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STATE OF MICHIGAN
IN THE SUPREME COURT

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v **No. 166654**

ANDREW M. CZARNECKI,
Defendant-Appellant.

Third Circuit Court No.16-010813
Court of Appeals No. 348732

PLAINTIFF-APPELLEE'S APPENDIX

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TRANSCRIPT NOV. 28, 2018

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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

THE PEOPLE OF THE
STATE OF MICHIGAN,

Case No. 16-10813-01-FC

vs.

ANDREW MICHAEL CZARNECKI,

Defendant.
_____/

JURY TRIAL

PROCEEDINGS HAD BEFORE THE HONORABLE Michael Hathaway, a Judge of the Third Judicial Circuit of Michigan, at 502 Frank Murphy Hall of Justice, 1441 St. Antoine Street, Detroit, Michigan on 48226, on Wednesday, November 28, 2018.

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Q And back on July 10th, 2013, did Gavino leave for work that morning?
A Yes.
Q Tell me about that, please.
A He got up at his usual time. He washed his face and his hands. He said goodbye to his children and left.
Q Did he leave in a vehicle?
A Yes.
Q What kind of vehicle?
A It was a Pontiac.
Q Who did that car belong to?
A It was an uncle of mine who is a neighbor. His name is Jose Lopez.
Q And did Gavino frequently use that car?
A Yes.
Q For work and for -- for personal use?
A Yes.
Q What time did you expect Gavino home that day?
A At 3:00 or 3:30.
Q Was that typically the time he came home?
A Yes.
Q Did he come home that day?
A No. He did not return.
Q What did you do?

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BY MR. POWELL-HOROWITZ (continuing):

Q You gave the police the number that you called Gavino on?

A Yes.

Q What is the number that you gave the police that you would call Gavino on?

A It's 854-4078.

Q 854-4078?

A Yes.

Q Was that area code 313?

A Yes.

Q What was your phone number at that time?

A 313-208-2505.

Q Gavino, did he have a -- a head injury prior to this case? Prior to July of 2013?

MS. HOLLOW: The interpreter needs clarification. Did you say ...

BY MR. POWELL-HOROWITZ (continuing):

Q Did Gavino have a head injury that he had before July of 2013?

A Yes.

Q Can you tell me about that, please?

A Yes.

MR. CRIPPS: Could we have interpretation

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after each sentence?

THE COURT: Well, if -- it doesn't always do it.

MR. CRIPPS: I don't want her to summarize, I want a verbatim translation.

THE COURT: Okay. Can you give us a verbatim translation of what she just said?

MR. CRIPPS: Thank you.

THE COURT: Well, say it again. Tell her to answer it again.

THE WITNESS: Yes. Before I met him, he had had a -- somebody had shot him in the head.

BY MR. POWELL-HOROWITZ (continuing):

Q Okay. Were you able to ever feel an injury on Gavino's head?

A Yes.

Q Can you describe that, please?

A You could feel where the bullet had hit and then you can feel it around here, too.

MS. POWELL-HOROWITZ: Indicating for the record, the witness was touching the top of above her forehead. All over her head.

THE COURT: Okay. Did she -- did she say that he had been shot in the head before she knew

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him?

MS. POWELL-HOROWITZ: Yes.

THE WITNESS: Yes.

THE COURT: Okay.

BY MR. POWELL-HOROWITZ (continuing):

Q So you could feel -- you could feel part of the injury to the head?

A Yes. I could feel it.

Q Okay. Thank you.

MS. POWELL-HOROWITZ: I'm going to approach the witness with Proposed Exhibit Number 1, Mr. Cripps.

THE COURT: Okay.

BY MR. POWELL-HOROWITZ (continuing):

Q Ms. Arias, could you tell me what I'm handing you, please?

A That's a picture of my -- a photograph of my husband.

Q That's Gavino?

A Yes.

MS. POWELL-HOROWITZ: Move for the admission of Number 1 and permission to publish, your Honor.

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Having been duly sworn to tell the truth, the whole truth, and nothing but the truth, testified as follows:

DIRECT EXAMINATION

BY MS. POWELL-HOROWITZ:

Q Good morning.

A Good morning.

Q Could you please state your name for the record?

A Jose Jaime Lopez Lujano.

Q Mr. Lujano, did you know a person by the name of Gavino Rodriguez, back in July of 2013?

A Yes. Yes, he was a friend of mine.

Q And did you own a Pontiac G6 back in July of 2013?

MS. HOLLOW: What?

MS. POWELL-HOROWITZ: July of 2013.

MS. HOLLOW: No, the vehicle.

MS. POWELL-HOROWITZ: Oh, a Pontiac G6.

THE WITNESS: Yes. It was mine.

BY MS. POWELL-HOROWITZ (continuing):

Q Did you allow Gavino to use that car?

A Yes. I used to lend it for him.

Q For what purposes?

A Because he was a friend of mine and he asked me a

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favor.

Q Was it frequently that he -- that Gavino used the car?

A Every time he would ask me for it, I would lend it to him.

Q Back on July 10th of 2013, did something happen with your vehicle?

A Yes. I was told that it was lost.

MR. CRIPPS: Objection to hearsay as to what he was told, your Honor.

THE COURT: Well, I don't think it would be very substantial. He was told it was lost apparently. I'll let that in. Okay.

BY MS. POWELL-HOROWITZ (continuing):

Q Okay. Mr. Lujano, you learned that your car was lost on July 10TH of 2013?

A Yes.

Q Did you lend your car to someone that morning?

A I actually lent it to him two or three days prior to that.

Q And Mr. Gavino Rodriguez had been using that car for the past few days?

MR. CRIPPS: Objection as to leading, your Honor.

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determine through looking at the soft tissue surrounding the skeleton?

A No, because it was burned away.

Q So that's why you called in the anthropologist?

A Right.

Q Did you observe the skeleton bones in this case?

A I did.

Q And did you make any notes regarding the bones?

A Well, other than the charring and I think he had some neurosurgical procedure in the skull, because he had plates that were screwed to his skull, no, that was about it.

Q And the anthropologist, how does that work when you bring in an anthropologist?

A Well, the anthropologist will look at more detail of the bones. And look for any further injuries that might be present in bones that we may have missed.

Q And who was the person that you consulted in this case?

A Frank and Julie Saul.

Q Is it typical that you consult an anthropologist in a case like this?

A Yes.

Q And do you use their findings when you make your opinions?

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THE COURT: Hyoid?

MS. POWELL-HOROWITZ: Yes. We're going to talk about it.

BY MS. POWELL-HOROWITZ (continuing):

Q You took notice of a hyoid bone, is that correct?

A Yes.

Q And you did that with the forensic anthropologist?

A Right.

Q All right. You're both together looking at the bones in this case?

A Right.

Q All right. What is a hyoid bone.

A The hyoid bone, that's spelled h-y-o-i-d, is a bone that sits in the back of your tongue and helps support the muscles of your tongue and maintain the -- the funnel that forms the pharynx when you swallow food as -- as a tunnel.

Otherwise, when the muscle contracts as you swallow food, among other things, the pharynx can collapse and you can't swallow food anymore. And it also to do with things like your tone of voice and the coordination of muscle contracts.

