21 Q. Now, at that point, is Curtis staying with you, or is he
22 staying with her, or is he splitting his time between
23 the two of you?

24 A. He's with her and the baby.

25 Q. And your definition of he's with her and the baby is

1 what, that --

2 A. He wasn't with me. He was with them. And I had visited
3 him a couple of evenings like after work he had asked me
4 to stop by or what ever, or to drop off something, and
5 he was trying to tell me about some work he was doing on
6 the house because, I don't know, I think they had a mold
7 issue or something. He was trying to clean up
8 everything so the baby wouldn't get sick again. They
9 were replacing some stuff. He had invited me in, said
10 do you want to come see, and I said no because I was
11 tired, I had worked all day, and I just headed home.

12 Q. Okay. Now, I know you've indicated in your direct
13 testimony from Mr. Fedorak that you obviously don't
14 recall everything going back two years.

15 A. Yeah.

16 Q. I'm going to try to do something that's crucial. We
17 know that this incident occurred the night of the 11th
18 and 12th of February 2015, okay, ma'am.

19 A. Okay.

20 Q. If you recall, on the night of the 10th, do you know if
21 Curtis Hampton stayed with you or if he stayed with
22 Monique?

23 A. No, he was with her. He was not with me.

24 Q. Okay. Let's take one day at a time. What about the
25 9th?

1 A. I believe he was with her.

2 Q. The 8th?

3 A. With her.

4 Q. The 7th?

5 A. With her.

6 Q. The 6th?

7 A. With her, I think, yeah.

8 Q. So the 6th, 7th, 8th, 9th, 10th, and then, of course,
9 11th and 12th, he's there.

10 Do you remember when's the first day that you
11 went over there?

12 A. No, because after -- like I told you, in my mind, after
13 the baby was from the hospital he was over there for the
14 majority of that time after she came home because he was
15 doing work at the home. He said he was doing some
16 things, they had to do a thorough cleaning to clean some
17 things and stuff and were replacing some tiles or panels
18 or something in there, too. So he was with her the
19 majority of the time. I may have saw him, I may have
20 stopped by to see him, he may have dropped by to see me
21 or something, but, for the most part, he wasn't with me,
22 he was with her.

23 Q. Now, when he was with you, we're going to talk about
24 when he was with you, would there be times that he would
25 bring Carmon over to the house?

1 A. Not after she got sick. But, he had brought her over
2 there before, but not after she had been sick, no,
3 because I think she was on medication. He mentioned
4 something about having to pick up her prescriptions and
5 stuff, too, but not after she had been out of the
6 hospital that I can recall, no.

7 Q. Okay. We know that Carmon was here, unfortunately, only
8 for 13 months. Let's forget about the post-hospital
9 time period. Prior to that, would Curtis bring Carmon
10 over?

11 A. Yes.

12 Q. Would she ever stay the night?

13 A. No. And she would be over with her mom.

14 Q. Oh, Monique would come over, as well.

15 A. Yes, they were there together, yes.

16 Q. Would there be times that Curtis would come over just
17 with Carmon, or no, if you recall?

18 A. Not that I recall, because I'm thinking mom was always
19 there. And if mom didn't come in, mom was out in the
20 car.

21 Q. Okay. Did you -- did she -- did you try to indicate
22 either to Curtis or to Monique that perhaps this
23 relationship between the two of them was not too
24 healthy?

25 A. Well, I know I didn't tell Monique. But, for my son, I

1 did try to tell him, you know, that I didn't think that
2 this was the best thing, that I didn't think this was
3 working for him because he seemed to be more or less on
4 the outs versus being in her good graces all the time,
5 he seemed to be more upset, and they seemed to be back
6 and forth arguing and leaving each other and then
7 calling each other back. And my thought would have been
8 to him, and what I told him is that if a person keeps
9 telling me they don't want to be bothered with me, I'm
10 not going to be bothered with them, I'm not going to
11 keep going back, and I believe I told him something to
12 that effect.

13 Q. Now, ma'am, if I understand correctly, your testimony,
14 from what you just said and what you indicated prior,
15 they would have an on again/off again relationship.

16 A. Yes.

17 Q. And you would know this because when it was off again he
18 would come to you?

19 A. Yes.

20 Q. Monique would ask him to leave, or kick him out, or
21 whatever you want to call it.

22 A. Yes.

23 Q. And then, sometime after, either she would initiate
24 contact, or he, and then they would be back together?

25 A. Right.

1 Q. So this was just something that --

2 A. Right.

3 Q. Now, let me bring up an unfortunate subject. There's
4 some domestic violence that you know occurred between
5 the two of them, between Monique and --

6 A. Yes, he was charged with domestic violence.

7 Q. Okay. And do you know if a no contact order was issued?

8 A. Yes. There was a no contact order issued by the judge.

9 Q. Okay. Ma'am, just in case somebody on the jury doesn't
10 know what a no contact order is, could you briefly tell
11 us what your understanding of a no contact order is.

12 A. Basically, he was to have no contact with Monique.

13 Q. And, to the best of your knowledge, did he abide by
14 that?

15 A. Yes.

16 Q. Did there come a time that Monique petitioned the court
17 to remove the no contact order?

18 A. Yes.

19 MR. FEDORAK: Your Honor, I'm going to have to
20 object at this point. I've really let him go in many
21 different areas, hearsay and so forth, but to start
22 creating legal definitions and explanations and so forth
23 that she has no part of.

24 THE COURT: That is a little beyond. I don't
25 think it's her per view to be explaining those things to

1 the jury.

2 MR. FEDORAK: Thank you, Judge.

3 Q. (By Mr. Sheikh) You're not trying to indicate to the
4 Court that you're some expert on no contact orders,
5 correct?

6 A. No.

7 Q. Okay. All you know is that Monique asked for it to be
8 removed.

9 A. I know because I was at court.

10 MR. FEDORAK: Objection, calls for a hearsay
11 answer. I'll get technical now.

12 THE COURT: Sustained.

13 MR. FEDORAK: Thank you, Judge.

14 THE COURT: Disregard the last question and
15 answer.

16 Q. (By Mr. Sheikh) Now, as far as this bag that Mr.
17 Fedorak asked you about a couple of times that Curtis
18 gave you around the 11th or the 12th, could it have been
19 in a parking lot or was it in a -- was it in a parking
20 lot or do you think it was at a gas station? Does
21 either one refresh your recollection?

22 A. I'm not really sure if it was at the gas station
23 next-door or if it was in the parking lot.

24 Q. Now, I've never been over to your place, but I take it
25 that there's an adjacent --

1 A. The gas station is adjacent to the complex where you can
2 pretty much walk from the complex, at the end of it, and
3 the gas station is right there. It could have been the
4 gas station. I don't know for sure.

5 Q. Okay.

6 A. I really don't remember.

7 Q. So, either way, the parking lot and the gas station are
8 adjacent to each other, correct?

9 A. Right. Because I saw him at the gas station, then I saw
10 him in the parking lot. And I saw him in the gas
11 station -- he called me, you know, to say -- I don't
12 know if he forgot something, whatever, I don't know. So
13 I don't remember, because I know it was the gas station
14 in the parking lot. I mean they were kind of close in
15 there together. So I can't really say for sure whether
16 it happened in the parking lot or the gas station. I'm
17 not really sure now, now that you mention the gas
18 station, because that had slipped my mind all together.

19 Q. Okay. Now, this bag, did you ever have occasion to look
20 inside this bag?

21 A. I think I was looking for a charger for the phone in the
22 bag that I thought should have been on top of the bag.

23 Q. Okay. Let me back up.

24 If you would, with your hands, would you
25 indicate about how big the bag was, about how wide it

1 was.

2 A. It was about so high, so wide.

3 Q. Go back to how high. Go back to how high.

4 A. I don't know how high that is.

5 MR. SHEIKH: Would you say, Mr. Fedorak, Mr.
6 Palepu, about 24 inches, 18 inches?

7 MR. FEDORAK: A paper shopping bag, grocery
8 shopping bag.

9 Q. (By Mr. Sheikh) Okay. About the size of a brown paper
10 shopping bag.

11 A. Yeah, yeah, but it was like a -- I think it was a
12 plastic bag, though, you know.

13 Q. But the length and the width. Thank you.

14 MR. FEDORAK: No objection.

15 Q. (By Mr. Sheikh) So, anyway, you looked in there for
16 charger; is that correct?

17 A. Yes.

18 Q. What did you find in the bag?

19 A. There were some shoes and some clothes. I can't tell
20 you specific. All I know is that there were some shoes.
21 I think they were a tan-colored shoes, whatever, and
22 there were some clothes in there. I can't really tell
23 you exactly what they were cuz I just basically set the
24 bag down and it just kind of stayed where I set it at.

25 Q. Okay. So if I understand you correctly, Curtis called

1 you, you went to meet him where this gas station and
2 parking lot kind of are next to each other. That's when
3 he handed you the bag, correct?

4 A. You keep trying to get me to say that it was there and
5 I'm not really sure, but I think he gave me -- when he
6 called me he gave me the phone.

7 Q. Okay.

8 A. That had to have been when he gave me the phone, and I
9 think I was looking for the charger for the phone
10 because it was a phone different from my phone so it
11 didn't use the same charger.

12 Q. Okay. What ultimately happened to the bag, if you
13 recall?

14 A. I gave the bag to the detectives.

15 Q. Okay. Are we talking about this detective or the taller
16 other guy?

17 A. They were together at my home, I believe.

18 Q. Okay.

19 A. Because I know I gave it to them and I don't remember
20 taking it down to the police station to give it to them.
21 So it had to have taken place there.

22 Q. Okay. Any time that Monique had been over, had she ever
23 expressed to you any fear of Curtis or apprehension?

24 A. No.

25 MR. FEDORAK: Objection, your Honor.

1 MR. SHEIKH: Your Honor, she has a basis for
2 being there.

3 THE COURT: Repeat the question.

4 Q. (By Mr. Sheikh) Any time that Monique was over did she
5 ever express any fear or apprehension about being there
6 with Curtis?

7 THE COURT: All right. Sustained. Disregard
8 the last answer.

9 Q. (By Mr. Sheikh) Do you know if Monique took Carmon with
10 her when she went to Oklahoma to get married or not?

11 A. I didn't know that she went to get married, but I
12 believe when she left she took her daughter with her.

13 MR. FEDORAK: Objection, your Honor. All this
14 is based on hearsay.

15 THE COURT: Sustained. It's speculative, as
16 well. Disregard the last answer.

17 MR. SHEIKH: Your Honor, may I confer with my
18 client and associate before passing the witness.

19 THE COURT: Yes.

20 MR. SHEIKH: Thank you, ma'am.

21 THE COURT: Mr. Fedorak.

22 MR. FEDORAK: Judge, I want to move to admit
23 these in a second.

24 If we can spin to the next screen, please,
25 where the time and the date is.

REDIRECT EXAMINATION

BY MR. FEDORAK:

Q. Ma'am, do you see the screen shots that are up on the TV screen that show the time and the date of the text messages you and your son were sending back and forth?

A. I see the date and the time on that message, yes.

Q. All right. 2/12, at almost 2:00 a.m., 1:57 a.m., correct?

A. That's what I see, yes.

MR. FEDORAK: Your Honor, for the record, the first screen shot is 106, the second screen shot is 107, and the third screen shot of Anita Hampton's is 108, for the record purposes.

THE COURT: Okay.

MR. SHEIKH: Mr. Fedorak, I see one and two. Which one is three?

MR. FEDORAK: And the third one, please.

MR. SHEIKH: No objection, your Honor.

MR. FEDORAK: Thank you, Mr. Sheikh.

THE COURT: 106 through 108 are admitted.

MR. FEDORAK: Thank you.

Q. (By Mr. Fedorak) Now, ma'am, I don't mean to be argumentative with you. I know this is extremely difficult. But, it seemed like your memory amazingly became so much better when Mr. Sheikh was asking you

1 questions.

2 Do you remember having a conversation with the
3 nice detective, Detective Merlo, when he came back to
4 your house and he was asking you a series of questions
5 of how much contact you were having with your son?

6 A. I remember having the conversation with him, yes.

7 Q. When you testified to these jurors, answering Mr.
8 Sheikh's questions, it sounded to me that after Monique
9 was out of the -- after Carmon was out of the hospital
10 you were stopping by the Normandy address to see your
11 granddaughter; is that fair to say?

12 A. I was stopping to see my son.

13 Q. Rather than your granddaughter.

14 A. I didn't go in the house.

15 Q. Exactly. You said you were dropping things off. You
16 were talking about prescriptions and this and that.

17 What, in essence, were you dropping off for
18 your son when you didn't even bother to see your
19 granddaughter?

20 MR. SHEIKH: Your Honor, first of all, he's
21 impeaching his own witness. Second of all, can he leave
22 the commentary out. We've been very patient with it.
23 He should ask questions and wait for answers.

24 MR. FEDORAK: Your Honor, I am rephrasing her
25 answer in the foundation of my question.

1 THE COURT: I don't think it's quite
2 commentary. I understand what you're saying. The
3 question is allowable, though.

4 MR. FEDORAK: Thank you, Judge.

5 Q. (By Mr. Fedorak) What did you actually drop off to your
6 son?

7 A. Money, probably, cigarettes.

8 Q. Money and cigarettes, right.

9 A. He called me, he asked me to stop by, and I probably
10 took him to the store to get something to eat for them,
11 to pick up a prescription. I took him and brought him
12 back there because he didn't have his own
13 transportation.

14 Q. And how was your granddaughter's health? Did you go
15 inside the house?

16 A. He told me about that. I never hardly went in that
17 house. I may have been in that house one time.

18 MR. FEDORAK: Exactly.

19 Thank you, Judge.

20 THE COURT: Anything, Mr. Sheikh?

21 RE CROSS-EXAMINATION

22 BY MR. SHEIKH:

23 Q. Was there anything that prevented you from going in the
24 house or --

25 A. They had a dog and I was allergic to dogs.

1 Q. Okay. And what kind of dog was this?

2 A. It was a big one. I don't know what he was. But, they
3 had a big one. They might have had a puppy later he
4 told me about. But, he knew I had allergies to dogs.
5 So that's why I did not go in the house.

6 Q. And because of that and because you indicated that there
7 was some concern about mold in the house, correct?

8 A. Well, I knew they were working on it.

9 MR. FEDORAK: Objection, your Honor. Is Mr.
10 Sheikh testifying or the witness?

11 THE COURT: It's cross-examination,
12 technically.

13 Q. (By Mr. Sheikh) Yes. So you also indicated that there
14 were some mold concerns at the house and that's why --

15 A. Yes, and I have asthma. So I did not really want to be
16 triggering any kind of thing or getting in the mix of
17 anything that was in the process of being done.

18 Q. Okay. Did you ever not welcome Monique and/or Carmon
19 into your house?

20 A. No, never.

21 Q. Do you remember one single occasion where Monique said
22 can I come over, or can Carmon and I come over, or can
23 Curtis and Carmon and I come over, where you denied them
24 access or --

25 A. No.

1 Q. Never? --

2 A. No.

3 MR. SHEIKH: Thank you. Nothing further, your
4 Honor.

5 THE COURT: All right. You can step down.
6 Thank you.

7 (At about 2:36 p.m., Witness Excused).

8 THE COURT: Your next witness.

9 MR. FEDORAK: Mr. Phillips, your Honor.

10 Mr. Phillips, can you come up here, please.
11 If you can walk up to that chair please and stand there
12 for a second so the judge can swear you in.

13 THE COURT: Before you sit down, please raise
14 your right hand.

15 Do you swear to tell the truth, whole truth,
16 nothing but the truth, so help you God?

17 MR. PHILLIPS: Yes.

18 DAVONE PHILLIPS,
19 after having first been duly sworn by the Court to
20 tell the truth, testified as follows:

21 THE COURT: Have a seat. You are under oath.
22 Please state and spell your name for our court reporter.

23 MR. PHILLIPS: Davone Phillips.

24 THE COURT: Spell that, please.

25 MR. PHILLIPS: D-a-v-o-n-e P-h-i-l-l-i-p-s.

1 THE COURT: Thank you. Go ahead, Mr. Fedorak.

2 MR. FEDORAK: Thank you.

3 DIRECT EXAMINATION

4 BY MR. FEDORAK:

5 Q. Good afternoon, sir.

6 A. Good afternoon.

7 Q. I'm sorry, I'm going to have to ask you, I know you have
8 a very low, deep voice, but if you can speak up, please,
9 so all the jurors can hear you.

10 A. Okay.

11 Q. Sir, how do you know the defendant in this case?

12 A. He's my cousin.

13 Q. Okay. And we had an opportunity to meet a few days ago
14 for the first time; is that correct?

15 A. Yes.

16 Q. I asked you a series of questions and indicated to you
17 about the timing of this trial and the subpoena and when
18 you should come back, and I thank you for coming back,
19 and we made arrangements for you to come in this
20 afternoon; is that fair to say?

21 A. Yes.

22 Q. And you indicated that you're his first cousin?

23 A. Yes.

24 Q. And exactly what is the family connection?

25 A. His mother and my daddy are brother and sister.

1 Q. Okay. And can you establish or explain to the jurors,
2 describe your relationship with him. Are you guys
3 close?

4 A. Yeah, we close. He my cousin, my little cousin, you
5 know.

6 Q. Okay. And leading into calendar year of 2014 and
7 obviously into 2015, how often would you see your cousin
8 in 2014?

9 A. It depend. Like, I was in school at the time.
10 Sometimes we like every weekend, every other weekend,
11 you know. Periodic, you know, I seen him kind of on the
12 regular.

13 Q. What types of things would you do with your cousin?

14 A. Well, sometimes he bring the kids over, watch TV, talk
15 about sports, you know, occasionally, have a drink.

16 Q. Okay.

17 A. Sometimes he work on my car or something like that.

18 Q. Okay. And where were you living in 2014?

19 A. At my house I'm living at right now.

20 Q. Okay. And what's the -- is that the same house that you
21 were on?

22 A. Yes.

23 Q. Okay. And what's the address?

24 A. 8458 Warwick Street, Detroit, Michigan.

25 Q. If I were to ask you to turn around and look at the

1 television screen, is this accurate in terms of the
2 address of where your residence is?

3 A. Yes.

4 Q. Okay. Do you know a person by the name of Anna Keinath?

5 A. I mean I met her a few times.

6 Q. Who is Anna Keinath?

7 A. I guess she's a female friend of my cousin.

8 Q. Okay. When would have you met her, time period? Are we
9 talking about summer of '14, fall of '14?

10 A. I first met her probably like -- I don't know because I
11 bought some tires from her for my girlfriend, for her
12 car. So it was probably a few months before that,
13 probably like in the wintertime or something like that,
14 I believe. Winter, fall. I can't really actually
15 remember. I only met her like a few times, though.

16 Q. Okay. You ended up seeing her or going to a place where
17 she lived when all this went down, right? Is that fair
18 to say?

19 A. Yes.

20 Q. Okay. Let's kind of try and put this in perspective.
21 Did you see your cousin in January of 2015 at all? Did
22 you guys hook up?

23 A. Yes.

24 Q. Again, normal circumstances, socializing?

25 A. Yes.

1 Q. Did you visit -- do you know his daughter Carmon went to
2 the hospital at the end of January for an infection in
3 her throat?

4 A. Yes.

5 Q. Did you -- were you having interaction with your cousin
6 at this time?

7 A. I mean we talked on the phone here and there. He told
8 me about the situation.

9 Q. Okay. By the situation, are we talking about the baby's
10 medical condition?

11 A. Yes, yes.

12 Q. Okay. Did you ever have a chance to visit the baby at
13 the hospital, or no?

14 A. Well, I tried to. I came down there to the hospital,
15 but I didn't know which floor she was at. So when I
16 called him, he didn't answer the phone probably because
17 he was in the hospital or something, you know. Maybe he
18 ain't getting my phone call reception. But, he did call
19 me like, probably like about an hour later, when I was
20 almost home, saying she was in the hospital.

21 Q. Okay. Were you ever going to the Normandy address?

22 You know a person by the name of Monique
23 Rakowski, right?

24 A. Yes.

25 Q. How many times do you think you would have seen Monique

1 Rakowski in person?

2 A. Quite a few.

3 Q. Where? At the house on Normandy? At your house? Out
4 on the town? Where?

5 A. All of that.

6 Q. All of the above?

7 A. Yes.

8 Q. Okay. So you were a guest in the Normandy home before?

9 A. Yes.

10 Q. When do you think the last time you were at the Normandy
11 home was, as it relates to like the end of '14 and
12 January of 2015?

13 A. I'm gonna say January like 2015, because they came over
14 to the house to visit, you know, and it was one of them
15 nights it was kind of -- it was snowing outside, black
16 ice, and they got in an accident on the freeway. So I
17 had to come pick them up, take them back to the house,
18 and I eventually end up taking him home that night.

19 Q. Okay. And in fact, he kind of appeared at your house in
20 February of 2015 when this all came down, right?

21 A. Yes.

22 Q. Do you know how he got to your house?

23 A. No, I do not.

24 Q. Did he call you before he was coming?

25 A. Well, he had text me earlier that day, said he needed,

1 you know, he wanted to come over. I mean it was like
2 hey, cuz, what up, you know, I'm probably come through a
3 little later, that type like that.

4 Q. And we're talking about Thursday, February 12th, 2015,
5 he's texting like it's no big deal, everything's fine?

6 A. It was early in the morning. I was actually at work.
7 So I couldn't really pick up the phone and talk to him
8 at the time. But he did text me here and there, said he
9 was coming over, I said what time, he said probably a
10 little later, I said okay.

11 Q. Okay. And did he end up showing up at your place?

12 A. Yes.

13 Q. Did he have his own car at the time?

14 A. No, he didn't have a car at the time.

15 Q. Okay. Do you have any idea how he got to your place on
16 the evening of Thursday, February 12th, 2015?

17 A. By him not having no car, usually, the only way he come
18 over is with Monique or my auntie will drive him here or
19 there. So when he knocked on the door, I didn't see no
20 car. I said hey, auntie bring you over, it was like
21 yeah, you know, normal. So he came in.

22 Q. I'm sorry, did he give you a straight answer when you
23 asked how he got over there?

24 A. Yeah.

25 Q. What was the answer that he gave you, as to how he got

1 to your residence on the day of February 12th, 2015?

2 A. I asked him did auntie drop you off and he said yeah,
3 yeah.

4 Q. In essence, though, did you later learn that Monique
5 Rakowski's car was parked around the corner of your
6 house?

7 A. Yes.

8 Q. And that's where the police found it and impounded it?

9 A. I guess, yes.

10 Q. Was it normal for your cousin to lie to you?

11 A. No.

12 Q. All right. So he comes in the house, no big deal, you
13 guys talked earlier. What does he do when he's in your
14 house?

15 A. He sit at the table.

16 Q. Okay. And what happened next?

17 A. I asked, do you want a drink, he said yeah. So I poured
18 him a drink. I'm in the kitchen, he in the dining room,
19 sitting at the table, and we just talking like as we
20 usually talk.

21 Q. Not a single red flag, not a problem in any way, no
22 stress, no nothing, business as usual, just relaxing?

23 A. Yes.

24 Q. And he's having a couple drinks with you.

25 A. Yes.

1 Q. What happens next?

2 A. Well, we just, we just talking.

3 Q. Talking about what?

4 A. You know, everything, you know, everything, just guy
5 talk, usual, you know. Then, he just got to mumbling
6 like, you know, it was messed up, what ever, you know.

7 Q. I'm sorry, was what messed up?

8 A. That's what he saying, it was messed up. So it was like
9 I ain't paying him no mind, this my cousin, that's how
10 he usually talk, guy talk. So I'm like, yeah, what
11 ever, you know what I'm saying, get your act right, you
12 know, get your act straight. So I ain't really paying
13 no attention or what ever. Then, you know, he unzipped
14 his jacket and I'm like wow, like, man, you need to go
15 to the hospital or something, you know.

16 Q. Why does he have to go to the hospital by unzipping his
17 jacket? What happened?

18 A. He got, he had a knife stuck in his chest or what ever.

19 Q. So you're saying it was a rather serious wound.

20 A. I mean I'm type of person like this. I mean you don't
21 see people just walking around everyday with some type
22 of object sticking out of their chest, you know.

23 Q. Well, if I may approach, your Honor.

24 I mean, are we talking, is that knife sticking
25 out of his chest like perpendicular, like this, or is it

1 sticking out of his chest kind of like across a shirt
2 like that?

3 A. Once again, it was like cold outside. It was
4 wintertime. So he had on his little jacket, his coat
5 and everything, you know, just like, you know, just
6 normal.

7 Q. How many layers did he have on, if you could tell? Did
8 you see the knife and bare skin or did you see layering
9 of clothing?

10 A. I didn't see anything until he unzipped it and showed
11 me.

12 Q. Okay. When he unzipped it and opened up his pull-over,
13 how many other layers did you see? Did you see bare
14 skin and a knife or did you see clothing and a knife?

15 A. I see clothing and the handle of the knife.

16 Q. Do you know, subsequently, if he got treatment, medical
17 treatment on Friday, after the Dearborn police station
18 visit, and they treated that injury with two bandaids
19 and a little bit of antibiotic cream, no sutures, no
20 stitches?

21 MR. SHEIKH: Your Honor, objection.

22 MR. FEDORAK: I'm just asking if he knows,
23 Judge.

24 MR. SHEIKH: The prosecutor is testifying and
25 leading.

1 THE COURT: Sustained.

2 Q. (By Mr. Fedorak) Were you ever able to actually see his
3 chest and the area of injury?

4 A. No.

5 Q. What else did you talk about? Did you ask him where
6 that injury came from?

7 A. I didn't have to. He had told me.

8 Q. What did he tell you?

9 A. Well, just, he was laying in the bed, you know, and I
10 guess he was going through some things, what ever his
11 previous case, what ever. So I guess he was trying to,
12 you know, make love to his woman one last time, what
13 ever. So I guess she must have got mad.

14 Q. I'm sorry, who got mad?

15 A. Monique.

16 Q. Oh, he's blaming Monique.

17 A. No, Monique was blaming him, supposedly.

18 Q. I'm sorry?

19 A. I guess she was blaming him.

20 Q. Okay?

21 A. Because he trying to get some, you know, and I guess she
22 ain't want to be bothered. So I guess she grabbed the
23 knife and swung. He said she missed him and hit the
24 baby.

25 Q. So he's blaming Monique, again, kind of repetitive,

1 always blame the victim in a domestic violence
2 situation.

3 MR. SHEIKH: Your Honor, objection.

4 THE COURT: Sustained.

5 MR. SHEIKH: The prosecutor is trying to
6 inflame the jury with ridiculous stuff.

7 THE COURT: Disregard the last statement.

8 Q. (By Mr. Fedorak) At some point, did you take him
9 somewhere?

10 A. Yes, I did.

11 Q. Where did you take him?

12 A. To his lady friend house, Anna.

13 Q. And why did you take him to the lady friend's house?
14 Did he ask for that?

15 A. Yes.

16 Q. So he basically told you everything that happened,
17 right, before you took him over to Anna's house?

18 A. He just told me what he told me. I really -- to this
19 day, I still don't really know exactly what happened,
20 but I know what happened from bits and pieces, from what
21 I hear and little things that he told me. That was it,
22 so.

23 Q. Did he tell you how many times he stabbed Monique
24 Rakowski?

25 A. No, he did not.

1 Q. Okay. You took him to Anna Keinath's house and dropped
2 him off there, correct?

3 A. Yes.

4 Q. Anna Keinath lives at 11407 Ward, in the City of
5 Detroit.

6 Do you recognize that map behind you?

7 A. Yes.

8 Q. It's only about two or three miles away from your
9 residence, correct?

10 A. Yes.

11 Q. When you dropped him off there did you stay or did you
12 leave?

13 A. I left.

14 Q. Where did you go?

15 A. I went back home.

16 Q. What was the plan? Were you leaving him there for the
17 night or were you going to come back and pick him up?

18 A. I thought it was over with, you know. I just left him,
19 went home to my woman.

20 Q. Okay. Were you expecting to see him later that night?

21 A. No.

22 Q. He stayed for a few hours at Anna Keinath's house, from
23 approximately 8:00 to approximately midnight, correct?

24 A. Yes.

25 Q. Did you get another call from somebody to come back to

1 Anna Keinath's house?

2 A. Yes.

3 Q. And who placed that call to you?

4 A. Anna did, herself.

5 Q. And what was Anna telling you or requesting of you?

6 A. I gotta come back get my cousin, he can't stay here, you
7 gotta come get him now.

8 Q. And what was your plan at that point?

9 A. I was at home sleeping with my woman.

10 Q. Did you go to Anna's house and go get him?

11 A. Yes.

12 Q. Did you bring him back to your house?

13 A. Yes.

14 Q. Were you going to allow him to stay at your house?

15 A. No.

16 Q. In your mind, what was going to have to happen?

17 A. He got to leave. He got to go.

18 Q. Why?

19 A. Because what he said that, what he said that happened.

20 Q. I'm sorry?

21 A. What he said that happened.

22 Q. Well, if Monique snapped and hurt Carmon, why does he
23 have to go from your place? What's so bad about that?
24 That's nothing wrong on his part. What does he got to
25 go?

1 A. Because he got to go, you know.

2 Q. But if he's the hurt, injured party who's got a knife
3 sticking out of his chest, that someone else attacked
4 him, why does he have to go?

5 A. Because his -- like I said, he told me she tried to stab
6 him, missed and hit his daughter, he said he lost it.
7 So, that was it.

8 Q. So, let's see. He lied to you about how he got there.
9 But you believe him about what he's telling you about
10 how Monique did the damage to Carmon. But, the bottom
11 line is he's got to go.

12 A. Yes.

13 MR. SHEIKH: Your Honor, is there a question
14 there? Again, it's commentary. This is getting
15 absolutely ridiculous.

16 THE COURT: Please, pose questions.

17 Q. (By Mr. Fedorak) Did he go?

18 A. Yes.

19 Q. Did you make him go?

20 A. He had no choice.

21 Q. Do you know who Gregory Jones is?

22 A. No.

23 Q. You know Ms. Hampton has a daughter, your other cousin?

24 A. Yes.

25 Q. You know her husband?

1 A. I don't know him, but I met him a few times.

2 Q. He lives a short distance from you, too, a few miles,
3 right?

4 A. As I hear. I never been over there before.

5 MR. FEDORAK: Nothing further, your Honor.

6 THE COURT: Mr. Sheikh.

7 CROSS-EXAMINATION

8 BY MR. SHEIKH:

9 Q. Mr. Phillips, this is the first time you and I have ever
10 met, correct?

11 A. Yes.

12 Q. We've never spoken in any way, shape or manner prior to
13 today; is that correct?

14 A. Yes.

15 Q. And sir, just from the body language and everything else
16 that I get from you, you're not pleased about being her,
17 right?

18 A. Right.

19 Q. And first of all, sir, please do keep your voice up so
20 the jurors furthest from you can hear you, okay?

21 A. Okay.

22 Q. All right. So you're here pursuant to subpoena issued
23 by the prosecutor's office, correct?

24 A. Yes.

25 Q. Okay. Now, if I understand it correctly, in your direct

1 testimony some of the things that you stated, first of
2 all, is that when Curtis Hampton came over to your
3 house, this was on what day?

4 A. It was start -- it was on a Thursday.

5 Q. Okay. So it would have been the 12th of February, 2015,
6 correct?

7 A. Yes.

8 Q. Okay. And when he came over, you indicated you don't
9 know exactly how he got there, but he may have indicated
10 that auntie dropped him off, which would have been his
11 mom; is that correct?

12 A. Yes.

13 Q. And it was not unusual for Anita Hampton to drop Curtis
14 Hampton off at your house, right?

15 A. Right.

16 Q. And after he came in, at some point, when he took his
17 coat off you saw that he had a knife sticking out and he
18 had a wound on his chest, correct?

19 A. He never took his coat off. He just unzipped it.

20 Q. He just unzipped it?

21 A. Yes.

22 Q. Okay. And when he unzipped it, that's when you saw the
23 knife, right?

24 A. I was trying not to even look, but I had no choice.

25 Q. That's fine, sir. But I need to get a picture of what

1 happened, okay.

2 So, at that point, when he unzipped his hoodie
3 or what ever, at that point, you saw the handle of the
4 knife sticking out of his chest; is that correct?

5 A. Yes.

6 Q. Did you indicate to him anything about he should seek
7 and obtain first aid or anything, or no?

8 A. Yes. I said he need to go to the hospital.

9 Q. And what was his response, if you recall?

10 A. He said he was straight.

11 Q. Okay. And just for record, straight, in your
12 definition, means what?

13 A. He'll be all right, good.

14 Q. I'm cool with it?

15 A. Yeah.

16 Q. Okay. Now, as far as after he said that I'm straight,
17 anymore discussion come up about him seeking first aid,
18 or no?

19 A. Just the normal talk, just like just normal talk.

20 Q. And when you asked him what happened, he indicated to
21 you, if I remember correctly, that he went over to
22 Monique's house, talked about his FOC problems and his
23 what ever, his legal problems, correct?

24 A. Yes.

25 Q. And he thought he might be going back to jail, correct?

1 A. Yes.

2 Q. And he indicated that he wanted to have sex with her,
3 correct?

4 A. Yes.

5 Q. She was not too wanting to do it with the child in the
6 bed, correct, or something to that effect?

7 A. No words.

8 Q. Okay. And he indicated to you that she tried to stab
9 him and inadvertently ended up stabbing the baby,
10 correct?

11 A. Yes.

12 Q. And then he indicated that he, I think the words he used
13 were he either went off on her or went crazy on her; is
14 that correct?

15 A. Yes.

16 Q. And when you found this out, then that's where you
17 thought he can't stay at your home.

18 You have family, correct?

19 A. Yes.

20 Q. I know you said a couple times you have a woman there.
21 Do you have some children as well?

22 A. We have children, but not together.

23 Q. Okay. If you could hold up your hand, sir, and just
24 indicate about how much of the handle that you saw on
25 the knife?

1 A. (Indicating).

2 Q. Are you sure? The handle that you saw on the knife --

3 A. Give or take.

4 Q. Okay. If you would just hold that up a little bit
5 higher so the prosecutor can see it.

6 We talking about just the handle, sir?

7 A. Yeah, handle.

8 MR. SHEIKH: Four inches?

9 MR. FEDORAK: Sure.

10 THE COURT: So noted.

11 MR. SHEIKH: For the record, okay.

12 Q. (By Mr. Sheikh) Did you see any blood at all on either
13 the hoodie or on the handle part that you saw?

14 A. On the shirt.

15 Q. On the shirt?

16 A. Yes.

17 Q. Do you recall what color shirt he was wearing?

18 A. It was a light color, might have been a light gray or
19 something. I can't remember.

20 Q. Did you see the blade at all?

21 A. No.

22 Q. And I believe that Mr. Fedorak did ask you, was the
23 knife at any kind of angle, pretty much straight. I
24 couldn't see because he had his back to me.

25 A. I mean it was like I was standing in the kitchen and

1 he's sitting in the dining room. So he's sitting down.
2 It's like -- I don't know. I can't really even explain.
3 It's in there, you know.

4 Q. Do you recall it? You're just having a hard time
5 explaining it?

6 A. Yes, having a hard time explaining it. It was in there.

7 Q. Okay. Hang on one second.

8 Your Honor, if I might, may I take a pencil,
9 approach the witness and ask him to show us with that
10 approximation, if that's okay.

11 THE COURT: Yes.

12 MR. FEDORAK: Sure.

13 Q. (By Mr. Sheikh) I'm going to approach you, sir. Hand
14 you a pencil.

15 The pencil is not necessarily the length, the
16 width of the shape, obviously, of the knife.

17 A. Right.

18 Q. All we're trying to determine here is if you could try
19 to put it whereabouts on Curtis.

20 A. Something like this.

21 Q. Okay. Now, just for the record, we're talking about on
22 left area just above the heart or just above the nipple;
23 is that correct?

24 A. Yes.

25 Q. And it's at a slightly upward angle?

1 A. Yes.

2 Q. And that's the way you saw the handle?

3 A. (No verbal response).

4 MR. SHEIKH: Your Honor, may I approach and
5 take the pencil back?

6 THE COURT: Yes.

7 Q. (By Mr. Sheikh) Now, you said that you and Monique and
8 Curtis and perhaps your woman would all kind of kick it
9 from time to time.

10 A. Yes.

11 Q. Back at her place, your place?

12 A. Yes.

13 Q. Sometimes at Ms. Hampton's place, or no?

14 A. Never Ms. Hampton's place, no.

15 Q. Never Ms. Hampton's place.

16 And what about Curtis' sister's place?

17 A. No.

18 Q. Basically, your place or the place on Normandy?

19 A. Yes.

20 MR. SHEIKH: Your Honor, before I pass, if I
21 may.

22 THE COURT: Yes.

23 Q. (By Mr. Sheikh) Mr. Phillips, when you would go over to
24 the Normandy house and interact with Monique and with
25 Curtis --

1 A. Yes.

2 Q. Did you go there even after Carmon was born or was it
3 before Carmon was in the picture?

4 A. I think she was born.

5 Q. I'm sorry?

6 A. I believe she was born.

7 Q. She was just born?

8 A. Yeah.

9 Q. Okay. Was there occasions where you'd go over there and
10 that Monique blacked out and you had to help carry her
11 to get her in bed or situated?

12 A. Yes.

13 MR. FEDORAK: Your Honor, I'm going to have to
14 object to this. I've let a lot go, but this is
15 ridiculous.

16 THE COURT: What is your objection?

17 MR. FEDORAK: Relevance.

18 THE COURT: Sustained.

19 MR. FEDORAK: Thank you.

20 Q. (By Mr. Sheikh) Did there come instances where Monique
21 would get in a fight because she thought that maybe
22 Curtis was being too friendly with other females?

23 MR. FEDORAK: Objection, your Honor. Time
24 frames.

25 MR. SHEIKH: Okay.

MR. FEDORAK: And specifics, if he was present.

Q. (By Mr. Sheikh) Were you present at any time that Monique got upset, thinking that Curtis was perhaps paying more attention to other females?

A. It was my birthday.

Q. You don't have to give us the year, sir, but just the month and the --

A. It was November.

THE COURT: Of what year?

A. 2014.

Q. (By Mr. Sheikh) November of 2014?

A. Yes.

Q. So were you and your lady friend celebrating your birthday at the Normandy house?

A. It wasn't my lady friend. I had my cousin with me.

Q. Okay. I just made assumption. Sorry about that. All right. So you had your cousin with you?

A. Yes. We over there just, just the usual, playing beer pong, you know, little games, and she blacked out.

Q. Okay. If I may ask you this, this cousin that you went there with, was it male or female?

A. Female.

Q. Female. All right. And is that the one that Monique got into some tussle with?

1 A. I wouldn't say it was a tussle because we never knew
2 anything about it. It just --

3 MR. FEDORAK: Objection, your Honor. If he
4 knows nothing about it, then it's all hearsay.

5 MR. SHEIKH: Your Honor, he said he doesn't
6 know why the fight started.

7 THE COURT: Go ahead. He can answer.

8 Q. (By Mr. Sheikh) Did you see some sort of interaction
9 between the two ladies?

10 A. It wasn't no interaction between her and my cousin.
11 Thing is, she went upstairs. Her and him both went
12 upstairs.

13 Q. Stop. Which she are we talking about, sir?

14 A. Monique and Curtis both went upstairs. So I guess they
15 must have had some type of words or what ever.

16 MR. FEDORAK: Objection, your Honor. He
17 wasn't even present.

18 MR. SHEIKH: He was present.

19 THE COURT: Well, hang on. The part where he
20 guesses you can disregard.

21 MR. FEDORAK: Thank you, Judge.

22 THE COURT: Go ahead, Mr. Sheikh.

23 Q. (By Mr. Sheikh) Did you hear words?

24 A. Yes, I heard words.

25 Q. Okay. Were they louder than normal, two people --

1 A. Normal yelling, you know.

2 Q. Normal yelling. Okay. Did they both come back down,
3 did she just come back down, did he just come back down,
4 if you recall?

5 A. Well, we was getting ready to leave and she was just on
6 the floor, just like just spazing out, just like beating
7 on the floor, kicking, and just knocking on the floor.

8 Q. What was your cousin doing, your female cousin during
9 this time period?

10 A. We was getting ready to leave.

11 Q. So you did eventually leave?

12 A. Yeah, we leave after I told him to go ahead pick her up
13 off the floor and take her to the back room, let her lay
14 down.

15 Q. And Curtis stayed there; is that correct?

16 A. Yes.

17 Q. Okay. And we're talking about November of 2014. Carmon
18 probably was at the house, if you recall?

19 MR. FEDORAK: Objection, your Honor. Who's
20 testifying, Mr. Sheikh?

21 MR. SHEIKH: I asked him a question, your
22 Honor.

23 MR. FEDORAK: No, you're not. You're
24 prompting with answers. I know it cross, Judge. If you
25 want I can officially move for him to be a hostile

1 witness. This is the defendant's cousin.

2 MR. SHEIKH: Your Honor, just because Mr.
3 Fedorak doesn't like some of the answers, he doesn't
4 need to get hostile.

5 THE COURT: All right. We can all take it
6 down just a notch.

7 Go ahead. Ask a question. Try and refrain
8 from leading. This is definitely on the verge of being
9 a hostile witness.

10 Q. (By Mr. Sheikh) Okay. So, at that point, you and the
11 female cousin left, correct?

12 A. Yes.

13 Q. And I believe where I had left off was do you know if
14 Carmon was there that day or not?

15 A. I believe she was -- I don't know. She might have been
16 sleep or she might have been gone. It was a long time
17 ago.

18 Q. So you don't have a recollection of specifically seeing
19 Carmon. So you don't know one way or the other,
20 correct?

21 A. Right.

22 MR. SHEIKH: Your Honor, before I pass, just
23 one more quick.

24 Thank you, Mr. Phillips.

25 THE COURT: Mr. Fedorak.

1 MR. FEDORAK: Thank you, Judge.

2 REDIRECT EXAMINATION

3 BY MR. FEDORAK:

4 Q. Mr. Phillips, do you remember the police coming to your
5 house Friday morning.

6 A. Yes.

7 Q. Detective Madonia?

8 A. Yes.

9 Q. Okay. And they asked you a series of questions on what
10 took place the night before?

11 A. Yes.

12 Q. They were specifically asking about the whereabouts of
13 your cousin, the defendant?

14 A. Yes.

15 Q. Correct?

16 A. Yes.

17 Q. And did you tell them where you had taken your cousin
18 to?

19 A. Yes.

20 Q. And did you tell them that you picked him up again and
21 that he was gone by the time you had woken up Friday
22 morning?

23 Do you remember telling the police that?

24 A. Yes.

25 Q. So, in essence, he did leave your house in the Friday

1 very early morning hours before 8:00 when the police
2 showed up.

3 A. Yes.

4 Q. Okay. The police were asking you a bunch of questions
5 about did the defendant tell you anything or did you see
6 anything unusual; is that fair to say?

7 A. Yes.

8 Q. And you said you didn't know anything, and they
9 specifically asked you the question, what do you mean
10 you don't know anything when he shows up at your house
11 with a knife sticking out of his chest.

12 Do you remember that, being prompted, being
13 confronted with, hey, your cousin shows up at your house
14 with a knife sticking out of his chest, how can you not
15 ask anything? Do you remember being confronted with
16 that?

17 A. I told him the same, I told detective same thing like I
18 just told you.

19 Q. Okay. So if the detective has in his report that your
20 answer was you didn't see any knife sticking out of his
21 chest, that would not be an accurate answer that you
22 gave the detective that morning?

23 A. Because he had his coat on.

24 Q. Okay. Did you or did you not tell Detective Madonia
25 that you never saw a knife sticking out of Mr. Hampton's

1 chest?

2 A. No.

3 Q. So if Detective Madonia had it in his report that way,
4 that would be wrong on Detective Madonia's part,
5 correct, in your understanding of events?

6 A. Yes.

7 Q. Did Detective Madonia ask you to write out a written
8 statement?

9 A. I can't even remember because I don't remember writing
10 anything.

11 Q. If Detective Madonia had it in his report that you
12 refused to write out a written statement, that you did
13 not want to get involved and you did not know anything,
14 would that be accurate as to your interaction that
15 Friday morning?

16 A. I don't really understand what you said.

17 Q. Okay. I'm trying to characterize your interaction with
18 Detective Madonia that morning.

19 A. Okay.

20 Q. Detective Madonia's version is that you refused to write
21 a written statement. Do you agree with that
22 characterization or do you disagree with that
23 characterization?

24 A. I might agree, but I just, I felt like at the time -- if
25 he did -- I don't remember. If he did ask me, maybe I

1 didn't want to do it because I had nothing to do with
2 anything.

3 Q. You're in a tough spot.

4 A. I know. I know. I don't even want to be here, but I'm
5 here.

6 Q. Is a fair characterization that you told Detective
7 Madonia you didn't know anything.

8 A. Right.

9 Q. But, in essence, you're now telling us that your cousin
10 did tell you stuff.

11 A. No. I told him the same thing just like I told him
12 then. Ain't nothing with my story had changed up.

13 Q. All right. And your story is that your cousin confided
14 in you that his crazy girlfriend hurt his baby, right?

15 A. Just like I say --

16 Q. Is that yes or no, sir?

17 A. Confide in me --

18 Q. Is that yes or no?

19 A. Yes.

20 MR. SHEIKH: Objection, your Honor. It's a
21 mischaracterization. Mr. Phillips never called Monique
22 crazy. This is something Mr. Fedorak is putting into
23 this.

24 THE COURT: That portion is sustained, yes.

25 Q. (By Mr. Fedorak) Your testimony here to these 14 people

1 is that your cousin said Monique killed Carmon, in
2 essence, right?

3 A. Yes.

4 Q. But, you know, you forgot to say one thing because did
5 your cousin ever tell you that he was mourning the loss
6 of his baby girl?

7 A. (No verbal response).

8 MR. FEDORAK: Thank you, your Honor. Nothing
9 further.

10 THE COURT: Mr. Sheikh, anything?

11 MR. SHEIKH: Thank you, Mr. Phillips. We're
12 all done with you.

13 THE COURT: Thank you. You may step down.

14 (At about 3:08 p.m., Witness Excused).

15 THE COURT: All right. We're going to take
16 about a five-minute break.

17 THE BAILIFF: All rise for the jury.

18 (At about 3:08 p.m., Jury Excused/Recess
19 Proceedings).

20 (At about 3:23 p.m., Resume Proceedings).

21 THE COURT: Back on the record, People versus
22 Hampton.

23 MR. FEDORAK: Jurij Fedorak for the People.
24 We're ready to go. Our next witness is in the witness
25 chair, Brianna Keinath.

1 THE COURT: Thank you. Mr. Sheikh?

2 MR. SHEIKH: Yes. Good afternoon, your Honor.
3 Azhar Sheikh, counsel here on behalf of the defendant,
4 Mr. Curtis Lee Hampton, who is just about to be seated
5 and we're ready as well.

6 MR. PALEPU: Kumar Palepu for the People.

7 THE COURT: All right. I'll have my court
8 officer bring the jury back in as soon as he's ready.

9 MR. SHEIKH: Your Honor, did we find anything
10 out about the shuttle?

11 THE COURT: We only have one juror who needs
12 it today.

13 MR. FEDORAK: Judge, I was going to make a
14 suggestion, if I may. We have Ms. Keinath, we have
15 Gregory Jones. I think they're going to be each maybe
16 15 or 20 minutes and then we can wrap for the day.

17 THE COURT: Okay. That's fine. I forgot
18 about that other witness.

19 THE BAILIFF: All rise for the jury.

20 (At about 3:25 p.m., Jury Seated).

21 THE COURT: You may be seated.

22 Okay. Ma'am, stand up. Your next witness is
23 Brianna Keinath, you said.

24 MR. FEDORAK: Yes, your Honor.

25 THE COURT: Raise your right hand.

1 Do you swear to tell the truth, whole truth,
2 nothing but the truth, so help you God?

3 MS. KEINATH: Yes, ma'am.

4 BRIANNA KEINATH,
5 after having first been duly sworn by the Court to tell
6 the truth, testified as follows.

7 THE COURT: Okay. Have a seat. You're under
8 oath. You need to keep your voice up.

9 Please state and spell your name for us, for
10 our court reporter.

11 MS. KEINATH: B-r-i-a-n-n-a K-e-i-n-a-t-h.

12 THE COURT: Okay.

13 DIRECT EXAMINATION

14 BY MR. FEDORAK:

15 Q. I'm sorry. I've been mispronouncing it. It's Keinath?

16 A. Yes.

17 Q. I'm sorry. I've been pronouncing it Keinath, but it's
18 Keinath.

19 A. That's right.

20 Q. Good afternoon. Can you introduce yourself to the
21 jurors, please.

22 A. My name is Brianna Keinath.

23 Q. How old are you, ma'am?

24 A. Twenty-seven.

25 Q. Okay. You know why you're here, correct?

1 A. Yes.

2 Q. I'd like to set a time period leading up to the events
3 of February of 2015.

4 A. Okay.

5 Q. Do you know a person by the name of Curtis Hampton?

6 A. Yes, sir.

7 Q. Do you see him in the courtroom here today?

8 A. Yes, sir.

9 Q. Can you point to him, describe what he's wearing.

10 MR. SHEIKH: Mr. Fedorak, she's very
11 soft-spoken.

12 THE COURT: If you could speak up a little bit
13 louder. Everybody here needs to hear you.

14 A. He's in the blue shirt.

15 MR. FEDORAK: Your Honor, if the record can
16 reflect the witness has identified the defendant.

17 THE COURT: So noted.

18 Q. (By Mr. Fedorak) Can you tell the jurors how long
19 you've known Mr. Hampton?

20 A. I've known him about three, four years.

21 Q. Now, if we're using February of 2015 as the time period,
22 as the mark, and you say three to four years, does that
23 go back to 2011, or is it three or four years from
24 today, which is now 2017?

25 A. From today.

1 Q. From today. Okay. So you would have only known him for
2 two years leading up to February of 2015; is that fair?

3 A. At maximum, yes.

4 Q. Okay. So, then, you probably met him some time in 2013.

5 A. Sounds about right.

6 Q. And where would you guys have met?

7 A. We originally met on line .

8 Q. Okay?

9 A. We talked for a few months before meeting in person.

10 Q. Okay. And when was the first time you met in person?

11 Again, a ball park of a date. I'm not asking --

12 A. Late June, early July.

13 Q. Of what year, ma'am?

14 A. Probably 2013.

15 Q. Okay. And how often would you see each other from the
16 summer of '13 as it progresses through '14?

17 A. For the first few months we saw each other almost
18 everyday.

19 Q. Okay. And what, can you define your relationship for
20 the jurors. Were you friends? Were you in a dating
21 relationship?

22 A. It was more like a friends with benefit type thing.

23 Q. Okay. And you guys would see each other through all of
24 '13 and '14?

25 A. Not '14. We saw each other maybe one or twice at the

beginning, but, other than that, he showed up at my door
the day I guess he got arrested or turned himself in.

Q. We're talking about February '15.

A. Oh, that's '15. So, yeah, it would have been on and off
through '14, too.

Q. Okay. So you guys spent a lot of time together when you
first started a relationship in '13.

A. Um-huh.

Q. Saw each other on a regular basis, occasionally, through
'14?

A. Yep.

Q. Okay. And where were you living in '13 through '14?
Were you living at one place or more than one place?

A. More than one place.

Q. I'm sorry?

A. More than one place.

Q. Okay. Where would you see him when you guys would get
together?

A. He'd pick me up from either my class or he'd pick me up
from a friends house.

Q. Okay. And what side of town was that on?

A. The west side of Detroit.

Q. Okay. And does your mother live on the west side of
Detroit?

A. She used to.

1 Q. Okay. Now, I'm going, setting the time frame of
2 February of 2015. Were you staying on the west side of
3 the Detroit in February of 2015?

4 A. Yes.

5 Q. We just popped a map up on the screen.

6 At the time, in February of 2014, is this your
7 mom's address at 11407 Ward in Detroit.

8 A. Yes.

9 Q. Okay. Now, I'm going to ask you to start being a little
10 bit more specific as we're going through the summer
11 of '15 and the months of the fall and winter of 2015,
12 okay?

13 A. Okay.

14 Q. Were you still seeing him on occasion?

15 A. Yes.

16 Q. Why would you see him? What would you guys do together?

17 A. We'd go to movies, go fishing. I'd help him clean his
18 mom's house.

19 Q. You've been to Mrs. Hampton's house before?

20 A. Yes.

21 Q. And where is that located, approximately?

22 A. Thirteen and Mound.

23 Q. Okay. And Ms. Hampton's been in the same apartment,
24 it's my understanding, for quite so many years. She
25 testified earlier and said she's been there since 2003.

1 A. Yes.

2 Q. Is that your understanding as well?

3 A. Yes.

4 Q. That's the apartment that you're talking about.

5 A. Yes.

6 Q. And would you spend the night at that apartment?

7 A. Occasionally.

8 Q. Okay. And Ms. Hampton was there, as well?

9 A. Yes.

10 Q. Okay. And she knew that you were in a relationship with

11 her son?

12 A. She knew that we were friends.

13 Q. Okay. You indicated something about fishing. What's

14 the story on fishing?

15 A. We go fishing occasionally, sometimes just to get our

16 minds off things, calm down, unwind from things that

17 were going on in our lives.

18 Q. Where would you guys go fishing?

19 A. Stony Creek or something like that. It was on 23 Mile.

20 Q. 23 Mile and Van Dyke area?

21 A. Yeah.

22 Q. Okay. When this was going on, was that in the summer of

23 2015?

24 A. Yep.

25 Q. Was it in the fall of 2015?

1 A. It could have been.

2 Q. Okay?

3 A. Might have went once or twice.

4 Q. Where were you living near the end of the summer of '15
5 and going into the fall of 2015, where were you living?

6 A. The fall of 2015, I was.

7 (Discussion Off the Record)

8 MR. FEDORAK: Thank you. I misspoke.

9 Q. (By Mr. Fedorak) What I was trying to say, again, using
10 the reference of February '15.

11 A. Okay.

12 Q. Where were you living the months preceding that, meaning
13 the fall of '14 and the end of the summer of '14?

14 A. In 2014 I was staying with my mom at that address.

15 Q. Okay. And is it safe to say you were living there
16 basically from the summer or, you know, the fall of '14
17 through February of '15?

18 A. Yes.

19 Q. When all this took place.

20 A. Yes.

21 Q. Okay. And how many times do you think you would have
22 seen him, ball park, in like October and November or
23 December of '14? The last three month of the year.

24 A. Maybe a dozen times.

25 Q. Okay. Did you see him in January of 15th?

1 A. Maybe once. I can't really remember that far back.

2 Q. Did you know the name Monique Rakowski?

3 A. I heard the name Monique a couple times, but I didn't
4 really know who she was.

5 Q. Okay. Did he ever talk about her? Mr. Hampton ever
6 talk about Monique Rakowski?

7 A. Only when I would ask why he was getting agitated,
8 because his phone kept going off when we would be
9 hanging out. I'd ask him what was going on and he'd
10 just say my ex, Monique.

11 Q. Okay. And he'd get agitated. Can you describe that in
12 a little greater detail. What do you mean by agitated?

13 A. They'd be fighting about, I don't really know what
14 about. But, it was little arguments. He didn't really
15 give me any details. He'd just get a little agitated,
16 toss his phone down like I'm not dealing with it right
17 now.

18 Q. Did he have a temper?

19 A. Not around me.

20 Q. Okay. At some point, did you feel uncomfortable around
21 him?

22 A. The night he came over after the incident.

23 Q. Okay. In the beginning, when was the last time in
24 January do you think you had contact with him?

25 A. It would have been --

1 Q. Beginning of January, middle of January, end of the
2 January?

3 A. It would have been beginning. Maybe mid.

4 Q. Okay. And then, did you talk -- if it's mid-January we
5 got about four weeks then to the incident, right,
6 because this happened in the second week of February.

7 How many times do you think you had talked to
8 him, without seeing him, over those four weeks as it led
9 up to what happened in February?

10 A. Maybe once or twice.

11 Q. Just over the phone?

12 A. Yeah.

13 Q. Never face-to-face?

14 A. Not that I remember.

15 Q. Okay. And did he let you know that he was coming over
16 your house the evening of Thursday, February 12th?

17 A. If that was the day that the incident happened or the
18 day after, what ever, then, yes, he informed me.

19 Q. At some point, did he show up at your house in the
20 evening?

21 A. Yes.

22 Q. Okay. How did he get there?

23 A. His cousin.

24 Q. Okay. Have you met his cousin before?

25 A. Once.

1 Q. Okay. And that's Mr. Davone Phillips?

2 A. Yes.

3 Q. In fact, either you bought some tires or he bought some
4 tires from you guys?

5 A. I bought some tires off of Curtis and they were stored
6 at his cousin's house.

7 Q. Okay. And how do you know Mr. Phillips is the one that
8 dropped Curtis Hampton off at your residence where you
9 lived with your mom on Ward street?

10 A. He told me. Curtis told me.

11 Q. Okay. And what was the reason why he came to you see
12 you?

13 A. I don't know the main reason, but I thought it was
14 because there was something going on and he needed
15 someone to calm him down.

16 Q. To calm him down. Was he flustered?

17 A. He seemed a little flustered, agitated, you know. It
18 seemed like something was bothering him.

19 Q. That's the second time you used the word agitated. You
20 specifically keep going back to that agitated. How
21 agitated was he?

22 A. It just seemed like something was off, something wasn't
23 right.

24 Q. You indicated you never felt scared around him, only one
25 time. Is this the time we're talking about, where this

1 is the first time you're feeling nervous around him?

2 A. Yes.

3 Q. What's making you feeling nervous about being around
4 him?

5 A. The fact that I saw him covered in blood.

6 Q. Okay. Where was blood? Where was the blood?

7 A. All over his chest.

8 Q. What was he wearing when he showed up?

9 A. Jeans, a jacket and a T-shirt.

10 Q. Okay. And did anything, when did you first notice the
11 blood?

12 A. When -- at first he had a jacket on. When he took that
13 off I noticed there was blood on his T-shirt.

14 Q. Okay. And did you notice anything else?

15 A. There was a knife.

16 Q. Okay. And where was the knife?

17 A. Sticking out of his T-shirt.

18 Q. Okay. Now, sticking out of his T-shirt. If you can --

19 A. It looked like it was stuck in his chest.

20 MR. FEDORAK: Okay. If I can approach, your
21 Honor.

22 Q. (By Mr. Fedorak) Was it sticking out forward --

23 A. No.

24 Q. -- like perpendicular out of his chest?

25 A. No.

1 Q. Or across?

2 A. It was more towards the side.

3 Q. If I were to clip this pen, is that an accurate
4 depiction, something like that?

5 A. Yes.

6 MR. SHEIKH: Mr. Fedorak, could you -- thank
7 you.

8 MR. FEDORAK: Your Honor, for the record, I've
9 clipped my ball point pen in the middle of my chest, in
10 my button-up shirt, from right to left, and the majority
11 of the pen is hidden under the shirt.

12 I think that's an accurate depiction.

13 THE COURT: So noted.

14 MR. FEDORAK: Thank you, Judge.

15 Q. (By Mr. Fedorak) Were you able to see the blade of the
16 knife?

17 A. Just a little piece of it.

18 Q. What was blocking your view, skin or shirt material?

19 A. Shirt.

20 Q. Okay. So did you see an open -- were you able to see a
21 wound through the shirt?

22 A. No.

23 Q. So, as far as you knew, he might have just been holding
24 that knife the same way I'm holding this pen, and it's
25 not even in my skin or pierced my skin; is that a fair

1 statement?

2 A. Correct.

3 Q. Did you find that to be odd?

4 A. Yes.

5 Q. Did you confront him or ask him about it?

6 A. I did ask him what was going on and he just told me that
7 him and Monique got into a fight.

8 Q. Did she say anything else at that point.

9 A. No. He got really quiet.

10 Q. What did you do?

11 A. I backed off a little bit.

12 Q. Did that have anything to do with you feeling
13 uncomfortable at this point?

14 A. Yes.

15 Q. What was making you feel uncomfortable, if you can put
16 it into words for the jurors?

17 A. I had never seen him get that quiet, that still. He was
18 covered in blood. He seemed kind of antsy, you know,
19 but, at the same time, he was still. I don't really
20 know how to describe it. It just wasn't him.

21 Q. Were you scared for your own safety?

22 A. Not really my safety, but, at the same time, a little
23 bit. I knew something was off.

24 Q. Did he come there wanting something from you?

25 A. Not that I know of.

1 Q. Did he ask you for sex?

2 A. No.

3 Q. Is it safe to describe -- and, again, I'm using your
4 words, that way you described the relationship, friends
5 with benefits. That never came up during your
6 conversation that night?

