

STATE OF MICHIGAN
IN THE 52-2 JUDICIAL DISTRICT COURT

THE PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

v

JAMES MELOCHE,

Defendant.

District Court
File No. 25-000775-FY
Circuit Court Case No.
2025-295203-FH

PRELIMINARY EXAMINATION

BEFORE THE HONORABLE KELLEY KOSTIN, DISTRICT JUDGE
Clarkston, Michigan - Thursday, September 25, 2025

APPEARANCES:

For the People:

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28
29
30
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33
34
35
36
37
38
39
40
41
42

TABLE OF CONTENTS

WITNESSES: PEOPLE PAGE

JONATHAN SMITH

Direct Examination by Ms. Rourke	7
Cross-Examination by Mr. Quas	30
Redirect Examination by Ms. Rourke	31

[REDACTED]

Direct Examination by Ms. Rourke	33
No Cross-Examination by Mr. Quas	

DETECTIVE NICK BOHON

Direct Examination by Ms. Rourke	45
No Cross-Examination by Mr. Quas	

DETECTIVE JEFFREY ENGER

Direct Examination by Ms. Rourke	60
No Cross-Examination by Mr. Quas	

WITNESSES: DEFENDANT

None.

EXHIBITS: MARKED ADMITTED

PX#1 - video	3	21
PX#2 - video	3	21
PX#3 - video	3	21
PX#4 - photograph	3	5
PX#5 - photograph	3	5
PX#6 - photograph	3	5
PX#7 - photograph	3	5
PX#8 - photograph	3	5
PX#9 - photograph	3	5

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Clarkston, Michigan

Thursday, September 25, 2025 - 2:56 P.M.

THE COURT: Calling People versus James Meloche, Case Number 25-000775-FY. Today is the date and time set for a Preliminary Examination.

MS. ROURKE: Good afternoon, your Honor, Maggie Rourke on behalf of the People.

MR. QUAS: May it please the Court, Jeff Quas on behalf of Mr. Meloche who is present today. We only ask for sequestration understanding the Officer in Charge will remain.

MS. ROURKE: Yes, your Honor. I'd ask for an exception for Detective Bohon. He's sitting next to me right now.

THE COURT: All right. I will waive - I will waive and grant that exception.

Anybody else in the audience that may be called as a witness today or at any possible future Court appearance should have a seat in the lobby. Otherwise, they may be prohibited from testifying.

So could I have both Counsel take a quick look around and see if there are any witnesses that they recognize?

MS. ROURKE: None, your Honor.

MR. QUAS: None.

1 THE COURT: All right.
2 Are there any other preliminary matters, Miss
3 Rourke?
4 MS. ROURKE: Yeah, just one, your Honor. We've
5 obviously already spoken in Chambers about the procedure
6 we'll use to admit the Exhibit.
7 The only other thing I'd like to request is a
8 slight amendment to the complaint as it relates to Counts
9 3 and 4.
10 I notified Mr. Quas of this yesterday as soon as
11 I noticed it. The date associated with Counts 3 and 4
12 should say September 27 of 2023.
13 MR. QUAS: No objection.
14 THE COURT: They currently state 2020?
15 MS. ROURKE: Yes, your Honor.
16 THE COURT: They - actually they say September
17 15?
18 MS. ROURKE: Correct.
19 THE COURT: So is it September - I'm sorry, you
20 said September 15th of 2023? Or September 27?
21 MS. ROURKE: September 27 of 2023.
22 THE COURT: I'll grant that amendment. And
23 do you want to just place on the Record in regard to the
24 conversation we had in Chambers in regard to the Exhibits?
25 MS. ROURKE: Yes, your Honor. So the People have

1 nine total Exhibits. Exhibits 4 through 9 are going to be
2 obviously the - the substance of the charges involving
3 children.

4 I asked for a Protective Order for those - those
5 six photographs as well as, obviously, given that it's
6 open to the public that I would ask to only admit those to
7 your Honor in terms of publishing.

