



ANN ARBOR POLICE DEPARTMENT

100 N Fifth Avenue, PO Box 8647, Ann Arbor MI 48107-8647
Fax (734) 994-9928 : email: police@a2gov.org

February 11, 2011

Douglas M. Smith
4114 Timber Ridge Dr
Ann Arbor, MI 48108

Re: Freedom of Information Act Request #11-065

Dear Mr. Smith:

I am responding to your request for a copy of incident report(s) 09-9441 involving Brendan Gibbons, through the Freedom of Information Act.

Your request for the above incident report(s) has been reviewed and you may obtain a copy; however, the below listed information has been deleted from your copy.

- The victim's driver license number, vehicle license plate number, address, date of birth, and telephone number. Release of this information would constitute a clearly unwarranted invasion of the individual's privacy. MCL 15.243 (1)(a), (1)(b)(iii)
- The suspect's address, telephone number, date of birth, and social security number. Release of this information would constitute a clearly unwarranted invasion of the individual's privacy. MCL 15.243 (1)(b)(iii), (1)(w)
- The witness's driver license number, employment, occupation, address, telephone number, date of birth and age. Release of this information would constitute a clearly unwarranted invasion of the individual's privacy. MCL 15.243 (1)(b)(iii)
- A portion of the suspect's/victim's/witness's statements. This information is either personal in nature, or is of evidentiary value in this case and would interfere with law enforcement procedures, or discloses an investigative technique. MCL 15.243 (1)(a),(b)(i),(iii),(v)

The cost for the copy is \$35.63. Upon receipt of payment, a check payable to "City of Ann Arbor," the report will be released to you. Your records can be picked up in Police Records, Monday through Friday, between 9:00 a.m. and 4:00 p.m.

The City of Ann Arbor does not warrant or guarantee the accuracy of the information provided. Rather, it provides the documents only to comply in good faith with the Michigan Freedom of Information Act, and not for any other purpose.

Since you are receiving written notice that your request has been denied, in whole or in part, under Section 10 of the Act, you may, at your option, either: 1) submit to the City Administrator a written appeal that specifically states the work "appeal" and identifies the reason(s) for reversal of the disclosure denial, or 2) file a lawsuit in the circuit court to compel the City's disclosure of the record within 180 days of the City's final determination to deny your request. MCL 15.240

If you have any questions regarding your request, please contact Ann Arbor Police Records at (734) 794-6954.

Sincerely,

A handwritten signature in cursive script that reads "Amy Cervantes".

Amy Cervantes
Records Supervisor
Ann Arbor Police Department

AC:ee
FOIA 11-065

Ann Arbor PD Case Report

1

Case No. 0900009441
Date Opened: 11/22/2009

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

Subject:	1171 CSC	Date Entered	11/22/2009
Case Status	I - Inactive	CFS Disposition	R - Report Taken
City/Township	ANN ARBOR	Reporting Agency	Ann Arbor PD
Report Date	11/22/2009	Recieved	03:12:59
Location	541 Thompson St	Arrived	03:43:08
CSZ	ANN ARBOR, MI 48104	Cleared	04:36:52
Grid	0		
Call Source	0 - Telephone		
Vehicle			

0900009441.001

1171 CSC

Case Report Status	Date Entered	11/22/2009	Reporting Officer
Occurred On	11/22/09 02:00	Entered By	09800 - AAKENNYS 08200 - AAROGERSB
(and Between)	Date Verified	11/22/2009	Division
Location	541 Thompson St	Verified By	31500 - AAOUELLETPE Patrol
CSZ	ANN ARBOR, MI 48104	Connecting Cases	
Call Source	0 - Telephone	Disposition	4 - Active
Vehicle Activity		Clearance Reason	
Vehicle Traveling		Date of Clearance	
Cross Street		Reporting Agency	Ann Arbor PD
Report Narrative			

REPORT - Dispatched to 541 Thompson, West Quad to meet with the a subject in a CSC.

UMDPS contacted AAPD to advise that a housing Officer at West Quad was talking to a female who stated she had been raped this morning. While Officer Rogers and I were in route to 541 Thompson, dispatch advised that the victim stated the rape occurred at a fraternity house on S. State St. (620 S. State St. Chi Psi) and was now on her way to UM hospital. UMDPS also advised that the suspect, [REDACTED] was now talking to a housing Officer at 541 Thompson.

When Officer Rogers and I arrived the victim was not present, however the suspect, [REDACTED] was present. [REDACTED] stated he was in his dorm room when he received a call from a friend stating a woman, [REDACTED] was telling people she was raped by [REDACTED] at 620 S. State St. The Chi Psi house. [REDACTED] said after he heard this he went to the security office at West Quad to talk with a housing Officer.

Officer Rogers and I asked [REDACTED] if he wanted to talk about what happened tonight. [REDACTED] said he did and went on to say that a girl, [REDACTED] was telling people he raped her this morning. [REDACTED] said he didn't know the name of the fraternity house he was at with [REDACTED] but could point it out.

Prior to driving to the scene with [REDACTED] he told me that he had sex with [REDACTED] in the bedroom at the fraternity. I asked [REDACTED] how he knew [REDACTED] and he said he and [REDACTED] both live at West Quad. [REDACTED] said he ran into [REDACTED] at a party on Friday night (11/20/09). He said they talked and danced with each other for a while and ended the night with him giving her his phone number. [REDACTED] said he later received a text from [REDACTED] stating something like "have a good night". [REDACTED] said he called [REDACTED] Saturday 11/21/09 and they talked about what they were both doing that evening. [REDACTED] said he told [REDACTED] he was going to be at the Phi Chi fraternity. but did not make any plans with [REDACTED] for Saturday night.