7 A. Not sex, no.

8 Q. What did come up?

9 A. He asked what happened between us, why we didn't work
10 out.

11 Q. Did you fear for him, in terms of his own safety and his
12 own well-being about what he may do to himself? Did you
13 get that vibe?

14 A. A little bit.

15 Q. Did he talk about the death of anyone?

16 A. No.

17 Q. He wasn't mourning anybody?

18 A. It didn't seem that way.

19 Q. Did he seem more like he was, he was down about himself
20 and sad on his own situation, rather than being worried
21 about another?

22 A. He just seemed down in general. I couldn't tell if it
23 was just him going through something, if it was about an
24 argument. I couldn't really pinpoint what it was.

25 Q. How long did he stay at your house that evening or the

1 house you were living at, your mother's house?

2 A. Like three, four hours.

3 Q. And how did he, how did he leave that address?

4 A. He left with his cousin.

5 Q. And how did his cousin know to come back and pick him
6 up?

7 A. He got ahold of him on my phone, telling him to come get
8 him.

9 Q. Okay. And did -- he used whose phone, I'm sorry?

10 A. Mine.

11 Q. And after he used your phone to call his cousin, did
12 anything unusual happen to your phone?

13 A. He had my phone on and off the whole time he was there.

14 Q. Okay.

15 A. I didn't notice anything unusual until the police
16 started asking questions the next morning.

17 Q. And did you look in your phone?

18 A. Yes, sir.

19 Q. And what did you notice in your phone?

20 A. There was no recent calls. There was no recent text
21 messages.

22 Q. So everything was deleted out of your phone. What ever
23 was used, somebody deleted what ever they had inputted
24 in your phone?

25 A. Yes.

1 Q. Did you delete anything from your phone?

2 A. No.

3 Q. Did his cousin actually come and pick him up?

4 A. As far as I knew, it was his cousin.

5 Q. Why didn't he just spend the night at your house?

6 A. I told him he wasn't allowed.

7 Q. Why?

8 A. Because of the fact that I was feeling very
9 uncomfortable around him that night. I knew something
10 was off and I didn't want to be a part of it.

11 Q. Before actually having seen him in person on that
12 Thursday evening at your mom's house, had you reached
13 out to his mom within the last 24 hours, Ms. Hampton?

14 A. Before?

15 Q. Um-huh, yes.

16 A. I don't remember, per se.

17 Q. Did you get some kind of weird text that you thought was
18 a weird text about CJ's well-being?

19 A. I don't remember for sure, but there could have been.

20 Q. Okay. Something about that CJ had passed, that
21 something had happened to him and he passed?

22 A. Yes. I remember that now, yes.

23 Q. Okay. And you received a text from -- what phone did
24 that come from, into your phone?

25 A. I believe it was CJ's, Curtis.

MR. FEDORAK: We just popped something up on the screen. This is going to be People's Exhibit 110.

Q. (By Mr. Fedorak) Is that a screen shot of your phone?

A. Yes.

Q. And who do you have in your contacts as CJ?

A. Curtis.

Q. Can you read that text message into the record, please.

A. CJ has passed. I'm just texting everyone out of his phone to let them know. Call me later for more details.

Q. And the time on this was?

A. It looks like 2:47 a.m.

Q. Okay.

A. Kind of blurry.

Q. And based on that text message, did you call Ms. Hampton?

A. More than likely, yes.

Q. And that would have been the next day. In other words, if that's in the middle of the night, would you have called immediately or would you have called in the morning after reading that text?

A. I would have called as soon as I seen it.

Q. Okay. Do you remember in proximity when you got this text message, the day of seeing him, hours before seeing him? When do you remember getting this text message as it related to him coming over Thursday at 8:00 p.m.?

1 A. It would have been, I think it was within like an hour
2 of it being sent to my phone that I seen it.

3 Q. Okay. So the same day, within hours of seeing him later
4 that night?

5 A. Yes.

6 Q. When you guys went fishing to Stony Creek, are you the
7 big fisherman with all the equipment?

8 A. No, that's Curtis.

9 Q. Who had all the equipment?

10 A. Curtis.

11 Q. What kind of stuff did he have?

12 A. He had a tackle box, fishing poles. Pretty much
13 anything I could think of to go fishing with.

14 Q. Have you ever heard about the outdoor company called
15 Rapala, the fishing company?

16 A. No.

17 Q. Do you recognize this knife? It's People's Exhibit 105.

18 A. That looks like the knife that was sticking out of his
19 shirt.

20 Q. Have you seen Curtis on those fishing excursions to
21 Stoney Creek with his tackle box and the knife?

22 A. I don't remember a knife. He might have had like a
23 pocket knife, but not a knife like that, that I can
24 remember.

25 Q. Have you had contact with Mr. Hampton since, on the

1 phone?

2 A. Yes, sir.

3 Q. In the last several months, two years, year or two, how
4 many times do you think you've talked to him?

5 A. Maybe a dozen, maybe more.

6 MR. FEDORAK: Thank you, Judge. Nothing
7 further.

8 THE COURT: Go ahead, Mr. Sheikh.

9 MR. SHEIKH: Thank you, your Honor.

10 CROSS-EXAMINATION

11 BY MR. SHEIKH:

12 Q. Good afternoon. Could you say your last name one more
13 time. I want to make sure I don't butcher it.

14 A. Keinath.

15 Q. Keinath?

16 A. Keinath.

17 Q. Would you be terribly upset if I just called you
18 Brianna?

19 A. No.

20 Q. Brianna, I'm going to ask you a few questions. First of
21 all, Mr. Fedorak asked or commented that you used the
22 word agitated a couple times, correct?

23 A. Yes.

24 Q. Okay. You also said he seemed to be down, right?

25 A. Yes.

1 Q. And depressed.

2 What kind of work do you do?

3 A. I work at Tim Horton's.

4 Q. Okay. Have you ever worked in the medical profession.

5 A. I studied medical assisting.

6 Q. Okay. Do you have any experience so far recognizing
7 shock or do you know what shock is all about?

8 A. Not really.

9 Q. I may go all over the place, but I want to make sure
10 that I hit certain points.

11 After you saw the knife and the bleeding on
12 Mr. Curtis Hampton, you told him you didn't feel
13 comfortable and you wanted him to leave; is that
14 correct?

15 A. Yes.

16 Q. Please keep your voice up.

17 A. Yes.

18 Q. He did not ask for, demand or get any sex from you that
19 whole evening; is that correct?

20 A. Correct.

21 Q. We're talking oral, any kind, nothing.

22 A. Nothing.

23 Q. In addition to which, did he resist or did he argue with
24 you about having to leave or did he immediately make
25 provisions to leave?

1 A. He said he would get a ride back to where he was.

2 Q. Okay. And about how long after you requested that he
3 leave did he leave, if you remember?

4 A. I'm not exactly sure, but probably about two hours.

5 Q. And was that because that's how long it took the ride to
6 come or did he not call for the ride until two hours
7 later, if you know?

8 A. He did use my phone on and off. I don't know if he
9 texted right away or called right away, but they did end
10 up showing up. I think they might have texted my phone
11 or honked the horn or something when they pulled up.

12 Q. Okay. Now, speaking of your phone, Mr. Fedorak asked
13 you if when you got your phone back, if it seemed like
14 any recent calls and/or texts were deleted. Do you know
15 for a fact they were deleted or is it possible none were
16 made?

17 A. It's got to be that they were deleted because his ride
18 wouldn't have shown up.

19 Q. Okay. Now, you said he seemed kind of down. How do you
20 mean that? I know you've known him a couple of years at
21 this point. But, down in what sense? Energy level, was
22 he looking down, was he not making eye-contact, was he
23 sad?

24 A. He was, he just didn't seem himself. He's usually full
25 of energy. He loves, you know, laughing, rapping, you

1 know, full of life. And that night, he just, he was
2 real stand-off-ish.

3 Q. And do you recall writing a written statement to the
4 police on or about February 15, 2015?

5 A. I don't remember.

6 Q. Not the statement itself, but do you recall that you did
7 write out a statement and signed it?

8 A. I believe so.

9 Q. Do you recall what that statement said?

10 A. No, I do not.

11 Q. Would it refresh your recollection if I showed you that
12 statement?

13 A. Yes.

14 MR. SHEIKH: Your Honor, may I approach the
15 witness, please.

16 THE COURT: Yes.

17 A. I remember it.

18 Q. (By Mr. Sheikh) Okay. I believe there's even a time on
19 there, something like -- no, no, I'm sorry. That just
20 says time around.

21 Do you recall indicating that CJ had told you
22 that he got in a fight with his baby mama and that she
23 had stabbed him.

24 A. Yes.

25 Q. And that's -- and then you saw the wound and everything,

1 correct?

2 A. It was after I seen the wound that he told me that his
3 baby mama stabbed him.

4 Q. Okay. And did you in any way encourage him or ask him
5 why he wasn't seeking first-aid treatment or any other
6 sort of treatment?

7 A. I told him he should go to the hospital to get the wound
8 looked at.

9 Q. And did he provide any sort of response to you?

10 A. He said he would.

11 Q. He said he would seek treatment.

12 A. He said he would, but he didn't seem like he would go
13 and actually receive it.

14 Q. He was at your house a total about four to five hours
15 that day?

16 A. Yes.

17 Q. Other than feeling uncomfortable, was there any time you
18 were fearful that he was going to --

19 A. No.

20 Q. And in the two years prior, had he ever stricken you,
21 threatened you or --

22 A. No.

23 Q. -- stalked you, anything like that?

24 A. No.

25 Q. Had he ever demanded sex of you when you didn't want to?

1 A. No.

2 Q. Did he, in fact, go in your bathroom to clean up the
3 wound after you brought it to his attention?

4 A. Yes.

5 Q. When he came out of the bathroom, do you know, did he
6 still have the knife in his chest or not, if you know?

7 A. He had put it either in his pocket or his jacket or
8 something. It wasn't on -- I didn't see it in his hand
9 and I didn't see it in the bathroom.

10 Q. Okay. But what about his chest area, did you see his
11 chest are?

12 A. Yes.

13 Q. So you didn't see the knife --

14 A. No.

15 Q. -- where you had seen it prior to him going to the
16 bathroom?

17 A. Yes.

18 Q. Okay. And I know there's been some talk here about
19 fishing activity.

20 About how many times did you and Mr. Hampton
21 going fishing?

22 A. I don't know. Maybe a dozen or two times.

23 Q. And of that time, he always brought his tackle?

24 A. Yes.

25 Q. How many times did you see --

1 Your Honor, is there any gloves? I don't want
2 to touch it.

3 THE COURT: Do you have any questions in the
4 meantime, while they're looking.

5 MR. SHEIKH: Yes. Basically, well, actually,
6 your Honor, it was going to be to do with the --
7 meanwhile, I'll consult.

8 MR. FEDORAK: How about a picture on the
9 screen, Mr. Sheikh, is that better?

10 MR. SHEIKH: Yeah, that will help with the
11 preliminary questions, sure.

12 THE COURT: Thank you.

13 MR. SHEIKH: Your Honor, may I approach the
14 witness? I'm sorry, what number?

15 THE COURT: Yes.

16 MR. FEDORAK: 105.

17 Q. (By Mr. Sheikh) Exhibit No. 105. Ma'am, just hold this
18 near you. This is the knife that Mr. Fedorak just
19 showed you.

20 A. Yes.

21 Q. Is that correct?

22 A. Yes.

23 Q. Do you know for a fact -- did you ever see this knife in
24 the possession of Mr. Curtis Hampton?

25 A. It looks a lot like the knife that was sticking out of

1 his chest.

2 Q. Okay. And what about it? Is it the handle, the color,
3 is it the writing? What about it makes it distinctive
4 to you?

5 A. The handle.

6 Q. Anything else that you --

7 A. No.

8 Q. -- recall about this knife?

9 A. No.

10 MR. SHEIKH: Thank you, nothing further.

11 Ma'am, thank you.

12 THE COURT: Thank you.

13 MR. FEDORAK: Nothing further, your Honor.

14 THE COURT: Thank you. You may step down.

15 Your next witness.

16 (At about 3:55 p.m., Witness Excused).

17 MR. FEDORAK: Gregory Jones.

18 Is the witness free to leave, your Honor?

19 THE COURT: Yes.

20 The witness stand is up here. Before you sit
21 down, please raise your right hand.

22 Do you swear to tell the truth, whole truth,
23 nothing but the truth, so help you God.

24 MR. JONES: Yes, your Honor.

25 GREGORY JONES,

1 after having first been duly sworn by the Court to tell
2 the truth, testified as follows:

3 THE COURT: Have a seat. You're under oath.
4 Please state and spell your name for my court reporter.

5 MR. JONES: You say?

6 THE COURT: State your name and spell it.

7 MR. JONES: Gregory Jones, G-r-e-g-o-r-y
8 J-o-n-e-s.

9 THE COURT: Thank you. Go ahead, Mr. Fedorak.

10 DIRECT EXAMINATION

11 BY MR. FEDORAK:

12 Q. Mr. Jones, is it safe to say that you're connected to
13 this case by being married to Ms. Hampton's daughter?

14 A. Yes.

15 Q. And she -- how long have the two of you been married?

16 A. Fifteen years.

17 Q. And, obviously, I'm going to ask you some questions that
18 we have to have answered on the record.

19 Do you know one Curtis Hampton?

20 A. Yes.

21 Q. And how do you know Curtis Hampton?

22 A. He's her little brother.

23 Q. And do you see the person you know as Curtis Hampton
24 here in the courtroom today?

25 A. Yes.

1 Q. Can you please point to him, describe what he's wearing.

2 A. That's CJ.

3 MR. FEDORAK: Your Honor, if the record can
4 reflect --

5 THE COURT: Can you point out what he's
6 wearing.

7 THE WITNESS: Blue shirt, T-shirt.

8 THE COURT: Thank you. So noted.

9 MR. FEDORAK: Thank you, Judge.

10 Q. (By Mr. Fedorak) Sir, what is your profession?

11 A. Own a security company.

12 Q. Okay. And where do you live?

13 A. 6905 Archdale street.

14 MR. FEDORAK: Could I have the GPS map.

15 Q. (By Mr. Fedorak) We all know why we're here. It's
16 about events that happened in February of 2015. Can you
17 tell the jurors where you were living in February of
18 2015.

19 A. 6905 Archdale Street, Detroit, Michigan.

20 Q. Okay. Do you know a Davone Phillips?

21 A. I heard his name only when the witnesses were out front
22 this, you know, at the beginning of this trial a few
23 days ago. I don't know him personally. Never met him.

24 Q. Okay. Now, your address is not illuminated up here.
25 But, if we were to tell you that Mr. Davone Phillips

1 lives at 8458 Warwick in Detroit, and here's the
2 Dearborn police department, approximately where do you
3 live, sir?

4 If you can get up and just point to the map.

5 A. I see Warren Avenue. I'm looking for the Southfield
6 freeway. Apparently, about right here.

7 Q. Right here. Okay. So, basically, Warren and
8 Southfield, at that intersection, in the residential
9 area?

10 A. Yes, sir.

11 Q. Okay. Did you have much contact with Mr. Hampton in the
12 days leading up to February; in other words, December
13 of '14, January of '15?

14 A. No, sir.

15 Q. How often would you see Mr. Hampton?

16 A. I think I seen him maybe five times during the time I've
17 been married to his sister. Maybe like five, six times.

18 Q. And I'm sorry, how many years have you been married?

19 A. Fifteen.

20 Q. Okay. And at some point, specifically on Friday
21 morning, Friday morning, February 13th of 2015, did you
22 start your day at your residence near Warren and
23 Southfield expressway?

24 A. Yes, sir.

25 Q. And how did you start your day that day?

1 A. Going to work as normal. I had a store to open. I do
2 the security. I make sure that people get inside the
3 store. It's a check-cashing store and they're my
4 client, and I make sure people get in there safely.

5 Q. Okay. And at some point, do you come back to your
6 residence?

7 A. Yes, sir. Directly after the store was closed, I came
8 back.

9 Q. Okay. What time would have you come back to your house
10 that Friday morning? Ball park.

11 A. I don't want to say a wrong time. Between, let's say
12 between 8:00 and 9:00.

13 Q. Okay. And at some point, are you starting to receive
14 calls and information and are people talking back and
15 forth?

16 A. Yes. Before I left, my wife said to me that something
17 may have happened to CJ's daughter, Carmon.

18 Q. Okay.

19 A. And it wasn't unusual because maybe two weeks prior to
20 that Carmon had been in the hospital and my wife told me
21 that her and my children went to see Carmon when she was
22 in the hospital.

23 Q. Okay.

24 A. So I went on to work.

25 Q. And not to go back in depth about what other people told

1 you, but you received information from your wife about
2 something happening that Friday morning.

3 A. Yeah. And then she called me again on my way home from
4 work.

5 Q. Okay. And was your wife a little frantic?

6 A. No, not at all.

7 Q. Okay. Did she tell you some things or some information
8 that she had found out?

9 I don't want you to testify as to what she
10 said to you, but did she supply you with information
11 about something that may have happened?

12 A. No, no.

13 Q. Okay. Did you -- you went from your, from doing your
14 work, your business, you were going back home, correct?

15 A. Correct.

16 Q. And at some point, did you see your brother-in-law,
17 Curtis Hampton, that morning?

18 A. Yes, when I was coming back home, talking to my wife.

19 Q. Okay. Were you surprised to see him?

20 A. Yes.

21 Q. Where did you see him? Where did you first see him and
22 what was he doing?

23 A. He was walking about three blocks from my home and at
24 first I didn't -- I was talking to my wife and, at
25 first, I didn't notice him because he had his head down.

1 But, he has, you know, he has a very distinctive walk.
2 I kind of watched him and I saw his walk, and that's
3 when I realized, you know, who he was.

4 Q. Is your wife giving you information now as you're
5 talking on the phone and you see CJ?

6 A. At this point, she's saying that she believes that CJ's
7 daughter may have passed, and that's the only
8 information that we have.

9 Q. Okay. You're in your vehicle. What kind of vehicle do
10 you have?

11 A. A Jeep. Well, at the time I was in the -- I lease
12 vehicles. At the time, I think I was in a pickup truck.
13 I'm in a Jeep now.

14 Q. But you were in your regular personal vehicle?

15 A. Right.

16 Q. You see him walking down the street. You're driving
17 towards your house. What do you do?

18 A. I waved for him to come get in my vehicle.

19 Q. Did if he follow, did he --

20 A. Yes.

21 Q. -- abide by that?

22 A. Yes.

23 Q. And again, I'm asking obvious questions.

24 Where did he sit in your vehicle?

25 A. He sat in the passenger seat, in the front seat.

1 Q. Okay. And then, what did you then do or what's the
2 chain of events?

3 A. I don't know -- I assumed that what had happened to
4 Carmon was something natural or something having to do
5 with her being in the hospital. So, I asked him was he
6 okay, and his response was that he wanted to kill
7 himself and that he wanted me to kill him.

8 Q. Why did he ask you to kill him?

9 A. I own a security corporation. I'm an armed guard. I
10 had a couple firearms on me. They weren't overt, but I
11 assumed that he knew what I did for a living. They were
12 concealed firearms on me.

13 Q. Okay. And again, you're licensed in that business and
14 so forth.

15 A. Absolutely.

16 Q. What was your reaction to his request for you to kill
17 him?

18 A. I was really taken back and kind of shocked more than
19 anything else, and I told him, you know, I wasn't going
20 to kill him. Then, he asked me for a gun so he could
21 kill his self, and I told him that going to happen.

22 While we were talking I was dialing up his
23 mother -- I have his mother's phone number on my phone
24 and I was dialing up his mother's phone number and he
25 asked me to kill him again, and I think I

1 responded something like here, talk to your mother,
2 she's on the phone.

3 Q. Okay. At the time that you were talking with your wife,
4 did you receive information or were you under the belief
5 that your wife had been talking with her mom, your
6 mother-in-law?

7 A. You know, I don't want to assume anything. I don't
8 know.

9 Q. Okay.

10 A. I literally have no idea. I wasn't there.

11 Q. Okay. So you got your phone. You dial your
12 mother-in-law.

13 A. Yes.

14 Q. You hand it to --

15 A. To CJ.

16 Q. And you're basically saying, hey, let's figure out a way
17 to just dial this situation down?

18 A. I'm not saying anything. I'm listening to CJ. I'm
19 hoping that CJ's mom can kind of talk him down because
20 he seemed like he was really suicidal.

21 Q. On speaker phone or up-to-the-ear conversation?

22 A. Regular phone. He was up to the ear.

23 Q. Were you able to hear things that he was saying or hear
24 things that your mother-in-law was saying?

25 A. I could hear what he was saying. He was saying he

1 wanted to die. You know, he just kept saying over and
2 over again I want to die, you know, I don't want to
3 live, I want to kill myself, my life is over, like that.

4 Q. Okay. How long did that go on for?

5 A. If I recall correctly, when I gave my phone to
6 Eastpointe police, they said that the phone call lasted
7 14 minutes.

8 Q. Okay. He's on the phone. You're still in your car.
9 You're driving.

10 A. Right.

11 Q. Do you go to your house? What do you do?

12 A. No, we were at my house when he got in the truck. At
13 first, I was just kind of driving around. And then,
14 when I realize that I, you know -- I thought he was
15 going to commit suicide and I realized that his life was
16 in danger, and that's when I took him to the police
17 station.

18 Q. What's the nearest police station for you?

19 A. Dearborn police station.

20 Q. And what happened when you got to Dearborn?

21 A. I took him in -- well, I stopped, I went into the front
22 of it, and he was still on the phone with his mom,
23 talking to his mom and I went inside.

24 Q. Take your keys?

25 A. I don't recall. I literally have no idea.

1 Q. Take your weapons?

2 A. No, I -- well, yes, I had my weapons.

3 Q. No, no. Did you keep your keys and keep your weapons is
4 what I'm asking?

5 A. What I'm saying, as far as my car keys are concerned, I
6 don't know whether I left them in the truck when I went
7 into the police station or not. I have no recollection
8 of that. As far as my weapons, they were definitely on
9 me because I was afraid to pull anything out around --
10 he was too suicidal to pull out any kind of weapon
11 around.

12 Q. Right. So you walk into the Dearborn PD and go to the
13 front desk.

14 A. Right.

15 Q. What happens next?

16 A. There was an officer at the desk. I said something like
17 I need police to come out, you know, I have a situation
18 out front, and they were like directly in front, under
19 the overhang of the police station. I kind of pointed
20 to where CJ was, and the officer just kind of looked at
21 me and blew me off, as if, I don't know, almost like he
22 didn't understand English or something.

23 Q. Right?

24 A. And then I kind of walked away from him puzzled, and I
25 walked back to the car and I looked at CJ, and he was

1 still in the car, talking to his mother.

2 Q. Okay. What did you do next?

3 A. I walked back into the police station and I just yelled
4 something at the police officer. I'm not exactly sure
5 what it was I yelled at him. I just wanted him to get
6 police officers to come out front, you know, because I
7 didn't know whether CJ was going to do something to
8 himself while I wasn't looking at him.

9 Q. Right?

10 A. And he's my wife's little brother, you know. I just
11 yelled something at the police officer.

12 Q. You caught his attention?

13 A. Yeah, to try to get their attention, to get them to come
14 out of the police station with me.

15 Q. Did they come out?

16 A. Yes.

17 Q. And what happened next?

18 A. CJ came out, you know. He turned his self in
19 peacefully. All of us walked back into the police
20 station together and then CJ sat down.

21 Q. Did the officer search him? When you were standing
22 there, did you see anything?

23 A. Yeah, the officer went to -- CJ sat down because he was
24 hurt. And the officer opened up his coat to see if he
25 had any kind of weapons or what ever. And when the

officer opened up his coat, he had a knife on him.

Q. Okay.

A. And that caused a little bit of a stir inside the police station.

Q. I've got what's already been marked as People's Proposed -- excuse me. People's Exhibit 105.

A. I never --

Q. Does that --

A. I never saw it closely. I couldn't tell you. Honestly, I couldn't tell you whether that was it or not.

Q. The Dearborn police officers are the ones that confiscated the knife?

A. Yes, sir.

Q. Okay. Did anything of any other consequence happen there?

A. No, sir.

MR. FEDORAK: Okay. Thank you, sir.

MR. SHEIKH: Thank you, sir. We have no questions for you.

Thank you, your Honor.

THE COURT: Nothing else?

MR. FEDORAK: Nothing else, your Honor.

THE COURT: You may step down.

(At about 4:08 p.m., Witness Excused).

THE COURT: Counsel approach.

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB
PEOPLE OF THE STATE
OF MICHIGAN,
People,
vs. Case No.: 2015-1559-FC
CURTIS LEE HAMPTON,
Defendant.

_____/

JURY TRIAL - VOLUME IV,
BEFORE THE HONORABLE JENNIFER M. FAUNCE
Mount Clemens, Michigan - Tuesday, March 21, 2017

APPEARANCES:
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Tuesday, March 21, 2017

Mt. Clemens, Michigan

At about 10:47 a.m.

* * *

THE COURT: People versus Hampton.

MR. PALEPU: Kumar Palepu for the People.

MR. FEDORAK: Juriij Fedorak for the People, as well, Judge. Thank you.

MR. SHEIKH: Good morning, your Honor. Azhar. Sheikh here on behalf of Curtis Lee Hampton, who stands to my immediate right. We're ready to proceed.

THE COURT: Raise your right hand. Do you swear to tell the truth, the whole truth, nothing but the truth, so help you God?

MR. HAMPTON: Yes.

CURTIS LEE HAMPTON,
after having first been duly sworn by the Court to tell the truth, testified as follows:

THE COURT: State your name.

MR. HAMPTON: Curtis Hampton.

THE COURT: Okay. For the record, one juror called in sick today. So I did excuse that juror for cause. The juror did not think it was going to be physically possible for him to be sitting through this trial due to having flu-like symptoms. So the juror in

1 seat number 13 has been excused as an alternate for
2 cause. The alternate has been excused for cause now.
3 So we're down to one alternate.

4 MR. FEDORAK: Understood, your Honor.

5 MR. SHEIKH: Your Honor, I explained that to
6 Mr. Hampton and we are in agreement with that.

7 THE COURT: Okay. With that, we'll bring the
8 jury in.

9 MR. FEDORAK: Judge, my line-up is, if I may.

10 THE COURT: Go ahead.

11 MR. FEDORAK: We have Detective Merlo, who has
12 also, unfortunately, cecum to the same symptoms and
13 juror number 13 (sic). So I was going to call him
14 first, out of order.

15 THE COURT: Okay.

16 MR. FEDORAK: And hopefully get him out before
17 lunch.

18 Depending on how long he takes, Judge, I was
19 going to suggest, my second witness is Dr. Leischner,
20 who fit us in between appointments and juggled his
21 schedule. I told him if he got here before lunch that
22 -- the only thing, he's going to testify for
23 approximately 10 minutes -- we'd guaranty him getting in
24 and out of lunch because he had appointments all
25 afternoon.

1 THE COURT: That's fine. If we have to take a
2 late lunch, we can do that.

3 MR. FEDORAK: Exactly. Thank you, Judge.

4 MR. SHEIKH: We have no objection to taking
5 witnesses out of order.

6 MR. FEDORAK: And I've given Dr. Leischner the
7 location of the court and so forth. He does not know
8 about the sequestration order. If somebody sees him
9 walk in, I just want to bring that to the Court's
10 attention.

11 THE COURT: Okay. Very good. I will try and
12 pay attention for that.

13 All right. Bring the jury in.

14 MR. FEDORAK: Your Honor, may counsel and I
15 approach.

16 THE COURT: Yes.

17 (At about 11:00 a.m., Side Bar Discussion).

18 THE BAILIFF: All rise for the jury.

19 (At about 11:01 a.m., Jury Seated).

20 THE COURT: Okay. You may be seated.

21 Welcome back. Due to a minor emergency, we
22 have one juror who's not going to be with us any more.
23 So the jurors going to be fine, but he's not going to be
24 here. So we will proceed. I hope everyone had a good
25 weekend.

1 Mr. Fedorak.

2 MR. FEDORAK: Thank you, your Honor.

3 People call Detective Matthew Merlo, your
4 Honor.

5 THE COURT: The witness stand is up here.
6 Before you sit down, please raise your right hand.

7 Do you swear to tell the truth, whole truth,
8 nothing but the truth, so help you God?

9 SERGEANT MERLO: I do.

10 SERGEANT MATTHEW MERLO,
11 after having first been duly sworn by the Court to tell
12 the truth, testified as follows:

13 THE COURT: Have a seat you're under oath
14 please state and spell your name for us.

15 SERGEANT MERLO: Thank you. Matthew Merlo,
16 M-a-t-t-h-e-w M-e-r-l-o.

17 THE COURT: Thank you. Go ahead, Mr. Fedorak.

18 MR. FEDORAK: Thank you, Judge.

19 DIRECT EXAMINATION

20 BY MR. FEDORAK:

21 Q. Detective, it's my understanding that you, as well, are
22 a little bit under the weather.

23 A. That is correct.

24 Q. Apparently, the flu is going around. You were up all
25 night?

1 A. Yes, sir.

2 Q. Okay. We'll try and get you in and out of here before
3 lunch. But, if you can introduce yourself to the
4 jurors, please.

5 A. Sergeant Matthew Merlo with the Eastpointe police
6 department.

7 Q. How long you been a police officer?

8 A. Twenty-two and-a-half years.

9 Q. Can you briefly describe for the jurors what the
10 breakdown is between a patrol officer, where you
11 currently were assigned back in February 2015, and then,
12 obviously, how you work in conjunction with Detective
13 Joseph Madonia.

14 A. Currently, I'm assigned as a patrol sergeant supervising
15 patrol officers. But, back in 2015 I was assigned to
16 the detective bureau as an investigator.

17 Q. So you were promoted to sergeant.

18 A. That is correct.

19 Q. Please, continue.

20 A. Back in 2015, I was assigned as an investigator and I
21 assisted Detective Madonia in this investigation.

22 Q. Can you describe for the jurors what a lead detective is
23 and does the lead detective, based on the circumstances,
24 have the full detective bureau at his access, if need
25 be?

1 A. That is correct.

2 When a case comes in, our detective lieutenant
3 assigns that case to one of the detectives. Detective
4 Madonia was assigned as the OIC, which is the officer in
5 charge. And due to the nature of this investigation, if
6 he needs assistance in any type of manner, he can call
7 upon his fellow detectives to assist him, give us
8 assignments and advise us what he needs done. Then, we
9 go out and do it for him.

10 Q. Okay. So, basically, given the nature of the case that
11 we were dealing with today, it was all hands on deck,
12 everybody dropped what they were doing and assisted
13 Detective Madonia with whatever he needed done.

14 A. Yes. We had the whole detective bureau in that night.

15 Q. Okay. Now, if I remember the timing correctly, the
16 Eastpointe police department was notified at
17 approximately 9:00 p.m. on that Thursday evening from
18 the victim's father; is that correct?

19 A. That is correct.

20 Q. And within 12 hours we've already culminated to the
21 Dearborn police department. Did you end up responding
22 to the west side of Detroit and ultimately to the
23 Dearborn area Friday morning at 9:00 a.m.?

24 A. That is correct.

25 Q. Okay. Can you please describe for the jurors what you

1 did initially in the evening hours of Thursday, after
2 you got the notification and after you were briefed by
3 your lieutenant.

4 A. Yes. I was at home. I received a phone call from my
5 detective lieutenant who stated that I needed to come in
6 on a possible homicide investigation. I responded to
7 the police station from home. I met with my fellow
8 detectives and detective lieutenant give us a briefing
9 on the information that was passed on from patrol to
10 him. And at this point, we divvied up assignments and
11 my first assignment was to go into our law enforcement
12 databases that we use to try to find out some friends,
13 relatives, associates of the suspect.

14 Q. Okay. Were you supplied a name regarding a potential
15 suspect at that point?

16 A. Yes, I was.

17 Q. What was that name?

18 A. CJ Hampton.

19 Q. And, again, during your general search, were you able to
20 find out some information regarding him, regarding some
21 possible leads as to locating his location?

22 A. Yes. I was able to determine through the databases his
23 mother's name, address, father's name, address, sister's
24 name, address, and also some ex-girlfriends and other
25 associates.

1 Q. Okay.

2 A. Addresses, names where he may go to.

3 Q. So is it safe to say your initial responsibilities were
4 back at the station in the DB.

5 Did you make it to the scene and inspect the
6 scene?

7 A. I did not.

8 Q. Okay. As far as you know, did other detectives, was
9 that their responsibility to go to the scene?

10 A. Yes, it was. It was Detective Madonia and Detective
11 Sergeant Baker who responded to the scene to process it.

12 Q. Okay. Along with you trying to find out the whereabouts
13 of one, Curtis Hampton, did anybody else assist you from
14 the DB? Anybody come up with a good lead?

15 A. Yes. Well, Lieutenant Urnat (ph) was attempting to get
16 GPS coordinates, locations on the defendant's cell
17 phone. And when he got those coordinates from cell
18 phone company, that's when we went out and started
19 looking for Mr. Hampton.

20 Q. Okay. Now, by we, if you can describe for the jurors,
21 who exactly went out?

22 A. Well, I was assigned with Detective Lieutenant Neil
23 Childs. And then, we had Detective Ignace and Detective
24 Hambright who also were assigned to go together. Their
25 assignment was to go to the defendant's mother's house,

1 Anita Hampton's house, and surveill her house in case he
2 went there and looked for the car there.

3 Q. Okay. Oh, you mentioned the car. What car is of
4 significance to you at this time?

5 A. The victim's car was missing. It was not at the scene.

6 Q. And your police department was informed with that
7 information, what type of car, et cetera, from the
8 victim's father?

9 A. That is correct.

10 Q. And were either you or your other detectives able to
11 confirm the registration so you knew exactly what kind
12 of car and what license plate you were talking about?

13 A. That is correct.

14 Q. Okay. So, please continue.

15 Certain detectives go to the defendant's
16 mother's house. Approximately what time are we talking
17 about? If we're starting this whole notification
18 process at 9:00 p.m. on Thursday, what time are the
19 detectives going out to the mom's house.

20 A. I guess it would be about 11:00 p.m.

21 Q. What do you do that evening?

22 A. That evening, myself and Detective Lieutenant Childs, we
23 were following up with the GPS coordinates that were
24 related to us from Lieutenant Urnat. We get an update
25 every 15 minutes from the cell phone company. So we

1 were in that area looking for the car, the cell phone or
2 Mr. Hampton.

3 Q. Okay. I think you said two plus two, but you haven't
4 said four yet. Why did you go to that area in Warren
5 where the mom was living?

6 A. That's where the coordinates from the cell phone company
7 were located at for the cell phone, coordinates of the
8 cell phone.

9 Q. Okay. Did you have -- and which way were you guys
10 traveling to the 13 and Mound area?

11 A. Well, we got several coordinates every 15 minutes. They
12 were in the area of Van Dyke, both east and west side of
13 Van Dyke between Common Road and Chicago Road, which I
14 think is a little bit more than a mile distance. So we
15 were getting multiple hits every 15 minutes.

16 Q. Okay. And at some point -- well, let me ask you this:
17 Did the hits continue all night?

18 A. They did not.

19 Q. What happened?

20 A. According to the cell phone company, they stopped
21 receiving GPS coordination hits because of the fact
22 that -- two things, either the cell phone was turned off
23 or the battery was dead at that point.

24 Q. Okay. And what did you do next after that?

25 A. At that point, without any further leads regarding the

1 cell phone, myself and Detective Childs met up with
2 Detective Ignace, Detective Hambright at Anita Hampton's
3 apartment complex.

4 Q. And what did you do there?

5 A. We met up there. Got briefed by Detective Hambright and
6 Ignace, and they stated nobody was coming to or from the
7 apartment. The victim's car was not located there. So
8 we decided, at that point, to make contact with Anita
9 Hampton.

10 Q. Okay. And as you indicated previously, those two
11 detectives sat there and were permanent surveillance.
12 In other words, they weren't moving and searching?

13 A. That is correct.

14 Q. You guys were the team that was on the go and looking
15 around?

16 A. Correct.

17 Q. What did the four of you find when you went to Ms.
18 Hampton's apartment?

19 A. Well, we approached the apartment. We knocked on the
20 door and identified ourselves as Eastpointe police
21 detectives. Ms. Hampton answered the door, ultimately
22 answered the door and allowed us entry into the home.

23 Q. Do you know approximately what time this was in the
24 evening? Like before midnight, after midnight?

25 A. It was after midnight.

1 Q. And can you describe for the jurors how that interaction
2 was?

3 A. When we walked inside the home, first I asked for
4 permission to go inside the home. Ms. Hampton
5 consented, gave us permission. We asked her if her son,
6 CJ Hampton, was present in the home. She stated no.
7 Then, I requested permission to search her residence,
8 which she granted and we did. We found no other persons
9 in the home with Ms. Hampton.

10 Q. At this initial stage, if you can explain for the
11 jurors, what's going through your mind, just in case,
12 for everyone's safety? Is anything going through your
13 mind, at this point, when you initially make contact
14 with her and have not been able to go through the
15 apartment?

16 A. Yeah, that he may be there. He may have fled to mom's
17 home.

18 Q. Okay. And were you able to do a protective sweep of the
19 home?

20 A. Yes, we were.

21 Q. Okay. You were not present during Ms. Hampton's prior
22 testimony. Can you describe for the jurors how your
23 interaction was with Ms. Hampton? Was it
24 confrontational and argumentative or how was it?

25 A. It was not confrontational or argumentative at all. I

1 sat down with Ms. Hampton and explained some things to
2 her and asked her questions.

3 Q. Were you the lead detective, out of the four of you that
4 were there, that did the most interaction with her?

5 A. Yes.

6 Q. Okay. Detective Madonia was not butting heads with her
7 or mean to her in any way?

8 A. Detective Madonia was not on scene there at that time.

9 Q. Okay. Please, continue.

10 After she gave you consent to search the
11 apartment, did you and your fellow detectives do a
12 protective sweep?

13 A. Yes, we did.

14 Q. And then once you realized the defendant was not there,
15 how did you interact with Ms. Hampton and what happened
16 next?

17 A. I advised Ms. Hampton that we were looking for her son,
18 CJ Hampton, and asked her if she knew where he was
19 located at. She advised us, she did not know where he
20 was, and I then began to ask her questions, when was the
21 last time you spoke with him, when was the last time you
22 saw him, and she advised me that the last time she spoke
23 with him was in the afternoon on Thursday via a
24 telephone call.

25 Q. So that would be several hours prior to your visit.

1 A. Correct.

2 Q. Now. Detective, in the initial stages of your
3 questioning her, did you drop the bomb as to why you
4 were there or were you a little bit more tight-lipped?

5 A. More tight-lipped.

6 Q. So you had not notified her what the purpose or what the
7 reason was for four detectives being in her apartment
8 was yet?

9 A. Not yet, no.

10 Q. And did you specifically ask, like a generic, when did
11 you have contact with him or, Detective, did you ask,
12 based on your experience, very detailed questions, if
13 she saw him face-to-face?

14 A. Detailed. Face to face and when she last spoke with
15 him.

16 Q. And did she indicate at that time that she met with him
17 face-to-face earlier in the day?

18 A. No. She advised me the last time that she saw the
19 defendant was, would have been two days prior, on the
20 10th of February.

21 Q. And did she tell you when she saw him on the 10th of
22 February what was the purpose of seeing him?

23 A. She stated that she drove over to Monique's house and
24 dropped off cigarettes to her son.

25 Q. Please continue. What other interactions are you having

1 with Ms. Hampton at this point?

2 A. So I also asked Ms. Hampton when was the last time she
3 spoke with him. She stated it was in the afternoon, I
4 believe around 4:30-ish. She stated that she spoke to
5 him on the phone and he stated that, that this was
6 probably going to be the last time that he spoke to her.

7 Q. Okay. At some point did you ask Ms. Hampton to try and
8 get ahold of him?

9 A. I did. I asked Ms. Hampton to try to call the
10 defendant, to see if we could try to find out where he
11 was located at.

12 Q. Now, given the nature of the investigation, at some
13 point did you drop the bomb in terms of the seriousness
14 of the matter of why you were there?

15 A. I did. Ms. Hampton stated she thought we were there for
16 the fact that he missed a probation date and had some
17 warrants out for his arrest.

18 Q. The FOC, Friend of --

19 A. Yes.

20 Q. -- the Court warrants?

21 A. Friend of the Court warrants.

22 Q. Okay?

23 A. So, then, toward the end of my conversation with her I
24 advised her that we needed to see Mr. Hampton because I
25 was worried about his safety and this is what we had

1 discovered.

2 Q. Did that dovetail into then her trying to contact the
3 defendant or was that before, if you can remember?

4 A. I don't recall.

5 Q. Okay. But, at some point, did she try and get ahold of
6 the defendant?

7 A. She did. Per my request, she called the defendant's
8 cell phone and it went directly to voicemail and she
9 left a short message. I think it was just, C, call me.

10 Q. Okay. At some point, did you see other cell phones that
11 were in that house other than the one that she was using
12 to make the call?

13 A. We did. We saw a second telephone that was sitting on a
14 table and Detective Hambright asked her about that cell
15 phone.

16 Q. Were you present during that questioning?

17 A. Yes, I was.

18 Q. And what, if anything, did she say about that phone that
19 was on the table in the apartment?

20 A. Ms. Hampton stated that was her second cell phone but it
21 wasn't working, and she also advised -- I continued the
22 questioning and she advised me that she had three cell
23 phones, the one that she had in her possession that she
24 tried to call CJ on, the second cell phone that was not
25 working that was on the table, and then a third cell

1 phone than CJ had in his possession.

2 Q. Okay. Now, ultimately, during the next 12 to 24 hours
3 and ultimately throughout the course of the
4 investigation, does that cell phone that was sitting on
5 the table turned off, all of a sudden, does that ring a
6 bell for you, no pun intended, of its importance?

7 A. Yes, it does.

8 Q. And please explain to the jurors what's the significance
9 of that phone on the table in the apartment?

10 A. That phone was later recovered by Detective Hambricht
11 and Detective Madonia from Ms. Hampton. She stated that
12 was the phone that CJ was using.

13 Q. Okay. She voluntarily came in and turned that phone in?

14 A. She did.

15 Q. Few days later?

16 A. Correct.

17 Q. Please continue. When you were interacting with Ms.
18 Hampton and you explained to her the severity of the
19 situation, you were concerned for the defendant's
20 safety, was she able to share any information with you
21 that she, herself, had reason to fear for her son's
22 safety?

23 A. Yes. She stated that she received a text message from
24 the defendant's cell phone that, to her, it read as a
25 suicide message.

1 Q. Were you able to physically view that off her phone in
2 the apartment that day?

3 A. Detective Hambright did.

4 Q. Okay. We put People's Exhibit 106 on the screen.

5 Detective, does that look familiar?

6 A. Yes, that is the phone.

7 Q. And Detective, correct me if I'm wrong as I read into
8 the record: Make sure you get all of my stuff. It's
9 yours to do with as you please. I'm sorry. Life is too
10 hard and I can't give you my troubles anymore. I love
11 you. The pass code -- code is spelled cord, c-o-r-d,
12 for my phone is CJS9353. The pass code to Monique phone
13 is 9353. And when the safety lock screen on my phone
14 pops up it's a seven but you have to draw it.

15 Am I reading it accurately so far?

16 A. Yes, sir.

17 Q. And to finish it, let everyone know in my phone know
18 what happened to me please. I love you and miss you.
19 All the doors are locked but Monique's parents have keys
20 and they have to break the back-door window out to get
21 the screen door open.

22 So far, correct?

23 A. Correct.

24 Q. Just have a break out a window and come inside. I'm
25 gone. Last you will hear from me. Love your son CJ.

1 A. Correct.

2 Q. Did any other things come up with Ms. Hampton from
3 another source about a potential suicide situation from
4 her son?

5 A. Yes. Ms. Hampton also advised me she received a phone
6 call from a friend of the defendant, her name was Anna,
7 she stated, and Anna told Ms. Hampton that she received
8 a text message from CJ's phone and stated that CJ was
9 dead.

10 Q. Now, that Anna -- in the preparation of this case you
11 have put people's full names together, and that Anna,
12 her full name is Brianna Keinath; is that fair to say?

13 A. That is correct.

14 Q. And how did it end at Ms. Hampton's apartment that
15 evening or that night?

16 A. We took Ms. Hampton's cell phone as evidence. I gave
17 her my card and I advised her that if she has any
18 contact with the defendant or has any information, to
19 contact the Eastpointe police department and let us
20 know.

21 Q. After the discussion of the issue of potential suicide
22 did Ms. Hampton give you some information or some
23 possible leads as to where you may find the defendant?

24 A. Yes. I specifically asked Ms. Hampton who would CJ
25 contact or go to if he was in trouble. She advised me

1 that he was getting close to two of his cousins, Davone
2 and Larry Phillips, and also his friend Anna Keinath, I
3 believe her last name was, and then another female.

4 Q. Okay. At some point, were you able to start connecting
5 the dots or follow the trial?

6 A. Yes. I went back to the station later on and met up
7 with Detective Madonia and briefed him regarding the
8 information that we have discovered so far. And
9 Detective Madonia and I decided to go and try to locate
10 Anna Keinath.

11 Q. Okay. And the last known address you have for Anna
12 Keinath, were you going -- again, you did not hear her
13 testify. She already testified. And she indicated she
14 was staying at her mother's house on the west side of
15 Detroit, Warren/Southfield expressway area for general
16 reference.

17 When you and Detective Madonia left the
18 Eastpointe PD in search of her, where did you guys go?

19 A. Well, when I got back to the station I looked through
20 our databases and I found the last known address in I
21 think it was Chesterfield.

22 Q. Okay.

23 A. So that's where we originally went, was City of
24 Chesterfield, an apartment complex.

25 Q. Did some type of contact redirect you in terms of change

1 your search?

2 A. Yes. We responded to the apartment complex. We
3 received no answer at the door. So, when we left there,
4 I contacted Anna via telephone call.

5 Q. Were you able to make connections with her?

6 A. I was. She answered the phone and identified herself as
7 Anna Keinath.

8 Q. And Ms. Hampton is the one who gave you Anna's contact,
9 cell number, correct?

10 A. That is correct.

11 Q. And did, were you able to have a conversation with Anna?

12 A. Yes. I had a conversation on the phone with her. I
13 advised her that we were looking for CJ Hampton and she
14 advised me that he had been to her house earlier in the
15 evening and when he arrived there he had a knife
16 sticking out of his chest. I then asked her -- I
17 advised her that I needed to speak with her in person
18 and respond to her current location where CJ visited her
19 at and she gave us the address. I believe it was on
20 Ward Street in Detroit.

21 Q. Do you know approximately what time that was, well,
22 first of all, when you spoke to her on the phone?

23 A. Approximately, 7:00 a.m.

24 Q. Okay. Were you able to gain a time reference as to when
25 she had seen him as it relates to your 7:00 a.m. phone

1 call?

2 A. Yes, I was.

3 Q. Please, continue. What did you believe was a time
4 period that Anna and the defendant were together?

5 A. She advised me that CJ Hampton arrived at her home
6 approximately 8:00 to 8:30 p.m. and then left her home
7 at approximately 1:00 a.m. on Friday morning.

8 Q. Okay. So you missed him at 13 Mile and Mound by a
9 couple hours.

10 A. Correct.

11 Q. Several hours. And then, you guys head over directly to
12 where Anna is.

13 A. Yes, we did.

14 Q. And by you guys, I mean you and Detective Madonia were
15 together in a car?

16 A. Correct.

17 Q. Okay. And what happened when you got to the address
18 that Ms. Keinath gave you. I believe it was her
19 mother's house.

20 A. Yes, it was her mother's home.

21 She allowed us entry into the home and we
22 began interviewing Ms. Keinath and searched the home for
23 any evidence.

24 Q. Okay. Detective, again, not having her tell you
25 everything that she said and so forth, at some point,

1 did you have another lead of a potential home from her
2 information as to where he might have been?

3 A. Yes. I questioned Anna regarding who may have picked
4 the defendant up when he left at 1:00 a.m. She advised
5 me that he was, you know, he was getting close to his
6 cousin, but didn't know his name, and the person who
7 picked him up was in a black SUV, and he used her phone
8 to make that phone call for the ride. So she gave us
9 that cell phone number off of her phone that the
10 defendant used to call for a ride.

11 Q. Okay. Regarding the location, did you end up having
12 contact with a Davone Phillips?

13 A. Correct. That was the phone number that Anna provided
14 and also Ms. Hampton provided that phone number to me
15 also.

16 Q. Okay. Was that at 8458 Warwick, in the City of Detroit?

17 A. I believe so, yes.

18 Q. Did you and Detective Madonia respond to the defendant's
19 cousin's home?

20 A. Yes, we did.

21 Q. And approximately what time is it now?

22 A. I believe about 8:30 a.m.

23 Q. You guys go to the home. What do you find?

24 A. We observed a black SUV in the driveway and we made
25 contact with Davone Phillips.

1 Q. Okay. And please explain for the jurors what took place
2 when you made contact with Mr. Phillips.

3 A. We advised Mr. Phillips that we were looking for CJ
4 Hampton. He advised us that we just missed him, he was
5 over there, stated he did pick him up and he was at his
6 house for a little bit but then he left at some point in
7 the early morning hours, did not know where he went to
8 go to.

9 Q. Detective, were you asking more questions than just the
10 defendant's whereabouts? Were you trying to get any
11 leads or any other information from Mr. Phillips?

12 A. Yes. Something that stuck in my mind with Anna was that
13 she stated that when CJ arrived he had a knife sticking
14 out of his chest. So Mr. Phillips stated that he was
15 with the defendant prior, and dropped him off at Anna's
16 house, and then picked him up after. And we asked Mr.
17 Phillips if he ever observed a knife sticking out of
18 CJ's chest, and he told us no.

19 Q. Did you ask him or push him with any hard questions
20 about the details as to what happened or if he learned
21 anything from the defendant about what had happened in
22 Eastpointe?

23 A. Mr. Phillips was very uncooperative towards us, stated
24 that he didn't want to get involved, didn't want to
25 answer questions.

1 Q. Did you ask him to fill out a written statement?

2 A. I believe Detective Madonia did, yes.

3 Q. Okay. And, in fact, he refused to fill out any kind of
4 written statement and his bottom line was he didn't know
5 anything. Is that a fair description of his behavior?

6 A. Yes. He was very uncooperative with us.

7 Q. At some point, did the conversation or the interview
8 with Mr. Phillips end?

9 A. It did.

10 Q. Was there any new information right at this point that
11 you were supplied, either you or Detective Madonia?

12 A. Yes. We received information that the defendant turned
13 himself in at the Dearborn police department and was in
14 route to Oakwood Hospital.

15 Q. Okay. And did you respond accordingly?

16 A. Yes, we did. Myself and Detective Madonia responded to
17 Oakwood Hospital.

18 Q. Did you go to the hospital first or the PD first?

19 A. To the hospital.

20 Q. Were you the officers responsible for his processing at
21 the hospital or there were other officers there?

22 A. I don't understand the question, sir.

23 Q. In other words, he was in Dearborn's custody at that
24 point, right?

25 A. Yes, he was. Dearborn police department transported him

1 to the hospital.

2 Q. Okay. And Dearborn was on scene at the hospital?

3 A. Yes, they were. They were on scene guarding him.

4 Q. At some point, did you interact with a Gregory Jones?

5 A. I did. I was advised that the person that was with the
6 defendant when he turned himself in was sitting in the
7 emergency room lobby area. So I responded to the
8 emergency room lobby area to speak with Mr. Gregory
9 Jones.

10 Q. I'm sorry. I was screwing you up by the wrong question.
11 I was assuming you talked to him at the PD, but you
12 actually talked to Mr. Gregory Jones at the hospital.

13 A. That is correct.

14 Q. Thank you for that clarification.

15 Please, continue. What role did Mr. Jones
16 play, as far as you learned?

17 A. I asked Mr. Jones how he came in contact with Mr.
18 Hampton and what he knew. Mr. Jones advised me he
19 received a phone call at approximately -- I think his
20 wife received a phone call at approximately 7:30 in the
21 morning from Anita Hampton. Ms. Hampton advised him
22 that CJ was wanted for murder out of Eastpointe. He had
23 a conversation with his wife. He stated he then went to
24 work, opened up his work, and then returned at about
25 8:45 a.m., and when he returned home, pulling in the

1 driveway, he observed CJ walking down the street.

2 Q. Did he explain to you about actually getting him in his
3 vehicle and a conversation between Ms. Hampton and the
4 defendant while he was driving the defendant somewhere?

5 A. Yes. He asked the defendant to get inside his car,
6 which the defendant did. He then started driving it and
7 he told him I know what you did, and he stated that the
8 defendant told him he wanted to commit suicide several
9 times, wanted to commit suicide by cop. Mr. Jones
10 stated that he called his wife and told her to call Ms.
11 Hampton and have Ms. Hampton call him, Mr. Jones' phone.
12 So, shortly thereafter, Mr. Jones advised me that Ms.
13 Hampton called his phone, he put it on speaker phone to
14 let CJ speak with his mother.

15 Ms. Hampton, according to Mr. Jones, Ms.
16 Hampton was telling him you've got to turn yourself in.
17 The defendant stated several times, I think Mr. Jones
18 told me at least 30 times, that he wanted to commit
19 suicide. And while he was having this conversation,
20 while CJ was having this conversation with his mother on
21 the phone, he drove to the Dearborn police department
22 because that was the closest police department to his
23 residence.

24 MR. FEDORAK: Thank you very much, Detective.
25 Nothing further, your Honor.

1 THE COURT: Mr. Sheikh.

2 MR. SHEIKH: Yes, your Honor. Thank you.

3 CROSS-EXAMINATION

4 BY MR. SHEIKH:

5 Q. Good morning.

6 A. Good morning, sir.

7 Q. Sergeant Merlo.

8 First of all, last time you and I worked on a
9 homicide, you were not yet sergeant, right?

10 A. That is correct, sir.

11 Q. Congratulations on a well-deserved promotion.

12 A. Thank you. I appreciate that.

13 Q. Mr. Fedorak has done a fine job of taking you through
14 your interaction with this case. I just want to clear
15 up two things.

16 First of all, sir, you did indicate you did
17 not go to the scene on Normandy, correct?

18 A. Not the day of, I did not.

19 Q. Okay. And second of all, you did not participate in any
20 interrogation or interview of the defendant; is that
21 correct?

22 A. That is correct, I did not.

23 MR. SHEIKH: Thank you. Nothing further, your
24 Honor.

25 THE COURT: Any follow-up?

1 MR. FEDORAK: Just my clarification.

2 REDIRECT EXAMINATION

3 BY MR. FEDORAK:

4 Q. One of the things you did finish is helping Detective
5 Madonia find the car in question, the victim's car,
6 right?

7 A. Yes. The car was located and impounded.

8 Q. And if you can just tell the jurors approximately how
9 far from Davone Phillips was that blue Impala located.

10 A. I believe it was just around the block.

11 Q. And you're the one who secured that vehicle and then
12 made arrangements for it to be taken back to Eastpointe.

13 A. Correct.

14 MR. FEDORAK: Thank you, your Honor. Nothing
15 further.

16 MR. SHEIKH: Thank you for the opportunity.
17 Nothing further, your Honor.

18 THE COURT: Thank you. You may step down.
19 Your next witness.

20 And you are relieved.

21 SERGEANT MERLO: Thank you.

22 (At about 11:31 a.m., Witness Excused).

23 MR. FEDORAK: Is the detective free to go
24 home, your Honor?

25 THE COURT: Yes.

1 MR. FEDORAK: Dr. Leischner is here, your
2 Honor. I haven't seen him yet, but.

3 THE COURT: Okay.

4 MR. FEDORAK: Judge, can we just take a.

5 THE COURT: Sure.

6 MR. FEDORAK: We're going to have that witness
7 and then we're going to, I assume, break for lunch. So
8 if we can just have a five-minute break.

9 THE COURT: That's fine. We'll give the
10 jurors time to stretch.

11 THE BAILIFF: All rise for the jury.

12 (At about 11:32 a.m., Jury Excused/Recess
13 Proceedings).

14 * * *

15 (At about 11:43 a.m., Resume Proceedings).

16 THE COURT: Back on the record. People versus
17 Hampton.

18 MR. PALEPU: Kumar Palepu for the People.

19 MR. SHEIKH: Azhar Sheikh on behalf of the
20 defense, Curtis Hampton, who's to my right.

21 THE BAILIFF: All rise for the jury.

22 (At about 11:44 a.m., Jury Seated).

23 THE COURT: You may be seated.

24 Your next witness is?

25 MR. PALEPU: Dr. Leischner.

1 THE COURT: Raise your right hand.

2 Do you swear to tell the truth, whole truth,
3 nothing but the truth, so help you God.

4 DR. LEISCHNER: I do.

5 DR. JONATHAN LEISCHNER,
6 after having first been duly sworn by the Court to
7 tell the truth, testified as follows:

8 THE COURT: Have a seat. You're under oath.
9 Please state and spell your name for our court reporter,
10 please.

11 DR. LEISCHNER: Jonathan Leischner,
12 J-o-n-a-t-h-a-n, last name Leischner, L-e-i-s-c-h-n-e-r.

13 THE COURT: Go ahead.

14 MR. PALEPU: Thank you.

15 DIRECT EXAMINATION

16 BY MR. PALEPU:

17 Q. Doctor, where do you work?

18 A. I work at Beaumont Hospital Dearborn, formerly Oakwood
19 Hospital.

20 Q. And where did you work on or about February 15 of 2015?

21 A. At that same location.

22 Q. Okay. And how long have you worked there?

23 A. Worked there since 2014 as an attending physician. I
24 was there for four years prior as an emergency medicine
25 resident.

1 Q. Okay. Could you briefly tell the jury what your
2 educational history is.

3 A. Graduated from medical school in Kansas City in 2010.
4 I've been a physician for the last seven years. I
5 trained in emergency medicine through Michigan State and
6 Oakwood Hospital. Did a four-year residency in
7 emergency medicine. I'm board certified in emergency
8 medicine.

9 Q. Could you explain particularly what specialty emergency
10 medicine is and what it entails.

11 A. Well, essentially, we specialize in emergencies, trauma,
12 cardiovascular issues, life-threatening injuries.

13 Q. While you were at Oakwood as a resident, what kind of
14 cases, what kind of different kind of cases did you come
15 to attend?

16 A. You name it. I've trained at level-one trauma centers,
17 level-two trauma centers. Currently, level-two trauma
18 center where we see penetrating injury, blunt force
19 trauma, things like that.

20 Q. Okay. So stab wounds, gunshot wounds. Anything,
21 really?

22 A. Yep.

23 Q. How many cases do you think you've handled?

24 A. Thousands.

25 Q. During the course of any given week how many, how many

1 people would you end up seeing at Oakwood?

2 A. A couple hundred.

3 Q. Okay. What kind of additional training do you have
4 while you're at Oakwood in emergency medicine?

5 A. Pertaining to? I mean we get a wide breadth of training
6 in other specialties, cardiology, obstetrics, things
7 like that, just to help us with anything that can come
8 through the door in the emergency room.

9 MR. PALEPU: Your Honor, I would like to move
10 to admit the doctor as an expert in emergency medicine
11 and trauma.

12 MR. SHEIKH: We would have no objection.

13 THE COURT: All right. He's so admitted.

14 MR. PALEPU: Thank you.

15 Q. (By Mr. Palepu) Now, around February 13th of 2015, do
16 you remember coming into contact with a patient named
17 Curtis Hampton?

18 A. I do.

19 Q. And what was he there to have done?

20 A. He was brought in to be evaluated for an injury he had.

21 Q. Okay. Do you see him in the courtroom today?

22 A. Yes, I do.

23 Q. Could you please point him out and tell us what item of
24 clothing he's wearing.

25 A. Blue shirt, over there.

1 MR. PALEPU: Witness has identified the
2 defendant.

3 THE COURT: Duly noted.

4 MR. PALEPU: 114.

5 Q. (By Mr. Palepu) This is People's Proposed Exhibit 114.

6 Do you recall seeing Mr. Hampton as you do now
7 on the screen?

8 A. Yes.

9 Q. And could you tell us a little bit about the injuries
10 that Mr. Hampton came in the hospital for.

11 A. He was brought in by the police department and the fire
12 department to be evaluated for two lacerations he had to
13 his left chest wall.

14 Q. How did you -- when you first saw these injuries what
15 approach did you take?

16 A. We take an algorithm approach to any trauma. So, we
17 first evaluate the A's, B's and C's, airway, breathing,
18 cardiovascular. And, then, on our secondary survey, we
19 look closer at issues.

