

Ann Arbor PD Follow-Up Report

Ann Arbor PD
100 N Fifth Ave
Ann Arbor, MI 48104
734 794-6900

Case No. 110000289
Report No. 110000289.2
Report Date: 1/15/2011

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Subject: 1171 Victim Statement

Case Report Status **A - Approved**
Agency County **81 - Washtenaw**
Agency City/Township **89 - Ann Arbor**
Occurred On **1/15/2011 3:30:00 AM**
Or Between
Business Name
Location
CSZ **Ann Arbor, MI 48104**
Census/Geo Code
Jurisdiction
Grid
Sector
Map
Call Source **Telephone**
Vehicle Activity
Dir. Veh. Traveling
Cross Street
Means
Motive

Entered On **1/20/2011 9:39:51 AM**
Entered By **52400 - Tacey, Gerald**
Verified On **1/26/2011 1:33:28 PM**
Verified By **43700 - Briney, Chris**
Approved On **1/26/2011 1:33:35 PM**
Approved By **43700 - Briney, Chris**
Related Cases
Disposition **Active**
Excp. Clear Reason
Excp. Clear Date
Reporting Agency **Ann Arbor PD**
Report Type **Follow-Up Report**
Division **Investigations**
Notified
Related Cases

Reporting Officer
52400 - Tacey, Gerald

Assisted By

Agency Assisted

Call for Service #
110002421

Report Narrative **11-289**
CSC
Det. Tacey #524
Date: 1-16-11, 0326 hours

REPORT

Det. Tacey was contacted at his residence by Lt. Blackwell and requested to respond to the St. Joe's Hospital Emergency Room reference a CSC victim. Det. Tacey was then briefed by Lt. Blackwell of the circumstances surrounding the case.

Det. Tacey then responded to St. Joe's Emergency Room where he contacted Officer DeVoogd and was briefed reference the medical exam. There, Det. Tacey met with the victim in this case in a family waiting room. Det. Tacey then interviewed the victim reference this incident and Officer DeVoogd was present during the interview.

VICTIM

[REDACTED]
B/F, DOB: [REDACTED] (19 yrs old)

Ann Arbor, MI 48108

Eastern Michigan Student [REDACTED]

Permanent residence: [REDACTED]

TX: [REDACTED]

Upon questioning, [REDACTED] provided the following statement.

[REDACTED] stated that on the evening of January 14, 2011 she went with her girlfriend [REDACTED] another girl she knows through [REDACTED] as [REDACTED], and a subject whom she knows as [REDACTED] to Studio 4. She explained that [REDACTED] promotes parties with [REDACTED]

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██████████ stated they arrived at approximately 2330 hours. The party for the evening was called a "Ice Breaker". It was an Eastern Michigan University winter semester party for students enrolled in this school.

Upon arrival, she stated she had a few drinks. Upon questioning Det. Tacey asked ██████████ to be detailed and she stated she had a Hennessy and Coke, four Gray Goose and Cranberries, a shot of Patron, and a drink called Sex on the Beach which is known to contain Vodka and Peach Schnapps.

██████████ stated that during the night she began to feel drunk but she was "still operating" meaning she was still in control of herself. She went over to a table on the side of the bar and placed her head down on the table. A short time later, a subject she knows as ██████████ came over and tapped her on the shoulder. Along with ██████████ were subjects she knows as ██████████ and ██████████. There were two other black male subjects with him that she didn't know. She got up, gave everybody a hug, and began talking to them.

██████████ invited ██████████ over to his residence, saying that he was just around the corner, told her to come on over and they could continue drinking and smoke some "weed" meaning Marijuana.

██████████ went over and asked her friend ██████████ if she wanted to go. ██████████ stated, "You know what kind of guys they are", referring to an incident that occurred over the summer time.

Upon questioning about that incident, ██████████ indicated that she was over at ██████████ residence over the summer time. While there, a subject whom she knows by the name of ██████████ poured Codeine cough syrup into her drink, which already contained liquor. She stated they were doing this in an attempt to make her pass out. Eventually her friends ██████████ and ██████████ got her back to her residence and helped her out.

She knows her friend ██████████ from EMU so she went and asked ██████████ and they agreed to go over to ██████████ residence.

