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State of Michigan
In the Supreme Court

The People of the State of Michigan	MSC No. 167154
Plaintiff-Appellee,	Case No. 355554
v.	Genesee County Circuit Court Case No. 18-42951 FC
David Serges	
Defendant-Appellant.	

Appendix to David Serges's Supplemental Brief (1 of 2)

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Appendix A – *Register Actions for Case No. 16F01452*

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67TH DISTRICT COURT

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For additional questions, please contact the Clerk's Office

STATE OF MICHIGAN		CASE NO: 16F01452 D01 OM
67TH JUDICIAL DISTRICT	REGISTER OF ACTIONS	X-REFERENCE #: 1316484
ORI250095J		STATUS: CLSD 01/18/18
PIN: 1683905705		

JUDGE OF RECORD: LATCHANA,MARK W., P-57002
JUDGE: LATCHANA,MARK W., P-57002

CITY OF BURTON v

SERGES/DAVID/HENRY
803 W. MILL
CLIO MI 48420

ENTRY DATE: 07/15/16
OFFENSE DATE: 07/11/16 1119 PM
ARREST DATE:
VEHICLE TYPE: VPN:
DOB: 08/25/1965 SEX: M RACE: U CDL: N
VEH YR: VEH MAKE: PAPER PLATE:

DEFENSE ATTORNEY ADDRESS
MISCISIN,SAMUEL A.,
3614 OGEMA AVE
FLINT MI 48507

BAR NO.
P-24578 APPOINTED
Telephone No.
(810) 743-4368

OFFICER: DUNCANSON/SHAWN
DEPT: BURTON CITY

PROSECUTOR: DOYLE,AMANDA N.,
P-69384
VICTIM/DESC:
VENUE: CITY OF BURTON

CNT: 01 C/M/F: M B149.02 ATTEMPTED ORD#B149.02 [A]
UNLAWFUL ENTRY
REDUCED FROM
CNT: 01 C/M/F: M B149.02 ORD#B149.02
UNLAWFUL ENTRY
ARRAIGNMENT DATE: 01/18/18 PLEA: PLEAD GUILTY PLEA DATE: 01/18/18
FINDINGS: DSP GLTY PL DISPOSITION DATE: 01/18/18
SENTENCING DATE: 01/18/18

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

JAIL SENTENCE: 45 DAYS PROBATION:
VEH IMMOB START DATE: NUMBER OF DAYS: VEH FORFEITURE:

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BOND HISTORY:
5,000.00 CASH OR SURETY BOND SET

DATE	ACTIONS, JUDGMENTS, CASE NOTES				INITIALS
07/11/16					
1	ORIGINAL CHARGE	UNLAWFUL ENT			KMA
	SCHEDULED FOR ARRAIGNMENT	082916 830A	LATCHANA,MARK W.,	P-57002	KMA
07/15/16					
	FILING DATE	071516			KMA
	MISCELLANEOUS ACTION	ALL COUNTS			KMA
	PROS DOYLE,AMANDA N.,			P-69384	KMA
1	BAIL BOND GENERATED	UNLAWFUL ENT			KMA
08/30/16					
	MISCELLANEOUS ACTION	ALL COUNTS			DA
	SCHEDULED FOR ARRAIGNMENT	091916 830A	LATCHANA,MARK W.,	P-57002	DA
	NOTICE TO APPEAR GENERATED				
		ALL COUNTS			DA
09/09/16					

NAME: SERGES/DAVID/HENRY CASE NO: 16F01452 PAGE 2

DATE	ACTIONS, JUDGMENTS, CASE NOTES				INITIALS
	MISCELLANEOUS ACTION	ALL COUNTS			CRW
	NTC RET TO CT NO APT # & NONE IN FILE				CRW
09/20/16					
	MISCELLANEOUS ACTION	ALL COUNTS			RT2
	JDG LATCHANA,MARK W.,			P-57002	RT2
	10% DEPOSIT				RT2
	BOND SET		$ 2500.00	091916	RT2
	CASE SENT TO WARRANTS				RT2
	DEF DNA ARR				RT2
	TRANSFER FROM COURT 6707 TO 6701				RT2
09/21/16					
	MISCELLANEOUS ACTION	ALL COUNTS			TPS
	CASH/SURETY/10% CASH				TPS
	BOND SET		$ 2500.00		TPS
	WARRANT ENTERED INTO LEIN				TPS
	LEIN ENTERED ORIGINAL WARRANT				TPS
	FTA ARJ/BOND %10-$2500				TPS
	WARRANT ENTRY REQUESTED	92116 220P			TPS
	SYSIDNO (20:) GENERATED BY LEIN				
		45795554			TPS
11/30/17					
	MISCELLANEOUS ACTION	ALL COUNTS			TPS
	WARRANT CANCELED FROM LEIN				TPS
	CASE SENT TO COURTROOM				TPS
	LODGED/FCLU VIDEO FOR 11-30-17				TPS
	WARRANT CANCELLATION REQUESTED				
		113017 712A			TPS
	WARRANT CANCELLATION ACCEPTED				
		113017 712A			TPS
	PRE-TRIAL HELD	ALL COUNTS			CRL
	JDG MANLEY,JENNIFER J.,			P-59603	CRL
	SCHEDULED FOR PRE-TRIAL	120717 830A	LATCHANA,MARK W.,	P-57002	CRL
	CASH OR SURETY				CRL
	BOND SET		$ 5000.00		CRL

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```
     ADVISED OF RIGHTS                                                  CRL
     GPS TETHER                                                         CRL
12/06/17
     MISCELLANEOUS ACTION      ALL COUNTS                               LMB
     REMOVED FROM CALENDAR     120717  830A  LATCHANA,MARK W.,    P-57002  LMB
     SCHEDULED FOR SHOWCAUSE HEARING
                               011817  830A  LATCHANA,MARK W.,    P-57002  LMB
     NOTICE TO APPEAR GENERATED
                               ALL COUNTS                               LMB
     MISCELLANEOUS ACTION      ALL COUNTS                               LMB
     REMOVED FROM CALENDAR     011817  830A  LATCHANA,MARK W.,    P-57002  LMB
     SCHEDULED FOR PRE-TRIAL   011818  830A  LATCHANA,MARK W.,    P-57002  LMB
     NOTICE TO APPEAR GENERATED
                               ALL COUNTS                               LMB
01/18/18
  1  ARRAIGNMENT/PRE-TRIAL HELD
                               UNLAWFUL ENT                             CRL
     JDG  LATCHANA,MARK W.,                                    P-57002  CRL
     REDUCED CHARGE            UNLAWFUL ENT                             CRL

