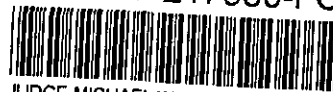


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OAKLAND COUNTY 07-217980-FC



JUDGE MICHAEL WARREN  
PEOPLE v WILLIAMS, DANN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

BY:

PEOPLE OF THE STATE OF MICHIGAN, COUNTY CLERK

Plaintiffs,

V

NO: 2007-217980-FC

Honorable Michael Warren

DANNIE J.D. WILLIAMS,

Defendant.

OPINION AND ORDER

At a session of said Court, held in the  
County of Oakland, State of Michigan  
Monday, February 04, 2008.

PRESENT: HON. MICHAEL WARREN

INTRODUCTION

The Defendant in this case, Mr. Dannie J. D. Williams, has been arrested and arraigned on one count of Robbery - Armed and a second count of Carjacking. Pursuant to the Defendant's Motion for an Evidentiary Hearing Re: Statements, the Defendant challenges the admissibility of certain written and oral statements he made following his arrest by the Pontiac Police Department.

This Court conducted an evidentiary hearing on January 30, 2008 for the purpose of determining whether the Defendant's statements were obtained unconstitutionally or were made involuntarily and should be suppressed at the trial of the Defendant for the aforementioned charges. At the hearing, the Defendant and Detective Jeff Buckman testified. In addition, pursuant to the

stipulation of the parties, the Court reviewed *in camera* the taped portion of the Defendant's interview.

### FINDINGS OF FACT

The Court makes the following findings relating to the hearing based on the Court's assessment of the demeanor, veracity, honesty, consistency, and integrity of the testimony and other evidence before the Court:

- The testimony of Detective Buckwell was credible and well grounded, and the Court affords it great weight.
- The testimony of the Defendant was incredible and the Court affords it no weight. In particular, the Defendant's testimony that he was under the influence of drugs, that he did not understand his rights, and that he was made statements because he was threatened (or otherwise overcome) because of questions regarding a homicide investigation were incredible, baseless, and specious.

In light of the foregoing, the Court makes the following findings of fact:

- After the Defendant's arrest, he was placed in an interview room in the Pontiac Police Department with Detective Buckman and Detective Collins. The officers were not in uniform, the Defendant was not in handcuffs or otherwise constrained.
- Contrary to the baseless testimony of the Defendant at the hearing, the Defendant was coherent, articulate, alert, generally relaxed, and engaged during the interview. He had no problems understanding the statements,

questions, and comments of the detectives. During the course of the interview he drank coffee and smoked cigarettes, conversed with the detectives, and was unencumbered when he wrote his statements. In fact, the Defendant was left alone in the interview room several times, including when he wrote his out statements.

- Although the detectives aggressively questioned the Defendant and challenged the veracity of many of his original (and then changed) statements, his will was not overcome and he was not coerced into making any statements whatsoever.
- The Defendant was not in danger, abused, menaced, overly tired, or mistreated. The Defendant was not mentally or physically impaired in any manner. In fact, the Defendant is over the age of majority, and is an articulate, well-informed individual who appeared to have at least average intelligence, who well understood the nature of the circumstances of his arrest and the consequences that may flow from it.
- In particular, the Defendant and Detective Buckman reviewed his Miranda rights individually and the Defendant acknowledged that he understood those rights. He specifically answered, "Yes, sir" when asked if he understood each right, including those of counsel, to stop talking with the police at any time, and the right to remain silent.
- Although he stated that he did not have money for a lawyer, Detective Buckman redirected the Defendant to the advice of rights - which included that he was entitled to an appointed lawyer if he could not afford one - and he stated that he did not want a lawyer. He specifically stated that he did not want a lawyer "cause I already know the law, sir."

