

<b>State of Michigan</b> 12 Judicial District 4th Judicial Circuit	<b>AFFIDAVIT  IN SUPPORT OF  COMPLAINT</b>	<b>Case No:</b> District: Circuit:
--	--	--

**AFFIANT SHAWN ELLIS, STATES:**

1. I am a Special Agent Investigator for the Michigan Department of Attorney General, fully licensed as a police officer by the Michigan Commission on Law Enforcement Standards (MCOLES). As part of my official duties, I was assigned to be part of a team of agents instructed by the Attorney General to investigate allegations of serious death threats made against Michigan resident NICOLE BEVERLY. The members of the investigation team, individually and collectively, developed evidence relevant to the allegations. This Affidavit sets forth the facts discovered during the investigation. On information and belief, I believe each and every one of these facts to be true.
  
2. Nicole Beverly was for a time married to KEVIN BEVERLY, and they had two children. She reports that her husband became abusive during the marriage, and the parties divorced in 2010. As part of the Judgment of Divorce, KEVIN BEVERLY was ordered to pay child support for the couple’s two minor children.
  
3. Nicole Beverly reported that following the divorce KEVIN BEVERLY engaged in a series of unwelcomed and threatening contacts. On November 1, 2011, the Washtenaw County Prosecutor charged KEVIN BEVERLY with the felony offense of Aggravated Stalking in a complaint and warrant filed in the 14B District Court. The defendant was subsequently bound over to the 22<sup>nd</sup> Circuit Court on this charge, under the case number 11-001584-FY.
  
4. Case No. 11-001584-FY proceeded in the Circuit Court, and on March 12, 2012 the defendant accepted a plea offer and entered a guilty plea to a lesser offense. KEVIN BEVERLY pled guilty to the misdemeanor offense of Stalking, in violation of MCL 750.411h. On June 5, 2012, the defendant was sentenced to probation for four years. Because the defendant was then believed to be living in Oakland County, he was to be supervised on this probation by the Oakland County Probation Department.

5. Child support issues arose while the defendant was on probation, and a child support hearing was scheduled for November 1, 2012 in the Washtenaw County Circuit Court. That hearing was scheduled to make a judicial determination on allegations of a child-support arrearage.
6. On or about October 16, 2012, KEVIN BEVERLY contacted Nicole Beverly by telephone regarding the upcoming child support hearing. During that initial call he told her that he wanted her to disavow any claim for child support at the upcoming hearing. He further stated that she should lie and tell the court that he had made substantial payments directly to her. He expressly stated that if she did not comply with his demands he would kill her. Nicole Beverly received this initial call at her residence in Ypsilanti Township.
7. Over the next several days, Nicole Beverly received numerous additional calls from KEVIN BEVERLY concerning the scheduled child support hearing. During each of those calls, KEVIN BEVERLY instructed her as to how she should testify at that proceeding and made threats that she would be harmed if she did not follow his instructions.
8. MCL 750.213 is a Michigan statute which provides that it is a 20 year felony to make malicious threats to injure another person with the intent to compel the person so threatened to do or refrain from doing any act against his or her will. (Extortion)
9. MCL 750.122(3)(b) is a statutory provision prohibiting a person from using threats or intimidation to influence or attempt to influence testimony at a present or future official proceeding. Under MCL 750.122(7)(c), when the conduct involves a threat to kill or injure any other person the crime is a 15 year felony. (Witness Intimidation)
10. MCL 750.122(10) expressly provides that charges under the various provisions of MCL 750.122 do not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction. Pursuant to MCL 750.122(11), a court may order a term of incarceration imposed for violation of MCL 750.122 to be served consecutively to a term imposed for any other offense arising out of the same transaction.
11. On or about October 19, 2012 Nicole Beverly reported the threats concerning the scheduled child support hearing to the Washtenaw County Probation Department. Based on this report, a violation of probation warrant was issued in the misdemeanor stalking case, Washtenaw Circuit Court Case 11-

001584-FY. Nicole Beverly was advised that KEVIN BEVERLY would be arrested on this VOP warrant when he made his next scheduled meeting with a Probation Officer in Oakland County.