Q Okay. This kind of break, can you describe it?

A It was a break in -- it was a break or fracture in

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one of the horns of the hyoid. The hyoid is a U-shaped bone, roughly, and one half was missing and the other half was not.

Q So which half was still with the body?

A Specifically it was --

MR. CRIPPS: (Interposing) Could you tell me what you're reading from, please?

THE WITNESS: The anthropology report.

MR. CRIPPS: Is that your report or somebody else's?

THE WITNESS: That's that?

MR. CRIPPS: Whose report is that?

THE WITNESS: That would be the anthropologist's report.

MS. POWELL-HOROWITZ: And is this refreshing your recollection --

THE COURT: So this is for the doctor to refresh his recollection. Okay. That's fine.

THE WITNESS: It was the right hyoid bone.

BY MS. POWELL-HOROWITZ (continuing):

Q And you noted that there was a break in that hyoid bone?

A Correct.

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Q Tell me about it, please.
A It was a -- it was a fracture, that we see sometimes in the hyoid bone. And the edges were stained, which means that it's a fracture that occurred at about the time of death or shortly thereafter. And he's got a heat artifact, which is probably the most important thing.
Q I'm sorry. When a -- when a bone breaks there is some coloration that tells you that -- that that happened at or around the time of death?
A Right. The deceased had to still be living for the coloration to happen.
Q Okay. All right. So we know that there was a break that this individual suffered. In the -- in the neck area, correct?
A Correct.
Q All right. While he was still living?
A Correct.
Q Okay. Can a person live with a broken hyoid?
A Sure.
Q And can -- if you have other evidence -- you are not a police officer, is that correct?
A Correct.
Q But you are a medical examiner?
A Correct.

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Q And how many cases of strangulation have you seen throughout your career?
A Oh, at least 50 or 60.
Q Okay. If you had other evidence other than just a hyoid break in this case, would that be indicative of strangulation?
A Yes.
Q But in and of itself, by itself it would not be, is that correct?
A Correct.
Q It could be or it could not be?
A There's really only two reasons why a hyoid fractures.
Q What are those?
A One is you get strangled and the other one is you get a blow to the neck.
Q You said the other side of this hyoid was missing?
A Yes.
Q Were there other bones that were missing?
A I don't remember. They -- they would be -- I could look at the anthropology report, but most of the bones were there.
Q But that broken hyoid was something that was noted and something that you took note of?
A Right.

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Q And that's because there's only two -- two reasons that that would be broken?
A Right.
Q One moment, please. All right. Were you able to determine the cause of the death in this case and the manner of death?
A Well, the manner of death is -- I certified it as homicide just because of the context in which the body was found.
Q Okay. Starting with manner of death. That's something that you do as part of being a forensic pathologist, is that correct?
A Correct.
Q All right. And the manner of death you determined to be homicide?
A Right.
Q And how many types of manners of death do you classify?
A There's five manners of death.
Q Would you tell me about those, please?
A And they indicate the context in which the death occurred.

If you died from natural disease, which is a heart attack or lung disease, the manner of death is natural.

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If you -- if you die from an injury that is self inflicted, the manner of death is suicide.

If death occurs unexpectedly as a result of an activity that is normally not expected to result in death, the manner of death is accident. Homicide is going to be when the injury is inflicted by someone else.

And undetermined -- undetermined is a term that we use when we can't categorize the injury into one of these four categories.

Q And you determined that the manner was homicide?

A Right.

Q What about the cause of death?

A The cause of death in this case was unknown, because I did not have enough information to definitely conclude what the cause of death was. I knew from the fracture of the hyoid that it is likely that the individual was strangled, but because the tissue was burned away, I could not make a definite assessment as to whether or not he was strangled. Because when you get strangled, there are specific signs in soft tissue that we look for to determine that --

THE COURT: (Interposing) Well, maybe you should tell the jury what soft tissue is as opposed to bones.

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THE WITNESS: Soft tissue is everything that is not bones. Muscle, fat, skin, the organs, the thyroid gland that sits in your neck. All that is soft tissue.

BY MS. POWELL-HOROWITZ (continuing):

Q So typically you would -- you would see a broken hyoid and then you would also look at the soft tissue to see if there's any corroboration for how -- anything that can tell you how that hyoid bone broke?

A Correct.

Q But you couldn't do that in this case because --

A (Interposing) I could not.

Q -- because it was gone or the soft tissue was gone?

A Right.

Q Okay. So the cause?

A I guess the cause of death was unknown, but the context was clearly homicide.

Q Okay. Thank you. I'm going to approach the witness with Proposed Exhibit Number 4, Mr. Cripps.

MR. CRIPPS: Can I see it, please?

BY MS. POWELL-HOROWITZ (continuing):

Q Dr. Schmidt, I'm handing you Proposed 4. Does this

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Q Good morning.
A Good morning.
Q Would you please state your name for the record?
A Kevin King.
Q I'm going to take you back to July 12th or 2013. Were you a police officer at that time?
A Yes.
Q Where were you working?
A The 4th Precinct.
Q In what capacity?
A As a police officer in the City of Detroit.
Q And did you respond to the area of 5295 Florida on July 12th, 2013?
A Yes, I did.
Q For what purpose?
A Had a run over there for a vehicle found.
Q And what -- what do you mean a vehicle found? Can you give me a little more than that?
A A couple called in and said they found a vehicle they had been searching for. And as we arrived, we talked with the people at the location of the vehicle.
Q And do you know who you spoke with them that date?
A I don't recall the name of -- of the people. It was a female and a male.

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Q And the vehicle, did you -- do you remember what kind of vehicle it was?
A It was a blue four-door, I believe it was.
Q Did you make a report?
A Yes.
Q Did you detail what kind of vehicle it was in the report?
A Yes.
Q May I show you your report to refresh your recollection?
A Yes, please.

MR. CRIPPS: Can I see it first, please? Thank you.

BY MS. POWELL-HOROWITZ (continuing):

Q Officer King, do you recognize this report?
A Yes, ma'am, this is the report that we filed.
Q Okay. When you say we?
A My partner and I.
Q What's your partner's name?
A Gerad Willis.
Q And did he actually make the report in this case?
A Yes.
Q Were you with him?
A Yes.

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Q And does this reflect your recollection as to the kind of vehicle it was that you saw on Florida Street on that date?
A Yes.
Q Tell me about it, please?
A A 2006 Pontiac, blue in color, four-door.
Q Did it have a license plate associated with it?
A Yes, it did.
Q Would you please tell me what the license plate was?
A Charles Henry William 3432.
Q Showing you Exhibit Number 3. Does that look familiar to you?
A Yes, ma'am.
Q Why?
A That's the vehicle we were flagged down about and pointed out to us.
Q The Pontiac G6?
A Yes.
Q Okay. What did you do with this vehicle?
A Investigated the vehicle and then we impounded it and placed it on evidence.

THE COURT: You gave us an address on Florida. Was the car sitting in front of the address or in a yard or in a lot or do you remember where it was?

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THE WITNESS: I believe it was in front of that location, your Honor.

THE COURT: The Florida address.

BY MS. POWELL-HOROWITZ (continuing):

Q On the street?

