

STATE OF MICHIGAN
IN THE COURT FOR THE 52-3 JUDICIAL DISTRICT

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

Case No. 21-006651 FY
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Hon. Julie A. Nicholson

v

JAMES CRUMBLEY,
JENNIFER CRUMBLEY,

Defendants.

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52/3 DISTRICT COURT
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NOTICE OF HEARING

PLEASE TAKE NOTICE that the following motion will be brought on for hearing on February 8, 2022, at 8:30 AM, or another date and time as determined by this Honorable Court, before the Honorable Julie A. Nicholson, in the 52-3 District Court, 700 Barclay Circle, Rochester Hills, MI 48307, or as soon thereafter as counsel may be heard.

**PEOPLE'S MOTION TO RESTRICT DEFENDANTS' COMMUNICATIONS
DURING COURT PROCEEDINGS**

NOW COMES KAREN D. McDONALD, Prosecuting Attorney in and for the County of Oakland, by Markeisha D. Washington, Assistant Prosecuting Attorney, and states as follows:

1. On December 3, 2021, defendants James Crumbley and Jennifer Crumbley were each charged with four counts of involuntary manslaughter, MCL 750.321.

2. These charges arise out of the deaths of Madisyn Baldwin, Tate Myre, Hana St. Juliana, and Justin Shilling. It is alleged that these deaths were caused by defendants' gross negligence in allowing their troubled minor child access to a firearm and their gross negligence in failing to perform a legal duty (i.e., failing to exercise care to control their minor child so as to prevent him from intentionally harming others when they had the ability to do so and knew of the necessity to do so).

3. Defendants were arraigned in this Court on December 4, 2021. Bond was set at \$500,000 for each defendant.

4. On December 14, 2021, an in-person probable cause conference was held. During this hearing and while the attorneys were at the bench discussing scheduling with the Court, defendant James Crumbley – with his mask partially pulled down – mouthed what appeared to be “I love you” to defendant Jennifer Crumbley. Defendants continued to mouth additional words between each other while the attorneys were at the bench. And when defendant Jennifer Crumbley exited the courtroom at the end of the hearing, there was additional nonverbal communication between her and defendant James Crumbley.¹

5. On January 7, 2022, this Court held a hearing via Zoom regarding defendants' bond reduction motion. This Court denied the motion, reaffirming the initial bond of \$500,000 for each defendant. After this Court issued its decision on the record, a Zoom breakout session with the attorneys and the Court was held. Defendants remained on screen during this breakout session, and they used this opportunity to again communicate with one another. Defendant Jennifer

¹ These interactions appear at 8:08 to 9:10 and 14:09 to 14:16 of the embedded video of Click on Detroit, *Parents of Oxford shooting suspect appear in court for first time since arraignments*, <<https://www.clickondetroit.com/news/local/2021/12/14/parents-of-oxford-shooting-suspect-appear-in-court-for-first-time-since-arraignments/>> (accessed February 1, 2022).

Crumbley signaled and mouthed to defendant James Crumbley what appeared to be “I love you,” waived at him, and continued to signal and mouth words to him.²

6. These communications between defendants during the in-person and Zoom court proceedings, which are both video streamed, not only disparage the integrity of the judicial proceedings as a serious distraction but also are traumatic for the family members of the deceased victims who are no longer able to express their love to the victims. Family members of the victims have specifically asked whether and why these personal communications are allowed during a public court proceeding.

7. Courts have the “authority to direct and control the proceedings before them.” *Maldonado v Ford Motor Co*, 476 Mich 372, 376; 719 NW2d 809 (2006).

8. Moreover, MCR 6.106(H)(2)(b) allows this Honorable Court to modify its prior decisions regarding pretrial custody.

9. MCR 6.106(B)(5) allows the Court to place conditions on a “defendant, including but not limited to restricting or prohibiting defendant’s contact with any other named person or persons, if the court determines the conditions are reasonably necessary to maintain the integrity of the judicial proceedings” See also MCR 6.106(B)(6) (“Nothing in this rule limits the ability of a jail to impose restrictions on detainee contact as an appropriate means of furthering penological goals.”).

10. Defendants’ actions during the court proceedings are inappropriate in an open courtroom, they distract from the judicial process, and they are disrespectful and harmful to the victims’ families. Their communications are far more distracting and offensive than a cell phone

² These interactions appear in the video recording at 26:34 to 27:30. Click on Detroit, *Full hearing: Jennifer and James Crumbley request bond reduction -- Jan. 7, 2022* <<https://www.youtube.com/watch?v=xWCI8hHrAeM>> (accessed February 1, 2022).

going off in the courtroom, which the Court would not condone. The People therefore request that this Court – using its general authority to control the proceedings before it and its authority to issue bond conditions under the Court Rules – order that defendants not have any physical contact and not have any verbal or non-verbal communication of a personal nature during the court proceedings. Because many proceedings will be broadcast on Zoom or YouTube, the People ask that this Court’s order include prohibitions on any attempts to communicate with individuals who may be watching, whether those are family members, the victims’ families, or other members of the public. The People ask that each defendant be limited to communicating with the Court and their counsel while in the courtroom or on Zoom, regardless of whether the Court is “on the record.” Such a restriction is not only required to prevent further retraumatization of the victims’ families but also required to “maintain the integrity of the judicial proceedings” and prevent such proceedings from turning into a spectacle. MCR 6.106(B)(5).

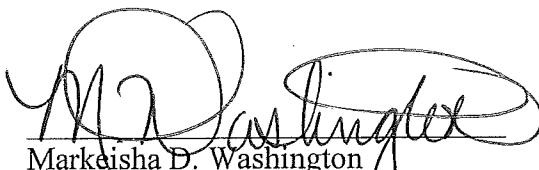
11. Defense counsel has indicated a willingness to instruct their clients to refrain from these types of communications; however, the People seek an order from this Court so that such restrictions will be enforceable.

WHEREFORE, the People respectfully request that this Honorable Court grant the People’s Motion to Restrict Defendants’ Communications During Court Proceedings.

Respectfully submitted,

KAREN D. McDONALD
PROSECUTING ATTORNEY

By:


Markeisha D. Washington
Assistant Prosecuting Attorney

DATED: FEBRUARY 1, 2022