

# 36th District Court

A- 467778

ISSUING OFFICE

DEPARTMENT <i>CRIMINAL</i>	DIVISION/SECTION <i>1#0 / Criminal</i>	REMITTANCE NO.
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ACCOUNT CREDITED

AGENCY	COST CENTER	OBJECT	OBJ DET.

DATE *3-25-08*

RECEIVED OF *Highland Wire*

ADDRESS \_\_\_\_\_

DOLLARS, \$ *8.00*

FOR \_\_\_\_\_

Payment Made By (check two)

- Cash     Mail
- Check    In Person

Signed *Tatiana Cato*

Title *Supervisor*

SE BALL POINT PEN





STATE OF MICHIGAN

CASE NO: 2008707051

36TH DISTRICT COURT  
3rd Judicial CircuitAMENDED  
COMPLAINT  
FELONY

The People of the State of Michigan

vs

KWAME KILPATRICK 82-08707051-01  
CHRISTINE BEATTY 82-08707051-02MAR 25 2008  
MAR 25 2008

## Offense Information

Police Agency / Report No. 08-58169  
82WCPO 08-6314Date of Offense  
05/2003 - 12/2007Place of Offense  
CITY OF DETROITComplainant or Victim  
STATE OF MICHIGANComplaining Witness  
DET. BRIAN WHITE

## STATE OF MICHIGAN, COUNTY OF WAYNE

The complaining witness says that on the date and the location stated above, the defendant, contrary to law,

**COUNT 1 DEFENDANT(S) (01,02): CONSPIRACY- LEGAL ACT/ILLEGAL MANNER**did unlawfully conspire, combine, confederate and agree together with each other and others to commit the following listed offense: Obstruction of Justice; contrary to MCL 750.157a. [750.157A]  
FELONY: 5 Years and/or \$10,000.00**COUNT 2 DEFENDANT(S) (01, 02): OBSTRUCTION OF JUSTICE**did commit the crime of obstruction of justice by firing Gary Brown to willfully and corruptly hamper, obstruct and/or interfere with a criminal investigation and/or commit perjury to hide the firing of Gary Brown and/or the relationship between Christine Beatty and the Mayor; contrary to MCL 750.505. [750.505-A]  
FELONY: 5 Years and/or \$10,000.00**COUNT 3 DEFENDANT(S) (01, 02): COMMON LAW OFFENSES**did commit misconduct in office, an indictable offense at common law, by firing Gary Brown to willfully and corruptly hamper obstruct and/or interfere with a criminal investigation of the Mayor's personal conduct or EPU conduct and/or committing perjury to hide the firing and the true nature of their relationship; contrary to MCL 750.505. [750.505-C].  
FELONY: 5 Years and/or \$10,000.00**COUNT 4 DEFENDANT(S) (01): COMMON LAW OFFENSES**did commit misconduct in office, an indictable offense at common law, as the Mayor for the City of Detroit, authorized the City of Detroit to enter into an 8.4 million dollar settlement of the Gary Brown/Nelthorpe and Harris litigations with the corrupt motive of preventing the release of text messages or other information evidencing that Mayor Kilpatrick and his Chief of Staff Christine Beatty lied under oath; contrary to MCL 750.505. [750.505-C]  
FELONY: 5 Years and/or \$10,000.00**COUNT 5 DEFENDANT(S) (01): PERJURY - COURT PROCEEDING**did being lawfully required to depose the truth as a witness in the jury trial, a court proceeding in the case of Gary Brown and Harold Nelthorpe v. Kwame Kilpatrick and City of Detroit, Case Number 03-317557-NZ, the case being a civil lawsuit before the Honorable Michael J. Callahan, for the Third Circuit Court for County of Wayne on August 29, 2007, commit perjury by testifying he did not fire Gary Brown; and/or testifying that he did not know Gary Brown was investigating him or the Manoogian Mansior Party prior to his "un-appointment"; and/or testifying falsely as to other circumstances surrounding the termination of Gary Bro including the reasons for the termination and how and why the decision was made; contrary to MCL 750.422. [750.422-B]  
FELONY: 15 Years**COUNT 6 DEFENDANT(S) (01): PERJURY - COURT PROCEEDING**did being lawfully required to depose the truth as a witness in a jury trial, a court proceeding in the case of Gary Brown and Harold Nelthorpe v. Kwame Kilpatrick, City of Detroit, Case Number 03-317557-NZ, the case being a civil lawsuit before the Honorable Michael J. Callahan, for the Third Circuit for County of Wayne on August 29, 2007, commit perjury by testifying did not have a romantic or sexual relationship with Christine Beatty; contrary to MCL 750.422. [750.422-B]  
FELONY: 15 Years

