

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

PEOPLE OF THE STATE OF MICHIGAN,

vs

Case No. 19-272593-FC

NICHOLAS MAXIMILLIAN REMINGTON,

Defendant.

---

BOND MOTION

BEFORE THE HONORABLE VICTORIA A. VALENTINE

PONTIAC, MICHIGAN - TUESDAY, MARCH 9, 2021

APPEARANCES:

For the People:                   MARC ANDREW KEAST (P69842)  
Oakland County Prosecutor's Office  
1200 N. Telegraph  
Pontiac, Michigan 48341  
(248) 858-0656

For the Defendant:               NEIL S. ROCKIND (P48618)  
Rockind Law  
36400 Woodward Avenue  
Suite 210  
Bloomfield Hills, Michigan 48304  
(248) 208-3800

Videotape Transcription Provided By:  
Cheryl McKinney, CSMR-5594  
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248-634-3369

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WITNESS

PAGE

(None.)

EXHIBITS:

(None offered.)

1 Pontiac, Michigan

2 Tuesday, March 9, 2021

3 - - -

4 (At 3:34 p.m., proceedings convened.)

5 THE CLERK: Your Honor, now calling the case  
6 People v Remington, 2019-272593-FC.

7 MR. KEAST: Thank you. Marc Keast on behalf of  
8 the People.

9 THE COURT: Thank you.

10 MR. ROCKIND: Neil Rockind, P-number 48618, on  
11 behalf of Nicholas Remington. And we would consent to  
12 this hearing via Zoom and to waiving Mr. Remington's  
13 presence for this proceeding.

14 THE COURT: Thank you.

15 I am in receipt of an order, stipulated order  
16 requesting to reduce bond from \$1 million to 10,000 and a  
17 tether. Correct?

18 MR. KEAST: That is correct, Judge.

19 MR. ROCKIND: Yes, Your Honor.

20 THE COURT: Mr. Keast, why don't you go ahead  
21 and address the bond issue.

22 MR. KEAST: Yes, Judge.

23 As the Court knows, I was assigned the case in  
24 January of this year. I spoke with Mr. Rockind a number  
25 of times regarding some issues regarding discovery I did

1 discover from the beginning, in January, obtained a copy  
2 of the police report from beginning to end, and sent it to  
3 defense counsel. I think January the 28th of 2021, are  
4 what my notes reflect.

5 Counsel and co-counsel, Randy Lewis, went  
6 through the discovery. They made me aware last Tuesday  
7 night that there were two reports in particular that were  
8 not turned over to defense. It appears that those two  
9 reports were in the prosecutor's office possession in  
10 September or October of 2019. In my opinion, those two  
11 reports are exculpatory in nature and should have been  
12 turned over in a timely fashion. They were not.

13 I believe Mr. Rockind and his office may be  
14 filing a motion regarding that. I have suggested my own  
15 remedy to Mr. Rockind. That is included in the stipulated  
16 order, Judge. In my opinion, a remand, at a minimum, is  
17 necessary in this case. That will cause further delay to  
18 this case being adjudicated. Defendant has been in  
19 custody, I believe since the beginning of this case. In  
20 my opinion, the delay, at this point moving forward, is  
21 attributable to the State.

22 So because of that, I do believe that a  
23 stipulated order to the effect that was submitted to this  
24 Court is appropriate in this case. I have informed the  
25 officer in charge, as well as the victim's mother, of the

## Bond change on Remington case, and updated status, PO# 19-65104

Kennedy, Nicole A <kennedyn@oakgov.com>

Mon 3/8/2021 10:22 AM

To: Linda Thom <linda@nobiletravel.com>

Cc: Keast, Marc A <keastm@oakgov.com>

Linda,

Marc Keast just found out over the weekend some information/evidence defendant did not have during the examination. It may require a remand back to the district court, or defense may file a motion to dismiss. Remand would be more appropriate.

Please call Marc so he can explain what the evidence issue is.

However, with this information, the defendant's bond must be modified. Please see the attached order explaining the modifications, I am sure he will post. As of right now he has not, but I have to assume he will, soon.

To get notification when he does post, please register with company called VineLink, once register and defendant posts bond, you will get notice. Our office does not get notice of defendant posting. PLEASE REGISTER AS SOON AS POSSIBLE.

To register can do online or by phone with Vinelink:

1-800-700-7657

Or

<https://www.vinelink.com/#state-selection>

choose state and follow from there. Need defendant full name: Nicholas Maximillian Remington and Date of Birth: 12-10-98

Sorry for the upsetting and urgent email, I left a message also..... I have to step away from my desk for a meeting soon, so I emailed you in case I miss your call back. With this information, register with vinelink and call Marc for the legal issue: his phone number 248-858-0211

And he is cc'ed in this email also.

