

Ann Arbor PD Follow-Up Report

Case No. 110000289
Report No. 110000289.4
Report Date: 1/15/2011

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

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Subject: 1171 ██████████ 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 10:49:12 AM**
Entered By **52400 - Tacey, Gerald**
Verified On **1/26/2011 1:39:36 PM**
Verified By **43700 - Briney, Chris**
Approved On **1/26/2011 1:39:47 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
0930/1-19-11
Det. Tacey/524

TUESDAY, JANUARY 18TH, 2011

██████████ CONTACT

After the detective filled out the return and tabulation, he telephoned the phone number for ██████████ at 1631 hours. ██████████ answered the phone and Det. Tacey introduced himself and indicated there was ongoing investigation in which he was involved. Detective asked if he knew of this investigation, and he indicated to the detective that he had a pretty good idea what it involved. Detective Tacey then confirmed to him that it was regarding the victim, ██████████

Detective Tacey asked to speak with the suspect regarding this incident so he could get his side of the story. Detective requested that he come down to the Ann Arbor Police Department for an interview, and the suspect agreed. As the detective was giving him directions, all of the detectives cleared the scene of the residence at 1638 hours, and the residence was secured. The key was then returned to the management office by Sgt. Hughes. ██████████ stated he would meet the detective down at the Ann Arbor Police Department in approximately a half hour.

Detective Tacey then received two more phone calls from ██████████ to assist him with directions to get to the station.

██████████ STATEMENT

Detective Tacey then met ██████████ on the third floor of the Ann Arbor Police Department. Detective Tacey escorted ██████████ to interview room #337 of the Detective Bureau. There, ██████████ was interviewed by Det. Tacey, Detective Tacey, Det. Lencioni, and ██████████ sat down at the table in the interview and Det. Tacey asked for some identification from ██████████ and he provided his Michigan driver's license, which corresponded with the information obtained by Det. Lencioni.

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██████████ sat with his back to the south wall. Detective Tacey sat with his back to the northeast wall and Det. Lencioni sat on the west side of the table. ██████████ was not under arrest, and he had access to the unlocked interview room door.

Detective Tacey asked ██████████ what his local address is. He stated it was ██████████, Ypsilanti, Michigan. ██████████ indicated he is a senior at Eastern Michigan University, is going to graduate this year, and it was later learned that he would graduate with a degree in communications and a minor in management.

Detective Tacey then confirmed with ██████████ why he was here and being interviewed, and he stated he understood.

Detective requested his side of the story since the detectives up to this point only had information from the victim.

The interview was recorded, but it was later learned that halfway through the interview the tape had run out. See the transcripts regarding the recorded portion of the interview.

The following is a summary of the statement by ██████████.

██████████ advised that he was with his friends and they ended up at ██████████ residence. He further advised they were all drinking that night. They began drinking at ██████████ house, but they eventually went out to some clubs.

██████████ indicated they went to the club at Fifth Quarter, but as the interview continued, it was later determined they went to Fifth Quarter first and ended up meeting the victim at Studio 4.

██████████ stated that while at the club he met his friend ██████████. They eventually invited her back to the residence. He took her upstairs to use the bathroom, and eventually she ended up in the bedroom with ██████████.

Detective Tacey had him go back to the beginning of how he met ██████████ at the club. He stated that as they were walking through the club he saw ██████████ there. She contacted him and was telling him how drunk she was. She stated she grabbed him and started to hug him. They began talking about what they were going to do after the club, and it was suggested that she come over to ██████████ residence.

Upon questioning as to who he was with, he identified that he was with ██████████, also known as ██████████, and a friend of ██████████ whom he believes is named ██████████.

██████████ stated he believes they left the club at approximately 0145 hours. He received a call from ██████████ and he advised her to come over to ██████████ residence, and she agreed.

Detective asked what they were doing during this time, and ██████████ stated they were just riding around.

They eventually met up with the girls at the gas station, which he described as the Shell at Ann Arbor-Saline Road. There, he observed ██████████ with her friend ██████████ whom he believes is from Flint, and another friend whom he does not know.

He stated that at the gas station he sat in ██████████ car and ██████████ and ██████████ went into the gas station to buy snacks. They came back out and ██████████ then drove his vehicle to his residence with the girls driving.

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Once inside the residence, [REDACTED] stated they were sitting in the living room watching ESPN. [REDACTED] indicated to him that she had to go to the bathroom.

Detective asked him who was in the living room and he stated everybody.