8 THE COURT: Exhibit 4 through Exhibit 9?

9 MS. ROURKE: Yes, your Honor.

10 THE COURT: Mr. Quas, do you have any objection
11 to that?

12 MR. QUAS: I do not.

13 THE COURT: All right. I think that's
14 appropriate. I will grant that request for Exhibits 4 and
15 (sic) Exhibit 9. Are those already stipulated? Or are
16 they going to need to be admitted?

17 MR. QUAS: Stipulate for purposes of Exam.

18 THE COURT: Okay. So we'll admit those. They
19 are Exhibits 4 through Exhibit 9 then.

20 MS. ROURKE: Okay. Thank you, your Honor.

21 (PX#4-PX#9 were admitted at about 2:59 P.M.)

22 THE COURT: Anything else?

23 MS. ROURKE: Not as preliminary matters, no.

24 MR. QUAS: No, your Honor.

25 THE COURT: All right. Ms. Rourke, you can call

1 your first witness:

2 MS. ROURKE: Thank your Honor. The People call
3 Jonathan Smith.

4 THE COURT: Mr. Smith, can I have you stand at
5 the podium before you take the witness stand and raise
6 your right hand? Do you solemnly swear or affirm the
7 testimony that you're going to give this Court is the
8 whole truth?

9 MR. SMITH: Yes, I do.

10 THE COURT: All right. Thank you. Sir, if I can
11 have you come forward and take the witness stand. Just
12 pull that front gate forward. Have a seat. Make yourself
13 comfortable.

14 JONATHAN SMITH

15 Called as a witness by the People at about 3:00 P.M. and
16 sworn by the Court, testified as follows:

17 THE COURT: And I see you have a file in your
18 hand. I'm going to ask that you just put that file on the
19 - on the counter there and if you - that's fine, you can
20 leave it right next to you.

21 THE WITNESS: Okay.

22 THE COURT: If you need to refer to it for
23 whatever reason, you need to ask permission first. So let
24 the - let the attorney know that you need to refer to
25 that. They will -

1 THE WITNESS: All right.

2 THE COURT: - they will proceed properly with
3 that.

4 THE WITNESS: Okay.

5 MS. ROURKE: Thank you, your Honor.

6 THE COURT: All right. Miss Rourke, you may
7 proceed.

8 MS. ROURKE: Thank you, your Honor.

9 DIRECT EXAMINATION

10 BY MS. ROURKE:

11 Q Mr. Smith, can you state and spell your full name for the
12 Record?

13 A Jonathan Smith, J-o-n-a-t-h-a-n, S-m-i-t-h.

14 Q And Mr. Smith, just try to keep your voice up as loud as
15 possible, okay?

16 A Okay. Yes, indeed.

17 Q Okay. Mr. Smith, what do you do for employment?

18 A I am the City Manager of the City of the Village of
19 Clarkston.

20 Q Okay. What kind of stuff do you do as the City Manager?

21 A Manage day-to-day operations. Everything from parking
22 tickets to collecting taxes to running the DPW. I
23 supervise all of our staff. We only have six staff
24 members and I'm responsible for managing them and making
25 sure things are getting done.

1 Q Okay. Do you have like a specific office? Or do you kind
2 of work remotely?
3 A I do have an office in the City Office, yes.
4 Q Where is that located?
5 A 375 Depot Road in Clarkston.
6 Q Okay. So it's under Clarkston?
7 A Yes.
8 Q Okay. And that's in Oakland County?
9 A Yes.
10 Q Mr. Smith, do you know someone named Jim or James Meloche?
11 A I do.
12 Q How do you know that person?
13 A Jim is a long-time resident. But he's also was a
14 chairperson of our Historic District Commission.
15 Q How long have you known Mr. Meloche?
16 A Well, I'd say it's - I've been the City Manager for nine
17 years now. I'd say I've probably known Jim probably eight
18 - either or so of those - seven or either of those nine
19 years.
20 Q And you said he was a chairperson? Is that what you said?
21 A Chairperson of the Historic District Commission, yes.
22 Q Okay. Do you see Mr. Meloche in the Courtroom today?
23 A Yes, I do.
24 Q Can you point and describe an article of clothing he's
25 wearing?