██████████ consulted her cell phone regarding the calls that were made. She indicated they left the bar at approximately 0216 hours. The male subjects that she was talking to and had invited her over had already left. She knows this time because she had received a phone call from ██████████ reference directions to the location.

She stated that ██████████ made her drive ██████████ car to the location. ██████████ had indicated that she was already drunk and could not drive. ██████████ stated that she then drove ██████████ car and that they continued to get lost even though ██████████ had put the address into her cellular phone for maps. ██████████ indicated that the address they were attempting to go to was ██████████ Ann Arbor, Michigan.

Upon getting lost she indicated that she had other conversations on the telephone with ██████████ in attempts to get driving directions. Eventually ██████████ told her to just meet them at the gas station, and upon questioning it is believed the gas station in question is the one located on the southeast corner of Main and Madison.

Upon reviewing her phone, she believes that they arrived at the gas station at approximately 0241 hours. Once there, they met with ██████████ and the two other guys who were already in the gas station. ██████████ indicated that she bought some chips and juice from the gas station and then was instructed by ██████████ to follow his truck from the gas station to ██████████ house at ██████████

██████████ stated the plan was for her to arrive at the residence and to sleep there until she was sober. She had discussed this arrangement with ██████████ and he agreed to it. She further stated she has spent the night over at ██████████ residence in the past.

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Upon arrival to the residence, she stated that the other previously listed subjects were there. She stated she went up to the guest bedroom and had requested a t-shirt and socks from [REDACTED] so she could go to sleep. [REDACTED] stated that [REDACTED] went and got her a t-shirt, socks, and shorts, and brought them into the guest bedroom where she was.

Upon asking for their description, she stated she was not sure what they looked like, but [REDACTED] eventually sat them on the bed.

SEXUAL ASSAULT

After [REDACTED] entered the room [REDACTED] "ran upstairs" and came into the guest bedroom with [REDACTED] and [REDACTED] already present. [REDACTED] stated [REDACTED] "We will give you some money, pay your rent" and other financial offers that she could not directly remember at this time in exchange for sex.

[REDACTED] stated she responded by saying, "If you touch me, that's rape", indicating she was declining their approaches to engage in sexual conduct.

[REDACTED] indicated that when [REDACTED] first came into the room, he turned around, shut the door, turned to where his back was facing the door, and she observed his arm go behind his back and it appeared to her as if he were locking the door. He then turned the light switch off and the lights went out.

[REDACTED] stated she is afraid of the dark so she got up and immediately went and was facing the front of the door. She then turned on the lights.

At this point [REDACTED] took his hand, reached underneath her skirt and grabbed her buttocks and in a cupping motion, touched her vagina on the outside of her underwear. She indicated that he did not reach inside her underwear and he did not penetrate her vagina.

[REDACTED] stated she turned around and told [REDACTED] to stop touching her.

[REDACTED] then stated to her, "You might as well do it" (sex) and told her to stop "trippin". [REDACTED] responded by stating, "You're supposed to be my big brother", indicating they were really good friends.

[REDACTED] then stated that a large argument then ensued where both [REDACTED] and [REDACTED] were requesting to have sexual relations with her.

[REDACTED] then went back to the beginning of the time when they were upstairs and indicated that one of their friends whom she does not know, immediately came upstairs and offered her to take a shot of 1800 (Tequila). She first indicated that she didn't want to, but then she was pressured by the subjects in the room to drink the shot. She indicated that she got the shot from [REDACTED] but that [REDACTED] had received the shot from another person who she assumed was the other person who ran upstairs with the bottle. After she took the shot she stated they began to argue. She then indicated to them that she just wanted to get into bed and go to sleep.

[REDACTED] stated she then laid down on the bed with her hands on her face stating, "I don't want to do nothing, if you touch me it's rape" indicating she did not want to have sexual relations with any of the subjects. It should be noted that the third subject with the Tequila bottle had already left.

While she was lying on the bed, [REDACTED] approaches her and pulls down her dress to expose her bare breasts. She is not wearing a bra.

[REDACTED] then begins to kiss her chest, her breasts, and her right nipple. [REDACTED] states to her that he will do anything to have sex with her, and continues to kiss her nipple. [REDACTED] then pulls her

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dress down to her ankles and continues to kiss down from the breast area to her abdomen area.

