

Attorney General Mike Cox Statement Regarding the Investigation into the Alleged Assault of Wayne County Sheriff's Deputy and Wayne County Investigator by Mayor Kwame Kilpatrick

August 8, 2008

Good morning.

Why are we here this morning? Let me put it as simply as possible. 15 days ago, Detective Brian White of the Wayne County Sheriff's Department and Investigator Joanne Kinney of the Wayne County Prosecutor's Office were attempting to serve subpoenas in the perjury and obstruction case against Mayor Kwame Kilpatrick and his former Chief of Staff, Christine Beatty. Both White and Kinney had participated in the investigation that led to charges against Kilpatrick and Beatty. In fact, Detective White did what's called the "booking" of Kwame Kilpatrick; the paperwork and fingerprinting that were done after Kilpatrick was taken into custody for that case.

After an unsuccessful attempt to serve a witness at a house on LaSalle Boulevard in Northwest Detroit, White and Kinney noted a pick up truck with the name "Team Ferguson," the logo of the construction company owned by Bobby Ferguson, parked in front of 7435 LaSalle. A black Cadillac Escalade SUV was also parked in the driveway of 7435 LaSalle.

Because Bobby Ferguson is a witness for the hearing in the criminal case against Kilpatrick and Beatty, the officers decided to turn around and see if Bobby Ferguson was present at the address, and if so, serve him with a subpoena. In other words, just another routine day for these officers serving subpoenas.

As they pulled up and parked across the street from 7435 LaSalle, the two officers started across the street approaching the house. As they did so, they encountered a plainclothes Detroit police officer who emerged from the Cadillac Escalade. That Detroit officer identified himself as a member of Mayor Kilpatrick's Executive Protection Unit; likewise, White showed his badge as he and Investigator Kinney identified themselves and stated they were there to serve Bobby Ferguson with a subpoena.

The Detroit officer waved them toward 7435 LaSalle. White and Kinney walked up onto the porch with a subpoena, accompanied by the Detroit officer. With the exception of the encounter with a fellow police officer, this afternoon was going to be fairly routine for White and Kinney.

White knocked at the door and it was answered by a man who goes by the name of Daniel Ferguson. Daniel Ferguson lives at that address with his wife, Ayanna, who is the sister of Kwame Kilpatrick. As White questioned Daniel Ferguson about the whereabouts of Bobby Ferguson and the parked "Team Ferguson" vehicle in front of the house, a voice yelled out from inside the home, "You don't have to tell that – (expletive) - anything." The voice was the voice of Kwame Kilpatrick as he came from inside the

home and headed toward the front door – interjecting himself into the conversation between Detective White and Daniel Ferguson. It did not stop there. Kilpatrick's interference soon moved beyond mere words.

Kilpatrick pushed past Daniel Ferguson, yelling more profanities at Detective White, and came out the door. Kilpatrick then grabbed Detective White by both shoulders and shoved him into Investigator Kinney. Both White and Kinney were knocked off balance, from the assault.

Seeking to avoid escalating into a potentially dangerous situation that would not only involve Kilpatrick but also his armed bodyguards who are duty-bound to protect him, White and Kinney left an irate Kilpatrick on the porch and walked down the driveway. As they did so, Kilpatrick turned the profanities and insults toward Investigator Kinney.

These allegations are what we intend to put forth and prove in front of a jury. What happened that afternoon, 15 days ago, as these two victims, these two officers tried to go about their business of doing their jobs leads me to announce today the filing of a two count felony complaint against Kwame Kilpatrick for Assaulting or Obstructing A Police Officer, a violation of Michigan Compiled Laws, 750.479. One count is for victim Brian White and one count is for victim JoAnn Kinney. Each count is a felony carrying a punishment of up to two years in prison or a fine of not more than 2,000 dollars.

We have informed Defendant Kilpatrick's attorneys of the charges against him and are arranging a time to book and arraign Kilpatrick on these new charges. It is our hope and expectation to have a preliminary examination on this case in the 36th District Court for the City of Detroit within two weeks as is standard in most every criminal case. In order to facilitate and ensure a preliminary examination within two weeks as required by the Michigan Court Rules we are hand delivering – without charge – three copies (in layman's terms, the police reports) to Mr. Kilpatrick's lawyers today. There is no reason why this case cannot be assigned to a Wayne County Circuit judge within a three weeks and every reason to expect this case should proceed to a jury trial within the normal 90 day trial docket.

While the facts here are fairly simple and straightforward, while the punishment is not especially harsh, and while this case did not result in serious injury or a dead body, it is nonetheless a very serious case. In my almost twenty years as a prosecutor and now as Attorney General, I cannot recall one case where someone ever assaulted a police officer as he or she tried to serve a witness.

Yesterday, Defendant Kilpatrick stood in the 36th District Court and stated he doubted "that there had ever been a person who had gone through the legal process who respects it more than I do". His actions of July 24th make a total mockery of his statement yesterday. The actions of the defendant here are really an assault on the judicial system. These officers were victims of an assault against them; but our judicial system is no less a victim.

Detective White and Investigator Kinney thought their afternoon on Thursday, July 24th would be routine. But there is nothing routine about assaulting and obstructing an officer. Those are the facts. And the facts are the basis for the charges I am filing today.

One last comment before we get to questions, I want to comment on some of the early media coverage of the decision of Detective White and Investigator Kinney to avoid taking the defendant into custody immediately that afternoon. Many in the public and media opined that they treated Defendant Kilpatrick differently; that the regular guy in the street would have been immediately arrested. That opinion is true; more than likely, the average guy on the street would have been arrested. But the defendant here is different; he has armed Detroit police officers who are duty-bound to protect him as the Mayor of Detroit.

If Detective White and Investigator Kinney would have tried to take the Defendant into custody that afternoon, can you imagine what could have happened? Can you imagine what sort of choice the EPU officers would have had to make? It could have easily led to a brawl involving the Defendant, White, Kinney, and at least two Detroit police officers – four of whom carry weapons! By doing what they did, White and Kinney demonstrated keen judgment by avoiding turning an assault upon two officers into a potential brawl that could have quickly turned into gun play. They should be complimented for their common sense and solid police work.