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Inkster, Michigan

Wednesday, March 18, 2015 at 10:27 a.m.

THE COURT: People versus Floyd Dent. Case Number 15-0165-FY, as well as 10-2463-OT. At the off-set, there was a request for an adjournment on the DWLS; the Court will grant that, and---

MR. ROHL: Your Honor, the best date available from your staff is the 8th. Is that good?

THE COURT: That's great, April 8, 2015 at 9:00 a.m. Okay, now with regard to the felony matter?

MS. LAKE: Your Honor, the People are ready to proceed with the exam; we move to sequester witnesses. We ask for an exception for the officer in charge, Detective Munson, if he should appear.

MR. ROHL: No objection.

THE COURT: Alright. So if there are any witnesses in the courtroom who were going to testify today or at a later date, if you would excuse yourself out into the hallway, we will retrieve you if your testimony becomes necessary.

(At 10:27 a.m., Sequestration)

THE COURT: Please call your first witness.

MR. ROHL: Your Honor---

THE COURT: Oh, I'm sorry.

MR. ROHL: We're talking about factual witnesses?

THE COURT: Yes.

MS. LAKE: The first witness is Officer Melendez.

THE COURT: Alright.

COURT OFFICER: Raise your right hand and be sworn. Do you solemnly

1 swear of affirm the testimony you're about to give will be the truth, the whole truth and
2 nothing but the truth?

3 OFR. MELENDEZ: Yes, sir.

4 COURT OFFICER: You may be seated.

5 MS. LAKE: May I begin, your Honor?

6 THE COURT: Yes, please.

7 OFFICER WILLIAM MELENDEZ

8 Called as a witness, sworn and testified as follows:

9 DIRECT EXAMINATION

10 BY MS. LAKE:

11 Q Please state your name and occupation for the Record.

12 A Officer William Melendez, so employed by the City of Inkster--Inkster Police Department.

13 Q Okay. And how long have you been a police officer?

14 A Twenty-four years.

15 Q Okay. And I'm going to take you back to the date of January 28th of 2015. Were you
16 working in your capacity as an Inkster Police officer on that date?

17 A Yes, ma'am.

18 Q And were you working alone or with a partner?

19 A I was working with an auxiliary officer--Reserve Officer John Zieleniewski.

20 Q Okay. And were you in a full uniform?

21 A I was in a full uniform, in a fully marked scout car.

22 Q Okay. And, what were your duties on that date?

23 A Assigned to Road Patrol answering patrol runs, and also assigned to proactive patrol in the
24 City of Inkster.

25 Q Okay, and what do you do as part of a team of proactive patrol?

1 A Proactive patrol is when we are a part of community policing; we go out, we check special
2 attentions. Also, we checked certain locations that are high narcotic activity or prostitution
3 activity; we also do traffic enforcement as well. Between answering runs, we try to get in
4 touch with the community to make sure that certain complaints are taken care of within the
5 city.

6 Q Okay. And at some point, did you go to 26040 Michigan Avenue, or the Budget Inn
7 parking lot in Inkster on that date?

8 A I did not go to the Budget Inn parking lot.

9 Q Okay. Were you in the vicinity?

10 A Yes.

11 Q And what were you doing in the vicinity of the Budget Inn parking lot?

12 A I was across the street just south of the Budget Motel---across on Michigan Avenue on the
13 south side at the Motown Motel. The Budget Inn is a special attention in the City of Inkster
14 for numerous narcotic complaints and sells from the motel rooms.

15 Q Okay. And what time of the day was it that you were at that location?

16 A This was night time.

17 Q Were the street lights out?

18 A The Budget Inn Motel is surrounded on the exterior of the building with security lights that
19 illuminate the parking area of the parking lot.

20 Q Okay. Did something happen while you were at that location that brings you to court
21 today?

22 A I was on fixed surveillance, as I said, across at the Motown Inn, across from the Budget
23 Motel, facing directly in front of the Budget Motel with the aid of binoculars 8 by 34; I was
24 able to have a clear and unobstructed view of the parking area and the motel rooms of the
25 Budget Inn.

1 Q Okay. And while you were there, did something catch your attention?

2 A Yes.

3 Q What did you see?

4 A I observed a somewhat newer model four door tan Cadillac going westbound on Michigan
5 Avenue, and then pull into the Budget Inn parking lot and park.

