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STATE OF MICHIGAN

IN THE MICHIGAN SUPREME COURT

People of the State of Michigan, Plaintiff/Appellant, v. Michael Georgie Carson, Defendant/Appellee. _____/	Docket No. 166923 Court of Appeals No. 355925 57th Circuit Court No. 20-5054-FC
Emmet County Prosecutor's Office Attorney for Plaintiff/Appellant 200 Division St., Suite G42 Petoskey, MI 49770 231-348-0686	J. Nicholas Bostic P40653 Attorney for Defendant/Appellee 909 N. Washington Ave. Lansing, MI 48906 517-706-0132

_____/

DEFENDANT/APPELLEE'S APPENDIX ON APPEAL

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8/5/2019 3:26 PM		My Love	
SMS	She is here.... ????		Android System Messages
8/5/2019 3:33 PM	My Love		
SMS		Don and Judy were investor in the stock market. Complete records for hundreds of thousands of dollars	Android System Messages
8/5/2019 4:17 PM		My Love	
SMS	Wow!!! That's crazy!!! Have you found any records of what's in the space yet?		Android System Messages
8/5/2019 4:18 PM	My Love		
SMS		In the what yet?	Android System Messages
8/5/2019 4:18 PM		My Love	
SMS	Lol safe		Android System Messages
8/5/2019 4:19 PM	My Love		
SMS		No. I'm guessing its all on the computer	Android System Messages
8/5/2019 4:19 PM		My Love	
SMS	I'm turning it on when I get to go up there again		Android System Messages
8/5/2019 4:20 PM	My Love		
SMS		I just did. Home screen says welcome Don	Android System Messages
8/5/2019 4:20 PM		My Love	
SMS	Does it ask for security?		Android System Messages
8/5/2019 4:23 PM	My Love		

Attachment E
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Defendant's Appendix - Page 003

PENGAD 800-631-6989
PEOPLE'S EXHIBIT 9

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SMS		No. Opens right up. There isnt anything on it that I can see. You look later. This is more your field	Android System Messages
8/5/2019 4:24 PM		My Love	
SMS	Ok baby!!!		Android System Messages
8/5/2019 4:25 PM	My Love		
SMS		We need to go thru those pennies. If there is a 1943 copper penny in there its worth millions these people said. Also the 1943 s pennies can go for 20,000 each	Android System Messages
8/5/2019 4:26 PM		My Love	
SMS	Holly molly!!! That's almost of money!!!		Android System Messages
8/5/2019 4:27 PM	My Love		
SMS		I'm thinking that these guys cashed out stocks and what noy and converted it to cash and gokd and silver in the safes	Android System Messages
8/5/2019 4:27 PM		My Love	
SMS		Bahahaha. Your phone sucks as bad as mine. Look at your last message. Lmfao	Android System Messages
8/5/2019 4:28 PM		My Love	
SMS	It's just learning how to use the phone L o l		Android System Messages
8/5/2019 4:28 PM	My Love		
SMS		Me too. Lol	Android System Messages
8/5/2019 4:29 PM		My Love	
SMS		And I'm still confused as fuck	Android System Messages
8/5/2019 4:29 PM		My Love	

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SMS	Lol... it's just a learning curve....		Android System Messages
8/5/2019 4:29 PM	My Love		
SMS		These other keys that your thinking are safe keys. I think that these are lock box keys from a bank	Android System Messages
8/5/2019 4:46 PM		My Love	
SMS	Might be		Android System Messages
8/5/2019 4:47 PM	My Love		
SMS		You wanna run away with me for a little bit? Maybe go to mackinaw	Android System Messages
8/5/2019 7:34 PM		My Love	
SMS		This fire link is doing ok	Android System Messages
8/5/2019 9:37 PM		My Love	
SMS	It is		Android System Messages
8/5/2019 9:39 PM	My Love		
SMS		Doing any good?	Android System Messages
8/6/2019 12:41 AM		My Love	
SMS	No... I never do		Android System Messages
8/6/2019 12:41 AM	My Love		
SMS		Rose is on her way to you because I told Alan I posted 3 catd online. Only cat staying will be Marcella. Out basement stinks and I'm tired of smelling like Zoe	Android System Messages
8/6/2019 9:17 AM		My Love	

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SMS

I'm totally confused. Does he NOT know there is a million dollars in those safes?? Android System Messages

8/13/2019 12:07 PM My Love

SMS

Fucking rain. Grrrrrrrrr... Android System Messages

8/13/2019 12:07 PM My Love

SMS

I really dont think he does... I think that he opened it up three that money in there and closed it Android System Messages

8/13/2019 12:08 PM My Love

SMS

Someone has been sneaking pop into the basement. Found a pop can in trash next to dryer just now Android System Messages

8/13/2019 12:08 PM My Love

SMS

I'm gonna head to the store in a few and then to AutoZone to get the parts for the car Android System Messages

8/13/2019 12:11 PM My Love

SMS

Are you gonna stop here before or after autozone? Android System Messages

8/13/2019 12:22 PM My Love

SMS

Before babe. Relax. I got you Android System Messages

8/13/2019 12:27 PM My Love

SMS

I know you do my love... I was just curious.... Android System Messages

8/13/2019 12:28 PM My Love

SMS

I'm here baby Android System Messages

8/13/2019 12:42 PM My Love

SMS

Did you read the messenger from jasmine mother?? Android System

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SMS		I just need a few minutes	Android System Messages
9/14/2019 7:05 PM		My Love	
SMS	Ok baby.. no worries		Android System Messages
9/14/2019 7:06 PM	My Love		
SMS		I know. I just don't wanna sleep long. Simply just rest my eyes and head. I'm snuggling your hoodie	Android System Messages
9/14/2019 7:08 PM		My Love	
SMS		It amazes me that he's worried about a few rolls of coins and never went into the safes..	Android System Messages
9/15/2019 4:00 PM		My Love	
SMS		Should we be worried now?	Android System Messages
9/15/2019 4:38 PM		My Love	
SMS		Bunch of deer across the street	Android System Messages
9/15/2019 4:51 PM		My Love	
SMS	They are pretty		Android System Messages
9/15/2019 4:51 PM	My Love		
SMS		Playing cash game poker. Up 250	Android System Messages
9/15/2019 6:20 PM		My Love	
SMS	Is it looking good?		Android System Messages
9/15/2019 6:21 PM	My Love		
SMS		So far. Its not tournament play. Just heads up cash game. Ive played 2 hands and	Android System

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9/15/2019 7:03 PM	My Love		
SMS		That's what I'm saying. Down a little bit now. Oh well.	Android System Messages
9/15/2019 7:31 PM	My Love		
SMS		Look at messenger. Carrie sent something. Bumper caught something	Android System Messages
9/15/2019 7:32 PM	My Love		
SMS		Any words from Don?	Android System Messages
9/15/2019 10:10 PM	My Love		
SMS	Nope not a thing... I'm gonna reach out to him tomorrow I think...		Android System Messages
9/15/2019 10:11 PM	My Love		
SMS		He must have tried to get into safe and couldn't and then thought there was a ton of money in that chest	Android System Messages
9/15/2019 10:12 PM	My Love		
SMS	I'm not sure.. I just know his brother always agitates him		Android System Messages
9/15/2019 10:13 PM	My Love		
SMS		Right ☑	Android System Messages
9/15/2019 10:14 PM	My Love		
SMS		My brother does too	Android System Messages
9/15/2019 10:14 PM	My Love		
SMS	Lol...		Android System Messages
9/15/2019 10:14 PM	My Love		

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Messages

10/29/2019 4:12 PM My Love

SMS I go to the store for our home and your energy drinks. That's all — Android System Messages

10/29/2019 4:12 PM My Love

SMS You are the one who started this dumb shit! Feels good to be called a cheater with absolutely zero reason huh? Is that what I need to do for you to feel like I care?!??! Do I need to accuse you of cheating all the time!!! Its fucked up!!! — Android System Messages

10/29/2019 4:14 PM My Love

SMS I have nothing to defend!! — Android System Messages

10/29/2019 4:14 PM My Love

SMS Yeah right. Its all you've done is use me and cheat on me — Android System Messages

10/29/2019 4:15 PM My Love

SMS Right.. ummm use you for what??? Cuz I haven't made any money or didnt help you steal 60,000 dollars?!?! And cheat??? When? Tell me when I have the opportunity to fucking cheat?? Your the one who didnt work most of the summer and hasn't held a single job!!! — Android System Messages

10/29/2019 4:19 PM My Love

SMS So your insecure for some fucking reason what is it?!?!? You accuse me of cheating every chance you get!! Soend whatever you want when ever you want! Go where ever when ever!! You can't not even talK to a bitch I make clear I dont lile!!! In fact you do it right in front of my face!!! So what is it!! What's causing this stupid shit this tkme!!! — Android System Messages

10/29/2019 4:21 PM My Love

SMS Havent held a single job?? Ive quit my jobs because of You.. Because you feel that the jobs I have arent gonna work or whatever. Oh. But yet you will support my decisions. That was a dam lie. And I quit my one job just to fucking be with you. I show up there to bring you s grit and lunch and all you wanna talk about is Paul.. That's real fucking cute. Not even a thank you or a dam kiss that you liked it or anything. Just a conversation about Paul. Your always distant as hell lately. You don't give a shit that I fucked up my arm. The day of the hospital was just an act. Now tomorrow morning I have an appointment that you were supposed to go to with me — Android System Messages

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SMS		Ok. We're down at the waterfront. I'm trying not to break down in front of rose cause its were I asked you to marry me	Android System Messages
11/24/2019 10:48 AM		My Love	
SMS	I love you! My ring will never leave my hand!!! We have to find a better way though... it's you and I against the world not supposed to be you and I against each other		Android System Messages
11/24/2019 10:51 AM	My Love		
SMS		I just need to go. I cant keep doing this to you and the kids. I never get sleep and am always full of anger and everyone at home is in the line of fire and its not fair to all of you. Its just best I not be there until I can get some sort of help to calm me and help me sleep. It doesn't help that I'm overly stressed out over finances. We were fucking stupid with tons of money this year. I wish now I had a way to go rob those entire safes. Tomorrow I'm taking all of that other money to the bank and just depositing it in there. Fuck chasing shit around. I'm trying to sell shit to bring money in but its not working. I'm a mixed ball of everything and I'm going fucking crazy.	Android System Messages
11/24/2019 10:56 AM		My Love	
SMS	You cant leave... if you choose to everything we have worked for everything we have been through is lost... the damage will be irrevocable.... these kids have learned that they can start to feel at ease no matter what words we throw at each other you are going to be here... I dont even want to be around any other human being but you.... I have such a hard time sometimes trying to make you happy... just when I think I have it this happens and I feel useless and ignorant. I'm not even a whole person without you... living would be unbearable without you		Android System Messages
11/24/2019 11:04 AM	My Love		
SMS		My phone isnt making any noise for any notifications. I let the kids play it and now it done fucking do anything. I'm irritated.	Android System Messages
11/24/2019 11:24 AM		My Love	
SMS		Ring camera dont make noise. Texts dont make noise	Android System Messages
11/24/2019 11:25 AM		My Love	

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SMS		I thought she couldnt work today?	Android System Messages
11/26/2019 4:51 PM		My Love	
SMS		Shoukd I bring these papers down to be copied?	Android System Messages
11/26/2019 5:04 PM		My Love	
SMS	Michael and I are getting ready to go... carrie said I could go home		Android System Messages
11/26/2019 5:09 PM	My Love		
SMS		Oh. I'll be there in a minute then	Android System Messages
11/26/2019 5:09 PM		My Love	
SMS	Ok my love		Android System Messages
11/26/2019 5:10 PM	My Love		
SMS		I'm here hunny	Android System Messages
11/26/2019 5:12 PM		My Love	
SMS	Rose thinks she needs to come to daycare...		Android System Messages
11/27/2019 9:10 AM	My Love		
SMS		Why??	Android System Messages
11/27/2019 9:10 AM		My Love	
SMS	Lol.. I dont know... she is in the shower then they are heading this way...		Android System Messages
11/27/2019 9:11 AM	My Love		
SMS		She can come home. We need to learn if Don asked her questions of any kind about money	Android System Messages