A Yes, on the street.

Q Parked legally or illegally?

A I -- I don't recall if it was illegal or not.

Q Okay. You said that you impounded the vehicle?

A Yes.

Q Did you take a look at the vehicle yourself?

A Yes. Investigating and inspecting the vehicle prior to impounding it, we found blood on --

MR. CRIPPS: (Interposing) Objection.

THE WITNESS: I'm sorry.

THE COURT: What I want you to do is to say what you found not what somebody else found. Okay.

THE WITNESS: I observed what I believed to be blood on the front of the vehicle, the quarter panel hood area, and then on the rear trunk lid and bumper of the vehicle.

BY MS. POWELL-HOROWITZ (continuing):

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Q Okay. You're not an evidence tech, correct?
A No, I'm not.
Q You're just using your commonsense and everyday experience as a human being?
A Yes, ma'am.
Q You've seen blood before?
A Yes, ma'am.
Q Did this look suspicious to you?
A It appeared to be blood to me.
Q Did you take a better look at the trunk in this case?
A Yes, I did.
Q Tell me about that.
A The people at the location had a key to the vehicle. Opened up the trunk and inside the trunk there was more blood inside there.

MR. CRIPPS: Can we determine, I know this is just technical, but in terms to the suspected blood --

THE WITNESS: (Interposing) Suspected blood. I apologize.

MR. CRIPPS: Excuse me, I'm talking. Suspected blood until it's --

THE COURT: (Interposing) Until it's proved to be blood. Maybe tomorrow or whatever.

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2013?

A Yes, I was.

Q What were you doing on that date?

A I was working in the response team and I also handled non-fatal shootings at the time.

Q Did you respond to the area of Braden and Wagner in southwest Detroit on July 20th, 2013?

A Yes, I did.

Q What was your purpose for going there?

A I received an anonymous -- an anonymous tip that there may be a -- a burned up body next to a pile of tires.

Q Okay. Did you have any idea of -- of where it came from on this tip?

A No.

Q You were just on the response team that went out there?

A Correct.

Q All right. Tell me what happened when you got to Braden and Wagner?

A We arrived at Braden and Wagner, essentially the three corners out of the four. It's nothing but large vacant fields. A lot of garbage and debris.

Q Is this in the area of Cecil, McGraw, Braden and Wagner Street, around the field there?

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A Yes. It's all within a block or so of each other.
Q Okay. And you said there was this field, correct?
A Correct.
Q And I'm going to approach with what's been marked as Proposed 8 and Proposed 9. Mr. Cripps has had an opportunity to look at these, is that correct?

MR. CRIPPS: Yes.

MS. POWELL-HOROWITZ: And I believe they've already been admitted, is that correct, Judge?

THE COURT: Well, I -- I'm not sure I formally admitted them, Mr. Cripps had objections to all these Exhibits. But we ruled on them outside the presence of the jury. So they're admitted, yes. Eight and 9 and there were a couple of others.

BY MS. POWELL-HOROWITZ (continuing):
Q We'll start with 8 and 9. Do you recognize 8?
A Yes.
Q What is 8?
A It's a picture of Braden with a large pile of debris.
Q What's 9?
A The same picture.

MS. POWELL-HOROWITZ: Publish to the

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jury?

THE COURT: You may.

BY MS. POWELL-HOROWITZ (continuing):

Q Starting with the big one, number 8. What is that, Officer?

A Oh, that is a -- a picture of Braden Street with a lot of the debris and the garbage that was thrown out in the fields and on the road.

Q The same picture with better resolution, correct?

A Yes.

Q Okay. So when you get to the scene, what do you do?

A Get out on foot and started looking around. North of Wagner on Braden, I observed a large stack or several stacks of tires and then it was just on the other side of the tires that we found the victim.

Q What did you find?

A A burned up body.

Q I'm going to approach with Number 7, 10 and 11. We'll start with 7. What does 7 show you?

A That would be a picture of the -- the remains that we found.

Q And is this the condition that that it was in when you found the body?

A Yes, it is.

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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

THE PEOPLE OF THE
STATE OF MICHIGAN,

Case No. 16-10813-01-FC

vs.

ANDREW MICHAEL CZARNECKI,

Defendant.
_____/

JURY TRIAL

PROCEEDINGS HAD BEFORE THE HONORABLE Michael Hathaway, a Judge of the Third Judicial Circuit of Michigan, at 403 Frank Murphy Hall of Justice, 1441 St. Antoine Street, Detroit, Michigan on 48226, on Thursday, November 29, 2018.

APPEARANCES:

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Appearing on behalf of the Defendant

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and compare dental x-rays and see if things are identical or very close to identical, based on the evaluation of x-rays.

Q So you testified that you looked at previous dental records for the deceased in this case?

A Correct. From the dentist.

Q And then you looked at x-rays that were taken from the Wayne County Medical examiner's office?

A Correct.

Q And please tell me what you -- what you discovered?

A It -- it was my opinion, after reviewing the x-rays and reviewing the clinical notes from this individual's dentist, that this was a positive dental scientific identification.

Q So you identified the body as Gavino Hernandez Rodriguez?

A Correct.

Q And tell me what about Mr. Rodriguez' prior records and the records of the Wayne County Medical examiner's office were similar that allowed you to make this identification?

A I went ahead, like I explained, I went ahead and looked at one, the shape of the teeth on the x-rays, the curvature of the roots on the x-rays, where there were chips possibly unseen on the x-rays.

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speak louder than that.

THE WITNESS: Good morning.

BY MS. POWELL-HOROWITZ (continuing):

Q Please state your name for the record.

A Robert Bonas.

Q And, Mr. Bonas, I'm going to take you back to events that happened July 10th, 2013. Do you remember that date?

A Yes.

Q Do you know a person by the name of Andrew Czarnecki?

A Yes.

Q Do you see him in the courtroom today?

A Yes.

Q For the record, could you please indicate where he is sitting and what he's wearing?

A In front of me with the white -- with the white shirt on.

MS. POWELL-HOROWITZ: Let the record reflect that the witness had identified the defendant in this case Andrew Czarnecki?

THE COURT: So it shall.

BY MS. POWELL-HOROWITZ (continuing):

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Q Back in July of 2013, did you know a person by the name of Ameer Alkotait?
A Yes.
Q Did you know him by another name?
A Moose.

MR. CRIPPS: Could you have him keep his voice up, your Honor?

THE COURT: Yes. Speak louder. We all have to hear you, Mr. Bonas.

BY MS. POWELL-HOROWITZ (continuing):

Q Mr. Bonas, there's a microphone right in front of you, if you could just sit up a little bit. You have a soft voice. Thank you.

MS. POWELL-HOROWITZ: I've marked this as proposed 13, Mr. Cripps.

MR. CRIPPS: This is 12, I think.

MS. POWELL-HOROWITZ: Twelve it is. Marked as Proposed 12.

MR. CRIPPS: Thank you.

MS. POWELL-HOROWITZ: May I approach the witness?

THE COURT: You may.

BY MS. POWELL-HOROWITZ (continuing):

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Q Mr. Bonas, I'm handing you number 12. Who is this person?

A Moose.

MS. POWELL-HOROWITZ: Move for the admission of number 12.

