

<b>STATE OF MICHIGAN 32B JUDICIAL DISTRICT 3RD JUDICIAL CIRCUIT</b>	<b>COMPLAINT FELONY</b>	<b>DISTRICT: CIRCUIT: CTN: 96-22901337-01 COMPLAINT #:</b>
District Court ORI: MI820285J	Circuit Court ORI: MI821095J	AG ORI: MI330025A

<b>THE PEOPLE OF THE STATE OF MICHIGAN</b>		Defendant's name and address V <b>DAVID P SUTHERLAND</b> [REDACTED]	Victim or complainant <b>S/A Douglas Sharp</b>
Co-defendant(s) (If known)			Complaining Witness <b>State of Michigan</b>
City/Twp./Village <b>WAYNE COUNTY</b>		County in Michigan <b>WAYNE</b>	Date: On or about <b>01/09/2017 – 12/31/2022</b>
Police agency report no. <b>AG 2022-0346541-A</b>	Defendant TCN	Defendant CTN <b>96-22901337-01</b>	Defendant SID
Charge <b>See Below</b>	Defendant DLN	Vehicle Type	Defendant DOB [REDACTED]
[ ] A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous case.		DLN Type <b>Oper./Chauf</b>	Maximum penalty <b>See Below</b>
<b>STATE OF MICHIGAN COUNTY OF WAYNE</b>		Defendant DLN Put DLN in Ref. No. row 3 on MC 97	

The complaining witness says that on the date and at Wayne County, the defendant, contrary to law, David Sutherland, using the resources of his law practice, exploited his position of authority to embezzle from a client's irrevocable trust, serving simultaneously as lender, borrower, attorney, and trustee over the money he took from his client's account.

**COUNT 1: EMBEZZLEMENT - \$100,000.00 OR MORE**

being a trustee, bailee, or custodian of the property of the 2009 irrevocable trust of Gretchen C. Valade, did convert to his/her own use, without the consent of his/her principal, funds from Gretchen C. Valade's 2009 irrevocable trust, money, or personal property of his/her principal, having a value of \$100,000 or more, that came into the defendant's possession or under the defendant's charge or control by virtue of his/her relationship with the principal; contrary to MCL 750.174(7). [750.1747]

FELONY: 20 Years and/or a fine up to \$50,000.00, or 3 times the amount embezzled, whichever is greater. A consecutive sentence may be imposed for any other conviction if the embezzlement victim was a non-profit, a person 60 years of age or older, or a vulnerable adult. To impose a fine of 3 times the value, the defendant must admit the amount, or it must be determined by the trier of fact at trial. See Southern Union Co. v United States 567 U.S. \_\_\_; No. 11-94 (2012).

**COUNT 2: EMBEZZLEMENT - \$100,000.00 OR MORE**

being a trustee, bailee, or custodian of the property of the 2009 irrevocable trust of Gretchen C. Valade, did convert to his/her own use, without the consent of his/her principal, funds from Gretchen C. Valade's 2009 irrevocable trust, money, or personal property of his/her principal, having a value of \$100,000 or more, that came into the defendant's possession or under the defendant's charge or control by virtue of his/her relationship with the principal; contrary to MCL 750.174(7). [750.1747]

FELONY: 20 Years and/or a fine up to \$50,000.00, or 3 times the amount embezzled, whichever is greater. A consecutive sentence may be imposed for any other conviction if the embezzlement victim was a non-profit, a person 60 years of age or older, or a vulnerable adult. To impose a fine of 3 times the value, the defendant must admit the amount, or it must be determined by the trier of fact at trial. See Southern Union Co. v United States 567 U.S. \_\_\_; No. 11-94 (2012).

**COUNT 3: EMBEZZLEMENT - FROM A VULNERABLE ADULT - \$100,000.00 OR MORE**

did, through fraud, deceit, misrepresentation, coercion, or unjust enrichment, obtain, use, or attempt to obtain or use money or property of Gretchen C. Valade and her irrevocable trust, directly or indirectly benefitting himself or herself, knowing or having reason to know that the person was a vulnerable adult, the money or property having a value of \$100,000.00 or more; contrary to MCL 750.174a(7)(a). [750.174A7A]

FELONY: 20 Years and/or \$50,000.00 or 3 times the value of the money or property involved, whichever is

greater. To impose a fine of 3 times the value, the defendant must admit the amount, or it must be determined by the trier of fact at trial. See *Southern Union Co. v United States* 567 U.S. \_\_\_\_; No. 11-94 (2012). A consecutive sentence may be imposed for other convictions of MCL 750.174a.

**COUNT 4: CRIMINAL ENTERPRISES - CONDUCTING**

being a person employed by or associated with an enterprise, to wit: Wakefield, Sutherland & Lubera PLC, did knowingly conduct or participate in the affairs of the enterprise directly or indirectly through a pattern of racketeering activity, consisting of two or more of the following incidents of racketeering, to wit:

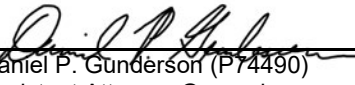
on or about n or about January 1, 2019 through December 31, 2019, in Wayne County, Michigan, defendant did commit the following offense for financial gain, to wit: Embezzlement – Agent or Trustee – \$100,000 or more;

and on or about January 1, 2020 through December 31, 2020, in Wayne County, Michigan, defendant did commit the following offense for financial gain, to wit: Embezzlement – Agent or Trustee – \$100,000 or more, which had the same or a substantially similar purpose, and which amount to or pose a threat of continued criminal activity; contrary to MCL 750.159i(1). [750.159I1]

FELONY: 20 Years and/or \$100,000.00; criminal forfeiture of proceeds, substituted proceeds, and instrumentalities of racketeering listed on attached notification (see MCL 750.159j(4)); court may order court costs, costs of investigation, and/or costs of prosecution

Court shall order law enforcement to collect a DNA identification profiling sample before sentencing or disposition, if not taken at arrest.

The complaining witness asks that the defendant be apprehended and dealt with according to law.

Warrant authorized on <u>12/29/2022</u> by: _____ Date
 Daniel P. Gunderson (P74490) Assistant Attorney General Financial Crimes 3030 W. Grand Blvd. Cadillac Place, Suite 10-200 Detroit, MI 48202 313-456-0180 <input type="checkbox"/> Security for costs posted

I declare under the penalties of perjury that this complaint has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

\_\_\_\_\_  
**Complaining Witness Signature**

\_\_\_\_\_  
**Date**