6 Q Okay. And why did this vehicle catch your attention?

7 A Any vehicle that pulls in there catches my attention when I'm on fixed surveillance. It
8 could be a possible narcotic complaint or a narcotic buy.

9 Q Okay. What happened after you saw the Cadillac park?

10 A I observed a driver exit the driver's side of the Cadillac, and then walk into one of the west
11 side rooms of the Budget Inn.

12 Q Okay. And what happened then?

13 A Approximately two to three minutes expired, and the driver of the vehicle then exited the
14 room and began to proceed to walk towards the driver's side of the Cadillac.

15 Q Okay. Now when you see that happen, in your experience as a police officer, does it cause
16 you to think something?

17 A Yes.

18 Q What does it cause you to believe?

19 A With twenty-four years of experience, and also a part-time Detective with the Highland
20 Park Police Department in the Narcotic's Unit, and also a former Crew Chief member of a
21 twelve man Special Operation Narcotics Enforcement Unit with the Detroit Police
22 Department, I believe that a possible narcotic transaction was taking place.

23 Q Okay. So what happened then?

24 A Once I observed the driver of the vehicle get back into the Cadillac, I think proceeded to
25 turn eastbound onto Michigan Avenue in an attempt to do the Michigan turnaround to

1 intercept the vehicle as it was going to go westbound.

2 Q Okay. And what happened then?

3 A As I proceeded westbound from Beech Daly towards the Budget Inn, I observed the
4 Cadillac in question pull out of the parking lot without using the proper turn signal, and
5 then proceed westbound on Michigan Avenue.

6 Q Okay. Now, uhm, when someone---what do you mean by fail to use a proper turn signal
7 exactly?

8 A The term is, is that the driver of the vehicle did not use a turn signal to signal any other
9 driver that he was turning right or left; in this case, turning right to go westbound onto
10 Michigan Avenue.

11 Q Okay. And is not using your turn signal a ticketable offense?

12 A Yes it is.

13 Q So what happened then?

14 A The Cadillac proceeded westbound on Michigan Avenue to a street called Fairbairn; at
15 which time he failed to use another proper turn signal, and turned right or northbound onto
16 Fairbairn and proceeded to Oakland Street.

17 Q Okay. And then what happened?

18 A I attempted to catch up to the vehicle; at which time I was the driver of the vehicle---I
19 turned my scout car northbound onto Fairbairn and observed the Cadillac proceed
20 westbound on Oakland, towards John Daly.

21 Q Okay, and then what happened?

22 A I proceeded to follow the vehicle---I had to catch up. The Cadillac was in excessive speed
23 for a side street in the City of Inkster, and proceeded to not come to a complete stop, but
24 slowed down at Oakland and John Daly.

25 Q Okay. Now what makes you believe that the Cadillac was traveling in excess of the speed

1 limit?

2 A It took awhile for me to catch up to the vehicle.

3 Q Okay, what is the speed limit in that area?

4 A 25 miles an hour.

5 Q And, what speed were you going to try to catch up to that vehicle?

6 A Well over 30.

7 Q And how long did it take you to catch up to that vehicle going that speed?

8 A I caught up to the Cadillac just west of John Daly on Oakland.

9 Q And then what happened?

10 A I then proceeded to follow the vehicle; at which time the 4-door tan Cadillac then came to
11 Oakland and Hill Street.

12 Q Okay.

13 A Where there is a posted stop sign.

14 Q Okay. And did it stop?

15 A It did not.

16 Q Okay.

17 A The Cadillac failed to come to a complete stop at the stop sign.

18 Q And is that also a ticketable offense?

19 A Yes it is.

20 Q And, now when you're following the Cadillac, are your emergency lights and sirens on at
21 this point?

22 A Not at this time.

23 Q Okay. So then what happens?

24 A Once I based my observations from the Budget Motel, as well as several traffic offenses, I
25 believed that an investigation or traffic stop was warranted; I then activated my overhead

1 lights and illuminated the driver's side area with my spotlight, which is located on the
2 driver's side of the scout car.

3 Q Okay. And, what happened next?

4 A The vehicle increased speed and continued westbound on Oakland, which turns into South
5 River Park.

6 Q Okay. And, South River Park, is that still in Inkster?

7 A Yes it is.

8 Q Okay. Then what happened?

9 A The vehicle continued westbound, failure to pull over; I then advised Dispatch that the
10 vehicle I was following I was unknown on plate---there was no plate on the vehicle that I
11 could see, and I was unable to locate a temp sticker in the rear window of the vehicle. I
12 gave a description of the vehicle, and also I continued to follow the vehicle, giving out
13 direction.