72	Name: Julius's Sister Lorelei Alonzi Source: Phone Source Extraction: Advanced Logical		Phone: General +1-231-330-2130					High
73	Name: K12 Discovery Source: Phone Source Extraction: Advanced Logical		Email: support1@discoveryk12.net					High
74	Name: Kanine Jake Source: Phone Source Extraction: Advanced Logical		Phone: Mobile (231) 330-4785					High
75	Name: Kelly Source: Phone Source Extraction: Advanced Logical		Phone: Mobile +1 231-838-1127					High
76	Name: Kevin Source: Phone Source Extraction: Advanced Logical		Phone: Mobile (517) 518-0799					High
77	Name: Kiley Source: Phone Source Extraction: Advanced Logical		Phone: Mobile (231) 373-4968					High
78	Name: Kolb Kelly Source: Phone Source Extraction: Advanced Logical		Phone: Mobile 1 231-420-9299					High
79	Name: Krystal Source: Phone Source Extraction: Advanced Logical		Phone: Mobile (231) 373-0994					High
80	Name: Landlord Jeremy Source: Phone Source Extraction: Advanced Logical		Phone: Mobile (231) 330-0762					High
81	Name: Larissa Source: Phone Source Extraction: Advanced Logical		Phone: Mobile +1 360-420-2693					High
82	Name: Laurie Fentin Source: Phone Source Extraction: Advanced Logical		Phone: Mobile 1-231-838-0222					High
83	Name: Lester Source: Phone Source Extraction: Advanced Logical		Phone: Mobile (989) 370-8214					High
84	Name: Liby Source: Phone Source Extraction: Advanced Logical		Phone: Mobile 1 231-838-6561					High
85	Name: Lince Andy Source: Phone Source Extraction: Advanced Logical		Phone: Mobile +1 231-758-6562					High
86	Name: Lori Source: Phone Source Extraction: Advanced Logical		Phone: Mobile (231) 268-9120					High
87	Name: Love My Source: Phone Source Extraction: Advanced Logical		Phone: Mobile +1 231-881-6388 Mobile (231) 881-6388 Mobile +1 231-330-2474 Email: Home brandiemike2018@gmail.com					High
88	Name: Madaline Source: Phone Source Extraction: Advanced Logical		Phone: Mobile (231) 758-4768					High
89	Name: Makalya Source: Phone Source Extraction: Advanced Logical		Phone: Mobile (231) 881-1359					High
90	Name: Makayla Source: Phone Source Extraction: Advanced Logical		Phone: Mobile (231) 881-1359					High
91	Name: Marcie Pat Source: Phone Source Extraction: Advanced Logical		Phone: Mobile 1 231-350-6140					High

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STATE OF MICHIGAN

IN THE EMMET COUNTY TRIAL COURT

THE PEOPLE OF THE STATE OF MICHIGAN,

v Case No. 20-005054-FC

MICHAEL GEORGIE CARSON,

Defendant.

MOTION TO SUPPRESS

BEFORE THE HONORABLE CHARLES W. JOHNSON, TRIAL JUDGE

Petoskey, Michigan - Tuesday, July 7, 2020

APPEARANCES:

For the People:	MR. MICHAEL A. SCHUITEMA, P72718 Assistant Prosecuting Attorney 200 Division Street, Ste. G42 Petoskey, MI 49770 (231) 348-1725
For the Defendant:	MR. DUANE J. BEACH, P34655 909 N. Washington Avenue Lansing, MI 48906 (231) 330-5333
RECORDED BY:	Monica Klawuhn, Video Operator
TRANSCRIBED BY:	Vivian V. Burton, CER-3572 Certified Electronic Recorder (269) 449-1099

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MATT LEIRSTEIN	
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No cross examination	--

WITNESSES: DEFENDANT

NONE

EXHIBITS:	MARKED	RECEIVED
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Petoskey, Michigan

Tuesday, July 7, 2020 - 3:00 p.m.

THE COURT: The Court will next call the case of the People versus Michael Carson.

Take your seats, gentlemen. The Court call...see your motion, Mr. Beach, to suppress. Go ahead.

MR. BEACH: It is. Judge, it's my motion to suppress but it's Mr. Schuitema's personal--

THE COURT: Oh.

MR. SCHUITEMA: Agree.

MR. BEACH: --burden.

THE COURT: Right. Proceed, Mr. Schuitema.

MR. SCHUITEMA: Thank you, judge. The People call Deputy Tyler Midyett.

THE COURT: Raise your right hand so you can be sworn.

THE CLERK: Do you solemnly swear or affirm the testimony you give in this trial shall be the truth, the whole truth and nothing but the truth, so help you God?

MR. MIDYETT: Yes.

THE COURT: Take a seat.

TYLER MIDYETT

called by the People at 3:00 p.m., sworn by the clerk, testified:

DIRECT EXAMINATION

BY MR. SCHUITEMA:

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Carson and Miss DeGroff any means to get into his house while he wasn't there?

A He did. He did. He give them a key to his residence while he was not defer--while he was not there.

Q Okay. What did Mr. De--DeGroff (sic) indicate had been taken from his safe?

THE COURT: You mean Mr. Billings?

MR. SCHUITEMA: Mr. Billings. I'm sorry.

BY MR. SCHUITEMA:

Q What did Mr. Billings indicate had been taken--

A At that--

Q --from his safe?

A --time, Mr. Billings...at that time it was believed upwards of seventy-thousand dollars-worth of various cash, silver and other items were taken from the safe.

Q Did he indicate whether anyone else, other than Mr. Carson and Miss DeGroff, had access to his house while he was away from it?

A I do not believe so.

Q You do not believe he indicated that or that anyone else had access to the house?

A I don't believe he indicated that. Or I'm sorry. There was mention of another indi-- There was mention of another male. He... At that time, he indicated it was either a maid or someone that helped babysit the children that also had access to the house.

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Q So someone associated with Mr. Carson and--
A Correct.
Q --Miss DeGroff?
A Correct.
Q Did he indicate whether anyone else had access to the house?
A No one else had access to the house at that time.
Q Okay. After your initial interview with Mr. Billings, did Detective Leirstein take over the investigation?
A Yes, sir.
Q I'm gonna fast-forward a bit to the morning of February 26, 2020; were you working that morning?
A Yes, sir.
Q Were you partnered up with someone?
A I was. With Mitch Wollen. Deputy--
Q Okay.
A --Mitch Wollen.
Q And had you, before working that morning, spoken with Detective Leirstein about executing an arrest warrant on Mr. Carson?
A I did.
Q And was this the arrest warrant for safe-breaking, the same case that you'd investigated involving Mr. Billings?
A Correct. Yes, sir.
Q When you spoke with Detective Leirstein, did you have a discussion about obtaining--or, trying to obtain Mr. Carson's cell phone when you arrested him?

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A Yes, sir.
Q What was the sum and substance of that conversation?
A That the cell phone had... That... That the cell phone would be beneficial to the case to have that and if the cell phone was discovered, to seize the cell phone.
Q Okay. Did you verify that an arrest warrant had been issued for Mr. Carson?
A I did.
Q And what, if you know, was the potential evidence or value of Mr. Carson's cell phone?
A I'm not a hundred percent sure on that, sir. I was told that it would be beneficial to have the--the--what--the contents of the cell phone, but.
Q Okay. So how did you go about arresting Mr. Carson?
A Mr. Carson met us at the front door. I adv-- I advised him to step outside. I saw that his... We... We also, unfortunately, woke up his children when we were knocking on the door, so I advised him to step outside 'cause I didn't want the--the children to hear. I advised him that he did have the arrest (sic). He was still in... I believe it was a pair of gym shorts and a tee-shirt that he was sleeping in the night before, so he advised he wanted to go inside. He asked if he could smoke a cigarette, I allowed him to; and then advised that he wanted to change, so I allowed him to enter the residence. I just told him that I had to be with him when we entered the residence

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because, technically, he was under arrest at that point.

Q Was your body camera on and activated when--

A Yes, sir.

Q --you arrested Mr. Carson?

A Yes, sir.

Q I'm gonna approach and show you what's been marked as People's proposed Exhibit Number 1; do you recognize what this is?

A Yes, sir.

Q What is it?

A It's a video of the arrest... video off my body camera from the night--from that morning.

MR. SCHUITEMA: People would move to admit and play People's Exhibit Number 1.

MR. BEACH: No objection.

THE COURT: Exhibit 1 is received.

(At 3:06 p.m., PX 1 admitted)

MR. BEACH: I guess I don't have an objection assuming his Ex--Exhibit 1 is my Exhibit 1. I'll have to see it once...

THE COURT: How long is the video, Mr. Schuitema?

MR. SCHUITEMA: Seven minutes.

THE COURT: Alright.

MR. BEACH: Oh, I thought it was... No, it's 17 minutes; and I think the last time we did this with Khloe Stead the judge watched it chambers after the fact before he made his ruling and I--I don't object to that procedure, judge. We're on

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an afternoon docket here.

THE COURT: I typically don't do evidentiary hearings in--

MR. BEACH: Right.

THE COURT: --the middle of a motion day. This isn't a really busy motion day so we can accommodate but, just--

MR. SCHUITEMA: Well, I--

THE COURT: --for a future reference--

MR. SCHUITEMA: I didn't set the date.

THE COURT: Okay. Well, we don't know when your office calls whether motions are evidentiary or not and how much evidence is going to be presented. You know that. We don't. So, we--

MR. SCHUITEMA: Okay.

THE COURT: --need you to help us with that.

MR. SCHUITEMA: Okay.

THE COURT: But do you need him to view it and testify about it or can I just view it afterwards?

MR. SCHUITEMA: You can do it afterwards.

THE COURT: Alright. And the--

MR. BEACH: I don't--

THE COURT: --stipulation, that the Court will view the--

MR. BEACH: I-- I--

THE COURT: --video?

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Q I'm Duane Beach and, I don't know if I've ever examined you before.
A I don't believe so.
Q Okay. Could you introduce yourself by way of qualifications and how long you've been on road patrol, things of that?
A As I said, Deputy Midyett with the Emmet County Sheriff's Department. I've been with the Emmet County Sheriff's Department for a little under 2 years, prior to that I was in the Air Force or just a little over 5 years. I was also a security force's member, so, a law enforcement military police in the Air Force.
Q Thank you. Thank you for your service.
A Thank you very much, sir.
Q You woke Mr. Carson up at four o'clock in the morning by banging on his door, is that correct?
A Ye... Yes, sir. By knocking on his door.
Q Yes. There was snow on the ground, and it was February 26th, and it was cold outside.
A Correct.
Q First, I believe his wife came to the door and then is 10-year-old daughter came to the door, is that correct?
A I can't remember exactly the order, but.
Q And then Mr. Midyett came to the door, and he stepped outside, and he had a tee-shirt on, and he was barefooted, is that correct?

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A I'm not sure if he was barefoot, sir. I know... I'm... If I remember right, he was wearing a tee-shirt and basketball shorts. I can't remember if he had--

Q Okay.

A --if he placed shoes on or not.

Q You said he could smoke a cigarette before they did anything further, so he came inside the house and you guys were real patient and wha--waited for him to smoke his cigarette, correct?

A He asked if he could smoke a cigarette--

Q Alright.

