

STATE OF MICHIGAN

52-1 DISTRICT COURT (CITY OF NOVI)

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

v

File No. 19-002619FY

NICHOLAS MAXIMILLIAN REMINGTON,

Defendant.

PROBABLE CAUSE CONFERENCE

BEFORE THE HONORABLE TRAVIS M. REEDS, DISTRICT JUDGE

Novi, Michigan - Wednesday, June 19, 2019

APPEARANCES:

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Novi, Michigan

Wednesday, June 19, 2019 - 11:14 a.m.

THE COURT: People versus Nicholas Remington, 2019-2619.

MS. HAND: Good morning, your Honor. Beth Hand appearing on behalf of the People.

MR. BONDY: Good morning, your Honor. Spencer Bondy appearing as co-counsel on behalf of Mr. Remington.

MR. ROCKIND: Neil Rockind co-counsel on behalf of Nicholas Remington, your Honor.

THE COURT: How can I be of service?

MR. ROCKIND: Judge, today is the date and time scheduled for a probable cause conference. We had just received discovery, we have talked to our client a bit, we're seeking a waiver of the 21-day rule. We were seeking an adjournment of the probable cause conference to give us time to get through the discovery.

THE COURT: What in the world is going on with this photographic situation here?

UNKNOWN WOMAN: This is my son.

THE COURT: Ma'am, why don't you please have a seat, okay?

UNKNOWN WOMAN: I'm not allowed to have this of my son?

1 THE COURT: We don't want anything to -- ma'am, I
2 don't want you to --

3 UNKNOWN WOMAN: I want to show you who's my son.

4 THE COURT: -- ma'am, I don't want you to do
5 anything that would disrupt the proceedings. Please, just
6 have a seat, okay?

7 UNKNOWN WOMAN: Okay, you can't stop me for doing
8 this.

9 THE COURT: Please just have a seat. I'm sorry, Mr.
10 Rockind, go ahead.

11 MR. ROCKIND: Judge, I'm sorry, I didn't even know
12 what you were saying. I didn't even know what you -- what you
13 were talking about when I was --

14 UNKNOWN WOMAN: This is my son.

15 THE COURT: Oh, I apologize, you've seen now.

16 MR. ROCKIND: I -- I see it now, yes.

17 THE COURT: The record should reflect that there's a
18 woman holding up two 2 foot by 3 foot photographs. I just
19 don't want anything to disrupt the proceedings. Well, let's
20 just move about our business.

21 MS. HAND: I understand that, your Honor.

22 THE COURT: So, what would you like to do, Mr.
23 Rockind, you'd like an extension?

24 MR. ROCKIND: Yes, Judge. We have --

1 MS. HAND: Your Honor, I'm asking that the Court set
2 this matter for preliminary examination. I don't believe that
3 another probable cause conference is fruitful.

4 THE COURT: Okay.

5 MS. HAND: I'm -- unless Mr. Rockind says that
6 there's a -- any chance that this is not going to exam which I
7 don't believe to be the case given that the charge and the
8 penalty and coming back here for another PCC I don't -- it
9 does -- it serves no purpose because I don't think there's
10 gonna be a waiver.

11 THE COURT: In other words, do you object to an
12 extension if I set the preliminary exam beyond the 21-day rule
13 without a PCC?

14 MS. HAND: Oh no, I don't have -- no I don't have a
15 problem setting the preliminary exam beyond the 21 days.

16 MR. ROCKIND: Okay so, here's -- here's my issue.
17 The police and prosecutors and again I don't know the -- the
18 lengths that -- of and the amount of communication between
19 them before the matter was presented for a warrant and I'm not
20 privy to that. But, there's a substantial amount of time that
21 goes into developing this case just from a cursory look at the
22 investigation there appears to have been at least one search
23 warrant maybe more. Their appears to be a rather voluminous
24 record of printout of snapchat communications and then there
25 looks like there's four or five different discs and they're

1 gonna be interviews with potential -- with potential
2 witnesses. I presume some who may testify at the preliminary
3 examination. At this point I have no way of knowing whether
4 I'm going to at a probable cause conference need to come here
5 before your Honor. I -- I can foresee a potential a couple of
6 issues, a couple discovery issues that we may have to address
7 and so what I don't want to do --