14 Q Okay. And what happened then?

15 A The vehicle continued westbound on South River Park, and then it swerved left, and then
16 swerved back right, and continued westbound.

17 Q Okay. Then what happened?

18 A At this point I believe that the vehicle was attempting to flee or elude me at this time since I
19 had overhead lights, as well as I was illuminating the driver's side of the area with my
20 spotlight.

21 Q Okay. So then what happened?

22 A Eventually, just before Inkster Road, just east of Inkster Road on South River Park Drive
23 the vehicle slowed down and what appeared to be turning into a right hand turn into the
24 Inkster Library Parking Lot.

25 Q Okay. Then what happened?

1 A The vehicle did not turn into the parking lot. As it turned left again, it continued westbound
2 on South River Park.

3 Q Okay. And what happened next?

4 A Eventually the vehicle came to a stop; I advised Dispatch where I was at, and immediately
5 exited the vehicle.

6 Q Okay. And what happened then?

7 A Due to the driver of the vehicle failing to stop with my overhead lights, through my training
8 and experience I believed that the driver may flee on foot; I immediately withdrew my
9 service weapon and had it down at my side as I approached the driver's side of the vehicle.

10 Q Okay. And what happened then?

11 A The driver's side door opened up very abruptly; at which time I observed---

12 Q Did you open it?

13 A I did not.

14 Q Okay. So what happened then?

15 A The driver of the vehicle opened the driver's side door very abruptly; at which time I then
16 illuminated the interior of the vehicle. In my left hand was my stinger flashlight, which is
17 approximately 20,000 lumens of candela watt power, which illuminated the interior of the
18 driver's side; as well as the driver himself, which I now identify as the Defendant, sitting at
19 the defense counsel table with the black suit and tie.

20 Q Okay.

21 MS. LAKE: Your Honor, please let the Record reflect that the witness
22 identified the Defendant, Floyd Dent.

23 THE COURT: The Record will so reflect.

24 BY MS. LAKE:

25 Q Was there anyone else in the vehicle besides the Defendant?

1 A No there was not.

2 Q So what happened then?

3 A The driver was later identified as Mr. Dent; at which time I observed Mr. Dent's body to
4 be---his head and a portion of his upper body was facing me; his left and right hands were
5 on his right side, being covered by a portion of his body, as well as it appeared to be his
6 hands were down in the interior of the seat on his right side.

7 Q Okay. In your experience as a police officer, did that position or behavior make you think
8 something?

9 A I believe it's possible that Mr. Dent may have had a weapon.

10 Q Okay. So what happened then?

11 A I ordered Mr. Dent to see his hands; at which time he did not comply. I observed that Mr.
12 Dent seemed to be agitated. It was very cold out, but yet he was sweating; and I advised
13 him I wanted to see his hands again.

14 Q Did he comply?

15 A He complied with his left hand.

16 Q Okay. And where was his right hand?

17 A His right hand was still in his right side.

18 Q Okay. So what happened then?

19 A Officer Zieleniewski then came around to the side of me as a backup officer, after he
20 cleared the passenger side of the vehicle. I observed Officer Zieleniewski on my right side,
21 knowing that the driver, Mr. Dent, was fleeing and eluding; and as well as I was afraid that
22 he might have a weapon, I was going to---since he was not comply, I would have to engage
23 and get him out of the vehicle.

24 Q Okay. So what happened then?

25 A Officer Zieleniewski then reached in, and then grabbed Mr. Dent and pulled him from the

1 vehicle; and pushed him down to the ground.

2 Q Okay. And, then what happened?

3 A Officer Zieleniewski was controlling his lower half of his body from his left arm. Mr. Dent
4 was on his right side. The only area that I could control possibly would be the upper
5 portion of his body, as well as his head area. I immediately went down to the ground, and
6 attempted to place a head restraint on Mr. Dent in order to force the head down to the right
7 for, if the head goes that way, I was hoping the body would follow and he would be rolled
8 over on his stomach so we could place restraints on him

9 Q Okay. Why didn't you just place the restraints on him when he was out of the car?

10 A Mr. Dent was combative; he was struggling, and I was unable to grab his left arm.
11 Reserved Officer Zieleniewski had both hands on his left arm, and I could see was having a
12 hard time gaining control of Mr. Dent.

