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STATE OF MICHIGAN
54TH JUDICIAL CIRCUIT COURT (COUNTY OF TUSCOLA)

PEOPLE OF THE STATE OF MICHIGAN

vs.

File No. 19-015018-FH

BRANDI MARIE HULL,

Defendant.

PEOPLE OF THE STATE OF MICHIGAN

vs.

File No. 19-015020-FH

ANTHONY RAY HULL,

Defendant.

JURY TRIAL - VOLUME II OF III

BEFORE THE HONORABLE AMY GRACE GIERHART, CIRCUIT JUDGE

Caro, Michigan - Wednesday, February 26, 2020

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1 Caro, Michigan

2 Wednesday, February 26, 2020

3 (Proceedings commenced at 8:52 a.m., jury not
4 present.)

5 THE COURT: Good morning.

6 MR. WANINK: Good morning, Judge.

7 THE COURT: Mr. Wanink, are you ready to
8 proceed?

9 MR. WANINK: I am, Your Honor.

10 THE COURT: And, Mr. Jean, ready to proceed?

11 MR. JEAN: Yes, Your Honor.

12 THE COURT: Okay. So we'll go ahead and get
13 the jury in here. Thank you, Mr. Oprea.

14 (Jury present at 8:53 a.m.)

15 THE COURT: Good morning, ladies and
16 gentlemen. Welcome back to Circuit Court. We all made
17 it here in the winter wonderland.

18 All right, Mr. Wanink, your first witness,
19 please.

20 MR. WANINK: Thank you. People call Chief
21 Albert Pearsall.

22 THE COURT: Chief, if you can come right up
23 here to the witness stand? And before you sit down, if
24 you could please raise your right hand, be sworn in by
25 the clerk.

1 THE CLERK: You do solemnly swear or affirm
2 that the testimony you shall give in this case between
3 the People of the State and defendant at the bar shall
4 be the truth, the whole truth and nothing but the
5 truth, so help you God?

6 CHIEF PEARSALL: So help me God, yes.

7 THE COURT: All right. And when you sit --
8 just be careful when you sit down 'cause that chair --

9 THE WITNESS: Okay.

10 THE COURT: It's attached, but it's --

11 THE WITNESS: Okay.

12 THE COURT: It tips back and --

13 THE WITNESS: Thank you.

14 THE COURT: Deputy Scarborough almost did an
15 end-over on that with his --

16 MR. WANINK: It --

17 THE COURT: With his gun belt on, so --

18 MR. WANINK: It can be the best ride in the
19 park. I agree.

20 THE COURT: Yeah. I just want to --

21 THE WITNESS: Thank you.

22 THE COURT: -- make sure you're aware of
23 that.

24 Okay. You may proceed, Mr. Wanink.

25 MR. WANINK: Thank you, Your Honor.

1 ALBERT W. PEARSALL, III,
2 being first duly sworn at 8:53 a.m., testified under
3 oath as follows:

4 D I R E C T E X A M I N A T I O N

5 BY MR. WANINK:

6 Q Sir, could you please state your full name and spell
7 your last name for the record?

8 A Albert William Pearsall, III. P-E-A-R-S-A-L-L.

9 Q Thank you, sir. Where are you currently employed?

10 A The Kingston Police Department.

11 Q And are you a certified patrol officer?

12 A Yes.

13 Q And what do you do for the Kingston Police Department?

14 A I am the chief of police and the road patrol. I'm the
15 one-man police officer in Kingston.

16 Q Okay.

17 A I do traffic and --

18 Q Your department consists of just yourself then
19 basically?

20 A Yes, sir.

21 Q And how long have you worked in law enforcement?

22 A Approximately -- not quite three years, sir.

23 Q And how long have you been with the Village of
24 Kingston?

25 A The entire time -- well, Kingston just went out on its

1 own last year, so one solid year in Kingston at this
2 time. Before that, it was Mayville/Kingston that was
3 there since I started part-time.

4 Q Now, do you just service the village itself or also the
5 township?

6 A And I do have a contract with the township, too, sir.

7 Q Okay. So you --

8 A The Kingston Township, that is.

9 Q Okay. So you provide police services to both the
10 village itself and the town- -- surrounding Kingston
11 Township?

12 A Kingston Township, yes, sir, and the village.

13 Q Now I want to draw your attention to the date of
14 October 7, 2019. Were you working in your capacity as
15 chief of police for the Village of Kingston Police
16 Department on that day?

17 A Yes, sir.

18 Q In particular, I want to draw -- draw your attention to
19 the evening hours around 7:30 to -- between 7:30 and
20 8 o'clock on that particular night. Do you recall
21 having an opportunity to be at the address of 6277 Legg
22 Road?

23 A Yes, sir.

24 Q And is that address located in the village or in the
25 township?

1 A That would be in the township, sir.

2 Q All right. So that's in Kingston Township, correct?

3 A Yes, sir.

4 Q Is that in Tuscola County?

5 A Yes, sir.

6 Q Is it in the state of Michigan?

7 A Yes, sir.

8 Q And what took you out to that particular address on
9 that day?

10 A On that particular day, I had a -- known that a Brandi
11 Schook had a warrant. I called Central Dispatch in
12 Tuscola County, and they go through LEIN. I have them
13 check on LEIN. It's Law Information Network [sic].
14 And they check for warrants. And they told me she -- I
15 confirmed she had a warrant that I had looked up prior,
16 and I just wanted to make sure it was still good.

17 Q And --

18 A But I looked it up through Central Dispatch since I do
19 not have a computer to look it up in my own patrol car.

20 Q All right.

21 A So I used Central Dispatch to look up the warrant.

22 They informed me that she did, in fact, have a warrant.

23 Q So you confirmed that the warrant was still valid?

24 A Correct, at 7 p.m. approximately. So that was about 40
25 minutes before I made it to their house.

1 Q And so when you arrived, do you remember if it was dark
2 out, light out? What was the --

3 A It was dark, sir.

4 Q All right. And do you remember approximately what time
5 that would have been?

6 A I believe it was 7:49 when I arrived on. P.m. At
7 night, yes.

8 Q And at the time that you arrived at the Legg Road
9 address, were you in full uniform?

10 A Yes, sir.

11 Q And is it the uniform much as we see it here today in
12 court?

13 A Yes, sir, and I believe I -- I would have had my hat
14 on, too, sir.

15 Q Were you operating a fully-marked patrol vehicle at the
16 time?

17 A Yes, sir. It's fully marked, yes. Lights on top.
18 Says police down the side.

19 Q And so when you arrived, was there anyone at the
20 residence?

21 A Yes, sir.

22 Q Walk us through what happened.

23 A What I did is I drove in the driveway. And there was
24 two doors as you walk up, and I thought the first door
25 is the one I should go to. There's a welcome sign

1 there. But it -- it was -- the light wasn't on yet,
2 and so I turned and I thought I'd go through there,
3 like up the steps and on a deck.

4 So as I walked up the deck, I heard a back
5 door, the door I just walked past, open up, and the
6 lights came on. So I turned and walked back, and
7 that's when Brandi Schook, which I -- I thought her
8 name was at the time, came out.

9 So I turned around, walked back to her. I
10 identified myself as Chief Albert Pearsall, and she
11 said, yes, I know who you are, 'cause she works at the
12 Corner Party Store in Kingston.

13 Q So you had had contact with her before?

14 A Lightly. I didn't know her good, but I knew her good
15 enough, approximately what she looked like and --

16 Q Had you ever had contact with her before in uniform?

17 A Not that I'm aware of other than walking into her party
18 store, yes.

19 Q Yes. That's what --

20 A Yes, yes, yes.

21 Q -- I'm talking about.

22 A She should have seen me walk in the party store.

23 Q And you would have been in uniform at the time?

24 A Yes, sir.

25 Q Okay.

1 A So she knew who I was in the town, so -- and then I
2 told her -- I said she had a warrant. And at that
3 point she was standing outside, and --

4 Q I want to -- I want to slow down just a minute. So
5 this Brandi Schook, would you recognize her if you saw
6 her again?

7 A Yes, sir.

8 Q Is she present in the courtroom this morning?

9 A Yes, sir.

10 Q Would you describe what she's wearing and point to her
11 for me?

12 A She's wearing that pink blouse over there, I believe
13 you'd say. Peach color. Brunette girl.

14 Q Thank you.

15 MR. WANINK: Ask the record reflect the
16 witness has identified the defendant seated at defense
17 counsel table to my right and particularly to
18 Miss Brandi Marie Hull.

19 THE COURT: All right. Any comment,
20 Mr. Jean?

21 MR. JEAN: I'd say her shirt's more
22 chartreuse, but I have no --

23 THE WITNESS: Chartreuse? All right.

24 MR. JEAN: No objection.

25 THE WITNESS: The lighting's a little dark in

1 here, so --

2 THE REPORTER: I'm sorry. I've got to have
3 one at a time.

4 THE WITNESS: Oop. Sorry.

5 THE COURT: Well, chartreuse is green to me,
6 but maybe I don't know what chartreuse is. So --

7 MR. WANINK: I'm not sure I do.

8 THE COURT: Okay. So any objection to the
9 identification?

10 MR. JEAN: No.

11 THE COURT: All right. So the record should
12 reflect that Chief Pearsall has identified the
13 defendant, Brandi Hull, in this matter.

14 MR. WANINK: Thank you.

15 BY MR. WANINK:

16 Q Now, did you learn at some point that Miss Brandi Marie
17 Schook had changed her name?

18 A I was not aware of that, no, at that time.

19 Q All right. But at some point you found that out?

20 A Yes.

21 Q And when did you find that out?

22 A When she told me -- I said -- when I explained to her
23 she had a warrant and she looks at me and says it can't
24 be, I don't have a warrant, or something in that
25 caliber. I then confirmed her name. I said are you

1 Brandi Schook? And she says, no, I'm Brandi Hull. So
2 I stepped back and had to think for a minute 'cause
3 Brandi Hull -- I'm thinking -- I thought she was Brandi
4 Schook with my prior experience. And Dispatch also
5 told me that that was the address she lived at, too.
6 That was why I went to 6 --

7 Q 6277 Legg Road?

8 A Yes, 'cause she used to live in town that I was aware
9 of. So --

10 Q Okay.

11 A -- that's what took me to 62 [sic] Legg Road there.

12 Q Had she advised you that she had changed her name?

13 A She did. Then at that point she told me -- she says
14 I've been married for approximately a month, which I
15 was unaware of, and her new name -- she says my name is
16 Hull. I said were you --

17 THE REPORTER: I'm sorry. You're gonna have
18 to slow down.

19 THE WITNESS: I'm sorry. Sorry.

20 She then told me she was married for
21 approximately a month, and -- and I had asked her at
22 that time -- I said was your last name Schook before?
23 She said yes. Then I confirmed her birth date, which
24 was the warrant that I was on, for the birth date and
25 the name.

1 BY MR. WANINK:

2 Q Okay. So you didn't have any doubt that you were
3 dealing with the person who was the subject of the
4 warrant that you were there to execute?

5 A Yes. At that time I was sure.

6 Q I'm gonna show you what has been marked as People's
7 Proposed Exhibit Number 2. What I'm handing you, is
8 that an arrest warrant for a misdemeanor?

9 A Yes, sir.

10 Q And is that in the name of Brandi Marie Schook?

11 A Yes, sir.

12 Q And do you know if that's the warrant you were there to
13 execute?

14 A Yes, sir.

15 Q All right. And attached to that is the Return,
16 correct? The second page?

17 A Yes, sir.

18 Q And so is that the warrant you took her into custody on
19 based on the date that you filled out on the Return?

20 A Yes, sir.

21 Q And you filled out the Return that you had executed
22 this warrant after you took her into custody?

23 A Yes, sir.

24 Q All right.

25 MR. WANINK: At this time I'm showing

1 People's Proposed Exhibit Number 2 to defense counsel.
2 Move for its admission pursuant to MRE 803(8) and
3 902(4). It is self-authenticating.

4 THE COURT: Any objection, Mr. Jean?

5 MR. JEAN: No, Your Honor.

6 THE COURT: The Court admits People's 2
7 without objection.

8 (People's Exhibit Number 2 admitted at
9 9:02 a.m.)

10 BY MR. WANINK:

11 Q Now, when you were advised by Dispatch of the existence
12 of this warrant, what in particular were you advised
13 there was a warrant for?

14 A When I called Dispatch, I -- I asked if they had a
15 warrant yet. Dispatch advised me they did have a
16 warrant, a misdemeanor warrant. They said a 10-9
17 warrant. That's what it means to me, a 10-9. So a
18 misdemeanor warrant. I always ask for curiosity what
19 it's for so I can tell the people. They informed me
20 it's for excessive -- ex- -- excessive -- I have to
21 think of the word now. Excessive noise.

22 Q Okay.

23 A And then I always ask how much is it for them to get
24 out of jail, and they informed me it was \$500 and she
25 can go home from jail, said she could bond out.

1 Q So if the person -- if you inform them they have the
2 warrant and they have their required bond amount, they
3 can give you the money and then they just have to
4 report to the court?

5 A The way I've always did it, I take them to jail and
6 then they bail out at jail for their \$500.

7 Q Okay.

8 A But I like to inform you how much it costs so your
9 husband, your friends can get the money together and go
10 get you out of jail.

11 Q Okay.

12 A It makes it more easier to make an arrest 'cause I'm
13 working with ya and I give you time to get your money
14 together so you don't have to sit in there and try to
15 make phone calls from the jail. You can -- I let
16 people make phone calls while I'm standing there.

17 Q So it was Dispatch, meaning Tuscola County Central
18 Dispatch, that informed you this warrant was for
19 excessive noise?

20 A Correct, and that it was still good.

21 Q All right. But it turns out it was for something
22 different, correct?

23 A After I -- I did a little extra homework on it, they
24 informed me that it was a -- that is how they have to
25 enter it into the system under Secretary of State or

1 something.

2 Q Okay.

3 A So they actually read it, but if they read further into
4 it, that's where --

5 MR. JEAN: I would object, Your Honor.
6 Hearsay.

7 THE COURT: Mr. Wanink?

8 MR. WANINK: Well, it's not being offered for
9 the truth of the matter asserted. It's being offered
10 as to why he took the action he did. But --

11 THE COURT: Objection's sustained. Next
12 question, please.

13 MR. WANINK: All right.

14 BY MR. WANINK:

15 Q And so ultimately you confirmed this was the warrant
16 that you were executing?

17 A Yes. I just want to make sure it's an actual warrant
18 for her arrest, yeah. Yes.

19 Q Thank you. And so when you informed Miss Hull the --
20 about the existence of the warrant, what was her
21 reaction?

22 A First reaction was she doesn't have a warrant, she has
23 never been stopped. She told me that.

24 She also said she was not Brandi Schook,
25 which it threw up flags to me in a hurry that she was

1 not a Brandi Schook and I was thinking -- and I thought
2 she was. And then she told me she was just married to
3 a Brandi [sic] Hull 'cause she kept saying my name's
4 Hull, not Schook. And I'm -- and it got me off balance
5 for a minute trying to think. I couldn't think fast of
6 the process, what was going on.

7 So when I straightened out that I had the
8 right person in my -- in front of me standing, then I
9 had to make -- you know, I wanted to make sure I could
10 tell her she had a warrant and I -- and she was gonna
11 go to jail tonight was my point.

12 Q Was -- would you classify her as argumentative with you
13 at that point?

14 A Yes.

15 Q And so what happened next?

16 A Well, at that point the door opened up, and it was done
17 in a matter of seconds. There's -- it's really fast.
18 And -- and -- and her husband stepped out. And before
19 she could really tell her [sic] anything, she said
20 what's --

21 Q Do you know who her husband was?

22 A Yes. I did not know at that time who he was, but I
23 know who he is.

24 Q Who was he identified as?

25 A He is identified as Anthony Hull.

1 Q And would you recognize him if you saw him again?

2 A Yes, sir.

3 Q Is he present in the courtroom?

4 A Yes, sir.

5 Q Could you describe what he's wearing and point to him
6 for me?

7 A Yes. He is wearing it looks like a dark green or dark
8 shirt over there next to --

9 Q Thank you.

10 A -- the defendant, other defendant.

11 MR. WANINK: Ask the record reflect the
12 witness has identified Defendant Anthony Ray Hull at
13 defense counsel table to my far right.

14 THE COURT: Any comment, Mr. Jean?

15 MR. JEAN: No, Your Honor.

16 THE COURT: All right. The record should
17 reflect that Chief Pearsall has identified the
18 defendant in this action, Anthony Hull.

19 BY MR. WANINK:

20 Q And so when Mr. Hull came out of the house, are you in
21 the yard, are you on a porch? Where are you standing
22 at the time?

23 A We are standing at the -- the front in -- out on the
24 porch by the front door.

25 Q Okay. Now, what was his demeanor when he came out of

1 the house?

2 A He was very upset at that time, I could tell.

3 Q Okay. And so what happened once he came out onto the
4 porch?

5 A He opened the door, and Brandi looked at him, said he
6 is here to take me to jail for a warrant. And before
7 she could say another word, he -- he's like get in the
8 house, and he started moving her back. And I informed
9 him stop right there, she has a warrant. And I'm
10 trying to remember how he said it. I -- I believe he
11 said like -- quote, it was like -- I believe he said --
12 like bullshit, she doesn't, get in the house is what he
13 said.

14 Q Okay.

15 A And he's grabbing her and helping her to the house, and
16 I told him again that she had a warrant for her arrest.
17 And I reached out 'cause she [sic] was trying to get
18 her in the house, and I grabbed her on her arm. And as
19 I grabbed her on the arm -- 'cause I didn't want to
20 lose custody of my prisoner at that time 'cause I
21 informed her she had a warrant and I didn't want her to
22 get into the house or him.

23 Q Now, why didn't you want them to retreat into the
24 house?

25 A 'Cause if they get into that house, I don't know what's

1 in there. They could have firearms, and bad things
2 have happened to police officers. I was alone as a
3 police officer. I had backup ten minutes away. So I
4 mean you never want a person that's under arrest to
5 make it back in the house once they know that you're
6 there to take them to jail 'cause they --

7 Q Now, was there anyone else there with you that night?
8 Did you have anyone else in -- with you that came with
9 you to the house?

10 A I had a -- a young feller that once -- thinking -- was
11 thinking about becoming a police officer, and at this
12 time he thinks that job is not gonna be for him.

13 Q Okay. So he was a ride-along?

14 A Yes, sir.

15 Q All right. Now, he's not a certified patrol --

16 A No, sir.

17 Q -- officer or anything like that? He's not dressed as
18 an officer?

19 A No, sir.

20 Q He's not equipped to -- to help you out? He's just
21 there to observe?

22 A Yes, sir.

23 Q Okay. So you were the only police officer --

24 A Yes.

25 Q -- out there on that porch at that time?

1 A Yes, sir.

2 Q All right. So you indicated you didn't want them to go
3 back in and you've indicated why. What happened when
4 they tried to get back inside?

5 A Well, as I said, I grabbed Brandi's arm, trying to keep
6 custody of her, and at that time I kept -- I informed
7 Anthony Hull at that time to let go 'cause I had her.
8 I said he would be resisting and -- resisting or
9 interfering with my arrest if he continued. And at
10 that time he kind of came down (indicating) and took my
11 arm off of her and took her and put her in the house.

12 I'm still not trying to lose custody of my
13 prisoner as he put her in the house 'cause he's -- he
14 was bigger than me at the time. He stepped back into
15 the door, and as I was going toward the door, the door
16 came shut. My foot was like at the bottom of the door
17 as he shut it as I was making my step, caught my foot
18 in a wedge. And it bent the bottom of the door around,
19 tearing it off the molding of the house with my foot
20 like right sideways in it, scuffing my boot. And at
21 that time -- and -- and -- and it hit my body, knocked
22 me backward. And at that time my thought was it was
23 best to retreat out of there without going any further
24 to let the situation settle down and wait for more
25 units to get there.

1 Q So did they actually get the door shut then?

2 A Yes, sir.

3 Q All right. Got your foot out of the way and they were
4 able to close --

5 A Yes, sir.

6 Q -- the door?

7 A Yup. My foot was wedged pretty good there. I mean the
8 door was bent right around it.

9 Q Now, did Mr. Hull ever lay physical hands on you?

10 A Yes, sir, when he --

11 Q How so?

12 A Well, when he came down and knocked me off like and it
13 bounced me back off of his wife. I could not hold
14 the -- the hold onto her no longer when he knocked me
15 off of her.

16 Q And could you tell who was shoving the door shut on
17 you?

18 A Yes. It was him.

19 Q It was him. Okay. So in a sense, did it force you
20 back at that point?

21 A Yes, sir.

22 Q So after they got the door closed, what did you do
23 after that?

24 A I retreated back to my patrol car, backed up to the end
25 of their driveway, put the spotlights on the corners of

1 the house just in case they came out with guns blazing
2 and called for backup and waited approximately I think
3 nine minutes for my first officer to show.

4 Q Okay. And how many officers responded to the scene to
5 assist you after you called for the calvary, so to
6 speak?

7 A I think I had three state troopers -- I think it was
8 three state troopers and one sheriff deputy.

9 Q Okay. And how long did you guys lay siege to this
10 house before they came out, or did they come out?

11 A They did come out. The exact time I'm -- I know
12 it's -- it's recorded, but I can't remember. I don't
13 remember that part exactly. But it was probably like
14 15, 20 minutes and then they decided to come out.

15 Q So --

16 A I -- I think --

17 Q -- they voluntarily came out of the residence?

18 A Well, yes. I -- the son -- her son showed up on scene
19 and was -- I -- according to the son, talking to them
20 in the house and letting them know there were cops
21 everywhere outside.

22 Q Okay.

23 A So I believe that had something to do with them coming
24 out.

25 Q So they opened the door, they surrendered themselves

1 at --

2 A Yes.

3 Q -- that point? Now, why didn't you want to just kick
4 in the door and go in after them at that point?

5 A 'Cause if there's a 12-gauge shotgun on the other side,
6 I -- I wanted to come back to work tomorrow.

7 Q Okay. So you have no idea what's inside?

8 A I have no idea what is in that house, yes.

9 Q Is that something that you're taught as a police
10 officer to be wary of?

11 A Yes, sir.

12 Q With regards to Miss Hull -- Mrs. Hull, you indicated
13 you informed her that she was under arrest. Did she
14 ever before going into the house again submit to being
15 taken into custody?

16 A Can you repeat one more time, please?

17 Q Sure. I'm talking about while you're still on the
18 porch --

19 A Yes.

20 Q -- and you informed Mrs. Hull that she had a warrant.
21 Did she ever voluntarily turn around and submit to your
22 custody on the warrant?

23 A No, sir.

24 Q She retreated into the house, too?

25 A Yes, sir.

1 Q And, again, did you advise her that she had this
2 warrant?

3 A Yes, sir.

4 Q Did you ever mention that you had a warrant for her
5 arrest in front of Mr. Hull?

6 A Yes, sir. It should be multiple times.

7 Q Ultimately, after they surrender themselves, they're
8 taken into custody?

9 A Yes, sir.

10 Q Both Mrs. Hull and Mr. Hull?

11 A Yes, sir.

12 Q And did you do anything to I guess document the scene
13 as you saw it that night?

14 A Yes, sir. I took pictures of the door that was slammed
15 on my boot where my black boot mark was left on the
16 bottom of the door. I took a picture of the molding
17 that broke on my foot, the -- take the doorjamb and
18 break it off the hinges. And I took a picture of my
19 boot where the scuff mark was on my boot on the side of
20 my foot.

21 Q I'm gonna show you a series of exhibits. This is
22 People's Proposed Exhibits 3, 4, 5 and 6. For the
23 record, those are photographs, correct?

24 A Yes.

25 Q Do you recognize what's depicted in those photographs?

1 A Yes.

2 Q And do you know who took those photographs?

3 A I did, sir.

4 Q And did you take them that night?

5 A Yes, sir.

6 Q And are they a true and accurate depiction of what you
7 saw as you photographed it?

8 A Yes, sir.

9 Q They are of the scene you described and what you just
10 described for us that you took pictures of?

11 A Yes, sir.

12 MR. WANINK: At this time I'm showing
13 People's Proposed Exhibits 3, 4, 5 and 6 to defense
14 counsel. Move for their admission at this time.

15 MR. JEAN: No objection, Your Honor.

16 THE COURT: All right. The Court admits
17 People's 3, 4, 5, 6 without objection.

18 (People's Exhibits Number 3 through 6
19 admitted at 9:14 a.m.)

20 BY MR. WANINK:

21 Q Now, Chief Pearsall, at the time that you were out
22 there and executing this warrant, did you have the
23 capability to record what was being said and what --
24 how things transpired as you've just described for us?

25 A Yes, sir. I wear a body cam.

1 Q Okay. And did you save that body cam footage --

2 A Yes.

3 Q -- from this incident?

4 A Yes, sir.

5 Q I'm gonna show you what has been marked as People's
6 Proposed Exhibit Number 1. Inside this envelope is a
7 disk, correct?

8 A Yes, sir.

9 Q And does it bear the complaint number for this
10 incident?

11 A Yes, sir.

12 Q Does it bear that it's from the Kingston Police?

13 A Yes, sir.

14 Q Are you familiar with the contents of the disk?

15 A Yes, sir. I wrote that on there.

16 Q Okay. So is this your body cam disk from this
17 incident?

18 A Yes, sir.

19 Q And you've watched this before?

20 A Yes, sir.

21 Q Is it a true and accurate depiction of what happened as
22 you recall it transpiring?

23 A Yes, sir.

24 MR. WANINK: Showing People's Proposed
25 Exhibit 1 to defense counsel, move for its admission.

1 THE COURT: Any objection, Mr. Jean?

2 MR. JEAN: So long as it is the body cam
3 video, no objection.

4 THE COURT: Well, if you're not objecting,
5 then I guess it is. All right. The Court admits
6 People's 1 without objection.

7 (People's Exhibit Number 1 admitted at
8 9:15 a.m.)

9 MR. WANINK: At this time I'd like to play
10 People's 1.

11 THE COURT: All right.

12 THE REPORTER: Do they stipulate, Judge, I
13 don't have to take --

14 THE COURT: Oh.

15 THE REPORTER: Take it down?

16 THE COURT: Do the attorneys stipulate and
17 agree that Mrs. Fini does not need to take the exhibit
18 down verbatim?

19 MR. WANINK: People would so stipulate.

20 MR. JEAN: And so would defense.

21 THE COURT: Thank you.

22 (People's Exhibit Number 1, body cam video,
23 commenced at 9:16 a.m. and concluded at 9:18 a.m.)

24 BY MR. WANINK:

25 Q So, Chief Pearsall, how long would you say from the

1 time you arrived 'til the time that this initial
2 retreat into the house occurred?

3 A It's about two minutes right there. Approximately two
4 thirty or so.

5 Q And you were out there at that point. You were in full
6 uniform, correct?

7 A Yes, sir, just as I'm dressed, with a hat and a badge.

8 Q You had -- had confirmed the warrant, correct?

9 A Yes, sir.

10 Q You confirmed that Miss Schook, AKA Miss Hull, was the
11 person you were there to arrest on that warrant,
12 correct?

13 A Yes, sir.

14 Q You informed Miss Hull that she had this warrant?

15 A Yes, sir.

16 Q She did not submit?

17 A No, sir.

18 Q And we hear in the video that you advised -- that both
19 she and you advised that she had a warrant in front of
20 Mr. Hull?

21 A Yes, sir.

22 Q And did he allow you to take her into custody?

23 A No, sir.

24 Q Do you feel he impeded your ability to do so?

25 A Yes, sir.

1 Q Thank you.

2 MR. WANINK: I have no further questions.

3 THE COURT: Cross-examination, Mr. Jean.

4 MR. JEAN: Thank you, Your Honor.

5 C R O S S - E X A M I N A T I O N

6 BY MR. JEAN:

7 Q Good morning.

8 A Good morning.

9 Q How are you?

10 A Good, sir.

11 Q Good. I'm gonna see if I can take this right in
12 chronological order. If I skip around, I apologize.

13 October 7th of 2019 you indicated to this
14 jury that you received information that Brandi Schook
15 had a warrant for her arrest, correct?

16 A Yes, sir.

17 Q Okay. In fact, you put in your report that at 7 p.m.
18 you received information about a suspect at 6277 Legg
19 Road, correct?

20 A Yes, sir.

21 Q Now, you told us a moment ago on direct examination
22 that you knew Brandi Schook, correct?

23 A Knew of her.

24 Q You knew of her. How is it that you knew of her?

25 A She works at the Corner Party Store in Kingston and I'm

1 the police officer, so you just know people in a small
2 town.

3 Q Okay. No other contact with her, correct?

4 A No other contact, sir.

5 Q Okay. No other reason to know her, correct?

6 A Yes. I -- I was looking for her a prior time, but I
7 did not make contact with her.

8 Q You were looking for her a prior time.

9 A Yes, sir.

10 Q In fact, you told her that and noted that in your
11 supplemental report that you were looking for her
12 earlier in the year on a warrant for \$25.

13 A Yes, sir.

14 Q Part of your duties is to look at liquor licenses, is
15 that correct?

16 A Yes, sir.

17 Q In fact, that was the occasion for you to go into her
18 work on -- in the past, correct?

19 A Yes, sir.

20 Q So when you say you knew of her, you actually knew who
21 she was.

22 A Not really, sir, no.

23 Q Okay. We just watched the video -- and, by the way,
24 you said you received information. Where was it you
25 received the information about a warrant?

1 A Tuscola County Dispatch, sir.

2 Q Tuscola County Dispatch?

3 A Yes, sir. I use them to use my LEIN to find out
4 warrants. When I walk in there, I pull up -- they send
5 me an email one time through LEIN, and they'll tell me
6 everybody that's got a warrant in my jurisdiction, sir.
7 And at that time I usually go knock on doors and take
8 people to jail. That is how police officers find
9 people with warrants without making a traffic stop.

10 Q So in this instance, is that what you're saying
11 happened?

12 A Yes, sir.

13 Q So you have an email about the warrant.

14 A No, sir. I had one on the first one. It was shredded.
15 It's gone. The second one was verbal. I seen it.

16 Q What do you mean the second one?

17 A The second one right here that I went to make an
18 arrest. I seen where she had a warrant approximately a
19 week prior, made sure the warrant was still valid on --

20 Q Okay. Just to be --

21 A On --

22 Q Just to be clear, you had a paper warrant.

23 A No, sir.

24 Q You didn't?

25 A No, sir.

1 Q Then what did you show Ms. Schook?

2 A I did not --

3 Q Ms. Hull.

4 A I did not show her nothing, sir. I just went by word
5 of Dispatch that she had a warrant for her arrest. And
6 at that time police officers take people into
7 custody --

8 Q Okay.

9 A -- from what Dispatch tells us through LEIN.

10 Q Trooper Reynolds show her one?

11 A No, sir.

12 Q He didn't?

13 A Let's see. I'm not sure what Trooper Reynolds showed
14 her. He did, I believe, show her a warrant, a paper
15 copy. I think he printed it. He had a printer in his
16 car. I do not, sir.

17 Q How is it that you received information from Dispatch
18 about a warrant for Brandi Schook?

19 A I called Dispatch, asked if her warrant was still valid
20 as I had time to go pick her up. Dispatch informed me
21 that she lived at the address she had, which I was
22 unaware of, and she still had a valid 10-10 warrant.
23 And that's why I went to Legg Road with that address.
24 Because of what Dispatch told me.

25 Q So you contacted LEIN --

1 A Yes.

2 Q -- and asked --

3 A And didn't -- yes.

4 Q Hang on. And asked them if she still had a valid
5 warrant, yes?

6 A At that time, yes, 'cause I knew she had a warrant.

7 Q So --

8 A I was making sure it was still good, yes, sir.

9 Q So you knew --

10 A I double-checked it.

11 Q Hang on. You knew prior to 7 p.m. on October 7th,
12 2019, that there was a warrant out for Brandi Schook's
13 arrest, correct?

14 A Correct.

15 Q So when you put in your report that on October 7th,
16 7 p.m., I received information that a suspect living at
17 Legg Road had a misdemeanor warrant for her arrest,
18 that's not true, is it?

19 A Yes, it is true, sir. I double-checked my warrant at
20 7 p.m. so I -- that was my information, that she had a
21 warrant.

22 Q But you didn't receive information at that point that
23 there was a warrant. You already knew there was a
24 warrant, right?

25 A The warrant could have been gone by then, sir. The

1 warrant could be gone ten minutes after I call that
2 information in. In fact, if I had showed up there, she
3 could have already been in jail before I even got
4 there. I don't know what other officers are doing,
5 sir.

6 Q Okay.

7 A But you try to check your warrant when you get there
8 before you knock on the door in case she was arrested
9 an hour prior to you getting there.

10 Q You indicate in your report that you ran the suspect
11 through LEIN and it came back that Brandi Schook had a
12 warrant for her arrest.

13 A Yes, sir.

14 Q You didn't run her through LEIN, did you?

15 A Yes, I did.

16 Q You just told us a moment ago you don't have a computer
17 and the way that you get LEIN information is you call
18 Central Dispatch.

19 A Correct, sir.

20 Q Okay. So let's be clear about how LEIN works or -- so
21 the jury understands. Tell me a little bit about what
22 LEIN is.

23 A Law Informational Network [sic]. People are entered in
24 LEIN. They have warrants.

25 Q Okay. It's true that they -- LEIN shows you warrants,

1 right?

2 A Yes, sir.

3 Q It also shows you whether or not they have a valid
4 license, correct?

5 A If you go into all that, yes, sir.

6 Q Well --

7 A I -- I never -- I don't work LEIN, so I don't know,
8 sir. You probably know more about that part than me.

9 Q So you're telling me that you have no idea how LEIN
10 works?

11 A I have an idea how it works. But I didn't function it,
12 so -- every LEIN's probably different, I would assume.

13 Q You've been doing police work for three years?

14 A In Sanilac County, sir.

15 Q Okay. And you're telling me that in those three years
16 you've never used the LEIN system to check if somebody
17 you pulled over has a valid license?

18 A Yes, sir, I do.

19 Q Okay. So you know that -- that -- that LEIN works in
20 that fashion?

21 A Yes, sir. I call Dispatch.

22 Q Okay.

23 A I don't know how they type it in, but I call dispatch.
24 They run them for me.

25 Q Okay. Why are you telling the -- the jury at this

1 point that you're not really sure how it works?

2 A Because if you put the LEIN in front of me, I -- I
3 wouldn't know how to log into it. I don't know what it
4 looks like. It's like any other computer, sir, I'm
5 sure.

6 Q But a moment ago when I asked you about whether it
7 shows suspended licenses, you acted as though you
8 didn't know, but you do know --

9 A I know --

10 Q -- right?

11 A Dispatch tells me if people have a warrant, and I act.
12 Or if they tell me they don't have a driver's license,
13 I act. If they told me if they have whatever, I act.

14 Q Let's talk about the other things that LEIN has. Shows
15 their address, correct?

16 A What's that now?

17 Q Shows their address, correct?

18 A I cannot see it, sir. I am talking by radio. I assume
19 they do 'cause I ask them and they tell me, so I don't
20 know how they get it, sir.

21 Q LEIN also shows whether or not somebody has valid
22 insurance on their vehicle, correct?

23 A Yes, sir.

24 Q Okay. You received information from Central Dispatch
25 about this warrant, correct?

1 A Yes, sir. No.

2 Q What's --

3 A Let's see. Let's back that up. I asked Central
4 Dispatch if they had a warrant at that address. Or not
5 that address. I asked if a Brandi Schook still had a
6 warrant. We -- I know we can go under warrants and it
7 tells you who has a warrant period.

8 Q Okay.

9 MR. JEAN: May I approach to retrieve an
10 exhibit, Your Honor?

11 THE COURT: Yes.

12 BY MR. JEAN:

13 Q People's Exhibit Number 2 is a misdemeanor warrant for
14 Brandi Schook, yes?

15 A Yes.

16 MR. JEAN: May I approach the witness?

17 THE COURT: Yes.

18 BY MR. JEAN:

19 Q That's the warrant that you subsequently arrested her
20 on without incident, yes?

21 A Without incident, was that what you --

22 Q Yeah.

23 A There's an incident. No.

24 Q Oh. Okay. That warrant does not mention anywhere loud
25 exhaust, does it?

1 A No, sir.

2 Q Tell me the agency that that warrant came out of. What
3 police agency was it?

4 A It's Tuscola County Sheriff's Department.

5 Q Sheriff's Department.

6 A Yes, sir.

7 Q You say in your report that there was a warrant in
8 LEIN, Dispatch informed you that the warrant was for
9 what you describe as a possible loud exhaust out of
10 Caro with a 50-mile pickup as a misdemeanor with \$500
11 bond, correct?

12 A It -- yes, sir.

13 Q When you put that in your report, you receive that
14 information from Central Dispatch, right?

15 A Yes, sir.

16 Q So when you're telling the jury that you're just
17 confirming with Central Dispatch that there's a
18 warrant, you aren't really just confirming with Central
19 Dispatch that there's a warrant. You're not getting
20 just that. You're getting what it's for, the agency
21 that it came out of, the radius for the pickup, whether
22 it's a misdemeanor or not and what the cost is for
23 bond.

24 A The main thing I focus on is is there a valid warrant.
25 That's the only thing I really -- frankly, I don't care

1 what it's for. I'm there for a warrant.

2 Q But you just told this jury that you just got
3 information to confirm that there's a warrant --

4 A Yes.

5 Q -- but yet in your report you get all kinds of
6 information.

7 A I ask if the -- for courtesy, I ask -- they told me
8 there's a 10-10 warrant. I usually ask what for. She
9 told me excessive noise. And I said how much the money
10 does it take for them to go home? She told me 500
11 bucks.

12 When I go to a person's house, I like to tell
13 them it costs you 500 bucks before you make a stink,
14 it's a minor thing, and you can get out of jail
15 tonight. I usually work with them so they can get
16 money so they can call their folks, tell them, make a
17 call from the jail. That's usually how I operate, and
18 it always usually works. But obviously it did not this
19 time.

20 Q Obviously, it did not. In fact, a warrant for a loud
21 exhaust never existed, did it?

22 A According to one of the troopers later on that I don't
23 have a computer, didn't read it, he read what it was
24 about. So he will explain more about it 'cause he's
25 more into LEIN --

1 Q Perfect.

2 A -- than I am, so --

3 Q So you are aware --

4 A Trooper Reynolds read it to them. It was issued under
5 that, so I don't understand it.

6 Q So you're aware then that when a warrant goes into
7 LEIN, it can't be removed.

8 A Right. A warrant is a warrant. I act on a warrant.
9 That's all I do.

10 Q So when you talk about things like an active warrant in
11 the LEIN system, the warrant still shows up in the LEIN
12 system. It just shows up as whether or not it's
13 active, right?

14 A I just want to know if there's a valid warrant at that
15 time. That's all I care about, sir.

16 Q I understand that. That's not my question.

17 A But I don't know. I mean I don't care. I just look
18 for a warrant. If you have a warrant, I take you to
19 jail if I got custody of you. That's all I -- I do.

20 Q My question, Chief, is whether or not you can remove a
21 warrant from LEIN.

22 A I cannot.

23 Q In fact, you know because you're -- it seems like
24 you're dancing around the question here. You know that
25 the warrant once it's in LEIN is there permanently.

1 MR. WANINK: I guess I would object. It's --

2 THE WITNESS: I don't know.

3 MR. WANINK: -- somewhat an argumentative
4 question, I mean.

5 MR. JEAN: It's cross-examination, Your
6 Honor.

7 THE WITNESS: I didn't understand what he's
8 saying.

9 THE COURT: Well --

10 THE WITNESS: I don't know how to enter --

11 THE COURT: -- he said he doesn't know, so --

12 THE WITNESS: I don't know how to take stuff
13 out of LEIN, sir.

14 THE COURT: -- that's the answer.

15 THE WITNESS: I don't work with the LEIN part
16 other than on Dispatch. I mean they enter it and exit
17 it. I do not type it in. I do not take it out of
18 LEIN. I just go.

19 BY MR. JEAN:

20 Q Isn't it convenient for you that the information that
21 you received somehow was wrong from LEIN?

22 A I don't know if it was wrong, sir.

23 Q Okay.

24 A I had a warrant. I went on a warrant. That's all I'm
25 going on.

1 Q Let me -- let me ask you this. We got done watching a
2 video. Maybe the jury doesn't remember it, but in the
3 video you say to Brandi Hull when you make contact with
4 her that Caro P.D. asked you to make contact with her.

5 A They said it was out of -- they said it was out of
6 Caro. I did say Caro P.D. 'cause I assumed at that
7 time it was Caro P.D., but it was a Caro courthouse.
8 But it was a warrant. I told her it was a warrant
9 probably three times, and it didn't really totally
10 matter to me if it was for burglary. I didn't care.
11 You had a warrant for your arrest. I just act on it.

12 Q Okay.

13 A And I'm sorry if you don't want to go to jail, but you
14 have a warrant.

15 MR. JEAN: Can we bring this up and just --
16 (People's Exhibit Number 1, body cam video,
17 commenced at 9:36 a.m. and concluded at 9:36 a.m.)

18 THE WITNESS: It's playing.

19 BY MR. JEAN:

20 Q Your words, Chief --

21 A Yes.

22 Q -- are they told me to make contact with you.

23 A That was Central Dispatch, sir. That -- that's just
24 trying to make people calm down so they don't do stupid
25 stuff. But still you have a warrant, sir.

1 Q Again, going back, you say you received information,
2 but you say you already knew the warrant existed?

3 A Received information from LEIN, sir.

4 Q But when you say they wanted me -- out of Caro, they
5 wanted me to make contact with you, isn't that pretty
6 clear in the context of a conversation that you had
7 some sort of contact with Caro P.D.?

8 A They told me in Tuscola County Dispatch that Caro had a
9 warrant for her arrest, and I said that right off the
10 bat. And that's what I heard, thinking it could have
11 been Caro P.D. But it could have been Genesee County,
12 it could have been Detroit. Well, I knew it had to be
13 within 50 miles of Caro, and she was within 50 miles of
14 Caro with a valid warrant. That's the only thing I was
15 going to act on, sir.

16 Q Can you please explain how it makes any sense
17 whatsoever for Central Dispatch to ask you to go out to
18 make contact? That's not their job, is it?

19 A Not usually, sir.

20 Q It's your job to make contact.

21 A Yes, sir.

22 Q Why on earth would Central Dispatch ever tell you to go
23 make contact with her?

24 A They didn't, sir. I called them to make sure it's
25 still good. So I went and acted.

1 Q Because when you say they told me to make contact,
2 you're talking about Caro P.D., aren't you?

3 A I said I came to make contact for Caro P.D. I was
4 under the assumption the warrant was out of Caro and I
5 was doing Caro a favor by taking in one of their
6 warrants. But I understood afterwards it was Caro
7 courthouse that the warrant was out of. Once the dust
8 settled, I found -- I was acting on a warrant, and I
9 really didn't care if it was out of Cass City, sir.

10 Q The warrant was out of Caro courthouse?

11 A Well, I -- Sheriff's Department. It came out of
12 Tuscola County.

13 Q By the way, you say -- you say there's this loud
14 exhaust and somehow it just got mixed up in the LEIN
15 system, right?

16 A I don't understand how that works, sir. You're gonna
17 have to ask the man that put it in LEIN.

18 Q That's fine. If there were a loud exhaust out of Caro
19 P.D., that should be on the records of the court,
20 correct?

21 A I don't believe there would be a warrant for your
22 arrest for a loud exhaust anyhow, sir, 'cause I believe
23 that was just a civil infraction. But I was acting on
24 the warrant, okay? There was a warrant. That's the
25 only thing I cared about. It did not make sense to me.

1 But I knew there was a warrant, so that did make sense
2 to me. And I confirmed it. How they typed it or how
3 they said it --

4 Q Doesn't make sense to you.

5 A But that was Dispatch and what they told me by phone.
6 Ear. I did not read it. I did not read the warrant.
7 I had no contact with that warrant.

8 Q So you're going out to effectuate an arrest warrant
9 without really knowing what it's for?

10 A I have to trust Dispatch, sir. When they told me
11 there's a warrant, I have to trust them, and if they're
12 wrong, then I guess we're gonna look bad. But when
13 Dispatch says there's a warrant, I act upon it. And
14 they produce me a warrant, so -- at the end. I take
15 their word for it.

16 Q We're -- we're in the middle of -- of this case that is
17 attached to what was going on on October 7th. Are you
18 aware of Brandi Schook being booked on a warrant for a
19 loud exhaust?

20 A No, sir.

21 Q Are you aware of any court case that she has for a loud
22 exhaust?

23 A I don't know what her past history is, sir. I don't --
24 I don't know.

25 Q How about this? How about if I told you that if one

1 were to go down to the District Court and ask for the
2 entirety of her record, loud exhaust doesn't exist.

3 Would you believe that?

4 A Sir, I don't know.

5 Q Okay. And, in fact, you believe that the reason this
6 loud exhaust is in the LEIN system is because they
7 couldn't put it in as a suspended license.

8 A That was my understanding.

9 Q That wasn't your understanding.

10 A That was my understanding.

11 Q That was your --

12 A That I heard that night -- if you follow that further
13 through, you'll see the trooper trying to explain it.

14 Q So you're telling me that the explanation for a fake
15 warrant is, well, we tried to put it in under suspended
16 license, that didn't work, so we just put it in as
17 excessive noise? That's your understanding?

18 A I don't understand it, sir. I ain't gonna say what
19 they did. I don't know.

20 Q You understand that you don't -- you don't do LEIN. I
21 get that.

22 A I don't know.

23 Q My question is what your understanding is.

24 A I don't know. I don't know if she had -- my
25 understanding was she had a warrant that night. That

1 was it. \$500 to get out of jail. Some excessive
2 noise. Three words she told me. It was short and
3 sweet. They don't get deep into it.

4 Q To be abundantly clear, based on what you understood as
5 well as the information you received from the troopers,
6 the excessive noise warrant was actually supposed to be
7 the suspended license warrant, yes or no?

8 A I believe when the troopers got there and he pulled it
9 up, he explained to her what it was and she still
10 denied whatever it was. And I -- I stood there. My
11 body cam was on during that interview with -- Trooper
12 Reynolds was explaining what it was about, and she
13 still denied whatever that was all about. She said she
14 paid it and all that. So I don't know.

15 Q Why don't you want to answer the question?

16 A I don't understand your question.

17 Q The question is simple. Your understanding of this
18 excessive noise warrant being in the system was that
19 that warrant was actually for the suspended license --

20 A That's the way --

21 Q -- that was entered --

22 A That's the way --

23 Q -- incorrectly.

24 A That's the way I understood it came out, yes.

25 Q So you are -- you -- you believe that whoever put that

1 into LEIN not only put it in wrong because allegedly
2 they couldn't put it in as a suspended license, okay,
3 fine, right, but then they go ahead and put in the
4 wrong agency?

5 A They didn't say the agency. They probably didn't say
6 the agency, sir. They said out of Caro. I didn't ask
7 Caro P.D. I didn't ask Caro Sheriff's Department. It
8 could have been Caro State Police Post. After I
9 thought about it, it could have been anything out of
10 Caro.

11 THE REPORTER: I'm sorry. You're gonna have
12 to slow down.

13 THE WITNESS: I'm sorry. I keep going fast.
14 But she told me out of Caro. I remember what
15 she said.

16 BY MR. JEAN:

17 Q Out of Caro.

18 A Yes, sir.

19 Q You say on the video it's out of Caro P.D.

20 A Yes, sir. I must have got -- I must have been
21 confused. I -- I -- I took Caro as Caro P.D., I guess.
22 I did not understand she meant Caro Sheriff's
23 Department. But I did confirm she had a warrant. It
24 didn't matter where she was out of, as I said, as long
25 as it was out of Tuscola County, 50-mile pickup, or I

1 would have had to contact Saginaw and see if they
2 wanted me to transport. And I would have. I have done
3 that before, too.

4 Q You told us on direct examination that, well, gee, if
5 Dispatch had just read down further, they would have
6 seen the suspended license, right?

7 A I don't know what they read. I don't know what it
8 looks like. Sir, I don't.

9 Q You don't know what they did.

10 A I do not, sir. I was not in Dispatch. I was in the
11 field.

12 Q By the way, LEIN also -- because it goes by driver's
13 licenses. If somebody were to change their name,
14 that's reflected, and if they change their name on
15 their driver's license, that's reflected in LEIN, yes?

16 A I assume, yes.

17 Q Okay.

18 A If they do it, yes.

19 Q So --

20 A Some people don't change their driver's licenses
21 either, so -- I mean not everybody does like they're
22 supposed to do by the law, so --

23 Q Okay. If I were -- if I were to tell you that Brandi
24 Schook had changed her license prior to this, that
25 would have been in the LEIN system, yes?

