

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE FOURTH JUDICIAL CIRCUIT  
JACKSON COUNTY

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

v

Nos. 20003171 FH, 20003172 FH,  
20003173 FH

PAUL EDWARD BELLAR,  
JOSEPH MATTHEW MORRISON, and  
PETE MUSICO

HON. THOMAS WILSON

Defendants.

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**THE PEOPLE'S MOTION IN LIMINE AND BRIEF IN SUPPORT  
REGARDING USE OF CO-CONSPIRATOR STATEMENTS AT TRIAL**

## Motion

NOW COME the People of the State of Michigan, by and through Dana Nessel, Attorney General, and Assistant Attorneys General Sunita Doddamani, William Rollstin, John S. Pallas, and Philip Jacques, and move this Court to rule in limine that the statements of the co-conspirators in this case pursuant to MRE 801(d)(2)(E), cited herein as well as other statements that will seek to be admitted at trial are admissible in this case.

### Brief in Support of Motion

#### *Charges*

Each defendant in this case is currently charged with being a member of a gang that did commit or attempt to commit the felony of providing material support for acts of terrorism, contrary to MCL 750.411u, providing material support or resources to a terrorist organization, contrary to MCL 750.543k(1)(b), and with possession of a firearm during the commission of a felony (felony-firearm), contrary to MCL 750.227b.

#### *Argument*

The People are seeking the admission of statements made by co-conspirators at the upcoming trial of defendants in this case. As a matter of law, the People assert that this Court should rule that such statements should be admissible.

#### A. The general rule – MRE 801(d)(2)(E) – and burden of proof

Hearsay is a “statement, other than the one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter

asserted.” MRE 801(c). However, a statement is *not* hearsay if the statement is offered against a party and is “a statement by a coconspirator of a party during the course and in furtherance of the conspiracy on independent proof of the conspiracy.” MRE 801(d)(2)(E). The proponent of evidence, here being the People, bears the burden of establishing its relevance and admissibility. *Gilbert v DaimlerChrysler Corp*, 470 Mich 749, 781 (2004).

#### B. Definition of “conspiracy”

Any discussion of whether a statement is admissible as a co-conspirator statement must begin with the definition of conspiracy and a discussion of whether a conspiracy existed in this matter. The definition of a criminal “conspiracy” is well-defined in Michigan case law as follows:

A criminal conspiracy is a partnership in criminal purposes, under which two or more individuals voluntarily agree to effectuate the commission of a criminal offense. The individuals must specifically intend to combine to pursue the criminal objective, and the offense is complete upon the formation of the agreement. The intent, including knowledge of the intent, must be shared by the individuals. Thus, there must be proof showing that the parties specifically intended to further, promote, advance, or pursue an unlawful objective. Direct proof of a conspiracy is not required; rather, proof may be derived from the circumstances, acts, and conduct of the parties [*People v Jackson*, 292 Mich App 583, 588 (2011) (internal quotation marks and citations omitted).]

Significantly, under Michigan law, in order for a conspiracy to exist, there is no requirement that a prosecutor prove that any co-conspirator engaged in an “overt act” in furtherance of the conspiracy. *People v Seewald*, 499 Mich 111, 117 (2016). In other words, “[b]ecause the crime is complete upon the conspirators’ agreement, the prosecution need not prove that ‘the purpose contemplated by the unlawful

agreement was accomplished.’ ” *Id.* at 117, quoting *People v Asta*, 337 Mich 590, 611 (1953).

It is well established in Michigan law “that it is not necessary that each of the coconspirators have full knowledge of the extent of the conspiracy.” *People v Hunter*, 466 Mich 1, 7 (2002). Specifically, “[i]t is not necessary to a conviction for conspiracy that each defendant have knowledge of all its ramifications.” *Id.* (internal citation omitted). “Nor is it necessary that one conspirator should know all of the conspirators or participate in all of the objects of the conspiracy.” *Id.* (internal citations omitted). It is also not required that each co-conspirator have been a member of the conspiracy from its inception. See *People v Taurianen*, 102 Mich App 17, 32 (1980). However, where a defendant “is unaware of the overall objective of an alleged conspiracy or lacks any interest in, and therefore any commitment to, that objective, he is not a member of the conspiracy.” *People v Justice*, 454 Mich 334, 347 (1997) (emphasis added).