8 THE COURT: Through motion practice you mean?

9 MR. ROCKIND: What's that?

10 THE COURT: Through motion practice?

11 MR. ROCKIND: That could be the case or it could be
12 the case that when I look at some of the discovery issues that
13 as if - if we have a -- a preliminary examination date and
14 we're looking through some of the potential discovery issues
15 and there's some things missing we may need to come back
16 before the Court for a probable cause conference to address
17 those -- those discovery issues. I have no way of knowing.
18 What I know right now is that at this particular moment my
19 client is charged with an -- an -- an exceedingly and
20 extremely serious offense. There's no prejudice to the state
21 whatsoever by giving us time or the Court to schedule another
22 probable cause conference so that we know and can begin to
23 wrap our arms around this case. We have an obligation to
24 investigate the case. We have an obligation to investigate

1 and -- and -- and communicate and speak with witnesses. We
2 have and oblig -- obligation to research legal issues.

3 THE COURT: I don't think any of that's being
4 challenged by Ms. Hand, but my thought was --

5 MR. ROCKIND: -- I --

6 THE COURT: -- my thought was why don't I just set
7 the exam out far enough into the future to give you an
8 opportunity to conduct any sort of discovery request.

9 MR. ROCKIND: -- I don't have prob --

10 MS. HAND: Thank you, Judge and -- and for the --

11 MR. ROCKIND: -- you know I -- I don't have a
12 problem with that what I don't want to do is I -- I -- what
13 I'm -- what I'm concerned about Ms. Hand and I and I'll
14 obviously ultimately you're the -- the final arbiter on -- on
15 timelines, but what I don't want to do is find us having a
16 preliminary examination date that is that the State thinks is
17 quote far -- far it's too far out and we view as not enough
18 time for us to be able to actually work the case up.

19 THE COURT: All right. Well, let's see we haven't
20 gotten to the -- any rub yet. What would you like to say, Ms.
21 Hand?

22 MS. HAND: I was just gonna say that Mr. Rockind and
23 I are both experienced attorneys any discovery issues he has
24 my cellphone he has my email. We can work that out, we don't
25 need to come back for a discovery issue. If there's something

1 he feels that he's entitled to that I'm not gonna give then
2 he's gonna have to file a motion anyways.

3 THE COURT: Okay. So, from -- let's get through the
4 first part. The procedural issue first. Is your client ready
5 to tender a waiver of the 21-day rule?

6 MR. ROCKIND: He is, your Honor and --

7 THE COURT: All right.

8 MR. ROCKIND: -- I've discussed that, we've gone
9 over that, and he's prepared to waive the 21-day rule.

10 THE COURT: Thank you. Young man would you please
11 state your name for me and spell your last name for the Court
12 Recorder?

13 MR. ROCKIND: Can I stand next to him, Judge? Would
14 that be okay?

15 THE COURT: Of course. Absolutely.

16 THE DEFENDANT: Nicholas Remington. R-e-m-i-n-g-t-
17 o-n.

18 THE COURT: Thank you. Mr. Remington, you have a
19 statutory right to have your preliminary examination conducted
20 within 21 days of the date of your arraignment. Have you
21 heard the attorneys and I discussing scheduling this case out
22 into the future?

23 THE DEFENDANT: Yes.

24 THE COURT: That would necessitate me, sir moving
25 this beyond that 21-day window. So, first of all do you

1 understand you have this right to have your exam within 21
2 days?

3 THE DEFENDANT: Yes.

4 THE COURT: Is it your intention then to waive that
5 right voluntarily so that I can schedule this out further into
6 the future so your attorney can get all of his paperwork and
7 so on?

8 THE DEFENDANT: Yes.

9 THE COURT: All right. Has anyone threatened you in
10 any way to try to make you give up that right?

11 THE DEFENDANT: No.

12 THE COURT: Are you doing that of your own free
13 will?

14 THE DEFENDANT: Yes. I will accept the waiver of
15 the 21-day rule. All right. So, my thought would be what if
16 we started out by setting the preliminary examination and it
17 is a capital case so I'm gonna try to take that into account
18 understanding the Defendant's incarcerated as well. What if
19 we set the preliminary exam for August 1st, that's a Thursday?
20 That's a significant window of time, it's significantly more
21 than a month.