Detective asked if they were drinking and smoking. Detective focused his questions specifically onto [REDACTED]. [REDACTED] stated that he had 4-5 shots of 1800 (tequila) before they went to the club. Because of this amount of alcohol he would not want to drive, and he stated he was "intoxicated."

[REDACTED] stated she was so drunk she needed help to get upstairs, and since [REDACTED] was already upstairs, he decided to help her up the stairs in order to use the bathroom.

They went upstairs to the guest bathroom, she used the facilities, and then she came out into the bedroom. She began sitting on the bed with him and then [REDACTED] came into the bedroom. They began sitting around and talking, and [REDACTED] started acting like she wanted to have sex. Detectives asked him to clarify and he indicated she was pulling up her dress and showing the suspects her body. Detective asked if she was wearing underwear, and he stated she was, and he was able to see it. Detective Tacey asked if she was saying anything, and he could not remember.

[REDACTED] thought that [REDACTED] wanted to be with [REDACTED]. [REDACTED] said he didn't do nothing. When he said that she wanted to be with [REDACTED] he left.

At this point Det. Tacey handed [REDACTED] a pen and his notepad and asked him to diagram where everyone was sitting on the bed. [REDACTED] then drew a diagram of the bed and put a [REDACTED] at the foot of the bed where he was sitting, and then a [REDACTED] on the right side of the bed where [REDACTED] was sitting, and then a [REDACTED] on the right side of the bed in close proximity to the [REDACTED] to indicate where [REDACTED] was sitting. He indicated that [REDACTED] was sitting extremely close with [REDACTED].

[REDACTED] had stated that he has known [REDACTED] for approximately a year. He has never had sex with [REDACTED] before, but [REDACTED] has had sex with her.

It was [REDACTED] interpretation of the incident that [REDACTED] wanted to have sex with [REDACTED]. He eventually left the room and turned off the lights as he left.

Detective Tacey asked if at any point [REDACTED] came up and knocked on the door. He indicated that refreshed his memory and stated that [REDACTED] did come upstairs and knocked on the door. [REDACTED] asked [REDACTED] if she was alright, and also told her that she was about to leave. [REDACTED] indicated that she was alright, and that she was going to stay at the residence. Detective Tacey asked about what time this occurred, and he stated approximately a half hour after they arrived at the residence.

Detective Tacey asked when he closed the door to the bedroom. [REDACTED] stated approximately 10 minutes after they were up in the bedroom the door was closed.

Detective Tacey asked if at any point he turned on the shower, and [REDACTED] stated that he did, because [REDACTED] wanted to take a shower. It was then clarified that this was after [REDACTED] knocked on the door. Detective Tacey questioned him about wanting to take a shower with the three of them [REDACTED], and [REDACTED] indicated that was not the case, and that it was [REDACTED] who wanted to take the shower.

Detective Tacey then questioned him about having contact with [REDACTED] and kissing her. [REDACTED] stated he "didn't remember."

Detective Tacey questioned [REDACTED] about the allegation of him grabbing [REDACTED] underneath her dress and touching her buttocks, vagina, or underwear. [REDACTED] denied these allegations.

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Detective then questioned him about pulling down her dress and underwear. Detective then explained that she said he kissed her breast and touched her vagina. [REDACTED] denied these actions and does not know why she would say that. Detective asked about performing oral sex on [REDACTED] and he stated he did not offer.

Detective Tacey then explained the CSC kit and forensic evidence being investigated in this case. Detective Tacey further explained the transfer of saliva from him to [REDACTED] breast if he indeed kissed the breast.

Detective Tacey asked if [REDACTED] DNA would be in the swabs from the victim's breast.

[REDACTED] stated that he does not remember kissing her. He stated he does not remember because he was drinking. He then stated, "I guess so." Upon asking him to explain, [REDACTED] stated that's how [REDACTED] making it seem.

Upon question, [REDACTED] stated that he never had his penis out so there would be no sperm from him. He stated that he was concerned about his saliva being present.

Upon further discussions [REDACTED] denied the allegation that [REDACTED] held her down during this incident.

Detective Tacey then reviewed his statement with [REDACTED]. During that time [REDACTED] stated they were trying to calm her down because she said they were going to put her on World Star Hip Hop Internet. [REDACTED] advised that [REDACTED] was the only one with a phone, implying that they could not record her to place her on the Internet.

Detective Tacey questioned if this could have been a misunderstanding. [REDACTED] stated that he did not intentionally do anything.

