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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

THE PEOPLE OF THE STATE OF MICHIGAN

vs.

97-1497-FC

NATHANIEL MAURICE HATCHETT,

MOTION TO SUPPRESS

Defendant.

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Proceedings had before the HONORABLE GEORGE C. STEEH,
Circuit Judge, on the 22nd day of September 1997.

APPEARANCES: ERIC KAISER

Macomb County Assistant Prosecutor
Appearing on behalf of the People.

BEVERLY AUSTIN

Attorney at Law

Appearing on behalf of the Defendant.

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1 Q You sat here through Detective William's
2 testimony. Would you agree with the nature of the
3 room and so on as Detective Williams described it?

4 A I would, yes.

5 Q Now, how long did you talk in the vicinity
6 of Mr. Hatchett at that point in time, or with him I
7 should say?

8 A I don't recall exactly what time we arrived
9 at the Detroit Police Department Headquarters. We
10 were notified at about 3:00 o'clock that afternoon,
11 and once we made all necessary arrangements, such as
12 notifying the supervisor and briefing them, we
13 probably didn't get down to DPD until 5:00 o'clock or
14 thereafter, sometimes after that, I'm not sure. The
15 interview with them would probably have been
16 somewhere in the area of an hour or less, somewhere
17 in that ball park, I don't recall exactly.

18 Q And after that was completed what did you
19 do?

20 A We conveyed Mr. Hatchett to the Sterling
21 Heights Police Department Headquarters, or I should
22 say Detective Sergeant Lucas and Detective Sergeant
23 Reece transported him to the Sterling Police
24 Department while myself and Detective Plaunt
25 retrieved the victim's car from Executive Towing on

1 ° Six Mile and supervised towing of that back to the
2 ° Sterling Police Department for processing.

3 ° Q So how long did that detail take?

4 ° A The actual conveyance didn't take very long
5 ° because the rush hour traffic was diminished by the
6 ° time the Sergeants transported him back. Took
7 ° Detective Plaunt and myself approximately hour and
8 ° half, two hours before we got back to the police
9 ° department.

10 ° Q Was that detail -- I was asking how long
11 ° did it take you and Detective Plaunt to accomplish
12 ° your goal. That was to what, get the car secured?

13 ° A Yes, sir. We went down and supervised the
14 ° release of the car from Executive Towing on Six Mile,
15 ° waited for someone to come by, unlock the gate. We
16 ° had a wrecker from the city. It took considerable
17 ° amount of time before the wrecker actually took the
18 ° car and then conveyed it back to the Sterling Heights
19 ° Police Department; probably be in the area of two to
20 ° two and half hours; just a guess on my part.

21 ° Q Did you ever take a statement from the
22 ° Defendant, that you would characterize, where you
23 ° formalized the giving of the so-called Miranda or
24 ° other Constitutional rights and then taking a joint
25 ° statement?

1 A I'm not sure. If you're asking if I did
2 Miranda?

3 Q Yes.

4 A yes, I did, at the Sterling Heights Police
5 Department.

6 Q I want to take -- from the first time you
7 encountered Mr. Hatchett until that moment, I want to
8 ask questions about his physical condition and so on.
9 First of all, based on your experience as a police
10 officer training, did you detect any signs of the
11 consumption of alcohol by Mr. Hatchett?

12 A No, there was no odor of alcoholic
13 beverages upon his person.

14 Q Aside from odors, any behaviors that would
15 indicate to you he may have been drinking?

16 A No, sir, none were exhibited to me.

17 Q How about whether or not he ingested any
18 controlled substances prior to your taking the
19 statement from him?

20 A I didn't detect the odor of any marijuana
21 coming from his person and there was nothing that
22 made me alert to any possibility of ingestion of
23 controlled substance at all.

24 Q What about the general demeanor in terms of
25 fatigue, alertness or anything along that spectrum,

1 : in between those?

2 : A He seemed alert. He was lucid and appeared
3 : to understand about we said to him.

4 : Q Did he complain of any illness or other
5 : problems, physical or mental, during the time you
6 : were with him, whatever?

7 : A No, there was no complaints whatsoever of
8 : pain or any kind of illness at all.

9 : Q How about hunger, did he say he was hungry?

10 : A No, sir, there was no complaint of hunger
11 : either.

12 : Q During the time you were with him did you
13 : threaten him with any type of physical force?

14 : A I did not.

15 : Q Did you threaten to inflict any type of
16 : mental distress upon him during all that time you
17 : were with him?

18 : A No, I did not.

19 : Q How about other officers, you were
20 : certainly around when other officers were in the
21 : vicinity of Mr. Hatchett. Did you see any of them
22 : threaten Mr. Hatchett with any physical or any type
23 : of mental harm?

24 : A Absolutely not.

25 : Q Did he complain of any illness or having

1 ° been threatened in anyway or coerced in any way
2 ° during the course of time you were with him?

3 ° A During the time we were with Mr. Hatchett,
4 ° no complaints whatsoever.

5 ° Q Did you offer him anything in terms of
6 ° promises in exchange for his cooperation or
7 ° willingness to talk to you or any other police
8 ° officers about his knowledge of these events?

9 ° A No, I did not. Only thing I said to Mr.
10 ° Hatchett during my contact with him was, any
11 ° cooperation he gives us during the course of our
12 ° investigation, may be looked upon favorably by the
13 ° Prosecuting Attorney staff.

14 ° Q Did you talk to him at all about he would
15 ° be released if he cooperated with you in any way?

16 ° A I never made any such promises of release.

17 ° Q Did he ask for any promises or
18 ° consideration if he talked to you?