NAME: SERGES/DAVID/HENRY                  CASE NO: 16F01452     PAGE   3

 DATE                     ACTIONS, JUDGMENTS, CASE NOTES             INITIALS

     PLEAD GUILTY                                                       CRL
     DISPOSED ON GUILTY PLEA                                            CRL
     CER 5710 LYNN BELDIN- COURT RECORDER                               CRL
     JAIL TERM                                 045D                     CRL
     CREDIT FOR TIME SERVED IN JAIL            045D                     CRL
     CASE CLOSED                                                        CRL
     SENTENCE                                                           CRL
     MISCELLANEOUS ACTION      UNLAWFUL ENT                             CRL
     ATT  MISCISIN,SAMUEL A.,                                  P-24578  CRL
     CHR/EJUD REJ SENT TO ADMINISTRATION                                CRL
            ***** END OF REGISTER OF ACTIONS ***** 03/30/21 11:27
```

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Appendix B – *Lab Examination Request No. BP17-4370*

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LABORATORY EXAMINATION REQUEST

AUTHORITY: 1935 PA 59, as amended; **COMPLIANCE:** Voluntary

If evidence has been previously submitted to the laboratory on this incident, please indicate the **LABORATORY CASE NUMBER**

BP17-4370

I. Agency Details

Agency Name: Burton Police Department	Agency Phone Number: +1 (810) 742-2542
Delivering Officer (Rank, First Name, Last Name)	Agency Incident Number: 1783902907
Investigating Officer (Rank, First Name, Last Name): Detective Eric Freeman	File Class: 09001
Investigating Officer's Direct Phone Number: +1 (810) 742-2542	Investigating Officer's Email Address: e.freeman@burtonmi.gov
Secondary Reporting Person (First Name, Last Name)	
Secondary Agency	Secondary Email Address

II. Offense Details

Date of Offense: 11/27/2017	Location of Offense - Street Address: 2421 Clayward Ave	Location of Offense - Street Intersection 1	Location of Offense - Street Intersection 2
Two-Digit County Code of Offense: 25	City: Burton	State: Michigan	ZIP Code: 48509

III. Examination Details

Type of Examination(s) Requested

- ☐ Arson
- ☒ Biology
- ☐ Drug Analysis
- ☐ Explosive Residue
- ☐ Fibers
- ☐ Firearms / Tool Marks
- ☐ Footwear / Tire Impressions
- ☐ Glass
- ☐ Hairs
- ☐ Headlamp Filament
- ☐ Latent Prints
- ☐ Paint
- ☐ Fracture Match
- ☐ Questioned Documents
- ☐ Toxicology
- ☐ Polygraph
- ☐ Other

KEY: S = Suspect V = Victim E = Elimination

▼	FIRST NAME / MIDDLE NAME / LAST NAME	RACE	SEX	DATE OF BIRTH	SID OR FBI NUMBERS
S	David/Henry/Serges	White	Male	[redacted]	[redacted]
V	Gail/Ann/Anderson	White	Female	[redacted]	

Statement of Facts / Comments (Required)

Please check item 49 (hat), item 50 (socks), item 52 (gloves), item 53 (jacket), item 54 (boots), item 57 (pants), and item 58 (sweat pants) for the presence of any blood and compare the DNA of the blood found to that of item 31 (known DNA sample from victim) that the lab already has from a previous laboratory examination form.

Trial Date:

Important- Please note the following regarding evidence packaging and delivery:

- Ensure evidence has been properly packaged and sealed to prevent contamination and tampering.
- All biologically-contaminated evidence must be labeled with a biohazard label.
- All syringes to be submitted for analysis must have lab director approval prior to delivery.
- All chemicals submitted for analysis must be individually packaged in liquid-tight containers.
- See page 2 if biology or DNA analysis is requested.

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If biology or DNA analysis is requested, the following information is **REQUIRED** per federal regulations.

The improper entry of a DNA profile (including samples that may be from innocent persons or victims), whether accidental or deliberate, into the Combined DNA Index System (CODIS) database is strictly prohibited. The following information will enable the Michigan State Police to accurately assess whether a DNA profile obtained from an evidentiary sample can be entered into CODIS.

Note: Lack of sufficient details will delay and possibly prohibit the entry of the evidentiary sample into CODIS.

ITEM OF EVIDENCE	DETAILS Examples: • Where was the item collected? (i.e. location) • To whom does the item allegedly belong? • Why do you believe this item belongs to a perpetrator and NOT a victim or unrelated individual?	PERMISSION TO CONSUME ITEM IN ANALYSIS (IF NECESSARY)	
Items 49, 50, 52, 53, 54, 57, and 58	These items were collected from the suspect on the day he was arrested. These are all his personal clothing items that potentially have the victim's blood (DNA) on them.	☐ Yes ☐ No	☒ Yes, DNA Only
		☐ Yes ☐ No	☐ Yes, DNA Only
		☐ Yes ☐ No	☐ Yes, DNA Only
		☐ Yes ☐ No	☐ Yes, DNA Only
		☐ Yes ☐ No	☐ Yes, DNA Only
		☐ Yes ☐ No	☐ Yes, DNA Only
		☐ Yes ☐ No	☐ Yes, DNA Only
		☐ Yes ☐ No	☐ Yes, DNA Only
		☐ Yes ☐ No	☐ Yes, DNA Only
		☐ Yes ☐ No	☐ Yes, DNA Only

The Forensic Science Division shall select and use the most appropriate testing method and procedure.
The Forensic Science Division reserves the right to transfer evidence received into its laboratory system to another accredited laboratory to help facilitate the analysis of evidence.

Print Form

Michigan State Police

Bridgeport Forensic Laboratory

Submission Report

Case #	Submission #	Page
BP17-4370	7	1 of 1

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Primary Agency:
Burton Police Department
4090 Manor Drive
Burton Police Department
Burton, MI 48519

Agency Case Number(s):
17-2907

Submitted Date and Time:
1/19/2018 11:52:40 AM

Primary Examiner:
Scott, Theresa

Investigating Officer
Freeman, Eric

Submitting Officer
Tamez, Linda E/T

Names of Victims (Last, first, mid):
Anderson, Gail Ann

DOB [redacted] **Race** Caucasian **Sex** Female

Names of Suspects (Last, first, mid):
Serges, David Henry

DOB [redacted] **Race** Caucasian **Sex** Male

Date and Type of Offense:
November 27, 2017 - Murder/Nonnegligent Manslaughter

Court and Court Date:

Examinations Requested:
Biology

Jurisdiction:
25 - Genesee County

Brief Statement of Fact:

Specify manner of return of evidence: Personal Delivery

This evidence is being submitted in connection with a criminal investigation and has not been examined by another laboratory.

Evidence Submitted: (Itemize and Describe)

Container 10	1-Sealed evidence envelope containing: item 49
Container 11	1-Sealed evidence envelope containing: item 50
Container 12	1-Sealed evidence envelope containing: item 52
Container 13	1-Sealed paper evidence bag containing: item 53
Container 14	1-Sealed paper evidence bag containing: item 54
Container 15	1-Sealed paper evidence bag containing: item 57
Container 16	1-Sealed paper evidence bag containing: item 58

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Appendix C – *Lab Report No. BP17-4370*

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STATE OF MICHIGAN
DEPARTMENT OF STATE POLICE
FORENSIC SCIENCE DIVISION
Lansing Forensic Laboratory
7320 N. Canal Rd
Lansing, MI 48913
(517) 284-3491
FAX (517) 636-4468

LABORATORY REPORT

Laboratory No.	:	BP17-4370	Record No.	:	9
Investigating Ofcr.	:	Michael Odette, Lt., Eric Freeman	Date Received	:	February 21, 2018
Agency	:	Burton Police Department	Time Received	:	2:17 p.m.
Agency No.	:	17-2907	Date Completed	:	March 8, 2018

Nature of Offense:

0900-1 - Murder/Nonnegligent Manslaughter

Victim(s):

Anderson, Gail Ann

Suspect(s):

Serges, David Henry

Evidence:

BP17-4370-1e	DNA extract- David Serges *[previously analyzed and reported under Record No. 4]*
BP17-4370-6e	Gail Anderson- blood card- DNA extract *[previously analyzed and reported under Record No. 4]*
BP17-4370-L5e	cigarette butt - DNA extract
BP17-4370-14e	possible blood from boot - DNA extract
BP17-4370-15Ae	blood from front right jean leg - DNA extract
BP17-4370-15Be	blood from front left jean leg - DNA extract

Results of Examination:

DNA recovered from the above submitted samples was processed using the polymerase chain reaction (PCR) and the PowerPlex® Fusion System.

Conclusions:

1. The DNA profile obtained from item BP17-4370-L5e (**cigarette butt**) is consistent with a female contributor.

    1a. Item BP17-4370-6e (Gail Anderson- blood card) matches the DNA profile from item BP17-4370-L5e (cigarette butt).

    Using available population frequency data, the probability of selecting an unrelated individual at random from the population having a DNA profile matching the profile from

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item BP17-4370-L5e (cigarette butt) is approximately:

Population Database	*Random Match*
Caucasian	*1 in 24.5 nonillion*
African American	*1 in 268.6 nonillion*
Hispanic	*1 in 87.5 nonillion*

1b. Item BP17-4370-1e (David Serges) is excluded as a contributor to the DNA profile from item BP17-4370-L5e (cigarette butt).

2. The DNA profile obtained from items BP17-4370-14e (**possible blood from boot**) and BP17-4370-15Be (**blood from front left jean leg**) is consistent with item BP17-4370-1e (David Serges).

2a. Item BP17-4370-1e (David Serges) is expected to have contributed to items BP17-4370-14e (possible blood from boot) and BP17-4370-15Be (blood from front left jean leg).