At this point, [REDACTED] then states, "I will give you oral sex" and at this point he is touching her breasts, stomach, vagina, legs, and both inner thighs. Det. Tacey asked [REDACTED] if he penetrates her vagina and she stated she did not.

As this is going on, she begins to attempt to push [REDACTED] off of her. [REDACTED] is then sitting on the bed and grabs both of [REDACTED] wrists and holds them down on the bed so she can't move them. She described it as "I felt like I was handcuffed". She then stated she looked over to her left and then blacked out.

She then hears one of the subjects saying, "Did this bitch just pass out, wake her up".

She then comes to and grabs her underwear and dress from around her ankles and begins to pull them up.

Det. Tacey asked [REDACTED] why she passed out. She stated, "I don't know, it's something in the 1800." [REDACTED] also theorized that maybe she was trying to get out of the situation she was in by passing out.

Det. Tacey asked [REDACTED] if she was an experienced drinking and she didn't think that she was, but she does drink approximately once a month and nothing like this has ever happened to her before.

[REDACTED] then returned to the part where she was pulling up her underwear and dress and stated she put on her Cardigan sweater and buttoned it all the way up.

She then observed [REDACTED] and he was buckling his belt.

[REDACTED] then stated, "You can have this bitch, do whatever you want to do with her" to [REDACTED] and he then left the room.

At this point [REDACTED] asked [REDACTED] if she can go to sleep and [REDACTED] said, "No, you got to finish what we started".

[REDACTED] stated that she went to stand up from the bed and then she fell down to the ground. She indicated she did this because she was drunk. At this point, [REDACTED] was holding her down on the ground and he then shoved his penis into her mouth.

Det. Tacey then questioned [REDACTED] about [REDACTED] dress and how exactly was his penis in a state of undress and she didn't know.

Upon questioning, [REDACTED] stated that [REDACTED] was wearing a gray sweater Cardigan with black stripes, a gray Louis Vitton hat and scarf, black jeans, and gray basketball shorts underneath the black jeans. She indicated that when she fell down, [REDACTED] penis was already outside of his pants.

At this point Det. Tacey provided [REDACTED] with his notepad and a pen from Officer DeVoogd. Det. Tacey asked [REDACTED] to draw out exactly where she was and where the suspects were during this incident. She drew a diagram of the room and showed how [REDACTED] had walked over, turned off the light and locked the door. She then showed where she was positioned at the foot of the bed with her feet on the floor and her knees bent at the end of the bed while she was lying on her back. The diagram indicates the location of [REDACTED] in front and on top of her, and the location of [REDACTED] during the first assault, which is between the headboard and her head.

The interview then returned back to what had occurred when she fell down. [REDACTED] stated that once she fell down, [REDACTED] positioned her to get her on her knees. He then shoved his penis into her

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mouth and he was pushing the back of her head back and forth. [REDACTED] stated, "I'm about to puke, throw up." She stated this lasted about 2 minutes and she stopped. She protested the actions and stated she did not want to participate in the sexual relations.

[REDACTED] responded, "What's wrong with you? You need to stop talking, I'm trying to cum".

[REDACTED] stated that [REDACTED] then placed his penis back in her mouth. She stated that the second time lasted for approximately 8 minutes.

Det. Tacey asked if he ejaculated and she stated she was not sure.

Det. Tacey asked how did it end. [REDACTED] stated it ended when [REDACTED] stopped and pulled his penis out of her mouth. He then fixed his clothes and told [REDACTED] to "fix herself" and then they will go downstairs.

They then went downstairs and at this point [REDACTED] began to laugh at her and make fun of her by saying that she was involved with some "kat stacks shit". She explained that "Kat Stacks" is a groupie in the hip hop community and this is supposed to be an insult. [REDACTED] explained to her by saying that she was just in the room with [REDACTED] and [REDACTED] and they were making fun of her.

Det. Tacey asked where she was at. She stated she was sitting on a dining chair in the dining room.

[REDACTED] told [REDACTED], "You shouldn't drink, drinking turns you into a different person."