Sorry for upsetting news, let me know if me to listen to you later,



### OFFICE OF THE PROSECUTING ATTORNEY

County of Oakland | Karen D. McDonald

#### **Nicole Kennedy, Victim Advocate**

Victim Services Section

1200 N. Telegraph Rd.

Bldg. 14E-West Wing

Pontiac, MI 48341

(248) 858-1045

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1 decision that we have made. They both understand the  
2 situation that we're in, Judge.

3 THE COURT: Okay. With regard to the bond  
4 conditions, for some reason it won't let me scroll down on  
5 the proposed order. Read me the bond conditions.

6 MR. KEAST: Mr. Rockind, do you have that in  
7 front of you?

8 MR. ROCKIND: I do.

9 Your Honor, I'm going to, if you don't mind, I'm  
10 actually in a sweatshirt.

11 THE COURT: That's fine.

12 MR. ROCKIND: So with permission -- I mean, I  
13 can come on if you want the video or I could just do an  
14 audio feed. It's entirely up to you. I hope you don't  
15 mind if I -- it's really up to you. I just don't want to  
16 offend the decorum of the court by appearing in a  
17 sweatshirt.

18 THE COURT: I am more than aware of the fact  
19 that I gave you about five minutes to choose to go on --

20 MR. ROCKIND: Mine says "Family is everything,  
21 hustle all day," or something like that.

22 THE COURT: Whatever you're comfortable with,  
23 Mr. Rockind.

24 MR. ROCKIND: Oh, I don't mind appearing, I  
25 mean, it's fine, I just didn't want to, you know, to

1           undermine the solemnity of the court proceedings.

2                     THE COURT:  No, I'm fine with that, sir.

3                     MR. ROCKIND:  So the bond conditions currently,  
4           according to the order, proposed, order, will reduce the  
5           bond to a \$10,000 cash surety, no 10 percent bond.

6           Mr. Remington will be subject to global position  
7           electronic monitoring and home confinement.  We envision  
8           that that will involve one specific tether unit, and the  
9           purpose of that tether unit would be that he would be on  
10          home confinement.  The tether unit will have the ability  
11          to track his global positioning if he's permitted to leave  
12          for any of the permitted travel.  And I don't mean travel  
13          out of state, I mean travel from his home other than --

14                     THE COURT:  Right, to meet with you and  
15           something else, right?

16                     MR. ROCKIND:  I'm sorry?

17                     THE COURT:  Is that to meet with you?

18                     MR. ROCKIND:  To meet with us, to meet at my  
19          office.  And we will certainly give Pretrial Services my  
20          office address.  And if he has any scheduled medical and  
21          dental visits.  And if those are -- if he has those, we'll  
22          of course provide proof or verification that he has them  
23          in advance and that he attended them after.

24                     He's a student at the University of Michigan and  
25          he will be able to attend college university via virtual

1 classes but not actually go to campus or go to a college  
2 campus. So he will be on what is the equivalent of home  
3 confinement other than for what I would call essential --  
4 for some essentials. And those essentials are specified  
5 as lawyer's office, doctor's office, dentist's office.  
6 After that, he's going to be at home.

7 He's not to have contact with anybody who is  
8 identified as a witness in the case. He shall be  
9 prohibited from the use of any controlled substances or  
10 alcohol. And he will -- and he's prohibited from the use  
11 of social media.

12 I didn't want to get into, I can if the Court  
13 wants me to get into the Brady issues, but they're really  
14 -- I alluded to them once during our last pretrial  
15 conference. I think I alluded to them in a letter  
16 regarding the status of the case --

17 THE COURT: I read everything. I'm pretty  
18 familiar.

19 MR. ROCKIND: Okay. No doubt. And there's  
20 more, and we have some motions to file. The purpose of  
21 today is because we anticipate that there could be some  
22 delays related to this issue, and as a result we are  
23 stipulating to a reduction of Mr. Remington's bond.

24 THE COURT: Are you also stipulating to go back  
25 down to the district court for a preliminary exam?

1 MR. ROCKIND: No, not at this point, Your Honor.

2 THE COURT: Okay.

3 MR. ROCKIND: I know the People -- if you'll

4 permit me to say this. Mr. Keast and I have had a lot of

5 conversations back and forth about this case. I attempted

6 to apprise Mr. Keast of what I believe were some of the

7 disclosure issues. He has been -- he has been, I think,

8 patient and diligent and has been responsive to what I

9 have -- what I have advised him I believe to have

10 occurred. And he's, I think, done his own investigation

11 to look into that.