MR. CRIPPS: The defense has no objection to the admission of proposed 12, your Honor.

THE COURT: All right then, 12 is received.

MS. POWELL-HOROWITZ: Publish to the jury?

THE COURT: Please do.

(Whereupon People's Proposed Exhibit Number 12 was received into evidence.)

BY MS. POWELL-HOROWITZ (continuing):

Q In July of 2013, how did you know Andrew Czarnecki?

A I met Andrew through Moose.

Q Moose being Hameer Alkotait?

A Yes.

Q Tell me about that.

A I was just hanging out with Moose one day and -- and Andrew as with him and I met Andrew.

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Q How long had -- in July of 2013, how long had you known both Moose and Andrew?
A Some months, maybe five, six -- maybe five, six, seven months. Something like that.
Q All right. And did something happen on July 10th, 2013?
A Yes.
Q Tell me about that.
A I got a call from Moose first, like earlier towards the day to go hang out. And later I got a -- I got a call from Andrew also to go hang out with them. And I went and -- like I forgot what time it was, but it was later on during night, like the night, and I went and met up with Andrew and Moose.
Q So where did you meet up with him at?
A I met them on Renville.
Q Where is Renville?
A Renville is like right after Michigan Avenue, in between like -- like between Lonyo and Edison.
Q It's in southwest Detroit?
A Southwest Detroit, yeah.
Q And before you came to meet up with -- with Moose and Andrew Czarnecki, had you been in phone contact with them throughout the evening?
A Yes.

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Q Why?
A Just that -- just they wanted me to go and hang out with them, that's it.
Q Did you typically hang out with them during this time period?
A Yes. Sometimes. Yeah.
Q And did you know where Andrew Czarnecki lived at this time?
A Yes.
Q Do you know about where that was?
A It was at a house like in back -- where the street in back of Prince Valley or Michigan Avenue. I forgot the street exactly. But one street was Wesson, I believe.
Q So Prince Valley is a supermarket in southwest Detroit?
A Yes.
Q It is also Lahehante Prince Valley, is that the name of it?
A I'm not sure.
Q You just call it Prince Valley?
A Yes.
Q Okay. And how many times had you been to Mr. Czarnecki's house before July 10th?
A Maybe like two or three times.

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Q All right. So this evening, this particular evening, you were coming down to hang out with who?
A With both Andrew and Moose.
Q And what did you think you were going to do, if anything?
A We were just -- I was just going to hang out with them. Just -- I guess just to smoke, I guess.
Q Smoke what?
A Just to smoke weed, I guess.
Q And you met them over on Renville?
A Yes.
Q Tell me what happened.
A When I got over to Renville, I just talked to them in back of a car. In back of -- in back of a G6. And then --
Q (Interposing) You mentioned a -- a G6, is that a Pontiac?
A Yes.
Q What color was it, if you remember?
A It was like a greyish -- a blueish greenish color.
Q Showing you admitted number 2. Does this look familiar to you?
A Yes.
Q What is that?
A This is a G6. Pontiac G6.

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Q And this G6, who was driving it?
A No one was driving it at the time.
Q It was parked?
A It was just parked, yeah.
Q And you pull up on the street?
A In back of it, yeah.
Q Is - is there a park in this area?
A Yes.
Q Is it a park that you're familiar with?
A Yes.
Q Do you ever hang out there?
A No.
Q Do you know if Andrew and Moose hang out there?
A No.
Q You just -- do you did he live there? Anybody living out there?
A I guess just the one of -- I'm not sure. One of their friends, I guess. I guess his name was Mills. I guess that's it.
Q Somebody -- is Mills somebody you've seen before?
A No.
Q Just that night?
A Yeah.
Q Were there any other individuals there other than Moose, Andrew Czarnecki and Mills?

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A There was, but I forgot. I forgot their faces. I don't remember them.
Q They were with Mills or they were with Andrew and Moose?
A Well, they were just like on the street, like by Mills' house, I guess.
Q So Mills lives on Renville?
A Yes.
Q Okay. And had you -- did you go into Mills' house that evening?
A No.
Q This was the first time you'd ever met Mills?
A I didn't even meet him. He was just there. I -- I didn't meet him, though.
Q Okay. All right. So what happens when you get on Renville?
A When I get on Renville, we're just talking and stuff and then after that, I guess Mills asked Andrew and us to go follow him to the gas station. And then we followed him to the gas station. Somebody from Mills' car gets --
Q (Interposing) Sorry, I'm going to stop you. You follow -- you follow Mills in a car to the gas station?
A Yes.

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Q All right. Mills gets into what kind of car?
A It was some type of Jeep. You know, like a Yukon or a Suburban. Something like that. Some type of truck.
Q Are there other individuals with him?
A Yeah. Like just one person. Like one person.
Q Not someone you know?
A No.
Q And what do you do?
A I just stay in the car. We followed them to the gas station --
Q (Interposing) All right. You got into a car?
A Yes.
Q Was it --
A (Interposing) Into my car, no.
Q You got into your car?
A No. No. No. We got into that car, actually.
Q The Pontiac G6?
A Actually, no. I'm sorry, the Pontiac G6. We got into my car. We got into the Honda and we followed him to the gas station in my car.
Q Okay. At some point in the evening did you get into this Pontiac G6?
A Yes.
Q Tell me about that.

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A I'm sorry. Like I'm confused. I was a little bit confused. I think we took the Pontiac to the gas station, I believe.
Q How long ago did this happen?
A Years ago.
Q 2013?
A Yeah.
Q Okay. And -- okay. So which car did you take to the gas station to follow Mills?
A Okay. It was the Pontiac G6.
Q Okay. But you had driven your car down to Renville?
A Yes.
Q All right. Where do you get in the Pontiac G6?
A In the back passenger.
Q And whose driving?
A Andrew.
Q And who is in the passenger seat?
A Moose.
Q Anybody else in the car with you?
A No.
Q Okay. Is this car familiar to you in any way?
A No.
Q Had you ever seen it before?
A No.
Q Okay. Were you -- why didn't you take your own car?

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A I just got in the car with him. There was no need to take both cars, I guess, just to go to the gas station.
Q All right. So you go to the gas station. What happens?
A Somebody from Mills' just gets out and buys a pack of cigarettes or something like that and gets back in the car and we just go back to Renville.
Q What happens when you get back to Renville?
A After I get back to Renville, Andrew asked me if I could go drop -- go drop the car with him on Florida. That car with him on Florida and then just drop him off at his house.
Q Back over on -- left him behind Prince Valley?
A Yes.
Q Okay. So do you do that?
A Yes.
Q Tell me about that?
A So we dropped the car off on Florida and then --
Q (Interposing) I'm going to stop you. Before you get to Florida, did you notice any -- any injuries on Andrew Czarnecki?
A Yes.
Q Tell me about that.
A He had a -- a gash like on -- on like his right or

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left arm, but I -- I believe his right arm and like a gash on his -- on his left eye.

Q Did you ask him about this -- those gashes?

A Not at the time. Only later on, yeah.

Q All right. So you go to Florida. Who asked you to drop the car off on Florida?

A Andrew.

Q And so you follow in your car?