A --before we went anywhere and--

Q And you did--

A --I advised him--

Q --tell him--

A --he could.

Q --that he was under arrest at that point and from this point further you had to go around with him anywhere he went in the house, correct?

A Anywhere that he chose to go in the house, yes, sir, I would have to go with him.

Q So, you did all that and then you asked him if he wanted to put something else on and he agreed that he'd probably needed to wear clothing to the... instead of his PJs to the jail, is that correct?

A I believe he said he wanted to change out of the...the...the

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clothes he was wearing to bed.

Q Okay. So, you walked back with him, and you were standing in the door to the bedroom and there was a king size bed in the middle of the bedroom, and on the right-hand as you look in, there's the closets along the wall, is that correct?

A Yes. If I--

Q And then--

A I believe so.

Q Yes. And on the other side of the bedroom there was a low dresser along the wall, the bed, and then there were, what I call nightstands on either side of the bed, is that correct?

A Yes, sir.

Q And there was a phone on each nightstand, correct?

A I don't remember if there was a phone on each nightstand. I know there was on--on the--the nightstand that would've been off to the left-hand side, opposite the closet, there was a phone on, which was later discovered to be Mr. Carson's phone.

Q And at that point, Mr. Midyett (sic) went in, and he immediately put on his socks, which was sitting on the bed closest to the phone, but it was--

A Mr. Carson went in and put on--

Q Yes.

A --his socks. Yes--

Q That's--

A --sir.

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STATE OF MICHIGAN

IN THE EMMET COUNTY TRIAL COURT

THE PEOPLE OF THE STATE OF MICHIGAN,

v Case No. 20-005054-FC

MICHAEL GEORGIE CARSON,

Defendant.
/

MOTION IN LIMINE

BEFORE THE HONORABLE CHARLES W. JOHNSON, TRIAL JUDGE

Petoskey, Michigan - Monday, August 31, 2020

APPEARANCES:

For the People:

MR. MICHAEL A. SCHUITEMA, P72718
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For the Defendant:

MR. DUANE J. BEACH, P34655
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NONE

WITNESSES: DEFENDANT

NONE

EXHIBITS: MARKED RECEIVED

NONE

MR. SCHUITEMA: Well, there's...there's page 4, judge. I...

THE COURT: You said you were gonna redact something there but--

MR. SCHUITEMA: Yes.

THE COURT: --I don't know what you're talking about--

MR. SCHUITEMA: Okay.

THE COURT: --so.

MR. SCHUITEMA: That's the first statement on the left column, August 13 at 12:07 p.m., "I really don't think he does. I think he opened it up, tha--threw that money in there and closed it." I'm willing just redact that statement from Miss DeGroff. That's the only statement on this page that has anything to arguably do with--

THE COURT: Alright.

MR. SCHUITEMA: --the--

THE COURT: So we're--you're not gonna offer page 4?

MR. SCHUITEMA: I am for that first statement on the right, from the defendant.

THE COURT: Oh. Yeah. Alright. But that's--that's not a hearsay issue. That's the defendant's--

MR. SCHUITEMA: Correct.

THE COURT: --own statement.

MR. SCHUITEMA: Yep. And I'll redact that statement from Miss DeGroff.

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MR. BEACH: I have the same... If he's gonna take a thing out of it, a statement out--excuse me, statement out of it, I just as soon have the entire page in, judge.

MR. SCHUITEMA: I can keep it in too. That's fine.

THE COURT: Alright. So then the objection... And do you have any basis for an objection to your client's own statement on the top of that page coming in--

MR. BEACH: I--

THE COURT: --Beach?

MR. BEACH: --do not.

THE COURT: Alright. So then page 4 is admissible. First page 4. The next page 4 should really be page 5. I'm just gonna change that number on the bottom of your page--

MR. BEACH: That'd be--

THE COURT: --to--

MR. BEACH: --fine, judge.

THE COURT: --make it easier. Something you're offering there, Mr. Schuitema?

MR. SCHUITEMA: The only sta... Well, there's a few statements from the defendant. The--

THE COURT: Anything?

MR. SCHUITEMA: --third... But for Miss DeGroff, they're all...just they're not even... I don't know if Mr. Beach has any objection to the statements from Miss DeGroff, I guess, 'cause they're only talking about dear and--

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STATE OF MICHIGAN

IN THE EMMET COUNTY TRIAL COURT

THE PEOPLE OF THE STATE OF MICHIGAN,

V Case No. 20-005054-FC

MICHAEL GEORGIE CARSON,

Defendant.
_____/

JURY TRIAL - VOLUME I OF III

BEFORE THE HONORABLE CHARLES W. JOHNSON, TRIAL JUDGE

Petoskey, Michigan - Monday, October 19, 2020

APPEARANCES:

For the People:
MR. MICHAEL A. SCHUITEMA, P72718
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opening statement?

MR. BEACH: I think I do, judge. Thank you.

Good afternoon. I'm Duane Beach. The first thing that I have to tell you is that there's no evidence that my client Mike Carson broke into a safe. There were in fact two safes. There was no fingerprint evidence showing that Mike Carson broke into those safes, on the outside of the safe. There was no DNA evidence on those safes to show that Mike Carson broke into those safes. There was no fingerprint evidence inside of those safes to show that Mike Carson broke into a safe. There was no DNA evidence inside the safe to show that Mike Carson broke into those safes. And, importantly, there was no fingerprint evidence on the paperwork inside the safe or DNA evidence inside the safes. And we know that fingerprint evidence can be lifted from paper many months after the fact because paper inspected by or examined by the fingerprint evidence technician did, in fact, disclose fingerprints on the papers but they were Mr. Carson's--or, I mean, excuse me, Mr. Billings' fingerprints. So, those fingerprints were there but they weren't there as evidence; but none was found.

Mr. Schuitema told you that no one else had access to the home. Alan Axis-- Alan Olsen had access to this home. Lloyd Swadling had access to this home. There was an individual examining the--or, helping with the moving of items down, he had

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Q Do you work or are you retired? Do you work or are you retired?
A Retired.
Q And what did--what did you do with when you were working?
A The majority was driving.
Q Okay, were you driving like, truck, were you driving people around; what kind of driving were you doing?
A I was driving trucks for about 18 years, and then I drove private parties, drove their vehicle to wherever they needed to be; was a few other things I did.
Q How long have you been retired?
A About six years.
Q Do you own a home on Honeysette Road in Alanson?
A Yes, I do.
Q What's the full address of that home?
A 6364 Honeysette Road, Alanson, Michigan, 49706.
Q And that's in Emmet County, correct?
A Right.
Q How long have you owned that home?
A Probably about 27 years.
Q How long have you lived in Alanson?
A Close to 30.
Q Have you lived in northern Michigan for most or all of your life?
A No. Most was on the west coast.
Q Where on the west coast?

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A Oregon, Washington, California.
Q And did you move to Alanson 31 years ago and--and it stuck, you stayed here?
A Say it again.
Q You move-- Did you move here about 31 years ago then--then stay here?
A Yes, I did.
Q Okay. Were you ever married?
A Yes, I was.
Q Who were you married to?
A Judy Billings.
Q Are you cur--currently married or divorced?
A Divorced.
Q When was your and Judy's divorce finalized?
A Two years ago.
Q In total, how long were you married for?
A Thirty.
Q Was the divorce amical--amicable, friendly, as far as that kind of thing can be?
A Yes. I was good.
Q Does Judy still live in the area?
A No, she does not.
Q Where does she live?
A Needles, California.
Q California?

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A Yes.
Q Okay. What's your ex-wife's connection to California?
A All of her family is out there.
Q When did Judy move to California.
A When we went back in...in '19--the year of '19 going went back.
Q After she went to California a couple of years ago, had she ever been back?
A No. She hasn't been back.
Q Do you know the defendant in this case, Michael Carson?
A Yes, I do.
Q How is it that you came to know him?
A His daughter would come up to our horses and became very interested in our horses so the wife, Judy, would help her out and let her learn a lot about horses and--
Q Judy would help out Mike Carson's daughter with the--
A Mike--
Q --horses?
A --Carson's daughter. Yes.
Q Did Mike live near you?
A Roughly, four houses down. Very close.
Q Did you or your wife become relatively close with Mike's daughter? Did you or your wife become close with Mike's daughter?
A Yes. Enjoyed the company. Enjoyed having kids around wanting to learn.

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Brandy and Mike.

Q Did that suggestion come from you or from them?

A As I remember it, it came from them, Mike, 'cause I remember.

Q So, did you in fact give them a key to your house?

A I did give them a key.

Q How many other keys were there, other than the key you gave them?

A I think there was one--only one other one.

Q What happened with that other key?

A It remained where it was.

Q And what... Was it on a keychain, was it in the house, was it hidden somewhere; what--

A It was hidden.

Q Okay. Was it... Was... Was it a spare key?

A Spare key.

Q So if you... If Brandy and Mike got a key, you have another spare key hidden, how did you get in and out of the house when you came and went?

A If I did come, I'd just use that spare key.

Q Was it a hidden key? Was it hidden?

A Hidden?

Q Yes.

A Yes.

Q Did you usually keep your house locked when you weren't there?

A Yes.

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Q Did you give the defendant any instructions about whether or not he should lock up when he left after you gave him a key?
A I always make sure all the lights are turned out and locked, definitely.
Q Was the defendant supposed to be making a list of things that were sold?
A Yes.
Q Did you get lists from time to time from the defendant of things they'd taken?
A Only the very first time. They made me a copy of the things they had taken out and I got a copy from that list, was the only one that I got.
Q Okay, so you got--you got one list?
A One list. At the very beginning.
Q Do you have what you consider to be a--a shop room in your house?
A Yes.
Q Is this a fully enclosed room in your house?
A Fully enclosed.
Q Okay. What kind of things are in this shop room?
A There was fishing poles. There was cable saws, radial arm saws. There were circular saws. There were all the hand tools over the 40 years of collecting. It was re--rod and reels. There were sleeping bags, camping equipment.
Q So lots of stuff?

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A A lot of stuff.
Q Was it a room that was pretty full or was it almost empty?
A It was pretty full.
Q In this room did you also have two safes?
A Two safes, that I...
Q When had you purchased these safes, roughly?
A Roughly, over...over 40 years ago.
Q So before you met Judy?
A Yes.
Q Were you living in California then when you bought them?
A No. I was in Oregon when I bought those.
Q Were they different--different sizes, manufacturers, or were they identical?
A Both of them were identical.
Q Where were they in your shop room?
A Before I left to go to California, they were up against the wall, they were covered, and then the full-sized radial arm saw with a cabinet underneath it was pushed up against it--
Q Okay.
A --to, literally, hide it.
Q I'm gonna show the jury-- I mean, safes comes in all different shapes and sizes; how big was one of your safes?
A Roughly, probably about this tall and about the same width and about the same depth, weighed probably close to...between 350 and 450 pounds; quite heavy.

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Q You just keep those on the floor?
A And they're on the floor.
Q And what were they covered with?
A They were covered with them army duffle bags, I guess you would all 'em.
Q And then you had this table saw kind of pushed up against them?
A And then the table saw was pushed up against that. It was only about 3 inches away from the safes and the table saw just...that will hide 'em. It was hard to move the radial arm saw.
Q Did you think the safes were well hidden?
A I thought so.
Q Were you trying to hid--hide them when you put the canvas over them and put the band saw against them?
A Yes.
Q Alright. Now, what kinds of things did you keep in these safes?
A What kind of...
Q What did you put in the safes?
A There was marriage license, it was the deed to the house. There was several different kinds of silver, bars and coins. There was older un-sandwiched quarters, dimes. There were buffalo nickels. There was some pictures in there, and there were several collector item knives, fixed blade knives...
Q Do you have cash?
A And there was cash. It was... There were two--two kinds, and I call it, cash. There was the currency, I call it, which was

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mostly--it was hundred-dollar bills, and they were in a secondary small safe. And I--I guess a small safe is what you would call it. It was a fireproof safe that I had set into the big safe, and it had banded one-hundred-dollar bills, only, in it. Then the other--

Q Let's stop there just one minutes. So, inside one of your larger safes, you had a smaller safe, inside, and inside of that smaller safe is where you kept all your cash?

