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Weekly Updates
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For Immediate Release

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NEWS UPDATES

Monday, April 11, 2016

Indictment Unsealed in Homicide of Three-Year-Old Detroit Girl

On April 6, 2016, a one man grand jury indicted Paul G. Kendall, 24 (DOB: 8/1/91), of Ecorse, Reginald L. Street, 19 (DOB: 11/30/96), and Jonathan L. Burks, 30 (DOB: 8/9/85), both of Detroit. Today Judge Timothy Kenny, Chief Judge of the Wayne County Circuit Court Criminal Division unsealed the indictment.

Allegations

On March 27, 2016, at approximately 2:00 a.m., it is alleged that the three defendants went to a home located in the 16800 block of Riverview in Detroit and fired shots that killed a three-year-old girl. The child was taken to a local hospital and pronounced dead on arrival. A 39-year-old man and a 26-year-old man who were inside in the home sustained non-fatal gunshot wounds. They were taken to local hospitals and treated for their injuries. The specific facts of the case will be presented in court.

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Unsealing of Indictment

Today the indictment was unsealed and the defendants were arraigned by Judge Timothy Kenny. Kendall, Street and Burks are each charged with: First Degree Murder; Felony Murder; two counts of Assault with Intent to Murder; Home Invasion First Degree; Discharge of a Firearm in or at a Building Causing Death and Felony Firearm. Defendants Street and Burks are also charged with Felon in Possession of a Firearm. The defendants have been remanded to jail. Their next court date is the final conference on June 17, 2016 and the trial is on July 25, 2016.

Prosecutor Worthy said, "We probably would not have been able to charge this case if not for having the grand jury. In this office, we use this process thoughtfully, carefully and discreetly."

Background Information on the One Man Grand Jury

The Petition

The Prosecutor files a petition with the circuit court alleging why there is probable cause to suspect that a crime has been committed and that a person or persons may be able to give material evidence regarding the crime or offense. (MCLA 767.4) The judge then signs an order directing that an inquiry be made relating to the formal complaint. The petition is for six months and can be renewed for an additional six months. (MCLA 767.3)

Subpoenas

When the judge issues a subpoena, the person called before the grand jury is entitled to legal counsel; no delay is permitted in appearing before the judge. All matters revealed are subject to secrecy provisions. (MCLA 767.4)

Penalties - Contempt

Witnesses neglecting or refusing to appear can be found in contempt of court. After a hearing in court, such witnesses can be fined \$1,000 and/or imprisoned for up to one year. Witnesses can "purge" themselves of the contempt by offering to appear before the court. The judge may then commute or suspend the sentence. (MCLA 767.5)

Penalties - Disclosure of Proceedings

Except in cases of prosecutions for contempt or perjury against witnesses, any judge conducting the inquiry, or any prosecuting attorney and other persons admitted to such inquiry at the

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discretion of the judge, who disclose information from the grand jury are guilty of a misdemeanor punishable by imprisonment not more than a year or by fine not less than \$100 or more than \$1,000 or both. (MCLA 767.19 f)

Note: There is a penalty of one-year in jail for contempt of court for revealing any information pertaining to a grand jury indictment before it is unsealed. That is why the case was not referenced yesterday when the notice of arraignment before Judge Timothy Kenny was released yesterday.

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Detroit Man Charged in Homicide of Uber Driver

Prosecutor Kym Worthy has charged Dajuan Watson, 23 (DOB: 8/17/93), of Detroit, in connection with the homicide of an Uber driver. On Saturday, March 19, 2016 after 11:00 p.m., Watson called Uber driver Modou Diagne, 51, of Detroit, to drive him from a location on Chester Street in Detroit. It is alleged that Watson got into an altercation with the victim in the 5500 block of Pacific in Detroit and shot the driver. The Detroit Police Department received a dispatch to the location shortly after the incident. Mr. Diagne was taken to a local hospital and later died from multiple gunshot wounds he sustained.

Watson has been charged with: Felony Murder, Armed Robbery, Delivery of Under 50 grams of a Controlled Substance and Felony Firearm. He was arraigned on today in 36th District Court. The probable cause conference is scheduled for April 18, 2016 at 8:30 a.m.; the preliminary examination is scheduled for April 25, 2016 at 1:30 p.m. Both hearings are before Judge Lydia Nance-Adams in 36th District Court.

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The Robert Bashara Post-Conviction Hearing – The hearing is scheduled for tomorrow before Judge Vonda Evans. Defendants Bashara and Gentz are expected to appear in court for the proceeding.

William Melendez - Former Inkster police officer serving 1 to 10 years in MDOC for Assault with Intent to Do Great Bodily Harm Less than Murder. On April 4, 2016, Judge Vonda Evans modified her order of sentencing to indicate: “The Court is modifying the order and *objecting to boot camp at*

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this time. The Court will reconsider at a later date.” Late in the afternoon on Friday, April 8, 2016, defense counsel James Thomas filed an emergency motion in the Court of Appeal seeking to vacate Judge Evans’s modified sentence order. WCPO has until Wednesday, April 13, 2016 to file a responsive brief.

Tuesday, April 12, 2016

The Robert Bashara and Joseph Gentz Post –Conviction Hearing – The court has continued the hearing until April 21, 2016 at 9:30 a.m. Defendants Bashara and Gentz are expected to appear in court for the proceeding.