22 MS. HAND: That'd be in the morning or afternoon,
23 your Honor?

24 THE COURT: I could do it at your pleasure.

25 MS. HAND: Could we do it in the afternoon?

1 THE COURT: Does that work for you, Mr. Rockind?

2 MR. ROCKIND: I'm just trying to check my calendar,
3 your Honor.

4 THE COURT: Sure, please take your time. I could
5 also do August 29th again a Thursday morning or afternoon, but
6 afternoon would be better.

7 MR. ROCKIND: So, I have --

8 THE COURT: August --

9 MR. ROCKIND: -- a -- I have a personal matter that
10 I -- I think will take up August 1st and August 2nd.

11 THE COURT: Okay. What about the 29th? Does that
12 work for you, Ms. Hand?

13 MS. HAND: It is, it's a little -- a little bit
14 further, Judge then I would like to a --

15 THE COURT: I -- I understand, but I'm trying to be
16 as accommodating as I can it's only a couple more weeks. Does
17 that work for you, Mr. Rockind?

18 MR. ROCKIND: I -- I have a trial that day, your
19 Honor.

20 THE COURT: All right.

21 MR. ROCKIND: Could -- could we go -- could we do it
22 on August 26th?

23 THE COURT: We could do it in the afternoon on the
24 26th.

25 MS. HAND: I'm available that day, your Honor.

1 THE COURT: I'm sorry. You are or not?

2 MS. HAND: I am.

3 THE COURT: How bout -- okay, how bout the afternoon
4 of the 26th. I have a civil call but it should pretty light
5 that day and I'll --

6 MR. ROCKIND: Yes, your Honor.

7 THE COURT: -- talk to my clerk and ask them to make
8 it even lighter.

9 MR. ROCKIND: Okay. Thank you.

10 THE COURT: So, how bout August 26th? Would you like
11 to do 1:30 or 1:00?

12 MS. HAND: We could do one o'clock.

13 MR. ROCKIND: We can do one -- one o'clock is fine,
14 your Honor.

15 THE COURT: 1:00 p.m. Any other issues we need to
16 address?

17 MR. ROCKIND: I want to address the issue of bond,
18 your Honor.

19 THE COURT: Go ahead.

20 MR. ROCKIND: Judge, so the -- the bond was set at
21 \$1,000,000 cash surety no 10 percent. I want to give the
22 Court and I'm moving the Court to -- to modify that bond. I
23 want to give the Court a little bit of background that --
24 about the actual arraignment. When I was contacted by his --
25 Nicholas's mother, Jenny Remington who's present in court we -

1 - there wasn't a charge in the case yet the matter was still
2 under investigation as far as we knew. We learned the morning
3 of his arraignment that he was actually being even charged and
4 that Nicholas was being -- was gonna be arraigned that
5 morning. We tried to -- to make an appearance. I actually
6 filed my appearance with the court via fax before the
7 arraignment. I had one of my associates actually come over to
8 the court with the intention of appearing at that arraignment
9 with the idea of being able to make a -- make a credible and
10 substantial case for reasonable bond and unfortunately by the
11 time that the matter was -- by the time my associate arrived I
12 think he spoke with one of your clerk's first then he went to
13 the front counter and then he ended up being with the mag --
14 tried to go into the magistrate's courtroom and he learned
15 that matter had already -- that Nicholas had already been
16 arraigned.

