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Weekly Updates
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Five Pages

For Immediate Release

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NEWS UPDATES

Monday, December 14, 2015

Geneke Lyons – Defendant charged in the fatal dog mauling of a four-year-old Detroit boy. His preliminary examination is scheduled for December 22, 2015 at 8:30 a.m. before Judge Lydia Nance-Adams.

Tuesday, December 15, 2015

Warrant Denied in Fatal Traffic Accident Involving St. Clair Shores Officer

On July 22, 2015, at approximately 9:30 p.m. in Harper Woods, James Bush, 20, of St. Clair Shores was operating his motorcycle when he was fatally struck by an on-duty St. Clair Shores officer driving his marked police sport utility vehicle. The officer was driving on Eight Mile Road near eastbound I-94 when a minivan passed him going westbound without the head lights on. The minivan turned left into a driveway off of Eight Mile. As the officer attempted to make that same left turn, Mr. Bush's motorcycle struck the officer's vehicle at the right front bumper. The lights on the police vehicle activated almost simultaneously with the accident and the car captured a video of the accident. Mr. Bush died as a result of the accident; the medical examiner ruled that the official cause of death was multiple injuries.

The case was investigated by the Michigan State Police (MSP) and their accident reconstructionists; the case was subsequently turned over to the Wayne County Prosecutor's

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Office (WCPO) for review. MSP and WCPO interviewed the driver of the mini-van, and her passenger. The driver indicated that she knew that the police officer was behind her and was worried because she had a suspended license. She realized her lights were off and she turned them on. She pulled into a driveway and indicated that she did not see the motorcycle. The passenger in her car also indicated she too never saw the motorcycle before or after the minivan pulled into the driveway. Another driver of a car between the minivan and the officer's SUV indicated that the motorcycle was not visible. The officer said that he was able to see Eight Mile and that he saw a vehicle some distance down the road and determined that he was able to make a safe left hand turn. He also stated that he did not see the motorcycle at the time of the turn.

The police car video of the accident supports the police officer and the witnesses' statements regarding the lack of visibility of the motorcycle. The evidence in the case shows that the officer was travelling at an appropriate speed at the time of the accident. The officer consented to toxicology close in time to the accident and the results were negative. A review of his driving record showed that the officer has a clear driving record, including no on-duty traffic accidents in his 14 years as a police officer.

Mr. Bush had a valid license, as well as a valid motorcycle endorsement. He had 3 citations on his driving record: two speeding tickets and one accident, all in 2013. Mr. Bush's blood, as part of his autopsy, was tested. The results were positive for marijuana in the blood. The medical examiner indicated that though the amount was negligible, Mr. Bush was technically "under the influence" because the marijuana was in his blood, as opposed to being solely in the urine.

The evidence shows that the officer did in fact yield and made a reasonable determination that he could safely turn left. It is a tragic fact that the officer simply could not see the motorcycle due to the lighting conditions at dusk, and the fact that the motorcycle's headlight blended with the headlights of the vehicle behind it. The Wayne County Prosecutor's Office has denied the warrant based on insufficient evidence of criminal wrongdoing and in the interests of justice.

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Wednesday, December 16, 2015

Fatal Arson Fire on Hoyt Street – The warrant request is currently being reviewed. There will not be an arraignment in the case today.

Anthony Anderson-Hawkins - Juvenile involved in the death and robbery of French artist Bilal Berreni. Judge Christopher Dingell convicted Hawkins, as charged, of Robbery Armed and Felony Murder. This case was adult-designated. This gives the judge the option of sentencing him as a juvenile, as an adult, or a giving him a blended juvenile and adult sentence. Mr. Anderson-Hawkins sentencing date is January 16, 2016 at 9:00 a.m. in the Lincoln Hall of Justice.

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Charles Bothuell IV - The motions scheduled for this Friday, December 18, 2016 have been adjourned. The next court date in the case is a pre-trial conference on January 5, 2016 at 9:00 a.m. before Judge Margaret Van Houten.

Thursday, December 17, 2015

Two Charged in Hoyt Street Fatal Arson Case

Prosecutor Kym L. Worthy has charged Jebrie Cross, 28 (DOB: 7/28/87) and Mariah Thomas, 24 (DOB: 5/13/92), both of Detroit, in connection with a fatal arson fire. On December 13, 2015 at 9:43 p.m., it is alleged that Mariah Thomas had an altercation with her former-boyfriend James Jordan, 23, at his home located in the 19600 block of Hoyt in Detroit. On December 14, 2015 at approximately 2:30 a.m., it is alleged that Ms. Thomas and Mr. Cross returned to the house and threw bottles containing a flammable substance at Mr. Jordan's house and set it on fire. The fire killed Mr. Jordan and Jana John, 20, of Detroit. Another 22-year-old male was in the house at the time of the fire and survived.

Defendants Cross and Thomas have each been charged with: two counts of Felony Murder, two counts of Arson and two counts of Assault with Intent to Murder.

Prosecutor Worthy said, "The allegations in this case are becoming all too common. Have we really come to the place where if someone rejects another person, the result is to seek revenge by burning a home with occupants in it?"

