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STATE OF MICHIGAN
IN THE SUPREME COURT

APPEAL FROM THE COURT OF APPEALS
BORRELLO, P.J., and MURRAY and LETICA, JJ.

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JAYNEEL JADE,

Defendant-Appellant.

Supreme Court No. 167920

Court of Appeals No. 365951

Circuit Court No. 22-023839 FH

DEFENDANT-APPELLANT'S APPENDIX TO BRIEF ON APPEAL

GRABEL & ASSOCIATES
Scott A. Grabel (P53310)
Timothy A. Doman (P77811)
Attorney for Defendant-Appellant
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Dearborn, MI 48123
(734) 642-7916

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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF VAN BUREN

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff,

vs.

JAYNEEL JADE,
Defendant.

File No. 22-2383-FH

Judge: BRINKLEY

COURT

VAN BUREN COUNTY PROSECUTING ATTORNEY
212 Paw Paw Street
Paw Paw, MI 49079
(269)657-8218

WILLIAM R. WEISE
Part of Grabel and Associates
149 E. Main Ave.
Zeeland, MI 49464
Tel: (616) 931-7030

FILED
DEC 09 2022
By Van Buren County Clerk
36th Circuit Court

STIPULATED FACTS

NOW COME THE PARTIES, by and through their counsel for the purpose of stipulating to the Court receiving the following statement of facts as evidence at the entrapment hearing in the above captioned matter and state unto this Honorable Court as follows:

1. The Defense has filed a motion to dismiss due to entrapment, an evidentiary hearing is scheduled for Friday, December 9, 2022 at 3:00 pm.
2. The parties have discussed the matter and offer the following facts to be entered as evidence at the entrapment hearing.

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3. The parties reserve the right to call additional witnesses and offer additional proofs at the hearing.
4. The parties are in agreement that this set of stipulated facts is to be used for the purposes of the entrapment hearing only.

STATEMENT OF FACTS

5. On or about April 20, 2022 deputies with the Van Buren County Sheriff's Department conducted an undercover operation using the website "Skip the Games."
6. The lowest age that a "poster" can be to communicate on Skip the Games is 19. This is pursuant to the rules of the website.
7. Deputies posted an advertisement on Skip the Games. (A copy of either the posting or a similar posting is attached as exhibit 1, a copy is also provided as exhibit 1 in the People's Brief in Response.)
8. Deputy Victoria Dallas from the Genesee County Sheriff's Office created teh ad which was posted on Skip the Games, using a "UC " who was in law enforcement at the time.
9. Photographs of this "UC " were used in the posting. The "UC" was either 18 or 19 years old at the time the ad was created.
10. It is possible that more than one "posting" was used by law enforcement on Skip the Games during this investigation.
11. Deputy Victoria Dallas and Sergeant George Lieber, Genesee County Sheriff's Office were set up in the undercover room at Comfort Inn & Suites, which is adjacent to Room 157 as "chatters."

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12. The Undercover Deputy and the Defendant engaged in a texting conversation. (A copy of the texting conversation is attached as exhibit 2, a copy is also provided as exhibit 2 in the People's Brief in Response.)
13. Near the end of the phone conversation the Defendant called the Decoy and engaged in a phone conversation which was not tape recorded.
14. The Defendant was promptly arrested upon his arrival at the Comfort Inn by law enforcement. His phone was seized upon apprehension and searched by consent.
15. The Defendant' cell phone was also subsequently extracted by experts and it was confirmed that the Defendant had conducted a "reverse google lookup" of the phone number being used by law enforcement.
16. The Defendant did a "reverse look up" and was provided on-line information that the phone number was registered to a "Tawny Borah, a 34 year old single woman with no children." (Copies of the information from the reverse look up are attached as exhibit 3.)
17. Within the past two weeks law enforcement has conducted a similar "reverse look up" and discovered the information of Tawny Borah, but also found multiple other people to whom the phone number comes back to. This recent look up was conducted seven (7) months after the Defendant's look up. The Defendant asserts that when he did his reverse look up the information he received was that the number came back to a Tawny Borah, a 34 year old single woman with no children.
18. Prior to the undercover operation law enforcement did not conduct a reverse look up on the number used.

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Dated: December 9, 2022

Respectfully submitted,

Susan K. Zuiderveen
Prosecuting Attorney

William R. Weise
Attorney for Defendant

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EXHIBIT 1

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SKIPTHEGAMES.EU MICHIGAN KALAMAZOO FEMALE ESCORT

Ad Listing Next Ad 1

DILF SEEKER 30 years old







Call me

I see	Men
Race / Regionality	Caucasian (N. American / W. European)
Hair color	A funky mix
Accepted payment methods	Cash
Available for	Incall
Hours	24/7
Location	Paw paw
Grooming down under	Trimmed
Social activities	Drink, Smoke

New to area and ready to play

I'm the girl next door that you've always wanted to taste let me fulfill all of your fantasies

Activities this service provider may enjoy

- Deep throat
- Intercourse - Anal (Greek)
- Intercourse - Vaginal (FS)
- Oral - receiving (DATY)
- Prostate massage
- Service by two providers
- Water sports - giving
- Face sitting
- Intercourse - Oral
- Oral - CIM
- Oral - without condom (BBBJ)
- Rimming - receiving
- Toy show
- Will entertain couples

[illegible]

[illegible]

Call me

Email me

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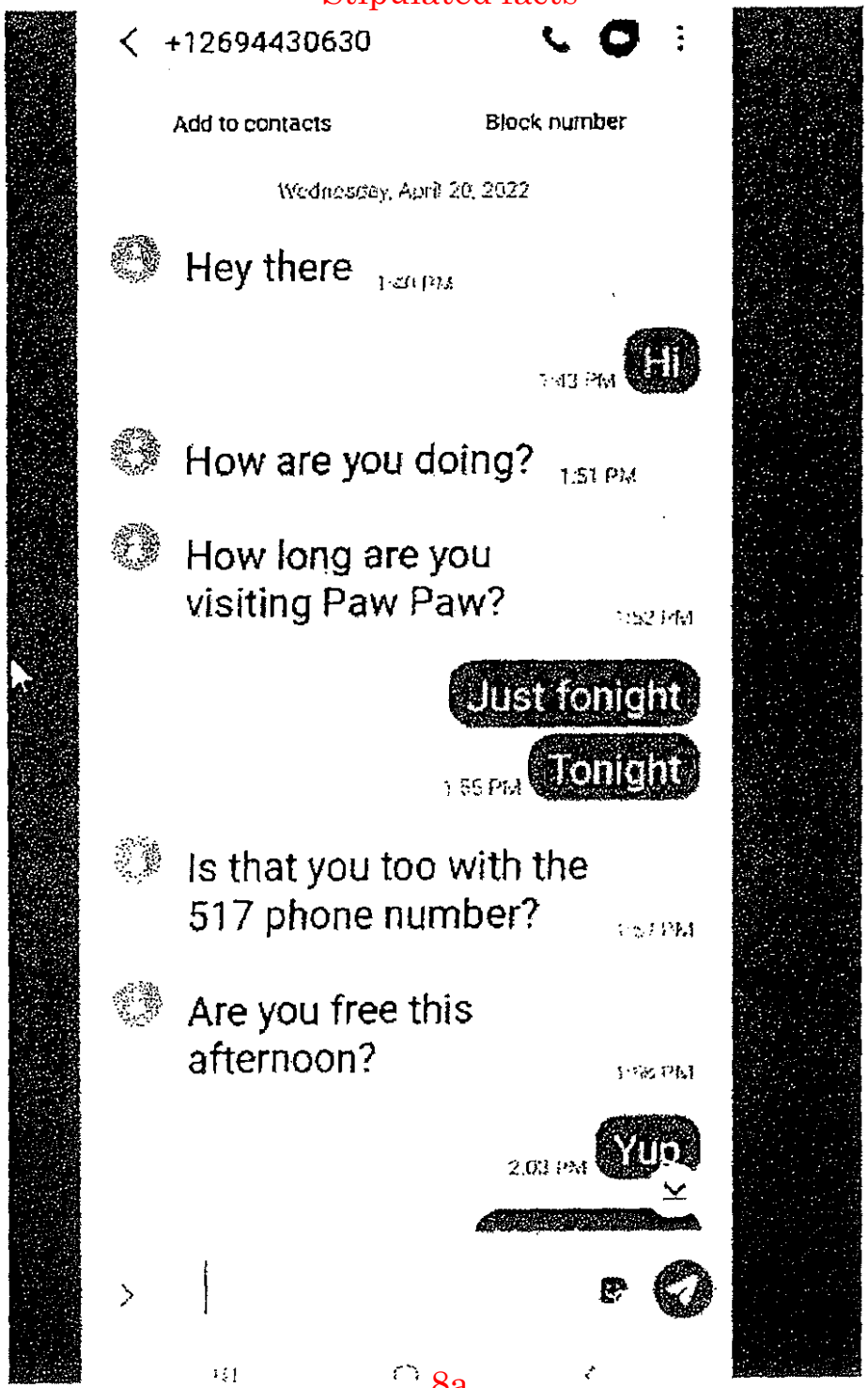
EXHIBIT 2

Stipulated facts



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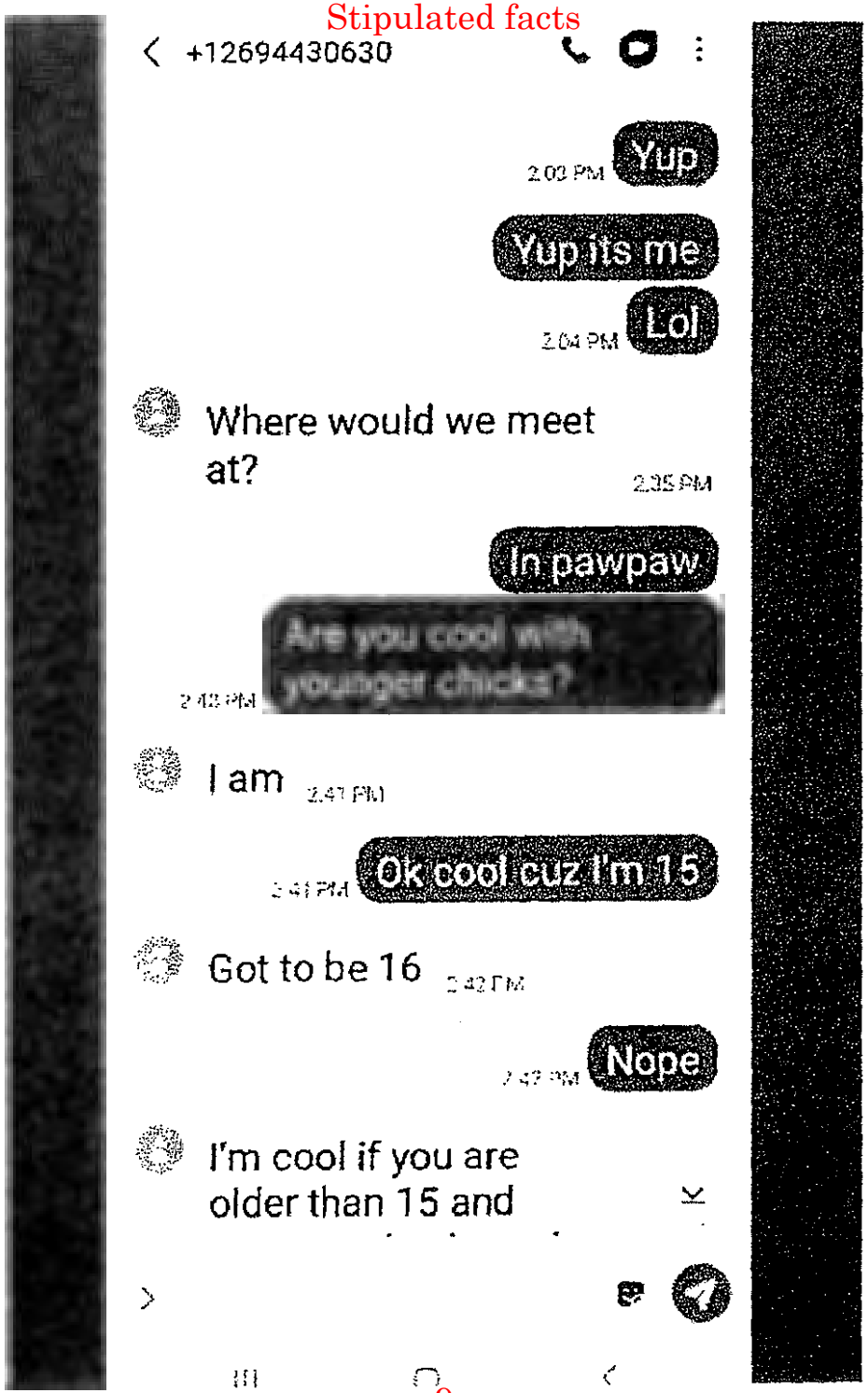
Stipulated facts



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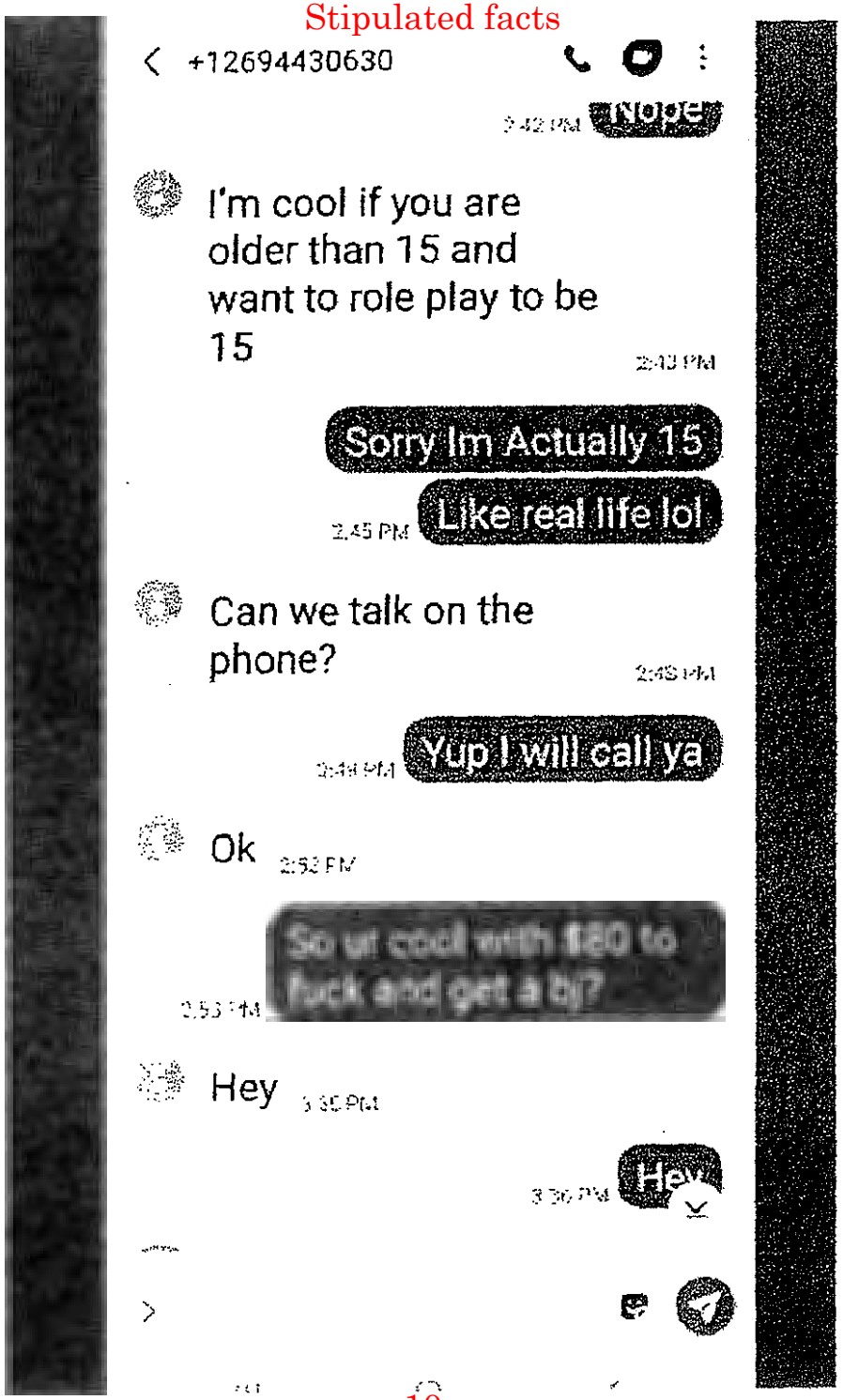

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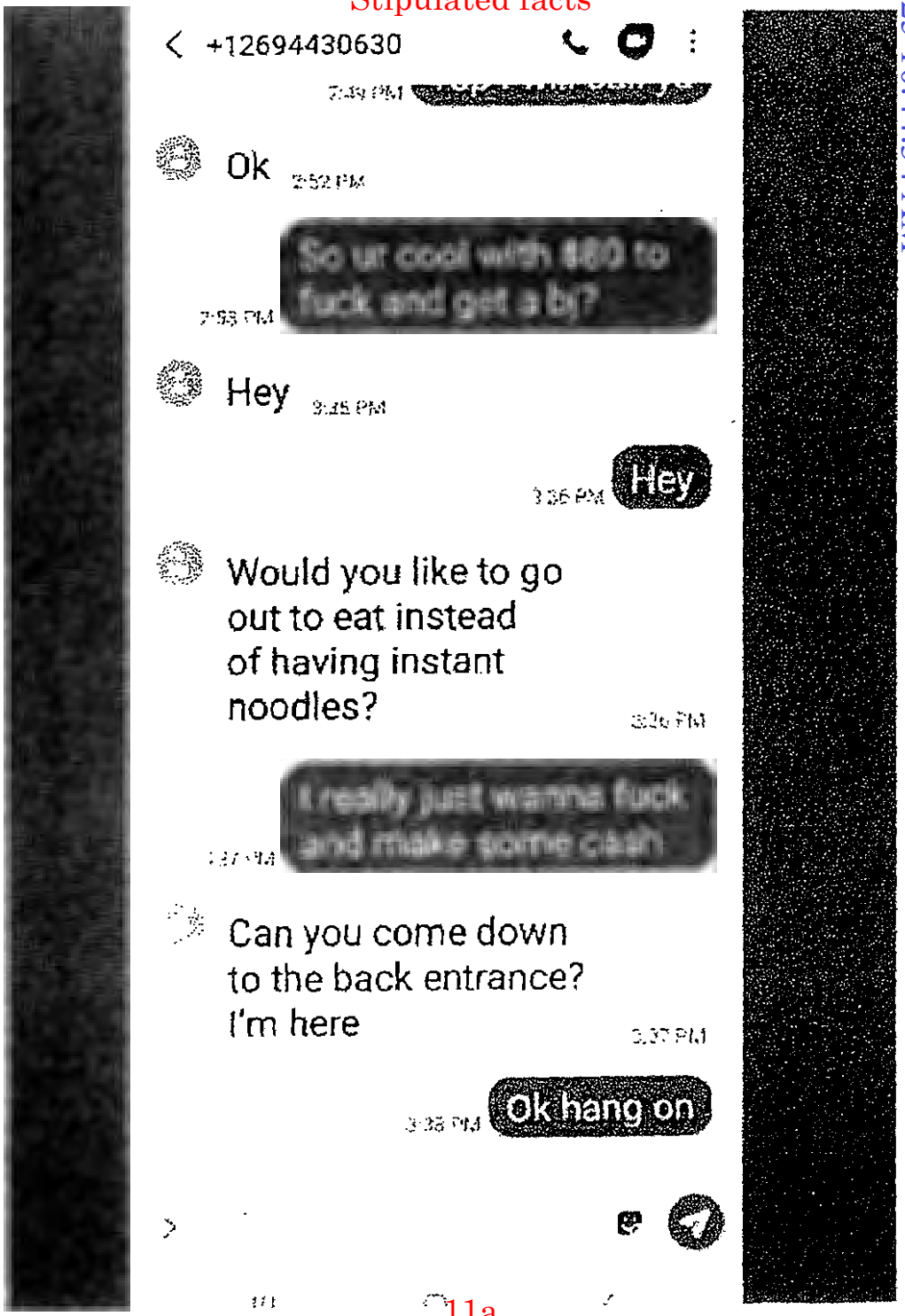

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Ok good

3:53 PM I am totally down!