1 A Yes. That's probably why they told me the address.
2 I'm assuming you're right, yes.

3 Q Exactly. That's how you knew she was at Legg Road.

4 A Correct. That must be it 'cause they told me where to
5 go. I had to idea.

6 Q What's the address on the warrant?

7 A I believe it was on Washington Street, right, sir?
8 Yes. That's where -- the address I believe I -- that's
9 where she used to live, and they told me to go to Legg
10 Road. And I confirmed to go to Legg Road, and they
11 said, yes, that's where she now lives.

12 Q So they also would have been able to tell you, hey, by
13 the way, her name is Hull now.

14 A They didn't -- I didn't -- they never told me that.

15 Q In fact, if you get that information from LEIN, it will
16 come up as the name that you currently are.

17 A I do not know why they did not tell me Hull was the
18 last name. I was still going by Brandi Schook.

19 Q You don't know why.

20 A I don't know why. I wasn't at Dispatch, sir. I just
21 go by Brandi Schook. And they never con- -- they never
22 told me Brandi Hull or I would not have been off
23 balance when she told me she was not Brandi Schook.
24 That's why I didn't know what to say at that time
25 'cause I thought she was. And then she confirmed that

1 she was Brandi Schook later on 'cause she had remar- --
2 married. But for a minute there -- everything happens
3 fast. It confuses a police officer.

4 Q So you get confused easy?

5 A No, sir. But sometimes suspects never want to tell you
6 their real name 'cause they're trying to dodge the law
7 is what it seems to be.

8 Q We didn't see that whole video, did we?

9 A No, sir.

10 Q There's about 17 more minutes to that video, correct?

11 A I think it's longer, isn't it? I had to wait nine
12 minutes for backup to show. Then -- yeah, there might
13 be 17. Seventeen. Then we transport. I never shut my
14 video off the whole time, even transportation. It's
15 probably an hour long video almost, I'm thinking.

16 Q Is it?

17 A Forty, isn't it? It has to be. I transported to Caro.
18 I never shut my video off, sir.

19 Q Okay.

20 A Other officers showed up and talked, so --

21 Q The gentleman that was with you, what's his name?

22 A Jay Petrica [phonetic].

23 Q Jay Petrica [phonetic].

24 MR. JEAN: May I approach the witness?

25 THE COURT: Yes.

1 BY MR. JEAN:

2 Q Officer -- Chief, you did a Complaint that you at least
3 assisted in creating, is that correct?

4 A Yes, sir.

5 Q If you would, you indicate who the witnesses are.

6 A Trooper Dan Reynolds, Trooper Jason Baxter, Trooper
7 Tyler Schuiteman, Trooper Michael Jonakowski --
8 Jarosiewicz, Deputy Ryan LaFlure.

9 Q How come you didn't list Jay?

10 A Because he was not there for that reason, sir.

11 Q He was a witness, was he not?

12 A He was, sir.

13 Q Why didn't you disclose to the -- the prosecutor the
14 witness?

15 A It was in the video, sir. Also, I could have had their
16 son brought in, too, sir. There's a lot of people I
17 could have brought in. Her son was running around
18 outside. I should have had him subpoenaed, too, I
19 suppose, at this time. But that wasn't what it was
20 about. The R and O. So --

21 Q It was the R and O. Okay.

22 A And, you know, resist arrest. Resist/obstruct. But he
23 would probably be a great witness. He just stood there
24 and watched.

25 Q You told us on direct examination that when Anthony

1 Hull steps outside, Brandi never said to him what that
2 warrant was for. Do you recall that?

3 A She tries to tell him, but he was not listening when
4 she was trying to tell him. She starts to say he is
5 here for a warrant and she keeps talking. He's like
6 bull, I thought he says, if you listen to that video.
7 It's hard to watch. You can -- it's quick. It's
8 quick. You have to really watch fast.

9 Q But the point is -- is that you told us she didn't tell
10 him that. When we watched the video, she did, didn't
11 she?

12 A I'd have to watch it again, sir. It's fast. I believe
13 she's talking -- he's talking over her before she can
14 say it. So he's got his mind made up like get in the
15 house as she's trying to talk, like two people talking
16 at once. You have to have really good ears to who's
17 saying what at what exact moment in my ears anyhow.

18 THE COURT: Chief, slow down a little bit.

19 THE WITNESS: Sorry.

20 THE COURT: That's all right.

21 THE WITNESS: Thank you, Your Honor.

22 THE COURT: No problem.

23 BY MR. JEAN:

24 Q You said on direct examination that she was
25 argumentative about the warrant, right?

1 A Yes, sir.

2 Q Didn't she have good cause to be argumentative?

3 MR. WANINK: Object, Your Honor. Calls for
4 the witness to speculate. MRE 602.

5 MR. JEAN: It's his opinion.

6 THE COURT: Speculation? Your response is?

7 MR. JEAN: It's this officer's opinion.

8 THE COURT: Objection's sustained. Next
9 question, please.

10 MR. JEAN: Of course.

11 BY MR. JEAN:

12 Q She says to you I -- I don't have a warrant for this,
13 I've never even been pulled over for loud exhaust,
14 right?

15 A I believe she told me she had never been pulled over,
16 which was a lie, which we found out later she had been
17 pulled over according -- that's what -- after
18 everything's done. I thought she said she had never
19 been pulled over.

20 Q She says --

21 A She says that -- at one time, too, that she never had a
22 warrant, she told me, and she did. So she did have a
23 warrant 'cause I confirmed it, and she told me she
24 didn't have a warrant, which was a lie, or she did not
25 know about. I'm not sure.

1 Q Did you look in -- just real, real quick on -- on
2 that -- that other warrant, the incident date was from
3 April of 2018, right?

4 A I don't know, sir.

5 THE COURT: You can just keep that.

6 THE WITNESS: Thank you.

7 I'm not finding that right now. Got to look.

8 THE COURT: It's -- it would be on the
9 right-hand side at the top, near the top.

10 THE WITNESS: Right here. Yup. April 7,
11 2018.

12 BY MR. JEAN:

13 Q Do you know whether any other tickets were issued at
14 that -- in that incident?

15 A I have no clue, sir.

16 Q Okay.

17 A It was not my police department.

18 Q In fact, Brandi told you that -- after -- after she was
19 in custody, she told you that she believed that she
20 took care of that, didn't she?

21 A I believe so, yes. That was what she stated at the
22 end.

23 Q Okay. In fact, she told you that she went to the
24 courthouse, she paid on -- on the fines, so there
25 shouldn't be a warrant?

1 A Right, but I've never arrested a person yet with a
2 warrant that had a warrant.

3 Q I understand that.

4 A Nobody ever has a warrant.

5 Q I -- I get that.

6 A And they have warrants.

7 Q Okay. That warrant was issued in August of 2019,
8 correct?

9 A Where would I find that at now?

10 THE COURT: It's at the bottom.

11 THE WITNESS: Yes. No. Hold it. Let's see.

12 THE COURT: Where the -- when judge signed
13 it.

14 THE WITNESS: 9-19, yes, sir. 9-19-19.

15 BY MR. JEAN:

16 Q Okay. I'm just -- and, again, I want to go back a
17 little bit here, and I told you I was gonna apologize
18 upfront for bouncing around a little bit.

19 You -- you had prior knowledge of the
20 warrant, so it must have been that warrant that you had
21 prior knowledge of.

22 A I have no idea, sir. Most of the time I just find out
23 if you have a warrant and I execute a warrant.

24 Q Okay.

25 A And I just want -- the main thing, I like to know if

1 it's a 10-10 or a 10-9, which is a misdemeanor or a
2 felony. Felony warrants are -- usually more aggressive
3 people get than misdemeanor. Misdemeanor warrants,
4 people are generally more mild to go to jail. They pay
5 their minor fees and get out of jail. Felony warrants,
6 sometimes people run more from me. They put up more of
7 a fight and sometimes resort to more crazier actions.

8 So when I go on a warrant, most important
9 thing to me is how much money to get out of jail, if
10 it's a felony or a misdemeanor and if it's an active
11 warrant the day I show up. Them are the three things I
12 care about as me as a personal police officer.

13 Q Yes or no. When you receive this email of open
14 warrants, the email indicates what the warrant is for,
15 yes or no?

16 A I'm trying to remember. I can't remember, sir. I'm
17 not sure if it just says warrant for a misdemeanor,
18 \$500, or what it was. I don't remember how they word
19 it. I've only received one of them through LEIN in my
20 life.

21 Q That's not --

22 A I mean she may not have been on that. She might have
23 been on the electronic one that I got. I walk up and
24 they look over the computer and they show the name.
25 I've did it many a times. I've made a lot of arrests

1 on warrants, sir. I can't remember which one is which.
2 I just know of certain people when we ask -- you go in
3 when there's a warrant --

4 THE REPORTER: I'm sorry. You're gonna have
5 to slow down.

6 THE COURT: Slow down.

7 THE WITNESS: I'm sorry. It's hard to
8 explain.

9 THE REPORTER: I don't know which one is
10 which. That's where I'm at.

11 THE WITNESS: I'm sorry.

12 But I do know that there's something that
13 says warrants. You click on it, and it shows all the
14 warrants in your jurisdiction. Then you see the names
15 and the date they were put in, I believe; where they're
16 out of, I believe; the pickup, how many mile pickup it
17 is, which means up to -- 'cause if you got a warrant
18 out of a -- a distant place, I don't go 'cause I'm not
19 gonna go pick somebody up. I'm not transporting to
20 Chicago or whatever.

21 But I'm not real familiar with the warrant
22 process other than I ask LEIN, LEIN tells me, I execute
23 it, pick up my warrant if it's within range if they
24 want them. A lot of times people have a warrant,
25 Shiawassee County don't want to come pick them up. We

1 advise and release. This was 50-mile in Tuscola
2 County. I knew it was a valid warrant.

3 BY MR. JEAN:

4 Q So you just told us that you don't remember whether
5 Brandi was on that list.

6 A She had a warrant. I remember reading her name on a
7 warrant.

8 Q I understand that, but --

9 A But where, I can't remember if it was on a computer, on
10 that -- where. But I had had one prior, but I never
11 arrested her for it. I never -- I never found her, and
12 I let it go at that.

13 Q To be very, very clear, if you had seen a warrant, it
14 would have been this one, yes?

15 A I've never seen one of these in my entire life.
16 Everything I go by is hearsay. I've never seen an
17 actual printed warrant. They tell me through LEIN,
18 which is Dispatch. They -- I believe, though, you can
19 get a hard copy. They probably read it off a computer.
20 These are printed, which police officers do not have in
21 the field with them. We're not accessible to a
22 printer, most of us, so we go by what -- Dispatch tells
23 us if they have a warrant, and I have to take
24 Dispatch's word that the warrant is valid.

25 And the reason is -- why police officers do

1 not carry a paper warrant to a house, it's just
2 something in our hands when things go wrong. We need
3 to keep our hands free so we can protect ourself or
4 take people into custody.

5 So we do not show up with a paper warrant for
6 an arrest warrant, just letting you know why we do not
7 carry a paper warrant while we're making an arrest. We
8 usually go by our ears. On our microphone even on a
9 traffic stop when I'm talking to Dispatch and I say
10 does so and so have a warrant, they will tell me, and
11 at that point I will get them out of the car and arrest
12 them without seeing a paper warrant. I take Dispatch's
13 word as there is a warrant. And if they say it and I
14 hear it not quite exactly, the wording, I'm -- I'm
15 sorry, but it's a warrant.

16 Q Okay. So you've explained how that works. I get that.
17 My question to you is not whether or not LEIN told
18 you -- or Central Dispatch told you something or not.
19 You told us on direct examination -- and it may have
20 even been on cross-examination -- that you get a list
21 through an email.

22 A It is possible. I've had one in my life.

23 Q Hang on. That you get a list of open warrants.

24 A It is possible. I have did it once. They will send an
25 email in approximately a month if you ask for them. It

1 comes out of LEIN. Dispatch types it in, puts my email
2 address, and they will ship it to my police department.

3 Q Okay. And you're saying you've been an officer for
4 three years and you've done that once?

5 A On that way. Normally I go in and they -- if they are
6 not busy, they will look up warrants in my area, tell
7 me, and I can just scan down the list and see somebody
8 that's got a hot warrant, they call it.

9 Q So my question is very simple. How did you first
10 become aware that Brandi Schook had a warrant?

11 A How I became aware of this warrant, it was a hot
12 warrant through Dispatch when I seen it on their
13 computer screen. Or all -- at that time.

14 Q When?

15 A I don't remember the date, sir. It probably been -- I
16 do not remember. It's been too long for my brain.
17 I -- I'm not gonna make something up.

18 Q So you're saying that you first see this warrant while
19 you're at Central Dispatch? Is that my understanding?

20 A I'm not sure, sir. I just remember she had a warrant.
21 And how I remember, I -- I look at a lot of stuff, sir,
22 in a daytime. I run a lot of people through driving.
23 I do not remember exactly how I know how everybody has
24 a warrant.

25 I got tips right now on my page that people

1 tell me they have warrants in town that I'm not aware
2 of, but -- it's hard. I got a lot of information in my
3 head at the time for people with warrants and I know
4 they have warrants.

5 Huron County contacted me two days ago on a
6 warrant in town. That was Huron County. I'm assuming
7 they told me Huron County. That was through -- Central
8 Dispatch told me to go pick up one for child support,
9 which I cannot find them home yet. But they contacted
10 me and told me about that one, and I do remember that
11 'cause that was like within a week here. So that's
12 easy to remember. But I get them all the time like
13 that.

14 Q All right. So the answer is you don't know?

15 A Correct. I'm gonna stay with -- I -- I don't want to
16 give you a date and be wrong. I don't remember the
17 exact time, sir. I just know she had a warrant that
18 was valid. I do know that. I did check with Dispatch
19 at approximately 7 o'clock for sure that the warrant
20 was valid again at that time before I tried to make
21 contact 'cause I did not want to go there if she was
22 arrested prior to me getting there.

23 Q As we go through that -- that video, you say that
24 Brandi pulled away from you, right?

25 A I'm not sure she was pulling away or he was pulling her

1 away. It -- it -- but she was going away from me. I
2 had her, so -- and then when my hand got knocked off,
3 he pulled in, and she seemed to go in the house and not
4 come back out.

5 I asked her later on -- I said did he pull
6 you in the house? And she's telling me, no, I went in
7 on my own. I says why didn't you come back out?
8 That's late, deep in the video when we finally got her
9 in custody. And she was trying to say -- I -- I said,
10 well, then if he held you in the house, he's more
11 responsible and you're -- and you're free in my eyes,
12 but if you wouldn't come out -- and she told me at that
13 time that she went in on her own and didn't come out on
14 her own. So that's what -- okay. That's what she told
15 me.

16 If you watch the end of that video, I asked
17 her them questions. Did you go in on your own or did
18 he pull you in is what I wanted to know, and then she
19 told me, no, that's my husband, he's protecting me
20 and -- and he did not pull me in, I went on my own.
21 So -- it's something like that. I -- I'd have to watch
22 the video again. But that's gonna be at the end of
23 your video when we were -- do have them in custody at
24 that time because I was trying to find out if she
25 really was pulling away from me.

1 But she ended up going in the house and not
2 coming out, ultimately. Whether he was holding her in
3 there on the floor, I don't know what happened behind
4 them doors when I walked away, okay? That was what
5 happened with them. I had never had no other -- she
6 never told me she was trapped in the house or held
7 against her will, but I do know she was in the house
8 and did not come back out after she knew I was there
9 for a warrant and had her in my custody, physical
10 touch.

11 Q So when we watch that video, we watch your hand on her
12 arm gently release (indicating) just like that. You're
13 telling us that was a violent --

14 A Oh, no.

15 Q -- action? Oh.

16 A No, no. He -- he -- he touched -- he hit my arm off.
17 He touched me. Then he slammed the door on me, which
18 my boot mark and my boot print is ev- -- elevent [sic].

19 Q You know, I'm -- I'm curious about that, Chief, because
20 you told us -- I think it was on direct examination you
21 were asked, well, you know, how come you didn't kick in
22 the door and go in? You said to us -- I think it was,
23 well, I don't know what's on the other side of that
24 door, they could have a shotgun, I could be --

25 A Correct. I don't want that door to shut.

1 THE REPORTER: I'm sorry. I've got to have
2 one at a time.

3 THE WITNESS: Oop. Sorry.

4 BY MR. JEAN:

5 Q But you tried to go into the house.

6 A I tried to keep that door open. When that door shuts,
7 bad things happen. I lose sight of people's hands and
8 what's in there. I don't like doors being shut.

9 Q Okay.

10 A Do you understand?

11 Q That's fine. But when you say you don't go into a
12 house because you're by yourself, the reality is -- is
13 you tried to go into the house.

14 A I tried to keep my -- control of my prisoner, sir.

15 Q What were you gonna do with the door being open and
16 they go into the house?

17 A I was hoping to convince her to re- -- come back out
18 with a fight -- without a fight. It was only a -- it
19 was a minor warrant for \$500 and she could have went
20 home that night. I did not want to see it escalate.
21 We are people of the same community.

22 Q Is that why you told Mr. Hull he was gonna get shot?

23 A I don't believe I said that. I don't remember saying
24 that. I should have said maybe he -- I don't remember
25 what you're talking about there, sir.

1 Q Okay. You'd agree with me -- actually, you received
2 information that the Hulls, while they were inside,
3 they called Central Dispatch, didn't you?

4 A I wasn't sure if they -- I don't know who they were
5 talking to. That's hearsay, speculation on my part. I
6 don't know if they were talking to Dispatch, if they
7 were talking to a trooper or if they were talking to
8 their son that was outside with the police. They
9 were -- but they were talking to somebody 'cause I
10 believe that's why they came out, what I understood.

11 I wasn't a part of the conversation with
12 whoever they talked to, so I don't know. Or maybe they
13 weren't talking to nobody. I might be pure speculating
14 they were talking to somebody, but -- but I'm not sure.
15 I assume they were talking to somebody. Dispatch is
16 what I thought I heard. Then I thought I heard maybe
17 they were talking to their son. And then I thought
18 maybe, possibly they were talking to a troop. But I'm
19 not sure at this time.

20 Q After they talk to somebody, they come out. No
21 incident. No fighting. No resisting. You place them
22 under arrest.

23 A No. They did resist yet. She resisted right up 'til I
24 got the handcuffs on her. Even with the trooper. He
25 had to help me handcuff her. She did resist. He came

1 out -- I believe he -- I think he went into custody
2 easy enough, but she still would not be re- -- she --
3 she still fought us where it took Trooper -- I think it
4 was -- I'm not sure which one, but I believe it was
5 Reynolds helped me take her arms and put behind her
6 back 'cause she still would not be arrested for a
7 warrant period. Even after. Just would not.

8 She still continued to fight later in the
9 video. Not fight but just I'm not -- I don't want to
10 be arrested, which we took our sweet time putting the
11 cuffs on her, tried to talk to her without -- and
12 finally we just got to the point that's it.

13 Q You don't -- you don't mention any of that in your
14 report as being could combative. Why not? Why are you
15 mentioning it just now?

16 A It is on the video. I guess it slips your mind. I
17 don't know. I don't know if it's in my report or not
18 to be honest with you. Is it in the supplemental?

19 MR. WANINK: (Nods head.)

20 THE WITNESS: It is in my supplemental
21 report?

22 MR. WANINK: (Nods head.)

23 THE WITNESS: I believe it's in the
24 supplemental report, sir.

25 BY MR. JEAN:

1 Q In fact, you did a supplemental report. You indicate
2 that I asked for a supplemental report.

3 A Again, that's -- I got in my mailbox in my prosecutor's
4 office that the de- -- that's why I did what I did. It
5 said the defense attorney wants your supplemental
6 report. And then after I did it, the prosecutor's
7 office thought that I knew the drill in Tuscola County,
8 that they already do all that with the troopers so I
9 didn't have to. But I interviewed all the troopers
10 again plus watched my video and put it in my
11 supplemental report better at the end of the video
12 'cause I assumed it ended when I made my warrant.

13 Q Right -- right when the video was stopped -- and we can
14 watch this in a minute if you would like. When you're
15 walking back out to the car with this -- this
16 ride-along, you say to him something to the effect of
17 that went just the way you thought it would, didn't
18 you?

19 A He stated -- when I showed up there, he said, yeah,
20 probably since I'm with you tonight, all things will go
21 wrong. And -- and they did. I mean it's just the way
22 it goes sometimes when you got a ride-along. But that
23 was the words he said in the police car before we even
24 started. He says yup. He says I'll probably bring you
25 bad luck.

1 Or, you know, when -- any time you do
2 something, Murphy's law. If it can go wrong. When you
3 got somebody, you're trying to show them how it goes --

4 THE REPORTER: I'm sorry. You're gonna have
5 to slow down.

6 THE WITNESS: Sorry.

7 So that's what that -- I know what you're
8 talking about 'cause it is like -- I remember saying
9 when we went there -- it's like, yup, I'm gonna go up
10 here, try to do a warrant attempt. I said they're
11 usually always easy. He says, yeah, I'm with you
12 tonight, it probably won't, just for luck, you know.

13 BY MR. JEAN:

14 Q Interestingly, he also says to you that he knew Anthony
15 Hull, doesn't he?

16 A He's from town. Yes, sir. It's a small community.
17 Everybody knows everybody in Kingston if you're from
18 Kingston. And he is a local, too. Everybody is a
19 local in Kingston, so -- but he had no knowledge of
20 anything I was doing for like the warrants and stuff
21 other than I was just there and he just happened to be
22 with me that night on a ride-along.

23 Q Let's break everything down, make it very simple. When
24 you arrived, you tried to arrest Brandi Hull on a
25 warrant that did not exist, yes or no?

1 A I did try to arrest her on a warrant that did exist. I
2 confirmed before I got there.

3 Q So what you're telling this jury is that the excessive
4 noise warrant existed, yes?

5 A Yes.

6 Q It existed. Were you -- were you in the court --
7 you've been in the courtroom the whole time, right?

8 A Yes.

9 Q You understand that no warrant has been produced to me
10 for excessive exhaust, right?

11 A They told me there was a warrant for excessive noise,
12 and that's what I was there for, for an active warrant.

13 Q I understand that, but that's not my question, Chief.
14 My question is you know that no excessive noise warrant
15 has been produced to me.

16 A No excessive noise has been produced to you.

17 Q That is because it does not exist, correct?

18 A I do not know, sir.

19 Q You don't know. In fact, isn't it true that that was
20 admitted that it does not exist?

21 A I do not understand the LEIN process.

22 Q I understand that, but you've been -- you've been
23 involved in this case when it was admitted to the Court
24 it does not exist, yes?

25 A I was there for a warrant.

1 Q Why is it that you don't want to admit to me and to
2 this jury that that warrant did not exist nor did it
3 ever exist?

4 A Because I do not understand how it was entered into
5 LEIN. I don't know how -- they did have a warrant.
6 That's all I know for sure. I do not know how they
7 entered it.

8 Q So if that's the case, it shouldn't be a problem for
9 you to admit that the other one didn't exist, right?

10 A Yes.

11 Q Okay. So then so we're clear, you tried to arrest her
12 on a warrant that didn't exist when you first arrived,
13 yes?

14 A I tried to arrest on a warrant, sir.

15 MR. JEAN: Nothing further.

16 THE COURT: All right. At this time we're
17 gonna take our morning recess, 10 to 15 minutes. We'll
18 have the jury retire to the jury room.

19 (Jury excused at 10:13 a.m.)

20 THE COURT: Court's in recess.

21 (Court recessed at 10:15 a.m.)

22 (Court reconvened at 10:33 a.m., jury not
23 present.)

24 THE COURT: People ready for the jury?

25 MR. WANINK: Yes, Your Honor.

1 THE COURT: Defense ready for the jury?

2 MR. JEAN: We are, Your Honor.

3 THE COURT: All right. Chief, you can retake
4 your -- the witness stand.

5 (Jury present at 10:34 a.m.)

6 THE COURT: All right, Mr. Wanink, if you'd
7 like to proceed with redirect, please.

8 MR. WANINK: Thank you, Your Honor.

9 R E D I R E C T E X A M I N A T I O N

10 BY MR. WANINK:

11 Q Chief Pearsall, I want to revisit the last question
12 Mr. Jean gave you 'cause I think I want to put it a
13 little clearer for you 'cause I don't believe the last
14 one was all that fair.

15 There was a valid warrant that night,
16 correct?

17 A Yes, sir.

18 Q Dispatch, however, advised you that it was for an
19 excessive noise?

20 A Yes, sir.

21 MR. JEAN: Objection. Hearsay.

22 MR. WANINK: But he addressed it on cross,
23 Your Honor, so --

24 THE COURT: Overruled.

25 THE WITNESS: Yes, sir.

1 BY MR. WANINK:

2 Q And so the warrant was valid, but it was -- you were
3 informed incorrectly what it was for?

4 A Yes, sir.

5 Q But that has something -- does that have something to
6 do with the LEIN then, how the information's put in?

7 A To my understanding, sir, yes.

8 Q Do you have anything to do with that?

9 A No, sir.

10 Q Now, you indicated you're a -- a one-man department,
11 correct?

12 A Yes, sir.

13 Q Do you have access to a LEIN computer, an ORI for LEIN
14 in your vehicle?

15 A No, sir.

16 Q Do you have one at your department?

17 A No, sir.

18 Q So do you rely as a one-man department solely on the
19 information that Dispatch provides you?

20 A Yes, sir.

21 Q Is that common for one-man departments to your
22 knowledge?

23 A Yes, sir.

24 Q You're not the only one-man department in this county,
25 correct?

1 A I might be, sir.

2 Q Okay. So Mr. Jean's tried to get you to say that this
3 warrant was a fake warrant. It is actually a real
4 warrant? You confirmed that?

5 MR. JEAN: I'm gonna object, Your Honor.
6 I -- 'cause I -- the warrant that we're talking
7 about -- there's -- there's two different alleged
8 warrants here, and one --

9 THE COURT: Well --

10 MR. JEAN: -- didn't exist.

11 THE COURT: -- I don't know that there is.
12 You're saying that there is. What -- what is your
13 objection under the court rules?

14 MR. JEAN: That it's -- it's
15 mischaracterizing the testimony.

16 THE COURT: Okay. Your response, Mr. Wanink?

17 MR. WANINK: I don't believe it is, Your
18 Honor.

19 THE COURT: All right. Objection's
20 overruled.

21 BY MR. WANINK:

22 Q So when Mr. Jean referred to it as a fake warrant, it
23 was a valid warrant, correct?

24 A Yes, sir.

25 Q And it's the warrant that we've admitted here today as

1 an exhibit?

2 A Yes, sir.

3 Q And you confirmed that warrant, you indicated, before
4 you ever made contact with Miss Schook AKA Miss Hull?

5 A Yes, sir.

6 Q Now, do you execute arrest warrants like this often?

7 A Yes, sir.

8 Q So this wasn't your first rodeo?

9 A No, sir.

10 Q Do you ever execute warrants for other departments?

11 A Yes, sir.

12 Q In fact, this warrant that you were executing you
13 indicated was from the Sheriff's Department, correct?

14 A It was out of Caro but found out it's from the
15 Sheriff's Department, sir.

16 Q All right. So it's not uncommon for you to effectuate
17 arrest warrants on other jurisdictions' warrants?

18 A No, sir.

19 Q Do you have other people who -- other departments who
20 arrest folks on your warrants?

21 A Yes, sir.

22 Q Are you required to have a paper copy in hand in order
23 to effectuate an arrest warrant?

24 A No, sir.

25 Q How often would you say you've -- you've executed

1 arrest warrants on folks?

2 A Once a month, so approx- -- maybe about 25 in my couple
3 years here, I guess.

4 Q Okay.

5 A Yes.

6 Q And have you ever had the paper warrant in hand when
7 you've done it?

8 A Never, sir. No.

9 Q Are you aware if it's a common practice? Is it
10 something you receive training that you're supposed to
11 have when you effectuate an arrest warrant?

12 A When I was trained, we were trained not to have it with
13 us so we had our hands free.

14 Q So based on all the times you've done this and you've
15 had other people do it for you, was there anything out
16 of the ordinary procedurally here on this night on
17 October 7th, 2019, that you can think of?

18 A Yes, sir. They -- they --

19 Q Leading -- leading up to the contact on the porch.

20 A No, sir. Everything else was good.

21 Q Okay. This is how it normally goes and then --

22 A Up to that point, yes.

23 Q Up to that point. That's when problems occurred?

24 A Yes, sir.

25 Q Hypothetically, if Miss Schook had submitted to arrest,

1 what would the procedure have been?

2 A I would have gave her an opportunity to let her husband
3 know, family know and gather money, which I've done;
4 transported her to Tuscola County Jail; informed the
5 family to contact the jail in approximately one hour.
6 At that time they could come up and pay the jail the
7 \$500 'cause that's why I like to know the bond, and she
8 would have went home.

9 Q And then she's out?

10 A Yes, sir.

11 Q But instead things escalated, true?

12 A Yes, sir.

13 Q Did you do anything procedurally out of the ordinary in
14 effectuating this arrest warrant in your opinion that
15 caused it to escalate?

16 A No, sir.

17 Q Up until the time Ms. Schook became argumentative and
18 combative with you, this was fairly routine then?

19 A Yes, sir.

20 Q And is it routine for officers to rely on the
21 information that they receive from Dispatch?

22 A Yes, sir.

23 Q Is that what Dispatch is there for, to assist the
24 officers?

25 A Yes, sir.

1 Q Thank you.

2 MR. WANINK: I have nothing further.

3 THE COURT: Recross, Mr. Jean.

4 R E C R O S S - E X A M I N A T I O N

5 BY MR. JEAN:

6 Q You did, in fact, confirm with Central Dispatch Brandi
7 Schook's name, date of birth, address, that there was a
8 warrant, how much it was for, the radius for the pickup
9 and where it was out of, yes?

10 A Yes.

11 Q Okay. Now you are -- are now saying, though, you --
12 you don't really know whether or not they told you it
13 was for this exhaust, is that true?

14 A They told me it was for excessive noise, sir.

15 Q Got it. Okay. All right. So we're not trying to say
16 they didn't say that to you. They did, in fact, say
17 that to you.

18 A It was for excessive noise they told me, sir.

19 Q Do you know how a warrant gets entered? Do you know
20 how -- like the process of how that works?

21 A No, sir.

22 Q Okay. If you were to look at the warrant that we --
23 that's been entered, that is signed by District Court
24 Judge Jason Bitzer, yes?

25 A I -- you're -- you're probably right. I don't see it.

1 Yes, sir. Probably. Sounds good.

2 Q As a matter of -- of course for -- for you to
3 effectuate your job, to do a good job, it's important
4 for you to know certain processes?

5 A Sorry. I missed that, sir.

6 THE COURT: Sorry.

7 BY MR. JEAN:

8 Q It's important that you know how certain things work
9 for you to do a good job as a police officer, correct?

10 A Need a little understanding.

11 Q What I'm talking about is obviously you know what --
12 how to do police work, but I'm talking more of some of
13 the underlying things that you don't do. So, for
14 example, you -- even though you don't do the work, you
15 still know what the prosecutor does to some extent,
16 right?

17 A To some extent.

18 Q So I mean you know how the jail works and corrections
19 officers work and that sort of thing, right?

20 A Likely, yes.

21 Q Yeah. I'm not saying that you're -- you're an expert
22 at it, but you understand that a warrant is typically
23 signed by a judge or magistrate?

24 A Yes, sir.

25 Q Okay. There's a lot of -- of this -- this hoopla about

1 there was a -- a valid warrant. You are now
2 indicating, well, you went there to -- to arrest Brandi
3 Hull on a warrant, yes?

4 A Yes.

5 Q Okay. You do not say that in the video, do you?

6 A I do. I tell her she has a warrant for her arrest. I
7 tell her she has a warrant for her arrest approximately
8 three or four times. At one time she asked what for,
9 and I said I believe it's for excessive noise. Or a
10 loud exhaust, I said. I believe I said it's for a loud
11 exhaust, which they told me excessive noise and it --
12 but I did tell her three -- first I told her she had a
13 warrant for her arrest period, not for what it was for.
14 It was a warrant. She started asking questions.

15 Q You say you -- there's a warrant. She says for what.
16 And you say?

17 A So three times I tell her she has a warrant. Three or
18 four. I -- I -- I don't remember exactly.

19 Q I under- -- and I understand that. But you say she has
20 a warrant. She asks for what. You then tell her that
21 it's this loud exhaust out of Caro P.D.

22 A Correct.

23 Q Okay. But now your position as you sit here today is
24 that that doesn't matter.

25 A I was under the assumption that's what it was.

1 Q I --

2 A She had a warrant and I was under the assumption.

3 Q I understand that, but you just had questioning from
4 the prosecutor about whether or not you were there for
5 a valid warrant or not. You recall that questioning,
6 right?

7 A I was there for a valid warrant.

8 Q Okay. Your position as you sit here today is that it
9 does not matter what you said to Brandi Schook as to
10 the reason for her being arrested, correct?

11 A I told her she had a warrant for her arrest.

12 Q Okay. Let me ask it this way. If you had come up to
13 her and said I'm arresting you for the murder of JFK,
14 it's pretty clear there's no warrant for her for
15 something like that. It's absurd, right?

16 A Yes, sir.

17 Q Your position, however, is that that doesn't matter,
18 correct?

19 A No, it doesn't matter if I -- sir.

20 Q Would you agree with me that it matters why you say you
21 are arresting her if she, in fact, knows she never
22 committed that crime?

23 MR. WANINK: I guess I object to the
24 question. It calls for the witness to speculate about
25 guilt or innocence on the particular offense being

1 arrested on. That's not for them to decide. MRE 602.

2 THE COURT: Any response, Mr. Jean?

3 MR. JEAN: So it -- it isn't a determination
4 for the jury and it doesn't matter whether or not she
5 was convicted of it, but it certainly matters whether
6 or not she was charged with it.

7 THE COURT: The objection's sustained. Next
8 question, please.

9 BY MR. JEAN:

10 Q Do you believe that if you are doing something
11 incorrectly as a police officer, a person does not have
12 the right to resist you?

13 MR. WANINK: Objection, Your Honor. It's
14 asking this witness to draw a legal conclusion.
15 MRE 602.

16 THE COURT: Your response, Mr. Jean?

17 MR. JEAN: It -- it's going to exactly what
18 we're talking about as to whether or not he believes
19 that in any circumstance somebody can't resist.

20 THE COURT: The objection's sustained. Next
21 question.

22 BY MR. JEAN:

23 Q You indicated that you do not -- you did not have a
24 paper copy of this alleged warrant, true?

25 A True.

1 MR. JEAN: Approach the witness?

2 THE COURT: Yes.

3 BY MR. JEAN:

4 Q Chief, I'm gonna have you take a look at your
5 supplemental report. This looks like it's Page 4 of
6 your supplemental report. Right at the top there you
7 indicate that Trooper Reynolds returned with a paper
8 copy of the warrant, yes?

9 A I believe he did, sir.

10 Q You also say in your supplemental report that
11 Trooper Reynolds read off to Brandi Schook that she had
12 a warrant for suspended license, fail to appear and
13 also where it showed up for excessive noise violation.

14 A I believe it was under excessive noise violation is
15 what he said. I don't know. That's under him, sir.

16 I --

17 Q It's --

18 A My camera picked that up.

19 Q Well, it's -- it's a paper.

20 A Yes.

21 Q It's a piece of paper.

22 A That's what I wrote, yes, sir.

23 Q For a warrant.

24 A No. I -- I don't know what I -- I did not see that.

25 He read to her, being generous.

1 Q Your -- your report says he returned with a paper copy
2 of her arrest warrant.

3 A He had something, yes, and he talked with her.

4 Q Your report --

5 A Yup.

6 Q -- also says that the trooper read where that paper
7 copy said excessive noise.

8 A Yes.

9 Q Where is it?

10 A Trooper Reynolds has it, I guess, sir. I don't know.
11 I never touched it.

12 Q I want to be very, very clear on this -- this one last
13 point. You understand that that alleged warrant does
14 not exist, yes?

15 A I understand I was there for a warrant, sir. Dispatch
16 informed me it was for excessive noise. That is why I
17 went to that address that night.

18 Q Let's -- let's just be very, very clear. It's been
19 admitted by the prosecution that it doesn't exist. Is
20 that true?

21 A I do not understand, sir. I don't know what he's going
22 on with it.

23 Q You don't understand the question whether or not --
24 okay. Let me -- let me rephrase. You were sitting
25 here yesterday when it was admitted that that warrant

1 never existed --

2 A Right.

3 Q -- were you not?

4 A Yup. Yes, sir.

5 Q Do you have any reason to disbelieve that?

6 A No, sir.

7 Q But yet you put in your report that there was a paper
8 copy that existed at some point that had it on there.
9 You don't know where it is. You don't know where it
10 went. It's never been produced to me.

11 A I've never seen it, sir. I just heard
12 Trooper Reynolds, and he can explain what he did.

13 Q Okay.

14 MR. JEAN: Thank you, Your Honor. Nothing
15 further.

16 THE COURT: Anything further, Mr. Wanink?

17 MR. WANINK: No, Your Honor.

18 THE COURT: All right. May this -- well,
19 you're the investigating officer. All right, sir.
20 Thank you for your testimony. You may step down.

21 THE WITNESS: Thank you, Your Honor.

22 (Witness stepped down at 10:52 a.m.)

23 THE COURT: Your next witness, Mr. Wanink.

24 MR. WANINK: People call Trooper Dan
25 Reynolds.

1 THE COURT: Good morning, sir. If you can
2 come right up here to the witness stand? And before
3 you sit down, if you could please raise your right
4 hand, be sworn in by the clerk.

5 THE CLERK: You do solemnly swear or affirm
6 that the testimony you shall give in this case between
7 the People of the State, the defendant at the bar shall
8 be the truth, the whole truth and nothing but the
9 truth, so help you God?

10 MR. REYNOLDS: Yes, I do.

11 THE CLERK: Thank you.

12 THE COURT: All right, sir. Go ahead and
13 have a seat. Watch the chair. It's attached but tips
14 back easily.

15 You may proceed, Mr. Wanink.

16 MR. WANINK: Thank you.

17 DAN REYNOLDS,
18 being first duly sworn at 10:53 a.m., testified under
19 oath as follows:

20 D I R E C T E X A M I N A T I O N

21 BY MR. WANINK:

22 Q Sir, could you please state full name and spell your
23 last name for the record?

24 A Trooper Dan Reynolds, R-E-Y-N-O-L-D-S.

25 Q Thank you. And, Trooper Reynolds, where are you

1 currently employed?

2 A With Michigan State Police.

3 Q Currently assigned to the Caro Post, correct?

4 A Tri-City Post now.

5 Q Tri-City Post. Thank you. At some point you were
6 assigned to the Caro Post?

7 A Correct.

8 Q How long have you been with the State Police?

9 A Just under five years.

10 Q And how long were you with the Caro Post?

11 A Just up until December of last year, 2019.

12 Q So on October 7th, 2019, of last year you would have
13 been work as a state trooper assigned to the Caro Post
14 then?

15 A Correct.

16 Q Drawing your attention to that night, do you recall
17 assisting Kingston Police Department at an address at
18 6277 Legg Road in Kingston Township?

19 A Yes, I do.

20 Q And how is it that you came to go out to that residence
21 to assist that night?

22 A Chief Pearsall over the radio was asking for assistance
23 because the door was shut in his face as he was trying
24 to make a warrant attempt.

25 Q And when you arrived, were you the only unit that ended

1 up responding?

2 A Nope. There was I believe three others that also
3 responded.

4 Q What was the status of things when you arrived?

5 A When I arrived on scene, Chief Pearsall had backed his
6 cruiser, his patrol car, to the end of the driveway and
7 was waiting at the end of the driveway when we met with
8 him, when he explained what happened.

9 Q And so at that point did you know the location of where
10 the suspect of the arrest warrant was?

11 A I was told she was inside the residence.

12 Q All right. And when you arrived, that's where the --
13 as far as you knew, the people were still located?

14 A Correct.

15 Q Now, at some point did anyone exit that residence?

16 A Yes, sir.

17 Q And how long after you arrived?

18 A Fifteen, twenty minutes maybe.

19 Q And by now were there a lot of officers at the scene?

20 A There was, yes.

21 Q Multiple I guess agencies that responded?

22 A Correct.

23 Q And so who ended up exiting the house and surrendering
24 at that point?

25 A Brandi Hull and Anthony Hull.

1 Q And did you assist in taking either one of them into
2 custody?

3 A Yes. Brandi Hull.

4 Q When you took Brandi Hull into custody, what was her
5 demeanor?

6 A Verbally defiant is how I'd describe it.

7 Q The person that you dealt with, Brandi Hull, would you
8 recognize her if you saw her again?

9 A Yes, sir.

10 Q Is she present in the courtroom this morning?

11 A She is.

12 Q Would you describe what she's wearing and point to her
13 for me?

14 A A pink sweatshirt, turtle neck sweatshirt.

15 MR. WANINK: Ask the record reflect the
16 witness has identified Defendant Brandi Hull seated at
17 defense counsel table to my right.

18 THE COURT: Any comment, Mr. Jean?

19 MR. JEAN: No, Your Honor.

20 THE COURT: Record should reflect that the
21 trooper has identified the defendant in this action,
22 Brandi Hull.

23 BY MR. WANINK:

24 Q And so you indicated that Miss Hull was defiant. I
25 guess if you can expand on that. Tell us what happened

1 when she finally surrendered herself.

2 A Just very argumentative. Would not listen to I guess
3 our commands and our information about the warrant.
4 Continued to argue, saying that basically it wasn't
5 true and didn't believe that there was a warrant.

6 Q So what did you do?

7 A I ended up going out to my patrol car and printing off
8 the warrant with our in-car printer and bringing the
9 printed-out warrant to show her so she could read it
10 for herself.

11 Q Being the State Police, do you have access to a
12 computer in your patrol vehicle?

13 A Yes, sir.

14 Q Do you have access to a printer in your patrol vehicle?

15 A Yes, sir.

16 Q And when you say you printed off the warrant, what --
17 what form is it in at that point?

18 A The warrant is stored in the LEIN system through the --
19 it's the Michigan LEIN system which holds warrants,
20 PPOs and that sort of information.

21 Q I'm gonna show you what's been admitted as People's
22 Exhibit Number 2. This is a misdemeanor warrant,
23 correct?

24 A Yes, sir.

25 Q Okay. Is this what it looks like when you print it off

1 or does it look something different than that?

2 A It looks different than this.

3 Q Okay. So this is -- this is the actual warrant that
4 would be held by the court. What you get is something
5 different that comes out of LEIN?

6 A Correct.

7 Q Now, have you effectuated arrest warrants before?

8 A Yes. Many times.

9 Q All right. And do you always have a paper copy of the
10 warrant when you do so?

11 A Almost never.

12 Q All right. Is that uncommon to your knowledge?

13 A That is more common than having the paper.

14 Q Okay. When you effectuate an arrest -- an arrest
15 warrant, do you have to advise the person what they're
16 being arrested for?

17 A Yes.

18 Q And do you usually tell them what the bond is or
19 anything like that?

20 A Correct.

21 Q Now, oftentimes how do you receive that information?

22 A Through the -- the LEIN system.

23 Q All right. If LEIN isn't accessible to you, are you
24 able to get the same information from Central Dispatch?

25 A I am.

1 Q If you didn't have the computer in your car, would you
2 be entirely reliant upon the information that Dispatch
3 gave you?

4 A That would be correct.

5 Q And so were you able to confirm that there was a valid
6 warrant for Miss Hull AKA Miss Brandi Schook at the
7 time?

8 A Yes, sir.

9 Q And it was a valid warrant?

10 A Yes, it was.

11 Q And do you remember, I guess -- so you said it wasn't a
12 paper warrant like what I showed you here. It was
13 stuff that came off the -- the LEIN computer?

14 A Correct.

15 Q All right. So will that tell you exactly what the
16 warrant is for?

17 A Yes. It will have the -- the warrant, the offense. It
18 will have remarks in there which also indicates the
19 bond, what court it's out of, the court docket number,
20 that sort of information.

21 Q And do you remember what this -- what the LEIN
22 indicated to you the warrant was for?

23 A The -- I believe the offense was titled excessive
24 noise, but in the remarks it was fail to appear for a
25 DWLS charge.

1 Q Okay. So if you didn't have that information in your
2 computer and have a computer in front of you, you can't
3 see those remarks, true?

4 A Right.

5 Q You would be reliant again on what Dispatch told you?

6 A Correct.

7 Q So the warrant I -- I showed you here, People's
8 Exhibit 2, that is the warrant that you were able to
9 find for Miss Schook?

10 A Not in that form.

11 Q Not in that form, but it was --

12 A Correct.

13 Q -- the same --

14 A Yes.

15 Q Same warrant?

16 A Yes.

17 Q Okay. Just in a different form, though, to be --

18 A Correct. Yes.

19 Q To be fair?

20 And so did you show this to Miss --
21 Miss Hull?

22 A I did.

23 Q And when you did, did that make a difference?

24 A Not really. It took reading it several times to her
25 and explaining to her before she agreed to finally

1 cooperate.

2 Q Did you have any trouble securing her into custody?

3 A Initially getting the handcuffs on her, I don't believe
4 it was too much of a struggle, but getting her to walk
5 to the patrol car, we almost had to pick her up and
6 carry her.

7 Q Okay. So even after being confronted with
8 documentation, she still wasn't gonna go quietly?

9 A Correct.

10 Q Did she argue with you about whether the information
11 was correct or not?

12 A Correct. She did.

13 Q Do you have that happen when you execute arrest
14 warrants?

15 A Sometimes.

16 Q Folks -- will folks ever argue with you that you got
17 the wrong guy or you got the wrong warrant or anything
18 like that?

19 A They will time to time.

20 Q Are they still taken into custody?

21 A They are.

22 Q That's not for you to sort out, correct?

23 A Correct.

24 Q If you're told there's a valid warrant, what's your
25 obligation?

1 A Make the arrest.

2 Q And if it's -- something's in error, it gets sorted out
3 later, correct?

4 A Correct.

5 Q Have you ever had people become combative when you've
6 effectuated arrest warrants?

7 A Yes.

8 Q Ultimately she did submit and agree to be handcuffed
9 and arrested?

10 A Correct.

11 Q And how long would you say you were out there?

12 A From the time I arrived 'til when I cleared?

13 Q Yes.

14 A Maybe an hour total.

15 Q And were you the first unit to respond to assist?

16 A I believe two of us arrived at the same time pretty
17 much right -- right after the fact.

18 Q Thank you.

19 MR. WANINK: I don't have anything further.

20 THE COURT: Cross-examination, Mr. Jean,
21 after we get you a cough drop and some relief to the --

22 MR. JEAN: I --

23 THE COURT: -- same thing I'm suffering from.

24 MR. JEAN: I don't think it's coronavirus,

25 Your Honor.

1 THE COURT: Well, I hope not. I hear it's
2 coming our way.

3 C R O S S - E X A M I N A T I O N

4 BY MR. JEAN:

5 Q Good morning, Trooper. How are you?

6 A Good morning.

7 Q So I want to just kind of go over some -- some general
8 things. Part of your training is in how the LEIN
9 system operates, is that correct?

10 A Correct.

11 Q Okay. What -- what kind of training do you have as it
12 relates to the LEIN system? Is it in-field training,
13 classroom training? What is it?

14 A Combination of the two.

15 Q Okay. In your classroom training, do you have an
16 explanation as to what you would see on LEIN, how that
17 system operates, how it's kept, that sort of thing?

18 A Yes, sir.

19 Q Okay. When -- when you have a warrant that goes into
20 LEIN, can that warrant ever be removed absent a court
21 order?

22 A It can be canceled.

23 Q Right. So point being is -- and I'll just make it
24 pretty quick here. Point being is that once a warrant
25 goes in, even if the warrant has already been served

1 and it -- and it's taken care of and it's -- it's gone,
2 so to speak, it still shows up in LEIN.

3 A Repeat the question.

4 Q If you have a warrant that goes in, it shows that it's
5 an active warrant. Warrant is effectuated, so the
6 person is -- is arrested. They go to court, they take
7 care of all their stuff, pay their fines, all of that,
8 and two years later when you go look that person up on
9 LEIN, you'll still be able to see that warrant,
10 correct?

11 A I don't believe it's in the system for two years, but
12 if you select a certain option, you can search for
13 canceled warrants or once it had been effectuated as an
14 arrest.

15 Q Meaning once a warrant's in -- in the LEIN system, it's
16 always there?

17 A Pretty much.

18 Q Okay. You could -- so, for example, you could get a
19 court order to remove it or something like that, but
20 you're gonna see something?