## OPINION

*Miranda v Arizona*, 384 US 436; 444-445 (1966) and *People v Reed*, 393 Mich 342, 355, 357-360 (1975), together hold that to protect the right against self-incrimination under the Fifth Amendment of the United States Constitution, as well as under Section 17 of the Declaration of Rights in the Michigan Constitution of 1963, no statement, whether inculpatory or exculpatory, made by a person in custody in response to interrogation by government officials may be admitted into evidence, except for impeachment purposes, at a criminal trial, unless the government can establish that the individual was effectively informed, among other things, of his right to remain silent and receive assistance of counsel, pursuant to a standardized set of warnings. *Miranda, supra; Reed, supra*. The burden is on the prosecution to prove that the Defendant was given a proper advice of rights and had a meaningful opportunity to exercise those rights. *People v Sears*, 124 Mich App 735 (1983). Moreover, because the interrogation proceeded without the presence of an attorney and a statement was obtained, the prosecution must prove by a preponderance of the evidence that the Defendant knowingly and intelligently waived his privilege against self-incrimination and his right to the assistance of counsel. *Colorado v Connelly*, 479 US 157, 168 (1986); *People v Daoud*, 462 Mich 621, 634 (2000).

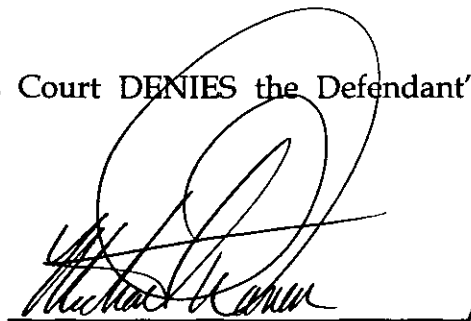
Nevertheless, even if statements are made in accordance with *Miranda* and *Reed*, they must be suppressed for all purposes as inadmissible evidence if it is found that the statements were made involuntarily. *People v Walker*, 374 Mich 331 (1965); *Reed, supra* at 356-357 (holding that involuntary confessions cannot be used for impeachment purposes). A statement is considered voluntary if made under circumstances that show that the statement is the product of the person's

free will and was made with a full understanding of its consequences. *Schneckloth v Bustamonte*, 412 US 218, 224-226 (1973); *People v Brockett*, 195 Mich 169 (1917). Stated another way, "[t]he test of voluntariness is whether 'considering the totality of all the surrounding circumstances, the confession is "the product of an essentially free and unconstrained choice by its maker," or whether the accused's "will has been overborne and his capacity for self-determination critically impaired."'" *People v Peerenboom*, 224 Mich App 195, 198 (1997) (quoting *People v Cipriano*, 431 Mich 315, 333-334 (citations omitted)). The totality of circumstances must be examined to determine if a statement was involuntary. See, e.g., *Colorado v Connelly*, 479 US 157 (1986); *People v Sexton (after remand)*, 461 Mich 746 (2000). The circumstances to be reviewed may include the presence or absence of physical abuse, *People v Summers*, 1 Mich App 346, 349 (1968); the presence or absence of psychological abuse, *People v Lipszczinska*, 212 Mich 484, 496 (1920); the maturity, intelligence, and experience of the defendant, see, e.g., *Haley v Ohio*, 332 US 596 (1948) (regarding the youth of defendant); the physical condition of the defendant, *People v Cleveland*, 251 Mich 542 (1930); whether the defendant was intoxicated, *Summers, supra* at 351, n 6; the length and circumstances of the interrogation, see, e.g., *Watts v Indiana*, 338 US 49 (1949); the presence or absence of any promises made by the authorities, *People v Gallego*, 430 Mich 443, 457-458 (1988); and the presence or absence of threats *Lynum v Illinois*, 372 US 528 (1963); *People v Richtner*, 54 Mich App 551 (1972).

In light of the foregoing authorities and this Court's findings of fact, the Defendant's statements were made in compliance with *Miranda* and *Reed*. In addition, the statements were made voluntarily and in compliance with *Walker*.

**ORDER**

Based on the foregoing Opinion, this Court DENIES the Defendant's motion to suppress the evidence.

A handwritten signature in black ink, appearing to read "Michael Warren", is written over a horizontal line. The signature is stylized with large, sweeping loops.

**MICHAEL WARREN,  
CIRCUIT COURT JUDGE**