3:54 PM When r u coming?



Do you know the address so I can see how far it is

3:54 PM

3:54 PM Hang on

3:55 PM Looks like its 153 ampey road



Can we do a confirmation pic?

3:55 PM

3:55 PM It's like right by the expressway

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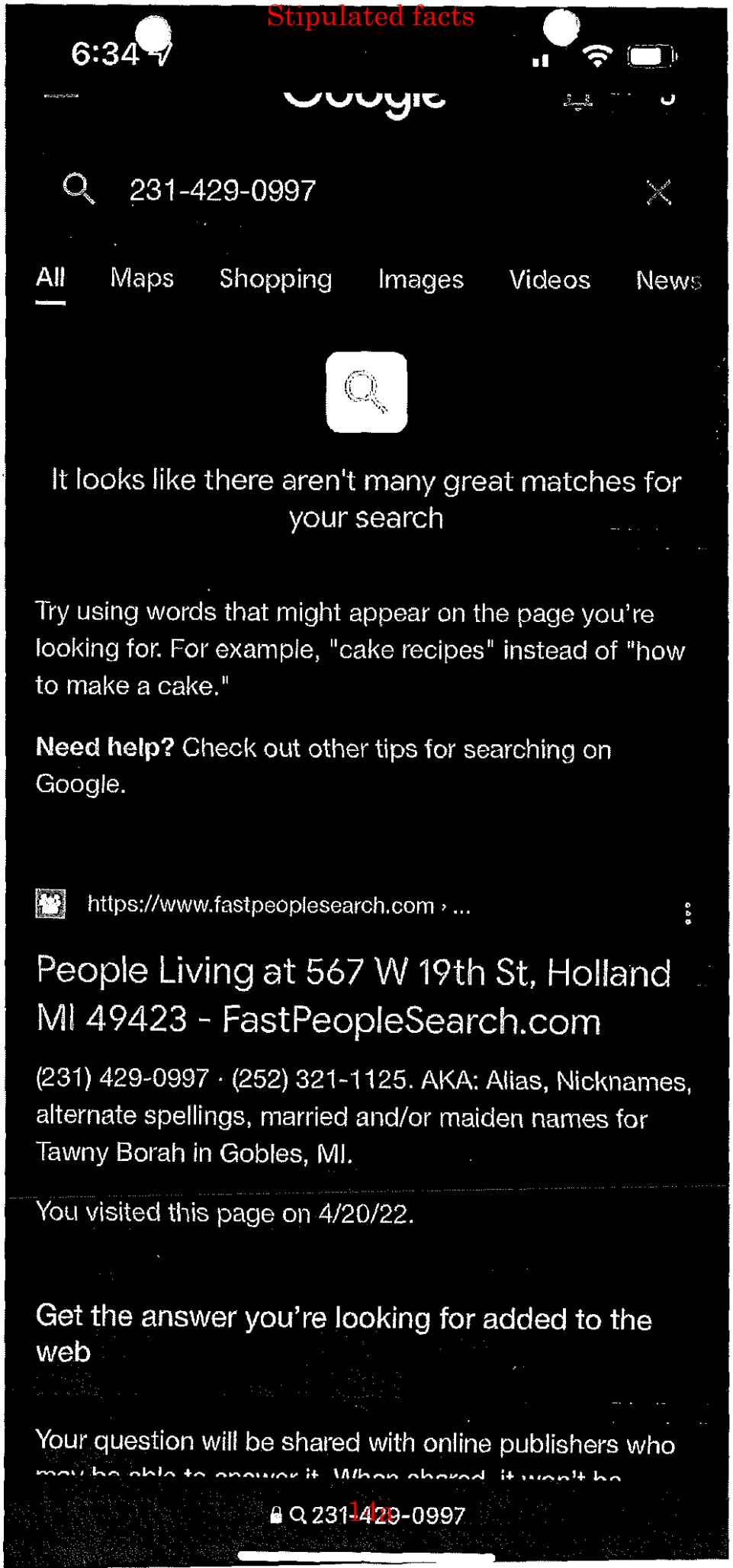
EXHIBIT 3

Stipulated facts



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Stipulated facts

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Who Owns The Phone Number (231) 429-0997

2 FREE public records found for the phone number 231-429-0997.

The current owner of the phone number 231-429-0997 is **Tawny Borah**. Past owners include Shawn Borah. FastPeopleSearch results provide detailed contact information for the owner(s) of this phone number.

Tawny Borah
Gobles, MI

Age: 34

Current Home Address:

30773 County Road 388
Gobles MI 49055

Past Addresses: Homes, Rental Properties, businesses, apartments, condos and/or other real estate associated with Tawny Borah in Gobles, MI.

5799 N 20th St
Kalamazoo MI 49004

567 W 19th St
Holland MI 49423

5799 N 20th St
Parchment MI 49004

3867 David St
Wellston MI 49689

283 W 7th Ave, Unit B
North Pole AK 99705

3720 David St
Wellston MI 49689

Phone: Cell/Mobile/Wireless and/or landline telephone numbers for Tawny Borah in Gobles, MI. **(907) 750-4667**

(231) 859-4153
(231) 468-4538
(269) 744-5639
(269) 381-1832
(269) 270-3855
(231) 429-0997
(252) 321-1125

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Tawny Borah in Gobles, MI (Michigan)

Age 34

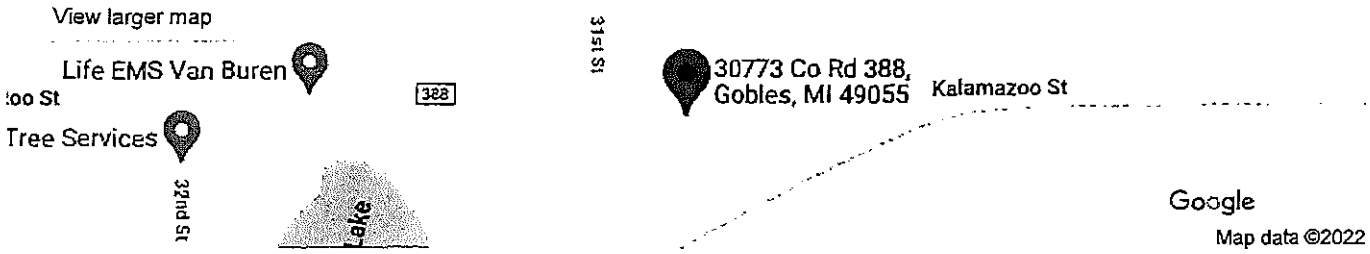
VIEW FULL BACKGROUND REPORT

Get notified when Tawny Borah's info changes.

Current Address

30773 County Road 388
Gobles MI 49055

Van Buren County
Since March 2007



Full Name:

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FastPeopleSearch

Search for...

Phone Number
Email
AKAs
Addresses History
Relatives
Associates
Marital Status
FREE Background Report
FAQ

- Addresses & Phone Numbers
- Business Records
- Professional Licenses
- Family & Associates
- Social Media & Photos
- Public Records
- Criminal Records
- Court Records
- State & County Records
- Bankruptcies, Judgements, Liens

VIEW FULL BACKGROUND REPORT

Phone Numbers
for **Tawny Borah** in **Gobles, MI**

(907) 750-4667 (Primary Phone)
Wireless
New Cingular Wireless PCS LLC
First reported March 2007

(231) 859-4153
Landline
Kaleva Telephone Company
First reported March 2007

(231) 468-4538
Wireless
Sprint Spectrum LP
First reported April 2014

(269) 744-5639
Wireless
Sprint Spectrum LP
First reported March 2007

(269) 381-1832
Landline
Ameritech Michigan
First reported July 2008

(269) 270-3855
Landline
Charter Fiberlink - Michigan LLC - MI
First reported October 2008

(231) 429-0997
Wireless
Cellco Partnership dba Verizon Wireless - MI
First reported September 2021

(252) 321-1125
Landline
Carolina Telephone and Telegraph Company LLC
dba CenturyLink

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Tawny Rae Borah Sponsored By TruthFinder.com	Gobles, MI	Age 34	DETAILS
Tawny Borah Sponsored By GoLookUp.com	Gobles, MI	Age 34	DETAILS
Tawny Borah Sponsored By MyLife.com	Gobles,MI	Age 34	DETAILS

Email Addresses
for **Tawny Borah** in **Gobles, MI**

trae22@outlook.com

Also Known As

Tawny R Borah **Tawny Rae Borah**

Sponsored Links

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FastPeopleSearch Search for...

Yahoo! Search | Sponsored

Previous Addresses
used by **Tawny Borah**

5799 N 20th St
Kalamazoo MI 49004
Kalamazoo County
Recorded July 2008
Home Phone: (269) 381-1832

567 W 19th St
Holland MI 49423
Ottawa County
Recorded March 2016

5799 N 20th St
Parchment MI 49004
Kalamazoo County
Recorded April 2009

3867 David St
Wellston MI 49689
Manistee County
Recorded January 2010

283 W 7th Ave, Unit B
North Pole AK 99705
Fairbanks North Star County
Recorded June 2011

3720 David St
Wellston MI 49689
Manistee County
Recorded July 2009

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FastPeopleSearch

Search for...

Jeff Tomky	Kelsey Berry	Loren Berry
Patricia Borah	Alemu Abdi	Alemu Abdi
Brenda Cochran	Brenda Tomky	Brittney Berry
Carl Berry	Cassi Berry	Chester Gaskins
Clinton Berry	Cody Berry	Crystal Sass
Curtis Berry	Desirae Wade	George Wade

Show More...

Associates
of Tawny Borah in Gobles, MI

Elizabeth Deloach	Michael Gladding	Ann Baker
Arthur Baker	Eric Machinski	Gerald Baker
John Baker	Stanley Baker	Jeff Tomky
Jeffrey Bassett	Kelsey Berry	Larry Oberlander

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FastPeopleSearch

Search for...

Is Tawny Borah Currently Married?

We can not find any public records stating that Tawny Borah is currently Married. It is not likely.

Sponsored Links
Search for

Ad | Business Infoline

FREE Background Report for Tawny Borah in Gobles, MI (Michigan)

Tawny Borah is 34 years old. Currently Tawny lives at the address **30773 County Road 388, Gobles MI 49055**. Tawny has lived at this **Gobles, MI** address for about 15 years, after moving in around March of 2007. Tawny previously lived at 5799 N 20th St, Kalamazoo MI 49004 for 4 years, starting in July of 2008. Going further back, starting in January of 2010, Tawny lived at 3867 David St, Wellston MI 49689 for 11 years.

Public records do not indicate that Tawny Borah is currently married. The following people are relatives or close associates of Tawny: Shawn Borah, Tammy Berry, Billie Borah, Jeff Tomky, Kelsey Berry, Loren Berry, Patricia

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PCS LLC', first reported in public records on March of 2007. Past phone numbers for Tawny include (231) 859-4153, (231) 468-4538 and (269) 744-5639. The primary email address for Tawny is trae22@outlook.com.

Frequently Asked Questions

How old is Tawny Borah?

Tawny Borah is 34 years old.

Where does Tawny Borah live currently?

Tawny Borah's current address is 30773 County Road 388, Gobles MI 49055. Tawny has lived there for about 15 years, since March of 2007.

Who is related to Tawny Borah?

Tawny Borah is likely related to the following people: Shawn Borah, Tammy Berry, Billie Borah, Jeff Tomky, Kelsey Berry, Loren Berry, Patricia Borah, Alemu Abdi, Alemu Abdi, Brenda Cochran, Brenda Tomky

What is the best phone number for Tawny Borah?

Tawny Borah's latest phone number is a wireless number at (907) 750-4667.

What is the best email for Tawny Borah?

trae22@outlook.com is the most current email on record for Tawny Borah.

Is Tawny Borah alive today?

Yes! Tawny Borah is living today.

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FastPeopleSearch Search for...

Elizabeth Deloach, Michael Gladding, Ann Baker, Arthur Baker, Eric Machinski, Gerald Baker, John Baker, Stanley Baker, Jeff Tomky, Jeffrey Bassett, Kelsey Berry

Where did Tawny Borah live previously?

Tawny Borah was registered, and likely lived at the following addresses in the past: | 5799 N 20th St, Kalamazoo MI 49004 | 3867 David St, Wellston MI 49689 | 567 W 19th St, Holland MI 49423 | 283 W 7th Ave, Unit B, North Pole AK 99705 | 5799 N 20th St, Parchment MI 49004 | 3720 David St, Wellston MI 49689

What email addresses have been used by Tawny Borah?

There is one email account for Tawny Borah, and that is trae22@outlook.com

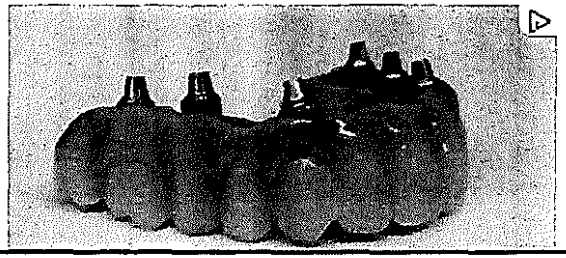
What phone numbers have been used by Tawny Borah?

Tawny Borah has been registered with the following phone numbers: (907) 750-4667, (231) 859-4153, (231) 468-4538, (269) 744-5639, (269) 381-1832, (269) 270-3855, (231) 429-0997

Is Tawny Borah associated wth any businesses?

We do not show Tawny Borah associated with any business records

Sponsored Links



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FastPeopleSearch Search for...

Public Records for **Tawny Borah**
Paid Results Sponsored by **TruthFinder.com**

Tawny Rae Borah	Gobles, MI	Age 34	DETAILS

Public Records for **Tawny Borah**
Paid Results Sponsored by **MyLife.com**

Tawny Borah	Gobles,MI	Age 34	DETAILS

Public Records for **Tawny Borah**
Paid Results Sponsored by **InstantCheckMate.com**

Tawny Rae Borah	Gobles, MI	Age 34	DETAILS

Public Records for **Tawny Borah**
Paid Results Sponsored by **Persopo.com**

Tawny Borah	Gobles, MI	Age 34	DETAILS

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FastPeopleSearch Search for...

Name Directory:

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Phone Directory: 1 2 3 4 5 6 7 8 9

FREE People Search | FREE Reverse Phone Lookup | FREE Address Lookup | Fast People Search API

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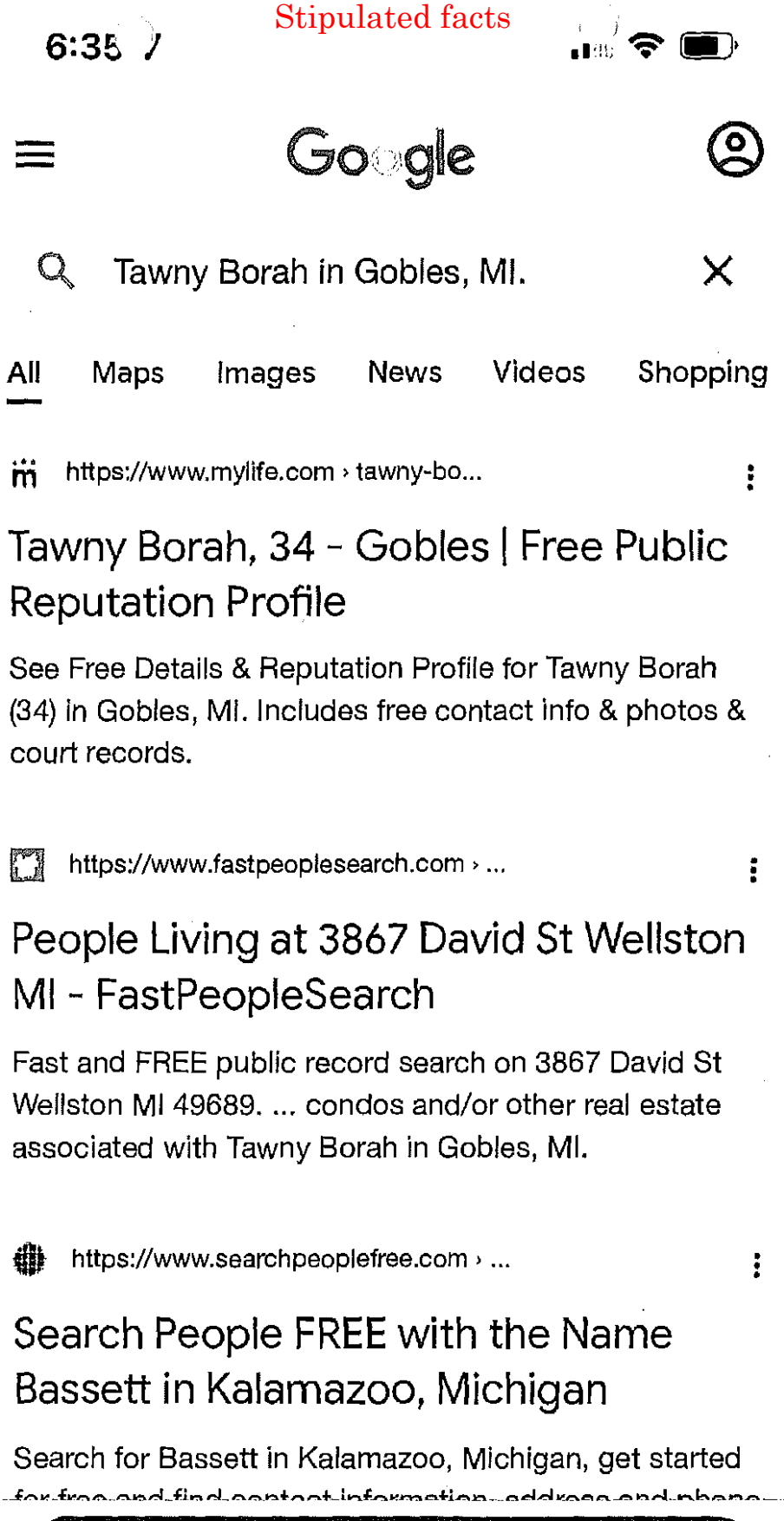

Stipulated facts Attachment (D)

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Tawny Borah, 34

Follow

Gobles, MI

Reputation Score
2.89 - 4.14 /5
View Actual Score

0 Ratings
2 Visits to Public Profile




Tawny Rae Borah

231-***-****

Rate Follow Message Edit

Personal Details & Biography

Tawny Borah is 34 years old and was born on 01/01/1988. Previously cities included Wellston MI, Kalamazoo MI and Holland MI. Tawny also answers to Tawny Rae Borah, and perhaps a couple of other names. Personal details about Tawny include: political affiliation is unknown; ethnicity is Caucasian; and religious views are listed as Christian. Tawny is now single. Tawny's reported annual income is about $10 - 19,999; with a net worth that tops $5,000 - $9,999.

Court & Arrest Records | View All

Court, Arrest or Criminal Records

Check Full Reputation Profile to see if Tawny has **court, arrest, criminal or con**

We will check for:

- DUIs
- Traffic Tickets
- Misdemeanors
- Felonies
- We Will Monitor for New Info

Check Background

This is Me - Control Profile

Lawsuits, Liens or Bankruptcies

Check Full Reputation Profile to see if Tawny has **lawsuits, liens, evictions or b**

We will check for:

- Local, State, & Federal Court Documents
- Sensitive Legal Information
- Litigation Involvement
- We Will Monitor for New Info

Check Background

This is Me - Control Profile



Stipulated facts

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Status

Check Full Reputation Profile to see if Tawny has **sexual offenses.**

We will check for:

- Any & All Sex Offenses
- We Will Monitor for New Info

Check Background

This is Me - Control Profile

Reviews & Ratings | View All

Post or read reviews for **Tawny Borah** below. Reviews help people learn more a does for businesses, and does affect the Reputation Score.

Review & Ratings

Be the first to give Tawny a Review

Add Review or Rating

Address & Property Info | View All

Current Address

30*** **** 388,
Gobles, MI 49055

View Address

Properties

Home Value:
Purchase Price:

Stipulated facts

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Contact Info | View All

Current Phone Number

231-***-****

View Phone Number

Email Address

****@hotmail.com

View Email

Personal Details | View All

Personal Details

Gender: Female
Gender Identity:
Date of Birth: 01/01/1988
Politics:
Ethnicity: Caucasian
Religion: Christian
Income: $10 - 19,999
Net Worth: $5,000 - $9,999
Relationship: Single
Kids:

View Personal Details

Education

Check Full Reputation Profile to see possible education history including where and wi school and college, and a complete list of her high school class list.

