BAD JURIST.COM
8834 E. 34 ROAD #131 SMB #44345
CADILLAC, MICHIGAN 49601

FROM: VALIANT LEON WHITE JR. #225440
KINROSS CORRECTIONAL FACILITY
4533 W. INDUSTRIAL PARK DRIVE
KINCHELOE, MICHIGAN 49788-0001

RE: STATE WIDE INVESTIGATION OF MICHIGAN STATE CIRCUIT COURT JUDGES, AND STATE DISTRICT COURT MAGISTRATES UNCONSTITUTIONAL APPROVAL OF FELONY COMPLAINTS, FELONY ARREST WARRANTS, SEARCH WARRANTS, FORGERY MCL 750.248(1); PERJURY MCL 750.422; U.S. Const., Am. IV; MI Const. 1963, Art. 1 §§§ 11,17,20; MCL 780.651; MCL 780.653; MCL 780.654; MCL 764.1a(1) & (2); MCR 6.101(B); MCR 6.102(B); MCR 6.106(D); MCR 6.106(F).

Dear Supporters,

I never thought or imagined I would find someone to help me EXPOSE Michigan's CORRUPT Judicial System of Illegally herding its citizens like cattle into the prison system for PROFIT.

I am writing you seeking you assistance and Public EXPOSURE of the Michigan State Court Judicial System of State Circuit Court Judges and State District Court Magistrates UNCONSTITUTIONAL PRACTICE, PATTERN, CUSTOM of Perpetrating FRAUD ON THE COURT through Approval of Fabricated FELONY COMPLAINTS, FELONY ARREST WARRANTS without Probable Cause. Exposed by FORMER CHIEF 36TH DISTRICT COURT MAGISTRATE JUDGE Bari Blake Wood who was Retaliated against and TERMINATED after she Exposed this FRAUDULENT ACTIVITIES. See Wood v 36th Dist. Court 2023 Mich.App.LEXIS 3599; 2023 WL 3559477.

This Unconstitutional Practice perpetrated by Michigan State Court Judges against Michigan Citizens is to fill Prison Facility Beds for BILLIONS OF Dollars in PROFIT for CORRECTIONS CORPORATIONS INDUSTRIES. Causing HUNDREDS OF THOUSANDS OF UNLAWFUL PROSECUTIONS AND CONVICTIONS Without Probable Cause. The charging criminal instruments, Documents specifically the FELONY COMPLAINT sometimes Signed by State Court Judges/Magistrates may appear to be AUTHENTIC, but are not. As Verified by Kent County 61st District Court Certified Court Recorder Deborah A. Russell, 180 Ottawa Avenue, NW, Grand Rapids, Michigan 49503, Dated: August 29, 2014, depicting Detective Philip Betz never submitted a SWORN OATH to 61st District Court Magistrate David J. Buter. See EXHIBIT 3.

The Judges never Administered a SWORN OATH from an "Complaining Witness" for a Probable Cause Determination pursuant to FEDERAL & STATE LAW by a NEUTRAL & DETACHED Judge/Magistrate prior to their Endorsement and Approval of the Fraudulent Documents stating: "SUBSCRIBED AND SWORN TO BEFORE ME ON" which never occurred. See Municipality: Brown v Battle Creek Police Dept. 844 F.3d 556, 573(6th Cir. 2016); United States v Turner 524 F.Supp.3d 698(2021); United States v Hython 443 F.3d 480.

As cited on page 2 of 9 pg. #1, Wood v 36th Dist. Court 2023 Mich.App.LEXIS 3599; 2023 WL 3559477, by FORMER Chief 36th District Court Magistrate Judge Bari Blake Wood, who was FIRED and Retaliated against for Refusing to Endorse and

Approve over 100 Felony Complaints, Warrant, Search Warrants in a 3 Month period for lack of Probable Cause. Officers, Prosecutors complained of her disapproval.

This begins the UNLAWFUL process of WRONGFUL CONVICTIONS in which Police begin Fabricating Evidence, Witness Statements, Withholding Evidence etc., to secure convidctions of their TARGETS of innocent citizens. Without the Judges Endorsement and Approval WITHOUT Probable Cause, the Police, Prosecutors can't perpetrate or secure WRONGFUL CONVICTIONS. The State Court Judges/Magistrates are the cause of these crimes against Michigan Citizens by LAW ENFORCEMENT.

To support this Claim, I have copies of FABRICATED Felony complaints from Various Counties RUBBER STAMPED by Judges throughout this State including but not Limited to Muskegon County, Kent County, Wayne County Michigan.

I am currently convicted of 2 Felonies as a result of FORGED, FRAUDULENT, FABRICATED FELONY COMPLAINTS, FELONY ARREST WARRANTS, SEARCH WARRANTS.

CASE #1

In Case #91-4044, the attached Felony Complaint, Arrest Warrant, Search Warrant were FORGED and BACKDATED on March 20,22, 1991, by FIRED, Former 36th District Court Magistrate Thomas James Shannon. Shannon was never Reinstated to the Bench after his TERMINATION 8 Months prior on May 17,18, 1990 by the ATTORNEY DISCIPLINE BOARD, ATTORNEY GRIEVANCE COMMISSION, JUDICIAL TENURE COMMISSION, STATE LICENSING AUTHORITY, prior to BACK-DATING, signing the attached FORGED Complaint, Warrant, Search Warrant after I was released by CHIEF JUDGE Dalton A. Roberson on a WRIT OF HABEAS CORPUS after being detained 3 days without Arraignment as Detroit Police Sgt. Arthur McNamara had NO Warrants or Probable Cause for my False Arrest March 20, 1991. See United States v Scott 260 F.3d 512.

Throughout his career, Former Magistrate Shannon has been repeatedly DISBARRED from the Bench approximately 5 times before finally being TERMINATED Permanantly. He was cited for all types of UNETHICAL CONDUCT including FORGERY MCL 750.248(1); MCL 750.249(1). See People v Susalla 392 Mich 387(1974); In re Adams 494 Mich 162(2013). See EXHIBIT 1.

CASE #2

In Case 10-4590, the attached Felony Complaint was FORGED on April 10, 2010, and Fabricated by 36th District Court Magistrate Millicant Sherman. The Magistrate did not SUBSCRIBE or SWEAR any Officers or Complaining Witnesses for a Probable Cause Determination prior to RUBBER STAMPING, ENDORSING, Authorizing the Fabricated Felony Complaint. Contrary to FEDERAL & STATE LAW.

The evidence that the attached Felony Complaint was FORGED is that on the FACE OF PAGE 2 of the Complaint, the Signature of the Complaining Witness depicted above Magistrate Sherman's signature is a (UNKNOWN) SIGNATURE, a FORGERY. As it is NOT the signature of FORMER DPD Police Sgt. Weathers & Crew who is FIRED from Detroit & Highland Park Police Departments charged with 29 FELONY Counts and is now placed on Prosecutor Kym Worthy's GIGLIO-BRADY List of UNTRUSTWORTHY Officers who are not allowed to Testify or Handle Evidence in Criminal Cases as he FALSELY Arrested me. The signature of the Officer's Police Report DO NOT match the Signature of the alleged Complainant's Signature above Magistrate

Sherman's signature. See EXHIBIT 2.

My CERTIFIED MAIL RETURN RECEIPT Request for the TRANSCRIPT of SWORN OATH, ATTACHED AFFIDAVITS, Identification of the FORGED Complaining Witness Signature have not been granted from 36th District Court Clerks because it is a FORGED, FALSE, FABRICATED, ILLEGIBLE Signature of NO person related to this case, and was RUBBER STAMPED BY 36th District Court Magistrate Millicant Sherman.

I would like to EXPOSE to the PUBLIC this UNLAWFUL Conduct perpetrated by Michigan State Court Judges/Magistrates against citizens of this State for BILLIONS in PROFIT to Incarcerate people for the Prison Industry.

Dated: November 16, 2023

Signed: Valiant White

EXHIBIT 1

Connecticut Prisoner Commits Suicide With COVID-19 Protective Mask

by Kevin Bliss

Daniel Ocasio committed suicide on August 12, 2020 at the Corrigan-Radkowski Correctional Center in Uncasville, Connecticut by tying the strings of his protective mask around his throat. His death made national news because it is the third suicide this year within the Connecticut Department of Corrections. Human rights activists are concerned about the effect coronavirus is having on people in prisons, especially those being treated for mental illnesses.

The crisis has caused prisons across the United States to lockdown their populations for safety reasons, and these lockdowns have prevented the continuous care of those with mental health problems.

Adding to the issue, the cash bail system in America forces people to await court dates in jail, where they may be prevented from receiving care that they would normally receive outside of jail. It is disproportionately people of color who are most affected by these problems.

Ocasio's bail was $10,000, which means he was only required to deposit $1,000 with the courts and would receive the full amount in refund after his scheduled appearance. Even if he could not afford the $1,000, he could hire a bail bondsperson for much less to aid with his release.

Like many disadvantaged citizens, Ocasio was unable to produce any amount to secure his release. This not only prevented him from aiding in his defense in a more suitable environment, but also interrupted any type of treatment he may have been receiving for his mental health issues.

Department of Corrections Director of Behavioral Health Services Thomas Kocienda had suspended all group programming and mental health assessments in the state's prisons except for minors, due to the COVID-19 crisis, ctmirror.org reported. He also had suspended elective individual outpatient psychotherapy for those patients with a mental health score of 3 or lower, unless their clinic requires it. Individuals with a score of 3 or less make up 96% of the prisoners with mental health problems.