21 A If I select a certain option to search --

22 Q Yeah.

23 A -- canceled warrants, correct.

24 Q LEIN also is operated in part by Secretary of State
25 information, correct?

1 A Correct. They -- they kind of link together.

2 Q So, for example, if you pull somebody over, run their
3 information, their license plate on LEIN, it will come
4 back their -- with their license information, their
5 address, their name, whether they have valid insurance,
6 whether they have a suspended license, points on their
7 license, tickets, all of that?

8 A Correct.

9 Q Okay. So, for example, if I were to go change my name
10 on my license with the Secretary of State, that's gonna
11 pop up almost -- almost immediately into LEIN, maybe a
12 couple weeks?

13 A Correct. It will -- it will show the previous name.
14 It will have your new name also --

15 Q Yeah.

16 A -- associated with it.

17 Q Okay. It will also show the current address, right?

18 A Correct.

19 Q Also show prior addresses?

20 A If it's on a warrant as a prior address, yes.

21 Q Got it. Okay.

22 You had a conversation -- well, first off, on
23 this particular incident, you did not write your own
24 report, did you?

25 A I did not, correct.

1 Q You had a conversation roughly a month ago with
2 Chief Pearsall regarding this incident, is that
3 correct?

4 A Correct.

5 Q Okay. And in preparing for that interview, did you do
6 anything to get ready? Watch a video, review any
7 documents, anything like that?

8 A No.

9 Q Okay. Now, could you tell me whether or not -- whether
10 or not it is a crime to tamper with LEIN?

11 A I would imagine it is, yes.

12 Q Okay. Is there a requirement, to your knowledge, that
13 information that goes into LEIN be accurate?

14 A Yes.

15 Q Okay. Just to be clear, you indicated on direct
16 examination -- I want to make sure I didn't mishear
17 you. You indicated that you do need to tell an
18 arrestee why they are being arrested when there's a
19 warrant.

20 A Yes.

21 Q Okay. Why is that?

22 A To let them know why they're being arrested.

23 Q Okay. So is there -- is there some other reason or is
24 it simply a courtesy?

25 A They have the right to know why they're being arrested,

1 taken to jail, just not that some crime is being made
2 up.

3 Q Would you -- well, that's a very good point, and I'm
4 glad you brought that up because I probably would have
5 forgot. If you were to just arrest somebody on a
6 made-up crime, would you say that that's an illegal
7 arrest?

8 MR. WANINK: Your Honor, I guess I'd object.
9 It asks this witness to call for a legal conclusion,
10 MRE 602, to determine whether or not an arrest is legal
11 or proper.

12 THE COURT: Your response, Mr. Jean?

13 MR. JEAN: It's the sum and substance of the
14 entire case, Your Honor, as to whether or not the
15 officer was acting appropriately.

16 THE COURT: The objection's sustained. Next
17 question, please.

18 BY MR. JEAN:

19 Q Are you supposed to arrest people for no reason?

20 A No.

21 Q Are you supposed to arrest people and -- or I'll put it
22 a different way. Are you allowed to arrest people and
23 make up what their arrest warrant is for?

24 A No.

25 Q So, for example, if you have somebody with an arrest

1 warrant that says it is for drunk driving and you go to
2 effectuate that warrant and arrest that person, you are
3 not supposed to go up to them and say, hey, you have a
4 warrant for an assault and battery. You're supposed to
5 tell them it's for an OWI, right?

6 A Correct.

7 Q Is it a problem to your knowledge from a policy
8 standpoint and from a procedure standpoint for you to
9 mischaracterize what the arrest warrant is for?

10 A When I read what the warrant says and it says confirmed
11 and valid, that's the information I'm going off of.

12 Q Understood. So, for example -- and -- and I -- again,
13 I'm glad you brought that up as well. For example, if
14 you go into the LEIN system, the LEIN system says
15 there's a valid warrant and it is for drunk driving,
16 you go, you -- you arrest that person for drunk
17 driving, find out later that the court messed something
18 up and that they got -- they got the wrong person or
19 something like that, your arrest is still fine.

20 A For me it's fine, yes.

21 Q Because you -- you were op- -- you were simply
22 operating on what you saw in the LEIN system?

23 A Correct.

24 Q Even though the -- the LEIN system had something
25 different?

1 A What do you mean?

2 Q I'm sorry. Yeah. Sorry. So I asked you a little bit.
3 So even though like the LEIN system was wrong about
4 like the entry because you relied on -- on that
5 particular warrant, you're okay?

6 A Correct.

7 Q You had interaction directly with Brandi Hull, correct?

8 A Correct.

9 Q You indicated -- and -- and actually the prosecutor
10 admitted in direct examination to -- in questioning to
11 you that she submitted to you, correct?

12 A Eventually, yes.

13 Q She had some -- she had some problems with what she was
14 being told, correct?

15 A Yes.

16 Q You printed off a copy of the warrant?

17 A Correct.

18 Q You showed it to her?

19 A Correct.

20 Q You are saying and testifying that that warrant you
21 printed off of LEIN said excessive noise?

22 A At the top of the warrant, yes, it did.

23 Q Said excessive noise at the top of the warrant. How
24 certain are you of that?

25 A Very certain.

1 Q Where is it?

2 A Where is the warrant?

3 Q The warrant that you printed off, where is it?

4 A I shredded it after showing her the --

5 Q You got --

6 A -- information.

7 Q You got rid of it?

8 A Correct, 'cause it's still in the computer.

9 Q Do you know where that warrant was out of?

10 A I do not recall what agency it was out of.

11 Q Do you know what the pickup was for it, the radius for
12 the pickup?

13 A I do not.

14 Q You explained to Brandi that you believed whoever put
15 it into the system simply put it in as excessive noise
16 'cause they couldn't get it into the system on a -- as
17 a suspended license?

18 A I don't know if that's the words I used but explained
19 that the code they must have used would have been the
20 excessive noise code to get it into the system,
21 correct.

22 Q How is it that the person entering the information
23 wouldn't be able to enter a suspended license warrant?

24 A You have to ask them that.

25 Q Well, you explained to her what you believed to have

1 happened.

2 A My theory, my belief, yes.

3 Q Well -- so doesn't it stand to reason that if you have
4 an idea of what went wrong, you would know why it went
5 wrong?

6 A I guess I don't understand the question.

7 Q Well, you're telling -- you're telling us that I have
8 no idea why whoever put that into LEIN would have put
9 it in wrong, right?

10 A Correct, 'cause I'm not that person.

11 Q Right. You don't know.

12 A Right.

13 Q But yet you -- you are able to explain what you think
14 happened --

15 A Correct.

16 Q -- right? Wouldn't you agree with me that in order for
17 you to know what happened, you would need to know why
18 it happened?

19 A I can guess why it happened, and that's what I was
20 doing at the time.

21 Q Let me ask you this: Do you think that it would be
22 common that the person entering the information into
23 LEIN not only can't enter the actual warrant properly
24 but also can't enter the agency properly?

25 A That's not for me to guess and speculate on.

1 Q Well, any -- any clue as to why you would get the wrong
2 agency in LEIN when the warrant is clear?

3 A It could happen. I don't -- I don't know.

4 Q Would you agree with me that if you tell a person that
5 you are arresting them for something they know they
6 didn't do, it's reasonable for them to dispute what
7 you're telling them?

8 MR. WANINK: Again, I think this calls for
9 this witness to speculate what is reasonable for other
10 individuals, so MRE 602.

11 MR. JEAN: Direct -- direct testimony, Your
12 Honor, asked this witness about his experience and
13 whether people fight with him on warrants and argue
14 with him on warrants. It goes directly to that line of
15 questioning.

16 MR. WANINK: Your Honor, he's asking if he
17 thinks that's reasonable. That is an opinion that is
18 not for him to decide.

19 THE COURT: Objection's sustained. Next
20 question, please.

21 BY MR. JEAN:

22 Q If you were arrested, Trooper, and an officer told you
23 that you were being arrested for a crime you know you
24 didn't commit, would you even question them?

25 A I would have questions.

1 Q Okay. Now, you wouldn't struggle, would you?

2 A No.

3 Q Because you know how it works?

4 A Correct.

5 Q But you certainly wouldn't believe them, would you?

6 A Like I said, I would have questions.

7 Q Do you think that that's reasonable for you to do that?

8 A In -- yes.

9 Q You did not submit any warrant requests for resisting
10 and obstructing an officer with -- listing you as the
11 victim, did you?

12 A I did not.

13 Q 'Cause you didn't believe that that happened?

14 A I did not.

15 Q Okay. When you say that Brandi was being what you've
16 described I think earlier as verbally defiant, really
17 what she was doing is she was asking questions, saying,
18 look, I don't have a warrant for this, right?

19 A More or less, yes.

20 Q Eventually, once you kind of got more information, she
21 was cooperative and said okay?

22 A Correct.

23 Q I mean I understand I'm boiling it down, but --

24 A Right.

25 Q It would have been very, very easy for you or anyone to

1 get that LEIN print off, wouldn't it?

2 A If they had an in-car computer and a printer.

3 Q Or, for example, Central Dispatch, right?

4 A To print it off and --

5 Q Right?

6 A -- bring it to the scene?

7 Q No, no, not at the scene. I'm just saying in general.

8 A Oh. Yes.

9 Q I mean it's -- the LEIN system is -- is operated. I --

10 I think even the prosecutor has access to the LEIN

11 system, doesn't -- don't they?

12 A I believe so, yes.

13 Q Okay. So when we talk about what you printed off, that

14 could have been provided very easily?

15 A Correct.

16 MR. JEAN: Nothing further.

17 THE COURT: Redirect.

18 MR. WANINK: No, Your Honor.

19 THE COURT: All right. May this witness be

20 excused?

21 MR. WANINK: Yes, Your Honor.

22 THE COURT: Any objection, Mr. Jean?

23 MR. JEAN: No.

24 THE COURT: All right. Thank you, sir, for

25 your testimony --

1 THE WITNESS: Thank you.

2 THE COURT: -- here today. You're excused
3 from further attendance in this matter.

4 (Witness excused at 11:20 a.m.)

5 THE COURT: Your next witness.

6 MR. WANINK: People call Deputy Ryan LaFlure.

7 THE COURT: Good morning, Deputy.

8 DEPUTY LaFLURE: Hello.

9 THE COURT: If you could please raise your
10 right hand, be sworn in by the clerk.

11 THE CLERK: You do solemnly swear or affirm
12 that the testimony you shall give in this case between
13 the People of the State and defendant at the bar shall
14 be the truth, the whole truth and nothing but the
15 truth, so help you God?

16 DEPUTY LaFLURE: I do.

17 THE CLERK: Thank you.

18 THE COURT: All right. Go ahead and have a
19 seat. Watch the chair. It tips back but it's still
20 attached.

21 You may proceed, Mr. Wanink.

22 RYAN LAFLURE,
23 being first duly sworn at 11:20 a.m., testified under
24 oath as follows:
25

1 D I R E C T E X A M I N A T I O N

2 BY MR. WANINK:

3 Q Sir, could you please state your full name and spell
4 your last name for our record?

5 A Ryan LaFlure, L-A-F-L-U-R-E.

6 Q Thank you, sir. Where are you currently employed?

7 A Tuscola County Sheriff's Office.

8 Q And are you a certified road patrol officer?

9 A I am.

10 Q And how long have you worked in that capacity?

11 A Coming up on four years.

12 Q Has that entirely been with the Sheriff's Department?

13 A Yes, sir.

14 Q I want to draw your attention to the date of
15 October 7th, 2019. Do you recall responding to an
16 address on 6277 Legg Road in Kingston Township on that
17 date?

18 A Yes, sir.

19 Q And at the time were you working in your capacity as a
20 road patrol officer for the Sheriff's Department?

21 A Yes, sir.

22 Q And do you remember why it was you were called out to
23 that particular location?

24 A To assist another officer in an assault.

25 Q And so who was the agency that requested assistance?

1 A Kingston P.D.

2 Q And were you the only department to respond?

3 A No, sir. Michigan State Police.

4 Q So there were several agencies then involved, Kingston
5 Police Department, State Police and Sheriff's
6 Department?

7 A Yes, sir.

8 Q Okay. When you arrived, who all was present?

9 A Trooper Baxter, Trooper Reynolds, Trooper Schuiteman,
10 Chief Pearsall and myself.

11 Q And were you made aware of the suspects that were the
12 subject of an arrest warrant that was supposed to have
13 been effectuated that night?

14 A Yes. He said there was a male and a female, last name
15 Hull.

16 Q And where were they at to your knowledge when you
17 arrived?

18 A Inside the house.

19 Q And at some point did these individuals exit the
20 residence?

21 A Yes.

22 Q How long after you arrived?

23 A It -- it was a delayed time. I can't estimate.

24 Q Okay.

25 A Within 30 minutes if I had to take a guess.

1 Q Okay. So it wasn't immediately when --

2 A No.

3 Q -- you arrived?

4 A No, sir.

5 Q And were -- the persons who exited the residence and
6 submitted to custody, who were they identified as?

7 A Brandi and -- is it Anthony? Anthony Hull. I have to
8 look at my --

9 Q Sure.

10 A My report.

11 Q All right. And so I see you're pointing in the
12 direction of defense counsel table. So the individuals
13 who submitted to custody, Anthony and Brandi Hull,
14 they're present here today?

15 A Yes, sir.

16 Q All right.

17 MR. WANINK: We'd ask the record reflect the
18 witness has pointed at the defendants, identified them
19 as such.

20 THE COURT: Any comment, Mr. Jean?

21 MR. JEAN: No, Your Honor.

22 THE COURT: The record should reflect that
23 the deputy has identified both defendants in this
24 matter.

25 BY MR. WANINK:

1 Q And, Deputy LaFlure, did you have anything to do with
2 taking either Mr. Hull or Mrs. Hull into custody?

3 A I did not place them under arrest, no.

4 Q Okay. Did you assist in placing them in custody I
5 guess should be my question.

6 A Well, yes. I showed up on the scene and I helped
7 verify the -- the warrant in LEIN. I looked at it. I
8 also pulled up the report of the incident number on the
9 warrant.

10 Q And the warrant itself was actually a warrant out of
11 the Sheriff's Department, correct?

12 A Yes, sir.

13 Q That was Deputy Whetstone?

14 A Yes, sir.

15 Q All right. So you had access to the report, the
16 ticket, everything from your computer, is that it?

17 A Yes, sir.

18 Q And you have computers in your car?

19 A Yes, sir.

20 Q And that's standard for the Sheriff's Department?

21 A Yes, sir.

22 Q And so did you -- you verified there was a valid
23 warrant then?

24 A Yes, sir.

25 Q And who was the warrant for?

1 A For Brandi Schook.

2 Q Who is also Brandi Hull, right?

3 A Which is Brandi Sch- -- yeah. Yes.

4 Q And so that warrant was, in fact, valid?

5 A Yes, sir.

6 Q And did you explain that to Mrs. Hull?

7 A I did, sir.

8 Q And I guess what was her demeanor as you were doing
9 this?

10 A Confused.

11 Q Did she ever try to argue with you about the validity
12 of the warrant or anything of that nature?

13 A Yes. She said it never happened. Or she paid -- she
14 paid for the offense, I believe it was, off -- off my
15 memory.

16 Q Sure. And so have you effectuated arrest warrants
17 before?

18 A Yes, sir.

19 Q And what's the procedure if you're -- if you're gonna
20 go out, execute an arrest warrant?

21 A You make contact. You explain why you're making
22 contact. Tell them they have a warrant. You tell them
23 they're under arrest. Place them under arrest. Take
24 them back to the car. I usually show them the warrant.
25 And then take them to the jail.

1 Q Do you ever have the arrest warrant in your hand when
2 you first make contact with them?

3 A Not always.

4 Q Okay. How many people would you say you've arrested on
5 warrants in your tenure as a sheriff's deputy?

6 A Over -- if I had to give it a number, I would say over
7 50, I mean.

8 Q Okay. And so do you confirm those warrants before you
9 make contact with the individual just to make sure
10 they're valid and still --

11 A Yes. Yes, sir.

12 Q And still good to go?

13 A Yes, sir.

14 Q All right. And, now, you have -- you can do so through
15 a computer in your car, correct?

16 A Yes, sir.

17 Q Does that have access to LEIN?

18 A Yes, it does.

19 Q If you didn't have access to LEIN, are you able to get
20 the information from another source?

21 A Dispatch over the radio.

22 Q So if you didn't have a computer, you would be entirely
23 reliant on Dispatch, correct?

24 A Yes. How they relay the information, yes, sir.

25 Q Right. 'Cause you wouldn't have any capability to

1 verify anything yourself?

2 A Correct.

3 Q And so in this particular case, Miss Hull eventually
4 submitted to custody on this arrest?

5 A Yeah.

6 Q Did she do that immediately or was there a time period
7 from the time she walked out until the time she was
8 finally put in cuffs and secured?

9 A There was a time period.

10 Q All right. And was she argumentative during that time
11 period?

12 A For the most part, yes.

13 MR. JEAN: I'm gonna object, Your Honor.
14 It's -- this was asked and answered. He already
15 indicated her demeanor was confused, not argumentative.
16 That's -- that's entirely constructed by the
17 prosecutor.

18 MR. WANINK: Well, I thought I did, but I
19 will rephrase the question.

20 THE COURT: Thank you.

21 BY MR. WANINK:

22 Q I guess did she appear to argue with you at all during
23 that time period between the time she exited and the
24 time she was placed in handcuffs and secured?

25 A Yes. I recall her saying that she already paid it and

1 she was not gonna be placed under arrest.

2 Q Were you the only trooper at -- or the only -- I'm
3 sorry. Law enforcement officer interacting with her at
4 the time?

5 A I was not.

6 Q Who else was interacting with her?

7 A Trooper Reynolds is -- I only remember Trooper
8 Reynolds.

9 Q All right.

10 A And Chief --

11 Q Chief Pearsall?

12 A Yes.

13 Q Was Chief Pearsall in full uniform that night, do you
14 recall? Recollection?

15 A I believe he was wearing the same uniform he's wearing
16 now.

17 Q And do you recall -- when you verified the warrant in
18 LEIN in your com- -- in the computer in your patrol
19 vehicle, do you remember anything about excessive noise
20 being associated with this complaint?

21 MR. JEAN: I'm gonna object. It's hearsay.

22 MR. WANINK: That's fine.

23 THE COURT: All right.

24 MR. WANINK: I'll move on.

25 Thank you, Your Honor. I don't have any

1 further questions.

2 THE COURT: All right. Cross-examination,
3 Mr. Jean.

4 MR. JEAN: Thank you.

5 C R O S S - E X A M I N A T I O N

6 BY MR. JEAN:

7 Q Good morning, Deputy. How are you?

8 A Good.

9 Q Good.

10 A How are you, sir?

11 Q Pretty good. Thanks. Little bit of a cough, but we'll
12 make it here. Just a very few quick questions for you.

13 This -- this time period from when you
14 arrived 'til when you made the arrest you were speaking
15 with Brandi, is that correct?

16 A I -- yes, I spoke with her.

17 Q Okay. And you indicated on direct examination she
18 seemed -- she seemed confused about things, is that
19 correct?

20 A She was -- she was saying she paid for the violation.

21 Q Okay. So when you're talking to her and you're saying
22 it's a violation, you're talking about the suspended
23 license, correct?

24 A It was -- from my recollection, it was driving while
25 license suspended.

1 Q And then like no -- no proof or unregistered plates or
2 something like that, right?

3 A Going off of memory here.

4 Q Sure. Sorry. Did you -- did you check to see whether
5 or not she did, in fact, pay on a ticket?

6 A I did not, sir.

7 Q You did not?

8 A No.

9 Q Okay.

10 A I --

11 Q When you looked at the LEIN system, you would have been
12 able to see that she had prior tickets, correct?

13 A I only looked at the warrant and I pulled up the
14 report, sir. I didn't look at priors or anything like
15 that.

16 Q Okay. To be fair, though, you can see that, right?

17 A Oh. Yes, sir.

18 Q So, for example, if -- if I got a speeding ticket,
19 which I never do, if -- if you were looking at that
20 information, you would be able to see, for example, if
21 I paid that ticket, correct?

22 A I don't -- I -- I couldn't say that particular ticket,
23 but I could see a possible ticket. It -- it --

24 Q Let me see if I can ask it in a little bit different
25 way. Maybe not necessarily that I paid it but you're

1 able to see whether or not there's, for example, like a
2 problem with it. So if somebody doesn't pay a ticket,
3 maybe they get a failure to comply with a judgment or
4 it goes into default, those sorts of things, you -- you
5 can see that through the system?

6 A Unpaid fees and costs, yes.

7 Q Right. Okay. So it might not say, hey, you know,
8 Brian Jean paid that ticket, but it might just indicate
9 that there -- like the ticket is cleared or something?

10 A Yes.

11 Q Okay. Are you aware of whether or not anybody else
12 that night did that, to look at Brandi Hull's prior
13 tickets?

14 A To my knowledge, Trooper Reynolds also ran it in LEIN.
15 I -- I -- I can't speak if he looked at the history.

16 Q Right. You don't know whether he looked at prior
17 tickets?

18 A Yes, sir.

19 Q Okay. Now, in the timeframe that you spoke and had
20 interaction with Brandi, you -- you have these
21 discussions and she's saying I don't have a warrant,
22 it's impossible, I paid that. You're saying, no, it's
23 right here; here, I'll show it to ya. You -- you never
24 submitted a warrant request for resisting/obstructing
25 you, did you?

1 A No, sir.

2 Q Is that because you don't believe she did?

3 A Well, I --

4 MR. WANINK: I guess I'd object. If he can
5 clarify. Is he talking about Deputy LaFlure or in
6 general?

7 MR. JEAN: Well, Deputy --

8 THE WITNESS: You're talking about me myself?

9 BY MR. JEAN:

10 Q Correct.

11 A No, I did not, because he was submitting the --

12 Q Right. So you -- you never believed that the
13 interaction that you were having with her at any point
14 she was resisting or obstructing you, correct?

15 A Not enough to complete a warrant request on my behalf.

16 Q Okay. Thank you.

17 MR. JEAN: Nothing further.

18 THE COURT: Anything further, Mr. Wanink?

19 MR. WANINK: No, Your Honor.

20 THE COURT: May this witness be excused,
21 Mr. Wanink?

22 MR. WANINK: Yes, Your Honor.

23 THE COURT: Any objection, Mr. Jean?

24 MR. JEAN: No, Your Honor.

25 THE COURT: All right. Thank you, sir, for

1 your testimony here today. You're excused from further
2 attendance in this matter.

3 (Witness excused at 11:33 a.m.)

4 THE COURT: Your next witness, Mr. Wanink.

5 MR. WANINK: People have no further proofs
6 and would rest at this time.

7 THE COURT: Okay. Mr. Jean?

8 MR. JEAN: May we take up matters outside the
9 presence of the jury?

10 THE COURT: Okay. So, ladies and gentlemen
11 of the jury, there's a matter I have to take up outside
12 your presence. It's 11:35. I'm gonna have you recess
13 until 1. We'll just go ahead and have you go to lunch.
14 You can go about your business.

15 Try to avoid all parties and individuals
16 involved in this case. Don't discuss the matter with
17 anyone. Don't read or listen to any reports regarding
18 this matter. We'll see you back at 1, okay?

19 (Jury excused at 11:34 a.m.)

20 THE COURT: You may proceed, Mr. Jean.

21 MR. JEAN: Thank you, Your Honor.

22 At this time I would move for a directed
23 verdict. As the Court has heard all of the testimony,
24 it is abundantly clear that Chief Pearsall approached
25 my client, informed her that he was there to effectuate

1 a warrant which we know did not exist because he was
2 trying to effectuate a -- a nonexistent warrant.

3 There -- my client automatically would have the right
4 to resist. Mr. Hull would then have the right to
5 defend his wife. I don't think I need to get into the
6 specifics of that, but we believe that there is no
7 possible way for the trier of fact to find otherwise
8 given the fact that the warrant that was being
9 effectuated did not exist.

10 We expect that the prosecution will argue in
11 opposition to this that there was "a" warrant. The
12 problem that -- that we have with this is that the --
13 the video clearly says that when he -- well, Chief
14 Pearsall clearly says in the video that he is there to
15 effectuate an excessive noise warrant, and we know that
16 it did not exist. In fact, the Court will recall that
17 yesterday Mr. Wanink admitted to the Court in my motion
18 in limine that it didn't exist, wasn't anywhere, they
19 couldn't produce any sort of warrant that even included
20 that. And so as a matter of law, we know in admit- --
21 admittance from the prosecution that -- that it does
22 not exist, and, therefore, she had the right to -- to
23 resist, Mr. Hull had that right to defend.

24 THE COURT: All right. Mr. Wanink, your
25 response?

1 MR. WANINK: Thank you, Your Honor.

2 As the Court's aware, the standard of review
3 here is reviewing the matter in a light most favorable
4 to the nonmoving party, that being the prosecution,
5 whether the evidence presented during the prosecution's
6 chief -- case in chief would present a reasonable and
7 rational fact finder with the opportunity to find
8 guilt.

9 I believe that the testimony here has
10 unequivocally shown that on the date of October 7,
11 2019, Chief Pearsall went to 6277 Legg Road, Kingston
12 Township, Tuscola County, state of Michigan, with the
13 express purpose of executing an arrest warrant that he
14 had previous knowledge of and then confirmed again just
15 prior to making contact with Miss Hull, who was the
16 subject of the arrest warrant under her maiden name of
17 Schook; that when he advised her of that particular
18 warrant which has been admitted and confirmed as
19 valid -- that has been testified to by three different
20 witnesses. However it was entered into LEIN doesn't
21 matter. However it was relayed to Chief Pearsall as
22 to -- by the Dispatch operator, which was his only
23 means of getting information due to the nature of his
24 department, regardless, it was a valid warrant. And
25 that's -- that's been abundantly clear from the

1 testimony. It may have been entered into LEIN through
2 certain means. Who knows? But, regardless, his
3 actions that night were legal, he gave lawful commands,
4 he was making a lawful arrest or otherwise performing a
5 lawful act.

6 He is also dressed in full uniform, operating
7 a fully marked patrol vehicle. He has had prior
8 contact with Miss Hull. So she knows who he is. She
9 even says so in the video. It -- it is clear that she
10 knew or should have known that he was in -- performing
11 his duties that night in effectuating this warrant. He
12 explained that to her, why he was there and what he was
13 doing in his capacity as a police officer.

14 And the testimony is also clear that
15 Mrs. Hull then resisted and obstructed the command of
16 the officer to submit to being taken into custody on
17 that warrant. She tried to pull away and retreated
18 into the home. She failed to obey his lawful commands
19 to submit into custody.

20 With regards to Mr. Hull, his conduct shows
21 unequivocally a potential assault and battery has
22 occurred here because of his physical contact with the
23 officer as he tries to keep his wife from going with
24 the officer, directing her into the house. So he's --
25 he's obstructing and opposing the officer as well but

1 also assaults and batters that officer, who then tries
2 to keep her within arm's reach and keep her from
3 retreating into the home for officer safety, only to
4 have the door forcefully closed on him, causing damage
5 to the door frame and his -- his boot as he testified.
6 And the Court's got the pictures of that.

7 So certainly enough evidence at this point
8 that a reasonable and rational fact finder could find
9 all three elements: That there was an assault and
10 battery in opp- -- in opposition and obstruction by
11 Mr. Hull as well as resisting and obstructing by
12 Mrs. Hull by an officer, Chief Pearsall, who is
13 performing his duties and they should have known or had
14 reason to know was performing his duties and then that
15 at the time he gave lawful commands and was making a
16 lawful arrest or was otherwise performing a lawful act.

17 So for all of those reasons, we're asking the
18 Court to deny the motion.

19 THE COURT: All right.

20 MR. WANINK: As to both defendants.

21 THE COURT: Anything further, Mr. Jean?

22 MR. JEAN: No, Your Honor, but depending on
23 the Court's ruling, I do have one other motion.

24 THE COURT: All right. So a directed verdict
25 of acquittal is appropriate only if -- considering all

1 of the evidence in the light most favorable to the
2 prosecution as the nonmoving party, that no rational
3 trier of fact could find that the essential elements of
4 the crime charged were proven beyond a reasonable
5 doubt.

6 The defense, Mr. Jean, who represents both
7 defendants in this matter, is primarily attacking the
8 element which requires that there was a lawful command
9 or a lawful arrest or the officer was otherwise
10 performing a lawful act.

11 So there's evidence on this record -- well,
12 first of all, People's 1 is the warrant. Excuse me.
13 People's 2 is the warrant, admitted People's 2.
14 Admitted People's 1 is the video of what transpired.
15 There's testimony from Chief Pearsall, Trooper Reynolds
16 and Deputy LaFlure that the three of them all had
17 information whether it be through conversation with
18 Central Dispatch or by physically looking in LEIN that
19 there was a valid warrant for the defendant, Brandi
20 Hull.

21 The -- obviously People's 1 would show the
22 interaction between Chief Pearsall, who is the officer
23 of which the resisting/obstructing arises out of,
24 not -- not of any of the other ones, but the video
25 clearly shows some interaction between Mr. Hull and

1 Officer -- or Chief Pearsall which could be construed
2 by a reasonable and rational fact finder as
3 constituting assault and battery.

4 And then as it relates to Mrs. Hull,
5 certainly a reasonable and rational fact finder could
6 take from the testimony as well as the exhibits that
7 have been admitted and make a finding that she had
8 obstructed Chief Pearsall.

9 You know, the -- the -- clearly venue has
10 been established. Clearly it's established on this
11 record that Chief Pearsall was dressed as a police
12 officer, announced himself as a police officer, was
13 acting in the -- performing duties analogous to a
14 police officer executing a warrant. I mean there's a
15 valid warrant.

16 So the motion for directed verdict is
17 considered and denied for those reasons.

18 MR. WANINK: For the record, that is to both
19 defendants?

20 THE COURT: Correct. I'm sorry.

21 MR. WANINK: Thank you.

22 THE COURT: Thank you.

23 Mr. Jean, you indicated you had another
24 motion?

25 MR. JEAN: Yes, Your Honor. At this -- at

1 this point, I would move for a mistrial. As the Court
2 is aware, I had made a motion in limine at the
3 beginning of this trial due to the fact that the
4 prosecution never produced the warrant regarding this
5 alleged loud exhaust. Mr. Wanink stood up to this
6 Court and he said it does not exist, it has never
7 existed. Made that representation to this Court. If
8 the Court will recall, as a -- as an offer of proof, I
9 had indicated it is in the police report that there was
10 a paper that indicated some loud exhaust. We asked for
11 it. It wasn't produced. Now when the trooper is on
12 the stand today, he says I printed it off, it had loud
13 exhaust on it and the prosecution has the same access
14 to it.

15 The prosecution has a continuing duty to
16 disclose that information. They have a continuing duty
17 to disclose it. Furthermore, the police have a
18 continuing duty to disclose that information. So if
19 Chief Pearsall knew about it, he had an obligation to
20 disclose it to the prosecution. I never received it.
21 There was a specific request for that information that
22 I never receive. Then when I bring it up, it doesn't
23 exist, but now during the course of trial, all of a
24 sudden it does exist.

25 It was information frankly, Your Honor, that

1 if we had, we might not even be here because if it does
2 exist and it is, in fact, what they say it is, perhaps
3 we would have had a different outcome. Perhaps there
4 would have been a plea. We can't possibly know because
5 it wasn't produced. And now we know it exists, we know
6 they had access to it and we know they didn't produce
7 it. Because of those reasons, we are severely
8 prejudiced, and this Court should disclare -- declare a
9 mistrial.

10 THE COURT: Mr. Jean, I have a question for
11 you. So, for example -- this is a hypothetical, not
12 specific to this case. But if an officer, let's say
13 Chief Pearsall, arrests someone -- verifies that
14 there's a warrant in LEIN and then ultimately arrests
15 the person, takes them to jail, whatever happens,
16 ultimately it's found that the warrant was for some
17 reason defective, he's still acting lawfully in his
18 duties, correct? I mean that's what the case law says.

19 MR. JEAN: So I -- I would -- I would
20 typically -- I would typically agree with that. I do
21 believe the case law does indicate that. However,
22 that's not what we have. What we have is a made-up
23 warrant. The warrant didn't exist.

24 THE COURT: No. You have a warrant, and
25 Chief Pearsall said it was for one thing and it's for

1 another thing.

2 MR. JEAN: Right. It -- it didn't exist.
3 It's not -- this isn't a situation where he's relying
4 on a warrant that was the warrant -- the underlying
5 warrant was somehow defective.

6 THE COURT: Okay. But I'm gonna interrupt
7 you for a second. I mean would you agree there was a
8 valid warrant for her arrest at that time --

9 MR. JEAN: Yes.

10 THE COURT: -- regardless of what it was for?

11 MR. JEAN: Yes.

12 THE COURT: Okay.

13 MR. JEAN: Yes.

14 THE COURT: All right. Thank you.

15 Mr. -- Mr. Wanink.

16 MR. WANINK: Thank you, Your Honor.

17 The standard here for a request for mistrial
18 is whether manifest necessity dictates that the
19 mistrial occur. I don't believe it's been established
20 anywhere close that that is where we are at.

21 It's been clear from the testimony both from
22 the three officers that this is the same warrant.
23 The -- the fact that it entered into LEIN, which is a
24 different network, it's not the actual paper warrant as
25 excessive noise, does not mean -- everybody has

1 testified it's the same warrant.

2 So he has been provided with the copy of the
3 warrant. He was, in fact, the attorney of record in
4 that matter. That was misdemeanor file 19-0805-SM.

5 So he's aware of that warrant, he represented
6 Miss Hull on that matter in the District Court, and
7 it's been unequivocally testified to that's -- that's
8 the same thing. How it's entered into LEIN? Who knows
9 the mysteries of how that's supposed to occur. But
10 everybody has said so far that this is the same
11 warrant. So I believe the motion should be denied.

12 THE COURT: Thank you.

13 Mr. Jean?

14 MR. JEAN: Here's -- here's where it becomes
15 the exact problem we're talking about. Of course, I
16 have the -- the warrant. Of course, I represented her
17 on that. Nowhere anywhere in that warrant did it say
18 that there was excessive noise. The warrant --

19 THE COURT: Can you explain to me why that
20 matters?

21 MR. JEAN: It matters because we made -- we
22 made a request for the document that we believed to
23 exist that would have shown whether or not there --
24 that existed. As it stands right now, we might -- we
25 may have a situation where it doesn't exist, it's not

1 in LEIN. We don't know whether or not that's the case.
2 That document -- if we look at the best evidence rule,
3 the document would prove that. But we're just saying,
4 well, there was -- there was a warrant, so no harm, no
5 foul on whether or not this did or didn't exist.

6 If it exists, it needs to be produced.
7 They're not producing -- they're not producing a
8 document which would have been very, very easy for them
9 to get, and it would have shown information beyond what
10 I already have because if the warrant that was --
11 that's been admitted said excessive noise on it, we
12 wouldn't have an issue. But now when they mention some
13 warrant, some paper warrant in the report, we make a
14 demand for it, we make a specific demand for it, and
15 that doesn't get produced.

16 So beyond -- beyond the issue of whether or
17 not -- whether or not "a" warrant exists, we have an
18 evidentiary issue and a discovery issue because the
19 Court denied the motion in limine on the basis if it's
20 not there and they can't produce it, well, they can't
21 produce something that doesn't exist. But --

22 THE COURT: Right.

23 MR. JEAN: -- as we sit here today, we know
24 it does exist. We know it did exist.

25 So beyond -- beyond the legal issue of -- of

1 the -- the warrant, whether or not one warrant is
2 sufficient and whether we relied on it, we have a
3 discovery issue because I was essentially told it's not
4 there, it doesn't exist, you can't have it 'cause
5 nobody can have it. And we know they had it. We know
6 the prosecution had access to it. That is sufficient
7 enough for a mistrial here.

8 THE COURT: All right. I have a question for
9 you, Mr. Wanink. So I assume we're talking about
10 Trooper Reynolds and the printout that the State Police
11 has the ability to print out, which I by no means
12 espouse to be an expert in LEIN, but I've seen the
13 paperwork before and it's -- it's kind of like -- looks
14 like a telegram almost and it says warrant. You know,
15 warrant -- valid warrant out of 71-B District Court,
16 whatever. Person's name, date of birth, yada yada.
17 Probably -- I would assume it distinguishes between
18 misdemeanor, felony. I -- I -- I don't know. I mean
19 I -- I don't think there's any testimony here that
20 Trooper Reynolds looked at a warrant that said loud
21 exhaust or sound problem or whatever.

22 MR. WANINK: In fact, my recollection, Your
23 Honor, is that his testimony was when he looked it up
24 in his computer and printed it off from LEIN, it did
25 say excessive noise, and then in the remarks, as I

1 think as he recalled them, it indicates that it was for
2 OWLS and no security. And I asked him in follow-up
3 whether -- if someone didn't have access to a LEIN
4 computer and was reliant completely on Dispatch, they
5 wouldn't have that knowledge unless Dispatch gave it to
6 them, and he said affirmative.

7 So I -- I would say that there -- again,
8 that's where I get that it's the same document, so --

9 THE COURT: Okay. So once and for all, are
10 you in possession of any warrant for Ms. Schook, also
11 known as Hull, which charges her with some offense
12 analogous to loud exhaust?

13 MR. WANINK: No, Your Honor, and -- and we
14 wouldn't because loud exhaust, as the Court knows, is a
15 civil infraction and there would never be a warrant for
16 that.

17 THE COURT: Okay.

18 MR. WANINK: So that would be why there is no
19 such animal.

20 THE COURT: Thank you.

21 Anything further, Mr. Jean?

22 MR. JEAN: No.

23 THE COURT: Okay. So the matter's before the
24 Court on the defendants' -- plural -- motion for
25 mistrial based on a discovery issue which the Court had

1 previously ruled on in a motion in limine prior to the
2 commencement of the proofs in this matter.

3 There was reference in Trooper Reynolds'
4 testimony to him having the ability in his patrol
5 vehicle as well as Deputy LaFlure having the ability in
6 his patrol vehicle to print out some- -- something from
7 LEIN that indicates whether or not there was a valid
8 warrant. Chief Pearsall did not have that ability, so
9 at the time prior to attempting to arrest the
10 defendant, he confirmed by either radio or telephone
11 with Central Dispatch that there was a valid warrant
12 for Mrs. Hull's arrest.

13 So I -- I guess the argument is that -- that
14 because Chief Pearsall at the time -- initially when he
15 went to arrest Mrs. Hull, that he referred to some sort
16 of defective -- or, excuse me, loud exhaust, which is a
17 civil infraction for which there would not be a
18 warrant, and that he referred to it being out of --
19 from Caro P.D. There's three different law enforcement
20 agencies in Caro. There's the Michigan State Police.
21 There's the Tuscola County Sheriff's Department.
22 There's the Caro Police Department. And so because he
23 had said those two things, the defendants are under the
24 belief that somehow there is some other warrant besides
25 the warrant for driving on suspended which has clearly

1 been established on this record today.

2 And so defendants are asking for a mistrial
3 due to the prosecutor not producing a warrant for loud
4 exhaust or something analogous to that, and the
5 prosecutor at the time of the motion in limine
6 indicated that such warrant does not exist. At the
7 time of this motion, it is again said that such warrant
8 does not exist.

9 And so the Court fails to see any manifest
10 necessity for a mistrial in this matter. The motion is
11 considered and denied.

12 MR. JEAN: Thank you, Your Honor.

13 THE COURT: Anything further we need to do
14 before we -- well, let me ask you this: How many
15 witnesses do you have, Mr. Jean?

16 MR. JEAN: I would expect two.

17 THE COURT: Okay. All right. So we'll see
18 you at 1 o'clock. Court's in recess.

19 (Court recessed at 11:56 a.m.)

20 (Court reconvened at 1:14 p.m., jury not
21 present.)

22 THE COURT: People ready for the jury?

23 MR. WANINK: Yes, Your Honor.

24 THE COURT: Defendant ready for the jury?

25 MR. JEAN: We -- we are, Your Honor. Just

1 very briefly, I did file a -- a motion regarding a
2 res gestae witness. I -- normally I would just do it
3 orally at the close of proofs, but because I did -- I
4 did file one, I do have a judge's copy --

5 THE COURT: Okay.

6 MR. JEAN: -- for you. I've already provided
7 copies to Mr. Wanink.

8 THE COURT: All right.

9 MR. JEAN: If I may approach?

10 THE COURT: You want to approach? Is
11 Ms. Long testifying?

12 MR. JEAN: Yes.

13 THE COURT: Okay. Did you subpoena her?

14 MR. JEAN: No.

15 THE COURT: Okay. All right. I mean I --
16 well, okay. All right.

17 MR. JEAN: But otherwise we are ready for the
18 jury.

19 THE COURT: Okay. We're ready for the jury,
20 Mr. Oprea.

21 (Jury present at 1:16 p.m.)

22 THE COURT: Good afternoon, ladies and
23 gentlemen. Welcome back to Circuit Court.

24 THE JURY: Good afternoon.

25 THE COURT: Mr. Jean, your first witness.

1 MR. JEAN: Thank you. Sheila Long.

2 THE COURT: Mrs. Long, if you can come right
3 up here to the witness stand? And before you sit down,
4 if you could please raise your right hand, be sworn in
5 by the clerk.

6 THE CLERK: You do solemnly swear or affirm
7 that the testimony you shall give in this case between
8 the People of the State, the defendant at the bar shall
9 be the truth, the whole truth and nothing but the
10 truth, so help you God?

11 MS. LONG: I do.

12 THE CLERK: Thank you.

13 THE COURT: Go ahead and have a seat. Just
14 watch when you sit back 'cause that chair's a little
15 tippy.

16 THE WITNESS: Okay.

17 THE COURT: You may proceed, Mr. Jean.

18 MR. JEAN: Thank you, Your Honor.

19 SHEILA LONG,
20 being first duly sworn at 1:16 p.m., testified under
21 oath as follows:

22 D I R E C T E X A M I N A T I O N

23 BY MR. JEAN:

24 Q Ma'am, could you please state your name for the record?

25 A Sheila Long.

1 Q And what do you do for a living?

2 A I'm the court administrator for Tuscola County Courts.

3 Q Okay. And what are -- what are some of your duties as
4 court administrator?

5 A I take care of HR personnel issues with the courts. I
6 do budget. I monitor cases coming through District
7 Court. I'm also the court clerk for District Court.
8 Monitor day-to-day activities here at the courthouse.

9 Q If I were to show you, for example, District Court
10 records, would you be able to identify those?

11 A Yes.

12 MR. JEAN: May I approach the witness?

13 THE COURT: Yes.

14 BY MR. JEAN:

15 Q Ms. Long, I've handed you what has been previously
16 marked as Defendant's Proposed 1 and Defendant's
17 Proposed 2. Do you know what those documents are?

18 A Yes.

19 Q Okay. And could you please tell us what they are?

20 A The top one here, the Number 1, is the Defendant
21 History for Brandi Schook, and the second one is a
22 Register -- Register of Actions on a civil infraction.
23 Looks like no proof of registration, unsigned
24 registration, on a 2018 civil infraction ticket.

25 Q Okay. And do those appear to be records that are

1 conduct -- or kept in the regular course of business
2 for the District Court?

3 A Yes.

4 MR. JEAN: I would move for admission.

5 THE COURT: And what was the exhibit number?
6 I'm sorry.

7 THE WITNESS: One and 2.

8 THE COURT: Okay. Defendant's Proposed 1 and
9 2, any objection, Mr. Wanink?

10 MR. WANINK: Based on Mrs. Long's
11 authentication here in court, I have no objection.

12 THE COURT: All right. Court admits
13 Defendant's 1 and 2 without objection.

14 (Defendant's Exhibits Number 1 and 2 admitted
15 at 1:18 p.m.)

16 MR. JEAN: Thank you.

17 BY MR. JEAN:

18 Q Now, could you just briefly explain to the jury what a
19 Register of Actions is?

20 A Every case that comes through the courts has a Register
21 of Action, which means for this we have a case
22 management system in which we put the information into
23 our case management system, the defendant's information
24 like their name, their address, birth date, driver's
25 license number, the date of the -- in this -- in this

1 event, the date of the ticket, who -- the officer who
2 wrote the ticket and then everything that happens on
3 that case. So the date the case -- the ticket was
4 issued, if they come to court on anything. The
5 Register of Action indicates all their -- all the
6 action that takes place on this ticket until it closes.

7 Q Okay. And would you also note -- and I -- I don't know
8 as if there's anything on that particular one, but
9 would things like the Register of Actions note a
10 warrant?

11 A Yes.

12 Q Okay. There's a couple different types of warrants,
13 correct?

14 A Uh-huh.

15 Q Is that a yes?

16 A Yes. I'm sorry.

17 Q There's, for example, like an arrest warrant, there's a
18 bench warrant --

19 A Correct.

20 Q -- things like that?

21 A Uh-huh.

22 Q What's the difference between a bench warrant and a --
23 and an arrest warrant?

24 A A bench warrant is typically what they indicate comes
25 from the bench. It means that the defendant failed to

1 do something with the court. They failed to appear for
2 arraignment, failed to appear for trial, that sort of
3 thing.

4 An arrest warrant is on new charges in which
5 they have not been brought before the court on yet.

6 Q Do you know whether or not, for example, if you have a
7 civil infraction -- if you don't know, it's fine. But
8 if you have a civil infraction, if an arrest warrant
9 can be issued on that?

10 A On a civil infraction, I don't believe so.

11 Q Okay. Do you know why?

12 A I do not know why.

13 Q Okay.

14 A I'm assuming -- I can assume, but I'm not gonna assume.

15 Q Okay. So to just kind of recap real briefly, a bench
16 warrant would come directly from a judge for somebody
17 failing to abide by a judge's order?

18 A Correct.

19 Q And an arrest warrant is for like a new -- a new case,
20 new charge?

21 A Correct.

22 Q Okay. The other one, I think it's Number 1, that's
23 a -- a History, is that correct?

24 A Correct.

25 Q And that's basically the History for Brandi Schook,

1 correct?

2 A Correct.

3 Q When -- when those records are pulled, if, for example,
4 the person changes their name, is there now a second
5 History in the new name?

6 A Yes.

7 Q Okay. And can you tell us what date range that History
8 shows?

9 A This History here, the first thing on here -- the first
10 case on here is from May 23rd of 2006 and the last case
11 on here occurred -- the offense date, anyway, was
12 November 8th -- or, I'm sorry, April 7th, 2018.

13 Q Okay. And you did indicate that was -- it was for
14 Brandi Schook, correct?

15 A Yes.

16 Q Okay. Thank you.

17 MR. JEAN: Nothing further.

18 THE COURT: Mr. Wanink?

19 MR. WANINK: Thank you, Your Honor.

20 C R O S S - E X A M I N A T I O N

21 BY MR. WANINK:

22 Q Mrs. Long, I'm handing you what's been admitted as
23 People's Exhibit Number 2. That is an arrest warrant
24 as opposed to bench warrant, correct?

25 A Correct.

1 Q And you received those from the prosecutor's office.
2 What's the procedure that would usually be followed
3 when an arrest warrant is issued?

4 A Just looking over this real quick.

5 A couple things could occur. One, the
6 prosecutor's office can ask for an immediate warrant,
7 arrest warrant, on new charges, in which the case would
8 be sworn out before the magistrate with the police
9 officer. And the case could go right immediately into
10 warrant status where the defendant would not be given
11 an opportunity to appear for an arraignment but
12 whether -- but the -- the warrant would just go
13 automatically in the law enforcement network.

14 Or, two, they may have failed to appear
15 for -- on a summons from the prosecutor's office and
16 then in which the judge would sign the warrant for the
17 individual's arrest.

18 Q I'm gonna show you what has been marked as -- I'll show
19 you what's been marked as People's Proposed Exhibit
20 Number 7.

21 A Okay.

22 Q This is likewise a Register of Actions, correct?

23 A Correct.

24 Q Is that from the 71st B District Court as well?

25 A Correct.

1 Q And does it have anything to do with the warrant that I
2 have in front of you that's been admitted as People's
3 2?

4 A Yes. It is the Register of Actions for this case.

5 Q All right.

6 MR. WANINK: At this time I'd move for the
7 admission of People's Proposed 7. I believe Miss Long
8 has authenticated the -- the document here on the
9 stand.

10 THE COURT: Any objection, Mr. Jean?

11 MR. JEAN: If I can see the document?

12 No objection.

13 THE COURT: All right. The Court admits
14 People's 7 without objection.

15 (People's Exhibit Number 7 admitted at
16 1:25 p.m.)