12 I think the disagreement at the moment is -- I

13 don't even know if the disagreement is to the extent of

14 it. I think the real disagreement at the moment is

15 probably of what is the remedy. We have a view of what

16 the remedy is. The State has a view of what the remedy

17 is. And I think that's going to -- that may have to be

18 fleshed out in some kind of a motion. And we've got a

19 motion to -- a couple of motions that we're prepared to

20 file.

21 MR. KEAST: If I might just add on to that,

22 Judge. That is why that sentence is included about a

23 potential remand, because defense is not prepared to

24 stipulate, and that's fine. But I would agree with

25 Mr. Rockind, I think the disagreement at this point -- and

1 I say "this point" because as I come into this case, I  
2 come in with, I guess, a fresh look, and I'm open to  
3 really everything; as I discover things I speak with Mr.  
4 Rockind. But I think at this point we have a disagreement  
5 as to the ultimate remedy, so that is why -- the remand is  
6 one potential, but either way I believe there will be  
7 additional delay in this case.

8 THE COURT: Okay. Couple things. I can't pull  
9 this up at all. I have to restart my computer.

10 The bond conditions, I want there to be no drug  
11 paraphernalia. No drugs. Not being around anybody with  
12 regard to drugs. I know it's only to leave the home, but  
13 I don't want people coming there either.

14 MR. ROCKIND: Can we just add, so I have -- we  
15 can add it to the proposed order. So no drug  
16 paraphernalia. Okay.

17 THE COURT: No drugs.

18 MR. ROCKIND: Right, we have that.

19 THE COURT: No one -- not be around anybody who  
20 is using any illegal substance.

21 MR. ROCKIND: Okay, not to be --

22 THE COURT: No contact with anybody.

23 MR. ROCKIND: It says not to be in the company  
24 or presence of someone using illicit drugs --

25 THE COURT: Possession, not just using.

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MR. ROCKIND: Possession, okay.

THE COURT: Does he have a criminal record?

MR. ROCKIND: He does, Your Honor. He's actually -- he's on -- this is -- he's on probation to Judge Poles. So he's on HYTA probation to Judge Poles. There's a bond in that case.

THE COURT: There's a bond?

MR. ROCKIND: There is a bond in that case, correct.

THE COURT: And what was the case for?

MR. ROCKIND: I believe that was a possession case. But I don't, you know, I don't want to speak out of turn, because I don't represent him in that case. I haven't. Mr. Lewis did.

MR. KEAST: It looks like a possession of controlled substance, that's correct.

THE COURT: User or dealer?

MR. ROCKIND: It was a possession case. It was not (indiscernible).

MR. KEAST: That's correct.

THE COURT: Twenty-five or less?

MR. KEAST: From the charge code, I can't tell if it was 25 or less for the cocaine or heroin, or if it was just a controlled substance, which could be methamphetamine or any other type of drug. I'm going to

1 see if I can find that out.

2 THE COURT: Mr. Busch, Mr. Soba [ph], can you  
3 pull that case and give me a case number?

4 THE CLERK: Do you happen to know what year that  
5 was filed?

6 MR. ROCKIND: I can tell you in one second.  
7 Give me a second here.

8 Judge, to be frank with you, I have not looked  
9 at Mr. Remington's criminal history in a very long time.

10 THE COURT: That's okay.

11 THE COURT: I believe there may have been some  
12 misdemeanors, but I don't want -- again, I don't --

13 MR. KEAST: I have a CCH now.

14 MR. ROCKIND: Okay. I don't want to misstate  
15 something. I'll rely on what the prosecutor has to say  
16 about that.

17 MR. KEAST: It looks like we have a conviction  
18 of an ordinance violation, destruction of personal  
19 property -- I'm sorry, that was dismissed. In 2018, a  
20 trespass, misdemeanor trespass, out of Northville  
21 Township. In 2017, there were two counts of possession.  
22 One was possession of analogs. Judge, that tells me it  
23 could be anything from an amphetamine pill, Vicodin,  
24 Xanax, of the like. As well as a possession of marijuana.  
25 Those were both from 2017. Both have been taken under

1 74-11 status. And I believe he was on probation for those  
2 offenses, if I'm not mistaken.

3 MR. ROCKIND: Then, you know what, you can be  
4 right, it would be 74-11 as opposed to HYTA. Again, I  
5 didn't handle -- I haven't appeared on that case, and so  
6 I'll rely on whatever Mr. Keast says is his criminal  
7 history.