Staff are forced to do cell-side triages, assessments, and check-ins. This means that therapy is conducted through the cracks in the steel door, which affects confidentiality and trust. Clinical social worker Shirley Watson of MacDougall-Walker Correctional Institution said it makes it hard for the patient to feel like he or she is in a safe place. "I call it 'drive by therapy,' because you really can't get substantive information on an inmate and their health," she said. "This is not what I signed up for, to be standing outside of a cell door trying to help people and knowing that you're as handcuffed as they are."

August 24 was the last time Watson had to treat a prisoner at the cell door. The COVID-19 crisis is declining and certain restrictions are being lifted in Connecticut's prisons. But still, staffing shortages are making it difficult for prisoners to be escorted to Watson's office for appointments, and social distancing is going to require more space than she now has. She also is concerned that the current situation needlessly endangers prisoners classified as "low risk." Those with a score of 1 or 2 will not be seen unless they initiate a visit when they need support.

Source: *ctmirror.org*

Prisoners Exonerated in Michigan After Police Misconduct Revealed

URF-W LAW LIBRARY

by Ed Lyon

On March 24, 2020, Darell Chancellor and Darrell Richmond were ordered to be released from prison by a Wayne County, Michigan district judge who vacated their drug convictions. Chancellor had served nearly eight years, Richmond almost a year, before being freed through exoneration judgments.

Wayne County prosecutor Kym Worthy went on record stating, "These are the first cases that deal directly with fraudulent search warrant affidavits and other activities by highly unethical and compromised narcotics officers." The narc who is responsible for these first of many expected exonerations is still employed by the Detroit Police Department (DPD) and is under investigation by its Internal Affairs Division (IAD). The probe is part of a wider investigation of the entire narcotics division in which the state police and FBI have joined.

Former DPD narc and current federal felon Michael Mosley presented false information regarding Richmond's case. Mosley pleaded guilty in February 2020 before a federal judge to taking $15,000 in bribe money from a drug dealer. Mosley's crimes led to the IAD raiding the narcotics division and seizing 50 computers and scores of case files.

DPD Chief James Craig admitted to the ongoing investigation uncovering a plethora of corruption in the narcotics division. Specifically named crimes are narcs planting evidence, robbing narcotics dealers, embezzling money and lying to prosecutors in affidavits they submitted to obtain search warrants. So far, information from the seized items have unearthed "about a half dozen possible false [search warrant] affidavits," stated DPD Professional Standards Section spokesman Christopher Graveline.

While not explicitly stating it, Graveline's remarks implied he expects more to come as the investigation progresses. And Worthy stated, "We expect there will be more," and added "I will not hesitate to free other wrongfully convicted individuals if we find tainted or fraudulent evidence."

Defense attorney Gabi Silver represented Chancellor and Richmond. Silver lauded Worthy and other Wayne County prosecutors for their part in freeing her clients. "What's remarkable here is that Kym Worthy and Val Neuman (who heads the Conviction Integrity Unit) worked tirelessly to get these guys out of prison in the midst of this (COVID-19) pandemic. I appreciate it and so do my clients' families," stated Silver.

Sources: *detroitnews.com, freep.com, legalnews.com*

Rachel K. Wolfe
Wolfe Law PLLC
23200 John R Road
P O Box 13
Hazel Park MI 48030

Valiant White 225440
Chippewa Valley Correctional Facility
4269 W M 80
Kincheloe MI 49784

February 18, 2021

Re: INVESTIGATION OF MAGISTRATE THOMAS SHANNON

Dear Mr. White,

This is Anthony Legion, the paralegal assigned to your case. I have initiated the investigation into Thomas Shannon on your behalf. We are in the process of drafting a memorandum for the Conviction Integrity Unit(CIU) in regards to your official misconduct claims. We initiated an investigation on Mr. Shannon and have discovered he was suspended from practicing law in 1991, 2012, 2014, and 2015. He was reprimanded in 1998, was disciplined by a State Licensing Authority in 2016, and disbarred in that same year.

As you already know, he resigned June 2, 1990. The warrant signed in your case was on March 20, 1991. The return on that warrant was March 22, 1991. The notice to increase suspension was for two years and went into effect June 3, 1991. I am still waiting on a response from the Attorney Grievance Commission to determine rather he was permitted back to the bench prior to him signing your warrant on March 20, 1991. If he was not appointed back to the bench prior to March 20, 1991 (We do not believe he was), only then we can present your case to the CIU. We should be concluding this investigation within the next few weeks. We will keep you informed. If you have any questions, comments, or concerns, feel free to contact this office at any time.

Respectfully,

/s/Anthony Legion

Cc: File

36th District Court

421 MADISON
DETROIT, MICHIGAN 48226

THOMAS JAMES SHANNON
Magistrate

Honorable Alex Allen Jr.
Chief Judge
36th District Court
421 Madison Avenue
Detroit, Michihgan 48226

May 17, 1990

Re: Resignation

Dear Chief Judge Allen:

The purpose of this letter is to formally submit my resignation. I hereby resign my position as a 36th District Court Magistrate effective June 2, 1990.

Respectfully,

cc: Honorable Willie Lipscomb
Chief Judge Pro Tem

36th District Court

421 MADISON
DETROIT, MICHIGAN 48226

THOMAS JAMES SHANNON
Magistrate

Joseph F. Regnier
Executive Director
Michigan Judicial Tenure Commission
1410 Comerica Building
Detroit, Michigan 48226

May 18., 1990

Re: Resignation

Dear Mr. Regnier:

The purpose of this letter is to forward the enclosed copy of my letter of resignation.

Respectfully,

01060

STATE OF MICHIGAN]
] SS
COUNTY OF WAYNE]

SEARCH WARRANT AND AFFIDAVIT

TO THE SHERIFF OR ANY POLICE OFFICER OF SAID COUNTY: Sergeant Arthur McNamara affiant, having subscribed and sworn to an affidavit for a search warrant, and I having under oath examined affiant, am satisfied that probable cause exist:

THEREFORE IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN I command that you search the following described place: The entire premises known as 5519 Somerset, located in the City of Detroit, County of Wayne, State of Michigan. Described as a single family, two story, brick with white trim, on the west side of Somerset between Southampton and E. Outer Drive.
Also to be searched:
#1 Valient White B/M/25, 6-0, 180 lbs, light complx, short hair, known as "Puff" drives a white 1989 Pontiac Gran Prix.
#2 Barbara Allen B/F/30, 5-6, 155 lbs, med complx, owner of residence.

and to seize, secure, tabulate, and make return according to law the following property and things. All suspected controlled substances; all monies, books, and records used in connection with illegal trafficking, all equipment and supplies used in the manufacture, delivery or sale of controlled substances, all firearms used in connection with the above described activities; all evidence of ownership, occupancy, possession or control of the premises.

THE FOLLOWING FACTS ARE SWORN TO BY THE AFFIANT IN SUPPORT OF THE ISSUANCE OF THIS WARRANT:

The affiant has been a member of the Detroit Police Department for the past eighteen years, with the last four years assigned to the Narcotics Division. The affiant has had specialized training in the field of narcotics detection, and its method of operations.

The affiant is working in conjunction with a credible and reliable S.O.I. #1490. S.O.I. #1490 has been utilized on over five occasions, resulting in the arrest of over five persons, with over five convictions in Recorders Court and other jurisdictions. S.O.I. #1490 has made several controlled purchases of cocaine in various amounts and therefore can identify cocaine by sight.

On March 19, 1991 the affiant met with S.O.I. #1490 and discussed facts relating to the address of 5519 Somerset. The S.O.I. stated within the past 24 hours of March 19, 1991, he/she went to the area of 5519 Somerset with a unwitting person. The unwitting and the S.O.I. went to the front door and knocked and

APA [redacted] (P2784)
Affiant

[redacted]
Magistrate of 36 TH District Court, Wayne County, Michigan,

Page One of Two [redacted]

01060

1 of 1 9100549(

STATE OF MICHIGAN CASE NO: 9110984!

COMPLAINT
FELONY

36TH DISTRICT COURT
Recorders Court

36-91 58432

The People of the State Of Michigan

VS

VALIENT LEON WHITE JR 82-91109849-01

Offense Information

Date of Offense 3/20/91 bab

Police Agency Report No DPNA-

Place of Offense
5519 somerset, DETROIT

Complainant or Victim
KENNETH JACKSON

Complaining Witness
KENNETH JACKSON

Charge

State Of Michigan, County of Wayne
The complaining witness says that on the date and location stated above, the Defendant(s), contrary to law,

COUNT 1 Defendant(s) 01 CS-POSSESS (NARC/COCAINE) 650 OR MORE
did knowingly or intentionally possess 650 grams or more of a mixture containing the controlled substance COCAINE; contrary to MCL 333.7403(2)(a)(i); MSA 14.15(7403)(2)(a)(i). [333.74032A1]
FELONY: Mandatory Life Imprisonment

The complaining witness asks that the Defendant(s) be apprehended and dealt with according to law.