20 Initially, everything was, his vitals,
21 everything was good. We look to, look at the chest,
22 listen to his breath sounds. Lungs sounded clear.
23 Noticed that he had two one-centimeter lacerations that
24 appeared superficial to his left chest wall.

25 Q. Okay. Could you please describe what superficial is.

1 A. Not penetrating through the facial plain of the chest
2 wall.

3 Q. So how deep do you think those wounds were?

4 A. Half a centimeter, maybe. I mean, it was -- they were
5 about a day old. So it was, you know, there was already
6 some healing, mild healing.

7 Q. Was it, was there any active bleeding?

8 A. No active bleeding.

9 Q. And how did you end up coming to treat the wound?

10 A. I believe we placed some antibiotic ointment called
11 Bacitracin and two band-aids.

12 Q. Any stitches?

13 A. No stitches.

14 Q. Any staples?

15 A. No staples.

16 Q. This is 115. So are these the band-aids you put on the
17 wound?

18 A. Yes, they are.

19 Q. 116. If you take a look at that, does that accurately
20 reflect the wounds that you treated on February 15th
21 of -- February 13th of 2015?

22 A. Yes, it does.

23 Q. How long was Mr. Hampton at the hospital, do you recall?

24 A. I believe about an hour and-a-half.

25 Q. Was he ever admitted?

1 A. He was not admitted.

2 Q. So he was released after you treated him?

3 A. He was.

4 Q. There's been some testimony --

5 People move to admit 114 through 116.

6 MR. SHEIKH: We have no objection.

7 THE COURT: They're admitted.

8 Q. (By Mr. Palepu) Take a look at People's Exhibit 105.

9 Now, you haven't seen that before, have you?

10 A. I have not.

11 Q. Okay. There's been some testimony during the course of
12 the trial that this knife was the one that inflicted the
13 wounds on Mr. Hampton, and there was some testimony that
14 said, basically, stated that this knife was buried into
15 Mr. Hampton's chest, nearly all the way up to the
16 handle.

17 Now, if you'll take a look at that handle.

18 How many inches is that blade?

19 A. About four inches.

20 Q. Okay.

21 A. Three and-a-half.

22 Q. Okay. Do you believe that those injuries would support
23 that testimony that the blade was four inches deep?

24 A. I do not.

25 Q. Why is that?

1 A. Because the injuries appeared superficial and didn't
2 look like they penetrated into the chest wall, which
3 would be required to bury that into his chest.

4 Q. Okay. If that knife was buried into someone's chest as
5 deep as we've heard, what kind of injury would that
6 person sustain?

7 A. Likely, suffered a pneumothorax and a collapsed lung.

8 Q. And when someone suffers a pneumothorax or a collapsed
9 lung what kind of symptoms do they have?

10 A. Shortness of breath. That can progress to
11 cardiovascular collapse.

12 Q. Okay. While they were experiencing those symptoms, do
13 you believe that a person would want to or be able to
14 smoke cigarettes?

15 A. No.

16 Q. What about sit and have a few glasses of vodka?

17 A. No.

18 Q. Someone experiencing those symptoms, how long would it
19 take before they had serious issues breathing and maybe
20 cecumming to those wounds fatally?

21 A. Could be very quickly. There's no way to know for sure.
22 A knife that size into the chest would be fairly quick.

23 MR. PALEPU: Okay. One moment.

24 I have no further questions. Thank you,

25 Doctor.

1 THE COURT: Mr. Sheikh.

2 MR. SHEIKH: Yes, your Honor. Thank you.

3 CROSS-EXAMINATION

4 BY MR. SHEIKH:

5 Q. Good morning, Doctor.

6 A. Hello.

7 Q. I'm going to ask you a couple of questions relative to
8 your care of Mr. Hampton. Did you take any kind of
9 tocological samples from him?

10 A. I believe they were taken.

11 Q. Okay. Did you have a chance to look at those results?

12 A. At one point, yes.

13 Q. And did you determine if he had been taking pain killers
14 or anything else to assist with the pain?

15 A. I do not recall the results.

16 Q. Do you have the report with you?

17 A. I do not.

18 Q. All right. So if an individual has some wounds in their
19 chest and they're still able to consume cigarettes
20 and/or vodka, if they're taking pain killers that could
21 be possible, right? It's not a scenario that's unheard
22 of; isn't that correct?

23 A. Well, it may help them be in less pain. But,
24 eventually, they get more short of breath and --

25 Q. Well, that's fine. Sir, your testimony is not that a

1 person who has those wounds could not, under any
2 circumstances, smoke a cigarette or drink vodka,
3 correct?

4 A. Correct.

5 MR. FEDORAK: Judge, I'm sorry, can we just
6 clarify as to what we mean by wounds. The wounds he
7 treated or the alleged wounds?

8 MR. SHEIKH: Your Honor, that's uncalled for.

9 THE COURT: Overruled.

10 Q. (By Mr. Sheikh) Let's get back to the subject at hand.

11 You call it what ever you want.

12 MR. FEDORAK: Your Honor, I'm sorry.

13 THE COURT: Hang on. There's an objection.

14 MR. FEDORAK: I'm asking for -- I thought that
15 was a legitimate objection. He's asking wounds. What
16 wounds are we talking about is what I'm asking for?

17 There was testimony that there were wounds
18 that don't comply with the evidence. So it's a
19 legitimate argument about the alleged wounds.

20 MR. SHEIKH: Your Honor, we've been talking
21 about these wounds. They brought this man in from
22 Dearborn to talk about those wounds that they put
23 pictures up there.

24 What wounds does Mr. Fedorak think I'm talking
25 about?

1 THE COURT: The wounds that you testified to,
2 is that what you're referring to in your answer?

3 THE WITNESS: As far as whether he'd be able
4 to -- I guess I was still thinking of the theoretical
5 wounds. I apologize.

6 THE COURT: Okay. Thank you. All right.

7 MR. FEDORAK: I'm sorry, Judge. Maybe I
8 didn't clarify my objection, and I apologize.

9 I think we have hypothetical wounds that Mr.
10 Palepu was asking about, if it was buried four inches,
11 hypothetically, what would he be suffering from. So I
12 just wanted a clarification between those two
13 descriptions.

14 THE COURT: Okay. Apparently, there's some
15 confusion.

16 MR. FEDORAK: Thank you, Judge. I'm sorry.

17 Q. (By Mr. Sheikh) Let's talk about -- can we call those
18 actual wounds, the one that you saw.

19 A. Okay.

20 Q. You saw them, you treated them, you measured them, and
21 came here to testify as to their conclusions, right?

22 A. Yes.

23 Q. And you don't do that with fantasy wounds, right?

24 A. Correct.

25 Q. So those were actual wounds and that's what we're going

1 to talk about.

2 A. Okay.

3 Q. Are you going to try to tell these ladies and gentlemen
4 that somebody who had those wounds would not be able to
5 smoke a cigarette or consume vodka?

6 A. They could smoke a cigarette and consume vodka, yes.

7 Q. Okay. And you don't have toxicological results here to
8 indicate if, in fact, that person had taken pain
9 medication and what that level was, correct?

10 A. Correct.

11 Q. Okay. And in terms of the question about the knife
12 going in, the amount it went in, this area that we're
13 talking about is somewhat soft tissue? Is that
14 appropriate to say?

15 A. The superficial structures are soft, yes.

16 Q. Okay. And so, if the knife went in at an angle, it
17 wouldn't necessarily be going in an indication of depth,
18 right?

19 A. Correct.

20 Q. Okay. In other words -- and I don't want to put words
21 in your mouth, Doctor.

22 A. Yeah.

23 Q. If you have a four-inch blade, and we know, certainly,
24 that if it went in straight we would expect to see a
25 depth of approximately four inches, correct?

1 A. Correct.

2 Q. But if it went in at an angle, in a soft area, it could
3 go in more than an inch and not be an inch deep,
4 correct?

5 A. Correct.

6 MR. SMITH: Thank you, your Honor. Nothing
7 further.

8 THE COURT: Mr. Palepu.

9 MR. PALEPU: Thank you.

10 REDIRECT EXAMINATION

11 BY MR. PALEPU:

12 Q. The wounds that you treated, what's the probability that
13 the defendant could die from the wounds that you
14 treated?

15 A. Very, very unlikely, if impossible.

16 Q. Okay. What's the possibility of the defendant suffering
17 a pneumothorax from the wounds that you treated?

18 A. The wounds I treated, it couldn't have happened.

19 Q. Do you see any evidence, from the wounds that you
20 treated, that the blade could have gone in sideways to a
21 depth of four inches?

22 A. I didn't see any evidence, no.

23 Q. What kind of evidence would you see if the blade had
24 gone sideways in those wounds four inches?

25 A. Typically, you would have had something called a

hematoma, which is a blood clot underneath the tissue.

Q. Did you see any hematomas?

A. I did not.

Q. Any blood clots?

A. No.

Q. Did Mr. Hampton need morphine?

A. No.

Q. What appeared to be his pain level at that time?

A. He appeared comfortable.

MR. PALEPU: No further questions.

THE COURT: Mr. Sheikh.

MR. SHEIKH: Yes, two brief questions.

RE CROSS-EXAMINATION

BY MR. SHEIKH:

Q. Sir, first of all, this term that you used a couple of times, pneumothorax.

A. Pneumothorax.

Q. Would you be so kind as to explain that to us in a non-medical?

A. Non-medical, essentially, you have a collapsed lung and there's air outside of the lung, inside the chest wall.

Q. Okay. And as far as the pain level, Mr. Palepu just asked you what pain level Mr. Hampton was in. You're not really qualified to indicate that, are you, because you don't know what level pain killers he'd been taking,

1 correct?

2 A. Correct.

3 Q. Is that correct?

4 A. I guess it's a very subjective term, somebody's pain
5 level.

6 Q. But it can differ by people, correct?

7 A. What was that?

8 Q. It can differ by people, correct?

9 A. Correct.

10 Q. And it could differ if they've taken pain killers or
11 not, correct?

12 A. Correct.

13 Q. And it could differ if they've taken perhaps a higher
14 dose or a recent dose versus a mini dose hours ago,
15 correct?

16 A. Correct.

17 Q. So you could not definitely say whether or not Mr.
18 Curtis was in pain or not or whether that pain was being
19 covered up by pain medication or something else,
20 correct?

21 A. Correct.

22 Q. Or even perhaps vodka, correct?

23 A. Correct.

24 THE COURT: Mr. Fedorak, anything?

25 MR. PALEPU: I have nothing.

1 MR. SHEIKH: Nothing further.

2 MR. FEDORAK: Is the doctor free to leave,
3 your Honor?

4 THE COURT: Thank you. You're free to leave.

5 (At about 11:59 a.m., Witness Excused).

6 THE COURT: Approach.

7 (At about 12:00 p.m., Discussion Side Bar).

8 THE COURT: All right. We're going to break
9 for lunch until 1:30, actually, and then the prosecution
10 is planning on being able to be finished with their
11 witnesses today. Defense will have an opportunity
12 tomorrow at 10:30. It might be 10:00. I've got to
13 double check my morning docket, to put on their case,
14 and we think we will be able to wrap things up probably
15 tomorrow afternoon some time, and then we would go to
16 deliberations either tomorrow afternoon or Thursday.

17 So, with that, we'll break for lunch. You do
18 get a long lunch today.

19 THE BAILIFF: All rise for the jury.

20 (At about 12:01 p.m., Jury Excused).

21 THE COURT: You may be seated. Anything for
22 the record before we break?

23 MR. SHEIKH: Nothing from the defense, your
24 Honor.

25 MR. PALEPU: Nothing. Nothing at this time,

1 your Honor.

2 THE COURT: All right. We are in recess.

3 (At about 12:01 p.m., Recess Proceedings).

4 * * *

5 (At about 1:45 p.m., Resume Proceedings).

6 THE COURT: Back on the record. People versus
7 Hampton.

8 MR. PALEPU: Kumar Palepu for the People.

9 MR. SHEIKH: Good afternoon, your Honor.
10 Azhar Sheikh, counsel here on behalf of Defendant,
11 Curtis Lee Hampton, who stands to my immediate right.

12 THE COURT: Okay. We're ready for the jury,
13 correct?

14 MR. PALEPU: Yes.

15 MR. SHEIKH: Yes.

16 THE COURT: All right. Bring the jury in.

17 (At about 1:46 p.m., Jury Seated).

18 THE COURT: Okay. You may be seated.

19 Your next witness is?

20 MR. PALEPU: Sergeant Popescu.

21 THE COURT: Okay. Please raise your right
22 hand. Do you swear to tell the truth, whole truth,
23 nothing but the truth, so help you God?

24 SERGEANT POPESCU: I do, your Honor.

25 SERGEANT SERGIO POPESCU,

1 after having first been duly sworn by the Court to
2 tell the truth, testified as follows:

3 THE COURT: Have a seat. You're under oath.
4 Please state and spell your name for our court reporter.

5 THE WITNESS: Sergio, S-e-r-g-i-o, Popescu,
6 P-o-p-e-s-c-u.

7 THE COURT: Go ahead.

8 MR. PALEPU: Thank you.

9 DIRECT EXAMINATION

10 BY MR. PALEPU:

11 Q. Good afternoon, sir. Where do you work?

12 A. I work at the Dearborn police department, sir.

13 Q. How long you been there?

14 A. Dearborn, 11 years.

15 Q. And what is your current title there?

16 A. I'm a sergeant with the patrol division at Dearborn.

17 Q. Okay. What are your duties?

18 A. I oversee the midnight shift, midnight patrol shift.

19 Q. What were your duties on February 13th of 2015?

20 A. I was a patrol officer at that point.

21 Q. And at some point in time during that day, do you recall
22 coming in contact with a man named Curtis Hampton?

23 A. Yes, sir.

24 Q. How did that contact happen?

25 A. Dispatch advised officers that there was a gentleman

1 that was turning himself in for a possible homicide,
2 into our police station. He was situated in the front
3 lobby area of our police department.

4 Q. Okay. What did he look like when he came in the lobby?

5 A. Black male. When we came in he was hunched over. We've
6 got chairs in our lobby, kind of like a U shape. He was
7 sitting right by the front door, hunched over, hunched
8 down. I approached him, at which point I saw some blood
9 on his head. There was a little blood on his shirt.
10 And also, if I remember, he had a tear in his shirt on
11 the left side and we can see that there was some blood
12 on the left side of his shirt.

13 Q. 111. This is People's Proposed Exhibit 111.

14 Can you take a look at the screen there and
15 tell us if that's pretty much what you just described to
16 the jury.

17 A. Yes, sir.

18 Q. 112.

19 A. Yes, sir.

20 Q. Now, can you describe what it looked like to you as far
21 as injuries on the defendant's left side of his chest.

22 A. To me, it just looked like a laceration. Looked like a
23 cut.

24 Q. Was it actively bleeding?

25 A. No, sir.

1 Q. Did you have a conversation with Mr. Hampton?

2 A. I did, sir.

3 Q. And how did that start?

4 A. What I asked, the first thing I asked him is what
5 happened to you.

6 Q. When you said -- I'm sorry.

7 A. I'm sorry. Go ahead.

8 Q. When you said what happened to him, what did he say?

9 A. What he said was that he was stabbed, that he had been
10 stabbed repeatedly.

11 Q. And did he explain how he got stabbed repeatedly?

12 A. Not until later on, after I ended up mirandizing him.

13 Q. Okay. After you mirandized him, you had a conversation?

14 A. Yes, sir.

15 Q. Okay. And did you go more in depth about what his
16 statement was about getting stabbed?

17 A. Yes, sir.

18 Q. And what exactly did he say about being stabbed?

19 A. What he had said was that he and his girlfriend,
20 Monique, and his daughter, Carmon, were at their home
21 and they were sitting -- they were in the bedroom and
22 they were all laying on the bed, at which point they
23 started having a conversation about him advising Monique
24 that he had violated his probation and that he was going
25 to be going back to jail and he had wanted to have sex

1 with her one last time before going to jail.

2 Q. How did he say she reacted when he was asking for sex?

3 A. Mr. Hampton then said that she became irate and she
4 started yelling at him.

5 Q. And when she started yelling at him, how did he react?

6 A. After that, he said that after she started yelling, then
7 a fight, an actual physical confrontation ensued.

8 Q. Did he go into more depth about how that physical
9 confrontation progressed?

10 A. Yes, sir.

11 Q. And exactly what did he say happened after that?

12 A. What he had said then was that Monique was very mentally
13 unstable and extremely abusive. He said that Monique
14 was the type of person who carried knives on her all the
15 time and that she even had a knife hidden under her
16 pillow, at which point what he stated was that Monique
17 somehow pulled out a knife and then she started swinging
18 at him in order to try to stab him. Initially, she
19 missed him and struck the baby, Carmon, in the chest.
20 While the baby was laying on the bed, stabbed the baby
21 in the chest. After stabbing the baby in the chest, she
22 pulled the knife out of the baby's chest and then went
23 back after Mr. Hampton. After that, he advised me that
24 he was struck repeatedly in the chest and that the last
25 time he was struck in the chest she stabbed him so hard

1 that the knife actually stuck in his chest.

2 Q. Okay. Now, he says Monique stabs the baby in the chest,
3 pulls the knife out of Carmon and then repeatedly stabs
4 Mr. Hampton.

5 A. Yes.

6 Q. So hard that and with such force that the knife stuck in
7 his chest.

8 A. Yes, sir.

9 Q. And when you saw the knife, what did the knife look
10 like?

11 A. It was clean. It appeared to be clean, I'm sorry. I
12 don't know if it was 100 percent clean, but it was
13 clean.

14 Q. 105. If you'll take a look at this. Tell me if you
15 recognize that.

16 A. Yes, sir. This is the knife he had in his sweatshirt
17 that we took off him after we handcuffed him.

18 Q. Slide 113.

19 Now, when Mr. Hampton came into the police
20 station was his shirt open or closed?

21 A. I don't recall that, sir. I'm sorry.

22 Q. Do you remember seeing the knife being taken off his
23 person?

24 A. Yes.

25 Q. Okay. Where exactly was it?

1 A. He had it concealed in his sweatshirt. I don't recall
2 where, but I'm the one who took it from him and I handed
3 it to my sergeant.

4 Q. Okay. The knife you just looked at, is that the same
5 knife?

6 A. Yes, sir.

7 MR. PALEPU: Okay. People move to admit
8 slides 111, 112 and 113.

9 MR. SHEIKH: No objection, your Honor.

10 THE COURT: 11, 12 and --

11 MR. PALEPU: 113.

12 THE COURT: Okay. They're admitted.

13 MR. PALEPU: Thank you.

14 Q. (By Mr. Palepu) Did you try to go more in-depth about
15 what happened between Monique and Mr. Hampton?

16 A. I did. Once we got him inside the gurney -- I'm sorry.
17 Once we got him on the gurney I tried to ask him a
18 little bit more about what happened and he decided to
19 say I'm done talking about that but I'd like to tell you
20 about what kind of person she was.

21 Q. So he didn't want to tell you anymore about what
22 happened. He just wanted to talk about what type of
23 person she was.

24 A. Yes, sir.

25 Q. What type of person did he say she was?

1 A. Monique was extremely abusive. Monique was more or less
2 of a pill popper, addicted to pills. He said that
3 Monique was using Percocet heavily and also a heavy
4 marijuana smoker. He said that Monique's mother had
5 been providing her with all kind of pills because
6 Monique's insurance had run out. He also said that he
7 asked her repeatedly to see a therapist or some kind of
8 counselor but Monique refused to do so.

9 Q. At some point in time, was there property taken from Mr.
10 Hampton and itemized?

11 A. Yes, sir.

12 Q. Okay. And what type of property was taken?

13 A. So once we got inside the medical facility, obviously,
14 we were figuring out what was going on at that point.
15 So we decided to put everything into evidence. I'd
16 asked the doctors for paper bags so we could start
17 placing things into evidence. So we started taking his
18 personal effects, shirts, pants, jewelry, anything that
19 we may find on him. At the station we searched him
20 initially. We got the knife off of him and I believe we
21 also got a pack of Newports, which consisted of some
22 sort of medication, which he had said he was using due
23 to the pain. So we started collecting all this evidence
24 so that we could eventually hand it over to the
25 Eastpointe police department.

1 Q. Okay. So you took the cigarettes with the pills inside.

2 A. Yes, sir.

3 Q. Itemized that.

4 A. Yes, sir.

5 Q. What about the earrings? Tell us more about the
6 earrings.

7 A. The nursing staff was taking the earrings off and my
8 partner was provided -- I was provided the earrings, and
9 as I'm providing my partner the earrings, who was
10 logging everything, I had referred to the earrings as
11 silver earrings, and he, Mr. Hampton became a little
12 upset that I called them silver. His demeanor changed
13 and he said those are not silver, those are white gold.
14 I think, unless I can refer back to my report, I believe
15 he said I only have the real stuff. He said something
16 along the lines of that.

17 Q. So he was offended that his gold earrings were just
18 referred to as silver?

19 A. Yes, sir.

20 Q. Okay. Did that sound strange to you?

21 A. Yeah, to me, it did.

22 Q. Why?

23 A. Because if my daughter -- I'm a dad. I've got two
24 girls. I'm married. If my wife and daughter are dead,
25 I really couldn't care less what I'm wearing. It

1 wouldn't matter to me a bit.

2 Q. Did you ever have a conversation with Mr. Hampton about
3 if he had any other children or significant others?

4 A. Towards the end, while we were waiting for Eastpointe to
5 show up, I believe we moved him to a room and, at that
6 point, I had asked him if he had any other children. He
7 mentioned he had three other children.

8 Q. And when talking about his three other children, did he
9 express any kind of emotion about his ex-girlfriend?

10 A. Yeah, he had said that -- the first child, I believe, is
11 a son. He said that he was very pissed off at his first
12 baby's mother because she was supposed to be on birth
13 control, and she had promised him that she was going to
14 be on birth control, and after numerous sexual
15 encounters she had gotten pregnant with a child, and
16 then the mother of this child called him and said, hey,
17 I'm pregnant, what do you want me to do now.

18 Q. And what was his answer?

19 A. His answer was, shit, get rid of it, get rid of it,
20 shit, something like that.

21 Q. So, have an abortion.

22 A. Yeah.

23 Q. You were with Mr. Hampton when he was at Oakwood,
24 correct?

25 A. Yes, sir.

1 Q. Slide 114.

2 Now, is that the way Mr. Hampton looked when
3 he was in Oakwood?

4 A. Yes, sir.

5 Q. Okay. Slide 115.

6 Were you there when he was treated, his wounds
7 were treated?

8 A. Yes, sir.

9 Q. What did they look like to you?

10 A. Just looked like little cuts, little small lacerations.

11 Q. 116. Did they look deep to you?

12 A. Not at all. I mean, soon as they got done wiping the
13 blood off and treating them, there was nothing that came
14 out.

15 MR. PALEPU: One moment, your Honor.

16 Q. (By Mr. Palepu) Did you ever happen to ask him about
17 what happened to Carmon?

18 A. The only conversation I remember about Carmon was just
19 him stating that the mom stabbed Carmon, pulled the
20 knife out and then attacked him. I don't recall any
21 other conversation I had about Carmon.

22 Q. Did you try to push him further on what happened with
23 Carmon?

24 A. I did, but, like I said, once we got him in the
25 ambulance he shut down and wanted only to talk about

1 Monique, and that was kind of the end of the
2 conversation about what had occurred.

3 Q. So when you tried to push him on what happened to Carmon
4 he kind of shut down.

5 A. Yeah, just everything. He just didn't want to talk
6 about it anymore.

7 MR. PALEPU: Okay. No further questions.

8 THE COURT: Okay. Mr. Sheikh.

9 MR. SHEIKH: Thank you, your Honor.

10 CROSS-EXAMINATION

11 BY MR. SHEIKH:

12 Q. Good afternoon, Sergeant.

13 A. Hello, sir. How are you?

14 Q. I'm doing well, sir.

15 Couple brief questions. First of all, you
16 indicated in your direct answers to Mr. Palepu's
17 questions something about mirandizing the defendant; is
18 that correct?

19 A. Yes, sir.

20 Q. Now, for the ladies and gentlemen of the jury that may
21 not know, could you explain what mirandizing is.

22 A. If I'm about to question somebody, if I've got him in
23 custody or questioning, I'll mirandize him, advise him
24 of his rights. He has the right to remain silent, right
25 to have an attorney present during questioning. If he

1 can't afford an attorney, one will be appointed at no
2 cost. And, at that point, I would ask him do you want
3 to speak with me about what occurred.

4 Q. And I believe you may have stated, when was the exact
5 date and time that you had this conversation with Mr.
6 Hampton?

7 A. The day he came in at the police station.

8 Q. And what date was that?

9 A. May I look at my report?

10 Q. Yes, if it would refresh your recollection.

11 A. Looks like it was February 13th. I don't, I don't know
12 the exact time. Dispatch has the time of the run at
13 around 0900 hours.

14 Q. Which would be 9:00 a.m.

15 A. Yes, but may I look at this?

16 Q. Sure, sir.

17 A. I know my report, obviously, wasn't done until much
18 later that day, just based on I was at the hospital. So
19 I'm going to say I probably did my report three, four
20 hours after that.

21 Q. So when you, you did eventually mirandize Mr. Hampton;
22 is that your recollection?

23 A. I would say I mirandized him within five to 10 minutes
24 of making contact with him.

25 Q. Okay. And so the statements that he's making to you at

1 this point -- we know that the incident occurred on the
2 12th. This is on the 13th at about 9:00 a.m. At this
3 point, to the best of your knowledge, has he consulted
4 with any counsel?

5 A. I have no idea.

6 Q. Okay. He has not asked for any. He doesn't have any by
7 his side.

8 A. No, he did not ask me. He had his brother-in-law with
9 him.

10 Q. Okay. But was his brother-in-law seated right next to
11 him where he could assist him with questioning? Was he
12 seated --

13 A. His brother was right next to him, and his
14 brother-in-law was the one who advised me that Mr.
15 Hampton was the man whose baby was found dead in
16 Eastpointe earlier that morning.

17 Q. Okay. So right from the beginning, at that point, he
18 had indicated, at least to your questioning, that Carmon
19 had become deceased as a direct result of perhaps an
20 accidental blow, but certainly a blow by Monique,
21 correct? Is that what he stated?

22 A. I don't understand the question.

23 Q. He stated to you that Carmon had been stabbed, correct?

24 A. He didn't stay stabbed. I believe he said the daughter
25 was found dead earlier that morning.

1 Q. No, no. I'm not talking about what the brother said.
2 I'm talking about what Mr. Hampton said to you.

3 A. Oh, yeah. Mr. Hampton said that after he was
4 mirandized, yes.

5 Q. Right. And he indicated to you, if I'm paraphrasing
6 correctly, basically, he indicated to you then, right
7 from the beginning, that he thought that Monique either
8 accidentally or on purpose had stabbed Carmon as she was
9 trying to stab him, correct?

10 A. I guess I'm confused when you say beginning. Do you
11 mean --

12 Q. Right when you started talking to him, at 9:00 a.m. I
13 mean you only talked to him for how long? How long did
14 you talk to him about?

15 A. I would probably venture to say I talked to him for
16 about, on and off for about an hour, hour and a half,
17 between the initial contact as well as the hospital.

18 Q. Right. So, in between, he's put in an ambulance, he's
19 taken to the hospital, so forth like that, right?

20 A. Right.

21 Q. And at some point, I believe you indicated that either
22 around the time he went in the ambulance or prior to
23 that he kind of shut down and didn't want to talk about
24 anything --

25 A. Right, right.

1 Q. -- with Monique, correct?

2 A. Yes, sir.

3 Q. So in the beginning of this conversation, you have a
4 one-hour conversation with him, you say within the first
5 10 minutes is when he indicated to you that he thought
6 that Monique had stabbed Carmon as she was attempting to
7 stab him.

8 A. Yes.

9 Q. Okay. And could you tell if he was in any kind of shock
10 or anything? Did he seem --

11 A. He seemed upset.

12 Q. He seemed upset.

13 A. He seemed upset.

14 Q. Did he seem tearful? Did he seem despondent?

15 A. I wouldn't say despondent. He seemed upset. I wouldn't
16 say I saw tears in his eyes, but he seemed upset.

17 Q. Okay. And sir, did he resist in any way turning himself
18 in, or his brother bringing him in, waiting in the
19 lobby, did he comply with your requests?

20 A. Yes, sir.

21 Q. When you asked him to empty his pockets, which I imagine
22 you did, was there any resistance met?

23 A. No, sir.

24 Q. And did he provide what ever you asked him to provide,
25 in terms of the knife or what ever he had on him.

1 A. We took that from him.

2 Q. You took that from him. But, his ID, et cetera,
3 correct?

4 A. I don't know about his ID. The only thing I remember
5 taking off him was a knife and a pack of cigarettes.
6 But, he was compliant. If that's your question, he was
7 compliant.

8 Q. Okay. And you said something about pain medication when
9 you mentioned the Newport cigarettes. Was there some
10 pain medication on him or was it in the Newports?

11 A. He had a pack of Newport cigarettes and I think there
12 was some kind of medication. I don't know what it was
13 because I handed it right off. So, I had no idea. The
14 officers at Eastpointe would know what it is. I don't
15 know what it was. He said it was pain medication.

16 Q. Okay. To the best of your recollection, was it
17 capsules, was it tablets, if you recall?

18 A. I do not know.

19 Q. Did you actually see it?

20 A. Again, I don't remember. I'm sorry. I don't recall it.

21 MR. SHEIKH: Your Honor, if I may briefly
22 confer with my client before passing.

23 THE COURT: Yes, please.

24 MR. SHEIKH: Thank you, sir. Have a good day.

25 THE COURT: Any follow-up?

REDIRECT EXAMINATION

BY MR. PALEPU:

Q. In your hour and-a-half that you got to speak to Mr. Hampton did you feel like he was trying to control the conversation?

A. I think he was trying to deflect, more or less. I think, in my 15 years of experience -- and, again, all I can say is, as a father myself -- and I want to be real careful here, I'm not a psychiatrist or a psychologist. I just, I've had, I've dealt with homicides. I've been involved in a few. I don't know if he was trying to control the conversation, but I definitely -- it didn't seem to me like he was upset about the loss of a child and a girlfriend.

I don't know if that answers your question.

Q. Do you feel like he was being completely forthcoming with the information that you were trying to ask?

A. No.

Q. So you think he was holding back?

A. Yes.

MR. PALEPU: No further questions.

THE COURT: Any follow-up.

MR. SHEIKH: Yes, briefly.

THE COURT: Go ahead.

RE CROSS-EXAMINATION

1 BY MR. SHEIKH:

2 Q. You said, in response to Mr. Palepu, that he seemed like
3 he was controlling the conversation. He was kind of
4 scatter-brained, right? He was talking about the
5 earrings, he was talking about the pain pills, he told
6 you a little bit about what happened to Carmon, and then
7 he also said that he wanted to talk about Monique and
8 her proclivity to taking medication, things of that
9 nature.

10 A. Yes.

11 Q. Is that correct?

12 A. Yes.

13 Q. So he covered a whole lot of subjects in that period of
14 time, correct?

15 A. Yes.

16 MR. SHEIKH: Okay. Thank you. Nothing
17 further.

18 THE COURT: Anything further, Mr. Palepu.

19 MR. PALEPU: Nothing further.

20 THE COURT: Thank you. You may step down.

21 (At about 2:05 p.m., Witness Excused).

22 THE COURT: Your next witness.

23 MR. FEDORAK: Is the sergeant excused, your
24 Honor?

25 THE COURT: Yes.

1 SERGEANT POPESCU: Thank you, ma'am.

2 MR. SHEIKH: No objection.

3 SERGEANT POPESCU: Thank you, sir.

4 MR. PALEPU: At this time, since there's a
5 lull, I just want to make sure that 111 through 116 are
6 all admitted.

7 MR. SHEIKH: No objection.

8 THE COURT: Okay. I have to add on Exhibits
9 114 through 116. They're admitted.

10 MR. PALEPU: Okay. Thank you.

11 THE COURT: Your next witness.

12 MR. FEDORAK: Detective Joseph Madonia, your
13 Honor.

14 THE COURT: Raise your right hand. Do you
15 swear to tell the truth, whole truth, nothing but the
16 truth, so help you God.

17 DETECTIVE MADONIA: I do.

18 DETECTIVE JOSEPH MADONIA,
19 after having first been duly sworn by the Court to
20 tell the truth, testified as follows:

21 THE COURT: Have a seat. You're under oath.
22 You've been here. You know the routine. Please spell
23 your name.

24 DETECTIVE MADONIA: Detective Joseph Madonia,
25 J-o-s-e-p-h M-a-d-o-n-i-a.

1 THE COURT: Thank you. Go ahead, Mr. Fedorak.

2 MR. FEDORAK: Thank you, Judge.

3 DIRECT EXAMINATION

4 BY MR. FEDORAK:

5 Q. Good afternoon, Detective. Can you introduce yourself
6 to the jurors.

7 A. Good afternoon. My name is Detective Joseph Madonia.

8 Q. And where are you employed?

9 A. City of Eastpointe police department.

10 Q. How long have you been with the police department?

11 A. Twelve and-a-half years.

12 Q. What is your current assignment?

13 A. Investigator detective.

14 Q. And previously in your career, can you explain to the
15 jurors how you started out, what other jobs you've had
16 and, basically, a job description as to what you do
17 today.

18 A. I have not ever worked at any other department except
19 Eastpointe, since 2004. Worked all three shifts, day
20 shift, afternoon shift, midnight shift. I'm a field
21 training officer, an evidence technician. I'm radar
22 certified. My duties prior to becoming a detective was
23 road patrol. I've been a detective for three and-a-half
24 years now.

25 Q. Okay. So you already indicated that you are a trained

evidence tech.

A. Yes.

Q. Okay. I'm going to focus back on the February time period of 2015. Were you working that day during the day?

A. I was.

Q. We're starting, obviously, with February 12th, which was -- excuse me.

Wednesday was February 11th, Thursday was February 12th, and what Sergeant Popescu just testified to was Friday, February 13th, is that accurate, of 2015?

A. Correct.

Q. So the first you heard of this case was when?

A. Thursday night, around 9:17 p.m. I received a call at home.

Q. Okay. What shift had you worked that day?

A. My normal hours, day shift, 7:30 a.m. to 3:30 p.m.

Q. Detective Merlo already did a little bit of explaining. But, can you briefly describe for the jurors how does one detective catch a case as compared to another, how are they assigned, and what happens when something major happens within your city?

A. We each take a week at a time of being quote, unquote, on-call, meaning if anything happens the detective lieutenant or detective sergeant will contact us either

1 after hours at home or if we're working in our normal
2 course, normal hours, then they would send us out on the
3 road to handle it.

4 Any reports that the road patrol officers take
5 during that week, if there's any potential suspects that
6 can be identified or if there's any follow-up or
7 investigate work that needs to be done, that particular
8 on-call detective would get assigned those cases for
9 that entire week.

10 Q. Okay. Now, we're going to spend the next hour, hour
11 and-a-half talking about exactly what you did on this
12 case. But can you also summarize for the jurors, a
13 little bit fastforward, what is your responsibility
14 regarding the court system and this case and, obviously,
15 sitting as a detective in charge, et cetera. Can you
16 explain that for the jurors, as well.

17 A. My duties are to make sure that the prosecutor has
18 copies of all the police reports, any lab reports that
19 you've already seen.

20 Q. I was going to say, if we do hear -- your Honor, if you
21 don't mind, if we do hear very loud noises we'll pause.

22 THE COURT: Yes, because it's suddenly very
23 loud.

24 MR. FEDORAK: Thank you, Judge.

25 (At about 2:09 p.m., Pause for noise due to

1 construction).

2 THE COURT: I have to say, the loud noises
3 have usually not been for extended periods of time. So,
4 hopefully, this will not be one of those long periods.

5 I have a feeling we're just going to -- my
6 secretary just messaged me. She's going to try and
7 call. We might just have to try and speak loud for a
8 moment. If any of the jurors, Mr. Sheikh, if you can't
9 hear, wave your hand.

10 MR. SHEIKH: Thank you, your Honor.

11 THE COURT: Otherwise, we'll take a
12 five-minute break.

13 Q. (By Mr. Fedorak) Again, completing your summary or your
14 description, you've kind of described the front-end of
15 your job. Can you describe the court process from the
16 initiation of arrest to today?

17 A. Just making sure that the prosecutor's office has copies
18 of any and all reports, any lab reports, if you've seen
19 on the screen before, copies of interviews, copies of
20 phone records. What ever evidence that I can collect
21 and gather, I have to give it to the prosecutor's office
22 who in turn gives it to defense counsel. Make sure
23 witnesses are available for court. Evidence gets
24 checked out of the evidence room with our evidence
25 officer and handed to me to bring to and from court.

1 Q. So, in essence, you put the case together and follow it
2 through the court system.

3 A. That is correct.

4 MR. FEDORAK: I'm just hoping to get real
5 lucky, Judge.

6 THE COURT: That's better than the last noise.

7 Q. (By Mr. Fedorak) Now, let's focus on the day in
8 question.

9 You already indicated you worked the day shift
10 that day. You were already home with your family for
11 the evening.

12 A. Yes.

13 Q. Who called you into work?

14 A. That would be my detective lieutenant, Neil Childs.

15 Q. Okay. And did you respond to the station?

16 A. No. I responded to the scene first.

17 Q. Okay.

18 A. To obtain a physical description of the home to prepare
19 a search warrant.

20 Q. Okay. And if you can briefly describe for the jurors
21 what search warrants are.

22 A. A search warrant is a sworn affidavit by myself that the
23 facts in there, contained therein are true and accurate
24 to the best of my knowledge, that would be signed either
25 by a judge or a magistrate that allows us access into a

1 home to search and collect any evidence.

2 Q. So, in essence, basically, you're making a request to
3 the court, the court is giving you a court order and you
4 can do various things like seize records, enter into
5 people's homes, search for evidence and basically
6 conduct your investigation into areas that the court --
7 that you normally wouldn't be allowed to but based on
8 the judge okaying it, you can execute those search
9 warrants. Is that a layman's description?

10 A. That is correct.

11 Q. And you prepared a search warrant. In the search
12 warrant, why did you go to the house first? What do you
13 have to include in that search warrant?

14 A. The very first line in the search warrant is the
15 description of the person, place, property to be
16 searched. Therefore, I needed an accurate description
17 of the home so I can put that in the affidavit for
18 search warrant and relay that to the judge and/or
19 magistrate.

20 Q. When you went to the home, did you -- who were the first
21 people you saw at the home?

22 A. I met with Sergeant Randy Diegal (ph).

23 Q. Okay. Can you explain to the jurors who Sergeant Diegal
24 is?

25 A. Sergeant Diegal was the road supervisor working at that

1 time. You've heard the name Lieutenant Urnat. He was
2 the station commander and Sergeant Diegal was the road
3 supervisor. He would go to the scenes and assist the
4 patrol officers, and he was on scene securing the scene
5 for the detective bureau.

6 Q. Okay. When you first got to the scene, what were you
7 able to observe besides Sergeant Diegal being there?
8 Who else was there, if you can remember?

9 A. I know there were several officers in the neighborhood.
10 I just spoke with Sergeant Diegal.

11 Q. Did you even initially go into the house yet?

12 A. No, I did not.

13 Q. Okay. What did you do after you got the description?

14 A. Spoke with Sergeant Diegal to ascertain what he had seen
15 because he had entered the home. He had told me what
16 they had found, where they had found the two deceased,
17 and gave me the time of death that was pronounced by the
18 doctor from St. John Hospital of Detroit.

19 Q. What did you do next?

20 A. I went to the station, spoke briefly with Lieutenant
21 Urnat, learned that Mr. Rakowski was at the station
22 waiting to be interviewed, and then met with Detective
23 Lieutenant Childs, Detective Sergeant Baker and the rest
24 of the detectives.

25 Q. Okay. Not going back and forth as to what this

1 lieutenant said or what that sergeant said, what's the
2 game plan? What are you trying to do at this point, in
3 summary?

4 A. We're trying to divvy up duties and responsibilities as
5 best we can between the six of us. It was determined
6 that myself and Detective Sergeant Baker would process
7 the home, and Detective Lieutenant Childs and Sergeant
8 Merlo would go and Detective Hambright and Detective
9 Ignace, them four would go in two separate vehicles to
10 search for the defendant.

11 Q. Okay. So you went to the -- you went back to the scene?

12 A. Yes, I did.

13 Q. Okay. Now that you're back at the scene, were you able
14 to finally gain entry inside?

15 A. Prior to gaining entry I called the medical examiner's
16 office and requested them to the scene.

17 Q. And you ended up working with Dr. Mary Pietrangelo?

18 A. Yes.

19 Q. Again, not to repeat all the witnesses who have
20 testified, you've had the benefit, being my officer in
21 charge, you've seen, obviously, every witness testify so
22 far, correct?

23 A. Yes.

24 Q. What's the first thing you see, again, at the scene? Is
25 it still secured by uniformed officers?

1 A. Yes.

2 Q. And the yellow tape, as we see in People's Exhibit No.
3 1, is basically stretched across to keep every
4 unauthorized person out?

5 A. Correct.

6 Q. Okay. What do you do? Where do you go?

7 A. When I got back with the search warrant I was advised
8 photos of the exterior were already taken a second time.
9 I know Detective Holish testified he took pictures.
10 Detective Sergeant Baker took photos while waiting for
11 me to return with a search warrant. We entered through
12 the front door.

13 Q. Okay. How many detectives are in your detective bureau?

14 A. Three adult detectives and then we have a juvenile
15 detective.

16 Q. Okay. And a lot of police departments, such as Warren,
17 some of the larger departments, they sometimes have to
18 call patrol officers who are evidence techs to the
19 scene.

20 What's the designation of your detectives and
21 evidence techs? Are you guys all evidence techs?

22 A. Yes, we are.

23 Q. So you guys were able to process the scene yourself, if
24 need be.

25 A. Correct.

1 Q. Okay. You entered through the front door.

2 People's 2, please.

3 If I can go in just summary fashion. Your
4 Honor, if I may, we've had a lot of testimony as to the
5 scene and these exhibits. So, if I may, in summary
6 fashion talk about it, but if I get into anything
7 substantive I will not be as leading.

8 THE COURT: And Mr. Sheikh can object if it
9 gets --

10 MR. SHEIKH: No problem.

11 MR. FEDORAK: Thank you. Thank you, Mr.
12 Sheikh.

13 MR. SHEIKH: Yes.

14 Q. (By Mr. Fedorak) This is People's 2, which is a
15 side-view of the house; is that fair?

16 A. Yes.

17 Q. People's 3; side door?

18 A. Yes.

19 Q. Undamaged?

20 A. Correct.

21 Q. Can you describe why an evidence tech wants to take
22 pictures of the entire house, the exterior of the house?

23 A. Just to note the condition of the home, to rule out the
24 possibility that an intruder forced their way into the
25 home and may have committed this crime.

1 Q. People's 4. Interior shot of the house.

2 A. Yeah, that's in the living room, as soon as you walk
3 into that door and turn to your left.

4 Q. Fair and accurate the way you saw it on the night in
5 question?

6 A. Yes.

7 Q. People's 5. Again, a picture of the hallway.

8 Did you physically, at this point, for the
9 first time, go through the house yourself?

10 A. Yes.

11 Q. Okay. Next slide, please. People's 6.

12 At this point, are you seeing any blood to
13 your naked eye, so to speak? In other words, without
14 the use of any kind of enhancement?

15 A. No, not at this time.

16 Q. Do you gain entry into the rear bedroom?

17 Where's the first place you go?

18 A. I believe we went into that, that first door there,
19 which is the bathroom.

20 Q. Okay. People's 7. Highlight of the -- or an
21 enhancement of the doorknob, if possible, may or may not
22 have something to do with this case. Is that fair to
23 say?

24 A. I believe the information that I received from the
25 initial officers that were on scene, including Sergeant

1 Diegal, is that the father/grandfather, Mr. Rakowski,
2 had to force his way into the bathroom door because it
3 was locked.

4 MR. FEDORAK: Okay. And again, your Honor, at
5 this time, we may be going through some difficult
6 pictures.

7 THE COURT: Okay.

8 Q. (By Mr. Fedorak) People's 9. Moving to People's 9,
9 please.

10 Oh, I see. I'm sorry. I skipped eight.
11 Thank you.

12 People's 8 is a partial door open that exposes
13 the two deceased. We've already gone through this. And
14 this is your physical inspection, as well, right? You
15 saw all this?

16 A. Yes.

17 Q. People's 9.

18 When you make the scene, is Dr. Pietrangelo
19 there yet?

20 A. Not at this time.

21 Q. Okay. At some point during your work there do you see
22 Dr. Pietrangelo on scene?

23 A. Yes.

24 Q. Okay. And do you have an opportunity to brief
25 Dr. Pietrangelo?

1 A. Yes.

2 Q. Or the two of you interact?

3 A. Yes.

4 Q. What's the purpose of two of you interacting?

5 A. So I can provide her all the information that I've
6 learned and gathered up to that point, so it can assist
7 and aid her in her investigation.

8 Q. People's 10.

9 Again, fair and accurate as to what you guys
10 were dealing with that night?

11 A. Yes.

12 Q. Did you or any of your officers start processing the
13 scene, specifically in this bathroom, prior to Dr. P
14 getting there?

15 A. No.

16 Q. Okay. And how long do you think you were there before
17 Dr. Pietrangelo arrived?

18 A. Maybe a half hour, 45 minutes.

19 Q. Okay. Did you have an opportunity to inspect the rest
20 of the house while you were waiting?

21 A. Yes.

22 Q. Okay. People's 11 -- I'm sorry. Let's go back for one
23 second.

24 Back to People's 10. Thank you. If we can
25 get a highlight of the Foley knife, please. Thank you.

1 Detective, is part of your responsibility
2 seizing evidence, preserving evidence, bagging it, et
3 cetera, and labeling it for this case?

4 A. Yes.

5 Q. Did you have an opportunity to inspect that knife?

6 A. I did.

7 Q. And were you technically in charge of seizing it,
8 bagging it --

9 A. Yes.

10 Q. -- and being its custodian?

11 A. Yes, I was.

12 Q. Ultimately, what did you do with that knife?

13 A. After I secured it in a knife box and secured it, it was
14 later sent out to the Michigan State Police crime lab
15 for analysis.

16 Q. We've had a lot of parts in this case, a lot of dots.
17 Jodi Corsi is one dot. Amanda Fazi, the DNA expert, is
18 another dot. We're connecting the dots now.

19 Were you interacting with those people that
20 testified previously, in terms of the chain of evidence
21 of all the things that were submitted?

22 A. I met with them prior to submitting evidence. They have
23 certain rules that they'll only accept X amount or X
24 number of items regarding a case. In this circumstance,
25 because of the nature of the case, we were allowed to

1 exceed some of those numbers that they would allow for
2 testing.

3 Q. Correct. Because, in fact, the MSP crime lab does not
4 have an unlimited budget regarding DNA samples, DNA
5 testing. Whose responsibility is it to sit down --
6 let's say you collect 100 pieces of evidence. Whose
7 responsibility is it to figure out what things actually
8 get tested, you know, the top five or top 10 things that
9 get submitted to the lab?

10 A. That was a collaboration between myself and the Michigan
11 State police crime lab.

12 Q. And, in fact, once a case is put together, what is the
13 process, in terms of where do you go to, to get a case
14 authorized?

15 A. The prosecutor's office.

16 Q. Okay. And, in fact, did you sit down with, at that
17 time, chief trial attorney Therese Tobin and assistant
18 prosecutor Bill Cataldo and go through this and make
19 some decisions as to where you're going with the
20 evidence and so forth?

21 A. Yes, I did.

22 Q. Okay. Let's continue back to what you were doing that
23 night.

24 If we can go to People's 11. We've gone
25 through all these photos. But, again, the significance

1 of 11 was to show that no forced entry, at least through
2 that door --

3 A. Correct, and this is the front door.

4 Q. Not to go through all 12, 13, 14 -- or we can go through
5 them quickly. People's 12, People's 13, People's 14,
6 15, basically, you're going through an inspection on the
7 house and you saw and viewed each and every one of these
8 pictures, what they depict?

9 A. Correct.

10 Q. People's 16, 17. Again, this is a snapshot of several
11 windows. Eighteen, 19, 20, 21. All exterior pictures
12 just to show the thoroughness of your evidence tech, to
13 show that there was no forced entry or nobody broke into
14 this house?

15 A. Correct.

16 Q. Now, were you present when Dr. Pietrangelo started her
17 work in the bathroom?

18 A. I was.

19 Q. People's 26, please. Another tough picture, your Honor.

20 What was the first thing Dr. Pietrangelo did?

21 A. She grabbed Carmon by the left arm and had to snap the
22 rigor that had set in to help her determine approximate
23 time of how long she had been deceased.

24 Q. Okay. Did you have an opportunity to get up close and
25 personal like Dr. Pietrangelo was at this point?

1 A. I stayed back in the entrance way, let her touch and
2 manipulate and move the bodies.

3 Q. Okay. Did you see what, if anything, she did after what
4 you just said with Carmon. Where did she take her, if
5 anywhere?

6 A. She lifted underneath the pillow and Carmon and we
7 brought her to the couch in the living room and laid her
8 on a white cloth sheet to examine her further there,
9 more room.

10 Q. Okay. And were you standing there when Dr. Pietrangelo
11 examined the onesie?

12 A. Yes, I was.

13 Q. Did you, in essence, get your own opportunity to really
14 look at the onesie and observe anything significant or
15 potential evidentiary value of that onesie as she laid
16 there?

17 A. I had seen it prior to her arriving when I was taking my
18 photos. And as you can see in this picture, the light
19 pink flower, there's a red stain I'd say either at the
20 11 or 12:00 position.

21 Q. We just blew that up. And regarding the frontal view,
22 how many stains, how many potential blood stains did you
23 see on that onesie?

24 A. That was the only one that I noted.

25 Q. Okay. Did you also notice a cut, a cut through the

1 material?

2 A. Not at that time.

3 Q. Okay. People's 27. Before the removal of Carmon from
4 the body were you able to get an up-close personal look
5 and, in fact, take a photograph of coins on Monique
6 Rakowski?

7 A. Yes.

8 Q. Jumping forward to 91, please. Again, another tough
9 picture, your Honor.

10 Were you able to view Dr. Pietrangelo remove
11 the onesie?

12 A. Yes, I did.

13 Q. What, if any, injuries were you able to detect on Carmon
14 at that point?

15 A. The cut just below her left breast.

16 Q. Jumping to 94.

17 What are you or Dr. Pietrangelo trying to
18 accentuate in the center of this photograph?

19 A. Once we had a chance to look further, we were able to
20 identify the tear or cut in the onesie, which was
21 consistent in the middle of that red blood stain and it
22 matched up to the wound on her chest.

23 Q. Who was responsible for taking that onesie into
24 evidence?

25 A. It went with the child to the medical examiner's office.

1 However, it ultimately made its way to me.

2 Q. Did you have an opportunity to fully inspect that
3 onesie, not only just the frontal view but the actual
4 onesie, the whole onesie?

5 A. No, I did not.

6 Q. But did you have an opportunity, when you guys were
7 manipulating the body. And in People's 93, you guys
8 removed that onesie, correct?

9 A. Right, correct, to check the back, yes.

10 Q. Dr. Pietrangelo already indicated it's just lividity,
11 correct?

12 A. Yes.

13 Q. And those are not additional injuries in any way.
14 They're just the blood settling at the bottom of the
15 body, correct?

16 A. Yes.

17 Q. But, at this point, did you have an opportunity to see
18 if there was any other blood on the onesie other than
19 where the cut was near the heart?

20 A. No.

21 Q. Okay. After Dr. Pietrangelo completed her initial
22 examination on the couch within the house, did she then
23 move to Monique Rakowski?

24 A. Yes, then we went back to the bathroom.

25 Q. People's 95. Were you there when the doctor started to

1 work on Monique? And I'm meaning process the scene.

2 A. Yes.

3 Q. Okay. What, if anything, did Dr. Pietrangelo do that
4 you saw?

5 A. I believe once she took her photograph, I then secured
6 the knife.

7 Q. Okay.

8 A. So it was out of the way. We just documented it, kind
9 of in layers, going from the top down, starting with the
10 pink tank top and the brown towel.

11 Q. You mentioned securing the knife. I don't know if we've
12 ever had an evidence tech yet testify as to the way you
13 secure a knife. What do you do with it?

14 A. Well, obviously, we had gloves on. And securing it in a
15 box, an evidence box designed for a knife.

16 Q. The box is made out of what material?

17 A. Cardboard.

18 Q. In fact, any material that you have that might have
19 bodily fluid on it, blood, or anything that might have
20 to be tested, what type of bags do you use?

21 A. Brown paper bags.

22 Q. Why do you use paper rather than plastic?

23 A. Plastic can get moldy and wet. If things, if items are
24 wet, condensation and mold and it will destroy evidence.

25 Q. Now, obviously, you're testifying last in our case.

1 We've been at this since last week. You've heard all
2 the other witnesses testify in terms of the roles that
3 they played, the bit roles that they played. That
4 knife, were you responsible to sending it to Jodi Corsi?

5 A. Just making sure, yeah, it got, that it was on the list
6 of one of the items to be tested.

7 Q. Right. Now, you've already -- exactly. You've already
8 testified, in summary, that you had numerous things that
9 you took to the MSP crime lab in Sterling Heights,
10 correct?

11 A. Yes.

12 Q. And was that knife one of the things that you collected,
13 you and your fellow officers, and brought numerous
14 things to Jodi Corsi?

15 A. Yes.

16 Q. So when Jodi Corsi testified as to -- and we saw
17 pictures such as People's 85 and People's 86. You were
18 the one that facilitated the delivery of these seized
19 items to the MSP crime lab so Jodi Corsi could start
20 doing her blood analysis and everything that she
21 testifies to; is that fair and accurate?

22 A. Yes.

23 Q. And then, ultimately, after they do all their testing,
24 you collect all the reports and, again, run this case
25 basically through the entire court system?

1 A. Yes.

2 Q. Okay. And not repeating Jodi Corsi's testimony or
3 Amanda Fazi's DNA testimony, your investigation and your
4 reports kind of led to me summarizing it on this chart
5 when Mr. Palepu was asking questions of those blood
6 experts and DNA experts; is that fair?

7 A. Yes.

8 Q. Back to processing the scene with People's 96, I now see
9 that the brown blanket's been removed from the top of
10 Monique Rakowski.

11 A. Yes.

12 Q. What does that picture depict?

13 A. That's her black T-shirt. Looks like there's a cut in
14 the T-shirt. And then you can see the outline of what
15 appears to be a stain.

16 Q. Okay. People's 97, another layer removed; is that fair
17 and accurate?

18 A. Yep, just lifted up, yes.

19 Q. And what is that depicting?

20 A. That's a lime green shirt with a blood stain.

21 Q. People's 98, please.

22 Detective, what are you trying to establish
23 with this picture?

24 A. To show the wound.

25 Q. And does the wound also correspond with the tear in the

1 shirt?

2 A. It appears so, yes.

3 Q. People's 98 -- excuse me, 99. Thank you.

4 Again, more knife wounds being evidenced?

5 A. Correct.

6 Q. At some point, does Dr. Pietrangelo manipulate the body
7 to finish taking pictures?

8 A. Yes, she does.

9 Q. People's 100.

10 Detective, what is that evidence of?

11 A. That's her back, upper back.

12 Q. And you were there, again, present with Dr. Pietrangelo
13 as she did her work in that bathroom?

14 A. Yes, I was.

15 Q. Okay. Detective, after Dr. Pietrangelo did her work
16 what, if anything, did you and your fellow officers
17 still have to do at the scene?

18 A. We collected some more evidence from the master bedroom.

19 Q. What type of evidence did you collect?

20 A. A blanket, a butterfly knife, Apple cell phone and a
21 blue case, those two items were underneath that blanket.
22 I believe we took the bed sheets, pillowcases.

23 Q. People's 31, please.

24 Fair and accurate picture of the bedroom in
25 question.

1 A. Yes.

2 Q. Did you notice how the mattress sticks out from
3 underneath, the two mattresses, excuse me, the box
4 spring stick out from underneath the two mattresses?

5 A. Yes.

6 Q. Okay. Were you able to see any blood at this point?

7 A. No.

8 Q. People's 32. Were you in that bedroom, Detective?

9 A. I did go in there, yes.

10 Q. Was there anything unusual in that bedroom at all?

11 A. Nothing that I noted.

12 Q. People's 34. Anything unusual regarding that poster as
13 it relates to what you found in the bathroom?

14 A. In this movie, The Boondock Saints, the coins on the
15 eyes, which is what we had found in the bathroom.

16 Q. Now, I'm going to fastforward. Approximately 18 hours
17 later, you had an opportunity to have an extensive
18 interview with the defendant himself, correct?

19 A. I did.

20 Q. And did this come up with the coins?

21 A. Yes.

22 Q. We'll do that chronologically later. But, that's one of
23 the posters or one of the themes you were talking about,
24 as to what you guys discovered in the bathroom?

25 A. Yeah. When you walk in the door, the door being over

1 here, that picture that was taken of the dog in the
2 cage, this picture would have been to my back as I was
3 taking the picture of that living room.

4 Q. Okay.

5 A. And then, you see the entrance to the kitchen right
6 there.

7 Q. Okay. Now, let's try and finish this chronologically.

8 You're at the scene. You just testified about
9 the master bedroom, all the rooms you inspected. Is
10 there anything of any real significance at this point
11 that you're still doing on scene?

12 A. No. Once the medical examiner was complete with her
13 investigation and the bodies were removed to back to
14 their office for an autopsy scheduled later that morning
15 I believe, or the next day, myself and detective
16 Sergeant Baker, we secured the home and then we went
17 back to the station.

18 Q. Okay. What's going on at the station?

19 A. The other detectives have come back, and then we're
20 starting to compare notes and analyze what each has come
21 up with in their course of work.

22 Q. Okay. Detective Merlo has already testified about the
23 assignments he's been given in terms of trying to start
24 the search for the defendant; is that fair to say?

25 A. Yes.

1 Q. Lieutenant Urnat, I believe, was responsible for getting
2 cell phone information?

3 A. Yeah. He got on that right away when it was learned
4 that the vehicle was missing and Mr. Hampton was
5 unaccounted for. I believe he obtained Mr. Hampton's
6 cell phone number from Mr. Rakowski and contacted the
7 phone, the cell phone carrier provider, which was AT&T,
8 and got the ping initiated on the phone.

9 Q. Okay. So your first step is interviewing Mr. Rakowski
10 and he supplied as much information as he could, plus
11 physically going through the entire house at this point?

12 A. Yes.

13 Q. Okay. What do you personally do next?

14 A. I got, I contacted OnStar. Based on the make and model
15 of the car, my hopes were to contact On-Star to see if
16 they could give us a location for the vehicle. I was
17 notified by a representative that it was equipped with
18 OnStar. However, it was not linked or hooked up and the
19 only way to activate it was from physically inside the
20 vehicle.

21 Q. Okay. What happened next, that you were in charge of?

22 A. I contacted AT&T and requested a 24-hour call log from
23 Mr. Hampton's cell phone, received those records back
24 within minutes, and I started going through those.

25 Q. Okay. And next?

1 A. Detective Merlo and I located -- I located a phone
2 number that he had called and compared it with some
3 information that Detective Merlo received from Curtis
4 Hampton's mother, Anita Hampton, and learned that it
5 possibly was the same phone number for Anna.

6 Q. Okay. And you're doing all this leg work or all this
7 office work. Approximately what time are we talking
8 about are you in your office at this point?

9 A. 11:00, midnight, 1:00 a.m., 2:00 a.m. We were all there
10 all night. I started losing track of time. I'm sorry.

11 Q. That's okay. Just to set it in place for the jurors.
12 You get called in at 9:00 p.m.

13 A. Yes.

14 Q. You do a search warrant. You go back to the scene. You
15 fully inspect the scene with Pietrangelo. You go
16 straight back to your office. So you're still within
17 the first three or four hours, five hours of your
18 investigation.

19 A. Roughly, yes.

20 Q. At some point, do you actually hit the road and go
21 somewhere or do other detectives hit the road and go
22 somewhere in the wee hours of the night?

23 A. Detective Hambright and Detective Ignace were still out
24 in the area of where the phone last pinged, still
25 searching that area after they had talked to mom.

1 Detective Merlo -- sorry, Sergeant Merlo and I went to
2 Chesterfield, which was the last known address for Anna.

3 Q. Okay. And so you were not initially at Anita Hampton's
4 house?

5 A. Correct.

6 Q. That house, or that apartment is located in what general
7 area?

8 A. It's Warren, I believe. 13 and Mound.

9 Q. Okay. And who was responsible for going to that
10 location?

11 A. That was the other detectives.

12 Q. Okay. And at some point -- so here we go with this.
13 Who was the first potential witness or player that you
14 made contact with physically?