Conspiracy is a continuing offense. In fact, a conspiracy “is presumed to continue until there is affirmative evidence of abandonment, withdrawal, disavowal, or defeat of the object of the conspiracy.” *People v Denio*, 454 Mich 691, 709 (1997), quoting *United States v Castro*, 972 F 2d 1107, 1112 (CA 9, 1992).

### C. Cases interpreting MRE 801(d)(2)(E)

In *People v Martin*, 271 Mich App 280, 316–317 (2006), the Court of Appeals held that, to qualify under the hearsay exception to MRE 801(d)(2)(E), three

requirements must be met. The People address the law regarding each of these requirements in detail below.

1. The proponent must establish by a preponderance of the evidence that a conspiracy existed through independent evidence.

There are two key phrases in this requirement. First, the existence of a conspiracy must be established by a “preponderance of the evidence.” *Id.* The existence of a conspiracy can be established by circumstantial evidence and inferences. *People v Till*, 115 Mich App 788, 794 (1982). Importantly, however, *no one need to actually be charged with conspiracy* in order for this hearsay exception to apply. *People v Hall*, 102 Mich App 483, 489–490 (1980). In fact, much of the caselaw analyzing the admissibility of co-conspirator statements are cases where conspiracy was not charged.<sup>1</sup>

Second, there is the phrase “independent evidence.” What that means is that evidence of the conspiracy, including participation in the conspiracy by the defendant, must be established independently without reference to the statement the proponent is seeking to introduce as a co-conspirator statement. *People v Vega*, 413 Mich 773, 780–782 (1982). *See also People v Champion*, 97 Mich App 25, 29

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<sup>1</sup> Many published cases analyzing conspiracy involve charges such as first-degree felony murder, second degree murder and conducting a criminal enterprise. See *People v Martin*, 271 Mich App 280 (2006) – keeping, maintaining, or operating a house of ill-fame, bawdy house, or any house or place resorted to for the purpose of prostitution or lewdness and knowingly conducting or participating in the affairs of an enterprise directly or indirectly through a pattern of racketeering activity; *People v Till*, 115 Mich App 788 (1982) – two counts of first-degree felony-murder; *People v Hall*, 102 Mich App 483 (1980) – second-degree murder; and *People v Champion*, 97 Mich App 25 (1980) – second degree murder.

(1980), *rev'd on other grounds* 411 Mich 468 (1981). The order in which proofs are presented is unimportant. As such, a court may admit a co-conspirator's statement(s) contingent upon later production of the independent evidence required under MRE 801(d)(2)(E). *People v Till*, 115 Mich App at 794. *See also People v Losey*, 98 Mich App 189, 197–198 (1980), *reversed on other grounds* 413 Mich 346 (1982).

2. The proponent must establish that the statement was made during the course of the conspiracy

A statement is made “during the course” of a conspiracy if it is made before “the common enterprise has been fully completed, abandoned, or terminated,” such as when the agreement is successful or fails in meeting its objectives. *People v Bushard*, 444 Mich. 384, 394 (1993). Financial dealings or other arrangements may be included in the course of the conspiracy if the objectives of the conspiracy included them beyond the agreed upon crime. *Id.* at 394–397.

3. The proponent must establish that the statement “furthered” the conspiracy

The requirement that the statement further the conspiracy should be construed broadly. Although idle chatter will not satisfy this requirement, statements that prompt the listener, *who need not be one of the conspirators*, to respond in a way that *promotes or facilitates* the accomplishment of the illegal objective will suffice. *Bushard*, 444 Mich at 395; *Martin*, 271 Mich. App. at 316–317 (2006).

D. Application

First, a conspiracy between the charged defendants in this case and others can easily be established independent of the co-conspirator statements, discussed *infra*, that the People are seeking to admit at trial. Specifically, the conspiracy between the defendants here was to commit politically-motivated violence against law enforcement and politicians.

On November 25, 2020, defendant Morrison, who had only days earlier been sentenced for illegally possessing a pistol, founded the “Wolverine Watchmen” by creating a Facebook page for the group. Pete Musico, Morrison’s father-in-law and group member since its founding, admitted that he “planted the seed” in Morrison’s head for group. The purpose of the group was clear from a statement that Morrison (using the alias “Boogaloo Bunyan,” a reference to the radical boogaloo movement in the United States) made shortly thereafter on the page: “Morte Semper Tyrannis and long live the Republic.” “Morte Semper Tyrannis” roughly translates to “death to tyrants” in Latin. From the inception of the Facebook Wolverine Watchmen group page on November 25, 2020, a conspiracy to violently harm or kill law enforcement officers and Michigan politicians, later including Michigan Governor Gretchen Whitmer, existed. Defendant Paul Bellar, who joined the Wolverine Watchmen in January of 2020 and ultimately became one of its leaders, thereby also joined the conspiracy.