17 MR. WANINK: Thank you.

18 BY MR. WANINK:

19 Q Miss Long, can you tell us what -- what route -- of the
20 two routes you described as to how a warrant I guess
21 makes it into the system, which route did this one
22 take?

23 A In this case the individual, Miss Schook, was scheduled
24 for arraignment on September 17th, 2019, and she failed
25 to appear.

1 Q How would she have been notified of that arraignment?

2 A She would have been sent a notice to appear from the
3 Court.

4 Q Okay.

5 A Or a summons from the Court, I should say.

6 Q So that warrant didn't immediately go into LEIN? She
7 was given an opportunity to turn herself in and come to
8 an arraignment?

9 A Correct.

10 Q And you indicated she failed to appear?

11 A Correct.

12 Q So then when she fails to appear, what happens to the
13 warrant?

14 A Then the warrant was signed by Judge Bitzer, and he
15 reviewed it and placed the bond amount on there. Then
16 it gets entered into LEIN.

17 Q Okay. So Judge Bitzer entered the warrant after she
18 failed to appear voluntarily for her arraignment?

19 A Correct.

20 Q So once the warrant is put into LEIN -- how does it get
21 into LEIN? Who puts it -- who puts it there?

22 A We have -- in District Court, we have a warrant clerk,
23 and typically she enters all of our warrants into LEIN.
24 Or there's three people that back her up.

25 Q Are you familiar with how that process works?

1 A Yes.

2 Q All right. You work alongside the people that are
3 responsible for entering --

4 A Yes.

5 Q -- the warrants into LEIN on behalf of the Court?

6 A Yes.

7 Q This particular warrant, there's -- there's testimony
8 that it showed up in LEIN as an excessive noise. Is
9 there any reason you can think of why a warrant for
10 OWLS and operation without security would show up in
11 LEIN as no -- as an excessive noise?

12 MR. JEAN: I'm gonna object as calls for
13 speculation. She would have no personal knowledge
14 unless she actually entered that information herself.

15 THE COURT: Well, I think it's a general
16 question. If you want to lay more foundation, I
17 guess --

18 MR. WANINK: Sure.

19 THE COURT: -- Mr. Wanink. There's plenty to
20 be had.

21 MR. WANINK: Sure.

22 BY MR. WANINK:

23 Q Miss Long, you indicated you work alongside people who
24 enter the data for the warrant into LEIN?

25 A I actually am one of the ones that back up the warrant

1 clerk, so I am very familiar with --

2 Q Okay.

3 A -- entering warrants into LEIN.

4 Q So you've done it and you know --

5 A I've done it.

6 Q -- how it's done and --

7 A Yes.

8 Q -- you know how -- what information gets inputted? And

9 then that information is made available to Dispatch or

10 any other law enforcement officer once it's put into

11 LEIN, correct?

12 A Yes. The LEIN is the Law Enforcement Information

13 Network, which is -- the courts have access to that,

14 law enforcement has access to that. So -- and -- and

15 our dispatchers have access to that. So we enter that

16 into LEIN, the law enforcement network, and then any

17 police officer or law enforcement officer that would

18 run her name would be able to see what -- that she has

19 an outstanding warrant.

20 Q All right. And how long have you been familiar with

21 this process?

22 A For the whole process?

23 Q I don't want you to date yourself.

24 A Yeah. I've worked with the courts for 18 years, but I

25 would indicate that I've been entering warrants in for

1 probably the last 4 or 5 years.

2 Q Okay. And you've done a number of warrants yourself,
3 you indicated?

4 A Yes.

5 Q All right. So based -- based on your experience in --
6 in -- and your familiarity with this system, I'll go
7 back to my original question. How would a warrant such
8 as the one you have in front of you that's People's
9 Exhibit Number 2 end up in LEIN with excessive noise
10 being labeled on it somewhere?

11 MR. JEAN: I'm gonna object again, Your
12 Honor. It would call for speculation 'cause now we're
13 asking directly how this particular one came about. Or
14 if we're not asking it as -- we're asking it as a
15 general question, what -- what the prosecutor's trying
16 to attempt at this point is trying to shoehorn it in to
17 say that whatever -- whatever this answer is is exactly
18 what happened in this case. She can't possibly answer
19 that. It would certainly call for speculation.

20 THE COURT: Mr. Wanink?

21 MR. WANINK: Well, I'll ask her the question.

22 BY MR. WANINK:

23 Q I mean would you have any knowledge of how this
24 occurred?

25 A Yes.

1 Q Okay. And is that based on your experience and
2 training with regards to making such entries yourself?

3 A Yes.

4 Q All right.

5 MR. WANINK: I think under MRE 701, Your
6 Honor, she -- she can provide some testimony in general
7 as to how something like that could occur based on her
8 familiarity.

9 THE COURT: Yeah. Why don't you just ask her
10 in general how that would happen.

11 MR. WANINK: Sure.

12 BY MR. WANINK:

13 Q In general, how would something like that happen?

14 A The law enforcement network, when we enter a warrant
15 into LEIN, it requires the -- the clerk of the court
16 who's entering it to enter as much information on the
17 individual that we have, so including their name, their
18 address, their birth date, driver's license number, eye
19 color, hair color, et cetera.

20 And on this type of offense it also requires
21 you to put in the -- the statute, and it requires a
22 four-digit number that LEIN has created that codes
23 certain offenses. They're all different. And I can't
24 answer for LEIN, but on -- it's based on whatever
25 Count I is on a -- on a case. For whatever reason for

1 the no insurance, it comes up -- the code we have to
2 use is excessive noise.

3 Q Okay.

4 A So that's how -- when they run it, that's how it is.

5 Q So when you -- because you entered the code, it is a
6 general code that even applies to operation without
7 security, which is Count I in that complaint and
8 warrant, and it will show up as excessive noise because
9 that's a blanket term that covers several different
10 offenses?

11 A Yes. And I believe the code -- the code we have to use
12 is -- I believe from memory it's like 5400, 5-4-0-0,
13 and that's --

14 Q A lot of different offenses, correct?

15 A I know for certain it's the no insurance one.

16 Q Okay. And so just because in LEIN it may mention
17 excessive noise, that doesn't mean that's what the
18 warrant is for?

19 A Correct. We also have to enter in the -- the -- the
20 MCL and the -- what the -- and write out as best we
21 can, which they give you a little bit of room to put in
22 there, the no insurance.

23 Q Your testimony earlier from --

24 THE COURT: I'm sorry. What's the MCL just
25 for the jury's benefit?

1 THE WITNESS: The Michigan Compiled Law.

2 THE COURT: So that would be the statute?

3 THE WITNESS: Yes. Thank you.

4 MR. WANINK: Thank you, Judge.

5 BY MR. WANINK:

6 Q And so we heard testimony earlier about in LEIN it will
7 indicate something like excessive noise but there will
8 also be a remarks portion that lists the -- the MCL or
9 the statutory citation and the actual offense, what --

10 A Correct.

11 Q -- it is.

12 A Yes.

13 Q Is that how it will appear?

14 A Yes.

15 Q Now, if you didn't have -- if you're a department who
16 doesn't have access to a computer, they can still --
17 that department can still access this same information
18 from Dispatch?

19 A Yes.

20 Q So even though hypothetically in this particular case
21 it said excessive noise, that is the same warrant?

22 A Yes.

23 Q All right. Thank you.

24 MR. WANINK: I have no further questions.

25 THE COURT: All right. I -- I just have one

1 question for you, Mrs. Long, before we hear from
2 Mr. Jean, but -- so People's 2 is -- is the -- the
3 physical warrant, the warrant that Judge Bitzer signed,
4 correct?

5 THE WITNESS: Yes.

6 THE COURT: Now, who would have possession of
7 that after it's signed?

8 THE WITNESS: The court clerk -- or the
9 warrant clerk has to keep those files in her office
10 with the warrant in the court file, and then they
11 are -- what they indicate is good on its face once
12 they're entered into LEIN, which means that they're
13 valid for law enforcement to do what they need to do to
14 bring the individual to court.

15 THE COURT: So the warrant would be in the
16 court file?

17 THE WITNESS: Correct.

18 THE COURT: All right. Mr. Jean, redirect.

19 MR. JEAN: Thank you.

20 R E D I R E C T E X A M I N A T I O N

21 BY MR. JEAN:

22 Q Regarding the Register of Actions that indicates that
23 Miss Hull did not appear on September 17th of 2019,
24 could you please tell us what address that would have
25 been sent to?

1 A I don't have that exhibit any longer.

2 MR. WANINK: It's right up there. Sorry.

3 THE WITNESS: I would have to assume it's --
4 I would assume it's on the Legg Road, Kingston,
5 address, the 6277 Legg Road, Kingston, and it would
6 also -- that's the same address that's on her warrant
7 on the other exhibit.

8 BY MR. JEAN:

9 Q If I told you that the warrant itself had a different
10 address, would that change your mind?

11 A Well, I have to look through here.

12 I would believe it went to the Legg a- --
13 Legg Road address unless it was changed somewhere along
14 the way. I'd have to look at the ROA to make sure her
15 address was never changed.

16 I'd have to assume so without -- in the --
17 the court file we would keep a copy of the notice that
18 went out to her, so without -- I'm not a hundred
19 percent guaranteed without looking at the court file.

20 Q Well --

21 A The -- the summons that's in the court file.

22 Q Okay.

23 A But it would be the a- -- I'm assuming it's the address
24 that's on her warrant if it's the same address as this.
25 I don't know. But --

1 Q If it's a different address, you don't know?

2 A It would have went to the one that's on her warrant.
3 That's the only address we would have had on file when
4 her summons went out.

5 Q Got it. Okay.

6 A Yeah.

7 Q You indicated that you as well as a few other clerks
8 enter the information onto your network which then is
9 forwarded on to LEIN, is that correct?

10 A Correct.

11 Q Basically you -- you don't have direct access to LEIN?

12 A Yeah, we do have direct access to LEIN.

13 Q I apologize. I didn't ask that in the right way. You
14 don't have direct access to modify LEIN, or do you have
15 direct access to modify it?

16 A Yes.

17 Q Okay.

18 A To modify -- like when you say modify LEIN, you mean
19 like modify her warrant or modify something we place
20 into LEIN?

21 Q So the way that I understood you -- you describing what
22 you do is you -- you put it into your system, your
23 system is essentially connected to LEIN and that
24 updates the information. Is that how it works?

25 A We enter the information, and it automatically --

1 it's -- it's real time. So when we enter a warrant in
2 LEIN, it's in LEIN. When we cancel it, it's canceled.
3 It's real time --

4 Q Right.

5 A -- if that makes sense.

6 Q So to put it in a different way, LEIN itself is
7 maintained by the state, not the county?

8 A It's maintained by the Michigan State Police.

9 Q Right. So you as the clerk don't maintain the LEIN
10 system 'cause it's with another agency, right?

11 A Correct, I guess. Michigan State Police, it's -- it's
12 their system. We can enter stuff and take stuff out of
13 it. So I don't know what exactly --

14 Q Right.

15 A -- is the question. We have to follow their -- their
16 policy, and we have a procedure. We're audited and --

17 Q Right.

18 A -- so on, so forth.

19 Q Okay. So you or another clerk would enter the
20 information into the system, and that automatically
21 goes into the State Police system?

22 A Correct.

23 Q Okay. So you were asked a moment ago about this
24 excessive noise issue, and you had said, well, it's
25 under a certain code. Would you agree with me that it

1 is very typical that for a suspended license that that
2 code is separate and that code gets entered?

3 A You mean for a suspended license, is that code
4 different, the --

5 Q Uh-huh. Yes.

6 A -- LEIN code? Yes, it is different.

7 Q But now you indicated a moment ago that there was some
8 other code that's similar to the excessive noise code?

9 A No.

10 Q Well, you were asked about --

11 THE COURT: She -- she indicated that the no
12 insurance was the first count --

13 MR. JEAN: Right.

14 THE COURT: -- and that -- and that's what
15 the code is based on.

16 MR. JEAN: Right. Yeah.

17 THE COURT: So the OWLS was the second count,
18 so that would be -- even if it was a different code,
19 that would not be the code that came up first is -- I
20 mean that's what she testified to.

21 MR. JEAN: Right.

22 THE WITNESS: Correct.

23 MR. JEAN: Yeah.

24 BY MR. JEAN:

25 Q So you indicated that if -- for every no insurance

1 ticket, it will always come up in LEIN as excessive
2 noise?

3 A Correct. If Count -- it goes by whatever Count I is.
4 So in this case it's -- it's the no insurance. If --
5 if Count I was the -- the other traffic offense on
6 here, then the first thing -- the only thing you got to
7 put in is whatever Count I is up top. Then we list
8 out, you know, miscellaneous where we can just free
9 type. We put in there what Count I is, what Count II
10 is, what the bond amount is, the offense date.

11 Q Can I -- let -- let me ask this: Would it be typical
12 to enter in the wrong agency?

13 A Is it typical? No, it's not typical.

14 Q Okay. If you have the warrant and you -- you enter in
15 that warrant, there wouldn't be a way for you to change
16 the agency once it's entered, would there?

17 A You can modify a warrant if it's entered incorrectly.
18 You can modify it at any time if you learn of new --
19 more identifiers or if different things like that come
20 up. You can modify a warrant once you've entered it.

21 Q Okay. LEIN is also accessible by the prosecutor,
22 correct?

23 A I do not know what their office has access to.

24 Q Okay. And Mr. Wanink did talk to you about testifying,
25 correct?

1 A Pardon?

2 Q He had -- Mr. Wanink had -- had indicated to you about
3 testifying, is that correct?

4 A Yes. Yesterday afternoon he indicated that I may be
5 needed today to testify regarding these records.

6 Q If the information for the no insurance is always
7 entered and it always appears that way, in your lay
8 opinion would it be typical that the agencies that --
9 that review that would know that those codes are the
10 same?

11 A I'm sorry. Can you ask that again? Would the agency,
12 meaning like the law enforcement agency?

13 Q Yes.

14 A They may not be familiar with what codes we have to use
15 because they don't enter the warrants. The courts
16 enter the warrants or -- or Dispatch or -- typically in
17 other counties some Dispatch units enter warrants, so I
18 don't know if law enforcement -- I mean that would be
19 up to that agency whether -- how many times they've
20 seen them, if they know what that comes up as.

21 Q Okay. Just to be clear, you have a Register of Actions
22 that's been entered. There is a warrant that has been
23 entered into evidence. None of those indicate
24 excessive noise, correct?

25 A Correct.

1 Q All right.

2 MR. JEAN: Thank you.

3 THE COURT: Anything further, Mr. Wanink?

4 MR. WANINK: Just one follow-up question on
5 recross.

6 R E C R O S S - E X A M I N A T I O N

7 BY MR. WANINK:

8 Q Mr. Jean asked you about agencies, entering the agency.
9 If -- if the LEIN traffic indicates that the warrant is
10 out of Caro, does that necessarily mean that it's Caro
11 P.D. or can it be any agency affiliated with, you know,
12 Tuscola County?

13 A All the agencies, they have different numbers assigned
14 to them, so if it was -- if it were Caro P.D., then it
15 would be -- typically that would be Caro P.D.'s
16 warrant. The Sheriff's Department has a different
17 number, State Police, so on and so forth. So if it
18 indicated Caro, it would be Caro P.D.'s number.

19 Q Okay.

20 A Or warrant.

21 Q But if all the --

22 A Or original agency.

23 Q Right. But I'm saying if Dispatch mentioned that the
24 warrant is out of Caro, that doesn't necessarily mean
25 it's out of Caro P.D.?

1 A It may be Caro, meaning Caro court.

2 Q Okay.

3 A I don't -- I -- I don't know how they relay their -- or
4 what language they use for law enforcement, but --

5 Q You've answered my question. Thank you.

6 THE COURT: All right. Anything further,
7 Mr. Jean?

8 R E D I R E C T E X A M I N A T I O N

9 BY MR. JEAN:

10 Q While it could be Caro court, somebody says, if it has
11 Caro in there, the agency is described, correct? It is
12 noted?

13 A The original agency --

14 Q Right.

15 A -- in LEIN? I'm assuming -- without looking at a
16 printout of it, I'm assuming that in there it indicates
17 what the agency -- original agency is.

18 Q So if it came out of Caro, it could be Caro court.
19 It's -- it's just as likely or more likely that if
20 somebody says Caro P.D., it -- the LEIN information
21 says Caro P.D., right?

22 A Perhaps. I -- again, I don't know what -- what a
23 dispatcher tells law enforcement as far as if it's
24 Caro P.D. or Caro, out of Caro, meaning the courthouse
25 is located in Caro, District Court's located in Caro.

1 I do not know what -- how they relay that information.
2 So just to speak to that, I don't know.

3 Q Thank you.

4 THE COURT: Mr. Wanink?

5 MR. WANINK: Nothing further. Thank you.

6 THE COURT: All right. May this witness be
7 excused, Mr. Jean?

8 MR. JEAN: Yes, Your Honor.

9 THE COURT: Any objection, Mr. Wanink?

10 MR. WANINK: No objection.

11 THE COURT: Thank you, Mrs. Long, for your
12 testimony here today. You're excused from further
13 attendance in this matter.

14 (Witness excused at 1:44 p.m.)

15 THE COURT: Your next witness, Mr. Jean.

16 MR. JEAN: Brandi Hull.

17 THE COURT: Mrs. Hull, if you can come right
18 up here to the witness stand? And before you sit down,
19 if you could please raise your right hand, be sworn in
20 by the clerk.

21 THE CLERK: You do solemnly swear or affirm
22 that the testimony you shall give in this case between
23 the People of the State and defendant at the bar shall
24 be the truth, the whole truth and nothing but the
25 truth, so help you God?

1 DEFENDANT BRANDI HULL: Yes.

2 THE CLERK: Thank you.

3 THE COURT: Go ahead and have a seat. Watch
4 the tippy chair.

5 You may proceed, Mr. Jean.

6 MR. JEAN: Thank you.

7 BRANDI M. HULL,
8 being first duly sworn at 1:44 p.m., testified under
9 oath as follows:

10 D I R E C T E X A M I N A T I O N

11 BY MR. JEAN:

12 Q Ma'am, could you please state your name for the record?

13 A Brandi Marie Hull.

14 Q And could you spell the last name for us?

15 A H-U-L-L.

16 Q And, ma'am, you also go by another name of Brandi
17 Schook, is that correct?

18 A Yes, I did.

19 Q Could you please spell that name for us?

20 A S-C-H-O-O-K.

21 Q And you have the name Hull because you were married, is
22 that correct?

23 A Yes.

24 Q All right. Directing your attention -- I'm gonna go
25 back to 2018, back in April of 2018. You were stopped

1 by the Tuscola County Sheriff, is that correct?

2 A Yes.

3 Q Do you know what it was for?

4 A He said I had a taillight out, I think it was, or
5 something like that that he had stopped me for, and
6 then there was no insurance and he said I had a
7 suspended license.

8 Q Okay. Do you know why your license was suspended at
9 that time?

10 A I found out later. At that time I didn't. But I found
11 out it was for the driver's responsibility.

12 Q Okay. So a fee?

13 A Yes.

14 Q Okay. You had -- and we've -- we've actually admitted
15 I think the Register of Actions for that particular --
16 particular case. You ended up with a fine on that
17 case, is that correct?

18 A Yes.

19 Q You -- you never appeared in court for arraignment, to
20 your knowledge you weren't charged criminally on that?

21 A No.

22 Q Tell me a little bit about what happened.

23 A When I found --

24 Q What did you -- what did you do?

25 A When I found out about the suspended license, I came to

1 this courtroom -- or courthouse, and they said that
2 they didn't have a record, that it was probably through
3 Secretary of State. So I called -- I called them down
4 in I think it was Sterling Heights. I'm not sure on
5 that. Found out that I had fines there. So I paid
6 them. Came up here. My truck was in pound. So I got
7 it out of impound, took care of everything, or so I
8 thought.

9 Q What do you mean by -- first off, when you say you had
10 fines in Sterling Heights, was it like a ticket that
11 you had down there?

12 A That's where I found out about the driver's
13 responsibility. That's what it had to be paid.

14 Q Got it. And you got your license reinstated?

15 A Yes.

16 Q When was that?

17 A Within days of being pulled over.

18 Q Okay. Did you pay the ticket?

19 A Yes.

20 Q When did you pay the ticket?

21 A I -- I -- I thought I taken -- took care of everything
22 at that time.

23 Q What -- what's "that time?"

24 A When I was first pulled over, my truck was impounded, I
25 thought I had paid for everything and took care of

1 everything. I did not.

2 Q Okay. What do you mean by that?

3 A I mean that the actual ticket when I went downstairs
4 was not processed or something like that, so I came
5 back later and made that payment.

6 Q Okay. And what happened? Did you forget about it?
7 You keep track of it? What did you do?

8 A I didn't have my receipt for it. Then -- so I had my
9 receipts for everything else, but I didn't have it for
10 that. So when -- it was this year June they said that
11 I had not -- I got a paper in the mail stating that I
12 needed to go in and do my fingerprints over at the
13 police station, so I did.

14 Q What -- what address was that?

15 A I got that at my apartment address.

16 Q Which is?

17 A 3460, I believe it is, Washington Street.

18 Q Okay. So this is back in June of 2019 that you
19 received that notice?

20 A Yes.

21 Q All right. What --

22 A When I went in there to do my fingerprints, they
23 informed me that I had a warrant --

24 Q Okay.

25 A -- and that I needed to go and talk to the magistrate.

1 Q Okay.

2 A Which I did my fingerprints and I walked straight
3 across the street, talked to the magistrate. He said
4 that that ticket was not taken care of.

5 Q So when you said -- when you're saying a ticket, you're
6 talking about this no insurance and suspended license,
7 then like a taillight ticket?

8 A Yes.

9 Q Okay.

10 A Well, they didn't say anything about the taillight.
11 They did everything else that wasn't on there.

12 Q Okay. So they gave you a warning or something on that
13 one?

14 A Yes.

15 Q And I mean we do have the Register of Actions but point
16 being is you went to the magistrate --

17 A He told me that I had a warrant and that I could pay
18 fines and it would be all taken care of.

19 Q Okay.

20 A I indicated to him that I would be in in a couple of
21 days to take care of that. He said that was fine. My
22 fiance at the time came in and took care of it for me
23 because I was at work.

24 Q Okay. And did you have a receipt at that time?

25 A Yes, I did.

1 Q Okay. And, in fact, that -- that did take care of the
2 civil infractions?

3 A As far as I knew, yes.

4 Q Okay. Now, you had a receipt at that point for it, is
5 that correct?

6 A Yes.

7 Q And, in fact, that I believe is reflected on the
8 Register of Actions. But you move on with your life --

9 A Yes.

10 Q -- correct?

11 A Uh-huh. Yes.

12 Q All right. When do you move into the Legg Road
13 address?

14 A I moved into the Legg Road address in August just
15 before we got married.

16 Q So when did you get married?

17 A August 31st.

18 Q Okay. And was it a few weeks, few days? What was it?

19 A I started moving in probably -- I think the second week
20 of August. And that did take some time, so a couple of
21 weeks.

22 Q Okay. Did you change your name and address?

23 A Yes, I did, right after the wedding.

24 Q With the Secretary of State?

25 A Yes.

1 Q And when did you do that?

2 A I think it was September 3rd. It's on my driver's
3 license.

4 Q Okay. If you were to see your driver's license, would
5 that refresh your recollection of when you --

6 A Yes.

7 Q -- updated it?

8 A Yes.

9 MR. JEAN: May I approach the witness, Your
10 Honor?

11 THE COURT: Yes.

12 BY MR. JEAN:

13 Q If you would just review your license and then let me
14 know when you're done.

15 A Okay.

16 Q Do you recall when you updated your license?

17 A Yes. It was September 3rd.

18 Q Of 2019?

19 A Yes.

20 Q Okay. During the entire time that you addressed those
21 civil infractions from that 2018 stop, was there ever a
22 time where you knew that there was a suspended license
23 ticket hanging out there?

24 A No.

25 Q Okay. Did -- did you ever inquire about that?

1 A No. I didn't have a reason, I guess.

2 Q Okay. So we're going to fast forward to October 7th of
3 2019. You have contact as we've -- we've seen with
4 Chief Pearsall?

5 A Yes.

6 Q Who indicated to you that there was a warrant for this
7 loud exhaust, correct?

8 A Yes.

9 Q You -- we've admitted into evidence a History of
10 everything that's happened under your name for Schook
11 here in -- in Tuscola County. Have you ever at all in
12 any way had an excessive noise ticket in Tuscola
13 County?

14 A No.

15 Q Okay. That actually is reflected I think it's on
16 Defendant's 1 for your history, is that correct?

17 A Yes.

18 Q So when Chief Pearsall comes to you, says you have an
19 excessive noise warrant -- and he told you I think it
20 was for your arrest, right?

21 A Yes.

22 Q Okay. What was your reaction?

23 A That there was a mistake.

24 Q Okay. And why did you believe there was a mistake?

25 A Because excessive noise sounds like a fix-it ticket to

1 me. I had not received a fix-it ticket for excessive
2 noise. I just thought there was a mistake, that wasn't
3 me.

4 Q Okay.

5 A That was wrong.

6 Q Just very briefly going back to your experience with
7 the -- the ticket in June, you indicated that your
8 fiance at the time paid the ticket?

9 A Yes.

10 Q Who -- who was that?

11 A Anthony Hull.

12 Q Okay. Was he -- was he aware of what was going on with
13 that?

14 A Yes.

15 Q How is it that he was aware of it?

16 A I told him.

17 Q Okay. Is that something that you commonly tell him, if
18 you were to receive a ticket?

19 A Yes.

20 Q I guess my other question would be have you received
21 any tickets since you've been with him?

22 A No.

23 Q Okay. So he knew what was going on and, in fact, came
24 to the courthouse to pay it for you?

25 A Yes.

1 Q All right. If you had ever received another ticket or
2 stopped, is that something you would have told him?

3 A Yes.

4 Q Okay. Now, you didn't know who the other gentleman was
5 that was with Chief Pearsall, did you?

6 A I had seen him in my -- at my work, but I had no idea
7 what his name was or who he was or anything like that.

8 Q Okay. What was your concern when you're being told you
9 have this warrant?

10 A He told me that I was going to jail. I didn't
11 understand why I would be going to jail for a ticket I
12 had or why he would bring somebody else with him to
13 arrest me.

14 Q Okay. Is that why you did not go with him willingly?

15 A That's -- yes, it is.

16 Q Okay. Did you have any conversation when you go back
17 into the house with Anthony about what was going on?

18 A We talked briefly about what was going on. Then
19 Anthony got on the phone to call the police -- did
20 not -- called 911 to find out, you know, what was going
21 on.

22 Q Okay.

23 A And I called my boss to let him know that I didn't
24 think I'd be to work the next day.

25 Q Okay. You find out what's going on at some point, is

1 that correct?

2 A Yes.

3 Q How is it that you found out what was going on?

4 A Because they wanted to put handcuffs on me and take me
5 to the cruiser or vehicle --

6 Q Okay.

7 A -- and I told them that I wanted to see the warrant. I
8 wanted to see why they were picking me up. I didn't
9 understand it.

10 Q Okay. And did they, in fact, do that?

11 A They put the handcuffs on me, and another gentleman
12 went to the vehicle and come back and showed me a paper
13 that said I was being -- that I had a warrant for an
14 excessive exhaust or excessive noise or something like
15 that.

16 Q Did that paper indicate anything about a suspended
17 license?

18 A No, it didn't.

19 Q Did it indicate anything about no insurance?

20 A No, it didn't.

21 Q It was a paper document?

22 A Yes.

23 Q To be clear, we're not talking -- they didn't show you
24 on a -- on a computer, they didn't show you on anything
25 else. It was a paper document?

1 A Yes, it was.

2 Q Did it say where it came out of?

3 A That I didn't notice.

4 Q Okay.

5 A I noticed that the address that was on that paper
6 document was wrong.

7 Q What address was it?

8 A That was a 3482 Washington Street --

9 Q Okay.

10 A -- address that I have not lived at for more than
11 probably four, five years. It had the wrong name on
12 it.

13 Q I just want to say -- you said -- did you mean -- did
14 you mean years or months? 'Cause didn't you say --

15 A Years.

16 Q Didn't you say that you were at the Washington Street
17 address?

18 A No, no, no. I lived at another -- I had an apartment
19 on Washington Street --

20 Q Okay.

21 A -- as well.

22 Q Okay. So the -- the one that -- that you're talking
23 about for that warrant was at a prior address on
24 Washington Street?

25 A Yes.

1 Q All right. Was there anything else that you noticed
2 about this entire interaction that concerned you,
3 confused you or anything like that?

4 A Mainly that the warrant that they were coming to me
5 with was a ticket that I had never received. That --
6 that bugged me. He wanted to take me to jail with his
7 friend who was standing on my porch. That bothered me.

8 Q Why did that bother you?

9 A Because you hear too many things going on and sometimes
10 it's involving police officers. I read the papers a
11 lot, I educate myself on things that are going on quite
12 often, and when you read some of the things that have
13 been in the papers lately, it makes you question are
14 they really there for what they say or not.

15 Q Okay. So when you had this first interaction, you have
16 a concern over the fact that there's some guy there
17 that you don't know and they're saying that they've got
18 a ticket that you know you don't have?

19 A Yes.

20 Q If they had said to you, hey, we have a -- a warrant
21 over a suspended license from 2018, would that have
22 made a difference to you?

23 A Yes, it would. I would have told them that I have a
24 receipt for that, and I would have walked in the house
25 and got it.

1 Q Okay. So you're not saying that you would have been
2 like, oh, that's fine, I'll go with ya, I'm sure that's
3 a valid warrant. You're saying you would have said to
4 them, hey, I already took care of that, is that what I
5 under- --

6 A Yes. When Anthony went and paid that ticket, they gave
7 him a paper that I was supposed to keep on me for -- I
8 believe it was 60 days, I think.

9 Q Okay.

10 A So I just would have assumed that that would have, you
11 know, just been a mix-up or something and I could show
12 them that paper like the -- like he told me I was
13 supposed to do and have things taken care of from
14 there.

15 Q So just so there's a little bit clearer understanding,
16 so the jury kind of understands the -- the process of
17 what actually all occurred, you found out later that
18 there's a difference between a ticket and a charge, is
19 that correct?

20 A Yes.

21 Q So -- and I don't want to put any sort of words in your
22 mouth, but essentially you paid a ticket but from that
23 same stop you ended up getting about 16 months later a
24 charge for the no insurance and the suspended license?

25 A Yes, I did.

1 Q Okay. And those are -- they're -- they're from the
2 same thing but different -- different types of -- of
3 proceedings?

4 A Exactly. One goes to the magistrate. One goes to the
5 prosecutors.

6 Q When was it that you found that out?

7 A After I got out of jail.

8 Q And, in fact, I think it was after you were -- you were
9 charged with this and you had to find out some other
10 information about what was going on, is that fair?

11 A Yes, it is.

12 Q In fact, even after the charge had been issued, you got
13 out of jail, you still had questions about whether you
14 had already paid that suspended license ticket --

15 A Yes, I did.

16 Q -- is that fair?

17 A I brought those questions to you.

18 Q At the time that Chief Pearsall had -- had approached
19 you, did -- did you believe -- he's telling you these
20 things. Did you believe that he was still acting as a
21 police officer? Or let me -- actually, let me rephrase
22 that. Did you believe that what he was doing, he had a
23 valid reason --

24 A No, I did not.

25 Q -- to do it? Prior to today, have you ever been told

1 about this whole issue with LEIN and it coming up as
2 loud exhaust versus no insurance?

3 A No.

4 Q In fact, you had asked that I obtain that warrant for
5 you, didn't you?

6 A Yes, I did.

7 Q The paper warrant that you were shown.

8 A Yes, I did.

9 Q Have you ever seen it since?

10 A Not since that day.

11 Q As you sit here and look back, did you believe at the
12 time that this was occurring that your husband had
13 reason to know that you did not have a ticket?

14 MR. WANINK: I guess I'd object. It calls
15 for this witness to speculate about someone else's
16 thought process. MRE 602.

17 THE COURT: Speculation, Mr. Jean?

18 MR. JEAN: I can re- -- rephrase.

19 THE COURT: Thank you.

20 BY MR. JEAN:

21 Q You never told your husband that you had an excessive
22 noise ticket, did you?

23 A No, I didn't.

24 Q And, in fact, you were concerned at the time, that --
25 that night, that this was all just being made up, fair

1 to say?

2 A Yes, I was.

3 Q At the time did you have any idea whether your husband
4 believed that?

5 A I'm sorry. What was that?

6 Q At the time did you have any reason to believe your
7 husband thought the same as you?

8 A I don't know. I believe so.

9 Q Why do you believe so?

10 A I believe that he would have trusted what I tell him
11 considering I tell him if I got a ticket or, you know,
12 anything like that. So I believe he would know that I
13 had -- would have told him about it in the past if I
14 had one.

15 Q Thank you.

16 MR. JEAN: Nothing further.

17 THE COURT: Cross-examination, Mr. Wanink.

18 MR. WANINK: Thank you.

19 C R O S S - E X A M I N A T I O N

20 BY MR. WANINK:

21 Q Good afternoon, Mrs. Hull.

22 A Good afternoon.

23 Q Mrs. Hull, you were stopped by the Sheriff's Department
24 on April 7th, 2018 --

25 A Yes.

1 Q -- in regards to the OWLS or the suspended license and
2 the failure to have insurance, correct?

3 A Yes. Yes.

4 Q Do you remember that particular traffic stop?

5 A Yes, I do.

6 Q All right. And at the time, the officer, he tendered
7 to you a citation, correct? He gave you a ticket --

8 A Yes.

9 Q -- you know, at -- at the roadside and said you got so
10 many days to take care of this and contact the court,
11 right?

12 A Yes.

13 Q Remember all that?

14 A Uh-huh.

15 THE COURT: You have to answer yes or no,
16 please.

17 THE WITNESS: Yes. Sorry.

18 THE COURT: Thank you.

19 BY MR. WANINK:

20 Q Miss Hull, I'm gonna show you what has been marked as
21 People's Proposed Exhibit Number 8. That's a copy of a
22 citation, right?

23 A Okay.

24 Q It -- it's a ticket, correct?

25 A Uh-huh. Yes.

1 Q I used the word citation, but it's a -- it's a ticket.
2 That's what you know it as, right?

3 A Uh-huh. Yes.

4 Q All right. And that's a copy of the ticket you got
5 from Deputy Whetstone on April 7th, right?

6 A Yes.

7 Q All right. You received an exact copy of this? He
8 like had a carbon copy, tore it off, gave you your
9 half, kept part of it, right?

10 A I do believe so, yes.

11 Q All right. And on that ticket does it not say that you
12 had a charge for driving while license suspended,
13 operation without insurance?

14 A Yes.

15 Q Okay. So you knew you had those charges hanging out
16 there, right?

17 A That day I found out.

18 MR. JEAN: I -- I'm gonna object, Your Honor,
19 because this witness can't testify as to a procedure.
20 She's not -- she's not an attorney. She's not a court
21 employee. She's not a police officer. A ticket for a
22 DWLS doesn't automatically result in -- in charges.
23 It's been already established in this case that any
24 charges for that suspended license came 16 months
25 later. That's on the prosecuting attorney's office to

1 issue that charge.

2 THE COURT: Mr. Wanink?

3 MR. WANINK: I guess I can rephrase it a
4 different way.

5 THE COURT: Okay.

6 BY MR. WANINK:

7 Q You knew you had those two matters hanging out there,
8 though, right, the --

9 A I found out that night.

10 Q Okay. "That night" meaning what night?

11 A When I got the ticket.

12 Q Okay. Now, you never took care of those two offenses
13 on this ticket, right, the driving on suspended license
14 or the operation without security?

15 A Yes, I did.

16 Q When do you think you took care of those?

17 A I took care of the suspended license the very next day
18 when I called the Secretary of State, found out that it
19 was there. I actually had my boss pay that ticket for
20 me because he lives in that area, and I just gave him
21 money back.

22 Q Let me back that up a bit. You're talking about you
23 took care of the reason that you were suspended was an
24 outstanding ticket somewhere else, right?

25 A It was the driver's responsibility.

1 Q Right. And -- and you had your boss take care of that
2 for you --

3 A Yes.

4 Q -- to get your license from no longer being suspended?

5 A Correct.

6 Q But you never took care of this offense on this ticket.

7 A I thought I had.

8 Q Okay. How --

9 THE COURT: Excuse me.

10 Where was -- where was the ticket then?

11 Where were you taking care of -- we're not talking
12 about the same ticket, are we?

13 THE WITNESS: On that ticket it said I had a
14 suspended license.

15 THE COURT: Right.

16 THE WITNESS: When I called to find out where
17 my suspended license was from 'cause I had no idea
18 until the officer gave me that ticket that I had it --

19 THE COURT: Okay.

20 THE WITNESS: -- Secretary of State is who I
21 ended up calling and --

22 THE COURT: Okay.

23 THE WITNESS: -- they said that it was
24 through them for a driver's responsibility.

25 THE COURT: But that was related to some

1 other ticket that hadn't been paid or something, right?

2 THE WITNESS: The ticket had been paid, but
3 back then we had the driver's responsibility.

4 THE COURT: Right.

5 THE WITNESS: And so the driver's
6 responsibility is what I needed to take care of.

7 THE COURT: Okay. As it relates to whatever
8 this prior ticket was?

9 THE WITNESS: Right.

10 THE COURT: Okay.

11 BY MR. WANINK:

12 Q You never came down to Tuscola County Courthouse and
13 pled guilty or anything to those two charges on that
14 ticket that you received from Deputy Whetstone?

15 A No, I didn't.

16 Q Okay. So those as far as you knew were still out there
17 hanging over your head, right?

18 MR. JEAN: Again, Your Honor, I'm going to
19 object 'cause she wouldn't have any idea. And,
20 furthermore, they weren't hanging out there because
21 charges hadn't been issued. She can't -- she can't
22 possibly know that.

23 THE COURT: Mr. Wanink?

24 MR. WANINK: Well, my question is, you know,
25 she's charged in the citation. A warrant is then

1 issued. But those are still charges on the ticket.

2 MR. JEAN: The -- it wasn't issued, Your
3 Honor.

4 THE COURT: Well, there was a ticket issued
5 clearly. It's now admitted -- or I guess it's not
6 admitted, but --

7 MR. WANINK: No. I --

8 THE COURT: You can answer the question.

9 THE WITNESS: Can you repeat the question?

10 BY MR. WANINK:

11 Q Sure. You knew then that those two offenses were still
12 hanging out there.

13 A Actually, I didn't. I thought that I had taken care of
14 them when I paid for everything through the driver's
15 responsibility. When I paid that off, I thought the
16 suspended license was taken care of.

17 Q So you thought when you paid off the driver's
18 responsibility fee on the old ticket that it took care
19 of everything including this?

20 A Well, they told me that the reason my license was
21 suspended was for the driver's responsibility, so, yes,
22 I thought it was taken care of.

23 Q Okay. Now, the address on that ticket that I showed
24 you --

25 A Uh-huh.

1 Q That's a yes?

2 A Yes. Sorry.

3 Q Okay. The -- the address on there, you said that's an
4 old address?

5 A The address on that ticket --

6 Q Yes.

7 A -- was my apartment address.

8 Q Okay.

9 A The address on the warrant that Officer Pearsall showed
10 me that night or whoever it was that showed it to me
11 that night was a previous address.

12 Q Okay. So which was the newer address, the one on the
13 ticket or the one on the warrant?

14 A The one on the ticket.

15 Q Okay. Now, you indicated that you -- you became
16 engaged to Mr. Hull and you married on August 31st?

17 A Yes.

18 Q And you moved in with him shortly after that?

19 A Just before that.

20 Q Just before that. Okay. And then you changed your
21 address with Secretary of State?

22 A September 3rd when I changed my name.

23 Q Okay. Did you ever have your -- your mail forwarded
24 from the previous addresses to your Legg Road address?

25 A Yes.

1 Q Do you recall ever receiving a summons or a notice from
2 the court to come in and take care of the -- the
3 warrant for the driving on suspended license?

4 A I got a letter that -- and I called on it. It was just
5 before the wedding, so it was just before I changed my
6 address.

7 Q Okay. So just before September 3rd?

8 A It was in August.

9 Q Okay.

10 A I'm not sure of the date. I got a letter, and it
11 was -- I can't exactly remember exactly what it was
12 for. I called the courthouse and I told them that that
13 matter had been taken care of because I did believe
14 that that matter was taken care of. I waited on the
15 phone while she looked it up, and she said that -- she
16 said, okay, that it was taken care of or however she
17 worded it. I assumed that everything was taken care
18 of, and I hung up the phone and I finished getting
19 ready for my wedding.

20 Q Okay. So they told you at the courthouse when you
21 called that you were all set on this warrant and you
22 didn't need to appear in September?

23 A He didn't call it a warrant.

24 Q Okay. You didn't show up in September for this
25 particular case, correct?

1 A I did not know about this.

2 Q Okay. But you said you had a notice that you received
3 and you called the court on it.

4 A I did in August.

5 Q In August.

6 A Yes.

7 Q And that said to appear in September, right?

8 A No, it didn't say to appear in September. It was in
9 August. I can't exactly remember what it was. I'm
10 sorry.

11 Q Okay. That's fine. And so regardless you didn't show
12 up in --

13 A No. I called.

14 Q -- September?

15 A I called and I talked to I believe somebody in the
16 magistrate's office.

17 Q All right. And if -- if the Register of Actions
18 doesn't show any of that, you wouldn't dispute what was
19 in the Register of Actions, would you?

20 MR. JEAN: I -- Your Honor, I -- I'm going to
21 object unless there's going to be some sort of
22 testimony that suggests that every phone call that
23 somebody makes to the clerk's office is reflected in
24 the Register of Actions.

25 THE COURT: Well, I don't -- I don't think

1 that's what the question was. The objection's
2 overruled.

3 BY MR. WANINK:

4 Q You wouldn't disagree if the Register of Actions
5 doesn't show any of that conversation taking place?

6 A If --

7 MR. JEAN: Again, Your Honor, that's -- it's
8 the same objection. The question intimates that --
9 that the Register of Actions would have a phone call
10 that my client made, and that's just -- that's not
11 accurate. Unless we're gonna have testimony that that
12 is accurate.

13 THE COURT: Well, I mean we don't know, and
14 I -- I don't know that Mrs. Hull would know either.
15 I -- I -- yeah. So I mean it's -- it's weight, not
16 admissibility.

17 MR. WANINK: All right. So I'll move on.

18 BY MR. WANINK:

19 Q And so let's go to October 7th when Chief Pearsall
20 comes out to your residence, and you and your husband
21 were both home, correct?

22 A Yes.

23 Q And at some point we see in the video it looks like
24 Chief Pearsall walks past one door, he's heading to
25 another door and then you stopped him and -- and

1 directed his attention back to you at a different
2 entryway.

3 A Yes.

4 Q And so had you ever had any contact with Chief Pearsall
5 before in -- in the community just --

6 A I think it was one time when he came into my work to
7 check our liquor license. I don't believe I said two
8 words to him.

9 Q Okay.

10 A He did what he had to do and left.

11 Q And he was in uniform at the time, right?

12 A Yes.

13 Q Okay. So you knew he was a police officer --

14 A Yes.

15 Q -- is where I'm going. Okay. And so that night he's
16 wearing a uniform just like he is right now, on
17 October 7th when you had contact with him on your
18 porch?

19 A Yes.

20 Q And he told you why he was there, right?

21 A Yes.

22 Q He said he had a warrant for your arrest?

23 A Yes.

24 Q And he told you you had to come with him or pay \$500?

25 A He told me I had to come with him and I could pay \$500

1 to get out of jail.

2 Q Okay. So -- but he did tell you those things?

3 A Yes.

4 Q And ultimately, you know, just from what's in the
5 video, would you agree he was being polite,
6 professional with you at the time?

7 A Yeah, he was polite.

8 Q Okay. He wasn't yelling at you, screaming at you,
9 forcing you up against the wall, anything like that,
10 right?

11 A No, there was no yelling yet.

12 Q Now, you indicated that you didn't believe his reason
13 for arresting you? The warrant that he said that he
14 had, you didn't think it was accurate?

15 A True.

16 Q You decided that you would I guess contest him right
17 there on the porch rather than coming with him, fair to
18 say?

19 A Fair to say, yes.

20 Q And you thought that was the best I guess outcome when
21 an officer tells you that he has a valid warrant for
22 your arrest?

23 MR. JEAN: Your Honor, the -- the reasoning
24 behind whether it's the best one or not is irrelevant.
25 It only matters whether or not there was cause for her

1 to resist. If the issue -- I don't believe that the
2 prosecutor can make the argument that she should have
3 gone because that was the best option, so it's -- it's
4 completely irrelevant.

5 THE COURT: Mr. Wanink, your response?

6 MR. WANINK: It's cross-examination, Your
7 Honor. I think it's a fair question.

8 THE COURT: The objection's overruled.

9 Would you like the question repeated,
10 Mrs. Hull?

11 THE WITNESS: Yes, please.

12 THE COURT: All right. If you could, please,
13 Mr. Wanink.

14 MR. WANINK: Thank you.

15 BY MR. WANINK:

16 Q So you felt it was the best course of conduct to -- to
17 I guess resist going with him on this warrant as
18 opposed to just -- even though he told you he had a
19 valid warrant for your arrest?

20 A He told me he had a warrant for my arrest. I simply
21 asked what the warrant was for.

22 Q And he told you, right?

23 A After I asked about three times.

24 Q Right. And you disagreed with him?

25 A Yes, I did, because I've never had a ticket for a loud

1 exhaust or excessive noise.

2 Q So rather than sort all of that out after you went down
3 to the station or to the jail, you thought it was best
4 to argue with him and resist him right there on the
5 porch?

6 MR. JEAN: Again, Your Honor, it's argument.

7 THE COURT: Mr. Wanink?

8 MR. WANINK: Again, I think this is all
9 proper cross-examination. I'm not arguing with her.

10 THE COURT: If you could rephrase the
11 question.

12 MR. WANINK: Sure.

13 BY MR. WANINK:

14 Q You thought it was proper, I guess, to -- to contest it
15 right then and there as opposed to just going with him
16 quietly and addressing the matter a different way --

17 A I thought that I was going to find out exactly why he
18 wanted to take me -- him and his friend wanted to take
19 me to jail before I left.

20 Q Now, before you left and ultimately after you went
21 inside and you came back out, there were two other
22 officers who spoke to you that night, correct?

23 A Yes, there was.

24 Q One from the Sheriff's Department, one from the State
25 Police, right?

1 A I'm not sure what office they were from, but, yes, I
2 talked to two other officers.

3 Q And they showed you a copy of I guess what Chief
4 Pearsall had been told by Dispatch in writing, correct?

5 A They showed me an excessive noise warrant.

6 Q And it was explained to you by Trooper Reynolds that it
7 was actually an arrest warrant for driving on a
8 suspended license and operation without security?

9 A And I explained to him that I had a receipt for that.

10 Q Okay. So you still disagreed with him, Trooper
11 Reynolds, even after he showed you the documentation?

12 A I did not disagree. I was simply telling him that I
13 had a receipt for that. And if he gave me a minute, I
14 would have went inside and got the receipt.

15 Q The bottom line is, Ms. Hull, you didn't want to go to
16 jail that night, right?

17 A Well, nobody does.

18 Q Okay. And you didn't -- and you thought the best way
19 to avoid that was to argue with all of the officers who
20 were telling you you had a warrant and you had to be
21 placed under arrest?

22 A No, I didn't argue with all of the officers. I simply
23 wanted to know why I was being taken to jail that day.

24 Q Now, when Trooper Reynolds testified when he -- I mean
25 Chief Pearsall told you why. Trooper Reynolds told you

1 why. And you still didn't want to go, correct?

2 A Because they were telling me for loud exhaust, and I
3 have never had a ticket for a loud exhaust or excessive
4 noise or whatever. I thought that it was wrong.

5 Q Okay. But Trooper Reynolds told you it was for
6 operating on a suspended license and operating without
7 security, right?

8 A Nobody told me that until after they showed me the
9 warrant.

10 Q And his testimony was you still wanted to argue with
11 him about it. Do you disagree with that?

12 A I wanted to show him the receipt for it.

13 Q Okay. 'Cause you maintain that you thought this was
14 all taken care of?

15 A Yes, I did.

16 Q You testified on direct to Mr. Jean that you were
17 afraid that Chief Pearsall was just gonna -- had no
18 valid reason to -- to arrest you or take you into
19 custody that night. Do you remember that?

20 A Yes. I felt very uncomfortable.

21 Q Okay. When a police officer in uniform tells you
22 you're under arrest and you didn't want to believe him,
23 what did you think he was there to do?