MAR 22 1991 THOMAS J. SHANNON MAGISTRATE

Subscribed and sworn to before me on

Complaining Witness:

Improper Form
MCR 8.119(D)(1)
No Court Clerk Stamp Filed Dated Timed Signature

MCR 6.101
MCL 764.1(a)
No Prosecutor's written approval Endorsement

9100545

E OF MICHIGAN

CASE NO: 911098

WARRANT
FELONY

35-91 58432

H DISTRICT COURT
order's Court

The People of the State Of Michigan

vs

VALIENT LEON WHITE JR 82-91109849-01

Offense Information

Date of Offense | Police Agency Report Nr
3/20/91 bab DPNA-

Place of Offense
5519 somerset, DETROIT

Complainant or Victim
KENNETH JACKSON

Complaining Witness
KENNETH JACKSON

Charge

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 location stated above, the Defendant(s), contrary to law,

COUNT 1 Defendant(s) 01 CS-POSSESS (NARC/COCAINE) 650 OR MORE did knowingly or intentionally possess 650 grams or more of a mixture containing the controlled substance COCAINE; contrary to MCL 333.7403(2)(a)(i); MSA 14.15(7403)(2)(a)(i). [333.74032A1]
FELONY: Mandatory Life Imprisonment

Upon examination of the complaining witness, there is probable cause to believe that the offense charge 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.

THOMAS J. SHANNON
MAGISTRATE

Date MAR 22 1991 (seal)

District Judge/Magistrate

RETURN

By virtue of this warrant, the Defendant has been taken into custody as commanded.

Date: _____ Peace Officer: _____

STATE OF MICHIGAN }
} SS
COUNTY OF WAYNE }

01060

SEARCH WARRANT AND AFFIDAVIT
PAGE TWO OF TWO PAGES

eventually entered the address. The unwitting handed #1 some U.S. currency and #1 went into the rear room on the first floor. #1 returned within a short time and gave the unwitting and amount of cocaine in a clear plastic bag.

The S.O.I. further stated that he/she knows that #1 sells guns from the address of 5519 Somerset and the S.O.I. has seen various guns on the premises on previous occasions.

The S.O.I. advised the affiant that he/she is familiar with #1 and #2. #1 has been involved in the sale of cocaine for several years. #2 rents 5519 Somerset and #1 is her live-in boyfriend. The S.O.I. stated that #2 is aware that #1 stores his cocaine at her address and receives profits from the sale of cocaine.

The affiant has been involved in several hundred search warrant raids in the past. It is this affiants experience that firearms are usually kept on the premises to protect the narcotic traffickers and the narcotics themselves. Wherefore the affiant has probable cause to believe that the above listed items will be found on the premises of 5519 Somerset.

Stan Thomas
AFFIANT

ISSUED UNDER MY HAND AT 9:50 O'CLOCK AM, THIS 20TH DAY OF March, 1991.

APPROVED:

Assistant Prosecuting Attorney
Page Two of Two Pages

[redacted]
Judge of 36 TH District Court
Wayne County, Michigan, and a
Magistrate.

BJW

Not on Register of Actions

No Court Clerk Stamp, Endorsed

Signature Filed Stamp.

01060

Thomas James Shannon
P.35152
1115 E. Seven mile
Detroit Mi. 48203

KYM L. WORTHY
PROSECUTING ATTORNEY

DARYL CARSON
CHIEF OF STAFF

COUNTY OF WAYNE
OFFICE OF THE PROSECUTING ATTORNEY
DETROIT, MICHIGAN

1200 FRANK MURPHY HALL OF JUSTICE
1441 ST. ANTOINE STREET
DETROIT, MICHIGAN 48226-2302

TEL: (313) 224-5777
FAX: (313) 224-0974

July 25, 2022

Valiant White
MDOC #225440
Chippewa Correctional Facility
4269 W. M-80
Kincheloe, MI 49784

Dear Mr. White:

I write in response to your letter received July 21. Yes, I have received your CIU application from Attorney Wolfe.

Sincerely,

/s/ Vnn
Valerie Newman
Director, Conviction Integrity Unit
Deputy Chief, Wayne County Prosecutor's Office

C: Attorney Rachel Wolfe

EXHIBIT 2

Sergeant charged with abuse of overtime

20-year veteran allegedly falsified court appearances

BY GEORGE HUNTER
The Detroit News

Detroit — The fallout from a sweeping investigation into overtime fraud in the Detroit Police Department continued this week with criminal charges filed against a sergeant who allegedly falsified court documents.

The overtime investigation tangentially involves another ongoing probe into corruption in the police department's former Narcotics Section.

Sgt. Myron Weathers, a 20-year police veteran who worked in the drug unit before being transferred to the 9th Precinct, was arraigned Tuesday on charges of False Pretenses, $1,000 or more but less than $20,000. If convicted, he could face up to five years in prison.

"It's alleged that between January 27, 2014, through June 30, 2014, he submitted 29 fraudulent court appearance notices," Assistant Wayne County Prosecutor Maria Miller said Friday. "The allegation is that he falsely claimed he was to appear in federal court, and received payment for it, even though he didn't appear."

Detroit police began investigating allegations of widespread overtime abuse in November, after a supervisor in the department's Homicide Section, Lt. Joseph Tiseo, reported officers were illegally charging the city for time they hadn't worked. The probe later widened to include several other units, Detroit Police Chief James Craig said.

The charges included officers allegedly writing false subpoenas to appear in court so they could collect overtime. Last month, allegations surfaced that Homicide Section officers falsely claimed they had to appear at the lengthy murder trial of Grosse Pointe Park businessman Robert Bashara, who was convicted last year for the murder of his wife, Jane.

Capt. Eric Decker, commanding officer of the Homicide Section, said last month that court time for homicide investigators has dropped 52 percent since the investigation began. Total overtime in the unit is down 14.5 percent this year, he said.

The police department is budgeted for $19.6 million in overtime this year.

Please see Overtime, Page 8A

Sgt. Weathers

Overtime

Continued from Page 4A

"While these are allegations, and due process is afforded, these are the types of allegations that tarnish the badge," Craig said. "We have zero tolerance for this type of behavior."

Weathers' attorney Todd Perkins said the timing of the charges was "interesting."

"We've been involved in a lawsuit, and then he's charged in this criminal proceeding," Perkins said. "The natural tendency is to believe there's something conspicuous about the manner and the timing in which he gets charged, given the civil case. It's just interesting."

Weathers in October 2014 filed a lawsuit against the Detroit Police Department, Craig, Assistant Chief Steve Dolunt and Lt. Charles Flanagan, claiming racism and harassment by white superior officers when he worked in the Narcotics Section, which has been disbanded.

In the suit, Weathers alleges that Flanagan, the former head of the narcotics unit, appointed to a Drug Enforcement Administration Task Force an "unqualified white female officer" who was "rumored to be having an inappropriate relationship" with Flanagan, who is white.

Weathers said in his lawsuit that in February, he filed a discrimination complaint with the Equal Opportunity Employment Commission "claiming that he was retaliated against by his Caucasian superior for questioning the assignment of an unqualified white, female officer to (Flanagan's) crew," according to the 32-page lawsuit, which is seeking more than $25,000 in damages.

Flanagan, now commander of the Organized Crime/Support Section, filed his own EEOC complaint in May, claiming he was the victim of racial discrimination by black superior officers, and that he was subjected to a hostile work environment because he blew the whistle on alleged wrongdoing.

Flanagan told police officials that Weathers took big-screen televisions, a tablet and an Xbox game system confiscated from drug dealers; and that rocks of crack cocaine that hadn't been logged as evidence were found in officers' desks. Flanagan's report in May launched an internal investigation.

Weathers insisted in his suit that he hadn't improperly used the confiscated equipment, and said he "repurposed" the televisions "for training purposes."

Weathers alleged that drugs and other evidence found by members of Flanagan's crew had been mishandled.

These 35 cops in Wayne County have been deemed untrustworthy to testify in court

Posted By Steve Neavling on Thu, Jul 16, 2020 at 2:49 pm

Steve Neavling

Detroit police car.

Wayne County Prosecutor Kym Worthy on Thursday released a list of 35 police officers in Wayne County who have been deemed untrustworthy to testify in court cases.

The names are part of what's called the Brady-Giglio list, named after a pair of U.S. Supreme Court rulings that require police departments and prosecutors to divulge evidence that could help the defense.

The list is a compilation of officers who have committed offenses involving theft, dishonesty, fraud, false statements, bias, or bribery. Some have been fired; others are still on the job.

Of the 35 officers, 27 are from the Detroit Police Department.

"Because trials will begin again mid-August and September, we thought it was important to send this out to our prosecutors and defense attorneys," Worthy says in a statement. "We are taking the additional step of releasing the list to the public, because in an era of criminal justice reform, it just makes sense. We will repeat this process quarterly and expect to release an updated list in September."