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Charges Issue in Non-Fatal Shooting of 11-Year-Old Boy

Prosecutor Kym Worthy has charged Chris Navarrette, 37(DOB: 6/12/78), of Detroit in connection with the shooting of his 11-year-old son. On April 7, 2016 at 8:30 a.m. at the family home located in the 3900 block of W. Vernor the 11-year-old came in contact with a gun that was left unsecured in a bedroom of the home and sustained a gunshot wound. The boy's father, who was the only adult living at the home, was at work at the time his son was shot. The child was taken to a local hospital for treatment for his injuries. Relatives have been contacted on behalf of the child. The defendant was arrested by the Detroit Police Department.

The defendant has been charged with Child Abuse Second Degree, Careless Use of a Firearm, Felon in Possession of a Firearm, and Felony Firearm.

The defendant was arraigned on will be arraigned on Saturday, April 9, 2016 in 34th District Court. The Probable Cause Hearing is scheduled for April 21, 2016 at 8:30 a.m.; and the Preliminary Examination is on April 27, 2016 at 1:30 p.m. Both hearings are before Judge Deborah Langston in 36th District Court. The defendant received a \$50,000 cash/surety/10% cash bond.

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John Francis Maguire – American Airlines co-pilot charged with the misdemeanor charge of Aircraft – Operating Under the Influence. On March 26, 2016, at approximately 6:45 a.m. at Detroit Metropolitan Airport, it is alleged that Maguire was in the cockpit of an American Airlines plane and was under the influence of alcohol when he was detained and then arrested. He was later released by authorities on the same day.

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Maguire will be arraigned and have a pre-trial hearing on May 11, 2016 at 9:00 a.m. in 34th District Court.

Prosecutor Worthy said, "Although we do not often hear of pilots being allegedly intoxicated, the laws apply to everyone - whether one is on the roads or airways."

Wednesday, April 13, 2016

Livonia Man Faces Multiple Charges Stemming from Traffic Stop

Today Prosecutor Kym Worthy has charged Joseph Frank Carlton, 23 (DOB: 12/27/92), of Livonia, with Felonious Assault, Resisting and Obstructing, Felon in Possession of a Firearm, Felony Firearm, Operating While Intoxicated, 2nd Offense and Driving While License Suspended.

On April 10, 2016 at 2:00 a.m. at a location of Lyndon and Farmington Road, a Livonia police officer responded to a 911 call of erratic driving. He observed Carlton driving in and out of lanes. The officer initiated a traffic stop while a second police officer in a separate car was there as back up. As the first officer approached Carlton's vehicle, it is alleged that Carlton pointed a rifle outside the driver-side window at the officer. The first officer immediately backed away from the car with the second officer near him. Carlton pointed his weapon at the first officer and both officers, fearing for their safety, fired their weapons at him. After firing their weapons, the officers ordered the defendant out of the car. Carlton was observed to have two non-life threatening gunshot wounds. The defendant was immediately placed under arrest and taken to a local hospital to be treated for his injuries.

Carlton was released from the hospital today and transported to the police station for processing and then to 16th District Court, where he was immediately arraigned. Due to the logistics of transporting the defendant from the hospital and then to court, WCPO was informed of the arraignment by the police after it took place. At this time we are attempting to get a photograph of the defendant from the Livonia Police Department.

Frank Carlton's Probable Cause Hearing is scheduled for April 21, 2016 at 9:00 a.m. before Judge Sean Kavanagh. His bond is set at \$1 million cash/surety.

Thursday, April 14, 2016

Antoine Jones – A.L. Holmes Middle School basketball coach accused of inappropriate sexual conduct with several students he coached. The preliminary examination was moved by the court from today, until Friday, April 15, 2016 at 9:00 a.m.

Zsadaja Drewery, Te'era Davis, and Daquana Williams – Defendants charged in connection with a fatal arson on Hoyt Street. The preliminary examination was moved from tomorrow at 1:30 p.m. until April 21, 2016 at 1:30 p.m.

Friday, April 15, 2015

William Melendez – Former Inkster police officer serving one to 10 years in MDOC for Assault with Intent to Do Great Bodily Harm Less than Murder. On April 4, 2016, Judge Vonda Evans modified her order of sentencing to indicate: “The Court is modifying the order and *objecting to boot camp at this time*. The Court will reconsider at a later date.” Late in the afternoon on Friday, April 8, 2016, defense counsel, James Thomas, filed an emergency motion in the Court of Appeals, seeking to vacate Judge Evans’s modified sentence order.

On April 14, 2016, the Michigan Court of Appeals vacated Judge Evans’s April 4, 2016 post-judgment amendment to the sentencing order. This means that the original judgment of the court remains in effect, making Melendez eligible for boot camp.

Prosecutor Worthy said, “It is unconscionable to me that the Michigan Department of Corrections would irresponsibly and recklessly decide that former police officer Melendez, who was convicted of Assault with the Intent to do Great Bodily Harm for the police beating of Floyd Dent, should be placed in its Boot Camp program. This is outrageous. We argued at his sentencing that he should serve far more time than what he was given, and this decision adds insult to injury - literally. The fact that he is even eligible for Boot Camp speaks to the need for an immediate change in the eligibility standards.”

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