A I follow in my car, yes.

Q Who drives the Pontiac G6 to Florida?

A Andrew.

Q And where is Moose?

A In the passenger seat.

Q And what happens when you get to Florida?

THE COURT: Which passenger seat?

THE WITNESS: The passenger of the Pontiac G6.

THE COURT: Okay.

BY MS. POWELL-HOROWITZ (continuing):

Q You follow both Andrew Czarnecki and Moose into a car to Florida?

A Yes.

Q All right. Do you know anybody on Florida Street?

A A couple people. I used to live on Florida Street.

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Q All right. And do you know if Andrew knows anybody on Florida Street?
A I believe so.
MR. CRIPPS: Your Honor, object to the form of that question.
THE COURT: Well, except he might be able to answer it. I don't know. We'll see. Do you know if Andrew knew anybody that lived on Florida?
THE WITNESS: Not really. I don't think so.
THE COURT: Okay.

BY MS. POWELL-HOROWITZ (continuing):
Q Do have any of the same -- the same associates or friends in common?
A I -- yes.
Q You and Mr. Czarnecki know --
A (Interposing) Yes.
Q And you are originally from southwest Detroit, is that correct?
A Yes.
Q All right. Back in July of 2013, were you living in southwest Detroit?
A No.
Q You were living in another town?

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A Yes.
Q All right. So you get to Florida Street. What happens?
A We get to Florida Street, they -- they get of their cars.
Q Who's they?
A I'm sorry. Andrew and Moose get out of their car. They just -- they wipe -- Andrew and Moose wipe off the door knobs to the car and -- and then they get in my car.
Q Did you think that was weird?
A Yes.
Q Why?
A I just thought it was, you know, weird to wipe off, you know, to wipe off like your fingerprints, I guess, off the car, I guess.
Q So what happens next?
A So they come in my car and Andrew and Moose come in my car and I take -- and I take them to Moose -- to Andrew's house, in the back of Prince Valley.
Q This is -- what happens when you get there?
A I -- I asked Drew about -- about the cut on his arm.
Q And what did he say?
A And he said that he told me that -- that he got the car by killing somebody and that some -- somebody

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just showed up to his house and then I guess they were talking and they guy tried to grab Andrew from his dick. And then Andrew tried to fight him off and -- and the other guy pulled out a screwdriver and tried to stab Andrew with it.

Q Did he tell you anything else?

A Well, yes. Then he said that -- that's when Moose -- that's -- that's when Andrew said that Moose came in back of the guy when they were fighting and grabbed him with a chain and pulled him down.

Q Did Moose also tell you this?

A Yes.

Q Were they talking to you together?

A Yes.

Q Tell me about the chain.

A It was just the chain. He just -- Moose said that he just grabbed him with the chain and -- and pulled him down to the floor.

Q Did he say where he put that -- put that chain?

A Around the neck, yeah.

Q Around the -- the person that... What else?

A Then he said that they -- they --

MR. CRIPPS: (Interposing) Object as to they. I would like for him to be specific, your Honor.

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BY MS. POWELL-HOROWITZ (continuing):

Q Are Moose and Andrew talking to you at the same time about this?

A Yes.

Q And they're both telling what happened?

A Yes.

Q If you can be specific, please do.

A So Moose was telling me how he pulled him down with the chain. And then both Andrew and Moose told me that they started kicking -- kicking the guy. And then after that, Andrew said that he grabbed some piece of metal, like started to hit him again and everything.

Q What happened next?

A After that, Andrew said that they wrapped -- they wrapped the guy up -- well Andrew and Moose both said that they wrapped the guy up with some sheets and put him in the trunk and dumped the body.

Q Did they tell you where?

A Yeah. They said it was just in a field in the back of CFA.

Q What is CFA?

A I guess it's a -- it's a school or something on -- on McGraw.

Q And that's also southwest Detroit?

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A Yes.
Q And what else happened?
A After that Andrew said that -- that he lit the guy on fire with -- he lit him on fire with starter fluid and he set the body on fire.
Q Robert, when you first went to the home of Andrew Czarnecki that night, where did you guys go in the house, do you remember?
A We went all the way upstairs. It was all the way upstairs on the top floor.
Q And what were you and Moose doing?
A Well, when we got there, we started to -- to drink and smoke a little bit.
Q What were you smoking?

MR. CRIPPS: I'm sorry, I couldn't hear.

MS. POWELL-HOROWITZ: They were drinking and smoking.

MR. CRIPPS: No, I want him.

THE WITNESS: When we got there we started to drink and smoke a little bit.

BY MS. POWELL-HOROWITZ (continuing):
Q What were you drinking?
A We were drinking some liquor, some Hennessy.
Q Everybody was drinking?

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A All three of us, yes.
Q And you were smoking?
A Yes.
Q What were you smoking?
A Marijuana.
Q Everybody was smoking?
A Yes.
Q What, joints, blunts?
A They were just like a -- a blunt or something like that.
Q Were you drunk?
A No.
Q Were you high?
A A little bit.
Q Did you expect to be told these things?
A No.
Q How did it come up?
A It came up after I asked Drew what happened to his arm.
Q Did you think they were serious?
A At first no.
Q Did they show you any of the objects that were used?
A Yes.
Q Tell me about that.
A After they described -- after what they said and

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everything we went downstairs and then Andrew just showed me, it was like some metal looking thing. I guess that you would put a Christmas tree or something like that. That holds the Christmas tree.

Q It's round?

A Yeah. It's round. Some round metal object and then he just said, that's what he hit him in the head with and then he said, look, it's heavy, right? And then I grabbed it a little bit like one time and just gave it back to him.

Q Did you think he was being serious?

A Not really, no.

Q Did you have a bad feeling?

A Yeah. But -- I mean, but not really. I didn't -- I thought they were lying to me.

Q Why?

A I just thought they were just making something up.

Q This Pontiac G6 that you were in, had you ever heard reference to this car or the owner of the car a little bit prior to this incident?

A Yes. Moose -- Moose told me that while -- while they -- while they were talking about how they killed the guy and stuff, Moose said, do you remember when I told you about some guy that gave me a ride home in Dearborn one time or something like

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that. And I was planning -- and I thought he was gay or whatever and I was planning on robbing him for his car or something like that.

Q And Drew was present while Moose was saying this?

A No.

Q Where was this at?

A Well, yeah, this was in the house, but when Moose told me this, way before that, Andrew was not present, no.

Q So the first time -- you're talking about Moose mentioning to you that he had met someone that he thought was gay and he was going to rob them for a car?

A Yeah.

Q And then he reference it again while they were -- while Drew --

MR. CRIPPS: (Interposing) Objection as to leading, your Honor.

MS. POWELL-HOROWITZ: No, I'm clarifying his testimony.

THE COURT: Well, it's clarification. Okay. So it's essentially what he said already.

MS. POWELL-HOROWITZ: Yes, your Honor. I'm sorry.

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BY MS. POWELL-HOROWITZ (continuing):

Q And then Moose referenced that again while he and Drew were talking about killing this individual?

A Yes.

Q All right. When you previously -- when Moose had talked to you previously about robbing this individual he thought was gay, did he reference what type of car it was?