The group furthered the conspiracy by using measures to avoid detection and arrest. Some examples are their use of encrypted applications

like “Wire” to securely communicate, devising and employing code words, vetting potential members to ensure law enforcement was not among them, purging inactive members to avoid spies and banning cell phones from gatherings. Communication posted on the group’s Facebook page and on the Wire application clearly demonstrated a common hatred of law enforcement, politicians, and, in particular, Governor Whitmer.<sup>2</sup> By March of 2020 when Confidential Human Source (“CHS”) Dan was directed to join the Wire group for Wolverine Watchmen, Morrison, Musico and member Ty Garbin were already discussing illegal activities: bomb ingredient substitutions (Musico), how to share location data to potentially engage and confront law enforcement (Morrison), building explosives (Musico), and illegally converting a semi-automatic rifle into a machine gun (Garbin).

Frequently discussed themes during gatherings of the Wolverine Watchmen included violently targeting politicians and law enforcement. Musico discussed finding out the home addresses of law enforcement officers and killing them and attacking politicians directly in their homes, ultimately including Governor Gretchen Whitmer (all of whom were referred to as “tyrants”). Bellar advocated for Governor Whitmer being “dragged to the streets and hung” and threatened to toss a Molotov cocktail at her home after the Governor extended shutdown orders related to the COVID pandemic.

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<sup>2</sup> One of the group’s goals was to establish “regional QRFs” (“Quick Reaction Forces” set up as a paramilitary style private army) to engage law enforcement when the group deemed law enforcement violated their duties.



Morrison posted on social media with reference to Governor Whitmer, “one, two, I’m coming for you, three, four, better lock your door.” And at a protest at the Michigan Capital late in April of 2020, Musico talked about attempting to “catch that bitch [Governor Whitmer] as she came out the emergency exit” and, at one point, disclosed on social media the location of one of Governor Whitmer’s homes along with a photograph and details concerning the residence. Musico also told the Federal Bureau of Investigation’s Confidential Human Source (CHS) “Dan” about his “three plan” which was his idea of going into law enforcement and politicians’ homes at three a.m. and executing no knock raids and either executing them or kidnapping them.

The conspiracy to violently target law enforcement and politicians grew both in number of individuals involved and in its objectives as the Defendants sought to coordinate with other militias. A militia member from Delaware, Barry Croft (one of the charged federal defendants), reached out to Morrison to invite him to a meeting in Dublin, Ohio. The meeting’s goal was to gather militia leaders from around the country to coordinate political violence in several states as a backlash to pandemic-related restrictions by the government. Bellar and Morrison discussed attending, but ultimately chose not to attend because of security concerns. Later coordination following the meeting between Croft and Morrison led the conspiracy to grow and became even more dangerous, particularly to Governor Whitmer. Croft told Morrison to reach out to Adam Fox, the leader of what Croft called the

“Second Continental Michigan Regiment,” and Morrison shortly thereafter did so. Musico, who was also in communication with Croft, connected with Fox as well.

After establishing a connection with Fox online and agreeing they shared the same goal, Morrison told his fellow co-conspirators that he had a “contact” with whom he suggested they meet in-person. Morrison described Fox and Croft as “get shit done MFers” who were planning “real shit” that would be “bigger than Seattle,” referencing the citizen takeover of part of Seattle that summer. On June 14, 2020 at a training on Morrison’s property, Musico and Morrison explained to CHS Dan that Fox wanted to coordinate with the Wolverine Watchmen to start a Fallujah-like war in the United States. Morrison not only solicited members of the Wolverine Watchmen to meet and ultimately aid Fox, he took active steps to unite Fox with them. Some of these members became operators of a plot to kidnap the Governor.

Morrison arranged to meet Fox with Musico and Bellar at a rally at the Capitol on June 18, 2020 where Fox discussed his own plans for politically-motivated violence. On that date, Fox openly and explicitly discussed his desire to storm the capitol with 200 men, take politicians hostage, and kill responding law enforcement.