17 THE COURT: Okay.

18 MR. ROCKIND: And I -- I mention that because there
19 is currently as your Honor probably knows there's the -- the
20 Michigan Indigent Defense Committee, the MIDC commission which
21 is proposing rules which have not made been adopted by -- by
22 all courts in all counties, but it's proposing rules to ensure
23 that people like Nicholas and others have representation at
24 arraignments. For years we've treated arraignments as though
25 they're not part of the adversarial process. That a lawyer

1 can appear, but one need not be actually appointed or one need
2 not be secured and I think that that -- that puts someone like
3 Nicholas at a substantial disadvantage. It puts the
4 magistrate at a disadvantage because all the magistrate has is
5 a -- a swear to which is a presentation of facts by the police
6 which of course are designed to establish probable cause.
7 There's no interest in establishing any at a swear to
8 proceeding any information that is favorable to him or
9 anything about his background or his family or his family
10 history of his ability in his life or what his parents do or
11 who could vouch for him or anything else of that sort at that
12 time. On top of that a lawyer, me, Mr. Bondy could have been
13 Mr. Lewis our other co-counsel could have made a -- a
14 presentation to the magistrate at that time to begin to put
15 some of that information into the record for the magistrate to
16 know -- be fully informed so that she could make a completely
17 informed decision about what a reasonable and appropriate bond
18 would be. Instead what happened was -- was a bond was set
19 that is in my estimation and in my looking back over 25 years
20 of practice which is really the equivalent of no bond. You
21 might as well set bond at \$50,000,000. \$50,000,000 or
22 \$10,000,000 or \$1,000,000. It's a statement that someone's
23 making. It's not a bond. That is a declaration. It's a
24 declaration that someone is making that this is a serious case
25 and the person who's charged should be locked up and I've

1 heard that before. I've heard magistrates or police officers
2 say this guy should be locked up. That's not the purpose of
3 bond.

4 The purpose of bond is two-fold as your Honor knows to
5 ensure that Mr. Remington will appear in court and he has no
6 history despite having some contacts with the legal system, he
7 has no history of nonappearance. He has a history of
8 appearing in court each and every time he's been ordered to
9 appear. His contact with the court I think are -- are
10 important for your Honor to be aware of. He has as far as I'm
11 aware he has a prior trespassing offense in the 35th District
12 Court in -- before Judge Plakas that's as your Honor knows as
13 low of level misdemeanor as is possible. He's at 7411 status
14 from before the Oakland County Circuit Court for a possession
15 of a controlled substance analogue that's not even a -- that's
16 a non-public record as your Honor knows that, and he an MDOP
17 under a misdemeanor I think it's under \$200.00, but it's an
18 MDOP misdemeanor which he received 6 month's probation and
19 completed probation. That - that's what I'm aware of. The
20 fact of the matter is is that he has no record of
21 nonappearance, so in terms of -- of securing his appearance in
22 -- in court there are several factors that the magistrate I
23 think should have been aware of and I -- because I didn't take
24 part I think you should be aware of.

25 THE COURT: Okay.

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MR. ROCKIND: This establishes his record in court. The second is is that when this incident occurred it was this tragic incident in which a young man lost his life due to a drug overdose which is -- which is sad and tragic, horrible. Mr. Remington was aware of that. He was aware of from what I understand there were allegations swirling among different people in -- in the community that he was somehow tied to it. He actually had to make an appearance at a probation meeting in the Washtenaw County Circuit Court with the Washtenaw County Probation Officer which he did on March 26th in which he was surprised to discover that there were Novi Police Officers who actually appeared and took part and attempted to ask him some questions at the -- at the -- at that meeting from March 26th and the allegations and the insinuations from the police were clear. The insinuations were that Nicholas had delivered drugs to this young man and he had died. Now, at that point there's every opportunity in the world as your Honor knows for Nicholas to flee to take off from the jurisdiction to evade prosecution none of which he did. He was then directed to reappear at the probation department within a week which he did again at which point he was taken into custody for a probation violation related to this incident. The incident being that he was actually at a -- a location where others were using drugs or where drugs were present as I understand it and Mr. Bondy or Mr. Lewis could speak more to that cause

1 they were his - their firm represented him in that probation
2 violation matter. But, during that period of time he didn't
3 flee he didn't take off as I understand it also at that point
4 he had posted bond, appeared before the -- the court and
5 posted -- posted bond and was advised to reappear for a
6 probation violation case and again he actually appeared as he
7 was ordered to do in the Oakland County Circuit Court and
8 received his sentence which he as I understand, that he's
9 currently serving it if I have the history correct.