15 A. That would have been Anna.

16 Q. Okay. So Detective Merlo does the workup through the
17 databases, addresses, contacts, right?

18 A. Yes.

19 Q. You believe Anna may be somewhere in Chesterfield at an
20 address?

21 A. Correct.

22 Q. You guys jump in the car, you and Merlo, and you drive
23 to that address.

24 A. Yes.

25 Q. Do you actually make it to that address or is there a

1 change of plans? Does something happen where you
2 re-route yourself?

3 A. No, we physically made it to that location, knocked on
4 the apartment door that we had on file for her, we
5 received no answer. And then, we were returning to the
6 station, at which time Sergeant Merlo decided to call
7 the number for Anna while we were driving.

8 Q. And did she pick up?

9 A. She did.

10 Q. Okay. We already heard Anna testify. So I don't want
11 to go to exactly everything that she's already shared
12 with the jurors. But I do want to explain for the
13 jurors what path you took in the chronological order.
14 Did you and Detective Merlo shoot over to where ever she
15 was?

16 A. Yes.

17 Q. People's Exhibit 90 is about to pop up -- people's
18 exhibit of the GPS map is about to pop up.

19 So you go to Chesterfield. You're going back
20 to Eastpointe. You re-route and you go to what side of
21 town?

22 A. The west side.

23 Q. West side of Detroit?

24 A. Yes.

25 Q. Around the Warren and Southfield expressway area?

1 A. Yes, that's correct.

2 Q. And the reason you're going there, who supplied you
3 information to go to that address?

4 A. Anna.

5 Q. Okay. And do you ever make it to that address on the
6 west side of Detroit and actually see an Anna?

7 A. Yes.

8 Q. Now, you later learned Anna's full name is Brianna, and
9 I'm mispronouncing it I believe, is Keinath or Keinath?

10 A. Yes.

11 Q. So when we were talking about Anna, it's actually
12 Brianna Keinath.

13 A. Yes.

14 Q. Okay. Do you actually make contact with her, you and
15 Detective Merlo?

16 A. Correct.

17 Q. Where is she? What type of place is it?

18 A. Two-story bungalow in Detroit.

19 Q. Okay. And does she voluntarily meet with you and talk
20 to you?

21 A. Yes, she did.

22 Q. What happened when you met with her?

23 A. We asked her when the last time she saw and spoke with
24 Curtis Hampton, who she referred to as CJ.

25 Q. Okay. We have People's 109. Thank you so much. 109 on

1 the screen.

2 On the ride sight of the screen we have
3 Monique and Carmon Rakowski's address on Normandy; fair
4 to say?

5 A. Yes.

6 Q. Obviously, Chesterfield is to the north of Gratiot, the
7 northern Macomb section of Macomb County.

8 A. Actually, it was right off 94 and 23 Mile Road.

9 Q. Okay. And then you guys zipped over to where Anna was,
10 I assume.

11 A. Yes.

12 Q. I assume you probably took I94 to get there.

13 A. Yes.

14 Q. Were you exceeding the speed limit?

15 A. I don't recall.

16 Q. What did Anna tell you when you got to that address on
17 Ward street?

18 A. Can I refer to my report?

19 Q. Absolutely.

20 A. Thank you.

21 Q. I believe we're on 26 of 48.

22 A. She confirmed that she got a call from CJ, who she,
23 that's how she refers to Curtis Hampton, is CJ.

24 Q. Okay. And what, if anything, did she share with you
25 that was the context of the call or the nature of the

1 call?

2 A. That he called and then he showed up, he was dropped off
3 at her house.

4 Q. Did she say how he got there?

5 A. It was a dark-colored SUV dropped him off.

6 Q. And what did she share with you was going on when he was
7 dropped off?

8 A. That she saw a knife sticking out of his chest.

9 Q. I forgot to ask, Detective, I'm sorry, approximately
10 what time did he get dropped off?

11 A. She said around 8:00 p.m. on the 12th.

12 Q. You guys are there in the early-morning hours of the
13 13th.

14 A. Correct.

15 Q. So that was approximately 10 hours before.

16 A. Yes.

17 Q. At the beginning of her stay with CJ.

18 A. Correct.

19 Q. Did she indicate how long he stayed with her?

20 A. I believe he left, her words were, between 12:30 a.m.
21 and 1:00.

22 Q. So now that he stayed approximately four hours, four
23 and-a-half hours, you guys were just about six hours,
24 seven hours behind him?

25 A. Roughly, yes.

1 Q. Okay. What else did she share with you?

2 A. She said that CJ told her he got into a fight with his
3 baby mama and that she stabbed him.

4 Q. Okay. Did she say anything that you caught to be
5 unusual or found to be unusual?

6 A. She asked if he wanted to go to the hospital or call the
7 police or ambulance, and he refused.

8 Q. Okay. And what happened next?

9 A. She said that at some point the knife fell out. She
10 told him to go to the bathroom and clean up and gave him
11 some Motrin.

12 MR. FEDORAK: Your Honor, if I may approach.

13 THE COURT: Yes.

14 MR. FEDORAK: Thank you.

15 Q. (By Mr. Fedorak) I'm handing you People's Exhibit 105.
16 Do you recognize that, sir?

17 A. I do.

18 Q. And you just referenced a knife that fell out. Were you
19 able to connect all the dots and figure out what knife
20 she was talking about?

21 A. Later on, yes.

22 Q. Is that the knife that she was talking about that fell
23 out of his chest?

24 A. Yes.

25 Q. Okay. Please, continue.

1 Did she describe for you exactly the position
2 of the knife or the circumstances of it at all?

3 A. No. She just said it was sticking out of his chest and
4 that it fell out, and that he picked it up, put it in
5 his pocket, and she directed him to go to the bathroom
6 to clean up.

7 Q. Do you remember my questioning of her about how when I
8 asked her if the knife was sticking kind of
9 perpendicular out of the chest on its own strength, or
10 was it maybe pinned across the shirt, across her chest
11 and being covered up by the shirt?

12 A. Yes, I do.

13 Q. Based on everything that you had learned and have
14 subsequently learned, Detective, do you ever believe
15 that the actual knife was like sticking out of his chest
16 where the entire silver blade area was stuck inside of
17 his body for three to four inches.

18 A. No, I don't.

19 Q. Please, continue. What else did you share with Anna or
20 did she share with you?

21 A. We asked Anna what the conversation was. She just said
22 that CJ just wanted to see her one last time, that he
23 was in trouble and the cops were looking for him, at
24 which time she said that you have to leave.

25 Q. So she would not allow him to spend the night?

1 A. Correct.

2 Q. In fact, do you remember her testimony here in court
3 where she said he made her feel uncomfortable at that
4 point?

5 A. Yes.

6 Q. Furthermore, did you remember her telling you on the
7 night in question about CJ using her phone to call
8 somebody for a ride away from her house?

9 A. Yes.

10 Q. And who did -- who used that phone? Who used her phone
11 to make arrangements for the away ride?

12 A. She said Curtis did, CJ.

13 Q. Anything significant about what was left on that phone?

14 A. There was nothing left. She said he deleted it.

15 Q. And you, she said that to you on the night of and you
16 detailed that in your report, that that info the
17 defendant deleted from her phone.

18 A. Yes.

19 Q. In other words, covering his tracks?

20 A. I would assume so, yes.

21 Q. Please, continue. How did it end with Anna?

22 A. Like I had stated earlier, he left between around 12: 30
23 and 1:00, and the only information that she could
24 provide was the same dark-colored SUV that dropped him
25 off was the same vehicle that picked him up.

1 Q. Now, the second from bottom paragraph of your report on
2 page 26, did Anna make any statements about -- besides
3 the text message, she did receive some type of text
4 message regarding the unfortunate demise of CJ, in other
5 words, announcing his death, correct?

6 A. Correct, which we photographed.

7 Q. Correct. And we showed that up on the screen
8 previously.

9 A. Yes.

10 Q. In fact, did Anna say that she reached out to Ms.
11 Hampton to check on his whereabouts after she received
12 this text?

13 A. She did. She said she called Anita.

14 Q. Okay. But, besides that, did Anna indicate to you or
15 admit to you that she received any other calls from any
16 other family members?

17 A. She did.

18 Q. And who was that from?

19 A. She said immediately after she spoke with Detective
20 Merlo, provided him with the address on Ward Street,
21 that she received a call from Curtis' sister, Tanesha
22 Hampton.

23 Q. Okay. And at the scene --

24 (Cell Phone Ringing)

25 MR. FEDORAK: I guess we have

1 building-material noise and cell phone noise.

2 Q. (By Mr. Fedorak) At the scene, when you're still with
3 Anna, can you put the time period as to what Anna was
4 talking about?

5 What part of your visit, before and how long
6 before your visit or how long after CJ's visit did she
7 reach or get that call from CJ's sister?

8 A. It would have been after Detective Merlo had called,
9 when we were on 94. I believe we were right around
10 Gibraltar Trade Center, headed west on 94. So, however
11 long it took. I don't know if it took us half-an-hour.
12 Could have taken us 20 minutes to drive to her house.
13 She said in that time frame, between her talking to
14 Detective Merlo on the phone and us arriving at her home
15 she had this phone call.

16 Q. Detective, if it took you 20 minutes, now does it
17 refresh your memory if you and Detective Merlo were
18 speeding on I94?

19 A. Yes.

20 Q. Okay. So Anna was armed with the information that you
21 guys were on the way because you, yourself, contacted
22 her?

23 A. Correct.

24 Q. And Anna admitted to you that she had contact with CJ's
25 sister at the time she was armed with the information

1 that you were on the way to her house?

2 A. Correct.

3 Q. Do you remember Davone Phillips testifying as to all of
4 a sudden the defendant had to go?

5 A. Yes, I do.

6 Q. Does that time frame correlate as to when the decision
7 about the defendant had to leave Davone's address? Is
8 that about the same time period?

9 A. Yes.

10 Q. When you guys leave Anna's, where are you going?

11 A. We're headed over to Davone Phillips' house at 8458
12 Warwick. His mother provided that information, a phone
13 number and name to Sergeant Merlo when he initially
14 spoke with her, and Anna confirmed that the cousin was
15 Davone Phillips and was able to provide a phone number
16 for him to us, and we compared it, it matched. I called
17 my boss that was back at the station and he provided me
18 that address, and when I plugged it into Google maps on
19 my cell phone I learned it was only 10 minutes away.

20 Q. Okay. Now, Detective, I'm not fixating on how fast you
21 and Merlo were driving that night. But, clearly, you're
22 not driving as fast as cell phone calls are made from
23 location to location, are you?

24 A. Correct. Actually, we had to wait a half-hour at Anna's
25 house for my other detectives to come because we did not

1 have, I did not have my evidence kit with me. And then,
2 based on some of the statements that Anna made as far as
3 going to the bathroom and cleaning up, I observed in the
4 bathroom sink what I thought was potentially some blood
5 evidence that I wanted to collect. So I had to wait for
6 the other two detectives to come from the station with
7 some materials so I could collect that.

8 Q. And you stole my thunder. I was going to finish up with
9 that line of questioning.

10 You actually waited and had evidence techs
11 because you knew the defendant had entered the bathroom
12 how?

13 A. Based on Anna's statements.

14 Q. And what did Anna say he did in the bathroom.

15 A. He cleaned up, cleaned up his wound.

16 Q. Okay. Once you had a fellow officer come with an
17 evidence kit and take the samples that you wanted out of
18 her bathroom, where did you go?

19 A. The four of us went over to Warwick, 10-minute drive.

20 Q. What did you find at Warwick and approximately what time
21 are you there?

22 A. We were there, I would say, probably anywhere between
23 8:30 a.m. and nine because just as we were pulling up is
24 when I got the call from my other lieutenant that
25 somebody alleging to be Curtis Hampton had turned

1 himself into the Dearborn police department.

2 Q. Did you finish what you needed to finish at the Warwick
3 address, Mr. Phillips' residence, before you rushed over
4 to Dearborn?

5 A. Yes. We did make contact with Mr. Phillips.

6 Q. Please explain that contact.

7 A. We advised him who we were, that we needed to speak to
8 him regarding his cousin, Curtis Hampton, Jr.

9 Q. And was he forthcoming with you?

10 A. He did allow us entry into the home. However, when he
11 was pressed for questions as to what time he had seen
12 him and their interaction, he wasn't very cooperative.

13 Q. Okay. In fact, did you guys press him for specific
14 information?

15 A. We did.

16 Q. And did he supply anything?

17 A. We mainly wanted to hit on the fact that if he had come
18 over, if he had saw this knife sticking out of his
19 chest, and he said no.

20 Q. Okay. And did you ask him to fill out a written
21 statement?

22 A. I did.

23 Q. And what was his response to that?

24 A. He refused. He said he didn't know anything and
25 he wasn't getting involved.

1 Q. Did you specifically ask him, I'm referring to the
2 fourth paragraph on the bottom of page 28 of your
3 report, as to where his current whereabouts were.

4 A. I did.

5 Q. And, again, did he provide any information whatsoever if
6 he knew any details at all?

7 A. No, he said he didn't.

8 Q. Let's fast forward. Let's see if I get these time
9 periods right. We're talking about 8:30 Friday morning,
10 correct?

11 A. Yes.

12 Q. Fastforwarding into this case, you had an opportunity to
13 sit down and have an extensive interview with the
14 defendant; is that fair to say?

15 A. Yes.

16 Q. Approximately how long was that interview?

17 A. I believe the first interview was almost three hours,
18 close to three hours, and then I had two subsequent
19 interviews after that.

20 Q. The three-hour period, was it that same Friday?

21 A. Yes, it was.

22 Q. From approximately what time to what time?

23 A. 2:00 p.m. in the afternoon until about 5:00 in the
24 evening.

25 Q. Okay. So between 2:00 and 5:00 the defendant supplied

1 you with certain information about his contact with Mr.
2 Phillips; is that fair to say?

3 A. Yes, he did.

4 Q. What, if anything, did the defendant tell at that time
5 as to how much Mr. Phillips knew?

6 A. He indicated that Mr. Phillips knew the whole story.

7 Q. Let's get back to our chronological setting.

8 After you deal with Mr. Phillips at the scene
9 and pretty much get nothing out of him, where do you go?

10 A. Me and Sergeant Merlo went to the Oakwood Hospital.

11 Q. He, you learned that the defendant surrendered himself
12 at Dearborn but was where at this point?

13 A. They transported him to Oakwood Hospital.

14 Q. When you got to Oakwood what, if anything, did you
15 observe?

16 A. He was in a hospital gone, in a hospital bed, in a room.
17 Six or seven Dearborn officers were there. I met with a
18 couple and got information as to what they did and their
19 roles in the investigation.

20 Q. And did you ask them to fill out reports, forward the
21 reports to you?

22 A. Yes, I did.

23 Q. And again, as the lead detective, you're responsible for
24 putting all this together in the next several weeks,
25 correct?

1 A. Yes.

2 Q. Okay. People's 114, please.

3 Did you have an opportunity to observe the
4 defendant at the hospital?

5 A. Yes, I took that picture.

6 Q. You took that picture?

7 A. Yes, I did.

8 Q. Again, 115. And again, 116.

9 Detective what are you trying to preserve at
10 this point? What's the purpose of this close-up
11 picture?

12 A. Just to show these two wounds. I'm assuming that's why
13 he was transported to the hospital by Dearborn. And I
14 just wanted to document them while we were in the
15 hospital.

16 Q. So you were armed with this information later when you
17 conducted your interview with the defendant; is that
18 fair to say?

19 A. Correct.

20 Q. People's 117. Is that a picture you took?

21 A. Yes, it is.

22 Q. What is it a picture of?

23 A. It's a picture of some of the items that were recovered
24 by Dearborn that was turned over to me from Mr. Hampton.

25 It's a dog tag. It's got a cross on it in the

back. It's got his initials, CJ. A set of house keys
and then a car key to a Chevy.

Q. And People's 118, please.

Is that your picture, as well, Detective?

A. Yes, it is.

Q. What is it?

A. One of the shirts that was in a brown paper bag turned
over to me by Dearborn that Mr. Hampton was wearing when
he turned himself in.

Q. People's 119, what is that a picture of?

A. This is the plastic bag that his mother turned over to
us I believe on the 19th of February.

Q. Okay. We have fast forwarded a couple days, but these
are all your pictures, right?

A. Yes, it is.

Q. Okay. And then, People's 120, what is that a picture
of?

A. That's the outside of the bag, close-up. It appeared to
be possibly blood. I didn't know. So, photographed it.

Q. And just to remind these jurors, is it my -- are we
remembering the evidence correctly that was testified to
last week, that Ms. Hampton was originally given that
bag from the defendant at approximately 4:30, 5:00 that
Thursday afternoon?

A. That is correct.

1 Q. Okay. But that wasn't turned over to you until several
2 days later?

3 A. Until the 19th. The night that the Blue Star was
4 applied at the house, myself and Sergeant Merlo went
5 first to Ms. Hampton's house after she got off of work
6 and retrieved that bag and had a conversation with her.

7 Q. Okay. Now, you do what you needed to do at
8 Dearborn -- excuse me, at the hospital in Dearborn. At
9 some point, does the Eastpointe police department take
10 over as lead and take the defendant back to the
11 Eastpointe police department?

12 A. Yes. The hospital stated they were discharging him and
13 then he was turned over to our custody. He was placed
14 under arrest. We had called for a marked patrol vehicle
15 to transport him back to our station. Sergeant Merlo
16 road with the officer that took him back and I followed
17 behind.

18 Q. Okay. Now, what's going to take place at the Eastpointe
19 PD once you get back to your department?

20 A. He was processed. I took some photographs of him
21 without the hospital gown, head to toe, front to back,
22 and Sergeant Merlo booked him through our booking
23 process.

24 Q. Do you know what a SANE report is?

25 A. Yes, I do.

1 MR. FEDORAK: Before I get to that, your
2 Honor, I'd move to admit People's 117 through 120. It
3 was the four photographs I was just referring to.

4 MR. SHEIKH: No objection, your Honor.

5 THE COURT: They're admitted.

6 MR. FEDORAK: Thank you.

7 Q. (By Mr. Fedorak) Can you explain to the jurors what a
8 SANE examination is.

9 A. It stands for Sexual Assault Nurse Examiner. They're
10 trained to collect forensic evidence, biological trace
11 evidence from victims that have been involved in a
12 sexual-assault nature. That evidence is then sent to
13 the lab and analyzed. And seeing the information that I
14 had known at the time, and I knew that at the autopsy
15 the medical examiners would check for forensic evidence
16 of that kind, fingernail scrapings, any other trace or
17 biological evidence they can collect from Monique and
18 Carmon that would also be sent and analyzed by the lab,
19 I prepared a search warrant to have this sort of exam
20 done on Mr. Hampton.

21 Q. And did, at some point that day, a SANE examination take
22 place of his entire body?

23 A. Yes, after I interviewed him.

24 Q. Okay. And were there any other injuries, other than the
25 photos that you depicted -- excuse me, any other

1 injuries other than the photos we've already shown of
2 his chest area, the left side of his crest?

3 A. Not on his chest, no.

4 Q. Okay. Any other injuries on his body?

5 A. I think he had a cut on the outside of I think his left
6 ring finger.

7 Q. But nothing else of any serious, anything serious in
8 nature at all?

9 A. No.

10 Q. Okay. Please lead us up to the beginning of your
11 interview. And then, your Honor, if I may, at that
12 point, before I get into the interview, which is going
13 to be rather lengthy, maybe we should take a five or
14 10-minute break because it's almost 3:00.

15 THE COURT: That sounds good.

16 Q. (By Mr. Fedorak) So you're back at the PD. What is
17 your procedure with the defendant.

18 THE COURT: I thought you were doing it now.
19 Sorry. Go ahead.

20 A. After he was photographed and he was processed, he was
21 secured in a holding cell by himself, I prepared that
22 search warrant for the exam, contacted the nurse to get
23 her on her way. They usually are several hours. And
24 then, I set up our interview room to be audio and video
25 recorded.

1 Q. (By Mr. Fedorak) Okay. And who, if anybody, was with
2 you during the course of this interview?

3 A. Officer Sellers stayed and assisted me, was in the room
4 present with me.

5 Q. As of this point, approximately how many hours are you
6 working non-stop with you or your fellow detectives?

7 A. Since I got called at home on Thursday night at 9:17.

8 Q. So you started work Thursday morning, went home briefly,
9 got called back to work and basically haven't slept, and
10 it's Friday afternoon?

11 A. Yes.

12 Q. Were the other detectives allowed to stay or was it
13 narrowed down to by your command officers as to who was
14 left to do the interview?

15 A. Yes. Our command officers sent everyone home except
16 myself and -- Officer Sellers was working the road, and
17 he was pulled off the road at 2:00 to assist me and sit
18 in the interview.

19 Q. Gotcha. And can you briefly describe for the jurors,
20 before we get into the content of the interview, what's
21 the procedure prior to you initiating the actual
22 question and answer period.

23 A. Set up the equipment to record audio and visually and go
24 over Miranda rights.

25 Q. Did you go over Miranda rights with the defendant?

1 A. I did.

2 Q. And if you can just briefly describe for the jurors what
3 do you do with those Miranda rights.

4 Do you use a form?

5 A. Yes, we do.

6 Q. And what do you do as you're showing them this form?

7 A. We give him the form and have the subject read out loud
8 his rights.

9 Q. And do you ask him to initial the form?

10 A. Yes, we do.

11 Q. So do you, do you go through each and every Miranda
12 right on the form and ask him to initial as you go
13 through?

14 A. Yes. At which time we ask if he has any questions and
15 if he understands and then he initials that he does.

16 Q. Did Mr. Hampton in this case initial each and every
17 right he had as you were going through the form?

18 A. Yes.

19 Q. And, ultimately, did he sign the bottom of the form?

20 A. He did.

21 Q. And at that point, did he acknowledge to you that he
22 freely and voluntarily wanted to be interviewed by you?

23 A. Yes.

24 Q. And did an interview take place?

25 A. Yes, it did.

1 Q. And was this interview approximately three hours long?

2 A. Yes.

3 MR. FEDORAK: Your Honor, at this point, I'd
4 ask if the Court wanted to take a break. Now might be
5 the appropriate time.

6 THE COURT: That's fine. We'll take a break.

7 THE BAILIFF: All rise for the jury.

8 (At about 3:03 p.m., Jury Excused/Recess
9 Proceedings).

10 * * *

11 (At about 3:20 p.m., Resume Proceedings).

12 THE COURT: In the Matter of People versus
13 Hampton.

14 MR. SHEIKH: Good afternoon, your Honor.
15 Azhar Sheikh counsel here on behalf of defendant, Curtis
16 Hampton. We're ready to proceed.

17 MR. FEDORAK: Jurij Fedorak for the People.

18 MR. SHEIKH: Your Honor, we have a brief
19 motion, if I may.

20 THE COURT: Go ahead.

21 MR. SHEIKH: Your Honor, the other day when we
22 started the trial I had, in response to the prosecutor's
23 motion for limine, I believe it was, I had asked the
24 Court to allow us to play the interrogation tape. I
25 believe I quoted the wrong court rule at that time.

1 Actually, I had said, perhaps quoted rule 206. It'sw
2 Michigan Rule of Evidence 106, the rule of completeness,
3 which says if a party plays something or refers to
4 something, the other party has the right to ask that the
5 entirety of that be put in.

6 I'm very well aware of the fact that they,
7 obviously, are not playing, from what I understand, any
8 part of the taped interview. So it doesn't apply
9 directly in that sense. But, it does in terms of spirit
10 and also in terms of best evidence rule. You know, we
11 just got done talking about how the next hour's going to
12 be approximately the interview, and the interview itself
13 I think speaks for itself. Therefore, we would
14 respectfully like to request our motion at this time to
15 have the interrogation tape played. Thank you.

16 THE COURT: Mr. Fedorak.

17 MR. FEDORAK: Again, Judge, as I previously
18 argued at the beginning of the trial, self-serving
19 statements that the defendant made to get his defense
20 out are not admissions against party opponent that is
21 allowed under the Rules of Evidence. That rules does
22 not preclude the ability, and the Court has noted that,
23 from the defendant presenting any defense he wants. If
24 he has to testify or if they can get it through cross --
25 if the defendant himself has to testify, that's one

1 thing, or if counsel can get it from some
2 cross-examination from the witnesses, and, Judge, as
3 you've seen with Sergeant Popescu testifying, a lot of
4 those issues did come out the way that the sergeant
5 testified, and I'm sure Mr. Sheikh is going to have
6 aggressive cross-examination of the detective. But,
7 again, the Rules of Evidence, I view them, your Honor,
8 and I think the case law is on my side, that we don't
9 have to play the entire thing. In fact, the majority of
10 it is probably prevented because it's self-serving
11 statements of the defendant, not admissions against
12 party opponent.

13 I am going to go through the detective's
14 interview and ask him to testify as to admissions
15 against interest, admissions by the party opponent, and
16 that's what that rule allows for.

17 THE COURT: Rule 106 is accurate, as you
18 stated. It said or recorded statement which, in
19 fairness, to be considered contemporaneously with it.
20 So I do have to take that into consideration in
21 conjunction with the other rules.

22 And the statement against interests, I mean
23 the statement against interests of the defendant is
24 specifically spelled out in another rule, which, of
25 course, I'm not finding the number when I need it.

1 MR. FEDORAK: It is 801(d), your Honor, sub
2 two, admissions by party opponent. 801(d)(2), which
3 specifically states that that is not a hearsay.

4 The self-serving admissions, albeit with the
5 rule of completeness, is specifically a hearsay problem.
6 The Rules of Evidence say that that would be a hearsay,
7 by him arguing the self-serving statements, because they
8 spell out what is not hearsay in 801(D)(2).

9 MR. SHEIKH: Your Honor, these things just
10 give a contextual picture. They're not being given for
11 the truth of the matter asserted.

12 THE COURT: Well, if for some reason the
13 portions that are put in are misleading, you can renew
14 that motion. I haven't seen the video. So, I don't
15 know. You can certainly renew that motion. If it
16 doesn't make sense or it's misleading as a result of
17 just having portions in. But, otherwise, I think that
18 801(D)(2), thank you for guiding me to that, is
19 considered in 106, which, in fairness, to be considered,
20 I don't know that it necessarily is in fairness if it's
21 an admission against party opponent. So, however, if I
22 find it confusing or nonsensical as a result of leaving
23 portions out, I will reconsider your motion.

24 MR. SHEIKH: Thank you, your Honor, for
25 entertaining the motion twice and for allowing us to

1 make a record. We appreciate it.

2 THE COURT: Thank you.

3 Are we ready for the jury.

4 MR. FEDORAK: Yes.

5 THE BAILIFF: All rise for the jury.

6 (At about 3:25 p.m., Jury Seated).

7 THE COURT: Okay. You may be seated. You can
8 continue, Mr. Fedorak.

9 Q. (By Mr. Fedorak) Detective, I think we left off where
10 we were talking about the Miranda form that was executed
11 by the defendant.

12 A. Yes.

13 Q. And at the conclusion of your reading all his Miranda
14 rights, using the form, initialing it, signing it, et
15 cetera, by the defendant, bottom line is he freely and
16 voluntarily agreed to talk to you about the series of
17 events within the last day or two.

18 A. Yes.

19 Q. Please explain for jurors who was in the interview room
20 again.

21 A. It was myself and Officer Steve Sellers.

22 Q. Okay. And what, if anything, did you learn from the
23 defendant? What was your style? What was the first
24 thing that you went after him about?

25 A. Just asked him to take me back to when the incident

1 happened, to give me a date and time frame of when it
2 occurred, and just to tell me in his own words what had
3 happened.

4 Q. And just to set the time frame for the jurors, this is
5 Friday afternoon at 2:00 p.m.

6 A. That is correct.

7 Q. You guys got the call, you got involved Thursday night,
8 9:00 p.m., when Mr. Rakowski made the initial 911 call
9 to the police department, right?

10 A. Yes.

11 Q. Okay. Please, continue.

12 What was one of the first things that you
13 learned from the defendant that was of value to this
14 case?

15 A. That he got into an argument with Monique regarding him
16 going back to jail.

17 Q. Okay. Did it -- and again, we have a lot of build-up
18 that leads up to this interview, and you have a lot of
19 information that you're armed with, and we've had a lot
20 of testimony that was already brought out.

21 Is it fair to say that the defendant was on
22 probation to the Eastpointe district court.

23 A. Yes.

24 Q. For a domestic violence situation that happened in
25 August of 2014.

1 A. That is correct.

2 Q. And the victim on that case, as other witnesses have
3 already testified and Mr. Sheikh has cross-examined
4 over, is Monique was the victim in that case.

5 A. Yes.

6 Q. And are you alleging, Detective, that the defendant
7 broke into her house in February of 2015?

8 A. No.

9 Q. You were armed with information from the Rakowskis, Mr.
10 and Mrs. Rakowski, about the relationship, on again/off
11 again, regardless of the stage of it, you were armed
12 with a lot of background information as you started to
13 interview him, correct?

14 A. Yes.

15 Q. So did you start asking him questions about his former
16 significant other, Monique Rakowski?

17 A. I just was asking him what happened, what had happened,
18 when, how, advising him that this was his opportunity
19 and chance to tell me in his own words what has
20 happened. Obviously, the case had received media
21 attention, and that the media was reporting one set of
22 facts and now was his opportunity to set the matter
23 straight, so to speak, with myself, so that it
24 eventually could come out in a court proceeding as we
25 are here today, so his side of the story could be heard

1 and told. He could do that through me.

2 Q. Okay. So your style of the interview is basically, hey,
3 I got a lot of questions, we've heard this, but you tell
4 me your story, you tell me what happened, right?

5 A. That is correct.

6 Q. Is it fair to say that you had a lot of things you were
7 speculating about that you guys did not know at that
8 point?

9 A. That is true.

10 Q. And is it fair to say even today, two years later and a
11 month, there's still things you speculate about, certain
12 aspects that you speculate.

13 A. Yes.

14 Q. Minor issues, details about things.

15 A. Yes.

16 Q. Okay. But, regarding your intent in terms of the
17 interview, what are the big things that you're trying to
18 cover?

19 A. Want to know the time frame that it happened. So, when
20 it happened, and how it happened, and then what happened
21 afterwards.

22 Q. Okay. Are you already armed with the information when
23 you start interviewing him that the last time
24 Mrs. Rakowski saw Monique was Wednesday afternoon around
25 the 4:00 hour or 5:00 hour?

1 A. I don't know if I knew that at the time.

2 Q. Okay. Are you armed with the information that Monique
3 Rakowski, that nobody had talked to her all day
4 Thursday?

5 A. I believe so, yes.

6 Q. Okay. And that, obviously, you were armed with the
7 information that Mr. Rakowski went over there after
8 Monique was not able to pick up the older son in the
9 4:00, 5:00, Thursday evening hours --

10 A. Yes.

11 Q. -- about baseball practice and after-school stuff?

12 A. Yes.

13 Q. You were armed with that.

14 A. Yes.

15 Q. Okay. Please, continue. Tell the jurors what you were
16 able to pin the defendant down regarding time, if
17 anything at all?

18 A. It was very hard to get him to talk about the date and
19 time in question.

20 He was, he would talk about something, a set
21 of facts that were not pertaining to the question that I
22 asked. He wanted to talk about something else other
23 than the question that I'd asked. So when I would ask
24 him when did it happen, that I knew some general, that
25 it had to happen between these days and what times, he

1 would start talking about his relationship with Monique,
2 for example, and he would go on at length about that.

3 Q. Okay.

4 A. And then, he would have to be steered back to my
5 original question of when did this happen.

6 Q. Okay. So you and Detective Sellers were kind of
7 redirecting him and trying to bring him back to answer
8 the questions you were asking?

9 A. That is correct.

10 Q. If this thing lasted three hours, was that completely
11 successful?

12 A. No.

13 Q. Did you cover a lot of ground back and forth in circles
14 so to speak?

15 A. Yes. He would eventually answer the question, and then
16 when we would pose another question follow-up to the
17 answer that we wanted or that he provided to the
18 question that we wanted, then he would steer off and
19 talk about another aspect of their relationship
20 unrelated to the incident that we were there to speak
21 of.

22 Q. Okay. Let's start with the basics. Did he put himself
23 at the scene?

24 A. Yes, he did.

25 Q. Did he put himself in Monique's company on the evening

1 of Wednesday, February 11, 2015?

2 A. Yes, he did.

3 Q. Did he indicate to you if Carmon was present that
4 evening or not?

5 A. She was.

6 Q. Did he talk to you or did you question him about the
7 comings and goings of Monique on that Wednesday
8 afternoon and Carmon on that Wednesday afternoon?

9 A. I don't recall.

10 Q. Okay. Did he -- what did he describe for you as to what
11 he, Monique and Carmon were doing that evening?

12 A. They were in the living room I believe watching TV. She
13 was in the portable pack and play. Monique was on the
14 couch. He stated he had stepped outside to have a
15 cigarette. He came back in, the TV was now off.
16 Monique said it was time to go to bed. So she had
17 grabbed Carmon and they went to the bedroom to go to
18 bed.

19 Q. Now, that information, that detailed-answer you just
20 gave us which was maybe three sentences, how long of a
21 period of time in that interview did it take for you to
22 get even those three direct sentences?

23 A. Half-an-hour maybe.

24 Q. Okay. Now, I'm starting -- I'll do it in chronological
25 order, as best as I can, from your report. On page 31

1 of your report, in the fourth paragraph, before you read
2 it -- and again, if you need your report to refresh your
3 memory, please indicate and we'll ask the Court to allow
4 you to refresh your memory by reading the report to
5 yourself as the Rules of Evidence allow. But, do you
6 remember him summarizing at the beginning of the
7 interview about this event that happened on Wednesday
8 leading into Thursday?

9 A. Yes, he did.

10 Q. How did he summarize it or how did he say it initially?

11 A. In his limited words, just that, that he, due to his
12 probation he felt he was going back to jail, he had a
13 discussion with Monique, tried to get close with her and
14 cuddle with her in bed and she refused, kind of kicked,
15 kicked him away so as not to cuddle with her.

16 Q. Besides cuddling, was there more, a more specific act
17 that came up in your interview with him in terms of what
18 his actual request of her was?

19 A. I believe we did ask about having sexual, intercourse
20 but he had denied that.

21 Q. Okay. Did he ever indicate to you that he wanted to
22 have sex with her one last time before he went in? At
23 some point during the interview.

24 A. No.

25 Q. Okay. During the course of the interview, though, was

1 it clear that he was cuddling in bed and trying to get
2 affectionate with her?

3 A. Attempting to, yes.

4 Q. When you tried to pin him down on specifics or Detective
5 Sellers on specifics, did he ever go to where you were
6 point blank asking him direct questions or did he start
7 circling around again in his responses to you?

8 A. Portions of it, he would circle around and talk about
9 something else, like I said, regarding their
10 relationship, problems they were having, things that
11 they were doing, things that happened, occurred in the
12 past in their relationship.

13 Q. Let me ask you this question, though, about the specific
14 extension from cuddling to the next level.

15 Do you remember Davone Phillips testifying?

16 A. Yes.

17 Q. Do you remember the specific words Davone Phillips used,
18 the catch phrases he used that he wanted to get with his
19 girl?

20 A. Yes.

21 Q. It was clear that Davone Phillips, when he testified in
22 open court here before these jurors, that the defendant
23 had admitted to him he wanted sex with his girl one last
24 time. Remember that testimony?

25 A. Yes.

1 Q. Did you guys push him regarding that issue during the
2 interview?

3 A. No, not too hard.

4 Q. Did you push him in other areas?

5 A. Yes.

6 Q. Okay. Again, going to page 31 of 48, the beginning of
7 the fourth paragraph, do you remember the defendant
8 describing about hurting someone he loved and what it
9 was like?

10 A. Yes.

11 Q. What do you remember the defendant admitting to you in
12 the interview?

13 A. That he missed Monique and Carmon and he shouldn't have
14 been there.

15 That's all I recall. I'd have to look at my
16 report.

17 Q. If you can take a moment and read the first three, four
18 lines of the fourth paragraph on page 31 of 48, and see
19 if it refreshes your memory.

20 Read it to yourself, please, starting with the
21 second sentence, specifically.

22 A. He said the hardest thing he ever had to do was hurt
23 somebody he loved and that she shouldn't have been
24 there.

25 Q. Putting this back in perspective of everything you found

1 out investigating this case, and we heard the Rakowskis,
2 Monique voluntarily let him back into her life at the
3 end of January, when Carmon was ill and hospitalized,
4 correct?

5 A. Yes, I believe so.

6 Q. But you were also able to, and as previous witnesses
7 indicated, you were also able to confirm that she went
8 to Oklahoma and married an old boyfriend?

9 A. Yes.

10 Q. Were you armed with that information during the course
11 of this interview?

12 A. No.

13 Q. Okay. But did you pick up a sense from the defendant
14 that he didn't want to let go of Monique or Carmon?

15 MR. SHEIKH: Objection, your Honor. That's
16 outside the scope of what happened between the police
17 officer and interview.

18 MR. FEDORAK: I'll rephrase, your Honor.

19 THE COURT: Thank you.

20 MR. SHEIKH: (Inaudible) questions.

21 Q. (By Mr. Fedorak) Did the defendant ever and did you
22 receive any evidence, specifically during the interview,
23 that the defendant wanted to stay as a unit with
24 Monique, in other words, a couple, and he was tired of
25 being replaced?

1 A. I did make mention about her and her ex's getting the,
2 Monique's ex's getting back into her life, and one
3 specific example that he gave was not being allowed to
4 go to the older son's baseball games anymore. She had
5 not asked him to go.

6 Q. Okay.

7 A. And that upset him.

8 Q. Did he ever talk about the new husband, Nick, and a
9 social security number?

10 A. Yes, he did.

11 Q. And did he ever express either anger or agreement with
12 that issue?

13 A. Not that issue specifically regarding the social
14 security number. He was more upset about a photograph
15 that he had observed, I believe on Monique's cell phone,
16 of her husband, Nick, holding Carmon.

17 Q. If you could be a little bit more specific for the
18 jurors. What exactly came up as to Monique, her new
19 husband and his child, Carmon, with as it relates to
20 Nick, with transfer of Monique, social security number,
21 et cetera?

22 A. Nick wanted Carmon's social security number so he
23 could -- something with money, putting on a business
24 account so he could obtain money or benefits, I'm not
25 sure exactly the scope of that, using Carmon's social

1 security number so he can give the money to Monique.

2 Q. So that was an example of the defendant admitting to you
3 that he was not happy about that photograph and that
4 information.

5 A. Correct.

6 Q. Okay. Let's continue going through the interview.

7 Going into page 32. Did the defendant ever
8 admit to you that he snapped.

9 A. Yes, he did.

10 Q. Was he able to then give you a concrete answer and
11 continue as to in-detail what happened or, again, was it
12 tough to get him to focus and give you direct answers?

13 A. It was very difficult to get him to focus, keep him on
14 task of the question, the line of questioning we were
15 proceeding down.

16 Q. Did he ever indicate to you that he might have had an
17 out in this situation if he would have done something
18 differently?

19 A. I don't recall.

20 Q. If you start at the top of page 32, the last four lines
21 of the first paragraph, can you read that and see if
22 that refreshes your memory as to saying, remembering
23 what the defendant admitted to you.

24 Does that refresh your memory.

25 A. Yes.

1 Q. Did the defendant ever say anything about a possible
2 out?

3 A. He said after he thought about it, there was many
4 different ways that he could have calmed down and done
5 something different that maybe could have stopped
6 instead of doing what he did.

7 Q. Were you ever able to really get him to focus and give a
8 detailed answer of what he exactly did?

9 A. He was very, very guarded and not forthcoming with
10 specifics. He would just give, you know, a little bit
11 of information, like, for example, the time. He said it
12 would have -- it would have happened midnight,
13 Wednesday, the 11th into Thursday the 12th, probably
14 between midnight and 2:00 a.m., and that's it. Then, he
15 would stop and he would go off task and talk about
16 something else.

17 Q. You heard Sergeant Popescu testify as to his initial
18 interview of the defendant at the hospital, correct?

19 A. Yes.

20 Q. And you heard how detective or Sergeant Popescu
21 indicated that the defendant just flat out refused to
22 talk about his daughter and only wanted to talk about
23 Monique and her issues. Do you remember that testimony?

24 A. Yes.

25 Q. Was he as evasive about the details of the daughter with

1 you as well as to what exactly happened with the
2 daughter in detail?

3 MR. SHEIKH: Objection, your Honor, asking for
4 a conclusion.

5 THE COURT: Rephrase.

6 Q. (By Mr. Fedorak) You spent three hours with him, didn't
7 you?

8 A. I did.

9 Q. Did you ask him more than one time exactly what happened
10 to his daughter?

11 A. I did.

12 Q. Did you have to ask that question repeatedly to get him
13 back to focus?

14 A. Yes.

15 Q. Did he answer your questions directly?

16 A. No.

17 Q. How many people do you think you've interviewed in your
18 career as a police officer?

19 A. Thousands.

20 Q. Did he seem evasive to you?

21 A. Yes.

22 Q. If you can, try and go chronologically. I know we're
23 going to take a snippet here, a snippet here and snippet
24 there. Were you able to do, from that three-hour
25 interview, a chain of events of what he admitted to

1 chronologically happened?

2 A. Yes.

3 Q. Is that a good way of maybe answering these questions?

4 A. Yes.

5 Q. You were able to narrow him down to a time frame between
6 Wednesday night midnight and 2:00 a.m. Thursday morning.

7 A. Correct.

8 Q. What did he say about that time period?

9 A. Just that's when the incident started.

10 Q. Did he say when the incident ended?

11 A. He didn't.

12 Q. Were you able to, based on what you learned in the
13 information he supplied to you, deduce what time that
14 situation ended?

15 A. No.

16 Q. Did you know how long he stayed in the house?

17 A. Yes. He said he left Thursday, 4:00 in the afternoon.

18 Q. Okay. So if the, if he was there Wednesday evening with
19 Monique in the master bedroom, and it happened between
20 12:00 and 2:00 a.m., from that 2:00 a.m., he left
21 approximately 14 hours later.

22 A. I believe so, yes.

23 Q. In the course of your investigation, when was the first
24 text message sent to anyone, if you can remember -- and
25 if you have to look at your report, please do so, or the

1 evidence. When was the first text message sent by CJ
2 about his possible demise, in other words, when he
3 committed suicide? And if I remember correctly, that
4 was to Anna Keinath, wasn't it, Brianna Keinath?

5 A. I believe Anna said she got the text at, was it 9:00 in
6 the morning.

7 Q. Okay.

8 A. But, he had sent, he had sent a text to his mother.

9 Q. Thank you. When was that text sent?

10 A. I believe that was 2:00 in the morning, 3:00 in the
11 morning.

12 Q. 2:00 in the morning.

13 A. I don't recall. I don't have that photo of the text
14 message.

15 Q. I'm handing you a xerox copy of -- and I've read it into
16 the record three times.

17 Is that the text message I keep reading into
18 the record?

19 A. Yes.

20 Q. What's the time on the bottom of that text message?

21 A. The date is 2/12, 1:57 a.m.

22 Q. 2/12, 1:57 a.m. So that is one hour and 57 minutes
23 past midnight on the time period that we're talking
24 about; is that correct?

25 A. Yes.

1 Q. And that was basically -- did you take that to be a
2 suicide note or text that he was sending his mother?

3 A. Yes.

4 Q. What else did the defendant admit to you as to what took
5 place after 1:57 a.m.?

6 A. That they were in that master bedroom. Again, he tried
7 to cuddle with Monique. Monique kind of pushed him
8 away. She was facing the north wall of the bedroom,
9 Carmon was in-between them, and she was kind of using
10 the wall as leverage and kicking with her leg as to like
11 push him off of her. At that time, he said that Monique
12 pulled a knife and tried to stab him.

13 Q. People's 38, please.

14 You were present when the deputies from the
15 Macomb County sheriff's department were summoned to ask
16 you guys out and do a Blue Star situation.

17 A. Yes.

18 Q. People's 38 is the master bedroom.

19 Is that the bedroom that you're referring to?

20 A. Yes. The north wall would be the wall where the window
21 is.

22 Q. Okay.

23 A. Where the bed's pushed up against, that's the north
24 wall.

25 Q. And at some point, did he make some statements to you as

1 to he knew what you guys were asking him? Specifically,
2 I'm looking at the bottom of the fourth paragraph on
3 page 32.

4 Do you remember him telling you that, I guess
5 what you really want to know is why I hurt Monique?

6 A. Yes.

7 Q. He made that admission to you?

8 A. Yes.

9 Q. Please indicate what happened next. What, if anything,
10 did he say?

11 A. He said that when she pulled the knife and tried to stab
12 him she missed and stabbed Carmon, at which time he
13 turned his attention to Monique and they got into a
14 fight.

15 Q. Okay. Did you find any blood on the mattress other than
16 what's shown on that Blue Star?

17 A. No.

18 Q. When -- right before they got into a fight, did he
19 indicate anything about his status of some type of
20 Friend of the Court payments and also a probationary
21 visit on that Eastpointe domestic violence case?

22 A. Just that he was going to go back to jail, going back to
23 jail. I think he missed probation, owed money. His mom
24 was supposed to give him money and she wasn't able to
25 come up with the money.

1 Q. Did it seem to you that he was blaming anybody else
2 about what was going on here?

3 A. He repeatedly kept saying that it was Monique, if I
4 didn't go back to jail or wasn't going back to jail
5 Monique wouldn't be mad. Monique thought I was leaving
6 her, leaving her and Carmon, and if that wasn't the case
7 none of this would have happened, she wouldn't have been
8 mad over the situation of him possibly going back to
9 jail.

10 Q. Okay. I'm trying to pull a sequence of events out of
11 you as to the admissions he made regarding what happened
12 next in the exchange that took place between the two of
13 them. Was it difficult to do that same style in your
14 questions of him?

15 A. Yes.

16 Q. Were you getting a lot of different answers in-between
17 your more pointed questions?

18 A. Yes.

19 Q. If you could indicate, skipping the self-serving -- what
20 type of statements were made in-between the real hard
21 questions? What was he saying in-between? You know, we
22 just started with step A of the assault, correct?

23 A. Correct.

24 Q. Were you able to get to step B, to the second point,
25 quickly?

1 A. No.

2 Q. What, if anything, was he saying in-between, generally?

3 A. How he was incriminating himself; he screwed up, he
4 stayed there longer than he had to, he wiped everything
5 down, just his fingerprints were there, none of
6 Monique's.

7 Q. So he admitted to you that he cleaned up.

8 A. Yes.

9 Q. When you were physically at the scene did you see any
10 blood to the visible eye other than what was on the
11 bathroom floor underneath the bodies?

12 A. No, just what was in the bathroom.

13 Q. Did you ask him any hard questions about cleaning up,
14 like what did he do, how did he do, et cetera?

15 A. I just asked him if he cleaned up. He said yes. I said
16 how, with what? He said wipes and paper towel and he
17 flushed it down the toilet. Because I didn't find any
18 evidence of any of that in the garbage cans when I was
19 there originally.

20 Q. Okay. If we kind of piece together his admissions,
21 because he made a series of disconnected admissions; is
22 that a good way of describing it?

23 A. Yeah, for lack of a better term, yes.

24 Q. What was the next admission that he made regarding the
25 actual assault?

1 A. It started in the bedroom, spilled to the hallway and
2 ended in the bathroom.

3 Q. We have People's 38, you've already explained.

4 People's 43, please. Now, again, the evidence
5 techs, Deputy Bozek specifically testified that they
6 just started at that that point and followed a path, and
7 they did that arbitrarily. Do you remember that
8 testimony?

9 A. Yes.

10 Q. But as you listen to the defendant's pieces of
11 admissions in that three-hour interview, were you able,
12 in your own mind, to establish a trail?

13 A. Yes. We did the Blue Star after the interview and
14 that's where we gleaned the information that he had
15 cleaned up and went back. And then, yes, based on my
16 interview with him, I had him start at the bed.

17 Q. So you told Bozek where to start.

18 A. Yes.

19 Q. You did that intentionally, to start in the bed.

20 A. Correct.

21 Q. He told you it started in that room, right, the
22 defendant himself?

23 A. Yes.

24 Q. Where did that trail take you?

25 A. Well, you see the edge of the bottom box spring, looks

1 like it has some discoloration to it, that's the hallway
2 leading out, the floor leading out to the hallway. And
3 then, it went through the hallway and then into the
4 bathroom.

5 Q. Could we go back to 38 for a second.

6 There was nothing on the surface of that
7 mattress, was there?

8 A. Well, this was, the sheet had already been taken on our
9 first visit. I didn't see anything, but we sent it to
10 the lab anyways.

11 Q. Okay. Back to 43, please.

12 Skipping through the non-detailed answers as
13 to what happened next, were you able to then get another
14 connection in his story as to the assault?

15 A. Yes.

16 Q. What did he admit to next, in terms of the series of
17 events?

18 A. The knife that she had used to stab Carmon and him left
19 in the bedroom, he was able to wrestle it away from her
20 in a struggle, at which point they were in the bathroom
21 now and she had pulled that black Foley knife that was
22 found next to her in the bedroom out of her pocket. He
23 was able then to struggle with her and take that knife.
24 So he was now armed with two knives, one in each hand.

25 Q. Okay. I'm going to back you up a little bit and

1 specifically turn you to page 36 of 48, the third
2 paragraph of your report.

3 Is it safe to say that you got some detailed
4 answers, but they weren't always in chronological order.
5 In other words, you got an answer and then you went back
6 to clarify and he would say something else. You took it
7 when ever you could get it; is that a fair way to
8 describe it?

9 A. Yes.

10 Q. At that point in the interview, does he specifically say
11 in connection where it started and where it ended, point
12 by point by point?

13 A. Yes.

14 Q. What, by point by point by point, that was the first
15 time he actually connected the whole series of events.

16 A. Yes.

17 Q. Tell the jurors where it started, where it ended, and
18 what he actually told you.

19 A. He said it went from the bedroom floor to the door, to
20 the hallway, to the bathroom, and that's pretty much
21 where it ended.

22 Q. People's 49.

23 Do you recognize that exhibit?

24 A. Yes, I do.

25 Q. All that Blue Star is to the right of the bathroom entry

1 door; is that fair to say?

2 A. Yeah, if you're looking at the bathroom, yeah, to the
3 right.

4 Q. It's to the right of the bathroom. The bathroom door is
5 on the left side of this photograph?

6 A. Yes -- no, I'm sorry. The bathroom door is over here.
7 This door leads to the upstairs bedroom.

8 I apologize for standing up.

9 THE COURT: That's fine.

10 A. This entrance way where the photo was taken is from the
11 baby's room. The tripod and camera was set up here,
12 shooting out here. This is the master bedroom. So the
13 bathroom is over here, off screen.

14 Q. (By Mr. Fedorak) And thank you for clarifying it.
15 That's why I wanted to make sure. That's the next step
16 out of the bedroom, isn't it?

17 A. Yes.

18 Q. People's 51.

19 Now, this --

20 A. Looking down the hallway.

21 Q. -- photograph is taken from a different perspective,
22 correct?

23 A. Yes. So that door that's shut --

24 Q. On the left.

25 A. -- on the left is the baby bedroom door where that

1 previous picture was taken from. Now we've moved to the
2 door here that leads up to the bedroom, and then this is
3 the linen closet. So the bathroom door is right next to
4 the linen closet.

5 Q. Did that Blue Star confirm for you that sequence of
6 events he said, bedroom, bedroom door, hallway and
7 ending in the bathroom?

8 A. Yeah. It started to come together at that point, yes.

9 Q. What other admissions did he make to you at this point?
10 Again, connecting the bits and pieces that he would
11 admit to in a chronological order of the next step, what
12 else did he say happened?

13 A. Well, then, when I asked him how it ended, his response
14 was, you saw it, you know how it ended. So, then I
15 tried to get him back on task to talk about what
16 happened next. That's -- at that point, that's when he
17 brought up the pocket knife and then having both in his
18 hands.

19 Q. We already testified or you already testified how you
20 seized the first knife into evidence on the floor of the
21 bathroom.

22 A. Yes.

23 Q. And the second knife, the Foley knife was taken off the
24 defendant in the lobby of the Dearborn police
25 department?

1 A. Yes.

2 Q. And can you describe for the jurors exactly how Mr.
3 Hampton described for you, when he was holding those
4 knives, what, if anything, did he do with those knives?

5 A. Like I said, he had one in each hand. He said his eyes
6 were closed and he made stabbing motions, just down like
7 this. He said they were face-to-face.

8 Q. And where would they have been at that point?

9 A. In the bathroom.

10 Q. Did you try and bring him back to a position to give you
11 more details as to how things transpired in a time
12 fashion, meaning how long it took?

13 A. I never got specific on how the whole incident took
14 place. I just wanted him to freely and openly just tell
15 me what happened and how it happened. And obviously,
16 there was great difficulty. That's probably why the
17 length of the interview lasted almost three hours.

18 Q. Did he indicate to you, from the beginning of the
19 assault with Monique, to the end of him being in the
20 bathroom, how much time had transpired?

21 A. I believe at one point later on in the interview he had
22 told me that Monique and him had a conversation while
23 they were in the bathroom and he watched her die. I
24 believe he said, at that time, it was a half an hour.

25 Q. Okay. Did he ever admit to you, during the course of

1 that conversation, what Monique actually said?

2 A. Yes, he did.

3 Q. What did he say took place between the two of them after
4 she was lying on the floor in the bathroom?

5 A. He said she was sitting on her butt facing him, he was
6 sitting on the toilet, she asked him to help her, get
7 some sort of help, fix this, make it right.

8 Q. Did he ever indicate if he did anything?

9 A. No.

10 Q. Did he ever blame anybody for why all this had
11 transpired?

12 A. Yes.

13 Q. Who did he blame?

14 A. Monique.

15 Q. Did you press him at certain points of the interview to
16 ask why he didn't call 911?

17 A. I don't think I did.

18 Q. Did you ask him hard questions about calling and getting
19 help?

20 A. No, I did not.

21 Q. Did he make an answer as to why he himself did not call
22 911, an unprompted answer to that?

23 A. Yes.

24 Q. What did he say about his answer of describing if or if
25 he didn't call 911?

1 A. He said he knew he was going to jail. He knew he
2 already was going to jail.

3 Q. Did his time frame that he was admitting to you, that
4 you had to connect all these dots in this interview,
5 make sense to you regarding the death of Carmon in the
6 bedroom as he described and then the death of Monique in
7 the bathroom?

8 A. Can you repeat the question.

9 Q. He just told you that Monique, it took 30 minutes for
10 Monique to die in the bathroom.

11 A. Yes.

12 Q. Did he reference him going back to Carmon?

13 A. Yes. At some point, he said he had heard some gurgling
14 coming from the bedroom and then, at that point, he went
15 back and checked.

16 Q. Did you understand the series of events from the
17 bedroom, to the bedroom door, to the hallway, to the
18 bathroom, to sitting and talking with Monique as she was
19 dying, as one continual act?

20 A. Yes.

21 Q. And he's the one who used the time period of 30 minutes,
22 correct?

23 A. Yes.

24 Q. And you understand, from his admissions to you, you took
25 that to mean that series of events took 30 minutes, that

1 series, that chain with Monique?

2 A. I believe so, yes.

3 Q. The way he was expressing it to you.

4 A. Yes.

5 Q. That's the way you took it.

6 A. Yes.

7 Q. Did he indicate that he still heard Carmon gurgling 30
8 minutes later? Is that the way he put it in the chain
9 of events?

10 A. Yes.

11 Q. What did he indicate to you did he do after he heard
12 Carmon gurgling?

13 A. He went to that bedroom there and said she was
14 suffocating, and that he tried to pump on her chest and
15 breath, breath into her mouth.

16 Q. You heard the scientific evidence from Dr. Spitz,
17 correct?

18 A. Yes.

19 Q. You heard Dr. Spitz testify that given the nature of the
20 wounds that that 13-month-old instant suffered, that she
21 would have been dead within seconds to a minute.

22 A. Yes.

23 Q. Did the time frame the way he was describing to you
24 match up with the scientific and physical evidence?

25 A. Not at the time. But, now, yes. No, it doesn't.

1 Q. Did you hear Dr. Spitz testify as to if somebody would
2 have tried resuscitation, either pumping the chest or
3 blowing the mouth, there would have been blow-back of a
4 blood pattern?

5 A. Yes.

6 Q. When you physically observed Carmon was there any blood
7 blow-back?

8 A. No.

9 Q. Either in the mouth or in the chest area?

10 A. No.

11 Q. Did the defendant ever admit to you that since he was
12 hurt first, he retaliated?

13 A. Yes.

14 Q. Do you remember the word retaliated?

15 A. Yes.

16 Q. Did he also describe what type of person he was
17 afterwards? In other words, if both parties are laying
18 dead there, did he move Carmon?

19 A. Yes. He said when he went to the bedroom and found her
20 he brought her and laid her on top of Monique.

21 Q. What did he, if anything at all, try to do himself at
22 that point?

23 A. He said he tried to drown himself twice in the bathtub.

24 Q. And did he -- obviously, he didn't succeed. But, did he
25 tell about his results and what type of person he was at

1 that point?

2 A. He said he was a coward.

3 Q. The placing of the coins on the eyes, I forgot to ask
4 you, is that in that 30-minute time period from the
5 bedroom, to the hallway, to the bathroom, to the
6 conversation, to make this right, to the discussion, is
7 that when he put the coins on the eyes?

8 A. Yeah. He said he put the coins on her eyes in reference
9 to that movie. That was Monique's favorite movie. And
10 he felt that that's what she would have wanted. And
11 then, he put the blanket over -- or the towel over his
12 face because he couldn't look at her anymore.

13 Q. Given his time frame to you and the text to his mother
14 at 1:57 a.m., were you able to piecemeal what he did
15 next or what he had to have done next before 4:00 p.m.

16 A. We asked him that, I asked him that specifically. The
17 two drowning attempts in the tub, he said he got out,
18 dried himself off, put on some clean boxers and the
19 clothes that he was wearing, and then he went to the
20 store, got some Black and Mild cigars and came back to
21 the house.

22 Q. Did the issue of the knife coming out of his chest ever
23 come up?

24 A. I had asked him as far as what clothes he had on during
25 this incident, and he originally said he had just jeans

1 on and socks and underwear when he laid in bed with
2 Monique, at which point he was stabbed, and then I asked
3 him how he got his shirt off and, you know, with the
4 stab, and he said he didn't have a shirt on. So I
5 asked, well, did you still have the knife in you when
6 you went to the store, and he said he covered it up with
7 his shirt. At the end of the interview, I put him back
8 in the cell, waiting for the Sexual Assault Nurse
9 Examiner to show up, at which time he requested to speak
10 to me and clarify something that he had told me. At
11 that point, I brought him back in the interview room,
12 put a new disc in and recorded it, and at that point he
13 forgot to tell me he actually took the knife out when he
14 went to the store and when he got back he put it back
15 in.

16 Q. Okay. So he had time to reflect. What did you think
17 was going to happen at the store? What do you think the
18 purpose of that statement was to you?

19 A. I believe he thought I was going to go check video at
20 the gas station that he said he went to.

21 Q. And did you know which gas station he went to?

22 A. Yes, I did.

23 Q. Okay. He indicated that there were how many suicide
24 attempts in the bathtub?

25 A. Twice, and then when he came back from the store he

1 tried again.

2 Q. What was the technique or the style you were -- were you
3 guys getting in his face and asking him the tough
4 questions or what style were you using to try and get
5 him to get back on point as to the details of this case?

6 A. I don't -- really, not a style.

7 Q. Did you give him cigarettes?

8 A. We did.

9 Q. Did he ask for the cigarettes?

10 A. He did.

11 Q. Did you try and put him at ease so he would continue
12 giving you information?

13 A. We did.

14 Q. Did you try and seem sympathetic to him?

15 A. A little bit. We did bring up some home improvement
16 projects that appeared to be going on at the home. That
17 was one of his tangents that he got onto, about the back
18 splash in the kitchen. We talked about that. I told
19 him that I'm not very handy myself. So that was, you
20 know, something that he should take pride in, that he
21 could do that stuff with his hands, then he said he
22 learned that from his dad. Just tried to build a
23 rapport with him to make him feel comfortable.

24 Q. Did he specifically ever refuse to talk to you about his
25 daughter?

1 A. Yes.

2 Q. In fact, I'm referring to page 39 of your report, 39 of
3 48. The second sentence in the fourth paragraph, can
4 you read that to yourself to remember exactly how he
5 portrayed it to you?