Gibson said he was at the party at Phi Chi on 11/21/09 for a few hours when he noticed [REDACTED] was at the party. He said she approached him a few times. He said [REDACTED] asked him if he was hooking up with [REDACTED]. [REDACTED] said he felt like [REDACTED] was trying to get him alone and away from the group of people he was talking to. [REDACTED] said after [REDACTED] approached him a few times she asked him if he liked her. [REDACTED] said he told [REDACTED] he did like her and they continued to talk. [REDACTED] said [REDACTED] told him she had just broken up with her boyfriend Friday and wanted to make sure he liked her.

[REDACTED] said after they talked for a while he asked her if she wanted to go upstairs with him. He said she told him she did and they went to the third floor of the fraternity. [REDACTED] said they went into a common bathroom where they started kissing. He said they left the bathroom and found an open bedroom (room 17). [REDACTED] said they started kissing in the bedroom when he took her leggings and underwear off. [REDACTED] said they got on the bed together and started to have sex. [REDACTED] said he didn't have a condom so they stopped having sex. [REDACTED] said they talked for a short time and then [REDACTED] they both got dressed and went back downstairs to the party.

I drove [REDACTED] to the 600 Blk. of S. State and [REDACTED] pointed out 620 S. State St. Chi Psi as the fraternity he was at with [REDACTED]. I then had [REDACTED] walk into 620 S. State to point out the bedroom he was in with [REDACTED] said it was on the third floor to the left of the stairs. [REDACTED] pointed out room 17 as the room he and [REDACTED] were in.

I made contact with [REDACTED] in room 17 of the Chi Psi fraternity. I advised [REDACTED] of what [REDACTED] stated happened in his room. [REDACTED] agreed to let us process his bedroom for any evidence. [REDACTED] said he got home around 0300 on 11/22/09 and went right to bed. [REDACTED] said he didn't change the sheets or move anything around. [REDACTED]

The scene was secured and turned over to Officer Reid.

DISPOSITION - Open.

Offense Detail: 1171 - CSC 1st Degree -Penetration Penis/Vagina

Offense Description	1171 - CSC 1st Degree -Penetration Penis/Vagina	Location	
IBR Code	11A - Forcible Rape	Offense Completed	No
IBR Group	A	Hate/Bias	88 - None (No Bias)
Crime Against	PE	Domestic Violence	No
Offense File Class	11001 - SEXUAL PENETRATION PENIS/VAGINA -CSC 1ST DEGREE	No. Prem. Entered	
Using		Entry Method	
		Type Security	

0900009441.002

Victim Interview at U of M Hospital

Case Report Status		Date Entered	11/22/2009	Reporting Officer	
Occurred On	11/22/09 02:30	Entered By	13000 - AAVONKK	09800 - AAKENNY	
(and Between)		Date Verified	11/22/2009	Division	
Location	541 Thompson St	Verified By	31500 - AAQUELLETTEP	502	
CSZ	ANN ARBOR, MI 48104	Connecting Cases			
Call Source	0 - Telephone	Disposition	4 - Active		
Vehicle Activity		Clearance Reason			
Vehicle Traveling		Date of Clearance			
Cross Street		Reporting Agency	Ann Arbor PD		

Report Narrative

VICTIM STATEMENT: I was dispatched to speak with the victim of a CSC. I spoke with [REDACTED]. She said she was 18 years old. At about 12:45 or 1:00 am she went to a party at Chi Psi fraternity (620 S State St). She drank at least one shot of alcohol and possibly three beers while she was there. She said that she obtained the alcohol from people at the party and that her identification was not checked. She said that she has a friend who is a fellow athlete at University of Michigan, [REDACTED]. She has known him since this past summer and considered him a good friend. He was also at this party and they were hanging out together. She said that she went upstairs with him. I asked what was upstairs and she said only bedrooms. She said that she willingly went upstairs with [REDACTED] because she thought he wanted to "be with her." I asked what she meant and she said that because the party was really loud, she thought they were going upstairs to talk where it was more quiet. He held her hand and led her upstairs. She said that she could feel the effects of the alcohol she had consumed. He led her into a bedroom and closed the door behind them. The room was very small and the bed was within three feet of the door. She was facing him and as soon as the door closed he pushed her down onto the bed. She was wearing a dress and spandex underneath. He was pulling her spandex down and she was pulling them up and saying "No." He pulled them down to her boots. She said that she doesn't remember feeling him inside her but he said that he was inside her. She said that she could not remember his exact words except that he said "I came on you." She said that she was "laying limp" and "just laying there." She also said that she was saying "No" and pushing him off her. Afterwards she said that she didn't run, but quickly went down the stairs and walked to her dorm. She said that he didn't follow her there, but that he also lives in West Quad. She walked to her room and told her roommate what happened. She said that she had not showered or changed clothing since this happened. She said that she does not know where her tights are. She said that she was not injured.

This interview was interrupted by Claudia the social worker.

She consented to a CSC exam.

Offense Detail: 1172 - CSC 3rd Degree -Penetration Penis/Vagina

Offense Description	1172 - CSC 3rd Degree -Penetration Penis/Vagina	Location	20 - Residence/Home
IBR Code	11A - Forcible Rape	Offense Completed	Yes
IBR Group	A	Hate/Bias	88 - None (No Bias)
Crime Against	PE	Domestic Violence	No
Offense File Class	11002 - SEXUAL PENETRATION PENIS/VAGINA -CSC 3RD DEGREE	No. Prem. Entered	
Using		Entry Method	
		Type Security	

0900009441.003

1171 CSC

Case Report Status		Date Entered	11/22/2009	Reporting Officer
Occurred On	11/22/09 02:30	Entered By	08200 - AAROGERSB	08200 - AAROGERSB
(and Between)		Date Verified	11/23/2009	Division
Location	541 Thompson St	Verified By	33700 - AAJATCZAKB	502
CSZ	ANN ARBOR, MI 48104	Connecting Cases		
Call Source	0 - Telephone	Disposition	8 - Not a Crime/Other Service	
Vehicle Activity		Clearance Reason		
Vehicle Traveling		Date of Clearance		
Cross Street		Reporting Agency	Ann Arbor PD	
Report Narrative				