12. KEVIN BEVERLY appeared as scheduled for a routine interview with a probation officer in Oakland County on or about October 22, 2012. However, when advised that he was to be arrested for an alleged probation violation, he refused to be taken into custody. He fled the office, and remained a fugitive for several days. Several law enforcement agencies attempted to locate him during this period. On October 25, 2012 he was arrested by a federal fugitive apprehension team at a motel in Dearborn, Michigan.
13. Between October 22, 2012, when he fled custody, and October 25, 2012, when he was finally arrested, KEVIN BEVERLY made or attempted numerous telephone calls to Nicole Beverly. During each of these calls he rebuked her for reporting his conduct to the authorities. During many of these calls he threatened to kill her because she had reported him.
14. Nicole Beverly received one such threatening telephone call on her cell phone, while she was at her place of employment in Romulus, Michigan. During that call he rebuked her for reporting his conduct and expressly threatened that he would kill her for her actions. He told her that he had access to firearms, and stated that he intended to use them on her. He continued to berate and threaten her during subsequent telephone calls.
15. During the period when Kevin Beverly was still a fugitive, Nicole Beverly followed up on her concerns about the threats made by her former husband by contacting the Washtenaw County Sheriff Department, and making a report concerning his conduct.
16. MCL 750.483a(1)(c) is a statutory provision which prohibits a person from retaliating, or attempting to retaliate, against another person for having reported, or attempting to report, a crime committed or attempted by another. Under this section, the term "retaliate" means to threaten to kill or injure another person, or to cause property damage. MCL 750.483a(2)(b) provides that when the violation involves a threat to kill or injure it is a 10 year felony. (Retaliation for Reporting)
17. MCL 750.483a(9) expressly provides that charges under the various provisions of MCL 750.483a do not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the

same transaction. Pursuant to MCL 750.483a(10), a court may order a term of incarceration imposed for violation of MCL 750.483a to be served consecutively to a term imposed for any other offense arising out of the same transaction.

18. On October 28, 2012, the Washtenaw County Prosecutor filed a complaint and warrant charging KEVIN BEVERLY with the offense of Aggravated Stalking, a five year felony under MCL 750.411i. That offense requires proof of completely different elements than Witness Intimidation under MCL 750.122 and Retaliation for Reporting under MCL 750.483a.
19. Defendant KEVIN BEVERLY was subsequently bound over on the charge stated in the complaint and warrant, and the matter became Washtenaw County Circuit Court Case No. 12-001620-FH.
20. KEVIN BEVERLY subsequently requested a Cobbs evaluation on the charged offense. In response, the court made a preliminary evaluation that he would impose a sentence that would not include any prison time. Pursuant to that preliminary evaluation, the defendant tendered a guilty plea on March 19, 2013. Sentencing was scheduled for April 16, 2013.
21. KEVIN BEVERLY was brought before the court for sentencing on or about April 16, 2013. During that proceeding, Nicole Beverly appeared and made a victim impact statement to the court. She advised the court of all the abuse she had received from the defendant, and went over the numerous threats he had made against her life. She informed the court of the reasons for her fear that the defendant would ultimately kill her and her children.
22. After hearing the victim impact statement and other evidence presented at the sentencing proceeding, the court concluded that he could not adopt the Cobbs evaluation. KEVIN BEVERLY was thus permitted to withdraw his plea.
23. The matter came back before the court for further proceedings on April 23, 2013. After having had time to further consider the matter and discuss it with his attorney, KEVIN BEVERLY decided to plea guilty as charged, with no understanding or agreements concerning sentencing. He was then sentenced to incarceration with the Michigan Department of Corrections for a period of one year four months to five years.