8 MR. KEAST: That's from this court, so that  
9 would make sense.

10 THE COURT: Can you read me -- was that  
11 everything, Mr. Rockind, with regard to what's on the bond  
12 order?

13 MR. ROCKIND: That's everything that we had on  
14 our proposed stipulation. The remaining -- I should add,  
15 Judge, that there's an additional provision at the bottom  
16 which says all other bond conditions imposed by the  
17 52-1 District Court shall remain in place. And I could  
18 try to pull up that bond order. Again, I didn't look at  
19 it very carefully at the time because -- in fact, let's  
20 see if I have it here.

21 I do have it in front of me. I can share it, if  
22 you want to see it, Judge.

23 THE COURT: Yeah, can you share it?

24 MR. ROCKIND: I can.

25 THE COURT: You're going to have to refile your

1 stip, too, because with the change I just indicated, it's  
2 not even letting me log back in to pull it out.

3 MR. ROCKIND: Can you see this?

4 THE COURT: Yep.

5 MR. ROCKIND: So this is from this case. I can  
6 blow it up if you want, but Nicholas Remington --

7 THE COURT: (Indiscernible).

8 MR. ROCKIND: Yes, ma'am.

9 So it was no contact with the family of Denis  
10 Preka or any witnesses. Standard conditions here,  
11 Pretrial Services, no new offenses, drug tests, GPS tether  
12 prior to release, no contact with witnesses.

13 THE COURT: I think there's a couple more  
14 witnesses that aren't named on there.

15 MR. KEAST: That must have been from the initial  
16 witness list --

17 MR. ROCKIND: That was from the -- this was  
18 actually at his arraignment. So I would -- I would -- I  
19 think that an appropriate order is going to prohibit him,  
20 as it would, I think, any defendant, from having contact  
21 with any listed witness. And there's an information  
22 that's filed which contains a list of the witnesses and  
23 we'll certainly reference that, if we need to, in an  
24 additional order.

25 THE COURT: Yeah, but don't you have an issue

1 because the prosecutor's office, you're indicating, didn't  
2 disclose certain witnesses; isn't that, Mr. Keast, what  
3 you were indicating?

4 MR. KEAST: Not witnesses, Judge, material.

5 MR. ROCKIND: So to give the Court just -- I'm  
6 going to give the Court as much of an impartial thumbnail  
7 sketch as I can. There's a couple of -- there's a couple  
8 of potential -- so one is Detective Balog. He's at the  
9 center of one of these issues. There's not going to be  
10 any contact with Detective Balog. He's the officer in  
11 charge of the case.

12 The other was an investigator from -- who's part  
13 of a disclosure issue that we've raised before, who I  
14 believe was a now-retired investigator from the  
15 prosecutor's office. His name is Terry Healey [ph]. I  
16 don't foresee there being any contact between a private  
17 investigator, or an investigator who used to work for the  
18 prosecutor's office, having any contact with Mr. Remington  
19 voluntarily one way or the other.

20 The issues that are now the subject to our  
21 motions and of this stip and order relate to Snapchats  
22 that came from Mr. Remington's, or I should say the  
23 account that was identified as Mr. Remington's account,  
24 while he was in jail and could not have sent them. And so  
25 that information is the information --

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THE COURT: Okay.

MR. ROCKIND: And there was a lot of information that Mr. Keast and I have talked about. There were actual Snapchats. There were search warrants and affidavits. There were letters written to Snapchat. There was investigation into it. There were disclosures. None of that was provided to us during the preliminary examination when these issues were being litigated and during the subsequent year up until Your Honor taking over the -- I should say Your Honor being assigned to the case.

And I think more importantly, Mr. Keast taking over the case, and he and I having frank conversations about the Brady issues that I was concerned about and Mr. Keast just doing a total review of the file and delivering to us what he had. So it's not really any witnesses that weren't identified, I think it's more that there was evidence, exculpatory evidence that was not disclosed to the defense during the preliminary examination, during the original motion filings, including our motion to quash and the State's response to the motion to quash, that were not disclosed that I think we agree -- well, I want to state, I believe that could have made a difference in the outcome of the decision of the magistrate. I'm not saying it would have, but it certainly -- so one of the issues we're addressing -- so I

1 don't think that -- I don't think that's going to be an  
2 issue. There's no new witnesses that were identified with  
3 whom he could have, Mr. Remington could have contact.

4 THE COURT: Okay. You have on there, no social  
5 media?

6 MR. ROCKIND: We have no social media on there.  
7 Mr. Keast believed that that was an important condition.  
8 And I had a suspicion that the Court would probably  
9 prohibit Mr. Remington, if it were inclined to grant the  
10 order, to prohibit social media because, look, freedom is  
11 more important than social media.

