



KYM L. WORTHY
PROSECUTING ATTORNEY

COUNTY OF WAYNE
OFFICE OF THE PROSECUTING ATTORNEY

FRANK MURPHY HALL OF JUSTICE
1441 ST. ANTOINE STREET
DETROIT, MICHIGAN 48226-2302

Weekly Updates
Week of March 27 – April 2, 2016
Two Pages

For Immediate Release

Contact: Maria Miller
Wayne County Prosecutor's Office
Assistant Prosecuting Attorney
(313) 224-5817
(313) 213-0457
mmiller@waynecounty.com

NEWS UPDATES

Monday, March 28, 2016

Virgil Smith - Post-conviction hearing time. Although the Court's docket entry indicates that the hearing was set for 9:00AM this morning, WCPO has confirmed that it is actually scheduled for 2:00 p.m. today.

American Airlines Pilot – WCPO has just received the warrant in this case. The case must be reviewed and then a charging decision will be made. When we have a charging decision a release will be sent out.

Mateen Cleaves – Former MSU basketball player charged in alleged assault of a 24-year-old woman in Mundy Township, MI. The Probable Cause Conference has been adjourned to April 19, 2016 at 8:30 a.m. in 67th District Court. The date was adjourned by the parties to allow the defense to review discovery materials in the case.

American Airlines Co-Pilot – An American Airlines co-pilot, John Francis McGuire, 50 (DOB: 9/30/65), of Pennsylvania, has been charged with the misdemeanor charge of Aircraft – Operating Under the Influence. On March 26, 2016 at approximately 6:30 a.m., it is alleged that McGuire was in the cockpit and was under the influence of alcohol when he was detained and then arrested. He was later released by authorities. An update will be released when there is a date and time for his arraignment. Please contact the Wayne County Airport Authority Police for a photograph of McGuire.

-more-

Virgil Smith, Jr. – On March 14, 2016, Smith was sentenced to five years probation, with the first 10 months in Wayne County Jail. He was credited for three days served on the charge of Malicious Destruction of Property - \$20,000 or More. He was taken into custody and remanded to the Wayne County Jail today.

Judge Talon denied the WCPO motion to vacate the plea in the case as requested by the prosecution. “We believe that the law supports that the agreement remains conditional until all the terms of the agreement are fulfilled. Prosecutor Worthy will appeal the court’s ruling because the defendant did not fulfill his part of the plea agreement by resigning his elected position,” said Maria Miller.

Thursday, March 31, 2016

Virgil Smith, Jr. – On March 28, 2016, Smith was sentenced to five years probation with the first 10 months in the Wayne County Jail with credit for three days served on the charge of Malicious Destruction of Property - \$20,000 or More. Smith was not required to resign his senate seat by the judge, although it was a condition of his plea agreement. The judge denied the WCPO motion to vacate the plea on the grounds that the defendant failed to resign.

Today Defendant Virgil Smith, Jr. resigned his seat in the Michigan Senate. The resignation will not change the decision of the WCPO to seek leave to appeal the decision of the judge in this matter.

Friday, April 1, 2016

Virgil Smith, Jr. – On March 28, 2016 Smith was sentenced to five years probation with the first 10 months in the Wayne County Jail with credit for three days served on the charge of Malicious Destruction of Property - \$20,000 or More. Smith was not required to resign his senate seat by the judge, although it was a condition of his plea agreement. The judge denied the WCPO motion to vacate the plea on the grounds that the defendant failed to resign. On Thursday, March 31, 2016 Defendant Virgil Smith, Jr. resigned his seat in the Michigan Senate.

Today the Wayne County Prosecutor’s Office has filed a brief with the Michigan Court of Appeals seeking leave to appeal the decision of the judge in this matter.

Cecilia Zavala and Rudolfo Benavides Diaz – Defendants charged with embezzling money from a non-profit providing services to students at Western International High School in Detroit. The case is up for Final Conference on Monday, April 4, 2016 before Judge Catherine Heise. See page 56 of the Weekly Case Updates.

#####