A Yes. He said it was a Pontiac -- a Pontiac G6.

Q And did he say why he was going to do this?

A No. I guess he just said because --

MR. CRIPPS: (Interposing) Can I get -- can we, your Honor, just can we get clear who's talking?

THE WITNESS: Yes. Moose said that --

THE COURT: (Interposing) Okay.

THE WITNESS: Moose said that when the guy picked him up that he thought he was gay, because he was trying to touch Moose. And then that's why Moose wanted to rob him.

BY MS. POWELL-HOROWITZ (continuing):

Q And -- and Andrew was present when he was talking about this again after the homicide?

A Yes.

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Q Did you know -- did they tell you how Gavino -- or how the victim in this case came to be at the home of Czarnecki?

MR. CRIPPS: (Interposing) Again, my -- my objection would be I'd like to know specifically who's talking.

MS. POWELL-HOROWITZ: Well, I'm asking him did anyone tell him.

THE COURT: Yeah. Right now I don't think that's a question on the table. Okay. Go ahead.

THE WITNESS: Can you repeat the question? Yes. Yes. Andrew said that the guy just showed up to the house.

BY MS. POWELL-HOROWITZ (continuing):

Q Okay. Did Moose ever say anything about someone being called over to the house?

A I don't recall that, no.

Q All right. After you're drinking and you're smoking and Andrew and Moose have said these things to you, what happens?

A After that, Moose asked me to give him a ride home.

Q And did you do that?

A Yes.

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Q And tell me what happens on the way home.
A So all -- they -- on the way home Moose -- Moose was talking about where he -- where he put the body at. And then he asked me if I wanted to see it. And I said, yes.
Q Did you think he was for real?
A Not really, no. So Moose -- Moose directed me to a street, to a street in back of CFA. And he just -- it was a field over there and I just seen a stack of tires. That's it.

And he said -- he just pointed at the tires and said, it's in back of them. But I didn't see nothing there, except for the tires.

Q And did you take Moose home?
A Yes.
Q Did he say anything about where it happened?
A Yeah. He just -- he just said that, you know, on the way home he said, you know, I -- that they were not -- they didn't plan on killing him. They were planning on just robbing him for the car.
Q Did he sound sorry?
A Kind of, yes.
Q Did you feel like he was being serious now?
A Yes. Yes, after I took him home, yes. Like after I left from there, yeah.

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(Whereupon People's Proposed Exhibit Number 15 was received into evidence.)

BY MS. POWELL-HOROWITZ (continuing):

Q Please tell us what's in -- what's inside?

A Inside the envelope is four latent lifts. And these are each labeled 1, 2, 3, and 4.

Q Let's start with number 1.

A Number 1, I analyzed this lift and determined that there were not any prints on this lift that were suitable to be compared.

So this means that there were no latent prints suitable for comparison on this lift. This lift is labeled -- do you want me to read the label, ma'am?

Q Yes, please.

A Left side of trunk. I can't make out one word, by the Pontiac -- Pontiac logo.

Q Number 2?

A Number 2, also no latent print suitable for comparison on this lift. This lift was labeled trunk. I don't know if that's lad or lid?

Lift number 3, there is a latent print on here that I determined to be suitable to be

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compared. This lift is labeled from trunk lid at V6 emblem.

And then lift 4, there is also a latent print suitable for comparison on this lift as well. And it was labeled right side of trunk, V6 emblem.

Q So number 1 and 2 were not suitable for comparison, but 3 and 4 were latent prints that you could compare?

A That's correct.

Q What are you comparing them to?

A I am comparing them to known impressions of individuals whose names I was provided by the investigating agency.

Q What names were those?

A May I refer to my notes?

Q If that will refresh your recollection as to them.

A So I was provided three subjects. One being Hernandez Rodriguez, first name Gavino. Another person being Lopez Lujano, first name Jose. Another person being Czarnecki and first name of Andrew, middle name of Michael. And the last person was last name Hameer, first name Alkotait. That person also had an alias where the names were switched, so the last name Alkotait, first name Hameer.

Those are the subjects that I was

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provided to compare their known impressions to the latent lifts.

Q What did you -- what did you discover when you did the comparisons?

A When I conducted the comparisons, I determined that the latent -- the latent print on lift 3 was identified as the right little finger of Andrew Czarnecki.

And then on lift number 4, that latent print was identified as the right index finger of Andrew Czarnecki.

Q Which one is number 3?

A May I look at the report? This lift is number 3.

MR. CRIPPS: I couldn't hear.

THE WITNESS: Number 3 is the left pinky of Andrew Czarnecki, is the right little finger.

BY MS. POWELL-HOROWITZ (continuing):

Q Right little finger.

A Number 4 is the right index finger.

MS. POWELL-HOROWITZ: May I publish to the jury on the big screen at this time?

THE COURT: Sure.

BY MS. POWELL-HOROWITZ (continuing):

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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

PEOPLE OF THE STATE OF MICHIGAN,

-vs- Case No. 16-010813-FC

ANDREW MICHAEL CZARNECKI,

Defendant.
_____/

JURY TRIAL

PROCEEDINGS HAD in the above-entitled cause before the HONORABLE MICHAEL HATHAWAY, Judge, Third Judicial Circuit, Courtroom 701, Frank Murphy Hall of Justice, Detroit, Wayne County, Michigan, on Monday, December 3, 2018.

APPEARANCES:

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On behalf of the Defendant.

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Q. And is that in the area of a field at Braden and Wagner and Cecil and McGraw?
A. Yeah, just -- just south of Braden and Wagner.
Q. And does that building exist any more?
A. That building is completely gone.
Q. And there was reference in this case by Mr. Czarnecki in the interview that we played for the jury last week regarding Mr. Czarnecki living on Wesson Street in this case?
A. That's correct.
Q. Back in 2 thousand 13, did you have an address for that location?
A. No, I didn't.
Q. And is the cross street Lola?
A. Yes, it is.
Q. Lola and Wesson is the nearest intersection?
A. That's correct.
Q. And there is mention of a Prince Valley market in that area?
A. That is correct.
Q. Is there a sign on Prince Valley market that contains other words?
A. Yes there is.
Q. Can you tell me about that?
A. There is an -- it's a -- people refer to it as Prince

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Valley market, but there is also another name in the middle on the sign that says Gigante -- I don't know the exact spelling of that -- and then there is also tortilla and then andora (ph.)or something to that effect, I don't know exactly if I am pronouncing it correctly. It is a Hispanic --

Q. Do you remember how -- your pronouncing it Gigante, maybe his gigantei, how it is spelled?

A. Yeah, it's G-I-G-A-N-T-E, I think.

Q. All right, thank you. Lola and Wesson, is that behind Prince Valley market that has the sign that says Gigante on it?

A. That's correct.

Q. All right. And did you ever go with Mr. Bonas to try to locate the house where the murder happened?

A. Yes. After the interview with Mr. Bonas, we drove out to the Lola and Wesson and he pointed out -- there was actually 2 houses that looked very similar.

And I asked him which house it was, and he wasn't exactly sure but 2 houses looked very similar, and he wasn't sure exactly which house it was.