Knowing Fox’s desire to spark a civil war, Morrison furthered the conspiracy by arranging for Wolverine Watchmen members to travel to Grand Rapids to meet in-person and coordinate with Fox at his vacuum store.

While Morrison did not attend, Bellar furthered the conspiracy by attending and stating that he represented the group. This set the stage for a further deepening of the relationship between Adam Fox and the Wolverine Watchmen. Morrison and his wife even met Fox and his girlfriend for dinner, which prompted Morrison to call Bellar and other leadership members of Wolverine Watchmen about the burgeoning relationship with Fox and his associates.

Aware of Fox's plans to take violent action against politicians, Morrison and Musico invited Fox and his associates to train with the group at Morrison's and Musico's property. Fox and his associates did attend a Wolverine Watchmen tactical training in Munith, Michigan on June 28, 2020. Fox was referred to as a "VIP" by some of the Wolverine Watchmen. At that training, Musico spoke about the need for political violence and discussed the idea of kidnapping the Governor. At this training, knowing full well that Fox was training for violence, Bellar provided combat medical training to Fox and other attendees of the training.

Fox was a catalyst to the Watchmen's nefarious plans, taking on a significant role which would eventually focus largely on kidnapping/harming Governor Whitmer. Further "trainings" occurred, one in Cambria, Wisconsin in mid-July where Bellar provided medical training (which Fox and Croft both attended), and another training in Munith in early August where

Morrison verbally affirmed he was a part of the plan to kidnap the Governor (which Morrison hosted in Munith).

It was at about this time that another branch of the conspiracy began to take shape. Antrim County defendant Shawn Fix (who was Fox's "XO" and had attended both trainings hosted by Morrison where Fox was present) became an integral part of the planning and preparation to kidnap Governor Whitmer. On at least one occasion (August 1, 2020) he hosted a meeting on his property in early August, where the plot to kidnap Governor Whitmer was discussed. Fix also provided crucial information to Fox in order to locate Governor Whitmer's residence in the Traverse City area in late August 2020.

But Fix was not the only one who participated in this aspect of the conspiracy. Antrim County defendant Eric Molitor assisted Fix with locating and surveilling Governor Whitmer's home (which included taking photographs and videos of the area) and provided physical assets like an RF detector to check participants for recording devices at a later training. Antrim County defendants Brian Higgins (a driver), William Null, and Michael Null, as well as cooperating federal co-defendants Ty Garbin and Kaleb Franks, also conducted a second surveillance of Governor Whitmer's home and the surrounding area. Afterward, Higgins provided dash cam footage to aid the co-conspirators in their plans as well as an IR illuminator during the surveillance.

The testimony of witnesses at trial about the actions by all of these individuals provide more than sufficient independent proof of a conspiracy. Recordings of these events, Facebook records, phone extraction data, encrypted chats, photographs at various events, phone records, and physical items will be introduced at trial to establish independent proof of the conspiracy. The evidence will show that these were not individuals acting alone. Rather, they were acting in tandem with each other with their shared goals. It was a partnership in criminal purposes, under which two or more individuals voluntarily agreed to effectuate the commission of a criminal offense—harming law enforcement officers and politicians and ultimately kidnapping and possibly harming Governor Whitmer. This is a classic “conspiracy” as the law defines it.<sup>3</sup> *See supra*. The first requirement for admission of statements under MRE 801(d)(2)(E) – that a conspiracy between the charged defendants in this case and others can be established independent of the co-conspirator statements the People are seeking to admit at trial – is clearly met on the facts of this case.

In order to analyze whether the next two requirements for admission of co-conspirator statements under MRE 801(d)(2)(E) are met, the People are providing this Court with the chart below which lists some examples of the

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<sup>3</sup> The People, in their discretion, chose not to charge any of the defendants in the state prosecution with conspiracy. However, as noted above, no one needs to be actually charged with conspiracy in order for this hearsay exception to apply. *People v Hall*, 102 Mich App at 489–490.

statements that the People are seeking to introduce as co-conspirator statements under MRE 801(d)(2)(E).