6 A. Yes.

7 Q. At times did he get emotional and shut down?

8 A. Yeah. He kept his head down, very little eye contact,
9 and just, would just get quiet for several seconds.

10 Q. Do you exactly remember what and how he said it when
11 we're talking about his daughter and he didn't want to
12 talk about it? What exactly did he portray to you at
13 that point?

14 A. I had asked him if there was anything that he wanted to
15 say that he remembered or that he may have left out and
16 he said that there was a, there was a part involving his
17 daughter but he didn't want to talk about it.

18 Q. Did you press him about the scene. Moving on to
19 People's 65. About the clean-up. Were you able to pin
20 him down as to how long this clean-up took place?

21 A. No. I didn't ask him that question. I just asked if he
22 cleaned up and he admitted that he did. Then, I asked
23 him with what and that's when he said wipes and paper
24 towels and then he flushed it down the toilet.

25 Q. So he said he disposed of everything down the toilet?

1 A. Yes.

2 Q. There was some discussion about the neighbor's trash,
3 wasn't there?

4 A. There was.

5 Q. What was significant about that?

6 A. After they had that conversation in the bathroom,
7 meaning Mr. Hampton and Monique, he said one of the last
8 things that she did prior to passing was take this knife
9 and stab him with it, and then he had grabbed a third
10 knife and inflicted some wounds on her chest after she
11 was dead. And when I asked him, okay, well, where is
12 that knife, because I knew I had three knives, thinking
13 that it may have been that butterfly knife that was
14 under the blanket in the master bedroom, he said he
15 threw it in the neighbor's trash because it was trash
16 day.

17 Q. But, later, again, did he make contact with you and
18 retract any statements?

19 A. Saturday morning, yes.

20 Q. What did he say about this aspect of the admissions, the
21 partial admissions that he made?

22 A. He denied ever saying that. And when I told him that it
23 was on tape, that he said it, he still continued to deny
24 that he ever said that.

25 Q. So he started backpedaling about certain issues?

1 A. Yes.

2 Q. Did the complete picture makes sense to you or was it
3 obvious that things were missing?

4 A. There was a lot missing.

5 Q. Still speculate to this day about how it happened in
6 detail.

7 A. Yes.

8 Q. People's 72, please.

9 He's the one who admitted to you that he
10 cleaned up that entire scene.

11 A. Yes.

12 Q. Did you hear Dr. Pietrangelo testify to the amount of
13 blood in a person, in a normal-size adult?

14 A. Yes.

15 Q. And did you remember my analogy about 5,000 milliliters
16 in the body, we can account for 1500, she said in the
17 organs and so forth, and we ended up with missing
18 approximately 2250 milliliters, and I equated it to
19 approximately three bottles of wine?

20 A. Yes.

21 Q. Did you see with the naked eye or even fathom three
22 bottles of wine that would account for the blood that
23 was in that hallway, bedroom and bathroom?

24 A. I didn't see it until the Blue Star was applied.

25 Q. People's 77. What is that a picture of?

1 A. That is the west wall of the master bedroom. You can
2 just make out the corner of the bed there in the lower
3 right portion.

4 Q. And do you remember Jodi Corsi testifying and Amanda
5 Fazi testifying about the combination of the chain; in
6 other words, the collection of the evidence and
7 submission to the labs?

8 A. Yes.

9 Q. And do you remember when I, Mr. Palepu was going through
10 a very voluminous multi-page report that is in evidence
11 and I tried to simplify it on this board?

12 A. Yes.

13 Q. Whose DNA was found on that west bedroom wall and that
14 hand print?

15 A. Curtis Hampton.

16 Q. And Detective, in terms of the wounds in Mr. Hampton's
17 chest, he specifically, during the course of that
18 interview, indicated to you how much of that knife, the
19 Rapala knife that you have as People's Exhibit 105, was
20 shoved into his chest?

21 A. Yes.

22 Q. How much of that silver blade was shoved into it?

23 A. All of it.

24 Q. Was there any evidence, medical, physical, anything that
25 corroborated anything that the defendant told you about

1 that as to be accurate?

2 A. No.

3 Q. Detective, are you ever going to know exactly what took
4 place in that master bedroom?

5 A. No.

6 Q. Detective, how many -- given the physical evidence that
7 you had and the statements and investigation from the
8 defendant himself, how many people that you know were in
9 that home at the beginning of that night?

10 A. Three.

11 Q. And who walked out?

12 A. Mr. Hampton.

13 Q. He admitted to putting himself there?

14 A. Yes.

15 Q. He admitted to snapping?

16 A. Yes.

17 Q. He admitted to being enraged?

18 A. Yes.

19 Q. He blamed Monique, correct?

20 A. Yes.

21 Q. He blamed Monique, the woman who survived a week-long
22 hospital stay and the terror and the paranoia that her
23 kid had cancer and brought that kid back home, that was
24 the same crazy woman that killed her own child?

25 A. Yes, according to Mr. Hampton.

1 MR. FEDORAK: Nothing further, your Honor.

2 THE COURT: Mr. Sheikh.

3 MR. SHEIKH: Yes, your Honor. Thank you.

4 CROSS-EXAMINATION

5 BY MR. SHEIKH:

6 Q. Good afternoon, Detective Madonia.

7 A. Good afternoon, Mr. Sheikh.

8 Q. Mr. Fedorak has done a great job of taking you through
9 the whole scenario. I'm going to kind of confirm
10 certain things.

11 A. Okay.

12 Q. First of all, back to the background, how long have you
13 been a police officer?

14 A. Twelve and-a-half years.

15 Q. Okay. And the entire time with Eastpointe police
16 department; is that correct?

17 A. Yes.

18 Q. And sir, as part of your training initially when you
19 became a law enforcement officer did you take classes
20 and report writing?

21 A. Yes.

22 Q. And obviously, that goes hand-in-hand with being
23 accurate and making sure the information in your report
24 is true, accurate and complete, correct?

25 A. That's correct.

1 Q. Because you know people's lives can depend on it later
2 down the road, correct?

3 A. Yes.

4 Q. Now, as OIC, you've indicated that stands for officer in
5 charge. So you are aware of pretty much everything that
6 happened in this case, because you're kind of like the
7 filter that it goes through; is that correct?

8 A. Yes.

9 Q. Information comes into you, interviews are conducted and
10 so forth, they're passed on to the prosecutor, and then
11 the prosecutor passes them on to myself, correct?

12 A. Correct.

13 Q. Okay. And sir, during your investigation, did you come
14 to find out at any time that Mr. Curtis Hampton was not
15 staying at that house on Normandy around the 9th, 10th,
16 11th, 12th, around that period?

17 A. I don't know.

18 Q. Okay. And then, do you recall indicating in your report
19 referring to him as her live-in boyfriend?

20 A. I believe so, yes.

21 Q. Okay. So you had no information to dispute the fact
22 that he was a welcomed resident at that place, at least
23 around that time period, correct?

24 A. I'm sorry, repeat that.

25 Q. You have no information to counter the fact that he was

1 in fact a welcomed resident of that place around that
2 time period, correct?

3 A. Correct, yes.

4 Q. And sir, also, I'm going to go back to the night that
5 Mr. Rakowski came and found the bodies, and you looked
6 over here, you did indicate that there had been maybe
7 some changes, right, it wasn't a pristine situation,
8 because you said that the sheets were taken from the
9 mattress, correct?

10 A. The photo from the Blue Star.

11 Q. Right.

12 A. Yes.

13 Q. By that time, right?

14 A. Yes.

15 Q. So, first, what we know is when Mr. Rakowski showed up
16 he had some concern that perhaps Carmon may be alive,
17 correct; if you recall?

18 Do you recall him indicating he took the
19 pacifier out of her mouth?

20 A. I believe he said, based on his medical background, that
21 it appeared to him that they were deceased, but he just
22 attempted, I think it was just a natural reaction as a
23 grandfather to try, try to render aid.

24 Q. And that's perfectly fine, sir. I'm not disputing
25 anything. All I'm asking is just so that we understand

1 here.

2 A. Right.

3 Q. So as the police pictures are taken, that's obviously
4 not a pristine case. In normal situations, you come
5 into a murder scene and once you see that that's what it
6 is, everything stops, right, until it's photographed and
7 documented?

8 A. Correct.

9 Q. Okay. So, here, we at least know that the pacifier was
10 taken out of the baby's mouth.

11 A. Correct.

12 Q. Maybe some efforts to try to --

13 A. Correct, yes.

14 Q. -- see if she had life; is that right?

15 A. Yes, that's correct.

16 Q. And second of all, during your interview, subsequent,
17 you also find out that some things were moved from the
18 house, such as baby formula from the refrigerator and
19 other things, correct?

20 A. Correct.

21 Q. And then, you indicated to folks, please don't take
22 anything else out of the house, we need to keep this,
23 right?

24 A. Yes.

25 Q. So it wasn't probably -- and again, I'm not assigning

1 any fault. It wasn't probably kept secure and pristine
2 right from the first moment that the first responders
3 arrived, correct?

4 A. From the moment the first responders, yes.

5 Q. Well, it's after the first responders were there that
6 things were taken out of the refrigerator, right, and
7 out of the home?

8 A. Yes. I believe Mr. Rakowski went back a day or two
9 after. There might have been some miscommunication on
10 my part with him as to no one was allowed back in the
11 house.

12 Q. Okay. Put up People's Exhibit 38 for a moment.

13 Detective Madonia, that is the bedroom
14 mattress, I guess it's two mattresses and a box spring;
15 correct?

16 A. I think it's one mattress, two box springs, yes.

17 Q. Okay. And sir, do you know, from being there, can't
18 tell definitely from this picture, the last one that's
19 pulled out, is it bigger? Is that why it's sticking
20 out? Or is it just not up flush with the other two, if
21 you know?

22 A. I don't know.

23 Q. You don't know. Okay. Now, that right there, that
24 picture is taken after the sheets have been removed; is
25 that correct?

1 A. Correct. This would have been four or five days after.

2 Q. After the incident?

3 A. Yes.

4 Q. Okay. And I guess your purpose in this picture, if I
5 understand it correctly, was to indicate where the Blue
6 Star indicated the presence of blood, correct?

7 A. Correct.

8 Q. And how many spots do you see on those two mattresses
9 and box springs or two box springs and a mattress?

10 A. Four maybe.

11 MR. SHEIKH: Your Honor, is it okay if the
12 witness approaches?

13 THE COURT: Yes.

14 Q. (By Mr. Sheikh) Would you try to point out how you're
15 defining the four, please.

16 A. There's a small one here, another small one here, that's
17 two, here's three, there's four, five.

18 MR. SHEIKH: Sir, could you enlarge that
19 portion if you don't mind.

20 Your Honor, may I step closer one more time?

21 THE COURT: Yes.

22 Q. (By Mr. Sheikh) One more time.

23 A. One, two, three, four, and five.

24 Q. Thank you.

25 Would you mind putting up 43, please.

1 Your Honor, may we approach the exhibit again?

2 THE COURT: Yes, of course.

3 Q. (By Mr. Sheikh) Detective Madonia, to the best of your
4 knowledge, is this the same?

5 A. Yes.

6 Q. The bottom one --

7 A. Yeah, that's the bottom one pulled out, yeah.

8 Q. Now, you see, there's significant more Blue Star, right?

9 A. Yeah, there's some Blue Star here.

10 Q. Okay. But it's not in picture 38 that we just saw,
11 right?

12 A. Correct.

13 Q. Do you have an explanation for that?

14 A. They didn't spray that yet. They only sprayed the top
15 mattress.

16 Q. Okay. So, in response to the questioning by Mr.
17 Fedorak, when he indicated and you only showed the blood
18 that was in 38, that was prior to it being sprayed,
19 correct?

20 A. Yes.

21 Q. After it being sprayed it showed more blood than,
22 obviously, it showed in picture 38?

23 A. Correct, yes.

24 Q. All right. Thank you. You may have a seat.

25 You can take that down. Thank you, sir.

1 Now, in the questioning by Mr. Fedorak,
2 there's been a lot of things said about admissions,
3 partial admissions and so forth like that. For the lack
4 of a better word, did Mr. Curtis Hampton ever admit to
5 inflicting the injuries on Carmon?

6 A. No.

7 Q. And also, did he ever deny inflicting the injuries on
8 Monique?

9 A. No.

10 Q. And when he talked about blame, he blamed himself much
11 of the time as well, right? He said if he hadn't went
12 over there, if he wasn't on probation, if him and
13 Monique had not got in a fight and if she had not tried
14 to stab him, Carmon would not have got hurt. Right?
15 Didn't he say that to you repeatedly?

16 A. I believe so, yes.

17 Q. And he seemed to blame himself, right? I mean was he
18 crying? We can't see that because --

19 A. No.

20 Q. -- you did audio/videotape the interview, right?

21 A. Yes.

22 Q. Are you saying that during that whole period he never
23 cried?

24 A. I don't believe so, no.

25 Q. Would it refresh your recollection if you were to look

1 at audio/video from crying, taking his T-shirt and
2 wiping tears? Is that refreshing your recollection?

3 A. It's not. I don't, I don't recall.

4 Q. Is that something that you would have noticed in your,
5 is that something you would have noticed in your report,
6 that you would have written down, or is that not
7 something that police officers usually note?

8 A. I'd have to refresh my memory with my report.

9 Q. Go ahead, sir. See if it has anything in there, any
10 indication.

11 A. No, I don't have anything regarding him crying.

12 Q. Okay. I want to take you back through the report
13 chronologically, as well. And I hate skipping all over.

14 On page 20 of 48, do you have that in front of
15 you, sir, of your report?

16 A. Yes. Page 20, correct?

17 Q. Yes, sir, 20 of 48.

18 The second paragraph from the bottom, that's
19 where it indicates was missing from the home and her
20 live-in boyfriend Curtis Lee Hampton, correct?

21 A. Correct.

22 Q. I'm going to take you then to page 22 of your report.
23 That's where it indicates that amongst the things that
24 you saw at the house were medications, some marijuana
25 and some Adderall, is that correct, on page 141?

1 A. Correct.

2 Q. I refer to it as page 141. That's my discovery page.
3 It's your 22, correct?

4 A. Yes.

5 Q. I don't want to be misleading.

6 On page, your 24, which would be our 143, it
7 also indicates that you found some sort of form or
8 something indicating that Monique was getting a mental
9 health evaluation and some pills, correct?

10 A. Correct.

11 Q. Now, this is somewhat of a paraphrasing of Corporal
12 Popescu's report, but this is page 28 of 48 in your
13 report, you refer to it.

14 Right from the beginning, Mr. Hampton had
15 indicated I just witnessed my girl kill my daughter; is
16 that correct.

17 A. Yes.

18 Q. All right. And that's pretty much the theme that was
19 repeated throughout his interview with you, correct?

20 A. Correct.

21 Q. And to the best of your knowledge, this indication was
22 made prior to him seeing an attorney prior, prior to him
23 forming a defense, to the best that you could know that,
24 correct?

25 A. Correct.

1 Q. Okay. And we know that he gave, this Corporal -- I'm
2 not good at saying names -- Popescu his statement prior
3 to giving yours, which was given on Friday morning at
4 the police station, at about 2:00 p.m., correct?

5 A. Correct.

6 Q. All right. And obviously, when you also mirandized Mr.
7 Hampton he didn't ask for an attorney, correct? He
8 shows to speak to you without an attorney, correct?

9 A. Correct.

10 Q. Again, on what is page 31 of 48, the very last line, he
11 again indicates that Monique stabbed the daughter, but
12 he also indicates that it's accidental, right?

13 A. That is correct.

14 Q. Okay. And he repeated that many times, right? Did he
15 ever say to you that I think that Monique, on purpose,
16 killed Carmon?

17 A. No.

18 Q. He always prefaced it by either accident or it was meant
19 for me, something like that, correct?

20 A. Correct.

21 Q. Again, in your report, page 32 of 48, sir, that's where
22 he mentions that he attempted to try to resuscitate, the
23 best that he could, Carmon; is that correct?

24 A. Yes.

25 Q. Okay. Again, on page 34 of your report from the

1 interview, he again indicates -- let me see if I can
2 find it for you. In the very last line, page 34 of 38,
3 he indicates again that, said that it wasn't
4 intentional, that it was an accident, stated it was
5 something meant for him and said his daughter was in the
6 middle of it and she shouldn't have been. Does that --

7 A. That is --

8 Q. -- refresh your recollection?

9 A. Yes.

10 Q. Okay. Again, on page 35 of 48, indicating the same
11 thing, that Monique had went from zero to 10. He
12 indicates the same thing, that it was an accidental
13 stabbing by Monique of Carmon; is that correct? On page
14 154, near the bottom.

15 A. On page 35, I don't, I'm not seeing the part where he
16 said it was an accident.

17 Q. One second.

18 Initially, we talked about page 34, right?

19 A. Yes.

20 Q. Where he said it was meant for him. I think I misspoke.
21 On page 155, which is mine, which is 36 of yours. Hang
22 on one second. Again, near the top of page 36 of 48 --
23 we're going to forget about page 35. That was my
24 mistake. Again, Hampton said he was stabbed once and
25 the second time Monique went to stab him, she stabbed

1 the baby, correct?

2 A. Correct.

3 Q. Again, this is on page 38 of 48, near the top. It again
4 reiterates he said he did not physically kill his
5 daughter; is that correct?

6 A. Correct.

7 Q. So some of the recurring themes in all this, interview
8 that took place between you and the corporal and
9 everybody else, first of all, several people indicated
10 to you that they saw him with a knife in his chest or
11 with a knife, correct?

12 I mean if I remember correctly, Brianna was
13 one of them.

14 A. She was the only one that told me, yes.

15 Q. Okay. But there were some other indications by people
16 that he had a knife, correct?

17 A. Yes.

18 Q. Okay. And sir, in terms of the consistency of all this,
19 did you get, did you also find out that he had told the
20 same story to Davone Phillips and to Anna, as far as
21 that the baby had got injured?

22 A. I didn't know he told the story to Davone because Davone
23 wasn't forthcoming with any information and said he
24 didn't know anything about anything. And he said that
25 he got into it with his baby mama and she stabbed him,

1 is what he told Anna.

2 Q. Okay. And he also indicated that the baby was stabbed
3 accidentally by Monique, correct?

4 A. I don't believe he shared that information with Anna.

5 Q. Now, you know, as part of what was done in this case,
6 some investigation was done, there was no sexual
7 activity that we know of that was taking place between
8 the defendant and Monique, right?

9 A. Not to my knowledge.

10 Q. That we know of. We don't have any evidence, right?

11 A. Not to my knowledge.

12 Q. We also had all this testimony from Sergeant Merlo
13 indicating that, you know, the team had went out and
14 went out after, I believe Davone Phillips house and
15 Anna's house and Ms. Hampton's, and they kept missing
16 him. But, the gist of all that is, ultimately, it was
17 Mr. Curtis Hampton himself that turned himself in,
18 correct?

19 A. His brother-in-law, Gregory Jones.

20 Q. Well, he brought him. But, Mr. Hampton is the one who
21 turned himself in, right?

22 A. I'm not sure if he was willing. He was on the phone
23 with his mom and at that point Mr. Jones saw an
24 opportunity to drive him to the Dearborn police
25 department.

1 Q. Okay. And so, you were here when Mr. Jones testified
2 yesterday, right?

3 A. I was.

4 Q. Okay. And he indicated to you that at the time that he
5 drove Curtis Hampton to the Dearborn police department
6 he did so because it was the closest, I believe, police
7 department; is that correct?

8 A. That is correct.

9 Q. And he also indicated to you that he transported him
10 there in his truck; is that correct?

11 A. Yes.

12 Q. He also indicated that he left him in the truck when he
13 went inside initially to talk to the police, correct?

14 A. Yes.

15 Q. And he indicated that they did not take him seriously,
16 or so he thought, because we know there was a recent
17 incident there with whackos coming into the police
18 station. So they didn't take him seriously initially,
19 so then he came back out to the car, right?

20 A. Correct.

21 Q. And that's when he saw Mr. Hampton was talking on the
22 phone with his mom or whom ever, correct?

23 A. I believe he was on the phone the entire time.

24 Q. That entire time?

25 A. Entire time.

1 Q. But at least the second time Mr. Jones came out, he did
2 see Mr. Hampton still talking on the phone, correct?

3 A. I believe so, yes.

4 Q. If you know.

5 A. Yeah.

6 Q. Okay. And also, do you recall either Mr. Fedorak or
7 myself asking Mr. Jones if he had left the car running
8 or if he had left the keys in the truck, and he said he
9 could not remember and he may have. Do you remember
10 that?

11 A. I do.

12 Q. He wasn't certain.

13 So, at that point, wouldn't it stand to reason
14 that Mr. Hampton did not want to be party participant to
15 turning himself in. He knows where he's at. Dearborn
16 police station is rather big, right?

17 A. Yes.

18 Q. Okay. So he could have taken off, he could have run, he
19 could have done hundreds of things; is that right?

20 A. I suppose.

21 Q. This is a term you used, Pack and Play. Is that what
22 they call a crib?

23 A. Yeah, it's a portable crib, yeah. It was in the front
24 room.

25 Q. I saw the so-called regular crib in the picture. Is the

1 Pack and Play a different thing?

2 A. Yes.

3 Q. Okay. During the interview that you conducted -- is it
4 Officer Sellers or is it Detective Sellers?

5 A. I'm sorry?

6 Q. Detective Sellers or Officer Sellers, the one that was
7 with you?

8 A. In the interview?

9 Q. Yes.

10 A. Yeah, it was Officer Sellers.

11 Q. Officer Sellers. Okay. During that interview that you
12 conducted were there times that Curtis was inaudible and
13 seemed to be mumbling to himself? Do you recall that?

14 A. I don't recall.

15 Q. You don't recall that at all?

16 A. I don't.

17 Q. Did he specifically tell you what he cleaned up at the
18 house on Hampton? I mean he alluded to the fact that he
19 cleaned up, correct?

20 A. Correct.

21 Q. Did he specify to you, if you recall, sir?

22 A. I don't recall. I'd have to check my report.

23 Q. Feel free to refresh your recollection with your report.

24 Is that okay, your Honor?

25 THE COURT: Yes.

1 A. Just that he cleaned up.

2 Q. (By Mr. Sheikh) Okay. No elaboration, correct?

3 A. Correct.

4 Q. Now, when you were talking to him, you did indicate, in
5 response to Mr. Fedorak's question, that he was somewhat
6 disjointed and that's why this interview which, I don't
7 know how to measure it, but if it's a three-hour
8 interview and that's, you know, 15 minutes of
9 information, just to use that for example. He was kind
10 of all over the place, right?

11 A. He was.

12 Q. So when he said that he thought that the incident with
13 Monique may have taken a half-hour, there's no real
14 reason to believe that, was there? That wasn't pursuant
15 to him timing it or looking at a clock or anything.
16 That was just in response to a question and he thought
17 that the time took half an hour.

18 A. That's what he said, yes.

19 Q. Okay. And you have no reason, no scientific reason to
20 believe that from the rate of bleeding or anything else
21 that would indicate that it took Ms. Rakowski 30 minutes
22 to pass; is that correct?

23 A. I don't know. I'm not a doctor.

24 Q. And we don't know about Carmon, but we do know from
25 Dr. Spitz that he said it would almost be instantaneous

1 because of the --

2 A. Yes.

3 Q. Is that correct?

4 A. From the doctor, yes.

5 Q. And sir, also in conducting your investigation in this
6 case and that mattress, the top one in picture 38 and
7 43, you found multiple stab wounds in the mattress; is
8 that not correct?

9 A. I don't recall. I'd have to look at my report.

10 Q. Feel free.

11 A. It doesn't say. The only thing, when we did the Blue
12 Star we had cut out the top of the mattress to take that
13 as well just in case we needed it.

14 Q. Do you know if the results came back from that as
15 anything?

16 A. I don't know.

17 Q. Do you recall indicating that there were some stab
18 wounds in the mattress?

19 A. I believe Mr. Hampton had said that during the
20 interview, at one point he was sitting on the bed, he
21 was upset after what had happened and that he claims he
22 was stabbing the bed with the knife.

23 Q. Okay. But you don't have a report indicating what was
24 the outcome of the portion of the mattress that was
25 taken --

1 A. Correct.

2 Q. -- with the Blue Star; is that correct?

3 A. Correct, just the sheet.

4 Q. Do you remember physically seeing that portion and
5 seeing cuts in there?

6 A. I don't recall.

7 Q. You don't have a recollection.

8 Now, you indicated in response to Mr.
9 Fedorak's questioning that sometimes Mr. Hampton would
10 talk about unrelated things, like his relationship with
11 Monique and things of that nature; is that correct?

12 A. Yes.

13 Q. Do you remember using that term back and forth,
14 unrelated?

15 A. Yep, yep.

16 Q. Wouldn't you think that if a person is talking about a
17 relationship, and a loved one has passed, even at their
18 hands, that I mean they'd want to at least describe the
19 relationship. Did you really think that that was
20 unrelated to describe to you the relationship between
21 him and Monique?

22 A. Well, unrelated to the questions that I was asking
23 specific as to what had happened. He wanted to not talk
24 about what happened and rather talk about and focus on
25 their relationship.

1 Q. And when you talked about, in response to Mr. Fedorak's
2 questioning, that perhaps she had rekindled some sort of
3 romance with Nick I believe, the fellow from Oklahoma.

4 A. Yes.

5 Q. And perhaps Charles, who is Damien's father, correct?

6 A. Yes.

7 Q. And that that's when he may have been asked not to go to
8 basketball games, correct?

9 A. That was an example that he had given, yes.

10 Q. That was an example?

11 A. Yes.

12 Q. And this incident occurred on February 12th, 2015; is
13 that correct?

14 A. Yes.

15 Q. In the State of Michigan, in the City of Eastpointe, in
16 the County of Macomb, right?

17 A. Yes.

18 Q. Is that a place where usually baseball games are played
19 around that time of the year or no, in February, in
20 Michigan?

21 A. Not in February, no.

22 Q. So when ever this incident with the baseball had
23 expanded, it either had calmed down or became a
24 non-issue by February, right?

25 A. I don't know.

1 Q. And he also indicated to you he knew -- they had an open
2 relationship, right? He also would see others; is that
3 correct? Did he indicate that to you in the times that
4 they were off and on?

5 A. No. He didn't indicate that to me, no.

6 Q. Okay. This incident, again, occurred on February 12th,
7 of 2015. Did he indicate where in the relationship or
8 where in this period of time he first became aware that
9 Monique was seeing either Nick and/or Charles?

10 It wasn't right like February 11th or
11 anything, correct?

12 A. I don't recall.

13 Q. Actually, do we know that Nick probably wasn't even in
14 the state at this time the incident occurred, right? He
15 was probably still in Oklahoma.

16 A. I believe so, yes.

17 Q. Now, where he said that he feels really bad about
18 hurting someone he loved, I think you said he indicated
19 that more than one time. Was that like a recurrent
20 theme or did he just say it one time?

21 A. He may have said it more than once.

22 Q. Do you want to refresh your recollection by looking at
23 your report.

24 Let's just say, for sake of argument, he said
25 it at least once that you recall, right?

1 A. Yes, at least once that I recall.

2 Q. Because you related it during questioning with Mr.
3 Fedorak, correct?

4 A. Right.

5 Q. Now, he also indicated throughout many times how much he
6 loved Monique, did he not?

7 A. He did say that, yes.

8 Q. Did he not say that part of the reason why he was so
9 distressed is because two of the people he loved the
10 most in the world were gone?

11 A. Yes.

12 Q. Things along that line, right?

13 A. Yes.

14 Q. Did he also say that he thought, and these are his
15 words, that he thought he was very dumb and she was very
16 smart. She could help him feel not so dumb?

17 A. Yes, that was one of the --

18 Q. Things he --

19 A. -- tangents that he got off on, not answering the
20 questions. He mentioned that.

21 Q. You're not trying to say that every time he said
22 something about Monique that was a tangent, are you?
23 That's not your definition of tangent, is it, sir?

24 A. No, not a tangent. That instead of answering the
25 question as to what happened or my specific question,

1 that was another thing that he would kind of go off, you
2 know, speak of, was stuff like that and not answer the
3 question directly.

4 MR. SHEIKH: Okay. Your Honor, may I briefly
5 confer with my client?

6 THE COURT: Yes.

7 MR. SHEIKH: Detective Madonia, I believe this
8 case has been difficult on us all. Thank you for your
9 work in this matter. I have no further questions.

10 DETECTIVE MADONIA: You're welcome.

11 THE COURT: Mr. Fedorak, redirect.

12 REDIRECT EXAMINATION

13 BY MR. FEDORAK:

14 Q. Is a different way of describing him going off on a
15 tangent a defense mechanism where he's avoiding
16 answering your question?

17 A. That's how I perceived it, yes.

18 Q. Okay. People's 31, please.

19 Mr. Sheikh asked you a series of questions
20 regarding the mattress and the stabbing of the mattress.
21 That is a photograph, People's 31, taken by the evidence
22 techs, the responding officers of the master bedroom,
23 correct?

24 A. Yes.

25 Q. The sheet is still on there, correct?

1 A. Yes.

2 Q. Even the sheet is covering the Blue Star
3 picture -- excuse me, the Blue Star exhibit that shows
4 blood underneath the sheet, correct?

5 A. Yes.

6 Q. Before anybody removed anything from that room, do you
7 see any blood on that mattress at all that would have
8 indicated the assault took place there?

9 A. No.

10 Q. Where's the first piece of Blue Star that you see
11 showing the first sign of blood in that master bedroom
12 at all?

13 A. On the side of the mattress.

14 Q. And then the trail goes where?

15 A. Down to that box spring and then onto the floor.

16 Q. And in his words he described it for you, it started in
17 the bedroom, right?

18 A. Correct.

19 Q. And the bedroom door?

20 A. Correct.

21 Q. Does it make sense to you Monique was leaving, getting
22 away from him, trying to go in a different room and
23 possibly got attacked from behind?

24 A. Yeah, it's plausible, yes.

25 Q. She has 16 stab wounds in her body. We've confirmed

1 that, correct?

2 A. Correct.

3 Q. Who was holding the two knives in his hands and
4 described the stabbing motions that Monique suffered?

5 Do you see that person in the courtroom today?

6 A. I do.

7 Q. Please point to him and describe what he's wearing.

8 A. He's at the end of the table. He's wearing a blue and
9 white checkered button-up.

10 Q. You, on the record, moved both your arms in a fashion.
11 Who supplied you the description of what he did?

12 A. He did.

13 Q. Show for the jurors one more time what he did to Monique
14 in his own words.

15 A. He said he had a knife in each hand and was going like
16 this. (Indicating).

17 Q. We know it must have happened at least 16 times, right?

18 A. Correct.

19 Q. In his words, his daughter is gurgling in another room
20 but he's in a bathroom sitting on a floor watching his
21 ex-girlfriend expire. Is that his description?

22 A. Yes.

23 Q. Do you believe, based on the scientific evidence, the
24 evidence from all the witnesses and all the pieces we
25 have, that he ever attempted CPR? Is it possible, given

1 what you learned in the rest of this case --

2 A. No.

3 Q. -- on Carmon?

4 A. No.

5 Q. Mr. Sheikh tried to score some extra points and say,
6 hey, the defendant turned himself in, he's not going to
7 run.

8 How many failed suicide attempts did you know
9 about at this point when he turned himself in? In other
10 words, how many did he admit to you afterwards?

11 A. After I had talked to him, three.

12 Q. So he admitted to you in his own words that he was a
13 coward and couldn't get that job done, correct?

14 A. Correct.

15 Q. You don't know exactly how it happened, do you?

16 A. No.

17 Q. Detective?

18 A. No.

19 Q. You tried asking as many detailed questions as possible
20 and he evaded avoided answering direct questions to you;
21 is that fair to say?

22 A. Yes.

23 Q. He talked -- you let him go on and on and on for a long
24 time, didn't you?

25 A. We did.

1 Q. Exhibit 26.

2 MR. SHEIKH: Mr. Fedorak, what's the number of
3 that exhibit?

4 MR. FEDORAK: That was 31, your Honor.

5 Q. (By Mr. Fedorak) Exhibit 26. But, we do know for a
6 fact that's how his handy work ended, right?

7 A. Yes.

8 Q. He admitted to the 16 stab wounds to Monique?

9 A. Yes.

10 Q. He admitted to putting coins on her eyes?

11 A. Yes.

12 Q. And he admitted to laying Carmon in that position?

13 A. Yes.

14 Q. But he just couldn't tell you the whole truth, could he?

15 A. No.

16 Q. He, himself, told you he was not going to answer your
17 questions about his daughter at various times, correct?

18 A. That is correct.

19 MR. FEDORAK: Nothing further, your Honor.

20 MR. SHEIKH: Your Honor, in the overall scheme
21 of things, this question is not going to seem like much.
22 But, 31, please.

23 Your Honor, may I approach?

24 THE COURT: Yes.

25 RECROSS-EXAMINATION

1 BY MR. SHEIKH:

2 Q. Detective Madonia, this is the mattress with the sheets
3 on it, correct?

4 A. Yes.

5 Q. Okay. This is the area that eventually with Blue Star
6 we saw some sort of blood; is that correct?

7 A. Yes.

8 Q. And I believe some here that we will not be able to see
9 perhaps because of these sheets, right?

10 A. It was on the side. It probably would have been right
11 here behind this blanket. Somewhere in this general
12 area.

13 Q. Okay. So when Mr. Fedorak asks you did you look at the
14 sheets and see no blood, you know that there's blood
15 there that you also don't see in this picture, correct?

16 A. Yes.

17 THE COURT: Thank you. Nothing further.

18 THE COURT: Anything else?

19 MR. FEDORAK: Nothing.

20 THE COURT: Thank you. You may step down. We
21 are going to break until 10:30 tomorrow morning.

22 (At about 4:48 p.m., Witness Excused).

23 THE BAILIFF: All rise for the jury.

24 (At about 4:48 p.m., Jury Excused).

25 THE COURT: You may be seated. We are going

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB
PEOPLE OF THE STATE
OF MICHIGAN,
People,
vs. Case No.: 2015-1559-FC
CURTIS LEE HAMPTON,
Defendant.

_____/

JURY TRIAL - VOLUME V,
BEFORE THE HONORABLE JENNIFER M. FAUNCE
Mount Clemens, Michigan - Wednesday, March 22, 2017

APPEARANCES:
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Wednesday, March 22, 2017

Mt. Clemens, Michigan

At about 10:54 a.m.

* * *

THE COURT: On the record, People versus Hampton.

MR. PALEPU: Kumar Palepu for the People.

MR. FEDORAK: Jurij Fedorak for the People, as well, Judge.

MR. SHEIKH: Good morning, your Honor. Azhar Sheikh, counsel here on behalf of the Defendant, Curtis Lee Hampton, who stands to my immediate right. Ready to proceed.

THE COURT: Any more witnesses for the prosecution.

MR. FEDORAK: No, your Honor. The People officially rest.

THE COURT: All right. Mr. Sheikh, motion?

MR. SHEIKH: Yes, your Honor. I would like to make a motion for a directed verdict. I'm not going to waste the Court's time as to the principal charges of the murder charges. But, I think as far as the attempted CSC charge, there's absolutely no indication. We asked the medical examiner and every other witness. There was no signs of sexual activity or attempted

1 sexual activity. It's simply to draw that inference
2 from the fact that the young lady's pants were I believe
3 below her knees, especially after the way that the
4 struggled incurred. Her, excuse me for saying this, but
5 her panties were in tact. They didn't seem to have been
6 pulled down. There was absolutely no attempt to have
7 any kind of sexual activity. The closest that happened
8 is that, at some point I believe that Mr. Hampton did
9 allegedly say that he wanted to cuddle and she said no.
10 I don't think he ever said that he tried. He may have
11 asked her. They've been in a relationship, they have a
12 child together. So at least as to the charge of
13 attempted CSC, your Honor, I would ask for a directed
14 verdict or dismissal as to that charge.

15 MR. PALEPU: Your Honor.

16 THE COURT: Mr. Palepu, go ahead.

17 MR. PALEPU: As I understand, as a non-moving
18 party, the evidence must be viewed in the light most
19 favorable to the prosecution when considering whether or
20 not to grant a motion for a directed verdict. People v.
21 Chapo, 283 Mich App. 360, 364, 770 N.W.2d 68 72, 2009
22 case.

23 THE COURT: Slower.

24 MR. PALEPU: As I understand it, your Honor,
25 and I just want to make sure that I'm arguing this

1 properly, that the defense is just challenging, in this
2 directed verdict, the attempt CSC third degree charge;
3 is that correct?

4 MR. SHEIKH: No, I'll be moving to other
5 charges after.

6 THE COURT: Oh, we're going one at a time?

7 MR. SHEIKH: Yes, your Honor.

8 THE COURT: Okay. That's fine.

9 MR. PALEPU: Okay. So first, as far as the
10 attempted criminal sexual conduct third degree, force or
11 coercion charge, we have heard from a number of
12 witnesses, including Detective Madonia. When he spoke
13 to the defendant there were admissions where the
14 defendant admitted that he was there at the home on the
15 night in question, that he did attempt to engage in
16 sexual contact with her. He wanted to have sex before
17 he went back to jail. I believe he made some comments
18 to that, to those facts, to a number of witnesses that
19 we brought during the course of trial, your Honor,
20 and -- one moment. Defendant made an admission to
21 Sergeant Popescu that he tried to convince Monique to
22 have sex, that she wouldn't, and he got angry, snapped
23 and there was an argument.

24 Of course, we all know that he claims that she
25 stabbed Carmon, he got angry with that, attacked

1 Monique, stabbed her several times, 16 in number, and
2 when the evidence techs and the responding officers
3 reviewed the scene --

4 (Cell Phone Ringing).

5 THE COURT: Continue, Mr. Palepu.

6 MR. PALEPU: We all saw the picture where
7 Monique is lying on the bathroom floor with her pants
8 around her ankles, and I think that a trier of fact
9 could infer or come to the conclusion that the defendant
10 did engage or attempt to engage in force or coercion;
11 basically, rape is what we're alleging, and that she
12 fought him off and succumbed to her wounds when he
13 stabbed her 16 times, your Honor.

14 THE COURT: Any response?

15 MR. SHEIKH: Yes, your Honor, very briefly.
16 First of all, if this was a case where the people did
17 not know each other, did not have a history of being in
18 a relationship for over a year, did not have a child
19 together, Mr. Hampton was not residing at the house at
20 the time with the consent and invitation of Ms. Monique
21 Rakowski, it would be a little bit different. But, for
22 a person to say, I think that happens everyday, with all
23 due respect, probably nine out of 10 marriages. One
24 partner may want to get a little frisky, another one
25 might say later, tomorrow, what ever. That doesn't mean

1 that there is any attempted sexual activity. If these
2 were strangers, certainly, everything that Mr. Palepu
3 says would be applicable, but not in this particular
4 situation. They've showed nothing that he attempted to
5 have sex. He asked, and when she said no, he got
6 frustrated and upset, like probably nine out of 10
7 people would, just the fact that, you know, they were
8 hoping to do something, were not able to achieve it, and
9 that's it.

10 We're not talking about the rest of the
11 actions. They keep bringing up the 16 wounds and
12 everything else. It's irrelevant to this particular
13 question that we have before the Court.

14 THE COURT: Okay. With regard to Count III,
15 there was no signs of sexual activity and her underwear
16 seemed to be in tact. However, her pants were pulled
17 down. She did sustain, obviously, injuries, stabbing
18 injuries, and one of the witnesses referred to other
19 types of injuries, as well. I think there was a bruise
20 somewhere. There was defendant's statements that he was
21 wanting to have sex before he went to jail, that he was
22 going to try to convince her to. Certainly, there's
23 enough evidence for the jury to draw a conclusion and
24 make a determination as to whether or not he was
25 attempting to and used force or violence to try and

1 obtain sexual intercourse. So I'm going to deny the
2 motion for summary disposition on Count III.

3 Your next?

4 MR. SHEIKH: Yes, your Honor. My next is as
5 to the count of child abuse. We've seen some horrific
6 pictures of Carmon, but what we do know is she seemed
7 very well nourished, age appropriate. We asked the
8 medical examiner, I asked the medical examiner if as
9 part of his autopsy he took x-rays; and no broken bones,
10 no healing wounds or anything, no bruises other than,
11 unfortunately, the one that took her life. We did see
12 some pictures that seemed very troubling, but those, as
13 the medical examiner pointed out, and I don't think that
14 the people disagree, was lividity caused by the blood
15 settling after she had become deceased.

16 There's no indication at all that that child
17 was abused by anybody in any way, shape or manner. When
18 we looked at the house, she's got plenty of stuffed
19 toys, beautiful crib, lots of diapers; a very pampered
20 young lady. In that sense, you Honor, I don't even know
21 what they're alleging in terms of child abuse, other
22 than the alleged murder itself, and that makes sense,
23 but that's a different charge, your Honor. There's no
24 indication of any abuse, let alone that Mr. Hampton
25 inflicted that abuse.

1 MR. FEDORAK: Your Honor, I'm going to step
2 back and probably give you more information in terms of
3 my historical approach on these two charges. I'm going
4 to combine the child abuse and the felony child
5 abuse/murder. My predecessor, our chief trial attorney,
6 Therese Tobin, charged this case, and I consulted with
7 her. I even consulted with our current chief trial
8 attorney, Jean Cloud, regarding the aspects of when
9 children are victims of crime based on her specialty of
10 all the years of handling numerous crimes. And it is --
11 although Mr. Sheikh has not and I personally have not
12 encountered this specific charge in this way in my 25
13 years of doing this, it is rather common in the CPU, the
14 child protective unit, that they have charged felony
15 murder based on assaults on a child.

16 So, if the question is, legally, is it
17 permissible? Absolutely. The assault that we're
18 alleging as part of the child abuse is the actual
19 knifing; in other words, is that he intentionally hurt.
20 I'm not alleging that he's a bad parent, I'm not
21 alleging that he created a hostile environment. I'm
22 alleging that he physically assaulted his child. And
23 based on that assault, it then combines with felony
24 murder. And that was the theory of the case as
25 presented at exam by Prosecutor Tobin at the time, that

1 is the theory of the case that we are continuing with at
2 this trial.

3 So, legally, is it permissible? Absolutely.
4 And I think his motion as to these, and I'm going a
5 little farther to the felony murder, if there is one, is
6 combined in the argument, and his request should be
7 denied.

8 THE COURT: And I think the motions actually
9 should be combined because it's addressing the issue of
10 child abuse that does come up in Counts IV and Counts V.

11 Any response?

12 MR. SHEIKH: No, your Honor. I just want to
13 indicate for the record that I was not the attorney of
14 record at the exam, so I was not familiar with that
15 aspect of it and the particular dynamics. It just
16 struck me as something that was repetitive. Thank you.

17 THE COURT: And child abuse can be a one-time
18 occasion, and no other occasions are alleged in this
19 situation. But, clearly, a stab wound qualifies as
20 child abuse. So, your motion is denied.

21 MR. SHEIKH: Thank you, your Honor, for taking
22 the time to entertain it. We appreciate it.

23 THE COURT: And just for the record, I
24 indicated the previous motion was as to Count III, but
25 I'm going to say it would be your motion that I would be

1 denying is basically Counts II and Counts III, because
2 they both encompass the issue of criminal sexual
3 conduct.

4 MR. SHEIKH: Thank you, your Honor.

5 THE COURT: All right. Now, with regard to
6 your client testifying. The prosecution has rested. Is
7 your client going to testify?

8 MR. SHEIKH: Yes, your Honor. May I voir dire
9 him?

10 THE COURT: Raise your right hand. Do you
11 swear to tell the truth, whole truth, nothing but the
12 truth, so help you God?

13 MR. HAMPTON: Yes.

14 CURTIS LEE HAMPTON,
15 after having first been duly sworn by the Court to
16 tell the truth, testified as follows:

17 THE COURT: State your name.

18 MR. HAMPTON: Curtis Hampton.

19 THE COURT: Go ahead.

20 MR. SHEIKH: Mr. Hampton, please keep your
21 voice up so the court reporter can record everything.

22 MR. HAMPTON: All right.

23 MR. SHEIKH: Sir, I've been your attorney for
24 approximately a year now, correct?

25 MR. HAMPTON: Yes.

1 MR. SHEIKH: And from the first day I told you
2 or from the first time we met I told you that the day
3 would come where you would have to decide if you were
4 going to take the stand or not; correct?

5 MR. HAMPTON: Yes, sir.

6 MR. SHEIKH: And I indicated to you, from day
7 one, that that was a decision only you could make.
8 Neither Mr. Prosecutor, the judge or I could either
9 force you to take the stand or prevent you from taking
10 the stand; is that correct?

11 MR. HAMPTON: Yes.

12 MR. SHEIKH: And I came to see you, not
13 yesterday, but the day before, for several hours. We
14 talked about you possibly testifying today, correct?

15 MR. HAMPTON: Yes.

16 MR. SHEIKH: And I asked you this morning if
17 you wanted to testify, and your answer is?

18 MR. HAMPTON: Yes.

19 MR. SHEIKH: Okay. Now, you do understand, I
20 indicated to you there are pitfalls. First of all, by
21 you testifying it opens the case up for rebuttal, they
22 can present rebuttal witnesses and, second of all, as
23 you sat here through this case, you know that Mr.
24 Fedorak is a very experienced cross-examiner and he will
25 have an opportunity to cross-examine you as to

1 everything. Do you understand that?

2 MR. HAMPTON: Yes.

3 MR. SHEIKH: And given all of that and against
4 my advice, you're choosing to proceed and to testify; is
5 that correct?

6 MR. HAMPTON: Yes, sir.

7 THE COURT: You realize you have a
8 constitutional right to not be forced to take the stand
9 and not testify, which could potentially be against
10 yourself; do you understand that?

11 MR. HAMPTON: Yes.

12 THE COURT: Do you want to waive your
13 constitutional right?

14 MR. HAMPTON: I don't have no choice. In
15 order to defend myself against stuff that I didn't do,
16 that they're saying I did, I have to.

17 THE COURT: Okay. Just so we're clear, you
18 aren't being forced to testify.

19 MR. HAMPTON: If someone says --

20 THE COURT: But you want to testify in order
21 to get other information in; is that what you're saying?

22 MR. HAMPTON: Yes.

23 MR. FEDORAK: Your Honor, if I may, for the
24 record, furthermore, one other aspect, the People not be
25 able to comment on his lack of testimony. I want to

1 make sure that right is specifically addressed, too.

2 THE COURT: Right, correct.

3 MR. SHEIKH: Thank you for bringing that up,
4 Mr. Fedorak.

5 If you were not to testify --

6 THE COURT: There is a jury instruction that
7 says if you choose to not testify it cannot be used
8 against you and the jury will be specifically instructed
9 that if you choose to not testify. Do you understand
10 that, as well?

11 MR. SHEIKH: Mr. Hampton -- may I, your Honor?

12 THE COURT: Yes.

13 MR. SHEIKH: Mr. Hampton, what the Court is
14 indicating is that if you chose not to testify, the jury
15 will be explicitly told by a very settled-out jury
16 instruction that they cannot use that against you. They
17 cannot draw any negative inferences from it, they cannot
18 speculate as to it or anything like that.

19 Knowing that, do you still wish to testify?

20 MR. HAMPTON: Yes.

21 THE COURT: Has anyone forced or threatened
22 you to testify?

23 MR. HAMPTON: No.

24 THE COURT: Are you doing this freely and
25 voluntarily?

1 MR. HAMPTON: Yes.

2 THE COURT: You've had opportunity to consult
3 with whom ever you want to consult with on this issue?

4 MR. HAMPTON: Yes.

5 THE COURT: And your decision is to testify;
6 is that correct?

7 MR. HAMPTON: Yes.

8 THE COURT: All right. I think we're ready
9 for the jury.

10 MR. SHEIKH: Your Honor, I believe they wanted
11 to have him in there before the jury came out, I think.

12 THE COURT: Correct. Thank you for that
13 reminder.

14 MR. FEDORAK: And your Honor, just so the
15 record is perfectly clear --

16 THE COURT: Go ahead.

17 MR. FEDORAK: As I was indicating, Judge, just
18 so the record is clear, I know your court officer has
19 the defendant in leg shackles. I just wanted to make
20 sure that all the precautions are made so there are no
21 issues or allegations later about that aspect of the
22 case.

23 THE COURT: Okay. He's already in the witness
24 stand. The jury will have no view of that.

25 MR. SHEIKH: Your Honor, I'm just going to

1 step in the jury box one second, make sure there's
2 nothing.

3 THE COURT: Go to the back seat, is where you
4 want to go.

5 MR. FEDORAK: And lastly, your Honor, walking
6 in, if Mr. Sheikh wants to double check the view of
7 walking in.

8 THE COURT: Oh, right. Go to the door,
9 please.

10 THE BAILIFF: As the jurors come in I'll keep
11 the door open.

12 MR. SHEIKH: Okay.

13 THE COURT: No objection to the presentation?

14 MR. SHEIKH: Absolutely not at all, your
15 Honor. Thank you.

16 THE COURT: All right. With that, we'll bring
17 the jury in.

18 All rise.

19 THE BAILIFF: All rise for the jury.

20 (At about 11:08 a.m., Jury Seated).

21 THE COURT: Okay. You may be seated.

22 Mr. Fedorak, for the People, any further
23 witnesses?

24 MR. FEDORAK: No, your Honor. The People
25 officially rest.

1 THE COURT: Okay. Mr. Sheikh, any witnesses?

2 MR. SHEIKH: Yes, your Honor. We would like
3 to present the defendant, Mr. Curtis Lee Hampton, Jr.

4 THE COURT: Raise your right hand. Do you
5 swear to tell the truth, whole truth, nothing but the
6 truth, so help you God?

7 MR. HAMPTON: Yes, ma'am.

8 CURTIS LEE HAMPTON,
9 after having first been duly sworn by the Court to
10 tell the truth, testified as follows:

11 THE COURT: All right. State your name for
12 the record.

13 MR. HAMPTON: Curtis Hampton.

14 DIRECT EXAMINATION

15 BY MR. SHEIKH:

16 Q. Mr. Hampton, I want you to do me a favor, okay. Keep
17 your voice up, as if you're talking to the two jurors
18 furthest away from you. All right. Concentrate on
19 them, because everything needs to be heard and it needs
20 to be recorded, okay.

21 A. I'll try.

22 Q. Do the best you can to keep your voice up, okay. It's
23 very important.

24 A. Yes.

25 Q. Spell your last name for the record.

1 A. H-a-m-p-t-o-n.

2 Q. Mr. Hampton, how old are you?

3 A. Thirty-three.

4 Q. I'm sorry?

5 A. Thirty-three.

6 Q. And how far did you get in school?

7 A. I did not graduate. I dropped out.

8 MR. FEDORAK: You've really got to speak up.

9 THE WITNESS: I did not graduate. I dropped
10 out.

11 MR. FEDORAK: Your Honor, I did not hear
12 anything.

13 THE COURT: The microphone does not amplify.

14 THE WITNESS: I did not graduate. I dropped
15 out.

16 THE COURT: Thank you.

17 Q. (By Mr. Sheikh) Okay. What grade?

18 A. Tenth grade.

19 Q. What did you do since then to support yourself?

20 A. I worked numerous jobs off and on. I've also worked for
21 myself countless times, doing things to make money and
22 make ends meet.

23 Q. Sir, do you have any children?

24 A. Yes, I do. I have three boys.

25 Q. How old are they?

1 A. I have a three-year-old, I have a six-year-old and I
2 have a ten-year-old.

3 Q. Did you, at one time, also have a daughter named Carmon?

4 A. Yes, I did.

5 Q. Sir, you know why we're here today, right?

6 A. Yes, I do.

7 Q. Okay. We're here because you're charged with murder,
8 correct?

9 A. Yes.

10 Q. Let's back up a little bit. You knew a lady by the name
11 of Monique Rakowski?

12 A. Yes, sir.

13 Q. When did you first meet her, sir, approximately?

14 A. Maybe 2012, somewhere around there.

15 Q. Okay. Where did you meet her at or under what
16 circumstances, if you recall?

17 A. I met her in a trailer park.

18 Q. That's when she lived in a trailer park in Sterling
19 Heights?

20 A. Sterling Heights, yes.

21 Q. Did you also reside there or were you visiting someone?

22 A. I lived across the street with my second son's mother.

23 Q. Mr. Hampton, one thing I just want to make clear, and so
24 far you're doing great. Only one of us can talk at a
25 time. The court reporter can only get one of us. Even

1 if you think you know what I'm going to ask, what your
2 answer will be, please wait until I'm completed and I'll
3 wait until your answer is completed before moving to
4 another question. Okay?

5 A. Okay.

6 Q. So that the record is clear.

7 Now, did you and Monique start off as friends
8 or did you guys get right into a relationship pretty
9 much?

10 A. We met through a mutual friend of a guy named TJ that
11 used to be one of my second baby's mother or my second
12 son's mother's ex-boyfriend. They were mutual friends.
13 They were roommates. So that's how we got acquainted.

14 Q. And did there come a time that you and Monique started
15 spending more time together, by that I mean overnights?

16 A. Yes. We became drinking buddies on a regular basis, you
17 could say.

18 Q. And who did she live with at the trailer that she lived
19 in in Sterling Heights?

20 A. She lived -- it was her trailer, but TJ lived with her.
21 He was her roommate.

22 Q. Okay. And did anybody else live with her?

23 A. Her son, occasionally.

24 Q. And that would be Damien?

25 A. Yes.

1 Q. And when you would stay there, you would stay there
2 nights sometimes?

3 A. Sometimes. After, after my separation from my second
4 son's mother, yes.

5 Q. Okay. When you would stay there, was TJ there, or was
6 TJ off in his own bedroom?

7 A. Sometimes he was there.

8 Q. So it was not a Jerry Springer type thing?

9 A. We were mutual friends. We were all just mutual
10 friends.

11 Q. Okay. Now, did there come a time that Ms. Rakowski
12 moved to the home on Normandy?

13 A. Yes.

14 Q. And that's in the City of Eastpointe, correct?

15 A. Yes.

16 Q. Okay. And who did she reside there with, to the best of
17 your knowledge?

18 A. It was a fat guy named Bill. I don't --

19 Q. A what?

20 A. -- remember his last name. It was a fat, a big heavy
21 set guy named Bill. His name was Bill.

22 Q. He was a roommate, or a friend, or you don't know?

23 A. It was his house that he was renting and he allowed her
24 to rent the upstairs.

25 Q. This is the house on Normandy, correct?

1 A. No. This was the house before that.

2 Q. Okay. All right. Did there come a time that she moved
3 into the house on Normandy?

4 A. Yes.

5 Q. Do you recall roughly when, sir?

6 A. It was less than -- before the incident. I have to say
7 it was like a year before the incident.

8 Q. Okay. And this incident --

9 A. Year and some months, to be exact.

10 Q. I'm sorry?

11 A. It had to be like a year and some months, to be exact.
12 I don't know exact day, exact month.

13 Q. Okay. So this incident we know occurred on or about
14 February 12th, 2015. So this may have been January 2014
15 or thereabouts?

16 A. Something like that.

17 Q. Now, when she moved into this house on Normandy would
18 you stay with her at times?

19 A. Yes.

20 Q. Would you stay several nights together or would you just
21 stay like one night random?

22 A. I would stay periodically weeks and sometimes it would
23 be days.

24 Q. And did the two of you develop an intimate relationship?

25 A. Yes.

1 Q. And did that intimate relationship result in her getting
2 pregnant?

3 A. Yes.

4 Q. And did that result in the birth of Carmon Rakowski?

5 A. Yes.

6 Q. And when was that, if you recall? When was her birth?

7 A. She got pregnant with Monique, Monique got pregnant with
8 Carmon I would say when she still lived in the trailer
9 park, before she moved into the house. It was around my
10 birthday time, around in March, because my birthday was
11 March 9th.

12 Q. You're talking about the time that --

13 A. That she got pregnant.

14 Q. Okay. When did she actually --

15 A. She had the baby December 21st.

16 Q. December 21st of 2012?

17 A. To be exact, I think it would have to be '14, '13, '14.

18 Q. '14. That sounds good.

19 Now, at the time she had the baby were you
20 still with Monique?

21 A. At the time she had the baby?

22 Q. Yes.

23 A. No. We had an off and on relationship.

24 Q. All right. Now, when these off and on relationships
25 would occur, would the two of you step out and see other

1 people or were you just kind of --

2 A. Yes, we would --

3 MR. FEDORAK: Your Honor, I'm just going to
4 ask for volume. If it could be louder, please.

5 THE COURT: Try and keep your voice up,
6 please.

7 MR. SHEIKH: Mr. Hampton, it's very important.
8 Concentrate on the people furthest from you. I think
9 that might help you.

10 THE WITNESS: Okay. Can you repeat the
11 question.

12 Q. (By Mr. Sheikh) Yes. My question was, you were -- oh,
13 you two were both having off and on again relationships,
14 correct?

15 A. Yes.

16 Q. Okay. And did you know that, during some of this
17 period, that she had a relationship with a fellow named
18 Nick?

19 A. Periodically off and on, yes.

20 Q. And where did that gentleman reside, to the best of your
21 knowledge?

22 A. He lived in Oklahoma, but he had family up here and he
23 would come visit.

24 Q. And who was Damien's father?

25 A. A guy named Charles Meek.

1 Q. And did she also have a relationship with him from time
2 to time, that you know of?

3 A. Yes.

4 Q. And did you know about these -- when did you find out
5 about the fact that Monique would see either Charles or
6 Nick? Do you recall?

7 A. It would be, it would be random. It wouldn't be like a
8 set day. It would just be something like she, she would
9 let me know like she's not hanging out, you know, like
10 she's with someone else right know, you know, that kind
11 of thing. Like, we'll text back and forth what you
12 doing, that kind of thing. You know what I mean? Oh,
13 I'm hanging with Charles or I'm hanging with Nick, we're
14 drinking, you know, that kind of thing.

15 Q. Did these things come to your attention on or around
16 February 12th, 2015 or was it --

17 A. I knew about it. I knew about it way before that.

18 Q. Okay. And did she also know that you were also seeing
19 the other baby's mamas and other people?

20 A. I wasn't seeing my baby's mothers. I was seeing other
21 people. Yes, she did know.

22 Q. Okay. And let's go back. There was two incidents of
23 domestic violence between Monique and yourself, correct?

24 A. It was one that I got charged for. It was another one
25 that I did not get charged for because of the heated

1 argument that we had, and we was both intoxicated, and I
2 more so didn't physically punch her or anything like
3 that. It was more so just me grabbing her arms and
4 bruising her arms because she was cheating on me with a
5 guy named Nick, and that was the but end, the reason why
6 it happened.

7 Q. Approximately when did that occur, sir?

8 A. That happened at least two, three months before August
9 when I got arrested for the other domestic violence
10 assault.

11 Q. So, if I'm not clear, two or three months you mean in
12 August or two or three months prior to August?

13 A. Prior to.

14 Q. Prior to August?

15 A. Yes.

16 Q. Maybe May?

17 A. Maybe couple months before then.

18 Q. Okay. And did there come a time that there was a no
19 contact order issued between yourself and Monique?

20 A. Yes.

21 Q. Did there come a time when she went to the court in
22 person to ask that that be lifted?

23 A. Yes.

24 Q. Okay. And so you two got back together after these
25 allegations or after these incidents of domestic

1 violence; is that correct?

2 A. Yes.

3 Q. Okay. And you stayed at her house after that, right?

4 A. Yes.

5 Q. Okay. Did there come a time that you met her family?

6 A. Yes.

7 Q. Who did you meet, generally?

8 A. First person I met would be her father. I met him when

9 I was at the trailer when she stayed in Sterling

10 Heights.

11 Q. Okay. Did there come a time you met her mom?

12 A. Yes, later on.

13 Q. And does Monique have -- did Monique have siblings,

14 brothers or sisters?

15 A. No, not from her mom. She was her mother's only child.

16 She might have had some on her father's side that I know

17 of, but she wasn't really into contact with him.

18 Q. So you didn't meet any siblings; is that correct?

19 A. No.

20 Q. And there came a time, and correct me if I'm wrong, that

21 Monique's parents and Monique and you went on vacation;

22 is that correct?

23 A. You could say somewhat like that, but I really wasn't

24 invited. It was more so Monique wanted me to come for

25 her birthday weekend type thing and she wanted me to

1 stay with her.

2 Q. And where did this take place?

3 A. We went to Tennessee. Her parents had a house down
4 there.

5 Q. So how do you -- well, when you say that you were
6 invited by Monique, how do you know that her parents
7 didn't want you there?

8 A. Because when I showed up there her father greeted me
9 with a whole bunch of you're not welcome here, I heard
10 you threw Carmon and her down the stairs and some
11 bullshit that never fuckin happened.