13 Q Okay. So then what happened?

14 A As my left forearm went across Mr. Dent's facial area, in attempt to place a head restraint
15 on him to roll him over onto his stomach, I felt a sharp pain and a biting sensation on the
16 interior of my forearm.

17 Q Okay, and then what happened?

18 A Mr. Dent was biting me---I pulled away, and at that time Mr. Dent said that---stated that he
19 would bite me again.

20 Q Okay. Did that bite break the skin?

21 A I was wearing at least four layers of under armor and a shirt. It did not, but later I showed
22 redness and swelling to Sergeant Kritzer.

23 Q Okay. Did you seek any medical treatment?

24 A I did not.

25 Q So then what happened?

1 A Once Mr. Dent stated that he would bite me again, uh, due to the circumstances, my
2 training and experience, I was unaware if Mr. Dent had any type of diseases that I could
3 contract through a bite or through the mouth; therefore I was afraid that I might contract
4 something, I needed to assure that Mr. Dent would not do that again.

5 Q So what happened then?

6 A I then struck Mr. Dent with a closed fist several times to the right facial area.

7 Q Okay. And what happened then?

8 A Once I placed my left hand back down, there was no bite; I then did not strike Mr. Dent
9 again and attempted to place another head restraint on him to roll him back over.

10 Q Okay. So then what happened?

11 A Mr. Dent was still struggling; fighting. I observed that Officer Zieleniewski was still
12 unable to maintain the left arm; at which time I observed Sergeant Kritzer pull up in a fully
13 marked scout car, in full uniform; and come towards us to assist.

14 Q Okay. And then what happened?

15 A I observed Sergeant Kritzer then state---Taiser out; and then attempt one dry stun to Mr.
16 Dent's stomach area.

17 Q Okay. And what happened then?

18 A I observed Mr. Dent waive the Taiser off, and have no effect.

19 Q Okay. Then what happened?

20 A There were two more attempts with the Taiser with little to no effect on Mr. Dent.

21 Q Okay. At this point there were three officers trying to restrain him?

22 A At this point there were approximately four state troopers assisting, and two more officers
23 arrived---Officer Randazzo and Officer Arnica.

24 Q And that would be a total of four state troopers, and five Inkster Police officers?

25 A Correct.

1 Q Okay. So then what happened?

2 A Attempting to roll Mr. Dent over, he continued to struggle; his left arm then went down
3 underneath his stomach, as well as his right arm still underneath---we were unable to gain
4 control. The head restraint I was using was having no effect. At that time, Officer
5 Randazzo then kicked Mr. Dent's left arm out, and was able to grab the arm along with
6 Officer Zieleniewski; at which time Mr. Dent was placed in restraints.

7 Q Okay. So how long did it take you, from the time you pulled him out of the car to when you
8 finally get him restrained---how much time passed?

9 A Actually video time of the struggle was approximately two minutes.

10 Q Okay. And what happened after the Defendant was placed into restraints?

11 A Once I was advised that Mr. Dent was placed in restraints, I immediately stood up.

12 Q Okay, and then what happened?

13 A Two state troopers, I believe---if I recall correctly, then assisted Mr. Dent up and escorted
14 him to the front of one of the scout cars.

15 Q Okay. And then what happened?

16 A He was placed in the backseat of a scout car; at which time we then conducted---I
17 conducted a search incident of the vehicle.

18 Q Okay. And did you recover anything?

19 A While checking the passenger side of the vehicle---the front passenger side, underneath the
20 passenger side seat was a very large clear plastic tie baggie. In that tie baggie was a large,
21 white in color rock substance, at that time, of suspected crack cocaine.

22 Q Now in your experience as a police officer, have you seen crack cocaine before?

23 A Yes.

24 Q How many times?

25 A Along with the narcotic's unit---assigned as a crew chief of a narcotic's unit and a detective

1 of a narcotic's unit, I have approximately over 2,000 narcotic arrests.

2 Q Okay. And, was what you saw on this date, consistent with what you've seen in the past
3 that had been crack cocaine?

4 A Yes.

5 Q Okay. So what did you do with that object?

6 A That was taken to the station; a test sheet was written out, and was tested with our
7 department issued narcotic testers.