2b. Item BP17-4370-6e (Gail Anderson- blood card) is excluded as a contributor to the DNA profile from items BP17-4370-14e (possible blood from boot) and BP17-4370-15Be (blood from front left jean leg).

3. The DNA profile obtained from item BP17-4370-15Ae (**blood from front right jean leg**) is consistent with a mixture of two contributors including a major female contributor.

3a. Item BP17-4370-6e (Gail Anderson- blood card) matches the major contributor to item BP17-4370-15Ae (blood from front right jean leg).

Using available population frequency data, the probability of selecting an unrelated individual at random from the population having a DNA profile matching the major profile from item BP17-4370-15Ae (blood from front right jean leg) is approximately:

Population Database	*Random Match*
Caucasian	*1 in 24.5 nonillion*
African American	*1 in 268.6 nonillion*
Hispanic	*1 in 87.5 nonillion*

3b. The minor contributor to item BP17-4370-15Ae (blood from front right jean leg) is insufficient for comparison purposes.

3c. Item BP17-4370-1e (David Serges) is excluded as the major contributor to item BP17-4370-15Ae (blood from front right jean leg).

Population Statistics:

Population statistics are offered to estimate the frequency of occurrence of the reported DNA profiles in the general population. The method used applies recommended procedures endorsed by the National Research Council. (ref. The Evaluation of Forensic DNA Evidence 1996).

Disposition of Evidence:

All DNA extracts will be returned to the submitting agency.

Heather Goff
Forensic Scientist
Biology Unit
email: goffh@michigan.gov

March 8, 2018

cc: Theresa Scott

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PKT 3 of 3 - Laboratory Report-Released-(17347221).pdf

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Appendix D – *District Court Register of Actions*

J
SEJ
3-13-18

FELONY

CASE NO. 18T-585

67TH DISTRICT COURT

THE PEOPLE OF THE STATE OF MICHIGAN
vs.
David Henry Serges

Defendant's Attorney David Clark

Prosecuting Attorney Leyton

Crawford
Yuille

Def
David Henry Serges
At

HISTORY	RECORD OF APPEARANCE	RECORD
Charge: Homicide-Open Murder	PE 4-12-18 2:00	JAI
Statute No. 750.316-C		
Investigating Officer Freeman		
Warrant Issued By Guinn		
Date 3-12-18		
Arraigned Before Judge Guinn		
Date 3-13-18		
Exam: Waived ____ Demanded ____		
14-Day Period Waived ____ Demanded ____		
Determination:		
Able to Hire Attorney		
Attorney To Be Appointed X		
Pre-Trial Set For 3-22-18 @ 8:30		
Examination Date		
BOND: Cash ____ No Bond		
Cash ____		
Personal Recog. ____		
FINGERPRINTED: ✓ YES ___ NO		

FIF

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Appendix E – *Felony Complaint*

2018000983 AH

Information - Circuit Court
Original Complaint - Court
Warrant - Court

Bind over/Transfer - Circuit/Juvenile Court
Complaint copy - Prosecutor
Complaint copy - Defendant/Attorney

STATE OF MICHIGAN **67th JUDICIAL DISTRICT** **7th JUDICIAL CIRCUIT**	**COMPLAINT** **FELONY**	**CASE NO.: 2018000983** **DISTRICT:** 18T-585FY **CIRCUIT:**

District Court ORI: MI- MI2500953
630 S. SAGINAW ST. FLINT, MI 48502 810-257-3165

Circuit Court ORI: MI- MI2500151
900 S. Saginaw St. Flint, MI 48502

THE PEOPLE OF THE STATE OF MICHIGAN	Defendant's name and address V **DAVID HENRY SERGES W/M** **3216 BENNETT AVE** **FLINT, MI 48506**	Victim or complainant **DET ERIC FREEMAN** Complaining Witness **DET ERIC FREEMAN**
Co-defendant(s)		Date: On or about **11/27/2017**

FIF

City/Twp./Village	County in Michigan	Defendant TCN	Defendant CTN	Defendant SID	Defendant DOB
CITY OF BURTON	**Genesee**		**25-18000983-01**	**1751503J**	**08/25/1965**

Police agency report no.	Charge	DLN Type:	Vehicle Type	Defendant DLN
25BPD 1783902907	**See below**	**Oper./Chauf**		**S 622 135 303 663**

Witnesses

DET ERIC FREEMAN	**GAIL ANDERSON**	**DEP JACOB BILANOW**
MICHAEL DONIGAN	**LT MICHAEL ODETTE**	**GREGORY BARRETT**
KEVIN BOAZ	**LAB REPORT**	

STATE OF MICHIGAN, COUNTY OF GENESEE
The complaining witness says that on or about 11/27/2017 in Genesee County, Michigan the defendant contrary to law:

HOMICIDE - OPEN MURDER - STATUTORY SHORT FORM
did murder Gail Anderson; contrary to MCL 750.316. [750.316-C]
FELONY: Life; DNA to be taken upon arrest.

Upon conviction of a felony or an attempted felony court shall order law enforcement to collect DNA identification profiling samples.

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

Warrant authorized on 03/12/2018 by:
Date
Sam Fleet, P79745
☐ Security for costs posted

Complaining Witness Signature

Subscribed and sworn to before me on 3/12/18
Date

Judge/Magistrate/Clerk

P 56984
Bar no.

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Appendix F – *Investigator Notes,*
containing Ashley Durga's statement at p 3

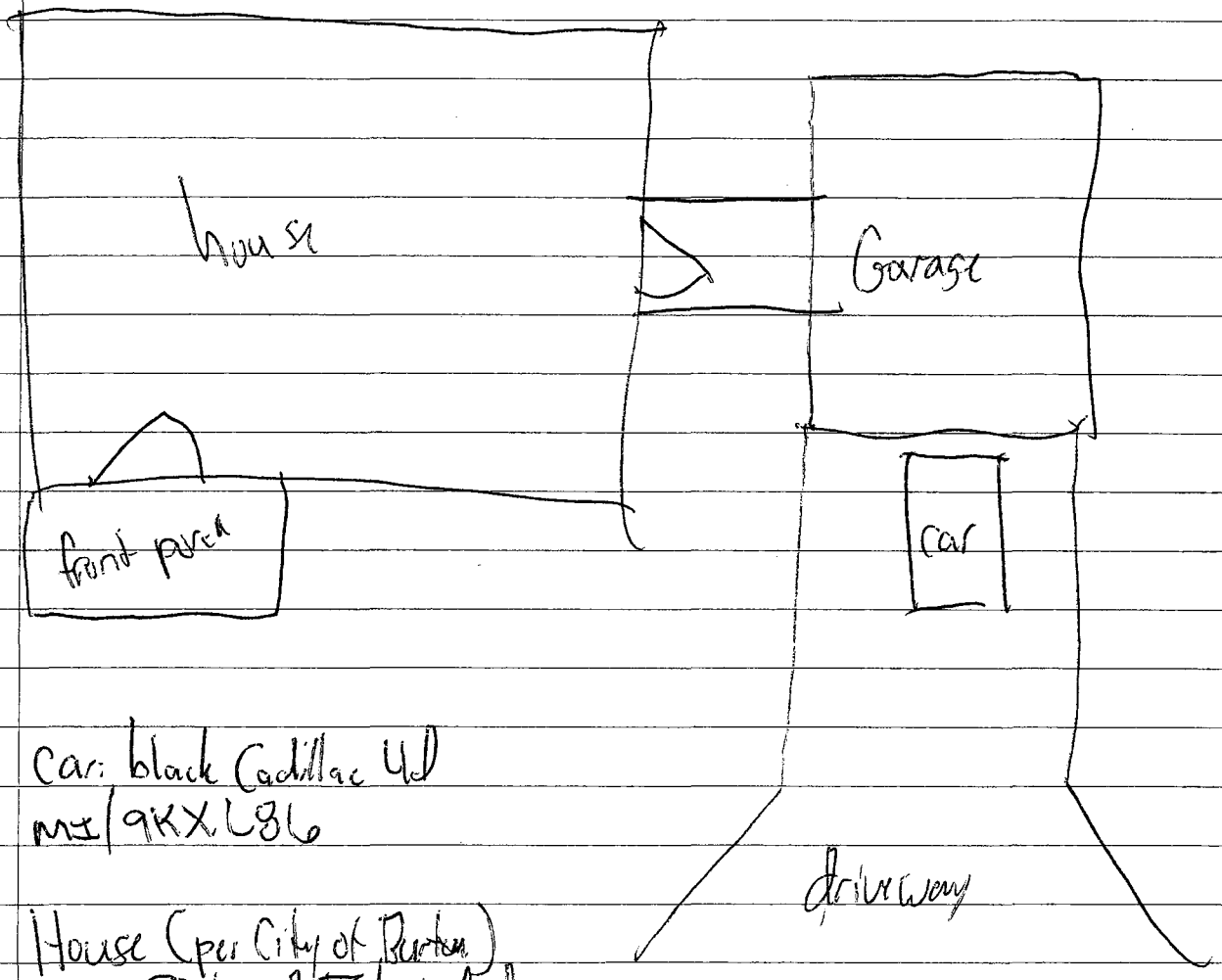
Filed in the Court of Appeals as an Offer of Proof with Motion to Remand

DEFENSE

11/7/17

17-2907 - 2421 Clayward

Car unlocked
front door locked, interior door open
back door unlocked, interior door open
fire mark on side of driveway by gate (BFD)



Car: black Cadillac 4d
MI/9KXL86

House (per City of Burton)
own: Gail and Robert Anderson
stats: 1,072 sq. ft
32 sq. ft covered porch
taxes up to date
Water bill paid 11/7/17 - City of Burton

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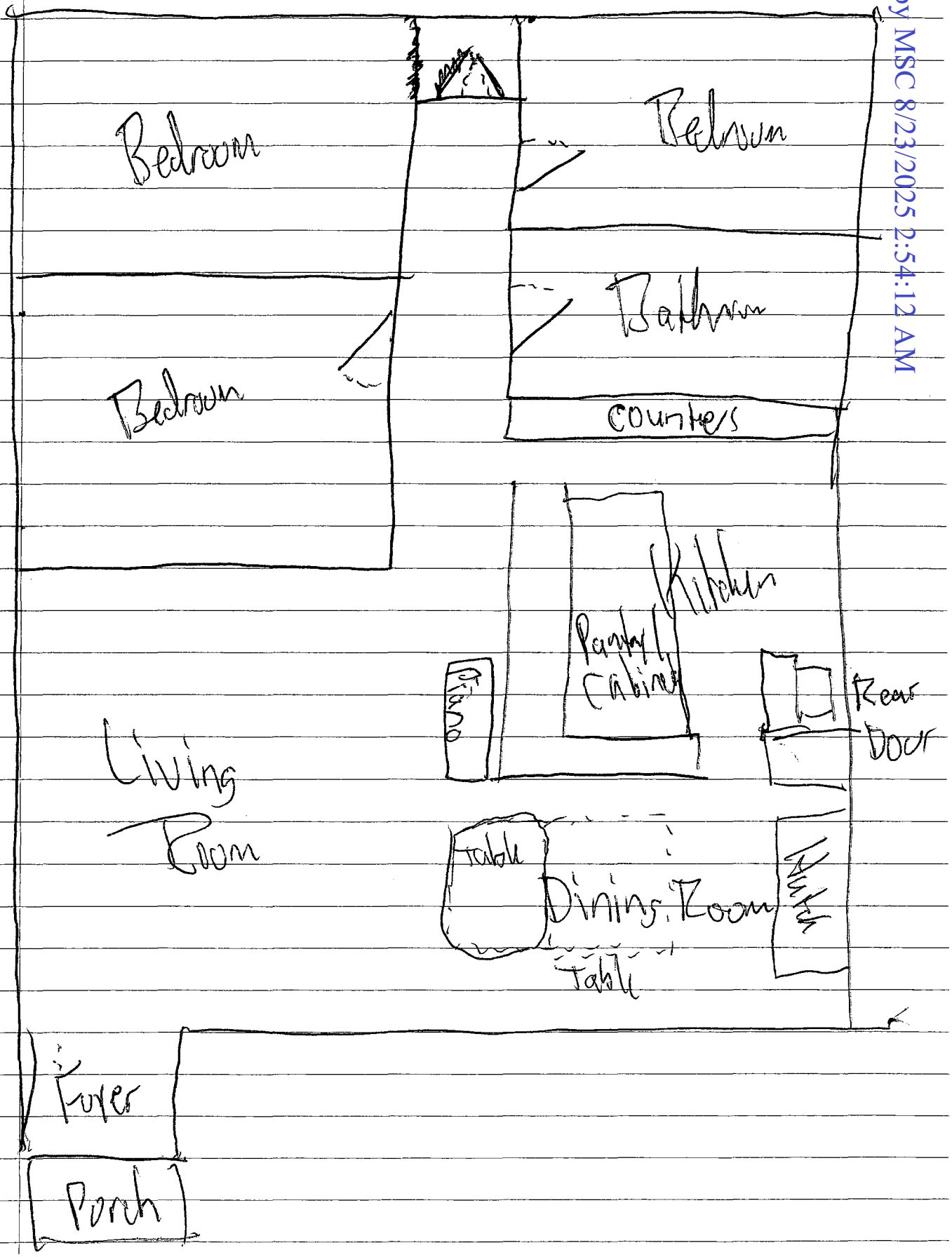
Inside of House



David - offers handywork job (inside/outside work)
Said he did work for Gail
Sat. afternoon 12:30p - 1:30p
Carrying rake/shovel
Walking NB
Pic on Covert Rd neighborhood app (Next door Covert Rd)
Assumed came from Gail's

Gregory Michael Kotlark [redacted]
[redacted]
[redacted] Clayward

David: Lt. jacket, bb hat, jeans
≈ 48-50 y/o
w/m/shorter, real thin
506/140 lbs
darker s&p hair

State Police crime lab arrival 1:00pm
Clear 4:50pm

w/m
gray hair
short/skinny
bj/light shirt

2 b/m in Jeep and w/m - Sat - Cherokee w/rims/dk blue
Gail checked mail on Sat. left e/b
Mar. Ultra Lite 100s - cigarettes
Red Charger, b/m lives in neighborhood/rides bicycle
b/m down road not married

Ashley Marie Durga [redacted]
810 [redacted]
[redacted] Clayward

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11/27/17 Item 1 - Samsung cell phone
Item 2 - Keys
Item 3 - Orange Wallet
Item 4 - Purse
} locker 11

11/28/17 Item 5 - Blood Card
Item 6 - Bio Evidence
} locker 12

Items to lab 12/1/17
- 43, 44 - Shirts
- 1 Serges DNA
- 16 Raid can
- 20 Hammer
- 29 PJ Shirt
- 30 Nail Clippings
- 31 blood card
- 33 Wallet

Dave Anderson [redacted] / [redacted]

Rob's Kids, Daniel, Brett (50's), Dennis (44?), Robbie (40)
- Good relationship w/ Gail
Gail's family - parents deceased, Jill (50's), Tim (bro), Neal (bro)
- Not good relationship

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Appendix G – Death Scene Investigation Report, containing Ashley Durga's statement at p 2

Witness addresses and phone numbers are redacted

Filed in the Court of Appeals as an Offer of Proof with Motion to Remand

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DEFENSE

Death Scene Investigation Report
Investigator: Kevin Boaz
Medical Examiner: Genesee County Medical Examiner
Date of Death: November 27, 2017
Case Number: 17-1389
Primary Rational for Medical Examiner Activity: ME accepted jurisdiction, Deceased transported to morgue and ME will sign DC

DECEDENT IDENTIFICATION
Name: Gail Anderson
SS#: (Not on file)
DOB: 10/9/1947
Age: 70 y.o.
Gender: Female
Race: White Or Caucasian
Marital Status: Widowed
Decedent was homeless: no
Pregnant at time of death: no
Decedent currently under governmental supervision: no

SECONDARY PARTIES
Decedent identified by: Dallas Robinson
Relationship: Neighbor
Means identified by: Appearance

Next of kin notified: Yes
Notifying agency: Burton Police
Relationship: Brother
Name: Timothy [redacted]
Address: [redacted]
Phone number: [redacted]

Was this death potentially caused by a secondary party: Unknown

Witness: Found Decedent
Relationship of witness/person who found decedent to decedent: Neighbor
Name: Dallas Robinson
Address: [redacted]

SCENE INFORMATION

Investigator notified by: **Stat**
Police on scene: **Yes**
Case #: **172907**
Department: **Burton Police**
Officer(s): **Ofc. Mahan, Det. Freeman**
Photos taken by Scene Investigator: **Yes**
Photos taken by Police: **Yes**
Address of Incident: [redacted]

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Place of Incident: **Decedent's Home**