1 A He's wearing a blue suit with a blue tie.

2 Q Okay.

3 MS. ROURKE: Judge, I'd ask the Record to
4 reflect Mr. Smith has identified the Defendant.

5 THE COURT: So identified.

6 MS. ROURKE: Thank you, your Honor.

7 BY MS. ROURKE:

8 Q All right. So Mr. Smith, you mentioned the Clarkston
9 Historic District Commission.

10 A Correct.

11 Q What all does that involve?

12 A So we do have a Historic District in the City of Village
13 of Clarkston. We have about half of our Village is in the
14 Historic District and the Historic District Commission is
15 responsible for ensuring that the Rules of those homes in
16 the District are followed.

17 Q Okay. And what involvement do you have with that
18 Commission, if any?

19 A Really don't have any. I work with them to help schedule
20 meetings. But I have no say - as the City Manager, I have
21 no say of what goes on in the Historic District
22 Commission.

23 If I do notice somebody tearing off their siding
24 or shingles or what have you in the Historic District,
25 then I would put them on notice. But otherwise, I have no

1 interaction with them.

2 Q Okay. And you mentioned helping out with meetings, what
3 do you mean by - what - what role do you have with that?

4 A Scheduling the meetings and putting them on the - it's
5 important that all of our meetings in the municipal
6 environment are public meetings with advance notice. So
7 I'm responsible for doing that. And then posting the
8 minutes on our website after the meetings.

9 Q Okay. And where do those meetings typically take place?

10 A In the City Hall.

11 Q And where is that located?

12 A 375 Depot Road.

13 Q Oh, that same location?

14 A It's attached. The conference room where we do all of our
15 meetings is directly attached to the City Hall offices.

16 Q All right. So Mr. Smith, I'm going to draw your attention
17 back to October 10th of 2023. What was going on that
18 evening at the - at the center?

19 A There was Historic District Commission meeting that
20 night, Tuesday, October 10th. There was a Historic
21 District Commission meeting.

22 Q Were you present for that meeting?

23 A No.

24 Q Okay. What - what's the typical procedure - or what
25 procedure do you follow when scheduling that meeting?

1 Like how do people get in the room and stuff?

2 A So it is after the Office is - closes at 5:00 P.M. So I
3 don't do this for outside bodies or organizations that we
4 let use our conference room. But for the Commission, I
5 call the Chairperson or somebody on the Commission and say
6 you need to come get a key because I'm leaving at 5:00
7 P.M. when the office closes. And so they come up and get
8 a key and that allows them to access the Conference room.

9 Q Okay. So on October 10th of 2023, who if anyone from the
10 Historic District Commission contacted you about getting
11 the key?

12 A Jim Meloche contacted me. He came up and got a key that
13 day and yes, so he had the key.

14 Q Did you personally hand him the key?

15 A I was not there - as I recall, I was not there when he
16 came to pick up the key. But it was in our office, yes.

17 Q Okay. Who all has access to a key or access to get into
18 this part of the building?

19 A All of our - all of our employees, all six of the
20 employees have keys to the building.

21 Q Okay. So on October 10th as far as - to your knowledge,
22 did anybody else pick up a key in order to get into the
23 building?

24 A No.

25 Q Okay. And you - I think you've already testified, you

1 weren't present for that meeting?