10 So, there's -- there's a substantial record of appearance
11 in court and appearance in court on minor matters, appearance
12 in court where -- where he's facing potential probation
13 violation and incarceration and -- and -- and in this specific
14 case his substantial record of appearance in court know -- and
15 knowing that he could have been or at least was under
16 investigation for an allegation of causing a death of another
17 due to drug delivery.

18 THE COURT: What sentence is he serving from the
19 Oakland Circuit Court?

20 MR. ROCKIND: I believe he has a 90-day jail
21 sentence, he's on 7411 status it was the -- the judge --

22 THE COURT: So, probation --

23 MR. ROCKIND: -- as I understand it was -- and --
24 and --

25 THE COURT: -- probation continues?

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MR. ROCKIND: -- and probation.

THE COURT: Okay. Thank you.

MR. ROCKIND: As I understand it and I think that that's important. That addresses one factor for appearance or non-appearance and I think the record is overwhelmingly in favor of Mr. Remington -- he will appear in court or if there is a bond posted.

THE COURT: Okay.

MR. ROCKIND: The second factor is whether or not he poses a danger of -- to the public and again I wasn't present at the arraignment or none of my staff were. I wish we were. I would suggest to the Court that you take a look at the factors that the Court has to consider. I know the Court knows them well under 6.10(C) is the requirement that the Court first consider a personal bond and the second is under 6.106(D) regarding conditional release and the conditions, the conditions really when you look at the one's that we are aware of, the conditions all I think work substantially in favor and suggest that there should be a substantial reduction in the setting bond. For example, he has -- we look -- we disclosed his record, his record of appearance. I've disclosed to the Court that we aren't aware of him having any mental condition. He was in school as a fulltime student at the University of Michigan. He could resume schooling if permitted. He has substantial ties to the community and he has no ties outside

1 the community. Both of his parents are professionals. His
2 Mother is present in court if you wish to speak with her you
3 certainly can.

4 THE COURT: I think I may have already.

5 MR. ROCKIND: What's that?

6 THE COURT: I think I may have already.

7 MR. ROCKIND: Today?

8 THE COURT: When she held up the pictures.

9 MR. ROCKIND: That -- that's not my client's --

10 MS. HAND: That's the victim's mother, your Honor.

11 THE COURT: Oh, that's the victim's mother.

12 MS. HAND: Yes, your Honor.

13 THE COURT: Okay. Go ahead.

14 MR. ROCKIND: Yeah, that's the -- if -- if -- if
15 Mrs. Remington had done that, your Honor I would have asked to
16 pause the case and I would have had a --

17 THE COURT: Okay. Good.

18 MR. ROCKIND: -- a small chat with her. And I would
19 suggest to the Court that there are to the extent that there's
20 any concern we have substantial -- we have members of the
21 community that can vouch for him and we even have a member of
22 the community that -- that will, which is one of the factors
23 the Court can -- can consider under *6.106(D)* and *(F)*; that the
24 Mother will monitor him, that he will be in his parents
25 custody and the Court can institute and -- and put in place a

1 tether. It can be a GPS tether. It can even be home
2 confinement to ensure that he is secure. He can engage in
3 drug testing to ensure that he doesn't use or possess drugs.
4 The Court has a myriad of tools and that -- that are all
5 outlined under *MCR 6.106* to ensure that a reasonable bond and
6 a substantial -- the reasonable bond can be set and all those
7 conditions can -- can warrant in favor of not just his
8 appearance, but that he will not pose a -- a danger or risk of
9 danger to the -- to the public. A million dollar bond is
10 equivalent to no bond.

11 THE COURT: Okay.

12 MR. ROCKIND: And -- and from my view and I would
13 suggest, Judge that this is my suggestion. I believe that a
14 bond of a -- of \$100,000 cash surety ten percent with
15 conditions including the tether. It can be a home confinement
16 tether, an electronic monitoring, drug testing, pretrial
17 services supervision and that his Mother would -- would have
18 him -- she -- she would essentially under the rule be
19 responsible for his care and custody and also be responsible
20 for notifying the court if there's a violation.

21 THE COURT: Was he on bond either pending sentencing
22 or on probation for the felony when this incident allegedly
23 occurred?

