

Ann Arbor PD Follow-Up Report

Case No. 1100000289
Report No. 1100000289.13
Report Date: 1/15/2011

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

1

Page 1 of 9

Subject: 1171 [REDACTED] 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 [REDACTED]
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 **1/27/2011 2:40:52 PM**
Entered By **52400 - Tacey, Gerald**
Verified On **2/1/2011 12:43:57 PM**
Verified By **43700 - Briney, Chris**
Approved On **2/1/2011 12:44:03 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: 1-27-11, 0906 hours

REPORT

An appointment was set to interview one of the suspects in this incident, [REDACTED] through his attorney JOHN SHEA.

WEDNESDAY, JANUARY 26, 2011

STATEMENT OF [REDACTED]

At approximately 1100 hours, suspect [REDACTED] and his attorney, MR. SHEA, arrived at the AAPD Detective Bureau and were escorted to Room #337. There, the suspect was interviewed and in attendance was Det. Tacey, Det. Lencioni, and MR. SHEA.

[REDACTED] arrived at the police station using crutches as he recently had a medical procedure on his knee that required him to use the crutches. [REDACTED] sat at the table on the south side of the room while Det. Tacey sat across from him on the north side of the room. To [REDACTED] immediate left was MR. SHEA (southwest side of the room), and to MR. SHEA'S left was Det. Lencioni (northwest side of the room).

At approximately 1101 hours, the digital audio recorder was activated in order to record the interview.

The following is a summary of [REDACTED] statement. Refer to the attached transcript for full details of the interview.

Detective Tacey asked for identification from [REDACTED] and he stated he did not bring his wallet and did not have his identification.

Ann Arbor PD Follow-Up Report

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

Case No. 1100000289
Report No. 1100000289.13
Report Date: 1/15/2011

3

Page 3 of 9

██████████ then stated that they met at the gas station, which upon questioning was determined to be Shell gas station at Ann Arbor-Saline Road. He stated that he and ██████████ went into the station to get some snacks when a gold car pulls up and ██████████ comes into the store. He indicated that she has a loud personality and wanted him to get her something to drink. She grabs some merchandise and ██████████ paid for it for her. Detective then questioned ██████████ about if there was any conversation about her spending the night at his residence, and he indicated there was not.

██████████ indicated that ██████████ has never been to his residence on ██████████ before. She has been to his residence on ██████████ approximately two times in the past.

██████████ then drives the gold car and follows him to his residence. He pulls into the garage, gets out, and enters through the garage door. ██████████ pulls into the driveway and eventually enters into the residence. He is not exactly sure how she entered, but there is a possibility that she entered through the front door.

██████████ states he then goes to the middle part of his condo and explains where the kitchen and the TV are located. Everyone comes into the residence and goes to the living room.

██████████ indicates he goes upstairs to put his phone in the charger, which is in his (master) bedroom.

██████████ comes out of the bedroom and looks across and sees ██████████ and ██████████ in the guest bedroom. ██████████ goes in and asks what are they doing there, and ██████████ indicates that ██████████ had to use the bathroom. ██████████ asked why she did not use the one downstairs and ██████████ indicates that one of the other girls was using it.

██████████ then goes into the bathroom, uses it, and approximately one to two minutes later comes out.

██████████ begins to make his way downstairs, when ██████████ grabs his left arm and she tells him she wants to stay up here. ██████████ believes this is in regard to a prior sexual history they have had. ██████████ indicates to ██████████ to go into his bedroom so they can go and have sex. ██████████ does not want to go into his bedroom and tells her no. She responds by saying, "Come on, let's do it again." ██████████ thinks that maybe ██████████ is in the guest bedroom, but he ends up telling ██████████ to go into the guest bedroom, and he says he cannot remember exactly how ██████████ got there. ██████████ indicates he is sitting on the side of the bed and ██████████ and ██████████ are standing up talking.

██████████ indicates they are talking about random things, and at this time the door is open. Approximately two to five minutes later, ██████████ comes upstairs and talks about ordering pizza and how they are going to pay for it.

Detective Tacey asked if at this time ██████████ was the person who brought up the 1800 tequila bottle, and he stated he was not. It was determined that the door was closed after this so they could have privacy.

██████████ stated he never wanted to have sex with ██████████ but ██████████ did. At this time ██████████ and ██████████ are standing up talking and he was not making any sexual advances to her.