Describe how injury occurred: **THE DECEDENT IS A 70 Y/O WHITE FEMALE, WHOSE MEDICAL HISTORY CONSISTS OF HTN, CHF, DIABETES, SMOKING, AND MULTIPLE STROKES. THE DECEDENT WAS LAST SEEN ALIVE ON 11-25-2017 IN THE AFTERNOON WHEN ASHLEY DURGA (NEIGHBOR) STATED THAT SHE SAW THE DECEDENT CHECKING HER MAIL UNSURE AS TO WHAT TIME. THE DECEDENT WAS SUBSEQUENTLY FOUND UNRESPONSIVE ON 11-27-2017 AT APPROXIMATELY 1030 WHEN DALLAS ROBINSON (NEIGHBOR) BECAME CONCERNED THAT THE DECEDENT DID NOT ANSWER HER PHONE. DALLAS ROBINSON STATED THAT HE WENT TO THE FRONT DOOR, AND THE SCREEN DOOR WAS LOCKED, AND THE FRONT DOOR WAS OPEN. HE WENT TO THE BACK DOOR, AND ENTERED THE RESIDENCE, AND SAW BLOOD AND FOUND THE DECEDENT, DALLAS ROBINSON STATED THAT HE BACKED OUT, AND CALLED 911 IMMEDIATELY. UPON GCSD, AND BURTON POLICE ARRIVAL THE DECEDENT SHOWED OBVIOUS SIGNS OF DEATH, AND WAS PRONOUNCED DEAD AT 1105 BY Dr. JAGGI OF HMC E.R. AT THE TIME OF SCENE INVESTIGATION THE DECEDENT IS FOUND ON HER SIDE IN THE KITCHEN. THIS IS THE SAME POSITION FOUND IN BY FIRST RESPONDERS. THE DECEDENT IS CLAD IN BLUE SHIRT, BLUE PANTS, AND WHITE SOCKS. THIS IS APPROPRIATE FOR THIS SITUATION. THE DECEDENT IS DEVELOPED, AND NOURISHED WITH TWO LACERATIONS TO THE BACK OF THE DECEDENTS HEAD. THE DECEDENTS NEXT OF KIN IS TIMOTHY CARNELL (BROTHER) HE HAS BEEN NOTIFIED BY BURTON POLICE. THE DECEDENTS PRIVATE PHYSICIAN IS DR. GOLEBA SHE HAS BEEN NOTIFIED. IN DISCUSSIONS WITH DR. GOLEBA SHE CONFIRMED DECEDENTS HISTORY, AND STATED THAT THE DECEDENT WAS IN HER OFFICE ON 11-15-2017, AND THAT THE DECEDENT SHOWED NO SIGNS OF WEAKNESS, AND THAT FOR HER HEALTH SHE SEEMED OK. IN DISCUSSIONS WITH DET. FREEMAN (BURTON POLICE) HE STATED THAT THE DECEDENT WOULD LEAVE HER SCREEN DOOR LOCKED, AND HER FRONT DOOR WAS ALWAYS LEFT OPEN ACCORDING TO THE NEIGHBORS. DET. FREEMAN STATED THAT THERE DOES NOT APPEAR TO BE ANY FOUL PLAY IN THE HOUSE, AND THAT NOTHING WAS MISSING. HE ALSO STATED THAT THERE WERE NO FOOTPRINTS IN THE BLOOD, AND THERE WAS NO SPLATTER ON THE WALLS AS IF THERE WAS A STRUGGLE. AFTER TALKING TO DR GOLEBA, AND FINDING OUT THE DECEDENT WAS ON PLAVIX. IT APPEARS THE DECEDENT FELL BACK FROM HER TABLE STRIKING HER HEAD ON THE EDGE OF THE PIANO WHICH HAD BLOOD, AND HAIR ON IT. THE DECEDENT WALKED AROUND THE HOUSE BLEEDING THE BOTTOM OF THE BOTTOM OF THE DECEDENTS SOCKS ARE COVERED IN BLOOD. THE DECEDENTS FAMILY HAS NOT CHOSEN A FUNERAL HOME. THE DECEDENT WAS TRANSPORTED TO GENESEE COUNTY MORGUE FOR AUTOPSY DUE TO POSSIBLE INJURIES SUSTAINED IN A FALL. GOL WAS NOT NOTIFIED. END REPORT.**

11-27-2017
CIRCUMSTANCES SURROUNDING DEATH
Attendance of death: **Found body**
Did injury occur on the job: **No**
Was decedent in custody: **No**
Medical treatment: **None**
Decedent appropriately clothed at time of death: **Yes**

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Evidence of drugs involved: **No**
Evidence of alcohol involved: **No**
Date last known alive: **11/25/2017**
IF FOUND DEAD
Tme: **12:00**
Rigor: **None**
Livor as expected: **Yes**
Body location: **Indoors**
If NOT taken: **Cold**
Air Temp (F): **73**

DATE/TIME OF DEATH
Position of body: **On side**
Actual date of death: **11/27/2017**
Pronounced date of death: **11/27/2017**
Pronounced time of death: **11:05**
Place of pronounced death: **Dead at injury location**

MEANS OF DEATH
Means of death: **Fall**

Fall

Reason for fall: **unknown**
From: **Unknown**

Social History

Social History Main Topics	
• Smoking status:	Current Every Day Smoker
Types:	Cigarettes
• Smokeless tobacco:	Not on file
• Alcohol use	No
• Drug use:	No
• Sexual activity:	Not on file

Other Topics	Concern
• Not on file	

Social History Narrative
• No narrative on file

Past Medical History:

Diagnosis	Date
• CHF (congestive heart failure)	
• Diabetes mellitus	
• Hypertension	
• Stroke	

No past surgical history on file.

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Appendix H – *Trial Court Order Denying Motion for New Trial*

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STATE OF MICHIGAN

IN THE 7TH JUDICIAL CIRCUIT COURT FOR THE COUNTY OF GENESEE

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff, Case No. 18-042951-FC

v HON. ELIZABETH A. KELLY

DAVID HENRY SERGES,

Defendant.
_____/

ORDER DENYING DEFENDANT'S "MOTION FOR A NEW TRIAL"

At a session of said Court held at the Courthouse
In the City of Flint, County of Genesee, Michigan
Monday, October 11, 2021:

PRESENT: THE HONORABLE ELIZABETH A. KELLY

I. INTRODUCTION

Defendant, DAVID HENRY SERGES, has filed with this Court a "Motion for a New Trial" arising out of the above-captioned case. The People responded to Defendant's motion on July 21, 2021, and oral arguments were heard on July 26, 2021. The People stipulated to the facts as they were presented in Defendant's motion.

The People and Defendant stipulate to the facts in this matter. To provide a brief summary, Defendant was convicted of first-degree murder and sentenced to life-without-parole following a jury trial. The key piece of evidence in the case was a speck of the Decedent's blood on Defendant's pants. Defendant's trial took place during the COVID-19 pandemic and special precautions were taken to protect participants from contracting the COVID-19 virus.

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Defendant was arrested because of an outstanding warrant relating to a city ordinance violation. During his arrest, Defendant's clothing was seized by the jail and held as his property. The next day, the police seized Defendant's clothing and placed it into evidence. Later, the police tested Defendant's clothing and detected the presence of blood. The blood was tested and the test results indicated that it was the Decedent's blood.

II. DEFENDANT'S CLOTHING WAS NOT ILLEGALLY OBTAINED

Both the United States and Michigan Constitutions protect individuals from unreasonable searches and seizures. US Const, Am IV; Const 1963, art 1, § 11; *People v Slaughter*, 489 Mich 302, 310-311 (2011). "Searches and seizures conducted without a warrant are unreasonable per se, subject to several specifically established and well-delineated exceptions." *People v Borchard-Ruhland*, 460 Mich 278, 293 (1999). Generally, when evidence is seized in violation of a defendant's constitutional protections, the typical remedy is exclusion of the evidence. See *People v Goldston*, 470 523, 528 (2004). In other words, evidence obtained through an unreasonable search or seize is subject to the exclusionary rule. *Davis v Mississippi*, 394 US 721, 724 (1969).

In 1975, the Michigan Court of Appeals ruled on a case with similar facts as this matter. See *People v Rivard*, 59 Mich App 530, 532 (1975). In *Rivard*, the "[d]efendant claim[ed] that the trial court erred by admitting into evidence, over his objection, a sapphire ring seized from defendant's property locker at the county jail." *Id.* at 532. The sapphire ring on the defendant's hand was seized during an inventory of his person at the jail. *Id.* The next morning, a detective realized that the sapphire ring was evidence of defendant's alleged criminal conduct. *Id.* The "[d]efendant moved to suppress the ring because it was seized without a warrant." *Id.* The Michigan Court of Appeals stated that "the ring was initially discovered during a casual

observation of the article in plain view" and "[i]t was not first seen because of an unjustified invasion of defendant's right to privacy. *Id.* Moreover, the court ruled, "Once the ring had been exposed to police view under unobjectionable circumstances and lawfully taken by the police for safekeeping, any expectation of privacy with respect to that item had at least partially dissipated." *Id.* at 533-34. As a result, "no reasonable expectation of privacy was breached by" the detective's second look. *Id.* at 534. Ultimately, the court ruled that "a search warrant to again look at the [evidence], already in police custody, does not make sense." *Id.* at 533.

In *United States v Edwards*, the United States Supreme Court held, "both the person and the property in [defendant's] immediate possession may be searched . . . after [an] arrest has occurred . . . and if evidence of crime is discovered, it may be seized and admitted in evidence." *United States v Edwards*, 415 US 800, 803 (1974). Moreover, the Court stated, "Nor is there any doubt that clothing or other belongings may be seized upon arrival . . . at the place of detention and later subjected to laboratory analysis or that the test results are admissible at trial." *Id.* at 803-04.

Here, Defendant's clothing was not seized in violation of the United States or Michigan Constitutions. Like the defendant in *Rivard*, Defendant's clothing was collected through a jailhouse inventory and taken into evidence the following day. *Rivard*, 59 Mich App at 532. Importantly, the Michigan Court of Appeals ruled, evidence seized from a defendant's jailhouse inventory is not inadmissible because the evidence was initially "exposed to police view under unobjectionable circumstances and lawfully taken by the police for safekeeping, any expectation of privacy with respect to that item had at least partially dissipated." *Id.* at 533-34. As indicated by the court, "a search warrant to again look at the [clothing], already in police custody, does not

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make sense. *Id.* at 533. Simply put, the clothing in this case was properly seized following a jailhouse inventory and the seizure did not violate the United States or Michigan Constitutions.

No warrant is required to test clothing that was lawfully seized by the police. The United States Supreme Court has ruled that clothing seized at a place of detention may be sent to a laboratory for testing and those test results are admissible in court. *Edwards*, 415 US at 803-04. Likewise, here, Defendant's clothing was properly seized at a place of detention and sent for forensic testing. As expressed in *Edwards*, the results of the forensic testing is admissible in court. Thus, neither the seizure of Defendant's clothing nor the laboratory testing of that clothing was in violation of the United States or Michigan Constitutions.

