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For Immediate Release

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

Today Judge Timothy Kenny, Chief Judge of the Wayne County Circuit Court Criminal Division, unsealed the indictment and arraigned Diallo Davis, (DOB: 7/16/92), of Detroit in connection with the March 27, 2016 shooting of a three-year-old girl. Judge Timothy Kenny, Chief Judge of the Wayne County Circuit Court Criminal Division, unsealed the indictment and arraigned the defendant. He has been remanded to jail and his calendar conference will be heard on May 31, 2016 at 9:00 a.m. before Judge Kenny.

Davis is the fourth defendant charged in the case. 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. On April 20, 2016, Paul Kendall was found dead in his cell at the Wayne County Jail. Street and Burks have a final conference in the case on June 16, 2016 at 9:00 a.m.

Allegations

On March 27, 2016, at approximately 2:00 a.m., it is alleged that Diallo Davis and 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 Aniya Montgomery. 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 Defendant Davis was arraigned on the following charges: 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, Discharge at Building Causing Injury, Felon in Possession of a Firearm and Felony Firearm.

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 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)

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