A Yes. The hundred-dollar bills.

Q The hundred-dollar--

A They were--

Q --bills. Why--

A --banded.

Q Why did you put those in a separate smaller safe?

A Just to keep 'em... I was keeping 'em separate from the collector bills, which are silver certificates--

Q And we'll get in the silver certificates in a second. Was this smaller safe that held the cash, was it locked?

A No. It would not lock.

Q It didn't--

A That one would--

Q --lock?

A No, it did not lock.

Q Okay. It was just a separate container for the cash?

A Right.

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Q Okay. And you said this was all one-hundred-dollar bills?
A Yes, just one-hundred-dollar bills.
Q And, roughly, how much money, to the best of your recollection, was in that smaller safe?
A Between 59 and 63 thousand.
Q Had you recently received a decent chunk of cash as part of your father's estate?
A Well, I--I sold a duplex, for one thing.
Q When was that?
A I cannot tell you the year right now, it...roughly, 8 years ago.
Q Okay.
A And then there was also a life insurance policy of my fathers'.
Q Okay. Let's talk about the life insurance policy. When... When did your father pass away?
A Just about 8 years ago.
Q Okay. How much money did you receive as part of that life insurance policy?
A That was $30,000.
Q And where did that money go; what did you do with it?
A I put it in the safe in the--
Q Was it all in hundred-dollar bills?
A Yes, it was.
Q And you mentioned this duplex, and I don't remember if you told us, about how long ago did you sell this duplex?
A Roughly, about 8 years ago.

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Q Okay. Do you remember how much money you made on that sale?
A It was close to, $80,000.
Q Okay
A Eighty to $85,000.
Q Where did that money go, what'd you do with it?
A We were using some of it to go on trips.
Q You and Judy?
A Me and Judy.
Q Okay. Did any of it make its way into your safe?
A All of it made it into the safe in the beginning.
Q Okay. And then you'd take stuff out as you and Judy were using it?
A And then used it.
Q To cash out, excuse me. Okay.
A Part of that money, the life insurance policy, was going to give help to my brothers; I was to distribute it out between the three of us boys.
Q Alright. So it wasn't just money for you, it was for your siblings as well?
A The $30,000, yes.
Q So, how was this money kept in this smaller safe, how was it organized?
A I'm not quite sure how to answer that.
Q Okay. Was it all just sitting there loose in the safe or did you have it divided, or what?

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A Okay, it was... Of the currency, it was all in the little safe, and it was just banded in hundred-dollar bills, a thousand per band.
Q Okay. How was it banded; what--what did the band look like?
A It's a--just a yellow bank-used money strap.
Q Strap?
A I guess that's what you'd call it; a piece of paper that sticks together--
Q So it wasn't--
A --kind of.
Q --rubber it was a paper strap?
A Paper strap.
Q And you said it was yellow?
A (no verbal response)
Q Is that yes?
A Yes.
Q Okay. What kind of locking mechanisms did your safes have?
A It have two different methods. It does have a key entry to it, and it does have a combination to it also.
Q Okay. Which method did you use to lock and unlock the safes?
A Almost all the time I used the combination.
Q Why?
A It was easier than carrying a key.
Q When you bought the safes, were they brand new or were they used?

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(At 4:45 p.m., bench conference concluded)

THE COURT: Next witness, Mr. Schuitema.

MR. SCHUITEMA: The People call Deputy Tyler Midyett.

THE COURT: Come right up to the stand and raise your right hand so you can be sworn.

THE CLERK: Do you solemnly swear or affirm that the testimony you give in this cause shall be the truth, the whole truth and nothing but the truth, so help you god?

MR. MIDYETT: I do.

THE COURT: Take a seat right there.

THE WITNESS: Thank you, your Honor.

THE COURT: Once you're seated, please remove your mask while you're testifying, put it back on as soon as you're done--

THE WITNESS: Yes, your Honor.

THE COURT: --so that we can hear you clearly and see you. Go ahead.

TYLER MIDYETT

called by the People at 4:45 p.m., sworn by the clerk, testified:

DIRECT EXAMINATION

BY MR. SCHUITEMA:

Q Deputy Midyett, can you please introduce yourself to the jury, tell them your name and can you also spell your last name for the record?

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A Yes. I'm Deputy Midyett with the Emmet County Sheriff's Department. My first name's Tyler. My last name's Midyett. M-I-D-Y-E-T-T.

Q Deputy Midyett, you mentioned you're with the sheriff's department?

A Yes, sir.

Q How long have you been with them?

A Coming up on two years.

Q And how long have you been a law enforcement officer, in total?

A That would be approximately seven.

Q And the first five years, where was that?

A I was in the United States Air Force.

Q As a military police officer?

A Yes, sir.

Q I'm gonna draw your attention to November29 of 2019, were you working that day?

A I was.

Q Were you sent to a residence belonging to Don Billings in Alanson for a report of a theft from a safe?

A Yes, sir.

Q Who did you meet when you got to the house?

A I met Mr. Billings and there was also a locksmith that was leaving as soon as I got there.

Q Okay. So the locksmith was still there when you arrived?

A Yes, sir.

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STATE OF MICHIGAN

IN THE EMMET COUNTY TRIAL COURT

THE PEOPLE OF THE STATE OF MICHIGAN,

V Case No. 20-005054-FC

MICHAEL GEORGIE CARSON,

Defendant.
/

JURY TRIAL - VOLUME II OF III

BEFORE THE HONORABLE CHARLES W. JOHNSON, TRIAL JUDGE

Petoskey, Michigan - Tuesday, October 20, 2020

APPEARANCES:

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called by the People at 8:35 a.m., sworn by the clerk, testified:

DIRECT EXAMINATION

BY MR. SCHUITEMA:

Q Good morning, Miss Swadling.

A Good morning.

Q Please introduce yourself to the jury, tell them your name, and can you spell your first and your last name for the--

A My name is--

Q --record?

A --Carrie Swadling, C-A-R-R-I-E S-W-A-D-L-I-N-G.

Q Are you married to a man named Lloyd Swadling?

A I am.

Q What do you do for a living?

A I have a licensed daycare.

Q Where do you run that daycare?

A In Alanson, Michigan.

Q Do you know a woman by the name of Brandy DeGroff?

A Yes.

Q What's Brandy's relation to Mike Carson?

A They were boyfriend/girlfriend, now married I believe.

Q Okay. Was Brandy an employee of yours at the daycare?

A Yes.

Q Does she still work there?

A No.

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Q In total, about how long did she work for you?
A Six, maybe seven months.
Q Was she a fulltime employee or a parttime employee?
A Fulltime.
Q How much money did she make?
A Two hundred and forty-five dollars a week.
Q Was that two hundred and forty-five dollars no matter how much or how little she worked?
A Yes.
Q I wanna direct your attention to the summer of 2019; was Brandy working for you then?
A Yes.
Q Also that summer, was Brandy working for you then?
A Yes.
Q Also that summer, were you aware of a, online fundraiser going on?
A Yes.
Q What was the fundraiser for?
A A helper-dog for a child.
Q Okay.
A Seizure dog, I believe it was.
Q Was there--there a particular website this fundraiser was using to--to raise money?
A Go-Fund-Me, I believe.
Q Okay. Did Brandy DeGroff ever talk to you about donating to

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that fundraiser?
A Yes.
Q What did she tell you?
A Just that she wanted to contribute to helping a little girl get the dog but that she didn't want to do so, publicly, she wanted it kept quiet.
Q So how is she gonna do that? How is she gonna donate and yet keep it quiet?
A She did that through me. She gave me the money and I contacted the person and they met with me and I gave them the money.
Q How much money did Brandy give you?
A In total, sixteen hundred dollars.
Q Now you said, "in total". So does that mean, there was more than one occasion where she gave you money?
A There were two.
Q The first occasion how much money did she give you?
A A thousand dollars.
Q Do you know what denominations that money was in?
A Hundred-dollar bills.
Q All of it?
A All of it.
Q The second occasion, then, how much money did she give you?
A Six hundred.
Q And that one, do you remember the denominations?
A I do not.

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Q Okay. Where did this happen? Where did she give you the money? Where were you?

A In my backyard with-- The kids were outside playing.

Q Okay.

A At daycare.

Q Did Brandy mention anything about Mike Carson, about his knowledge of this donation?

A She did not want him to know because evidently the money had been won at the casino and, from the way I understood it, he had doled out money for her to play with but, any proceeds were supposed to come back to him and she did not give it all to him, she kept some.

Q So did she tell you not to tell Mike about this donation?

A Yes.

Q I know this was a while ago but, at the time this happened, do you know whether or not Mike was working?

A I don't believe that he was, but I can't be a hundred percent sure.

Q Okay.

MR. SCHUITEMA: One moment, judge. No further questions.

THE COURT: Mr. Beach, cross examination?

You're not--

THE WITNESS: Oh.

THE COURT: --done yet. Go ahead.

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seated, please remove your mask so we can see and hear you. Thank you.

DAVE FIRMAN

called by the People at 8:46 a.m., sworn by the clerk, testified:

DIRECT EXAMINATION

BY MR. SCHUITEMA:

Q Good morning, Mr. Firman.

A Good morning.

Q Please tell the jury your name and can you spell your last name for the record?

A Dave Firman, F-I-R-M-A-N.

Q Mr. Firman, what do you do for a living?

A I own Firman Irrigation and Firman Tree Service.

Q What kind of work does your company do?

A Irrigation systems; landscape lighting, tree trimming and removal, stump grinding.

Q How long have you owned that company?

A Since 2006.

Q Okay. In the summer of 2019, did a man named Michael Carson work for you?

A Yes.

Q Is this Mike Carson seated at the table with the black coat and the black face covering?

A Looks like him under that mask. Yep.

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A He said it was enough that he wouldn't have to work for quite a while, so, he was pretty much set; he was gonna get an investment guy to help him know what to do with the money and stuff like that.

Q Okay. Was he... I mean, was this a joke or was he serious about this?

A He was serious.

Q Did Mr. Carson ever mention anything about an injury when he quit?

A I don't remember anything about an injury.

Q Were there ever any workmen's comp claims filed--

A No.

Q --on behalf of Mike with your company?

A I don't believe so.

Q Ever any incident reports of injuries on the job?

A Nothing major.

Q After Mr. Carson quit, did he ever contact you later about getting hired back?

A We had talked a little bit. Yeah, he had mentioned it kind of in passing and I kind of just let it go.

Q So, did you ever hire him back after--

A No.

Q --he quit? Do you remember when, in relation to when he quit, when this conversation was where he mentioned in passing about being hired back?

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A I wanna say it was--

THE COURT: Excuse me. Are you folks able to hear him? He's kind of soft-spoken.

UNIDENTIFIED PERSON: If he could speak up just a little bit.

THE COURT: Alright. Speak a little more loudly if you would please.

THE WITNESS: I wanna say it was about two months after.

MR. SCHUITEMA: Nothing further, judge.

THE COURT: Cross examination.

MR. BEACH: Thank you, judge.

CROSS EXAMINATION

BY MR. BEACH:

Q Hi, Mr. Firman.

A Good morning.

Q How are you today?

A Good. Thanks.

Q You never paid Mr. Carson in cash, true?

A I never paid him in cash, no.

Q Did you... How do you--you arrive at the figure that you had; was it based solely on his receipts?