SUPPLEMENT:

This officer and officer Kenny were dispatched to U of M DPS office at 541 Thompson for a CSC report. Prior to arrival dispatch advised the victim was being taken to U of M ER for treatment and that the possible suspect was also present at U of M DPS office. Officers made contact with U of M PD officer Butzky in their security office at West Quad. Officer Butzky had a subject later identified as [REDACTED] in the security office with him. [REDACTED] told officers he came into the security office because he had heard that a girl was claiming he raped her. Officer Butzky told this officer he had just finished speaking with the reportee of the CSC, [REDACTED], and had her transported to U of M ER for evaluation when he was advised by housing security that [REDACTED] was waiting on the steps outside to speak with officers. Butzky then contact AAPD to advise the suspect was present.

STATEMENT:

This officer made contact with [REDACTED] outside the security office at 541 Thompson. [REDACTED] stated she and [REDACTED] are friends and the two were together earlier in the evening at a party at the Chi Psi fraternity on S. State st. [REDACTED] said they got to the fraternity house around 12:30 a.m. [REDACTED] and [REDACTED] were sitting on a couch next to each other talking then [REDACTED] left to go dancing in another room. [REDACTED] did not see [REDACTED] after that point, however around 02:00 a.m. [REDACTED] and her friends were going to leave the party and began looking for [REDACTED]. [REDACTED] said she could not find [REDACTED] so she began looking around and asking if anyone had seen her as well as calling her cell phone. [REDACTED] said she called her cell phone but got no answer. Someone then told [REDACTED] that [REDACTED] was seen on the porch talking with [REDACTED]. She checked the porch but did not see her there. [REDACTED] continued to try and call and text [REDACTED], however could not find her nor did she answer her cell phone. [REDACTED] called again just as they were leaving to leave a message and a male voice answered [REDACTED] cell phone. [REDACTED] then got on the cell phone, however the phone then disconnected. [REDACTED] called back, however again got no answer. [REDACTED] continued to look for [REDACTED] and then left the residence and began walking back to her residence at West quad. As she was walking back she got a call from [REDACTED]. [REDACTED] said [REDACTED] was crying and hysterical. [REDACTED] told [REDACTED] she was walking back to West quad and to meet her there. [REDACTED] met [REDACTED] outside of West quad as [REDACTED] was walking through the cut through at the end of Madison st. [REDACTED] said [REDACTED] was sobbing and crying and "fell into her arms". [REDACTED] was crying and telling [REDACTED] "I was raped and he's inside me". [REDACTED] walked [REDACTED] to another friends house ([REDACTED] at Wenley house. [REDACTED] then met the two in the stairwell of the building. [REDACTED] was still crying and upset telling them that she was just raped and had to let them know about it. [REDACTED] at one point took off the spandex leggings that she was wearing under her skirt stating that she was "disgusted" and "he's on me". [REDACTED] threw the leggings down on the stairwell stating that she had to take them off. [REDACTED] said [REDACTED] then began throwing up in the stairwell. [REDACTED] then called a friend who subsequently called U of M DPS, who made contact with [REDACTED] was then conveyed to U of M ER for treatment.

[REDACTED] told officers he was at a party at the CHI PSI house, 620 S State st, and had sex with a girl in an upstairs, third floor bedroom earlier in the night. [REDACTED] said he then heard that the girl said he raped her so he came into the U of M PD office to speak to police. [REDACTED] was transported by officers back to the location where the incident occurred at 620 S State st. [REDACTED] took officers upstairs to the third floor and showed officers the room in which he and [REDACTED] were at, room 17. Officers stood by until officer Reid arrived to secure the scene for the detective bureau. [REDACTED] was then transported to the station for further investigation.

ADDITIONAL:

[REDACTED] stated [REDACTED] removed her black spandex leggings in the stairwell of Wenley House, however upon returning moments later, the leggings were gone. DPS advised the housing R/A cleaned up the vomit, however stated there were no leggings in the stairwell. U of M housing was going to check the building and garbage cans for [REDACTED] leggings.

DISPOSITION:

Supplement filed

Offense Detail: 1172 - CSC 3rd Degree -Penetration Penis/Vagina

Offense Description	1172 - CSC 3rd Degree -Penetration Penis/Vagina	Location	20 - Residence/Home
IBR Code	11A - Forcible Rape	Offense Completed	Yes
IBR Group	A	Hate/Bias	88 - None (No Bias)
Crime Against	PE	Domestic Violence	No
Offense File Class	11002 - SEXUAL PENETRATION PENIS/VAGINA -CSC 3RD DEGREE	No. Prem. Entered	
Using		Entry Method	
		Type Security	

0900009441.004

1171 CSC

Case Report Status		Date Entered	11/22/2009	Reporting Officer	
Occurred On	11/22/09 02:30	Entered By	50500 - AASTANFORDW	50500 - AASTANFORDW	
(and Between)		Date Verified	11/23/2009	Division	
Location	541 Thompson St	Verified By	33700 - AAJATCZAKB	776	
CSZ	ANN ARBOR, MI 48104	Connecting Cases			
Call Source	0 - Telephone	Disposition	4 - Active		
Vehicle Activity		Clearance Reason			
Vehicle Traveling		Date of Clearance			
Cross Street		Reporting Agency	Ann Arbor PD		
Report Narrative					

REPORT:

This detective was contacted at my home by Sgt. Lance and asked to assist Detective Monroe on this case. I responded to the station and was briefed on the incident. I then responded to 620 S. State and processed the scene in room 17.