8 Q And did you test it?

9 A I did.

10 Q Okay. And, uh, do you recall which test you used?

11 A It is the department issued narcotic tester, Cobalt.

12 Q Okay. And have you tested narcotics before?

13 A Yes.

14 Q Using that test kit?

15 A Yes. Here in Inkster, as well as Highland Park.

16 MR. ROHL: I think we're stippling to the---to the---

17 MS. LAKE: Okay.

18 MR. ROHL: Just for purpose of exam.

19 MS. LAKE: Okay. Nothing further, your Honor.

20 THE COURT: Alright, thank you. Cross?

21 MR. ROHL: Thank you, your Honor.

22 CROSS EXAMINATION

23 BY MR. ROHL:

24

25

1 Q You were asked, officer, about timing. I'm curious as to the point when you first extracted
2 the Defendant until the time that he was being hit in the face. How much time elapsed by
3 video?

4 A I would have to watch---watch the video again, for an exact time, if you're asking, counsel.

5 Q Do you recall if it was seconds?

6 A There was seconds, yes.

7 Q And just so we're clear then. Everything that you were describing to the Court in terms of
8 sequencing of events, all occurred within milliseconds, because by the time you extracted
9 him to the time that he was being beaten, only seconds elapsed?

10 A The total time of the altercation was approximately two minutes.

11 Q During that two minute period, do you know how many blows to the head was sustained by
12 my client?

13 A I do not.

14 Q Do you know how many kicks to his body?

15 A I did not observe any kicks to his body, from my point.

16 Q Did you read the police report?

17 A Yes.

18 Q And, it's your understanding that he was kicked as well?

19 A I testified that Officer Randazzo kicked his arm out.

20 Q How many times was a Taiser applied to his body?

21 A I believe three times.

22 Q It's my understanding that the area that you were patrolling is known for narcotic activity;
23 is that fair?

24 A The surveillance I was conducting, yes---the Budget Inn.

25 Q And, again, you were surveilling by binoculars, is that fair?

1 A Yes, sir.

2 Q Where were you positioned at the time of your observance of my client?

3 A I was positioned at the beginning of the Motown Inn, which is located across from the
4 Budget Inn.

5 Q For the Court, how far would that be from where he was located...?

6 A I'm sorry, counsel. Could you rephrase the question?

7 Q Yes. How far were you positioned in your patrol car away from the Cadillac when he came
8 in---my client's vehicle?

9 A Are you asking the distance?

10 Q Yes, approximately.

11 A Approximate---600 yards.

12 Q Okay. Were you able to visualize anything in his hand that he was carrying, like a bag?

13 A No, sir.

14 Q Would you have been able to visualize a bag, if he was carrying one?

15 A A large bag.

16 Q A bag of---a bag that he got at the liquor store that had liquor bottle in it. Would you been
17 able to see it from your vantage point?

18 A What size liquor bag?

19 Q A Fifth.

20 A Yes.

21 Q You would've been able to, and you didn't make that observation. Would that be fair?

22 A Did I make an observation of a liquor bag?

23 Q You didn't see a bag, correct?

24 A No I did not, sir.

25 Q Okay. Did you ever go back and ascertain what transaction did actually occur at that

1 location?

2 A No I did not.

3 Q Of my client?

4 A No I did not.

5 Q So you don't know if it was innocent or nefarious, would that be fair?

6 A Innocent of what?

7 Q Innocent---you don't know if it was an innocent transaction that my client was undertaking
8 at that place, or not?

9 A Well I don't know if any narcotics transaction is innocent.

10 Q Are you aware of a narcotic transaction that occurred there with my client?

11 A I did not observe a narcotic transaction.

12 Q So, again, getting back to my question. Would it be fair to say that you're not aware, as
13 you sit there in that chair, what type of activity occurred there?

14 A Inside of the motel room?

15 Q Yeah?

16 A I do not, sir, no.

17 Q Fair enough. I take it since, sir, you couldn't make out the plate, you weren't able to run
18 LEIN; is that fair?

19 A No, sir, I was not.

20 Q You indicated that you were with an auxiliary officer. What does that mean---what is an
21 auxiliary officer?

22 A An auxiliary officer is a volunteer officer that assists regular officers. They do not receive
23 the certified training as a certified police officer in the State of Michigan. They do go to an
24 academy in the City of Inkster that is taught by certified police officers, as well as senior
25 auxiliary officers.