Pursuant to MCR 6.431(B), "[o]n the defendant's motion, the court may order a new trial on any ground that would support appellate reversal of the conviction or because it believes that the verdict has resulted in a miscarriage of justice." As indicated above, Defendant's constitutional rights were not violated; therefore, there was no plain error or miscarriage of justice caused by the introduction of Defendant's clothing into evidence. Therefore, the introduction of Defendant's clothing into evidence does not satisfy the requirements for a new trial and Defendant's requested relief must be denied.

III. THE PEOPLE DID NOT ENGAGE IN MISCONDUCT

The State of Michigan encourages parties "to seek a fair and accurate trial the first time around . . . ." *People v Grant*, 445 Mich at 551, 552 (1994). In fact, the Michigan Supreme Court "disfavors consideration of unpreserved claims of error." *People v Carines*, 460 Mich 750, 761-62 (1999). When defense counsel fails to object to an error during trial, on appeal, that error is reviewed for plain error and "[t]o avoid forfeiture under the plain error rule, three requirements must be met: 1) error must have occurred, 2) the error was plain, i.e., clear or obvious, 3) and the

plain error affected substantial rights." *People v Carines*, 460 Mich 750, 763 (1999). Notably, "it is error to permit a witness to give his own opinion or interpretation of the facts because it invades the province of the jury." *People v Drossart*, 99 Mich App 66, 80 (1980).

In this case, Detective Freeman (hereinafter "Detective") testified regarding an interview with Defendant. The Detective testified that he noticed Defendant "brushing the top of his legs", while Defendant was in the interview room. 9/22/20 Tr, 57. Additionally, the Detective testified that "based on [his] experience and . . . training . . . grooming techniques are . . . a pretty good indicator of deception . . . there's other things too, covering their mouth, cross the arms . . . and he says, out loud, he says 'they're not going to pin this on me.'" *Id.* Defendant failed to object to the Detective's testimony at the trial. However, on cross-examination, Defendant addressed the Detective's testimony. More specifically, Defendant asked, "You know, you've got me a little self-conscious. I feel like I can't brush off any lint or sit there with my arms cross, you'll think I'm a liar, true?" 9/22/20 TR, 68. In response, the Detective said, "True. Yeah." *Id.*

Here, Defendant made the decision not to object to the Detective's testimony because Defendant addressed the testimony during cross-examination. Because Defendant did not object to the testimony, Defendant has the burden of showing that (1) that an error occurred, (2) the error was plain, and (3) the error affected his substantial rights. Even assuming that there was a plain error, Defendant's claim of prosecutorial misconduct must fail. Here, Defendant is unable to show that the testimony affected his substantial rights because the testimony was addressed on cross-examination, which was Defendant's trial strategy. Therefore, Defendant's claim of plain error was forfeited by his failure to object and failure to show that the error affected his substantial rights.

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IV. THE PROSECUTOR'S ARGUMENT WAS NOT IMPROPER

"Prosecutors are accorded great latitude regarding their arguments and conduct." *People v Cooper*, 309 Mich App 74, 90 (2015), quoting *People v Bahoda*, 448 Mich 261, 282 (1995). During closing arguments, Prosecutors are not allowed to mischaracterize evidence or argue facts not in evidence. However, Prosecutors are able to make "reasonable inferences from the evidence as it relates to [their] theory of the case." *Bahoda*, 448 Mich at 282, quoting *People v Gonzalez*, 178 Mich App 526, 535 (1989). Likewise, "A prosecutor's remarks must be examined in context and evaluated in light of defense arguments and the relationship they bear to the evidence admitted at trial to determine whether a defendant was denied a fair and impartial trial." *People v Brown*, 267 Mich App 141, 153 (2005).

Here, Defendant alleges that the People made various misrepresentations regarding the testimony provided at trial and that defense counsel was ineffective for failing to object to those misrepresentations. However, Defendant has not shown that the statements made by the People were anything other than reasonable inferences based on the record evidence. However, even if the People errored in their characterization of the evidence, Defendant has not adequately demonstrated that defense counsel was ineffective for failing to object to those mischaracterizations. Defense counsel made their closing argument and had an opportunity to object, but chose not to, which may have been part of their trial strategy. For the foregoing reasons, this Court is not persuaded that Defendant's counsel was ineffective for failing to object to the alleged mischaracterizations.

V. THE COVID-19 JURY SELECTION PROCEDURE SATISFIED CONSTITUTIONAL REQUIREMENTS

"Jury wheels, pools of names, panels, or venires from which juries are drawn must not systematically exclude distinctive groups in the community and thereby fail to be reasonably

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representative thereof." *Taylor v Louisiana*, 419 US 522, 538 (1975). More specifically, the United States Supreme Court held:

> [S]ystematic exclusion of women during the jury-selection process, resulting in jury pools not "reasonably representative" of the community, denies a criminal defendant his right, under the Sixth and Fourteenth Amendments, to a petit jury selected from a fair cross section of the community.

Duren v Missouri, 439 US 357, 358-59 (1979). A Sixth Amendment fair-cross section claim requires defendants to show a prima facie violation. *Id.* at 364. In *Duren*, the Court held that:

> [T]o establish a prima facie violation of the fair-cross-section requirement, the defendant must show (1) that the group alleged to be excluded is a "distinctive" group in the community; (2) that the representation of this group in venires from which juries are selected is not fair and reasonable in relation to the number of such persons in the community; and (3) that this underrepresentation is due to systematic exclusion of the group in the jury-selection process.

Id. However, the Court has not imposed a "requirement that petit juries actually chosen must mirror the community and reflect the various distinctive groups in the population." *Taylor*, 419 US at 538.

The COVID-19 protocol used during jury selection by this Court did not deprive Defendant of a jury pool consisting of a fair cross-section of the community. Here, Defendant alleges that the jury selection COVID-19 protocol used by this Court excluded certain populations from the jury pool, which unconstitutionally impacted Defendant's right to an impartial jury. More specifically, Defendant alleges that the COVID-19 protocols excluded minority and elderly populations from the jury pool at disproportional rates. Ultimately, Defendant alleges that the jury selection process was unconstitutional because this Court excused potential jurors due to COVID-19 and financial hardship concerns related to the COVID-19 pandemic.

Defendant has failed to meet his burden to show a prima facie violation. First, Defendant failed to demonstrate that a distinctive group was excluded from the jury pool. The COVID-19

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pandemic has impacted people of every age, sex, and ethnicity. Moreover, excusing jurors due to financial hardship, homeschooling children, taking care of aging or sick family members, and/or being ill are standard reasons for individuals to be excused from jury duty. Simply put, the COVID-19 protocols were in response to a worldwide pandemic, which impacted people from all walks of life. Thus, the COVID-19 protocols did not exclude a "distinctive group" from the jury pool. Therefore, Defendant failed to establish the first prong necessary to show a prima facie violation.

Second, Defendant has failed to present evidence that the representation of the group in venires from which juries are selected was not fair and reasonable in relation to the number of such persons in the community. Defendant asserts that the jury venire was **likely** not fair and reasonable. However, Defendant failed to provide this court with any data or statistical analysis regarding the issue at hand. Defendant's speculation is not enough to satisfy the second prong necessary to establish a prima facie violation.

Finally, Defendant failed to establish that the alleged underrepresentation was due to systematic exclusion of any group in the jury-selection process. Any juror summoned for jury duty was allowed to participate. Jurors could choose to self-report, but they were not systematically excluded in advance. Therefore, Defendant failed to establish the third prong necessary to show a prima facie violation. Ultimately, Defendant has failed to establish all three of the required prongs in the prima facie violation test and the Defendant's fair cross-section claim must fail.

VI. REQUIRING DEFENDANT TO WEAR A MASK DID NOT VIOLATE HIS RIGHT TO A FAIR TRIAL

The Confrontation Clauses of the United States and Michigan Constitutions provide, in all criminal prosecutions, the accused has the right to confront the witnesses against him. US Const Am VI; Const 1963, art 1, §20. In *Mattox*, the United States Supreme Court held that the primary objective of the Confrontation Clause is to compel a witness "to stand face to face with