Action Taken:

The scene was photographed and the following things were taken as evidence.

- 2 pillow covers
- 1 bed sheet
- 1 down blanket cover

I searched the room, but no other evidence was found. All evidence including CD of photo's was logged into police property by this detective.

I spoke to the subject who lives in the room, he gave me permission to search and remove evidence. He also told me the following.

Interview with

said he was gone for the day with the Glee club at the University of Michigan. He returned to his room at about 11pm to drop off his coat. His room was locked when he returned at 11pm, but he left it unlocked and went to a friends to watch a movie away from 620 S. State. He returned at 3am and went to bed. He did not notice anything different in his room. His room was unlocked when he returned, but nothing was missing or disturbed. He fell asleep and waken by the AAPD.

DISPOSITION:

Supplement filed.

Offense Detail: 1172 - CSC 3rd Degree -Penetration Penis/Vagina

Offense Description	1172 - CSC 3rd Degree -Penetration Penis/Vagina	Location	20 - Residence/Home
IBR Code	11A - Forcible Rape	Offense Completed	Yes
IBR Group	A	Hate/Bias	88 - None (No Bias)
Crime Against	PE	Domestic Violence	No
Offense File Class	11002 - SEXUAL PENETRATION PENIS/VAGINA -CSC 3RD DEGREE	No. Prem. Entered	
Using		Entry Method	
		Type Security	

0900009441.005

SUSPECT / VICTIM INTERVIEWS

Case Report Status		Date Entered	11/22/2009	Reporting Officer	
Occurred On	11/22/09 02:30	Entered By	50000 - AAMONROED	50000 - AAMONROED	
(and Between)		Date Verified	11/30/2009	Division	
Location	541 Thompson St	Verified By	43700 - AABRINEYC	776	
CSZ	ANN ARBOR, MI 48104	Connecting Cases			
Call Source	0 - Telephone	Disposition	2 - Arrest		
Vehicle Activity		Clearance Reason			
Vehicle Traveling		Date of Clearance			
Cross Street		Reporting Agency	Ann Arbor PD		
Report Narrative					

09-9441
CSC III
0935/11-22-09
Det. Monroe/500

FOLLOW-UP INVESTIGATION

At approximately 4:45 a.m., Sgt. Lance contact me at my residence and requested I respond to the city to assist in a sexual assault investigation. He informed me the victim was at the hospital, the suspect was being taken into custody, and the incident happened at a third-party's room at a fraternity house. He later informed me Det. Stanford was contacted to assist.

CONTACT WITH OFFICERS

At approximately 5:45 p.m., Det. Stanford and I met with Officer Kenny-Sanders and Officer Rogers at the police department reference the preliminary information. Officer Kenny-Sanders informed me of the initial statement provided to her by the suspect, [REDACTED]. She informed me [REDACTED] indicated to her that they had consensual intercourse.

INITIAL VICTIM'S STATEMENT

I was informed that Officer Vonk had spoken with the victim, [REDACTED] at the hospital. I was able to review [REDACTED] initial statement provided to officers prior to interviewing [REDACTED].

SCENE

While I made contact with [REDACTED] in AAPD security, Det. Stanford responded to the scene to take photographs and collect evidence.

(Refer to Det. Stanford's supplement for details.)

CONTACT WITH [REDACTED]

At approximately 6:15 a.m., I made contact with [REDACTED] in security. I removed [REDACTED] from the second holding cell and placed him into the first interview room. I informed [REDACTED] that I was a detective with the police department and wanted to speak with him about what had occurred last night. I informed him that I knew he had provided some preliminary information to officers, there were two sides to every story, and that I would like to speak with him directly.

I then informed [REDACTED] of his Miranda Rights from the card provided to me by the AAPD. I asked [REDACTED] if he understood each of his rights, and he responded in the affirmative. I asked him if he could respond yes or no, and he stated, "Yes." I then asked [REDACTED] if I could get his side of what had occurred, and he waived his rights at that time.

[REDACTED] STATEMENT

I initially obtained background information from [REDACTED] and then asked if he was currently a student. He confirmed that he was a freshman studying sports management. I informed [REDACTED] it was my understanding he have some contact with [REDACTED] the previous day, and I asked if he could tell me what he had done on Friday. I asked if he had classes, and he stated, "No classes." I asked if he had gone out Thursday evening, and he stated he had. He stated it was at the same fraternity house. He stated he had returned around 2:00 a.m., going back to his room in West Quad, [REDACTED]

(FRIDAY)

I asked [REDACTED] what time he had awakened on Friday, and he stated he got up around 10:00 a.m. He stated he had "chilled," and then went to the mall around 2:00. He did not know the name, but described the mall as on State Street with both a Macy's and a Sears store. He stated he went with his friend, [REDACTED]. He stated he got back around 4:00 or 5:00 p.m.

[REDACTED] stated he "chilled" in his room, and his roommate, [REDACTED], had gone out with his sister. [REDACTED] stated he then went to the Lacrosse house on Washtenaw, approximately "10:30-ish" or 11:00 p.m. He stated at the party, he "met that girl," [REDACTED] and they were talking and then hooked up. He stated he gave her his phone number, and she had asked for it. He stated she had come up to him at the party, and it was sometime later after he had arrived. [REDACTED] stated he knew her, through sports, and he has seen her at the Academics Center. He stated he had talked to her before, and they "act funny together," which he described as they joke around. He stated he met her over the summer, when summer session had started.

[REDACTED] stated they "made out" at the party on Friday night. I asked if it was in a general area or somewhere more private or secluded. He stated it was in a public area. He stated there was music and people talking. She later asked for his number, and he gave it to her. He stated he then walked back to his room, maybe arriving around 2:00 a.m.