A Yeah. That's our Quick Books program that adds up everything.

Q So, if Mr. Carson shows that he was paid $13,000 by your company, can you explain how that would happen?

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A I don't know. I'd have to look into that.
Q Okay. And, if I looked at all of these - I mean, I'm not gonna run through them now - wouldn't there be like, one for each week he worked?
A Bi-weekly. Every--
Q Bi--
A --other week.
Q But at--for one each period that he worked, right?
A Correct.
Q So are you still sure that's the amount you paid him?
A Yeah. I would have to... So it shows year-to-date amount. I don't do all the payroll and stuff. I have a bookkeeper that does that--
Q Okay.
A --for me.
Q Because the year-to-date amount on that one says $11,000, correct?
A I think... Is that one gross and the other one's net is what we're seeing here?
Q Is it?
A Yes.
Q Okay.
A That's the difference.
Q Alright. So you've got $11,000 gross on that one, and you've got $12,000 gross on that one. Do you know anything about what

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kind of tax returns Mr. Carson gets?

A No, I wouldn't know that offhand.

Q So the gross amount you paid him would be, roughly, $13,000, correct?

A Sure. Yes. Well, twelve... Yeah, $12,027, right?

Q Right. Is your business an agricultural business?

A Not... It can be kind of considered--the tree service could be considered agricultural.

Q Alright. And he works in the tree service division?

A He worked in both sections.

Q Okay. Can you make a worker's comp claim in Michigan on agricultural work?

A Yeah.

Q Okay. Do you know what Mr. Carson did for a living after he left your place?

A I believe he worked for his brother doing construction.

Q Alright. So he went from your work to construction work?

A That's the way I understood it.

Q Okay. And he didn't say he was disabled from your job when he left and went to work for his brother, correct?

A No, he didn't.

Q You didn't get the idea that he was somehow disabled?

A No.

Q And when he asked to hire you (sic) back, did you still have work that time of year in the winter?

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A Well, it was getting to be in the fall, so, it would've been winding down some.

Q Okay. Did you have an opportunity to witness Mr. Carson spending money or, things like that?

A No.

Q Okay. So you never saw what he took out of his wallet or had in his pocket?

A (no verbal response)

Q And you'll have to remem--remind me, when did he start working there?

A April 2nd.

Q And that would be 2019?

A Correct.

Q And when was his last day there?

A August 2nd.

Q Of 2019?

A Correct.

Q Did you know anything about Mike Carson's buying and selling of items before he left your employment? I mean, did you know that he bought and sold items to make money?

A I didn't really know anything about it until I heard about the--he told me about finding all the money and valuables in the locker; but, besides that, I--I didn't know anything about it.

Q Okay. Did he go any further than just say he found it in a locker?

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A No.
Q Okay. And when did that conversation happen, before August?
A Yes. Before he quit. So it would've been before August 2nd. So probably in July.
Q Okay.
MR. BEACH: May I take a minute, judge?
THE COURT: Yes.
BY MR. BEACH:
Q About the time that Mr. Carson quit, didn't he tell you about some of the employees who were stealing from the company and other things?
A He did suggest that that was a possibility.
Q Okay. And as a result of that, you actually fired some employees, correct?
A We did.
Q And, wasn't that the reason that he quit, that's the reason that he had to leave your employment for a period of time?
A That was... That was part of the reason.
Q Okay. And why would he have to leave if he told some--about some employees stealing things?
A He wouldn't have to leave because of other people stealing things.
Q Okay. But it made him uncomfortable working there with these thefts going on, correct?
A Yeah, that was never--it was never proven that anybody stole

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THE COURT: Alright.

MR. BEACH: I'm done. Thank you--

THE COURT: Thank you.

MR. BEACH: --judge.

THE COURT: You may put your mask on please and then step down.

(At 9:07 a.m., witness excused)

THE COURT: Mr. Schuitema, please call your next witness.

MR. SCHUITEMA: People call Mark Weiss.

THE COURT: Come right up here to the witness stand, please. Before you sit down, I'll ask you to raise your right, she'll swear you in.

THE CLERK: Do you solemnly swear or affirm that the testimony you give in this cause shall be the truth, the whole truth and nothing but the truth, so help you god?

MR. WEISS: I do.

THE COURT: Now please take a seat and once you're seated, please remove your mask so we can see and hear you. Thank you.

MARK WEISS

called by the People at 9:07 a.m., sworn by the clerk, testified:

DIRECT EXAMINATION

BY MR. SCHUITEMA:

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Q Mr. Weiss, please, tell the jury your name, and can you spell your last name for the record?

A Sure. Mark Weiss, W-E-I-S-S.

Q Mr. Weiss, where do you live?

A I live at... Well, I have two homes. But I live--my main home now is in Petoskey; 8373 Channel Road.

Q As an investment property, do you own a home located at 6535 Honeysette Road in Alanson, Michigan?

A I do.

Q And does that serve as a rental property for you?

A Correct.

Q Who currently rents that home from you?

A Michael Carson and his significant other.

Q And is this Mike Carson in the black coat and the black face covering?

A It is.

Q How long has Mike rented the house from you?

A Approximately two years.

Q And do you know if he lives with someone there, a girlfriend or a wife?

A He has a significant other--

Q Okay.

A --yeah.

Q What's her name?

A Brandy.

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Q How much is rent for that home?
A $1,200 a month.
Q How does Mike make a payment to you?
A Usually on the first of the month and he plays--pays in cash in an envelope.
Q Okay. Is it always cash?
A Pretty much.
Q Is there a particular denomination of cash that Mike typically pays in?
A Usually large bills.
Q Okay. Would that include hundred-dollar bills?
A Correct. Hundreds and fifties, sometimes a few twenties, but.
Q Do you own more than just one rental property?
A I do.
Q Have you talked to, not just Mike, but all your renters about the idea of direct deposits?
A I have.
Q And did you specifically talk to Mike about that as well?
A Early on I did.
Q Okay. Did Mike take you up on the offer for direct deposits?
A He... He didn't... My bank didn't coincide to his, so. I think he was at a credit union, if I remember right, and I was at Huntington Bank, and it was...
Q Didn't work.
A Didn't work out.

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Q Okay.
A I have other ones that don't work out either, so, yeah.
Q Sure. Has Mr. Carson, pretty much, always paid his rent on time?
A Yeah. Except for when Covid initially hit, yes. He was... He's a good renter.
Q Okay. And Covid was earlier this year, so, up to that point he'd paid on time?
A Yeah. And then he caught up a... You know, he was late a lit-- a, couple months and he caught up and he's been fine.
Q Alright. So as of today he's all caught up?
A That's correct.
Q Okay.

MR. SCHUITEMA: Nothing further, judge.

THE COURT: Cross examination, Mr. Beach?

MR. BEACH: Thank you, judge.

CROSS EXAMINATION

BY MR. BEACH:

Q Morning, doctor, how are you?
A Good.
Q You-- You said that he's been living there for about two years, is that correct?
A That's correct.
Q Okay. When was the first month he rented from you?
A I-- I don't have that date in front of me. I mean--

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Q Okay.
A --it was--I think it was October about two years ago.
Q So it'd be 2018?
A That is correct.
Q And he's always paid--or, most always paid in cash?
A That's correct. Initially, the first couple times he tried to deposit the money in our account. I gave our account... There... I have a partner. We own these homes together. And he tried to deposit it but it was an inconvenience for him because he was working and he couldn't get there in time, and so, we just let him pay cash in an--
Q Okay.
A --envelope in--in our drop box.
Q Okay. And he always paid in large bills and he always paid you cash?
A Correct.
Q And it included hundreds?
A There were some hundreds, yes. Yeah. Yeah, most... Yeah. Hundreds and fifties, yeah.
Q And that would've started, at some point, in 2018, also, correct?
A Correct.
Q Thank--
A And we--
Q --you.

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MR. SCHUITEMA: I'll take it.

MISS FORMAN: Just out in the hallway?

THE CLERK: I have one over here.

THE COURT: Over here.

MISS FORMAN: Okay.

MR. SCHUITEMA: Thank you.

THE COURT: Next witness, Mr. Schuitema.

MR. SCHUITEMA: People call Detective Matt Leirstein.

THE CLERK: Do you solemnly swear or affirm the testimony you give in this cause shall be the truth, the whole truth and nothing but the truth, so help you God?

MR. LEIRSTEIN: I will.

THE COURT: Take a seat, remove your mask when you've done that.

MATT LEIRSTEIN

called by the People at 2:22 p.m., sworn by the clerk, testified:

DIRECT EXAMINATION

BY MR. SCHUITEMA:

Q Detective Leirstein, the jury's seen you a lot; introduce yourself formally - tell them your name and spell your last name for the record please.

A Well, my name's Matt Leirstein. It's spelled, L-E-I-R-S-T-E-I-N.

Q What do you do?

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A I am a Detective Sergeant with the Emmet County Sheriff's Office.
Q How long have you been a law enforcement officer?
A Fourteen years.
Q How long have you been a detective?
A Four years; two years as an undercover or narcotics officer, and the last two, serving as our supervisor for our detective bureau at the Emmet County Sheriff's Office.
Q Deputy Midyett testified, I think, yesterday during this trial, took the initial complaint, after that was the case assigned to you for follow-up investigation?
A That is correct, it was assigned to me.
Q As part of your investigation did you speak with Mr. Billings?
A I did.
Q Did you also speak with Alan Olsen?
A I did.
Q Now, Mr. Olsen has testified that he saw Mr. Carson with some bundles of money with some yellow paper bands around them. Do you recall his testimony?
A I do.
Q When you interviewed him, did he tell you the same thing as well?
A He did. He indicated they were wrapped in yell--the bundles of money were wrapped in the bands.
Q Did you tell Mr. Olsen before the interview anything about

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bundles of money wrapped in yellow bands?

A I did not.

Q Did you know the money was wrapped in yellow bands before that?

A I did not.

Q Did you obtain search warrants for various records in this case?

A I did.

Q Did you also obtain these manuals and combination numbers from Mr. Billings?

A I did.

Q When Mr. Billings told you about the possibility of having these combinations written somewhere in the house, what did you tell him about gathering them and getting them to you?

A I asked Mr. Billings if he would look for them and then if he found them to not touch them and to contact me, we would come get them from him.

Q Is that how it played out?

A That is not how it played out.

Q What actually happened?

A Mr. Billings showed up to our office holding the items in his hands.

Q In his bare hands?

A In his bare hands, yes.

Q But, nonetheless, did--you end up--you ended up sending these to MSP for--Michigan State Police, for Miss Forman to analyze?

A I did.

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Q Now, Deputy Midyett also testified that he obtained the cellphone for Mr. Carson; did you end up taking possession of that cellphone?

A I did.

Q Did you prepare a search warrant to analyze the contents of that cellphone?

A I did.

Q And how--how is that happen, how are the contents of a cellphone extracted or analyzed?

A Typically what we do is, we send the phones or electronics, any type of electronics, to the commuter--computer crime unit down in Traverse City. They usually do our forensic analysis for us. And what they'll do is, they'll mark certain items for us for review.

Q And did you do that and get the resulting report?

A I did.

MR. SCHUITEMA: People would move to admit People's Exhibit 9. One moment.

THE COURT: Response, Mr. Beach?

MR. BEACH: There's already a court order in the file, finding those admissible, so, I have no comment on it.

MR. SCHUITEMA: And for the record, it's--People's Exhibit 9 is 10 pages long of text messages, the last page is a contacts sheet.

MR. BEACH: You ruled prior to trial that those were--

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THE COURT: Mr. Beach--

MR. BEACH: --admitted.

THE COURT: --I remember my ruling it wasn't for the admissibility of this evidence it was in response to a motion you made--

MR. BEACH: Right.