Q. And when you went to enter someone's home, do you have to have specific description of the location?

A. We have to have an exact description of the location. We have to have confirmation that that's the house,

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Q. Would you please hold on to those records. And can you tell me what time the very last call was that the victim made in this case?
A. Sure.
Q. And I'm sorry, I'm sorry. And could you tell me what numbers are being called from Mr. Rodriguez's cell at 3:15 and then again at 4:02?
A. Let me get over here to the right.
Let me move over there to the right. Take one of the directional arrows to the right.
Q. So the calls that are being made in this tower that is in the area of Lola and Wesson, there are phone numbers that the victim was calling while in this area?
MR. CRIPPS: Again it's a phone associated with, Your Honor.
MS. POWELL-HOROWITZ: This is --
THE COURT: -- I think you asked the phone number.
MS. POWELL-HOROWITZ: I apologize.
THE COURT: You asked him what numbers --
MS. POWELL-HOROWITZ: Yeah.
THE COURT: -- the victim was calling?
MS. POWELL-HOROWITZ: Yeah, what numbers the victim called.
THE COURT: Well, okay, I think -- I don't

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think there is any dispute about Rodriguez using Rodriguez's phone, but I think we have already been through this, a little bit with other numbers.

All right. The witness can answer the question as raised.

MR. CRIPPS: Thank you, Your Honor.

BY MS. POWELL-HOROWITZ:

Q. Just for the record, please, at 3:15 and the 4:02 call being made that is registering with a tower in the area towers in the records?

A. So at 3:38, the -- Mr. Rodriguez's phone is making an outgoing call to the 4490 number, which is associated with I believe it is Roberto Colone.

And at 4:02 p.m. Mr. Rodriguez's phone is making an outgoing call to a 3931 number, which is associated with last name Banales, B-A-N-A-L-E-S.

Q. Tell me about the very last call that this victim made from his phone that day on the 10th of 2 thousand 13?

A. All right, if we could keep scrolling down. The last call, actually the last phone call that is -- was completed on January 10th [sic] at --

Q. July 10th?

A. -- July 10th, I'm sorry, at 4:28 p.m. it was an incoming call from an 8146 number. And I don't think we were able to ever determine an association for that

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8146 number but that was at 4:28 p.m. on July 10th.

Q. That I see is registering with tower 95-5?

A. That is correct.

Q. And where is that tower located?

A. That tower as we see to the jury's right, that tower is in the general vicinity of Michigan and Lanyo with the sector facing south.

So here's Michigan, here's Lanyo (Indicating.) Sort of running north and south, the tower is depicted by this black dot and with the sector facing south. Again that would be 4:28 p.m.

Q. 4:28 p.m. July 10, last call?

A. Last call by the victim's phone, yes, ma'am.

Q. And this again encompasses Michigan and Lanyo?

A. That is correct.

Q. Agent Brue, do you look at the frequency with which a person uses their phone in determining a timeline for their death?

A. Absolutely.

Q. Why?

A. Well, to see, you know when that phone --

MR. CRIPPS: Your Honor, Your Honor, I would object to this testimony. I think it is beyond the scope, again, of what he is here to testify about.

MS. POWELL-HOROWITZ: It is relevant to how

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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

PEOPLE OF THE STATE OF MICHIGAN,

-vs- Case No. 16-010813-FC

ANDREW MICHAEL CZARNECKI,

Defendant.
_____/

JURY TRIAL

PROCEEDINGS HAD in the above-entitled cause before the HONORABLE MICHAEL HATHAWAY, Judge, Third Judicial Circuit, Courtroom 701, Frank Murphy Hall of Justice, Detroit, Wayne County, Michigan, on Tuesday, December 4, 2018.

APPEARANCES:

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On behalf of the People.

DAVID CRIPPS, Esq.,
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On behalf of the Defendant.

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A. Yes, ma'am. At 4:20 -- so this is line 5, at 4:26 p.m. and again at 4:34 p.m., the phone associated with Mr. Czarnecki is making outgoing calls.

During those outgoing calls the phone is utilizing the same tower at Michigan and Lanyo.

Q. Okay. So 4:25 p.m., 4:36 p.m., defendant's handset is registering at Michigan and Lanyo?

A. At 4:26 and 4:34 yes, ma'am.

Q. 4:26 and 4:34?

A. Correct.

Q. The victim in this case had a 4:28 p.m. call that was registering in that same area?

A. That is correct, on the same tower.

Q. The same tower.

So the defendant's phone and the victim's phone are registering on the same tower at Michigan and Lanyo at this time?

A. That is correct.

Q. All right. Let's move to 7:53 p.m. And are there calls from defendant after 4:36 p.m., between 4:36 and 7:53 p.m.?

A. Are their calls with the defendant -- or I mean, with the victim?

Q. Is the defendant using the phone -- using his phone?

A. Oh, yeah, there are several calls between 4:36 and

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7:53, yes.
Q. We are going to move the 7:53 p.m..
A. At 7:53 p.m., the call associated with the defendant is receiving an incoming call and during that incoming call the phone is utilizing the same tower, which is consistent with Lola and Wesson.
Q. And at this time the victim's phone is dark, is that correct?
A. Yes, the last call was at 17 hundred, at that time his phone was not having any more outgoing activity. Therefore, not being utilized actively used by anyone.
Q. So at 7:53 p.m. defendant's handset is registering back in that area of Lola and Wesson?
A. At 7:53 p.m., yes, ma'am.
Q. What about 8:53?
A. At 8:53, that is also, we can go to the map on this page 3, so we see that those lines are highlighted in green and blue at 7:53 and 8:53.
Q. Page 3 of the exhibit?
A. Yes, I'll slide down.

At 7:53 and 8:53 we see that the call associated with Mr. Czarnecki is utilizing the green and the blue cell sectors which is consistent with being at or near Lola and Wesson.

Q. What about midnight on July 11th, the early morning

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hours?

A. So if we could go back to the first page or if I could take a look at the hard copy.

Q. I'll give you the hard copies.

A. Okay, then we won't have to go back and forth.

Q. If you'll take exhibit number 22.

A. So going into July 11th at 12:03 a.m., 12:31 a.m., 12:32 a.m., 12:34 a.m., 12:36 a.m., and 12:48 a.m., the phone associated with Mr. Czarnecki has cellular activity during the times between 12:03 a.m. and 12:48 a.m..

The phone associated with Mr. Czarnecki is utilizing the two cell sectors that are depicted in green and blue, consistent with that phone being at or near Lola and Wesson.

Q. And the victim's phone during the time period is it interacting with any towers?

A. It is not.

Q. Again, last call is at 5 p.m.?

A. 5 p.m.

Q. And that was registering over at Michigan and Lanyo?

A. That is correct.

Q. And that is in that yellow triangle area?

A. Yes, orange.

Q. Same tower that the defendant's phone was using at that

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time?

A. Around 4:30, yes, correct.

Q. All right. Let's move to 1:05 a.m. on July 11th where does the defendant's handset go?

A. At 1:05 a.m. on July 11th the phone associated with Mr. Czarnecki, is making an outgoing call.

And during that call the phone is interacting with the Michigan and Lanyo tower. And the sector that you see depicted in orange.