12 Q. Hang on, hang on. First of all, please don't use
13 profanity.

14 A. I'm sorry.

15 Q. There's ladies present in the courtroom.

16 A. Okay.

17 Q. And this is a court of law.

18 A. Okay.

19 Q. Second thing is this, you said you drove down there. So
20 this was not the kind of vacation where everybody's in
21 one big old station wagon going --

22 A. No, it was me driving her vehicle.

23 Q. Who's vehicle? Who's her?

24 A. Her vehicle.

25 Q. Monique's?

1 A. Yes.

2 Q. Okay.

3 A. And her cousin and her auntie were in the back seat,
4 along with my child in the middle.

5 Q. All right. So once you did get there, you indicated Mr.
6 Rakowski was not too pleased to see you, but he did
7 welcome you in and you did stay four, five days in
8 Tennessee.

9 A. It was more than that. Had to be like at least 10 days.

10 Q. And when did this occur, if you remember approximate
11 month?

12 A. I don't remember exact month and exact day.

13 THE COURT: Keep your voice up.

14 A. To be honest with you, I don't remember the exact month
15 and exact date.

16 Q. (By Mr. Sheikh) Okay. Now, I keep going back to the
17 incident of February 12, 2015. Was it maybe six months
18 before? Was it the summer prior? I'm assuming it was
19 in the summer.

20 A. It was before. It was before. It was in the summer.

21 Q. Perhaps of 2014?

22 A. It had to be.

23 Q. Okay. Now, let's move up a little bit closer in time.

24 Did there come a time, to the best of your
25 knowledge, that Monique left to go to Oklahoma?

1 A. Yes.

2 Q. And when was that?

3 A. She left in December.

4 Q. Do you remember December when?

5 A. Beginning of December.

6 Q. Okay. And when she left, how did she leave? In other
7 words, bus, train?

8 A. She drove.

9 Q. And did anybody go with her?

10 A. Yes.

11 Q. Who's that?

12 A. Nick.

13 Q. Oh, Nick was here?

14 A. Nick, my daughter, and I believe they came back up here
15 after they left for her son's birthday.

16 Q. Okay. Let's stop.

17 MR. FEDORAK: Your Honor, I'm sorry, and I
18 think Mr. Sheikh's going there. If we can just pin it
19 down as to time.

20 THE COURT: And keep your voice up.

21 Q. (By Mr. Sheikh) Mr. Hampton, we're going to try to take
22 this chronologically.

23 Okay. So, at some point, Nick was here from
24 Oklahoma, in Michigan.

25 A. Yes.

1 Q. And is this in December of 2014?

2 A. He was here off and on.

3 Q. Okay. No, we're talking about the time that they went
4 to Oklahoma.

5 A. The time that they went to Oklahoma, me and her was
6 stopped talking, and he decided to hook up with her, and
7 they went to Oklahoma.

8 Q. Okay. And when was this, sir?

9 A. Had to be from beginning of December until at least the
10 10th, I would say.

11 Q. Until about --

12 A. At least the 10th, at least.

13 Q. The 10th of --

14 A. I know they stayed down there longer than that, but I'm
15 not sure exact how long. I know she came back
16 periodically. She came back more than once.

17 Q. When you're talking about the 10th, you're talking about
18 the 10th of January.

19 A. No. I'm talking about like December 10th.

20 Q. Okay. So when she came back, she came back with Carmon.

21 A. Yes.

22 Q. Okay. And did she come back with Nick or just her and
23 Carmon?

24 A. She came back with Nick.

25 Q. Okay. Now, while she was down there in Oklahoma, did

1 you and her communicate with each other?

2 A. Yes.

3 Q. How so?

4 A. Through text messages and emails.

5 Q. Okay. And was this back and forth or was it you just
6 blowing her phone up?

7 A. No, it was back and forth.

8 Q. She would also contact you.

9 A. She would mostly give me like drama on the text
10 messages, saying pretty much you're not going to see
11 your daughter and stuff of that nature because she feel
12 that -- how can I explain it? She feel that I was
13 trying to take her to court and take my daughter from
14 her and try to say she was an unfit parent. She was
15 fearful of that.

16 Q. And she said this in response to you indicating to her
17 that you didn't want her to take Carmon to Oklahoma; is
18 that correct?

19 A. I didn't know she was taking her to Oklahoma. When she
20 originally told me she was leaving the state, she told
21 me she took her to SanDiego. Come to find out, after I
22 went to Tennessee and she wasn't there, I found out she
23 was with Nick.

24 Q. Okay. So whether it was SanDiego, sir, or whether it
25 was Oklahoma, you were not terribly happy about Monique

1 taking Carmon out of state; is that correct?

2 A. No, I was not.

3 Q. Okay. And you had communicated that to her, correct?

4 A. Yes.

5 Q. Okay. And then, that's where the two of you were going
6 back and forth with text messages?

7 A. Yes.

8 Q. Okay. Did there come a time that it turned back into
9 friendly between you and her, text messages?

10 A. Instant, instant, because I explained to her that I
11 wasn't really trying to take my daughter from her. It
12 was more so I just wanted to see my daughter and not
13 have her control everything and every aspect to do with
14 just me seeing my daughter, being in her life. Like
15 when it came to me doing stuff for her, like providing,
16 okay, cool, I'm a father, I have to do that. But, when
17 it comes to me actually being able to see my child,
18 that's something I wanted to do on a regular basis
19 because that was my pride and my joy.

20 Q. That was your one and only daughter, correct?

21 A. Exactly.

22 Q. And sir, let's go back to when she's in Oklahoma, okay.
23 This is around December of 2014, okay.

24 Did she indicate to you, prior to coming back
25 to Michigan, I'm heading back that way, or how did you

1 two end up reconnecting?

2 A. She told me, after she figured out what I was saying was
3 true and that I was not taking her to court, that she
4 would be back. She didn't tell me the exact day and
5 exact time, but she told me she would be back, and we
6 left it at that.

7 Q. When she did get back to Michigan from her trip in
8 December of 2014, to Oklahoma, did she let you know I'm
9 back or did she somehow communicate that to you?

10 A. Yes, she did.

11 Q. And how did she do that, if you recall?

12 A. By phone, via text.

13 Q. What she say, I'm back?

14 A. She said I'm back, if you want to see Carmon I'm at
15 home.

16 Q. And did you, in fact, go over there?

17 A. Yes, I did.

18 Q. How long after getting the text did you go over there,
19 if you recall?

20 A. Maybe within the hour.

21 Q. And did you end up staying that night, or no?

22 A. To be honest with you, I don't remember.

23 Q. Okay. Well, did you and her talk friendly or was it
24 more or less that you got there and Monique said there's
25 Carmon, I'm going in the kitchen, you spend your time

1 with the baby?

2 A. It was more --

3 Q. Or did you guys spend time together?

4 A. It was more so we all spent time together and we
5 communicated, and everything that we had differences on
6 was under the hatch. It was all of and done with.

7 Q. And was it heated conversation or was it pretty mild?

8 A. It was just more so her feeling like how could you tell
9 me something like that and then think I wouldn't believe
10 that you would actually take me to court and try to take
11 my daughter from me. I was trying to tell her it was
12 just in the heat of the moment, people say things they
13 don't mean all the time, just like she had plenty of
14 times to me, vice versa, and you can look at both of our
15 phones to prove that.

16 Q. Okay. Now, I know Monique is gone.

17 A. Yes.

18 Q. She's not here, unfortunately, to defend herself and
19 tell her side of the story, but I'm going to ask you
20 some things that may be difficult, especially with her
21 family in the courtroom.

22 Did she have a temper?

23 A. Yes.

24 Q. That may be a foolish question because I think we all
25 have tempers.

1 Did she have a temper that was a little bit
2 stronger than most people, if you recall?

3 A. She would have -- how can I say this? Emotional
4 explosive disorder.

5 Q. What does that mean?

6 A. She would just blow up and say random things and go on
7 and on about it.

8 Q. And was she trying to treat that with marijuana,
9 Adderall, therapy, et cetera?

10 MR. FEDORAK: Your Honor, I'm going to have to
11 object to this line of questioning. I've let it go, but
12 the victim is not on trial here.

13 THE COURT: Relevance.

14 MR. SHEIKH: This is my last question.

15 THE COURT: If he knows.

16 Q. (By Mr. Sheikh) If you know, do you know, was she
17 trying to self-medicate trying to put these mood swings
18 in balance?

19 A. Yes.

20 Q. And if you know, what was she taking to assist in that?

21 A. Adderall and marijuana and drink, as far as I knew.

22 Q. And you would drink with her, too, right?

23 A. Occasionally.

24 Q. And you would also smoke marijuana with her, correct?

25 A. Yes.

1 Q. Would also do Adderall?

2 A. Sometimes, yes.

3 Q. And where did you folks get this Adderall?

4 A. After her prescriptions ran out she would buy them from
5 numerous friends.

6 Q. I'm sorry. Speak up.

7 A. After her prescriptions ran out, she would buy them from
8 numerous friends.

9 Q. Numerous friends.

10 Now, after you have this visit when Monique
11 first gets back from Oklahoma and you go over to see
12 Carmon and her, and you guys hang out a little bit,
13 when's the next time you have any interaction with
14 Monique?

15 A. We had interaction on a regular basis because she let me
16 see my daughter on a regular, on a daily basis after she
17 came back.

18 Q. Okay. But, Mr. Hampton, just for sake of trying to get
19 a picture here, let's say there was a Monday that
20 Monique indicated I'm back, if you want to come over and
21 see Carmon, an hour later you go over there, you spend
22 some time with her, was it Tuesday, was it Wednesday,
23 perhaps, that you went back over there, that you guys
24 were back?

25 A. If you want to know exact dates, I'm not so sure. But,

1 I can tell you that majority of the time when I did see
2 her I spent the night. She would periodically go to her
3 mother's house, pick her son up from school, stay over
4 there until they got off work, she would conversate with
5 them, maybe smoke a blunt or something.

6 Q. Who would? Who would smoke a blunt?

7 A. She would smoke a joint or something with her mom and
8 she would leave.

9 MR. FEDORAK: Your Honor, I'm going to object.
10 He's making constant negative comments about things he
11 was never present and could not have known. We don't
12 have any foundation. All he's doing is dragging her
13 memory through the mud.

14 THE COURT: Sustained. He can only speak to
15 thinks he actually observed.

16 Q. (By Mr. Sheikh) Mr. Hampton, I want you to try to only
17 answer the questions that I ask you.

18 THE COURT: Disregard the last answer.

19 Q. (By Mr. Sheikh) And no commentaries, all right.

20 A. All right.

21 Q. And keep your voice up.

22 So did there come a time that you two started
23 spending nights together again?

24 A. Yes.

25 Q. And were intimate again?

1 A. Yes.

2 Q. So the relationship was basically back on; is that
3 correct?

4 MR. FEDORAK: Time periods, please, your
5 Honor.

6 MR. SHEIKH: Yes, we're talking about after
7 they're back from Oklahoma. We're talking about
8 December of 2014 and early January 2015.

9 MR. FEDORAK: Thank you.

10 A. We didn't have a title. We just, you know, we had sex
11 on a daily basis. We didn't have a title, you know. We
12 was in a relationship before. We didn't say we was in a
13 relationship then. So I mean if that answers your
14 question.

15 Q. (By Mr. Sheikh) Okay. Thank you.

16 Were you and Monique getting along and seeing
17 each other on a regular basis at the time that Carmon
18 got ill, if you recall?

19 A. Majority of the time we saw each other we were calm,
20 cool, collective.

21 Q. Sir, my question is this: Do you remember that at some
22 point, unfortunately, Carmon got ill?

23 A. Yes.

24 Q. Okay. And she had an ear infection or something?

25 A. I was present when that happened.

1 Q. I'm sorry?

2 A. I was present when that happened.

3 Q. Right. And when that happened, at that point, were you
4 and Monique already seeing each other?

5 A. Yes, because Carmon was going through a period where she
6 was having a cold or flu-like symptoms, and she had a
7 high temperature of 104 degrees. I, myself, went to get
8 her Motrin, Tylenol, keep her fever down, and I also had
9 my mother pick up cigarettes and things of that nature
10 for the baby and also for us around the house, and she
11 would do that, and drop it off on her way back from
12 work.

13 Q. Let's just be clear about one thing, you're not saying
14 cigarettes for the baby. Cigarettes for you.

15 A. For myself.

16 Q. Okay. And then, when Carmon got ill, I think we already
17 know, but it required hospitalization and medical
18 attention, correct?

19 A. Um-huh, yes.

20 Q. Do you know if she was, in fact, hospitalized? Do you
21 know if, in fact, Carmon was hospitalized? And again,
22 we're talking December of 2014.

23 A. Right after the fever and everything was going on, like
24 on a daily basis of us giving her Tylenol and Motrin, we
25 noticed one day when we was sitting down, just me, her

1 and the baby and the new puppy that I bought them, we
2 were just in the living room, watching a movie, and we
3 noticed a big abscess on her neck, and we both started
4 panicking, like oh, my God, and that's when we knew
5 right then we got to take her to the hospital. And
6 then, later on she informed her parents.

7 Q. Which hospital was she taken to, if you recall?

8 A. I believe it was the one that her father works at.

9 Q. Which is?

10 A. I don't know exactly.

11 Q. Where's it at?

12 A. Somewhere by my grandma's house. I think it's Moross or
13 something.

14 Q. Could it be St. Johns? Is it off 94?

15 A. I believe so.

16 Q. Well, was Carmon hospitalized once she was taken to the
17 hospital?

18 A. Yes.

19 Q. And did you go see her during her hospitalization?

20 A. Yes, I did.

21 Q. And was Monique present?

22 A. Yes.

23 Q. And Monique was present practically 24/7, isn't that
24 correct, with Carmon?

25 A. Except for when she got relieved to go home and go other

1 places, yes.

2 Q. Okay. Other than tending to basic hygiene and maybe
3 getting something to eat.

4 And how often were you there with Carmon at
5 the hospital?

6 A. As much as she would allow me to be.

7 Q. And was that on a daily basis or was it like once every
8 couple days?

9 A. It was daily basis.

10 Q. And how long, if you recall, sir, was Carmon in the
11 hospital? And we're talking about December of 2014.

12 A. It was a few days, a couple days, like two, three days,
13 something like that.

14 Q. When Carmon got released did Monique take her back to
15 her home on Normandy?

16 A. Yes.

17 Q. Okay. And did you go back and visit here there, as
18 well?

19 A. Um-huh.

20 THE COURT: Is that a yes or no?

21 A. Yes.

22 Q. (By Mr. Sheikh) And approximately when was this, if you
23 remember? Was it December? Was it January? Was it
24 after Christmas?

25 A. It was before -- it was after Christmas. It was before

1 February. It was like the end of January, something
2 like that.

3 Q. Okay. And we know, I think you indicated that Carmon's
4 birthday was December 21st; is that correct?

5 A. Yes.

6 Q. Okay. So now we're up in some time in January of 2015,
7 okay.

8 A. Okay.

9 Q. All right. Now, I'm going to take you to the date of
10 the incident. Well, actually, a couple days before.

11 We know that this incident occurred on
12 February 12th of 2015. Did you spend the night at
13 Monique's house on the 11th of February, if you recall?

14 A. Yes, sir.

15 Q. What about the 10th?

16 A. Yes, sir.

17 Q. The 9th?

18 A. Yes, sir.

19 Q. The 8th?

20 A. Yes, sir.

21 Q. The 7th?

22 A. Yes, sir.

23 Q. Do you know what day did you go over to Monique's?

24 A. Like I said, soon as she came back I was the only person
25 that was around besides one time Charles tried to come

1 around and she told him no, CJ's here with the baby, he
2 couldn't come. So, he left.

3 Q. Okay. But, I guess what I'm trying to get a picture of
4 is by the 12th you had already been staying there a few
5 days in a row; correct?

6 A. Yes.

7 Q. Do you recall when you went over there? Let's say the
8 12th. Were you there on the first? Is it 12 days in a
9 row? Is it seven? If you recall.

10 A. To be honest with you, if you want exact dates and
11 times, all that proof and facts are in our phones.
12 Y'all have that, as far as the prosecutor is concerned.
13 If you want to know exact days. I don't remember, to be
14 honest with you.

15 Q. Well, let me ask you this: Do you think you were there
16 about a week, about five, six days in a row?

17 A. Yes, yes.

18 Q. Okay. Now, I'm going to take you back to February 12th,
19 2015. Where do you wake up that day?

20 A. I wake up at her house.

21 Q. Which is the house on Normandy, right?

22 A. Yes.

23 Q. About what time did you wake up?

24 A. I have no idea right now. It's two, two years and
25 something ago. I have no idea.

1 Q. Are you more or less a morning person? Would you have
2 woke up before 10:00, after 10:00, after noon?

3 A. I had to be a morning person because my daughter gets up
4 in the morning.

5 Q. Okay. Now, when you got up, were you and Monique and
6 Carmon in the same bed or was Carmon in her crib, if you
7 recall?

8 A. Are you talking about the day before the incident or the
9 day of the incident?

10 Q. Let's go to the day before, which would be the 11th,
11 right?

12 A. Yes.

13 Q. The incident occurred on the night of the 11th, going
14 into the 12th, right?

15 (Discussion held off the record).

16 Q. (By Mr. Sheikh) All right. So we're going to talk
17 about the 11th. All right. On the 11th, when you got
18 up, was it you and Monique and Carmon in the same bed or
19 was Carmon in her crib?

20 A. We were in the same bed.

21 Q. Okay. Well, when you get up, what happens? What does
22 Monique do?

23 A. She usually sleeps in when I'm there. She let's me get
24 the baby up, take the baby and make her some scrambled
25 eggs.

1 Q. The baby, 13 months old, was eating scrambled eggs?

2 A. She loved eggs, man.

3 Q. All right. So do you recall specifically if you made
4 some scrambled eggs for her that day?

5 A. Yes.

6 Q. Then, what happens?

7 A. She ate them. I cut a movie on for her. I sat there
8 and watched it with her. I made something to eat for
9 myself, as well.

10 Q. Which movie, do you remember?

11 A. It might have been Bambi or something. I don't know.
12 She likes the little rabbit that hops around.

13 Q. I'm sorry?

14 A. She likes the little rabbit that jumps around named
15 Thumper or something.

16 Q. Okay. So she's sitting there watching the video, eating
17 her scrambled eggs, and you fix something for yourself,
18 correct?

19 A. Um-huh.

20 Q. When does Monique get in the picture? When does she
21 wake up?

22 A. She usually gets up like an hour or two later.

23 Q. Sir, just so the record is clear, we're going to talk
24 about that day. So, if you don't remember, that's fine.
25 But, to say usually --

1 A. I do remember that.

2 THE COURT: Hang on. Let him finish his
3 question.

4 A. I do remember that day.

5 THE COURT: Again, he's got to finish what
6 he's saying. She can't type both of you at once.

7 Q. (By Mr. Sheikh) Sir, when you say usually, at least to
8 me, somehow that indicates that you're not sure about
9 that particular day. So if you know that day, then just
10 say that day. But, when you say usually that makes me
11 wonder if you're talking about that day or recollection
12 from all the days merging together.

13 Okay. Now, let's talk about the 11th. So
14 what time do you see Monique, if you recall?

15 A. I was already there. I mean I woke up there.

16 Q. No, no, I understand that. But I'm guessing that you
17 two are in the living room, right? You and Carmon are
18 in the living room or family room watching the video,
19 right?

20 A. Between 6:00 and 7:00 in the morning my daughter wakes
21 up.

22 Q. Okay. All right. Well, let's talk about the 11th then.
23 Once Monique does get up and come down, what happens?
24 Does she also join you folks for a meal? What does she
25 do?

1 A. I would usually make enough for her, too. She would get
2 coffee, she would get eggs, she would get bacon, stuff
3 of that nature.

4 Q. So she would come down and eat; is that correct?

5 A. She would come out of her bedroom, yes.

6 Q. I'm sorry. I keep thinking the bedrooms are upstairs.
7 This is all basically on one floor, correct?

8 A. Yes.

9 Q. Okay. So she would come out to the kitchen area where
10 you're eating.

11 Let's go back to this particular day, the
12 11th. Do you remember what happens after you folks ate?
13 What's the next thing that happens?

14 A. After we drunk coffee, we hung out for a little bit,
15 watched some movies with my daughter.

16 Q. Okay.

17 A. And after maybe a couple hours she was like liquor store
18 open, go to the liquor store, like I would normally do
19 for her. I would go to the liquor store and buy her
20 what she wanted to drink.

21 Q. So that day she reminded you that the liquor store was
22 open?

23 A. Like 10:00.

24 Q. Okay. And did you say she went there?

25 A. She would send me.

THE COURT: Your voice is dropping. Please keep it up.

Q. Mr. Hampton, I don't want to be irritating. But, in law we have to be very precise. So when you say usually she would send me, again, that day, on the 11th of February, do you remember, did she send you or did she, herself, go to the liquor store?

A. She sent me.

Q. She sent you. Okay. Then, what happens when you came back with the liquor?

A. She would chill, she would drink, she would be normal.

Q. Okay. So what happened next? I mean, at some point did she leave the house?

A. Yes.

Q. And where did she go, if you know?

A. To be honest with you, I didn't try to keep track of what she did.

Q. Okay. So you didn't really ask her and she didn't really volunteer; is that correct?

A. Yes.

Q. She took her car and left, right?

A. Yes.

Q. And I believe that was the Malibu, correct?

A. Yes.

Q. And you stayed at home with Carmon?

1 A. Yes.

2 Q. And when did she come back home, if you recall?

3 A. She would leave and come back hours later. So I would
4 not know.

5 Q. Okay. Sir, on this particular day, if you recall,
6 again, we're talking about February 11th, when did she
7 return? I mean two hours? Four hours? I don't expect
8 you to be precise, but at least a ball park so the jury
9 has some idea if she just stepped out for an hour or
10 stepped out for a few hours.

11 A. She would usually stay gone at least two to three hours.

12 Q. Okay. So when she came back home that day, did she
13 indicate where she had been?

14 A. Not that day, no.

15 Q. Okay.

16 A. I just assumed she either went to her mother's house or
17 did something.

18 Q. Now, to the best of your knowledge, even if you got this
19 knowledge later, was that the day that she went to get
20 her hair done with her mother and went bowling with her
21 mother?

22 A. No. It was the day of the incident.

23 Q. Okay. So now we're back on the 11th. She went out.
24 She comes back. What happens?

25 A. Our day's pretty much consumed of just hanging out,

1 chillin.

2 Q. Okay. So you guys all hang out. Let's fast forward to
3 the date of the incident.

4 A. Joking, stuff like that.

5 Q. I'm sorry?

6 A. Just joking, hanging out.

7 Q. Okay.

8 A. Just chillin.

9 Q. So things are going smooth, right. You stay the night
10 again on the 12th?

11 A. Um-huh.

12 THE COURT: Yes or no?

13 A. Yes.

14 Q. (By Mr. Sheikh) You wake up on the 12th of February,
15 correct?

16 A. Yes.

17 Q. Okay. Again, what time, if you recall? If you don't
18 recall, you don't recall. What time do you wake up?

19 A. 12th of February, I woke up sometime in the a.m. I
20 don't remember exactly.

21 Q. Okay. And did you do the same thing? Did you take care
22 of Monique -- I'm sorry, did you take care of Carmon?

23 A. No, because this would be after the incident.

24 You said the 12th. You said the morning.

25 Q. Okay. What do you consider, sir, the date of the

1 incident?

2 A. The 12th.

3 Q. Okay. I know we talking about it happened at night?

4 A. The 12th.

5 Q. The 12th. Okay. So the day all this happened.

6 You know why we're here, right? That's the
7 date that we're talking about.

8 On that day, we'll forget about using dates,
9 per se. We know it's 11, 12, right around there.

10 Okay. On the day that all this stuff
11 happened, prior to it happening, you get up in the
12 morning at Monique's house, correct?

13 A. Yes.

14 Q. Is it you and Monique and Carmon in the bed together or
15 is Carmon in the crib?

16 A. She's in the bed with us.

17 Q. Okay. So you get up on this date, the date of the
18 incident, and then what do you do?

19 A. I did my normal. I would make Carmon eggs.

20 Q. Okay. And Monique stayed in bed?

21 A. For a little bit, and then she remembered that she had
22 to go bowling with her mother. They always went every
23 week on a certain day. I think it was Tuesday or
24 Wednesday. It was one of the two.

25 MR. FEDORAK: Judge, I'm sorry. Volume. I

1 can't hear.

2 THE COURT: You've got to keep your voice up.
3 Repeat that answer, please.

4 Q. (By Mr. Sheikh) All right. So you said that she would
5 have like a standing engagement with her mother to go
6 bowling once a week.

7 A. Yes.

8 Q. You don't recall if it was Tuesday or Wednesday, but it
9 was one or those, right?

10 A. Either Tuesday or Wednesday.

11 Q. Okay. Do you recall what time that would be,
12 approximately?

13 A. In the morning. Like 10:00 a.m.

14 Q. Okay. So you get up and you feed Carmon. Monique gets
15 ready to go meet her mom; is that correct?

16 A. Um-huh.

17 THE COURT: Yes or no?

18 A. Yes.

19 Q. (By Mr. Sheikh) And she leaves?

20 A. Yes.

21 Q. Did she eat first or have coffee?

22 A. She usually have coffee and put some liquor in her
23 coffee.

24 Q. Okay. So, then, after that she left in the Malibu, I
25 assume, and went to go meet her mother?

1 A. Yes.

2 Q. Okay. Do you recall when she came back about?

3 A. Like a hour later. Less than two hours later.

4 Q. When she came back did she just stay home or did she
5 leave again?

6 A. She stayed home a little bit with me and the baby, and
7 she decided to leave again to get her hair did.

8 Q. Okay. And where did she go to get her hair did?

9 A. First, her son went to go get his hair did. I don't
10 know where they went. Her mother supposedly made
11 appointment with her with some lady they had before. I
12 don't remember who it was. She didn't tell me that.

13 Q. Okay. So the hair appointment was, again, with her
14 mother, as well; is that correct?

15 A. Yes.

16 Q. And you said that she went bowling maybe about 10:00,
17 she was gone for about an hour, she's home about 11:00,
18 11:30.

19 A. Around there, yes.

20 Q. And then she's home for how long; a couple hours?

21 A. Maybe she was only there for an hour after she got home.

22 Q. Okay. So maybe --

23 A. She stayed for a little bit and she left right back out.

24 Q. Okay. So about 12:30, let's say, she left. Would that
25 be fair?

1 A. You could say so, yes.

2 Q. Okay. And then, when does she return again?

3 A. She returns after her hair appointment. It was late in
4 the afternoon, in the evening, probably like 6:30, 8:00,
5 something like that.

6 Q. Okay. Do you know, did her and her mom go to dinner,
7 lunch, as well?

8 A. Not that I know of.

9 Q. I mean that seems a long time to get her hair did.

10 A. Not that I know of.

11 Q. Okay. So she comes home. What's going on with you and
12 Carmon?

13 A. The normal. Watching my daughter. Spending quality
14 time with my daughter.

15 Q. Okay. So what are you and Carmon doing when Monique
16 comes into the house approximately 6:00, if you recall?
17 Where exactly are the two of you?

18 A. On the couch. Oh, I'm on the couch. She's walking
19 around, playing with toys, and the puppy's running
20 around, as well.

21 Q. Puppy's outside the cage?

22 A. Yes.

23 Q. All right. And this puppy's name is Tina; correct?

24 A. Yes.

25 Q. It's a baby Pit Bull, right?

1 A. Yes.

2 Q. All right. And you had got that for Monique and Carmon;
3 is that right?

4 A. Yes.

5 Q. And did Monique also have another Pit Bull?

6 A. Yes.

7 Q. Another dog. And what was his name or her name?

8 A. His name was Dino.

9 Q. Dino. Okay. Now, Dino was not at the house that day;
10 is that correct?

11 A. No, he was not.

12 Q. Where was he at, if you know?

13 A. He was at her parents house, most likely.

14 Q. Okay. Now, Monique comes home. You're on the couch.
15 What happens next?

16 A. Just the normal. We talked for a little bit and then
17 things get a little escalated as far as --

18 Q. How so? We need to know how they got escalated.

19 A. Because we talked about this letter that I got in the
20 mail at her house, but I was not there to receive it,
21 for child support, and that is the reason why I had a
22 bench warrant ordered for my arrest.

23 So before I get into depth of this, it was
24 more so it was an off and on discussion between me and
25 her, and my mother had something to do with it. I gave

1 her \$1600 to pay on my child support for me so I
2 wouldn't have a warrant. But, when I did it on-line and
3 she did it for me, they took it and split it instead of
4 putting it on what the warrant was for.

5 Q. Okay. Just so I can clarify a couple things for the
6 ladies and gentlemen of the jury.

7 You have three boys --

8 A. Yes.

9 Q. -- with three different ladies, correct?

10 A. Yes.

11 Q. Each one of them sought support, child support, correct?

12 A. Yes.

13 Q. Each one of them brought a case against with you with
14 the FOC, Friend of the Court, for child support,
15 correct?

16 A. Yes.

17 Q. Okay. And so, the bench warrant was for one case.

18 A. And then --

19 THE COURT: Hang on.

20 Q. (By Mr. Sheikh) You gave your mother \$1600, and they
21 applied it a little bit to each case instead of all to
22 the one that it was supposed to be applied, correct?

23 A. Yes.

24 Q. And that led to the issuance of a bench warrant for your
25 arrest for failure to pay the \$1600 for the one case it

1 was for, correct?

2 A. Yes.

3 Q. And you brought this to Monique's attention, correct?

4 A. Yes, and she was pissed off.

5 Q. Sir, what did I tell you about the language?

6 A. She was upset.

7 Q. Okay. How did she show you she was upset? What did she
8 say?

9 A. She told me that me and my mother were stupid, we
10 couldn't do what we were supposed to do.

11 She was more so like a problem solver. She
12 told me, pretty much, just pay it and I won't have to
13 worry about it. But, when I did pay it, it didn't work
14 out the way we assumed for it to work out.

15 Q. Wait a second. Let me make sure I have this right.

16 Monique is a problem solver. She helps you
17 solve problems; is that correct.

18 A. Um-huh.

19 THE COURT: Yes or no?

20 A. Yes.

21 THE COURT: And keep your voice up.

22 Q. (By Mr. Sheikh) So when she tells you to pay it, she's
23 talking about before this incident occurs with your
24 mother, obviously. Right? The \$1600, she's saying go
25 ahead and pay what you've got to pay.

1 A. Yes.

2 Q. All right. You ask your mom to do it and there's a foul
3 up, and now Monique is upset.

4 A. Yes.

5 Q. Okay. So what else does she say or how else does she
6 indicate to you that she's dissatisfied with the outcome
7 of what happened?

8 A. Just the way she carried herself, the things that she
9 would say, the words she would use.

10 Q. Sir, we do not have the benefit of knowing Monique. Can
11 you tell us -- when you say that, what happened? I'm
12 not asking you to say anything negative about her. But,
13 what did she say to indicate that she was angry? When
14 you say the way she would carry herself, we have no idea
15 how that is. So what did she say to indicate to you
16 that she was upset that things hadn't gone the way they
17 should have with the payment to FOC?

18 A. She said you can't get nothing done, you and your mom
19 are good for nothing, things of that nature.

20 Q. Did that upset you?

21 A. Yes.

22 Q. Did that lead to any kind of physical problem between
23 you and Monique?

24 A. No.

25 Q. All right. What happens next? You guys are having this

1 heated discussion. Are you all in the living room?

2 A. Yes.

3 Q. Are you laying on the couch?

4 A. More so sitting on the couch.

5 Q. Are you smoking a cigarette?

6 A. Not in the house.

7 Q. Where's Monique?

8 A. She's sitting on the couch.

9 Q. And where, is the baby walking around? What's the baby
10 doing?

11 A. She usually walks around.

12 Q. So what happens next?

13 A. I would go outside, smoke cigarettes, calm down.

14 Q. Did Monique smoke?

15 A. She smoked marijuana.

16 Q. Did she smoke cigarettes, as well?

17 A. No.

18 Q. Okay. So you two wouldn't go out smoke cigarettes
19 together. You would go out and smoke cigarettes, what,
20 on the porch, in the bark yard, the garage, where at?

21 A. All over, the porch, the bark yard.

22 Q. All right. So you smoked some cigarettes. And then you
23 come back in, cigarette or cigarettes. You come back
24 into the house. What happens then?

25 A. You want me to remember all this stuff minute by minute,

second by second.

Q. No, sir, it doesn't have to be, but roughly milestones. In other words, I don't expect you to say at 4:52 I did this. But, if you recall, you're on the couch. You and Monique are sitting there. The baby's playing around. You go out to have a cigarette. You come back. What's the next thing you recall after coming back into the home after smoking cigarettes?

I don't need exact date and time.

A. I remember us sitting together in the family room, in the living room.

Q. Okay.

A. Watching a movie on TV. What it was, I could not tell you.

Q. Okay. And did the subject of eating -- by this time, I imagine it's at least Carmon's dinner time, if not yours and Monique's. Did any subject come up about dinner or eating or anything?

A. Monique had already ate. As far as I knew, she didn't eat anything, but me and Carmon, we ate Coney Island.

Q. You ate Coney Island.

A. Yes.

Q. Who went and got the Coney Island?

A. I did, after she returned.

Q. After she returned. Okay. And Monique didn't want any.

1 She had already ate, right?

2 A. Yes.

3 Q. The baby ate Coney Island?

4 A. Yeah, she eat chicken.

5 Q. She eat chicken?

6 A. Yeah.

7 Q. Okay. So the baby, so the baby and you eat the Coney

8 Island. What happens next?

9 A. To be honest with you, she's drunk, she drunk.

10 Q. What was she drinking?

11 A. I don't remember what it was.

12 Q. Now, for the record, Monique was over 21, right?

13 A. Yes.

14 Q. She was drinking in her home, right?

15 A. Yes.

16 Q. And that was perfectly permissible, right? She wasn't

17 doing anything illegal by drinking in her home, right?

18 A. No, she was not.

19 Q. Okay. You don't recall what she was drinking. But, I

20 take it, from what you're saying, it was a beverage

21 containing alcohol; is that correct?

22 A. Yes.

23 Q. So, then what happened?

24 A. She drunk the rest of what I bought her from the liquor

25 store that day.

1 Q. Okay. Then what happened?

2 A. She smoked the last of her weed.

3 Q. Okay.

4 A. Then, we called it a night. She turned in with the baby
5 for the night.

6 Q. Let's stop for a second. Do you remember approximately
7 what time this is? Is it dark?

8 A. It's dark.

9 Q. Okay.

10 A. She came back home when it was dark.

11 Q. Okay. And sir, is your definition of turned in that she
12 went up and laid down in bed?

13 A. Yes.

14 Q. Okay. And I keep saying up, but the bedroom is on the
15 same level. So she went to the bedroom and laid down.
16 Did she take Monique with her?

17 A. Yes. You mean Carmon?

18 Q. I'm sorry. Carmon, yes.

19 So Monique takes Carmon and goes into the
20 bedroom, correct?

21 A. Yes.

22 Q. And that's the bedroom that we've seen several times on
23 these videos where there's a mattress on top of a box
24 spring on top of another box spring, correct?

25 A. Yes, sir.

1 Q. Okay. Now, to the best of your knowledge, when Monique
2 takes Carmon in there, where's Monique? In other words,
3 is she on the side closer to the window and the wall, is
4 she in the middle, or is she towards the edge of the
5 bed?

6 A. She's on the side closest to the wall.

7 Q. Closest to the wall. And who's laying next to her?

8 A. My daughter.

9 Q. By that, we mean Carmon Rakowski, correct?

10 A. Yes.

11 Q. Okay. Now, how long after they turn in do you go into
12 the bedroom?

13 A. Maybe an hour or two later.

14 Q. So you're watching TV all that time, hanging out?

15 A. No, I was in and out, smoking cigarettes.

16 Q. Okay. But you weren't in and out of the bedroom?

17 A. Playing video game on my phone, that kind of thing.

18 Q. Were you in and out of the bedroom, as well, or just in
19 and out of the house?

20 A. Just in and out of the house.

21 Q. Okay. So, hour or more later you go into the bedroom.

22 A. Yes.

23 Q. What was your purpose for going into the bedroom?

24 A. To call it a night.

25 Q. Was it to have sex with Monique?

1 A. No, it was to go to sleep.

2 Q. Were you trying to have sex with Monique because you
3 knew that there might be -- or that there was a bench
4 warrant for your arrest, you might be going to jail, you
5 might not be getting the kind of sex you want for
6 awhile?

7 A. First off, I was not trying to have sex with her. We
8 had a conversation that involved prior, if I go get
9 locked up tomorrow can we have sex one last time.

10 Q. Okay. When did this --

11 A. That was the end of it.

12 Q. Go ahead.

13 A. That was the end of it.

14 Q. Okay. When did that conversation take place, sir?

15 A. That took place before she even laid down.

16 Q. So before she turned in; is that correct?

17 A. Yeah.

18 Q. And what did she say? Not tonight, not at all, maybe
19 later?

20 A. She said you gettin locked up tomorrow, there's no
21 point, and I said okay.

22 Q. And that was it?

23 A. Yeah.

24 Q. So when you went into the bedroom, Carmon's in the
25 middle of the mattress. Monique is laying between by

1 the wall. Where do you lay down?

2 A. I lay down first closest to the door so she won't feel
3 like anything --

4 MR. FEDORAK: Your Honor, I'm sorry, can we
5 pause for a second. And again, louder, please, your
6 Honor.

7 THE COURT: There's noise upstairs. Start
8 your answer over.

9 A. I laid closest to the door so if anyone was to be an
10 intruder she wouldn't, her and my baby wouldn't feel
11 threatened.

12 Q. In terms of intruders did Monique keeps knives in case
13 intruders came?

14 A. Yes, she did.

15 Q. Where did she keep those knives?

16 A. She kept them all over the house. She would keep them
17 under her pillow. She would keep them in her pocket.
18 She would keep them in her car. She would keep them in
19 her dresser.

20 Q. Okay. Now, you lay down. Now, I don't want to
21 embarrass anybody, but do you all sleep in your pajamas,
22 just your normal clothes? What do you guys mostly sleep
23 in?

24 A. When I laid down that day, I slept in my regular
25 clothes. I did not take my clothes off.

1 Q. Would that be, I don't know, jeans and a T-shirt? What
2 are your regular close, sir?

3 A. I had black T-shirt on, it was long sleeve, and I had
4 black jeans, I believe.

5 Q. And if you recall, what was Monique wearing?

6 A. She was wearing black, as well, lime green striped Addis
7 pants, I believe.

8 Q. So, basically, she was wearing the clothes that we have
9 seen the pictures of her in; is that correct?

10 A. Yes.

11 Q. All right. So, then, now what happens? You come and
12 you get into bed.

13 A. I come, I get into bed, I do my normal thing, I cuddle
14 with the baby and I try to cuddle with her.

15 Q. Okay. Let me ask you this, sir. How do you cuddle with
16 her and the baby at the same time? I'm just curious.

17 A. Easy. My baby is in my face and my arm is just around
18 her waist.

19 Q. Around Monique's waist?

20 A. Um-huh.

21 Q. Is either one of them awake?

22 A. No. Not to my knowledge, no.

23 Q. Then, what happens?

24 A. I get to talking to her about she shouldn't be upset
25 about what's going to happen tomorrow with me at court

1 and I'll try to take care of it, and she didn't want to
2 hear about it.

3 Q. All right. Sir, you said they were both asleep. Did
4 you wake her up to say this to her?

5 A. Yes. I was talking to her and she was playing possum
6 pretty much. She was playing like she was sleep, but
7 she was hearing me and getting angry.

8 Q. How do you know she was getting angry?

9 A. Because she snapped on me.

10 Q. When you say snapped, what did she say or do that --

11 A. She didn't say nothing.

12 Q. What did she do?

13 A. She just started hitting and kicking.

14 Q. Hitting you with her hands?

15 Yes or no, sir?

16 A. Yes.

17 Q. And I think one of the things we don't know about
18 Monique is was she right-handed or left-handed, if you
19 know?

20 A. I think she was right-handed.

21 Q. So was she hitting you with her right hand, her left
22 hand?

23 A. At first, she was hitting me with her right hand.

24 Q. And where on your body was she hitting you with her
25 right hand?

1 A. She was hitting me on my arms, my chest, my upper torso.

2 Q. You're a good-size guy. Were you fighting back?

3 A. No. I was more so just trying to put my hand up and
4 deflect.

5 MR. FEDORAK: Your Honor, I'm sorry. I didn't
6 hear the last answer.

7 THE COURT: Repeat that.

8 A. I was trying to put my hand up and deflect.

9 Q. (By Mr. Sheikh) All right. At that point, what
10 happens? Did things calm down?

11 A. No.

12 Q. Does your deflection work?

13 A. No.

14 Q. What happens next?

15 A. She pulls out a knife from under the pillow.

16 Q. And does what?

17 A. She start swinging at me with it.

18 Q. Does she make contact with you?

19 A. Yes.

20 Q. Where on you does she make contact?

21 A. She stabs me on my left side of my chest.

22 Q. Would you, without removing your shirt, just point
23 approximately to where you're pointing.

24 A. These two spots right here.

25 Q. Okay. Then, what happens? Once you get stabbed, what

1 happens?

2 A. After the first time, I get stabbed.

3 Q. Right?

4 A. The second time she tried to swing, her hair was over
5 her face.

6 Q. I'm sorry, slow down. What's on her face?

7 A. Her hair was over her face and she was still swinging at
8 me. She accidentally stabbed my daughter as I moved
9 back. It was intended for me, but my daughter got
10 stabbed.

11 Q. Where on her body did Carmon get stabbed, if you know?

12 A. Carmon got stabbed right here, front of her chest.

13 Q. And just for the record, you're holding almost the same
14 spot on your body as what you're indicating where this
15 happened to Carmon, correct?

16 A. Yes.

17 Q. So, what happens then?

18 A. Then, things escalate.

19 Q. Let's stop for one second.

20 At this point, does Monique realize that she
21 has stabbed Carmon?

22 A. I don't think she did.

23 Q. You realized or you don't realize at this point?

24 A. I realized.

25 Q. Okay. So when you say things escalated, don't be shy.

1 We need to know exactly what happened. We know things
2 escalated. What was this escalation, in your words?

3 A. My words is, I lost it.

4 Q. Well, what are your words for lost it? What happened?
5 What did you do?

6 A. I struck out. I went after Monique to try to get the
7 knives out of her hands.

8 Q. You took the knives out of her hands?

9 A. I went after Monique to get the knives out of her hands.

10 Q. To get the knives out of her hands.

11 When you say after Monique, where's Monique at
12 this point?

13 A. She's in the bedroom on her feet.

14 Q. In the bedroom, on her feet?

15 A. Yes.

16 Q. Does that mean standing?

17 A. Yes.

18 Q. Okay. So, what happens? You're chasing after her?

19 A. It wasn't more so chasing after her. It was more so
20 she's trying to stab me and I'm trying to grab the
21 knives out of her hand.

22 Q. And while you're trying to do that are you trying to
23 grab her by the wrist or grab the handles of the knives,
24 if you recall?

25 A. Both.

1 Q. Okay. She's trying to get away from you or she's trying
2 to stab you?

3 A. She's trying to stab me.

4 Q. Is she also trying to get away from you?

5 A. I can't say she was trying to get away from me.

6 Q. Did you get one or both of the knives away from Monique
7 at this point?

8 A. After we made it from the hallway, in the bedroom, to
9 the bathroom, yes.

10 Q. Did you get one knife away from her or two knives?

11 A. I eventually got both knives from her.

12 Q. And then, once you have possession of the knives, what
13 do you do?

14 A. When I had both knives in the bathroom with the door
15 closed I blacked out, my eyes were closed, and I believe
16 I injured her.

17 Q. When you say you injured her, sir, would it be fair to
18 say that you started stabbing her?

19 A. Yes.

20 Q. Do you remember how many times you stabbed her?

21 A. No. But, you say I stabbed her 14 times and they say
22 16. So, I don't know.

23 Q. Do you remember her turning and was she just holding
24 still or was there some defensive motion going on on her
25 part?

1 A. It was no words being said.

2 Q. No, not necessarily words. But, in other words, if
3 you're stabbing her multiple times, is she holding
4 still, or is she trying to run, is she trying to dodge?

5 A. It wasn't no trying to run or none of that. She was
6 directly in front of me. I took them out of her hands
7 and, when I did that, my eyes closed and what happened
8 happened. As far as the motions in front, in back, my
9 eyes were closed.

10 Q. So you went into furry, into I guess literally a blind
11 furry, and you just started stabbing Monique, not really
12 conscious of the fact whether you stabbed her in the
13 front, the sides, or the back; is that correct?

14 A. Yes.

15 Q. All right. How long did this go on for, if you know?

16 A. Few seconds.

17 Q. I'm sorry?

18 A. Few seconds.

19 Q. All right. What made you stop, sir?

20 A. What made me stop?

21 Q. What made you stop?

22 A. That's a good question. I don't know.

23 Q. What's the first -- well, obviously, at some point, sir,
24 you came out of this blackout; is that correct?

25 A. Yes.

1 Q. All right. So what's the first thing you remember
2 seeing after you went off on Monique?

3 A. Her fall, hit the floor.

4 Q. Did she fall backwards, head first, or forward?

5 A. She fell back.

6 Q. She fell backwards. Okay. Was there a loud thud when
7 her head hit the floor or no?

8 A. Yes.

9 Q. This was in the bathroom?

10 A. Yes.

11 Q. And was she saying anything at this point?

12 A. Not a word.

13 Q. What about sounds, was she making any sounds?

14 A. She might have. I don't remember exactly.

15 Q. Okay. So what happens now? You come out of this
16 blackout, you're lady is laying there on the floor, she
17 just fell flat on her head, what's the next thing you
18 do?

19 A. I was very emotional.

20 Q. At that point, did you think or did you know if Monique
21 had died or not?

22 A. I tried to move her. I tried to help her. I tried --

23 Q. When you say you tried to move her, let's take this
24 step-by-step. Did you try to lift her up? Did you try
25 to put her upright? How did you try to move her?

1 A. I tried to lift her up and I grabbed her arm and her
2 pants, and that is how her pants got down, by me trying
3 to move her.

4 Q. Where were you trying to move her to?

5 A. I was trying to move her to put her in a upright
6 position because I did not want her to die.

7 Q. And how would being in an upright position have
8 prevented her from dying, to the best of your
9 understanding, sir?

10 A. I don't know right now. I don't know.

11 Q. All right. So, then, what happens next? You try to
12 lift Monique up, her pants slide down a little bit,
13 you're trying to get her upright. What happens next?

14 A. She relieves herself. She urinates on herself.

15 Q. And how do you know that, sir?

16 A. Because I saw it and I heard it.

17 Q. What did that indicate to you, if anything?

18 A. Well, I could just see that, me looking at her, that she
19 went, she was gone.

20 Q. Keep your voice up. When you --

21 A. I could just tell.

22 Q. -- say she's gone, are you saying that you realized that
23 Monique was now dead?

24 A. Yes.

25 Q. Okay. So what happens next? What do you do at this

1 point?

2 A. I hear a noise in the bedroom.

3 Q. What kind of noise, if you recall?

4 A. I go to the bedroom.

5 Q. Sir, we're talking at the same time.

6 What kind of noise do you hear coming from the
7 bedroom?

8 A. Like a wheezing noise.

9 Q. Look a coughing type of wheezing or (indicating)?

10 A. Like that.

11 Q. Can you try to describe it.

12 A. (Indicating).

13 Q. Okay. Do you hear just one or do you hear like
14 multiple?

15 A. I hear one.

16 Q. Okay. And, then, what do you do in response to hearing
17 this wheezing sound coming from the bedroom?

18 A. I went to the bedroom and looked for my daughter.

19 Q. Okay. And where was your daughter located when you
20 first saw her in the bedroom?

21 A. She was on the edge of the bed, closest towards the
22 wall.

23 Q. Okay. Wait.

24 A. When I left the room.

25 Q. Wait. Slow down.

1 A. Because the sheet got pulled, the sheet that's on the
2 bed.

3 Q. Okay. Mr. Hampton, when you say edge and by the wall,
4 I'm not understanding. You mean the edge closest to the
5 wall or do you mean the edge --

6 A. Closest to the wall.

7 Q. I'm sorry?

8 A. Closest to the wall.

9 Q. The edge closest to the wall. Okay.

10 When you walk in there, do you still hear any
11 further noises, or no?

12 A. No.

13 Q. Do you see anything on her? I mean do you see her --

14 A. I locate her.

15 Q. What do you see?

16 A. I locate her on the side of the mattress in a blanket.

17 Q. She's wrapped in a blanket or just --

18 A. It's like a blanket just thrown on her, like she might
19 have slid down the bed and it might have just covered
20 her up a little bit.

21 Q. Is that her blanket, your blanket?

22 A. No, it's the blanket.

23 Q. You know how children have their own blanket.

24 A. It's the blanket that we use when we go to sleep.

25 Q. So it's more or less the family blanket; is that

1 correct?

2 A. Yes.

3 Q. What color is that blanket, if you remember?

4 A. Brown.

5 Q. All right. So what do you do now? You come in --

6 A. I pick my daughter up.

7 Q. -- you see your baby wrapped in a brown blanket. What
8 do you do?

9 A. I pick my daughter up.

10 Q. How do you pick her up? Would you try to show -- like
11 this?

12 A. I pick her up with the blanket, like this.

13 Q. Okay.

14 A. And I hold her in my arms like this, and I take the
15 blanket off of her, I look at her, I notice she has a
16 hole right here in her onesie and it's red. So I unzip
17 it immediately. I notice that she's not breathing
18 properly and she's making the wheezing noise. I put my
19 hand on her chest and I notice a faint pulse, and I also
20 put my ear to it. So I notice she's still pumping, but
21 it's not pumping like she would normally be pumping.
22 It's like it pump, then it's a long pause, then it pump,
23 like she was on her last limbs. So I did the first
24 thing I thought to do, was to put my hand to her mouth,
25 hold her mouth open and blow air into her, to try to

1 keep her lungs to breathe, to keep her, to keep her
2 heart pumping.

3 Q. And what happens next? What happens next?

4 A. It's too hard, man.

5 Q. All right. Well, let's just be clear about one thing.
6 As a result of your resuscitative efforts Carmon is not
7 revived; is that correct?

8 A. Yes.

9 Q. Do you realize she's gone for good now?

10 A. Yes.

11 Q. What do you do at that point in time, sir?

12 A. I pray.

13 Q. What do you pray for?

14 A. That God takes my daughter and makes her a Angel.

15 Q. And then what do you do, sir?

16 A. I lose it. I stop wanting to live.

17 Q. Sir, I have to ask you to make some definitions. When
18 you say you lose it, what does that mean in your
19 vernacular?

20 A. My daughter was everything to me, man. She was my pride
21 and my joy. I lost my daughter, I lost myself.

22 Q. When you say you lose it, were you -- did you pass out?
23 Did you just sit down? What did you do?

24 A. I tried to drown myself.

25 Q. So let me make sure I've got this clear. You leave

1 Carmon in the brown blanket on the mattress. You're
2 very, very upset. So what do you -- I take it there's
3 one bathroom in this house.

4 A. Yes.

5 Q. And that's the bathroom where most of this incident
6 occurred, correct?

7 A. It's two bathrooms, but it's only technically a
8 half-bathroom.

9 Q. Okay. So you go to the bathroom. Is that the bathroom
10 that Monique is laying in?

11 A. Yes.

12 Q. And you know she's already dead, right?

13 A. Yes.

14 Q. And she's laying there on the floor, correct?

15 A. Yes.

16 Q. And how do you attempt to drown yourself?

17 A. I fill the tub up with water.

18 Q. Okay. And then what do you do?

19 A. I get in it and lay down.

20 Q. What did you do to try to drown yourself? Did you put
21 your head under the water? What did you do?

22 A. Yes, I did.

23 Q. And how long did that take place?

24 A. I don't know. I don't know how long it took place.

25 Q. Minutes? Seconds?

1 A. I don't know.

2 Q. Usually, in the law we don't makes assumptions, but I
3 assume you were not successful in drowning yourself; is
4 that correct?

5 A. No, I was not.

6 Q. So what do you do then, sir?

7 A. I tried to drown myself again.

8 Q. No. Let's take this step-by-step.

9 A. Okay.

10 Q. You're in the tub. It's filled up. Are you naked? Are
11 you wearing something?

12 A. I'm wearing shorts. I took all my clothes off and put
13 boxer shorts on -- basketball shorts. I'm sorry.

14 Q. Prior to that, were you wearing underwear or no
15 underwear?

16 A. Yes.

17 Q. So you took off your underwear, pants, everything. You
18 put on a pair of blue boxer shorts; is that correct?

19 A. Yes.

20 Q. You got in the tub, tried to drown yourself, that was
21 not successful, so what do you do? You get out of the
22 tub?

23 A. Yes.

24 Q. Do you dry yourself off?

25 A. No.

1 Q. Where do you go? You're wet.
2 A. I walk from the bathroom to the bedroom.
3 Q. Okay. In the blue shorts?
4 A. Yes.
5 Q. Towel wrapped around you or no towel wrapped around you?
6 A. No towel.
7 Q. You go into the bedroom. Then, what happens?
8 A. I pick my daughter up.
9 Q. All right. And then, did you have a purpose for picking
10 Carmon up?
11 A. Yes.
12 Q. What was that purpose, sir?
13 A. To try to be, to try to be together again.
14 Q. Were you talking to her?
15 A. Yes.
16 Q. How long did this last?
17 A. Maybe a minute, tops.
18 Q. Okay. I don't want to put words in your mouth, but you
19 did not, at this point, tries to resuscitate her because
20 you knew she was already gone, correct?
21 A. Yes.
22 Q. So then, what happens then? After you get done talking
23 to Carmon, you're in your shorts, you're wet. Where do
24 you go next?
25 A. I take her to the bathroom with me.

1 Q. You carry her to the bathroom with you.

2 A. Yes.

3 Q. How do you carry her? Just show your hands.

4 A. How else would you carry your daughter, man? Come on
5 now.

6 Q. Sir, we just need the record to be clear. That's all
7 I'm asking. You know, some people hold a baby like
8 this. It's different by culture and habit. I'm just
9 asking.

10 A. I held her head close to my chest.

11 Q. So you had her like this, kind of?

12 A. Like a little bit under my heart.

13 MR. FEDORAK: Your Honor, so the record can
14 reflect, I believe Mr. Sheikh was doing it in a vertical
15 fashion with the head up and the feet in a downward
16 position.

17 THE COURT: Correct. And the response was?
18 Can you repeat your answer?

19 Q. (By Mr. Sheikh) Is this right? Is what I'm doing
20 straight?

21 A. Yes.

22 MR. FEDORAK: Thank you, your Honor.

23 MR. SHEIKH: Thank you, Mr. Fedorak.

24 Q. (By Mr. Sheikh) Now, at this point, do you have a
25 purpose for taking Carmon into the bathroom?

1 A. Just trying to be together for one last time.

2 Q. Be together in terms of you and Carmon, or you Carmon
3 and Monique, or trying to put Carmon and Monique
4 together?

5 A. All of us.

6 Q. Okay. When you get into the bathroom, what do you do
7 with Carmon?

8 A. I sit her down on the pillow and the blanket that was
9 also with her when I picked her up.

10 Q. Is that the position she was found in or did you have
11 her in a different position?

12 Are we talking about on top of Monique or
13 where do you sit her down?

14 A. I set her on top of Monique.

15 Q. So not to be insensitive, but in the way that she was
16 found, right?

17 A. Close to it.

18 Q. So you take her in there. She's still in the brown
19 blanket, correct?

20 A. Yes.

21 Q. And there's a pillow?

22 A. Yes.

23 Q. Where's the pillow, between the blanket and Monique?

24 A. It is right on top of Monique.

25 Q. Now, Monique is laying there face up; is that correct?

1 A. Yes.

2 Q. All right. And the pillow is on what part of Monique,
3 if you recall?

4 A. Her stomach.

5 Q. On her stomach area. And then you put the baby on top
6 of the pillow, correct?

7 A. Yes.

8 Q. At this point, sir, does Carmon have anything in her
9 mouth?

10 A. Yes, the pacifier that she had with her.

11 Q. And how did that end up in her mouth?

12 A. After I gave her mouth-to-mouth and I had it in my hand,
13 I felt that it was only right for me to put it back in
14 her possession because it was something of hers. So I
15 put it back in her mouth.

16 Q. And was this back while you were still in the bedroom
17 that you put the pacifier --

18 A. When I put the pacifier in her mouth.

19 Q. I'm sorry?

20 A. I don't remember if I did it in the bedroom or I did it
21 in the bathroom.

22 Q. But, at some point, you have a specific recollection of
23 putting the pacifier in Carmon's mouth and lying her on
24 top of her mother in the brown blanket, on top of the
25 pillow which is on top of her mother; is that correct?

1 A. Yes.

2 Q. What do you do next?

3 A. After I put my daughter on top of her, I put a, I
4 believe it was the blanket, the brown blanket that was
5 with her, and I set it down next to them.

6 I also noticed --

7 Q. Stop for one second, sir. Was there a purpose or were
8 you --

9 A. Yes.

10 Q. What was the purpose?

11 A. The purpose was because it was coins on the floor and I
12 didn't know if they came from my pockets or Monique's
13 pocket.

14 Q. Sir, keep your voice up again. There were coins on the
15 floor.

16 A. There were coins on the floor and I didn't know if they
17 came from my pocket or Monique's pocket. So I was going
18 to pick them up before I did anything else.

19 Q. Did you pick up the coins?

20 A. Yes.

21 Q. Did you pick up all the coins or just a few?

22 A. I picked up the ones that I saw.

23 Q. How many was that?

24 A. It was a couple pennies, two nickles.

25 Q. Let's talk about the nickles. What did you do with the

1 two nickles?

2 A. Since --

3 Q. Did you do anything with the two nickles?

4 A. Yes, I did.

5 Q. And what exactly is it you did with the two nickles you
6 found on the bathroom floor?

7 A. I felt that since Monique was no longer here, and since
8 one of her favorite movies was the Boondock Saints, and
9 it was only right that it was two quarters -- I mean not
10 two quarters, but two nickles next to her head, by
11 coincidence, I took it upon myself to place those two
12 above her eyes because I could not get her eyes to
13 close.

14 Q. Okay. Let's back up a little bit. Did you make an
15 attempt to close her eyes?

16 A. Yes.

17 Q. With your fingers, with two hands?

18 A. Yes.

19 Q. One hand?

20 A. My fingers.

21 Q. Okay. And you were unable to; is that correct?

22 A. Yes.

23 Q. Were you able to close them and they would open back up
24 or were you unable to be close them, period?

25 A. I was unable to close them, period.

1 Q. Now, those of us that are not familiar with this movie,
2 Boondock Saints, what's that got to do with nickles on
3 eyes, if you know? If you've seen the movie.

4 A. Usually, put coins on, the most expensive coins you can
5 find by the body on their eyes so they can pay their
6 toll fee when they go to the other side.

7 Q. Have you seen the movie?

8 A. Yes.

9 Q. And Monique had a poster of that movie up; is that
10 correct?

11 A. Yes.

12 Q. Where was that poster at?

13 A. In her living room, when you first walk through the
14 door.

15 Q. So now you put nickles on Monique's eyes. What happens
16 next?

17 A. What do I do next?

18 After I put the nickles on her eyes I tried to
19 drown myself again.

20 Q. And exactly how did you attempt to do that?

21 A. I filled the tub with cold water and I got in the water
22 and laid down.

23 Q. Okay. And just correct me if I'm wrong, at this point,
24 you're still in the blue shorts that you had put on; is
25 that correct?

1 A. Yes.

2 Q. You filled the tub up with cold water and then you lay
3 in there?

4 A. Yes.

5 Q. How long do you lay in there?

6 A. I don't know exactly. Long enough for my skin to get
7 wrinkled.

8 Q. Do you take any efforts to try to keep your head and/or
9 nose under the water?

10 A. Yes.

11 Q. How do you do that? How do you accomplish that?

12 A. Will power, I guess. I can't explain it to you.

13 Q. And again, sir, obviously, you were not successful,
14 correct?

15 A. No, I was not.

16 Q. Okay. And about how long, if you can recall, did this
17 second drowning attempt take?

18 A. Took awhile. I want to say at least a few minutes.

19 Q. All right. What do you do now?

20 A. After that, I gave up. I got up out of the water. I
21 did dry off this time with a towel that was in the
22 bathroom, I do not remember what color it was. I was
23 still emotional.