24 A Well, he had his friend standing there in khakis, which
25 it clearly showed him standing on my porch. I felt

1 very uncomfortable.

2 Q But did you think he was there to kidnap you or --

3 A I had no idea what he was there for, and I didn't know
4 why his buddy was there either.

5 Q But he told you why he was there.

6 A He told me he was there for an excessive noise warrant
7 or whatever, and I've never heard of anything like
8 that.

9 Q Okay. Isn't it more accurate that you just -- you just
10 didn't want to go that night and you thought you could
11 bully your way out of it? I mean is that fair?

12 A I'm not really a bully, no.

13 Q Okay. Then why did you argue with three different
14 officers when they told you you had a valid warrant,
15 one of them showed it to you?

16 A After he showed it to me, he explained to me that it
17 could be for the driving on a suspended license. I
18 didn't argue with him.

19 Q Well, that's when --

20 A I told him --

21 Q -- he told you you were going to jail.

22 A I told him that I would show him the receipt for it.
23 Even one officer asked Albert Pearsall if he wanted to
24 see the receipt for it, and he said, no, she's going to
25 jail.

1 Q Okay. At some point your husband, Anthony, came out
2 onto the porch while Chief Pearsall was still there,
3 correct?

4 A Yes.

5 Q And Chief Pearsall advised your husband why he was
6 there, and you advised him what Chief Pearsall was
7 telling you why he was there?

8 A Yes.

9 Q And your husband told you to get back in the house,
10 correct?

11 A Yes, he did.

12 Q In fact, kind of pulled you into the house?

13 A Actually, Officer Pearsall and my husband both had
14 ahold of me.

15 Q And your husband was trying to get you back into the
16 house?

17 A Yes, he was.

18 Q And then after you got back into the house, he shut the
19 door on Chief Pearsall?

20 A He closed the door.

21 Q Okay. That's putting it mildly. But he -- he slammed
22 the door on Chief Pearsall's foot and forced him out of
23 the doorway, true?

24 A I can't speculate what happened on the other side of
25 the door. I'm sorry.

1 Q All right. You weren't -- where were you at when all
2 that was occurring in the doorway?

3 A I was actually walking to the door because my son was
4 in the house asking what happened.

5 Q And so how long did you stay inside before you went out
6 again?

7 A That I don't know exactly. Anthony called the 911 to
8 find out exactly what Officer Pearsall was there for.
9 I called my boss to let him know that I probably wasn't
10 going to be there to open the store in the morning.

11 Q Okay.

12 A I talked to my son.

13 Q And why did you think you wouldn't be at the store in
14 the morning to open it up?

15 A Because of everything that was going on.

16 Q So you thought you were gonna go to jail on this
17 warrant?

18 A I thought I was going to jail that night, yes, I did.

19 Q Okay. And so do you -- were you aware that other
20 officers were showing up in your -- at your residence?

21 A Yes, I was, because my husband had called 911 and
22 ask- -- also asked for other officers to come.

23 Q Okay. And there were units from the State Police,
24 Sheriff's Department? Do you remember all of them
25 being out there?

1 A Yes, I do.

2 Q How long after they arrived before you came outside?

3 A To be honest with you, I wasn't even aware that
4 everybody had arrived.

5 Q What made you ultimately decide to come on out?

6 A My husband got off the phone, and he told me that other
7 officers were there and that we were gonna walk out.
8 And so I went with him.

9 Q In your one interaction with Chief Pearsall for a
10 liquor inspection, did he give you any indication that
11 he was -- you know, would have shown up in uniform,
12 told you that you had a valid warrant and been lying to
13 you? I mean did he ever act that way towards you to
14 give you any impression that that might be his motive
15 that night?

16 A I wasn't sure. Officer Pearsall had been in my work
17 asking other -- other girls that I work with questions
18 about me. That was at the beginning of summer, and I
19 can't give an exact date. Asking who lived in my
20 house, how -- I think something to do with my children,
21 if another girl that lived -- that works at the store
22 also lived in my house, questions like that.

23 Then when -- in August when I was moving,
24 Officer Pearsall sat across the street in -- right
25 across the street from where me and my son was loading

1 up our truck of all of our belongings, and then I also
2 seen Officer Pearsall sitting at the edge of our hay
3 field on Legg Road. So I did not really understand.

4 Q Did you ever think, well, maybe he's coming to arrest
5 me on a warrant?

6 A Well, if he was coming to arrest me on a warrant, he
7 would have come into my work when I was there because I
8 work the same schedule every single day every week. It
9 never really changes. So I'm -- I'm there at the same
10 time every day. Or when he was across the street while
11 me and my son were moving, he could have said something
12 to me then. When he was sitting across the street from
13 our hay field, he could have said something to me then.
14 I seen him. I was outside. I wasn't avoiding him.

15 Q Did you understand at the time when he told you that
16 for \$500 this would have been all taken care of if --
17 you know, once you got to the jail, if you just paid
18 your bond?

19 A Yeah. He told me that I could go to jail, pay \$500 and
20 be out in an hour.

21 Q All right. And you still think the way you handled it
22 was the best way to handle it?

23 A I simply was wondering -- wanting to see this warrant.

24 Q Okay. So you didn't believe him?

25 A No, I did not.

1 Q All right.

2 MR. WANINK: Nothing further.

3 THE COURT: All right. At this time, ladies
4 and gentlemen of the jury, we're gonna recess for the
5 afternoon recess. It's gonna be about probably 20
6 minutes because I have something else totally separate
7 from this case that I have to take care of. So take a
8 break in the jury room, and we'll get back to this as
9 soon as possible.

10 (Jury excused at 2:29 p.m.)

11 THE COURT: Court's in recess.

12 (Court recessed at 2:30 p.m.)

13 (Court reconvened at 3:11 p.m., jury not
14 present, defendants not present.)

15 THE COURT: Are your clients here?

16 MR. JEAN: Yes, Your Honor.

17 THE COURT: Okay.

18 MR. JEAN: Ms. Hull -- Mrs. Hull went -- ran
19 to the bathroom. I think she should be back any
20 minute. And Mr. Hull's just in the --

21 THE COURT: Okay.

22 MR. JEAN: -- hall.

23 THE COURT: You may be seated.

24 So while we're waiting for them to come back,
25 did you have an opportunity to look at the jury

1 instructions on the recess?

2 MR. WANINK: I did, Your Honor, yes.

3 THE COURT: Okay. Mr. Jean, did you have an
4 opportunity to look at the jury instructions?

5 (Defendant Anthony R. Hull present at
6 3:11 p.m.)

7 MR. JEAN: Yes, I -- excuse me, Your Honor.

8 MR. WANINK: I think, you know, some of them
9 we're gonna have to wait and see, you know, how the --

10 THE COURT: Right.

11 MR. WANINK: -- testimony pans out, whether
12 they'll be usable or not.

13 THE COURT: So my plan is to have Mr. Jean
14 continue with his proofs and then we'll take a recess,
15 talk about the jury instructions. Depending on if you
16 have rebuttal, I guess we haven't --

17 MR. WANINK: I don't believe I will.

18 (Defendant Brandi M. Hull present at
19 3:12 p.m.)

20 THE COURT: Okay. And then -- yeah. 'Cause
21 the assignment clerk's leaving at 4. So she needs to
22 do the jury instructions or else we're gonna have the
23 law clerk do them, but -- so we'll just see where we're
24 at, I suppose.

25 MR. WANINK: Okay.

1 THE COURT: Okay. Ready for the jury,
2 Mr. Oprea.

3 MR. JEAN: Your Honor, would you like
4 Mrs. Hull to retake the stand while we're waiting?

5 THE COURT: Yes.
6 Go ahead and come on up.

7 (Jury present at 3:13 p.m.)

8 THE COURT: All right. Mr. Jean, if you'd
9 like to proceed with redirect, please.

10 MR. JEAN: Thank you. Make this as -- as
11 quick as possible, which the jury already knows that
12 probably isn't likely, Your Honor.

13 R E D I R E C T E X A M I N A T I O N

14 BY MR. JEAN:

15 Q I just want to get down to a couple -- couple very
16 brief things, ma'am. You were asked on
17 cross-examination regarding your fear of what was going
18 on. You indicated seeing news stories, know -- know
19 what's going okay. I assume we're -- we're thinking
20 it. What is it that you're talking about?

21 A In reading in the news, I read a story about state
22 troopers taking women that they had arrested to back
23 roads and raping them, brutality. This I do believe
24 happened up in Bay City. Cops up there brutal to
25 other -- to people that they were pulling over, using

1 excessive force, things like that. I'm not a real big
2 girl.

3 Q In fact, there were two convictions here in Tuscola
4 County for that.

5 A I did read about those, yes.

6 Q Okay. So just to be -- to be very clear and very blunt
7 about the -- the whole thing, would it be fair to say
8 that your position was very much of concern given the
9 fact that you knew that this warrant didn't exist and
10 there's a person that's on your porch that isn't in a
11 uniform --

12 A Yes.

13 Q -- and is just standing there?

14 A Yes.

15 Q Okay. It turned out apparently this other guy is just
16 a ride-along, though, right?

17 A It did turn out to be just a ride-along.

18 Q You didn't -- did you know that at the time?

19 A No, I did not.

20 Q Did you know what his purpose was there at the time?

21 A No, I did not.

22 Q Did you get -- did he introduce himself to you?

23 A No, he did not.

24 Q Did Chief Pearsall introduce this guy to you?

25 A No, he did not.

1 MR. JEAN: Nothing further.

2 THE COURT: Recross --

3 MR. WANINK: No, Your Honor.

4 THE COURT: -- Mr. Wanink.

5 MR. WANINK: Thank you.

6 THE COURT: All right. Just before Miss --
7 Mrs. Hull stands -- steps down, People's 8 was the
8 ticket that was referred to. I don't think that was
9 admitted.

10 MR. WANINK: I didn't move for its admission.
11 I just had it marked so that I could --

12 THE COURT: Okay.

13 MR. WANINK: -- have her --

14 THE COURT: Okay. So you don't intend to
15 admit it. Okay. Very good.

16 Thank you, Mrs. Hull. Watch your step,
17 please.

18 (Witness stepped down at 3:16 p.m.)

19 THE COURT: Your next witness, Mr. Jean.

20 MR. JEAN: Anthony Hull.

21 THE COURT: Mr. Hull, sir, if you can come
22 right up here to the witness stand? And before you sit
23 down, if you can please raise your right hand, be sworn
24 in by the clerk.

25 THE CLERK: You do solemnly swear or affirm

1 that the testimony you shall give in this case between
2 the People of the State, the defendant at the bar shall
3 be the truth, the whole truth and nothing but the
4 truth, so help you God?

5 DEFENDANT ANTHONY HULL: Yes, ma'am.

6 THE CLERK: Thank you.

7 THE COURT: Go ahead and have a seat. Watch
8 the tippy chair for me.

9 You may proceed, Mr. Jean.

10 MR. JEAN: Thank you, Your Honor.

11 ANTHONY R. HULL,
12 being first duly sworn at 3:16 p.m., testified under
13 oath as follows:

14 D I R E C T E X A M I N A T I O N

15 BY MR. JEAN:

16 Q Sir, could you please state your name for the record?

17 A Anthony Ray Hull.

18 Q All right. And spell the last name for us.

19 A H-U-L-L.

20 Q All right. And, sir, you are married to Brandi Hull?

21 A Yes.

22 Q All right. I want to draw your attention for the time
23 being back to the summer of 2019, okay?

24 A Yes.

25 Q You've heard testimony obviously that your now wife but

1 at the time fiancée, girlfriend, I guess, had some
2 outstanding tickets, is that correct?

3 A Yes.

4 Q What -- at the time that you found -- well, first off,
5 when was it that you found out there were tickets that
6 she had? If you know.

7 A I found out the minute it happened 'cause I picked her
8 up on the side of the road.

9 Q So in 2018 is when you found out?

10 A Yes.

11 Q Okay. So you go to the scene, you pick her up and take
12 her home?

13 A Yes.

14 Q Okay. She testified her -- her car got impounded. Is
15 that true?

16 A Yes.

17 Q Okay. So in that instance, to be very clear, she did
18 not get arrested?

19 A No.

20 Q Okay. To your knowledge, she wasn't under arrest at
21 that time?

22 A No, sir.

23 Q All right. So you knew that this was out there.
24 When -- when did you become aware that there was some
25 sort of warrant, fee, fine that was outstanding?

1 A She had gotten a letter in the mail, and it said that
2 she hadn't paid it, that she had to go to the police
3 station and do her fingerprints and stuff. Well, then
4 she came home and told me that she hadn't paid it -- or
5 that she couldn't -- didn't have the receipt for it --

6 Q Okay.

7 A -- and that the prosecutor in the basement, the
8 magistrate, told her that if it was taken care of in a
9 couple days, it will be resolved.

10 Q So I just want to -- I -- I want to stop you there for
11 a moment because we're -- we're -- I want to make sure
12 that time lines are clear and thing -- and things.

13 You indicated a moment ago that she said she
14 didn't have a receipt for it. What did you mean by
15 that?

16 A She had paid it with cash, and in the midst of the move
17 or something, I'm -- I'm assuming it got lost.

18 Q What -- what got lost?

19 A The receipt.

20 Q Okay. So sometime in 2018 she tells you, yeah, I paid
21 that?

22 A Yes.

23 Q Okay. But there is no receipt?

24 A Correct.

25 Q Did you ever see the receipt?

1 A I -- I did when she paid it.

2 Q Okay. In 2019 or in 20 --

3 A No. In '18.

4 Q Okay. So fast forward to 2019. You said she got a
5 letter in the mail?

6 A Yes.

7 Q Did that come to your address on Legg Road?

8 A No.

9 Q Okay. So that came to a different address that she was
10 living at the time?

11 A Yes.

12 Q All right. So in 2019, when was it that you -- when
13 did you become aware of the letter?

14 A I'm assuming the day she got it. She tells me pretty
15 much right away when things happen.

16 Q So I'm talking like was it -- was it May, was it April,
17 June?

18 A I'm thinking --

19 Q If you know.

20 A I'm thinking it was in early June.

21 Q Okay. So what happens next?

22 A She went to the Sheriff's Department, did her
23 fingerprints, 'cause I guess that was something she
24 needed to do. Then she went across the road, and the
25 magistrate in the basement told her that she didn't

1 have a receipt, she had to pay it again. So she said,
2 well, I can't today, but if I can -- if you can give
3 me -- I believe it was a Tuesday. I -- I don't know.
4 But if you can give me 'til payday on Friday, I'll take
5 care of it, and he said okay.

6 Q How is it that you know that?

7 A 'Cause I came and paid it.

8 Q But were you there when that -- that alleged
9 conversation took place?

10 A No, no. She told me that that's what was said. I did
11 not go with her, no.

12 Q A few days later you came and paid it?

13 A Yes, sir.

14 Q Got -- you got a receipt for it?

15 A Yes, sir. I wrote a check.

16 Q Okay. So that's in June of 2019?

17 A June 10th.

18 Q Okay. And at the time did you know that it was related
19 to that April 2018 incident?

20 A Yes.

21 Q Okay. But you hesitated.

22 A I -- I did know that it was -- I -- yes, I did know
23 that it was -- I didn't realize that it took that long
24 for them to discover that they hadn't been paid.

25 Q Okay.

1 A So I questioned it. But, yes, I did know that that's
2 what it was for.

3 Q Okay. So just -- if I can clarify then, is it fair to
4 say that when -- when you are learning about all of
5 this, you were questioning her as to whether or not it
6 was actually that April '18 -- 2018 incident?

7 A Yes.

8 Q Then when you go to pay, you find out, oh, it is from
9 that?

10 A Yes, sir.

11 Q Okay. I just wanted to -- I wanted to make sure I -- I
12 under- -- had a good understanding there. Okay.

13 So at that time did you ever receive any
14 information that there was an outstanding warrant?

15 A No, sir.

16 Q Okay. Did you ask?

17 A Yes, sir.

18 Q And what information did you -- what -- what did you
19 learn?

20 A I asked if there was anything else out there that could
21 possibly arise from the situation, and she said, no,
22 everything is taken care of.

23 MR. WANINK: Well, I guess --

24 THE WITNESS: Keep this re- --

25 MR. WANINK: -- I'm gonna object.

1 THE COURT: Stop, sir, please. Thank you.

2 THE WITNESS: Sorry.

3 THE COURT: You're okay.

4 MR. WANINK: Number one, it's hearsay. Two,
5 I don't even know who "she" is, who he's talking to or
6 anybody at this point. So my objection is hearsay.
7 MRE 801.

8 THE COURT: Hearsay, Mr. Jean?

9 MR. JEAN: I can -- can rephrase.

10 THE COURT: Okay.

11 BY MR. JEAN:

12 Q You walked out of the courthouse that day --

13 A The magistrate's --

14 Q -- in June of 2019?

15 A -- office in the basement.

16 Q Okay. You walked out with a receipt, correct?

17 A Yes.

18 Q Did that receipt indicate to you that everything was
19 paid?

20 A Yes, sir.

21 Q Okay. Now, moving on to October 2019, when Chief
22 Pearsall comes up to the house, first off, did you know
23 who it was?

24 A No, sir.

25 Q Okay. We heard testimony that Brandi knew who Chief

1 Pearsall was and Chief Pearsall knew who Brandi was.

2 Did you ever know who he was?

3 A No, sir.

4 Q Okay. Now, was there a time prior to him coming to the
5 door or you coming out of the -- the door that you knew
6 who was in your driveway?

7 A No.

8 Q Okay. Do you know it was a police officer?

9 A No.

10 Q How did you not know it was a police officer? Wasn't
11 it a fully marked car?

12 A No, sir.

13 Q Okay.

14 A Oh, I don't know. It was dark and there was no light.
15 His headlights were on. That was all that was on.

16 Q Okay. Overhead lights weren't on?

17 A No, sir.

18 Q Okay. So the only thing you see is headlights?

19 A Yes, sir.

20 Q All right. So somebody comes up to the door. Can I
21 ask why Brandi answered the door, not you?

22 A I was going to the bathroom.

23 Q Oh. Okay. So did you know she was answering the door?

24 A No. Her son told me that she went to the door.

25 Q Okay. So I want to be clear because if -- if the jury

1 were to watch like the entirety or anything, there's --
2 there's actually a few kids that are in and out of the
3 house, is that correct?

4 A Yes, sir.

5 Q How many?

6 A Well, there's -- at night?

7 Q Yeah, we'll -- we'll say that.

8 A Two.

9 Q Okay. So --

10 A One was in the house at that time.

11 Q Got it. Okay. He never gets -- he never comes out?

12 A No, sir.

13 Q Okay. In fact, you have another son that -- that had
14 arrived home during this, is that correct?

15 A Yes, sir.

16 Q All right. So you step out of the door, and we
17 basically see exactly what we see on the video, right?

18 A Yes.

19 Q At the time that that occurred, you know, we hear
20 Brandi tell you I apparently have this warrant for this
21 loud exhaust, right?

22 A Yes, sir.

23 Q And what was your thought?

24 A I did not believe it for one second.

25 Q Why?

1 A First of all, she would have told me first of all.
2 Secondly, I know that they don't issue warrants for a
3 loud exhaust. It's a fix-it ticket.

4 Q Okay. So what was your concern?

5 A Some man standing on my porch I never seen before in
6 khaki jeans. Someone else that I don't know wanting to
7 take my wife away.

8 Q Okay. And I know this has been kind of asked before of
9 some other -- the other witnesses, but if you had been
10 told, listen, this is -- we've got a warrant and it was
11 regarding a suspended license from 2018, would that
12 have changed your mind?

13 A Probably, yes.

14 Q Okay. Why?

15 A Because I know that that incident did happen. I would
16 have showed them the receipt that I had because I did
17 take care of it to the best of my knowledge and
18 ability. And they told me in the prosecutor's office,
19 secretaries -- the lady that sits right at the window,
20 I don't know her name, didn't ask her it, told me
21 that -- keep this paper on her at all times for the
22 next 30 -- or the next 60 days or so because if she
23 gets pulled over, they will probably take her to jail.
24 With this paper, she needs to show that to them --

25 Q Okay.

1 A -- that it has been taken care of. I believe the paper
2 said that it had been --

3 Q Well, let me --

4 A -- cleared or something.

5 Q Let me ask this because it seems like it's -- it's
6 relatively reasonable. I mean you told us a moment ago
7 that there's this guy that you don't know that's
8 sitting on your porch, there's -- there's a cop that
9 you don't know and they're saying that there's a
10 warrant out there that you -- you firmly believe
11 doesn't exist aside from the fact that it's a fix-it
12 ticket, not a warrantable offense. What makes you say
13 that if they had told you it was regarding this 2018
14 incident that you would have had a change of heart? I
15 mean you still would have had two guys you don't really
16 know, you still would have had these things.

17 A I -- I don't -- I would have asked for another officer
18 to show up, which is what I did do anyways, because I
19 didn't know him. I didn't know that he was a true
20 officer. I've never seen him before.

21 Q Okay.

22 A And I've never heard of in my life an officer bringing
23 his buddy to an arrest.

24 Q Now, as -- I'm gonna finish this up here very quickly,
25 sir, but I want to ask you about this alleged warrant

1 that you're being told about. Prior to today regarding
2 the testimony that you heard about somehow being
3 entered into LEIN, were you ever shown any
4 documentation that confirmed loud exhaust was anywhere?

5 A I was never showed anything.

6 MR. JEAN: Nothing further.

7 THE WITNESS: No, sir.

8 THE COURT: Cross-examination, Mr. Wanink.

9 MR. WANINK: Thank you.

10 C R O S S - E X A M I N A T I O N

11 BY MR. WANINK:

12 Q Good afternoon, Mr. Hull.

13 A Good afternoon.

14 Q Mr. Hull, you -- I just want to make sure we're --
15 we're clear who we're talking about. You said you went
16 to the magistrate's office in the basement?

17 A Yes, sir.

18 Q You said -- you referred to it as the prosecutor's
19 office, the magistrate. You understand that's two
20 different offices?

21 A Yes, sir, I do.

22 Q The prosecutor's office isn't even op- -- in the
23 basement.

24 A Nope. I went to the one in the basement.

25 Q All right. So you dealt with the magistrate then.

1 A Yes, sir.

2 Q Okay. And so when you came out on the porch that night
3 on October 7th, on the porch when you came out the door
4 there is Chief Pearsall, your wife and then this other
5 individual who's kind of standing off onto the side,
6 correct?

7 A Yes.

8 Q All right. You didn't see anybody else there, right,
9 at that time?

10 A At that time, no, I didn't.

11 Q All right. And Chief -- you said you couldn't tell
12 what kind of vehicle that the chief had arrived in --

13 A No, sir, I couldn't.

14 Q -- because it was dark and the headlights were on?

15 A Yes.

16 Q But there's a light on on your porch. We can see it in
17 the video, right?

18 A No, sir.

19 Q Well, we see a -- we see lights on -- you know,
20 illuminating everybody on the porch, right?

21 A Yes.

22 Q Is there like an outdoor floodlight or something like
23 that or --

24 A He was parked behind a tree.

25 Q Okay. Well, I'm -- I'm talking about at your porch,

1 not --

2 A It wasn't at my porch. My truck was parked there.

3 THE COURT: Mr. Hull, just let him finish the
4 question and then you answer just so Mrs. Fini's not
5 trying to keep two people at a time. Thank you.

6 BY MR. WANINK:

7 Q I'm -- I'm talking about when you came out the door and
8 everybody's standing on your porch. Is there lights
9 out there?

10 A Yes.

11 Q Okay. And lights that are affixed to the house?

12 A Yes, sir.

13 Q All right. That's what I'm getting at. I'm not asking
14 you about his vehicle anymore.

15 A Okay.

16 Q And so Chief Pearsall, is he in uniform at the time?

17 A I believe so.

18 Q Yeah. Is he dressed similar to what he is right now?

19 A No, sir.

20 Q Okay. So you don't -- you didn't see him in full
21 uniform with the badge and the patches, any of that
22 stuff?

23 A I didn't see a badge and he didn't look as bulky.

24 Q Okay. And so when you came out there, he told you why
25 he was there, that your wife had a warrant, correct?

1 A Yes.

2 Q And he told you to the best of his knowledge what the
3 warrant was for, correct?

4 A Yes.

5 MR. JEAN: I'm gonna object because it would
6 call for speculation to -- to suggest that it was the
7 best of -- of his knowledge. This -- this witness
8 would have to speculate as to that.

9 THE COURT: Can you just rephrase it,
10 Mr. Wanink?

11 MR. WANINK: Yes.

12 BY MR. WANINK:

13 Q Chief Pearsall told you what the warrant was for?

14 A Yes.

15 Q All right. He said it was for excessive noise or
16 something like that?

17 A Loud exhaust, yes.

18 Q Okay. And your wife told you why Chief Pearsall was on
19 your porch that night, that he said he had a warrant
20 for her arrest --

21 A Yes.

22 Q Correct?

23 A -- yes.

24 Q Okay. And so what led you to believe that that wasn't,
25 you know, him validly executing an arrest warrant?

1 A Because there's no such thing as a loud exhaust
2 warrant.

3 Q Okay. But if he's telling you -- even if he never told
4 you what the arrest warrant was for, he's telling you
5 that he has an arrest warrant for your wife, he's a
6 police officer, why would you think there was anything
7 other than an officer on your porch there performing
8 his duties?

9 A Because there was other people -- another person on my
10 porch as well that wasn't in a uniform for sure.

11 Q Okay. So what we see in the video is you advise him,
12 meaning Chief Pearsall, that he's trespassing?

13 A Yes.

14 Q And you grabbed your wife and you kind -- you told her
15 first to get in the house, and we see you kind of
16 motioning to the door.

17 A Uh-huh.

18 Q Do you agree with that?

19 A Yes.

20 Q And then, you know, things got more heated, true?

21 A A little.

22 Q And eventually you started to pull your wife towards
23 the door to get her back into the house, true?

24 A I -- yes.

25 Q And at some point Chief Pearsall grabbed her other arm

1 because you were taking his prisoner away from him,
2 right? He grabbed her arm?

3 A I believe he already had ahold of it.

4 Q Okay. And you knocked his hand away from her.

5 A No, sir.

6 Q All right. So your testimony is you never laid a hand
7 on Chief Pearsall?

8 A I never laid a hand on him.

9 Q Okay. Even though in the video we can kind of see you
10 swing out?

11 A No.

12 Q Okay. And so eventually you pull your wife and get her
13 into the house, right?

14 A No.

15 Q Okay. So how does she get into the house?

16 A He let go of her and she walked in the house, and then
17 I went in behind her and -- and I did shut the door.

18 Q And Chief Pearsall kept telling you, stop, you know,
19 she's got to come with me, there's an arrest warrant
20 for her. He kept saying that. We hear that in the
21 video, right?

22 A Yes.

23 Q And you shut the door on him, true?

24 A Yes.

25 Q And he tried to, you know, keep the door from closing

1 because, you know, you were taking his prisoner away
2 from him.

3 A He kicked the door, yes.

4 Q And you slam the door shut on his foot.

5 A No, sir.

6 Q And you -- well, we see in the video you're forcing the
7 door shut.

8 A He kicked it.

9 Q Okay. That -- what we see in the video, correct, is
10 that you're forcing the door shut on him?

11 A He kicked the door, and as I was walking in, the door
12 hit me and then flew back, yes.

13 Q Okay. But you forced the door shut.

14 A I pushed the door shut.

15 Q Did you -- you said you didn't know anything about your
16 wife having a warrant that night.

17 A No, sir.

18 Q So this really didn't concern you. This is between the
19 officer and your wife, correct?

20 A It's my wife, so I believe it did concern me.

21 Q All right. Fair enough. But why did you feel the need
22 to intervene on her behalf?

23 A Because she's my wife and she --

24 Q But -- but what did you think was gonna happen to her
25 when the officer's telling you I have a warrant for her

1 arrest, she needs to come with me?

2 A I didn't know what to think was gonna happen with him
3 and his friend trying to take her.

4 Q All right. So you didn't believe he was a police
5 officer?

6 A No, sir.

7 Q You didn't believe he had a valid warrant?

8 A No, sir.

9 Q Even though he told you these things?

10 A No, I didn't.

11 Q Even though he's wearing a police uniform at the time?

12 A No, sir.

13 Q And did you understand that he wasn't there for you at
14 all that night?

15 A Yes.

16 Q He never said, you know, Mr. Hull, you got to come with
17 me, too, up until, you know, you went into the house
18 and all of the stuff happened on your porch, right? He
19 was just there to arrest your wife?

20 A Right.

21 Q And did it occur to you that Brandi might have a
22 warrant for her arrest, a legitimate warrant for her
23 arrest out there?

24 A No, sir, not even once.

25 Q You knew everything about her?

1 A Yes.

2 Q All right. Believed you -- if she had one, you'd know
3 about it?

4 A Yes.

5 Q Did you know that she had failed to appear for court
6 back in September?

7 A We never got a letter.

8 Q When she testified earlier about getting some paperwork
9 to your house in August just after she moved, do you
10 remember what that was about?

11 A Off the top of my head, no.

12 Q Did she tell you about it?

13 A Yes, she did.

14 Q Okay. So any knowledge you had that this warrant was
15 not valid is your personal belief because you didn't
16 think there could be such a warrant, is that a fair
17 statement?

18 A Yes.

19 Q It's not like you had called Central Dispatch or the
20 court, confirmed the warrant was valid yourself, right?

21 A I did, yes.

22 Q Okay. And did they tell you that it was a valid
23 warrant?

24 A No, they didn't.

25 Q And who -- who did you talk to?

1 A I called 911.

2 Q Okay. Did you ever ask if there was a valid warrant
3 for your wife?

4 A I asked them to send somebody that would explain it to
5 us why because I wasn't comfortable with whoever this
6 person was that was at my house.

7 Q Okay. Would you agree with me that at the very least
8 your actions made it difficult for Chief Pearsall to
9 effect the arrest on your wife?

10 A No.

11 Q So you don't think you had anything to do or that
12 prevented him from being able to take her into custody
13 that night?

14 A Yes, that I did.

15 Q Okay. All right. So I mean you stopped him from
16 taking her right then and there on the porch into
17 custody on this warrant, right?

18 A On a loud exhaust warrant, yes, sir, I did.

19 Q That was action you took based on your own personal
20 belief that this couldn't possibly be a valid warrant?

21 A Yes, sir.

22 Q All right. That's something that you chose not to
23 believe to be accurate? You had no other information
24 otherwise, correct?

25 A There was no warrant.

1 Q I think you answered my question. Thank you.

2 THE COURT: Anything further, Mr. Jean?

3 MR. JEAN: Very briefly.

4 R E D I R E C T E X A M I N A T I O N

5 BY MR. JEAN:

6 Q So to be clear, you found out at some point that there
7 was a warrant for the suspended license?

8 A Yes.

9 Q And, in fact, State Police officers came and they told
10 you what was going on, correct?

11 A They did not tell me.

12 Q They didn't tell you?

13 A No, sir.

14 Q Well, they placed you under arrest, right?

15 A Yes, sir.

16 Q Okay. At what point did you find out that there was a
17 suspended license ticket -- warrant?

18 A When I come and talked to you.

19 Q Got it. Okay. So even after you get arrested, you
20 still didn't know that there was a -- a suspended
21 license warrant?

22 A No, sir.

23 Q Okay. So when you come out, you -- well, so first off
24 you say that you called over to 911 and they said, oh,
25 we'll send somebody out, right?

1 A Yes.

2 Q All right. And so you see State Police officers out
3 there? Is that what happened?

4 A I stayed on the phone with 911, and then they told me
5 that they had arrived.

6 Q Got it. So you come outside, make contact with the
7 State Police officers. They end up handcuffing you --

8 A Yes.

9 Q -- and they say, okay, now you're gonna go to jail?

10 A They did not say that.

11 Q Oh. Okay. So --

12 A They said they were just gonna detain me --

13 Q Got it.

14 A -- for information.

15 Q At some point they told you you're going to go -- going
16 to go --

17 A Yes.

18 Q -- to jail, though?

19 A Yes. Later on after, yes.

20 Q You didn't fight with them, did you?

21 A No, sir.

22 Q You didn't tell them that they were wrong, did you?

23 A No.

24 Q Did you inquire of them why somebody was out trying to
25 arrest your wife?

1 A Yes, I did.

2 Q Did they tell you?

3 A They said they didn't know, that they've had to help
4 him on almost every warrant that he executes.

5 MR. WANINK: I guess I'd object and move to
6 strike, Your Honor. MRE 801.

7 THE COURT: Well, it's hearsay.

8 Mr. Jean, do you have any --

9 MR. JEAN: No.

10 THE COURT: -- objection?

11 MR. JEAN: I --

12 THE COURT: All right. So, ladies and
13 gentlemen, the last answer to the question, the Court's
14 sustaining the objection, so you're to disregard that
15 answer. Thank you.

16 BY MR. JEAN:

17 Q You indicated you did not push Chief Pearsall or hit
18 his hand away from your wife, is that correct?

19 A No, sir, I did not.

20 Q Did you put your hands on him at all?

21 A No, sir.

22 Q If we were to watch the video, there's a portion of
23 that video that shows your hand out of view, would you
24 agree with me?

25 A Yes.

1 Q You're telling me that you didn't -- you didn't put
2 your hands on him --

3 A No, sir, I didn't.

4 Q -- when your hand's off that camera view?

5 A No, sir, I did not touch him.

6 Q Okay.

7 MR. JEAN: Nothing further.

8 THE COURT: Anything further, Mr. Wanink?

9 R E C R O S S - E X A M I N A T I O N

10 BY MR. WANINK:

11 Q I know it's been established the two of you, you and
12 Miss Hull, were married the end of August 2019.

13 A Yes, sir.

14 Q How long were you together before that?

15 A Approximately five years.

16 Q Okay. So you two would have been I guess in a
17 relationship in April of 2018, right?

18 A Yes, sir.

19 Q And you maintain that Brandi tells you everything about
20 every little ticket she might get?

21 A Yes.

22 Q I'm gonna show you what's been marked as People's
23 Proposed Exhibit Number 8. This is a citation or a
24 ticket, as you might call it, correct?

25 A Yes.

1 Q Has that ticket been issued to Brandi Marie Schook, who
2 is, you know, your girlfriend --

3 A Yes.

4 Q -- at the time, now wife?

5 A Yes.

6 Q Do you remember her getting this ticket?

7 A Yes.

8 Q Okay. And on that ticket it indicates a driving while
9 license suspended --

10 A Uh-huh.

11 Q -- and operate without insurance. Those are the first
12 two charges on there, right?

13 A Yes.

14 Q So to your knowledge, had those ever been taken care
15 of?

16 A Yes.

17 Q When did you think they got taken care of?

18 A When I come and paid.

19 Q So they -- you paid on all three tickets?

20 A I asked. I didn't know that they were separate.

21 Q Okay. Well, Mr. Jean asked you if you were aware of
22 any driving while license suspended out there. In
23 fact, you knew she had gotten a driving while license
24 suspended, correct?

25 A On that, yes.

1 Q Okay. I just wanted to clarify. Thank you.

2 THE COURT: Anything further, Mr. Jean?

3 MR. JEAN: I guess if that hasn't been
4 admitted -- I just would ask if it's being offered.

5 THE COURT: Any objection?

6 MR. WANINK: That's fine. I'll move to admit
7 People's Proposed 8.

8 THE COURT: Okay.

9 MR. JEAN: No objection.

10 THE COURT: No objection. So the Court
11 admits People's 8 without objection. Thank you.

12 (People's Exhibit Number 8 admitted at
13 3:43 p.m.)

14 MR. JEAN: Nothing further.

15 THE COURT: All right. Thank you, Mr. Hull,
16 for your testimony. You may step down. Watch your
17 step, please.

18 MR. JEAN: Defense rests.

19 THE COURT: All right. Rebuttal proofs,
20 Mr. Wanink.

21 MR. WANINK: People have no rebuttal proofs,
22 Your Honor. Thank you.

23 THE COURT: Okay. Ladies and gentlemen,
24 we've come to a point in the trial where the next thing
25 that happens will be the closing arguments and then the

1 instructions. Typically I need to work through the
2 instructions with the attorneys before we do the
3 closing arguments, so we're gonna do that right now.

4 I'm gonna ask you to retire to the jury room.
5 I'm gonna say like 20 minutes, which usually means 30
6 minutes, but I'm gonna try to make it 20 minutes, okay?
7 Lawyer -- lawyer talk, okay? We'll try to do this as
8 quickly as possible. And then we'll get you back in
9 the courtroom, proceed with closings, I instruct you,
10 you go back and do your business.

11 If you get to a point where you want dinner,
12 we can order you dinner, okay? So that will be an
13 option once you get the case and you're deliberating
14 depending on what time it is and how you feel. So I
15 just want you to not worry about -- we're not gonna
16 starve you up here, so -- okay? So we'll have you
17 retire to the court- -- to the jury room.

18 (Jury excused at 3:44 p.m.)

19 THE COURT: All right. So at this time we'll
20 go through the jury instructions. And I'll just read
21 the title of the jury instruction, and tell me if you
22 have an objection. And we'll go People, defense.

23 The first one is 3.1, "Duties of Judge and
24 Jury."

25 MR. WANINK: No objection.

1 MR. JEAN: None.

2 THE COURT: Okay. 3.2, "Presumption of
3 Innocence, Burden of Proof, and Reasonable Doubt."
4 Mr. Wanink.

5 MR. WANINK: No objection.

6 MR. JEAN: No objection.

7 THE COURT: Okay. 3.3 obviously is gone now
8 because both defendants have testified.

9 3.5, "Evidence." Mr. Wanink?

10 MR. WANINK: No objection, Your Honor.

11 THE COURT: Mr. Jean.

12 MR. JEAN: I -- I apologize, Your Honor. I'm
13 just removing 3.3.

14 Regarding 3.5, Your Honor, no objection.

15 THE COURT: Okay. 3.6,
16 "Witnesses-Credibility." Mr. Wanink.

17 MR. WANINK: No objection.

18 THE COURT: Mr. Jean.

19 MR. JEAN: No objection.

20 THE COURT: 3.10, "Time and Place (Venue)."
21 Mr. Wanink.

22 MR. WANINK: I believe it's accurate. No
23 objection.

24 THE COURT: And Mr. Jean.

25 MR. JEAN: No objection.

1 THE COURT: 4.1, "Defendant's Statements As
2 Evidence Against the Defendant." Mr. Wanink.

3 MR. WANINK: No objection, Your Honor.

4 THE COURT: Mr. Jean.

5 MR. JEAN: No objection.

6 THE COURT: 4.3, "Circumstantial Evidence."
7 Mr. Wanink.

8 MR. WANINK: No objection, Your Honor.

9 THE COURT: Mr. Jean.

10 MR. JEAN: No objection.

11 THE COURT: 4.5, "Impeachment by Prior
12 Inconsistent Statement." I'm not sure we have that.

13 MR. WANINK: Yeah, I had that one struck. I
14 don't believe it's necessary given the facts.

15 THE COURT: Mr. Jean?

16 MR. JEAN: I -- I would ask that it remain.
17 We did have statements from the police report that
18 Chief Pearsall had made that were inconsistent with
19 his -- his testimony.

20 THE COURT: But that's -- well, that's not in
21 as evidence. But certainly that wouldn't be
22 substantive evidence, true?

23 MR. WANINK: Yes.

24 THE COURT: So strike the second paragraph.
25 4.9, "Motive."

1 MR. WANINK: I don't believe that one's
2 necessary given the charges, Your Honor.

3 THE COURT: Mr. Jean?

4 MR. JEAN: I -- I mean I -- I -- I think
5 it -- it certainly at least has a little bit to do with
6 it in terms of whether or not there would be motive for
7 any like assault. I know that we have the assault and
8 battery instruction, not that it's a -- listed as a
9 separate crime. I -- I would leave it up to the judge.
10 To the Court. Sorry.

11 THE COURT: All right. Leave it in. All
12 right.

13 4.16, "Intent." Mr. Wanink.

14 MR. WANINK: No objection.

15 THE COURT: Mr. Jean.

16 MR. JEAN: No objection.

17 THE COURT: 5.2, "...Number of Witnesses."
18 Mr. Wanink.

19 MR. WANINK: No objection.

20 THE COURT: Mr. Jean.

21 MR. JEAN: No objection.

22 THE COURT: 5.03 [sic], "Witness Who Has Been
23 Interviewed by a Lawyer." Mr. Wanink.

24 MR. WANINK: I don't believe it's necessary.

25 MR. JEAN: I --

1 THE COURT: Mr. Jean.

2 MR. JEAN: I -- I tend to agree.

3 THE COURT: I mean it did come up during
4 Mrs. Long's testimony, I think, but --

5 MR. JEAN: I -- yeah. I -- I don't -- I --
6 I -- I don't think it's necessary.

7 THE COURT: Okay. 5.03 [sic] is struck.
8 5.11, "Police Witness." Mr. Wanink.

9 MR. WANINK: No objection.

10 THE COURT: Mr. Jean, 5.11.

11 MR. JEAN: No objection.

12 THE COURT: 3.7, "Multiple Defendants."
13 Mr. Wanink.

14 MR. WANINK: No objection.

15 THE COURT: Mr. Jean.

16 MR. JEAN: No objection.

17 THE COURT: I changed the order on these just
18 so that they made more logical sense than they did
19 going by the numbers.

20 13.1, "Assaulting, Resisting, or Obstructing
21 a Police Officer... ." As to Mrs. Hull, any objection,
22 Mr. Wanink?

23 MR. WANINK: No, Your Honor.

24 THE COURT: Any objection, Mr. Jean?

25 MR. JEAN: No, Your Honor.

1 THE COURT: And then the next instruction
2 would be 13.1 as to Mr. Hull. Any objection,
3 Mr. Wanink?

4 MR. WANINK: No, Your Honor.

5 THE COURT: Any objection, Mr. Jean?

6 MR. JEAN: No, Your Honor.

7 THE COURT: "Definition of Assault/Definition
8 of Battery." Any objection, Mr. Wanink?

9 MR. WANINK: Your Honor, it's always -- it's
10 one we requested, and it has been a theory of the
11 case that -- assault and battery under the
12 resisting/obstructing statute was a possible theory of
13 the case with regards to Mr. Hull. I believe it's
14 probably still necessary because obstruction is defined
15 but -- in the original instruction, 13.1, but what an
16 assault and what a battery is is not. So I -- I took
17 these from the standard instruction for assault and
18 battery so the language isn't twofold, but I -- I would
19 ask it be included.

20 THE COURT: All right. Mr. Jean?

21 MR. JEAN: I mean I -- I -- I did indicate
22 earlier that this jury instruction was included. I --
23 I -- I think there's -- I leave it to the Court.

24 THE COURT: All right. We'll include that.
25 Next is 13.5, "Legal Acts and Duties."

1 Mr. Wanink.

2 MR. WANINK: No objection.

3 THE COURT: Mr. Jean.

4 MR. JEAN: No objection.

5 THE COURT: Okay. 7.20, "Burden of
6 Proof-Self-Defense." Mr. Wanink.

7 MR. WANINK: I'm not sure that based on the
8 testimony there's any need for any instruction
9 concerning self-defense. There's -- I mean the
10 defendants both testified -- neither one of them
11 admitted that they used any kind of force in this case
12 that could constitute self-defense, so I -- I would ask
13 that it be struck.

14 THE COURT: Mr. Jean.

15 MR. JEAN: I -- I would ask that -- that it
16 remain solely because I think that given -- I mean
17 obviously the argument from the defense is going to be
18 that there was a -- a legal right to resist, and
19 obviously I can make the argument as it relates to
20 People versus Moreno. But I -- I think that having the
21 instruction is -- is appropriate in this given the fact
22 that we also have the defense of others instruction.
23 And so I -- while I --

24 THE COURT: Well, I would say don't all of
25 those go together? I mean --

1 MR. WANINK: Yes.

2 THE COURT: -- I haven't read those two
3 yet -- or indicated those two, but I would assume that
4 it's either self-defense or it's not and including
5 defense of others.

6 MR. JEAN: And that's -- that's essentially
7 what -- what my position would be, is if we have the
8 defense of others, I think it would kind of be
9 necessary to have the -- the burden of proof on the
10 self-defense.

11 THE COURT: Well, that's what I'm saying,
12 is --

13 MR. JEAN: Right.

14 THE COURT: Okay. The imminent unlawful use
15 of force was the -- the officer arresting Mrs. Hull?
16 Is that what your --

17 MR. JEAN: Correct.

18 THE COURT: -- theory is?

19 MR. JEAN: Correct.

20 THE COURT: Anything further, Mr. Wanink?

21 MR. WANINK: I -- I just would again
22 reiterate I -- I never heard either one of the
23 defendants testify that they used any force to resist
24 the officer in this case. In fact, Mr. Jean
25 specifically asked, you know, and the defendant

1 didn't -- Mr. Hull denied that he ever laid a finger.
2 So I -- I think it will be con- -- it's confusing based
3 on the testimony, you know, to offer self-defense when
4 there's really been no offer that there was any force
5 in self-defense.

6 THE COURT: So what offer -- or what
7 testimony or evidence otherwise, Mr. Jean, would
8 indicate that -- from your perspective, that there was
9 any force used against the chief?

10 MR. JEAN: Well, the -- so it would be our
11 position that there -- that there really isn't. But we
12 also believe that the argument from the prosecution is
13 going to be that at -- at minimum Mr. Hull shut the
14 door --

15 THE COURT: Right.

16 MR. JEAN: -- in -- in Chief Pearsall's leg,
17 face, whatever you want to call it, and that -- that
18 was admitted to. It still -- any action at that point
19 goes -- still goes to whether or not the underlying
20 action was lawful. And so I -- I don't think it's
21 confusing because the -- the jury now by having the
22 self-defense instructions has a guidepost to make that
23 determination.

24 So, for example --

25 THE COURT: But -- but self-defense doesn't

1 tell you when you -- I mean self-defense isn't a
2 defense to obstructing an officer. I mean you can't --
3 I can't -- if the -- if somebody comes to arrest me
4 tonight and I slam the door on them, that's not
5 self-defense. That's -- I mean I don't -- I --
6 obstructing is something different than -- you know, if
7 I'm walking out to my car and someone comes with a gun
8 and I shoot them, that's self-defense --

9 MR. JEAN: Right.

10 THE COURT: -- 'cause that person's going --
11 there's a -- an apprehension of an immediate battery on
12 my part and I'm using the adequate amount of force to
13 combat that force.

14 This is -- self-defense is -- I mean the
15 officer's just doing his job. That's -- that's not
16 self-defense.

17 MR. JEAN: But the -- the problem then is
18 that the -- that the -- the defendants have a right
19 to -- to have their defense presented. When we look at
20 the --

21 THE COURT: Absolutely.

22 MR. JEAN: To the jury instruction, it
23 indicates that -- things like "...use the following
24 rules to decide whether the defendant acted in lawful
25 self-defense." It was "...to protect..." -- in Brandi

1 Hull's instance, "...protect herself from the imminent
2 unlawful use of force by another."

3 So the jury still has to make a determination
4 that the underlying action was unlawful. If the jury
5 makes the determination that the underlying action was
6 lawful, then there wouldn't be an argument for
7 self-defense, but if the Court makes the determination
8 that they don't have a right to defend themselves even
9 if the jury decided it was unlawful -- because it's the
10 jury's decision as to whether or not it's unlawful.
11 But if the Court removes this, then it takes away the
12 jury's ability to determine whether or not the
13 underlying action was unlawful. That is ultimately the
14 crux of what the issue is, so if we remove it, we're
15 essentially removing their ability to determine whether
16 or not it's unlawful.

17 MR. WANINK: And --

18 THE COURT: Well, it -- what's -- the issue
19 of what's lawful is whether it was a lawful arrest or
20 an otherwise lawful act by the officer. It's not
21 whether what they did is lawful. It's whether what he
22 did is lawful. That -- that's the -- that's the
23 element. So those three are out. That's my ruling.

24 And then 3.11, "Deliberations and Verdict."

25 MR. WANINK: No objection, Your Honor.

1 THE COURT: Mr. Jean.
2 MR. JEAN: No objection.
3 THE COURT: 3.13, "Penalty." Mr. Wanink.
4 MR. WANINK: No objection.
5 THE COURT: Mr. Jean.
6 MR. JEAN: No objection.
7 THE COURT: 3. -- 3.14, "Communications with
8 the Court." Mr. Wanink.
9 MR. WANINK: No objection.
10 MR. JEAN: No objection.
11 THE COURT: Mr. Jean.
12 3.15, "Exhibits." Mr. Wanink.
13 MR. WANINK: No objection.
14 THE COURT: Mr. Jean.
15 MR. JEAN: No objection.
16 THE COURT: 3.16. Mr. Wanink.
17 MR. WANINK: No objection.
18 THE COURT: Mr. Jean.
19 MR. JEAN: No objection.
20 THE COURT: 3.18. Mr. Wanink.
21 MR. WANINK: No objection.
22 THE COURT: Mr. Jean.
23 MR. JEAN: No objection.
24 THE COURT: 3.23, "Verdict Form."
25 Mr. Wanink.