24 MR. ROCKIND: I believe that he was on probation
25 when this offense occurred.

1 THE COURT: Okay. And that was the -- the
2 trespassing or the case in Oakland Circuit?

3 MR. ROCKIND: No, I believe -- I believe that he was
4 on probation for the possession of illegal substances analogue
5 under 7411.

6 THE COURT: Okay. Okay. Thank you.

7 MS. HAND: Judge, he would have been -- I don't --
8 oh, I'm sorry I --

9 MR. ROCKIND: Your Honor, I don't want to mis -- I
10 don't want to misstate that, so that's my understanding.

11 THE COURT: That's one of the factors that --

12 MR. ROCKIND: Mr. Lewis knows more about the -- his
13 background then I, but that's what I understand it to be.

14 MS. HAND: Your Honor, he would have been on
15 probation for both.

16 THE COURT: Okay.

17 MS. HAND: He's on probation to two different
18 courts.

19 THE COURT: Which is also in 6.106. Why don't you
20 tell me what you have to tell me in response?

21 MS. HAND: One -- one -- some of the other factors
22 that the Court needs to consider is obviously the danger to
23 the community, is there a history of substance abuse as well
24 as the severity of the charges and the likelihood of
25 conviction. A good portion of this case, your Honor was

1 captured on video on Snapchat. The -- I'm asking the Court to
2 withhold ruling on his motion for bond until after the Court
3 has the opportunity to hear the facts and see the videos, hear
4 the totality of the circumstances regarding this offense which
5 you will hear at the preliminary examination. The callousness
6 regarding the death of this individual, the demeanor of the
7 Defendant during the time period while the victim was dying.
8 Videotaping it, laughing. He does pose a serious danger to
9 the community. This case involves the ingestion of drugs by
10 the victim in this case, but it also is clear from the
11 Snapchats that the Defendant himself is a drug user and a drug
12 seller. So, there is the use of substance abuse which is a
13 factor against allowing release in this particular case. The
14 guidelines in this case are gonna start at substantial prison
15 terms well over 10 years in terms of what the penalty is gonna
16 be if in fact he is convicted. The fact that he was on
17 probation to two different courts shows that he does not have
18 the self-control to obey a court order.

19 So, whatever orders this Court would impose I think the
20 Court should be very fearful that the Defendant's history has
21 demonstrated that he's not inclined to follow those orders
22 which is why he is serving a jail sentence currently which was
23 imposed by the Circuit Court. All of those, Judge as well as
24 the fact that the witness statements in this particular case
25 there are several witnesses all of whom are fearful of the

1 Defendant so any type of bond modification that the Court
2 imposes I would strongly suggest need to include; a no contact
3 provision with any of the persons who were interviewed during
4 the course of this investigation, but I don't think that at
5 this point, your Honor, the Court should modify the bond.

6 Mr. Rockind gave his whole speech about how he needed to
7 be present at the arraignment and that somehow that would have
8 maybe changed the magistrate's mind. I don't think any of
9 that is relevant, but I do think it's relevant for the Court
10 to hear the entirety of this it's -- it's really no prejudice
11 to the Defendant. He's going to be in custody for the -- a
12 good portion of this time period between the probable cause
13 conference and the preliminary examination date and then I
14 believe this Court can make an informed decision having had
15 the benefit of evidence at least to the probable cause
16 standard of what exactly this offense entails. And so, I --
17 there are factors that weigh heavily against allowing a
18 reduction in bond at this point.

19 THE COURT: All right. So, the current bond
20 indicates no contact with the family of Denis Preka. Is that
21 correct?

22 MS. HAND: Yes, your Honor.

23 THE COURT: Or any witness. Is that specific
24 enough? In other words, the witnesses aren't listed by name.

25 MS. HAND: They are not, your Honor.

1 THE COURT: Are they just the witnesses that are
2 listed on the information --

3 MS. HAND: No, your Honor. There are --

4 THE COURT: -- and complaint?

5 MS. HAND: -- there are numerous individuals who
6 were interviewed during the course of the investigation who
7 actually didn't even want their names brought forward who are
8 listed in the police report that Mr. Rockind is now in
9 possession of, so I would like to include any of the witnesses
10 interviewed during the course of the investigation. Because
11 even though they may not be witnesses for preliminary
12 examination purposes they very well may be witnesses at the
13 trial stage.