[REDACTED] then told [REDACTED], "I'm going to bring [REDACTED] here for you", referring to another basketball player who plays for Michigan State University.

During this time, [REDACTED] stated she took out her cellular phone and began to take pictures of subjects in the residence. She stated, "I'm going to show the police."

[REDACTED] then stated, "You got to get the fuck home, you not sleeping here."

[REDACTED] then took [REDACTED] cellular phone from her and began to delete all of the pictures off of it that were in reference to himself and the other people at the residence. She eventually got her phone back and stated that she kept trying to call [REDACTED]

She stated that this lasted for approximately an hour and a half. It was then determined that one of the unknown subjects would drive [REDACTED] truck with her in the back seat and [REDACTED] in the front to her residence where she could be dropped off and go home. On the drive to her residence, [REDACTED] had her phone again and kept on going through it to make sure there were no pictures regarding this incident. [REDACTED] then showed her a picture of herself on the phone and said, "I like you when you're like that," referring to her not being drunk.

[REDACTED] stated this was at approximately 0533 hours.

[REDACTED] stated she remembered another portion of the incident. She stated that before the actual sexual assault, the argument consisted of having sex with the two suspects and also taking a shower with both of them. She did not want to take a shower with them. When [REDACTED] had come into the room and locked the door, he then went into the connected bathroom and turned on the shower. [REDACTED] had indicated that she could take a shower with both him and [REDACTED]

The argument got loud and that's when her friend came up to the bedroom, but could not get in because the door was locked. Her friend, [REDACTED] asked if she was okay and [REDACTED] told her to tell [REDACTED] that she was okay. [REDACTED] ran into the bathroom to hide and to turn off the shower. [REDACTED] eventually left the residence.

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██████████ also remembered the conversation that occurred in the living room after the incident. The subjects were teasing her and stating that they would put this information on the Internet under a site called World Star Hip Hop. Upon further questioning, she stated that it is a website that posts pictures and videos regarding hip hop stars.

VICTIM'S PHONE

Det. Tacey requested to review the victim's phone in attempts to obtain a specific time when this incident occurred. During that time the victim was there watching as the detective viewed the phone. Det. Tacey was able to obtain a telephone number for ██████████ and another phone number for ██████████.

Upon examination of when the call times came in and went out it was determined that a gap from approximately 0258 hours to 0318 hours existed and it was agreed upon by ██████████ that this was the timeframe that the incident occurred.

Det. Tacey asked ██████████ why throughout this time she didn't call 911 to request help.

██████████ responded, "I don't know." She then followed up by stating she was scared and stated that ██████████ would tell her, "I'm ██████████ I don't give a fuck". ██████████ She felt that was intimidating because of his position.

Det. Tacey asked ██████████ what did she do when she left ██████████ residence. She stated she went home by way of ██████████ truck, which is a black ██████████ truck and it says ██████████ on the license plate.

When she arrived at home, she took off her clothes and put her phone in the charger and went to sleep. She stated she woke up at about 0900 hours and began eating. She then stated that she began to receive phone calls at approximately 1044 hours.

██████████ stated she felt like she was "rolling" which she described as being high all day. She stated that she ate approximately 3 bags of Ramen noodles and she drank lots of water, which she normally doesn't do.

Det. Tacey then asked if she has taken a shower and she stated she hasn't.

██████████ then stated she had a conversation with ██████████ at approximately 1118 hours, she sent him a text stating, "I'm gonna fuck you up ██████████". ██████████ responded back and asked what she meant about that. ██████████ stated it was in regards to him "kissing on me". ██████████ asked her what else and stated that he was just listening, which gives the impression that he was attempting to obtain information on what she was going to do. ██████████ then states he was "drunk as hell" and then stated, "You need to realize what you say, you either say no or you say yes." Later she had received a text from him at approximately 1504 hours asking what she was doing and explaining that he was at Kalamazoo for a basketball game.

Det. Tacey asked ██████████ why it took her so long to report the incident. ██████████ stated she went back to sleep and started having dreams and it was like "everything was coming back." She then stated she started "feeling weird" and thought there was something wrong with her vagina. She then talked to her friend ██████████ and explained the situation. She then recommended that she go to the hospital in order to be checked out.