1 Q Are they duly sworn?

2 A They are.

3 Q Okay. Can they operate by themselves?

4 A Yes.

5 Q Okay. Would it be fair to say, this auxiliary officer would've handled this case independent
6 of your presence?

7 A No.

8 Q Did he have the authority to do so?

9 A No, sir.

10 Q Do you know what experience the auxiliary officer had from narcotic activity...making
11 narcotic arrests?

12 A I have worked with Reserve Officer Zieleniewski in the past, over the course of four years;
13 and he has assisted in several narcotic arrests with myself.

14 Q Have you made arrests in that location?

15 A Yes.

16 Q Lets say two weeks before this event, any narcotic arrests that you made there?

17 A Yes, I recently had a case yesterday regarding the Budget Inn, at Third Circuit.

18 Q No, I'm talking about the weeks prior to the incident involving my client?

19 A I don't recall, sir.

20 Q And this was on a sting operation, is that fair?

21 A Well a sting operation would have to be approved. This was on proactive patrol---my own
22 initiative.

23 Q Again, it wasn't a sting operation?

24 A No, sir.

25 Q If you felt that there was some kind of narcotic activity ongoing, is there a reason why you

1 didn't arrest him in the parking lot?

2 A By the time I pulled the scout car around to Beech Daly, and then to the Michigan
3 turnaround, the Cadillac was pulling out of the Budget Inn.

4 Q Was it your intention to make an arrest at that point?

5 A If the Cadillac was still there, I would've conducted an investigation as I have in the past, in
6 the parking lot, yes.

7 Q So irrespective of any of the other activity that you spoke about, in terms of his driving---
8 veering to the left, slow stopping through stop signs, not using a blinker, would've been
9 immaterial, because you planned on stopping him; is that fair?

10 A I planned on conducting an investigation, yes.

11 Q When you say---he rolled through a stop sign. You didn't say, roll---did he break at all, did
12 he slow through the stop sign---he didn't come to a complete stop. What was the actual...?

13 A He did not come to a complete stop at the stop sign.

14 Q What was the traffic like at this time of night?

15 A Oakland---there was only two vehicles on that road; that was Mr. Dent and myself.

16 Q Okay. No one was around; is that fair?

17 A That is correct, sir.

18 Q It's my understanding that your cars are equipped with cameras?

19 A Yes.

20 Q They're also equipped with audio devices, as are you, individually as an officer; is that fair?

21 A At this point, some of the scout cars do not have audio.

22 Q Do you know how many cars responded to that particular scene?

23 A Approximately, I believe two state trooper scout cars and three Inkster scout cars; along
24 with a reserve scout car that was working that night also responded.

25 Q Do you think perhaps out of those six cars, one of them might've been equipped with

1 audio?

2 A I can't testify to that, sir.

3 Q Was yours?

4 A No, mine was not.

5 Q Notwithstanding the fact your car had no audio, were you not mic'd up?

6 A No, I did not have a mic on, sir.

7 Q Did your auxiliary officer have a mic?

8 A No, sir.

9 Q To your knowledge, did anyone have a mic?

10 A I know I did not, sir, or the auxiliary officer.

11 Q During your investigation---I take it you are the one that wrote up this Report, correct?

12 A I am, sir.

13 Q In talking to other officers, are you aware of any other officer that might've had an audio

14 component to either their person or their vehicle?

15 A I do not know, sir, no.

16 Q Okay. And, just as you sit there today, you're aware of one video---your front video that

17 captured your pursuit of my client; is that fair?

18 A Yes, sir.

19 Q There was also another video which captured my client's arrest---the two minute ordeal that

20 occurred prior to him coming in custody?

21 A Are there more videos?

22 Q I'm asking you, are there more videos than the one that you just referenced that you saw?

23 A I believe that there were---Sergeant Kritzer's video was active, as well as Officer

24 Randazzo's for the Inkster Police Department, yes.

25 Q Have you reviewed those videos as well?

1 A I have not reviewed those, no.

2 Q Okay. The only video you reviewed is the one that you commented on, in terms of the
3 time?

4 A Yes, sir.

5 Q And that did, in fact, capture two minutes or so of this ordeal; is that fair?

6 A Yes, sir.

7 Q Would it be fair to say, but based upon your experience and what you observed that day, in
8 your mind, you thought there was some drug activity going on and my client was involved;
9 is that fair?