2 A I was not present, no. I was there during the office day,
3 the - the business day. But I left at 5:00 P.M.

4 Q All right. And I think you've already testified after
5 5:00 P.M. are all doors locked to this building?

6 A All the - all the doors are locked, yes.

7 Q Okay. So after you - do you remember what time
8 approximately you left that day?

9 A It would have been shortly after 5:00, maybe 5:15 or
10 something like that.

11 Q Are you typically the last person to leave?

12 A I am.

13 Q Okay. So when you leave, do you lock the doors?

14 A I absolutely do.

15 Q Do you recall doing that on October 10th of 2023?

16 A I do.

17 Q Okay. So I'm going to draw your attention to October 11th
18 - actually, you know what let me back up for just a
19 second. So after the Defendant picked up the key for the
20 - you said the Historical meeting was that night?

21 A Yes, correct.

22 Q What's the procedure on returning that key to you?

23 A We ask that they just leave it on the conference room
24 table or on the counter there just so it's - it's there -
25 being returned to us, yes.

1 Q So that next day October 11th, were you working that day?

2 A I was.

3 Q Okay. So what - approximately time did you get there?

4 A I got there early that day. It was a little after 7:00.

5 I had a 7:30 A.M. video conference call and so I typically

6 don't get there until about a quarter to 9:00 when the

7 Office opens at 9:00. But on that day, I was there a

8 little after 7:00 because I had an on-line meeting to

9 attend.

10 Q Okay. And can you walk us through what you did once you

11 got there?

12 A So I - I came into the Office part of the building as

13 normal a little after 7:00, went to my office, set down my

14 briefcase and that kind of stuff. And then I had some

15 lunch that I wanted to put in the refrigerator which is

16 located in the conference room.

17 So I walked into the conference room, put my

18 lunch in the refrigerator. I noticed that the key was on

19 the counter. It had been returned. I also just looked

20 around the room to see that it was all still in order. I

21 saw a stack of papers on one of the side tables. So I

22 went over and picked up that stack of - I just assumed it

23 was left over agendas.

24 Q Okay. So you personally saw a stack of papers still left

25 on the table.

1 A Correct.

2 Q Do you recall seeing that stack of papers the day before?

3 A No. It was not there the day before.

4 Q You don't. Did you at any point leave any stack of papers
5 in the room?

6 A No. We always clean it out after every meeting so that
7 it's clean for the next meeting.

8 Q Okay. So once you noticed that stack of papers, what did
9 you do?

10 A I went over and picked it up, saw right on the top the
11 paper was an agenda for the previous night's meeting. I
12 just flipped through - 'cause there was - there were a few
13 pages. I flipped through the pages and there was more
14 than just agendas and -

15 Q Okay. And what caught your attention about that other -
16 the other items?

17 A Well, there were some pornographic pictures including in
18 this packet of ten or so pages - not ten or so. It was
19 exactly ten pages. There were four pages of agendas left
20 over from the previous night and then four pages of
21 pornography and then two pages of emails from Mr.
22 Meloche's, you know, like you print off an email. It has
23 his name at the top. And they were addressed to him.

24 Q Was anybody present when you first got there that morning?

25 A No. I was in the office by myself.

1 Q Okay. And what did you do once you saw those photos?

2 A Well, I was naturally upset to see these and why are they
3 in my City Office. I try to run, you know, a tight
4 operation in the City Office. I was appalled to see
5 these. I did not want to leave them in the conference
6 room. I knew my meeting - my online meeting was going to
7 be starting momentarily.

8 So I took the papers with me back to my desk.
9 My meeting was starting. I logged in and I closed my door
10 and just left the papers on my side table and I didn't
11 address them again until after the meeting - after my
12 online meeting was over.

13 Q Okay. So Mr. Smith, I'm going to show you what's been
14 admitted as People's Exhibits 4, 5 and 6.

15 MS. ROURKE: May I approach, your Honor?

16 THE COURT: Yes.

17 BY MS. ROURKE:

18 Q Okay. So Mr. Smith, I'm going to hand you these photos
19 just for a quick question, just make sure to put them face
20 down, okay?