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the jury in order that they may look at him, and judge by his demeanor . . . whether he is worthy of belief." *Mattox v United States*, 156 US 237 242-43 (1895). In other words, "[t]he central concern of the Confrontation Clause is to ensure the reliability of the evidence against a criminal defendant by subjecting it to rigorous testing in the context of an adversary proceeding before the trier of fact." *People v Green*, 322 Mich App 676, 686 (2018) (quotations omitted).

Here, Defendant alleges that wearing a face mask in order to sit within six feet of his attorney denied him his right to a fair trial. More specifically, Defendant alleges that wearing a face mask made him look like a criminal and prejudiced the jury. However, Defendant has presented no evidence that wearing a mask during a pandemic made him seem like a criminal in the eyes of the jury. Therefore, this Court is not persuaded that Defendant's act of wearing a mask was anything else than a reasonable public health measure.

Likewise, Defendant alleges that the mask wearing requirement prevented him from confronting the witnesses against him. This argument misconstrues the Confrontation Clauses. As before mentioned, the primary objective of the Confrontation Clause is to compel a witness "to stand face to face with the jury in order that they may look at him, and judge by his demeanor . . . whether he is worthy of belief." *Mattox*, 156 US at 242-43. Here, the witnesses stood face to face with the jury, which allowed the jury to judge the demeanor and trustworthiness of the witnesses. As such, the primary objective of the Confrontation Clause was satisfied and the mask wearing requirement did not prevent Defendant from having a fair trial.

VII. CONVENING A JURY DURING THE COVID-19 PANDEMIC DID NOT CREATE A RISK OF A COERCED JURY VERDICT.

Holding a trial during the COVID-19 pandemic did not create a risk of a coerced jury verdict. "Claims of coerced verdicts are reviewed case-by-case, and all the facts and

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circumstances, including the particular language used by the trial court, must be considered." *People v Vettese*, 195 Mich App 235, 244 (1992).

Here, Defendant makes broad sweeping conclusory statements regarding juries convened during a pandemic. However, none of Defendant's allegations are supported by evidence. In fact, Defendant failed to provide relevant case law regarding his coerced jury verdict claim. Unfortunately, "[a] party may not leave it to this Court to search for authority to sustain or reject its position." *Leitch v Switchenko*, 169 Mich App 761, 764 (1988). Simply put, it is not this Court's duty to find case law, statutory authority, or facts to justify Defendant's motion. As a result, Defendant's argument regarding a coerced jury verdict is not persuasive.

VIII. CONCLUSION

Defendant's motion must be DENIED because Defendant failed to state a claim for which relief may be granted.

NOW THEREFORE, IT IS ORDERED: Defendant's "Motion for New Trial" is DENIED for the reasons stated above.

Dated: 10/6/2021

HON. ELIZABETH A. KELLY (P71790)
Circuit Judge

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State of Michigan
In the Supreme Court

The People of the State of Michigan	MSC No. 167154
Plaintiff-Appellee,	Case No. 355554
v.	Genesee County Circuit Court Case No. 18-42951 FC
David Serges	
Defendant-Appellant.	

Appendix to David Serges's Supplemental Brief (2 of 2)

Exhibits Admitted on Remand from COA

Index of Appendices

Joint Exhibit AA – Stipulated Timeline of Key Events in 2017-2018

Joint Exhibit A – Register of Actions for 67th District Court Case No. 16F01452

Joint Exhibit B – Register of Actions for 67th District Court Case No. 18F00053

Joint Exhibit C – Lab Examination Request No. BP17-4370

Joint Exhibit D – Lab Report No. BP17-4370, Record 8

Joint Exhibit E – Lab Report No. BP17-4370, Record 9

Joint Exhibit F – Register of Actions for 67th District Court Case No. 18T00585

Stipulation to Admit Joint Exhibit G – Interrogation Video Without Audio

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Joint Exhibit AA

Stipulated Timeline of Key Events in 2017-2018

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STATE OF MICHIGAN

IN THE GENESEE COUNTY CIRCUIT COURT

PEOPLE OF THE STATE OF MICHIGAN

Plaintiff-Appellee

-vs-

DAVID SERGES

Defendant-Appellant.
_____/

COA No. 355554

Circuit Court No. 18-42951 FC

Hon. Elizabeth A. Kelly

Stipulated Timeline of Key Events in 2017-2018

7/15/16 date of filing for 67th District Court Case No. 16F01452

9/20/16 Court issues a bench warrant in Case No. 16F01452 after Mr. Serges failed to appear for arraignment

11/27/17 Ms. Anderson is found dead

11/29/17 Mr. Serges is arrested

11/30/17 Mr. Serges is arraigned in Case No. 16F01452, court sets bond at $5,000 cash/surety; Detective Freeman collects Mr. Serges' clothing, wallet, belt, boots, cigarettes, and lighter from the jail

1/17/18 complaint issued in 67th District Court Case No. 18F00053 (false pretenses)

1/18/18 in Case No. 16F01452, Mr. Serges pleads guilty and is sentenced to 45 days in jail with credit for time served; in Case No. 18F00053, Mr. Serges is arraigned, court sets bond at $75,000 cash/surety

1/19/2018 Burton Police Department submits request to MSP to test Mr. Serges' pants and other items (Lab Examination Request No. BP17-4370; Lab No. BP17-4370, Record No. 8)

3/8/2018 MSP produces lab report No. BP17-4370 finding that blood from one stain on Mr. Serges' right front jean leg is consistent with Ms. Anderson's blood (Lab No. BP17-4370, Record No. 9, item BP17-4370-15Ae)

3/12/18 First-degree murder arrest warrant is signed and complaint authorized in 67th District Court Case No. 18T00585 (instant case)

3/13/18 Mr. Serges is arraigned in Case No. 18T00585 (instant case)

3/15/18 in Case No. 18F00053, Mr. Serges pleads no contest and is sentenced to 90 days in jail with credit for time served

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Joint Exhibit A

Register of Actions for 67th District Court Case No. 16F01452

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67TH DISTRICT COURT

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For additional questions, please contact the Clerk's Office

STATE OF MICHIGAN		CASE NO: 16F01452 D01 OM
67TH JUDICIAL DISTRICT	REGISTER OF ACTIONS	X-REFERENCE #: 1316484
ORI250095J		STATUS: CLSD 01/18/18
PIN: 1683905705		

JUDGE OF RECORD: LATCHANA,MARK W., P-57002
JUDGE: LATCHANA,MARK W., P-57002

CITY OF BURTON v

SERGES/DAVID/HENRY
803 W. MILL
CLIO MI 48420

ENTRY DATE: 07/15/16
OFFENSE DATE: 07/11/16 1119 PM
ARREST DATE:
VEHICLE TYPE: VPN:
DOB: 08/25/1965 SEX: M RACE: U CDL: N
VEH YR: VEH MAKE: PAPER PLATE:

DEFENSE ATTORNEY ADDRESS
MISCISIN,SAMUEL A.,
3614 OGEMA AVE
FLINT MI 48507

BAR NO.
P-24578 APPOINTED
Telephone No.
(810) 743-4368

OFFICER: DUNCANSON/SHAWN
DEPT: BURTON CITY

PROSECUTOR: DOYLE,AMANDA N.,
P-69384
VICTIM/DESC:
VENUE: CITY OF BURTON

CNT: 01 C/M/F: M B149.02 ATTEMPTED ORD#B149.02 [A]
UNLAWFUL ENTRY
REDUCED FROM
CNT: 01 C/M/F: M B149.02 ORD#B149.02
UNLAWFUL ENTRY
ARRAIGNMENT DATE: 01/18/18 PLEA: PLEAD GUILTY PLEA DATE: 01/18/18
FINDINGS: DSP GLTY PL DISPOSITION DATE: 01/18/18
SENTENCING DATE: 01/18/18

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

JAIL SENTENCE: 45 DAYS PROBATION:
VEH IMMOB START DATE: NUMBER OF DAYS: VEH FORFEITURE:

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BOND HISTORY:
5,000.00 CASH OR SURETY BOND SET

DATE	ACTIONS, JUDGMENTS, CASE NOTES				INITIALS
07/11/16					
1	ORIGINAL CHARGE	UNLAWFUL ENT			KMA
	SCHEDULED FOR ARRAIGNMENT	082916 830A	LATCHANA,MARK W.,	P-57002	KMA
07/15/16					
	FILING DATE	071516			KMA
	MISCELLANEOUS ACTION	ALL COUNTS			KMA
	PROS DOYLE,AMANDA N.,			P-69384	KMA
1	BAIL BOND GENERATED	UNLAWFUL ENT			KMA
08/30/16					
	MISCELLANEOUS ACTION	ALL COUNTS			DA
	SCHEDULED FOR ARRAIGNMENT	091916 830A	LATCHANA,MARK W.,	P-57002	DA
	NOTICE TO APPEAR GENERATED				
		ALL COUNTS			DA
09/09/16					

NAME: SERGES/DAVID/HENRY CASE NO: 16F01452 PAGE 2

DATE	ACTIONS, JUDGMENTS, CASE NOTES				INITIALS
	MISCELLANEOUS ACTION	ALL COUNTS			CRW
	NTC RET TO CT NO APT # & NONE IN FILE				CRW
09/20/16					
	MISCELLANEOUS ACTION	ALL COUNTS			RT2
	JDG LATCHANA,MARK W.,			P-57002	RT2
	10% DEPOSIT				RT2
	BOND SET		$ 2500.00	091916	RT2
	CASE SENT TO WARRANTS				RT2
	DEF DNA ARR				RT2
	TRANSFER FROM COURT 6707 TO 6701				RT2
09/21/16					
	MISCELLANEOUS ACTION	ALL COUNTS			TPS
	CASH/SURETY/10% CASH				TPS
	BOND SET		$ 2500.00		TPS
	WARRANT ENTERED INTO LEIN				TPS
	LEIN ENTERED ORIGINAL WARRANT				TPS
	FTA ARJ/BOND %10-$2500				TPS
	WARRANT ENTRY REQUESTED	92116 220P			TPS
	SYSIDNO (20:) GENERATED BY LEIN				
		45795554			TPS
11/30/17					
	MISCELLANEOUS ACTION	ALL COUNTS			TPS
	WARRANT CANCELED FROM LEIN				TPS
	CASE SENT TO COURTROOM				TPS
	LODGED/FCLU VIDEO FOR 11-30-17				TPS
	WARRANT CANCELLATION REQUESTED				
		113017 712A			TPS
	WARRANT CANCELLATION ACCEPTED				
		113017 712A			TPS
	PRE-TRIAL HELD	ALL COUNTS			CRL
	JDG MANLEY,JENNIFER J.,			P-59603	CRL
	SCHEDULED FOR PRE-TRIAL	120717 830A	LATCHANA,MARK W.,	P-57002	CRL
	CASH OR SURETY				CRL
	BOND SET		$ 5000.00		CRL

RECEIVED by MSC 8/23/2025 2:54:12 AM