24 Q. Okay.

25 A. Very emotional over my daughter and over her.

1 Q. By her, you mean Monique, right?

2 A. Yes.

3 Q. So then, what happens next? You get out. You dry
4 yourself off. You have not been successful two times.

5 About what time is it now, if you know?

6 A. I had no watch on. I had no phone. So I couldn't tell
7 you.

8 Q. All right. So what do you do next, sir? After you dry
9 yourself off do you put on the same clothes you had on
10 before or different set of the clothes, if you recall?

11 A. I put on the same clothes I had on originally.

12 Q. All right. And then what do you do?

13 A. I ended up going to the store after I passed out for
14 maybe a couple hours.

15 Q. You passed out for a couple hours?

16 A. Yes, I passed out for a couple hours.

17 Q. If you know, was this from loss of blood or was this due
18 to exhaustion or emotional fatigue?

19 A. I don't know if it was from loss of blood. I don't know
20 if it was from me being emotional. It was just me
21 passing out.

22 Q. All right. Mr. Hampton, where do you pass out?

23 A. I passed out --

24 Q. In the bathroom, on the couch, on the bed?

25 A. I passed out numerous times. I passed out in the

1 bedroom. I passed out in the bathroom.

2 Q. Okay. This time that you recall being passed out for
3 two hours, where did that take place?

4 A. In the bathroom.

5 Q. Right -- in the tub or next to Monique and Carmon?

6 A. Next to them.

7 Q. All right. A couple hours later, you get up?

8 A. Yes.

9 Q. And then what do you do?

10 A. I say bump it, I'm going to try to get --

11 Q. You say what?

12 A. I say bump it, I'm going to try to go get --

13 Q. Wait, stop. Say that slowly. Say what?

14 A. Bump it.

15 Q. Bump it?

16 A. Yeah.

17 Q. What does that mean?

18 A. It's just like another slang for saying something that
19 you said I can't say.

20 Q. All right. Okay. Thank you.

21 At that point, you say bump it, and then you
22 decide to do what?

23 A. Go get me a Black and Mild.

24 Q. And that's a cigarette or a cigar?

25 A. Cigar.

1 Q. Where do you get that?
2 A. Gas station at the corner.
3 Q. Do you walk there or do you take Monique's car?
4 A. I drive there.
5 Q. How close is it?
6 A. Maybe four blocks, tops.
7 Q. And at this point, you have been stabbed twice, correct?
8 A. Yes.
9 Q. Are you seeking any medical aid?
10 A. No, but I'm bleeding, I'm bleeding everywhere.
11 Q. You're bleeding even as you go to the store?
12 A. Yes.
13 Q. Are you holding anything up against your wound while you
14 go to the store?
15 A. Just my shirt and my hoodie.
16 Q. Okay. So you go in there and get the Black and Milds.
17 Does the clerk say anything to you, like yo, man, what's
18 up, bro?
19 A. No. I try to keep it real short and keep it moving.
20 Q. Okay. Then, what happens? You go back to the house
21 with the Black and Milds?
22 A. I only had one.
23 Q. Then what happens? Do you smoke it on the way, in the
24 car? Where did you smoke it?
25 A. I smoked it there.

1 Q. Where? At the gas station?

2 A. No, at the house.

3 Q. Inside or outside?

4 A. Inside.

5 Q. And then what do you do?

6 A. That was like my way of calling it quits. That was like
7 my goodbye thing. I was trying to build up the courage
8 to do something that I knew I probably wouldn't be able
9 to do, but I was sure enough trying.

10 Q. What were you hoping to accomplish?

11 A. I was hoping to accomplish to join them.

12 MR. FEDORAK: Louder, please, your Honor.

13 A. I was hoping to accomplish to join them.

14 Q. (By Mr. Sheikh) To join them. And how were you going
15 to do this?

16 A. I thought about, I thought about stabbing myself with
17 the same knife that she stabbed me with. I caught
18 myself putting it in my chest and I could not do it. I
19 could not stab myself with it.

20 Q. So if I understand you correctly, you toyed with the
21 knives in your preexisting wounds in attempts to make
22 them fatal. You were not successful. You couldn't do
23 it; is that correct?

24 A. Yes.

25 Q. All right. What do you do then, sir?

1 A. After I tried to kill myself and I did not be
2 successful, I passed out again in the bedroom.

3 Q. Okay. Then, what did you do next?

4 A. When I woke back up I remember me talking to myself,
5 acting crazy, doing things I would probably never say
6 and never do.

7 Q. Well, like what? Give us a little example. What's
8 crazy for you?

9 A. Like talking to God and saying why you won't let me do
10 it, why you wouldn't let me kill myself, things of that
11 nature.

12 Q. Okay. Then, what do you do?

13 A. Start stabbing the mattress.

14 Q. Just blindly? I mean, in other words, anything in
15 particular or just --

16 A. Like I'm sitting on the bed and just stabbing the
17 mattress while I'm sitting there. Just frustrated, like
18 why I can't do it.

19 Q. All right. And then, what happens next, sir?

20 A. I remember me trying to charge her phone and getting her
21 phone to come on.

22 Q. Getting her phone to what?

23 A. Trying to get her phone to come on.

24 Q. To come on. Okay. Why not your own phone?

25 A. Because, at that point in time, I did not know where my

1 phone was located.

2 Q. Okay. All right. After you tried to charge her phone,
3 what did you do next?

4 A. After I got it to come on I caught myself being nosey.
5 I opened it up and looked through some pictures and
6 things of that nature and seen things I did not want to
7 see.

8 Q. You're talking about Monique's phone, correct?

9 A. Yes.

10 Q. As I understand it, most young people today have
11 passwords and other methods so somebody else can't look
12 at their phone. Did you know those or did you have each
13 other's passwords?

14 A. We both knew each other's passwords.

15 Q. Okay. So after you went through Monique's phone, in
16 your words, caught yourself being snoop, what happens
17 next?

18 A. I see pictures of a marriage license with her and Nick,
19 I see pictures of Nick holding my daughter, I see
20 pictures of her and him and his son from Christmas. I
21 see quite a few things.

22 Q. All right. And then, what happens next, sir?

23 A. I looked through the house to try to find my phone and
24 dripped blood.

25 Q. Just one second.

1 All right. So, then, at this point, what
2 happens, sir? You try to find your phone. Do you dial
3 it with Monique's phone?

4 A. No, I did not.

5 Q. What happens next, sir?

6 A. I did send a text message, though.

7 Q. To who?

8 A. Myself.

9 Q. To yourself?

10 A. Yes.

11 Q. From Monique's phone?

12 A. Yes.

13 Q. And what did that message say, if you recall?

14 A. I love you.

15 Q. What was the purpose of sending a message --

16 A. So I could find my phone.

17 Q. Oh, okay. So you thought you would hear the ping of the
18 text?

19 A. Yes.

20 Q. Was that a yes or no?

21 A. I was successful.

22 Q. What happens next, Mr. Hampton?

23 A. I stay there. I noticed her mother text her phone and
24 said something about she was trying to get in touch with
25 her because she was talking to a lawyer or something

1 about a situation that she was trying to get resolved.

2 Q. Sir, keep your voice up. I can't hear you. I'm sure
3 the jurors and the prosecutor --

4 A. It was something to do with Monique trying to get a
5 situation resolved about her being able to get checks
6 from the state for being mentally ill.

7 Q. So her mother sent her a text to that effect on that
8 date?

9 A. Not exactly. It was just the point that I knew that's
10 what it was about. She was trying to tell her I need
11 you to get in touch with me if you want me to take care
12 of this, something along those lines.

13 Q. Okay. But, do you know, was that text sent that day. I
14 mean I'm getting the assumption --

15 A. It was that morning.

16 THE COURT: Hang on. Let him finish his
17 question.

18 Q. (By Mr. Sheikh) Did the text come in while you're
19 looking at it or was this a preexisting text?

20 A. Came in, came in when I was looking at it.

21 Q. Okay. Do you know about what time that would have been?

22 A. I mean your phone exactly when it comes. Long as you
23 cut it on, it pops back up. It doesn't tell you the
24 exact time it was sent. It just comes on at that point
25 in time.

1 Q. What happens next, sir? After you see this text from
2 Monique's mother, what happens next?

3 A. Some hours go by.

4 Q. What are you doing in-between these hours?

5 A. Pass out again.

6 Q. Where at, on the bathroom floor?

7 A. In the bedroom.

8 Q. What happens next?

9 You wake back up after a couple hours --

10 A. I wake back up. I notice that her mother contacted me
11 and left me a voicemail saying I know you with Monique,
12 or something along those lines, if you can tell her to
13 call me or something like that.

14 Q. Do you, by chance, remember the time that this text
15 arrived or that you saw it, approximately?

16 A. It was in the afternoon, around the time she was
17 supposed to pick Damien up from school.

18 MR. FEDORAK: Judge, I apologize, but I can't
19 hear. I'm sorry.

20 THE COURT: Repeat the answer.

21 THE WITNESS: It was in the afternoon, around
22 the time she was supposed to pick Damien up from school.

23 Q. (By Mr. Sheikh) Okay. For the record, Damien is her
24 son, and I think we've had some testimony that he gets
25 out of school at about 3:00 or he's to be picked up

1 around 3:00, 3:00 p.m., if you know?

2 A. Something like that. I forgot what time it was.

3 Q. Okay. So then, what happens next, sir?

4 A. I leave the Normandy residence.

5 Q. You leave what, the Normandy residence?

6 A. The Normandy residence.

7 Q. In what? In Monique's car?

8 A. Yes.

9 Q. What do you take with you? Do you take anything with
10 you?

11 A. I take the knife with me.

12 Q. Which knife is that, sir?

13 A. The knife that (inaudible) for me and my daughter.

14 Q. Okay. And then what else happens? What else do you
15 take? Do you take anything else?

16 A. (Nodding).

17 Q. Do you take boots?

18 A. Oh, I did take a bag of stuff that was already in the
19 car. I took that to my mom's.

20 Q. Okay. Let me make sure I get this right. From what
21 you're telling me, you don't walk around and gather
22 belongings from inside the house. This is a bag that's
23 already in Monique's car?

24 A. Yes.

25 Q. And what's so special about these boots?

1 A. It was just some work boots that I had.

2 Q. Was anything else in the bag?

3 A. Maybe a hoodie.

4 Q. Maybe a what?

5 A. Maybe a hoodie or a coat.

6 Q. Sir, slow down. Maybe a what?

7 A. Maybe a hoodie or a coat.

8 Q. Liddie?

9 A. Hoodie.

10 THE COURT: Hoodie.

11 Q. (By Mr. Sheikh) Hoodie. I'm sorry, sir.

12 Maybe a hoodie or a coat. All right. And
13 boots. That's about it?

14 A. Yes.

15 Q. All right. So do you, by chance, know what time it is
16 now?

17 A. Probably like 4:30.

18 Q. All right. Where do you go?

19 A. I went to the gas station next to my mother's house on
20 Mound and 13 Mile.

21 Q. Okay. Then, what do you do once you get there?

22 A. I contact her and ask her can she do me a favor.

23 Q. And when you say you contact her, is that by text or
24 telephone call or what?

25 A. I believe -- I don't remember if it was by text or

1 telephone call. It was one of the two.

2 Q. Okay. When you say contact, you wanted her to call you,
3 or text you back, or meet you?

4 A. No, I wanted her to meet me at the gas station.

5 Q. So did you tell her, mama, meet me at the gas station?

6 A. Yes.

7 Q. Did you tell her which gas station?

8 A. Yes.

9 Q. Did you will tell her why?

10 A. Yes.

11 Q. And what was the why that you told her?

12 A. I told her I needed a couple dollars and asked her can
13 she bring me a pack of cigarettes because I'm stressing
14 out of my mind, I don't know what to do.

15 Q. Did you tell her anything about Monique and/or Carmon
16 being dead?

17 A. At that point in time, no, I did not.

18 Q. Okay. And then, so, did your mom then drop what ever
19 she was doing and meet you at the gas station?

20 A. Yes, she did.

21 Q. About how long after was that, after you texted her?

22 A. Instantly.

23 Q. Okay. Did she, when she gets there, does she -- she
24 walks there or she drives there?

25 A. She drives there.

1 Q. She drives there. Does she get out of her car?
2 A. Yes.
3 Q. Do you get out of your car?
4 A. No.
5 Q. And she walks up to you?
6 A. Yes.
7 Q. She knew Monique's car?
8 A. Yes.
9 Q. Had she already known Monique's car and had you told her
10 in the text I will be in the Malibu?
11 A. I told her I would be in Monique's car. I don't
12 remember if it was text or phone. It was one of the
13 two.
14 Q. So, at that point, you hand your mother the bag that has
15 the boots and hoodie and possibly coat; is that right?
16 A. Yes.
17 Q. Do you tell her anything else?
18 A. She was concerned for me.
19 Q. Basically, did you tell her anything else about this
20 incident?
21 A. Yes, I did. I told her I probably going to be going
22 away for a little bit and I had told her I love her.
23 Q. Did she ask, son, why?
24 A. No, she did not.
25 Q. And then she took off?

1 A. After she gave me the money and she gave me the
2 cigarettes, yes.

3 Q. About how much money did she give you?

4 A. I didn't ask her for much. I only asked her for like
5 \$20.

6 Q. Was there any kind of hug or embrace between the two of
7 you, or kiss?

8 A. No.

9 Q. And then your mom went her way. Where did you go next?

10 A. I got ready to leave and then I remembered I had the bag
11 in the back seat.

12 Q. Okay.

13 A. So I wanted her to take the bag. So, I instantly drove
14 out of the gas station, went into the parking lot
15 next-door, the complex apartments, and I blew my horn,
16 hauled her down and said here, take this bag. She
17 didn't know what it was about or anything like that. I
18 just told her to take the bag.

19 Q. So when you did that, your mom came down, saw you, you
20 gave her the bag, and that was it?

21 A. Yes.

22 Q. Any exchange of information take place between the two
23 of you?

24 A. No.

25 Q. What happens next? Where do you go next?

1 A. I hope on the freeway at 696.

2 Q. And where are you going?

3 A. Going west.

4 Q. No, no. I mean where are you going? Where you trying
5 to get to?

6 A. Trying to get to the west side.

7 Q. I know, but what on the west side? Where are you trying
8 to go? What's your ultimate objective, sir?

9 A. I was going to see my cousin.

10 Q. Okay. Would that be Mr. Devone Phillips?

11 A. Yes.

12 MR. SHEIKH: Just one second. If I may
13 briefly confer.

14 (At about 12:34, Discussion off the Record).

15 Q. (By Mr. Sheikh) Sir, were any of those knives that were
16 at the house on Normandy that day that were used in this
17 incident yours?

18 A. No.

19 Q. Whose were they?

20 A. Those were all Monique's.

21 Q. Okay. When you went to Monique's house four, five, six
22 days prior to this incident, did you go there with any
23 intent to have sex with her against her will?

24 A. No.

25 Q. Did you go there with any intent to hurt Carmon?

1 A. No.

2 Q. Did you go there with any intent to hurt Monique?

3 A. No.

4 Q. That day, when you and Monique had this talk after the
5 warrant business happened, everything, and went back and
6 forth, at that time point did you have any -- did you
7 form any intent that you needed to kill Monique?

8 A. No.

9 Q. At any point, did you form a thought in your mind that
10 you needed to kill Monique?

11 A. No.

12 Q. Did you, at any point, take any action to kill Carmon?

13 A. No.

14 MR. SHEIKH: Just one second. If I may
15 consult.

16 Q. (By Mr. Sheikh) Sir, you did turn yourself in on the
17 13th; is that correct?

18 A. Yes, I did.

19 Q. All right. And we know that --

20 A. Was it the 13th or was it the 14th?

21 Q. I think it was the 13th. Anyway, it was a day or two
22 later. It could be the 14th.

23 A. I thought it was the 14th.

24 Q. Now, that's the day that your brother-in-law, Gregory
25 Jones, I believe his name is.

1 A. Um-huh.

2 THE COURT: Yes or no?

3 A. Yes.

4 Q. (By Mr. Sheikh) He took you to the Dearborn police
5 station, right?

6 A. Yes.

7 Q. And you knew where you were going, right?

8 A. Yes.

9 Q. Okay. And you knew you were going there to turn
10 yourself in, right?

11 A. Yes.

12 Q. And for the ladies and gentlemen of the jury that have
13 not been there, Dearborn police station is rather big.

14 A. It's right off the freeway, it's big.

15 Q. It's pillars and marked quite well, correct?

16 A. Yeah.

17 Q. When you got there, did Mr. Gregory Jones leave you in
18 the car?

19 A. Yes.

20 Q. Actually, I probably misspoke. It was a truck, right?

21 A. Yes. He left me in there to smoke and talk to my mom.

22 Q. Okay. And so, you're on the phone, talking to your mom.

23 A. Yes.

24 Q. Do you recall if he left the keys in the truck or not?

25 A. Yes, he did.

1 Q. How do you know that? How do you recall that?

2 A. Because I looked at them and I was ending my
3 conversation with my mom.

4 Q. You were looking at the keys --

5 A. Yes.

6 Q. -- in the ignition as you were talking to your mom on
7 the phone.

8 A. Before I got out, I took the keys out the ignition and I
9 smoked another cigarette. Actually, I smoked two of
10 them before I even turned myself in.

11 Q. You hot boxed a couple of quick smokes?

12 A. While he was inside the police station telling them, I
13 was outside ready to turn myself in. No one came out.
14 So, he kept coming back and forth. I'm standing there
15 at the door, smoking.

16 Q. Okay. Would it be safe for us to conclude that if you
17 did not want to turn yourself in, you could have taken
18 off or never even gone to the Dearborn police station?

19 A. Oh, I believe I could have been left.

20 Q. You could have been left a long time ago. When you
21 first took Monique's car you could have jumped on 75 or
22 somewhere, right?

23 A. I could have did more that, but I did not.

24 MR. SHEIKH: Thank you, sir. I don't have any
25 further questions. At this point, Mr. Fedorak and/or

1 Mr. Palepu may have some questions for you.

2 THE COURT: Counsel, approach.

3 MR. SHEIKH: Yes, your Honor.

4 (At about 12:38 p.m., Discussion Side Bar).

5 THE COURT: Okay. We're going to take a lunch
6 break at this point. We'll come back at 1:45.

7 THE BAILIFF: All rise for the jury.

8 (At about 12:38 p.m., Jury Excused).

9 THE COURT: You may be seated. We are in
10 recess.

11 (At about 12:39 p.m., Recess Proceedings).

12 * * *

13 (At about 1:53 p.m., Resume Proceedings).

14 THE COURT: Back on the record. People versus
15 Hampton.

16 MR. PALEPU: Kumar Palepu for the People.

17 MR. SHEIKH: We're ready. We're waiting for
18 the defendant.

19 MR. FEDORAK: And Jurij Fedorak for the
20 People.

21 MR. PALEPU: Once again, I would just like to
22 make the check that he is shackled. We need to do that
23 inspection so we know that they can't see the shackles.

24 MR. FEDORAK: I think we've done that already.
25 As long as he's sitting in the same place.

1 THE COURT: I would say as long as he's
2 sitting in the same place. Nothing really moves. The
3 chair moves. Unless he scoots all the way back, nothing
4 is going to be visible.

5 (At about 1:54 p.m., Defendant is Seated).

6 THE COURT: Okay. Appearances.

7 MR. FEDORAK: Jurij Fedorak for the People.
8 Thank you, Judge.

9 MR. SHEIKH: Good afternoon, your Honor. If
10 it please the Court, Azhar Sheikh here on behalf of the
11 defendant, Curtis Lee Hampton, in the jury box. I
12 believe we're ready to proceed.

13 THE COURT: Okay. Any issues?

14 MR. FEDORAK: None from the People.

15 THE COURT: The defendant is in the same spot
16 he was when he testified last time. Everything is
17 appropriate.

18 Are we ready for the jury?

19 MR. FEDORAK: The People are.

20 MR. SHEIKH: Yes, we are.

21 THE BAILIFF: All rise for the jury.

22 (At about 1:55 p.m., Jury is Seated).

23 THE COURT: Okay. You may be seated.

24 Mr. Fedorak, cross-examination. Go ahead.

25 MR. FEDORAK: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. FEDORAK:

Q. Good afternoon, Mr. Hampton.

A. Good afternoon.

Q. I'd like to start, if I can, about the things that we agree on, okay.

We agree, you and I, that you basically had no justification to kill Monique Rakowski in your version; is that correct?

A. In my version?

Q. In your version of events, you want these now 13 people to believe your story from this morning. That's the purpose of your testifying before them, right?

A. Yes.

Q. And if we accept your version, even your version, if we accept it, you killed Monique, period.

A. I take responsibility for it, yes, I do.

Q. Okay. You had, in your mind, it wasn't self-defense.

A. I would not say that.

Q. So you're portraying a self-defense argument to these jurors. Was that the intent of your testimony this morning?

A. No, it was not.

Q. So she never hurt you to the point where she threatened you with severe bodily injury or any kind of

1 life-threatening injury or any kind of life-threatening
2 attack to justify killing another human being, did she?

3 A. She stabbed me, man.

4 Q. Stabbed you with those two little wounds in the chest
5 that were treated by band-aids. Those are her wounds or
6 yours?

7 A. She stabbed me.

8 Q. She stabbed you where, sir?

9 A. In my chest.

10 Q. Which one? The one on the right side --

11 A. Both.

12 Q. -- or the one on the left side?

13 A. Both.

14 Q. So those two wounds that she stabbed you in the chest,
15 that Dr. Leischner testified he treated with antibiotic
16 ointment and band-aids is the threatening wounds that
17 justified you killing Monique by stabbing her 16 times.
18 That's your story to them? Is it, yes or no?

19 A. I don't know. Can you rephrase the question?

20 Q. Based on the two cuts on your chest, you stabbed Monique
21 16 times, right?

22 A. First I heard it was 14. Now, it's 16.

23 Q. Thirteen stab wounds to the torso, one on the left hand,
24 two on the right-hand. Sixteen knife wounds, sir.
25 That, you were justified in doing to her, based on the

1 wounds that were covered by band-aids; that's your
2 version?

3 A. I never said I was justified.

4 Q. So what you testified to this morning is not a
5 self-defense argument, is it?

6 A. I said I lost my control.

7 Q. We all know that, sir. But, I'm asking you, are you
8 trying to convey to these jurors that you were battling
9 for your life and you killed somebody else in
10 self-defense?

11 A. I'm simply saying what happened. You can twist it
12 however you want.

13 Q. Sir, do you have an excuse to these jurors as to why you
14 should be found not guilty for killing Monique Rakowski
15 in the first degree; yes or no?

16 A. I never asked to not be found guilty of killing Monique.

17 Q. She died at your hands, right?

18 A. Yes.

19 Q. In fact, she died at both of your hands because, as
20 Detective Madonia indicated, you were wielding the
21 knives with two hands and stabbing her repeatedly,
22 correct? Is that the correct, version?

23 A. My eyes were closed.

24 Q. Excuse me?

25 A. My eyes were closed. So, what ever I did in that time

1 period I can't account for. My eyes were closed.

2 Q. Were your eyes closed when you killed your daughter?

3 A. I did not kill my daughter.

4 Q. All right. Let's get back to your version of events, an
5 hour and 39 minutes that you testified to this morning,
6 and how it started off with a cherry day of scrambled
7 eggs and Bambi and a movie and you and Monique were
8 living happily in that Normandy house.

9 Remember how you explained that to the jurors
10 this morning?

11 A. Yes, I do.

12 Q. In fact, sir, you testified how Monique went bowling and
13 you basically made breakfast -- let me start over.
14 Monique slept in so you can make breakfast and take care
15 of Carmon. That's how you testified this morning,
16 right?

17 A. That's how our days normally went.

18 Q. Sir, what time did she go bowling that day?

19 A. I believe, maybe close to 10:00.

20 Q. If she starts at the bowling league at 9:15. If
21 Mrs. Rakowski were to re-take the stand and testify
22 bowling starts at 9:15, they got to leave the house well
23 before 8:30, and that Carmon was at the bowling alley
24 with them that day, would you disagree with that
25 version?

1 A. Sometimes she took her, sometimes she did not.

2 Q. I'm talking about the day in question.

3 A. The day in question.

4 Q. Wednesday, the day before you butchered Monique.

5 A. I'm not sure if she took her or not.

6 Q. You're not disputing Mrs. Rakowski's claim that she did
7 take Carmon with her that morning to the bowling alley?

8 A. Sometimes she did. Sometimes she didn't.

9 Q. Okay. But that kind of takes away from that nice little
10 picture of a family of three, a family unit that's still
11 together the way you described it to these jurors, isn't
12 it? That's a big difference, isn't it?

13 A. From something from the morning, to the afternoon --
14 well, later on, would be different, yes. But, me
15 creating breakfast and feeding my daughter eggs, I
16 remember that plain as day.

17 Q. Okay. Let's talk about the other stuff you remember
18 plain as day that day.

19 You tried to portray to these jurors that the
20 three of you were together as a family. Monique let you
21 back in the house and you struck up the relationship
22 with her again. Is that the way you want these jurors
23 to understand your story?

24 A. As I said before, we did not have a title.

25 Q. Were you in a relationship with Monique in January and

1 the first two weeks of February --

2 A. We had sexual --

3 Q. -- 2015?

4 A. -- relations and we had communication, but I did not
5 have a title.

6 Q. I'm not asking you if you had a title, sir.

7 Do you want to convey to these jurors that the
8 two of you were getting along and in a relationship?

9 A. We had our moments when we got along and we had our
10 moments when we did not.

11 Q. Do you remember when Tim Brockway testified?

12 A. Yes, I do.

13 Q. Did you ever meet Tim Brockway before?

14 A. Seen pictures of him and heard of him.

15 Q. Okay. Do you remember how he testified in court last
16 week?

17 A. Somewhat, yes.

18 Q. Tim Brockway, if I remember correctly, testified that
19 his wife was best friends with Monique, right?

20 A. Um-huh.

21 Q. Is that a yes or a no?

22 A. Yes.

23 Q. And that they did a lot of things, his wife and himself,
24 with Monique and had been to that Normandy house,
25 correct?

1 A. Yes.

2 Q. Did you hear Mr. Brockway testify about how he had a
3 friend of his who was a Wayne County sheriff?

4 A. Yes.

5 Q. And did you hear his testimony when Mr. Brockway
6 indicated that Monique was scared, reached out to him,
7 and wanted you picked up on your warrants and your
8 probation violation, to be taken away from her?

9 A. Yes, I've heard that.

10 Q. Did you hear him testify to that?

11 A. Yes, I heard that.

12 Q. That's in complete contradiction to you guys being this
13 quaint little three-person family unit.

14 A. No, that's just like saying we never get into it.
15 That's like saying I'm never taking responsibility for
16 nothing that I do, which I do.

17 Q. So you're taking responsibility for Monique's death
18 right now in front of these jurors.

19 A. I've never denied it.

20 Q. And it's an unjustified killing of her because she
21 really posed no threat to you.

22 A. However you want to put it is how you want to put it.

23 Q. I want to put it as best as the truth will allow it,
24 sir.

25 I'm asking you to tell these jurors truthfully

1 are you accepting total responsibility for the
2 unjustified death of Monique.

3 A. I never said it was justified or unjustified.

4 Q. Take a second. Which one do you think it is, justified
5 or unjustified?

6 A. What I did say is what occurred and my reasons that led
7 up to it.

8 Q. So it's somebody else's fault. You're just coming up
9 with an excuse.

10 A. Not an excuse. There's a reason for everything and I've
11 given mine.

12 Q. Okay. Let's see if you've got other reasons for all the
13 other things you did.

14 But, you did hear Tim Brockway testify that
15 Monique was talking to him the day before, the two days
16 before, and was hoping to have you arrested the day
17 after you killed her?

18 A. You could say that.

19 Q. I didn't say it. Did you hear Tim Brockway. He was one
20 day too late.

21 A. That's like saying I did not know we got into it days
22 prior about the same thing that I also put on record was
23 about what I owed.

24 Q. We heard from another friend of Monique's, a Mr. Witt.
25 Do you remember him testifying last week?

1 A. No, I do not.

2 Q. People's Exhibit 36 is on the screen. That was shown to
3 these jurors last week. That's Monique's phone, isn't
4 it? Number?

5 A. Yes.

6 Q. Mr. Witt testified that that is the conversation, the
7 text-message conversation that he was having with your
8 so-called significant other in your happy relationship.

9 A. Back in September we were not together, when she wrote
10 that.

11 Q. Okay. Am I reading it improperly, from the top box
12 where I say Charles hasn't seen the fuckin kid in 10
13 years and CJ threatened to kill me and the baby,
14 December 1, 2014, 10:51 a.m.

15 A. That's what it says.

16 Q. In December, did Monique have any reason to fear that
17 you were going to kill her?

18 A. No.

19 Q. Then, why is she telling her friends?

20 A. Probably because of an argument we had. We had numerous
21 arguments all the time.

22 Q. I know, and in your direct examination you said
23 sometimes you say things that you really don't mean.
24 When you were kidding around with her in these low-level
25 arguments before, did you ever threaten to kill her?

1 A. Not that I can remember.

2 Q. How convenient. Let's see some of the other things that
3 you either can or can't remember.

4 In your entire story this morning you kept
5 blaming Monique, that she's the one with an emotional
6 disorder. Isn't it true that you have a temper, sir?

7 A. I never said I didn't have no issues of my own.

8 Q. My question is: Do you have a temper; yes or no?

9 A. To a certain extent.

10 Q. In fact, Monique suffered at the hands of your temper
11 just months before you stabbed her 16 times; is that
12 fair to say?

13 August of 2014. Tell the jurors what
14 happened. What did you do to her?

15 A. August, that's when I got a aggravated assault in
16 Eastpointe.

17 Q. I'm asking you what you did to her. I'm not asking for
18 the title.

19 A. The light were off in the house, I was coming down the
20 stairs with a vodka bottle and it collided with her
21 face.

22 Q. It collided with her face?

23 A. As I was coming down the stairs and she was coming up
24 the stairs, yes. We both were intoxicated.

25 Q. Did your hand get hurt?

1 A. I don't remember.

2 Q. Did you scuff your knee coming down the stairs? Did you
3 twist an ankle? Did you trip over anything?

4 A. I remember we both fell at the bottom of the stairs.

5 Q. How many days did she spend in the hospital with a
6 broken orbital bone?

7 A. Not even one.

8 Q. But, she did have a broken orbital bone, didn't she?

9 A. I went with her to the hospital.

10 Q. How convenient. You put her in the hospital and you
11 take her to the hospital.

12 A. You keep trying to make me out to be a bad person worser
13 than what I am. I take responsibility for what I do.
14 Leave it at that. I'm not trying to be argumentative
15 with you, so don't be argumentative with me. I'm
16 answering --

17 Q. Sir, why don't you just take responsibility.

18 A. I'm answering your questions.

19 Q. You're telling the jurors that you take responsibility
20 for 16 stab wounds. You just won't take the
21 responsibility for the 17th one.

22 A. Now, you're exaggerating.

23 Q. Did you hear Ms. Rakowski testify that on Wednesday
24 afternoon Monique was worried about getting back to the
25 house quick enough because you were with Carmon for many

1 hours and she didn't want to make you mad?

2 A. Yes, I remember that.

3 Q. She made you mad a lot, didn't she?

4 A. She did things.

5 Q. She pushed your buttons.

6 A. She did things here and there.

7 Q. How about leaving you? How about getting married in
8 Oklahoma? How about not wanting a relationship with you
9 in December, January?

10 A. That did not bother me.

11 Q. That got you mad, didn't it?

12 A. No.

13 Q. Sir, is it safe to say that you -- that Monique allowed
14 you to come to the hospital and, yes, that you guys have
15 a daughter in common and like people that are separated
16 or divorced, you're going to spend the rest of your
17 lives dealing with each other because you have to, you
18 have the child in common.

19 So you did get back into the picture at the
20 end of January when Carmon was sick. That's fair to
21 say, right? You don't disagree with any of that.

22 A. No, I do not.

23 Q. Okay. And you were around, and you were watching her,
24 and she freely, Monique freely let you watch Carmon at
25 her house. But, isn't it true, sir, that you were not

1 in a relationship with her at that time and everything
2 that led up to the night of February and the early
3 morning hours of February 11th and 12th. You guys
4 weren't together then?

5 A. I could not say. I had a relationship with her. We
6 both had numerous other sex partners.

7 Q. Because she really didn't mean that much to you then,
8 apparently, if you had numerous other sex partners.

9 A. You want me to be honest or you want me to lie?

10 Q. I want you to tell the jurors what you believe the truth
11 to be.

12 A. I did love this woman. I loved this woman a lot.

13 Q. And this was the woman that was trying to get you
14 arrested and out of the house and away from her the same
15 day or the next day of her demise, right?

16 A. You could say that.

17 Q. For the first time throughout reading this entire case
18 and spending time with Detective Madonia I heard about
19 \$1600 that you gave your mother you.

20 You never told anybody else about the \$1600
21 before, did you?

22 A. Monique knew about it.

23 Q. Well, unfortunately, we can't ask Monique because you
24 stabbed her 16 times.

25 So, did you tell anybody else in this case

1 about the \$1600?

2 A. Not that I can think of.

3 Q. You explained to these jurors that one of the reasons
4 why you're here is because your mom screwed up in terms
5 of how the payments were made, right?

6 A. Well, she didn't necessarily do it on purpose. It was
7 her trying to take care of it for me.

8 Q. An innocent mistake on her part caused you to have these
9 problems.

10 A. Well, actually, it started before that because it
11 started originally when her parents was getting the mail
12 and throwing them in the garbage, if you want to get
13 technical.

14 Q. Isn't it true that during your interview with Detective
15 Madonia you previously told him that your mom wouldn't
16 give you the money because she had to make car payments
17 and insurance payments within her own situation?

18 A. That's true I went to her to try to get more money to
19 try to cover it.

20 Q. That's not my question, sir. Don't evade my question.
21 What I'm asking you is isn't it true that you told
22 Detective Madonia in that three-hour interview that you
23 had with him on the 13th of February, 2015, that your
24 mother spent the money on her own bills rather than
25 giving it to you?

1 A. It's a possibility. I don't remember exactly.

2 Q. So if Detective Madonia had it detailed in a 48-page
3 police report you wouldn't challenge that, would you?

4 A. If you want to be technical play the video.

5 Q. Sir, do you realize you were on the stand for an hour
6 and 39 minutes this morning?

7 A. No, I do not.

8 Q. Let's see if we can get through this.

9 You started your testimony this morning with
10 blaming Monique for even having alcohol first thing in
11 the morning before she went bowling, didn't you? Do you
12 remember telling the jurors that?

13 A. Me saying that she drunk alcohol in the morning and in
14 the afternoon, all throughout the day, is not blaming
15 her. It's saying the fact.

16 Q. Sir, what I'm trying to do is show examples of your
17 always being negative about her but positive about
18 yourself when you talk to these jurors.

19 A. I am not.

20 Q. You're such a nice guy, you made scrambled eggs that
21 morning even when your daughter wasn't home?

22 A. Excuse me, sir. If I was trying to be negative about
23 her, I would have never said she did it by accident,
24 okay.

25 Q. Oh, you spared us that.

1 A. O-M-G.

2 Q. You spared us that. Really?

3 A. If you see a woman with her eyes not being able to see
4 in front of her and just swinging randomly with a blade
5 in her hand, who has hair in her face, do you think she
6 means to do that intentionally or by accident if it was
7 meant for you but hit someone else? You tell me that.

8 Q. So the fact that that wound was on an angle, a downward
9 angle from left to right and went perfectly through the
10 heart and lung of that wonderful little child, that
11 one-in-a-million shot, that somebody's flailing, you
12 want these jurors to believe that one-in-a-million type
13 of injury came in a wild flailing of the arms by
14 Monique?

15 A. What happened is what happened.

16 Q. You told those jurors repeatedly this morning that you
17 were not trying to force yourself on Monique that night.

18 Do you remember your cousin, Davone Phillips
19 testifying?

20 A. Yes.

21 Q. In fact, I think I'm quoting him when he said, he just
22 wanted to get together with his girl that night and it
23 went bad.

24 You heard him testify and use those words?

25 A. Um-huh.

1 Q. Is that a yes?

2 THE COURT: Yes or no?

3 A. Yes.

4 Q. (By Mr. Fedorak) And he expressed to these jurors that
5 you told him you wanted to have sex one last time before
6 you went to jail.

7 A. That is a question I made to her before all this
8 happened, yes.

9 Q. But, now you're telling these jurors that you never
10 tried forcing yourself on her; is that correct?

11 A. Never in a million years.

12 Q. Sir, isn't it more accurate description of what took
13 place in that bedroom is that Monique got mad at you,
14 got up, started to leave, and you weren't going to let
15 that happen?

16 A. No.

17 Q. You didn't -- let me ask you a question.

18 Diagram, please. 103, please. Blow up the
19 left vertical half of the page, please.

20 Which was the first stab wound you inflicted?

21 A. I could not tell you. My eyes were closed.

22 Q. Were your eyes closed in the bedroom?

23 A. No, they were not.

24 Q. Were your eyes closed in the hallway?

25 A. No, they were not.

1 Q. Were your eyes closed in the bathroom?

2 A. At one point, yes.

3 Q. Where was the location, when you had your eyes closed,
4 of the first stab wound?

5 A. To her, in the bathroom.

6 Q. So you did not stab her in the bedroom at all?

7 A. No.

8 Q. You did not stab her in the hallway at all?

9 A. No.

10 Q. You did not -- you only stabbed her in the bathroom.

11 A. Correct.

12 Q. One of the things you didn't talk about this morning is
13 how long it took to clean up about three bottles worth
14 of blood in that house.

15 A. Correction, I did not clean up that blood.

16 Q. You did not clean up any blood?

17 A. That you have on the mattress, on the floor, on the
18 hallway.

19 Q. Hallway, please. Dark photograph.

20 Sir, did you clean up the hallway after all
21 this?

22 A. No, I did not.

23 Q. Where did Monique's blood go? Where did three bottles
24 of blood go?

25 A. I would like to know. Give me a lie detector test.

1 Q. You were the only one left walking out of that house,
2 sir. The other two people can't tell us.

3 A. Well, like I said before, in my own defense, give me a
4 lie detector test so I can prove the shit that I'm
5 saying is true, since you want to argue with me and
6 saying it's not.

7 Q. Sir, do you know that lie detector tests --

8 A. -- look like how you want me to look because y'all
9 trying to put all this shit on me that I didn't do.

10 And these fuckin pictures and shit, like I
11 cleaned up this shit, I didn't clean up none of that
12 shit. Only thing I cleaned up was three things, and I'm
13 going to be real exact when I say this shit, because you
14 pissing me off and I don't like to be mad.

15 Q. Really? When you get mad, what do you do?

16 A. I washed my hands.

17 Q. What do you do when you get mad, sir?

18 A. I get loud, like you want me to do.

19 Q. Right, right.

20 A. Like you want me to voice my opinion and speak up.

21 Because, otherwise, I'm a soft-spoken person.

22 Q. Okay. Until somebody pisses you off.

23 A. No. So, listen.

24 Q. I'm listening.

25 A. My hands was one thing. The second thing, a corner of

1 an inch of the mirror and the top of the sink.

2 Q. And that's it.

3 A. That was it.

4 Q. It didn't take you long to do that, right?

5 A. No, it did not.

6 Q. You didn't have to be there for 16, 12 or 16 hours, did
7 you?

8 A. No, I did not.

9 Q. Let's see what else we agree on, sir.

10 Your words. You were a coward at the end of
11 all this.

12 A. Because I did not kill myself.

13 Q. And you used the word to describe yourself, you're a
14 coward.

15 A. Because I did not kill myself.

16 Q. But, you are a coward. You're telling these jurors you
17 are a coward?

18 A. Because I did not kill myself.

19 Q. You already killed two people. What's the difference
20 between two and three?

21 A. I did not kill two people. Stop blaming my daughter's
22 death on me.

23 Q. You indicated that the knife in question is Monique's.

24 Did you hear Anna Keinath testify about one of
25 the things you used to do, your friends with benefits,

1 that you used to go to Stoney Creek and fish?

2 A. Um-huh.

3 Q. Is that a yes?

4 A. Yes.

5 Q. Are you familiar with a Swedish company called Rapala
6 that does a ton of fishing and hunting products?

7 A. Am I familiar with it? No.

8 Q. Yeah, that's where the word Rapala comes from, like the
9 Rapala lures, the fishing lures.

10 A. I'm not familiar.

11 Q. Are you familiar with Rapala lures?

12 A. I'm not familiar with the name, no.

13 Q. Okay. But, you used fishing lures when you fished at
14 Stoney Creek with Anna Keinath, your friend with
15 benefits, right?

16 A. Yes.

17 Q. Sir, that's your knife, not Monique's, right?

18 A. No, it's not.

19 Q. Monique fishes?

20 A. She has.

21 Q. With you?

22 A. She has.

23 Q. Okay.

24 A. Just for the record, if I may add, she has a bigger one,
25 as well, at her house, on her premises, and a receipt

1 for it. You may go check and find it, if you please.

2 Q. Sir, isn't it safe to describe that you're a simple guy
3 in life and all you wanted to do is be with someone and
4 be a family?

5 A. Yes.

6 Q. And that's been your feeling all along?

7 A. That been my goal the whole time.

8 Q. I'm sorry?

9 A. That would have been my goal the whole time.

10 Q. And you were not happy about how your three other
11 relationships worked out with having three boys from
12 three other women?

13 A. I never planned on having multiple childrens mothers,
14 no.

15 Q. Right. And we heard that from Sergeant Popescu, because
16 when he interviewed you in Dearborn, and you found out
17 one of the ladies was pregnant, you told him you wanted
18 her to get rid of that shit.

19 Is that -- remember that, from Sergeant
20 Popescu's testimony?

21 A. Yes, I do remember that.

22 Q. And you did say that to him, that you wanted her to get
23 rid of the shit, meaning the baby, the pregnancy?

24 A. When she asked me what she should do, yes.

25 Q. And you remember telling Sergeant Popescu, and he

1 testified when Mr. Palepu was asking him questions, that
2 you had asked for sex one last time before going back to
3 jail. Remember Popescu, the Dearborn cop, testifying to
4 that?

5 A. As I said before, it was from a question, not from
6 something that you trying to make it out to be.

7 Q. It's August, you break Monique's orbital bone, she ends
8 the relationship with you; agreed or not agreed?

9 A. I guess you could say so, yes.

10 Q. You keep contacting her. You keep sweet-talking her.
11 The Rakowski's described you turned it on, you turned
12 the charm on. You want to get back in her life.

13 A. That is not how it happened.

14 Q. Carmon gets sick at the end of January, that's your
15 opening, all of a sudden you're back in the picture
16 because she allows you at the hospital and you care for
17 her a little bit. I'm not taking that away. At the end
18 of January and the beginning of February, not a problem
19 yet. Is that safe to describe it that way?

20 A. However you want to put it.

21 Q. Well, let's put it in your words.

22 Then, you got nosey and you looked at a phone.

23 A. After the fact.

24 Q. Your version now is after the fact. But, in reality,
25 sir, you found out that she got married and you snapped?

1 A. No. You want to be quite exact, she told me about it
2 out of her own mouth and told me it was nothing to be
3 worried about since I came back around, and I told her I
4 knew nothing about it and it was news to my ears.

5 Q. Oh, so you were, you were able to turn it around at the
6 end of January, beginning of February. You were back
7 in?

8 A. She invited me in. I didn't ask to come in.

9 Q. I'm talking about the relationship. I'm not talking
10 about physically being in the house.

11 You were able to turn, you turned the charm
12 on. You're able to get back in at the end of January,
13 beginning of February, your words, sir, correct?

14 A. I did not turn no charm on. That would be her mother's
15 words, not mine.

16 Q. Were you apologetic to Monique when there was a
17 no-contact order in place?

18 A. Monique reached out to me with emails and she reached
19 out to me with text messages and said she don't
20 understand what happened when we was drunk, and she felt
21 just as bad as I felt about it, and we both apologized,
22 and we both made up and moved forward.

23 Q. She had to apologize for falling down the stairs and
24 accidentally breaking her orbital bone, and you got
25 jammed up with a DV charge. Is that what she had to

1 apologize for?

2 A. She apologized to me because of the guy things she was
3 doing.

4 Q. Because the what?

5 A. It guy things she was doing.

6 Q. The guy things she was doing. Oh, okay. And after she
7 apologized, that's when you go, okay, fine, now that
8 you've apologized to me so well and taken responsibility
9 for your miss-steps, I will let you back into my life.
10 Is that how it is?

11 A. No.

12 Q. When Monique was in the bathroom on the floor with 16
13 stab wounds, 13 to the torso, two in the hands, and
14 she's having a conversation with you, didn't she ask you
15 to do the right thing and get help?

16 A. No.

17 Q. Did you have that conversation with her on the bathroom
18 floor?

19 A. No.

20 Q. If Detective Madonia, during his three-hour interview,
21 detailed your statements where it says you relayed that
22 Monique was asking you to do the right thing, and you
23 just sat there, that's a lie from Detective Madonia?

24 A. To be honest with you, I did not tell him everything and
25 I did not tell him everything correctly.

1 When I told him things, I told him only for
2 the one simple purpose, to throw me under the buss
3 because I did not want to live no more without my
4 daughter.

5 Q. Okay. So we're in agreement, there's another thing we
6 agree on, other than you being a coward, is that you
7 kept things from Detective Madonia.

8 We're agreeing on that, right?

9 A. I wouldn't say kept things from him. I would say not
10 tell him the whole truth.

11 Q. And you're not telling the jurors the whole truth, now
12 that we're talking about what else you're keeping from
13 people?

14 A. I'm not doing that.

15 Q. So you're being totally truthful right now?

16 A. Yes.

17 Q. But, you're denying having hearing Monique's last words
18 where she asks you and begs you to get help, do the
19 right thing?

20 A. She did not. She did not say one word to me.

21 Q. That's because you did such a thorough job stabbing her
22 16 times where she couldn't speak. Didn't you tell
23 Madonia that you sat in that bathroom up to 30 minutes
24 watching her pass?

25 A. My time of track and thought in mind, I had no time of

1 track and thought. My time to him was exaggerated
2 because I did not know exactly how much time it was.

3 Q. One of the other things that you told Detective Madonia,
4 isn't it true that it was the hardest thing you ever did
5 was hurt someone you love and that you should have never
6 been there? Do you remember telling him that at the
7 beginning of the interview?

8 A. If I would have took other female's advice, I would have
9 never been there.

10 Q. Because it was somebody else's fault. It's always
11 somebody else's fault, right?

12 A. No, I did not say that.

13 Q. It's the fault because you didn't have the money to pay
14 the courts, it's the fault because Monique got you
15 jammed up with a DV charge, it's Monique's fault for
16 getting married to somebody in Oklahoma in December, and
17 it's Monique's fault for pushing you to the side, right?

18 A. No, I would not say at that.

19 Q. We spent a lot of time talking about the baby, Carmon,
20 and the injuries. You heard Dr. Spitz testify that
21 Carmon was horizontal from the time she was stabbed to
22 the time she passed, and was never held vertically.

23 You heard that testimony from the expert, our
24 pathologist, our forensic pathologist. Do you remember
25 that, last week?

1 A. I mean people can speculate and say hearsay about what
2 they think happened, but that's not exactly what
3 happened.

4 Q. Because, again, you need, you had that need to show to
5 these jurors that you're a decent guy and that you tried
6 rescuing your baby by performing CPR and blowing into
7 her mouth, right?

8 A. I didn't try to show anything besides tell the truth.

9 Q. Okay. But, there's no blood that came out of her chest
10 wound, and Dr. Spitz testified that there was no CPR or
11 pressure done to her because there would have been
12 evidence of it.

13 Do you remember that testimony.

14 A. Yes, I remember him saying that bullshit. Excuse my
15 language.

16 Q. Feel free. Let it all hang out.

17 What time did you go to the store in the
18 morning?

19 A. I don't know exactly.

20 Q. Before lunch? After lunch? You knew you had until
21 4:00, right?

22 A. I was not keeping track of time.

23 Q. You ever -- you had a craving. You wanted a cigarette.
24 You wanted to take care of your needs and you left to
25 get some Black and Milds, right?

1 A. Not some. One, plural.

2 Q. Actually, two, right? You bought two, from what
3 Detective Madonia's interview has.

4 A. One, plural.

5 Q. Okay. Now, you took care of your needs in that fashion.
6 But, did you take care of Monique's or Carmon's needs at
7 all when they could have used emergency help?

8 A. That was out of my reach.

9 Q. It's out of your reach?

10 A. Yes.

11 Q. What's your definition of reach?

12 A. How can you call for emergency help if you do not have a
13 phone that's working at the time, or on.

14 Q. Hey, don't forget, you told those jurors you were
15 playing video games on your phone when you were sitting
16 on the couch, when Monique took the baby in the bedroom
17 and wanted to avoid you, was ignoring you, and that made
18 you irate. Remember that?

19 A. No. I said I did that before I went outside and smoked,
20 before I came to bed.

21 Q. All right. So, you had your phone. You were playing
22 video games on it. You had Monique's phone because you
23 used it to find your phone, right? You decided never to
24 call for help in any way; is that fair to say?

25 A. I did not decide ever to call for help.

1 Q. Did you try and call for help and fail?

2 A. When I first got to her phone, yes.

3 Q. How did you fail by not getting in touch with 911 or
4 getting in touch with emergency help?

5 A. Because her phone was dead.

6 Q. Her phone was dead. But, you were able to open it and
7 send a text that said I love you.

8 A. That was hours later.

9 Q. That was hours later. And, really, that was kind of an
10 empty statement, the I love you, because the reason you
11 sent it was to find your phone, you said. So you could
12 have just said text, or test, testing, one, two, three,
13 and that would have been just as good as I love you,
14 right?

15 A. We say things like that back and forth to each other.

16 Q. You text anybody else after they're dead?

17 Let's talk about texting. You texted your
18 mother at 1:57 p.m. -- excuse me, 1:57 a.m.

19 You trying to generate enough courage to
20 follow through on this? You sent that, didn't you?

21 A. I believe so.

22 Q. It's a murder/suicide all day long, right?

23 A. After the fact.

24 Q. Correct. We had two murders, but we had no suicide.

25 You came up short on that suicide aspect of

1 this case, didn't you?

2 A. God not done with me yet.

3 Q. Let's see if we can finish here today for you, sir.

4 With this case is what I'm referring to.

5 Isn't it fair to say you were tired of being
6 replaced?

7 A. That is something I said.

8 Q. Do you normally say things that you don't mean?

9 A. When you're out of your mind, you're suffering from a
10 loss of someone that you cared about, you say all kinds
11 of things because you're emotional wreck.

12 Q. So you've never told people when you were calm and
13 talking that you were tired of being replaced.

14 A. Not when I was calm, no.

15 Q. Okay. Sir, you found out you were being replaced by
16 Monique the night of, and that potentially your daughter
17 was going to be taken away from you, and that's why you
18 snapped. Isn't that a more appropriate description of
19 what took place?

20 A. That's hearsay or something that did not happen.

21 Q. That's hearsay. Okay.

22 Can we go to the tape, please, the first two
23 minutes.

24 Sir, I'd like to ask you to listen to this
25 conversation.

(At about 2:31 p.m., Play Audio Recording).

MR. FEDORAK: Pause it, please.

Q. (By Mr. Fedorak) Sir, is that your voice?

A. Sounds like it.

Q. That's a conversation that you had on January 27th of 2015. And your oldest son's mother is Erica Spencer.

A. Um-huh.

Q. Do you remember this conversation?

THE COURT: Is that yes or no?

A. Yes.

Q. (By Mr. Fedorak) Do you remember this conversation?

A. With her?

Q. Yes.

A. No, I do not.

MR. FEDORAK: Okay. Please continue. Let's see if it refreshes your memory.

(At about 2:32 p.m., Play Audio Recording).

MR. FEDORAK: Pause, please.

Q. (By Mr. Fedorak) Does that refresh your memory now?

A. Yes.

Q. Who were you having that conversation with?

A. Could be one of my baby mothers or one of my female friends or my cousin. Could be any of them.

MR. FEDORAK: Let's start at the beginning of the conversation, please, the first two-minute mark.

1 The intro to the call, the beginning of the call.

2 (Discussion Off the Record).

3 Q. (By Mr. Fedorak) That was done on January 27th of 2017
4 with Erica Spencer. Does that now remind you of the
5 conversation?

6 A. This year?

7 Q. A few weeks leading up to today?

8 A. I don't remember talking to (inaudible).

9 THE COURT: Louder.

10 Q. (By Mr. Fedorak) Is that your voice, though?

11 A. Yes.

12 Q. Are those your statements?

13 A. I remember having a conversation, telling about my past,
14 yes.

15 MR. FEDORAK: Please, continue and let's
16 finish the segment.

17 (At about 2:34 p.m., Play Audio Recording).

18 Q. (By Mr. Fedorak) Is that your voice, sir?

19 A. Yeah.

20 Q. You couldn't stand being number two, could you?

21 A. Who could?

22 Q. And the reason why you couldn't stand it is the reason
23 why we're all here today, because you snapped?

24 A. No, that is something completely different, taken out
25 of context.

1 Q. So are you saying you didn't snap when you killed
2 Monique and it was planned?

3 A. You know, just like I know and everyone else, from the
4 evidence and what I've said, I take responsibility and I
5 have also said I had snapped.

6 Q. You've taken responsibility for 16, but the real
7 question, sir, is you haven't taken responsibility for
8 the 17th stab wound to a 13-month-old because, why, sir?
9 Are you a coward?

10 A. No.

11 MR. FEDORAK: Nothing further, your Honor.

12 THE COURT: Redirect.

13 REDIRECT EXAMINATION

14 BY MR. SHEIKH:

15 Q. Good afternoon, Mr. Hampton.

16 A. What a day, what a day.

17 Q. Okay. Is there anything else that you want to put in
18 perspective that Mr. Fedorak has just questioned you
19 about?

20 A. I mean he wants to talk about a phone call that I had
21 sometime this year that I don't even remember exactly
22 and use what I'm saying to paint a picture on this
23 incident, when it has nothing to do with this incident.
24 It's hearsay and him just trying to make me look as
25 horrible as possible.

1 Q. Is there anything else that you want to bring to our
2 attention and clear up --

3 A. I can't stand people blaming me --

4 Q. Hang on. Let me finish, please.

5 With the questions that Mr. Fedorak just did,
6 is there anything that you want to clear up that you
7 felt that you were not able to clear up?

8 A. Not that I can think of. I mean I've been honest --

9 THE COURT: Louder. I can't --

10 A. Not that I can think of. I've been honest this whole
11 time. You know, everything you asked me, if I can't
12 remember exactly, I've told you I can't not remember
13 exactly.

14 If you bring something up to refresh my
15 memory, If I did it, I'm going to agree to it. If I
16 didn't I'm going to say I didn't and move on.

17 Q. This incident did occur slightly over two years ago,
18 correct?

19 A. Yes.

20 Q. And a lot has happened since that time, correct?

21 A. Yes.

22 MR. SHEIKH: Thank you. Nothing further, your
23 Honor.

24 THE COURT: All right. Nothing based on that,
25 I assume.

1 MR. FEDORAK: No, your Honor.

2 THE COURT: Okay. We're going to take just a
3 short break at this point.

4 THE BAILIFF: All rise for the jury.

5 (At about 2:37 p.m., Jury Excused).

6 THE COURT: You may be seated. You can just
7 sit where you are, Mr. Hampton.

8 Mr. Sheikh, are you going to have another
9 witness?

10 MR. SHEIKH: No, we are not, your Honor.

11 THE COURT: Okay. All right. I'm going to
12 conference with the attorneys. Well, are we going to be
13 prepared to go to closing statements in the next 10
14 minutes?

15 MR. FEDORAK: Fifteen or 20.

16 THE COURT: Okay. Let me conference with the
17 attorneys.

18 MR. FEDORAK: We'll be ready to close today,
19 Judge.

20 THE COURT: All right. We'll take a break. I
21 want to just see the attorneys for a moment in the
22 conference room.

23 Hang on. Wait. Don't take him yet. Come up
24 here for a minute.

25 (At about 2:39 p.m., Discussion off the

1 Record) .

2 THE COURT: Okay. Mr. Sheikh?

3 MR. SHEIKH: Yes, your Honor. I do have a
4 brief motion that I would like to bring outside the
5 presence of the jury.

6 THE COURT: Go ahead.

7 MR. SHEIKH: Your Honor, as we know, Mr.
8 Hampton is charged with first degree murder, several
9 counts, as well as included in there is a second degree.
10 I think, based on his testimony and what has been
11 indicated, the instruction for manslaughter, for
12 voluntary manslaughter would certainly be applicable
13 here and Michigan law practically not only allows but
14 demands it in a case such as this, your Honor.

15 This is a case in which he has accepted, as
16 he's said many times, accepted responsibility for the
17 death of Monique. Whether it's a first degree, second
18 degree or manslaughter is for the jury to determine.
19 And from everything that he's indicated, at least in his
20 mind and thought at that time, it occurred in the heat
21 of passion and it also occurred during what may or may
22 not have been blackouts and other not thinking straight.

23 So, basically, my motion to you, your Honor,
24 is to please allow the jury to have the instruction of
25 voluntary manslaughter as to Monique Rakowski.

1 THE COURT: Apparently, Mr. Fedorak's
2 responding.

3 MR. FEDORAK: Judge, not to sound sarcastic,
4 but given the defendant's own words, I'd almost have to
5 make an argument that you shouldn't allow second degree
6 in. But, I know that by statute and case law, you have
7 to. So, clearly, first is what was charged, second
8 comes in by case law. I would argue that there is no
9 justification in any way, I even had the defendant, in
10 his own words, commit to this jury that he was not
11 justified in what he did. He was playing games, he was
12 going back and forth in his testimony before the jurors,
13 but there was no justification whatsoever for
14 manslaughter.

15 MR. SHEIKH: Your Honor, if I may, briefly.

16 THE COURT: Go ahead.

17 MR. SHEIKH: First of all, your Honor, as Mr.
18 Hampton indicated, he has, I believe at the most, a 10th
19 grade education. So, he certainly is not qualified to
20 make legal conclusions to this court as to what is
21 justifiable or not. I think, with the remorse that he's
22 shown, nothing can justify what happened to Monique.

23 We are talking about an instruction of
24 manslaughter. That's different than justifiable
25 homicide. We're not asking for self-defense. I ask the

1 Court to bear that distinction in mind in making her
2 decision.

3 THE COURT: I do not think enough evidence has
4 been presented to bring, to allow the voluntary
5 manslaughter instruction. So I'm going to deny your
6 motion. Thank you.

7 MR. SHEIKH: Thank you for entertaining it,
8 your Honor.

9 THE COURT: We are going to take approximately
10 15 minutes. I do want to see counsel for a moment.

11 MR. SHEIKH: Your Honor, may my associate come
12 with me?

13 THE COURT: Yes.

14 MR. FEDORAK: Your Honor, in the conference
15 room?

16 THE COURT: Yes, in the back.

17 (At about 2:42 p.m., Recess Proceedings).

18 * * *

19 (At about 3:00 p.m., Resume Proceedings).

20 THE COURT: Back on the record. People versus
21 Hampton.

22 MR. FEDORAK: Again, Jurij Fedorak for the
23 People, Judge.

24 MR. SHEIKH: Good afternoon, your Honor. May
25 it please the Court, Azhar Sheikh, counsel here on

1 behalf of Curtis Lee Hampton, who's to my immediate
2 right. We're ready to proceed.

3 THE COURT: Go ahead.

4 MR. FEDORAK: I am ready to close. Just want
5 to make sure I get the jury instructions correct. Mr.
6 Palepu is working on them.

7 It's my understanding we'll have all the
8 standard jury instructions, the elements of the crimes
9 charged that we started with, plus second degree murder.
10 And there's no request for self-defense. And obviously,
11 the defendant not testifying, if it's in that stack,
12 will be removed.

13 MR. SHEIKH: It's not.

14 MR. FEDORAK: She's already copying them.

15 MR. SHEIKH: Your Honor, we did receive them
16 yesterday. I reviewed them.

17 THE COURT: I know. But, unfortunately, I
18 have her copying it with the defendant not testifying in
19 there.

20 MR. FEDORAK: Oh, I don't think -- it wasn't
21 in there to begin with.

22 THE COURT: Okay.

23 MR. SHEIKH: It wasn't it the stack that we
24 had.

25 MR. FEDORAK: The only one was the involuntary

1 manslaughter may have been in there, but we'll make sure
2 it's not.

3 MR. SHEIKH: Your Honor, the only thing we're
4 waiting for is the verdict form because we weren't sure
5 how you would rule on the manslaughter. I believe Mr.
6 Palepu is taking care of that right now.