**COUNT 7 DEFENDANT(S) (02): PERJURY - COURT PROCEEDING**

did being lawfully required to depose the truth as a witness in a jury trial, a court proceeding in the case of Gary Brown and Harold Nelthorpe v. Kwame Kilpatrick and City of Detroit, Case Number 03-317557-NZ, the case being a civil lawsuit before the Honorable Michael J. Callahan, for the Third Circuit Court for County of Wayne on August 28, 2007, commit perjury by testifying Gary Brown was not fired; and/or testifying that she did not know Gary Brown was investigating the Mayor or the Manoogian Mansion Party prior to his "un-appointment"; and/or testifying falsely as to other circumstances surrounding the termination of Gary Brown including the reasons for the termination and how and why the decision was made; contrary to MCL 750.422. [750.422-B]

FELONY: 15 Years

**COUNT 8 DEFENDANT(S) (02): PERJURY - COURT PROCEEDING**

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FELONY: 15 Years

**COUNT 9 DEFENDANT(S) (01): PERJURY - OTHER THAN COURT PROCEEDING**

did , being a person of whom an oath was required by law, wilfully swear falsely before Sheila D. Rice, a Notary Public within the County of Wayne, on June 26, 2004 as to the circumstances surrounding the "un-appointment" of Gary Brown; contrary to MCL 750.423. [750.423]

FELONY: 15 Years

**COUNT 10 DEFENDANT(S) (01): PERJURY - OTHER THAN COURT PROCEEDING**

did, being a person of whom an oath was required by law, wilfully swear falsely before Sheila D. Rice, a Notary Public within the County of Wayne, on October 11, 2004 as to the circumstances surrounding the "un-appointment" of Gary Brown; contrary to MCL 750.423. [750.423]

FELONY: 15 Years

**COUNT 11 DEFENDANT(S) (02): PERJURY - OTHER THAN COURT PROCEEDING**

did, being a person of whom an oath was required by law, wilfully swear falsely before Sheila D. Rice, a Notary Public within the County of Wayne, on December 9, 2003 she did not know Gary Brown was investigating the Manoogian Mansion party prior to his un-appointment and/or or other circumstances surrounding the termination of Gary Brown; contrary to MCL 750.423. [750.423]

FELONY: 15 Years

**COUNT 12 DEFENDANT(S) (02): PERJURY - OTHER THAN COURT PROCEEDING**

did, being a person of whom an oath was required by law, wilfully swear falsely before Sheila D. Rice, a Notary Public within the County of Wayne, on December 9, 2003, she was not aware of Mayor's philandering; contrary to MCL 750.423. [750.423]

FELONY: 15 Years

Upon conviction of a felony or an attempted felony court shall order law enforcement to collect DNA identification profiling samples.

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

Warrant authorized on <u>3-24-08</u> by: _____ Date
Kym Worthy P38875

<u>Bru Wud</u> Complaining witness signature
Subscribed and sworn to before me on <u>3/24/08</u> Date
<u>P. J. Zerco</u> Judge/Magistrate/Clerk
Bar no.

STATE OF MICHIGAN

CASE NO: 2008707051

**AMENDED  
WARRANT  
FELONY**

**36TH DISTRICT COURT  
3rd Judicial Circuit**

**The People of the State of Michigan**

vs

KWAME KILPATRICK 82-08707051-01  
CHRISTINE BEATTY 82-08707051-02

**Offense Information**

**Police Agency / Report No.**  
82WCPO 08-6314

**Date of Offense**  
05/2003 - 12/2007

**Place of Offense**  
CITY OF DETROIT

**Complainant or Victim**  
STATE OF MICHIGAN

**Complaining Witness**  
DET. BRIAN WHITE

08-58169

**STATE OF MICHIGAN, COUNTY OF WAYNE**

**To any peace officer or court officer authorized to make arrest:** The complaining witness has filed a sworn complaint in this court stating that on the date and the location stated above, the Defendant(s), contrary to law,

**COUNT 1 DEFENDANT(S) (01,02): CONSPIRACY- LEGAL ACT/ILLEGAL MANNER**

did unlawfully conspire, combine, confederate and agree together with each other and others to commit the following listed offense: Obstruction of Justice; contrary to MCL 750.157a. [750.157A]  
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FELONY: 15 Years