14 MR. ROCKIND: I -- I don't have an issue with --
15 with the -- the Court providing the Prosecutor or the
16 Prosecutor providing the Court either the list of perspective
17 witnesses, so that it's clear and not ambiguous and unknown
18 who the witnesses are we can -- I perceive who they are, but
19 the fact of matter is I don't have any issue with that. I
20 don't think -- I mean I look at Mr. Remington and quite
21 candidly I mean -- I mean he must weigh all of a 140 pounds.
22 Looks like he's wispy. I mean I think a strong wind could
23 blow him over. I don't -- I don't project that he is in the
24 traditional sense a threat. He has no history. There's no
25 assaultive history, there's no history of him posing a threat

1 of harm. I understand that there are people in his world that
2 don't want to associate their name with a case or don't want
3 to have their name on a case or don't want to be known as
4 someone that may have cooperating or maybe even think in the -
5 - in the genesis I'm afraid of this guy. There's literally no
6 history of him seeking retribution against anybody in any way
7 shape or form that I'm aware of. So, the fact of the matter
8 is is that if the Court modifies the bond, the amount of the
9 bond his parents are going to have put up a substantial asset
10 or a substantial amount of money. The purpose of that is not
11 to lock the person down, you know that. The purpose isn't to
12 keep him locked down under a million-dollar bond. The purpose
13 of that is to have the amount of bond, the amount of money
14 that is invested with either the court or a bail bondsman, the
15 ideal is that the amount of money will act as a deterrent to
16 him posting either fleeing which there's no reason or evidence
17 that he would do or pose any threat of harm to anybody.

18 MS. HAND: And your Honor, my --

19 MR. ROCKIND: I would suggest to the Court that I
20 would suggest to the Court that the bond that I proposed with
21 all of the conditions that I proposed would accomplish that.
22 A million dollars is just -- that's the equivalent of no bond
23 and --

24 THE COURT: All right. Thank you. I've listened
25 very carefully to -- to both of you and tried to give both of

1 you an opportunity because this is a very very serious case.
2 At this point I am not convinced that there was any abuse of
3 discretion by the magistrate. I'm going to continue the bond.
4 I will allow you of course to make any sort of argument that
5 you would like to after the preliminary exam is over. Mr.
6 Rockind, you can certainly re-raise the issue. I think the
7 Prosecutor's thoughts on that are well taken. So, --

8 MR. ROCKIND: Can I make one point, Judge?

9 THE COURT: Of course.

10 MR. ROCKIND: One of the things that I -- I've
11 noticed is that there is -- there's a -- there's a traditional
12 view for some reason maybe it's sort of a conventional wisdom
13 that the standard of review of magistrate's decision on bond
14 is abuse of discretion. That's only on appeal if we were to
15 appeal this decision to the Circuit Court. The -- the
16 standard for your Honor is not abuse of discretion. The
17 standard is -- is -- is there a substantial reason to modify
18 the bond and I would suggest that a million dollars is a
19 substantial reason to modify the bond --

20 THE COURT: I would --

21 MR. ROCKIND: -- just on a reasonable number.

22 THE COURT: Just so the record's clear. At this
23 point having looked through the pretrial services report
24 taking into account the fact that he's had other pending cases
25 for which he was on probation for, he's got a dismissed under

1 HYTA case for throwing objects at trains or cars from Livonia,
2 two other charges dismissed of the similar nature there. One
3 of the concerns that I have initially would be what assurances
4 could you give me that a young man like this would conform to
5 rules like drug testing and other things? He's -- he's on
6 probation already when this allegedly happened so, I'm just
7 not convinced at this point. You can maybe convince me after
8 the exam, but at this point I just wouldn't -- I wouldn't
9 change the bond myself.

10 MS. HAND: Thank you, Judge.

11 THE COURT: All right. Thank you.

12 (At 11:41 a.m., proceedings concluded)

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I certify that this transcript, consisting of 28 pages, is a complete, true, and accurate record of the proceedings and testimony taken in this case as recorded on Wednesday, June 19, 2019.

Date: July 18, 2019

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