██████████ was saying, "So ██████████ what are you feeling like tonight," referring to sex. ██████████ just reacts and does not get offended, and says, "Well, I don't know about dealing with both y'all." ██████████ is talking to her about having a three-way sexual encounter between, but it is being insinuated and not asked directly. ██████████ and ██████████ believe she is thinking about it, so they continue to talk to her about having a three-way.

Ann Arbor PD Follow-Up Report

Case No. 1100000289
Report No. 1100000289.13
Report Date: 1/15/2011

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

4

Page 4 of 9

sits down on the bed and says to him, "You're like a little brother to me. It's weird."

They continue trying to convince her and ask her what she thinks. She continued to state that it is going to be weird, and tells them she does not want anybody to find out about them having a three-way sexual encounter. Detective asked what was her demeanor at this time. stated she was happy and smiling, "happy-go-lucky," but indecisive about having the sexual encounter with them.

stated this lasts for approximately 15 minutes.

They are then interrupted by a knock on the door, and goes halfway into the bathroom.

answers the door. does not see the girl there, but he hears talking to her. He hears say, "No, I'm okay," and also says, "I'm up here with I'm going to stay here with him." guessing that the other girls are leaving.

comes back in and she closes the door and locks it. She indicates to them she does not know if she wants to do anything, referring to sex. They tried to convince her that nobody is going to find out about it.

indicates he is sitting on the bed and is standing in front of him. She then starts making sexual advances towards him and begins to pull her top down, exposing her bare breasts with no bra. On questioning what she was wearing, he indicates it was a strapless dress.

indicated he touched her breasts a little bit with one hand to one of her breasts. was happy, smiling, and laughing, and she pulled her shirt back up so he would "back off," meaning he stopped. She then laid down on the bed.

was at the foot of the bed and was sitting at the foot of the bed with her. She then laid back on the bed and does not know how her top came off, but it did. She was lying there with exposed breasts.

They are still trying to convince her to have a three-way sexual encounter with them. then states that he sees feel and grab her breasts, and then starts to kiss her breasts.

states that is letting him do this, and she is not pushing him away or saying anything. states he is feeling a little awkward at this time. He sees that is looking up at the ceiling and then because she is not talking, is "taken aback" and stops on his own.

She then pulls her dress back up to cover her breasts and they figure it is "a lost cause," and that she is not interested in this situation.

then leaves the room. is heading behind and as he is approaching the door, grabs his left arm again. says, "Come on , we don't need to do anything." responds by stating, "Let's fuck." then states he sits back down on the bed and comes in, closes the door, and locks it. She is now standing in front of him and she is "pressing the issue" on having sex. She is telling him, "Let's fuck again." At first says no, but then starts to feel the top of his pants in the groin area and begins to touch his penis on top of his pants. He indicates he is erect at this time.

is still making sexual references and states,

Ann Arbor PD Follow-Up Report

Case No. 1100000289
Report No. 1100000289.13
Report Date: 1/15/2011

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

5

Page 5 of 9

_____ responds by stating, "I really want to just fuck you."

A discussion ensues and eventually _____

_____ then stated he was "not into it," and during this line of questioning detective asked why he was not, and did he say anything in regards to her _____

After they stopped, _____ said, "I thought you were going to have sex with me."

_____ indicated that he buttoned up his pants and belt and then went downstairs.

Detective asked if he told _____ to fix herself up before she comes downstairs, and he stated he did not say that.

As they were going downstairs, _____ told him that she does not want anyone to find out and said, "This is just between me and you." She then referred to him as being just like brother and sister.

They then went downstairs and all of the male subjects were still there. The two females had already left. They were sitting in the living room/dining area talking and having normal conversation.

_____ then made some sort of sexual reference between her and _____, and one of the guys said, "Why are you telling on yourself?"

_____ then starts talking to _____ and referring to her as Kat Stacks, and saying that she is a hip-hop groupie. _____ is laughing at this and they are having a playful teasing session. _____ tells _____ that he does not get any girls and she had a smile the whole time.

_____ takes out her phone and takes a picture of _____ with it. _____ then asks to see her phone because he does not want his picture on the phone. Eventually, after a conversation, he picks up the phone off the table, sees there is one picture of him on the phone, and he deletes the picture. During this time of the phone conversation _____ did not mention anything about rape or having anything forceful done to her.

Approximately 10 minutes after this _____, _____, _____, and _____ leave. _____ asks _____ to take her home, and _____ states that he does not want to take her in his girl's car. They then leave.