Work

Check Full Reputation Profile to see complete work history. This may contain informat name, job title, address, and time period of service.

Year: Stipulated facts
Make:
Model:

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Family & Friends | View All

Relatives/Associates

Check Full Reputation Profile to see possible family members, friends, co-workers, and associates found from multiple government records, social and public sources.

View Relatives & Associates

Photos | View All

Photos

profile

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STATE OF MICHIGAN
36TH JUDICIAL CIRCUIT COURT
FOR THE COUNTY OF VAN BUREN

PEOPLE OF THE STATE OF MICHIGAN,

v

Case No.: 2022-023804-FH

BRIAN LEE STEPKA,

Defendant.
_____/

PEOPLE OF THE STATE OF MICHIGAN,

v

Case No.: 2022-023839-FH

JAYNEEL RAVINDRA JADE

_____/

DEFENDANTS' MOTION TO DISMISS

BEFORE THE HONORABLE KATHLEEN M. BRICKLEY, CIRCUIT JUDGE

Paw Paw, Michigan - Friday, December 9, 2022

APPEARANCES:

For the People: MS. SUSAN K. ZUIDERVEEN, P76985
212 East Paw Paw Street #102
Paw Paw, MI 49079
(269) 657-8236

For the Defendants: MR. WILLIAM R. WEISE, P52061
149 East Main Avenue
Zeeland, MI 49464
(616) 931-7030

MR. SCOTT GRABEL, P53310
124 West Allegan Street Suite 636
Lansing, MI 48933
(800) 342-7896

AUDIO/VIDEO RECORDED

TRANSCRIBED BY: Ms. Rebecca S. Quarry, CER 8376
Certified Electronic Recorder
(269) 377-7330

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Paw Paw, Michigan

Friday, December 9, 2022 - 3:33 p.m.

THE COURT: The Court calls the cases of People versus Brian Stepka and People versus Jayneel Jade.

Counsel, state your appearances for the record, please?

MS. ZUIDERVEEN: Susan Zuiderveen for the People, your Honor.

MR. WEISE: Good afternoon, your Honor, Bill Weise and Attorney Scott Grabel spearing on behalf --

MR. GRABEL: Good afternoon, your Honor.

MR. WEISE: -- appearing on behalf of the Defendants Stepka and Jayneel.

Thank you. And we are here today on Defendants' motions to dismiss regarding entrapment.

Anything you want to place on the record, Counsel?

MR. WEISE: Your Honor, we would briefly just put on the record that we did have a conversation in chambers. The parties have reached a set of facts. One for each of the files and some accompanying exhibits, which the parties agree by stipulation for the Court to use as evidence for the purpose of this hearing. And I have filed that and provided Judge's copies of that factual stipulation and the accompanying supporting documents.

THE COURT: Okay. And they're -- we have separate

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ones, they are not the same, we have separate ones. It looks like I've got one --

MR. WEISE: And then briefly on Mr. Jayneel's case we did talk about, and I believe there is an agreement that we are going to keep the proofs open on his. There is a twist in the facts that came to light just yesterday in terms of the identify of a witness, it is through good faith unknown to both parties up through yesterday, so we are going to keep that open just in case we may need to call that person as a witness --

THE COURT: Okay.

MR. WEISE: -- at a subsequent hearing. Other than that, your Honor, we are ready to proceed.

THE COURT: Okay. And I so I have two stipulated facts documents, one in the case of -- is it Jayneel Jade --

MR. JADE: Yes, thank you.

THE COURT: Okay. I didn't know if I had the name's mixed up. Okay. -- and Brian Stepka. Okay. So, I will receive those as exhibits for the hearing and it is my understanding with one Defendant, we will need to continue things out a bit as to another potential witness.

MR. WEISE: And that would be Mr. Jayneel Jade.

THE COURT: Okay. And other witnesses for the hearing today, Counsel?

MR. WEISE: We do have, I believe, three very

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brief. I think we may as well make possibly four.

We have Detective Kyle Romeo who is involved in the Stepka matter, I guess, I would ask that he be called first.

THE COURT: Thank you, sir.

MS. ZUIDERVEEN: Your Honor, there is just one little thing I want to place on the record.

I was aware of the decoy. I just wasn't aware of the phone call. So, I just want to -- I just don't want that to be like I just found out about the decoy. It is in all the police reports. I -- I -- we just didn't know about the content of the phone call --

THE COURT: Okay.

MS. ZUIDERVEEN: -- until just we started discussing it. So, I just want the record to be clear on that.

THE COURT: Thank you.

MS. ZUIDERVEEN: Thank you.

THE COURT: Anything you wish to say on that issue, Counsel?

MR. WEISE: No, your Honor.

THE COURT: Okay.

Okay. Sir, if you raise your right hand. Do you solemnly swear or affirm that the testimony you are about to give in this case will be the truth, the whole truth and nothing but the truth?

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MR. ROMEO: I do.

THE COURT: Thank you. Please have a seat and when you are settled, we will have you state your full name and spell your last, please.

THE WITNESS: Kyle Romeo. R-o-m-e-o.

THE COURT: Thank you.

Counsel?

KYLE ROMEO

(At 3:36 p.m., sworn as a witness, testified as follows)

DIRECT EXAMINATION

BY MR. WEISE:

Q. Sir, where are you employed?

A. With the Van Buren County Sheriff's Office.

Q. And what is your role with the Van Buren County --

A. Detective Sergeant.

Q. Detective Sergeant?

A. Yes.

Q. And were you so employed back on April 20, 2022?

A. I was.

Q. And were you involved in an investigation involving Mr. Brian Stepka?

A. I was.

Q. Okay. And can you briefly describe for me what your role was with respect to that investigation?

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A. I was involved with the interview of Mr. Stepka.
Q. Okay. Turing your attention, I guess, to the beginnings of the day of April 20, 2022, did you have any prior information about Brian -- Mr. Brian Stepka in any way, shape, or form?
A. None.
Q. He was not the target of law enforcement on the morning or the day of April 22, 2022 -- or April 20 -- I am sorry, 2022 until the text chatting began?
A. Correct. I had never heard of him before.
Q. Okay. So, the purpose of your activities on April 20, 2022 was a joint task force with members of Genesee County Sheriff's Department?
A. Correct.
Q. And essentially what happened, this was -- this type of a undercover operation involving websites and decoys in an attempt to apprehend individuals who may be engaging in sexual activities with minors, this type of an undercover operation is something that Van Buren County had not done prior to that date?
A. Not to my knowledge.
Q. Okay. Certainly, something that you had never done prior to --
A. I had never done that.
Q. Okay. And so, the short of it is five or six offices from Genesee County drove to Van Buren County in April and they

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were going to demonstrate how they conduct these types of investigations?

A. That is correct.

Q. Okay. Is it fair to say, Detective, that they didn't offer you any formal training with respect to the dos and don'ts of these types of investigations?

A. No.

Q. No written manuals, no policies?

A. no.

Q. Okay. They did show a video to you, but the video just, kind of, discussed the wide-reaching parameters of sex crimes in general?

A. Correct.

Q. Okay. They didn't offer any intelligence or any information with respect to Mr. Brian Stepka as part of their activities in the investigation?

A. No.

Q. Okay. And essentially these five or six officers from Genesee -- and there were five or six officers from Van Buren?

A. Correct.

Q. And the officers from Genesee just kind of said, okay, this is what we are going to do. Officer one from Genesee is going to be a chatter and is going to involve in texting and officer one from Van Buren is going to work with that

officer?
A. I don't believe any of our officers were involved in the chatting for this operation, but more or less, yes, there was an arrest team, there was a surveillance team, there was an interview team, combined, but I don't believe our officers were involved with the chat part --
Q. Okay.
A. -- for this first one.
Q. And so, you were an interviewer?
A. Correct.
Q. And so, you teamed with an interviewer from Genesee County?
A. Correct.
Q. Okay. Was -- that day in April was there any known target to the team as far as you are aware of in terms of sexual activity with a minor?
A. There was no -- no person, no, no -- to answer the question, no --
Q. Okay.
A. -- there was nobody in mind other than --
Q. Okay.
A. -- someone that would respond.
Q. You as lead investigator, do you know anything about this website, or this app called Skip The Games?
A. I do not.
Q. You didn't do any investigating of that before that -- before

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the day in April?
A. No.
Q. Okay. The phone number, because we are talking about texting here, yes?
A. Correct.
Q. The phone number that was used was provided by Genesee County?
A. The phone use -- yes -- the one that they were chatting with, yes.
Q. The phone and the number?
A. I believe so, yes.
Q. Okay.
A. It was not Van Buren County's phone or number.
Q. So, you didn't do any investigation as to that phone number as to who it may have previously been owned or registered to or anything like that?
A. Not initially. I did at the request of Prosecutor I did after the fact.
Q. In -- in response to a Defense request for discovery to determine --
A. I believe so, yes.
Q. -- ownership of the ph -- and the phone actually came back to a George Leber, is that fair to say? In rems of ownership?
A. I am not 100 percent on that. I know it was Genesee County, which George Leber is -- or was a detective, I don't know if

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he currently is, but yes.
Q. Okay.
A. He was one of the detectives there.
Q. Is it fair to say that you believe that Leber from Genesee brought the phone?
A. Yes.
Q. Okay. Okay. The ad was created by somebody from Genesee County?
A. Yes.
Q. Back to Skip The Games, you are not aware of any reason why that particular website or app was used by Genesee County?
A. I have no idea why.
Q. In preparation for today and in going and back and forth with some of the officers there seems to be -- and it is part of the stipulation that has been received by the Court that it is possible that more than one ad existed, as lead detective is that -- does that something that jives with our recollection of the day?
A. Not at all. Until you brought that up to me, I had not heard that.
Q. Okay. So, you have no information -- well, did you have anything to do with the ad?
A. None.
Q. Did you even see the ad?
A. I only saw it once, I requested it from Genesee, which was

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well after the fact.

Q. Well after the fact.

A. Correct.

Q. Thank you for clarifying that. When an individual, in this case Mr. Stepka begins texting was part of the team -- was there an aspect of the team that would do any type of an investigation on Mr. Stepka, Mr. Stepka's phone number, the phone number that you are receiving in as part of the investigation?

A. There was. I don't know who exactly was doing it, as they were, kind of, off in a corner, you know, doing the chats. It is, kind of, intense because they are chatting with multiple subjects at the time, so to say who was doing any research on the phone numbers I don't have a name. I don't know if they did that on Mr. Stepka. The only pre-knowledge I had of after the chats started, he had indicated that he was a Snap On driver and that -- his name and that he was a Snap On driver and that's the only knowledge I had prior to him coming to the hotel.

Q. There is an anacronym for that type of investigative work it is not LEIN, it's TRL -- TLR?

A. TLO.

Q. TLO?

A. Correct.

Q. And there was a member of the team that had the capacity to

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do that type of an investigation that would look up an individual's phone number to try to find identifier characteristics of that person?

A. I believe so. I don't know if they used some other investigative website. That is what our agency uses typically is TLO. To say that Genesee was using it that day, I do not know, but we in Van Buren do use that as a for instances.

Q. And you may have already answered this, fi you did I apologize, but there was nothing from -- if -- if that type of an investigation was done with respect to Mr. Stepka there was nothing that came to your attention in terms of -- of his background?

A. None.

Q. His Yahoo -- or not Yahoo page -- Facebook page or whatever social media they might have?

A. None. I didn't have any of that information.

MR. WEISE: Okay. Okay.

Thank you very much, Officer. I appreciate your time today.

THE WITNESS: You bet.

THE COURT: Thank you.

Ms. Zuiderveen?

MS. ZUIDERVEEN: Thank you, your Honor.

CROSS-EXAMINATION

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BY MS. ZUIDERVEEN:

Q. So, I just want to be clear, this is an operation that was set up in a hotel room, correct?

A. Correct.

Q. And there were how many chatters?

A. I believe three.

Q. And those chatters were responding to the ad, is that a fair assessment?

A. The chats were coming in as result of the ad placed.

Q. So, the ad is placed, and these chatters are responding to people who are then responding to the ad?

A. Correct.

Q. So, if I see the ad, there was a phone number on that?

A. Yes, I believe so.

Q. And then I can start texting that phone number and it would go to those chatters, is that correct?

A. Correct.

Q. So, were the chatters then continually chatting with multiple people?

A. Yes.

Q. And do you know how long they may have chatted with Mr. Stepka before he actually arrived at the hotel?

A. I believe his chat started approximately 3:30 and by the time he showed up at the hotel it was about 6:00 p.m., so two and a half hours.

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Q. So, someone who have to see the ad, see the phone number, and then reach out to that phone number in order to reach these chatters that were stationed in a hotel room, is that correct?
A. Correct.
Q. And all of the chats then -- the complete set of the text messaging between Mr. Stepka and the chatter was then turned in as part of your report, is that correct?
A. Correct.
MS. ZUIDERVEEN: And, your Honor, that is what has been part of the stipulation as what is included is the chat messages.
BY MS. ZUIDERVEEN:
Q. So, the chatters at no time reached out to people on their own, is that correct?
A. Not to my knowledge.
Q. So, they are just responding to people who reach out to them?
A. Correct.
Q. And their goal then is to then go through the information in the chat and have somebody appear at the hotel?
A. Correct.
Q. And that's why then we had the team that would then apprehend them once they arrive at the hotel, is that correct?
A. Correct.
Q. And at the time then they are apprehended then you took over

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and then did the interview from there?
A. Along with the Genesee Detective Dobbs, yes.
Q. And at what point was the Defendant apprehended?
A. When he came to the hotel room door.
Q. So, it wasn't in the hotel parking lot?
A. No.
Q. Did he have to come into the hotel itself into an exterior door?
A. It was an interior door inside the hotel.
Q. So, he came in through a door in the hotel to the interior hallway?
A. Correct. Yes.
Q. And then did the chatters give him the hotel room?
A. The number, yes.
Q. And he came to the hotel door room?
A. Correct.
Q. And what happened once he came to the door at the hotel? Was there a knock?
A. I don't recall if there was a knock, but he was at the door and then the other officers took him in to custody.
Q. So, then the door opens, and they take him in to custody -- they seem him there and take him in to custody?
A. Correct.
Q. So, he had to drive to that location?
THE COURT: I am sorry, this is still Stepka,

correct?

MS. ZUIDERVEEN: This is Stepka.

THE COURT: Okay.

BY MS. ZUIDERVEEN:

Q. So, he had to drive to the location and to the hotel and go to the room before he was apprehended?

A. Correct.

Q. And this was after then the -- I think it was about a three-hour chat with the chatter?

A. Correct.

MS. ZUIDERVEEN: I have no further questions for this witness, your Honor.

THE COURT: Anything else, Counsel?

MR. WEISE: One moment please, your Honor.

Okay. Thanks.

Nothing further. Thank you.

MR. GRABEL: Thank you.

THE COURT: Sir, I think you said you don't have any idea how this Skip The Games was decided upon as --

THE WITNESS: I am sorry, I don't.

THE COURT: Okay.

THE WITNESS: I have no idea. I am not on those websites --

THE COURT: Okay.

THE WITNESS: -- or anything about that.

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THE COURT: Do you know if this was already a website in existence?

THE WITNESS: It was in existence, I believe.

THE COURT: Okay.

THE WITNESS: It is not something they created.

THE COURT: And I think I read somewhere in the pleadings in this that this -- did the website advertise for adults, do you know?

THE WITNESS: I don't know. I am sorry.

THE COURT: Okay. I didn't know if you would be the one to ask. Okay. Okay. Thank you.

Any questions in light of mine?

MS. ZUIDERVEEN: No further questions, your Honor.

MR. WEISE: No, thank you.

THE COURT: Thank you.

(At 3:51 p.m., witness excused)

MR. ROMEO: Thank you.

MR. WEISE: Your Honor, we would next call Detective Van Dam please.

THE COURT: Sorry. If you raise your right hand? Do you solemnly swear or affirm that the testimony you are about to give in this cause will be the truth, the whole truth, and nothing but the truth?

MS. VAN DAM: I do.

THE COURT: Thank you. Please have a seat and when

you are settled, I will have you state your full name and spell you last please.

THE WITNESS: Sharon Van Dam. V-a-n D-a-m.

THE COURT: Thank you.

MR. WEISE: Housekeeping matter, your Honor, this witness pertains to Mr. Jade -- Jayneel Jade's file.

THE COURT: got it.

MR. WEISE: We have another potential witness, maybe two that would pertain equally to both, I believe.

THE COURT: Okay.

MR. WEISE: The first witness was strictly Mr. Stepka; this witness is strictly Mr. Jayneel Jade.

THE COURT: Thank you.

SHARON VAN DAM

(At 3:51 p.m., sworn as a witness, testified as follows)

DIRECT EXAMINATION

BY MR. WEISE:

Q. Ma'am, I think you already said your name and spelled it and all that good stuff?

A. Yes.

Q. Where are you currently employed?

A. Van Buren County Sheriff's Office.

Q. And were you employed -- and what is your role with the Van Buren County Sheriff's Office?

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A. I am a detective.
Q. And were you employed in that capacity on April 20, 2022?
A. Yes.
Q. And you were also part of the team -- a joint team of representatives of Van Buren County and Genesee County with respect to this undercover operation that was conducted?
A. Yes.
Q. Okay. And you're with the lead detective with respect to the investigation involving Mr. Jayneel Jade?
A. That is correct.
Q. And you were in the courtroom during our questioning of the prior detective?
A. Yes.
Q. And you and I spoke earlier. You heard the questions and answers with that detective?
A. Yes.
Q. Fair to say your testimony with respect to Mr. Jade is going to essentially be the same?
A. Yes.
Q. Okay. So, really quickly then, Genesee didn't provide any written policies, procedures, manuals or training with respect to dos and don'ts for these types of investigations?
A. That is correct.
Q. You had nothing to do with the ad itself?
A. No.

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Q. Did you even see the ad?
A. Not until after the investigation.
Q. Okay. Do you know anything about this website or the app Skip The Game?
A. No.
Q. Other than it seems to be legal and operational?
A. Yes.
Q. At least it was on April 20, 2022?
A. That is correct.
Q. Okay. But why Genesee County chose that particular one you have no independent information on that?
A. That's correct.
Q. When you first met with the -- in your role again, I am going to assume was, kind of, paired up with the Genesee Officer who was doing the interrogations after the arrest?
A. That's correct.
Q. Okay. How did you get stuck with the monic or lead detective? Because you are the detective?
A. Yes.
Q. So, you are the lead. Okay. With respect to Mr. Jayneel Jade when the task force formed was he a specific target or your investigation?
A. No.
Q. Did you even know he existed on planet earth when your investigative conduct took place that day -- or started that

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day?
A. No.
Q. Okay. You didn't know who he was or anything about him until he responded to the decoy via text?
A. That's correct.
Q. During any part of the investigation did you -- up until arrest -- stop at arrest -- did you become aware of any facts or circumstances pertaining to Mr. Jade as an individual?
A. No.
Q. Nothing from this TLO or -- I already forget?
A. No.
Q. Okay. Nothing from that?
A. No.
Q. Okay. Do you have any information about whether there was one ad or two ads or the possibility of two ads or more than one ad?
A. I believe they said in the briefing that there was more than one ad that they used, but as far as a I know the only one they used was Skip The Games.
Q. Who would have been in charge of the preservation of the ad?
A. That would have been Genesee County.
Q. Okay. Do you -- would you have a name or?
A. No. the only person that I had contact with was Detective Rainwater and he was my partner in the interview.
Q. Doing the invest -- doing the interrogation?

A. Yes.
Q. Okay. And when I say ad, posting, you know what I am referring to?
A. Right.
Q. Okay. Okay. Do you know -- have any information about the phone number used by the officers on April 20th?
A. No.
Q. Didn't do any like reverse Google lookups before the investigation -- or before the sting took place?
A. I did not.
Q. Do you know if anybody did?
A. I have no idea.
Q. Okay. Okay. With respect to my client there was a phone conversation between himself and -- I will describe her as an undercover --
A. Okay.
Q. Is that fair to say?
A. Yes.
Q. You are aware of that phone call?
A. I knew that the phone was being used, but I don't know anything that was discussed, it was very loud in the room.
Q. Okay. Fair to say that we had people chatting and chatting, I guess we need to specify, is actually texting?
A. That is correct.
Q. And then the U.C. or the undercover, in a stipulation an 18

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or 19 young lady -- year old young lady whose photo was in the ad, she was on scene as well, yes?