1 MR. WANINK: No objection.

2 THE COURT: Mr. Jean.

3 MR. JEAN: No objection.

4 THE COURT: I don't -- I'll have to track
5 down the verdict form so you have an opportunity to
6 look at that, too. So I'm gonna take a recess. We'll
7 get these --

8 MR. WANINK: And I assume there's gonna be
9 two verdict forms, one for each defendant.

10 THE COURT: Exactly.

11 MR. WANINK: Okay.

12 THE COURT: Yup, one for each defendant.

13 MR. JEAN: Your Honor, I submitted a mo- --
14 motion, but orally I would -- I would move that the
15 jury instruction regarding res gestae witness be
16 included as well.

17 THE COURT: And I apologize. I forgot that.

18 Mr. Wanink, what's your position as far as
19 inclusion of --

20 MR. WANINK: Negative -- negative jury
21 instruction, which is --

22 THE COURT: 5.12.

23 MR. WANINK: No, Your Honor, I have -- I
24 have -- have no objection to that.

25 THE COURT: And I -- what is the name of the

1 witness? It was Jay something.

2 CHIEF PEARSALL: Jay Petrica [phonetic]. I
3 can't spell his last name, though. It looks like
4 Puerto Rico but Petrica [phonetic].

5 THE COURT: Okay. I'll do my best.

6 Okay. Court's in recess.

7 (Court recessed at 3:59 p.m.)

8 (Court reconvened at 4:08 p.m., jury not
9 present.)

10 THE COURT: Mr. Wanink, ready for the jury?

11 MR. WANINK: Yes, Your Honor.

12 THE COURT: Mr. Jean, ready for the jury?

13 MR. JEAN: Yes, Your Honor.

14 THE COURT: All right. Mr. Oprea?

15 (Jury present at 4:09 p.m.)

16 THE COURT: All right. At this time,
17 Mr. Wanink, if you could present your closing argument.

18 MR. WANINK: Thank you, Your Honor.

19 THE COURT: I guess we didn't move the
20 lectern. Just put it where you'd like it.

21 MR. WANINK: All right. Good afternoon. I
22 know it's been a long process, and for some of you the
23 first time through it, as you've undoubtedly concluded
24 by now, it ain't like it is on TV.

25 So, in any event, when we began this trial,

1 we started by talking about the elements, and that's
2 where I kind of want to start my conclusions here
3 because, again, they are what we were looking for as we
4 sat here through this trial and heard the testimony.
5 And you will get a chance to see the exhibits at the
6 end of the day when they're published to you, but as
7 you look through those and as you recount the
8 testimony, those elements were that road map to kind of
9 help guide you where I had to -- what I had to prove,
10 essentially.

11 So, you know, the elements are very
12 straightforward for resisting/obstructing, and that is
13 as to both defendants:

14 That there has to be, "First, that the
15 defendant ... assaulted... ," batted -- "...battered,
16 wounded, resisted, obstructed, opposed, or endangered
17 Chief Albert Pearsall, who was a police officer."
18 Judge will tell you obstruction "...includes the use or
19 threatened use of physical interference or force or a
20 knowing failure to..." obey "...a lawful command."
21 That "...defendant must have actually resisted by
22 what..." he or she "...said or did, but physical
23 violence is not necessary."

24 And that's where we discussed the -- you
25 know, when someone's running away from the officer and

1 they say, hey, stop, police, you know, that -- that can
2 constitute resisting/obstructing 'cause that's a
3 failure to obey a lawful command. So that's -- that's
4 an example of where that comes into play.

5 The second element is "...that the defendant
6 ... knew or had reason to know that Chief Albert
7 Pearsall was..." an "...officer..." with the Village of
8 Kingston Police Department who was "...performing his
9 duties at the time" of this incident. There was some
10 evidence that he was there legitimately as a police
11 officer and doing his job as a police officer.

12 "Third, that Chief Albert Pearsall gave the
13 defendant..." either "...a lawful command..." that they
14 failed to obey or that the officer "...was making a
15 lawful arrest..." and that arrest was resisted or
16 obstructed or opposed "...or was otherwise performing a
17 lawful act." In other words, the officer was there
18 doing some other duty that police officers do in the
19 context of -- in their capacity as an officer.

20 So those are the three things that I have to
21 prove to you in this trial beyond a reasonable doubt,
22 so let's look at what we have here.

23 We heard from three different witnesses, but
24 the key witness here, of course, was Chief Pearsall.
25 Chief Pearsall testified that on October 7th, 2019, he

1 had been made aware leading up to that date that there
2 was a warrant for Miss Brandi Schook, who we all know
3 is also Brandi Hull.

4 And so he is often asked and tasked with
5 executing arrest warrants for other agencies just as
6 other agencies execute his arrest warrants when the
7 person might be outside his jurisdiction, so there was
8 really nothing out of the ordinary that took him out to
9 6277 Legg Road that night to -- to execute this
10 warrant. It's -- it's part of his job, part of his
11 duties.

12 And so -- but he did the right thing. He --
13 he pulled up, he confirmed the warrant to make sure it
14 was still valid 'cause, like he said, maybe somebody
15 already picked her up since the last time he checked
16 or, you know, maybe she was arrested five minutes ago.
17 But, you know, he wants to make sure that before he
18 takes action to take someone in custody -- and
19 understand that that's a very important thing. You're
20 about to deprive someone of their liberty. So you want
21 to make sure that what you're doing is in the right,
22 and he did. He confirmed the warrant through Dispatch.

23 Now, he doesn't have a computer in his patrol
24 car. He doesn't have a printer. It's Kingston Police
25 Department, you know. Little bit of a shoestring

1 budget, I imagine, as opposed to the State Police or
2 the Sheriff's Department. So he doesn't have access,
3 but he does what other officers who don't have access
4 to the LEIN information system do and that's he relied
5 on Central Dispatch.

6 Central Dispatch informed him that there was
7 a valid arrest warrant for Brandi Schook and that there
8 was a \$500 bond and a 50-mile pickup radius. He was
9 within 50 miles. The warrant was confirmed valid. In
10 all intents and purposes, he's good to go.

11 Now, they told him it had to do with
12 excessive noise, and we heard a lot about why it would
13 have said that. Dispatch may have -- may have screwed
14 that up in telling him that it was for excessive noise,
15 but it doesn't diminish the validity of that warrant.
16 That's all the same document. We heard that over and
17 over, and we even heard it from the people at the
18 clerk's office who are responsible for putting it into
19 LEIN as to why it would show up that way. So I don't
20 want you to get hung up on the fact of whether or
21 not -- the fact that it was excessive noise versus the
22 actual warrant. At the end of the day, this warrant is
23 valid. It's confirmed.

24 And so he goes up to the house to make
25 contact with Mrs. Hull -- Mrs. Schook as he knew her at

1 that point -- to effectuate the arrest on a warrant
2 that has been confirmed valid to him by the Tuscola
3 County Central Dispatch.

4 And so he has contact with her. He confirms
5 who she is. She admits that she is Brandi Schook, now
6 she's Brandi Hull. And we see all this in the video.
7 And then he proceeds to tell her this is why I'm here.
8 He's in full uniform at the time. He's driving a fully
9 marked patrol vehicle albeit without a computer. But
10 still he's -- you know, he's there legitimately as a
11 police officer doing his duties in a -- in an area that
12 he has the jurisdiction and authority to do so.

13 He tells her he has a valid warrant for her
14 arrest. He tells her what he thinks it's for, what
15 he's been told it's for, but he also tells her that,
16 you know, it's a \$500 bond. He treats her the way he
17 would anybody that he has made arrests for in the past,
18 has the courtesy of telling them, look, this is how
19 much money you got to have together, I'll take you
20 down, you pay your money, you'll be home in an hour.

21 So, you know, this all should have gone as
22 smooth as glass. This was a misdemeanor warrant. And
23 somehow things just went off the rails. And it all
24 started because she decided to disagree with the
25 officer that this was a valid warrant.

1 Well, this is not the -- the forum to hash it
2 out. On the front porch is not the legal forum to hash
3 out whether this is a valid warrant or not, whether,
4 you know, they've got the right charges or -- or
5 whatnot. It's not the time or the place. It's not a
6 courthouse, you know. And you heard all the officers
7 testify that that's -- that's really not what we do.
8 We don't sit there and haggle with you over whether
9 this is a proper charge or not. That's not our call,
10 you know. All we know is an order has been issued by a
11 court to take you into custody and that's what we do.

12 And that is exactly what happened here.
13 There is a valid arrest warrant. And it shows on the
14 back on the second page that Chief Pearsall is the one
15 who made the arrest on that warrant. He filled out
16 what's called a Return so that the warrant can be taken
17 out of LEIN, and it tells all the other officers out
18 there that this arrest has been effectuated and, you
19 know, it's all taken care of.

20 And she decides again to -- to dispute this
21 quite vehemently, and you hear that in the audio on
22 the -- on the video recording that she just doesn't
23 want to believe that this is valid, she wants to argue
24 with him, she doesn't think that that's a real charge,
25 she doesn't agree with it, whatever the case may be.

1 Again, not the forum. The front porch is not
2 the courtroom to which you are gonna make and address
3 this grievance. The officer doesn't care. He cares
4 that he's got an order from a judge to take you into
5 custody. That's it. And that's what he had.

6 So enter Mr. Hull who the officer's not even
7 there for. Mr. Hull had nothing to fear that evening,
8 but he decided to insinuate himself in this mess by
9 coming out on the porch. The officer explains to him,
10 look, I'm here to effectuate an arrest warrant on
11 Brandi. He tries to calm things down, but immediately
12 you see in the video Mr. Hull start shepherding her
13 towards the door, telling her, come on, get in the
14 house, get in the house, I mean as the officer's trying
15 to explain why he's there.

16 Now, keep in mind this officer is nothing but
17 courteous, professional, polite to these people in
18 light of the fact that they're starting to become a
19 little unglued. He maintains his tact and decorum and
20 tries to continue to explain what's going on and why
21 he's taking the action he's doing so that things don't
22 escalate, as he put it. He's trying to avoid that.

23 But Mr. Hull starts shepherding her into the
24 house even though the officer is standing there in full
25 uniform and telling him why I'm there, and he

1 acknowledged that the officer explained to him why he
2 was there. His wife is telling him why the officer's
3 there. And instead he starts accusing the officer of
4 trespassing, and then he starts to try to pull his wife
5 towards the door when she's not moving fast enough to
6 get in the house.

7 And we see in the video that the officer
8 immediately sees that and grabs onto her because, you
9 know, he has placed her under arrest. This is his
10 prisoner now. He is responsible for her, and this --
11 the -- this other individual is trying to pull her away
12 from him. So he's almost playing tug of war trying to
13 hold onto her.

14 And Mr. Hull, finally you see him kind of
15 reach out and swat away Officer -- or Chief Pearsall's
16 hand, as he testified he did, and then pulls his wife
17 into the doorway and immediately tries to enter the
18 house and shut the door.

19 The chief tries to stop this because he knows
20 he's losing the battle if that door closes 'cause he
21 can't go in there because he doesn't know what to
22 expect once he does. That's pure officer safety.
23 That's training and -- and experience kicking in to say
24 if I go in there, I have no idea what to expect. These
25 people are already resisting me, they're hostile.

1 To go in there by himself, probably not the
2 smartest decision, so he does the best he can. He
3 tries to keep the door open so he can continue to talk
4 to them and try to get her to submit to his custody,
5 but instead Mr. Hull continues to, you know, shove the
6 door shut, slamming it on him, and to the point where
7 the officer has to try to get his foot in the door to
8 try to keep it open. He keeps slamming it on his
9 foot -- and you see the pictures from all that -- and
10 finally forces the door shut on Chief Pearsall.

11 Now, from what he does from there is
12 absolutely the right thing to do. Again, training
13 telling him don't go in there alone. So he backs up,
14 takes a deep breath, calls in the calvary, and he gets
15 several units that come out there and respond to assist
16 him.

17 After they realize the place is pretty well
18 surrounded, they finally agree to come out and
19 surrender themselves, and you see from the testimony of
20 Trooper Reynolds as well as Deputy LaFlure who weren't
21 there at the time of this incident on the porch but
22 what you gather from their testimony is that even after
23 they've surrendered themselves, they still -- they're
24 arguing with Mrs. Hull about the existence of this
25 warrant. She's decrying that it's fraudulent to them,

1 and they're trying to explain to her, no, it's a valid
2 warrant, it's confirmed, and she just doesn't want to
3 believe it.

4 And so the result you have here is that you
5 have with regards to Mrs. Hull an individual who
6 resisted and obstructed, failed to obey several
7 commands to submit to custody, that she was under
8 arrest, and resisted that arrest actively by retreating
9 into the house away from the officer who had just told
10 her she was under arrest.

11 Second, that she knew or should have known.
12 She at best knew because she'd had previous contact
13 with him in uniform when he came in to do a liquor
14 inspection. She also should have known because he's
15 standing there in full uniform. He's explaining to her
16 who he is. She says I know who you are. And so
17 there's just no doubt that they knew or should have
18 known that he was an officer performing his duties at
19 the time because he's dressed as an officer and telling
20 her who he is and why he's there and why -- what duties
21 he's performing.

22 Third, that he gave lawful commands. The
23 order to submit to arrest: Lawful command. Why?
24 Because we have a valid arrest warrant. Or that he was
25 making a lawful arrest. Yes, he was. Or otherwise

1 performing a lawful act. Judge will give you an
2 instruction that specifically states an arrest is legal
3 if it is made by an officer relying on an arrest
4 warrant for the defendant issued by a court. That's
5 exactly what you have here: An arrest warrant issued
6 by a court that he's relying on through information he
7 received from Dispatch.

8 It's not necessary for you to find the
9 defendant guilty of that crime that she was arrested on
10 that night, but I have to show beyond a reasonable
11 doubt that the arrest was legal. And I have. I have
12 shown you that arrest was legal because I've provided
13 with you a warrant and a Return and the testimony of
14 three officers who all indicated this warrant was
15 confirmed. You also heard testimony from the defense
16 by way of Sheila Long who advised that this was a valid
17 warrant.

18 With regards to Mr. Hull, Mr. Hull flat-out
19 assaulted or battered Chief Pearsall. Keep in mind he
20 had -- he didn't even have to get involved. He didn't
21 have to stick his nose into this, but he did. He saw
22 fit to get involved and immediately tried to whisk his
23 wife off the porch and -- and then got into a melee
24 with the officer who is just trying to do his job. And
25 Mr. Hull's actions interfered with that. They

1 obstructed the officer being able to do his job. But
2 when he laid hands on that officer is when he really
3 went too far, when he shoved that officer away and then
4 when he -- and then when he tried to ram the door on
5 the officer and forced him back with the door.

6 And, again, Mr. Hull knew or should have
7 known Chief Pearsall was an officer performing his
8 duties. He sees him in uniform standing on his porch.
9 You can see in the video it's well lit. He hears him
10 say why he's there, but he chooses not to believe him.
11 So he absolutely knew or should have known because the
12 officer told him and the officer's dressed like a
13 police officer.

14 And, again, third, that the defendant was
15 given a lawful command or there was a lawful arrest or
16 the officer was otherwise performing a lawful act. The
17 officer was performing a lawful act. He was taking
18 Brandi Hull into custody on a -- on a valid warrant.
19 He gave lawful commands to Mr. Hull, telling him I'm
20 here to take her, don't take her, and -- and he was
21 arguing with him as he's trying to pull her back.
22 Mr. Hull's arguing back with him, telling him I know my
23 rights, you can't do this, basically trying to
24 emasculate the officer right there on the porch,
25 telling him I'm not gonna succeed [sic] to your

1 authority at all.

2 We exist as a -- as a -- as a society based
3 on reason and order, and you're gonna get an
4 instruction that talks about using reason and common
5 sense. The actions of Chief Pearsall at all times in
6 this matter were reasonable. The actions of the
7 defendants? Completely unreasonable. They took what
8 was a \$500 misdemeanor warrant and completely blew this
9 out of proportion because they chose to do it this way.

10 They had no qualms or right to resist the
11 officer once he informed them that he had a lawful
12 warrant, but they chose to. And that is why we're here
13 today. And because of the -- the complete disrespect
14 for authority that they showed in interfering with the
15 officer who is just trying to do his job, I'm asking
16 you today to find them both guilty of resisting and
17 obstructing a police officer.

18 Thank you very much.

19 THE COURT: All right. Thank you,
20 Mr. Wanink.

21 Mr. Jean, your closing argument, sir.

22 MR. JEAN: Thank you, Your Honor.

23 Good afternoon.

24 THE JURY: Good afternoon.

25 MR. JEAN: So as I had indicated to you at

1 the very beginning of this trial, for closing
2 arguments, the order is the prosecutor gets to go, I
3 get to go, prosecutor gets to go again, okay? Just so
4 you guys aren't surprised when he gets back up and
5 starts talking to you again. If I had the opportunity
6 after that to say something else to you, I -- I
7 certainly would like it, so I have to do my best to
8 anticipate everything that maybe the prosecution could
9 potentially argue.

10 Unfortunately, we never get to get inside
11 your heads. We never really get to understand what it
12 is during the course of the trial that you guys are
13 really focused on. That's an unfortunate part because
14 it makes it so I have to argue a lot of different
15 things and point out different things that maybe for
16 the most part you might be like I don't care, that's
17 not important. But that's why I do it: Because I'm
18 not really sure what -- what you're thinking. I have
19 to anticipate, I have to guess what you're thinking.
20 And so I kind of apologize for -- for being long winded
21 on these things. It's not because I -- I just want to
22 stand up here and hear myself talk. It's because I
23 need to make sure that I'm addressing everything.

24 So what I want to do first is I want to kind
25 of go over some of the -- kind of the arguments -- the

1 logical points that the prosecution made in their
2 closing.

3 One of the big, overarching themes that you
4 heard was do not question authority. Do not question
5 authority. If they had just complied, it would have
6 been fine. Just comply. It would have been fine. In
7 fact, the prosecutor told you the front porch is not
8 the place to deal with this issue. It is not the place
9 to deal with this issue. You come to court and deal
10 with it. You deal with it at the police station.

11 I would submit to you that that is an
12 argument that's simply trying to make you think about
13 precisely something different than what the issue is,
14 meaning the prosecutor I don't think is going to want
15 you to think about what it is you should be paying
16 attention to. It doesn't matter whether it's the right
17 forum. It doesn't matter. By him telling you it
18 matters, that's him telling you don't pay attention to
19 what the law says, pay attention to what should have
20 done. Should have done.

21 Now, I asked all of you in voir dire when we
22 were selecting you as to be on this jury, one of the
23 things that we talked about was do you think it's ever
24 okay to resist a police officer or oppose a police
25 officer, and if you all recall, essentially what you

1 all said was it's probably not a great idea. It's
2 probably not a great idea. But remember what I asked
3 you to do. Pay attention to the law.

4 You have the right to resist an unlawful
5 arrest. You have a right to do that. It doesn't
6 matter whether or not it's the appropriate place to do
7 it because, let's be honest, come up with a scenario,
8 if you can, where resisting an arrest results in you
9 winning somehow. They've got guns. They've got
10 backup. Ask yourself if it were the case where we just
11 go by this reason that it's not a good place to do it
12 so let's just base the law on whether it's a good idea
13 to do it at that point, that negates the -- the law.
14 That negates your right to resist an unlawful arrest.

15 What did the prosecutor ask you to do? Well,
16 use reason; you're gonna get an instruction on reason;
17 you're gonna get an instruction on reason, and you'll
18 find that Chief Pearsall used -- he acted reasonably,
19 the defendants acted unreasonably.

20 So, first off, I would submit to you that he
21 didn't -- he didn't act reasonably and my clients acted
22 reasonably.

23 But when you dig deeper into that, you are
24 gonna get an instruction on reasonableness. That
25 instruction is called reasonable doubt. Reasonable

1 doubt.

2 Now, you use your common sense to make a
3 determination whether or not there is reasonable doubt.
4 Make no mistake. Make no mistake about it. Asking you
5 to make a determination that the police officer was
6 just acting reasonably, that is effectively a request
7 to say don't hold him to his burden, it's not beyond a
8 reasonable doubt, it's so long as it -- it was
9 reasonable. So long as it was reasonable. He even
10 talks about that when he talks about things like the
11 elements. Well, it's reasonable for them to assume
12 he's a police officer, he's got a -- he's got his
13 uniform on. He talks about those things.

14 Prosecution says don't worry and don't
15 concern yourself -- his words. Don't worry, don't
16 concern yourself with whether or not there's this issue
17 of a warrant for loud exhaust 'cause it's the same
18 warrant. He says don't worry about it. That's
19 precisely what you need to be worried about. That is
20 precisely what we need to be concerned with.

21 He also says as it relates to Mr. Hull,
22 Mr. Hull had nothing to fear, he didn't even need to
23 interject himself. He explained to you what he had to
24 fear: That he had a guy on his porch that he didn't
25 know along with Chief Pearsall.

1 You're gonna get an instruction on that, by
2 the way. That instruction is going to read that the
3 prosecution has to produce witnesses. I don't have to
4 produce witnesses. I don't have to produce documents.
5 Prosecution needs to produce witnesses to prove to you
6 beyond a reasonable doubt.

7 That instruction is going to say that because
8 they didn't produce someone, you can infer their
9 testimony would have been favorable to the defense,
10 would have been against the prosecution. You're gonna
11 get that instruction. The reason that I bring that up
12 is because if you watch the video -- can we get this
13 up?

14 THE BAILIFF: I --

15 THE COURT: I -- I don't know. I don't know
16 how to use it. I know that.

17 Mr. Wanink, I don't know if you can assist.

18 MR. JEAN: If you don't mind, I'll use my
19 computer.

20 THE COURT: Mrs. Phipps --

21 MR. JEAN: It will be a little bit easier.

22 THE COURT: Mrs. Phipps is not here, and
23 she's the person that does that.

24 (Video commenced at 4:36 p.m.)

25 MR. JEAN: You're gonna get that instruction

1 because it was the prosecution's job to produce this
2 guy right here (indicating). You can ask yourself why
3 don't they want him to testify, why didn't they produce
4 him? The jury instruction says whatever he would have
5 said, you can infer it's against the prosecution. But
6 they don't produce him.

7 In fact, we didn't even know his name. If
8 you'll recall, when Chief Pearsall is -- is testifying,
9 I gave him the document -- I gave him the document he
10 produced with the witnesses listed on it and I said,
11 tell me, where is this guy on your witness list of the
12 people that were there? He's not on there. He's not
13 on there.

14 Sloppy. It's sloppy.

15 What does the prosecutor also tell you?
16 Look, Chief Pearsall, he just confirms the warrant
17 through Dispatch, cut him a break, he doesn't have a
18 computer, he doesn't have a computer in his car. So
19 what? So what if he doesn't have a computer in his
20 car? It's not -- it is not the Hulls' responsibility
21 to know whether or not he's got the right warrant.
22 That's not their responsibility. It's not their
23 responsibility to make a determination as to whether or
24 not he properly checked the system. That's his
25 responsibility. That's his. So he says cut him a

1 break because he doesn't have a computer so he just
2 called into Cen- -- into Dispatch. So you, what, call
3 it into Dispatch, and they say, well, here it is,
4 it's -- it's this.

5 By the way, if you'll recall, little side
6 note on this is Chief Pearsall says in the video it's
7 out of Caro P.D. Gets up here and then he starts
8 saying I knew all this information. I knew -- I knew
9 that it was a misdemeanor warrant, I knew how much it
10 was for, I knew the radius of the pickup, I knew it was
11 for Brandi Schook. In fact, he even told you, if
12 you'll recall, I confirmed her date of birth. But for
13 some reason when he gets up on the stand, he says I
14 don't know if it was Caro P.D. or not; must have meant
15 Caro, the city, not Tuscola County. He says must have
16 meant the city. The video's clear. He says Caro P.D.

17 In fact, what he also says is they asked me
18 to come make contact with you. But now he changes his
19 story when he gets up here and says I -- Central
20 Dispatch is what I was referring to. Central Dispatch
21 does not tell a police officer to go make contact with
22 somebody with a warrant. That's his job. That's his
23 job to make contact. Isn't it curious why we have
24 video evidence saying one thing and then when he
25 testifies he starts making excuses for what he said?

1 Those are the major things that you were just
2 told in closing from the prosecution. Those are the
3 reasons why I think that you shouldn't buy those
4 arguments.

5 But let's talk a little bit more about some
6 of the other things I think are important. I told you
7 in my opening that I believed you would see and hear
8 evidence about a warrant that Chief Pearsall tried to
9 execute that does not exist. Think back to what you
10 thought about that. It's pretty -- it's pretty
11 important. So what happens? Gets downplayed. Of
12 course, it gets downplayed. In fact, it's funny that
13 the prosecution basically in their -- in their case in
14 chief, even in -- even in closing, they don't talk
15 about that warrant. They don't talk about the exhaust
16 warrant. They just say a warrant, a warrant, a warrant
17 'cause they don't want you to remember the fact that he
18 says it's a loud exhaust warrant out of Caro P.D.,
19 \$500.

20 They don't want you to think about that
21 because at the end of the day there aren't -- there
22 isn't one arrest here. Nope. There is not one arrest
23 that's effectuated. There's two. The first arrest is
24 illegal. The first arrest that's illegal is this one
25 on the front porch (indicating). That's the first

1 arrest. They had a right to resist that arrest. They
2 had a right to resist the arrest because they are told
3 it's for something that does not exist.

4 Keep in mind what the trooper said. He said,
5 well, we have to tell people why they are being
6 arrested. Again, the fact that he had shoddy police
7 work in figuring out what the heck the warrant is for
8 is not an excuse for the shoddy police work. They
9 don't get to excuse themselves because they didn't do
10 their job. That arrest is illegal (indicating).

11 The second arrest when they actually take
12 them in, that's a legal arrest. Why? Because, oh,
13 hey, we found out it's actually for the suspended
14 license. Keep in mind this: When the Hulls find that
15 out, 2018 stop for DWLS, okay, they go in without
16 incident.

17 Curiously, if you'll recall, Chief Pearsall
18 gets up there and he says, well, second time I made
19 contact with Brandi, she was resisting me then. Was
20 she now? Was she? Because I don't seem to recall a
21 second charge of R and O. There's one charge of
22 R and O.

23 I suspect the prosecutor's gonna get back up
24 and say it could be from different incidents. Well,
25 gee, if it were from different incidents, why don't we

1 have two of them? 'Cause if he says, well, she did it
2 twice, there should be two charges. There's not. He
3 knows it. Prosecutor knowed it -- knows it. He knew
4 it 'cause he otherwise would have been -- you would
5 have been sitting here with two charges against Brandi
6 Hull. There's not.

7 In fact, the other officers that testified,
8 when I asked them about that, nope, didn't resist,
9 didn't obstruct. Yeah, she was confused is what Deputy
10 LaFlure said. She was confused, we explained it to
11 her. I said did you believe that she was obstructing
12 you, did you submit a warrant request for that? Nope.
13 Didn't do it.

14 I've told you already that you have a right
15 to resist. Here's -- here's what you are allowed to
16 do, okay? Because if you have a question about that --
17 maybe you go back in deliberations and somebody says,
18 well, gee, I don't really see that in the instructions,
19 there's no place in the instructions that say, you
20 know, you have a right to resist an illegal arrest. If
21 you have an issue with that -- 'cause I'm telling you
22 that exists. You have a right to resist an illegal
23 arrest. That is absolutely true. If you have a
24 question about that, if you don't believe that, you're
25 gonna get an instruction that says you can submit

1 questions to the judge. You can ask. If you've got a
2 question about it, ask, 'cause you're allowed to do
3 that. So I'm submitting to you you absolutely have
4 that right if it's an illegal arrest.

5 Interesting part is prosecution says, well,
6 look, you know, he's -- he's effectuating this
7 search -- a -- an arrest warrant and it doesn't really
8 matter whether or not -- whether or not it -- it's a
9 valid reason that he says. Here's the thing: You get
10 to make the determination whether or not it's a legal
11 arrest based on what that is. So to put it another
12 way, you're -- you are the finder as to whether or not
13 him saying it's for something that doesn't exist makes
14 it an illegal arrest.

15 So let's talk about the -- the warrant
16 itself. What I believe -- I know I've -- I know I've
17 harped on this thing the entire trial, but it is. It
18 is the central issue to this case.

19 Now, I'd be willing to bet that if I could
20 ask you individually where -- where you're at, what
21 you -- what you thought about things, that you probably
22 were more or less right up there until the clerk
23 testified about the entry in the LEIN system. I'd be
24 willing to bet that's probably the case. I'm gonna
25 submit to you that that is something that you should

1 question a great deal. You should question that. Let
2 me tell you why.

3 During testimony, you were told by
4 Chief Pearsall that he confirmed some warrant with
5 Central Dispatch. Then you heard Trooper Reynolds say,
6 yup, took a look at it on LEIN, said it on LEIN. Clerk
7 then comes in and says, hey, there's a code that we
8 use, all no insurance goes in as loud exhaust or
9 whatever it may have been. Excessive noise. It's a
10 code that we use.

11 Couple things about -- about that -- about
12 that, is the trooper testified about his training with
13 LEIN. What did he tell you about that? They must have
14 entered it in wrong. They must have entered it in
15 wrong. That's what he said he told Brandi. Isn't it
16 curious that the trooper didn't say to you -- he's got
17 experience with LEIN. He knows how it works. He's
18 used it in the past. He had schooling on it. He
19 doesn't get up on the stand and say, look, an excessive
20 noise is a no insurance, it's the same code. He
21 doesn't say that. He tells you something must have got
22 entered wrong aside from the fact it's the wrong
23 agency.

24 Here's -- here's the kicker in my opinion,
25 what I think that you should be very focused on when it

1 comes to that bit of this trial and of this case. I
2 asked Chief Pearsall when he was sitting right up here
3 whether or not there -- the prosecution admitted during
4 the course of this case that the loud exhaust warrant
5 did not exist. What did he say? Yup, that is true.
6 You didn't hear that. That happens elsewhere. But he
7 admitted that the prosecution told this Court that
8 warrant didn't exist.

9 Here's why that's important: I don't have
10 the burden of proof. The only thing you need to find
11 these -- these two individuals not guilty is a
12 reasonable doubt. Prosecution didn't prove their case.

13 Here's a ticket (indicating). You'll be able
14 to look at that if you want to. Misdemeanor warrant.
15 The one they say they were there to arrest on. It's
16 right here in front of your face. You can see it.
17 Register of Actions. Everything that happened in
18 District Court. Right here. You can see it. I
19 submitted another Register of Actions. You can see it.
20 History. You can see it. It's not my responsibility.
21 In fact, when I asked Chief Pearsall if it was ever
22 produced to me, nope.

23 I'm gonna tell you right now I'm furious. I
24 am furious because we had testimony about this alleged
25 warrant and how it shows up in LEIN. We had an officer

1 sitting up here under oath that said I printed it off.
2 It exists allegedly. It allegedly exists. I'm angry
3 because when we get that testimony, now I don't have
4 all the evidence. Their job is to produce that
5 evidence.

6 Now, you might think, well, gee, Mr. Jean,
7 why didn't you just go get it from the clerk? She was
8 sitting right there. Reason for that is I'm not
9 allowed to. I can't -- she can't print me off the LEIN
10 system. The proper channel to do that is to request it
11 from the prosecution.

12 If this -- if this warrant that shows what
13 allegedly is this (indicating) -- 'cause you'll be able
14 to look at this. This doesn't have loud exhaust on it.
15 Does not have it. Prosecution is tendering to you that
16 this is what they are going to arrest her on, but they
17 want you to believe that this other one is there as
18 well. Where is it? Why does the prosecution not want
19 you to see it? Why does the prosecution only want
20 people that we can't verify whether or not that's true
21 to just testify to it?

22 You know what would have been really easy to
23 do? Really, really easy? Have Chief Pearsall go print
24 it off from LEIN. Show it to you. Show it to you.
25 Show it to me. I didn't get that. You're not getting

1 that. You should question that. You should question
2 why that's being hidden from you. It's a problem.
3 It's a huge problem because that is the crux of their
4 argument. It was just on the same warrant under a
5 different code.

6 They want you to convict two of your fellow
7 citizens on that basis. That's sloppy. You shouldn't
8 allow it. 'Cause if that were you sitting right there,
9 you know what you would want? The document. You'd
10 want the document. I want the document. Ask
11 Chief Pearsall. I asked for it, right? Yup. But I
12 don't get it. That alone should be enough for you to
13 draw a reasonable doubt. Remember, a reasonable doubt
14 is a doubt that grows out of the evidence or lack of
15 evidence. That is the lack of evidence. That is
16 reasonable doubt. Remember, prosecution has the burden
17 to prove to you beyond a reasonable doubt.

18 One thing I think is very interesting and I
19 asked the clerk this: What's the difference --

20 THE COURT: Just for the record -- I hate to
21 interrupt you, but she's the court administrator,
22 Mr. Jean. You keep saying she's a clerk.

23 MR. JEAN: I apologize.

24 THE COURT: She's the court administrator.

25 MR. JEAN: The court administrator. I asked

1 her about the difference between a bench warrant and an
2 arrest warrant, so if you'll recall, an arrest warrant
3 is for like a new case, a bench warrant happens when
4 somebody doesn't follow a court order.

5 That's important to know because Mr. Hull
6 says -- he gets up on the stand. He says I had a
7 concern over the fact that this was not true because
8 it's a loud exhaust ticket. It's a fix-it ticket. You
9 don't get an arrest warrant for that. Maybe a bench
10 warrant. Maybe a bench warrant. Chief Pearsall never
11 said it was a bench warrant. But he says you don't get
12 that. Interestingly, Chief Pearsall also said that as
13 well. Yeah, you don't -- you know, that's -- that's a
14 ticket.

15 So here's an interesting part about that: Is
16 a ticket you can't be arrested for, okay? Unless it's
17 a jailable offense. That's exactly what he just --
18 what he admitted to.

19 So now you've got somebody that's coming out
20 and his wife is allegedly being arrested for a traffic
21 ticket. He knows -- he told you, look, she tells me
22 about all this stuff. She tells me about this stuff.
23 If I would have known that they -- if they would have
24 said, hey, this was from 2018 and this is what it
25 was -- what the incident was from, he says, yeah, I

1 probably would have -- I probably wouldn't have
2 necessarily believed them but I would have been like,
3 yeah, let me go get the receipt, we'll clear it up.

4 He's concerned. He's rightfully concerned.
5 She told you why she was concerned about some unknown
6 guy sitting on her porch 'cause, remember, it's not
7 just Chief Pearsall. It's some guy that we don't know
8 who he is. We got his name now. So she questions why
9 are you here, what are you really after?

10 I really like this argument that the
11 prosecution's making about how Chief Pearsall -- he
12 said, well, he acted -- he acted in good faith, he
13 acted reasonably in reliance of that information. But
14 it's wrong. It's wrong.

15 You're citizens in this community. Doesn't
16 it bother you -- doesn't it bother you that you're
17 being told by law enforcement officials as citizens
18 don't question the police, don't question whether or
19 not you have a valid warrant? Again, I told you
20 earlier if you don't question it, if that's where
21 you're at, you don't have a right to resist. What's
22 the purpose of the right to resist?

23 Think about it in this -- in this aspect.
24 Let's say, for example, that the prosecutor admits to
25 you there was no valid warrant. There was no valid

1 warrant. That means the arrest is illegal. Do you
2 still have a right to resist at that point or would he
3 still say -- come up here and say, well, it's not the
4 time nor the place for it, do that later? I suspect
5 that's exactly what you'd hear although I know he'll
6 probably say the opposite now that I've said that. But
7 if it weren't a -- if there were no warrant, should you
8 resist? You should question that.

9 Brandi Schook knew she didn't have a warrant
10 for no -- for a loud exhaust. She knew that. Brandi
11 acted reasonably. That's reasonable doubt.

12 Let's talk a little bit about the
13 instructions. And I know that everybody's getting
14 tired and I know that I'm long-winded, so I want to get
15 through these as quickly as possible. But, again, it's
16 not because I'm trying to take up all of your time.
17 It's because I know that I've got to cover these things
18 because I don't know what you're thinking. I don't
19 know what things you want me to talk about or explain
20 further.

21 The R and O statute, the jury instruction
22 you're gonna get, each element beyond a reasonable
23 doubt. Each element beyond a reasonable doubt. Not
24 each element being reasonable. That is not the
25 standard.

1 "First, that the defendant assaulted,
2 battered, wounded, resisted, obstructed, opposed, or
3 endangered Chief ... Pearsall, who was a police
4 officer. 'Obstruct' includes the use or threatened use
5 of physical interference or force or a knowing failure
6 to comply with a lawful command. The defendant must
7 have actually resisted by what..." he or she "...said
8 or did, but physical violence is not necessary."

9 Now, I will submit to you that it is true
10 that these two individuals obstructed. I'll submit to
11 you they did. However, there's a difference between
12 just obstructing and resisting and obstructing an
13 unlawful command.

14 But even if we don't get to there, "Second
15 ... the defendant..." -- not Chief Pearsall. Not the
16 prosecutor. Defendant. These two (indicating).
17 Remember, I said -- in voir dire, I said you're gonna
18 need to put yourself in their shoes for some of these
19 things. Not from the police's perspective. From the
20 defendants' perspective. "...Knew or had reason to
21 know that ... Albert Pearsall was..." per- -- "...was a
22 police officer performing his duties at the time."

23 Now, the prosecution's argument to that is he
24 had a -- he had a uniform on, so he was clearly
25 performing his duties at the time. That's not how it

1 works. Duties do not include illegal acts.

2 I'll put it this way: Performing duties
3 wouldn't include a police officer running down the
4 street and just shooting people. Those are not part of
5 his duties. The fact that he's got a uniform on
6 doesn't make it lawful, it doesn't make it part of his
7 duties. He executes a valid arrest warrant later on
8 where they don't resist at all. Those are part of his
9 duties. Part of his duties do not include illegal
10 arrests.

11 So when you look at and when you think about
12 that, it's not about whether or not there was or wasn't
13 some warrant that the prosecution doesn't want you to
14 think about. That's not the issue in this part of the
15 statute. The issue in this part of the statute is
16 whether they had reason to believe or they did believe
17 or knew that he was performing his duties.

18 You heard them testify I did not think for a
19 second he was performing his duties because I knew I
20 didn't have that warrant. He's -- and Anthony says I
21 knew she didn't have that warrant, I knew it didn't
22 exist. Guess what? They were right. They were right.
23 They knew he wasn't performing his duties. We believe
24 that you can find both defendants not guilty on that
25 basis.

1 "Third, that ... Albert Pearsall gave the
2 defendant..." or defendants "...a lawful command, was
3 making a lawful arrest, or was otherwise performing a
4 lawful act."

5 You're gonna get another instruction talks
6 about legal acts and duties. Prosecution has talked
7 about this. "An arrest is legal if it is made by an
8 officer relying on an arrest warrant for the defendant
9 issued by a court." Prosecution says, well, here it
10 is, it's right here, here it is, it's a misdemeanor --
11 it's a misdemeanor warrant, misdemeanor warrant right
12 out of the District Court right here in Caro in Tuscola
13 County, so, therefore, the arrest is lawful because it
14 existed.

15 No. No, that's not how it works. Read down
16 a little bit further. "It is not necessary for you to
17 find the defendant guilty of that crime in order to
18 find that the arrest is legal."

19 The prosecutor must prove beyond a reasonable
20 doubt that the arrest was legal or that the officer was
21 acting within his legal authority. It is up to you,
22 the jury, to determine whether the officer's actions
23 were legal according to the law.

24 Here's the interesting part: You're right.
25 Prosecution's right it is not necessary for you to find

1 the defendant guilty of the underlying crime. It's
2 not -- it is not necessary for you to find Brandi Hull
3 guilty of operation without security or having a
4 suspended license. You don't have to find that.

5 What you do need to find, however, is that
6 when he went to make the arrest for the loud exhaust,
7 she was charged with that crime. That's what you need
8 to find because that's what he arrested her for.

9 Make no mistake about it. He wanted to dance
10 around those questions. Did you say -- did you go
11 there to arrest her on a loud exhaust warrant? Uh, it
12 was for "a" warrant. I was executing "a" warrant.

13 He can't deny the video. Cannot deny the
14 video. He said I'm arresting you for a loud exhaust.
15 So when you make the determination as to whether or not
16 that arrest is legal, you should make a determination
17 as to whether or not she was actually charged with the
18 crime. She wasn't. Period. The idea that there's
19 some other warrant, that's not what we're here to
20 determine.

21 I'm going to submit to you that both Anthony
22 Hull and Brandi Hull acted appropriately in resisting
23 the illegal arrest. Please think about this: This --
24 this is very, very important. This just doesn't
25 determine what happens with them. It also determines

1 how police in this community conduct themselves. Are
2 you willing -- are you willing to allow the police to
3 do shoddy police work where they're not checking things
4 or are you willing to allow things to occur where
5 people don't get evidence? Those things are up to you.

6 When you go back and you start to deliberate,
7 you're going to get instructions about trying to talk
8 to one another, trying to work out differences. You
9 should do that. What you shouldn't do is give up a
10 good-faith belief, give up what you -- you're convicted
11 of, just so you can go home earlier because you're
12 tired, you're sick of hearing me talk. Don't give that
13 up because if you were to give that up, you're not the
14 person that you would want on the jury if you were over
15 there (indicating).

16 We believe there's more than enough evidence
17 here to find reasonable doubt even if you think, you
18 know what, I tend to believe the officer, I tend to
19 believe the court administrator about how everything
20 took place. That's fine. More likely than not. But
21 that is not beyond a reasonable doubt.

22 There's reasonable doubt as to why things
23 occurred the way they did. There's reasonable doubt as
24 to why you didn't get witnesses, why you didn't get
25 documents. They produced all the other documents --

1 all the other documents but the one -- but the one that
2 was necessary for you to make the real determination
3 here. Don't give that up when you go back there to
4 deliberate.

5 I want to thank you for your time. I'm very
6 abundantly aware how difficult it is to sit through
7 these things and sift through all of these -- these
8 frankly boring speeches, testimony, all of it.

9 On behalf of my clients I want to thank you
10 as well because we couldn't have what we do in this
11 community, in this country without what you're doing
12 right now. This is the most patriotic thing that you
13 can be doing.

14 So we thank you for your service, we thank
15 you for your attention, and we ask that when you go
16 back after Mr. Wanink is done with his rebuttal
17 argument that you carefully consider all the evidence
18 presented and that you return a true verdict of not
19 guilty on both defendants.

20 Thank you.

21 THE COURT: All right. Thank you, Mr. Jean.
22 Mr. Wanink, your rebuttal argument, sir.

23 MR. WANINK: Thank you.

24 After all that, unfortunately there's only
25 one thing I can agree with that Mr. Jean indicated, and

1 that is that I get the final say. If you noticed in
2 this trial, I'm the one who has the first say, so I get
3 the last say. That's because the burden of proof rests
4 with me. And so we start the proofs. We -- we get
5 your attention first, and we get it last.

6 I'm not gonna reiterate a whole lot here.
7 Reasonable doubt, Mr. Jean talked about that quite a
8 bit. I want to tell you exactly what it is the Court's
9 gonna instruct you. "A reasonable doubt is a fair,
10 honest doubt growing out of the evidence or lack of
11 evidence." Here's the part that's important: "It is
12 not merely an imaginary or possible doubt, but a doubt
13 based on reason and common sense. A reasonable doubt
14 is just that: A doubt that is reasonable, after a
15 careful and considered examination of the facts and
16 circumstances of..." the "...case."

17 Not merely an imaginable or possible doubt.
18 There's all kinds of possibilities, infinite
19 possibilities with things, but you have to decide what
20 you think is reasonable.

21 So let's look what was offered up here to
22 give you what they believe to be reasonable doubt:

23 That we didn't produce a witness who was
24 standing on the porch, a ride-along who is just a
25 citizen out of the community who is trying to make a

1 determination of whether or not he wanted to go into
2 law enforcement. As Chief Pearsall said, after
3 witnessing this, he took a hard right turn away from
4 it.

5 But what did you need to hear from him? What
6 would you have learned from that witness that you
7 didn't see in the video? It's one thing if it's
8 Chief Pearsall's word against Mr. and Mrs. Hull, but
9 that's the beauty of the age we live in. We have
10 body cam video that captures everything. Factually
11 there is nothing to dispute here of what occurred on
12 that porch because you see it for yourself from the
13 point of view of that body cam. So what would this
14 witness have told you? Absolutely nothing that you
15 don't already know. So is that reasonable doubt? No.

16 Second, the warrant issue. That horse has
17 been beaten to death so badly it's on its way to the
18 glue factory. So -- but the defense keeps talking
19 about this warrant as if it's two different things:
20 That it's a warrant -- that there's some warrant out
21 there for loud or excessive noise and then there's this
22 other warrant for operating on a suspended license and
23 no insurance. That's not the case.

24 Hopefully one thing you gleaned from the
25 testimony of the court administrator who is a person

1 who is very familiar with how this system works for
2 LEIN entry, a process that the chief of police from
3 Kingston Police Department does not have anything to do
4 with, is that codes are used to enter things and you'll
5 have multiple offenses that will all be listed under
6 excessive exhaust or -- or excessive noise. So I mean
7 just because it says excessive noise doesn't mean -- it
8 could be a variety of different crimes.

9 In this particular case, the no security she
10 testified is the same code, so when they're doing data
11 entry, that's what comes in first. Then they have a
12 spot where they can actually list in the remarks what
13 the offenses are.

14 Dispatch didn't give that to Chief Pearsall,
15 but what they did give him was that there was a valid
16 warrant with a 50-mile pickup and a \$500 bond. That's
17 what they gave him. And that is a hundred percent
18 true. That is exactly what there was: A valid warrant
19 out of the 71st-B District Court that you have in your
20 possession as evidence. And trying to say, well, there
21 should have been, you know, this label, there should
22 have been another warrant, where is this other warrant,
23 it's the same thing. It's the same document. That is
24 the warrant.

25 So there's nothing that's been failed to

1 produce that is being concealed from you through some
2 kind of smoke and mirrors. It's the same document.
3 You heard that from Trooper Reynolds and the court
4 administrator. So hopefully that issue's settled. Is
5 that reasonable doubt? No, absolutely not.

6 The right to resist an unlawful arrest.
7 Mr. Jean is accurate. If a person resists arrest and
8 later it's determined that the warrant or the action of
9 the officer was somehow invalid, then you got to let
10 them go. But remember what we talked about in jury
11 selection. You're allowed to resist an unlawful
12 arrest, not a lawful one.

13 They have never shown that this was not a
14 lawful warrant, and you're never gonna hear testimony
15 that -- or evidence that it wasn't a lawful warrant
16 because that's simply not what the evidence shows. The
17 evidence shows that this was a valid warrant. You've
18 heard nothing to say otherwise in this trial.

19 And so to say that they had a right to resist
20 an unlawful arrest, well, first you got to show that
21 the warrant was invalid before you can show and put the
22 genie back in the bottle that the -- you have to show
23 the arrest was invalid before you can show that their
24 actions were justified, and you don't get there. You
25 have a lawful arrest, and you're not allowed to resist

1 a lawful arrest, which is why the judge gives you an
2 instruction that says it's a lawful arrest if the
3 officer is relying on a warrant issued by the court,
4 which is what you have here.

5 So is that reasonable doubt? No, because
6 they haven't shown that it wasn't an unlawful arrest.
7 It absolutely was because it was a valid warrant issued
8 by the court that the officer acted on.

9 They want to talk to you about the
10 defendants' beliefs, that they didn't believe the
11 officer was acting in performance of his duties. Well,
12 that's all well and good, but that's not what the
13 law -- that's not what I'm required to show, what they
14 believe. I'm required to show you that they knew or
15 should have known he's an officer performing his
16 duties.

17 He was in uniform. He told them why he was
18 there. He told them he had a valid arrest warrant,
19 which he did. That should be enough. The fact that
20 they choose not to believe that it's valid in their own
21 mind with no rational thought about it other than their
22 own beliefs -- they've never contacted the court. They
23 didn't contact Dispatch to find out if there was
24 this -- you know, if the warrant was valid or not.
25 They made it up in their head that they believed that

1 this was not valid. That doesn't mean he's not
2 performing his duties. Keep that in mind. You'll
3 never hear in the instruction that I have to show that
4 they believed he was performing his duties. I only
5 have to show that he was performing his duties or they
6 should have known he was performing his duties.