21 A Okay.

22 Q So I'm going to hand you a stack - oh, I'm sorry, not 4, 5
23 and 6, I'm sorry. People's Exhibits 7, 8 and 9. So I'm
24 going to start with Exhibit 7. Do you recognize that
25 photo - or that page?

1 A I do.

2 Q How do you recognize it?

3 A Just that it was one of the papers in the deck - or packet
4 of papers that I picked up on the table.

5 Q Okay. And what about People's Exhibit 8 if you flip to
6 the next page?

7 A Yes, this was included as well.

8 Q Is that one of the photos you saw that day?

9 A Yes.

10 Q Okay. And then what about People's Exhibit 9?

11 A I - I will be honest. I don't remember seeing this. It's
12 been two years. I don't specifically remember this. But
13 yeah, that's all I can say about that.

14 Q Okay. You mentioned there was nine photos you remember
15 seeing though?

16 A There were four pages -

17 Q Or four pages.

18 A - of - of photos. So you've shown me three here. I think
19 there was a fourth page but I - I don't remember the
20 content of it to be honest.

21 Q Okay. That's okay.

22 MS. ROURKE: Your Honor, may I approach to
23 publish only two, your Honor?

24 THE COURT: Yes.

25 MS. ROURKE: Okay. Thank you.

1 BY MS. ROURKE:

2 Q So Mr. Smith, after you saw those photos - how long did
3 your meeting last?

4 A My online meeting lasted until about 9:30.

5 Q Okay. So in between when you found those stacks of papers
6 with those photos in it and your meeting, did you see the
7 Defendant at any point that morning?

8 A He came in the office promptly at 9 o'clock when we
9 opened. My Treasurer Ray Cortey let him into the building
10 and - and he said that he left some things in the
11 conference room.

12 Greg showed him to the conference room. He
13 picked up an umbrella and that's - I think that was all
14 that was left in the room to pick up.

15 So then my understanding was he waited for a
16 little bit for me. But my meeting was still going. So
17 this was just a few minutes after 9 o'clock.

18 Q Okay. So as far as you know, the Defendant had come back
19 saying something - he was looking for something?

20 A Looking for something, wanted to talk to me. But I was
21 still on my conference call. It was not ending any time
22 soon.

23 Q Were you able to see what the Defendant's demeanor was
24 like when he came in?

25 A No.

1 Q Okay. Did the Defendant contact you at any point after
2 that?
3 A No.
4 Q Okay. So once your meeting was done, what did you do
5 after that with the photos?
6 A I - I was just doing some kind of soul searching honestly
7 and what should I do. And I thought I need to talk to
8 Sergeant Ashley of the Oakland County Sheriff's Office.
9 He is my contact at the Oakland County Sheriff's Office.
10 I need to talk to him.
11 Q Okay.
12 A So I called Sergeant Ashley. Unfortunately he was busy
13 that day. He - he said he'd get over to the office as
14 soon as he could. But he did not come until the next
15 morning.
16 Q Okay. And did you actually speak to either an Officer or
17 a Detective?
18 A I - I spoke to Sergeant Ashley, yes.
19 Q Okay. And the stack of papers that you had found in the
20 conference room, did you provide that stack of papers to
21 police?
22 A I did.
23 Q Okay.
24 A I did not make -
25 Q And was that the whole stack?

1 A That's the whole stack. I did not alter, make copies of
2 anything. So those ten pages including the four pages of
3 the agenda, I gave all ten pages to the Officer.

4 Q Okay. And so Mr. Smith, did the conference room that
5 we're talking about have security cameras?

6 A It does.

7 Q Do you have access to them?

8 A I do.

9 Q As the City Manager?

10 A Yes.

11 Q Do you always have access to them?

12 A Yes.

13 Q Were you able to verify if those cameras were working on
14 October 10th of 2023?

15 A I did, yes.

16 Q Were they working on October 11th of 2023?

17 A Yes.

18 Q Do you have the ability to view and download all those
19 videos?

20 A I do, yes.

21 Q And did you do that in this case? Did you download and
22 provide those to police?

23 A I - I did because it's necessary to capture that, there's
24 only about 21 days window of time to capture videos after
25 which they get overlayed by subsequent video.