A. Not from the ad, I don't believe.

Q. Okay. Okay. Was there a young -- if there wasn't there wasn't -- was there a young lady that went into a bathroom or a side room to take a call during the texting with Mr. Jayneel Jade?

A. She was in between the bathroom and the bedroom area, but again, I didn't hear anything.

Q. Okay. Okay. And fair to say I am assuming she is trying to keep that call private, she doesn't want to hear -- there is a lot of people there and she doesn't want a lot of background noise to come through the phone?

A. That's correct.

Q. Okay. When Mr. Jade was arrested did he actually come into the room?

A. Yes.

Q. Okay. Can you describe the moment of his arrest for me?

A. I know that there -- there were some texts and told -- he was told where to go. He came in the back door to the hotel and then he came down the hall, the U.C. was standing in the doorway, she shut the doorway, he knocked and then he came in.

Q. Okay.

A. And then they -- he was arrested at that time.

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Q. Okay. I don't think you know the name of the U.C.?
A. No.
Q. Okay. You don't know if the U.C. was actually the individual depicted in the ad?
A. No.
Q. Okay. But this was a young woman?
A. Yes.
Q. Okay. She had herself concealed or her identity concealed in a blanket or a robe -- I think it was a blanket or something when Mr. --
A. It was a blanket.
Q. Okay.
A. And her face was showing, but her hair was not. So, the blanket was, kind of, like, yes, like that and down and long.
Q. Okay. When you said like that I was, kind of, just --
A. Yes.
Q. -- it was almost like -- literally the circle of her face --
A. Exactly.
Q. -- was what was viewed?
A. Yes.
Q. Okay. Do you -- this phone call, and again, I am asking you because you are -- have the monic of lead, do you know if that was tape recorded?
A. No, I do not know. I did not get a copy of it, so no.
Q. You've never received a copy of it?

A. That's correct.
Q. And would that be reasonable then to infer that it wasn't recorded?
A. Sure.
Q. Okay. And you were not doing the chatting, but do you have information that just prior to my client's arrest that he asked the decoy, the chatter to come down to the back entrance?
A. I am believing that the chatter did tell him -- or the person on the phone, I am not sure which one, but they did tell him to come to the back of the hotel. Come in that door and then they were given the room number.
Q. Okay. Okay. Okay. And that all part of this stipulated brief. Do you have any -- would you have any explanation as to why that phone call wouldn't be recorded?
A. No.
Q. Okay. Strike you as odd that it wasn't recorded?
A. In our work in our sheriff's department, yes.
Q. Yeah. Okay. Were you actually present to observe Mr. -- my client come to the back door or subsequently to the actual hotel room, did you physical observe that?
A. I observed him coming into the door of the room.
Q. Of the room?
A. Of the room.
Q. But not to the back of the entry way into the hotel?

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A. That's correct.
Q. Okay. Okay. I think -- as the lead have you reviewed the full context of the chat?
A. I've read some of it. I did not see all of it.
Q. Do you have any independent recollection of the contents of the chat as we talk here today?
A. I remember reading some of it, yes.
Q. Okay. And isn't it -- isn't it fair to say that my client asked the chatter that she would like to go out to eat?
A. Yes.
Q. And there was conversation would you like to go out to eat instead of having instant noodles in the room? There was conversation about actually leaving?
A. Yes.
Q. Okay. And in response to that the chatter from law enforcement responded I really just want to --
A. Yes.
Q. -- F word and make some cash?
A. Yes.

MR. WEISE: Okay. Okay. Okay. Thank you.
THE WITNESS: You're welcome.
MR. WEISE: How much longer until you retire?
THE WITNESS: A year.
MR. WEISE: One more year. Wow. Good for you.
THE COURT: Thank you.

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Ms. Zuiderveen?

MS. ZUIDERVEEN: Thank you, your Honor.

I am just going to ask you some of the same questions.

CROSS-EXAMINATION

BY MS. ZUIDERVEEN:

Q. Did -- as part of this investigation did anyone or you reach out to the Defendant personally to get him to respond to this ad?

A. No.

Q. So, it was only upon him initiating a call or a text to the number in the ad we even became available -- we meaning you -- as an investigative team became available or knew of the Defendant, is that correct?

A. That is correct.

Q. And do you know how long that chat would have lasted between the chatters from like when the time that the Defendant reached out the first chat and until then he arrived at the hotel room?

A. I know that -- I don't know exactly the time because there was so much other stuff going on in the room, but I do know that he was arrested at 3:45 p.m.

Q. And so, if -- if the Court is looking at the chat messages in the report is that inclusive of all the text messages that were between the Defendant and the chatters?

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A. Those were -- the ones that are attached to my report are the only one -- only chats that I have received.
Q. So, that would show maybe the first chat of him reaching out all the way through the last chat of him saying he is on his way?
A. Yes. And in between there, yes.
Q. Yeah, and then everyone in the middle?
A. Yes.
Q. And I just want to be clear nobody arrested him in a parking lot?
A. No.
Q. So, he came in the back door of the hotel?
A. Yes.
Q. Didn't get arrested in the back door of the hotel either, correct?
A. That's correct.
Q. And he was only arrested after he came to the hotel room that the chatter had given him the room number?
A. That is correct.

MS. ZUIDERVEEN: I have no further questions for this witness, your Honor.

THE COURT: Anything else?

MR. WEISE: Just a couple. Thank you.

REDIRECT EXAMINATION

BY MR. WEISE:

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Q. Detective, fair to say that within this chat it was law enforcement who brought up the idea of sex first, yes?
A. It would have been the U.C. that brought it up, yes.
Q. They brought it up first, right?
A. Yes.
Q. And they brought up money first, right?
A. Yes.
Q. Okay. And that was directed by Genesee County -- the officers from Genesee County?
A. Yes.
Q. Okay. As lead did you have any say as to how that conversation was going to unfold?
A. No.
Q. How long have you been a detective?
A. Since 2005.
Q. Best practice is to have the conversation unfold that way of law enforcement coming up with the idea of sex first or money for sex first?
A. Is that our practice?
Q. Yes.
A. I would say, no.
Q. Okay. Okay. In the same line of questioning -- same line of thought here, best practice is to violate the tenance of the website or the policies of the website?

MS. ZUIDERVEEN: Your Honor, I am going to object

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at this point, I think, we are getting into some minutia here. I mean, this was a training opportunity of how to respond to the ads, I mean, in terms of this was the very first time Van Buren County had done this, they were being trained on this, I don't know if there is this standard procedure of how to conduct undercover operations of men responding to sex ads.

THE COURT: I guess, I will ask you to lay a foundation as to whether she knows what the best practice is and if there, in fact, is one.

BY MR. WEISE:

Q. In your experience as a detective have you -- do you have experience in undercover activities?

A. Very little.

Q. Can you give us some examples of your experience in undercover activities?

A. The only one that I can remember in the time that I have been at the sheriff's department was a person that was purchasing a phone over the internet, and it just happened to be a stolen phone and we got that back the -- those people.

Q. And what were the techniques -- if you could briefly walk us through the techniques that you guys used?

A. The only part that I played in that was to meet up with the suspect and get the phone. That was all I did.

Q. Oh, the literal recovery of the phone?

A. Yes.
Q. Okay. Okay. So, you have no experience with respect to the conduct of the -- or the dos and don't ts of these types of investigations --
A. No.
MR. WEISE: -- prior to April 20, 2022? Okay. Okay. Okay. Okay. Thank you.
THE WITNESS: You're welcome.
THE COURT: Anything else, Ms. Zuiderveen?
MS. ZUIDERVEEN: Thank you, your Honor.

RECROSS-EXAMINATION

BY MS. ZUIDERVEEN:
Q. So, I just want to be clear the ad that was posted was an ad for sexual acts, is that correct?
A. That is correct.
Q. So, the ad is basically call me if you want deep throat, anal intercourse, vaginal intercourse, blah, blah, blah, blah, blah, correct?
A. Yes.
Q. So, when somebody is reaching out on this phone number, they are responding to the services that are offered, correct?
A. That's correct.
MS. ZUIDERVEEN: And this is then the ad that has been admitted then, your Honor, in the exhibits and agreed upon.

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BY MS. ZUIDERVEEN:

Q. So, if somebody is responding to the sexual ad the chatters were then letting them know what was available, correct?

A. That's correct.

Q. And trying to negotiate the cost of that?

A. That's correct.

Q. And in those chats how many times did they say they were 15?

A. At least three.

MS. ZUIDERVEEN: No further questions, your Honor.

REDIRECT EXAMINATION

BY MR. WEISE:

Q. The age in the ad was 19, correct?

A. I don't -- I don't remember what the age said on there, I don't even know if it did say --

Q. Okay.

A. -- to be honest.

MR. GRABEL: It's stipulated to.

MR. WEISE: Okay. Okay.

Thank you, your Honor.

THE COURT: Thank you.

Anything else, Counsel?

You want to call Larry?

MR. GRABEL: Yeah.

MR. WEISE: Yeah, we are going to call Larry Dalman. I believe, his testimony would pertain to both

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files, but nothing else for this witness.

(At 4:12 p.m., witness excused)

THE COURT: Okay. Thank you.

I would like to call Larry Dalman.

MR. GRABEL: I would like to call Larry Dalman.

MS. ZUIDERVEEN: Oh yeah, for purposes of this hearing.

MR. GRABEL: Okay. Your Honor, the Prosecutor stipulates to Mr. Dalman as a forensic expert for purposes of this hearing and I think he has been qualified in this Court before.

THE COURT: Okay.

MR. GRABEL: So, this way I am not going to go through his vitae if that's acceptable?

THE COURT: So, stipulate Ms. Zuiderveen?

MS. ZUIDERVEEN: yes, your Honor. We don't need to do that for the purposes of this.

THE COURT: Okay.

MS. ZUIDERVEEN: Thank you.

THE COURT: Thank you.

Sir, do you solemnly swear or affirm that the testimony you are about to give in this cause will be the truth, the whole truth, and nothing but the truth?

MR. DALMAN: I do.

THE COURT: Thank you. Please have a seat and when

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you are settled you can state your full name and spell you last.

THE WITNESS: My name is Larry Dalman. The last name is spelled D like in David -a-l-m-a-n.

THE COURT: Thank you.

LARRY DALMAN

(At 4:12 p.m., sworn as a witness, testified as follows)

DIRECT EXAMINATION

BY MR. GRABEL:

Q. Mr. Dalman, I contacted you to, I guess, for multiple reasons, but one of the reasons was I asked you to do an inspection of this website Skip The Games --

A. Yes, sir.

Q. -- is that correct?

A. Yes, sir.

Q. Okay. And obviously as part of your duties is that something customarily you might do? You obviously are qualified as a forensic expert, were -- did you have the capability to visit the website and look at the terms and conditions?

A. Yes, sir.

Q. Okay. And --

THE COURT: I am sorry, is he testifying for both Defendants?

MR. GRABEL: Yeah, I was going to say --

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THE COURT: Okay.

MR. GRABEL: -- he's testifying for both case --

THE COURT: Okay. Thank you.

MR. GRABEL: -- for both cases.

BY MR. GRABEL:

Q. So, when you -- I guess you visited this website, first of all do you know the origin where this website is based out of? What country?

A. In Amsterdam.

Q. Okay. And did you have opportunity to inspect the terms and conditions of the website?

A. I did, sir.

Q. Okay. Would you say it was difficult to find, I mean, I understand you are an expert, but did you have any difficulty locating the terms and conditions?

A. No, sir. On the bottom of the home page there is several different selections you can make. One of them was terms and conditions, one of them was about us, one of them was about privacy.

Q. Okay.

A. You basically click on it and the page would open.

Q. Okay. You are referring to something there. I just want to make sure, if you need to refresh your memory would you please tell the Court and the Prosecutor what are you referring to, so I know.

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Q. I am referring to report that I did today regarding the website Skip The Games.

Q. Okay. And I think the Prosecutor -- yes -- the Prosecutor I believe has a copy of it, so would you do us a favor although I can see you looking down, if you do need to refresh your memory try to testify if you can from memory, but don't if inclined that you need to refresh your memory to be accurate, please just let the Court know and myself. Okay?

A. I have an extra copy if the Judge needs one.

THE COURT: Oh, you mind if I --

MR. GRABEL: No, I don't mind.

THE COURT: Thank you.

MR. GRABEL: No, let me see. I think I have an extra copy. Hold on.

May I approach, your Honor?

THE COURT: You may.

MR. GRABEL: Oh, you have another copy. Okay. Thank you.

THE WITNESS: I came prepared.

THE COURT: Is this something parties anticipate being admitted?

MR. GRABEL: Possibly, yes.

THE COURT: Okay.

MR. GRABEL: I am not sure the Prosecutor is going to stipulate to it, but I would -- I would offer at least

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have it marked as a proposed exhibit.

THE COURT: I will wait to review until we sort -- Ms. Zuiderveen, do you know if you're objecting?

MS. ZUIDERVEEN: I would like to hear the testimony first --

THE COURT: Okay.

MR. GRABEL: Sure. That's fine.

MS. ZUIDERVEEN: -- and then if he would like to offer it after the testimony and the basis of how we came up with this.

THE COURT: Okay.

MR. GRABEL: Yeah, I don't have a problem with that.

BY MR. GRABEL:

Q. First of all, obviously you said, putting yourself in the thing did you find it, would you believe a person with minimal, I guess, forensic capability able to find the terms and conditions of the website?

A. Yes, sir.

Q. Okay. And, I guess, there were certain disclaimers on the website firs of all about, I guess, consenting adults, did it indicate first of all anything in reference to, first of all, as far as minors visiting this website or utilizing the website, did it say anything about that if you know?

A. Yes, sir. Under prohibited contact -- or conduct prohibited

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conduct, anything that suggested minors, or the use of minors or photos of minors was prohibited and what I liked about the website it even said if you are a law enforcement agent you don't need a search warrant, call us, we will give you whatever you need if minors are involved.

Q. Okay.

A. As a former police officer (inaudible).

Q. Okay. So, there is a term and section, first of all, when it indicates for consenting adults, correct me if I am wrong, did it indicate there were no minors or children on this site?

A. Yes, sir.

Q. Okay. Did it even capitalize the words for emphasis? No capital N-O before the word minors, is it capitalized on the website, if you recall?

A. I don't recall, sir.

Q. Okay. That's fine. On some of the terms and conditions it has what a list of prohibited conduct? Is that correct? There is a --

A. Yes sir.

Q. -- several categories?

A. Yes, sir.

Q. And, first of all, one of them says correct me, does it say posting obscene content?

A. Yes, sir.

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Q. Does it -- another section say posting any material on SkipTheGames.com that references or suggest any involvement with minors, does it say that as well?
A. Yes, sir.
Q. Does it also say post any material on Skip The Games that exploits minors in any way?
A. Yes, sir
Q. And does it also indicate number one that -- another category that posting any material on Skip The Games that in any way constitutes or assists in human trafficking?
A. Yes, sir.
Q. Okay. And does it also indicate, first of all, something about consent if somebody is going to have sexual relations, does it make any reference to that?
A. Yes, sir. The website says that it is very -- consensual sex for adults. If they find out that there is any attempts to solicit somebody with non-consensual reasons that they would do whatever it takes to stop it. So, consensual is in their terms and conditions several times.
Q. Okay. And is there something on the website, correct me if it says this or doesn't, if you work with law enforcement and you are investigating something non-consensual as related to our site, or involves a minor, please contact us, you do not need to subpoena or court order, because honestly -- pardon of my language -- f-u-c-k those people who do things like

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that. I didn't want to say it, but obviously we -- I just spelled it out, I didn't even want to say it in open court, is that a correct representation of what the site says?

A. Yes, sir.

Q. Okay. Did the site also reference number one that Skip the Games is adult oriented cite, and has been voluntarily registered with the following parental control programs to keep your children safe from adult materials, Net Nanny, Cyber Patrol, Cyber Sitter, Safe Surf, FOSI, does it?

A. Yes, sir.

Q. Okay. I am not sure what some of these groups are, but do you know what the purpose of --

A. I am familiar with all of them except the --

Q. -- those groups are?

A. I am familiar with all of them except the FOSI.

Q. Okay. And what are -- what are they, what's the purpose of those groups if you know?

A. For example, Net Nanny is software that you can put on a computer for your children. It will block adult websites.

Q. Okay.

A. It does keyword searches for nudity, profanity, etcetera and it will block the sites so your children can't go there.

Q. Okay. And you're -- obviously you said you're -- had prior experience in law enforcement, who did you work for when you were in -- I guess, when you worked for law enforcement?

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A. Michigan State Police.
Q. Okay. And how long ago was that so we are clear?
A. I spent 28 years with the Michigan State Police. I retired as a detective sergeant in 2002, so I have been out 20 years.
Q. Okay. So, you've been out a long time to be fair, so there is no secret of that, but when you were there did you do any type with internet sex crimes?
A. I did, sir.
Q. Okay. Now obviously, I don't know since you are not in law enforcement and I don't want you to speculate, are the polices that were in play -- and we are only talking about obviously the state police, you don't speak for every law enforcement agency in general, correct, your knowledge is it limited to just state police when it comes to --
A. Yes, sir.
Q. -- I guess -- okay. Are you aware of the current policies as sort of these internet sting operations with the state police or any law enforcement agency in, let's say, 2021 or presently, or no?
A. present no, but prior to my retirement I attended training at the National Center for Missing and Exploited Children in Virginia. It was command officer training for computer crimes units. In the training they strongly advised that in an undercover sting operation similar to Dateline NBC that we as police officers do not initiate the discussion of sex. We

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can't bring it up. The person that we are online with or chatting with has to bring it up first.

Q. Okay. Have you read the chat conversation in reference to Mr. Jayneel in this case?

A. I did, sir.

Q. Okay. Obviously, it has been marked as an exhibit, so obviously you can't speak presently what each law enforcement agency considers acceptable before, correct? You can only speak to what your knowledge is of what -- based on your training and history, correct?

A. Yes, sir.

Q. Okay. The chat log in reference to Mr. Jayneel, obviously, did he bring up anything involving having sex or sexual conduct in any way?

A. He did not initiate the chat, no sir.

Q. Okay. I think it probably speaks for itself. I guess, I am going to ask another question and I think it has been clearly stated, you were here obviously during the testimony of the prior detective, correct -- or the prior two detectives, correct?

A. Yes, sir.

Q. And obviously, I don't want you to speculate, obviously everyone does an investigation differently, in reference to Mr. Jayneel, I think, you heard some testimony that, obviously there was some chatting, obviously, communication

by written word, which is referred to as chatting, you also heard testimony in reference to Mr. Jayneel that there was, at least, a short phone call, do you remember hearing that?

A. Yes, sir.

Q. Okay. And obviously, you can't speak for them because you don't work for either of the agencies, the Van Buren Sheriff's Department or the Genesee County Sheriff's Department who were involved in this, but you find it surprising that they actually had a phone call that was not recorded? Is that something that struck you as somewhat odd or peculiar that wasn't recorded?

A. I would record it, so you had it as evidence.

Q. Say that again?

A. I would record it, so you had it as evidence.

Q. I mean, in your experience, and again, I know you can't speak for them, and I am not being sarcastic, obviously, I assume, obviously, having a recording device is something easily you could do that on a $3 phone on your iPhone, that capability is available, do -- are you aware of that?

A. Yes, sir. I have it on my phone also.

Q. Okay. So, this isn't a technology that is difficult to procure in your experience, is it?

A. No, sir.

Q. It is not expensive either?

A. No, sir.

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Q. Okay. And you would say the purpose of recording a call would you say for preservation of evidence is pretty much common sense?

A. Yes, sir.

Q. Okay. Now, obviously, we haven't had any testimony of why it wasn't recorded, but you would probably think you would -- would you have recorded it as a police officer in your opinion?

A. Yes, sir. As a former state police detective, we recorded interviews, we record a lot of stuff, but if you -- that's going to be the basis of the charges. You need to record it, so you have it as evidence.

MR. GRABEL: Okay. I don't have any further questions. Do you have any, Bill?

MR. WEISE: No.

MR. GRABEL: Thank you.

THE COURT: Ms. Zuiderveen?

MS. ZUIDERVEEN: Thank you, your Honor.