Upon questioning, ██████████ stated that she is not sure if she had sex with ██████████ that being vaginal

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or anal sexual relations.

At this point Det. Tacey then recapped the sexual assault allegations of both what [REDACTED] and [REDACTED] and her statement was confirmed.

SUSPECTS

Det. Tacey asked [REDACTED] to describe the suspects in this incident:

[REDACTED] B/M, Birthday [REDACTED] 19 years old, 6'4", 210 lbs, carmel color skin, long wide round shape head, little eyes, medium build, has a tattoo on his arm [REDACTED]. She stated that means "my brother's keeper for life." He is a [REDACTED]. She has known him since last year and met him through a common friend called [REDACTED].

[REDACTED] B/M, 21 years old, 6'7", skinny to medium build, black hair, carmel color skin, he has the same tattoo, but she is unsure where it is located at. He is a [REDACTED] and believes he may live in Ypsilanti at the Vila's, which is by Aspen Chase. During the time of his incident he was wearing a black vest and blue jeans.

WITNESSES

[REDACTED] described the following witnesses:

[REDACTED] but she believes his real name is something similar to [REDACTED]. She does not know his last name. He is a friend from Eastern Michigan University and is currently studying sports medicine. He lives in Glencoe Hills, B/M, 20 yrs old, light skinned, 5'6", skinny build, from Detroit.

[REDACTED]", B/M, 20-21 yrs old, light skinned, tall, ear piercing, mustache, goatee, black hair, brown eyes. Lives with [REDACTED].

The subject who brought the Tequila Bottle is a B/M, a little bit older, approximately 23 years old, 5'7" - 5'8", carmel color skin, chunky build, approximately 240 lbs, he was the person who was driving her home.

The other black male subject is unknown, but she states that he looks like the previously described black male subject.

She explained that during the time of this incident, this second black male and [REDACTED] were passed out on the couch.

FURTHER INFORMATION

Det. Tacey asked [REDACTED] how she was able to obtain alcoholic drinks at the bar. [REDACTED] stated when she went to the bar, she provided her driver's license to the bouncer at the bar, the bouncer looked at it, and provided her with a wristband in order for her to buy alcohol. She was surprised about obtaining the wristband, but did use it to obtain all the drinks listed, except the 1800. She stated she paid her own money and spent \$80.00 at the bar.

Det. Tacey asked [REDACTED] to describe the bed, sheets, and comforter that was used in this incident. She stated there were brown sheets and brown pillows, but she did not see a comforter. She does not know bed sizes, but explained that could sleep 4 people. It was then agreed upon that it may possibly be a king size bed.

Det. Tacey explained to her the investigation and the process with the Prosecutor's Office and further explained the beginning process for court upon her request.

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Det. Tacey asked [REDACTED] how she wanted to proceed in this case and if she wanted to prosecute the two suspects for criminal sexual conduct.

[REDACTED] indicated that she did not know, she wanted time to think about it and to talk to some friends. She stated that she would contact the detective tomorrow.

Det. Tacey provided her with his name and phone number.

DISPOSITION

It was then agreed upon that Officer DeVoogd would transport [REDACTED] to her residence where he would be able to obtain the dress she was wearing during this incident.

At approximately 0319 hours when the detective arrived at the police station, he looked for, but could not find Lt. Blackwell. Det. Tacey then telephoned him and provided him with the current case status.

Later an e-mail was sent to Sgt. Hughes and advised him of the current case status.

Open.

RW 1-18-11, 0836 hours.

Offense Detail: 1173 - CSC 1st Degree -Penetration Oral/Anal

Offense Description	1173 - CSC 1st Degree -Penetration Oral/Anal	Location Type	20 - Residence/Home	No Prem. Entered
IBR Code	11B - Forcible Sodomy	Offense Completed?	Yes	Entry Method
IBR Group	A	Hate/Bias	00 - None (No Bias)	Type Security
Crime Against	PE	Domestic Violence	No	Tools Used
Offense File Class	11003 - SEXUAL PENETRATION ORAL/ANAL -CSC 1ST DEGREE			
PACC				
Local Code				
Using				
Criminal Activity				
Force Level				
Weapons	40 - Personal Weapons (Hands, Feet, Teeth, etc.)			