_____ advises _____ that she has to leave and she states she wants to stay there with them. She has no ride home, so _____ drives _____ and _____ to her friend's house so she can get her keys. The drive takes approximately 15 minutes, and she is dropped off at her friend's residence.

Ann Arbor PD Follow-Up Report

Case No. 1100000289
Report No. 1100000289.13
Report Date: 1/15/2011

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

6

Page 6 of 9

The conversation during this time is described as "happy-go-lucky." [REDACTED] is showing [REDACTED] things on her phone and they are referencing some Twitter accounts between the two of them. [REDACTED] told him, "I really want to stay with you." As they are driving [REDACTED] is directing them to the location, which is in Ypsilanti by the Eastern Michigan University Campus. They drop her off and [REDACTED] sees her go in. [REDACTED] estimates this is at approximately 0500 hours.

Detective Tacey asked specific questions regarding who was drinking. He indicated he was not drinking or smoking any marijuana, and he did not see [REDACTED] drinking or smoking.

Detective Tacey asked about the information regarding the shower being on in the guest bathroom. [REDACTED] stated she was making reference to taking a shower together, but he does not remember if the shower was on.

Detective Tacey asked about the incident regarding the 1800 tequila bottle and someone bringing it up so [REDACTED] could drink out of it, and [REDACTED] stated that did not happen. He believed that either [REDACTED] or [REDACTED] brought the bottle and he ended up locating it in the freezer.

Detective questioned [REDACTED] about the allegation that [REDACTED] grabbed and penetrated [REDACTED] by reaching underneath her dress, and [REDACTED] indicated he did not see that.

Detective asked about [REDACTED] and his physical condition, and it was determined by [REDACTED] that [REDACTED] never had his penis out of his pants while they were up in the bedroom. The allegation of [REDACTED] passing out never occurred.

Detective Tacey talked to [REDACTED] about the CSC kit and forensic evidence, and specifically related it to the buccal swab that was retrieved from him via the search warrant. [REDACTED] stated he understood, and there would be none of his DNA in the vaginal or anal swabbings. He and MR. SHEA conceded that it is unknown if DNA evidence from her oral swabbings exist, but it was understood that a long time had passed since the incident and when the swabbings were collected.

[REDACTED] also indicated that he did not have vaginal or anal sex with [REDACTED] at the time of this incident.

Detective Tacey asked if [REDACTED] had a tattoo. [REDACTED] indicated he did. He took off his coat and showed the detective his tattoo on his left arm, which was a large tattoo and part of it was the saying [REDACTED] " which [REDACTED] indicated stood for "my brother's keeper for life."

Detective Tacey asked [REDACTED] to describe the previous sexual encounter that he had with [REDACTED]

[REDACTED] stated that early this spring he had seen [REDACTED] at Studio 4. They began to hang around each other. She decided to leave with him to go to his house. When they get to his house [REDACTED] e. She stays the night there and then later leaves.

Detective Tacey asked why does he think she is making this allegation. MR. SHEA indicated that he might not want him to answer that question and speculate, so they took a break at approximately 1218 hours. The recording was stopped. At approximately 1219 hours they returned and [REDACTED] answered the question. He believed she may be looking for some sort of financial gain. During the time they were in the bedroom she made some sort of reference to, "You mother fuckers is not paying my bills," and that they were not offering to pay her any money.

[REDACTED] also believes it is for the embarrassment factor. She may feel it is going to get out that they had a sexual encounter, and she does not want to look like a whore. She is trying to cover it up.

Ann Arbor PD Follow-Up Report

Case No. 1100000289
Report No. 1100000289.13
Report Date: 1/15/2011

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

7

Page 7 of 9

Detective Lencioni asked if [REDACTED] was drinking anything alcoholic that night. [REDACTED] stated not, and followed up by stating that no one was drinking any alcohol when they got back to the residence.

[REDACTED] was asked about the 1800 bottle. He stated it was there, he did not know how it got there, but it was in his freezer. He stated that when he was cleaning up he threw it away and it was not a full bottle.

[REDACTED] was asked if [REDACTED] was drinking and [REDACTED] stated that the only time he had seen her under the influence was at the barbecue that occurred in the spring of 2010.

[REDACTED] then defined her as being normal, which is [REDACTED] being loud, and then stated that at the barbecue she was "sloppy drunk," and angry. He then stated that on the night that is being investigated, she was in between. She was not slurring or stumbling. She was coherent and he would describe her as "tipsy."