CROSS-EXAMINATION

BY MS. ZUIDERVEEN:

Q. So, you read through the chats though, right, sir?

A. I briefly read it when I was given the extraction by Detective Dan Chura. My main focus was to look up the reverse search on the phone number.

Q. Okay.

A. I know I looked at the chat, I previewed it quickly. But my main focus was the internet search on the phone number.
Q. And did you -- did you see that he reached out first and said, hey they, in that chat?
A. The chat that I saw the initiation, or the discussion of sex was a blow job for $80.
Q. Okay. But you -- the very first entry is him reaching out to the undercover, can we agree to that?
A. Yes, sir -- or yes, ma'am, I am sorry.

MR. GRABEL: And we are referring, I assume, to Mr. Jade's conversation?

MS. ZUIDERVEEN: Yes. Sorry.

MR. GRABEL: Okay. I just want --

MS. ZUIDERVEEN: Yes.

MR. GRABEL: Sorry for interrupting.

BY MS. ZUIDERVEEN:
Q. And then they continue a discussion about meeting up and he says are you free this afternoon; did you see that?
A. Yes.
Q. And she says -- he says where you want to meet at and she says in Paw Paw, are you cool with younger chick, right?
A. Yes.
Q. And he says I am, and she says, cool cause I am 15, right?
A. Yes.
Q. And he says, got to be 16 and she says, nope. And he says I

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am cool if you are older than 15 and want to role play to be 15, right?

A. Yes.

Q. And then she says, sorry, actually 15, like real life LOL, right?

A. Yes.

Q. And he says, can we talk on the phone, and she says, yep I will call you and then he says, okay, and that's when then she says, so you are okay with 80 job -- $80 --

A. Correct.

Q. -- is that correct?

A. Correct.

Q. Okay. So, there is quite a bit of phone -- or texting prior to that about meeting up and that she is 15, can we agree to that?

A. She says she is 15, he says you have to be 16, she says -- and then the role play discussion, but the talk about a sexual act and payment for a sexual act was initiated by law enforcement.

Q. Okay. But it is after she says I am 15, in real life I'm 15 LOL?

A. Yes, ma'am.

Q. Okay. And we can agree that the ad was for sexual acts, right?

A. I have never seen the ad to be honest with you.

Q. Okay. So, you are familiar with --
A. I did see the website --
Q. -- Skip The Games, but you didn't see the ad?
A. I did see the website, I know what the website's purpose is, but I don't think I've ever seen the ad.

MS. ZUIDERVEEN: Okay.

Your Honor, may I approach?

THE COURT: You may.

BY MS. ZUIDERVEEN:
Q. I am going to show you what has been admitted in the motions as A. If you just want to take a look at that ad. Do you see on the ad what the ad is for?
A. Yes.
Q. It is for all the sexual acts listed?
A. Yes, I also see DILF D-I-L-F.
Q. Do you know what that stands for?
A. I didn't until I did this case.
Q. What does it stand for?
A. I see where he looked it up on the internet.
Q. Does that stand for dad's I'd like to F?
A. Yeah. You have MILFs for woman.
Q. Yeah.
A. MILFS has been around for 30 years.
Q. And now we got DILFS.
A. Yeah, and I had never seen that before so.

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Q. So, that's the ad. So, we can agree that this is an ad for sex acts, is that true?
A. Yes, the title is DILF seekers, so I would say yes.
Q. Okay. And I just want to talk about -- we are talking about the parental controls, so this is just like any other computer set up, I as a parent have to go on my child's computer and set the parental controls, is that correct?
A. That's correct.
Q. So, if I've got little kids and I want to download those software programs to prevent my children from going on Skip The Games that the software we were talking about earlier, right?
A. Net Nanny, etcetera, yes.
Q. So, if a parent doesn't download this it is going to be accessible, right?
A. Yes.
Q. So, if a parent doesn't know that they need to download it on a child's phone the child could still access it, right?
A. Yes.
Q. Or if they don't know they need to download it on a computer and then the child can still access it?
A. Yes.
Q. And in the terms of usage it says it is for consenting adults and you have to be an adult?
A. Yes.

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Q. Is there any process like -- so, say I put on there that say I am 15 and I put in there that I am 19, is there anything that makes sure that I am 19 before I actually enter that website?
A. No.
Q. So --
A. I don't think there is any verifications. One of the biggest cases I had was a Beanie Babies website that was soliciting children. So, there is different websites, and you don't really know what you are looking at.
Q. So, is this similar to like if I want to go on Budweiser's website and it says you must be 21 to enter this website and I click I am 21 I can go into Budweiser's website --
A. Yes.
Q. -- is that correct?
A. Yes, ma'am.
Q. Is that similar to this?
A. Yes.
Q. So, if I click that I am 19 it is just going to let me in?
A. Yes.
Q. And did you -- when you examined Mr. Jade's phone did you see how long the phone conversation was that was not recorded?
A. No, I didn't.
Q. Okay. And you made a comment and I just want to question you about it, you said if it is the basis of the investigation

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then that -- the basis for the charge it certainly has to be recorded, do I -- am I stating that correctly?

A. I would record it.

Q. Pardon me?

A. My opinion -- my personal opinion, if it was my case, I would record it.

Q. Sure.

A. Is it required by law? No.

Q. Okay.

A. Is it one of the elements of the crime or the intent? No. But to me I would record it.

Q. It would be good practice. So, if I am looking at this, it looks like the, yep, I will call you came in at 2:49 p.m., the okay, came at 2:52 p.m., so the yep I will call you, okay. And then the next text message is at 2:53, saying, so you are cool with $80. So, when you were examining the phone are we looking at a phone call in between 2:40 -- or 2:52 and 2:53?

A. Yes.

Q. Okay. So, the phone call would have come within that 60 seconds?

A. Short call.

MS. ZUIDERVEEN: Okay. Okay.

I have no further questions for this witness, your Honor.

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MR. GRABEL: Just some brief follow-up.

REDIRECT EXAMINATION

BY MR. GRABEL:

Q. Obviously, in the conversation did the -- did Mr. Jade ever agree to have sex in that text message conversation?

A. No, sir.

Q. Did he agree that -- the Prosecutor brought it up, are you okay with $80 -- let's -- let's finish the thought -- did he respond to that with any comment? Yes, no, maybe, anything to add something that would construe that he was agreeing to that, at least, in writing?

A. No, sir, he wanted to cook her some noodles.

Q. Okay. I mean, the rest of the conversation was at some point do we know, first of all, that he indicated he want -- I think, there was some mention he wanted to go out to eat?

A. Yes.

Q. Do you know where he was -- was there anyway to determine where he texted that where he was located geographically, do we know?

A. I don't know. With the cell phone extraction, we have we can find out through the cell phone tower triangulation if needed and we can do that, but no I don't know where he was.

Q. Okay.

A. I know there was a search for the Comfort Inn.

Q. Okay. Obviously, you were just shown the ad, did the ad that

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you were provided, did it have a picture of the female?
A. From the neck down, yes.
Q. Okay. Are you aware, and this is a stipulated to fact, that the -- the girl in the ad is 18 or 19 years old, and I know -- were you aware of that -- it is stipulated to, so I am not giving you something that has not been stipulated to.
A. No, sir, if you look at the breast development in the photo, she doesn't look 15.
Q. Okay. Well, I understand, but you would agree different males or females can mature at different levels and they can look much younger and much older --
A. Yes, sir.
Q. -- correct?
A. Yes, sir.
Q. Okay. Bur for the -- again, so your opinion is, again, and obviously, you are just giving me your opinion of how old you think this person looks, whether it is accurate or not, correct?
A. You can't see her face, I wouldn't be able to guess.
Q. Okay. So, as I said, but for the record, you are not -- it has been stipulated to that this person is 18 or 19 years old?
A. Okay.
Q. I guess, when you did internet stings did they usually put somebody who, at least, I guess, I don't know what the word,

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you know, you look older or you look younger, do they -- in your thing did the police typically when you were practicing these types of investigations did they put somebody in there that at least appeared 15 or younger or did they put somebody who looked older, if you know?

A. I was not invited to participate in internet stings with the state police, even though I got the training and that's one of the reasons I retired.

MR. GRABEL: Okay. And I am not going to go into much of the training back then is that germane to this. All right. I don't have any further questions.

Thank you.

THE COURT: Thank you.

Ms. Zuid --

MR. GRABEL: And also, would ask with the Prosecution's stipulation that this be marked as an exhibit -- Defense Exhibit.

MS. ZUIDERVEEN: I have no objection to that.

THE COURT: Okay.

MR. GRABEL: Thank you.

THE COURT: This is the document. Dalman investigations document?

MS. ZUIDERVEEN: Yes, your Honor.

THE COURT: Okay. We will mark this as Defense Exhibit --

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COURT CLERK: A.

THE COURT: -- Defense Exhibit A.

(At 4:34 p.m., DXA marked and admitted)

MR. WEISE: (Inaudible).

MS. ZUIDERVEEN: Who?

MR. WEISE: (Inaudible.

MS. ZUIDERVEEN: Okay. I will put him on, yeah. If you are done --

MR. WEISE: I believe that is it for the Defense pertaining to both files.

I believe the Prosecution has one witness they are going to call.

THE COURT: Sir, is -- I think you said that you are familiar with this site?

THE WITNESS: At the request of Mr. Grabel, I went to the website and did a report on it for him today.

THE COURT: Okay.

THE WITNESS: I had not been there previously as far as being familiar, but I went on it and looked at it.

THE COURT: If you know are the ads that are put up on the site typically for consenting adults, no money or consenting adults paid sex?

THE WITNESS: Escorts.

THE COURT: Escorts. Okay. That's -- so, this ad, I think called -- it said something about this service

provider --

THE WITNESS: Yes.

THE COURT: -- provides such and such --

THE WITNESS: The first thing you see when you go to the website, I am a man or woman and I am looking for man, woman, transgender, whatever. And then you select do you prefer, blondes, brunettes, what age, whatever, so basically you filter a lot of it down and then you get pictures depending what city you are looking for, what state you are looking for, what area you are looking for and from what I saw on the website this is worldwide, I mean there are sites all over the world from this website.

THE COURT: Okay. Do you know if -- does law enforcement typically commute -- this is going to sound naive because I am not technology oriented, but does law enforcement typically communicate at all with a site if they are going to be using it then to pose as a minor using the site?

THE WITNESS: Yes. The problem with this site is it is not in the United States, so there is not a whole lot police in the United States could do, it is in Amsterdam.

THE COURT: Okay.

THE WITNESS: There are third world countries where child pornography is not illegal. So, we -- they do what they can in the United States with sites in the United

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States. In fact, the state police are working with Google, if you do a Google search or you send a photo through the internet through Google a picture has what is called an MP5 pass, it is a digital fingerprint of the photo, so if you are using the internet to transmit those Google red flags it, they look at the IP address and they contact the law enforcement agency in the area where it is coming from. So, while law enforcement is home on a weekend Google is checking everybody's email, you come back in on Monday, you've got a list, we found these people in Michigan, here is the IP address, this is who it is registered with, you get a search warrant through Verizon, Sprint, whatever, they give you a physical address, you use TLO, which I use also, and then you go the house to get a search warrant.

THE COURT: Okay.

THE WITNESS: So, does that answer your question?

THE COURT: A bit, I -- I guess, I was trying to find out whether there is -- before law enforcement hops on a website and poses as a minor when the website specifically says minors will be prosecuted, I was curious if there's any communication that typically occurs between law enforcement and whoever is hosting that website to say, hey is it okay, we are going to be using your site to do this investigation or is that not the norm?

THE WITNESS: If I was the website, I wouldn't say

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okay because I think that would make you liable, civilly liable and, like it was brought up on this website, if you are law enforcement you don't need a search warrant, call us, we will tell you what you need.

THE COURT: All right.

THE WITNESS: Whether law enforcement calls a website and asks permission I don't know. A lot of peer to peer websites where you get most of the child pornography I would say probably 80 to 90 percent and I don't know if this detective would agree with me or not, but peer to peer websites is where most people get in trouble.

THE COURT: Peer to peer.

THE WITNESS: It is like Napster where you can change music and swap music, people swap (inaudible).

THE COURT: Do you have any information or knowledge that this particular site is, kind of, one of what you describe a get in trouble site, like a maybe a cover for a way to get at --

THE WITNESS: I didn't see any --

THE COURT: -- minors?

THE WITNESS: -- minors. I clicked on a couple of the pages. I didn't see any minors.

THE COURT: Okay. Thank you.

Counsel, any questions in light of mine and the answers?

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MR. GRABEL: No, your Honor, thank you.

MS. ZUIDERVEEN: No, your Honor.

THE COURT: No. Okay. Thank you.

(At4:39 witness excused)

MR. DALMAN: Yes, ma'am.

THE COURT: Counsel?

MR. WEISE: Your Honor, I believe, that is it for the Defense. I believe the Prosecution has a witness.

MS. ZUIDERVEEN: Thank you, your Honor.

THE COURT: Okay.

MS. ZUIDERVEEN: People are going to call Detective Dan Frattura to the stand.

THE COURT: Okay.

MS. ZUIDERVEEN: Thank you, your Honor.

THE COURT: Will you raise your right hand please? Do you solemnly swear or affirm that the testimony you are about to give in this cause will be the truth, the whole truth and nothing but the truth?

MR. FRATTURA: Yes, I do.

THE COURT: Thank you. Please have a seat and when settled we will have you state your full name and spell you last.

THE WITNESS: Yep. It is Dan Frattura F-r-a-t-t-u-r-a.

THE COURT: Thank you.

MS. ZUIDERVEEN: Thank you, your Honor.

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DAN FRATTURA

(At 4:40 p.m., sworn as a witness, testified as follows)

DIRECT EXAMINATION

BY MS. ZUIDERVEEN:

Q. Detective Frattura, what is your current occupation?

A. I work for Van Buren County Sheriff's Office.

Q. And what is your role at the Van Buren County Sheriff's Office?

A. I am a detective with the criminal investigations division, specifically the computer crimes unit.

Q. And how long have you been in that unit?

A. A little over three years.

Q. And you became involved in the Jade and Stepka investigations, is that correct?

A. Yes.

Q. Why?

A. Well, my role with the sheriff's office typically, like I said, is digital forensics and I was given a -- cell phones for the two individuals.

Q. And did you download those?

A. Yes, so in the case for Stepka there was a Snap On tablet computer and then there was also a cell phone. I had never seen a Snap On tablet ever. I know typically things will collect data, so I brought that to the Michigan State Police

Computer Crimes Unit in Battle Creek that I am an affiliate with and one of the analysts he did the analysis on that. I was able to extract Mr. Stepka's phone earlier. I did not have Mr. Jade's pass code and the tools that I had at that time were not able to bypass the security. It wasn't until one of the attorneys, I forget which, I apologize, finally provided the passcode for Mr. Jade and so, I was able to extract it and provide a copy to Mr. Dalman as well.

Q. And those are the chats that have been provided then as part of the police report and then has also been provided to the Court as exhibits, is that correct?

A. That's correct.

Q. And have you been on Skip The Games before as part of your profession at the sheriff's department?

A. Yeah, for a couple of cases unfortunately.

Q. And what -- what -- have you been able to uncover about Skip The Games?

A. So, one case specifically that we had it was a breaking and entering where a guy had a bunch of stuff stolen from his house. Come to find out during the course of the investigation he had met a lady who was on Skip The Games and so he provided the -- he provided the website and who she was and so we -- she would continuously would change her number, so my involvement of was trying to actually locate her. She kept changing her phone number so we tried unsuccessfully to

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continue to go Skip The Games, look at her page and then try to make contact with her to try to be -- to try to meet up so we could interview her about this incident unsuccessfully.

Q. Did you -- have you perused Skip The Games in terms of just trying to see what that particular site is about?

A. Yes.

Q. And could you just summarize basically what this site is used for and what you've seen?

A. Yeah, so typically it is -- as it is described it is like an escort service where, I think, I was explaining earlier, it is similar to like a -- almost like a Craigslist if you will. You can look for -- Mr. Dalman was saying -- I am male, I am seeking such. Then from there you can narrow it down geographically and so you can say, Michigan, Indiana, wherever and then from there you can actually pick like Kalamazoo, it has like southwest Michigan, Detroit, and then from there it will just have -- typically there is icons of people's pictures and then you click on it and then it says, I am so and so, phone number and then listed of whatever acts that these people might be in to.

Q. Whatever their sexual acts that they are willing to do, is that a fair assessment?

A. Yeah.

Q. And so, would you agree with the statement that I can just put in any age, and I can access it?

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A. I'm -- I can't say that for certain. When I was searching around, I didn't have to put any verification as to what my age was.
Q. So, you just clicked on Skip The Games and you got right in?
A. Yes.
Q. So, it could be very well that it is just in the terms down in the bottom left that you click on, but not -- you don't even have to put anything in to enter?
A. To view, yes. I have never tried to set up a profile and what, if any, like stipulations that they might have on their end because I have -- I have never done that, just the perusing aspect.
Q. And you didn't have any trouble accessing the website?
A. No.
Q. And when you viewed the chats regardless of the -- what the terms are on Skip The Games or regardless of what the ad says or, you saw the chats and what they entailed, is that correct?
A. Yes.
Q. And on both Jade and Stepka's phones did the decoy state more than one time that they were 15 years old?
A. Yes. Now, I -- for Jade, yes, I know because I have that report. I was able to read over that. With Stepka, I know that I located the chat, since then my server crashed and so that data is still being rebuilt, so I can't 100 percent say

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this is how many times they said it. I believe there's -- possibly in the digital forensics report that I provided back then that chat would be in there, so if we wanted to open that up and look at it, we could, but for Mr. Stepka, I can't speak specifically because I don't have it in front of me.

Q. But it was provided and that's what's been provided as an exhibit for the Court?

A. Yes.

Q. So, the Court could look at that as well?

A. Yes.

Q. And in both chats are you aware, there was a, kind of, a verbal contract for price for a sex act, is that correct?

A. Yes.

Q. And that was in both Mr. Stepka's phone and Mr. Jade's phone?

A. I believe. I know Mr. Jade's, yes. Again, Mr. Stepka's I can't 100 percent speak to it because I haven't reviewed it since April.

Q. But again, that is the exhibit that has been provided to the Court --

A. Okay, yes.

Q. -- and the Court can review that?

A. Yes.

Q. And anything different in terms of your thoughts pertaining to the parental controls, I mean, or certain age limits to get on websites, I mean, would you agree that parents would

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have to install that sort of software to prevent their children from getting on any websites?

A. Yeah, and honestly, I mean there's -- I mean, you look at Snap Chat, you look at all of these other applications, there is always, I mean, minors that go on and do these things. It's -- if I didn't have that app -- if Net Nanny and all of those things worked, I probably would be out of 60 percent of my work because it is always a constant battle with minors and teens and essentially getting past whatever Snap Chat or whatever, whatever they post, whatever they send, things of that nature.

Q. And that is actually a very good point, so if I am a minor on Snap Chat, probably -- Snap Chat probably has terms saying minors can't post pornography as well, is that correct?

A. I don't -- I have never read their end user agreement, but I would assume as with any because I know that Snap Chat, similar to what Mr. Dalman said, they monitor everything that people send and/or upload, so if there is a hash value that matches known child sexually abusive material they will flag it to NCMEC who will send it to the state police to investigate, but yes, typically -- but like I said I have never read those end user license agreements, but my assumption because they submit those things, yes, they monitor for that.

Q. And so, you -- do -- how often do you receive minors positing

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things on these types of Snap Chat, Facebook, Skip The Games, whatever it is, whatever application it is?

A. More than I would like to.

Q. So, it is a common occurrence?

A. Yeah.

MS. ZUIDERVEEN: I have no further questions for this witness, your Honor.

THE COURT: Thank you.

Counsel?

MR. GRABEL: Just a couple.

CROSS-EXAMINATION

BY MR. GRABEL:

Q. Detective, do you know first of all if, I guess, your law enforcement agency or Genesee County tried to contact Skip The Games and -- just to let them know that you were going to -- your agency or Genesee was going to be doing a sting and you were going to potentially violate all of the terms -- many terms and conditions of their site?

A. I have no idea --

MS. ZUIDERVEEN: Your Honor, I am going to object to that. The police officer involved in the sting really didn't -- or violate any of the terms or conditions, all they did was have separate chats outside of the website, but did not violate any of the terms or conditions of the website itself.