24. KEVIN BEVERLY was remanded to the custody of the Michigan Department of Corrections to serve out this sentence. Between October 11, 2013 and February 27, 2014 he was housed at the Parnall Correctional Facility in Jackson, Michigan. During his period of incarceration at Parnall he openly and frequently made statements to other inmates that he blamed Nicole Beverly for his incarceration, and that he intended to kill her in retaliation for him being sent to prison.
25. COOPERATING WITNESS #1 is an inmate at a Michigan correctional facility. During the period of time when he was housed at the Parnall Correctional Facility with KEVIN BEVERLY he wrote a letter to the Department of Corrections indicating that KEVIN BEVERLY had made numerous statements threatening to kill his ex-wife and children because of Nicole's role in putting him in prison. The letter alleges that KEVIN BEVERLY said that he was going to kill his children in front of his ex-wife, and then kill her slowly.
26. COOPERATING WITNESS #1 was recently interviewed about the letter, and its content. He said his motive for disclosing the statements made by KEVIN BEVERLY was his concern over the threats to kill the children. During the interview, he quoted KEVIN BEVERLY as saying, "That bitch aint going to get away with anything... I'm going to get out and kill that bitch because she put me in here and I'm going to kill the kids in front of her and I'm going to kill her." COOPERATING WITNESS #1 stated that this statement was made in 2013 while he and KEVIN BEVERLY were housed in the same unit at the Parnall facility. He reported that KEVIN BEVERLY frequently spoke about killing his wife. He further stated that he remembers KEVIN BEVERLY approaching other inmates, and asking about ways he could kill his wife without getting caught.
27. COOPERATING WITNESS #2 wrote a letter to the Department of Corrections in 2013, indicating that KEVIN BEVERLY had made numerous statements threatening to kill his ex-wife and children because of Nicole's role in putting him in prison. The letter alleges that KEVIN BEVERLY said that he was going to kill his children in front of his ex-wife, and then kill her slowly.
28. COOPERATING WITNESS #3 was recently interviewed about his contacts with KEVIN BEVERLY while both were incarcerated at Parnall. COOPERATING WITNESS #3 reports that on multiple occasions during the period when they were housed together, KEVIN BEVERLY made statements

indicating that he held his wife responsible for his incarceration, and that he intended to kill her.

29. COOPERATING WITNESS #4 was recently interviewed about his contacts with KEVIN BEVERLY while both were incarcerated at the Parnall facility. He reported that KEVIN BEVERLY stated on almost a daily basis that he blamed Nicole Beverly for being sent to prison, and that he intended to kill her when he got out.

30. MCL 750.122(8) is a statutory provision which provides that a person who retaliates, attempts to retaliate, or threatens to retaliate against another person for having been a witness at an official proceeding is guilty of a 10 year felony. The term "retaliate" as used in this provision is defined under MCL 750.122(8)(b) to include threats to kill or injure any person or threaten to cause property damage.

31. KEVIN BEVERLY remains incarcerated on the Aggravated Assault conviction in Washtenaw County Circuit Court Case No. 12-001620-FH. He is scheduled to be paroled on August 24, 2017, and will "max out" on the sentence for this conviction on October 24, 2017. Nicole Beverly reports she is extremely concerned with her safety and that of her children, and reasonably fears for her life once KEVIN BEVERLY is released from custody.

WHEREFORE, there is probable cause to believe that KEVIN BEVERLY committed each offense as listed in the attached complaint and warrant.

Reviewed on \_\_\_\_\_

\_\_\_\_\_  
Daniel Corrigan Grano (P70863)  
Assistant Attorney General  
3030 W. Grand Blvd. Ste 10-200  
Detroit, MI 48202  
(313) 456-0180

\_\_\_\_\_  
S/A Shawn Ellis (Affiant)  
Michigan Department of Attorney General

Subscribed and Sworn to before me on: \_\_\_\_\_

\_\_\_\_\_  
Honorable: \_\_\_\_\_