THE COURT: But in--

MR. BEACH: So--

THE COURT: --any event, you're not--do you have any grounds for objection to this exhibit?

MR. BEACH: No.

THE COURT: Okay. Received.

(At 2:26 p.m., PX 9 received)

MR. SCHUITEMA: Thank you.

BY MR. SCHUITEMA:

Q When you got the report had the analysist isolated a certain text message conversation?

A I believe so, yes.

MR. SCHUITEMA: For the record I'm showing People's Exhibit 9 on the screen.

BY MR. SCHUITEMA:

Q This may be hard for the jury to see but, can you tell the jury what we're looking at here? It looks like there's boxes of two different colors involved in this conversation.

A Correct. The conversation is taking place between Mr. Carson

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and Brandy DeGroff. Mr. Carson has listed Brandy as--as a contact in his phone as "My love". In this conversation, the blue and the green being the conversation between the two of them.

Q So, the messages that Mr. Carson is sending are on the--on the right here?

A Correct.

Q And these are...it may be hard for some people to see but these are actually colored green.

A Correct.

MR. BEACH: Is that true?

BY MR. SCHUITEMA:

Q And the text messages that Miss DeGroff is sending are blue on the left?

A Correct.

Q And you mentioned that Brandy--the contact name for Brandy is, "My love"?

A Correct.

Q Did you get this - And I'm gonna show you page 10 of this exhibit; did you get that from the contact sheet on page 10 here?

A That is correct. The number that-- I don't know if the--the jury can see it, but the mo--the noble--mobile number that's highlighted there over that phone 231 881-6388, that number was provided to me by Brandy during the course of this investigation

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where I could contract--contact her at. So I knew that number to be belonging to her.

Q When... Is there a date stamped for when these text messages were sent?

A Yes. Up here on the left-hand side, again it may be difficult for the jury, but it's August 5th, 2019 at about 3:26 p.m. is when the first recorded message came in.

Q Okay. And, you're to go to page 9 of 10. So the last date for the records we have... What date are we looking at here; the last--

A The last date here would be November 27th, 2019 at 9:11 a.m.

Q Okay. Then, because it might be hard for the jury to see, I'm gonna have you read off a few of the texts from these pages. But, before I do that, the--the dates for the text messages sent on page 1, what dates are those through?

A August 5th, 2019 and, it looks like the last one ends at 4:23 p.m.

Q So, beginning August 5th, 2019 at 3:26 p.m., ending August 5th, 2019 at 4:23 p.m.?

A Correct.

Q That's page 1?

A Yes, sir.

Q Alright. Page 2 beginning when?

A Same date, August 5th, 2019 and it picks up at 4:24 p.m.

Q And the last text on that page?

A Same date, August 5th, 2019 at 4:29 p.m.
Q First text on page number 3?
A Same date of August 5th, 2019. I think that might be the same page.
Q Okay.
A There you go.
Q Then the end of page 3?
A August 6, 2019 at 9:17 a.m.
Q Alright. So the first three pages are about a day's...maybe a little days...a day-plus worth of text messages. Is that right?
A Correct. Yes.
Q Once you... I'd like you to read this text message to the jury that I've highlighted. And t--before you do that, I'm sorry, can you tell us who's sending this text message?
A This looks like it is from Mike Carson.
Q Okay. What does it say?
A "Don and Judy were investors in the stock market, complete records for hundreds of thousands of dollars."
Q And what is Brandy's response on the left?
A "Wow that's crazy. Have you found any records of what's in the space yet?"
Q And what--what's Mr. Carson's response to that?
A Mike's response is, "In the, what, yet"?
Q And what does Brandy say?
A "Lol, laugh out loud, safe", meaning, safe.

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Q What is Mike's response to that text, the one I've highlighted?
A "No. I'm guessing it's all on the computer."
Q How does Brandy respond?
A "I'm turning it on when I go--when I get to go up there again."
Q And then what's Mike's response?
A "I just did. It says... Home screen says, 'Welcome Don'".
Q Brandy's response?
A "Does it ask for security?"
Q What does Mike say to that?
A "No. Opens right up. There isn't anything on it that I can see. You look later. This is more your field."
Q The next text message that Mike sends to Brandy - I'm gonna highlight it - what does that say?
A "We need to go through those pennies. If there's a 1943 copper penny in there, it's worth millions, these people said. Also, the 1943s pennies can go for twenty thousand dollars each--or, $20,000 each." It doesn't say dollars.
Q What does Brandy say?
A "Holly Molly! That's a lot... That's the most of money."
Q Alright. Mike's response?
A "I'm thinking that these guys cashed out stocks, and whatnot, and converted to cash and gold and silver in the safes."
Q And the next few text messages are just about their phones?
A Yes.
Q What's this text message Mike sends to Brandy at about 4:29 p.m.

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on August 5 - I'll highlight it a moment - this one right here?

A "These are the keys that you're thinking are safe keys, I think that these are lockbox keys from a bank."

Q And what's Brandy's response?

A "Might be."

Q As part of your investigation, did you have-- I'm gonna switch just for a minute from these text messages to something else. As part of your investigation, did you have a deputy who--who works for you, Deputy Garst, obtain records from Reusch Jewelers in town?

A Yes, I did.

Q What did you have her obtain for you?

A She retained a receipt for purchase of a 10-carat wedding ring that Mr. Carson had purchased.

MR. SCHUITEMA: I'm gonna move to admit People's Exhibit number 10 into evidence, the receipt from Reusch Jewelers.

MR. BEACH: Okay. No objection.

THE COURT: Exhibit 10 is received.

(At 2:34 p.m., PX 10 received)

BY MR. SCHUITEMA:

Q I'm gonna put this up on the screen for you, Detective Leirstein. Is this the re--the receipt you obtained?

A That is correct.

Q Up in here, who does it indicate the receipt is for?

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A Mike Carson.
Q And the date of the receipt?
A August 6th, 2019.
Q What's the - I guess as much as you can tell, the description of the item that was purchased?
A Looks like, "Lady's 10 carat yellow gold ring, with round MJ Diamond .17Ct, GI1 with halo of Malay Diamond and Diamond Pave set-down shoulders, .49 carat, ETW, I'm not sure what that means.
Q Okay. Under here, under payments, what payment is described here?
A A cash payment of $1,490.
Q And the date of that payment?
A That would be August 6th, 2019.
Q We focus in on another text message. This one... I guess we're on page 4 now. On the top of page 4, what dates did the text messages begin at?
A This is August 13th, 2019 at 12:07 p.m.
Q What tes... Text message on the right is from Mike, is that--
A From--
Q --right?
A --Mike. Correct.
Q And what does he say to Brandy?
A "I'm totally confused. Does he not know there's a million dollars in those safes?"

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Q And how does Brandy respond?
A "I really don't think he does. I think he opened it up, three that money in there and closed it." I think she meant to put "threw that money in there and closed it".
Q Alright, now I'm gonna go to page 5. Do you recall the testimony of Mr. Billings that he had confronted the defendant about coins missing from the bedroom of his house?
A Yes, I do.
Q Alright. When are the text messages on page 5 here, what's the dates?
A This is going to be September...maybe it looks like, 14th, 2019 at 7:08. No, I take that back. It's gonna be September 15th, 2019 at 4 p.m.
Q So... Okay. What... The text message I'm highlighting, this is from Mike to Brandy, is that right?
A Correct.
Q And what does it say?
A "It amazes me that he's worried about a few rolls of coins and never went into the safes."
Q And what does his next text say?
A "Should we be worried now?"
Q The next text messages are unrelated?
A Correct.
Q Go to page 6. This highlighted text from Mike to Brandy, when was that sent?

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A It looks like, September 15th, 2019 at 10:12 p.m.
Q Okay. And what does Mike say to Brandy in this text that I'm highlighting?
A "He must've tried to get into the safe and couldn't and then thought there was a ton of money in that chest."
Q I'm gonna pivot again away from these text messages onto another part of your investigation.
A Yes, sir.
Q Did you also obtain a search warrant for financial records for Mike Carson and Brandy DeGroff?
A I did.
Q Was that from St. Francis Credit Union?
A Yes.
Q And is this an account held by one of them or both of them together, jointly?
A It is a joint account.

MR. SCHUITEMA: People would move to admit People's Exhibit number 11 into evidence. These are financial records from St. Francis Credit Union.

MR. BEACH: May I examine them just for a minute to make sure? Thank you.

THE COURT: Response, Mr. Beach?

MR. BEACH: No objection to those, judge.

THE COURT: Eleven is received.

(At 2:40 p.m., PX 11 received)

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MR. BEACH: You know, the record should reflect that I received those well in advance, judge.

THE COURT: Thank you.

BY MR. SCHUITEMA:

Q Was there a spreadsheet summary created of the monthly financial situation of Mike and Brandy Carson based on these financial records?

A Yes, there was.

Q And does--do these financial records cover from October of 2018 through November 2019?

A They do.

Q And does summary include... Let me back up. The financial records you obtained, are these monthly statements of the activity within a bank account

A They are.

Q And does it include ending balances for each month?

A Yes, they do.

MR. SCHUITEMA: People would move to admit People's Exhibit number 12. It's a summary of the financial information in People's Exhibit number 11.

MR. BEACH: May I voir dire this witness, judge?

THE COURT: You may.

VOIR DIRE EXAMINATION

BY MR. BEACH:

Q This summary was prepared by you?

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A Negative, sir. That was prepared by Mr. Schuitema and it was reviewed by me for accuracy.
Q And so you're agreeing that this is accurate?
A Yes, sir.
Q How did you review it by--for accuracy, did you compare it to the record?
A Yes, sir, I did.

MR. BEACH: No objection.

THE COURT: Exhibit 11 (sic) is received.

(At 2:41 p.m., PX 11 (sic) received)

MR. SCHUITEMA: That's 12, judge.

THE COURT: I'm sorry; 12, right.

(At 2:41 p.m., PX 12 received)

DIRECT EXAMINATION CONT.

BY MR. SCHUITEMA:

Q I show you People's 12 behind you, Detective Leirstein. So, going through Mike Carson and Brandy DeGroff's monthly bank statements, this describes the ending balance for each month between October of 2018 and November of 2019?
A That is correct, yes.
Q And also the total monetary amount of deposits for each month during that timeframe as well?
A That is correct. Yes.
Q At the end of July 2019, how much was in Mike and Brandy's bank account?

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A Two hundred and eighty-three dollars and thirteen cents.
Q Which month saw the largest amount of deposits?
A That would be September of 2019.
Q And how much was deposited in that month?
A That deposit was ninety-three hundred dollars.
Q Is that about four thousand more than any other month during that year?
A Just about, yes.
Q Gonna go back to People's Exhibit number 9, now page 7. I want you to read for the jury the text message Mike sends Brandy on October 29 at about 4:15 p.m. I'll highlight it for you. What did he say to her?
A "Yeah, right. It's all you've done is use me and cheat on me."
Q I'm gonna highlight Brandy's response but can you read it in case anyone can't see it?
A "Right.. Um, use you for what? 'Cause I haven't made any money or help you steal sixty thousand dollars? And cheat? When? Tell me when I had the opportunity to fucking cheat? You are the one who didn't work most of the summer and hasn't held a single job."
Q For the record I'm going to page 8. Like you to read the text message the defendant sent Brandy on November 24 at 10:51 a.m. Then I'll zoom in a little bit and highlight it. What does Mike Carson say to Brandy DeGroff in this text message?
A "I just need to go. I can't keep doing this to you and the

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kids. I never get sleep and I'm always full of anger and everyone at home is in line of fire and it's not fair to all of you. It's just best I, not, be there until I get some sort of help to calm me and help me sleep. It doesn't help that I'm overly stressed over our finances. We were fucking stupid with tons of money this year. I wish now that I had a way to go rob those entire safes. Tomorrow I'm taking all that other money to the bank and just deposit it in--in there. Fuck chasing shit around. I'm trying to sell shit and bring money in but it's not working. I'm a mixed ball of everything and I'm going fucking crazy."