I asked if he had been drinking that night, and he responded, "Yes sir." He stated they both had been drinking. I asked what he consumed, and he stated beer that he got at the house. He stated he had not had any at his room. He stated she had a beer in her hand and he had a few beers, but not a lot. I asked about how much she had consumed, and he stated he was not really sure. He stated he then returned back to his room and went to bed.

(SATURDAY)

I asked what time he had awakened this date (11/21/09), and he stated 8:30 a.m. He stated he got up for the game. He stated he got ready and went to the locker room, arriving about 9:30. I asked him about being on the football team, and he stated he [REDACTED] explaining he had not played any games this year, so he was still eligible to play for the next four years.

[REDACTED] stated he got back to his dorm around 4:00 p.m., was "chilling" with his hall mates, and started sending text messages to her. He stated he sent to her, "What's up?" He stated he believed it was 7:00, possibly 6:00 p.m., but he was not sure. I asked what she responded, and he said, "Yo." He stated he was asking her what she was doing, and she said "nothing."

[REDACTED] stated he ended up with his friend, [REDACTED], going to the same frat house as Thursday night. He stated he believed he got there around 10:30 p.m., but he was not sure. He stated he was not drinking beforehand, but had a couple of beers. He stated they were playing music [REDACTED] came up to him, and it was a little later in the party. He stated they started talking, and she started accusing him of "getting with some girl." I asked who, and he stated, [REDACTED]. He stated [REDACTED] was also there. He stated [REDACTED] said she had heard a rumor. He stated he walked away, she came back up, and he was getting annoyed by her, so he walked away.

[REDACTED] continued by stating [REDACTED] would come up, she would talk a little bit, and he stated, "Then we would hook up." I asked what he meant, and he stated, "Making out." He stated they were then sitting on the couch, and she was grabbing his bicep. [REDACTED] stated he asked her if she wanted to go upstairs, so they went upstairs. I asked [REDACTED] why he asked her to go upstairs, and he stated, "Just to have a good time. I didn't know this was going to happen." I stated to him, "You asked her, and she said..." [REDACTED] responded, "Okay."

[REDACTED] stated they started making out, they were first in the bathroom, and he had opened the door to the bathroom. He stated they walked in and were making out. He stated they were there for a couple of minutes. I asked him if they were grabbing or touching one another, and he stated [REDACTED]. He then stated, "We left. We went to that room." He stated they were "making out" outside the room, he opened the door, and they went in. I said, "Then what happened?"

[REDACTED] stated, "We started having sex." I asked him about taking clothes off, and he stated they kept their clothes on. He stated, [REDACTED]. I asked if he could describe in detail what was the first thing that happened

inside the room. [REDACTED] stated they started kissing, they were on the bed, and he stated pulling down her pants. He stated she was wearing spandex, and he calls them sliders, referring to the terminology back home in [REDACTED]. He stated they were not all the way off. I asked [REDACTED] if there was any touching or anything else occurring before intercourse, and he stated, [REDACTED]. He stated he pulled his pants halfway off, and that lasted for a couple of minutes. He then stated, [REDACTED].

I asked [REDACTED] what caused that to happen or what was happening at that moment. He stated they were talking, and she said to him, "You wouldn't treat me right if we were going out." I asked what he meant, and he stated she meant, "Like not faithful." He stated he believed he said something about "how would you know that," and she responded something like, "People talk." He stated she made reference to breaking up with her boyfriend, and he said to her, "I know." I asked how he knew, and he stated she told him, possibly a couple of weeks ago.

[REDACTED] happened or if he had asked her, and he stated, "I said, could you?" She then stated, "Okay." He then stated, "We were done, it just stopped, and everything was fine." He stated, "We walked down together." He stated he then talked to his friend, and now he ended up here. I asked who he had talked to, and he stated [REDACTED].

I informed [REDACTED] the officer said it had gone back and forth [REDACTED], and [REDACTED] responded by saying, "Didn't I say? Sorry about that."

[REDACTED]

I asked [REDACTED] how much he had to drink tonight, and he stated more than a few beers. I asked if he had anything else, and he stated no. I asked about [REDACTED], and he stated she said she was drunk. He then stated, "She told me she was wasted." I asked how he would know that, and he stated, "She told me." I asked about her ability to walk, and he stated, "She was fine." I asked if she was with other people last night, and he stated, "She came up to me by herself."

I asked [REDACTED] if [REDACTED] every indicated to him it was hurting her, or to slow down, or to stop. He stated she never said stop. He stated at the end she said, "I don't know why we did this." He then stated, "But she was cool, not crying." He stated they walked downstairs together, and that everything was all right. [REDACTED] stated that once downstairs, he went to say "hi" to his friend, and does not know where she went. He stated he then got a phone call from his roommate, saying that some guy said he tried to rape her. He stated that it was 45 minutes to an hour after they were together, and he got the phone call as he was getting ready to leave. He stated, "And now I'm here."

I asked [REDACTED] why he thinks she would say that, referring to having been raped. He stated, "No idea." I asked what was the worst thing he thought he had done tonight, and he stated, "I guess this." He stated his whole life will probably get ruined, and that the girl always wins. He then stated, "I know I didn't do anything."

[REDACTED] He stated it was sex. He then added on his own, "She never asked to stop. We were both into it."

[REDACTED] continued by stating that [REDACTED] said, "Wouldn't you rather be with [REDACTED]?" I asked when she had said that, and he stated she kept bringing it up while they were together, while having intercourse. I asked why she kept bring it up, and he stated, "Jealousy reasons. You know what I mean?"

I asked [REDACTED] about the possibility of taking a polygraph test to help verify what he was saying. He said he would be willing to take a polygraph test. I asked if he ever held her on the bed, and he stated he did not hold her on the bed and did not force himself inside her. I informed him questions would consist of whether he had ever forced her to have sex, did she ever say no, and if he had told the complete truth. He stated he would be willing to take a test with those questions.