12 THE COURT: Right. So with regard to the social  
13 media by his own act or a third party's. I don't want any  
14 -- anything out there with regard to social media at all.  
15 And I know that he's going to have to use a computer,  
16 you're indicating, for his classes --

17 MR. ROCKIND: Let me be frank. I mean, I know  
18 some of these conditions sometimes are not -- I think  
19 they're difficult to enforce. But we take very seriously  
20 the fact that Mr. Remington has the potential to be  
21 released on bond throughout the pendency of the case. I  
22 know that's not an easy decision that's reached by the  
23 prosecutor's office. I don't think it's an easy decision  
24 that is to be reached by the Court and agreeing to the  
25 stipulated order.

1                   We're going to make sure that Mr. Remington is  
2 aware of that when -- when we're referring to social  
3 media, we mean, you know, nothing; not doing it, not  
4 asking someone to do it. And I have a -- I just think  
5 that if there was a hint that Mr. Remington was directing  
6 others to post on social media that it would -- there are  
7 enough people that are watching what Mr. Remington is  
8 doing or watching the case that I think that it would get  
9 discovered.

10                   THE COURT: You said he's in school at U of M?

11                   MR. ROCKIND: He goes to University of Michigan,  
12 correct.

13                   THE COURT: Okay.

14                   MR. ROCKIND: Ann Arbor.

15                   THE COURT: Anything else that you want to  
16 state, Mr. Keast?

17                   MR. KEAST: No, Judge. I appreciate the  
18 opportunity to amend the order on the record here today.  
19 I agree with everything that we have in the stipulated  
20 order and everything the Court has said as well.

21                   THE COURT: Okay. I do need a new order and I  
22 need --

23                   MR. ROCKIND: (Indiscernible), Your Honor, for  
24 us to, for Mr. Keast and I to work on that now? I can  
25 send it to him via DocuSign, or if he's more comfortable

1 preparing, amending it and sending it to me and I can  
2 DocuSign and we can get it to the Court?

3 THE COURT: Yeah, that's fine. My issue is, can  
4 you send it both via the upload and email it to my staff?

5 MR. ROCKIND: Yes.

6 THE COURT: It's not letting me in my signing  
7 mechanism at all.

8 MR. ROCKIND: Your Honor, just so you know, that  
9 was how I wanted to do it originally, I wanted to send you  
10 the stip and order to your chambers and I -- and I was  
11 told to just file -- I'm not blaming your staff. I mean,  
12 I'm sure you guys are inundated with all kinds of stuff.

13 THE COURT: No, no, no, no, that's how we would  
14 choose to do it, I just have -- there's some issue going  
15 on where it's not letting me into the document at all.

16 MR. ROCKIND: Can we review, just so -- because  
17 I'm going to type up the order as soon as I get off the  
18 phone. Can we just review what the additional conditions  
19 are besides what's on the stip and order? So I have no  
20 drug -- additionally, besides what's already on there, no  
21 drug paraphernalia, no drugs, not to be in the company or  
22 presence of anyone using and/or possessing illicit drugs.  
23 What else, just so I --

24 THE COURT: I hate to lawyer it up, but just, I  
25 mean, as far as the defendant in this case, I don't want

1 him to be in possession of any drugs either, not just  
2 using or paraphernalia, but no possession of any drugs  
3 whatsoever as well.

4 MR. ROCKIND: We will reiterate no possession or  
5 use by defendant.

6 THE COURT: And then not in the presence of  
7 anybody in possession, use. I actually don't want him --  
8 I want him on home arrest, I'm just having a caveat in  
9 case someone comes to his home, that they say, well, it's  
10 my parents' friend or something.

11 MR. ROCKIND: Got it. Okay.

12 THE COURT: Cousin or whatever.

13 MR. ROCKIND: And then we have the no use of  
14 social media, and we have the -- do you want -- Judge,  
15 there's provisions within the 52-1 District Court order  
16 that require him to test four times a week for alcohol and  
17 drugs. He would have to leave the house to do that. Is  
18 that a condition that you still want to be in place?

19 THE COURT: Yeah.

20 MR. ROCKIND: Okay. And Pretrial Services  
21 monitoring.

22 THE COURT: Yeah. So that means tether from  
23 them. And I don't know if they tether him before he gets  
24 out.

25 MR. ROCKIND: I think they do, don't they? I

1 mean, that's --

2 THE COURT: Depends if it's Pretrial Services or  
3 MDOC, right, Mr. Keast?

4 MR. ROCKIND: I don't think it would be an MDOC  
5 tether because he's not in prison, so I think it'd have to  
6 be -- it'd have to be Pretrial Services.