**COUNT 7 DEFENDANT(S) (02): PERJURY - COURT PROCEEDING**

did being lawfully required to depose the truth as a witness in a jury trial, a court proceeding in the case of Gary Brown and Harold Nelthorpe v. Kwame Kilpatrick and City of Detroit, Case Number 03-317557-NZ, the case being a civil lawsuit before the Honorable Michael J. Callahan, for the Third Circuit Court for County of Wayne on August 28, 2007, commit perjury by testifying Gary Brown was not fired; and/or testifying that she did not know Gary Brown was investigating the Mayor or the Manoogian Mansion Party prior to his "un-appointment"; and/or testifying falsely as to other circumstances surrounding the termination of Gary Brown including the reasons for the termination and how and why the decision was made; contrary to MCL 750.422. [750.422-B]

FELONY: 15 Years

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did, being a person of whom an oath was required by law, wilfully swear falsely before Sheila D. Rice, a Notary Public within the County of Wayne, on December 9, 2003 she did not know Gary Brown was investigating the Manoogian Mansion party prior to his un-appointment and/or or other circumstances surrounding the termination of Gary Brown; contrary to MCL 750.423. [750.423]

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did, being a person of whom an oath was required by law, wilfully swear falsely before Sheila D. Rice, a Notary Public within the County of Wayne, on December 9, 2003, she was not aware of Mayor's philandering; contrary to MCL 750.423. [750.423]

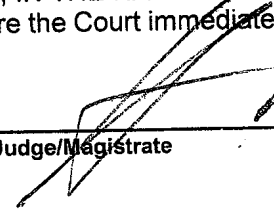
FELONY: 15 Years

Upon conviction of a felony or an attempted felony court shall order law enforcement to collect DNA identification profiling samples.

Upon examination of the complaining witness, there is probable cause to believe that the offense charged was committed and the Defendant committed the offense. THEREFORE, IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN, I command you to arrest and bring the defendant before the Court immediately.

3/24/08  
Date

(SEAL)

  
Judge/Magistrate

Bar no.

In Custody

Yes	No	Defendant's Name & Address	Age	Sex	Race	DOB	Ident No.
	X	1. Kwame Kilpatrick	37	M	B	June 8, 1970	
	X	2. Christine Beatty	37	F	B	May 29, 1970	
		3					
		4					
		5					

Offense (To be filled in by prosecutor)

(1) Conspiracy to Obstruct Justice, Ds 1 & 2 (2) Obstruction of Justice Ds 1 & 2 (3) Misconduct In Office, Ds 1 & 2 (4) Misconduct in Office, D 1 only (5) Perjury - Crt Proceeding, D 1 only, (6) Perjury- Crt Proceeding, D 1 only, (7) Perjury - Crt Proceeding D 2 only (8) Perjury -Crt Proceeding D 2 only (9) Perjury -Other D 1 only (10) Perjury - Other D 1 only (11) Perjury- Other D 2 only and (12) Perjury-Other D 2 only .

Time	Date of Offense May 2003 to Dec 2007	Place of Offense City of Detroit	Date of Complaint	Court File No.	Jacket No. 08-6314
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Complainant's Name & Address People	Sex	Age	DOB	Race	Relation to Def. 08-6314
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Other Pending Charges	Complainant's Phone No.
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Person to Sign On Information & Belief Detective Brain White	Wayne County Prosecuting Attorney <i>Wayne J. Watts</i>
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Description of Offense and Investigation: include Date, Time and Circumstance of Arrest and Medical Attention administered to Officers, Defendants and Complainants. Continue on Page 2 if necessary.

P38878

Offense:

On or about May 9, 2003, Gary Brown, the Deputy Chief of the Professional Accountability Bureau was dismissed from his position by defendant #1, Kwame Kilpatrick. The investigation revealed Gary Brown was terminated because defendant #1 and defendant #2, Christine Beatty learned Gary Brown was investigating members of defendant #1's EPU (Executive Protection Unit) and rumors of a party at the Manoogian Mansion where strippers were in attendance. Defendant #1 was informed by defendant #2 that Chief Jerome Oliver gave her a memo outlining an investigation of allegations made by Harold Nelthorpe. Allegations that members of the EPU were receiving credit for overtime not worked, drinking on the job and having unreported accidents. Chief Oliver advised her that to his knowledge no further investigation was ongoing as to those issues. Defendant #2 received information from other sources that Brown was investigating the Manoogian Mansion party, defendant #1, and Carlita Kilpatrick's possible involvement. Defendants #1 and #2 had Brown's computer files backed up on Wednesday May 7, 2003. Both defendants had access to Brown's information and reports as of May 7 2003 and had knowledge about what Brown was doing prior to his firing. Brown was given a termination letter on May 9, 2003 signed by defendant #1 and not by the Chief of Police. In fact the Chief of Police was not told why Brown was being fired. When Gary Brown went public about his firing and the reasons for it, the defendants attempted to keep the firing of Brown a secret and enlisted others to come up with a plausible story as to why Gary Brown was fired.