Here are the names and the reason they're on the list:

- Chancellor Searcy, DPD, Dishonesty and false statements
- Charles Lynem, DPD, Dishonesty and false statements
- John McKee, DPD, False statement
- Steven Fultz, DPD, False statement
- Nevin Hughes, DPD, False statement
- William Little, DPD, False statement
- Sean Harris, DPD, False statement
- Myron Weathers, Highland Park/DPD, Fraudulent activity
- William Melendez, Inkster, False statement
- Sheila Reed, DPD, Theft and dishonesty
- Kevin Dowe, Wayne County Sheriffs Department, Embezzlement,
- Lashaundra Ferguson, DPD, Fraudulent activity
- Harold Rochon, DPD, Misconduct in office
- Michael Dailey, DPD, Fraudulent activity
- Richard Billingslea, DPD, Obstruction of justice
- Michael Lynch, Harper Woods, Larceny
- Michael Merritt, DPD, Larceny
- Tyrone Kemp, DPD, Fraudulent activity
- Michael Collins, DPD, Fraudulent activity
- Diamond Greenwood, DPD, Obstruction of justice
- Naim Brown, DPD, Bribery
- Christopher Staton, DPD, Fed. conviction
- David Hansberry, DPD, Fed. conviction
- Bryan Watson, DPD, Fed. conviction
- Michael Mosley, DPD, Fed. conviction
- Robert S. Smith, Wayne County Sheriff's Department, Retail Fraud
- Phillip Smith, Lincoln Park, Untruthfulness
- James Fontana, Lincoln Park, Untruthfulness
- Jamil Martin, DPD, Fed. conviction
- Deonne Dotson, DPD, Fed. conviction
- Christopher Fey, Van Buren, Untruthfulness
- Alex Vinson, DPD, Larceny
- Charles Willis, DPD, Fed. conviction
- Anthony Careathers, DPD, Fed. conviction
- Marty Tutt, DPD, Fed. conviction

MICHIGAN

2010707262

CASE NO: 2010707262

COMPLAINT
FELONY

DISTRICT COURT
Judicial Circuit

The People of the State of Michigan

vs

VALIANT LEON WHITE,JR 82-10707262-01

Offense Information
Police Agency / Report No.
82DPNA 1004090398

10058345

Date of Offense
04/09/2010 rw

Place of Offense
N/B LODGE AND CLAIRMOUNT, DETROIT

Complainant or Victim
SGT WEATHERS AND CREW

Complaining Witness
SGT WEATHERS AND CREW

No 36th District Court Clerk Electronic Stamp, Filed, Dated, Timed, Signed. MCL 600.571, MCR 8.119(D)(1) No time of offense. MCL 767.51, MSA 28.992 People v Naugle 152 MichApp 227.

No Probable Cause 4th, 14th Amend.

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: CONTROLLED SUBSTANCE - DELIVERY/MANUFACTURE (COCAINE, HEROIN OR ANOTHER NARCOTIC) 50 TO 449 GRAMS

did, possess with intent to deliver 50 grams or more but less than 450 grams of a mixture containing the controlled substance, cocaine; contrary to MCL 333.7401(2)(a)(iii). [333.74012A3]

FELONY: 20 Years and/or $250,000.00. Unless sentenced to more than 1 year in prison, the court shall impose license sanctions pursuant to MCL 333.7408a.

COUNT 2: CONTROLLED SUBSTANCE - POSSESSION (COCAINE, HEROIN OR ANOTHER NARCOTIC) 50 TO 449 GRAMS

did, knowingly or intentionally possess 50 grams or more but less than 450 grams, of a mixture containing the controlled substance cocaine; contrary to MCL 333.7403(2)(a)(iii). [333.74032A3]

FELONY: 20 Years and/or $250,000.00. Unless sentenced to more than 1 year in prison, the court shall impose license sanctions pursuant to MCL 333.7408a.

2ND OR SUBSEQUENT OFFENSE NOTICE

Although the People are not required to notify the court or defendant of prior convictions that may result in an enhanced sentence, we are voluntarily informing the court that according to our current information, the defendant was previously convicted of violating Possession 1000 or more grams of Controlled Substance MCL 333.7403(2)(a)(i), on or about 07/08/1992, and therefore, upon conviction, may be subject to an enhanced sentence under MCL 333.7413(1). [333.74131]

FELONY: Mandatory life

COUNT 3: CONTROLLED SUBSTANCE - DELIVERY/MANUFACTURE (COCAINE, HEROIN OR ANOTHER NARCOTIC) LESS THAN 50 GRAMS

did, possess with intent to deliver less than 50 grams of a mixture containing the controlled substance heroin; contrary to MCL 333.7401(2)(a)(iv). [333.74012A4]

FELONY: 20 Years and/or $25,000.00. Unless sentenced to more than 1 year in prison, the court shall impose license sanctions pursuant to MCL 333.7408a.

COUNT 4: CONTROLLED SUBSTANCE - DELIVERY/MANUFACTURE MARIJUANA

did possess with intent to deliver the controlled substance marijuana; contrary to MCL; 333.7401(2)(d)(iii). [333.74012D3]

FELONY: 4 Years and/or $20,000.00. Unless sentenced to more than 1 year in prison, the court shall impose license sanctions pursuant to MCL 333.7408a.

COUNT 5: DRIVING - RECKLESS Jury Acquittal

did drive a vehicle upon a highway, I-94 and/or Lodge Fwy, in willful or wanton disregard for the safety of persons or property; contrary to MCL 257.626. [257.626]

MISDEMEANOR: 93 Days and/or $500.00

HABITUAL OFFENDER - SECOND OFFENSE NOTICE

Take notice that the defendant was previously convicted of a felony or an attempt to commit a felony in that on or about 07/08/1992, he or she was convicted of the offense of Possession 1000 or more grams of Controlled Substance in violation of 333.74032A1 in the 3rd Circuit Court for County of Wayne, State of MI;

Therefore, defendant is subject to the penalties provided by MCL 769.10. [769.10]

one and one-half times the maximum sentence on primary offense or a lesser term. The maximum penalty cannot be less than the maximum term for a first conviction.

...OF A FELO... WITH ...TOR VEHICLE ADVISORY

...charged with the commission of a felony in which a motor vehicle was used. If you are convicted and the judge finds ... the conviction is for a felony in which a motor vehicle was used, as defined in section 319 of the Michigan Vehicle Code, 1949 PA 300, MCL 257.319, your driver's license shall be suspended by the Secretary of State. [257.7326]

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 4/10/10 (Date) by:

Heather Lewis P62180

Complaining witness signature

Subscribed and sworn to before me on 4-10-10 (Date) APR 10 2010

Judge/Magistrate/Clerk ... Bar no.

MAGISTRATE MILLICENT SHERMAN

Judge Michael Callahan ordered prosecutor to comply with discovery MCR 6.201(B)(4) on 8/13/10, Complaint Felony, Warrant Felony.

I, Valiant White, recieved copies from my attorney Christopher Quinn II on 8/19/10 at 3:00 p.m.

No record of any testimony used in the probable cause determination exist for this complaint prior to preliminary exam. MCL 764.1a(1), MSA 28.280.1(1), MCR 6.101(B), 6.102(B)

False signature of Complaining Witness. No police in this case signed this complaint. Compare signatures on police reports.

I certify under the penalty of purjry that the foregoing is true and correct.

Executed on 8/19/10

Valiant White

detroit police

CRIS # 10-0106398

PRELIMINARY COMPLAINT RECORD

REPORT ON
STREET ENFORCEMENT

ASSIGNED TO NAME AND BADGE | INCIDENT NO | COMPLAINT NO

PLACE OF OCCURRENCE
☐ON STREET **N/B LODGE FWY-CLAIRMOUNT**

NAME & TYPE OF BUSINESS
Street
TYPE OF BLDG (APT. HOTEL, PRIV RES. ETC)

OCCURRED	DATE	DAY	TIME	CENS
ON OR BTW	**04/09/10**	**FRI**	**6:55P**	**DAY**
AND				SCA
REPORTED TO POLICE				

PERSON REPORTING OFFENSE | TITLE | ADDRESS | PHONE | AGE | R/S

COMPLAINANT'S NAME | ADDRESS | PHONE | AGE | R/S
Sgt. Weathers And Crew | **1300 Beaubien**

WAS COMP WORKING? IF YES – OCCUPATION, BUSINESS NAME & ADDRESS
YES **Police Officer**

WAS COMP INJURED ☐YES ☐NO

METHOD OF ENTRY ☐UNK | METHOD OF ESCAPE ☐UNK | DESCRIBE WEAPON ☐UNK

NO OF PERPETRATORS	DESCRIBE:	MALE	FEMALE	ADULT	JUVENILE	RACE:	BLACK	WHITE	OTHER	TOTAL VALUE:
☐UNK **1**	☐UNK	**1**		**1**			**1**			

NAME

VICTIM PERP RELATIONSHIP | UNITS NOTIFIED | TIME: | DATE:

WERE THE FOLLOWING SOLVABILITY FACTORS PRESENT IN THIS INCIDENT?

ARRESTS		DESCRIPTIONS		WITNESSES		LICENSE NUMBERS		EVIDENCE	
☒YES	☐NO	☒YES	☐NO	☐YES	☒NO	☐YES	☒NO	☒YES	☐NO

A:1 Arrest-Valiant Leon White B/M 6-21-66 of 1650 Oakman Apt #1 Wearing blue jeans and gray thermal shirt
S: Street Enforcement
C: Writer and crew members traveling E/B I-94 from Livernois area obsv a Gray Cadillac plate# 0KCC39 driven b Mr.White traveling at a high rate of speed and varying course of travel without signaling, the vehicle was traveling i heavy traffic and being operated in an unsafe manner. Writer, driver of the raid van, attempted to catch up to thi same vehicle, approaching speeds of 85 mph. Writer contacted marked scout car and advised to make a traffic stop The above subject was stopped by writer and Officers on Northbound Lodge at Clairmont, writer was advised b members of observations of Mr. White's actions. Mr. White was detained, investigated, and placed into custody.
O: See above circumstances
T: Writer recovered below evidence:
#1- E 317128504- $934.00 taken from Mr. White's front right pants pocket. #2- 1993 Cadillac 4 door gray plt # OKC C39, Vin# 1G6CD53X3P4275220, driven by Mr. White.