7 THE COURT: Very good. We're ready for
8 closing arguments.

9 MR. FEDORAK: Yes, your Honor.

10 THE BAILIFF: All rise for the jury.

11 (At about 3:04 p.m., Jury Seated).

12 THE COURT: Mr. Sheikh, do you have any more
13 witnesses?

14 MR. SHEIKH: No, your Honor. At this point,
15 we would rest. Mr. Hampton, that is with your
16 permission, knowledge and consent?

17 MR. HAMPTON: Yes, your Honor.

18 THE COURT: Any rebuttal?

19 MR. FEDORAK: No, your Honor.

20 THE COURT: Proceed with closing arguments.

21 MR. FEDORAK: Thank you, your Honor.

22 Good afternoon, ladies and gentlemen. As we
23 indicated to you last week, we thought this case was
24 going to take about a week and-a-half, and that's
25 exactly where we're at. As I indicated to you in my

1 voir dire questions of you, you are going to be asked to
2 make one of the hardest decisions you've ever had to
3 make, not that it's hard to make a call on what happened
4 here, but it's a hard emotional thing that you had to go
5 through, and you lived through this entire case. You
6 lived this case in the last week and-a-half like Sharon
7 and Michael Rakowski have lived this case for two years
8 and a month or so, and it's time to close this case out
9 today, this afternoon.

10 I'm not trying to tell you to rush to
11 judgement. I'm not trying to tell you to ignore the
12 evidence in this case and find things that aren't there.
13 It's exactly the opposite.

14 In 25 years of doing this, I thought I've seen
15 it all. You don't -- you can't make this stuff up.
16 You're given a set of facts. The detectives reveal
17 evidence, they reveal facts, and then we present it to
18 you. We present what we have to go with and where the
19 truth leads us. And where the truth leads us is to a
20 terrible sequence of events on February 12th of 2015.

21 Let me get a formality out of the way. As I
22 indicated, there are five separate theories, five
23 charges about what the defendant should be held
24 responsible for and what took place on February 12th of
25 2015. In his own words, his own callousness, his own

1 anger cemented that in this process that we're living
2 here today.

3 Count I, first degree murder, the premeditated
4 killing of Monique Rakowski. An alternative theory,
5 Count II, homicide felony murder; did, while in the
6 perpetration or attempted perpetration of criminal
7 sexual conduct in the third degree, murder one Monique
8 Rakowski. Count III -- these are each separate crimes
9 alleged, and as I indicated to you in my opening this
10 entire case has been paired down from 30 some witnesses
11 to 19, to connect the dots and establish the foundation
12 of each and every element of these crimes charged, and
13 that's exactly what we've done for you. Attempted
14 criminal sexual conduct in the third degree, did attempt
15 to commit the following listed offense, and attempted to
16 commit that but failed in the perpetration. The only
17 reason he failed in the perpetration, ladies and
18 gentlemen, it is established, in his own words, he
19 unjustifiably killed Monique. Homicide felony murder,
20 Count IV, regarding Carmon. He did, while in the
21 perpetration or attempted perpetration of child abuse in
22 the first degree, murder one Carmon Rakowski. And
23 subsequent, Count V, child abuse in the first degree;
24 did knowingly or intentionally cause serious physical
25 harm to a child. The assault, the stabbing of that

1 child, living or not living, is the child abuse, and the
2 death is the felony murder, Count IV, of the child
3 abuse. All you have to find is that child was hurt at
4 his hands, he inflicted some type of assault, living or
5 not. But, we all know what happened. That child
6 expired and so did Monique. He's guilty on each and
7 every one of those counts.

8 The judge is going to -- that is what I told
9 you at the beginning of this case, and now Judge Faunce
10 is going to add a possible lesser verdict of second
11 degree murder regarding Monique and the felony murder.
12 But, the bottom line, ladies and gentlemen, I'm not even
13 going to talk about it because there's no evidence in
14 this case that even establishes that lower level, that
15 second degree. It's not. It's exactly how we started
16 this case.

17 Judge Faunce is going to read you the first
18 degree premeditated murder, first degree felony murder,
19 and all those instructions. I'm not going to go over
20 it.

21 We connected the dots. I'm not going to go
22 through the power point. Nobody wants to see the
23 bathroom pictures anymore. Nobody wants to see Carmon
24 stacked up on her mother and discarded like the
25 defendant did that night. We're going to talk about

1 some of those pictures because it just -- those pictures
2 scream out to establish all his lies to you earlier
3 today. He didn't clean up three bottles worth, 2250
4 milliliters approximately of blood. That wasn't him?
5 No, he wants you to believe he's the good guy. He makes
6 scrambled eggs, he watches Bambi with his daughter, he
7 does all the right things and it's Monique who's the
8 crazy person. The victim was not on trial, but that's
9 the way he wants you to portray it, it's all her fault.

10 The only reason that we are here, ladies and
11 gentlemen, is the payments weren't made on his behalf,
12 somebody else giving him money; mom screwed up or mom
13 did this; Monique got me mad, I had to do this.

14 Look how he was with me, ladies and gentlemen,
15 in this courtroom today before you. Can you imagine
16 what he's like when he's on a roll in Monique's house.

17 We agreed to several things. When I was
18 asking him questions, we definitely agreed. He's a
19 coward. He's absolutely a coward. He failed in his
20 relationship with Monique. He failed being a father to
21 Carmon. He failed miserably. The problem is we have to
22 live with it now. The Rakowski family has to live with
23 his failure, with the defendant's failure. Failing and
24 only hurting yourself is one thing, but doing what he
25 did, ladies and gentlemen, which the evidences

1 establishes, will never go away.

2 They will never see their daughter again.
3 They will never see their granddaughter again. And I
4 didn't think it was possible, ladies and gentlemen, to
5 inflict more pain onto Michael and Sharon Rakowski than
6 what has already happened, but to get up there and
7 testify the way he did, and make excuses, cheap excuses
8 of blaming everybody else taints Monique's memory, that
9 poor innocent child's memory. I didn't think the
10 defendant could do anything worse than what already had
11 happened on February 12th, but we did see something
12 worse today in his lies and excuses.

13 All those exhibits were put in this binder,
14 all those pictures. If there's any questions you have,
15 you get to see them. I'm not going to show them to you
16 again. I don't want to struggle with those tough
17 pictures. I don't want you to. But, I have a job to do
18 and I've got to go over these elements. I'm going to
19 fast forward to the end right now. If you need to see
20 them, they're all in here.

21 Let's help the defendant end this today.
22 Let's close this out and hold him responsible to the
23 level that he needs to be held responsible. You're the
24 judges of the facts. We all know what happened in this
25 case. He's guilty of each and every one of those counts

1 as originally charged.

2 Now, I have the burden of proving this case.
3 I told you that from day one, kept repeating that last
4 week. We have, each and every element of the crime. We
5 haven't answered every last question for you, but that
6 doesn't take away from the elements of the crime, that
7 doesn't show that he's not guilty of one or two or three
8 of the crimes. Yeah, we can speculate as to exactly how
9 it happened. But, as we all know, one coward walked out
10 of that house at about 4:30 on February 13th, 2015, and
11 the truth, the complete truth, we all know what
12 happened, but the complete truth is still buried in him
13 and he was hiding it from you all afternoon.

14 Thank you, Judge.

15 THE COURT: Mr. Sheikh.

16 MR. SHEIKH: Yes, your Honor. Thank you.

17 Good afternoon, ladies and gentlemen of the
18 jury. This will be the last time that I'll be speaking
19 to you. The way that our system works, as you heard
20 when we were picking the jury, is that there are certain
21 concepts that we follow. First one is presumption of
22 innocence. Second one is they have the burden to prove
23 everything beyond a reasonable doubt. I know you've
24 heard all of that before, but the reason that that's
25 relative now is because they have the burden. They get

1 to get up here twice. After I'm done, Mr. Fedorak will
2 get back up here and be able to address you folks one
3 more time. And no matter what he says or what he shows
4 you, I will not be allowed to respond. That's the way
5 our system works. So, please pay a little extra
6 attention to what I'm saying, okay.

7 First of all, on behalf of her Honor, myself,
8 and the whole judicial system, we would like to thank
9 you folks for sitting on a very difficult case. I don't
10 recall any of you being on a jury before where you sat
11 all the way through, but this case went extremely fast.
12 Part of the reason that it went very fast, Mr. Fedorak,
13 Mr. Palepu and Detective Madonia were very, very
14 professional in getting all the documents to myself, the
15 pictures and everything. You notice, if you think back,
16 you never saw me get up and object to a single picture
17 or anything. If they hadn't been so professional and
18 forthcoming with everything, we would have been here
19 much, much longer. So I do want to commend them for
20 maintaining their professionalism.

21 Now, as far as jobs, as I indicated to you,
22 it's not like on TV, where we're at each other's
23 throats. Ninety percent of what we agree with we agree
24 with each other. It's the other 10 percent that brings
25 us here most of the time. Just like I know I can't get

1 back up here no matter what he says. So, by the same
2 token, he also knows that he has the burden of proof.
3 And having that burden of proof, these charges involve
4 first-degree premeditation as to the murders. We're
5 going to talk about that in a minute, but I want to get
6 a couple of things out of the way.

7 As far as the CSC is concerned, first of all,
8 the charge is attempted CSC, which is attempted criminal
9 sexual conduct. What we've heard here is invariably
10 that either Mr. Hampton went over there with intent just
11 to see Monique, maybe have sex with her or see her one
12 last time, or whatever, or let her know what happened as
13 far as the bench warrant situation, and he made have
14 cuddled with her, and he may have indicated some things
15 about wanting to cuddle with her, and perhaps asking for
16 sex, and once she said no, there's no indication that
17 anything at all was done to further it anything beyond
18 that. Don't forget, these people have been in a
19 relationship for well over a year. They've lived
20 together at different places. They lived together in
21 the trailer in Sterling Heights, they lived together in
22 the house on Normandy in Eastpointe, and they have a
23 child together. And they do have a very unfortunate
24 relationship. From the things that Mr. Hampton said, it
25 seems that perhaps both of them were recklessly

1 impulsive in some of the things they did, that they did,
2 and that's unfortunate.

3 But, let's continue on the CSC charges.
4 Absolutely no indication that you will see. You can
5 look back all you want, you can look at that binder that
6 Mr. Fedorak just alluded to, and you can look at your
7 notes and everything. There was absolutely nothing
8 found that indicates that anything was done other than
9 perhaps a request being made and, once it's denied, that
10 was the end of that.

11 As far as another charge, that's the charge of
12 child abuse as to Carmon. That, too, likewise, if you
13 look back, there's absolutely no evidence as to anything
14 of that, other than we know that she died and we know
15 she had a puncture wound that took her life.

16 What we also know is that a medical examiner
17 who came in here, who's qualified as an expert, Daniel
18 Spitz, indicated that he did an x-ray on Carmon Rakowski
19 and there was not a single broken bone, fracture or
20 anything else. We know that some of the things that
21 were very unpleasant to look at, which is the pinkness
22 on her back and perhaps legs and thighs, was lividity,
23 which is the pooling of the blood after or right around
24 the time of death. There was absolutely no injuries.
25 If you also look at the picture, and want to look at

1 them again for the purpose of looking at her nutrition,
2 she seems very-well nourished, doesn't seem to have been
3 starving or anything in that sense. So there is
4 absolutely no child abuse.

5 These charges are brought in just to make my
6 client look worse than he is. He's not the brightest
7 guy and he didn't handle these things the way she should
8 have, that's for sure. And, he's basically admitted
9 that. That takes a lot. I don't think that makes him a
10 coward. That means he's stepped up here and he has
11 indicated, look, what I did was wrong. He's ashamed of
12 it. I mean who's going to be sitting there proud of all
13 this stuff that happened. But, ladies and gentlemen,
14 those two things are red herrings that are part of the
15 charges here just to get you all upset so they can bring
16 in all this other testimony and stuff. Look back,
17 there's no first abuse, there's no CSC. So, as to those
18 two charges, I would ask you to follow the law, put your
19 sympathy aside, and follow the court rules and the jury
20 instructions as her Honor is going to give them to you,
21 and I don't think you'd be left with any other
22 conclusion but not guilty as to attempted sexual
23 misconduct charge and also as to the child abuse charge.

24 As far as the other charges, first degree
25 felony murder and first degree murder as to Monique

1 Rakowski and as to Carmon Rakowski, we've done a lot of
2 talking here. By that I mean the multiple attorneys and
3 everybody else, the different witnesses. The evidence
4 sometimes speaks for itself. We know that a horrible
5 tragedy occurred. But I don't think you heard from any
6 person exactly what happened to Carmon. The only person
7 that you heard that from is Mr. Hampton. And if you
8 think about it, if this person is going to go off and
9 stab and injure Monique 14 times, 15 times, 16 times,
10 what ever the actual time may be depending on how you
11 measure it, let's just say 16, all right, you think he's
12 going to sit there and just stab his child just one time
13 and have the knowledge to have done it in such a manner
14 to put a tiny, almost not visible puncture in her
15 onesie. Also, if you look at some of the pictures, if
16 you recall them, you'll see a little tiny puncture wound
17 you hardly can see; and also, once the clothes are off
18 and stuff.

19 The point is, if you think about it, it seems
20 to be much more consistent with an accident. It's not
21 very deep. It's just most unfortunate that it ended up
22 in that little young lady's heart and lung, and that's
23 why she passed away so quick.

24 Now, we don't have an answer here. They have
25 not actually got up here and definitively told you we

1 think that Mr. Hampton killed Carmon in the bedroom or
2 in the bathroom, in the hallway or where else, or for
3 what motivation, or for what ever reason, whether he
4 supposedly did it first to try to somehow inflict
5 emotional and everlasting pain on Monique, or whether he
6 did it after, or whether something else because of the
7 struggle. There's absolutely no proof. So as to that
8 goes, ladies and gentlemen, as heartbreaking as it is,
9 they'll want you to look at the pictures again and
10 again, there's a very natural urge to want to blame
11 somebody immediately and seriously when you see tragedy
12 that's horrific, which it truly is.

13 When I first got this case and got an idea
14 what it was about, I have grandkids that age, I was just
15 -- I've been doing this a long time. I was just like
16 not wanting to look at anything because it's
17 just -- and, you know, but I had to. And then, after
18 that, I looked at everything, looked at the facts, what
19 was stated, what was consistent, and then I was able to
20 go on, as I'm here. So I would ask you to show the
21 strength that you have. Don't just act on your emotions
22 when you go back there.

23 A long time ago, back I believe in the 1600s,
24 people did that. That was the Salem witchcraft trials.
25 People would come up and say, look, this lady's in the

1 water, if she swam, she was a witch, if she didn't swim,
2 oh, my bad, she's gone. And, other things like that
3 that they would do. There were 19 people that were
4 actually executed in some manner, killed, in these
5 United States of America, Salem, Massachusetts, and not
6 one of them we can argue was truly a witch. It was
7 because of the hysteria, things people were saying,
8 sometimes people were turning other people in, just in
9 terms of saying I think this person's a witch. And once
10 that happened, you had to prove that you weren't. And
11 that was actually one of the tests, we put you on a
12 stake and if you were a witch, you'd escape; if not, you
13 died. I mean it doesn't make any sense and you can see
14 how horrible that is. So I'm asking you not to get
15 caught up in the emotion of it.

16 I'm also not trying to BS you in any way,
17 shape or manner. Look at everything. If that's the
18 conclusion you draw, we respect your collective opinion
19 and that's what we will all abide by, no matter what it
20 is. Please just don't let your emotions dictate you as
21 to that. So I don't think that you will find beyond a
22 reasonable doubt, which is what the law requires, that
23 Mr. Curtis Hampton did any affirmative act in any way,
24 shape or manner to cause the death of Carmon Rakowski.

25 Now, as far as Monique Rakowski, he's already

1 told you, yes, he did. He's gone back and forth between
2 blacking out, not seeing it, and being upset, it
3 happened in the bathroom and so forth like that. It's
4 horrible. Nobody deserves what happened to Monique
5 Rakowski. Any of this testimony about whether she drank
6 or not or what ever else was going on, she totally has a
7 right to do what ever she wants in this life. And it's
8 very unfair, because we've been talking about her for
9 days and the poor lady's not here to speak on her own
10 behalf. That may seem ironic, and it is, I just mean in
11 terms of, you know, we could get a better perspective on
12 things, you know, as to what was happening. Because I
13 mean, to me, I can't understand why, if there was
14 domestic violence, she would ever have taken him back at
15 all after the first time that it happened. She's got
16 her home, she's got her parents looking out for her,
17 she's independent. And also, if she felt as threatened
18 by him as we see from some of the texts by Mr. Witt and
19 so forth, some of the other testimony, why would she
20 have ever left Carmon with him. Just think about that.
21 This is right up to the day of the incident and so
22 forth. So things happen in relationships, you know,
23 that are crazy.

24 And same with Mr. Hampton. If she's as moody,
25 for lack of a better word, as he indicates, and if he's

1 not fond of her certain activities or what ever she
2 wants to do, I don't know why he kept going back, but he
3 did.

4 He's not charged with being a foolish person
5 here or what ever. He's charged now with killing her,
6 which admits it did happen at his hand.

7 Now, let's look back at the first and the
8 second degree. He was there for days. Have you heard
9 any testimony from anybody at all that he was not there
10 for days? By that I'm talking about we don't know
11 exactly when, but he was there the 11th, the 10th, the
12 9th, the 8th, perhaps the 7th. Invited over. He's
13 already testified that when she was in Oklahoma she was
14 in touch with him, when she came back she let him know
15 that she was back and they could get together, and then,
16 unfortunately, Carmon got ill.

17 The reason the timings of these things are
18 real important is that if you remember back when we had
19 the opening statements in this case, the prosecution
20 would have had you believe that Mr. Hampton lived with
21 his mother or elsewhere somewhere, he gets this letter
22 that says go to jail, go directly to jail, and he said
23 you know what, before I go to jail I have to go get some
24 sex, and he went over to Monique's house that day and
25 said give me some sex, and she said no, and he said I

1 don't care if you have a baby or nothing, I'm going to
2 do something crazy. That doesn't make any sense and we
3 know that's not what happened. He was there that day,
4 he woke up, he'd been there for days. So he didn't go
5 there with any intention of that, like you would in a
6 premeditated first sort of situation. So, think about
7 that.

8 Second part is that I think there's been some
9 insinuation that somehow Mr. Hampton was allowed back
10 into Monique and Carmon's life once she got ill, and
11 that's not the case either. They were already, she had
12 already come up from Oklahoma. I think the testimony
13 was Carmon didn't get sick until she was here in
14 Michigan. You heard Mr. Hampton indicate they saw some
15 growth, they tried to treat it with Motrin and Tylenol,
16 I believe, and when that wasn't sufficient they saw it
17 was a problem that warranted more. We know that
18 Mrs. Rakowski testified that Monique was deathly scared,
19 that this was very, very scary, little tiny baby has
20 got a growth on it and so forth like that; very
21 stressful time period for them.

22 But, again, the timing. It's not that the
23 baby got sick and she said, oh, my God, I can't stand
24 Curtis Hampton, he's a serious threat to me, but I need
25 somebody here with me so I'll call him. That's not what

1 happened. They were already back together.

2 So, now, back to the injuries. Not one of the
3 injuries that we know, no matter how much they have
4 tried to indicate to you -- that Rapala knife, I've
5 never heard of the word Rapala before, but I'm not a
6 successful fisherman. But that doesn't necessarily mean
7 that that's only a fishing knife or that's all it's used
8 for, whatever. Despite all of that, there's been no
9 indication, no proof that any of the knives were brought
10 to the house by Mr. Hampton. We know that there's
11 multiple knives. That also doesn't make any sense. If
12 he's going to commit first degree murder, he's going to
13 go over there and say, okay, I'm going to go over there
14 and see my girl and get rid of her, as Davone Phillips
15 had said, I believe, and he's thinking, okay, if she
16 doesn't do what I want her to do I'm going to go off on
17 her. I think he would have brought a big knife, a gun
18 or whatever else along that line. Doesn't make any
19 sense that that would have happened. Again, that
20 negates the premeditated aspect of the murder of Monique
21 Rakowski.

22 What about after the fact? According to his
23 testimony and according to what we really can't dispute,
24 other than speculation, is that Monique, when her hair
25 was in front of her, she's upset, she stabbed him, may

1 have accidentally, or did, in fact, accidentally stab
2 Carmon. As to exactly at what point Carmon died or who
3 knew when she did, he goes in there, he brings Carmon
4 and puts her to be with her mother the best that he can.
5 He tries to give her first aid, he puts the pacifier in
6 her mouth, he puts the coins on the eyes of Monique
7 Rakowski.

8 Now, remember, this is Monique Rakowski's
9 house, the home on Normandy in Eastpointe, meaning that
10 I would, I would submit that most of the decorations
11 were of her choosing or at least of her consent. So she
12 had this poster up of Boondock, what ever, the second
13 part escapes me, the movie, Boondock something.

14 MR. HAMPTON: Saints.

15 MR. SHEIKH: Saints. Boondock Saints.

16 So, again, doesn't make a whole lot of sense.
17 But, in his mind, what ever comfort he tries to give
18 her. I know that seems facetious but, just think, does
19 any of this resonate with first-degree murder.

20 And even though he's not successful and they
21 may be pretty lame attempts, because I think we all know
22 you can't really drown yourself, just like you can't
23 choke yourself, your nervous system would not allow it.
24 The only way to drown yourself, of course, is if you
25 jump into very deep water. But, I've never heard of

1 drowning in a bathtub unless if somebody took a lot of
2 pills and then just nodded out and never woke up. But,
3 in his lame mind, in his efforts, with his remorse,
4 guilt, what ever it was, he attempted to do that. And
5 what did he do? He stayed at the house. It's not like
6 he's like, okay, I've got to get out of here, I've got
7 to pack all my belongings.

8 So, now, what does he do? If he's such a
9 first-degree murder-committing guy, why in the world
10 would you go to mamma's house? That's the last place in
11 the world, you know, to meet up with your mom. And,
12 then, you go to your cousins. Everywhere you go, you're
13 being honest. They're telling you that they're
14 distraught. Some people see a knife sticking out of
15 your chest, some think they see it, some hear you talk
16 about it, talk about it right from the beginning, before
17 you see a single attorney, before you've had any time to
18 come up with any BS story that you can present in March
19 of 2017. You already indicated this is what happened
20 and Monique accidentally stabbed me and I just went
21 crazy, and I feel horrible, it's just pitiful, I should
22 not have done it; blaming yourself because if you didn't
23 have a warrant, if you hadn't went over there, if she
24 hadn't tried to stab you, the baby -- whatever it is.
25 We don't know at what point or whatever. The bottom

1 line is blaming yourself goes right in with that,
2 because you take some responsibility for what happened
3 in that regard.

4 Then, what happens? Pretty much consistently
5 everybody says, the cousin, the brother, the mother,
6 everybody, you've got to turn yourself in or get with
7 the police or what ever, and that's exactly what he
8 does. And, again, there was an effort here to try to
9 minimize that, to try to make it sound like, okay, the
10 brother-in-law -- well, obviously, they're not very
11 close. If you recall, he said he had been married to
12 Mr. Hampton's sister for 15 years and he said he'd only
13 seen him like five times. If you think about it, that's
14 not even Christmas. It's like once every three years.
15 Not terribly close. Not a really big guy. But, we know
16 he carries I believe two weapons, he indicated, because
17 he has a CPL permit because he's in the security
18 profession. But, he didn't say anything about I had to
19 threaten him or I had to tell him I'm going to take you
20 down there and you're going to turn yourself in. I'm
21 going to take you down to the closest police station.
22 They get there, what happens? Goes there in the truck.
23 He said he didn't remember if he left the keys in or
24 not, but he certainly didn't see Mr. Hampton as a threat
25 or anything, went there together and so forth, or he

1 would have taken them with him or something, leaves them
2 in the truck. So, probably, it's more credible that he
3 did, in fact, leave the radio on or at least left the
4 keys in the truck.

5 He goes in, and just like they shouldn't, they
6 really didn't take this very seriously, problems, you
7 know, people and law enforcement officials. So,
8 naturally, they would panic. Why is somebody just
9 coming in with this story or something, especially if
10 they knew that he had guns. He came back out. That's
11 when he saw Curtis again. Then, he went back in, got
12 them, and they performed everything we heard, from the
13 corporal that was here yesterday, to I believe Detective
14 Madonia and everybody else, he complied. His hands up,
15 gave his DNA, gave the knife, gave the lengthy statement
16 that we keep hearing about, to the police, and at that
17 point in time not a single time has he ever indicated
18 that he harmed Carmon and not a single time has he
19 denied that he killed Monique. He explained the things
20 that happened, you know, and how it all was in a jumble
21 and so forth like that.

22 Now, when they point to some of his
23 inconsistencies and point to some of these things that
24 they think that, you know, he said this and said that,
25 if you remember, when they came in here they made a big

1 point of indicating to you that Detective Madonia had
2 been up all night, and the next day how little sleep he
3 had had by the time he was doing this, because that's
4 the nature of their profession. And as we all know, we
5 probably seen it on TV, First 48 or something, it's
6 almost like fire fighters where they work, you know,
7 sometimes 24-hour shifts or something. But, by the same
8 token, again, not for purposes of sympathy, by the same
9 token, this man's been on the run for two days. Doesn't
10 know where to go. He went to his mother, he tried to
11 say his goodbye's, he's trying to do what he can. He's,
12 obviously, not at the top of this game either. He's
13 sitting there answering the police questions and
14 they're, you know, you got two police officers throwing
15 questions at you, going back and forth. If you're going
16 to be inconsistent about something, whether you got one
17 Black and Mild or whether you got two, what difference
18 does it make? If you're inconsistent about some things
19 -- actually, to this minute, when I was questioning him,
20 if you remember, I kept saying the 11th, the 12th and
21 the 13th, the date of the incident, there became some
22 confusion, what do you consider the date of the
23 incident, because we know it occurred on the night I
24 believe of the 11th, going into the 12th, but then he
25 stayed there for so many hours and left on the 13th. So

1 even that, even for us here in this courtroom, and your
2 notes may have some difficulty exactly saying what's the
3 date of the incident, when did it start, when did he
4 turn himself in, when did he go to mama's house.

5 So, in that regard, ladies and gentlemen, not
6 a single thing prior to the death of Monique Rakowski,
7 during the commission of the offense or anything after
8 it indicates any level of premeditated planning,
9 deliberate action on behalf of Mr. Hampton to end her
10 life.

11 I'm not going to sit here and be disrespectful
12 and say find him not guilty. But, I think if you do
13 find him guilty of something, it's second-degree murder
14 as to Monique Rakowski.

15 Your Honor, may I confer before I pass?

16 THE COURT: Yes, absolutely.

17 MR. SHEIKH: I don't want to be condescending
18 one more time and I thank you folks because between Mr.
19 Fedorak and myself I think we have almost a half a
20 century. This has truly been a very, very difficult
21 case. I don't know how difficult it's been for you
22 folks. God bless you. What ever your decision is, we
23 will abide by it, we will respect it. Thank you for
24 doing your service.

25 Nothing further, your Honor.

1 THE COURT: Thank you, Mr. Sheikh.

2 Rebuttal.

3 MR. FEDORAK: Mr. Sheikh indicated to you that
4 there's -- we did not definitively tell you how this
5 happened. We can't. I don't think anybody can. And as
6 I told you before, you're going to have some
7 curiosities, but those curiosities are not going to
8 undermine the fact that I have satisfied my burden, I
9 have followed the rules that Judge Faunce gave to you,
10 and I have given you enough evidence on each and every
11 element of the crimes charged to find the defendant
12 guilty of Counts I, II, III, IV and V, not second-degree
13 on Monique. It's first. We know it. This case screams
14 it.

15 And let me tell you when I ask and remind you
16 of the question and answer session with Detective
17 Madonia, we have definitively told you how this
18 happened. We have pieced it together. The Blue Star
19 pictures do it, common sense does it, your own life
20 experiences do it. And you seeing through the lies,
21 excuses and constant blaming of others shows you exactly
22 what happened in that house.

23 Monique's ignoring him. You can picture it.
24 Monique's ignoring him that night. She let him back in
25 because Carmon, in her mind, was deathly ill and they

1 sweated out a potentially cancerous situation and so
2 forth. Thank God it was just an infectious wound. You
3 heard the grandfather testify, based on his medical
4 knowledge, she's over the hump, all the stress is off,
5 it's just an infection, everything's great. She's at
6 home, a home that's provided for by the Rakowskis, a
7 home that Monique -- it's hers. She has chosen someone
8 else. She is not going to stay and be abused by a man
9 who doesn't have a car, who doesn't have a job, who
10 doesn't have cash for cigarettes, who doesn't have
11 anything. It's all Monique's stuff. Monique wants a
12 better life than that. She doesn't want an orbital bone
13 broken. She's not going to succumb to his advances,
14 pushing himself on her that night.

15 You can picture it, ladies and gentlemen.
16 She's laying in bed with her child. The defendant walks
17 into that room, snuggles up against her, like he said in
18 his own words. She's pushing him off, doesn't want to.
19 Maybe she got mad. Maybe she got angry. When a man's
20 pushing himself up on a woman, does the woman have a
21 right to say no and push back? Absolutely. She gets up
22 out of that room, out of that bed. And what's the
23 easiest thing? Just get away from him. Isn't the best
24 way to avoid having to have sex with him by bringing the
25 baby to bed and just trying to pretend. And remember

1 his words, she was playing possum. Him, his testimony.
2 Remember that this morning? Playing possum.

3 He got upset because he was blown off in the
4 family room. She wasn't paying him the attention. He
5 gets noseey, looks in her phone, sees the pictures of the
6 new husband and knows that this is coming to an end.
7 He's going to have to move back in with his mother, away
8 from Monique and, in his words, all he wanted, ladies
9 and gentlemen, don't forget, he just didn't want to be
10 number two to some bitch that he's trying to be number
11 one with. Those were his words.

12 She gets up out of the bed, starts walking
13 away, he starts stabbing her in the back. The evidence
14 will establish. What do you think, common sense,
15 happened? She fell down in the doorway. She fell down
16 in the hallway. Her upper torso presses against the
17 walls, the walls that he never cleaned, the floors that
18 he never swept. He never cleaned all the blood off.
19 Then, goes out, down the hallway. Lock yourself in the
20 bathroom, protect yourself, get away from him. You've
21 got the multiple stab wounds in the back. He flips you
22 over and now he starts with two hands, his words,
23 stabbing, stabbing, stabbing. Thirteen stab wounds,
24 three other possibly defensive wounds on the fingers.

25 I am definitively telling you what happened

1 because the evidence establishes that. The physical
2 evidence supports that.

3 Now, what do you do? My life's over. It was
4 going to be a murder/suicide but it's a
5 murder/murder/suicide. I'll admit to the first 16 stab
6 wounds, but no man can ever admit to stabbing his own
7 child. I will just come up with more cheap excuses;
8 Monique's hair was in her eyes and she did it
9 accidentally.

10 But, that's okay, we're going to cross over to
11 the other side. We're going to cross that river with
12 the ferryman tokens from Charon, and I'm going to drown
13 myself in the tub, but I can't because I'm a coward.
14 You're damn right, he's a coward. He was a coward for
15 the next 36 hours, until the Eastpointe police
16 department and him turning himself in solved this case.
17 They were on his heels right after Mr. Rakowski found
18 his daughter and his granddaughter lying in the bathroom
19 on a cold tile floor.

20 Now, Mr. Sheikh was right, I threw a lot of
21 bad pictures at you, but I've got one picture I want to
22 show you, and this is the picture you walk away with
23 from this case, ladies and gentlemen.

24 Don't remember the bathroom -- you've got to
25 remember the bathroom pictures during deliberation. Put

1 that evidence together, decide what you need to decide.
2 But, this is the picture you should walk away with from
3 this case when you think back on this difficult process
4 you had to go through. Don't give him the satisfaction.
5 Hold him accountable. I thank you.

6 THE COURT: Members of the Jury -- and my
7 court officer is giving you the jury instructions. The
8 evidence and arguments in this case are finished and I
9 will instruct you on the law, that is I will explain the
10 law that applies to this case. Remember that you have
11 taken an oath to return a true and just verdict based
12 only on the evidence and my instructions on the law.
13 You must not let sympathy or prejudice influence your
14 decision. As jurors, you must decide what the facts of
15 this case are. This is your job and nobody else's. You
16 must think about all the evidence and then decide what
17 each piece of evidence means and how important that you
18 think that it is. This includes whether you believe
19 what each of the witnesses said. What you decide about
20 any fact in this case is final. It is my duty to
21 instruct you on the law. You must take the law as I
22 give it to you. If a lawyer says something different
23 about the law, follow what I say. At various times,
24 I've already given you some instructions about the law.
25 You must take all my instructions together as the law

1 you are to follow. You should not pay attention to some
2 instructions and ignore others. To sum it up, it is
3 your job to decide what the facts of this case are, to
4 apply the law as I give it to you, and in that way
5 decide the case.

6 A person accused of a crime is presumed to be
7 innocent. This means that you must start with the
8 presumption that the defendant is innocent. This
9 presumption continues throughout the trial and entitles
10 the defendant to a verdict of not guilty unless you are
11 satisfied beyond a reasonable doubt that he is guilty.

12 Every crime is made up of parts called
13 elements. The prosecutor must prove each element of the
14 crime beyond a reasonable doubt. The defendant is not
15 required to prove his innocence or to do anything. If
16 you find that the prosecutor has not proven every
17 element beyond a reasonable doubt, then you must find
18 the defendant not guilty. A reasonable doubt is a fair,
19 honest doubt growing out of the evidence or lack of
20 evidence. It is not merely an imaginary or possible
21 doubt, but a doubt based on reason and common sense. A
22 reasonable doubt is just that, a doubt that is
23 reasonable after a careful and considered examination of
24 the facts and circumstances of this case.

25 The defendant is charged with the crime of

1 first-degree premeditated murder. To prove this charge
2 the prosecutor must prove each of the following elements
3 beyond a reasonable doubt. First, that the defendant
4 caused the death of Monique Rakowski, that is that
5 Monique Rakowski died as a result of multiple stab
6 wounds; second, that the defendant intended to kill
7 Monique Rakowski; third, that this intent to kill was
8 premeditated, that is thought out beforehand; fourth,
9 that the killing was deliberate, which means that the
10 defendant considered the pros and cons of the killing
11 and thought about and chose his actions before he did
12 it. There must have been real and substantial
13 reflection for long enough to give a reasonable person a
14 chance to think twice about the intent to kill. The law
15 does not say how much time is needed. It is for you to
16 decide if enough time passed under the circumstances of
17 this case. The killing cannot be the result of a sudden
18 impulse or without thought or reflection; fifth, the
19 killing was not justified, excused or done under
20 circumstances that reduce it to a lesser crime.

21 The defendant is charged with the crime of
22 third-degree, attempted third-degree criminal sexual
23 conduct. To prove this charge the prosecutor must prove
24 each of the following charges beyond a reasonable doubt.
25 First, that the defendant engaged in a sexual act that

1 involved sexual penetration, force or coercion -- I'm
2 sorry, with another person, and force or coercion is
3 used to accomplish the sexual penetration. Force or
4 coercion means the defendant either used physical force
5 or did something to make Monique Rakowski reasonably
6 afraid of present or future danger. To establish an
7 attempt the prosecutor must prove beyond a reasonable
8 doubt that the defendant intended to commit the crime of
9 criminal sexual conduct and that he took some action
10 toward committing that crime but failed to complete it.
11 It is not enough to prove that the defendant made
12 preparations for committing the crime. Things like
13 planning the crime or arranging how it will be committed
14 are just preparations. They do not qualify as an
15 attempt. In order to qualify as an attempt the action
16 must go beyond mere preparation, to the point where the
17 crime would have been completed if it had not been
18 interrupted by outside circumstances. To qualify as an
19 attempt, the act must clearly and directly be related to
20 the crime of criminal sexual conduct and not some other
21 objective.

22 You may also consider the lesser charge of
23 second-degree murder. To prove this charge the
24 prosecutor must prove each of the following elements
25 beyond a reasonable doubt. First, that the defendant

1 caused the death of Monique Rakowski by multiple stab
2 wounds; second, that the defendant had one of these
3 three states of mind, he intended to kill, or he
4 intended to do great bodily harm to Monique Rakowski, or
5 he knowingly created a very high risk of death or great
6 bodily harm, knowing that death or such harm would be
7 the likely result of his actions.

8 The defendant is charged with the crime of
9 first-degree felony murder. To prove this charge the
10 prosecutor must prove each of the following elements
11 beyond a reasonable doubt. First, that the defendant
12 caused the death of Carmon Rakowski by a stab wound to
13 the chest with perforation of the heart and lung;
14 second, that the defendant had one of these three states
15 of mind, he intended to kill, he intended to do great
16 bodily harm to Carmon Rakowski, or he knowingly created
17 a very high risk of death or great bodily harm knowing
18 that death or such harm would be the likely result of
19 his actions; third, that when he did the act that caused
20 the death of Carmon Rakowski the defendant was
21 committing or attempting to commit the crime of
22 first-degree child abuse.

23 To prove the charge of first-degree child
24 abuse the prosecutor must prove each of the following
25 elements beyond a reasonable doubt. First, that the

1 defendant, Curtis Hampton, is the parent of Carmon
2 Rakowski; second, that the defendant either knowingly or
3 intentionally caused serious physical harm to Carmon
4 Rakowski. By serious physical harm I mean any physical
5 injury to the child that seriously impairs that child's
6 health or physical well-being, including but not limited
7 to brain damage, subdural hemorrhage or hematoma, or
8 internal injury; third, that Carmon Rakowski was under
9 the age of 18 at the time.

10 To prove the charge of first degree child
11 abuse the prosecutor must prove each of the following
12 elements beyond a reasonable doubt: First, that the
13 defendant, Curtis Hampton, is the parent of Carmon
14 Rakowski; second, that the defendant either knowingly or
15 intentionally caused serious physical harm to Carmon
16 Rakowski. By serious physical harm I mean any physical
17 injury to the child that seriously impairs that child's
18 health or physical well-being, including but not limited
19 to brain damage, subdural hemorrhage or hematoma, or
20 internal injury; that Carmon Rakowski was under the age
21 of 18 at the time.

22 You may also consider the lesser charge of
23 second-degree murder. To prove this charge the
24 prosecutor must prove each of the following elements
25 beyond a reasonable doubt. First, that the defendant

1 caused the death of Carmon Rakowski by a stab wound of
2 the chest with perforation of the heart and lung;
3 second, that the defendant had one of these three states
4 of mind; he intended to kill or he intended to do great
5 bodily harm to Carmon Rakowski, or he knowingly created
6 a very high risk of death or great bodily harm knowing
7 that death or such harm would be the likely result of
8 his actions.

9 The defendant is charged with attempting to
10 commit the crime of third-degree criminal sexual
11 conduct. To prove the defendant's guilt the prosecutor
12 must prove each of the following elements beyond a
13 reasonable doubt: First, that the defendant --

14 MR. FEDORAK: Your Honor, may counsel and I
15 approach?

16 THE COURT: Yes.

17 (At about 3:51 p.m., Discussion Side Bar).

18 THE COURT: I'm missing one page. You will
19 get it after we send you into the jury room.

20 MR. FEDORAK: Thank you, Judge.

21 THE COURT: The defendant is charged -- you
22 don't have this page. You will get it after.

23 The defendant is charged with the crime of
24 first-degree felony murder. To prove this charge the
25 prosecutor must prove each of the following elements

1 beyond a reasonable doubt. First, that the defendant
2 caused the death of Monique Rakowski by multiple stab
3 wounds; second, that the defendant had one of these
4 three states of mind; he intended to kill, he intended
5 to do great bodily harm to Monique Rakowski or he
6 knowingly created a very high risk of death or great
7 bodily harm knowing that death or such harm would be the
8 likely result of his actions; third, that when he did
9 the act that caused the death of Monique Rakowski the
10 defendant was committing or attempting to commit the
11 crime of criminal sexual conduct in the third degree.

12 To prove the charge of attempted criminal
13 sexual conduct, third degree, the prosecutor must prove
14 each of the following elements beyond a reasonable
15 doubt. First, that the defendant engaged in a sexual
16 act that involved sexual penetration with another person
17 and force or coercion is used to accomplish the sexual
18 penetration. Force or coercion means that the defendant
19 either used physical force or did something to make
20 Monique Rakowski reasonably afraid of present or future
21 danger. To establish an attempt, the prosecutor must
22 prove beyond a reasonable doubt that the defendant
23 intended to commit the crime of criminal sexual conduct
24 and that he took some action toward committing that
25 crime but failed to complete it. It is not enough to

1 prove that the defendant made preparations for
2 committing the crime. Things like planning the crime or
3 arranging how it will be committed are just
4 preparations. They do not qualify as an attempt. In
5 order to qualify as an attempt the action must go beyond
6 mere preparation to the point where the crime would have
7 been completed if it had not been interrupted by outside
8 circumstances. To qualify as an attempt the act must
9 clearly and directly be related to the crime of criminal
10 sexual conduct and not some other objective. And, last,
11 that the killing was not justified excused or done under
12 circumstances that reduce it to a lesser crime.

13 I think we already explained the next
14 instruction, which is incorporated into the one I just
15 read you but we're going to get you a new one.

16 The prosecutor must also prove beyond a
17 reasonable doubt that the crime occurred on or about
18 February 12th, 2015, in Macomb County. The defendant's
19 intent may be, may be proved by what he said, what he
20 did, how he did it, or by any other facts and
21 circumstances in evidence. You may consider whether the
22 defendant had a reason to commit the alleged crime, but
23 a reason by itself is not enough to find a person guilty
24 of a crime. The prosecutor does not have to prove that
25 the defendant had a reason to commit the alleged crime.

1 The prosecution only has to show that the defendant
2 actually committed the crime and that he meant to do so.

3 You must think about all the evidence in
4 deciding what the defendant's state of mind was at the
5 time of the alleged killing. The defendant's state of
6 mind may be inferred from the kind of weapon used, the
7 type of wounds inflicted, the acts and words of the
8 defendant and any other circumstances surrounding the
9 alleged killing.

10 You may infer that the defendant intended to
11 kill if he used a dangerous weapon in a way that was
12 likely to cause death. Likewise, you may infer that the
13 defendant intended the usual result that follow from the
14 use of a dangerous weapon.

15 Premeditation and deliberation may be inferred
16 from any actions of the defendant which show planning or
17 from any other circumstances surrounding the killing.

18 The prosecutor need not prove a motive for the
19 killing, but you may consider evidence of motive in
20 deciding if there was premeditation and deliberation.
21 Motive by itself does not prove premeditation and
22 deliberation.

23 The prosecution has introduced evidence of a
24 statement it claims the defendant made. Before you may
25 consider such an out-of-court statement against the

1 defendant you must first find that the defendant
2 actually made the statement as given to you. If you
3 find the defendant did make the statement, you may give
4 the statement what ever weight you think it deserves.
5 In deciding this, you should think about how and when
6 the statement was made and about all the other evidence
7 in the case. You may consider the statement in deciding
8 the facts of the case.

9 When you discuss the case and decide on your
10 verdict you may only consider the evidence that has been
11 properly admitted in this case. Therefore, it is
12 important for you to understand what is evidence and
13 what is not evidence. Evidence includes only the sworn
14 testimony of witnesses, the exhibits admitted into
15 evidence and anything else I told you to consider as
16 evidence. Many things are not evidence and you must be
17 careful not to consider them as such. I will now
18 describe some of the things that are not evidence.

19 The fact that the defendant is charged with a
20 crime and is on trial is not evidence. The lawyers'
21 statements and arguments are not evidence. They're only
22 meant to help you understand the evidence and each
23 side's legal theories. You should only accept the
24 things the lawyers say that are supported by evidence or
25 by your own common sense and general experience, your

1 own common sense and general knowledge.

2 The lawyers' questions to the witnesses and my
3 questions to the witnesses are also not evidence. You
4 should consider these questions only as they give
5 meaning to the witnesses' answers.

6 My comments, rulings, instructions are also
7 not evidence. It is my duty to see the trial is
8 conducted according to the law and to tell you the law
9 that applies to this case. However, when I make a
10 comment or express a personal opinion about the case,
11 I'm not trying to influence your decision, or your vote,
12 or express a personal opinion about the case. If you
13 believe that I have an opinion about how you should
14 decide this case, you must pay no attention to that
15 opinion. You are the only judges of the facts and you
16 should decide this case from the evidence.

17 At times during the trial I have excluded
18 evidence or stricken testimony. Do not consider those
19 things in deciding this case. Make your decision only
20 on the evidence I let in and nothing else.

21 Your decision should be based on all the
22 evidence regardless of which party produced it. You
23 should use your own common sense and general knowledge
24 in weighing and judging the evidence, but you should not
25 use any personal knowledge you may have about a place,

1 person or event. To repeat once more, you must decide
2 this case based only on the evidence admitted during
3 this trial.

4 Facts can be proved by direct evidence from a
5 witness or an exhibit. Direct evidence is evidence
6 about what we actually see or hear. For example, you
7 look outside and see rain falling, that is direct
8 evidence that it is raining. Facts can also be proved
9 by indirect or circumstantial evidence. Circumstantial
10 evidence is evidence that normally or reasonably leads
11 to other facts. So, for example, if you see a person
12 come in from outside wearing a rain coat covered with
13 small drops of water, that would be circumstantial
14 evidence that it is raining. You may consider
15 circumstantial evidence, circumstantial evidence by
16 itself or a combination of circumstantial evidence and
17 direct evidence can be used to prove the elements of a
18 crime. In other words, you should consider all the
19 evidence that you believe.

20 When the lawyers agree on a statement of facts
21 these are called stipulated facts. You may regard such
22 stipulated facts as true, but you are not required to do
23 so. There's been some evidence that the defendant ran
24 away after the alleged crime. This evidence does not
25 prove guilt. A person may run or hide for innocent

1 reasons, such as panic, mistake or fear. However, a
2 person may also run or hide because of a consciousness
3 of guilt. You must decide whether the evidence is true
4 and, if true, whether it shows that the defendant had a
5 guilty state of mind.

6 You have heard evidence that was introduced to
7 show that the defendant committed a crime for which he
8 is not on trial. If you believe this evidence you must
9 be very careful only to consider it for certain
10 purposes. You may only think about whether this
11 evidence tends to show that the defendant had a reason
12 to commit the crime, that the defendant specifically
13 meant to commit the crime, that the defendant acted
14 purposefully, that is not by accident or mistake or
15 because he misjudged the situation, that the defendant
16 used a plan, system or characteristic scheme that he has
17 used before or since. You must not consider this
18 evidence for any other purpose. For example, you must
19 not decide that it shows the defendant is a bad person
20 or that he is likely to commit crimes. You must not
21 convict the defendant here because you think he is
22 guilty of other bad conduct. All the evidence must
23 convince you beyond a reasonable doubt that the
24 defendant committed the alleged crime or you must find
25 him not guilty.

1 The prosecution has introduced evidence of
2 claimed acts of domestic violence by the defendant for
3 which he is on trial. Before you consider such alleged
4 acts as evidence against the defendant you must first
5 find the defendant actually committed such acts. If you
6 find that the defendant did commit these acts, you may
7 consider them in deciding if the defendant committed the
8 offenses for which he is now on trial. You must not
9 convict the defendant here solely because you think he
10 is guilty of other bad conduct. The evidence must
11 convince you beyond a reasonable doubt that the
12 defendant committed the alleged crime or you must find
13 him not guilty.

14 The defendant does not have to prove he acted
15 in self defense. Instead, the prosecutor must prove
16 beyond a reasonable doubt --

17 MR. FEDORAK: Your Honor, may we approach?

18 THE COURT: Yes.

19 (At about 4:01 p.m., Discussion Side Bar).

20 THE COURT: Discard the next two pages from
21 your instructions.

22 My old school books are not on my desk.

23 MR. FEDORAK: Maybe the court officer can
24 collect those pages, your Honor, and I'll get your book.

25 THE COURT: Thank you. If you could take out

1 the next two instructions, they are numbered 17 -- no
2 7.20 and 7.15.

3 Thank you. You can just bring that up when
4 you find the page. Sometimes you have to go old school
5 with books. They actually work. All right.

6 MR. FEDORAK: Your Honor, may I approach.

7 THE COURT: Thank you.

8 Okay. As I said before, it is your job to
9 decide what the facts of this case are. You must decide
10 which witnesses you believe and how important you think
11 their testimony is. You do not have to accept or reject
12 everything a witness said. You are free to believe all,
13 none or part of any person's testimony. In deciding
14 which testimony you believe you should rely on your own
15 common sense and everyday experience. However, in
16 deciding whether you believe a witness's testimony you
17 must set aside any bias or prejudice you may have based
18 on the race, gender or national origin of the witness.
19 There's no fixed set of rules for deciding whether you
20 believe a witnesses but it may help you to think about
21 these questions: Was the witness able to see or hear
22 clearly. How long was the witness watching or
23 listening. Was anything else going on that might have
24 distracted the witness. Did the witness seem to have a
25 good memory. How did the witness look and act while

1 testifying. Did the witness seem to be making an honest
2 effort to tell the truth or did the witness seem to
3 evade the questions or argue with the lawyers. Does the
4 witness's age and maturity affect how you judge his or
5 her testimony. Does the witness have any bias,
6 prejudice or personal interest in how this case is
7 decided. Have there been any promises, threats,
8 suggestions or other influences that affected how the
9 witness testified. In general, does the witness have
10 any special reason to tell the truth or any special
11 reason to lie. All in all, how reasonable does the
12 witness's testimony seem when you think about all the
13 other evidence in this case.

14 And you don't have this instruction either,
15 but you have heard the testimony from several witnesses
16 who have given you their opinion as an expert in their
17 field.

18 MR. SHEIKH: Excuse me, your Honor. There's a
19 second page to the witness credibility.

20 THE COURT: Oh, you're right. It is a
21 continuation. I'll get to the expert part next.

22 Sometimes the testimony of different witnesses
23 will not agree and you must decide which testimony you
24 accept. You should think about whether the disagreement
25 involves something important or not and whether you

1 think someone is lying or simply mistaken. People see
2 and hear things differently, and witnesses may testify
3 honestly but simply be wrong about what they thought
4 they saw or remembered.

5 It is also a good idea to think about which
6 testimony agrees best with the other evidence in the
7 case. However, you may conclude that a witness
8 deliberately lied about something that is important to
9 how you decide the case. If so, you may choose not to
10 accept anything the witness said. On the other hand, if
11 you think the witness lied about some things but told
12 the truth about others, you may simply accept the part
13 you think is true and ignore the rest.

14 Now, I'm going to go to a comment about expert
15 witnesses. You have heard testimony from several
16 witness who have given you their opinion as an expert in
17 their field. Experts are allowed to give opinions in
18 court about matters they are experts on. However, you
19 do not have to believe an expert's opinion. Instead,
20 you should decide whether you believe it and how
21 important that you think that it is.

22 When you decide whether you believe an
23 expert's opinion, think carefully about the reasons and
24 facts that each of them gave for their opinion and
25 whether those facts are true. You should also think

1 about the expert's qualifications and whether their
2 opinion makes sense when you think about the other
3 evidence in the case.

4 You have heard evidence that before the trial
5 witnesses made statements that may be inconsistent with
6 their testimony here in court. You may consider an
7 inconsistent statement made before the trial to help you
8 decide how believable the witness's testimony was when
9 testifying here in court.

10 You should not decide this case based on which
11 side presented more witnesses. Instead, you should
12 think about each witness and each piece of evidence and
13 whether you believe them. Then, you must decide whether
14 the testimony and evidence you believe proves beyond a
15 reasonable doubt that the defendant is guilty.

16 You have heard testimony from witnesses who
17 are police officers. That testimony is to be judged by
18 the same standard you use to evaluate the testimony of
19 any other witness.

20 You have heard that a lawyer talked to one of
21 the witnesses. There is nothing wrong with this. A.
22 lawyer may talk to a witness to find out what that
23 witness knows about the case and what that witness's
24 testimony will be.

25 You have been instructed on the two types of

1 first-degree murder. Those two types are premeditated
2 murder and felony murder. A verdict in the criminal
3 case must be unanimous. To be unanimous each of you
4 must agree upon which type of first-degree murder has
5 been proved or that both types of first-degree murder
6 have been proved.

7 If you return a verdict of guilty of
8 first-degree murder your unanimous verdict must specify
9 whether all of you have found the defendant guilty of,
10 A, premeditated murder or, B, felony murder, or both.

11 Possible penalty should not influence your
12 decision. It is the duty of the judge to fix the
13 penalty within the limits provided by the law.

14 When you go to the jury room you will be
15 provided with a written -- well, you already have these
16 instructions. We'll give you the one page you're
17 missing.

18 You should first choose a foreperson. The
19 foreperson should see to it that your discussions are
20 carried on in a business-like way and that everyone has
21 a fair chance to be heard. During your deliberations
22 please turn off your cell phones or other communication
23 equipment until we recess.

24 A verdict in a criminal case must be
25 unanimous. In order to return a verdict it is necessary

1 that each of you agrees on that verdict. In the jury
2 room, you will discuss the case among yourselves, but,
3 ultimately, each of you will have to make up your own
4 mind. Any verdict must represent the individual
5 considered judgement of each juror.

6 It is your duty as jurors to talk to each
7 other, make every reasonable effort to reach agreement
8 express your opinions and the reasons for them, but keep
9 an open mind as you listen to your fellow jurors.
10 Re-think your opinions and do not hesitate to change
11 your mind if you decide you were wrong. Try your best
12 to work out your differences. However, although you
13 should try to reach agreement, none of you should give
14 up your honest opinion about the case just because other
15 jurors disagree with you or just for the sake of
16 reaching a verdict. In the end, your vote must be your
17 own and you must vote honestly and in good conscience.

18 In this case, there are several different
19 crimes you may consider. When you discuss the case, you
20 must consider the crime of first-degree premeditated
21 murder first. If you all agree the defendant is guilty
22 of that crime, you may stop your -- I'm going to delete
23 that box there. If you believe that defendant is not
24 guilty of first-degree murder or you cannot agree about
25 that crime you should consider the lesser crime of

1 second-degree murder, then go back to first-degree
2 premeditated murder.

3 I guess that was just on the first counts.
4 That was just on the first count. You will get a
5 verdict form that will make this much clearer. The
6 verdict form, pretty much, will spell out the different
7 counts, Count I through V.

8 If you have questions about the jury
9 instructions before you begin deliberations or during
10 your deliberations, there's paper and pencil in your
11 binders, write a note and hand it to my court officer
12 and I will get them. Same with any other questions you
13 may have. It is not proper for you to talk directly
14 with the judge, lawyers or the court officer or anyone
15 else involved in the case. As you discuss the case, you
16 must not let anyone, even me, know how your voting
17 stands. Therefore, until you return with a unanimous
18 verdict do not reveal this to anyone outside the
19 courtroom.

20 When you go to the jury room to deliberate you
21 may take your photos and your instructions, and if you
22 want to look at any of the exhibits send a note out and
23 ask for them, and we will send them in.

24 After you discuss the case, you should think
25 about -- while you discuss the case you should think

1 about all of my instructions together as the law you are
2 to follow, and the verdict form will go in with you.

3 This case is to be decided by a jury of 12.
4 We have 13. Because emergencies do crop up, we have to
5 select extra jurors for that purpose. So we are going
6 to randomly draw a number and one of you will be excused
7 as an alternate and not be able to participate in
8 deliberations in this matter. Feel free to call back
9 and find out what happened if you chose to after.

10 Go ahead.

11 COURT CLERK: The Court would like to thank
12 and excuse juror number 140, seated in seat one.

13 THE COURT: Thank you, sir, for your service
14 throughout the last two weeks.

15 I will send that extra instruction that you
16 did not have in within probably five minutes of you
17 getting in the jury room.

18 All rise for the jury.

19 COURT CLERK: Swear the court officer.

20 THE COURT: Oh, we'll do that first.

21 COURT CLERK: Do you solemnly swear you will
22 keep the persons sworn as jurors in a private place, you
23 will not communicate with them orally or otherwise
24 unless ordered by the court, and that you will not
25 communicate to anyone the state of their deliberations

1 until they have rendered a verdict, so help you God.

2 THE BAILIFF: I do.

3 All rise for the jury.

4 (At about 4:15 p.m., Jury Excused to
5 Deliberate).

6 THE COURT: You may be seated.

7 MR. FEDORAK: Thank you for your patience,
8 your Honor. The People are satisfied with the
9 instructions.

10 MR. PALEPU: I just wanted to make one comment
11 about the instructs for the record. There were two
12 self-defense instructions that we approached about that
13 were removed from the books because I believe that there
14 was agreement that self-defense was not going to be used
15 in this case.

16 MR. SHEIKH: That is true, your Honor. And we
17 are also satisfied with the instructions as well as the
18 verdict form that was provided to us by Mr. Palepu and
19 Mr. Fedorak.

20 MR. PALEPU: And, then, the last one was on
21 the deliberations of verdict on 311, that there was a
22 box that read: If you all agree the defendant is guilty
23 of that crime of first-degree premeditated murder, you
24 may stop your discussions and return your verdict. I
25 believe that box is being excised from this document and

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

PEOPLE OF THE STATE

OF MICHIGAN,

People,

vs.

Case No.: 2015-1559-FC

CURTIS LEE HAMPTON,

Defendant.

_____/

JURY TRIAL - VOLUME VI,

BEFORE THE HONORABLE JENNIFER M. FAUNCE

Mount Clemens, Michigan - Thursday, March 23, 2017

APPEARANCES:

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1 THE COURT: People versus Hampton.

2 MR. PALEPU: Kumar Palepu for the People.

3 MR. FEDORAK: Jurij Fedorak for the people,
4 your Honor. Thank you.

5 MR. SHEIKH: Azhar Sheikh for the defense.

6 THE COURT: We do have a verdict.

7 MR. SHEIKH: That's my understanding.

8 THE COURT: We'll bring the defendant out
9 first and then we'll bring the jury out.

10 MR. SHEIKH: Thank you.

11 (At about 11:48 a.m., Defendant is Seated).

12 THE COURT: All right. Bring the jury out.

13 MR. SHEIKH: You want me to state my
14 appearance again.

15 THE COURT: I already called the case. Mr.
16 Hampton is present.

17 MR. SHEIKH: Thank you, your Honor.

18 THE BAILIFF: All rise for the jury.

19 (At about 11:53 a.m., Jury Seated).

20 THE COURT: You may be seated. The verdict
21 form.

22 THE COURT: Okay. The foreperson is juror
23 number 240, correct?

24 JUROR IN SEAT NUMBER FOUR: Correct.

25 THE COURT: Please stand up. Please, read the

1 verdicts for us. Count I.

2 JUROR IN SEAT NUMBER FOUR: Guilty of
3 second-degree murder.

4 THE COURT: Count II.

5 JUROR IN SEAT NUMBER FOUR: Guilty of
6 second-degree.

7 THE COURT: Count III.

8 JUROR IN SEAT NUMBER FOUR: Not guilty.

9 THE COURT: Count IV.

10 JUROR IN SEAT NUMBER FOUR: Guilty of
11 first-degree felony murder.

12 THE COURT: Count V.

13 JUROR IN SEAT NUMBER FOUR: Guilty of
14 first-degree child abuse.

15 THE COURT: Juror number 54, is that your
16 verdict?

17 JUROR NUMBER 54: (No audible response).

18 THE COURT: You have to speak out loud.

19 JUROR NUMBER 54: Yes.

20 THE COURT: Thank you. 319, is that your
21 verdict?

22 JUROR NUMBER 319: Yes.

23 THE COURT: 337, is that your verdict?

24 JUROR NUMBER 337: Yes.

25 THE COURT: 37, is that your verdict?

JUROR NUMBER 37: Yes.

THE COURT: 59, is that your verdict?

JUROR NUMBER 59: Yes.

THE COURT: 235, is that your verdict?

JUROR NUMBER 235: Yes.

THE COURT: 296, is that your verdict?

JUROR NUMBER 296: Yes.

THE COURT: 207, is that your verdict?

JUROR NUMBER 207: Yes.

THE COURT: 211, is that your verdict?

JUROR NUMBER 211: Yes.

THE COURT: 43, is that your verdict?

JUROR NUMBER 43: Yes.

THE COURT: 53, is that your verdict?

JUROR NUMBER 53: Yes.

THE COURT: Thank you. I'm going to ask you, for the very last time, to go to the jury room. I will be in momentarily to dismiss you.

THE BAILIFF: All rise for the jury.

(At about 11:55 a.m., Jury Excused).

THE COURT: Okay. You may be seated. This matter will be set for sentencing.

COURT CLERK: April 25th at 8:30.

MR. SHEIKH: Your Honor, if I may ask just one thing. There were five different counts. I don't have