1 Q Okay.

2 A So yes, I did download that.

3 MS. ROURKE: If I could just have one second,
4 your Honor.

5 BY MS. ROURKE:

6 Q All right. So Mr. Smith, I'm going to show you what's
7 been marked as People's Proposed Exhibit 1. All right.
8 Mr. Smith, so this is People's Proposed Exhibit 1. Do you
9 recognize this view?

10 A I do.

11 Q How do you recognize it?

12 A It's a direct review out of the corner security camera
13 that overlooks the room.

14 Q Okay. Is this one of the security cameras that you have
15 access to at all times?

16 A Yes.

17 Q Okay. Does this - is this one of the videos you provided
18 to police?

19 A Yes.

20 Q Does it look altered or changed in any way?

21 A No.

22 Q Does it fairly and accurately depict the view of what
23 we're seeing in the workings of that camera that day?

24 A It does.

25 Q Okay.

1 MS. ROURKE: Judge, I'd ask to admit People's
2 Exhibit 1.

3 MR. QUAS: No objection for purposes of Exam.

4 THE COURT: So admitted.

5 (PX#1 was admitted at about 3:15 P.M.)

6 MS. ROURKE: And then Judge, I guess just for
7 expediency, there's two other videos. It's the same
8 question. If Mr. Quas doesn't have an objection to it, I
9 would just ask to move People's Exhibit 2 and 3.

10 MR. QUAS: No objection for Exam.

11 MS. ROURKE: Okay. Thank you, Mr. Quas.

12 THE COURT: And Mr. Quas you've had an
13 opportunity to view those Exhibits?

14 MR. QUAS: Yes, thank you.

15 THE COURT: So admitted.

16 (PX#2 and PX#3 were admitted at about 3:15 P.M.)

17 MS. ROURKE: Okay. So just for purpose of the
18 Record, your Honor, these videos are lengthy. I only plan
19 on playing a couple portions of it.

20 Obviously if Mr. Quas would like to play more,
21 I'm happy to facilitate that.

22 But just for expediency purposes, I'm going to
23 fast forward a couple parts just - just for purposes of
24 keeping it moving.

25 THE COURT: That's fine. I appreciate that.

1 MS. ROURKE: All right. So just for the Record,
2 I'm going to play People's Exhibit 1.
3 BY MS. ROURKE:
4 Q Before I do that, Mr. Smith, does the date and time on the
5 security video look accurate?
6 A It does.
7 Q Okay. And what's the date we're seeing here?
8 A October 10, 2023, at what would be 6:13 P.M.
9 Q At that point, are you already out of the office?
10 A I've gone for the day.
11 Q Okay.
12 MS. ROURKE: I'm going to play People's Exhibit
13 1.
14 THE COURT: While you're looking, may I ask a
15 question? Mr. Smith, do you know what time the Historical
16 Commission meeting was scheduled that evening?
17 THE WITNESS: Scheduled to start at 7:00 P.M.
18 THE COURT: Thank you.
19 MS. ROURKE: And I'm going to fast forward just
20 a little bit, your Honor to approximately 1816 15 seconds.
21 (PX#1 was played for the Record.)
22 MS. ROURKE: I'm going to pause it for just a
23 brief second at approximately three minutes and 37 seconds
24 in.
25 BY MS. ROURKE:

1 Q Mr. Smith, we see a handful of tables and chairs here. Is
2 this normally how the center looks?
3 A Yes.
4 Q Okay. So in that - I'm going to try to explain, that side
5 table that's kind of closest to us where this person is
6 just kind of parallel to -
7 A Uh-huh.
8 Q - do you see anything on that table?
9 A No.
10 Q At this time?
11 A No.
12 Q Okay. Thank you.
13 MS. ROURKE: And I'm going to press play, your
14 Honor.
15 (PX#1 was played.)
16 MS. ROURKE: I'm going to pause it for just a
17 second, your Honor, at approximately six minutes and 55
18 seconds in.
19 BY MS. ROURKE:
20 Q Mr. Smith, do you recall what the Defendant was wearing
21 when you saw him on the 10th?
22 A I - I did not see him on the 10th. Like I said, I think
23 somebody else came up and picked up the key.
24 Q Gotcha. Understood. Okay. Thank you.
25 A He entered after I'd left.

1 Q Okay.

2 MS. ROURKE: I'm playing it again, your Honor.

3 (PX#1 was played.)

4 MS. ROURKE: I'm going to pause it, your Honor,
5 at - the time stamp on the video is 1821. So about eight
6 minutes and two seconds into the video.

7 BY MS. ROURKE:

8 Q Mr. Smith, we just seen this individual put a stack of
9 papers down, it's kinda hard to see on the screen right
10 now, on that side table we were just referring to, is that
11 fair to say?

12 A That's fair to say, yes.

13 Q Okay. Where specifically did you find that stack of
14 papers you referenced earlier?

15 A At that same location.

16 Q That same table?

17 A Yes.

18 Q Okay.

19 A Uh-huh.

20 MS. ROURKE: And your Honor, I'm going to pull
21 up People's Exhibit 2. And then again, I'm going to fast
22 forward just a little bit.

23 THE COURT: Miss Rourke, I do have a question.

24 MS. ROURKE: Yes.

25 THE COURT: I think maybe it was just overlooked.

1 But maybe the witness can identify - if he can identify
2 that person who is there in the long sleeve shirt with the
3 vest on that was in the prior by himself -

4 MS. ROURKE: Yes, your Honor.

5 THE COURT: - for identification.

6 MS. ROURKE: Yes, your Honor.

7 BY MS. ROURKE:

8 Q So Mr. Smith, the - I'm going to pull up - let me go back
9 to One real quick just so that it's clear. So Mr. Smith,
10 the person that we see walk in first, moving things
11 around, do you recognize this person on the video?

12 A I do.

13 Q How do you recognize him?

14 A That's Jim Meloche, the Chairperson of our Historic
15 District Commission.

16 Q Okay. And he's the first person we see walk in here?

17 A Yes.

18 Q And is it fair to say he's also the person we saw a minute
19 ago putting that stack of papers down?

20 A Yes.

21 Q Okay.

22 MS. ROURKE: This is People's Exhibit 2, your
23 Honor. Again, I'm going to fast forward if I could have
24 just one second.

25 BY MS. ROURKE:

1 Q Mr. Smith, based on - as far as you know, how long do
2 these Commission meetings typically take place?
3 A They're typically around an hour. They can go as long as
4 two hours. But typically around an hour.

5 Q Okay.

6 MS. ROURKE: So I'm going to play it at
7 approximately one hour and 20 minutes in, time stamp on
8 People's Exhibit 2 is 20-04.

9 (PX#2 was played.)

10 MS. ROURKE: And I'm going to pause it at
11 approximately one hour and 22 minutes in, time stamp on
12 the video is 20-06.

13 BY MS. ROURKE:

14 Q Mr. Smith, so we see everyone leave the center, is that
15 fair to say?

16 A Yes.

17 Q Okay. And so I'm going to direct your attention to that
18 same side table, I know this - I can bring my computer
19 closer to you if it's a little bit easier. What, if
20 anything, do you see on that side table?

21 A The same stack of papers that were put there earlier in
22 the evening.

23 Q Okay. And where exactly did you say the key was left for
24 the room?

25 A The key would have been left most likely on that side bar,

1 if you will, there's a sink and a refrigerator there.