7 MR. KEAST: If it's a condition they'll tether  
8 him before he's let out.

9 MR. ROCKIND: I think they won't let him out of  
10 the jail without a tether.

11 THE COURT: Okay. I don't know what his other  
12 bond conditions were, of the other case.

13 Did he VOP on that case, then?

14 MR. KEAST: The violation is a result of --

15 MR. ROCKIND: This is the basis for the  
16 probation violation, this charge.

17 THE COURT: I know, but has he gone in front of  
18 the judge on a VOP?

19 MR. ROCKIND: He's gone in front of Judge Jarbou  
20 and that case has been adjourned for the pendency of --  
21 the outcome of this case.

22 THE COURT: Okay. Yeah, so the only reason I  
23 want you to send me that order two ways is because I can't  
24 get into the system, which I normally would not tell you  
25 to email it at all because --

CR No: 190015581-014

Report Type:  
Follow-Up ReportOfficer:  
NOBALOGS (00214)

014

## NOVI POLICE DEPARTMENT

45125 W. 10 MILE RD.  
NOVI MI 48375  
248.348.7100

## Case Report

## Administrative Details:

CR No <b>190015581-014</b>	Subject <b>Remington Snap Chat 05/26/2021</b>
Report Date/Time <b>03/19/2019 09:11</b>	Occurrence Date/Time <b>From: 03/19/2019 03:00 To: 03/19/2019 09:05</b>
Location <b>23132 MEADOWBROOK RD</b>	Call Source <b>Assoc/Clone</b>
Dispatched Offense <b>L3540 Defibrillate - NO</b>	Verified Offense <b>0996 Deliver Controlled Substance Causing Death</b>
OIC <b>Balog, Steve (NOBALOGS-00214)</b>	OIC Contact Number
County <b>63 - Oakland</b>	City/Twp/Village <b>62 - Novi</b>
Division <b>Investigations</b>	
Report Type <b>Follow-Up Report</b>	
Created By <b>STEVE BALOG</b>	Created Date/Time <b>05/27/2021 10:36 AM</b>

## Narrative:

REMINGTON SNAP CHAT: On 05/26/2021 I, Detective Balog received an email from Jamie Thom, (Dennis Preka's Step-father). The email contained an attachment that Thom had been given by a friend of Dennis. The attachment was a photo from HULKOLAS snap chat account which showed a real photo image of Nicholas Remington with several cartoon emojis surrounding him, and the words NEW COURT ORDER- Prosecutor hid evidence September 2019. Took u long enough. Nice job tryna pin me CORRUPTASS Oakland county. Dis case boutta get dismissed boyyyy!!! Remyboyz be bak in dis bitch soon my fellow fools. Jussrunit A? See attached copy of the snap chat. The snap appears to have come from Remington's HULKOLAS Snap Chat, however; the author of the snap is unknown.

NOTE: A photo copy of this new snap chat was added to the evidence file in this case.



Hulkolas

4m ago



OBJECT!



NEW COURT ORDER - Prosecutor hid evidence September 2019. Took u long enough. Nice job tryna pin me  
CORRUPTASS Oakland county. Dis case boutta get dismissed boyyyy!!! Remyboyz be bak in dis bitch soon my fellow fools.  
Jussrunit A?

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MR. ROCKIND: I will do it now.

THE COURT: Okay.

MR. ROCKIND: So I'm going to do exactly what we added with the conditions that you have here.

THE COURT: Okay. And Mr. Keast, you're in agreement with all the conditions and you're stipulating, it's your stipulation with regard to reducing the bond from the million to 10,000?

MR. KEAST: That's correct, Judge.

THE COURT: Okay. With the tether. Okay. Okay, thank you.

MR. ROCKIND: Thank you very much, Judge.

(At 3:55 p.m., proceedings concluded.)

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CERTIFICATION

I certify that this transcript, consisting of 22 pages, is a true and accurate transcription, to the best of my ability, of the video proceeding in this case before the Honorable Victoria A. Valentine on Tuesday, March 9, 2021, as recorded by the clerk.

Videotape proceedings were recorded and were provided to this transcriptionist by the Circuit Court and this certified reporter accepts no responsibility for any events that occurred during the above proceedings, for any inaudible and/or indiscernible responses by any person or party involved in the proceedings, or for the content of the videotape provided.



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/s/ Cheryl McKinney, CSMR-5594  
About Town Court Reporting, Inc.  
248-634-3369

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

v

CR 2019-272593-FC  
HON. VICTORIA VALENTINE

NICHOLAS MAXIMILLIA REMINGTON,

Defendant.