7 So don't read more into it than what there is
8 because if I had to show what they believed, I don't
9 think it could be done. So just because they didn't --
10 chose not to believe that it was valid doesn't mean he
11 is not there performing his duties when he tells them
12 exactly why he's there and he's dressed appropriately.

13 Finally, you got to -- you got to look at the
14 narrative that's being painted to you. They want to
15 paint Chief Pearsall as this -- this -- in their mind,
16 this villan who came out of the darkness one night to
17 steal away young Brandi for God knows what with his
18 ride-along who is there to assist in some plot. I mean
19 the very thought of that, I don't know what to make of
20 it. But to paint the officer who is there trying to do
21 his job as some sort of villan, it's inaccurate, it's
22 insulting and it's an offensive notion, and it's not
23 what the evidence shows. You see the officer on that
24 video acting polite, professional and courteous despite
25 the fact he's dealing with two individuals who are

1 doing their damndest to escalate this thing.

2 Remember, we talked about in jury selection
3 that being a police officer is an extremely difficult
4 and dangerous job, something everyone agreed with.
5 This is exactly why: Because something as minuscule as
6 a misdemeanor traffic arrest warrant can get elevated
7 into, you know, a fracas where the officer is
8 assaulted, resisted, followed by encampment by several
9 units from several different departments all before
10 they'll submit.

11 They had no right to resist because there was
12 a lawful arrest. If it had been somehow shown that
13 that was an invalid warrant or that that arrest was
14 unlawful, would they have been justified in resisting?
15 That's what the law says. But we stop right at the
16 point when we find that the arrest was lawful because
17 we had a valid warrant issued by the court. That's
18 where your inquiry stops on that issue. And what that
19 means is they had no right to resist him that night,
20 either one of them.

21 Brandi Schook had a valid warrant for her
22 arrest. She thumbed her nose at the authority of the
23 officer because she didn't want to go to jail. Then
24 her husband became involved even though he was not
25 required to be and flat-out assaulted the officer. And

1 because of that, they interfered with this officer's
2 ability to do his job, a difficult and dangerous job
3 already, and because of that, I ask you to find them
4 both guilty.

5 Thank you.

6 THE COURT: Thank you, Mr. Wanink.

7 Members of the jury, the evidence and
8 arguments in this case are finished, and I will now
9 instruct you on the law. That is, I will explain the
10 law that applies to this case.

11 Remember that you have taken an oath to
12 return a true and just verdict based only on the
13 evidence and my instructions on the law. You must not
14 let sympathy or prejudice influence your decision.

15 As jurors, you must decide what the facts of
16 this case are. This is your job and nobody else's.
17 You must think about all the evidence and then decide
18 what each piece of evidence means and how important you
19 think it is. This includes whether you believe what
20 each of the witnesses said. What you decide about any
21 fact in this case is final.

22 It is my duty to instruct you on the law.
23 You must take the law as I give it to you. If a lawyer
24 says something different about the law, follow what I
25 say. At various times, I have already given you some

1 instructions about the law. You must take all my
2 instructions together as the law you are to follow.
3 You should not pay attention to some instructions and
4 ignore others.

5 To sum up, it is your job to decide what the
6 facts of the case are, to apply the law as I give it to
7 you and in that way to decide the case.

8 A person accused of a crime is presumed to be
9 innocent. This means that you must start with the
10 presumption that the defendant is innocent. This
11 presumption continues throughout the trial and entitles
12 the defendant to a verdict of not guilty unless you are
13 satisfied beyond a reasonable doubt that he is guilty.

14 Every crime is made up of parts called
15 elements. The prosecutor must prove each element of
16 the crime beyond a reasonable doubt. The defendant is
17 not required to prove innocence or to do anything. If
18 you find that the prosecutor has not proven every
19 element beyond a reasonable doubt, then you must find
20 the defendant not guilty.

21 A reasonable doubt is a fair, honest doubt
22 growing out of the evidence or lack of evidence. It is
23 not merely an imaginary or possible doubt but a doubt
24 based on reason and common sense. A reasonable doubt
25 is just that: A doubt that is reasonable after a

1 careful and considered examination of the facts and
2 circumstances of this case.

3 When you discuss the case and decide on your
4 verdict, you may only consider the evidence that has
5 been properly admitted in this case. Therefore, it is
6 important for you to understand what is evidence and
7 what is not evidence.

8 Evidence includes only the sworn testimony of
9 witnesses, the exhibits admitted into evidence and
10 anything else I told you to consider as evidence.

11 Many things are not evidence, and you must be
12 careful to -- not to consider them as such. I will now
13 describe some of the things that are not evidence.

14 The fact that the defendant is charged with a
15 crime and is on trial is not evidence. Likewise, the
16 fact that they are charged with more than one crime --
17 or excuse me. Strike that.

18 The lawyers' statements and arguments are not
19 evidence. They are only meant to help you understand
20 the evidence and each side's legal theories. You
21 should only accept things the lawyers say that are
22 supported by the evidence or by your own common sense
23 and general knowledge. The lawyers' questions to the
24 witnesses and my questions to the witnesses are also
25 not evidence. You should consider these questions only

1 as they give meaning to the witnesses' answers.

2 My comments, rulings, questions and
3 instructions are also not evidence. It is my duty to
4 see that the trial is conducted according to the law
5 and to tell you the law that applies to this case.
6 However, when I make a comment or give an instruction,
7 I am not trying to influence your vote or express a
8 personal opinion about the case. If you believe that I
9 have an opinion about how you should decide this case,
10 you must pay no attention to that opinion. You are the
11 only judges of the facts, and you should decide this
12 case from the evidence.

13 At times during the trial, I have excluded
14 evidence that was offered or stricken testimony that
15 was heard. Do not consider those things in deciding
16 the case. Make your decision only on the evidence that
17 I let in and nothing else.

18 Your decision should be based on all the
19 evidence regardless of which party produced it.

20 You should use your own common sense and
21 general knowledge in weighing and judging the evidence,
22 but you should not use any personal knowledge you may
23 have about a place, person or event. To repeat once
24 more, you must decide this case based on the evidence
25 admitted during this trial.

1 As I said before, it is your job to decide
2 what the facts of this case are. You must decide which
3 witnesses you believe and how important you think their
4 testimony is. You do not have to accept or reject
5 everything a witness said. You are free to believe
6 all, none or part of any person's testimony.

7 In deciding which testimony you believe, you
8 should rely on your own common sense and everyday
9 experience. However, in deciding whether you believe a
10 witness's testimony, you must set aside any bias or
11 prejudice you may have based on the race, gender or
12 national origin of the witness.

13 There is no fixed set of rules for judging
14 whether you believe a witness, but it may help you to
15 think about these questions:

16 Was the witness able to see or hear clearly?
17 How long was the witness watching or listening? Was
18 anything else going on that might have distracted the
19 witness?

20 Did the witness seem to have a good memory?

21 How did the witness look and act while
22 testifying? Did the witness seem to be making an
23 honest effort to tell the truth, or did the witness
24 seem to evade the questions or argue with the lawyers?

25 Does the witness's age or maturity affect how

1 you judge his or her testimony?

2 Does the witness have any bias, prejudice or
3 personal interest in how this case is decided?

4 In general, does the witness have any special
5 reason to tell the truth or any special reason to lie?

6 All in all, how reasonable does the witness's
7 testimony seem when you think about all the other
8 evidence in the case?

9 Sometimes the testimony of different
10 witnesses will not agree, and you must decide which
11 testimony you accept. You should think about whether
12 the disagreement involves something important or not
13 and whether you think someone is lying or is simply
14 mistaken. People see and hear things differently, and
15 witnesses may testify honestly but simply be wrong
16 about what they thought they saw or remembered. It is
17 also a good idea to think about which testimony agrees
18 best with the other evidence in the case.

19 However, you may conclude that a witness
20 deliberately lied about something that is important to
21 how you decide the case. If so, you may choose not to
22 accept anything that witness said. On the other hand,
23 if you think the witness lied about some things but
24 told the truth about others, you may simply accept the
25 part you think is true and ignore the rest.

1 The prosecutor must also prove beyond a
2 reasonable doubt that the crime occurred on or about
3 October 7, 2019, within Tuscola County.

4 The prosecution has introduced evidence of a
5 statement that it claims the defendant made.

6 Before you may consider such an out-of-court
7 statement against the defendant, you must first find,
8 excuse me, that the defendant actually made the
9 statement as given to you.

10 If you find that the defendant did make the
11 statement, you may give the statement whatever weight
12 you think it deserves. In deciding this, you should
13 think about how and when the statement was made and
14 about all the other evidence in the case. You may
15 consider the statement in deciding the facts of the
16 case.

17 Facts can be proved by direct evidence from a
18 witness or an exhibit. Direct evidence is evidence
19 about what we actually see or hear. For example, if
20 you look outside and see rain falling, that is direct
21 evidence that it is raining.

22 Facts can also be proved by indirect or
23 circumstantial evidence. Circumstantial evidence is
24 evidence that normally or reasonably leads to other
25 facts. So, for example, if you see a person come in

1 from outside wearing a raincoat covered with small
2 drops of water, that would be circumstantial evidence
3 that it is raining.

4 You may consider circumstantial evidence,
5 circumstantial evidence by itself, or a combination of
6 circumstantial evidence and direct evidence can be used
7 to prove the elements of a crime. In other words, you
8 should consider all the evidence you believe.

9 If you believe that a witness previously made
10 a statement inconsistent with their testimony at this
11 trial, the only purpose for which that earlier
12 statement could be considered is in deciding whether
13 the witness testified truthfully in court. The earlier
14 statement is not evidence that what the statement --
15 what the witness said earlier is true.

16 You may consider whether the defendants had a
17 reason to commit the alleged crime, but a reason by
18 itself is not enough to find a person guilty of a
19 crime.

20 The prosecutor does not have to prove that
21 the defendants had a reason to commit the alleged
22 crime. He only has to show that the defendant actually
23 committed the crime and that he or she meant to do so.

24 The defendants' intent may be proved by what
25 they said, what they did, how they did it or by any

1 other facts and circumstances in evidence.

2 You should not decide this case based on
3 which side presented more witnesses. Instead, you
4 should think about each witness and each piece of
5 evidence and whether you believe them. Then you must
6 decide whether the testimony and evidence you believe
7 proves beyond a reasonable doubt that the defendant is
8 guilty.

9 Jay Petrica [phonetic] is a missing witness
10 whose appearance was the responsibility of the
11 prosecution. You may infer that this witness's
12 testimony would have been unfavorable to the
13 prosecution's case.

14 You have heard testimony from witnesses who
15 are police officers. That testimony is to be judged by
16 the same standards you use to evaluate the testimony of
17 any other witnesses.

18 Brandi Marie Hull and Anthony Ray Hull are
19 both on trial in this case. The fact that they are on
20 trial together is not evidence they -- that they were
21 assoc- -- excuse me. That they were associated with
22 each other or that either one is guilty.

23 You should consider each defendant
24 separately. Each is entitled to have their case
25 decided on the evidence and the law that applies to

1 them.

2 If any evidence was limited to one defendant,
3 you should not consider it as to the other defendant.

4 The defendant, Brandi Marie Hull, is charged
5 with the crime of assaulting, battering, wounding,
6 resisting, obstructing, opposing, or endangering a
7 police officer who was performing his duties. To prove
8 this charge, the prosecutor must prove each of the
9 following elements beyond a reasonable doubt:

10 First, that the defendant, Brandi Marie
11 Hull -- Hull, excuse me, assaulted, battered, wounded,
12 resisted, obstructed, opposed, or endangered Chief
13 Albert Pearsall, who was a police officer. "Obstruct"
14 includes the use or threatened use of physical
15 interference or force or a knowing failure to comply
16 with a lawful command. The defendant must have
17 actually resisted by what she said or did, but physical
18 violence is not necessary.

19 Second, that the defendant, Brandi Marie
20 Hull, knew or had reason to know that Chief Albert
21 Pearsall -- Pearsall, excuse me, was a police officer
22 performing his duties at the time.

23 Third, that Chief Albert Pearsall gave the
24 defendant, Brandi Marie Hull, a lawful command, was
25 making a lawful arrest, or was otherwise performing a

1 lawful act.

2 The defendant, Anthony Ray Hull, is charged
3 with the crime of assaulting, battering, wounding,
4 resisting, obstructing, opposing, or endangering a
5 police officer who was performing his duties. To prove
6 this charge, the prosecutor must prove each of the
7 following elements beyond a reasonable doubt:

8 First, that the defendant, Anthony Ray Hull,
9 assaulted, battered, wound [sic], resisted, obstructed,
10 opposed, or endangered Chief Albert Pearsall, who was a
11 police officer. "Obstruct" includes the use of -- use
12 or threatened use of physical interference or force or
13 a knowing failure to comply with a lawful command. The
14 defendant must have actually resisted by what he said
15 or did, but physical violence is not necessary.

16 Second, that the defendant, Anthony Ray Hull,
17 knew or had reason to know that Chief Albert Pearsall
18 was a police officer performing his duties at the time.

19 Third, that Chief Albert Pearsall gave the
20 defendant, Anthony Ray Hull, a lawful command, was
21 making a lawful arrest, or was otherwise performing a
22 lawful act.

23 A battery is the forceful, violent or
24 offensive touching of a person or something closely
25 connected with him. The touching must have been

1 intended by the defendant, that is, not accidental, and
2 it must have been against Chief Albert Pearsall's will.

3 An assault is an attempt to commit a battery
4 or an act that would cause a reasonable person to fear
5 or apprehend an immediate battery. The defendant must
6 have intended either to commit a battery or to make
7 Chief Albert Pearsall reasonably fear an immediate
8 battery. An assault cannot happen by accident. At the
9 time of an assault, the defendant must have had the
10 ability to commit a battery or must have appeared to
11 have the ability or must have thought he or she had the
12 ability.

13 An arrest is legal if it is made by an
14 officer relying on an arrest warrant for the defendant
15 issued by a court.

16 It is not necessary for you to find the
17 defendant guilty of that crime in order to find that
18 the arrest was legal.

19 The prosecutor must prove beyond a reasonable
20 doubt that the arrest was legal and the officer was
21 acting within his legal authority. It is up to you to
22 de- -- excuse me. It is up to you to determine whether
23 the officer's actions were legal according to the law
24 as I have just described it to you.

25 When you go to the jury room, you will be

1 provided with a written copy of the final jury
2 instructions. You should first choose a foreperson.
3 The foreperson should see to it that your discussions
4 are carried on in a businesslike way and that everyone
5 has a fair chance to be heard.

6 During your deliberations -- we're gonna
7 collect your phones. That will be the first thing when
8 you go back to the jury room. So you'll get your
9 little sandwich baggie. Put your phone in there, put
10 your name on it, and then Mr. Oprea will have
11 possession of those.

12 A verdict in a crim- -- and we're gonna keep
13 those until such time as we have a verdict or we
14 otherwise recess.

15 A verdict in a criminal case must be you
16 unanimous. In order to return a verdict, it is
17 necessary that each of you agrees on that verdict. In
18 the jury room, you will discuss the case among
19 yourselves, but ultimately each of you will have to
20 make up your own mind. Any verdict must represent the
21 individual considered judgment of each juror.

22 It is your duty as jurors to talk to each
23 other and make every reasonable effort to reach
24 agreement. Express your opinions and the reasons for
25 them, but keep an open mind as you listen to your

1 fellow jurors. Rethink your opinions and do not
2 hesitate to change your mind if you decide you were
3 wrong. Try your best to work out your differences.

4 However, although you should try to reach an
5 agreement, none of you should give up your honest
6 opinion about the case just because other jurors
7 disagree with you or just for the sake of reaching a
8 verdict. In the end, your vote must be your own, and
9 you must vote honestly and in good conscience.

10 Possible penalty should not influence your
11 decision. It is the duty of the judge to fix the
12 penalty within the limits provided by law.

13 If you want to communicate with me while you
14 are in the jury room, please have your foreperson write
15 a note and give it to the bailiff. It is not proper
16 for you to talk directly with the judge, lawyers, court
17 officers or other people involved in the case.

18 As you discuss the case, you must not let
19 anyone, even me, know how your voting stands.
20 Therefore, until you return with a unanimous verdict,
21 do not reveal this to anyone outside the jury room.

22 When you go to the jury room to deliberate,
23 you may take your notes and full instructions.

24 As soon as we have the exhibits inventoried,
25 those will be brought in to you. And we also have a

1 video in this case. If you choose to watch that, we
2 have a laptop available with speakers for you in the
3 jury room so you can access that.

4 When you go to the jury room, you will be
5 given a written copy of the instructions you have just
6 heard. As you discuss the case, you should think about
7 all my instructions together as the law you are to
8 follow.

9 You must return a separate verdict for each
10 defendant. This means that for each individual
11 defendant you may return a verdict of guilty of the
12 alleged crime or not guilty.

13 I have prepared a verdict form for each
14 defendant listing the possible verdicts. You'll
15 receive that in the jury room along with a written copy
16 of these instructions. Each of you will receive one of
17 those.

18 So at this time we have to select the
19 alternate juror.

20 THE CLERK: Juror Number 192, Thomas Logie,
21 in Seat 4.

22 THE COURT: Mr. Logie, I'm not sure if you
23 want to buy a lotto ticket or not. That's up to you.

24 JUROR LOGIE: I just may.

25 THE COURT: Okay. Thank you, sir, for your

1 service.

2 THE BAILIFF: All rise, please.

3 THE COURT: And Mr. Oprea will help you out
4 to the jury room to get your stuff, and if you are
5 curious about what happens, you can call tomorrow
6 and --

7 JUROR LOGIE: Thank you, Your Honor.

8 THE COURT: Okay. Thank you.

9 (Juror Number 4 excused at 5:43 p.m.)

10 THE COURT: You may be seated.

11 So, Mrs. Walker, I'm gonna have you take --
12 we're promoting you --

13 JUROR WALKER: Yay.

14 THE COURT: -- to the back row. All right.

15 JUROR McKIM: You got out of the corner.

16 JUROR LOGIE: I don't need my coat now.

17 THE COURT: So while we're waiting for
18 Mr. Oprea to come back, just a couple things 'cause I
19 know most of you are new jurors.

20 So once you've reached a verdict, you're
21 going to write a note to the bailiff who's gonna be
22 outside your door we have reached a verdict. Once that
23 happens, I get everybody assembled, have you come back
24 in just like you are. You're gonna have a verdict form
25 for each defendant that looks like this (indicating),

1 okay? Whoever the foreperson is that you select, when
2 you come back in, that person should have both the
3 verdict forms in hand, okay?

4 Then I'll ask you, ladies and gentlemen of
5 the jury, have you reached a verdict? Answer is yes.
6 Who will speak for you? Whoever the foreperson is will
7 stand. I'll ask you for your name and then ask you to
8 read the verdict. So you're gonna read everything from
9 underneath "Verdict Form." So basically that will
10 indicate what your verdict is, all right? And that
11 person will sit down.

12 Then I'm gonna ask Mrs. Cockerill to poll the
13 jury. What that means is she'll ask each one of you is
14 that your verdict. The reason why we do that is
15 because I have to confirm that we have a unanimous
16 verdict, okay? So that's how that goes.

17 If you decide you want supper, which it's a
18 quarter to 6, so write a note to Mr. Oprea. We'll get
19 the menu in there as soon as possible and get that
20 ordered for you, okay?

21 We're gonna do the phones and then we'll get
22 the exhibits to you, but we'll do the phones first,
23 okay? As soon as you get in there, just grab your
24 phone. We'll get the bags, hand those to Mr. Oprea,
25 and then the exhibits will be coming shortly

1 thereafter.

2 Why don't I just ask -- do you -- do you
3 think you want supper?

4 THE JURY: Yes.

5 THE COURT: Okay. So I'll go ahead and just
6 get those menus ready to get those in to you. Okay.
7 Very good.

8 So we need to swear the bailiff.

9 THE CLERK: You do solemnly swear or affirm
10 that you will to the utmost of your ability keep the
11 persons sworn as jurors in this trial in some private
12 and convenient place without meat or drink, except
13 water, unless ordered by the Court; that you will
14 suffer no communication orally or otherwise to be made
15 to them; that you will not communicate with them
16 yourself orally or otherwise unless ordered by the
17 Court, and that you will not until they shall have
18 rendered their verdict communicate with anyone the
19 state of their deliberations or the verdict they may --
20 they may have agreed upon, so help you God?

21 THE BAILIFF: I do.

22 (Bailiff sworn at 5:46 p.m.)

23 THE COURT: There you go. Thank you.

24 All right. At this time, ladies and
25 gentlemen, we'll have you retire to the jury room to

1 commence your deliberations.

2 (Jury excused to deliberate at 5:46 p.m.)

3 THE COURT: Mr. Wanink, any further
4 objections to the jury instructions?

5 MR. WANINK: No, Your Honor. Thank you.

6 THE COURT: All right. Mr. Jean, any further
7 objections to the reading of the jury instructions?

8 MR. JEAN: No, Your Honor.

9 THE COURT: All right. I'm gonna have both
10 of you just approach quickly 'cause I know you didn't
11 get a copy of the verdict form, so I'm gonna show you
12 those and just make sure we don't have any objections
13 to that. Those, I should say.

14 MR. JEAN: I don't have an objection.

15 MR. WANINK: Nope. No objection.

16 THE COURT: Okay. Very good. All right. So
17 we'll stand in recess. If you are leaving the
18 building, if you could please advise Mr. Oprea of how
19 we can get ahold of you so you can be back here in five
20 minutes, all right?

21 MR. JEAN: Thank you, Your Honor.

22 THE COURT: Thank you. Court's in recess.

23 And if you want to go ahead and inventory the
24 exhibits, as soon as Jerry's back out here, he can take
25 them.

1 (Court recessed at 5:48 p.m.)

2 MR. WANINK: On behalf of the People, I
3 acknowledge that all exhibits that have been admitted
4 are present and accounted for and may be published to
5 the jury.

6 MR. JEAN: On behalf of the defense, all the
7 exhibits are present, and they may be published to the
8 jury.

9 (Court reconvened at 8:39 p.m., jury not
10 present.)

11 THE COURT: All right. We've been at this
12 for about 12 hours now, so I'm gonna send the jury
13 home. We'll have them return tomorrow. I'm not
14 available in the morning, so I'm gonna have them return
15 at noon to commence their deliberations.

16 And I just wanted to place on the record we
17 had a question. The first question we had was -- from
18 the jury was, "If being arrested, do you have to be
19 told what the warrant is for at the time of the
20 arrest?" And the Court's answer was, "You must rely on
21 the jury instructions on the law which were provided to
22 you." That question and our answer which I had the
23 attorneys approve is going to be put in the back of the
24 court file.

25 And then the second set of questions we got,

1 the first question being, "Are there reasonable
2 exceptions for resisting under duress?" Second
3 question was, "Is there a legal definition of opposed
4 similar to how obstruct is defined in our
5 instructions?" And then the Court's answer to number
6 one, "You must rely on the jury instructions on the law
7 which were provided to you." And then the second
8 answer was, "No. You must rely on the definitions
9 provided to you in the jury instructions." And those
10 again were approved by the attorneys, provided to the
11 jury. Both of those will be put in the back of the --
12 of the court files.

13 And so I'll have Mr. Oprea bring in the jury,
14 and we'll just tell them they're coming back tomorrow
15 at noon, okay? And any objection to those questions
16 and the answers?

17 MR. WANINK: No, Your Honor. I -- I approved
18 the response of the Court as well.

19 THE COURT: Okay. And, Mr. Jean, do you have
20 any objection to the questions and answers -- or the
21 answers to the questions?

22 MR. JEAN: It -- it -- no.

23 THE COURT: Okay.

24 (Jury present at 8:42 p.m.)

25 THE COURT: All right. Ladies and gentlemen

1 of the jury, I've had you here for over 12 hours now at
2 this point. We've got bad weather conditions. I'm
3 gonna send you home for the evening. I need you to
4 return here tomorrow at noon, and we'll recommence
5 deliberations at noon, okay?

6 So I want you to travel carefully and safely.
7 Our maintenance department left at 4, so the sidewalks
8 are not shoveled. I apologize. There's nothing I can
9 do about it. And we're down to about 65 degrees in
10 here because the heat turns off at 5.

11 So for all of those reasons, I think it's --
12 I think it's best for everybody to go home. So we'll
13 see you tomorrow at noon, okay? And as a reminder,
14 don't discuss the matter, don't read anything about it,
15 okay? Thank you.

16 (Jury excused at 8:44 p.m.)

17 THE COURT: All right. We'll stand in
18 recess. Everybody, safe travels, and see you tomorrow.

19 (Discussion off the record.)

20 THE COURT: So we're back on the record.

21 Mr. Jean, you have a trial tomorrow, and your
22 partner, Mr. Blata, will be here in your stead to take
23 the verdict, is that correct?

24 MR. JEAN: That would be correct. The only
25 other thing that I would just inquire about, Mr. Hull

1 apparently is supposed to be going back to work. He
2 was on -- off for medical leave for carpal tunnel.
3 I -- I assume the Court wants them in the building.

4 THE COURT: Yes.

5 MR. JEAN: I don't know if like what -- would
6 it be like 1 o'clock or right at noon? I just want to
7 make sure that, you know --

8 THE COURT: Well, yeah, they should be here
9 at noon.

10 MR. JEAN: Okay. Thank you, Your Honor.

11 THE COURT: Okay? And Mr. -- well, I'll ask
12 Mr. Hull first. You don't have an objection to
13 Mr. Blata being here to take the verdict tomorrow?

14 DEFENDANT ANTHONY HULL: No, ma'am.

15 THE COURT: Okay. Assuming we get one
16 tomorrow.

17 And Miss -- Mrs. Hull, do you have any
18 objection to the same?

19 DEFENDANT BRANDI HULL: No, ma'am.

20 THE COURT: All right. Thank you.

21 All right. So everybody be careful on the
22 roads. See you tomorrow.

23 MR. JEAN: Thank you, Your Honor.

24 THE COURT: Court's in recess.

25 (Proceedings concluded at 8:46 p.m.)

1 STATE OF MICHIGAN)
2) SS
3 COUNTY OF TUSCOLA)
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8 I certify that this transcript is a complete, true
9 and correct transcript of the proceedings and testimony
10 taken in this case before the Honorable Amy Grace Gierhart,
11 Circuit Judge, in Caro, Michigan.
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18 Linda L. Fini, CSR-3278
19 Official Court Reporter
20 440 N. State Street
21 Caro, MI 48723
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STATE OF MICHIGAN
54TH JUDICIAL CIRCUIT COURT (COUNTY OF TUSCOLA)

PEOPLE OF THE STATE OF MICHIGAN

vs.

File No. 19-015018-FH

BRANDI MARIE HULL,

Defendant.

PEOPLE OF THE STATE OF MICHIGAN

vs.

File No. 19-015020-FH

ANTHONY RAY HULL,

Defendant.

SENTENCE

BEFORE THE HONORABLE AMY GRACE GIERHART, CIRCUIT JUDGE,
VIA ZOOM

Caro, Michigan - Wednesday, July 29, 2020

APPEARANCES:

For the People: MR. ERIC F. WANINK (P64002)
Chief Assistant Prosecuting Attorney
Tuscola County Prosecutor's Office
207 E. Grant Street, Suite 1
Caro, Michigan 48723
(989) 672-3900

For Defendants: MR. BRIAN H. JEAN (P73504)
Triton Legal, PLC
3906 N. Euclid Avenue
Bay City, Michigan 48706
(989) 439-9600

Reported by: MS. LINDA L. FINI, CSR-3278
Official Court Reporter
(989) 672-3722

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WITNESSES FOR THE PEOPLE:			
None			
WITNESSES FOR THE DEFENDANT:			
None			
EXHIBITS:		IDEN'D	ADM'D
None			

1 Caro, Michigan

2 Wednesday, July 29, 2020

3 (Proceedings commenced at 3:06 p.m.)

4 THE COURT: So calling the case People of the
5 State of Michigan versus Anthony Hull, File
6 19-15020-FH, and People of the State of Michigan versus
7 Brandi Hull, File 19-15018-FH.

8 Again, today's the date and time set for
9 sentencing. In Mrs. Hull's matter, there is a
10 guideline score of 0 to 11. Mr. Jean, do you have any
11 objection to the scoring of the guideline range?

12 MR. JEAN: No, Your Honor.

13 THE COURT: And, Mr. Wanink, as it relates to
14 Mrs. Hull's SIR, 0 to 11, any objection to that range?

15 MR. WANINK: Your Honor, I had PRV 5 scored
16 at 0. I don't believe that the offense was scorable,
17 and the other two offenses are subsequent. So I had
18 that scored at 0. PRV total is 0. Level is A. OV
19 level remains the same. The guidelines range becomes
20 0 to 6.

21 THE COURT: All right. Mr. Jean, I assume no
22 objection to that change.

23 MR. JEAN: No, I would have no objection to
24 that.

25 THE COURT: So for the -- for the record,

1 PRV 5 is more properly scored at 0, which would reduce
2 Ms. Hull's PRV score to 0, Level A. A II results in a
3 range of 0 to 6. The Court finds that that's the
4 proper sentence guideline range in Mrs. Hull's matter,
5 adopts that as an advisory range pursuant to the
6 Lockridge opinion.

7 And then Mr. Hull's SIR is scored at 0 to 6.
8 Mr. Jean, any objection to the scoring of that SIR?

9 MR. JEAN: No, Your Honor.

10 THE COURT: Mr. Wanink, any objection to the
11 scoring of Mr. Hull's SIR at 0 to 6?

12 MR. WANINK: No objection with regards to
13 Mr. Hull.

14 THE COURT: All right. So the Court finds
15 that the proper sentence guideline range in Mr. Hull's
16 matter is 0 to 6, adopts that as an advisory range
17 pursuant to the Lockridge opinion.

18 Mr. Jean, as it relates to both individuals'
19 Presentence Investigation Report, did you have any
20 additions, corrections, deletions to the content of
21 either report?

22 MR. JEAN: No, Your Honor. Explained -- I've
23 explained this. Obviously there are portions within
24 the report that my clients certainly disagree with, but
25 in terms of the accuracy of what is contained within

1 the report, I have no additions, corrections,
2 deletions.

3 THE COURT: Thank you.

4 And then, Mr. Wanink, as to either report,
5 both reports, any additions, corrections, deletions as
6 to the content?

7 MR. WANINK: With regards to Defendant Brandi
8 Hull, on the cover sheet we'll have to change the
9 sentencing date. Under Prior Record, number of
10 misdemeanors should be three. And then on Page 1 of
11 the CFJ-284, we'll have to change the guidelines range.
12 Other than that, I didn't note any deficiencies.

13 With regards to Mr. Hull, cover sheet,
14 sentencing date will likewise need to be changed.
15 Under Prior Record, under felonies, instead of 1 it
16 should be 0. I believe he successfully completed a
17 delay. And on Page 1 of the CFJ-284, it indicates the
18 correct guidelines range, but then it states for the
19 statutory max 12 months. It should be 24 months.

20 THE COURT: Okay.

21 MR. WANINK: It's correct in Mrs. Hull's but
22 not in Mr. Hull's.

23 THE COURT: Okay.

24 MR. WANINK: Other than that, I don't have
25 any corrections.

1 THE COURT: All right. And, Mr. Jean, I
2 should have asked you this when we started this
3 process, but do you have any objection to proceeding
4 for either defendant via Zoom?

5 MR. JEAN: No. No, we don't, Your Honor.

6 THE COURT: All right. Fantastic. And then
7 allocution as to each defendant, Mr. Jean.

8 MR. JEAN: I'm sorry. I didn't catch --
9 quite catch that.

10 THE COURT: Allocution as to each defendant.

11 MR. JEAN: Thank you, Your Honor. I -- I --
12 if -- if the Court is okay with it, I will allocate
13 kind of together, and I think the totality of this
14 case -- both cases can certainly warrant that.

15 Your Honor, both -- both of these people have
16 very little record, certainly understanding the Court
17 obviously is aware of some of the prior issues that
18 have been successfully completed on things like a
19 delay. But very, very little record here.

20 As far as the case itself and recommendations
21 that are laid out in the Presentence Report, I believe
22 that frankly it's pretty harsh. Requesting jail for
23 Mr. Hull for 180 days of jail is the request and for
24 Mrs. Hull, 330 days for jail time.

25 You know, we -- we certainly have laws in

1 this country with respect to a police officer to ensure
2 that a police officer's job can be done safely. I
3 think in this instance that it's a little bit
4 different. Chief Pearsall didn't have any injuries.
5 This is more of a -- it was more of an issue where
6 there would be kind of this disobeying -- disobeying of
7 an order rather than some sort of real physical
8 altercation or somebody was hurt or could have gotten
9 hurt, and I think that is to -- is to their credit
10 for -- for both of these people.

11 Obviously we -- we disagree with the -- with
12 the outcome. We thought that the verdict should have
13 been different. But obviously we do respect the jury's
14 findings.

15 What we are asking the Court to -- to -- to
16 do today is for the most part adopt the recommendations
17 laid out, but we would ask the Court not to impose jail
18 or at least defer the jail if there were to be some
19 sort of violation. I think that would be the most
20 appropriate.

21 Mrs. Hull has been employed. She remains
22 employed. Mr. Hull I believe will be able to go back
23 to work, five months pandemic, this kind of -- and it
24 makes I think more sense that these -- these are --
25 these two are on probation. I -- I don't see jail as

1 being something that is frankly appropriate given the
2 totality of the circumstances here.

3 So we're asking the Court to place them on
4 probation rather than imposing that -- that jail
5 sentence, but with the balance, we -- we believe that
6 the Court could and should adopt the recommendations.

7 THE COURT: All right. Thank you, Mr. Jean.
8 Mr. Hull, sir, is there anything that you
9 would like to state to the Court in addition to
10 Mr. Jean's comments, sir?

11 DEFENDANT ANTHONY HULL: (Inaudible.)

12 THE COURT: I'm sorry. I --

13 DEFENDANT ANTHONY HULL: It's best I don't.

14 THE COURT: Okay. Thank you, sir.

15 And then, Mrs. Hull, was there anything you
16 wanted to add in addition to Mr. Jean's comments?

17 DEFENDANT BRANDI HULL: Not at this time.

18 THE COURT: Thank you.

19 DEFENDANT BRANDI HULL: Thank you.

20 THE COURT: Mr. Wanink, allocution.

21 MR. WANINK: Thank you, Your Honor.

22 As Mr. Jean indicated, the two defendants,
23 neither of them have a real lengthy criminal record. I
24 agree with Mr. Jean. I don't know if jail time is
25 necessary with regards to Mr. and Mrs. Hull given the

1 conduct. However, I do believe probation is warranted.
2 There has to be some penalty involved for the conduct
3 that the Court was made aware of during the jury trial
4 and the danger that Chief Pearsall was put in by their
5 conduct along with the fact that it was completely
6 unnecessary. That -- that, you know, merits some sort
7 of sanction.

8 So we would ask for probation to be imposed
9 for at least two years as recommended. Jail time,
10 whether that's deferred or not, we would leave that to
11 the Court's discretion. Otherwise, fines and costs
12 appear to be appropriate.

13 THE COURT: All right. Well, I want it to be
14 clear, first of all, when I read the Recommendation, I
15 did have some level of concern.

16 And I want Mr. and Mrs. Hull to be assured
17 that -- I mean we live in the United States of America
18 and you have a constitutional right to have a jury
19 trial and I'm fine with that. That's my job. So I
20 don't want there to be a perception that somehow --
21 because you chose to exercise your rights as citizens
22 that somehow there should be some level of punishment
23 or retribution through the Recommendation or -- or the
24 Court's sentence. I -- I just want to make sure that
25 that's clear that that -- that that's not coming into

1 play as far as I'm concerned.

2 And, actually, I'm the one that makes the
3 decision, so -- you know, you're entitled to have --
4 exercise those rights. You chose to do so. And as far
5 as I'm concerned, we had a jury that made a decision.
6 And, you know, thankfully the jury makes the decision
7 and I don't, so -- I'm just the person that has to deal
8 with the result as far as that goes.

9 I also would like to indicate to Mr. and
10 Mrs. Hull, you know, obviously I think this could have
11 been handled in a different way. I do empathize with
12 your situation to the extent that I think there was
13 some confusion as far as this ticket and what had been
14 paid and what hadn't been paid and what was out there
15 and wasn't -- what wasn't out there. So certainly
16 those inquiries were understandable. Unfortunately, I
17 think it may have gone farther than it should have.

18 But I just want you to understand that I'm
19 taking those things into consideration in -- in
20 deciding what an appropriate sentence there should be
21 for each of you.

22 And so as to Mr. Hull, which is File
23 19-15020-FH, sir, it's the sentence and judgment of the
24 Court I'm placing you on probation for a term of one
25 year. Ninety days in jail, credit for two days already

1 served. I'm gonna defer that balance, so provided you
2 successfully complete the terms of your probation, then
3 that sentence would be suspended, sir. Adopt Special
4 Conditions 1 through 12 and Number 20 as set forth in
5 your Presentence Investigation Report. \$68 state costs
6 which is provided by statute. \$60 DNA fee. Crime
7 Victims Fund, \$130. Oversight fee is \$180. Court
8 costs, \$500. Fine, \$100.

9 As to Mrs. Hull, two days in jail, credit for
10 two days already served. No probation. \$68 state
11 costs. \$60 DNA fee. Crime Victims Fund, \$130. Court
12 costs, \$500. Fine, \$100.

13 And, Mr. Jean, just for your information, as
14 it relates to the financial obligations, the Court has
15 a collections officer whose name is Bonnie Sobotta, and
16 you're --

17 MR. JEAN: Okay.

18 THE COURT: Her telephone number I'm gonna
19 give you is area code 989-672-3787. So if your clients
20 want to contact her to set up arrangements for payment
21 of those fines and costs --

22 MR. JEAN: Okay.

23 THE COURT: -- that would probably be the
24 easiest method to do that right now because the
25 courthouse is closed to the public.

1 MR. JEAN: Right.

2 THE COURT: And as to each of your client --
3 each -- Mr. Hull and Mrs. Hull, I have to advise you
4 that you're entitled to file an application for leave
5 to appeal your conviction and sentence. If you are
6 financially unable to retain an attorney, you may
7 request appointment of an attorney to represent you on
8 appeal. That request must be made within 42 days from
9 today's date.

10 Mr. Jean, I assume you have an appellate
11 rights form available --

12 MR. JEAN: I --

13 THE COURT: -- to you. If you could have --

14 MR. JEAN: I --

15 THE COURT: -- each of your clients initial
16 that and then email that to the court, that would be
17 appreciated.

18 MR. JEAN: I will certainly do that.

19 THE COURT: Okay. Anything else we need for
20 the record?

21 MR. WANINK: No, Your Honor.

22 MR. JEAN: Not for defense, Your Honor.

23 Thank you.

24 THE COURT: All right. Thank you. Good
25 luck.

(Proceedings concluded at 3:20 p.m.)

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1 STATE OF MICHIGAN)
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3 COUNTY OF TUSCOLA)
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8 I certify that this transcript is a complete, true
9 and correct transcript of the proceedings and testimony
10 taken in this case via Zoom before the Honorable Amy Grace
11 Gierhart, Circuit Judge, in Caro, Michigan.
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18 Linda L. Fini, CSR-3278
19 Official Court Reporter
20 440 N. State Street
21 Caro, MI 48723
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Warrant
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MHR FTR 19-0805 PC School

STATE OF MICHIGAN 71B JUDICIAL DISTRICT 54TH JUDICIAL CIRCUIT	WARRANT MISDEMEANOR	CASE NO.: 2018000604 DISTRICT: 19-0805 SM CIRCUIT:
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District Court ORI: MI790015J 440 N. STATE STREET CARO, MI 48723 989-672-3800	Circuit Court ORI: MI790025J 440 N. State Street Caro, MI 48723 989-672-3720
--	---

THE PEOPLE OF THE STATE OF MICHIGAN	Defendant's name and address V BRANDI MARIE SCHOOK WASHINGTON ST KINGSTON, MI 48741	Victim or complainant DEPUTY CHRISTOPHER WHETSTONE
Co-defendant(s)		Complaining Witness <i>DET SER SAM JONES</i> ON INFORMATION AND BELIEF

Date: On or about 04/07/2018

City/Twp./Village Wells Township	County in Michigan Tuscola	Defendant TCN	Defendant CTN 79-18000604-01	Defendant SID 5067795K	Defendant DOB [REDACTED]
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Police agency report no. 79TCSD 1817901311	Charge See below	DLN Type:	Vehicle Type	Defendant DLN [REDACTED]
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Witnesses
DEPUTY CHRISTOPHER WHETSTONE

STATE OF MICHIGAN, COUNTY OF TUSCOLA

To any peace officer or court officer authorized to make arrest: The complaining witness has filed a sworn complaint in this court stating that on the date and the location described above, the defendant, contrary to law,

COUNT 1: MOTOR VEHICLE - OPERATION WITHOUT SECURITY
did, being the owner of 2001 Chevrolet a motor vehicle, with respect to which security is required by MCL 500.3101, 500.3102, or 500.3103, operate said vehicle upon E. Dayton Road at/near Frankford Road, a public highway in the State of Michigan, without having in full force and effect security complying with the above-cited statutes; contrary to MCL 500.3102. [500.3102]
MISDEMEANOR: Not more than 1 Year and/or not less than \$200.00 nor more than \$500.00

COUNT 2: OPERATING - LICENSE SUSPENDED, REVOKED, DENIED
did operate a motor vehicle upon E. Dayton Road at/near Frankford Road, a highway, while his or her operator's license was suspended or revoked; as prohibited by MCL 257.904(1); contrary to MCL 257.904(3)(a). [257.9041B]
MISDEMEANOR: 93 Days and/or \$500.00; vehicle immobilization (see MCL 257.904d)

Upon examination of the complaint I find probable cause to believe defendant committed the offense set forth. THEREFORE, IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN, I order you to arrest and bring defendant before the court immediately, or the defendant may be released when a cash or surety bond is posted in the amount of \$ 500 for personal appearance before the court.

Date 9-19-19 (SEAL) Judge/Magistrate JASON E. BITZER P71710

By virtue of this warrant the defendant has been taken into custody as ordered. I hereby certify that I have compared this copy with the record on file in the 71B District Court Office and that it is a correct and true copy.

Date _____ Peace Officer _____ FEB 21 2020

71B DISTRICT COURT
Brenda Peters, Dep. Court Clerk

Warrant
332a

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STATE OF MICHIGAN 71-B JUDICIAL DISTRICT 54TH JUDICIAL CIRCUIT		RETURN		CASE NO.: DISTRICT: 19-68055M CIRCUIT:	
District Court ORI: MI790015J 440 N. STATE ST. CARO, MI 48723 989-672-3801		Circuit Court ORI: MI790025J 440 N. STATE ST. CARO, MI 48723 989 672-3720			
THE PEOPLE OF THE STATE OF MICHIGAN		Defendant's name and address V. Schook, Brandi Marie		Victim or complainant	
Co-defendant(s)				Date: On or about	
City/Twp./Village	County in Michigan TUSCOLA	Defendant TCN	Defendant CTN	Defendant SID	Defendant DOB 3-3-1976
Police agency report no.	Charge See below	DLN Type:	Vehicle Type	Defendant DLN	

As ordered in this warrant, the defendant was arrested on 10-7-19 at 2050
Date Time

at [Redacted] Legg Rd
Place of arrest

10-7-19
Date

Albert Pearson
Peace officer

FILED
71-B DISTRICT COURT
2019 OCT 8 AM 9 29

I hereby certify that I have compared this copy with the record on file in the 71B District Court Office and that it is a correct and true copy.