10 A Yes.

11 Q Okay. You were going to make a stop to see if that was true or not---taking an
12 investigators...?

13 A Yes.

14 Q When you did pull my client---I'm sorry, strike that. I take it at some point in time you
15 engaged your overhead lights initially, correct---your overhead lights went on?

16 A Yes, sir.

17 Q Do you know where that was?

18 A After---on Oakland, after Hill.

19 Q Okay. From the time that your overheads were activated, until the time that my client's car
20 came to a rest, did he make any turns whatsoever?

21 A No. Other than into the library.

22 Q Did he, in fact, not pull over by the old police station, approximately?

23 A Yes.

24 Q Where it was very well illuminated?

25 A Yes.

1 Q Can you estimate for the Court, how long it was from the time you activated your overhead
2 lights and my client's car coming to a rest---how much time, or better yet, distance---either
3 way?

4 A A mile.

5 Q Okay. And in the course of that mile, is it your testimony that he sped up?

6 A The vehicle sped up and slowed, swerved to the left, and then right.

7 Q So what's the highest speed that you...during that mile?

8 A 25 or 30.

9 Q Okay. So what is the miles per hour in that area?

10 A If I can recall, it's 25.

11 Q Do you recall any communication between yourself and my client, aside from what you've
12 testified to thus far?

13 A Aside from what I've testified to?

14 Q Thus far, yes, sir?

15 A There was no other communication.

16 Q Okay. Were there lawful commands, in your mind, that you spoke to my client?

17 A Yes.

18 Q What were they?

19 A I ordered Mr. Dent to see his hands; at which time, at first, he did not comply.

20 Q Would that have been before or after extracting him from the vehicle?

21 A Before.

22 Q Did your observation of the video not show that he reached out with both his hands from
23 the vehicle?

24 A I don't recall that. I observed Officer Zieleniewski reach in and grab him.

25 MR. ROHL: May we approach, your Honor?

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THE COURT: Yes.

(At 11:00 a.m., Sidebar)

(At 11:01 a.m., On the Recorder)

THE COURT: Okay, he's got one other question for Officer Melendez, and then---

MS. LAKE: Your Honor, there are multiple files on the DVD; the one you'll want is the one for Officer Melendez.

THE COURT: Gotcha. Can you get Officer Melendez for me again. Thank you.

(At 11:03 a.m., Off the Record)

(At 11:03 a.m., On the Record)

THE COURT: Any objection to me viewing the DVD in camera?

MR. ROHL: No objection.

THE COURT: Very good. Okay. Alright, Officer Melendez, you're still under Oath.

BY MR. ROHL:

Q You didn't see fit to take a picture of your injuries; is that fair?

A No I did not, sir.

Q Okay, and your Use of Force Report says, injuries---you didn't indicate that you were injured; is that fair?

A May I see, sir.

MR. ROHL: May I approach, your Honor?

THE COURT: Yes.

BY MR. ROHL.

A The Injury Report just refers to Mr. Dent/

1 Q It doesn't. The second page as well?
2 A No injuries to myself or any of the officers.
3 Q Thank you. And I understand---and so I'm clear, you indicated there was no injury to Mr.
4 Dent; is that fair?
5 A There's no injury?
6 Q Yes.
7 A Mr. Dent had injuries.
8 Q He had injuries, didn't he?
9 A Yes.
10 Q He was bleeding like a...?
11 A There was blood.

12 MR. ROHL: Uh, your Honor, with that, I close.

13 THE COURT: Okay.

14 MS. LAKE: Your Honor, could we just put that stipulation on the Record
15 that the substance Officer Melendez tested in fact tested positive for cocaine.

16 MR. ROHL: No problem.

17 THE COURT: Alright, so stipulated for exam purposes only.

18 MR. ROHL: Exam purposes only.

19 THE COURT: So we will continue this matter to give the Court the
20 opportunity to review the Defense #1, and come back with a decision. Gentlemen, if you
21 want to wait in the hallway, I'm going to call some other matters.

22 MR. ROHL: That's fine. Thank you, your Honor.

23 (At 11:06 a.m., DX1 - DVD - Received)

24 (At 11:06 a.m., Recess - View DVD)

25 (At 12:26 p.m., Reconvened)

1 THE COURT: Alright, we're back on the Record. The People versus Floyd
2 Dent. Let me at the out-set return the DVD. And, for the Record, the Court in chambers
3 did review the approximately two minute or so portion of the tape that counsel requested;
4 and so now we're ready for argument. Mr. Dent, have a seat.