Today the defendants were arraigned and remanded to jail. The probable cause hearing is scheduled for December 28, 2015 at 8:30 a.m., and the preliminary examination is scheduled for January 4, 2016 at 1:30 p.m.

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Two EMS Workers Charged with Assault

Detroit Emergency Medical Services attendants Byron Beales, 37, and Brian Bachynski, 25, have been charged with the misdemeanor Aggravated Assault. On August 30, 2015 at 9:00 a.m., it is alleged that they assaulted a Detroit man who was being transported from his home in the 21000 block of Karl Street to a local hospital because he was having a seizure. The complainant's children allege they saw Bachynski punch their father once and that Beales slapped their father one time. The man was observed to have a red eye and a bruised face when he arrived at a local hospital for treatment.

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Today the defendants were arraigned by Judge Ruth Carter and each received a personal bond in 36th District Court. A pre-trial conference date of January 5, 2016 at 8:30 a.m. is scheduled before Judge Carter.

Friday, December 18, 2015

**No Charges in City of God Church Fatal Shooting by Pastor
*Insufficient evidence to charge; the pastor acted in lawful self defense.***

On the afternoon of October 18th, 2015, at approximately 1:40 p.m., Deante Smith, 25, and his estranged wife Tykia Smith, 25, both of Detroit, arrived at the City of God Church located in the 22000 block of Grand River in Detroit. In the rear hallway of the church, he encountered and confronted the pastor of the church, Keon Allison, 36, of Dearborn Heights. The evidence from several witnesses shows that Mr. Smith forced his way into the church armed with a chunk of brick. Mr. Smith pushed the pastor's mother to the ground when he was told that he was no longer welcome at the church.

In the hallway, witnesses placed themselves between Mr. Smith and Mr. Allison. Mr. Smith was restrained from attacking Mr. Allison by two men and taken into a side room, where Mr. Smith verbally agreed to leave. Immediately after agreeing to leave, Mr. Smith rushed past the two men restraining him, towards Mr. Allison. Mr. Allison then pulled out a hand gun and fired one shot at Mr. Smith striking him in the left shoulder, causing him to stagger. Mr. Smith continued to head towards Mr. Allison who continued to fire his weapon. Mr. Smith was transported to a local hospital where he was pronounced dead from multiple gunshot wounds.

Shortly after the shooting, Mr. Allison cooperated with the Detroit Police investigating the fatal shooting and made a statement at police headquarters. He stated that he observed Mr. Smith grab his mother and throw her to the ground, to seeing a brick in his right hand, and to being in fear that he might have additional weapons.

The evidence in this matter shows that the October 18, 2015 shooting was the culmination of a pattern of behavior engaged in by Mr. Smith, beginning in early September 2015. The evidence shows that Mr. Smith believed his wife, Tykia Smith, was involved in an extramarital affair with the pastor. Mr. Allison and Ms. Smith deny that there was any inappropriate relationship. In social media posts and messages to other church members, Mr. Smith stated his belief and made vague threats to the church and its members.

On September 16, 2015, at approximately 9:00 a.m. he appeared at Mr. Allison's home in Dearborn Heights and demanded his "tithes" back threatening the pastor and the pastor's wife.

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Dearborn Heights police arrived and detained him, but he was ultimately released. On September 17, 2015 at 2:30 a.m., Mr. Smith also sent Mr. Allison a number of threatening texts, one of which prompted Mr. Allison, who was working overnight as a security guard, to contact Dearborn Heights police for a wellbeing check on his home. On September 19 and 20, 2015, Mr. Smith harassed Mr. Allison's mother by phone; she contacted the Van Buren Township police and filed a report.

On October 16, 2015, as recorded by security video, Mr. Smith arrived at Mr. Allison's day job at an auto repair shop. He is clearly visible parking and exiting his vehicle, going to his truck, removing his coat and retrieving a baseball bat. As he entered through the shop's front entrance, Mr. Allison is visible exiting the side door, entering his van and backing out of the lot. Security cameras captured Mr. Smith running from the front of the shop towards Mr. Allison's van, swinging the bat and shattering a side window. Mr. Allison can be seen backing the vehicle up to get away from Mr. Smith and crossing into traffic as Mr. Smith charged towards the front of the van. The video shows Mr. Allison driving to avoid Mr. Smith and fleeing, as Mr. Smith continued to swing at the van.

The pattern of threats and violent behavior directed at Mr. Allison by Mr. Smith in the weeks leading up to the shooting, particularly the assault with a bat two days before, as well as witnesses who corroborate much of Mr. Allison's account regarding Mr. Smith's conduct at the time of the shooting, support the decision not to charge because there is insufficient evidence to prove a crime beyond a reasonable doubt. The evidence shows that Mr. Allison had an honest and reasonable belief that he, or some other member of the congregation, was at immediate risk of death or great bodily harm at the time he shot Mr. Smith.

"The alleged facts in this case were salacious to some because they happened in a place of worship and the person who discharged the weapon was a man of God. We closely and objectively examined the events that led to the killing of Deante Smith. The provable facts in this case showed that the actions of Keon Allison were done in lawful self defense and there will be no charges", said Prosecutor Kym Worthy.

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