Detective Tacey asked if he would be willing to take a polygraph test in regards to this matter. [REDACTED] stated that he would.

[REDACTED] indicated that [REDACTED] had called him on Sunday and told him that [REDACTED] had performed consensual oral sex on him after [REDACTED] left the bedroom.

Detective Tacey then talked to [REDACTED] about after the incident and any postings on Twitter regarding a posting about not believing the "bitch from EMU," and [REDACTED] stated that was not him, but possibly maybe his friend, [REDACTED] who placed that Twitter posting. Detective asked if [REDACTED] ever took any pictures, and he does not remember.

Detective Lencioni then began to ask questions regarding the incident. During that time Det. Lencioni explained how [REDACTED] has a good memory regarding what happened before the incident, how they met at the club, how they were up in the bedroom, and as Det. Tacey would refresh his memory he would recall what had occurred. Detective Lencioni indicated how his memory was selective, especially when it came to the part of him kissing [REDACTED]. [REDACTED] thought for a long time as Det. Lencioni was explaining the circumstances regarding his interview and was moving his body backwards and forward. Detective Tacey then asked [REDACTED] if he was "kissing on her," referring to [REDACTED]. [REDACTED] stated, "Yeah."

Detective Tacey then asked why, and [REDACTED] did not answer.

Detective Lencioni then explained to him the different categories of CSC. As this was going on Det. Tacey again asked [REDACTED] if he had penetrated [REDACTED] vagina at any time as alleged by [REDACTED] and [REDACTED] denied any form of penetration.

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Detective Tacey asked about removing [REDACTED] dress. [REDACTED] explained that it was just "falling off of her." He indicated that the dress had no straps on it, and that it was a halter-type dress. Detectives asked if he kissed her, and he stated, "I kissed her on her chest." Detective Tacey then asked if he kissed her nipple, and he stated, "Yeah." Detective then asked where he touched her, and he indicated he may have touched her leg as he was kissing her.

Detective Tacey asked why, and he stated it was the alcohol, and then he followed up by stating that he "just wasn't thinking."

[REDACTED] then explained that she was being loud and somewhat animated at times when they were up in the bedroom, when just before her dress fell down she raised her hands up and threw herself back in an animated fashion and that caused her dress to fall down and expose her breasts. As she fell back, she was lying on [REDACTED] lap as he was sitting on the bed. At that point is when he began to kiss her breast. Detectives asked if he touched her breast, and he stated he may have touched her left breast with his hand.

Detective Tacey asked how long this occurred, and he stated, "Not even maybe a minute."

Detective Tacey asked about the incident with the 1800 tequila bottle and shot, and he stated that never happened.

Detective Tacey asked [REDACTED] if he would be willing to take a polygraph examination regarding this incident, and he stated he would.

Detective Lencioni then clarified information regarding [REDACTED] statement. The reason why [REDACTED] helped [REDACTED] upstairs is that she was drunk. She was fumbling around and falling down.

Once they were upstairs, [REDACTED] breasts were exposed by her dress falling down, and he had no part in removing it. She did not say anything when her breast was exposed. She also did not say anything when he was kissing her breasts. Upon questioning, he stated that [REDACTED] never tried to push him off of her while he was kissing her breasts. She did not tell him to stop or push him away. [REDACTED] had indicated he thought better of the incident and did not want to get himself into a bad situation, so after approximately 30 seconds he stopped and he ended up leaving the bedroom and [REDACTED] and [REDACTED] together.

Later on he had heard that [REDACTED] had contacted the police regarding this matter. On Sunday the 16th, he had a telephone conversation with [REDACTED] regarding the incident. [REDACTED] had told him that all [REDACTED] did was [REDACTED]

At this point [REDACTED] and the detectives began to review his text messages, because [REDACTED] had indicated that she had contacted him regarding the incident. Upon review of that, part of the text messages indicated that [REDACTED] wanted to go to the movies with [REDACTED] when he returned back to town.

At this point Det. Tacey obtained a camera and photographed the text messages with [REDACTED] permission.

Detective Tacey then attempted to identify the other witnesses in this incident. [REDACTED] identified the other subject as [REDACTED]. He is an Eastern Michigan University student, approximately 21 years old. He met him at Eastern Michigan University. He lives in the Golfside/Huron River Drive area, telephone number [REDACTED]

[REDACTED] indicated that [REDACTED] called and told him what happened and that [REDACTED] had called the police on him and [REDACTED], and she was telling the police that he raped her. After his game on

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Sunday he tried to call her, but she did not answer the phone, and he has not talked to her since.