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KAREN D. McDONALD (P59083)  
OAKLAND COUNTY PROSECUTING ATTORNEY  
1200 NORTH TELEGRAPH ROAD  
PONTIAC, MI 48341

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NEIL S. ROCKIND (P48618)  
36400 WOODWARD AVE., STE. 210  
BLOOMFIELD HILLS, MI 48304  
ATTORNEY FOR DEFENDANT

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**PEOPLE'S BRIEF IN RESPONSE TO DEFENDANT'S SUPPLEMENT TO MOTION  
TO QUASH AND DISMISS WITH PREJUDICE**

**STATEMENT OF FACTS AND PROCEDURAL HISTORY**

This case was bound over on the charge of Delivery of a Controlled Substance Causing Death after preliminary examinations conducted in the 52-1 District Court on September 27, 2019, and October 16, 2019. Defendant filed a motion to quash on January 21, 2020. The People filed a response on March 16, 2020. Judge Alexander did not rule on the initial motion to quash and that is still pending before this Court. Undersigned Assistant Prosecuting Attorney was assigned this case on January 4, 2021. Former Assistant Prosecuting Attorney Beth Hand filed the initial response to Defendant's motion to quash and included a statement of facts. The People rely upon that portion of the brief and incorporate that herein. Defendant has also filed a motion to dismiss with prejudice. Both of Defendant's motions are based upon the same argument – that the

previously assigned Assistant Prosecuting Attorney failed to disclose certain pieces of exculpatory evidence. As such, this responsive pleading addresses both claims to avoid duplicative pleadings.

Defendant has provided a "scorecard," of the individuals in each of his motions to alert this Court to the parties involved in what has been stated as an attempt to provide context. While not disclosing all communications between undersigned Assistant Prosecuting Attorney and counsel for the Defendant, the People believe it is necessary to provide its own recap of relevant dates and contacts. The following information is submitted to this Court under information and believe that all are true and accurate:

**January 4, 2021:** Undersigned Assistant Prosecuting Attorney was assigned this file. A phone call was placed to defense counsel sometime between that date and January 6, 2021. Defense counsel followed up with the email attached to his motion as Exhibit A.

**January 6, 2021 – January 27, 2021:** In response to concerns expressed by defense counsel in his letter, undersigned A.P.A. contacted Detective Balog, the officer in charge of the investigation, to obtain a complete copy of all police reports so all parties could be assured discovery was complete.

**January 28, 2021:** A complete copy of the Novi Police Department report was obtained.

**February 3, 2021:** A packet of discovery, including supplemental reports #9 and #10 were mailed to defense counsel.

**February 11, 2021:** A pretrial conference was held before this Court. Defense counsel stated that he would be filing a motion regarding information learned through the discovery tendered.

**March 2, 2021:** Phone conversation occurred between undersigned A.P.A. and defense counsel. Defense counsel stated that he had never received supplemental reports #9 and #10, nor did former A.P.A. Hand disclose the contents of those reports to him.

**March 3, 2021:** Undersigned A.P.A. confirmed defense counsel's assertion that those reports were not included in any proof of service filed with either the District or the Circuit Court.

**March 5, 2021:** Undersigned A.P.A. had a phone conversation with defense counsel. Undersigned A.P.A. stipulated to the bond order signed by this Court on March 9, 2021, and suggested a remand to the District Court to cure any defect/violation incurred by nondisclosure of evidence referenced in supplemental reports #9 and #10.

STATE OF MICHIGAN  
IN THE OAKLAND COUNTY CIRCUIT COURT

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

vs.

CASE #: 2019-272593-FC  
Hon. Victoria A. Valentine

NICHOLAS REMINGTON,

Defendant.

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KAREN MCDONALD (P59083)  
PROSECUTING ATTORNEY  
Oakland County Prosecutor's Office  
1200 North Telegraph Road  
Pontiac, MI 48341  
(248) 858-1000

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NEIL ROCKIND (P48618)  
ROCKIND LAW  
Attorneys for Defendant  
36400 Woodward Ave. Ste. 210  
Bloomfield Hills, MI 48304  
(248) 208-3800

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**STIPULATION TO MODIFY DEFENDANT'S BOND STATUS  
AND FOR THE IMPOSITION OF CONDITIONS OF PRE-TRIAL RELEASE**

NOW COMES the State of Michigan and Nicholas Remington, by their through their respective counsel, and hereby stipulate to the following facts and relief:

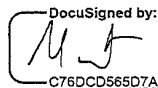
1. Mr. Remington was bound over to the Oakland County Circuit Court on October 16, 2019 following a multiple day preliminary examination before the Hon. Travis Reeds;
2. At the time of the bind over decision, Mr. Remington's bond had been fixed at One Million (\$1,000,000.00) Dollars Cash/Surety;
3. The interests of justice warrant an immediate reduction of Mr. Remington's bond;
4. Evidence disclosed to the defense by the undersigned Assistant Prosecuting Attorney, which was not disclosed by the previously assigned Assistant

Prosecuting Attorney, may necessitate a remand to the District Court and/or further litigation that must commence prior to a trial;

5. This will cause further delays to this case;
6. Any delay pertaining to the aforementioned evidence shall be attributable to the State;
7. Accordingly, in the interests of justice, the parties stipulate to the following bond and conditions of pretrial release that shall take place immediately:
  - a. Defendant's bond shall be set at \$10,000.00 cash/surety;
  - b. Defendant shall be subject to GPS/Electronic Monitoring/Home Confinement;
  - c. Defendant shall be prohibited from the use of social media;
  - d. Defendant shall be permitted to go to his lawyer's office, medical and dentist visits/appointments; and,
  - e. Defendant shall be permitted to attend college or university via virtual classes.
  - f. Defendant shall have no contact with anyone who may be a witness in this case.
  - g. Defendant shall be prohibited from the use of any controlled substances and/or alcohol
  - h. All other bond conditions imposed by the 52/1 District Court shall remain in place.

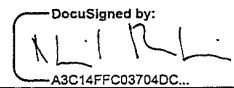
SO STIPULATED:

DATE: 3/7/2021

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ASSISTANT PROSECUTOR

DATE: 3/7/2021

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COUNSEL FOR DEFENDANT

IT IS SO ORDERED:

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HON. VICTORIA VALENTINE    DATE:  
CIRCUIT COURT JUDGE

STATE OF MICHIGAN  
IN THE OAKLAND COUNTY CIRCUIT COURT

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

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CASE #: 2019-272593-FC  
Hon. Victoria A. Valentine

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---

**STIPULATION TO MODIFY DEFENDANT'S BOND STATUS  
AND FOR THE IMPOSITION OF CONDITIONS OF PRE-TRIAL RELEASE**

NOW COMES the State of Michigan and Nicholas Remington, by their through  
their respective counsel, and hereby stipulate to the following facts and relief: <sup>pursuant to the record</sup>  
made on 3/9/2021

1. Mr. Remington was bound over to the Oakland County Circuit Court on  
October 16, 2019 following a multiple day preliminary examination before the  
Hon. Travis Reeds;
2. At the time of the bind over decision, Mr. Remington's bond had been fixed  
at One Million (\$1,000,000.00) Dollars Cash/Surety;
3. The interests of justice warrant an immediate reduction of Mr. Remington's  
bond;
4. Evidence disclosed to the defense by the undersigned Assistant Prosecuting  
Attorney, which was not disclosed by the previously assigned Assistant

Prosecuting Attorney, may necessitate a remand to the District Court and/or further litigation that must commence prior to a trial;

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  - a. Defendant's bond shall be set at \$10,000.00 cash/surety;
  - b. Defendant shall be subject to GPS/Electronic Monitoring/Home Confinement;
  - c. Defendant shall be prohibited from the use of social media;
  - d. Defendant shall be permitted to leave his premises only to his lawyer's office, medical and dentist visits/appointments and as stated in e.;
  - e. Defendant shall be permitted to leave his premises for court ordered drug and alcohol testing as required and when required by the Court or Pre-Trial Services;
  - f. Defendant shall be permitted to attend college or university via virtual classes;
  - g. Defendant shall have no contact with anyone who may be a witness in this case.
  - h. Defendant shall be prohibited from the use of any marijuana, controlled substances and/or alcohol
  - i. Defendant shall not possess any illegal or non-proscribed drugs and/or drug paraphernalia;
  - j. Defendant shall not be in the presence of or company of anyone in possession of illicit drugs or drug paraphernalia;
  - k. All other bond conditions imposed by the 52/1 District Court shall remain in place including but not limited to:
    - i. Defendant shall enroll with PreTrial Services within 24 hours of release from custody and shall be supervised by PreTrial Services and in compliance with their rules; and,
    - ii. Defendant shall test for drugs and/or alcohol four (4x) times a week.

SO STIPULATED:

DATE: 3/9/2021



ASSISTANT PROSECUTOR

DATE: 3/9/2021

*Marc Keast* with consent

COUNSEL FOR DEFENDANT

IT IS SO ORDERED:

/s/ Victoria A. Valentine

HON. VICTORIA VALENTINE DATE:  
CIRCUIT COURT JUDGE