REPORTING OFFICER	BADGE	COMMAND	ASSGN	FUR
Myron Weathers	**S-1483**	**NARC.**	**CONSP**	
SIGNATURE:				

OTHER OFFICERS INVOLVED	BADGE	COMMAND	FUR
Crew			

SUPERVISOR CHECKING REPORT (PRINT)	RANK	SIGNATURE	COMPUTER ENTRY BY
	Sgt	Myron Weathers	

D.P.D. /108/ C of D—783-RE (Rev. 9-91) (FOUR COPIES TO BE MADE ON EACH PRELIMINARY COMPLAINT RECORD PLUS EXTRAS AS NEEDED) DETROIT POLICE DEPARTMENT

STATE OF MICHIGAN
COUNTY OF KENT
61ST DISTRICT COURT
180 OTTAWA AVE., NW
GRAND RAPIDS, MICHIGAN 49503

August 29, 2014

Bobby Allen Williams #440997
Kinross Correction Facility
16770 South Watertower Drive
Kinchelos, Michigan 49855

RE: People v Bobby Williams
Swearing of warrant – 08FY2623

Dear Mr. Williams,

Your request was received for the transcript of the swearing of this warrant regarding the above case.

It has been reviewed and the transcript is not available.

Sincerely,

Deborah A. Russell
61st District Court
Certified Court Recorder

Neutral
As of: November 16, 2023 6:56 PM Z

Wood v. 36th Dist. Court

Court of Appeals of Michigan

May 18, 2023, Decided

No. 360103, No. 360226

Reporter
2023 Mich. App. LEXIS 3599 *; 2023 WL 3559477

BARI BLAKE WOOD, Plaintiff-Appellee, v 36TH DISTRICT COURT, Defendant-Appellant, and LAWANDA CROSBY and 36TH DISTRICT JUDGE WILLIAM C. MCCONICO, Defendants.BARI BLAKE WOOD, Plaintiff-Appellee, v 36TH DISTRICT COURT, LAWANDA CROSBY, and 36TH DISTRICT JUDGE WILLIAM C. MCCONICO, Defendants-Appellants.

Notice: THIS IS AN UNPUBLISHED OPINION. IN ACCORDANCE WITH MICHIGAN COURT OF APPEALS RULES, UNPUBLISHED OPINIONS ARE NOT PRECEDENTIALLY BINDING UNDER THE RULES OF STARE DECISIS.

Prior History: [*1] Wayne Circuit Court. LC No. 21-005544-CZ.

Wayne Circuit Court. LC No. 21-005544-CZ.

Wood v. 36th Dist. Ct., 2022 Mich. App. LEXIS 1478 (Mich. Ct. App., Mar. 16, 2022)

Core Terms

trial court, chief judge, termination, summary disposition, immunity, allegations, governmental immunity, e-mail, defendants', governmental function, public policy, warrants, wrongful termination, government agency, wrongful termination claim, trial court's decision, intentional torts, federal court, retaliation, appointed, employees, reasons, violate public policy, vicariously liable, appellate review, gross negligence, asserting, approve, moving party, de novo

Counsel: For BARI BLAKEWOOD, Plaintiff - Appellee: DEBORAH L. GORDON.

For 36TH DISTRICT COURT, Defendant - Appellant: CHRISTOPHER M. TREBILCOCK.

For CROSBY LAWANDA,Defendant: CHRISTOPHER M. TREBILCOCK.

Judges: Before: LETICA, P.J., and BORRELLO and CAMERON, JJ.

Opinion

PER CURIAM.

These consolidated appeals[1] involve allegations that defendants, 36th District Court (District Court), 36th District Court Judge William C. McConico, and LaWanda Crosby, wrongfully terminated the employment of plaintiff, Bari Blake Wood, as a magistrate judge for the District Court. In Docket No. 360103, the District Court appeals by right the trial court's order denying the District Court's motion for summary disposition of the claims against it and Crosby on the ground that the District Court and Crosby had governmental immunity. In Docket No. 360226, defendants appeal by leave granted[2] the trial court's order denying in part their motion for summary disposition of Wood's claims on grounds other than governmental immunity. For the reasons explained herein, we reverse the trial court's opinion and order denying defendants' motion for summary disposition, in [*2] part, and remand this case to the trial court for entry of an order dismissing Wood's claims in full.

I. BASIC FACTS

In January 2016, Wood was appointed to be a magistrate in the District Court. The District Court's then chief judge, Nancy Blount, appointed Wood to be the chief magistrate in November 2017.

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[1] ***Wood v 36th Dist Court***, unpublished order of the Court of Appeals, entered May 19, 2022 (Docket Nos. 360103 and 360226).

[2] ***Wood v 36th Dist Court***, unpublished order of the Court of Appeals, entered May 19, 2022 (Docket No. 360226).

Wood alleged that, during her employment as a magistrate, she observed the District Court's personnel commit legal and civil rights violations in criminal cases, which were done at the request of the District Court's administration. More specifically, she alleged that she saw other court personnel approve warrants that, in her view, lacked "crucial legal requirements." She stated that she was also instructed to approve search warrants submitted by certain police officers. Wood alleged that she was subject to numerous complaints by law enforcement officers because she would not "acquiesce in conducting criminal proceedings based on legally deficient warrants." She stated that the District Court's then administrator expressed dissatisfaction with Wood's failure to approve over 100 warrants from July 2018 through September 2018.

Wood alleged that **[*3]** the American Civil Liberties Union (ACLU) sued the District Court in federal court in April 2019, for allegedly habitually violating civil rights. Wood claimed that she was questioned by the District Court in May 2019 about an acquaintance who informed her of the litigation before the ACLU filed its complaint. She also alleged that the District Court was concerned that Wood would testify truthfully when deposed for that litigation.

In November 2019, the Supreme Court appointed Chief Judge McConico to serve as the District Court's chief judge. Wood alleged that Chief Judge McConico disapproved of Wood and decided to remove Wood as chief magistrate even before he assumed the office of chief judge. Chief Judge McConico took over as chief judge on January 1, 2020, and Crosby became the District Court's interim administrator on the same day. Wood alleged that Chief Judge McConico and Crosby fired her on January 9, 2020.

In April 2020, Wood sued the District Court, Chief Judge McConico, and Crosby in federal court. She alleged a *First Amendment* claim, a claim of termination contrary to public policy under Michigan law, and a claim that defendants violated *Michigan's Whistleblowers' Protection Act (WPA), MCL 15.361 et seq.*

In March 2021, the federal court dismissed Wood's **[*4]** claim premised on a violation of the *First Amendment* because her speech activities all occurred as part of her employment as a governmental agent and such speech was not protected by the *First Amendment*. As for the remaining claims under Michigan law, the federal court recognized that it had the discretion to hear those claims under its supplemental jurisdiction, but it declined to do so after having dismissed the only claim for which it had original jurisdiction. For that reason, the federal court dismissed Wood's claims without prejudice.

In May 2021, Wood sued the District Court, Chief Judge McConico, and the District Court's administrator, Crosby, in circuit court for allegedly wrongfully terminating her employment as a magistrate. She sued Chief Judge McConico and Crosby in both their official capacities and as individuals. She alleged that her termination was contrary to public policy, violated the WPA, and amounted to tortious interference with a prospective business relationship. Wood later amended her complaint and withdrew the WPA claim.

Defendants moved for summary disposition in August 2021. Defendants argued that the federal court "conclusively determined a material fact issue"—namely, that Wood's speech **[*5]** was made as part of Wood's job. Defendants maintained that the federal court's resolution of the *First Amendment* claim estopped Wood from arguing that her speech constituted an activity that was protected under Michigan law. They further argued that the federal court in effect determined that there was no causal relationship between Wood's speech and her termination. Defendants maintained that Wood could not relitigate whether she was wrongfully terminated for her speech.

Defendants also argued that Wood's tortious interference claim failed on other grounds. They contended that Wood had no valid expectancy in the chief magistrate position. They also asserted that Chief Judge McConico alone had the authority to terminate Wood's relationship, and, therefore, Crosby had no role in terminating Wood. They maintained that Wood did not allege that either Chief Judge McConico or Crosby acted for their own benefit, which she had to allege in order to establish that they, as agents for the District Court, interfered with Wood's relationship with the District Court. And they further asserted that Wood failed to allege or present evidence to corroborate that they had an improper motive.

Defendants maintained that **[*6]** the trial court had to dismiss Wood's wrongful termination claim because she failed to allege how any defendant was involved or reacted to her alleged refusal to act contrary to law. Wood also failed, they stated, to allege any facts that Chief Judge McConico or Crosby was aware of Wood's involvement in the ACLU litigation or how it came to be that they retaliated against her on the basis of that

litigation. Wood's wrongful termination claim was, they argued, really just a disguised restatement of her federal *First Amendment* retaliation claim. Indeed, defendants stated that there were no allegations against Crosby that established any claims against her because merely delivering a message of termination was not actionable.

Finally, defendants argued that Chief Judge McConico had absolute immunity from suit under *MCL 691.1407(5)*. They similarly argued that Wood failed to plead in avoidance of Crosby's governmental immunity because Wood failed to allege that Crosby was grossly negligent.