5 MS. LAKE: Your Honor, we had testimony today by Officer Melendez,
6 and the People are moving to bind over. He state that on this date he, uh---he's been a
7 police officer for a long time---sorry, my notes are in the other room. And, uhm, he was
8 standing by surveilling the Budget Inn Motel in Inkster; from across the street, looking
9 through binoculars---he gave us the measurements, and he saw a Cadillac drive up on the
10 occasion of June 20th of 2015 in the evening. The area is well-lit. He saw the driver of the
11 Cadillac get out and go into a room---only there for a very short period of time, couple of
12 minutes; come back out and get in the car.

13 He state, in his experience, combined with the fact that that is a known
14 narcotics trafficking area, that he believes that a drug...had occurred; the Defendant might
15 have some narcotics on him. So he starts to follow the Cadillac; he sees the Cadillac
16 making several traffic violations---failing to stop at a stop sign, failing to turn on his turn
17 signal when turning; so he tries to affect a traffic stop. The vehicle does not immediately
18 stop; continues to proceed until it gets to the library parking lot. And I believe he said at
19 that point he kind of drove in and came back out, and it then stopped.

20 And, as he approached the vehicle, he said that the Defendant quickly
21 opened the door. He didn't open the door---the Defendant quickly opened the door, and he
22 saw the Defendant reaching around his body. And the officer testified that in his
23 experience, when he sees that, he's concerned that that person might have a weapon. So
24 the Defendant is then pulled out of the car; they attempt to cuff him, and the Defendant
25 resists and it takes two officers to try to restrain him, Officer Melendez and his partner,

1 Auxiliary Officer Zieleniewski. And at one point the Defendant actually bites Officer
2 Melendez when the officer is trying to get him restrained.

3 They continue to try to restrain him; additional Inkster Police officers
4 called; at one point there's a total of five of them, as well as four Michigan State Police
5 Troopers. They also attempted to Taiser the Defendant to get him to comply; he doesn't
6 comply. And, uh, eventually they are able to get him restrain after about, I think the officer
7 said about two minutes; and then a search incident to arrest, because they believed he had
8 been fleeing and eluding and now he's obstructing the police officers and wouldn't let them
9 arrest him or talk to him. They find the cocaine in the vehicle; Defendant is the only person
10 in the vehicle when he's pulled over.

11 Your Honor, we believe we've met probable cause on those counts, and
12 we're asking you to bind over.

13 THE COURT: Alright. Response, counsel?

14 MR. ROHL: Again, your Honor, may I please the Court. With respect to
15 the cocaine. I wasn't there. They're saying that it was. I know I tested my client, and he
16 tested negative. That's a question of fact, I agree. But, as to the second charge, as a white
17 male in America, I'm offended by what I saw. The brutality of that beating was
18 inexcusable, and...quite clearly that my client did nothing but show his hands, and was
19 plucked from that vehicle and held down like an animal. I saw the tape, and it disgusted
20 me too.

21 THE COURT: Okay, alright. Thank you. The Court having heard
22 testimony from Officer Melendez in this matter, does agree with counsel that there is
23 sufficient probable cause to bind the Defendant over on Count I, Possession of Cocaine;
24 and based upon the evidence heard in this matter, the Court is going to dismiss Count II.

25 Sir, you will appear for Arraignment on Wednesday, April 1st at 9:00 a.m.

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MR. ROHL: Thank you, your Honor, for your time and concern as well.

THE COURT: Thank you so much.

MS. LAKE: Thank you, your Honor.

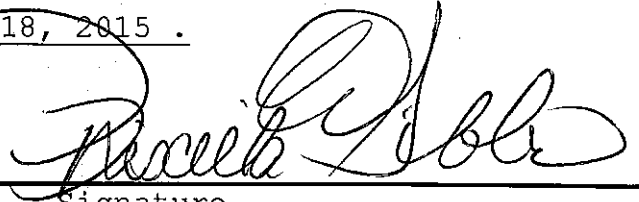
(At 12:31 p.m., Proceedings Concluded)

1 STATE OF MICHIGAN)
2)ss
3 COUNTY OF WAYNE)

4 I certify that this transcript, consisting of 29 pages, is
5 a complete, true, and correct transcript of the proceedings and
6 testimony in this case on March 18, 2015 .

7
8 March 19, 2015

9 Date



Signature

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