19 ° A No, sir, he didn't.

20 ° Q Did the Defendant indicate that he was in
21 ° need of any kind of medication or other medical care
22 ° during the time he was with you?

23 ° A No, sir, he did not.

24 ° Q Did the Defendant immediately or initially
25 ° tell you that he wasn't involved in these crimes of

1 • carjacking and/or criminal sexual conduct?

2 • A Initially, that's what he said, sir.

3 • Q Then did you continue to demand and
4 • question him until such time as he ended up telling
5 • you about his role in those crimes?

6 • A We didn't demand a thing from him.

7 • Q Did you ever supply the Defendant with
8 • details, specific details of the offense so that he
9 • would be able to recite them back to you when and if
10 • he decided to give you a statement about his
11 • knowledge and involvement with these crimes?

12 • A I didn't.

13 • Q You say you didn't, so I will ask the next
14 • question: Did you hear anyone else or see anyone
15 • else provide him with the kind of details that he
16 • eventually later gave you demonstrating his knowledge
17 • and involvement in this crime?

18 • A No. As a matter of fact, as lead
19 • investigator I was the only one privy to such details
20 • at this point.

21 • Q I show you what has been marked as People's
22 • Proposed 1, it's a five page statement document. Can
23 • you tell the Court what that proports to be?

24 • A This is a transcript from a taped interview
25 • that myself and my partner had from Mr. Hatchett when

1 we brought him to the Sterling Police Department on
2 November 15, 1996.

3 Q And that taped interview from which a
4 transcript was made, what time did that occur?

5 A Interview commenced at 2145, which in
6 common parlance is 9:45 in the evening.

7 Q What kind of room was that tape recording
8 or that interview taken in?

9 A It was within our -- one of our interview
10 rooms at the Sterling Heights Police Department.

11 Q Tell the Court what that room is like?

12 A It's a small room. Perhaps in dimensions,
13 8 by 10 with a standard 8 foot ceiling. It has a
14 table with chairs, electrical outlets available for
15 any appliances, video tape, audio tape or any other
16 aid you may need at that point during the course of
17 an interview. It is well lighted, well ventilated.

18 Q And the portion of those 5 pages consist
19 of, is what?

20 A These pages I have in front of me are the
21 transcript of the interview which deal with the
22 Mirandizing of Mr. Hatchett prior to the actual
23 questioning.

24 Q Would you take a look at People's Proposed
25 2 and tell the Court what that is I have handed you?

1 : A This is a Xerox copy of a constitutional
2 : rights certificate of notification we routinely use
3 : during the course of an interview. Upon it are the
4 : Miranda Rights and signature block. Signature block
5 : would indicate that we went through the rights line
6 : items with the individual being questioned, signed by
7 : myself and witnessed by Detective Plaunts.
8 : Additionally, next to each Miranda Right question,
9 : that the Defendant places his initials next to each
10 : one. After these initials are placed or before the
11 : initials are placed on there I asked him two
12 : questions: Do you understand that right? Do you
13 : have any questions about it? If they understand it
14 : and have no questions about that specific right they
15 : are instructed to place their initials before it,
16 : which indicates to me the fact they do in fact
17 : understand their rights as per Miranda.

18 : Q People's Proposed 2, was that made during
19 : the course of the tape recorded matter about which
20 : Proposed 1 is a transcript of? Is that made at the
21 : same time this transcript is being generated?

22 : A Yes, it is.

23 : Q There's references made to the rights and
24 : so on, and the initialing and understanding and so
25 : on, if you have read People's 1?

1 : A That's right. Exactly.

2 : MR. KAISER: Your Honor, Counsel and
3 : I, before the hearing began, agreed that rather than
4 : play the tape recording about which there is a
5 : transcript of, the Court could review just the
6 : transcript itself for the purpose of this hearing.

7 : THE COURT: Ms. Austin?

8 : MS. AUSTIN: So stipulated, your
9 : Honor.

10 : THE COURT: So you're asking to have 1
11 : and 2 received?

12 : MR. KAISER: Yes, sir.

13 : THE COURT: Any objections?

14 : MS. AUSTIN: No objection.

15 : MR. KAISER: May I hand those to the
16 : Court?

17 : THE COURT: Yes.

18 : Q (Mr. Kaiser, continuing): Is it the case
19 : that after, at the bottom of page 5, as that
20 : transcript indicates, that the Defendant then went on
21 : and described his knowledge of the events that
22 : occurred involving the carjacking itself and the
23 : criminal sexual conduct charge?

24 : A That's right.

25 : Q At any point in time when you were with the

1 : Defenant at the Detroit Police Department Task Force
2 : office, you didn't transport him out here at any
3 : other point in time, particularly when you're reading
4 : him those rights, did the Defendant ever say he
5 : wanted to talk to a lawyer and didn't want to talk to
6 : the police?

7 : A He never mentioned that at all.

8 : Q You looked at People's 2. Is it your
9 : testimony that that's a signature of Nathaniel
10 : Hatchett on there and you saw it put on there?

11 : A That's correct, I witnessed his signature
12 : on that piece of paper.

13 : MR. KAISER: Your Honor, that's all
14 : the questions I have, and for the record, the only
15 : statements that the People would tend to introduce at
16 : trial are those that follow on page 5 and on People's
17 : 2.

18 : THE COURT: Thank you. Ms. Austin,
19 : cross?

20 : MS. AUSTIN: Thank you, your Honor.

21 : CROSS EXAMINATION

22 : BY MS. AUSTIN:

23 : Q Good afternoon, Detective Van Sice.

24 : A Good afternon, Ma'am.

25 : Q You have been a criminal investigator you