Q Do you recall Mr. Billings' testimony that there were some coins and other valuables left inside the safes after the robbery?

A Yes.

Q Mr. Carson mentions in his text message taking money to the bank and depositing it. Was there a... I'll bring up People's Exhibit 12 again. Was there ever a large deposit in Novem-- November of 2019?

A I wouldn't call it large. It was seven hundred and twenty-five dollars.

Q Was that, in fact, the least amount of money deposited in the-- in the prior year?

A That is correct.

Q Have both Mike and Brandy been charged with a theft from Mr. Billings' safe?

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Brandy--

A Correct.

Q --DeGroff? Alright. You don't know to which account?

A Could be the one... Off the top of my head, it could be the one that she shares with Mike or it could be the one that she has with her daughter.

Q Okay. One of--

A yeah

Q --those is in 4Front, correct?

A No, I don't think so. I think they were both St. Francis. I don't... I don't recall doing a 4Front--

Q Okay.

A --search warrant.

Q Alright. Did you look at the other account at St. Francis?

A It's... I did. I have the results for that. That is Miss DeGroff's daughter's account. I believe she was the adult signature on it when it was opened.

Q So that's true, that Carson had three to five stacks, according to Olsen in his hands?

A Correct.

Q Alright. And Olsen testified that Mr. Carson spent approximately four thousand dollars at the casino?

A Correct.

Q And that's all the money that Olsen knew about at the casino, was four thousand dollars, correct?

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A Correct.
Q When you used the search warrant to obtain records, did you get two records from the casino concerning Mr. Olsen?
A Yes. I believe... I believe you requested, one?
Q Correct.
A Yes. Yep. So I did.
Q Okay. And you furnished that straight from the casino?
A Correct.
Q Did you examine it carefully before you sent it to me?
A I did Mr. Olsen's history; yes.
Q Okay. And did that history include two hundred and twenty-nine thousand dollars-worth of gambling?
A Again, that's money in. I don't know we... I don't know that we can--I can--

MR. SCHUITEMA: Your Honor, I'm--

THE WITNESS: --testify to--

MR. SCHUITEMA: --gonna--I'm gonna object without further foundation. I'm not sure what timeframe he's talking about here.

THE COURT: Sustained.

BY MR. BEACH:
Q Okay, what timeframe did you attain the second account or withdrawals?
A I believe it was Mr. Olsen's entire history for that--
Q Okay.

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A --players club card.
Q Alright. Was there history on it for 2019?
A I... The one that I obtained, yes, there was.
Q Okay. The one that you attained secondarily was there a history on it?
A For you, yes. It was a complete history. It didn't... As far as I could tell, it didn't break it down by year, it was just for as long as he's had that card.
Q Okay. And you knew that Mister... Did you know how much money Mr. Olsen was making?
A Yes. He had indicated, through his social security, I--I believe he said around nine hundred dollars, and I think he testified that today.
Q Alright. And, were you surprised to find out that he had actually gone through two hundred and twenty-nine thousand dollars?
A I don't believe he went through that amount of money, sir.
Q Okay.
A Again, I--I think Mr. Shananaquet, for me anyway, made it as clear as mud what that means. I... I... Clearly, Mr. Olsen didn't put two hundred and twenty-nine thousand dollars in the machine--
Q But he had--
A --of his own--
Q --co--

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A --mon--but--
Q He had a coin--
A --how much--
Q --in total--
A --how much--

MR. SCHUITEMA: Judge--

THE WITNESS: --that was--

MR. SCHUITEMA: --objection, your Honor.

THE WITNESS: --I don't know.

MR. SCHUITEMA: Mr. Beach keeps referring to this total of two hundred and some thousand dollars. That's not a fact in evidence.

THE COURT: Well, the witness has testified that the number was there so, overruled. The interpretation of it is what we're--

MR. BEACH: Right.

THE COURT: --dealing with here.

MR. BEACH: That's what we're talking about.

THE COURT: Alright. So, do you have a question for the witness at this point?

BY MR. BEACH:

Q It was the coin-in figure and what it means nobody knows because Mr. Shananaquet never tried to explain what it meant.
A Well, I think he did explain it. I just... I'm not a...an accountant or a financial guru--

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Q Okay.
A --as he seems to be but, I think it's pretty evident that that was not the amount of money that was put into the machine. It was...seems like it's a running total, is the way I understand it. So, the way he put it out is, if you put a hundred dollars in the machine, you cash out ninety and you take that ninety dollars to the next machine, now you've put a hundred-and-ninety dollars in. That's the way I understand it. It's a--
Q Okay.
A It's a rolling figure. So, while that number that you keep referencing may appear rather large, and it is, I don't think that that's a true accurate representation for his entire history. That's... I guess that's the best way I can explain it to you, sir.
Q And you swore that the execution of the search warrant would show evidence of criminal activity?
A Correct.
Q Was the videotape a silent, nonverbal videotape made of the search?
A I know that our uniformed officers are required when there's citizen contact to have their bodycams activated, yes.
Q Okay. And, in this case, bodycam was activated and as part of your investigation--
A I know that I uploaded, I believe, bodycam footage from Deputy Midyett and Deputy Wallen.

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A No, this is not my handwriting.
Q Oh, it isn't? It looks--
A No, sir.
Q --like it.
A This is Detective Crowe.
Q Okay. So, did you look at this list?
A Yes.
Q Can you tell me what--what that means?
A Which part do you want--
Q Start with--
A --clarifica--
Q --the top line.
A Alright. So Officer Leirstein, that's me, I was in charge of the search warrant. I was the one that was gonna be ultimately seizing all the property that we found to include with this investigation. So that's why my name is up there. As far as the page, it was one of however many. The location of the first item was found was in the basement, far wall, it was found by Deputy Wallen, and again, it was seized by me, it was a wooden wall clock. I know that...that was one of the items that Mr. Billings had described as--as possibly being his.
Q And Exhibit 2?
A Basement--
Q Where was that found?
A Basement furnace room.

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Q The--
A Basement furnace room. This item was an Eagle knife, and it was found by Deputy Garst, again seized by me. Mr. Billings had talked about having some knives that were missing. We were not sure if this was one of his and therefore it was--it was seized.
Q Two cast iron pans?
A Again, cast iron pans he had thought he had had it at his residence, he believes they were taken. We found those cast-iron pans in the basement furnace room. Deputy Garst found them. I seized them.
Q We got a cake container that--
A It's a blue case container with three silver cameras; two Kodaks and one Nikon.
Q Two purses?
A Correct.
Q Leisure bag.
A I believe these were...and the--the leisure bag and the purses were items that were pointed out to us as belonging to Mr. Billings by Brandy DeGroff.
Q So she was there?
A She was.
Q And she pointed out items, she said, these belong to...
A Yes.
Q Alright. And you took a storage box full of screws and bolts. How did you know those belonged to Mr. Billings?

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A Where are you seeing those, sir?
Q Second item. It says--
A Oh. I believe those were pointed out as being his also.
Q Okay. By Brandy, right?
A I think actually Mr. Carson pointed those ones out. Those were in the garage. Yes.
Q Ziplock bag with costume jewelry, did--was that also pointed out by--
A I believe so, yes.
Q The toolkit, Craftsman?
A No. I believe that that was something that we'd identified from his list as maybe belonging to him.
Q Alright. And you took a DeWalt bag with power tools in it?
A Again, items we believed that might belonging to Mr. Billings based on what he had given us.
Q Is that...three sleds?
A Three sleds.
Q Okay, sled being just a regular old snow sled.
A Through... Mister--(unintelligible)--described them as collectible antique items. They're the old with the steel rails. They're... I don't know that they could be used for sliding but... And again, I think Mr. Carson had pointed those out to us in the rafters.
Q Okay. And you seized a ring?
A I believe those were items that...that one was...the case was

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pointed out to us when we first got there by Miss DeGroff as belonging to Mister...Mr. Billings.

Q And the box with the spray gun, was that also pointed out by somebody?

A Yes. I believe so, yes.

Q And the fishing poles were pointed out by somebody?

A Yes. The fishing poles, I believe, by Mr. Carson, and they were also in the rafters with the sleds.

Q Snowshoes were up on the rafters? Doesn't--

A Yes--

Q --say.

A --those were also up there. Now, again, those were a collector item-type, snowshoes. They weren't... I don't think they were practical to use.

Q And this is the Minolta camera that--that was also identified too?

A No. This was one was not. And, in fact, I believe this camera does not belong to...Mr. Billings did not identify that camera as belonging to him.

Q Alright.

A Yeah, four Ziplock bags of turquoise jewelry found in the bedroom closet does...that was identified as--by Mr. Billings as being his.

Q Okay. How did you find them?

A They were in a drawer.

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Q Okay. Were they identified as being Mr. Billings' property by either Mike or Brandy?
A I believe Brandy did indicate that they were...that they belonged to Mr. Billings.
Q I'm not sure what that--I missed, can you tell?
A Which one? The one below the four Ziplock bags there?
Q Yeah.
A That's a paper tally sheet. They were photocopies of a list that Miss DeGroff was keeping, suggesting that they were items that she had taken from Mr. Billings and that she was holding to sell, or items that she had sold.
Q Alright.
A And we col--I believe it was 9 pages, total, on the la--in these photocopies.
Q Okay. Did she show you where he had signed for some of these items?
A He did not sign for any of 'em on those photocopies.
Q Alright. And you took a DeWalt Skil saw?
A Again, something Mr. Billings identified as maybe belonging to him when we--when we talked.
Q Did you ask Mr. Carson if he had receipts for those saws, the DeWalt equipment?
A I believe he offered that he did have one. And I-- And I offered to him that if it was proven that these were not Mr. Billings' saws and tools that they would actually be returned to

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him, we had no interest in keeping them or taking them from him, but...

Q But--

A I was go--

Q --what?

A I was going off the list that was given to me by Mr. Billings--

Q Okay.

A --and, it matched very closely to what he gave us and that's why we took it.

Q Alright. When we're going down this list, I don't want to ask individually, are there anything on this list that you found that wasn't identified as either Miss DeGroff or Miss Carson showing where it was at?

A Yes. The jewel... Well, I guess that...I don't understand that question. So, there were things that we did--

THE COURT: If you don't have--

THE WITNESS: --find--

THE COURT: --understand the question, let him--

MR. BEACH: Yeah.

THE WITNESS: Yeah.

THE COURT: --clarify--

THE WITNESS: I-- I don't understand--

THE COURT: --before you move--

THE WITNESS: --the question.

BY MR. BEACH:

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STATE OF MICHIGAN

IN THE EMMET COUNTY TRIAL COURT

THE PEOPLE OF THE STATE OF MICHIGAN,

V

Case No. 20-005054-FC

MICHAEL GEORGIE CARSON,

Defendant.
_____/

SENTENCE

BEFORE THE HONORABLE CHARLES W. JOHNSON, TRIAL JUDGE

Petoskey, Michigan - Tuesday, December 15, 2020

APPEARANCES:

For the People:

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RECORDED BY:

Monica Klawuhn, Video Operator

TRANSCRIBED BY:

Vivian V. Burton, CER-3572
Certified Electronic Recorder
(269) 449-1099

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NONE

WITNESSES: DEFENDANT

NONE

EXHIBITS: MARKED RECEIVED

NONE

though the evidence at trial was very strong; it included people seeing him with the stolen money, him spending the stolen money, large amounts, and while he comes here today and professes great concern for his family and his desire to provide for them, that isn't what he did with all this money he stole. He gambled it away and--instead of putting it away for his family or providing for his family, and he came here today with not one red cent to apply toward repaying the money stolen from his victim.