```
     ADVISED OF RIGHTS                                                  CRL
     GPS TETHER                                                         CRL
12/06/17
     MISCELLANEOUS ACTION      ALL COUNTS                               LMB
     REMOVED FROM CALENDAR     120717  830A  LATCHANA,MARK W.,    P-57002  LMB
     SCHEDULED FOR SHOWCAUSE HEARING
                               011817  830A  LATCHANA,MARK W.,    P-57002  LMB
     NOTICE TO APPEAR GENERATED
                               ALL COUNTS                               LMB
     MISCELLANEOUS ACTION      ALL COUNTS                               LMB
     REMOVED FROM CALENDAR     011817  830A  LATCHANA,MARK W.,    P-57002  LMB
     SCHEDULED FOR PRE-TRIAL   011818  830A  LATCHANA,MARK W.,    P-57002  LMB
     NOTICE TO APPEAR GENERATED
                               ALL COUNTS                               LMB
01/18/18
  1  ARRAIGNMENT/PRE-TRIAL HELD
                               UNLAWFUL ENT                             CRL
     JDG  LATCHANA,MARK W.,                                    P-57002  CRL
     REDUCED CHARGE            UNLAWFUL ENT                             CRL

NAME: SERGES/DAVID/HENRY                  CASE NO: 16F01452     PAGE   3

 DATE                     ACTIONS, JUDGMENTS, CASE NOTES             INITIALS

     PLEAD GUILTY                                                       CRL
     DISPOSED ON GUILTY PLEA                                            CRL
     CER 5710 LYNN BELDIN- COURT RECORDER                               CRL
     JAIL TERM                                 045D                     CRL
     CREDIT FOR TIME SERVED IN JAIL            045D                     CRL
     CASE CLOSED                                                        CRL
     SENTENCE                                                           CRL
     MISCELLANEOUS ACTION      UNLAWFUL ENT                             CRL
     ATT  MISCISIN,SAMUEL A.,                                  P-24578  CRL
     CHR/EJUD REJ SENT TO ADMINISTRATION                                CRL
            ***** END OF REGISTER OF ACTIONS ***** 03/30/21 11:27
```

Return to Search

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Joint Exhibit B

Register of Actions for 67th District Court Case No. 18F00053

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67TH DISTRICT COURT

Return to Search

For additional questions, please contact the Clerk's Office

STATE OF MICHIGAN		CASE NO: 18F00053 D01 OM
67TH JUDICIAL DISTRICT	REGISTER OF ACTIONS	
ORI250095J		STATUS: CLSD 03/15/18
PIN: 1883900127		

JUDGE OF RECORD: LATCHANA,MARK W., P-57002
JUDGE: LATCHANA,MARK W., P-57002

CITY OF BURTON v

SERGES/DAVID/HENRY
3216 BENNETT AVE
FLINT MI 48506

ENTRY DATE: 01/17/18
OFFENSE DATE: 11/22/17
ARREST DATE:
VEHICLE TYPE: VPN:
DOB: 08/25/1965 SEX: M RACE: W CDL: U
VEH YR: VEH MAKE: PAPER PLATE:

DEFENSE ATTORNEY ADDRESS
MISCISIN,SAMUEL A.,
3614 OGEMA AVE
FLINT MI 48507

BAR NO.
P-24578 APPOINTED
Telephone No.
(810) 743-4368

OFFICER: OWENS/JOHN
DEPT: BURTON CITY

PROSECUTOR: DOYLE,AMANDA N.,
P-69384
VICTIM/DESC:
VENUE: CITY OF BURTON

CNT: 01 C/M/F: M B141.10 ORD#141.10
THEFT BY FALSE TOKEN/COIN OR FALSE PRETENSES
ARRAIGNMENT DATE: 01/18/18 PLEA: NOLO CONTEND PLEA DATE: 03/15/18
FINDINGS: DS NOLO PLEA DISPOSITION DATE: 03/15/18
SENTENCING DATE: 03/15/18

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

JAIL SENTENCE: 90 DAYS PROBATION:
VEH IMMOB START DATE: NUMBER OF DAYS: VEH FORFEITURE:

BOND HISTORY:
75,000.00 CASH OR SURETY BOND SET

RECEIVED by MSC 8/23/2025 2:54:12 AM

DATE	ACTIONS, JUDGMENTS, CASE NOTES				INITIALS
11/22/17					
1	ORIGINAL CHARGE	THEFT-FALSE			TPS
01/17/18					
	FILING DATE	011718			TPS
1	AUTHORIZATION OF COMPLAINT DATE				TPS
	PROS DOYLE,AMANDA N.,			P-69384	TPS
	COMPLAINT ISSUANCE DATE				TPS
	JDG LATCHANA,MARK W.,			P-57002	TPS
	MISCELLANEOUS ACTION	ALL COUNTS			TPS
	CHR RAN FOR ARRAIGNMENT				TPS
	MISCELLANEOUS ACTION	ALL COUNTS			TPS
	CASE SENT TO COURTROOM				TPS
	LODGED/COUNTY VIDEO FOR 1-18-18				TPS
	TRANSFER FROM COURT 6707 TO 6701				TPS
01/18/18					
1	ARRAIGNMENT HELD	THEFT-FALSE			CRL
	JDG LATCHANA,MARK W.,			P-57002	CRL

NAME: SERGES/DAVID/HENRY CASE NO: 18F00053 PAGE 2

DATE	ACTIONS, JUDGMENTS, CASE NOTES				INITIALS
	PLEAD NOT GUILTY				CRL
	SCHEDULED FOR PRE-TRIAL	030118	830A LATCHANA,MARK W.,	P-57002	CRL
	CASH OR SURETY				CRL
	BOND SET		$ 75000.00		CRL
	NO DRUGS OR ALCOHOL				CRL
	NO CONTACT WITH VICTIM				CRL
03/02/18					
	MISCELLANEOUS ACTION	ALL COUNTS			CRL
	SCHEDULED FOR PRE-TRIAL	031518	830A LATCHANA,MARK W.,	P-57002	CRL
	NOTICE TO APPEAR GENERATED				
		ALL COUNTS			CRL
03/15/18					
1	PRE-TRIAL HELD	THEFT-FALSE			CRL
	JDG LATCHANA,MARK W.,			P-57002	CRL
	PLEAD NOLO CONTENDERE				CRL
	DISPOSED ON PLEA OF NOLO CONTENDERE				CRL
	CER 5710 LYNN BELDIN- COURT RECORDER				CRL
	JAIL TERM		090D		CRL
	CREDIT FOR TIME SERVED IN JAIL		090D		CRL
	CASE CLOSED				CRL
	SENTENCE				CRL
	MISCELLANEOUS ACTION	THEFT-FALSE			CRL
	ATT MISCISIN,SAMUEL A.,			P-24578	CRL

***** END OF REGISTER OF ACTIONS ***** 03/30/21 11:24

Return to Search

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Joint Exhibit C

Lab Examination Request No. BP17-4370

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If evidence has been previously submitted to the laboratory on this incident, please indicate the **LABORATORY CASE NUMBER**

BP17-4370

LABORATORY EXAMINATION REQUEST

AUTHORITY: 1935 PA 59, as amended; **COMPLIANCE:** Voluntary

I. Agency Details

Agency Name Burton Police Department	Agency Phone Number +1 (810) 742-2542
Delivering Officer (Rank, First Name, Last Name)	Agency Incident Number 1783902907
Investigating Officer (Rank, First Name, Last Name) Detective Eric Freeman	File Class 09001
Investigating Officer's Direct Phone Number +1 (810) 742-2542	Investigating Officer's Email Address e.freeman@burtonmi.gov
Secondary Reporting Person (First Name, Last Name)	
Secondary Agency	Secondary Email Address

II. Offense Details

Date of Offense	Location of Offense - Street Address	Location of Offense - Street Intersection 1	Location of Offense - Street Intersection 2
11/27/2017	2421 Clayward Ave		
Two-Digit County Code of Offense	**City**	**State**	**ZIP Code**
25	Burton	Michigan	48509

III. Examination Details

Type of Examination(s) Requested

☐ **Arson**	☒ **Biology**	☐ **Drug Analysis**	☐ **Explosive Residue**	☐ **Fibers**	☐ **Firearms / Tool Marks**
☐ **Footwear / Tire Impressions**	☐ **Glass**	☐ **Hairs**	☐ **Headlamp Filament**	☐ **Latent Prints**	☐ **Paint**
☐ **Fracture Match**	☐ **Questioned Documents**	☐ **Toxicology**	☐ **Polygraph**	☐ **Other**	

KEY: S = Suspect V = Victim E = Elimination

▼	FIRST NAME / MIDDLE NAME / LAST NAME	RACE	SEX	DATE OF BIRTH	SID OR FBI NUMBERS
S	David/Henry/Serges	White	Male	[redacted]	[redacted]
V	Gail/Ann/Anderson	White	Female	[redacted]	

Statement of Facts / Comments (Required)

Please check item 49 (hat), item 50 (socks), item 52 (gloves), item 53 (jacket), item 54 (boots), item 57 (pants), and item 58 (sweat pants) for the presence of any blood and compare the DNA of the blood found to that of item 31 (known DNA sample from victim) that the lab already has from a previous laboratory examination form.

Trial Date:

Important- Please note the following regarding evidence packaging and delivery:

- Ensure evidence has been properly packaged and sealed to prevent contamination and tampering.
- All biologically-contaminated evidence must be labeled with a biohazard label.
- All syringes to be submitted for analysis must have lab director approval prior to delivery.
- All chemicals submitted for analysis must be individually packaged in liquid-tight containers.
- See page 2 if biology or DNA analysis is requested.

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If biology or DNA analysis is requested, the following information is **REQUIRED** per federal regulations.

The improper entry of a DNA profile (including samples that may be from innocent persons or victims), whether accidental or deliberate, into the Combined DNA Index System (CODIS) database is strictly prohibited. The following information will enable the Michigan State Police to accurately assess whether a DNA profile obtained from an evidentiary sample can be entered into CODIS.

Note: Lack of sufficient details will delay and possibly prohibit the entry of the evidentiary sample into CODIS.

ITEM OF EVIDENCE	DETAILS Examples: • Where was the item collected? (i.e. location) • To whom does the item allegedly belong? • Why do you believe this item belongs to a perpetrator and NOT a victim or unrelated individual?	PERMISSION TO CONSUME ITEM IN ANALYSIS (IF NECESSARY)	
Items 49, 50, 52, 53, 54, 57, and 58	These items were collected from the suspect on the day he was arrested. These are all his personal clothing items that potentially have the victim's blood (DNA) on them.	☐ Yes ☐ No	☒ Yes, DNA Only
		☐ Yes ☐ No	☐ Yes, DNA Only
		☐ Yes ☐ No	☐ Yes, DNA Only
		☐ Yes ☐ No	☐ Yes, DNA Only
		☐ Yes ☐ No	☐ Yes, DNA Only
		☐ Yes ☐ No	☐ Yes, DNA Only
		☐ Yes ☐ No	☐ Yes, DNA Only
		☐ Yes ☐ No	☐ Yes, DNA Only
		☐ Yes ☐ No	☐ Yes, DNA Only
		☐ Yes ☐ No	☐ Yes, DNA Only

The Forensic Science Division shall select and use the most appropriate testing method and procedure.
The Forensic Science Division reserves the right to transfer evidence received into its laboratory system to another accredited laboratory to help facilitate the analysis of evidence.

Print Form

Michigan State Police

Bridgeport Forensic Laboratory

Submission Report

Case #	Submission #	Page
BP17-4370	7	1 of 1

RECEIVED by MSC 8/23/2025 2:54:12 AM

Primary Agency:
Burton Police Department
4090 Manor Drive
Burton Police Department
Burton, MI 48519

Agency Case Number(s):
17-2907

Submitted Date and Time:
1/19/2018 11:52:40 AM

Primary Examiner:
Scott, Theresa

Investigating Officer
Freeman, Eric

Submitting Officer
Tamez, Linda E/T

Names of Victims (Last, first, mid):
Anderson, Gail Ann

DOB [redacted] **Race** Caucasian **Sex** Female

Names of Suspects (Last, first, mid):
Serges, David Henry

DOB [redacted] **Race** Caucasian **Sex** Male

Date and Type of Offense:
November 27, 2017 - Murder/Nonnegligent Manslaughter

Court and Court Date:

Examinations Requested:
Biology

Jurisdiction:
25 - Genesee County

Brief Statement of Fact:

Specify manner of return of evidence: Personal Delivery

This evidence is being submitted in connection with a criminal investigation and has not been examined by another laboratory.

Evidence Submitted: (Itemize and Describe)

Container 10	1-Sealed evidence envelope containing: item 49
Container 11	1-Sealed evidence envelope containing: item 50
Container 12	1-Sealed evidence envelope containing: item 52
Container 13	1-Sealed paper evidence bag containing: item 53
Container 14	1-Sealed paper evidence bag containing: item 54
Container 15	1-Sealed paper evidence bag containing: item 57
Container 16	1-Sealed paper evidence bag containing: item 58

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Joint Exhibit D

Lab Report No. BP17-4370, Record 8

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STATE OF MICHIGAN
DEPARTMENT OF STATE POLICE
FORENSIC SCIENCE DIVISION
Bridgeport Forensic Laboratory
6296 Dixie Hwy.
Bridgeport, MI 48722
(989) 777-9300
FAX (989) 777-0551

LABORATORY REPORT

Laboratory No.	:	BP17-4370	Record No.	:	8
Investigating Ofcr.	:	Eric Freeman Lt. Michael Odette	Date Received Time Received	: :	January 19, 2018 12:02 p.m.
Agency	:	Burton Police Department	Date Completed	:	February 14, 2018
Agency No.	:	17-2907			

Nature of Offense:

0900-1 - Murder/Nonnegligent Manslaughter

Victim:

Anderson, Gail Ann

Suspect:

Serges, David Henry

Evidence Received:

Item #BP17-4370-10	Blue baseball hat (Item #49)
Container #11	1-Sealed evidence envelope labeled as containing socks (Item #50) (left sealed)
Container #12	1-Sealed evidence envelope labeled as containing gloves (Item #52) (left sealed)
Container #13	1-Sealed paper evidence bag labeled as containing jacket (Item #53) (left sealed)
Item #BP17-4370-14	Pair of black Interceptor boots; Men's size 9 (Item #54)
Item #BP17-4370-15	Black jean pants (Item #57)
Container #16	1-Sealed paper evidence bag labeled as containing sweat pants (Item #58) (left sealed)