Detectives asked whom he has told about this, and he stated he told his coach and a friend of his by the name of [REDACTED]. Upon questioning, he had also talked to [REDACTED].

Detective Tacey asked what [REDACTED] phone number was, and he stated [REDACTED].

Detectives questioned him about the relationship that [REDACTED] and [REDACTED] have. It is [REDACTED] understanding that [REDACTED] and [REDACTED] had sex together in the past. He referred to it as "messaging around." [REDACTED] had told him that she had sex before with [REDACTED] last year, approximately in the spring of 2010. She indicated it was not a relationship, just a "sex thing," and he thinks from her information that it was just a one-time thing. He did not go into details with her. He had just indicated that they had "mess around."

[REDACTED] indicated he got a call from [REDACTED] on Sunday. He talked to him after the game with the main discussion being about, did you hear what [REDACTED] said about them, and that she was alleging a rape charge. This is when [REDACTED] told [REDACTED] that he [REDACTED] and then [REDACTED] told his father about what had occurred.

Upon questioning, [REDACTED] indicated that he went home from [REDACTED] residence and that he had left before [REDACTED] took [REDACTED] home.

Detectives asked how long he has known [REDACTED] and he stated he has known him since last year. Detectives asked how long he has known [REDACTED] and he stated he has known her a little bit longer. Detectives asked if he was the person who introduced [REDACTED] to [REDACTED], and he stated they did not meet through him. He believes they may have met at a club.

Detective Lencioni re-questioned [REDACTED] about the victim's dress falling down, and he again stated they kept on telling her to calm down because she was talking loud and at times was being hyper. She was rather animated and would stand up, raise up her arms, and then fall back. During one of the times she was falling back, that is when her dress fell down. The dress has no straps and it is a halter type dress, and she was not wearing a bra.

During this time in the bedroom, it was [REDACTED] who was stating she did not want to be on World Star Hip Hop, and she the one who brought up the subject. They kept on telling her they did not have any cameras or phones up in the bedroom, so it should not be a concern of hers.

Upon further questioning about this incident and afterwards, [REDACTED] indicated that [REDACTED] never said anything about rape. Detective Tacey read to him [REDACTED] direct quotes that she stated about being raped, and he advised that never happened.

He again reiterated that she did not say anything while she was being kissed.

[REDACTED] stated he was the one who stopped himself because he did not want to get into a bad situation, and he eventually left the room.

He believed that [REDACTED] was more interested in [REDACTED]. She was sitting close next to him, and she was talking to him and touching his leg. He indicated that every time she stood up and then sat down again, she would "lie out on him," which was further explained as her back would lie down onto [REDACTED] lap. Her arms would go out and it was at one of these times that her dress fell down, exposing her breasts.

Detective Tacey re-questioned him about grabbing her underneath her dress while she was standing at the door or grabbing her while she was lying on the bed.

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██████████ indicated that he never grabbed her in the vagina, and he was not feeling her vagina while he was kissing her.

After he stopped kissing her she was sitting next to him and talking to him, and she pulled her dress up. She was then lying there for approximately 30 seconds, and he stated, "I just left."

Detective Lencioni asked him if she ever indicated that she wanted to sleep, and he stated, "No." Detective Lencioni asked if she ever indicated to him that she wanted to be left alone, and he stated, "No."

██████████ stated that she just kept on saying that she was too drunk, and told him what she had to drink. Detective Tacey asked what she stated she had to drink, and ██████████ stated she told him that she had three shots of Patron, drinks at the club, and she may have had some dark liquor.

Detectives asked if ██████████ was drinking any alcohol. ██████████ stated that ██████████ just had some Hennessy and according to ██████████ "It didn't seem like he was drunk."

Upon further questioning about the incident, ██████████ stated that nothing was forced onto ██████████

The interview ended at approximately 1956 hours. Detective Tacey conferred with Det. Lencioni and obtained business cards for the suspect. Detective Tacey provided him with two business cards and his phone number so he could contact him at a later date and asked him to have ██████████ call the detective. ██████████ left the Ann Arbor Police Department pending further investigation.

DISPOSITION

Open.

MR-484-1/19/11

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

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

Property Description Item 7: 3399 - Other Trace Evidence 5488 - DNA Bucal Swab

Item No	7
Property Category	3399 - Other Trace Evidence 5488
Property Class	88
IBR Type	77 - Other