Detective Lencioni asked if [REDACTED] ever said the word rape. He indicated that while in the bedroom [REDACTED] stated she was worried about people thinking she was a ho. People think that because [REDACTED]

Detective Lencioni asked if she ever said to stop or don't do this, and [REDACTED] indicated she never did. Upon further questioning, there was no resistance from her during both of the incidents in the bedroom.

[REDACTED] then explained the reason for the three-way is that [REDACTED] wanted to have sex with her. [REDACTED] knew that [REDACTED] had sex with her in the past, and [REDACTED] thought that if they could convince her to have a three-way sexual encounter [REDACTED] would be more agreeable to it if [REDACTED] was involved, and that way [REDACTED] could have sex with her. [REDACTED] indicated he had made up his mind that he was not going to have sex with her, [REDACTED] while [REDACTED] had sex with her.

[REDACTED] was questioned if he ever mentioned putting her on World Wide Hip-Hop, and [REDACTED] stated the subject came up, but it was in reference to [REDACTED] acting that way for her to be put on World Hip-Hop, but he never said he was going to do it. He further stated that [REDACTED] was the only one who had a phone up in the bedroom, so there would be no way she could be recorded.

Detectives asked if [REDACTED] had ever held her arms down or used any force on her to physically restrain her. [REDACTED] stated that during the time they were sitting on the bed, they were holding hands, but he never used any physical force on her.

Detective asked if the agreement was for her to spend the night and sleep over, and [REDACTED] stated the agreement was for her to stay so she could lie down. Upon further questioning, [REDACTED] never supplied her with any clothing.

Detective Tacey asked if [REDACTED] ever said to her during the performance of oral sex that she had to "finish what you started." [REDACTED] stated, "No."

Detective asked if [REDACTED] was ever lying on his lap and [REDACTED] indicated no.

Detectives asked him about the timeframe. He believes that after the club they were driving around downtown and Bell's Pizza to see what was going on. He believes they arrived at his house between 0230 and 0330 hours. He also believes they took [REDACTED] home at approximately 0500 hours.

Upon further questioning, [REDACTED] could not remember her mentioning that she wanted to be

Ann Arbor PD Follow-Up Report

Case No. 110000289
Report No. 110000289.13
Report Date: 1/15/2011

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

8

Page 8 of 9

introduced to [REDACTED].

[REDACTED] did state that during the conversation of taking her home, [REDACTED] said, "You bold [REDACTED]." [REDACTED] indicated she said that because she wanted to stay with him and she has stayed with him before in reference that she might be mad because [REDACTED] he was making her go home and not stay with him.

Detective asked how he found out about this investigation.

[REDACTED] stated that on Saturday after the incident he received a text from [REDACTED] asking if she gave him head, and he responded, "Yeah."

On Sunday he heard from [REDACTED], who is an assistant with the Eastern Michigan University basketball team and is friends with the subjects involved, including [REDACTED]. [REDACTED] indicated that [REDACTED] was saying she was raped by [REDACTED] and [REDACTED], and she was talking about it. At first [REDACTED] thought it was a joke, but he was concerned.

On Monday, he was contacted by someone whom he does not want to reveal, who is associated with the University of Michigan. That person revealed to him that an investigation of a sexual assault was ongoing involving him.

Detective asked who he has talked to regarding this incident, and he stated he has not talked to [REDACTED], but he has talked to [REDACTED] and [REDACTED]. He also stated he has talked to [REDACTED] and his defense attorney has interviewed him.

Detective asked if he has had any contact with [REDACTED] since this happened, and he stated not at all.

Detective Lencioni asked about the victim's dress. [REDACTED] indicated it was a short dress and there were times when you could see her panties when she was sitting down. Her dress was never completely off and her underwear was never off. Her dress was only as far down as to expose her breasts.

MR. SHEA asked about exposing her breasts. [REDACTED] indicated it was more than once and it was approximately four to six times. She would show her breasts for a second and then cover them back up. During this time they were not touching her breasts.

At the end of the interview MR. SHEA provided these detectives with copies of polygraph reports that were administered by WILLIAM ELLERBRAKE. These are attached with the report. Detective Tacey asked if [REDACTED] would be willing to take a police polygraph, and according to MR. SHEA, that is still undetermined at this time.

The interview ended at 1304 hours.

DISPOSITION

Report filed.

RW:MR-484-1/28/11

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	
IBR Group	A			