Evidence collected at the Crime Scene on November 27, 2017:

Item #BP17-4370-L5	Cigarette butt

Conclusions:

BP17-4370-10 Blue baseball hat

Phenolphthalein — Negative Exam Result

Did not indicate the presence of blood

This report contains the conclusions, opinions, and/or interpretations of the laboratory analyst whose signature appears on this report. This analyst is qualified by education, training, and experience to perform this analysis and does so as part of his or her regular duties. The analysis was conducted in an MSP laboratory accredited under the ASCLD/LAB International testing program since February 16, 2017.

The relevant supporting data upon which the expert opinion or inference was made are available for review/inspection.

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BP17-4370-14 Pair of black Interceptor boots; Men's size 9

Phenolphthalein Positive Exam Result

Indicated the possible presence of blood

BP17-4370-15 Black jean pants

ABAcard® HemaTrace® Positive Exam Result

Phenolphthalein Positive Exam Result

Indicated the presence of human blood

BP17-4370-L5 Cigarette butt

ABAcard® HemaTrace® Positive Exam Result

Phenolphthalein Positive Exam Result

Indicated the presence of human blood

Oral Contact

Portion removed for subsequent DNA testing

Disposition of the Evidence:

The following were retained for DNA analysis:

- portion of item BP17-4370-L5 (Cigarette butt)
- swab of possible blood from item BP17-4370-14 (Pair of black Interceptor boots; Men's size 9)
- swabs of blood from item BP17-4370-15 (Black jean pants)

The results of the DNA analysis will be the subject of a separate report.

The Biology Unit is no longer retaining known or evidentiary samples in long term storage. All items of evidence will be returned to the submitting agency. Samples, or portions thereof, that have been retained for DNA will be consumed in analysis.

Theresa M Scott

Theresa Scott
Forensic Scientist
Biology Unit
email: scottt3@michigan.gov

February 14, 2018

This report contains the conclusions, opinions, and/or interpretations of the laboratory analyst whose signature appears on this report. This analyst is qualified by education, training, and experience to perform this analysis and does so as part of his or her regular duties. The analysis was conducted in an MSP laboratory accredited under the ASCLD/LAB International testing program since February 16, 2017.

The relevant supporting data upon which the expert opinion or inference was made are available for review/inspection.

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Joint Exhibit E

Lab Report No. BP17-4370, Record 9

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STATE OF MICHIGAN
DEPARTMENT OF STATE POLICE
FORENSIC SCIENCE DIVISION
Lansing Forensic Laboratory
7320 N. Canal Rd
Lansing, MI 48913
(517) 284-3491
FAX (517) 636-4468

LABORATORY REPORT

Laboratory No.	:	BP17-4370	Record No.	:	9
Investigating Ofcr.	:	Michael Odette, Lt., Eric Freeman	Date Received	:	February 21, 2018
Agency	:	Burton Police Department	Time Received	:	2:17 p.m.
Agency No.	:	17-2907	Date Completed	:	March 8, 2018

Nature of Offense:

0900-1 - Murder/Nonnegligent Manslaughter

Victim(s):

Anderson, Gail Ann

Suspect(s):

Serges, David Henry

Evidence:

BP17-4370-1e	DNA extract- David Serges *[previously analyzed and reported under Record No. 4]*
BP17-4370-6e	Gail Anderson- blood card- DNA extract *[previously analyzed and reported under Record No. 4]*
BP17-4370-L5e	cigarette butt - DNA extract
BP17-4370-14e	possible blood from boot - DNA extract
BP17-4370-15Ae	blood from front right jean leg - DNA extract
BP17-4370-15Be	blood from front left jean leg - DNA extract

Results of Examination:

DNA recovered from the above submitted samples was processed using the polymerase chain reaction (PCR) and the PowerPlex® Fusion System.

Conclusions:

1. The DNA profile obtained from item BP17-4370-L5e (**cigarette butt**) is consistent with a female contributor.

    1a. Item BP17-4370-6e (Gail Anderson- blood card) matches the DNA profile from item BP17-4370-L5e (cigarette butt).

    Using available population frequency data, the probability of selecting an unrelated individual at random from the population having a DNA profile matching the profile from

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item BP17-4370-L5e (cigarette butt) is approximately:

Population Database	*Random Match*
Caucasian	*1 in 24.5 nonillion*
African American	*1 in 268.6 nonillion*
Hispanic	*1 in 87.5 nonillion*

1b. Item BP17-4370-1e (David Serges) is excluded as a contributor to the DNA profile from item BP17-4370-L5e (cigarette butt).

2. The DNA profile obtained from items BP17-4370-14e (**possible blood from boot**) and BP17-4370-15Be (**blood from front left jean leg**) is consistent with item BP17-4370-1e (David Serges).

2a. Item BP17-4370-1e (David Serges) is expected to have contributed to items BP17-4370-14e (possible blood from boot) and BP17-4370-15Be (blood from front left jean leg).

2b. Item BP17-4370-6e (Gail Anderson- blood card) is excluded as a contributor to the DNA profile from items BP17-4370-14e (possible blood from boot) and BP17-4370-15Be (blood from front left jean leg).

3. The DNA profile obtained from item BP17-4370-15Ae (**blood from front right jean leg**) is consistent with a mixture of two contributors including a major female contributor.

3a. Item BP17-4370-6e (Gail Anderson- blood card) matches the major contributor to item BP17-4370-15Ae (blood from front right jean leg).

Using available population frequency data, the probability of selecting an unrelated individual at random from the population having a DNA profile matching the major profile from item BP17-4370-15Ae (blood from front right jean leg) is approximately:

Population Database	*Random Match*
Caucasian	*1 in 24.5 nonillion*
African American	*1 in 268.6 nonillion*
Hispanic	*1 in 87.5 nonillion*

3b. The minor contributor to item BP17-4370-15Ae (blood from front right jean leg) is insufficient for comparison purposes.

3c. Item BP17-4370-1e (David Serges) is excluded as the major contributor to item BP17-4370-15Ae (blood from front right jean leg).

Population Statistics:

Population statistics are offered to estimate the frequency of occurrence of the reported DNA profiles in the general population. The method used applies recommended procedures endorsed by the National Research Council. (ref. The Evaluation of Forensic DNA Evidence 1996).

Disposition of Evidence:

All DNA extracts will be returned to the submitting agency.

Heather Goff
Forensic Scientist
Biology Unit
email: goffh@michigan.gov

March 8, 2018

cc: Theresa Scott

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PKT 3 of 3 - Laboratory Report-Released-(17347221).pdf

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Joint Exhibit F

Register of Actions for 67th District Court Case No. 18T00585

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67TH DISTRICT COURT

Return to Search

For additional questions, please contact the Clerk's Office

STATE OF MICHIGAN		CASE NO: 18T00585 D01 FY
67TH JUDICIAL DISTRICT	REGISTER OF ACTIONS	
ORI250095J		STATUS: CLSD 04/13/18
PIN: 1783902907		

JUDGE OF RECORD: CRAWFORD,WILLIAM H. P-34767
JUDGE: CRAWFORD,WILLIAM H. P-34767

STATE OF MICHIGAN v

SERGES/DAVID/HENRY
3216 BENNETT AVE
FLINT MI 48506

ENTRY DATE: 03/12/18
OFFENSE DATE: 11/27/17
ARREST DATE:
VEHICLE TYPE: VPN:
DOB: 08/25/1965 SEX: M RACE: W CDL: U
VEH YR: VEH MAKE: PAPER PLATE:

DEFENSE ATTORNEY ADDRESS
CLARK,DAVID B.,
1128 BEACH ST
FLINT MI 48502

BAR NO.
P-34995 APPOINTED
Telephone No.
(810) 235-5333

OFFICER: FREEMAN/ERIC | DEPT: BURTON CITY

PROSECUTOR: LEYTON,DAVID S., | P-35086
VICTIM/DESC:

CNT: 01 C/M/F: F 750316-C PACC#750.316-C
HOMICIDE-OPEN MURDER-STATUTORY SHORT FORM
ARRAIGNMENT DATE: 03/13/18 PLEA: PLEA DATE:
FINDINGS: EX COND B/O DISPOSITION DATE: 04/12/18
SENTENCING DATE:

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

JAIL SENTENCE: PROBATION:
VEH IMMOB START DATE: NUMBER OF DAYS: VEH FORFEITURE:

BOND HISTORY:
NO BOND BOND DENIED

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DATE	ACTIONS, JUDGMENTS, CASE NOTES			INITIALS
11/27/17				
1	ORIGINAL CHARGE	OPEN MURDER		TPS
03/12/18				
	FILING DATE	031218		TPS
1	AUTHORIZATION OF COMPLAINT DATE			TPS
	PROS LEYTON,DAVID S.,		P-35086	TPS
	COMPLAINT ISSUANCE DATE			TPS
	JDG GUINN,G. DAVID,		P-56984	TPS
	MISCELLANEOUS ACTION	ALL COUNTS		TPS
	JUDGE OF RECORD/MAGISTRATE CHANGED			TPS
	FROM: 00000 NO SPECIFIC JUDGE			TPS
	TO: 34767 CRAWFORD,WILLIAM H.,II			TPS
	CIRCUIT COURT JUDGE			TPS
	YUILLE			TPS
	MISCELLANEOUS ACTION	ALL COUNTS		TPS
	CHR RAN FOR ARRAIGNMENT			TPS
	MISCELLANEOUS ACTION	ALL COUNTS		TPS

NAME: SERGES/DAVID/HENRY CASE NO: 18T00585 PAGE 2

DATE	ACTIONS, JUDGMENTS, CASE NOTES			INITIALS
	CASE SENT TO COURTROOM			TPS
	LODGED/COUNTY VIDEO FOR 3-13-18			TPS
	TCN ADDED			TPS
03/13/18				
	ARRAIGNMENT HELD	ALL COUNTS		HD
	JDG GUINN,G. DAVID,		P-56984	HD
	ATT COURT,APPOINTED,		P-99800	HD
	SCHEDULED FOR PROBABLE CAUSE CONFERENCE			
	032218 830A	CRAWFORD,WILLIAM H.	P-34767	HD
	NO BOND			HD
	BOND DENIED		031318	HD
	CER 8784 SUZETTE HAWKINS			HD
	ORDER FOR COURT APPOINTED ATTY SIGNED			HD
03/21/18				
	MISCELLANEOUS ACTION	ALL COUNTS		HD
	ATT CLARK,DAVID B.,		P-34995	HD
	NOTICE TO APPEAR GENERATED			
		ALL COUNTS		HD
03/22/18				
	PROBABLE CAUSE CONFERENCE HELD			
		ALL COUNTS		HD
	JDG CRAWFORD,WILLIAM H.		P-34767	HD
	SCHEDULED FOR EXAMINATION 041218 200P	CRAWFORD,WILLIAM H.	P-34767	HD
	CER 3797 JEANINE FRANKLIN			HD
	BOND CONTINUED			HD
03/23/18				
	NOTICE TO APPEAR GENERATED			
		ALL COUNTS		HD
04/12/18				
	EXAMINATION HELD	ALL COUNTS		CMD
	JDG CRAWFORD,WILLIAM H.		P-34767	CMD
	EXAM CONDUCTED ; DEFENDANT BOUND OVER			CMD
	AS CHARGED/CIRCUIT COURT TO SET DATE/YUILLE			CMD
	/NO BOND-BOND DENIED BY JUDGE			CMD

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     CER 3797 JEANINE FRANKLIN                                          CMD
04/13/18
     MISCELLANEOUS ACTION      ALL COUNTS                               CMD
     CRIMINAL HISTORY SENT                                              CMD
     TRANSFERRED TO CIRCUIT COURT                                       CMD
     CASE CLOSED                                                        CMD
04/23/18
     CIRCUIT COURT CASE #: 18-42951-FC                                  CMD
            ***** END OF REGISTER OF ACTIONS ***** 03/30/21 11:32
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Return to Search

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Stipulation to Admit Joint Exhibit G – Interrogation Video Without Audio

Video filed under separate cover

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STATE OF MICHIGAN

IN THE GENESEE COUNTY CIRCUIT COURT

PEOPLE OF THE STATE OF MICHIGAN

Plaintiff-Appellee

-vs-

DAVID SERGES

Defendant-Appellant.
_____/

COA No. 355554

Circuit Court No. 18-42951 FC

Hon. Elizabeth A. Kelly

Stipulation to Admit Joint Exhibit G – Interrogation Video Without Audio

The parties previously stipulated to admit a Timeline of Key Events in 2017-2018 and attached Joint Exhibits A-F. The parties further stipulate to the admission of Joint Exhibit G, which is being filed concurrently with this stipulation.

Joint Exhibit G is a DVD that contains the video recording of Mr. Serges' interrogation with police immediately following his arrest on November 29, 2017. The parties stipulate that the video exhibit is relevant to the Court's resolution of Mr. Serges' motion for new trial. The interrogation video shows law enforcement's opportunity to observe Mr. Serges and his pants during the interview, which may be relevant to the Court's determination of Detective Freeman's credibility. Joint Exhibit G does not include any audio as it is being offered by the parties for visual representation only.

Therefore, IT IS HEREBY STIPULATED AND AGREED between counsel for the parties that Joint Exhibit G – Interrogation Video Without Audio is admitted into the record.

Respectfully submitted,

STATE APPELLATE DEFENDER OFFICE
BY: /s/ *Maya Menlo*
Maya Menlo (P82778)

Dated: May 16, 2023

GENESEE COUNTY PROSECUTOR
BY: /s/ *Michael Tesner* (w/ permission)
Michael Tesner (P45599)

Dated: May 16, 2023