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MR. GRABEL: Well, they set up a profile on the website that there were 18 or 19 years old and, obviously, I understand there is not a real person, but that would violate the terms cause they, at least, posed as a minor -- or, at least, they put a profile as an adult and then, obviously, they were then indicating through outside chats they were a minor, I guess, whether they viol -- I guess the Court can decide.

THE COURT: Yeah, I will allow it for purposes of the hearing, we can worry about that later.

BY MR. GRABEL:

Q. Okay. The Court can figure out whether it has violated, do you have any -- any knowledge that any law enforcement agency simply reached out or tried to reach out to Skip The Games to let them know what law enforcement's intentions were in reference to using their site?

A. I have no knowledge of that.

Q. Okay. So, you don't know if they or they didn't?

A. No, I don't.

Q. Okay. Obviously, looking at the chats, I mean, typically the purpose of this -- and I am not trying -- I am not trying to be flippant -- the purpose is you want to catch individuals that are going to potentially prey on under age woman, correct -- or underage girls?

A. If that is the point of the chat, yes. My -- like I said, my

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involvement in this investigation was strictly forensics, so I can't really speak to what --

Q. Okay. Fair enough.

A. -- the purpose of the chat was.

Q. So, you don't -- you wouldn't know why law enforcement would decide to bring up the subject matter of sex on any of these chats versus letting the alleged perpetrator do that, you can't speak to that, why they wouldn't let the perpetrator come up with that subject matter, correct?

A. Well, I can't speak to that, right --

Q. Okay.

A. -- I mean, there is a phone call that could have been where those things were discussed --

Q. Right.

A. -- and then -- I can't speak to that.

Q. Okay. And you can't speak to why they didn't bother to record the phone call in reference to Mr. Jade either, correct?

A. Nope. I cannot speak to that.

Q. Okay. Would you -- I know you are a forensic expert, but just a law enforcement officer, would you have recorded the call just as common sense -- as a law enforcement officer in your opinion?

A. Probably.

Q. Do you find it perplexing, in your opinion, that it wasn't

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recorded?

A. Your Honor, there -- I think in some ways -- I think we can always Monday morning quarterback, right, but sometimes in things, things change at such a dynamic pace that sometimes you don't have those things readily available. Now, is it typically would you want that to happen? Sure, I think, in every aspect of this unfortunately and fortunately the world that we live in everybody wants something recorded. We have reports from police officers that are stating that this is what was going on, but --

Q. Actually, we don't.

A. Okay.

Q. I didn't mean to cut up off --

A. Okay.

Q. -- there is no mention of the text -- would you like to know -- would you as a law enforcement officer like to know what was discussed during the phone call with Mr. Jade and the decoy just as a --

A. Sure.

Q. And you said, I understand, I don't want a Monday morning quarterback anyway, but you would agree from a forensic standpoint every cell phone, at least, I have an app on my phone, it did costs $4 that I could record every conversation very easily. I don't -- it is not difficult to use. It is not a difficult technology nor is it expensive, would you

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agree with that?

A. Yeah. I agree.

MR. GRABEL: Okay. I appreciate your time. Thank you.

THE COURT: Ms. Zuiderveen?

MS. ZUIDERVEEN: No further questions, your Honor.

THE COURT: This is probably outside of your domain, but if you know, was there anything more attractive and enticing about this ad on Skip The Games versus other types of ads, I don't know if you -- you probably don't know right?

THE WITNESS: No, I mean, no, I don't.

THE COURT: But if they offered more services or at a cheaper price or anything?

THE WITNESS: Nope. I --

THE COURT: Okay.

THE WITNESS: -- think -- unfortunately I have had to go a lot of these, right, some people post pictures of just them in a dress, other people post themselves completely naked and yeah. So, I -- there is no real rhyme or reason.

THE COURT: Okay. Okay. Thank you.

THE WITNESS: Yep.

Any follow up in light of --

MS. ZUIDERVEEN: No, your Honor.

MR. GRABEL: No, your Honor, thank you.

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THE COURT: Thank you.

(At 4:52 p.m., witness excused)

MR. FRATTURA: Okay. Thanks.

THE COURT: Any more witnesses?

MS. ZUIDERVEEN: I have no witnesses -- further witnesses, your Honor.

THE COURT: Okay.

Do you have any other witness for today, Counsel?

MR. WEISE: No, your Honor. Thank you.

THE COURT: Okay. So, it is my understanding the only thing left is the phone call?

MS. ZUIDERVEEN: Yes, your Honor.

THE COURT: Okay.

MS. ZUIDERVEEN: So, I believe, if the Court gives us, say seven days we will try to then get the information together, so that is only pertaining to Mr. Jade's case.

THE COURT: Okay.

MR. WEISE: Agreed.

MS. ZUIDERVEEN: Thank you, your Honor.

MR. GRABEL: Your Honor, the Court raised some questions, obviously, on some of the stuff with the website and, obviously, we -- I think we had the off -- some of the officers from, obviously, Genesee County subpoenaed and I understand it is our motion and our burden, I just certainly would not want to, at least, attempt to bring in any

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witnesses if the Court had any other -- any other questions concerning the website because I don't believe they contacted this website, but again, I get it, I am not certified as an expert, but if the Court felt that was germane, I mean, we could certainly, obviously, the Prosecution has been wonderful to work with as far as trying to get the facts together, but if there's certain facts that the Court wishes to know we may be able to do that with additional stipulation, but again I don't also want to give the Court any other information that the Court is not going to deem relevant.

So, if the Court wants to give us guidance I would certainly welcome that, but certainly they don't have to.

THE COURT: I guess, it wouldn't hurt if it -- I don't want each of you to put too much work into it, but if we could find out if there was any communication with the host of the site or -- before using it.

MR. GRABEL: We could certainly do that and, I think, that, obviously, the message is and what transpired, sort of, speak for themselves, obviously.

THE COURT: Okay.

MR. GRABEL: And obviously, the recording, it wasn't recorded, but again, we are going to try to get down to the bottom of maybe the rational reason of why it wasn't recorded and also if there is any memory or notes or somebody

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overheard it, I think it could be -- may not be helpful to me, but I still think for clarity of record I certainly would like the record to be complete. I think it is a potentially has some relevance, but again it depends what, if anything, that is remembered.

So, thank you, your Honor.

THE COURT: Counsel, did you want to make any arguments today? I was thinking I will do a written opinion, but I will, obviously, wait till I get --

MS. ZUIDERVEEN: I would like to on Stepka, your Honor, I don't believe that there is anything additional that is going to be provided on Stepka. I don't think there is any reason not to just finish that one and release everybody from that case.

THE COURT: Okay.

And then would I bring people back once I get update on Jade or did you want to do a written update on that one?

MS. ZUIDERVEEN: I think -- we have -- we are going to get a supplementary report on if there is a memory of what that phone -- that less than a minute phone conversation was and then, I think, based on that if we both agree to it, if she says I don't remember then I think we probably would just be coming back to (inaudible) as attorneys.

If there is something then we need to then further

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investigate, I mean, we may need to have her appear by Zoom and then she would be an additional witness and we would have to come back then for more testimony on that for the Jade case.

THE COURT: Okay.

MS. ZUIDERVEEN: I wouldn't anticipate unless Counsel subpoenas, I wouldn't anticipate any other witnesses.

THE COURT: So, there is nothing more to provide the Court on Stepka?

MS. ZUIDERVEEN: Not that I am aware of.

MR. GRABEL: Other than the fact that if they have contacted -- the Court made inquiry, which, I think applies to both cases if the Court finds some relevance in whether they made any attempt to notify, I guess, the webmaster at Skip The Games that may be relevant, you know, that they were going to, obviously, engage in this investigation. That might -- that might have some value in the Stepka case.

MS. ZUIDERVEEN: Your Honor, I am 99 percent sure we did not call Amsterdam and ask the designer for Skip The Games to run a sting operation in their website, just as if we were posting stolen decoy information on Facebook, we would not call Facebook. Just as if we were going to try to, you know, have a -- you know, try to do something with kiddie porn and entice people in that we wouldn't call the kiddie porn operator. That is not typical procedure based on police

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officer and I certainly would not consider that I don't think they would ever call Amsterdam. I am happy to explore that.

THE COURT: Or stipulate to it. Okay.

MS. ZUIDERVEEN: But, yeah, I don't believe that anybody is going to testify that they called Amsterdam.

THE COURT: Okay.

MR. GRABEL: Well, whether it's Ams -- again to be respectful I -- and obviously it seems to be cause it is in Amsterdam somehow that would make it more difficult to contact them versus if they were in Paw Paw. I think the phone service works the same, although it might incur a charge, I don't think it would have been difficult to reach down to them. I think their native language is English was well, but don't quote me on that, I have never been to Amsterdam, but I don't think it -- if they wanted to contact 'em I don't think the distance would be prohibited and I don't think there is a language barrier, so I don't think it matters where it is. If they didn't contact them that's fine. I take it as it is, but I don't see it being in Amsterdam as some impediment if they wanted to contact them versus in Michigan.

THE COURT: How about I just -- we do any oral arguments, I put those off, you can show up by Zoom if you like, you can waive it --

MR. GRABEL: Thank you.

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THE COURT: -- if you want to. We will just do oral arguments on both cases perhaps next week sometime?

MR. GRABEL: That would great.

THE COURT: And then by then we will know if there is anything more on the

MR. GRABEL: Perfect.

THE COURT: -- on Jade's case and then I will give you a date for my written opinion?

MS. ZUIDERVEEN: Okay.

MR. GRABEL: Thank you, your Honor.

MS. ZUIDERVEEN: Thank you, your Honor.

THE COURT: Okay. So, how about --

MR. WEISE: Thank you.

THE COURT: Does 2:30 on December 20 work for oral arguments?

MS. ZUIDERVEEN: What's the day, your Honor?

THE COURT: 2:30 on December 20? Does that work for oral arguments?

MR. GRABEL: Yeah, that works for today.

MR. WEISE: We can make that work.

MR. GRABEL: Yes, your Honor.

THE COURT: Again, you can do those by Zoom if you prefer, whatever works and then by then we will know on the other and I will give you a --

MS. ZUIDERVEEN: What time?

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THE COURT: -- time for my ruling.

MR. WEISE: 2:30.

MS. ZUIDERVEEN: Oh yeah, 2:30 is fine.

THE COURT: Anything else, Counsel? You good?

MR. WEISE: No, your Honor, thank you.

THE COURT: Okay. Thank you.

COURT CLERK: So, did that day work?

THE COURT: Yeah, they said it worked.

MR. WEISE: I am very sorry, your Honor. Mr. -- the Court has done this before --

THE COURT: Okay.

MR. WEISE: -- Prosecutor won't stipulate to it, but she's says she is leaving it to the Court's discretion, Mr. Jade has a bond condition not to leave the State of Michigan, you let him travel (inaudible).

THE COURT: Okay.

MR. WEISE: He has some work coming up January 18th through 20th in Florida, February 8th, 9th, and 10th in Houston, Texas, would I -- if I submit an order to the Court allowing bond modification for that travel purposes would that be okay?

THE COURT: That's fine.

MR. WEISE: Thank you very much.

THE COURT: Okay. Thank you, everyone.

MS. ZUIDERVEEN: Thank you, your Honor.

MR. GRABEL: Thank you.

MR. WEISE: Have a good weekend.

MS. ZUIDERVEEN: You too.

(At 5:01 p.m., proceeding concluded)

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STATE OF MICHIGAN)

COUNTY OF VAN BUREN)

I certify that this transcript, consisting of 79 pages, is a complete, true, and correct transcript to the best of my ability of the proceedings held and testimony taken in this case on Friday, December 9, 2022, before the Honorable Kathleen M. Brickley, Circuit Judge.

Dated: 12.18.22

Rebecca S. Quarry (CER 8376)
25477 Silver Oaks Blvd
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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF VAN BUREN

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff,

File No. 22-2388-FH

vs.

Judge: BRINKLEY

JAYNEEL JADE,
Defendant.

VAN BUREN COUNTY PROSECUTING ATTORNEY
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FILED
DEC 22 2022
By Van Buren County Clerk
36th Circuit Court

STIPULATED FACTS

NOW COME THE PARTIES, by and through their counsel for the purpose of stipulating to the Court receiving the following statement of facts as evidence at the entrapment hearing in the above captioned matter and state unto this Honorable Court as follows:

1. The Defense has filed a motion to dismiss due to entrapment, an evidentiary hearing is scheduled for Friday, December 9, 2022 at 3:00 pm.
2. The parties have discussed the matter and offer the following facts to be entered as evidence at the entrapment hearing.

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3. The parties reserve the right to call additional witnesses and offer additional proofs at the hearing.
4. The parties are in agreement that this set of stipulated facts is to be used for the purposes of the entrapment hearing only.

STATEMENT OF FACTS

5. On or about April 20, 2022 deputies with the Van Buren County Sheriff's Department conducted an undercover operation using the website "Skip the Games."
6. The lowest age that a "poster" can be to communicate on Skip the Games is 19. This is pursuant to the rules of the website.
7. Deputies posted an advertisement on Skip the Games. (A copy of either the posting or a similar posting is attached as exhibit 1, a copy is also provided as exhibit 1 in the People's Brief in Response.)
8. Deputy Victoria Dallas from the Genesee County Sheriff's Office created teh ad which was posted on Skip the Games, using a "UC " who was in law enforcement at the time.
9. Photographs of this "UC " were used in the posting. The "UC" was either 18 or 19 years old at the time the ad was created.
10. It is possible that more than one "posting" was used by law enforcement on Skip the Games during this investigation.
11. Deputy Victoria Dallas and Sergeant George Lieber, Genesee County Sheriff's Office were set up

In the undercover room at Comfort Inn & Suites, which is adjacent to Room 157 as "chatters."

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12. The Undercover Deputy and the Defendant engaged in a texting conversation. (A copy of the texting conversation is attached as exhibit 2, a copy is also provided as exhibit 2 in the People's Brief in Response.)

13. Near the end of the phone conversation the Defendant called the Decoy and engaged in a phone conversation which was not tape recorded.

14. The Defendant was promptly arrested upon his arrival at the Comfort Inn by law enforcement. His phone was seized upon apprehension and searched by consent.

15. The Defendant' cell phone was also subsequently extracted by experts and it was confirmed that the Defendant had conducted a "reverse google lookup" of the phone number being used by law enforcement.

16. The Defendant did a "reverse look up" and was provided on-line information that the phone number was registered to a "Tawny Borah, a 34 year old single woman with no children." (Copies of the information from the reverse look up are attached as exhibit 3.)

17. Within the past two weeks law enforcement has conducted a similar "reverse look up" and discovered the information of Tawny Borah, but also found multiple other people to whom the phone number comes back to. This recent look up was conducted seven (7) months after the Defendant's look up. The Defendant asserts that when he did his reverse look up the information he received was that the number came back to a Tawny Borah, a 34 year old single woman with no children.

18. Prior to the undercover operation law enforcement did not conduct a reverse look up on the number used.

19. UC INTERVIEW:

a. **The UC was actually eighteen (18) years and eleven (11) months old in April of this year.**

b. ~~**The UC was not trained to let suspect bring up sex in the conversation.**~~

The UC was trained as a decoy & only spoke to suspects on a limited basis.

~~The Detectives on the~~

The UC spoke to the Defendant after the Detectives engaged in several text messages.

The UC ~~is not~~ was not trained to let suspects bring up sex 1st in her conversations.

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c. The UC confirmed that calls from suspects are typically recorded, she thought the one in this case was being recorded.

d. It is possible Mr. Jade saw UC's face in the parking lot when she came to the hotel side entrance covered head to toe in a blanket.

e. It is possible the UC said "I want to have sex for money" and the defendant said "I would rather go out to eat."

f. The UC did not recall the Defendant saying anything about sex for money.

g. After the call, police made the next contact texting to Mr. Jade; "So, ur cool with $80 to fuck and get a bj?"

Dated: December 20, 2022

Respectfully submitted,

As amended—

Susan K. Zulderveen
Prosecuting Attorney

William R. Weise
Attorney for Defendant

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STATE OF MICHIGAN
IN THE THIRTY-SIXTH CIRCUIT COURT FOR THE COUNTY OF VAN BUREN

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff, v	Case No. 22-023839-FH
JAYNEEL JADE Defendant.	Hon. Kathleen M. Brickley

FILED
DEC 29 2022
By Van Buren County Clerk
36th Circuit Court

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OPINION AND ORDER DENYING DEFENDANT'S MOTION TO DISMISS

At a session of said Court held in the Village of Paw Paw, County of Van Buren, State of Michigan on: 12/29/22
PRESENT: Hon. Kathleen M. Brickley

I. INTRODUCTION

Defendant Jayneel Jade is charged with child sexually abusive activity, accosting a child for immoral purposes, and using a computer to commit a crime (two counts). Defendant has filed a motion to dismiss the charges contending that he was entrapped by police in a sting operation involving an undercover officer posing as a 15-year-old prostitute. On December 9, 2022, the court held an evidentiary hearing. The parties also filed with the court a series of stipulated facts. For the following reasons, defendant's motion is denied.

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II. FACTS

The court adopts the stipulated facts submitted by the parties and makes the following additional findings of fact.

The sting operation was conducted by a joint task force formed by the Van Buren and Genessee County sheriff's departments. The task force was set up so that Van Buren County officers could observe how Genessee County conducts reverse sting operations. The Genessee County officers did not provide the Van Buren County officers with formal training, written policies, or procedures.

Defendant had an opportunity to observe the undercover officer posing as a minor prior to his arrest, but she had covered her body with a blanket that obscured all but the circle of her face.

The ad posted to SkipTheGames.com clearly targeted individuals interested in commercial sex, not casual hookups. The ad refers to the poster as a "service provider," and the posting references "[a]ccepted payment methods." While the parties agree that there may have been other postings to SkipTheGames.com, there is no evidence any of those other postings were for noncommercial sexual encounters.

III. APPLICABLE LAW

Put simplistically, entrapment can be found in one of two ways. One way involves impermissible government instigation. Under this prong, entrapment exists when the police engage in conduct that would impermissibly induce a person similarly situated to the defendant, though otherwise law-abiding, to commit the crime. *People v Fabiano*, 192 Mich App 523, 526; 482 NW2d 467 (1992). "When examining whether governmental activity would impermissibly induce criminal conduct, several factors are considered:"

> (I) whether there existed appeals to the defendant's sympathy as a friend,

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(2) whether the defendant had been known to commit the crime with which he [or she] was charged,

(3) whether there were any long time lapses between the investigation and the arrest,

(4) whether there existed any inducements that would make commission of the crime unusually attractive to a hypothetical law-abiding citizen,

(5) whether there were offers of excessive consideration or other enticement,

(6) whether there was a guarantee that the acts alleged as crimes were not illegal,

(7) whether, and to what extent, any government pressure existed,

(8) whether there existed sexual favors,

(9) whether there were any threats of arrest,

(10) whether there existed any government procedures that tended to escalate the criminal culpability of the defendant,

(11) whether there was police control over any informant, and

(12) whether the investigation was targeted." [*People v Johnson*, 466 Mich 491, 498-99; 647 NW2d 480 (2002) (formatting altered).]

This is a list of some of the more important factors courts have considered when determining whether a defendant was unlawfully induced. *People v Juillet*, 439 Mich 34, 57; 475 NW2d 786 (1991). It is not intended to be an exclusive list. *Id.*

Entrapment also exists when "police conduct is so reprehensible that it cannot be tolerated regardless of its relationship to the crime." *People v Hampton*, 237 Mich App 143, 156; 603 NW2d 270 (1999), citing *Fabiano*, 192 Mich App at 531-32. The Court of Appeals has likened reprehensible police conduct to a due process violation. "[T]here is certain conduct by government that a civilized society simply will not tolerate, and the basic fairness that due process requires precludes continuation of the prosecution where the police have gone beyond the limit of acceptable conduct in ensnaring the defendant, without regard to causation." *Fabiano*, 192 Mich

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App at 532. "However, where law enforcement officials present nothing more than an opportunity to commit the crime, [there is no reprehensible conduct and] entrapment does not exist." *Johnson*, 466 Mich at 498, citing *People v Butler*, 444 Mich 965, 966; 512 NW2d 583 (1994).

"Entrapment is a criminal defense, and the defendant bears the burden of establishing entrapment by a preponderance of evidence." *People v Akhmedov*, 297 Mich App 745, 752; 825 NW2d 688 (2012), citing *Johnson*, 466 Mich at 498.