In November 2021, the trial court entered its opinion and order denying in part and granting in part defendants' motion for summary disposition. The court determined, in relevant part, that Wood did not adequately allege her claim **[*7]** of tortious interference and dismissed that claim.[3] The trial court further ruled that Chief Judge McConico had absolute immunity for his decision to terminate Wood's employment. The court, however, did not agree that governmental immunity applied to Crosby or the District Court. The court reasoned that further discovery was necessary to determine whether Crosby performed a governmental function and acted with gross negligence in Wood's termination. The court thus concluded that summary disposition of the claim against Crosby was inappropriate. Moreover, the court determined that, if Crosby was found to be grossly negligent, the District Court could then be held vicariously liable for Crosby's gross negligence. For these reasons, the trial court dismissed Wood's tortious interference claim and all the claims against Chief Judge McConico. The court, however, denied the motion to dismiss Wood's claim of wrongful termination contrary to public policy.

In January 2022, the District Court appealed by right the trial court's decision to deny defendants' motion to dismiss the claims against the District Court and Crosby on grounds that they were immune from suit (Docket No. 360103). Defendants **[*8]** appealed by leave granted the trial court's decision to deny their motion for summary disposition premised on grounds other than governmental immunity in February 2022 (Docket No. 360226).

II. JURISDICTIONAL CHALLENGE

In this Court, Wood challenges this Court's decision to grant leave to appeal in Docket No. 360226 for the same reasons that she raised in her answer in opposition to the application. Specifically, Wood argues that the District Court's application was untimely because it was filed more than 21 days after the trial court entered its order denying in part defendants' motion for summary disposition. She also claims that the District Court failed to include several requirements applicable to an application for leave to appeal.

"Whether this Court has jurisdiction to hear an appeal is always within the scope of this Court's review," and this Court must review whether it has jurisdiction even after granting leave to appeal. *Chen v Wayne State Univ, 284 Mich App 172, 191; 771 NW2d 172 (2009)*. This Court's jurisdiction is governed by statute and court rule. See *MCL 600.308(2)(c)*; *MCR 7.203(B)(1)*. Both provide that this Court has jurisdiction to grant leave to appeal interlocutory orders. *Id.*

Although the time limits for an appeal are jurisdictional, see *MCR 7.205(A)*, this Court has jurisdiction **[*9]** to grant a delayed application for leave to appeal for applications filed within six months of the order from which the appeal has been taken. See *MCR 7.205(A)(4)(a)*; *Chen, 284 Mich App at 193*. Even assuming that the District Court's application was untimely under *MCR 7.205(A)(1)(a)*, it was nevertheless within the six-month timeframe provided for delayed applications, see *MCR 7.205(A)(4)(a)*. Therefore, this Court had jurisdiction to grant leave.

Wood also argues that the application for leave was defective as to both Crosby and the District Court because the application for leave did not meet the requirements of *MCR 7.205(A)(4)* (requiring a statement of facts explaining the reasons for the delay) and *MCR 7.205(B)(1)* (requiring the appellant to state how he or she would suffer substantial harm by awaiting final judgment). Unlike the time limits, these criteria are not jurisdictional, and this Court has the discretion to overlook them. See *Hoffman v Security Trust Co of Detroit, 256 Mich 383, 385; 239 NW 508 (1931)* (examining earlier Supreme Court appellate rules and concluding that the act and time of filing an appeal are jurisdictional, but that the "other acts necessary to complete an appeal are not jurisdictional"). Thus, this Court had jurisdiction to grant leave even if defendants failed to comply with those requirements. This Court granted leave over Wood's challenge **[*10]** and Wood has not demonstrated that this Court lacked jurisdiction or otherwise abused its discretion when it granted leave.

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[3] The trial court's decision to dismiss this claim is not at issue on appeal.

Therefore, we reject Wood's jurisdictional challenge.

III. GOVERNMENTAL IMMUNITY

A. PRESERVATION

We first address the District Court's argument that the trial court erred when it denied defendants' motion for summary disposition premised on governmental immunity as to Crosby and the District Court. Wood contends that the District Court failed to adequately preserve these claims of error for appellate review.

In civil cases, Michigan follows "the 'raise or waive' rule of appellate review." See *Walters v Nadell, 481 Mich 377, 387; 751 NW2d 431 (2008)*. Under that rule, litigants must preserve an issue for appellate review by raising it in the trial court. See *Bailey v Schaaf (On Remand), 304 Mich App 324, 344; 852 NW2d 180 (2014)*, vacated in part and lv den *497 Mich 927; 856 NW2d 692 (2014)*. To preserve an issue for appellate review, the party asserting error must demonstrate that the issue was raised in the trial court. See *Glasker-Davis v Auvenshine, 333 Mich App 222, 227; 964 NW2d 809 (2020)*. Moreover, the party asserting error must show that the same basis for the error claimed on appeal was brought to the trial court's attention. See *Samuel D Begola Servs, Inc v Wild Bros, 210 Mich App 636, 642; 534 NW2d 217 (1995)* (noting that the party asserting error objected on relevance, but asserted entirely different errors on appeal, and holding that only the ground for decision **[*11]** actually asserted in the trial court had been properly preserved). If a litigant does not raise an issue in the trial court, this Court has no obligation to consider the issue. *Bailey, 304 Mich App at 344-345*.

Wood argues that the District Court and Crosby did not preserve this claim of error for appellate review because they did not assert governmental immunity as a basis for dismissal in the trial court. The record does not support that assertion. In the trial court, defendants stated that Crosby had the immunity provided under *MCL 691.1407(2)*. They also asserted that Crosby's actions did not amount to gross negligence as a matter of law and did not proximately cause Wood's termination. Defendants made the same argument at the hearing on their motion for summary disposition. Although the District Court did not specifically assert that it should be dismissed from the case because Wood failed to plead in avoidance of its immunity, it was implied that the trial court would have to dismiss the District Court if it determined that the District Court's agents were immune. Additionally, the trial court specifically addressed whether the District Court could be held vicariously liable and determined that there were questions of fact **[*12]** that precluded granting the motion for summary disposition as to Crosby on the ground that she was immune, making it possible that the District Court could also be held liable through vicarious liability. Because the issues were either raised or addressed in the trial court, they were adequately preserved for appellate review. See *Glasker-Davis, 333 Mich App at 227*.

B. STANDARD OF REVIEW

This Court reviews de novo a trial court's decision on a motion for summary disposition. See *Barnard Mfg Co, Inc v Gates Performance Engineering, Inc, 285 Mich App 362, 369; 775 NW2d 618 (2009)*. This Court also reviews de novo whether the trial court properly interpreted and applied the relevant statutes and court rules. *Franks v Franks, 330 Mich App 69, 86; 944 NW2d 388 (2019)*.

C. ANALYSIS

A party may move for "dismissal of or judgment on all or part of a claim" under *MCR 2.116*. See *MCR 2.116(B)*. The moving party may assert as a ground for dismissal that he or she has "immunity granted by law." *MCR 2.116(C)(7)*. The movant may support the motion under *MCR 2.116(C)(7)* with affidavits, depositions, admissions, or other documentary evidence, but is not required to do so. See *MCR 2.116(G)(2)*. "When reviewing a motion under *MCR 2.116(C)(7)*, this Court must accept all well-pleaded factual allegations as true and construe them in favor of the plaintiff." *Dextrom v Wexford Co, 287 Mich App 406, 428; 789 NW2d 211 (2010)*. If the moving party supports a motion for summary disposition under *MCR 2.116(C)(7)* with documentary evidence, this Court analyzes the motion **[*13]** in the same way that it would a motion under *MCR 2.116(C)(10)*. See *Kincaid v Cardwell, 300 Mich App 513, 537 n 6; 834 NW2d 122 (2013)*. The reviewing court must consider the evidence in the light most favorable to the nonmoving party and determine whether the undisputed facts show that the moving party has immunity as a matter of law. *Id. at 522*. If the moving party properly supports the motion for summary disposition under *MCR 2.116(C)(7)*, the burden shifts to the nonmoving party to identify evidence that establishes a question of fact as to whether the moving party has immunity. *Id. at 537*. When there is a question of fact as to whether the employees have immunity, the finder of fact must resolve the dispute. See *Guider v Smith, 431 Mich 559, 572; 431 NW2d 810 (1988)*.

1. THE DISTRICT COURT

The Legislature stated that, except as otherwise provided under the governmental tort liability act (GTLA), MCL 691.1401 et seq., a "governmental agency" of this state is "immune from tort liability if the governmental agency is engaged in the exercise or discharge of a governmental function." MCL 691.1407(1). A governmental agency includes a political subdivision. MCL 691.1401(a). In turn, a political subdivision includes a municipal corporation or a court of a political subdivision. MCL 691.1401(e). The 36th District Court is a court in the city of Detroit, MCL 600.8101, MCL 600.8103(3), and MCL 600.8121a. Therefore, the 36th District Court is entitled to immunity under **[*14]** MCL 691.1407(1). See MCL 691.1401(a) and (e).