Speaker	Audience	Summary of Co-Conspirator Statement	Date
Joe Morrison and Pete Musico	Wolverine Watchmen group	Morrison references the phrase “Sic Semper Tyrannis” and states “y’all need to take back your state from tyranny.” Musico responds by saying, “Yea the trees in the capital should have bodies hanging from them.”	11/26/19
Joe Morrison	Wolverine Watchmen group	Morrison (using his alias “Boogaloo Bunyan”) says “I am the Unit Commander for now ...”, says he will “establish Regional Commanders,” and directs his audience “report any major police, fed or military movements to me.” Morrison promotes the (boogaloo) movement and states “Morte Semper Tyrannis.”	11/26/19
Paul Bellar	CHS Dan	Bellar instructs CHS Dan to switch communications to an encrypted app (“Wire”)	3/7/20
Ty Garbin	Armory chat participants	Garbin discusses his knowledge of the effect of certain explosives	3/17/20
Ty Garbin	Armory chat participants	Garbin discusses what ammunition can be used to penetrate a bullet-proof vest	3/17/20
Pete Musico	Armory chat participants	Musico says that he has an “non-edited” copy of the “anarchist cookbook.”	3/17/20
Joe Morrison	Wolverine Watchmen group	Morrison posted the following to the Wolverine Watchmen’s Facebook page: “Wolverine Watchmen is a group of Patriots to network and assemble and recruit like-minded individuals. Develop regional QRFs and squad tactics. Only add people you trust, no statists, no fudds, no bootlickers, and no cops or feds. If you’re serious get a Wire and message an admin your username. Boojahidden	3/19/20

		only, No feds, cops, bootlickers or commies or ethnonationalists.”	
Paul Bellar	To attendees at upcoming Wolverine Watchmen training on 4/13/20	Bellar’s statement to prospective training attendees that “group training entails moving as a unit, hand to eye coordination, breaching rooms and hallways, operating your weapon platforms from within a vehicle platform, more team movements, and a lot of practical shit. We don’t just stand in line and shoot... [we] instruct and drill everyone to become well-disciplined gunfighters. Just expect to move quickly, get low, kneel, twist, bend, snap, all that fun stuff.”	4/8/20
Paul Bellar	Main Wire chat	Bellar states: “Protests are useless. Government will never listen to their peasants until the first round is fired. Look y’all, government isn’t going to listen, so until we light up the capitol in moltovs [sic] and flip cars it ain’t gonna matter”	4/12/20
Paul Bellar & Joe Morrison	Wire chat	Bellar and Morrison state they are watching YouTube videos in order to set up training for a team stacking outside a door. They want to practice crossing roadways, movement to cover, and provide cover-fire.	4/13/20
Paul Bellar	Wire chat and Ty Garbin	In response to a report that Governor Whitmer is going to extend the COVID Executive Orders, Bellar says, “I swear to God if this is true I’m going to moltov [sic] her fucking house. I’m so fucking done with her...I’m serious, I’m honestly about to snap I can’t afford to miss one month[']s rent let alone a whole [']nother fucking month. She’s about to make me go homeless I guess me [sic] girlfriend got blue pilld, she’s over here defending Gretchen...I’m [a]bout to snap”	4/22/20
Joe Morrison	Wire chat	Morrison states: “We have connections don’t worry. You will learn in time my reach is far. I have very high contacts within the community past and present.	4/24/20

		And nationwide. Next meeting I'll maybe disclose some."	
Joe Morrison	CHS Dan	Morrison asks CHS Dan for instruction on insurgency tactics.	4/24/20
Pete Musico	CHS Dan	Musico tells CHS Dan "let's grab that bitch [Governor Whitmer] while she comes out the back" during a protest at the Michigan Capitol.	4/30/20
Pete Musico	Wire chat	Musico states: "I was trying to get them to touch me" referencing efforts by Musico to get Michigan State Troopers to engage him in a violent way during a protest at the Capitol.	5/1/20
Pete Musico	Wire chat	Musico proposes the idea of arresting Governor Whitmer for treason.	5/1/20
Pete Musico	Facebook Post	Musico posts a photograph of a group of Wolverine Watchmen inside the Capitol in front of Governor Whitmer's office with the phrase "Wolverine Watchmen. We are ready to water the tree of liberty. Ready?"	5/3/20
Paul Bellar	Attendees of a Quick Reaction Force (QRF) at a Home Depot store in Fenton, Michigan	Bellar states that they will shoot any law enforcement officers if they appear and interfere at the site of a weapons exchange.	5/3/20
Paul Bellar	QRF attendees 5/30/20	Bellar states he will engage law enforcement and shoot them if law enforcement engages with protestors at a rally	5/30/20
Joe Morrison	Wire chat	Morrison states: "Ok good let me know when y'all safe. Who's free next weekend? I've been invited by a trusted source to Columbus for a meeting of the minds with what could almost resemble a continental congress. Many states being represented."	5/31/20
Joe Morrison and Paul Bellar	Telephone call between WW leadership	Bellar: "What's going on with Ohio?" Morrison: "So, I have a contact in New Hampshire. I was talking to him last	5/31/20



