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Marc Keast  
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Re: People v Remington

Dear Mr. Keast,

There is one outstanding issue that came up during our last motion hearing: a Brady issue. Beth Hand and another person, the identification of which has never been provided to us or disclosed to us, interviewed the homeowner and eyewitness, Paul Weidemer in early March, 2020. The disclosures that the witness made to Ms. Hand were favorable to our client, i.e., exculpatory. The witness denied that our client possessed drugs or delivered drugs or provided drugs to the deceased. He also at one point advised Ms. Hand that he wanted to plead the Fifth, and not answer questions any further. When he did so, he was advised by Ms. Hand that 1) he couldn't plead the Fifth and how could he "let this happen", "why would [he] let this happen", he's "letting him get away with it" etc or sentiments to that effect. When he explained that Linda Preka, the deceased's mother, called him on the phone and threatened him (which recording we have), Ms. Hand responded with "how would you feel if this were your child." I made my arguments about this issue and what I believed Ms. Hand did during the interview and why it was exculpatory. I have attached a copy of the transcript of that hearing for you to read the comments and arguments and to see the issue.

Prior to this issue, there were a couple of "interesting" moments regarding disclosures that occurred. First, the decedent's cellphone was seized and an extraction was done. The extraction was not disclosed during discovery. In fact, I happened to uncover it during the preliminary examination and when I uncovered it, Ms. Hand at first attempted to say that it was not discoverable. The judge ultimately ordered it turned over in part.

Second, Ms. Hand conducted another interview of that same witness. There were no notes and no recordings made of it. There was no mention of it any reports, etc. It is my understanding that the witness claimed that during that meeting, Ms. Hand pressured him and that he felt pressured by her.

When presented with the history, the judge noted that Ms. Hand has an obligation to disclose information to which she first indicated 1) she hadn't turned it over "yet" (Page 17.21) and then tried to argue that it was 2) work product. (Page 18.1-5). Beth admitted that she confronted him and the witness told her "that he didn't see [Remington] give drugs to" Preka. (Page 19.20-25; 20.1-4). By Ms. Hand's telling, the witness clearly changed his story. No disclosures. Moreover, when I pressed the detective at the exam whether anyone had called the witness out for making different statements, he indicated "I did not." That left Ms. Hand, which is what I understood from the start. When I pressed him about did Ms. Hand state that, Ms. Hand objected to the question as hearsay.

She admitted to having witnesses to those conversations. We only learned of the interviews during our investigation of the matter. These have not been disclosed to us.

During our argument, I raised *Brady v Maryland*, *Giglio v United States* and if necessary, I can cite to others that support the argument that exculpatory evidence must be disclosed and is not protected from disclosure.

I have attached the transcript for your review. Let me know if can be of any further assistance.

Very truly yours,

ROCKIND LAW

Neil Rockind