Q. What about 1:38 a.m.?

A. At 1:38 a.m., the phone associated with Mr. Czarnecki is receiving an incoming call.

During that incoming call, the phone is interacting with the tower here at Livernois and McGraw, the sector oriented to the west, which would service the area of the scene.

Q. What scene?

A. Well where the victim's body was discovered.

Q. 1:38 p.m., this is the Braden and Wagner area?

A. That is correct, there is Braden sort of runs north south just underneath the word scene and you see Wagner here inside the circle and that continues in an east direction intersecting with Frazier.

Q. So 1:38 a.m., the defendant's handset is registering in an area that is consistent with the burn site in this

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case?
A. That is correct.
Q. Do you know around this time what phone numbers are being called?
A. At 1:38 a.m., Mr. Czarnecki's phone was receiving a call from 313-421-6042. And that number has been associated last name Bonas B-O-N-A-S, first name Robert.
Q. So while the defendant is in the burn site area, he's actually getting a call from Robert Bonas in this case?
A. That is correct.
Q. Let's see where Mr. Bonas information is?
A. Okay.
Q. You did a work up on Mr. Bonas?
A. I did.
Q. I will hand you proposed number 13. You recognize that exhibit?
A. I'm sorry.
Q. Do you recognize that exhibit?
A. Yes, ma'am.
Q. Tell me about it please?
A. This is a 3-page exhibit, which, again, similar to the first 2 that we have seen show a spread sheet which reflects activity, calls in and out, text in and out, for the phone associated with Mr. Bonas.

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STATE OF MICHIGAN.

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

PEOPLE OF THE STATE OF MICHIGAN,

-vs- Case No. 16-010813-FC

ANDREW MICHAEL CZARNECKI,

Defendant.
_____/

JURY TRIAL

PROCEEDINGS HAD in the above-entitled cause before the HONORABLE MICHAEL HATHAWAY, Judge, Third Judicial Circuit, Courtroom 701, Frank Murphy Hall of Justice, Detroit, Wayne County, Michigan, on Wednesday, December 5, 2018.

APPEARANCES:

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On behalf of the Defendant.

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JUROR NO. 12: Yes, we have.

THE COURT: All right, Ms. Whittington reading from your jury verdict form, in Count I the defendant is charged with first degree premeditated murder, you had 3 options, what was the jury's verdict?

JUROR NO. 12: Guilty of first degree premeditated murder.

THE COURT: And in Count II he charged with first degree felony murder, what was your verdict?

JUROR NO. 12: Guilty of first degree felony murder.

THE COURT: And in Count III, he is charged with arm robbery, what was your verdict?

JUROR NO. 12: Guilty of armed robbery.

THE COURT: And in Count IV, carjacking?

JUROR NO. 12: Not guilty.

THE COURT: I'm sorry.

JUROR NO. 12: Not guilty.

THE COURT: Not guilty, okay.

And then in Count V disinterment and mutilation of a dead body, what was your verdict?

JUROR NO. 12: Guilty.

THE COURT: Thank you, Ms. Whittington. You may be seated.

Mr. Cripps, you want the jury polled?

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TRANSCRIPT, DEC. 19, 2018

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

PEOPLE OF THE STATE OF MICHIGAN,

-vs- Case No. 16-010813-FC

ANDREW MICHAEL CZARNECKI,

Defendant.
_____/

SENTENCE

PROCEEDINGS HAD in the above-entitled cause before the HONORABLE MICHAEL HATHAWAY, Judge, Third Judicial Circuit, Courtroom 503, Frank Murphy Hall of Justice, Detroit, Wayne County, Michigan, on Wednesday, December 19, 2018.

APPEARANCES:

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They knew of Mr. Czarnecki, which as far as to give them a moment to present it in court. He does have credit time of 7 hundred 50 days. We would ask you to apply that to the homicide charge.

We'd ask that the armed robbery and disinterment of a dead body run concurrent with the homicide charge.

And lastly, we would ask that you close out the pending HYTA proceedings that has been continued by Judge Cynthia Hathaway until a resolution of this case. Those are all of my requests, thank you.

THE COURT: Okay. And well just for clarity then, Mr. Czarnecki, do you wish to say anything?

DEFENDANT CZARNECKI: No, sir.

THE COURT: All right. This indeed was an unspeakably and unusually brutal crime.

And what is even more troublesome about the case, particularly I am sure from the surviving family's point of view is the way in which it was handled by virtually every level of our system here.

There was inordinate lassitude in the way it was brought to justice and charged finally, and then moved along in our system.

The fact that this defendant has 7 hundred and 50 days jail credit coming is sort of a clear

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indication of the fact that this case languished on our docket for way too long, and for, you know, for any number of reasons.

And there is no one person or one feature of the system to be blamed for that, but it is just something that happened in this case and unfortunately the case isn't actually fully concluded yet.

But I was struck by the -- when it finally did come to trial about how exquisitely well marshalled the evidence was, and how well prepared it was.

There was an officer in charge in this case as well as a trained prosecutor, who obviously felt very keenly and deeply about the case. And really put on an exquisite case for the jury to hear and understand.

And there were a lot of dots for the jury to connect here. It wasn't one of those homicide cases that especially because of the length of time that it languished, that it was extremely obvious to the finder of fact.

It took some work and some thinking and some logical reasoning on the part of the jury to come to the conclusions they came too.

But in the end, I am totally satisfied that they came to the right conclusion and, you know, it

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took them only 2 or 3 hours of deliberations to reach that conclusion.

I had a chance to talk to the jury after the trial was over, of course, and they all were literally shaken by the evidence and the facts in this case.

And in the end, it was just pretty obvious that this defendant had committed and helped someone else commit along the way an unspeakably horrible crime.

So this is not a verdict or sentence that I have no second thoughts or reservations about at all, Mr. Czarnecki.

You have been convicted of both forms of first degree murder, both first degree premeditated murder and first degree felony murder.

I am, as I am required to do under these circumstances, vacating the felony murder conviction and sentencing you to only on the premeditated murder.

And on that offense, you are to be remanded to the custody of the Michigan Department of Corrections for the rest of your natural life, and that is life without the possibility of parole.

And then also, you were convicted of armed robbery. On that count I am sentencing you to 11 to 20 years with the Michigan Department of Corrections.

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And on the disinterment of a dead body, you are sentenced to 5 and a half to 10 years with the Michigan Department of Corrections. All of --

MR. CRIPPS: Your Honor, may I address that?

THE COURT: Yes.

MR. CRIPPS: It is above the guidelines so you know --

THE COURT: 5 and a half --

MR. CRIPPS: I think the top of the guidelines are 4 years and 9 months.

THE COURT: I have -- okay.

MR. CRIPPS: For the disinterment.

THE COURT: I'm sorry, you are absolutely right. I meant to -- you know what, I meant to come under that 57 months. So, 4 and a half years to 10 years with the Michigan Department of Corrections.

Just so it's clear 4 and a half to 10 years on the disinterment conviction, 11 to 20 on the armed robbery conviction, life without parole on the first degree premeditated murder conviction.

All of those sentences will run concurrently and they will all be subject to 7 hundred and 50 days jail credit.

Mr. Czarnecki, you have a right to appellate review of your conviction and sentence in this case.

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