An agency's hiring, supervising, and firing of its employees constitutes the exercise or discharge of a governmental function. See Galli v Kirkeby, 398 Mich 527, 537-538; 248 NW2d 149 (1976) (stating that the board's supervision of its employee was a governmental function) (opinion by WILLIAMS, J.); see id. at 542, 545 (stating that supervising employees is a governmental function and agreeing that the board was immune for torts involving its hiring and supervision of employees) (COLEMAN, J., dissenting); see also Bozarth v Harper Creek Bd of Educ, 94 Mich App 351, 353; 288 NW2d 424 (1979) ("The screening, hiring[,] and supervision of teachers is a governmental function."). A claim of wrongful discharge sounds in tort and involves intentional misconduct as one cannot negligently fire an employee with malice. See Phillips v Butterball Farms Co, Inc (After Second Remand), 448 Mich 239, 249, 250 n 27, 252 n 36; 531 NW2d 144 (1995). Moreover, a governmental agency does not cease to perform a governmental function when it performs an otherwise permitted act in an unauthorized manner. See Richardson v Jackson Co, 432 Mich 377, 385-387; 443 NW2d 105 (1989). An act is ultra vires only when the governmental agency lacked the legal authority to perform the act in any manner. See id. at 387; see also Payton v Detroit, 211 Mich App 375, 392; 536 NW2d 233 (1995) (quotation marks and citation omitted) (stating that whether immunity applies to the agency depends on the general nature of an employee's activity rather than the specific conduct alleged to have constituted a tort, and **[*15]** explaining that "[i]t would be difficult to envision any tortious act that would qualify as being part of a governmental function").

The District Court had the authority to terminate Wood's employment as a magistrate; accordingly, its termination of her employment was a governmental function, see Galli, 398 Mich at 537-538, for which it had absolute immunity from tort liability, see MCL 691.1407(1). For that reason, the District Court could not be directly liable in tort for terminating Wood's employment in violation of public policy. See Richardson, 432 Mich at 385-387; MCL 691.1407(1).

The District Court also could not be vicariously liable for the wrongful discharge of Wood by one of its employees. Wrongful discharge involves an intentional act performed in contravention of public policy, see Phillips, 448 Mich at 239, 249, 250 n 27, 252 n 36; see also Suchodolski v Mich Consol Gas Co, 412 Mich 692, 695-696; 316 NW2d 710 (1982) (recognizing an implied cause of action for wrongful termination when the termination would be in violation of a clearly mandated public policy expressed through law), and it is well settled that a governmental agency cannot be held vicariously liable for its employee's intentional torts, see Payton, 211 Mich App at 392-393.

Relying on Malcolm v East Detroit, 437 Mich 132; 468 NW2d 479 (1991), the trial court determined that the District Court could be vicariously liable for Crosby's tort. In that case, our Supreme Court stated that a governmental agency **[*16]** could be vicariously liable for an employee's torts "in those instances when governmental immunity does not apply." Id. at 140. Understood in context, the Supreme Court did not create a vicarious-liability exception to governmental immunity; it recognized that ordinary principles of vicarious liability apply to a governmental agency when there is an exception to the agency's immunity. See id. And this Court has specifically held that, unless an exception to the agency's immunity applies, the immunity provided under MCL 691.1407(1) applies even when the agency's employee could be held personally liable for his or her tort. See Yoches v Dearborn, 320 Mich App 461, 475-477; 904 NW2d 887 (2017).

Wood had the burden to plead in avoidance of the District Court's governmental immunity. See Mack v Detroit, 467 Mich 186, 190; 649 NW2d 47 (2002). Because Wood failed to do so, the trial court should have granted the District Court's motion to dismiss her claim that the District Court could be liable for wrongfully discharging her in contravention of public policy. Accordingly, we reverse the trial court's decision to deny the District Court's motion for summary disposition premised on immunity.

2. CROSBY

The Legislature provided that lower ranking governmental employees have immunity if the employee acted or reasonably believed that he **[*17]** or she was acting within the scope of his or her authority; the employee was engaged in a governmental function; and the employee's act did not amount to gross negligence that was the proximate cause of the plaintiff's injury. See MCL 691.1407(2). The immunity provided under MCL 691.1407(2) applies to negligent acts; and artful pleading cannot transform an intentional tort into one involving negligence. See Smith v Stolberg, 231 Mich App 256, 258-259; 586 NW2d 103 (1998). Because wrongful termination in violation of public policy is an intentional tort, Phillips, 448 Mich at 239, 249, 250 n 27, 252 n 36; Suchodolski, 412 Mich at 695-696, Crosby was entitled to governmental immunity unless the exception to individual immunity for intentional torts applied.

Our Supreme Court has reaffirmed that a governmental employee may be entitled to governmental immunity even for an intentional tort under the common law that existed before the enactment of the GTLA. See Odom v Wayne Co, 482 Mich 459, 472-476; 760 NW2d 217 (2008). The Court explained the test that courts must apply when assessing whether a governmental employee has immunity for an intentional tort under the common law:

> If the plaintiff pleaded an intentional tort, determine whether the defendant established that he is entitled to individual governmental immunity under the *Ross*[4] test by showing the following:
>
> (a) The acts were undertaken during the course of employment **[*18]** and the employee was acting, or reasonably believed that he was acting, within the scope of his authority,
> (b) the acts were undertaken in good faith, or were not undertaken with malice, and
>
> (c) the acts were discretionary, as opposed to ministerial. [Id. at 480.]

In the general allegations of her amended complaint, Wood alleged that, from July to September 2018, the prosecutor's office, the chief judge, and the court administrator expressed dissatisfaction with Wood's refusal to approve deficient warrants. Wood alleged that there was a meeting with outside counsel after the ACLU sued the District Court and that someone questioned her at length about "how she came to learn of the potential for litigation." She asserted that the "attendees" demanded to know the identity of the person from whom she learned about the litigation and demanded to see Wood's phone. Wood alleged that "Defendant's" learned about Wood's upcoming deposition and believed that Wood's honesty would undermine "Defendants' defense" and would "negatively impact their position in litigation." Wood alleged that Crosby "learned" all this "information" at "around" the end of 2019, and she stated that "the Court Administrator notified **[*19]** Plaintiff that Defendant McConico decided to remove Plaintiff from the Chief Magistrate position immediately" because he "disapproved" of Wood. Wood stated that "Defendants terminated Plaintiff's employment" on January 9, 2020.

Wood alleged in her claim for wrongful termination contrary to public policy that she was "expected to acquiesce in violation of laws" concerning the conduct of arraignments and the issuance of warrants, but that she refused to do so. Wood claimed that her "termination was carried out in retaliation" for her refusal to violate law or acquiesce in the violation of law and that her termination "violated clearly established public policy." Wood alleged that her termination was also as a result of her intention to exercise her right to testify truthfully. And she further alleged that the "actions of Defendants, their agents, representatives, and employees were intentional, wanton, willful, malicious and taken in bad faith, in deliberate disregard of and with reckless indifference to the rights and sensibilities of Plaintiff." Those actions, Wood stated, led to her termination.

As an individual employee, Crosby had the burden to establish her immunity as an affirmative **[*20]** defense. See Odom, 482 Mich at 478-479. Crosby did not submit evidence to establish that she had immunity and it does not appear on the face of the allegations that Crosby is entitled to immunity under the test stated in Odom. Wood alleged that defendants as a group fired her. It is clear that Crosby did not in fact fire Wood because, by law, only the chief judge could terminate a magistrate's employment. See MCL 600.8501(3) ("Each [36th District Court] magistrate appointed . . . shall serve at the pleasure of the chief judge of the thirty-sixth district."). Nevertheless, Wood alleged that defendants, which included Crosby, fired her, and that they acted intentionally, maliciously, and in bad faith in violation of public policy. Wood's allegations were sufficient to

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[4] Ross v Consumers Power Co (On Rehearing), 420 Mich 567; 363 NW2d 641 (1984).

defeat Crosby's claim of immunity in the absence of evidentiary support to the contrary.

The trial court did not err when it denied the motion for summary disposition premised on Crosby's immunity.

IV. FAILURE TO STATE A CLAIM

A. STANDARD OF REVIEW

We next address defendants' argument that the trial court erred in several respects when it denied defendants' motion for summary disposition of Wood's wrongful termination claim under MCR 2.116(C)(8). This Court reviews de novo a trial **[*21]** court's decision on a motion for summary disposition. Barnard Mfg Co, 285 Mich App at 369.

B. ANALYSIS

A motion for summary disposition under MCR 2.116(C)(8) tests the legal sufficiency of a claim. See El-Khalil v Oakwood Healthcare, Inc, 504 Mich 152, 159; 934 NW2d 665 (2019). When reviewing such a motion, the trial court must accept all the factual allegations made in the complaint as true and decide the motion on the pleadings alone. Id. at 160. This Court must also accept as true all reasonable inferences from the allegations. See Theisen v Knake, 236 Mich App 249, 252; 599 NW2d 777 (1999). But a complainant's allegations that amount to merely legal or factual conclusions may not be accepted as true on a motion to dismiss. See Stann v Ford Motor Co, 361 Mich 225, 232; 105 NW2d 20 (1960). A motion for summary disposition under this subrule can only be granted when the claim is so clearly unenforceable that no factual development could possibly justify recovery. El-Khalil, 504 Mich at 160.

Defendants spend a considerable amount of time addressing whether and to what extent the trial court erred when it relied on allegations from Wood's earlier complaint when determining whether defendants had established grounds for dismissing Wood's wrongful termination claim under MCR 2.116(C)(8). Defendants' arguments are not well taken.