		<p>night, and there's basically a large meeting of the minds, multi-state, [unintelligible] and I'll get with him, if he's good with you guys having his number, and then you guys can, or we can do a conference call, and you guys can get all the info directly from him. Through last night and during everything that was going off I had notifications going off in my ear, but it's basically multi-state, meeting, of, well, [unintelligible] future, [unintelligible] be informative, next weekend?</p> <p>CHS Dan: "Who is that guy? Your phone's breaking up a little bit."</p> <p>Morrison: "Umm, I'll disclose that on Wire."</p>	
Joe Morrison	Wolverine Watchmen leadership meeting on 6/3/20, Bellar in attendance	Morrison tells the group that Barry Croft told Morrison to give him a call, and they talked for about 45 minutes. Morrison says a forthcoming meeting will basically be about a "national game plan."	6/3/20
Paul Bellar and Dan Harris	Wolverine Watchmen leadership meeting on 6/3/20	A leadership ranking discussion begins. Bellar says he likes how "Beaker" (Dan Harris) described the leadership structure which is "pretty much as how gangs have it set up": team leaders/sergeants, lieutenants, captain. Bellar memorializes and distributes those ranks in the leadership chat.	6/3/20
Joe Morrison, Paul Bellar, and Ty Garbin	Wolverine Watchmen leadership meeting on 6/3/20	Discussion about an invitation received from Barry Croft to attend a meeting in Dublin, Ohio referred to as the "Columbus national meeting."	6/3/20
Barry Croft &	Attendees of meeting in Dublin Ohio	Multiple statements about anti-government activity in multiple states, including Michigan. Barry Croft	6/6/20

Adam Fox		discusses terrorist attacks such as arson, explosions, murdering law enforcement and being a terrorist. Fox discusses the need to take action against the government for overreach.	
Barry Croft and Joe Morrison	Facebook messenger	Croft instructs Morrison to get in touch with Adam Fox who shares the “same goal” of violence as the Wolverine Watchmen.	6/8/20
Joe Morrison	Wolverine Watchmen leadership	After having conversations with Barry Croft, Morrison tells the group that the meeting in Dublin “went well and I have a contact here we need to do a meeting with. This is some real shit guys .... Like real deal get shit done mfers.”	6/9/20
Joe Morrison	Adam Fox	Statements to further relationship building and meeting in person. Also, statements showing coordination of efforts for “the same common goal” which refer to political violence.	6/8/20 to 6/14/20
Adam Fox	Joe Morrison	Fox invites Morrison to get together at his store in Grand Rapids to discuss their common goal.	6/12/20
Joe Morrison	Wolverine Watchmen leadership	Morrison asks Wolverine Watchmen leadership if anyone is “down” for a trip to Grand Rapids to meet with Fox.	6/12/20
Joe Morrison	CHS Dan	Morrison describes Fox to CHS Dan as being the “real shit” and being “bigger than Seattle” and mentions that he believes that Fox has “a plan to get the state groups on one solid plan.”	6/12/20
Pete Musico	Adam Fox	Musico invites Fox to train with the Wolverine Watchmen in Munith, Michigan.	6/12/20
Pete Musico and Joe Morrison	CHS Dan	Musico tells CHS Dan that the meeting with Fox in Grand Rapids will be about “starting Fallujah in the U.S.” Morrison acknowledges to CHS Dan that the meeting will be about “kicking off the boog.”	6/14/20
Joe Morrison	Adam Fox	Morrison invites Fox to train with the Wolverine Watchmen.	6/14/20
Adam Fox	Paul Bellar, Joe	When Fox meets Bellar, Morrison, and Musico at a rally at the Michigan	6/18/20