[REDACTED] then stated, "Can I be done talking?" He continued by stating, "I wish my mom and dad were here. I'm not going to lie." [REDACTED] continued without prompting asking, "Will I be able to play football here next year?" I stated to him, "Well, what's the truth?" He then stated, "What I told you." I informed him that if it was the truth, he could probably play football.

As I continued sitting with [REDACTED], I informed him that he asked if he could be done talking. I informed him that he has every right to be done talking. I asked if I could as a further question. I informed [REDACTED] had information he had gone to someone afterwards when he initially heard of the allegation. [REDACTED] stated to me that he had gone to his roommate. I informed him that I heard it was some type of official person.

[REDACTED] stated he approached someone at West Quad who had a gun, and asked if he could know what was going on here. He stated he told the person who was at the front of West Quad, who he thought was a police officer, that his name was brought up. He stated the person told him he had no idea, but would let him know. I asked him why he had gone to that person, and he stated he wanted to know what he did because of being accused of doing something. I asked him what his roommate had said, and he stated he said some girl said I raped her. He stated "I guess they came up to my room or something."

[REDACTED] asked how long he was going to be at the police department, and I informed him that I did not know for certain. I informed him that I did not know he would be there for the rest of the day, or for certain what the outcome would be. I informed him that I wanted to speak with the female involved in the incident, and it would likely be at least an hour before I spoke further with him.

[REDACTED] was placed back into a holding cell at approximately 7:11 a.m.

PROCESSING

Prior to speaking with [REDACTED] Det. Stanford and I then photographed and fingerprinted [REDACTED] reference the incident. He was placed back into the holding cell at approximately 7:40 a.m.

CONTACT WITH [REDACTED]

Detective Stanford and I initially attempted to contact [REDACTED] at the University of Michigan Hospital and learned that she had been released at approximately 7:00 a.m. We then proceeded to West Quad, had assistance with the U of M Housing officer, and learned she was not at her room. The housing officer recalled he had provided transportation to both [REDACTED] and a male subject to Cousins Hall from the hospital.

Detective Stanford and I then accompanied U of M housing officer to Cousins Hall, and after multiple knocks, we were able to awaken [REDACTED] and a subject identifying himself as her boyfriend, [REDACTED]. [REDACTED] appeared to have been sleeping heavily at that time, and I asked if we could speak with her for a few minutes. [REDACTED] spoke in a very low voice, asked if she could use the restroom, and then [REDACTED] escorted her to a common restroom in the dorm.

Upon her return [REDACTED] indicated that she did not want to speak at that time. I informed [REDACTED] that I only wanted a few minutes, and she asked if we could speak in [REDACTED] room. I asked [REDACTED] if we could speak with her in private, and he was cooperative and cordial in permitting us to talk with her at that location.

CONTACT WITH [REDACTED]

At approximately 8:55 a.m., I asked [REDACTED] if she was okay or feeling nauseated. She stated she was feeling fine. [REDACTED] spoke in a very low whisper while lying on the bed. I asked [REDACTED] what happened, and she stated she had no relations with him, referring to [REDACTED]. She stated he was one of her friends. I asked her what happened with him. [REDACTED] stated, "I don't want to speak about it. I'm sorry."

I asked [REDACTED] if she wanted the Prosecutor's Office to review the complaint. She stated, "No." I asked why, and she stated, "Because that's what I decided to do."

I informed [REDACTED] that [REDACTED] said their contact was consensual last night. I asked her if that was a true statement or not a true statement, and she stated, "No." She again stated she did not want to talk about it. I informed [REDACTED] that I was trying to get some information from her because it was serious when someone is arrested and placed in our security cell. I asked [REDACTED] if it was true that he had held her down, and she stated, "Yes, he did put his hands on me."

I informed [REDACTED] that [REDACTED] indicated she had [REDACTED]. I informed her that I was not saying it was consensual or forced, but I asked her if that was a possibility. She stated she does not recall. I asked her if she was indicating it was possible, and she stated, "I'm declining that." She then stated, "I don't know. Sorry sir."

I asked [REDACTED] what she drank last night, and she stated just beer. She then stated she had one shot of Absolute Vodka before.

I asked [REDACTED] if there was any discussion about [REDACTED] last night. She stated she recalled something about

██████████ I asked what about ██████████ and he stated ██████████ hooked up with ██████████ She stated that ██████████ would come up to her, and she would say, "Go be with ██████████ Go be with ██████████"

I asked ██████████ how she ended up on the second floor, and she stated she walked up there voluntarily. She stated she wanted to use the bathroom. I asked how she ended up in the bedroom, and she stated, "After we walked up." ██████████ then stated she did not want to talk to me any further, stating, "I just don't want to do it any more." She stated, "I just don't want him around me."

I asked ██████████ if she ever asked ██████████ to stop, and she stated she told him to stop, and no. She then stated, "I'm done."

I informed ██████████ that ██████████ would be released at this time. I requested she not have contact with him. I informed her that I would allow her to get some rest and I would like to contact her the following day.

My interview with ██████████ ended at approximately 9:05 a.m.

INTERVIEW WITH ██████████

After speaking with ██████████, I spoke briefly with ██████████ in a lounge area of the dorm. I asked ██████████ if he could explain to me what he knew about the incident.

██████████ stated he was here in his dorm room and he had told ██████████ to call him when she was ready to leave the party. He stated he called her at 2:40 a.m. when she had not called, and he had just spoken to her two hours earlier. He stated when he did not reach her, he called her friend, ██████████ at West Quad. He stated ██████████ told him she was raped. He stated he told ██████████ to give him an update, and he later got a call from an officer at West Quad indicating ██████████ wanted him to be there to make her comfortable.