This Court's review is de novo, and this Court must review the motion in the same way that the trial court was required to review it. El-Khalil, 504 Mich at 159. Because this Court's **[*22]** review is de novo, this Court must conduct its review independently and without any deference to the trial court's assessment. See Wright v Genesee Co, 504 Mich 410, 417; 934 NW2d 805 (2019). Moreover, even if the trial court erred when it considered alternate allegations, this Court would have to affirm the trial court if it nevertheless came to the correct result. See Sabbagh v Hamilton Psychological Servs, PLC, 329 Mich App 324, 345; 941 NW2d 685 (2019) (even if the trial court assigned the wrong reason for granting summary disposition, an appellate court will not disturb the trial court's decision if it reached the correct result). Consequently, it is immaterial whether the trial court incorrectly identified allegations from an earlier complaint.

Defendants also assert that the trial court had an obligation to consider the e-mail from Chief Judge McConico to his predecessor when analyzing whether Wood's allegations stated a claim for wrongful discharge in violation of public policy. When considering a motion brought under MCR 2.116(C)(8), the reviewing court may only consider the pleadings; it may not consider evidence submitted in support of the motion. See MCR 2.116(G)(2) and (G)(5).

Notwithstanding MCR 2.116(G)(2) and (G)(5), there are some written instruments that will be treated as part of the pleadings. "If a claim or defense is based on a written instrument, a copy of the **[*23]** instrument or its pertinent parts must be attached to the pleading . . . ." MCR 2.113(C)(1). If an instrument is required to be attached under MCR 2.113(C)(1), it is part of the pleading "for all purposes," MCR 2.113(C)(2).[5] Nevertheless, even when attached to a complaint, the assertions in an attached written instrument may not be taken as true unless adopted by the plaintiff; that is, the assertions cannot be used as substantive evidence to defeat the plaintiff's claim. See El-Khalil, 504 Mich at 163 (holding that the trial court erred by considering e-mails attached to the complaint as substantive evidence in a motion brought under MCR 2.116(C)(8) because the plaintiff did not adopt the e-mails as true, but only attached them as evidence of the defendants' retaliatory conduct).

In this case, Wood quoted the e-mail at issue in her complaint:

> Five days after he was appointed, on November 27, 2019, Defendant McConico emailed Chief Judge Blount. He stated that as a result of recent meetings regarding his appointment 'it became clear that [he] should receive a copy' of the ACLU's

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[5] The parties refer to MCR 2.116(F)(1) and (2), but the provisions of that court rule were moved to MCR 2.113(C). See 501 Mich ccxciii.

complaint, as he anticipated being named as a defendant upon assuming his new role.

Wood's allegation was limited to asserting two facts: that McConico e-mailed his predecessor and that he stated **[*24]** that he should receive a copy of the ACLU's complaint. Because Wood adopted the e-mail for those allegations, the trial court could consider the e-mail when evaluating the specific allegations involving the e-mail in a motion under *MCR 2.116(C)(8)*. But defendants attempted to use the e-mail to establish as a matter of law that Chief Judge McConico did not have an improper motive for terminating Wood's employment. Wood never alleged any such fact, so the trial court could not use the whole e-mail or e-mail chain as substantive evidence to defeat Wood's claims because Wood did not adopt the e-mails as true. See *El-Khalil, 504 Mich at 163*. Therefore, the trial court did not err to the extent that it refused to consider the e-mail for substantive purposes beyond the allegations adopted by Wood.

In order to assert a claim for wrongful termination contrary to public policy, Wood had to allege that defendants had the authority to terminate her employment, that they actually terminated her employment, and that they did so for reasons contrary to this state's public policy. See *Suchodolski, 412 Mich at 695*. To establish the last element, Wood had to allege that defendants acted in contravention of an explicit legislative statement prohibiting discharge, discipline, **[*25]** or other adverse treatment, or discharged her for refusing to violate state law, or discharged her for exercising a right conferred by a well-established legislative enactment. *Id. at 695-696*.

In her general allegations, Wood alleged that she had been employed as a magistrate with the District Court. She stated that she was instructed to approve warrants for certain officers in 2016, and observed others approve warrants that were deficient throughout 2018. She stated that she refused to do likewise, which led to complaints about her in 2018. She also informed the former chief judge and other magistrates about a conversation in which an acquaintance told her about possible ACLU litigation, and the ACLU subsequently did sue.

Wood alleged that Chief Judge McConico did not assume his office as chief judge and Crosby did not become the court administrator until January 1, 2020. She stated that Chief Judge McConico was "briefed" on the potential problems with Wood before he assumed his office. Wood further alleged that "Defendants"—collectively—"terminated Plaintiff's employment" on January 9, 2020.

In her allegations specific to her claim of wrongful termination, Wood alleged that she was expected to violate **[*26]** the law applicable to warrants and arraignments and that she refused to do so. She stated that her "termination was carried out in retaliation for her failure and/or refusal to violate or acquiesce in the violation of laws." She also asserted that she had a well-established right to testify truthfully and that "Defendants" improperly terminated her because she intended to testify truthfully. She further alleged that the actions of "Defendants" were willful, malicious, and taken in bad faith.

Wood identified a duty that would be actionable under this state's common law: an employer is prohibited from retaliating against an employee for refusing to violate this state's law. See *id. at 695*.[6] Wood's allegation that she was terminated for refusing to issue search warrants and conduct arraignments in a way that was contrary to this state's laws established the link between her conduct and the impermissible retaliation. But Wood did not directly allege that any defendant was her employer or supervisor such that he or she would have had a duty to refrain from retaliating against her under this state's common law.

When evaluating the allegations, this Court must accept as true all reasonable inferences **[*27]** that may be drawn from the allegations. *Theisen, 236 Mich App at 252*. By alleging that she was appointed to be a magistrate for the District Court, it can reasonably be inferred that the District Court was Wood's employer. The allegation that Chief Judge McConico and Crosby assumed their respective offices with the District Court in January 2020 permits an inference that they had some authority to act on behalf of the District Court, but it did not establish what that authority might be. Wood alleged that all defendants terminated her employment, which indicates that Chief Judge McConico and Crosby

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[6] If Wood had limited her claim to an allegation that she refused to "acquiesce" in violations, the result might have been different. The verb acquiesce suggests that others were violating the law and defendants retaliated because Wood would not allow such violations without some form of intervention, which implicates whistleblowing and possible preemption. Wood, however, did not limit her allegations to refusing to acquiesce. She also alleged that defendants retaliated against her for refusing to "violate" those same laws.

were each her employer in addition to the District Court, or that they each had the authority to terminate her employment. That allegation, however, amounted to a factual conclusion that was unsupported by allegations establishing the nature of their authority. For that reason, the conclusion could not be taken as true. See *Stann, 361 Mich at 231-232* (rejecting an allegation that a hospital was a private hospital as a factual conclusion, which could not be accepted as true, because there were no allegations as to the organization, sources of income, purposes, or manner of operation that would support the conclusion); see also *State ex rel Gurganus v CVS Caremark Corp, 496 Mich 45, 63; 852 NW2d 103 (2014)* ("However, conclusory **[*28]** statements that are unsupported by allegations of fact on which they may be based will not suffice to state a cause of action."). Wood failed to allege facts that established that Chief Judge McConico or Crosby had the authority to take an adverse employment action, which would give rise to a common law duty to refrain from doing so in violation of public policy. See *Suchodolski, 412 Mich at 695*. Accordingly, because Wood failed to allege an essential element of her claim for wrongful termination in violation of public policy against those two defendants, the trial court should have granted the motion for summary disposition of the wrongful termination claim as to them under *MCR 2.116(C)(8)*.

Ordinarily, when a court grants summary disposition under *MCR 2.116(C)(8)*, it must give the plaintiff the opportunity to amend his or her complaint to cure the defect unless, in relevant part, amendment would be futile. See *Weymers v Khera, 454 Mich 639, 658-659; 563 NW2d 647 (1997)*. In this case, the District Court and Chief Judge McConico are immune from suit. Additionally, Wood cannot amend her complaint to allege that Crosby had the authority to terminate her because—as a matter of law—magistrates serve at the pleasure of the District Court's chief judge. See *MCL 600.8501(3)*. Consequently, amendment to correct the defect **[*29]** in the allegations would be futile as to Crosby and correcting the defect as to Chief Judge McConico would not avoid his immunity.

For these reasons, the trial court erred when it denied defendants' motion for summary disposition under *MCR 2.116(C)(8)* as to Crosby. Accordingly, we reverse the trial court's decision to deny defendants' motion for summary disposition as to the wrongful termination claim against Crosby.

V. CONCLUSION

The trial court erred when it denied defendants' motion for summary disposition of the claims against the District Court on the ground that the District Court was immune from suit. The trial court also erred when it concluded that Wood adequately alleged a claim for wrongful termination against Crosby. Wood failed to allege that Crosby had any authority to fire Wood and cannot correct that failing because Crosby had no authority as a matter of law. For these reasons, we reverse the trial court's opinion and order in relevant part in both dockets. We further remand this case to the trial court to dismiss Wood's wrongful termination claim against the District Court and Crosby.

Reversed and remanded for entry of an order consistent with our opinion. We do not retain jurisdiction. **[*30]** As the prevailing parties, defendants may tax their costs. See *MCR 7.219(A)*.

/s/ Anica Letica

/s/ Stephen L. Borrello

/s/ Thomas C. Cameron

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