IV. ANALYSIS

A. IMPERMISSIBLE GOVERNMENT INSTIGATION

When considering the factors noted above, a few suggest that unlawful inducement may have occurred. Most, however, do not weigh in favor of finding entrapment.

1. Appeals to Friendship. There is no evidence of any appeals to defendant's sympathy as a friend. This factor does not weigh in favor of finding entrapment.

2. Defendant's Criminal History. There is no evidence defendant had been known to commit the charged crimes. This factor weighs in favor of finding entrapment, because it suggests defendant may not have engaged in criminal acts absent inducement by the government.

3. Lapses Between Investigation and Arrest. The investigations in this case began sometime in April 2022. Defendant contacted the undercover agent on April 20 and was arrested later that day. It appears the lack of delay is understood to weigh against finding entrapment. See *People v Fyda*, 288 Mich App 446, 458; 793 NW2d 712 (2010) ("the police were only involved with [the defendant] for five days . . . , with no lapses in time between the investigation and the arrest"); *People v Turner*, 390 Mich 7, 23; 210 NW2d 336 (1973) ("[t]he investigation then was closed[, then] reopened a couple of months later, not based on any new information, but at the insistence of [a state police trooper]."). The rational appears to be that long lapses in time between an initial investigation and a subsequent arrest suggest that the initial investigation may not have found

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conduct worthy of prosecution. Subsequent police conduct may be inducing in nature and should be carefully scrutinized. In this case, the lack of any meaningful delay between the initial investigation and defendant's subsequent arrest indicates this factor does not weigh in favor of finding entrapment.

4. Inducements. There were no inducements that would make commission of the crime unusually attractive to an otherwise law-abiding citizen in defendant's situation. An otherwise law-abiding adult who is prepared to hire a prostitute can be expected to recoil at the thought of paying to have sex with a 15-year-old child. Presented with that opportunity, defendant did not turn away. He was not threatened or coerced into criminal conduct. He was not offered money or promised anything in return for the act of paying for sex. To the extent the offer of sex with a minor in exchange for money was in itself an inducement, it is not something an otherwise law-abiding citizen would find "unusually attractive." This factor does not weigh in favor of finding entrapment.

5. Excessive Consideration or Other Enticements. There is no evidence that the services defendant expected to receive were below market rates or that other enticements were offered to encourage defendant to arrange to have sex with the officer. Consequently, this factor does not weigh in favor of finding entrapment.

6. Representations of Legality. The government made no guarantee that defendant's acts were legal. By asking defendant if he was okay with someone underage, the officer posing as a minor impliedly acknowledged that the conduct at issue was illegal. This factor weighs against finding entrapment, because it suggests defendant was not misled about the legality of his actions.

7. Government Pressure. While the officer indicated she was available for one night only, there is no evidence defendant was otherwise pressured into meeting her. He communicated with the officer posing as a minor by telephone, usually by text. That's a low-pressure mode of

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communication. Defendant was free to tell the officer he did not want to move forward knowing she was underage. He also could have simply stopped communicating with her. There is no evidence the officer otherwise pressured defendant into coming to meet her. This factor does not weigh in favor of finding entrapment.

8. Sexual Favors. While the criminal conduct at issue in this case is itself sexual in nature, there is no evidence defendant was promised separate sexual favors in exchange for engaging in the charged crimes. This factor does not weigh in favor of finding entrapment.

9. Threats of Arrest. There is no evidence defendant was threatened with arrest prior to the commission of the charged offenses. This factor does not weigh in favor of finding entrapment, because it suggests defendant was not coerced into illegal conduct by fear that he would be turned in to law enforcement for some prior crime.

10. Escalation. There is evidence the government in this case took steps to escalate defendant's criminal conduct from soliciting a prostitute, which is ordinarily a misdemeanor, to engaging in child sexually abusive activity, which is a serious felony. The ad posted by law enforcement represented that the poster was a 20-year-old woman. When defendant texted the listed phone number, an officer posing as the woman texted back confirming her number was correct and that she was in Paw Paw. The officer then asked whether defendant was "cool with younger chicks." Defendant said he was, and the officer replied "Ok cool cuz I'm 15[.]" Defendant initially indicated that he would not move forward unless the officer was at least 16. However, the officer reiterated that she was only 15, and defendant eventually arranged to meet the officer even though she had represented she was a minor. This factor weighs in favor of finding entrapment.

11. Control Over Informant. There is no evidence police relied on an informant in this case. This factor does not weigh in favor of finding entrapment.

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12. Targeted Investigation. The investigation in this case was not targeted at any particular suspect. Instead, officers posted an ad and interacted with anyone who responded. It is unclear whether this factor should weigh in favor of finding entrapment or against it. In one of the plurality opinions in *People v Juillet*, 439 Mich 34; 475 NW2d 786 (1991), Chief Justice CAVANAGH noted that both targeted and untargeted investigations raise thorny ethical problems:

> The two cases at issue here illustrate two different directions in which reprehensible police conduct may tend: (1) excessively zealous, extreme, immoral, and shocking tactics directed toward inducing a specifically selected target into criminal activity, and (2) excessively unsupervised and uncontrolled tactics directed toward randomly "testing the virtue" of a wide range of targets. *People v Juillet*, 439 Mich 34, 78; 475 NW2d 786, 804 (1991) (opinion by CAVANAGH, C.J.)

In this case, this factor could weigh in favor of finding entrapment, because presenting opportunities to engage in crime to the public at large raises concerns that the resulting crimes are simply manufactured by the police and would not have occurred without government instigation. See *People v Jamieson*, 436 Mich 61, 91; 461 NW2d 884 (1990) (noting investigation "was not a fishing expedition, unrelated to specific targets"). On the other hand, the untargeted nature of the investigation could weigh against finding entrapment, because the fact that no one individual was targeted suggests no particular person was subjected to overbearing undue influence. Instead, officers allowed suspects to take the initiative. *People v VanSickle*, 303 Mich App 111, 116; 842 NW2d 289 (2013) (defendant failed to establish entrapment in part because "defendant was not a target of the undercover investigation . . . [; i]nstead, the officers had contact with defendant by chance"); *Fyda*, 288 Mich App at 458 ("[w]hile [defendant] was the target of the investigation, he was made so by his own actions"). Caselaw approving the use of reverse sting operations suggests the latter interpretation best fits the specific facts of this case. In *People v Butler*, 444 Mich 965, 966; 512 NW2d 583 (1994), an ATF agent "sent word out on the streets that he had cocaine available

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for sale [and] made the number for his electronic beeper available [so that any potential buyers could contact him.]" *People v Butler*, 199 Mich App 474, 476; 502 NW2d 333 (1993). Characterizing the government's methods as a "fishing expedition," the Court of Appeals found that the defendants had been induced into criminal activity. *Id.* at 479. The Supreme Court reversed, noting in a short, one-paragraph opinion that "nothing in the conduct of the government in this particular case rose to the level of entrapment. Law enforcement officials did nothing more than to present defendants with the opportunity to commit the crimes of which they were convicted." *Butler*, 444 Mich at 966. That same justification can be found in an earlier Court of Appeals opinion, *People v Williams*, 196 Mich App 656; 493 NW2d 507 (1992). In that case, undercover officers posed as drug dealers and sold fake crack to people who approached them on the street corner. The Court of Appeals held that "the police conduct consisted of nothing more than the presence on a public street of an undercover officer who, although posing as a drug dealer, did nothing to instigate or induce the purchase of drugs. The police did not manufacture any crime, but merely furnished an opportunity to commit a crime. Furnishing an opportunity to commit a crime does not constitute entrapment." *Id.* at 663. In light of *Butler* and *Williams*, it is clear that the untargeted nature of the investigation at issue in this case does not weigh in favor of a finding of entrapment.

Viewed in isolation, two of the twelve factors identified in the case law suggest that government action might have impermissibly induced defendant to engage in criminal conduct. However, the totality of the circumstances militates against that conclusion. As it relates to defendant's lack of comparable prior criminal history, this factor might suggest at first blush that defendant would not have engaged in the crimes at issue absent law enforcement's intervention. Defendant's text messages, however, demonstrate otherwise. Defendant had no reservations about

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arranging for paid sex with someone younger than 18, an act which is child sexually abusive activity contrary to MCL 750.145c. Further, the officer had represented that she was only 15. One would not expect an otherwise law-abiding person willing to pay for sex with a consenting adult to continue talking to a prostitute who had represented that she was only 15 years old. Therefore, defendant's lack of prior criminal history does not weigh strongly in favor of finding that he was entrapped.

The second factor suggesting that inducement might be an issue in this case is officers' escalation from soliciting an adult prostitute to arranging for child sexually abusive activity. The police advertised to customers looking for adult prostitution. It was only after a potential customer engaged with the posting that he or she learned the service provider was 15 years old. As a result, customers who were ready and willing to commit one type of offense were in essence invited by police to commit a more serious one. In many scenarios, this escalation can be troubling as police are manufacturing criminal conduct. But this is not the case here. The texts reveal that police did nothing more than provide defendant the opportunity to commit a crime, even if it wasn't the one he initially intended to commit upon responding to the ad. As the texts also reveal, it was an opportunity defendant readily seized. Defendant's text messages display no indication that he was concerned with the wrongness of paying for sex with a minor under the age of 18. While he did initially indicate that the officer had to be at least 16, he ultimately arranged to meet the officer. While defense counsel suggests defendant may have believed the officer was lying about her age, the evidence supporting that contention is not particularly persuasive. Defendant did text the officer to say that he was "cool" if she wanted "to role play to be 15," but the officer immediately responded that she was "[a]ctually 15[, l]ike real life lol." The parties have stipulated that defendant searched the officer's phone number online and saw that it was registered to a 34-year-old single

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woman. But reverse phone lookups are not at all reliable, as evidenced by the fact that the parties have also stipulated that recent reverse lookups indicate the same number is registered to multiple people. No one would expect an otherwise law-abiding person prepared to pay for sex with a consenting adult to rely on a reverse phone lookup to confirm that someone who had represented themselves to be underage was actually of legal age. Finally, the parties have stipulated that defendant may have seen the officer's face when she came to the hotel side entrance to let him into the building. However, the parties agree that the officer was covered head to toe in a blanket, and testimony at the evidentiary hearing established that she attempted to cover all but the circle of her face with the blanket. Additionally, the parties agree that at the time, the officer was eighteen and eleven months old. No otherwise law-abiding person willing to pay for sex with a consenting adult would rely on such limited visual evidence to determine that a teenager who had represented she was 15 was actually over the age of 18.

For all of these reasons, the court concludes that police did not engage in conduct that would impermissibly induce a person similarly situated to the defendant, though otherwise law-abiding, to commit the crime.

B. REPREHENSIBLE CONDUCT

Next defendant argues that, regardless of whether defendant was induced to commit the crimes at issue in this case, the police engaged in reprehensible conduct. Defendant notes that the police targeted suspects willing to commit the comparatively minor crime of paying for sex with a consenting adult and then significantly escalated each suspect's potential criminal liability by later disclosing that the fictitious poster of the ad was underage. In doing so, defendant argues, the investigation went beyond the limit of acceptable police conduct.

As defendant notes, the Federal District Court for the District of Nevada has found that a nearly identical reverse sting operation conducted by an FBI task force "violated fundamental

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fairness." *United States v Lofstead*, 574 F Supp 3d 831, 836 (D Nev, 2021).[1] The District Court took issue with several aspects of the operation. First, it was not targeted at a person or group of people the task force agents suspected of engaging in child sexually abusive activity. Second, the government manufactured the scenario from start to finish and manipulated the situation to attempt to persuade the defendant to commit a series of increasingly grave offenses. Third, the investigation lacked safeguards limiting agents' actions when communicating with potential targets or ensuring the focus of the operation was on policing child sex trafficking.

The court acknowledges that the facts in *Lofstead* are quite similar to the facts in this case. For example, the *Lofstead* court found it significant that a written operational plan was lacking in the constraints it put on law enforcement. In this case, Van Buren County law enforcement testified that Genessee deputies did not provide them with any written operational plan, and it is not clear whether one even existed. Consequently, there are serious questions about whether there were sufficient operational constraints put upon the officers conducting the reverse sting.

Whatever persuasive value *Lofstead* might have, this court is required to follow precedentially binding authorities. As discussed above, the Michigan Supreme Court condoned the use of untargeted, dragnet-style solicitations of criminal activity in *People v Butler*, 444 Mich 965, 966; 512 NW2d 583 (1994). While the Court of Appeals felt that the ATF agent's "making his beeper number known and his apparent willingness to sell drugs" was reprehensible, *Butler*, 199 Mich App at 480, the Supreme Court clarified that "nothing in the conduct of the government . . . rose to the level of entrapment." *Butler*, 444 Mich at 966. It follows that the ad here, which did not

[1] While the opinions of federal district courts are not precedentially binding, they may be considered for their persuasive value. *Johnson v VanderKooi*, 502 Mich 751, 764 n 6; 918 NW2d 785 (2018).

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specifically target people suspected of engaging in child sexually abusive activity, also does not rise the level of entrapment.

Butler is also instructive on the question of the government's manufacture and manipulation of the situation. The Court of Appeals felt that the undercover agent's reinitiating "contact with defendants to propose the quick completion of a deal after the first deal had fallen through, combined with his stated hope of a long and profitable relationship, [went] beyond the limit of acceptable conduct in ensnaring a defendant." *Butler*, 199 Mich App at 480-81. The Supreme Court did not agree, writing "[l]aw enforcement officials did nothing more than to present defendants with the opportunity to commit the crimes of which they were convicted." *Butler*, 444 Mich at 966. Consequently, it is apparent that some degree of manufacturing or manipulation is acceptable under Michigan case law.

As for the concern that defendant may have been persuaded or encouraged to commit crimes he otherwise would not have committed, defendant is similarly situated to the defendant in *Lofstead*. However, Michigan has not adopted the entrapment test used in the Ninth Circuit. Escalation aside, the degree of manufacturing or manipulation at issue in this case appears comparable to the conduct of the police in *Butler*. Like the police in *Butler*, the officers in this case created a fictitious criminal opportunity. Like the police in *Butler*, the officers interacted with people who responded to that opportunity. Arguably, the police in *Butler* went further than the officers in this case, going so far as to reinitiate contact with the defendant after a deal fell through and enticing him with the prospect that if they were able to come to an agreement, it could be the start of a profitable business relationship. Applying *Butler* to the facts of this case, it seems clear that "[l]aw enforcement officials did nothing more than to present defendant[] with the opportunity to commit the crimes of which they were convicted." *Butler*, 444 Mich at 966.

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Separately, there is the question of whether the escalation is sufficiently reprehensible to warrant finding defendant was entrapped. Michigan courts have repeatedly condoned escalatory tactics that "merely . . . provid[e] a defendant with the opportunity to commit a crime." *Akhmedov*, 297 Mich App at 752, citing *People v Juillet*, 439 Mich at 52-53; see also *People v Ealy*, 222 Mich App 508, 510; 564 NW2d 168 (1997), citing *People v Butler*, 444 Mich at 966. For example, in *People v Ealy*, 222 Mich App 508; 564 NW2d 168 (1997), an undercover officer purchased increasing amounts of cocaine from defendant. The Court of Appeals held that the officer's conduct was lawful:

> In this case, the police did nothing more than present defendant with the opportunity to commit the crimes of which he was convicted. Although an informant told the police that defendant was capable of supplying a couple of grams of cocaine and defendant initially sold small amounts of cocaine to the undercover officer, defendant did not hesitate in selling the officer increasing amounts and eventually sold him 250 grams of cocaine. There is no evidence that the police continued the purchases merely to enhance defendant's eventual sentence. The undercover officer testified that he purchased greater amounts of cocaine from defendant in order to determine defendant's selling capabilities and to discover the identity of defendant's supplier. Although defendant asserts that he could have been arrested after any of the earlier transactions, the delay in his arrest was justified on the ground that an earlier arrest would have impaired the ability of the police to conduct an ongoing undercover narcotics investigation. The trial court did not clearly err in determining that there was no sentencing entrapment in this case. [*Ealy*, 222 Mich App at 511-12 (citations omitted).]

In this case, like in *Ealy*, the police presented defendant with an opportunity to commit a crime. While defendant hesitated somewhat when the officer indicated she was 15 years old, his subsequent texts and behavior demonstrate he was willing to arrange for sex with a minor. The police did take investigative steps that changed the nature of the crimes defendant is alleged to have committed, but there is no evidence that the police took those steps merely to enhance defendant's eventual sentence. Identifying individuals willing to make plans to engage in sex with

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minors is a legitimate law enforcement goal that justifies the decision to see whether defendant's conduct might expose him to heightened criminal liability. When the police do nothing more than provide a defendant with an opportunity to commit a crime, such conduct is not reprehensible and does not establish entrapment. *Johnson*, 466 Mich at 507-08. Consequently, the escalation in this case was not so reprehensible as to warrant finding defendant was entrapped.

V. CONCLUSION

The police did not engage in conduct that would impermissibly induce a person similarly situated to the defendant, though otherwise law-abiding, to commit the crime. Furthermore, the police conduct at issue was not so reprehensible that it cannot be tolerated regardless of its relationship to the crime. Consequently, defendant has not established that he is entitled to the defense of entrapment. Defendant's Motion to Dismiss is DENIED.

Dated: 12/29/22

Hon. Kathleen A. Brickley

PROOF OF MAILING

I certify that on this date I sent a copy of this OPINION AND ORDER DENYING DEFENDANT'S MOTION TO DISMISS to the parties in interest at their above-stated addresses via ordinary mail.