He stated while at the hospital, he heard most of the story. He stated the nurse had asked about the sexual assault. I asked ██████████ what he heard. ██████████ stated he heard she was at the party, at KAI PSI, with friends. He stated this guy whom she had sex with had a previous incident the night before, where he had grabbed her and kissed her. He stated it was Friday night and he also had to go meet with her at that time. He stated he immediately knew who it was.

He stated ██████████ had to use the bathroom, he accompanied her upstairs, and brought her into the room. He stated she said she resisted and said no, and that he was 250 lbs., and she is only 90 lbs. He stated he then had sex with her and ejaculated on her dress.

He stated ██████████ contacted a friend, ██████████ who is a sophomore and may have been with ██████████ last night. I asked about his relationship with ██████████ and he stated, "I'm her boyfriend." I asked if there had been any recent issues between them, and he stated there has recently been a little bit of a break-up, but in a good way.

I asked about their not having an evening together last night, and he explained that he was waiting on a call from her, and she was either going to stay on central campus or walk up to his dorm. He stated they were at Glee Club earlier in the night, she then left and went with friends back to West Quad, and he went with his group of friends to another area of West Quad. He stated she then called and said she was going to ██████████ apartment, and he told her he would be finishing his paper at the dorm. He stated he last had contact with her about 12:30 a.m. He stated in speaking with her, she said she had to make sure her friends were safe, and she would then call him to meet up. He stated she never called, and that is when he attempted to contact her.

I informed ██████████ at this time ██████████ would be released and ██████████ did not want to pursue any type of criminal charges. He asked why, and I informed him that she did not give an answer. I informed ██████████ through his contact with her, if that were to change he should contact me.

██████████ contacted me at approximately 10:00 a.m. and indicated he had nothing else to say at this time, but she has not decided what she wanted to do. He asked if she could decide at a later time. I informed him that she could and I would follow up with her the following day.

RELEASED FROM CUSTODY

At approximately 10:00 a.m., I informed Sgt. Curtis that he should release ██████████ from custody. I spoke briefly with ██████████ by telephone. I informed him the case is still under investigation and it was possible the case would later be reviewed by the Prosecutor's Office. I informed him that I would offer a polygraph test to him if the case was going to be reviewed, and I would also offer him a polygraph test if he wanted to have the results as part of the police report that was going to be on file.

I informed [REDACTED] at that time that he should have no contact with [REDACTED] regarding the matter to avoid any further problems.

DISPOSITION

Open - Investigation pending.

MR-484-11/23/09

Offense Detail: 1172 - CSC 3rd Degree -Penetration Penis/Vagina

Offense Description	1172 - CSC 3rd Degree -Penetration Penis/Vagina	Location	20 - Residence/Home
IBR Code	11A - Forcible Rape	Offense Completed	Yes
IBR Group	A	Hate/Bias	88 - None (No Bias)
Crime Against	PE	Domestic Violence	No
Offense File Class	11002 - SEXUAL PENETRATION PENIS/VAGINA -CSC 3RD DEGREE	No. Prem. Entered	
Using		Entry Method	
		Type Security	

0900009441.006

1171 CSC

Case Report Status		Date Entered	11/23/2009	Reporting Officer	
Occurred On	11/22/09 02:30	Entered By	50500 - AASTANFORDW		50500 - AASTANFORDW
(and Between)		Date Verified	11/24/2009	Division	
Location	541 Thompson St	Verified By	31000 - AAHUGHESP		776
CSZ	ANN ARBOR, MI 48104	Connecting Cases			
Call Source	0 - Telephone	Disposition	2 - Arrest		
Vehicle Activity		Clearance Reason			
Vehicle Traveling		Date of Clearance			
Cross Street		Reporting Agency	Ann Arbor PD		
Report Narrative					

RMS Correction:

There are 2 pillow cases logged into police property in seperate bags with seperate property tags.

DISPOSITION:

Supplement filed.

Offense Detail: 1172 - CSC 3rd Degree -Penetration Penis/Vagina

Offense Description	1172 - CSC 3rd Degree -Penetration Penis/Vagina	Location	20 - Residence/Home
IBR Code	11A - Forcible Rape	Offense Completed	Yes
IBR Group	A	Hate/Bias	88 - None (No Bias)
Crime Against	PE	Domestic Violence	No

Offense File Class 11002 - SEXUAL PENETRATION
PENIS/VAGINA -CSC 3RD DEGREE

No. Prem. Entered

Using

Entry Method

Type Security

0900009441.007

STATEMENT: Det. Monroe/500

Case Report Status	Date Entered	11/25/2009	Reporting Officer
Occurred On	11/22/09 02:30	Entered By	48400 - AAREYNOLDSM 50000 - AAMONROED
(and Between)	Date Verified	1/8/2010	Division
Location	541 Thompson St	Verified By	32000 - AABLACKWELLM 776
CSZ	ANN ARBOR, MI 48104	Connecting Cases	
Call Source	0 - Telephone	Disposition	2 - Arrest
Vehicle Activity		Clearance Reason	
Vehicle Traveling		Date of Clearance	
Cross Street		Reporting Agency	Ann Arbor PD
Report Narrative			

09-9441
CSC
1405/11-24-09
Det. Monroe/500

FOLLOW-UP INVESTIGATION

On 11-23-09, I made telephone contact with [REDACTED] and scheduled a follow-up interview with her the following date at approximately 11:00 a.m. on Couzens Hall. I spoke with [REDACTED] at 11:05 a.m. in the Department of Public Safety security office on the first level. I asked [REDACTED] if she could explain further to me what had occurred on the date of the incident, first providing information as to her previous contact with [REDACTED]

STATEMENT

(BACKGROUND)

[REDACTED] stated both she and [REDACTED] had lived in Mary Markley, they are both athletes, and they had studied together at the Academic Center. She stated they currently live in the same dorm (West Quad). She stated she runs cross country and track and field.