For those reasons, the Court concludes that the prison sentences as recommended for this defendant are entirely appropriate, warranted and necessary for the protection of the public.

For the conviction of Safe Breaking as a habitual fourth offender, the Court sentences this defendant to the Michigan Department of Corrections for not less than 10 nor more than 20 years with credit for one day that's served. The Court orders that he pay restitution of $80,000--$80,010, jointly and severally, with his co-defendant. The Court will direct that the maximum amount available from the victim's restitution fund be made available to Mr. Billings as a small help to him in restoring some of the money that was stolen from him by this defendant. The Court will also order payment of the state cost and the Crime Victim's Assessments, as required by law. Due to the large amount of restitution and the prison sentences being imposed, the Court is not going to impose any other financial

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assessments on this defendant.

For the conviction for Larceny of $20,000 or more as a habitual fourth, it's the sentence that the defendant serve 9 to 20 years in the Michigan Department of Corrections, again with one day served, and the state cost that applies to that.

For the conviction for Receiving and Concealing Property $20,000 or more as a habitual fourth, the sentence will be 9 to 20 years with credit for one day, and the state cost.

The conviction for Larceny in a Building as a fourth--habitual fourth, 3 to 15 years with credit for one day, and the state cost applies to that.

For the conviction for Conspiracy to Commit Safe Breaking as a habitual fourth, sentence will be 10 to 20 years with credit for one day and state cost that applies.

For the Conspiracy to Commit Larceny $20,000 or more as a habitual fourth, the sentence will be 9 to 20 years with credit for one day and a $68 state cost.

For the conviction for Conspiracy to Commit Receiving and Concealing Property $20,000 or more as a habitual fourth, the sentence will be 9 to 20 years with credit for one day and the state cost that applies.

And, finally, for the Cons--Conspiracy to Commit Larceny as a habitual fourth, 3 to 15 years with credit for one day served, state cost that applies to that.

All these sentences to run concurrent to each other.

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

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

vs. Case No. 2020-5052-FC
Hon. Jennifer Deegan

MICHAEL GEORGIE CARSON,

Defendant.

_____/

PROCEEDING: MOTION FOR GINTHER HEARING

LOCATION: Emmet County Courthouse
(Transcript from video recording)

DATE: Thursday, April 28, 2022

TIME: 1:00 p.m.

Electronic recording transcribed in the above-entitled cause, before Stefanie S. Pohl, Certified Shorthand Reporter, CSR 5616, and Notary Public for the County of Clinton.

frankly.
Q And in the breadth of the warrant, what they're seeking is the next issue, and if you would look in Exhibit C of the booklet there, you received four diskettes of discovery from the prosecutor's office, correct?
A Yes.
Q And the contents of the forensic examination of the cell phone was on one of those disks, right?
A It's about maybe a thousand pages, maybe, or more. But it's broken down in paragraphs under the standard form used for these phones. So you can look at text messages, you can look at photographs, you can look at -- so my focus was on the text messages.
Q If you look at the second page in Exhibit C, it talks about midway down the page there, it summarizes the contents of the portions of the phone that were examined. Do you see that?
A Yes.
Q Do you agree that it's pretty much everything on the phone?
A True enough, yes.
Q And as you said, that that was -- the whole report was nearly a thousand pages long, correct?
A It was.
Q Okay. So do you recall that on June 6th -- or June

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silver bars and collectible pennies.

So the Affiant here is making an affirmative negative statement. He's saying that he knows that two people didn't do the things listed. Based on your recollection of the disclosures and the discovery materials, what do you think he was talking about when he made that statement?

A Well, I'm not sure how he made or to or whoever, but Brandie's notebook would confirm that they hadn't made any sales.

THE COURT: That they had not?

THE WITNESS: Had not. But they weren't supposed to have that. And I don't know if they picked it up incident to this search or how they got it. But, I mean, there wasn't anything in Brandie's notes about selling anything like that, frankly.

Q (By Mr. Bostic) Okay.

A And when I go back.

Q So at this point they have the list from Mr. Billings that lists these particular things and then he's comparing it to this notebook that was seized --

A Uh-huh.

Q -- and they're absent from the notebook?

A Correct.

Q Okay. Did you and Mr. Carson discuss Mr. Carson's

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individual Forefront Credit Union accounts?
A Yes, we did.
Q Did you ever contemplate using those as exhibits to offset some of the testimony concerning his lack of money?
A Yes. In fact, Mr. Carson and I discussed that.
Q And --
A And I also discussed it with Brandie.
Q Why were they not used?
A It was kind of damned if you do and damned if you don't. I mean, if they had that money, then where did it come from? You can see from Brandie's words to Mr. Carson he hadn't worked all summer; and if he had a bank account, then where did it come from, and if he didn't have account, then it supports motive, I guess, at that point. Where did the money come from from the casino, so?

We already had another account that was consistent with what our theory was, and then I had this account that wasn't so helpful. And so I think after we discussed it, I kind of thought, I don't know if I want to get into this because that's kind of what we were doing during trial.

So, maybe I wasn't clear to Mr. Carson, and if I wasn't, I apologize. But that's kind of where I was

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going with that one.
Q So if you would look at Exhibit E, do you recall seeing that document?
A Yes.
Q Who prepared that document?
A Well, I think Brandie prepared it, but it was --
MR. GRAHAM: I'm sorry. I missed which document?
MR. BOSTIC: E.
MR. GRAHAM: E, thank you.
THE WITNESS: I guess I don't even know who prepared it. I know I used it, but...
Q (By Mr. Bostic) You used it how?
A Preparing for trial.
Q So I take it --
A Well, I'm pretty sure Brandie prepared it.
Q So the child support column is child support that she's receiving?
A Well, I'm not even sure of that. I know child support came into the family. They were a family and that was income for the family. So whatever that income was, it went -- it went both to Mike and Brandie for their income. And that's my -- that's also my impression of all the stuff that came in. This is all income that whether Brandie was working or however she got it, it

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came in for the family.
Q All right.So the second column says sales.
A Right.
Q And that's the yard sales?
A Yes.
Q Okay. And then Income B, I'm assuming means Brandie?
A I would assume that, yes.
Q And Income M assumes is Mike Carson?
A Right.
Q So in terms of the prosecution theory that they were hurting for money, and then they all of sudden became flush, do you think that this would have helped offset that?
A Well, that was our whole focus at trial.
Q You couldn't use it because Brandie was charged?
A Exactly. I think this is an important piece of evidence that I couldn't get in.
Q If you would please look at Exhibit F; do you recall seeing that?
A Yes.
Q Do you know who prepared that?
A I assume it's Brandie.
Q Based upon your review of the Forefront Credit Union statements, is this document the ending balance for each month designated and the total deposits for each

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month?
A Yes.
Q And the offense date was purportedly in the fall of 2019, correct?
A Exactly right.
Q And, again, you couldn't use this or Brandie's testimony because she was charged?
A Right. She had been advised against testifying and to cooperate.

THE COURT: She did, I'm sorry, what?

THE WITNESS: She was advised against testifying and to cooperate with the prosecution.

THE COURT: Against testifying on your behalf -- on the defendant's behalf?

THE WITNESS: Mr. Klawuhn wanted Brandie to testify against Mr. Carson for a walk.

THE COURT: All right. Thank you.

THE WITNESS: And she took the middle ground, which was just not testifying.

Q (By Mr. Bostic) So when you're faced with a situation like this, let's walk through the problems; when the crime occurred, were they married or not?
A No.
Q By the time the trial occurred, were they married or not?

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Mr. Carson did not.

Q Okay. So is it fair to say that any shortfall, for lack of a better word, in time spent with Mr. Carson prior to trial was not because you didn't try to speak with him?

A Well, I spoke with Mr. Carson. I mean, he didn't come in for the interviews, which I thought maybe he should have. But more often than not, I would talk to Mike Carson and then Brandie Carson would show up at my office with some items or some information. So I assumed that I was getting this information -- it's not -- my trial prep for this case would not fit in two bankers' boxes.

Q Meaning you were pretty exhaustive in your examination of all the details and information you had?

A I was -- I was -- I had things organized and I had things put where they were put. I had the records separated. I had Mr. Spencer helping me to keep things straight at trial, but, you know, that's -- it was a lot. I mean, it was just a lot.

Q Okay. Now --

A And dumping on me a thousand pages of texts to read and sitting there reading back and forth conversations between husbands and wives and third parties and all that, which were pretty -- they were innocuous. I

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Extraction Report - Cellebrite Reports

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Summary

UFED Physical Analyzer version	7.31.0.222
Report creation time	3/20/2020 08:56 -04:00
Time zone settings (UTC)	Original UTC value
Examiner name	DFA Chelsea Coburn
Originating Agency	Emmet County Sheriff's Office
Originating Agency Incident Number	19-5778
Originating Agency Property Number	A23
Originating Agency OIC	D/Sgt. Matt Leirstein
Case number	CCU-0874-2020-0001
Notes	LG mobile phone used by Michael Georgie Carson

Source Extraction

Advanced Logical	
Extraction start date/time	3/19/2020 16:07 -04:00
Extraction end date/time	3/19/2020 16:13 -04:00
Unit identifier	991126274
UFED version	7.30.1.165
Internal version	7.30.1.165
Selected manufacturer	Detected Model
Selected device name	LML713DL
Machine name	MASTERCRAFT
Connection type	Cable No. 100
Backup password	12345
Extraction type	Advanced Logical [Android Backup]
Extraction ID	78879B56-6C49-46B8-8C1C-63A85A26CE1A
Report type	Phone
File System	
Extraction start date/time	3/19/2020 16:00(UTC-4)
Extraction end date/time	3/19/2020 16:05(UTC-4)
Unit identifier	991126274
UFED version	7.30.1.165
Internal version	7.30.1.165
Selected manufacturer	Detected Model
Selected device name	LML713DL
Machine name	MASTERCRAFT
Connection type	Cable No. 100
Backup password	12345
Extraction type	File System [Android Backup]
Extraction ID	CC6C4AB4-9325-4DBF-9160-3202967114E5

Device Information

Name	Value
File System	
Android ID	e8d8bde260e46ea3
Advanced Logical	
Android ID	e8d8bde260e46ea3
Detected manufacturer	lge
Detected model	LML713DL
Phone revision	8.1.0 OPM1.171019.019 1933820564c0b.FG
IMEI	355388094499803
Phone date/time	3/19/2020 16:07 -04:00
Client Used for Extraction	Yes

Image Hash Details (3)

Hash data is available for this project.

#	Name	Info	
1		**Path**	Backup
		Size (bytes)	0
2		**Path**	XML
		Size (bytes)	0
3	**Backup**	**Path**	Detected Model_LML713DL.zip
		Size (bytes)	1095276350
		SHA256	AB624165CE12A3CC7DC215993A536A2BD17E22C2173F295C49CD576336D990BC

Plugins

#	Name	Author	Version
1	**Pre Project**		
2	**ContactsCrossReference** Cross references the phone numbers in a device's contacts with the numbers in SMS messages and Calls. Will fill in the Name field of calls and SMS if there's a match.	Cellebrite	2.0
3	**Project Processor Finisher**		
4	**Post Project**		

Contents

Type	Included in report	Total
Calendar	100	100
Call Log	1980	1980
Contacts	146	146
Cookies	11	11
Locations	15	15
MMS Messages	195	195
SMS Messages	5083	5083
User Accounts	1	1
Timeline	7437	7437
Data Files	1410	1411
Archives	1	1
Audio	133	133
Configurations	12	12
Databases	46	46
Documents	1	1
Images	978	979
Text	199	199
Videos	40	40

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