Dated: 12/29/22

Melissa Williams, Judicial Assistant

Register of actions

Caseload Dsp: GP

Crt: C 36 80 Jur: BRICKLEY Ref: CLOSE Pub
Case: 2022 0000023839 FH STATE OF MI V JAYNEEL JADE
Atty: MARKOU Worker: CHR DNA CVA
File: 6/10/2022 Dispose: 5/11/2023 Reopen: Close: 6/27/2023
X-Reference: 220444 Microfilm Number:

D 001 JAYNEEL RAVINDRA JADE
6313 LITEOLIER ST
PORTAGE, MI 49024 SID: 6280394E
DOB: XX/XX/XXXX Gender: M Race: OTHER

TCN: LN22207736A CTN: 802200097201 PIN: 2099-22
OFFENSE DATE: 04/20/2022 ARRAIGNMENT: 04/22/2022 INCARCERATION: 04/22/2022
LC: D 07P 80 DC PRELIM: 06/08/2022 WAIVED
ATTORNEY: (Retained) ANASTASE MARKOU
P 45867 Ph#: 269/382-0444
PROSECUTOR: SUSAN KAY ZUIDERVEEN P 76985

Charge History

NUM	TYPE	Offense	ASC	Description	DISP	DFR
01	CUR:	750.145C2		CHILD SEXUALLY ABUSIVE CO	DIS	
02	CUR:	752.7973F		COMP.-USE TO DO CRIME-MAX	DIS	
03	CUR:	750.145A-A		CHILDREN-ACCOSTING FOR IM	PLG	
04	CUR:	752.7973D		COMP.-USE TO DO CRIME-MAX	DIS	

Financial Order History

Ct	Assessment Description	Payer	J/S	Order Amount	Paid Amount	FQ	Balance
	CRIME VICTIM RIGHTS	D 001	N	130.00	130.00		
	DNA	D 001	N	60.00	60.00		
	STATE MINIMUM COSTS	D 001	N	68.00	68.00		
		Totals:		258.00	258.00		.00

Bond History

Party	NUM	Amount	Type	Posted Date	Status
JAYNEEL RAVINDRA JADE		100000.00	CASH / SUR	04/22/2022	Closed
Last Action: BOND CANCELLED		Amount: 100000.00		Balance:	.00
Posted By: J & J BAIL BONDS					

Events, Actions, and Judgments

NUM	Date	Jurist	Chg/Party	Clerk
6	04/22/2022		D 001	BS
	BOND SET			
	AMOUNT: $100000.00			
7	04/22/2022		D 001	BS
	POSTED NON-MONETARY			
	AMOUNT: $100000.00			

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Register of actions

Caseload Dsp: GP

Crt: C 36 80 Jur: BRICKLEY Ref: CLOSE Pub
Case: 2022 0000023839 FH STATE OF MI V JAYNEEL JADE

1	06/10/2022	D	001	BS
	BINDOVER DISTRICT COURT CASE (PACKET)			
	RESULT: WAIVED			
	RESCHED TO 06/28/2022 @ 0215P FROM 06/27/2022 @ 0215P			
	SET NEXT DATE: PTH 06/27/2022 2:15 PM BRICKLEY COURTROOM: 1			
2	06/10/2022	D	001	BS
	INFORMATION			
3	06/10/2022	D	001	BS
	ORDER			
	PRETRIAL RELEASE ORDER (BOND SET/POSTED)			
4	06/10/2022	D	001	BS
	BOND CONDITION DESCRIPTION AND COMMENT			
	NO ALCOHOL/NO BARS/NO TAVERNS ETC/NO MARIJUANA/DRUG CONDITIONS/			
	SUBJECT TO RANDOM TESTING/GPS TETHER			
5	06/10/2022	D	001	BS
	PROTECTIVE BOND			
	SCANNED TO DISPATCH			
8	06/15/2022			BS
	WITNESS LIST			
9	06/15/2022			BS
	PEOPLE'S REQUEST FOR DISCOVERY W/PROOF OF SERVICE			
10	06/21/2022	D	001	MW
	SET CASE ON CALENDAR			
	SET NEXT DATE: PTH 06/28/2022 2:15 PM BRICKLEY COURTROOM: 1			
	ADJOURNED FROM 6/27/22 DUE TO COURT SCHEDULING CONFLICT			
11	06/21/2022	D	001	BS
	PROOF OF SERVICE AND NOT TO APPEAR			
12	06/24/2022	D	001	SR
	PROGRAM SUMMARY			
13	07/05/2022	D	001	VAB
	MOTION			
	FOR INDEPENDENT ANALYSIS OF CELL PHONE			
14	07/05/2022	D	001	VAB
	MOTION			
	TO EXTEND MOTION AND PLEA DEADLILNES			
15	07/05/2022	D	001	VAB
	MOTION			
	FOR DISCOVERY			
16	07/05/2022	D	001	VAB
	MOTION			
	FOR BOND MODIFICATION			
17	07/15/2022	D	001	MW
	SET CASE ON CALENDAR			
	SET NEXT DATE: MOH 09/01/2022 10:00 AM BRICKLEY COURTROOM: 1			
	FOR DISCOVERY			
18	07/15/2022	D	001	MW
	SET CASE ON CALENDAR			
	SET NEXT DATE: MOH 07/22/2022 11:30 AM BRICKLEY COURTROOM: 1			
	TO AMEND BOND			
19	07/15/2022	D	001	MW
	SET CASE ON CALENDAR			
	RESCHED TO 12/09/2022 @ 0300P FROM 11/29/2022 @ 0130P			
	SET NEXT DATE: MOH 11/29/2022 1:30 PM BRICKLEY COURTROOM: 1			
	TO DISMISS / ENTRAPMENT HEARING			

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Register of actions

Caseload Dsp: GP

Crt: C 36 80 Jur: BRICKLEY Ref: CLOSE Pub
Case: 2022 0000023839 FH STATE OF MI V JAYNEEL JADE

20	07/15/2022	D	001	MW
	SET CASE ON CALENDAR RESCHED TO 12/20/2022 @ 0230P FROM 12/20/2022 @ 1000A SET NEXT DATE: FPT 12/20/2022 10:00 AM BRICKLEY COURTROOM: 1			
21	07/15/2022	D	001	MW
	SET CASE ON CALENDAR SET NEXT DATE: TRLJ 01/10/2023 9:00 AM BRICKLEY COURTROOM: 1			
22	07/18/2022	D	001	BS
	MOTION AMENDED MOTION TO COMPEL DISCOVERY			
23	07/19/2022	D	001	RBS
	MOTION TO DISMISS			
24	07/19/2022	D	001	RBS
	PROOF OF SERVICE			
25	07/20/2022	D	001	RBS
	CRIMINAL PRETRIAL SUMMARY AND SCHEDULING ORDER W/ CERTIFICATE OF SERVICE			
26	07/20/2022	D	001	RBS
	PROOF OF SERVICE AND NOT TO APPEAR			
27	07/22/2022	D	001	MW
	MOTION HEARING ATTORNEY: WEISE RESULT: DCRCR1 RECORDER ALL PARTIES PARTIES PRESENT / PROSECUTOR KEELEY / DEFENSE MOTION TO AMEND BOND / COURT GRANTS THE MOTION TO AMEND BOND / BOND AMENDED TO STATE DEFENDANT MAY LEAVE THE STATE OF MICHIGAN FROM 08/07/22 TO 08/12/22 TO TRAVEL TO IVY TECH, INDIANAPOLIS TO ATTEND A BAKERY ACADEMY AND THAT DEFENDANT MAY LEAVE THE STATE OF MICHIGAN FROM 09/16/22 TO 09/22/22 TO TRAVEL TO LAS VEGAS TO ATTEND THE INTERNATIONAL BAKERY INDUSTRY EXPOSITION.			
28	07/26/2022	D	001	RBS
	ORDER PRETRIAL RELEASE ORDER (AMENDED CONDITIONS)			
29	07/26/2022	D	001	RBS
	BOND CONDITION DESCRIPTION AND COMMENT NO ALCOHOL/BARS/TAVERNS/ETC/NO MARIJUANA/TETHER/MAY TRAVEL TO INDIANAPOLIS 08/07/2022 TO 08/12/2022 TO ATTEND BAKERY ACADEMY AT IVY TECH COMMUNITY COLLEGE/MAY TRAVEL TO LAS VEGAS 09/16/2022 TO 09/22/2022 TO ATTEND INTERNATIONAL BAKERY INDUSTRY EXPOSITION AT THE LAS VEGAS CONVENTION CENTER			
30	08/31/2022	D	001	MW
	REMOVE SCHEDULED EVENT Calendar item has been Inactivated for: Prof: J 041930 Next Action of MOH on 09/01/2022 at 10:00 AM Seq #002			
31	09/02/2022	D	001	RBS
	STIPULATION AND ORDER RE: CELL PHONE			
32	11/22/2022			RBS
	RESPONSE PEOPLE'S RESPONSE & BRIEF IN OPPOSITION TO DEF'S MOTION TO DISMISS W/ POS			
33	11/28/2022	D	001	MW
	SET CASE ON CALENDAR			

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SET NEXT DATE: MOH 12/09/2022 3:00 PM BRICKLEY COURTROOM: 1
TO DISMISS / ENTRAPMENT HEARING; ADJOURNED FROM 11/29/22 DUE TO COURT CONFLICT

34 11/29/2022 D 001 RBS
PROOF OF SERVICE AND NOT TO APPEAR

35 12/05/2022 D 001 RBS
POS SUBPOENA

36 12/05/2022 D 001 RBS
POS SUBPOENA

37 12/05/2022 D 001 RBS
POS SUBPOENA

38 12/07/2022 D 001 RBS
EXHIBIT LIST
AMENDED W/ POS

39 12/08/2022 D 001 RBS
WITNESS LIST
W/ POS

40 12/09/2022 D 001 RBS
STIPULATED FACTS

41 12/09/2022 D 001 HW
MOTION HEARING
ATTORNEY: WEISE
RESULT: DCRCR1 RECORDER
ALL PARTIES PRESENT IN THE COURTROOM / PROSECUTOR ZUIDERVEEN / PARTIES STIPULATE TO KEEP PROOF OPEN FOR DECOY USED IN STING / MOTION TO DISMISS & ENTRAPMENT HEARING / CHAT MESSAGES STIPULATED TO BE FILED (FILED STIPULATION OF FACTS) / WITNESS TESTIMONY
COURT GIVES PROSECUTOR 7 DAYS TO FIND OUT WHO DECOY WAS TO DISCUSS PHONE CALL / DEFENSE TO FIND OUT IF ANY COMMUNICATION WITH WEBSITE FROM OFFICERS / COURT SETS MATTER FOR ORAL ARGUMENTS ON 12/20/2022 AT 2:30 P.M.
SET NEXT DATE: MSH 12/20/2022 2:30 PM BRICKLEY COURTROOM: 1
ORAL ARGUMENTS

42 12/09/2022 D 001 HW
SET CASE ON CALENDAR
SET NEXT DATE: FPT 12/20/2022 2:30 PM BRICKLEY COURTROOM: 1

43 12/13/2022 D 001 RBS
REQUEST FOR DISCOVERY

44 12/13/2022 D 001 RBS
WITNESS LIST
AMENDED

45 12/13/2022 D 001 RBS
DEFENDANT'S EXHIBIT LIST
SECOND AMENDED W/ POS

46 12/14/2022 RBS
WITNESS LIST
AMENDED

47 12/16/2022 D 001 RBS
PROOF OF SERVICE AND NOT TO APPEAR

48 12/16/2022 D 001 RBS
WITNESS LOG

49 12/16/2022 D 001 RBS
EXHIBIT LOG

50 12/19/2022 D 001 RBS

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ORDER
PRETRIAL RELEASE ORDER (AMENDED CONDITIONS)

51 12/19/2022 D 001 RBS
BOND CONDITION DESCRIPTION AND COMMENT
NO ALCOHOL/BARS/TAVERNS/ETC/NO MARIJUANA/IF BOND POSTED DEF TO BE FITTED W/ GPS TETHER PRIOR TO RELEASE/BOND AMENDED DEF MAY TRAVEL FROM MICHIGAN TO JACKSONVILLE, FLORIDA 01/17/2023-01/21/2023 FOR A WORK CONFERENCE/DEF MAY TRAVEL FROM MICHIGAN TO HOUSTON, TEXAS 02/07/2023-02/11/2023 FOR A WORK CONFERENCE

52 12/19/2022 D 001 RBS
ORDER
BOND MODIFICATION

53 12/20/2022 D 001 HW
FINAL PRE-TRIAL
ATTORNEY: WEISE
RESULT: DCRCR1 RECORDER
PROSECUTOR ZUIDERVEEN PRESENT IN THE COURTROOM / DEFENDANT AND ATTORNEY PRESENT VIA ZOOM TECHNOLOGY / PARTIES STIPULATE TO THE AMENDED STATEMENT OF FACTS / ORAL ARGUMENTS / OFFER OPEN TO THURSDAY AT 5:00 P.M. / COURT ADJOURN TRIAL TO SEE WHAT JUDGE'S RULING TO BE / COURT SETS STATUS CONFERENCE FOR 1/3/2023 AT 4:30 P.M.
SET NEXT DATE: STAT 01/03/2023 4:30 PM BRICKLEY COURTROOM: 1
RE: TRIAL RESCHEDULING

54 12/21/2022 D 001 RBS
REPORTER/RECORDER CERTIFICATE OF ORDERING TRANSCRIPT ON APPEAL

55 12/21/2022 D 001 RBS
TRANSCRIPT
DEF'S MOTION TO DISMISS HLD 12/09/2022 BEFORE JUDGE BRICKLEY

56 12/21/2022 D 001 RBS
PROOF OF SERVICE AND NOT TO APPEAR

57 12/22/2022 D 001 RBS
STIPULATED FACTS (AMENDED)

58 12/29/2022 D 001 RBS
OPINION AND ORDER
DENYING DEF'S MOTION TO DISMISS W/ PROOF OF MAILING

59 01/03/2023 D 001 HW
STATUS CONFERENCE
ATTORNEY: WEISE
RESULT: DCRCR1 RECORDER
ALL PARTIES PRESENT VIA ZOOM TECHNOLOGY / PROSECUTOR ZUIDERVEEN / STATUS CONFERENCE REGARDING FPT AND TRIAL DATES / DEFENSE INDICATES WILL SEEK STAY OF PROCEEDINGS FOR INTERLOCK APPEAL / COURT SETS FPT FOR 4/7/23 AT 2:30 P.M. AND JURY TRIAL 4/25/23 AT 1:00 P.M.

60 01/03/2023 D 001 HW
SET CASE ON CALENDAR
RESCHED TO 05/12/2023 @ 0200P FROM 04/07/2023 @ 0230P
SET NEXT DATE: FPT 04/07/2023 2:30 PM BRICKLEY COURTROOM: 1

61 01/03/2023 D 001 HW
SET CASE ON CALENDAR
RESCHED TO 05/24/2023 @ 0900A FROM 04/25/2023 @ 0100P
SET NEXT DATE: TRLJ 04/25/2023 1:00 PM BRICKLEY COURTROOM: 1

62 01/04/2023 D 001 MW
REMOVE SCHEDULED EVENT
Calendar item has been Inactivated for:

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Prof: J 041930 Next Action of TRLJ on 01/10/2023 at 9:00 AM Seq #002

63 01/04/2023 D 001 RBS
PROOF OF SERVICE AND NOT TO APPEAR

64 03/10/2023 D 001 RBS
TRANSCRIPT
FINAL PRETRIAL CONFERENCE HLD 12/20/2022 BEFORE JUDGE BRICKLEY

65 03/27/2023 D 001 BS
ORDER FOR SUBSTITUTION OF ATTORNEY
ATTORNEY: WEISENBURGER
Attorney changed from WEISE to WEISENBURGER

66 03/29/2023 D 001 RBS
ATTORNEY CHANGED (PARTY)
Attorney changed from WEISENBURG to MARKOU

67 04/05/2023 D 001 RBS
MOTION
TO ADJOURN TRIAL W/ POS

68 04/07/2023 D 001 HW
FINAL PRE-TRIAL
ATTORNEY: MARKOU
RESULT: DCRCR1 RECORDER
PROSECUTOR ZUIDERVEEN PRESENT VIA ZOOM TECHNOLOGY / DEFENSE ATTORNEY PRESENT INTHE COURTROOM / DEFENDANT NOT PRESENT IN THE COURTROOM NOR VIA ZOOM TECHNOLOGY / DEFENSE INDICATES DEFENDANT WAS ON THE WAY TO COURT / MOTION TO ADJOURN TRIAL / COURT GRANTS ADJOURNMENT OF TRIAL FPT 5/12/23 AT 2:00 P.M. AND JURY TRIAL 5/24/ AT 9:00

69 04/07/2023 D 001 HW
SET CASE ON CALENDAR
RESCHED TO 05/11/2023 @ 1130A FROM 05/12/2023 @ 0200P
SET NEXT DATE: FPT 05/12/2023 2:00 PM BRICKLEY COURTROOM: 1
ADJ FROM 4/7/2023

70 04/07/2023 D 001 HW
SET CASE ON CALENDAR
SET NEXT DATE: TRLJ 05/24/2023 9:00 AM BRICKLEY COURTROOM: 1
ADJ FROM 4/25/2023

71 04/13/2023 D 001 RBS
DEF'S FIRST REQUEST FOR DISCOVERY

72 04/14/2023 D 001 RBS
ORDER
GRANTING DEFENSE MOTION TO ADJOURN TRIAL W/ CERTIFICATE OF MAILING

73 04/14/2023 D 001 RBS
PROOF OF SERVICE AND NOT TO APPEAR

74 04/18/2023 RBS
RESPONSE
PEOPLE'S RESPONSE TO DEF'S REQUEST FOR DISCOVERY W/ POS

75 04/26/2023 D 001 MW
SET CASE ON CALENDAR
SET NEXT DATE: FPT 05/11/2023 11:30 AM BRICKLEY COURTROOM: 1
MOVED FROM 05/12/23 DUE TO COURT CONFLICT

76 04/28/2023 D 001 RBS
PROOF OF SERVICE AND NOT TO APPEAR

77 05/03/2023 D 001 MW
SET CASE ON CALENDAR
SET NEXT DATE: MOH 05/11/2023 11:30 AM BRICKLEY COURTROOM: 1
TO STAY PROCEEDINGS

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78 05/04/2023 D 001 RBS
MOTION
DEF'S MOTION FOR STAY PENDING APPEAL

79 05/04/2023 D 001 RBS
NOTICE OF HEARING

80 05/04/2023 D 001 RBS
PROOF OF SERVICE

81 05/11/2023 03 D 001 MW
FINAL PRE-TRIAL
ATTORNEY: MARKOU
DISP: PLEAD GUILTY
RESULT: DCRCR1 RECORDER
ALL PARTIES PRESENT / PROSECUTOR ZUIDERVEEN / ATTORNEY GRABEL ALSO PRESENT AND PLACES ON THE RECORD HIS WITHDRAWAL OF HIS MOTION TO STAY/ DEFENDANT SWORN / PLEA AGREEMENT ON RECORD / DEFENDANT PLED GUILTY TO COUNT 3 DISMISS COUNTS 1,2, AND 4 / COURT ACCEPTS PLEA / BOND CONTINUED

82 05/11/2023 01 D 001 MW
FINAL PRE-TRIAL
ATTORNEY: MARKOU
DISP: DISMISSED
RESULT: DCRCR1 RECORDER

83 05/11/2023 02 D 001 MW
FINAL PRE-TRIAL
ATTORNEY: MARKOU
DISP: DISMISSED
RESULT: DCRCR1 RECORDER

84 05/11/2023 04 D 001 MW
FINAL PRE-TRIAL
ATTORNEY: MARKOU
DISP: DISMISSED
RESULT: DCRCR1 RECORDER
SET NEXT DATE: SEN 06/26/2023 11:15 AM BRICKLEY COURTROOM: 1

85 05/12/2023 D 001 MW
REMOVE SCHEDULED EVENT
Calendar item has been Inactivated for:
Prof: J 041930 Next Action of TRLJ on 05/24/2023 at 9:00 AM Seq #001

86 05/12/2023 D 001 RBS
PROOF OF SERVICE AND NOT TO APPEAR

87 05/12/2023 D 001 RBS
ADVICE OF RIGHTS (CIRCUIT COURT PLEA)

88 05/12/2023 D 001 RBS
SENTENCE AGREEMENT

89 06/21/2023 D 001 RBS
PROGRAM SUMMARY

90 06/26/2023 03 D 001 HW
SENTENCE HEARING
Concurrent BEGINS: 06/26/2023
Jail LOCATION: VAN BUREN COUNTY JAIL
MINIMUM TERM: 7 Days
CREDIT TERM: 7 Days
ATTORNEY: MARKOU
RESULT: DCRCR1 RECORDER
PROSECUTOR ZUIDERVEEN PRESENT VIA ZOOM TECHNOLOGY / DEFENDANT AND

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Case: 2022 0000023839 FH STATE OF MI V JAYNEEL JADE

ATTORNEY PRESENT IN THE COURTROOM / 7 DAYS JAIL WITH CREDIT 7 DAYS SERVED / BOND CANCELLED /
CRIME VICTIM RIGHTS 130.00
STATE MINIMUM COSTS 68.00
DNA 60.00

91 06/27/2023 D 001 RBS
BOND CANCELLED
AMOUNT: $100000.00

92 06/27/2023 D 001 RBS
JUDGMENT OF SENTENCE/COMMITMENT TO JAIL

93 06/27/2023 D 001 RBS
SENTENCING INFORMATION REPORT

94 06/28/2023 D 001 HW
ELECTRONIC JUDGMENT SENT
RESULT: DCRCR1 RECORDER
COUNTS 1, 2 AN 3 SUCCESSFUL

95 06/28/2023 D 001 HW
ELECTRONIC JUDGMENT SENT
RESULT: DCRCR1 RECORDER
COUNT 4 SUCCESSFUL

96 10/16/2023 D 001 RBS
COURT OF APPEALS ORDER
DELAYED APPLICATION FOR LEAVE GRANTED

97 10/25/2023 D 001 RBS
NOTICE OF FILING OF TRANSCRIPT & AFFIDAVIT OF MAILING

98 10/25/2023 D 001 RBS
TRANSCRIPT
STATUS CONFERENCE HLD 01/03/2023 BEFORE JUDGE BRICKLEY

99 10/25/2023 D 001 RBS
TRANSCRIPT
MOTION TO ADJOURN TRIAL HLD 04/07/2023 BEFORE JUDGE BRICKLEY

100 10/25/2023 D 001 RBS
TRANSCRIPT
FINAL PRETRIAL/MOTION TO STAY PENDING APPEAL BEING WITHDRAWN ON THE RECORD HLD 05/11/2023 BEFORE JUDGE BRICKLEY

101 10/25/2023 D 001 RBS
TRANSCRIPT
SENTENCING HLD 06/26/2023 BEFORE JUDGE BRICKLEY

102 10/28/2024 D 001 RBS
COURT OF APPEALS ORDER
AFFIRMED

103 01/08/2025 D 001 RBS
NOTICE OF FILING APPLICATION FOR LEAVE TO APPEAL W/ MICHIGAN SUPREME COURT

**** END OF SUMMARY ****

*** END OF REPORT ***

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