On or about June 26, 2004, defendant #1, Kwame Kilpatrick testified under oath at a deposition to Attorney Michael Stefani regarding a whistle blower civil law suit filed by Gary Brown and Harold Nelthorpe. Additionally, defendant #1 also testified under oath at a second deposition on October 11, 2004. Prior to giving his depositions, defendant #1 was duly sworn by court reporter, Sheila D Rice. On or about August 28, 2007, defendant #1, Kilpatrick gave testimony in court from the witness stand after being duly sworn by the Honorable Judge Michael Callahan.

During his trial testimony in the aforementioned whistle blower civil case, defendant #1, stated Gary Brown was not fired but was un-appointed. Defendant #1 claimed that Brown was "un-appointed" for a variety of lawful reasons including violating the chain of command and having lost confidence in his abilities to command. Defendant #1 stated that he deliberated whether Gary Brown should be "un-appointed" and the decision was not made until Friday May 9, 2003. Additionally Defendant # 1 testified he had no knowledge Gary Brown was investigating him or events that occurred at the alleged Manoogian Mansion party prior to Mr. Brown's being "un-appointed". Defendant #1 denied that he had a romantic and/or sexual relationship with defendant #2, Christine Beatty.

On or about December 9, 2003, defendant#2, Christine Beatty testified under oath at a deposition to Attorney Michael Stefani, who was representing Gary Brown and Harold Nelthrope in a whistle blower civil suit. Prior to giving her deposition, defendant #2, Beatty was duly sworn by court reporter Sheila D. Rice. During the deposition, defendant #2 was asked about the firing of Gary Brown and her response was that on May 6, 2003 she received a two page memo from Chief Oliver she did not request, discussing some EPU issues and indicating that no investigation was being conducted. Within a day or so she claimed to have received an anonymous note stating that Gary Brown, the Deputy Chief of Professional Accountability Bureau, was conducting an unauthorized investigation and that the memo she received from Chief Oliver was not the whole truth. She further claimed she had no information prior to Gary Brown's "un-appointment" that Brown was investigating the Mayor or a party at the Manoogian Mansion. Defendant#2, Beatty was asked if she was aware that defendant # 1 was having extra marital affairs, and her reply was no.

On or about August 29, 2007 , defendant #2, Beatty, gave testimony in court from the witness stand after being duly sworn by the Honorable Judge Michael Callahan. During her trial testimony in the aforementioned whistle blower civil suit, she testified consistent with her deposition as to the reasons for the termination of Gary Brown and what transpired in the days leading up to his "un-appointment". She insisted that he had not been fired; Defendant #2, Beatty was asked if she and Defendant #1, Kilpatrick had ever had a sexual relationship. She responded by saying she had not. Defendant #2, Beatty also testified that she never sent nor received from defendant #1, Kilpatrick, text messages of a personal or sexual nature.

Skytel Corporation had a contract with the City of Detroit to provide communication devices to City employees to be used during the course of their employment. Many such devices were issued to City employees including defendant #1 and defendant #2, and others assigned to defendant's #1's staff. In fact, on March 21, 2008, defendant #1 admitted that there is no dispute that he used a Skytel communication device to transmit the communication at issue. The text messages between defendant #1, Kwame Kilpatrick and defendant #2, Christine Beatty, establish that defendants indeed had a romantic and sexual relationship contrary to their testimony under oath.

The Skytel text messages also show that Gary Brown was fired and not "un-appointed" as claimed under oath by both defendants. The text messages also establish that defendant #1, on or about June 24, 2003, just hours before the Attorney General announced the finding of his investigation into the firing of Gary Brown, asked members of his staff to provide to him the reasons why he fired Gary Brown, "We must answer the question? Why was Gary Brown fired. It will be asked, I need short, powerful answer... I just need a good answer. Whatever it might be." During defendant #1's trial testimony, he claimed he had specific and legitimate reasons for the "un-appointment" of Gary Brown on May 9, 2003.

On or about October 17, 2007 Defendant #1 authorized the City of Detroit to enter into a settlement with Gary Brown, Harold Nelthrope and Walter Harris. The agreement to settle was reached within 90 minutes of defendant #1 being informed that attorney Michael Stefani had possession of the Skytel text messages and was prepared to release them in a filing with the Circuit Court. The terms of the settlement agreement included provisions to prevent the release of Skytel text messages and guarantee that the messages would remain confidential. These messages would not only be embarrassing to both defendants but also expose their involvement in criminal conduct. When Attorney Osamuade presented to the City Council the terms of the settlement agreement, the existence of a confidential agreement was not disclosed to them. The City Council for the City of Detroit was never told about the existence of the Skytel messages, nor of the agreement the defendants executed to keep them secret.