	Morrison, and Pete Musico	Capital, Fox indicates to the three of them that his plan is to storm the Capitol with 200 men.	
Adam Fox, Paul Bellar and Ty Garbin	Attendees at “Vac Shack” meeting in Grand Rapids	Multiple statements about political violence. Discussion that whatever violence occurs, it would set off a domino effect in other states.	6/20/20
Joe Morrison and Pete Musico	CHS Dan	Statements about Adam Fox coming to a Wolverine Watchmen training in Munith, Michigan on 6/28/20.	6/23/20
Joe Morrison and Jada Morrison	CHS Dan, Paul Bellar, and Ty Garbin	Statements about the Morrisons’ meeting/dinner with Adam Fox and Fox’s girlfriend Amanda Kellar.	6/26/20
Pete Musico	Attendees of 6/28/20 training in Munith	Musico makes statements about kidnapping Governor Whitmer and about political violence and whoever is not ok with that should leave.	6/28/20
Paul Bellar	Adam Fox	Bellar informs Fox that he is still committed to “the cause” but is starting his own group apart from the Wolverine Watchmen.	7/7/20
Paul Bellar	Ty Garbin & CHS Dan	Bellar discusses stepping up and teaching attendees of the Cambria, Wisconsin training on 7/11/20 how to do things “the proper way... Adam already knows it. We’ve been teaching it to him.”	7/11/20
Joe Morrison & Adam Fox	CHS Dan & other attendees at an 8/9/20 Wolverine Watchmen training	Morrison verbally confirms that he is “in” on the idea to kidnap Governor Whitmer when Fox brings it up during the training.	8/9/20
Paul Bellar	“Bonfire chat”	Statements made by Bellar warning the group that the police had been at his former apartment in Michigan and were asking his roommate about his actions in the “boogaloo” movement.	8/18/20
Pete Musico	CHS Dan	Statements by Musico to CHS Dan indicating that Musico considers the	9/2/20

		operators of the plot to kidnap Governor Whitmer as the “shadow group,” admitting he planted the seed of the idea of Wolverine Watchmen in Morrison’s head, and finally stating that it was his (Musico’s) idea to set up the Wolverine Watchmen like the gangs of his youth.	
Joe Morrison	Wire chat	Morrison states that the guys who are left are “more of a shadow group” but still claims responsibility for their actions.	9/2/20

The statements that the People are seeking to admit as co-conspirator statements under MRE 801(d)(2)(E) all occurred during the course of the broad conspiracy described above. In other words, the statements at issue were made by the individuals at issue between November of 2019 and October of 2020 during the course of the overall conspiracy to violently target law enforcement and politicians.<sup>4</sup> Thus, the second requirement for admissibility of co-conspirator statements under MRE 801(d)(2)(E) is met on the facts of this case.

Third, all the statements that the People are seeking to admit as co-conspirator statements under MRE 801(d)(2)(E) “furthered” the course of the conspiracy, whether it was to target/harm/kill law enforcement officers and politicians or to target Governor Whitmer for kidnapping. In other words, each of the statements that the People are seeking – or will seek – to admit

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<sup>4</sup> The conspiracy in this case did not terminate until October of 2020 when the FBI and the Michigan State Police (MSP) jointly arrested most of the defendants and executed a series of search warrants. As such, the scope of the conspiracy was from November of 2019 until October of 2020—nearly one year.

under MRE 801(d)(2)(E) in some fashion furthered the broad conspiracy that defendants and others joined from November of 2019 until October of 2020. This was not mere talk or “idle chatter.” It was talk accompanied by explicit planning and action towards specific illegal goals.

In addition to those statements listed above, the People may introduce at trial in this case statements from the following individuals (some of whom are also defendants in this case) as co-conspirator statements under MRE 801(d)(2)(E):

State defendants:

Paul Bellar  
Shawn Fix  
Brian Higgins  
Eric Molitor  
Joseph Morrison  
Pete Musico  
Michael Null  
William Null  
Max Wyckoff

Federal defendants:

Brandon Casserta  
Barry Croft  
Adam Fox  
Kaleb Franks  
Ty Garbin  
Dan Harris

Uncharged (unindicted) co-conspirators:

Jared Beauchene  
Frank Butler  
Solomon Clark  
Andrew Nickels  
Alex Davidson  
Jeremy Deeter  
Amanda Kellar  
Thomas Leager

James McIntosh  
Michael Morais  
Jada Morrison  
David Norris  
Brian Puffenberger  
James Kawasaki  
Stephen Robeson  
James Yonkers

**CONCLUSION AND RELIEF REQUESTED**

For the reasons stated above, the People respectfully request that this Court grant this motion in limine to admit co-conspirator statements at defendants' trial in this case.

Respectfully submitted,

Dana Nessel  
Attorney General



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