FEB 21 2020

71-B DISTRICT COURT
PER Brenda Peters
DISTRICT COURT CLERK
Brenda Peters, Dep. Court Clerk

2019001309 cr		Information - Circuit Court Original Complaint - Court Warrant - Court		Bindover/Transfer - Circuit/Juvenile Court Complaint copy - Prosecutor Complaint copy - Defendant/Attorney	
STATE OF MICHIGAN 71B JUDICIAL DISTRICT 54TH JUDICIAL CIRCUIT		INFORMATION FELONY		CASE NO 2019001309 DISTRICT CIRCUIT 19-015018-FH	
District Court ORI MI- MI790015J 440 N STATE STREET CARO, MI 48723 989-672-3800		Circuit Court ORI MI- MI790025J 440 N STATE STREET CARO, MI 48723 989-672-3720			
THE PEOPLE OF THE STATE OF MICHIGAN		Defendant's name and address V BRANDI MARIE HULL [REDACTED] LEGG RD KINGSTON, MI 48741		Victim or complainant CHIEF ALBERT PEARSALL	
Co-defendant(s) (if known)				Complaining Witness CHIEF ALBERT PEARSALL	
				Date On or about 10/07/2019	
City/Twp /Village Kingston Township	County in Michigan TUSCOLA	Defendant TCN O619205922M	Defendant CTN 79-19001309-01	Defendant SID 5067795K	Defendant DOB [REDACTED]
Police agency report no 79KPD 195090063	Charge See below	Maximum penalty			
[] A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous case		Oper /Chauf CDL	Vehicle Type	Defendant DLN [REDACTED]	

* CHIEF ALBERT PEARSALL
TPR DAN REYNOLDS

TPR JASON BAXTER
TPR TYLER SCHUITEMAN

TPR MICHAEL JAROSIEWICZ
DEP RYAN LAFLUR

FILED
NODI FETTING
SCOLA COUNTY CLERK
19 FEB 13 PM 4:05

STATE OF MICHIGAN, COUNTY OF TUSCOLA
IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN The prosecuting attorney for this County appears before the court and informs the court that on the date and at the location described above, the defendant

COUNT 1. POLICE OFFICER - ASSAULTING/RESISTING/OBSTRUCTING
did assault, batter, wound, resist, obstruct, oppose, or endanger Chief Albert Pearsall, a police officer of Village of Kingston Police Department that the defendant knew or had reason to know was performing his duties, contrary to MCL 750 81d(1) [750 81D1]
FELONY 2 Years and/or \$2,000 00 A consecutive sentence may be imposed under MCL 750 506a if the assault was committed in a place of confinement, or under MCL 750 81d(6) for another violation arising from the same transaction

Court shall order law enforcement to collect a DNA identification profiling sample before sentencing or disposition, if not taken at arrest
Contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Michigan

12/13/19
Date

Prosecuting Attorney
By [Signature]
Eric F Wanink (P64002)
Chief Assistant Prosecuting Attorney



Register of Actions
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STATE OF MICHIGAN 71B JUDICIAL DISTRICT ORI790015J PIN: 1817901311	REGISTER OF ACTIONS	CASE NO: 19-0805SM D01 SM STATUS: CLSD 01/02/20
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JUDGE OF RECORD: BITZER, JASON ERIC, P-71710
JUDGE: BITZER, JASON ERIC, P-71710

STATE OF MICHIGAN v

SCHOOK/BRANDI/MARIE
[REDACTED] LEGG RD
KINGSTON MI 48741

CTN: 791800060401
TCN: 0619205922M
SID: 5067795K
ENTRY DATE: 10/23/19
OFFENSE DATE: 04/07/18
ARREST DATE:

DEFENDANT PHONE: (989) 670-3598 VEHICLE TYPE: VPN:
DOB: [REDACTED] SEX: F RACE: W DLN: MI [REDACTED] CDL: U
VEH YR: VEH MAKE: VIN: PAPER PLATE:

DEFENSE ATTORNEY ADDRESS JEAN, BRIAN HAROLD, 3906 N EUCLID AVE BAY CITY MI 48706	BAR NO. P-73504 Telephone No. (989) 439-9600
---	---

OFFICER: JONES, SCOTT OFFICER: WHETSTONE, CHRIS PROSECUTOR: REENE, MARK E., VICTIM/DESC:	DEPT: TUSCOLA COUNTY SHERIFF DE DEPT: TUSCOLA COUNTY SHERIFF DE P-47247
---	---

CNT: 01 C/M/F: M 5003102 PACC#500.3102
NO INSURANCE UNDER THE INSURANCE CODE (MISD)
ARRAIGNMENT DATE: 10/08/19 PLEA: PLEAD GUILTY PLEA DATE: 12/02/19
FINDINGS: DSP GLTY PL DISPOSITION DATE: 12/02/19
SENTENCING DATE: 12/02/19

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
223.00	242.00	50.00	0.00	75.00	0.00	590.00	0.00

JAIL SENTENCE: PROBATION:
VEH IMMOB START DATE: NUMBER OF DAYS: VEH FORFEITURE:

BOND HISTORY:
1,800.00 PERSONAL BOND POSTED

CNT: 02 C/M/F: M 2579042-A PACC#2579042-A
ALLOW SUSPENDED PERSON TO OPERATE
ARRAIGNMENT DATE: 10/08/19 PLEA: PLEAD GUILTY PLEA DATE: 12/02/19
FINDINGS: DSP GLTY PL DISPOSITION DATE: 12/02/19
SENTENCING DATE: 12/02/19

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
113.00	122.00	50.00	0.00	0.00	0.00	285.00	0.00

JAIL SENTENCE: PROBATION:
VEH IMMOB START DATE: NUMBER OF DAYS: VEH FORFEITURE:

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
------	--------------------------------	----------

04/07/18

1	ORIGINAL CHARGE NO INS MISD	
	STATUTE FINE	\$ 223.00 SL
	COURT COST-STATUTE OFFENSE-CRIMINAL	\$ 242.00 SL
	CRIME VICTIM RIGHTS ASSESSMENT	\$ 75.00 SL
	STATE COSTS - MISDEMEANOR/ORDINANCE	\$ 50.00 SL
2	ORIGINAL CHARGE DWLS [REDACTED]	SL

Register of Actions
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NAME: SCHOOK/BRANDI/MARIE

CASE NO: 19-0805SM

PAGE 2

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
	STATUTE FINE	\$ 113.00 SL
	COURT COST-STATUTE OFFENSE-CRIMINAL	\$ 122.00 SL
	CRIME VICTIM RIGHTS ASSESSMENT	\$ 75.00 SL
	STATE COSTS - MISDEMEANOR/ORDINANCE	\$ 50.00 SL
08/09/19	MISCELLANEOUS ACTION ALL COUNTS	SL
	SCHEDULED FOR ARRAIGNMENT 091719 830A VAN AUKEN, JOSEPH A. P-44136	SL
	ORDER FOR FINGERPRINTS GENERATED	SL
09/20/19	FTA FOR ARRAIGNMENT	SL
	BENCH WARRANT ISSUED	SL
10/08/19	WARRANT CANCELLED FROM LEIN	SL
	ARRESTED KINGSTON PD, LODGED TCSD	SL
	ATTY DRILLOCK CALLED FOR CHARGES. SHE WILL	SL
	RECOMMEND ATTY BURGESS SINCE SHE DOES NOT	SL
	HANDLE CRIMINAL	SL
	ARRAIGNMENT HELD ALL COUNTS	SL
	MAG VAN AUKEN, JOSEPH A. P-44136	SL
	ATT MORMANDO, RAHM W., P-78215	SL
	NOT GUILTY ENTERED BY COURT	SL
	MISCELLANEOUS ACTION ALL COUNTS	SL
	SCHEDULED FOR PRE-TRIAL 102319 115P BITZER, JASON ERIC, P-71710	SL
	MISCELLANEOUS ACTION ALL COUNTS	SL
	PERSONAL	SL
	BOND SET \$ 1800.00	SL
	MHR FTR/VIDEO MIDC HIRE ATTY PT 102319 115	SL
	PAYEXPNTF GIVEN 1800PR FILE TO CLERK POST	SL
	ARR	SL
10/09/19	MISCELLANEOUS ACTION ALL COUNTS	SL
	BOND POSTED 100819	SL
	RELEASE FROM JAIL ON BOND DATE 100819	SL
10/15/19	MISCELLANEOUS ACTION ALL COUNTS	SL
	ATT JEAN, BRIAN HAROLD, P-73504	SL
	APPEARANCE BY AN ATTORNEY FILED	SL
	TX'D ATTY TO MAKE SURE THEY KNOW OF COURT	SL
	DATE	SL
	NTA GENERATED	SL
10/23/19	FILING DATE 080619	SL
	CHANGE CASE 19-0805SMA TO 19-0805SM	SL
	WRONG OFFENSE DATE ENTERED/RE-ENTERED CASE	SL
	PRE-TRIAL HELD ALL COUNTS	SRF
	JDG BITZER, JASON ERIC, P-71710	SRF
	OFFER: PG TO CNT 2; DISMISS CNT 1	SRF
	SCHEDULING ORDER TO BE ISSUED	SRF
10/24/19	MISCELLANEOUS ACTION ALL COUNTS	SRF
	SCHEDULED FOR FINAL PRETRIAL	
	112519 115P BITZER, JASON ERIC, P-71710	SRF
	SCHEDULED FOR JURY-TRIAL 120519 900A BITZER, JASON ERIC, P-71710	SRF

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NAME: SCHOOK/BRANDI/MARIE

CASE NO: 19-0805SM

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DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
	NOTICE TO APPEAR GENERATED	
	ALL COUNTS	SRF
10/29/19	MISCELLANEOUS ACTION	BSP
	DEF ATTY FILED REQUEST FOR DISCOVER & BODY CAM	BSP
	MISCELLANEOUS ACTION	BSP
	PROS FILED WIT & EXH LIST	BSP
11/07/19	MISCELLANEOUS ACTION	BSP
	PROS FILED AMD EXH LIST	BSP
11/21/19	MISCELLANEOUS ACTION	SRF
	REMOVED FROM CALENDAR 112519 115P BITZER, JASON ERIC, P-71710	SRF
	SCHEDULED FOR FINAL PRETRIAL 120219 115P BITZER, JASON ERIC, P-71710	SRF
	STIP & ORDER TO ADJ FPT FILED & JUDGE GRANTED	SRF
	NOTICE TO APPEAR GENERATED	
	ALL COUNTS	SRF
12/02/19	MISCELLANEOUS ACTION	SL
	FINAL PRETRIAL: NEW OFFER;	SL
	PLEAD TO COUNT 1 AND ALLOWING SUSP PERSON TO OPERATE.	SL
1	1 PLEA HEARING HELD NO INS MISD	BSP
	JDG BITZER, JASON ERIC, P-71710	BSP
	PLEAD GUILTY	BSP
	DISPOSED ON GUILTY PLEA	BSP
	SENTENCE \$ 590.00	BSP
	PER PLEA AGREEMENT	BSP
	OVER THE COUNTER PLEA	BSP
	PAYMENT DUE 120219	BSP
2	2 PLEA HEARING HELD DWLS	BSP
	REDUCED CHARGE ALLOW SUSPD	BSP
	PLEAD GUILTY	BSP
	DISPOSED ON GUILTY PLEA	BSP
	PER PLEA AGREEMENT	BSP
	OVER THE COUNTER PLEA	BSP
	STATUTE FINE \$ 113.00	BSP
	COURT COST-STATUTE OFFENSE-CRIMINAL \$ 122.00	BSP
	CRIME VICTIM RIGHTS ASSESSMENT \$ 75.00	BSP
	STATE COSTS - MISDEMEANOR/ORDINANCE \$ 50.00	BSP
	PAYMENT DUE 120219	BSP
	SENTENCE	BSP
	MISCELLANEOUS ACTION ALLOW SUSPD	BSP
	CHANGE CHARGE 02 FROM: 2579041B	BSP
	SUPPLEMENTAL SENTENCING	BSP
	STATUTE FINE \$ 113.00	BSP
	COURT COST-STATUTE OFFENSE-CRIMINAL \$ 122.00	BSP
	CRIME VICTIM RIGHTS ASSESSMENT \$ 75.00	BSP
	STATE COSTS - MISDEMEANOR/ORDINANCE \$ 50.00	BSP
	MISCELLANEOUS ACTION ALLOW SUSPD	BSP

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NAME: SCHOOK/BRANDI/MARIE

CASE NO: 19-0805SM

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DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
	SUPPLEMENTAL SENTENCING	BSP
	TAKING OUT CV	BSP
	CRIME VICTIM RIGHTS ASSESSMENT	BSP
	JUDGMENT OF SENTENCE GENERATED	BSP
	1-NO INS MISD	BSP
	2-ALLOW SUSPD	BSP
	PAY IN FULL OR MAY SERVE 23 DAYS IN JAIL.	BSP
	CANNOT SERVE JAIL FOR CRIME	BSP
	VICTIM (75) OR STATE COSTS (100). IF	BSP
	DEFENDANT CANNOT PAY IN FULL, SHE	BSP
	MUST EITHER EXECUTE A WAGE ASSIGNMENT OR	BSP
	SEE MAGISTRATE FOR PAYMENTS.	BSP
	MISCELLANEOUS ACTION ALL COUNTS	BSP
	TIME EXTENDED TO PAY 010620 930A DUE, PAYMENTS,	BSP
	NOTICE TO APPEAR GENERATED	BSP
	ALL COUNTS	BSP
	MISCELLANEOUS ACTION ALL COUNTS	BSP
	EJD SUBMITTED AND ACCEPTED	BSP
	FILE TO LEE FOR TPAY	BSP
	MISCELLANEOUS ACTION ALL COUNTS	BSP
	REMOVED FROM CALENDAR 120519 900A BITZER, JASON ERIC,	BSP
	1 ABSTRACT GENERATED SEQ: 00021	BSP
12/06/19		
	MISCELLANEOUS ACTION ALL COUNTS	DLN
	CODED AND FILED IN TIME PAYMENT DRAWER	DLN
01/02/20		
1	MONETARY TRANSACTION NO INS MISD	AMM
	PAYMENT \$ 590.00 D155721	AMM
2	MONETARY TRANSACTION ALLOW SUSPD	AMM
	PAYMENT \$ 285.00 D155722	AMM
	CHECK TENDERED 3367	AMM
	MISCELLANEOUS ACTION ALL COUNTS	AMM
	FUTURE CALENDAR DATE(S) REMOVED	AMM
	CASE CLOSED	AMM
01/24/20		
	MISCELLANEOUS ACTION ALL COUNTS	BSK
	FILE TO CLOSE	BSK

If this opinion indicates that it is “FOR PUBLICATION,” it is subject to revision until final publication in the Michigan Appeals Reports.

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STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BRANDI MARIE HULL,

Defendant-Appellant.

UNPUBLISHED

February 1, 2022

No. 354667¹

Tuscola Circuit Court

LC No. 19-015018-FH

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ANTHONY RAY HULL,

Defendant-Appellant.

No. 354735

Tuscola Circuit Court

LC No. 19-015020-FH

Before: CAVANAGH, P.J., and SHAPIRO and GADOLA, JJ.

PER CURIAM.

In Docket No. 354667, Brandi Marie Hull appeals as of right her jury trial conviction of assaulting, battering, resisting, obstructing, opposing a police officer (resisting and obstructing), MCL 750.81d(1). Brandi was sentenced to two days in jail for her resisting and obstructing conviction. On appeal, Brandi argues the trial court erred in finding there was sufficient evidence to convict her of resisting and obstructing a police officer, and that she was denied effective

¹ This Court consolidated Docket Nos. 354667 and 354735. *People v Hull*, unpublished order of the Court of Appeals, entered November 17, 2020 (Docket Nos. 354667 and 354735).

assistance of counsel because of trial counsel's failure to request a jury instruction regarding the right to resist an unlawful arrest. We affirm.

In Docket No. 354735, Anthony Ray Hull appeals as of right his jury trial conviction of resisting and obstructing a police officer, MCL 750.81d(1). Anthony was sentenced to 90 days in jail for his resisting and obstructing conviction. On appeal, Anthony argues the trial court erred in finding there was sufficient evidence to convict him of resisting and obstructing a police officer. In addition, Anthony argues the trial court abused its discretion by admitting irrelevant evidence, permitting the prosecutor to ask police officers for legal conclusions while precluding certain questions by his trial counsel, and permitting the prosecutor to pose argumentative questions. We affirm.

I. FACTS AND PROCEDURAL HISTORY

This case arises from the execution of an arrest warrant for Brandi. On an evening in October 2019, Kingston Police Chief Albert Pearsall III went to defendants' residence to execute an arrest warrant for "Brandi Schook." Before arriving at the residence, Chief Pearsall contacted central dispatch, which confirmed the arrest warrant was valid using the Law Enforcement Information Network (LEIN). Because Chief Pearsall did not have a physical copy of the arrest warrant, central dispatch also provided additional information to Chief Pearsall, including Brandi Schook's date of birth and that the reason for the warrant was a violation for excessive noise or a loud exhaust. When Chief Pearsall arrived at the residence, he was in full uniform, with a fully-marked police vehicle. Chief Pearsall also had an individual, Jay Petrica, with him, who was observing Chief Pearsall as a ride-along.

After first approaching the front door of the house, Chief Pearsall went to a side door that led to a wooden porch, while Petrica remained at the front door. Brandi then emerged from the front door and Chief Pearsall returned from the side door and identified himself. Brandi recognized Chief Pearsall as a police officer from seeing him at her job as a convenience store clerk. Once Chief Pearsall identified himself as a police officer Brandi stated, "I know who you are." Chief Pearsall told Brandi he had an arrest warrant for her for excessive noise, which Brandi denied, stating she had never been stopped on such a charge. Brandi also initially denied that her name was Brandi Schook, but later clarified she recently married Anthony, changing her name from Brandi Schook to Brandi Hull.

At this point the front door again opened and Anthony emerged from the house. Brandi told Anthony about the warrant for her arrest, and Anthony told Chief Pearsall that he was on "private property" and told Brandi to go back into the house. While Brandi stood between Anthony and Chief Pearsall, attempting to deescalate the situation, Chief Pearsall grabbed Brandi's arm because he did not want to "lose custody of the prisoner," and Anthony grabbed Brandi's other arm. Pearsall testified at trial that he was worried that Brandi and Anthony might have access to firearms in the house, especially considering that he was the only officer present, and additional police officers were 10 minutes away. Chief Pearsall told Anthony to stop, and that he had an arrest warrant for Brandi; however, Anthony pushed Brandi into the house, went into the house himself, and closed the front door. As the front door closed, Chief Pearsall attempted to stop the door from closing, wedging his boot in the doorway. After damaging the doorframe, the front

door closed, knocking Chief Pearsall backward, and Chief Pearsall and Petrica retreated to the police vehicle.

Shortly thereafter, Michigan State Police Trooper Dan Reynolds, Trooper Jason Baxter, Trooper Tyler Schuiteman, Trooper Michael Jarosiewicz, and Tuscola County Sheriff's Deputy Ryan LaFlure arrived at the scene. Trooper Reynolds and Deputy LaFlure each verified the arrest warrant was valid in LEIN. After about 20 minutes, Brandi and Anthony came out of the house. Trooper Reynolds testified that Brandi was "verbally defiant," "argumentative," and would not listen to the police officers' commands, insisting she did not have a warrant. Trooper Reynolds obtained a copy of the warrant from LEIN and showed it to Brandi, explaining the arrest warrant "was titled excessive noise, but in the remarks it was failure to appear to a [driving while license suspended] charge." Brandi "agreed to finally cooperate," however, Trooper Reynolds "almost had to pick her up and carry her" to the police vehicle. Brandi continued to argue whether the information in the warrant was correct.

Brandi and Anthony were tried together. Sheila Long, a court administrator for the Tuscola County courts, testified when a warrant is entered into LEIN, a four-digit number, which corresponds with count I in a complaint, is required to specify certain offenses. For a reason unknown to Long, a blanket code is used for certain charges and displayed, in LEIN, as an excessive noise or loud exhaust charge. Long stated a warrant clerk will typically include additional information regarding the charges, including the MCL statutes charged to the individual, in the remarks section of the warrant. Brandi testified, admitting she recognized Chief Pearsall as a police officer at the time of the incident. Brandi stated that when she and Anthony went back into the house, Anthony called 911 to request additional information and for additional officers to come to the house. At the time of the incident, Brandi did not know why there was an arrest warrant and disagreed with Chief Pearsall, believing it to be a mistake, and asked the police officers to see the warrant while she was being handcuffed. Brandi also testified regarding her previous citations, stating before the incident, in April 2018, she was pulled over by a Tuscola County Sheriff's Deputy Christopher Whetstone and given a citation for driving while license suspended (DWLS), MCL 257.904, no proof of insurance, MCL 500.3102, and a broken taillight. The next day, Brandi learned her driver's license was suspended because she failed to pay a driver's responsibility fine from a prior citation in another county, which she paid to reinstate her driver's license. In June 2019, Brandi received a letter instructing her to go to the Tuscola County Police Department for fingerprinting. Brandi reported to the police department and was instructed to go to the Tuscola County Magistrate's Office. An unidentified employee told Brandi that she failed to take care of her April 2018 citation but if she paid the fines, it would be resolved. Later that week, Anthony paid the outstanding fines on Brandi's behalf and received a receipt. In September 2019, Brandi was scheduled for an arraignment regarding her DWLS and no insurance charges but failed to appear, resulting in a warrant being entered into the LEIN. Brandi admitted she never went to the Tuscola County courthouse and pleaded to the charges on her April 2018 citation, stating when she received a letter in August 2019 about the charges, she called the courthouse and told an individual that she had taken care of it. However, the register of actions regarding the April 2018 citation did not indicate a telephone call from Brandi. Brandi stated she had no knowledge of a DWLS charge, but if Chief Pearsall said the arrest warrant was for DWLS she would have shown her receipt.

Anthony testified, admitting that Chief Pearsall said he had an arrest warrant for Brandi, but denying he knew Chief Pearsall was a police officer. Anthony did not believe the arrest warrant for excessive noise or loud exhaust was valid, leading him to push Brandi into the house. However, Anthony stated if he knew the warrant was for Brandi's DWLS charge, he would have reacted differently. Anthony further stated he never touched Chief Pearsall, or slammed the front door shut on Chief Pearsall, during the incident.

After the presentation of the evidence, and during jury deliberations, the jury submitted several questions to the trial court, including (1) "[i]f being arrested, do you have to be told what the warrant is for at the time of the arrest[;]" (2) "[a]re there reasonable exceptions for resisting under duress[;]" (3) "[i]s there a legal definition of opposed similar to how obstruct is defined in our instructions[;]" and (4) "[w]hat happens if we cannot reach a mutual verdict?" To each of these questions, the trial court answered, and the parties agreed, "[y]ou must rely on the jury instructions on the law which were provided to you . . . and the definitions provided to you in the jury instructions." Additionally, the trial court gave an additional deadlock jury instruction, stating to the jury that Brandi and Anthony had their own verdict form and emphasizing that each juror should "seriously consider the views of your fellow jurors[;]" express "the facts and the reasons" for their views to each other, and consider submitting "a written list of the issues that are dividing or confusing" that the trial court could attempt to clarify to assist in further deliberations.

The jury found Brandi and Anthony guilty of the resisting and obstructing charges. Defendants moved for a new trial, filing separate but identical motions, arguing they were denied a fair trial because the prosecutor failed to provide a copy of the excessive noise or exhaust warrant, which the prosecutor relied on to convict Brandi. In response, the prosecutor argued defendants continue to misunderstand the LEIN system, stating the witness testimony established the arrest warrant indicated excessive noise or loud exhaust, but the remarks section on the warrant indicated the true nature of the warrant. Because defendants were provided a copy of the warrant before trial, defendants failed to establish their burden of proof that any evidence was withheld.

The trial court denied defendants' motions for new trial, stating the record was "clear that there was only ONE warrant in this case for Brandi Hull's arrest and that said warrant was for the misdemeanor charges of [DWLS]" and defendants failed to show a miscarriage of justice or any other legal basis for granting a new trial. Accordingly, the trial court sentenced defendants as indicated above.

II. ANALYSIS

The trial court did not err in finding sufficient evidence for the jury to convict defendants of resisting and obstructing a police officer. In addition, Brandi was not denied effective assistance of counsel for trial counsel's failure to request a jury instruction regarding the right to resist an unlawful arrest. Further, the trial court did not abuse its discretion by admitting evidence or testimony regarding the register of actions for Brandi's prior citation, permitting the prosecutor to ask police officers questions regarding the incident while precluding certain questions by trial counsel, and permitting the prosecutor's questions during Brandi's cross-examination.

A. SUFFICIENCY OF THE EVIDENCE

Defendants argue the trial court erred in finding there was sufficient evidence to convict each of them of resisting and obstructing a police officer. We disagree.

“A challenge to the sufficiency of the evidence in a jury trial is reviewed de novo, viewing the evidence in the light most favorable to the prosecution, to determine whether the trier of fact could have found that the essential elements of the crime were proved beyond a reasonable doubt.” *People v Gaines*, 306 Mich App 289, 296; 856 NW2d 222 (2014). This Court “must defer to the fact-finder by drawing all reasonable inferences and resolving credibility conflicts in support of the jury verdict.” *People v Schumacher*, 276 Mich App 165, 167; 740 NW2d 534 (2007).

“Due process requires that the evidence show guilt beyond a reasonable doubt in order to sustain a conviction.” *People v Unger*, 278 Mich App 210, 222; 749 NW2d 272 (2008). Under MCL 750.81d(1):

[A]n individual who assaults, batters, wounds, resists, obstructs, opposes, or endangers a person who the individual knows or has reason to know is performing his or her duties is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both. [MCL 750.81d(1).]

“Obstruct” is statutorily-defined to include “the use or threatened use of physical interference or force or a knowing failure to comply with a lawful command.” MCL 750.81d(7)(a). “Resist is defined as to withstand, strive against, or oppose.” *People v Morris*, 314 Mich App 399, 408; 886 NW2d 910 (2016) (quotation marks and citation omitted). “Oppose is defined as to act against or furnish resistance to; combat.” *Id.* (Quotation marks and citation omitted). “A battery is the willful and harmful or offensive touching of another person which results from an act intended to cause such a contact.” *Id.* at 410 (quotation marks and citation omitted). Moreover, a “person” includes “[a] police officer in this state or a political subdivision of this state[.]” MCL 750.81d(7)(b)(i). Accordingly, to establish resisting and obstructing a police officer, the prosecution must establish, beyond a reasonable doubt:

(1) the defendant assaulted, battered, wounded, resisted, obstructed, opposed, or endangered a police officer, and (2) the defendant knew or had reason to know that the person that the defendant assaulted, battered, wounded, resisted, obstructed, opposed, or endangered was a police officer performing his or her duties. [*Morris*, 314 Mich App at 413-414 (quotation marks and citation omitted).]

1. BRANDI HULL

The trial court did not err in finding there was sufficient evidence for the jury to convict Brandi of resisting and obstructing a police officer. A review of the record indicates Chief Pearsall arrived in uniform in a fully-marked police vehicle, informed Brandi he was a police officer, and explained that he had a warrant for her arrest. From his testimony, a rational jury could conclude that Brandi had reason to know that Chief Pearsall was a police officer performing his duties in execution of an arrest warrant. *Morris*, 314 Mich App at 414. In fact, Brandi admitted she recognized Chief Pearsall as a police officer, at the time of the incident, from a previous occasion when Chief Pearsall came to her place of employment.

The testimony also sufficiently established that Brandi resisted and obstructed Chief Pearsall during the execution of the arrest warrant. A review of the testimony and body-camera footage indicates that after she was informed there was a warrant for her arrest, Brandi denied a warrant existed and insisted that she had never been stopped for excessive noise or loud exhaust. After the exchange between Anthony and Chief Pearsall, Brandi went back into the house, despite Chief Pearsall's instruction to stop, his attempt to physically stop her from entering the house, and his repeated statement that he had a warrant for her arrest, which could be resolved by coming with him and paying \$500 to get out of jail. After coming out of the house, Brandi continued to be verbally defiant toward the responding police officers and requested to see a copy of the arrest warrant. Even after Trooper Reynolds showed her the warrant, Brandi continued to be argumentative, insisted the warrant information was incorrect, and "almost had to [be] pick[ed] [up] and [carried] to the patrol car."

Brandi primarily contends that Chief Pearsall made a mistake in arresting her on a warrant for a crime she did not commit. Because the arrest was made on an invalid warrant, Brandi argues Chief Pearsall's commands were unlawful and justified her resistance. While Brandi correctly asserts that our Supreme Court recognizes a common-law right to resist unlawful police conduct, the record does not indicate the arrest warrant was unlawful. *People v Moreno*, 491 Mich 38, 51-52; 814 NW2d 624 (2012). Rather, Chief Pearsall, Trooper Reynolds, and Deputy LaFlure independently verified the arrest warrant was valid in LEIN at the time of the incident. Moreover, Long testified about the validity of the arrest warrant. Because the arresting police officer is entitled to rely on LEIN information as a basis for an arrest, Chief Pearsall's attempted execution of a valid arrest warrant was lawful. *People v Freeman*, 240 Mich App 235, 236-237; 612 NW2d 824 (2000).

Regardless, Brandi argues Chief Pearsall's miscommunication of the reason for her arrest justified her resistance. However, Brandi's opinion that the arrest warrant was a mistake or invalid was not relevant to whether she resisted and obstructed a police officer. Instead, the resisting and obstructing statute defines "obstruct," in part, as "the use or threatened use of physical interference or force *or a knowing failure to comply with a lawful command.*" MCL 750. 81d(7)(a) (emphasis added). Brandi's reasons for not complying, i.e., she already paid her fines, never had an excessive noise or exhaust citation, was unaware of the outstanding DWLS charge, did not know Petrica, and was worried Chief Pearsall and Petrica would harm her, did not serve to refute that she knew she was not complying with Chief Pearsall's orders by arguing and retreating to the house. Moreover, under MCL 764.18, when an arrest is made under a warrant, it is not necessary for the arresting officer to physically "have the warrant in his possession but such officer must, if possible, inform the arrested person that there is a warrant for his arrest and, after the arrest is made, shall show such person said warrant if required, as soon as practicable." MCL 764.18; see also *People v Agar*, 314 Mich App 636, 656; 887 NW2d 662 (2016) (noting the mere fact that an officer did not give the defendant a copy of the warrant did not render the warrant invalid). Accordingly, because Chief Pearsall reasonably relied on LEIN information as the basis for the arrest warrant and repeatedly informed Brandi that he had a warrant for her arrest, Chief Pearsall's conduct was lawful and did not give rise to a right to resist arrest. Moreover, even after Brandi was given the opportunity to see the arrest warrant, she continued to be argumentative, insisted the warrant information was incorrect, and resisted arrest.

Further, Brandi argues if Chief Pearsall had accurately advised her of the reason for her arrest, she would have complied with the arrest without incident. However, this argument is speculative. In fact, Brandi's testimony suggests that her behavior would not have changed. Specifically, Brandi stated if Chief Pearsall told her the arrest warrant was for the DWLS charge, she "would have told them that I have a receipt for that, and I would have walked in the house and got it." While Brandi contends this represents her compliance with lawful commands, Brandi fails to recognize her obstructive behavior in arguing with a police officer, who was executing a valid arrest warrant. A defendant does not have the right to resist or obstruct lawful actions of the police. *Moreno*, 491 Mich at 46-47. Because Brandi knew Chief Pearsall was a police officer, was informed there was a warrant for her arrest, and lacked a sufficient reason to believe Chief Pearsall was not lawfully performing his duties, there was sufficient evidence to support Brandi's conviction.

We also note Brandi's brief insinuation that the jury's questions during deliberations demonstrates they were struggling to determine whether Chief Pearsall acted lawfully in his attempt to arrest Brandi. However, the fact that a "jury asked questions during deliberations is not necessarily indicative of jury compromise." *People v Moorer*, 246 Mich App 680, 683 n 1; 635 NW2d 47 (2001) (citation omitted). A review of the jury's questions to the trial court establishes that the jury was seeking greater clarification of the applicable law, which is not indicative of a compromise, but rather shows that the jury wished to faithfully undertake its obligation. Additionally, the trial court specifically instructed the jury not to compromise the views of individual jurors to reach a verdict. A jury is presumed to follow its instructions. *People v Graves*, 458 Mich 476, 486; 581 NW2d 229 (1998).

Viewed in a light most favorable to the prosecution, the evidence was sufficient for the jury to conclude that Brandi engaged in conduct that hindered or obstructed Chief Pearsall from executing the arrest warrant and resisted Chief Pearsall during his execution of the arrest warrant. *People v Corr*, 287 Mich App 499, 503; 788 NW2d 860 (2010). As discussed, although Brandi claims she was not resisting or arguing with the police officers, but merely asking why she was being taken to jail, the police officers' testimony established otherwise. "It was for the jury to resolve issues of witness credibility and to weigh the evidence." *Agar*, 314 Mich App at 652. As a result, all reasonable inferences and credibility issues must be viewed in support of the jury verdict. *Id.* On this basis, it was apparent from the verdict that the jury believed Brandi knowingly defied Chief Pearsall's lawful execution of a valid arrest warrant by resisting and obstructing the arrest. *Morris*, 314 Mich App at 413-414. As a result, "[t]his Court must not interfere with the jury's role as the sole judge of the facts when reviewing the evidence." *Agar*, 314 Mich App at 652.

2. ANTHONY HULL

The trial court did not err in concluding there was sufficient evidence for the jury to convict Anthony of resisting and obstructing a police officer. A review of the record indicates that Chief Pearsall told Anthony he had a warrant for Brandi's arrest, and told Brandi about the arrest warrant in Anthony's presence. In fact, Anthony admitted that Chief Pearsall said he was there with a warrant to arrest Brandi. Moreover, despite Anthony's contention that he did not know Chief Pearsall to be a "true officer," Chief Pearsall was in full uniform, which Anthony admitted he saw, and drove a fully-marked police vehicle. From this evidence, a rational jury could conclude that

Anthony had reason to know that Chief Pearsall was a police officer performing his duties in execution of an arrest warrant. *Morris*, 314 Mich App at 414.

The testimony also sufficiently established that Anthony resisted and obstructed Chief Pearsall during the execution of the arrest warrant. A review of the testimony and body-camera footage indicates that Anthony became very upset when he came out of the house, told Chief Pearsall he was on private property, and told Brandi to go back into the house. As Anthony pushed Brandi back into the house, Chief Pearsall told Anthony to stop and grabbed Brandi's other arm to prevent losing custody of her. After Brandi was in the house, Anthony quickly closed the front door, pushing it closed against Chief Pearsall's attempt to keep it open. A reasonable inference could be made that Anthony used force to prevent Chief Pearsall from executing the valid arrest warrant. MCL 750.81d(7)(a). Additionally, while Anthony denied removing Chief Pearsall's hand from Brandi's arm and wedging Chief Pearsall's boot between the front door and doorframe as Anthony tried to close it, such contact also could have constituted a battery for purposes of the resisting and obstructing charge. *Morris*, 314 Mich App at 410.

Anthony primarily contends that Chief Pearsall was engaged in an unlawful action when he attempted to arrest Brandi. Because Chief Pearsall did not have a copy of the arrest warrant when he attempted the arrest, nor accurately communicate the reason for the warrant, Anthony argues he had a common-law right to resist and defend Brandi. While Anthony correctly asserts that our Supreme Court recognizes a common-law right to resist unlawful police conduct, the record does not indicate the arrest was unlawful because the warrant was valid. *Moreno*, 491 Mich at 51-52. Rather, Chief Pearsall, Trooper Reynolds, and Deputy LaFlure independently verified the arrest warrant was valid in LEIN at the time of arrest. Because an arresting police officer is entitled to rely on LEIN information as a basis for an arrest, Chief Pearsall's attempted execution of a valid arrest warrant was lawful. *Freeman*, 240 Mich App at 236-237.

In addition, contrary to Anthony's argument, when an arrest is made under a warrant, it is not necessary for the arresting officer personally to have the warrant in his or her possession. MCL 764.18; see also *Agar*, 314 Mich App at 656 (noting the mere fact that an officer did not give the defendant a copy of the warrant did not render the warrant invalid). In fact, Trooper Reynolds and Deputy LaFlure stated it was not common practice to carry a physical copy of the warrant during execution. Accordingly, the fact that Chief Pearsall did not have a physical copy of the arrest warrant at the time of the incident did not render Chief's Pearsall's conduct unlawful.

Moreover, Anthony contends he had a right to defend Brandi against Chief Pearsall. We note Anthony also asserted this argument at trial, requesting a jury instruction for the defense of others. However, the trial court rejected the instruction, stating "the issue of what's lawful is whether it was a lawful arrest or an otherwise lawful act by the officer[,]" and not in the first instance whether Anthony's conduct was lawful. A claim of "defense of others first requires that a defendant has acted in response to an assault." *Detroit v Smith*, 235 Mich App 235, 238; 597 NW2d 247 (1999).² "An arrest can be an assault if the arrest is illegal." *Id.* As stated, the evidence

² A valid defense of others defense requires: (1) the defendant honestly and reasonably believed there was danger; (2) the danger amounted to serious bodily harm or death; (3) the defendant's

established that Chief Pearsall reasonably relied on the LEIN information as the basis for the arrest. *Freeman*, 240 Mich App at 236-237. Because Chief Pearsall’s execution of the arrest warrant was lawful, there was no assault to give rise to Anthony’s right to defend Brandi. *Smith*, 235 Mich App at 238.

Further, Anthony contends if Chief Pearsall had explained the proper basis for the arrest warrant, there would not have been an incident. However, this argument is speculative. Despite Anthony’s testimony that if Chief Pearsall said the arrest warrant was for the DWLS charge, it would have “changed his mind,” Anthony also stated, “I would have showed them the receipt that I had because I did take care of it to the best of my knowledge and ability.” While Anthony contends this demonstrates his compliance with lawful commands, Anthony fails to recognize his obstructive behavior in arguing with a police officer and preventing the police officer from executing a valid arrest warrant. A defendant does not have the right to resist or obstruct lawful actions of the police. *Moreno*, 491 Mich at 46-47. Because Anthony knew, or had reason to know, Chief Pearsall was a police officer, was informed there was a warrant for Brandi’s arrest, and lacked a sufficient reason to believe Chief Pearsall was not lawfully performing his duties, there was sufficient evidence to support Anthony’s conviction.

Viewed in a light most favorable to the prosecution, the evidence was sufficient for the jury to conclude that Anthony engaged in conduct that hindered or obstructed Chief Pearsall in executing the arrest warrant. *Corr*, 287 Mich App at 503. Although Anthony claims he was merely defending Brandi from Chief Pearsall’s unlawful arrest, no such right was available during a lawful arrest. “It was for the jury to resolve issues of witness credibility and to weigh the evidence.” *Agar*, 314 Mich App at 652. As a result, all reasonable inferences and credibility issues must be viewed in support of the jury verdict. *Id.* It was apparent from the verdict that the jury believed Anthony knowingly obstructed Chief Pearsall’s lawful execution of a valid arrest warrant. *Morris*, 314 Mich App at 413-414. As a result, “[t]his Court must not interfere with the jury’s role as the sole judge of the facts when reviewing the evidence.” *Agar*, 314 Mich App at 652.

B. INEFFECTIVE ASSISTANCE OF COUNSEL

Brandi argues she was denied the effective assistance of counsel by trial counsel’s failure to request a jury instruction stating she had a right to resist an unlawful arrest. We disagree.

A claim of ineffective assistance of counsel must be raised below in a motion for a new trial or an evidentiary hearing. *People v Ginther*, 390 Mich 436, 443; 212 NW2d 922 (1973); *People v Snider*, 239 Mich App 393, 423; 608 NW2d 502 (2000). Brandi first raised the issue of ineffective assistance of counsel in her brief on appeal. Because Brandi raised the issue of ineffective assistance of counsel for the first time on appeal, it is unpreserved for appellate review.

The determination whether a defendant has been deprived the effective assistance of counsel presents a mixed question of fact and law. *People v LeBlanc*, 465 Mich 575, 579; 640

actions at the time were reasonably necessary for self-defense or defense of others; and (4) the defendant was not the initial aggressor. MCL 780.972; *People v Riddle*, 467 Mich 116, 120 n 8; 649 NW2d 30 (2002).

NW2d 246 (2002). The trial court’s factual findings are generally reviewed for clear error, while its constitutional determinations are reviewed de novo. *Id.* However, because defendant’s claim of ineffective assistance of counsel is unpreserved, this Court’s “review is limited to errors apparent on the record.” *Unger*, 278 Mich App at 253.

Effective assistance of counsel is presumed and a defendant bears a heavy burden to prove otherwise. *People v Rockey*, 237 Mich App 74, 76; 601 NW2d 887 (1999). To establish ineffective assistance of counsel, a defendant must show that counsel’s performance fell below an objective standard of reasonableness, and that the representation so prejudiced defendant that he or she was denied the right to a fair trial. *People v Pickens*, 446 Mich 298, 338; 521 NW2d 797 (1994). To establish prejudice, defendant must show a reasonable probability that, but for counsel’s error, the result of the proceeding would have been different. *People v Johnson*, 451 Mich 115, 124; 545 NW2d 637 (1996). Defendant must overcome the strong presumption that counsel’s actions constituted sound trial strategy under the circumstances. *People v Toma*, 462 Mich 281, 302; 613 NW2d 694 (2000). The proper “inquiry is not whether a defendant’s case might conceivably have been advanced by alternate means[.]” *LeBlanc*, 465 Mich at 582. This Court is generally required to give trial counsel the benefit of the doubt with this presumption and to affirmatively entertain the range of possible reasons that trial counsel may have had for proceeding as they did. *People v Gioglio*, 296 Mich App 12, 22; 815 NW2d 589 (2012). “Accordingly, a reviewing court must conclude that the act or omission of the defendant’s trial counsel fell within the range of reasonable professional conduct if, after affirmatively entertaining the range of possible reasons for the act or omission under the facts known to the reviewing court, there might have been a legitimate strategic reason for the act or omission.” *Id.* at 22-23. “Failing to request a particular jury instruction can be a matter of trial strategy.” *People v Dunigan*, 299 Mich App 579, 584; 831 NW2d 243 (2013).

Brandi was not denied the effective assistance of counsel by trial counsel’s failure to request a jury instruction regarding the right to resist an unlawful arrest. While trial counsel alleged Chief Pearsall’s arrest was unlawful because the warrant was invalid, the evidence clearly established there was a lawful arrest. As a result, there was no basis to instruct the jury on a right to resist an unlawful arrest. Regardless, we note trial counsel did request an instruction for self-defense because of “the argument from the defense . . . that there was a—a legal right to resist.” The trial court rejected the instruction, stating “the issue of what’s lawful is whether it was a lawful arrest or an otherwise lawful act by the officer[.]” and not whether Brandi’s conduct was lawful.

Even to the extent a specific instruction on resisting an unlawful arrest should have been requested, there is no reasonable probability the result of Brandi’s trial would have been different. The trial court instructed the jury that to find Brandi guilty of resisting and obstructing a police officer, the jury was required to find Chief Pearsall gave Brandi “a lawful command, was making a lawful arrest, or was otherwise performing a lawful act.” Accordingly, to convict Brandi, the jury had to conclude that Chief Pearsall acted lawfully. This conclusion would have undercut the unlawful arrest element of Brandi’s proposed instruction. Because the jury necessarily determined that Brandi did not have the right to resist Chief Pearsall’s lawful commands, or the execution of the valid arrest warrant, Brandi suffered no prejudice from her trial counsel’s failure to request the jury instruction on resisting an unlawful arrest.

In addition, Brandi briefly argues trial counsel should have requested an instruction that Chief Pearsall had a duty to properly inform an arrestee of the reason for an arrest. As stated, an arresting officer is generally not required to personally possess a copy of an arrest warrant when executing the warrant, “but such officer must, if possible, inform the person arrested that there is a warrant for his arrest” and show the person the warrant “as soon as practicable.” MCL 764.18. There does not appear to be any authority for Brandi’s contention that there is a duty to properly inform an arrestee of the reason for an arrest. In fact, the case Brandi relies on, *Drennan v People*, 10 Mich 169 (1862), only suggests that an arresting officer inform an arrestee “of the facts, or at least the offense for which he arrested him.” *Id.* at 177. On this basis, Brandi has failed to establish that a duty to properly inform an arrestee of the reason for an arrest exists to allow such an instruction.

C. ABUSE OF DISCRETION

Anthony argues the trial court abused its discretion by admitting irrelevant evidence, permitting the prosecutor to ask police officers for legal conclusions while precluding certain questions by his trial counsel, and permitting the prosecutor to pose argumentative questions. We disagree.

“Preserved evidentiary rulings are reviewed for an abuse of discretion.” *Unger*, 278 Mich App at 216. A trial court abuses its discretion “when the court chooses an outcome that falls outside the range of reasonable and principled outcomes.” *Id.* at 217. Anthony first argues the trial court erred by admitting any evidence regarding the court clerk’s register of actions concerning the April 2018 citation. Specifically, Anthony argues Brandi’s testimony that she called the court clerk to look up her DWLS charge was inadmissible to impeach Brandi because the prosecutor did not provide the necessary foundation to establish that every telephone call to the court clerk’s office was noted in the register of actions. MRE 901 requires that before evidence can be introduced, it must be authenticated or identified by “[t]estimony that a matter is what it is claimed to be.” MRE 901(b)(1). Before the register of actions was introduced into evidence, Long identified the documents as district court records for “no proof of registration, unsigned registration, on a 2018 civil infraction ticket” for Brandi. On the basis of Long’s testimony, a proper foundation was laid for the introduction of the register of actions for Brandi’s April 2018 citation.

While Long did not testify regarding the procedure for recording telephone calls from parties in the register of actions, there is also no record of the prosecutor’s attempt to impeach Brandi’s testimony in contravention of the rules of evidence during trial. During Brandi’s cross-examination, the prosecutor asked “if the Register of Actions doesn’t show [Brandi’s telephone call to the court clerk’s office], you wouldn’t dispute what was in the Register of Actions, would you?” Shortly thereafter, the prosecutor restated, “You wouldn’t disagree if the Register of Actions doesn’t show any of that conversation taking place?” MRE 613 provides:

- (a) . . . In examining a witness concerning a prior statement made by the witness, whether written or not, the statement need not be shown nor its contents disclosed to the witness at that time, but on request it shall be shown or disclosed to opposing counsel and the witness.

(b) . . . Extrinsic evidence of a prior inconsistent statement by a witness is not admissible unless the witness is afforded an opportunity to explain or deny the same and the opposite party is afforded an opportunity to interrogate the witness thereon, or the interests of justice otherwise require. [MRE 613.]

Moreover, MRE 609 provides:

(a) . . . For the purpose of attacking the credibility of a witness, evidence that the witness has been convicted of a crime shall not be admitted unless the evidence has been elicited from the witness or established by public record during cross-examination, and

- (1) the crime contained an element of dishonesty or false statement, or
- (2) the crime contained an element of theft [MRE 609(a).]

Because there is no record of the prosecutor’s attempt to impeach Brandi by a prior inconsistent statement or a prior conviction, the prosecutor was not required to lay any additional foundation for the questions regarding Brandi’s alleged telephone calls to the courthouse. By this line of questioning, the prosecutor merely asked whether Brandi would agree or disagree that the properly admitted register of actions does not reflect the telephone call she claims she made to the court clerk’s office. Asking Brandi about the contents of the document was proper under the applicable rules of evidence.

Regardless, even to the extent the trial court erred in permitting the prosecutor to question Brandi regarding the register of actions, any such error was harmless. “[A] preserved, nonconstitutional error is not a ground for 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 Lukity*, 460 Mich 484, 496; 596 NW2d 607 (1999) (quotation marks omitted). “An error is outcome determinative if it undermined the reliability of the verdict; in making this determination, this Court . . . focus[es] on the nature of the error in light of the weight and strength of the untainted evidence.” *People v Feezel*, 486 Mich 184, 192; 783 NW2d 67 (2010). Beyond the prosecutor’s two questions during Brandi’s cross-examination, this evidence was largely insignificant to the issues at trial and did not appear to have any bearing on the jury’s verdict for Anthony’s resisting and obstructing charge. As a result, Anthony was not entitled to a new trial on this basis.

Next, Anthony argues the trial court erred in permitting the prosecutor to ask police officers for legal conclusions regarding whether the arrest warrant was valid, while precluding his trial counsel from asking the police officers if a citizen is permitted to resist an unlawful arrest. MRE 701 addresses the admissibility of opinion testimony by lay witnesses:

If the witness is not testifying as an expert, the witness’ testimony in the form of opinions or inferences is limited to those opinions or inferences which are (a) rationally based on the perception of the witness and (b) helpful to a clear understanding of the witness’ testimony or the determination of a fact in issue. [MRE 701.]

Because a nonexpert witness's testimony is limited to those opinions, legal conclusions that are not grounded in the witness's perception are not admissible. *People v Daniel*, 207 Mich App 47, 57; 523 NW2d 830 (1994). In support of his argument, Anthony contends the prosecutor inappropriately asked Chief Pearsall whether "[t]here was a valid warrant that night," which central dispatch described as a warrant for excessive noise. However, because the prosecutor was asking Chief Pearsall about his perception of the validity of the arrest warrant based on his conversation with central dispatch, it is clear that Chief Pearsall's "opinion" was a factual conclusion, rather than a legal conclusion. Anthony also contends the trial court inappropriately precluded Anthony's counsel from asking whether (1) Chief Pearsall believed "if you are doing something incorrectly as a police officer, a person does not have the right to resist you[,] (2) Trooper Reynolds believed it was an illegal arrest "if you were to just arrest somebody on a made-up crime," and (3) Trooper Reynolds agreed "that if you tell a person you are arresting them for something they know they didn't do, it's reasonable for them to dispute what you're telling them?" Unlike the prosecutor's questions, trial counsel's questions posed hypotheticals to lay witnesses, asking for their opinions on police procedure and analysis of the law. Because the police officers' responses could not be grounded on their own perception of the incident, trial counsel was improperly asking for their legal conclusions, which is not permitted under MRE 701. As a result, Anthony was not entitled to a new trial on this basis.

Further, Anthony argues the trial court erred in permitting the prosecutor to ask Brandi argumentative questions about the incident. In support of his argument, Anthony points to the prosecutor's questions during the following portion of Brandi's cross-examination, including (1) "[y]ou decided that you would I guess contest [Chief Pearsall] right there on the porch rather than coming with him, fair to say[;]" (2) "[a]nd you thought that was the best outcome when an officer tells you that he has a valid warrant for your arrest[;]" (3) "[s]o you felt it was the best course of conduct to—to I guess resist going with him on this warrant as opposed to just—even though he told you he had a valid warrant for your arrest[;]" and (4) "[s]o rather than sort all of that out after you went down to the station or to the jail, you thought it was best to argue with him and resist him right there on the porch?" However, "[p]rosecutors are typically afforded great latitude regarding their arguments and conduct at trial." *Unger*, 278 Mich App at 236. "The prosecutor is entitled to attempt to introduce evidence that he legitimately believes will be accepted by the court, as long as that attempt does not prejudice the defendant." *People v Noble*, 238 Mich App 647, 660-661; 608 NW2d 123 (1999). On this basis, the prosecutor's questions cannot be considered argumentative because they were directly relevant to the lawful conduct issue at trial. Moreover, at no point did the prosecutor's questions arise to harassment or badgering. Regardless, even to the extent the prosecutor's questions were argumentative, Anthony's contention that because it was a "very short trial," it is more probable than not that the erroneous admission was outcome-determinative is merely speculative. In fact, we fail to see how the prosecutor's questions to a codefendant about her own opinions would entitle Anthony to a new trial.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Michael F. Gadola

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STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BRANDI MARIE HULL,

Defendant-Appellant.

UNPUBLISHED

February 1, 2022

No. 354667

Tuscola Circuit Court

LC No. 19-015018-FH

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ANTHONY RAY HULL,

Defendant-Appellant.

No. 354735

Tuscola Circuit Court

LC No. 19-015020-FH

Before: CAVANAGH, P.J., and SHAPIRO and GADOLA, JJ.

SHAPIRO, J. (*concurring*).

I concur in affirming the defendants’ convictions. However, I do not agree with the majority that the evidence was sufficient to find Ms. Hull guilty of resisting and obstructing based on her actions when the officer initially came to her door. The fact that she initially told the officers she was Brandie Hull, not Schook, is of no consequence since within a second or two of that statement she told the officers that she had recently been married and that the person they sought was her, though her name had changed. I also do not find probative defendant telling the officers that she had never been stopped for a loud exhaust. Her statement was true and does not evidence an intent to resist. Finally, I do not see evidence in the videotape that she made any efforts to physically resist at that point, though her husband clearly did. Nevertheless, I concur because Ms. Hull’s actions following the police’s return to the house were sufficient for a jury to convict.

Having reviewed this case, I find it difficult to understand why the LEIN system or police practices cannot be modified so that an officer executing a bench warrant will be able to accurately inform the arrestee why they are being arrested. In this case, the officer told Ms. Hull—based on the information he had—that the warrant was for a failure to appear on a citation for improper exhaust noise, a citation which Ms. Hull correctly told the officer she had never received. The fact that the officer communicated inaccurate information was the instigating event in the dispute that ended in the defendants’ arrests; it placed the officer in unnecessary danger and resulted in arrests and convictions for a crime that might readily have been avoided.

/s/ Douglas B. Shapiro