[REDACTED] stated her first contact with [REDACTED] had been at Mary Markley (dorm) when he had thrown a football at her head, and then said something similar to, "Go fuck your boyfriend." I asked her to explain further. She stated she did not catch the football, and she was standing at her boyfriend [REDACTED] door, when [REDACTED] yelled, "Catch." She stated she did not catch the football, and he asked something similar to, "Are you going to fuck your boyfriend?" I asked her if it was during a weekend evening where people were partying and drinking, or at another time. She stated she believed it was sometime during the week.

[REDACTED] stated she did not see [REDACTED] the rest of the summer. She stated the first couple of weeks during the school year, she would walk home with her friend [REDACTED] whom she studied with, and another friend, [REDACTED]. She stated both were on the football team. She stated they would walk back to Michigan House at West Quad. She stated after walking back with them one particular day, [REDACTED] said to her, "You look familiar." He told her, "My name is [REDACTED]" She stated she told him that was not his name. He said something similar to "You're kind of cute. Do you have a boyfriend?" She stated she had walked from the Academic Center to State Street.

[REDACTED] stated that ever since then, she has talked occasionally to [REDACTED] at the Academic Center. She stated they

would also walk back together sometimes. She stated [REDACTED] would call her boyfriend [REDACTED] "referring to the singer. [REDACTED] stated there was another occasion where [REDACTED] and [REDACTED] had been going to Mr. Spots, and that she ate with them. She stated she remembered [REDACTED] pretending to spit in her hair as they got back to [REDACTED] house. She stated [REDACTED] is someone who has a track scholarship and is a walk-on for the football team.

[REDACTED] went on to state that she does not know why she considers [REDACTED] a friend, since he would do inappropriate things. She stated he would say, "Oh, you like me. Oh, you like me," knowing that she has a boyfriend. She stated there was another time where she sat with [REDACTED] and [REDACTED] at Mojo having lunch. She stated both [REDACTED] were saying she had a crush on him, and she would shake her head and say "no."

[REDACTED] stated that two and a half weeks ago, she and [REDACTED] broke up. She stated she told [REDACTED] since he is close to her, and [REDACTED] later told her that he told [REDACTED] while they were in the shower. She stated she would then see [REDACTED] at the Academic Center, and she remembered on a particular occasion that a football player came up while she was sitting down, [REDACTED] was to her left, and the player touched her hand and said, "I'm going to hit that." She stated he was making reference to a slang term about sexual activity with her. She stated that she responded "no."

[REDACTED] stated that other than those occasions, [REDACTED] is nice to her.

(FRIDAY - 11/20/09)

[REDACTED] stated on Friday, referring to November 20th, she had class from 9:00 to 10:00 a.m., and then from noon until 1:00. She stated her friend, [REDACTED], came in for the Ohio State game. She stated he is from [REDACTED], where she is from. She stated he wanted to go out, so they went out that night. [REDACTED] stated [REDACTED] is also from Salt Lake City, and is a student at the University of Michigan. She stated [REDACTED] and her friends [REDACTED] and [REDACTED] went out. She stated [REDACTED] is on her team and is a sophomore. Her friend [REDACTED] is a freshman on the team.

[REDACTED] stated they went to a party on Washtenaw, and she saw [REDACTED] there. She stated she believes it was at the Lacrosse House. She stated she was dancing and she saw [REDACTED]. They were talking and dancing, he kissed her, and she kissed him back. She stated it lasted four or five seconds.

[REDACTED] stated she pushed away and left. She stated she told her two female friends to make sure [REDACTED] got back to the dorm okay. She stated she left, and walked by herself, and walked to Hill and Church Street. She stated she met [REDACTED] and [REDACTED] told him what happened, and they ended up fighting. She stated although they are not dating, she felt obliged to tell him what happened. She stated she told [REDACTED] she and [REDACTED] were at the party, he kissed her, and she kissed him back. She stated they came back to Couzens, and whether they were dating or not, she still felt they were best friends and both are out-of-state students. She stated [REDACTED] saw her upset.

I asked her why she kissed [REDACTED] back, and she stated [REDACTED] is a friend, but is disrespectful to her. She stated she likes spending time with people she thinks she can help. She then stated, but she thought he was forceful. She stated she had kissed him back, so "it was my responsibility too."

(SATURDAY - 11/21/09)

[REDACTED] stated during the day on Saturday, her uncle was in town, and her uncle got both she and [REDACTED] tickets for the game. She stated her uncle and her dad's business partner were tailgating, and she [REDACTED] and [REDACTED] went to the tailgate. She stated they went to the game and she came back and slept to 6:00 p.m. She stated she showered and [REDACTED] came over. She stated they went to the Glee concert, had dinner at a Japanese restaurant, consisting of soup and salad, and it was she [REDACTED] who went to the concert.

She stated after the concert, [REDACTED] left to work on a paper. She stated they had a car they had to return, and a girl by the name of [REDACTED], who lives with [REDACTED], had to return the car she had borrowed. She stated they drove the car to Hoover Street, [REDACTED] wanted to go out again, so she asked [REDACTED] to make sure [REDACTED] got back to West Quad and that she would come to see him later.

[REDACTED] stated they later went to a house party on Brookwood, and she was with [REDACTED]. She stated [REDACTED] also went to the party, and all of them stayed for only 10 minutes, but [REDACTED] remained because she knew people at the party. She stated that [REDACTED] then proposed that they go to the PSI CHI for the party. She stated the track team was supposed to be at the party. She stated they walked to the fraternity house, and she told [REDACTED] they were going to that location. She stated she talked to him from Brookwood to the door of the fraternity house.