2 Q Okay.

3 A Probably on that countertop.

4 MS. ROURKE: And then, your Honor, I'm going to
5 play finally People's Exhibit 3.

6 BY MS. ROURKE:

7 Q Mr. Smith, as I open this last Exhibit, did you review all
8 of the security cameras from the 10th to the 11th that
9 morning?

10 A Yes.

11 Q You reviewed the entire night?

12 A Yes.

13 Q Okay. In your review of those videos, at any point did
14 you see anybody come into the building after everyone left
15 that night?

16 A Absolutely not.

17 Q Okay.

18 A No one else entered the building.

19 MS. ROURKE: And your Honor, I'm just going to
20 play from the beginning.

21 THE COURT: Could you state the Exhibit Number
22 again?

23 MS. ROURKE: Yes, I'm sorry. This is People's
24 Exhibit 3.

25 THE COURT: And I'm sorry, was that admitted?

1 MS. ROURKE: Yes, it was. I guess I just want
2 to confirm with Mr. Quas that he's okay with that.

3 MR. QUAS: Yes.

4 MS. ROURKE: Okay. Thank you.

5 THE COURT: Thank you.

6 (PX#3 was played.)

7 BY MS. ROURKE:

8 Q So Mr. Smith, I'm going to pause it for just a second,
9 only about 22 seconds in. What's the date on this
10 People's Exhibit 3?

11 A October 11, 2023.

12 Q And what's the time?

13 A 7:07 A.M.

14 Q Okay. So this is the next morning?

15 A The next morning.

16 Q Okay. And what do we see on that side table we've been
17 talking about?

18 A Same stack of papers.

19 Q Okay.

20 A In the same location.

21 Q Okay. Thank you.

22 MS. ROURKE: And I'm playing People's Exhibit 3,
23 your Honor.

24 (PX#3 was played.)

25 MS. ROURKE: I'm going to pause it for just a

1 brief moment at approximately one minute, 40 seconds in
2 hour and 40 minutes in.

3 BY MS. ROURKE:

4 Q Mr. Smith, do you recognize the person on this video?

5 A I do.

6 Q Who is that?

7 A Myself.

8 Q Is that you that same morning?

9 A That is.

10 Q Okay. And what do we see you doing here?

11 A I'd picked up the stack of papers or partial stack of
12 papers and what's visible is the pages of pornography
13 still on the table.

14 Q Okay. All right. And is this just you observing -
15 looking at it, seeing what it was?

16 A Yes. Honestly, I was kind of dumbfounded. In a City
17 Office, what am I looking at? Why is this here? It was
18 just all these thoughts going through my mind.

19 Q Okay.

20 MS. ROURKE: I'm just going to play just another
21 minute or so.

22 (PX#3 was played.)

23 MS. ROURKE: And I'm going to pause People's
24 Exhibit 3 at 7-09.

25 BY MS. ROURKE:

1 Q Mr. Smith, when we see you leave on this video, where are
2 you heading to?
3 A My office.
4 Q Okay. Is that where your meeting was going to take place?
5 A Correct.
6 Q And then just to clarify, those documents that you picked
7 up, did you save those for police?
8 A I did.
9 Q And you provided everything you found to police, correct?
10 A Absolutely, yes.
11 Q Okay. Thank you.
12 MS. ROURKE: If I could just have one second,
13 your Honor?
14 THE COURT: Yes.
15 MS. ROURKE: I've got nothing further.
16 THE COURT: All right. Thank you. Mr. Quas, do
17 you have any Cross Examination?
18 MR. QUAS: Just briefly, your Honor.
19 CROSS-EXAMINATION
20 BY MR. QUAS:
21 Q Mr. Smith, with regard to the video, there's an entrance
22 and exit. You see people come into the conference room.
23 Is that really the only entrance or exit that people can
24 gain access to the conference room for this meeting on
25 that night?

1 A That would be the only door that was unlocked. There is a
2 second door that goes into the office part of the
3 building. But that door was not unlocked.

4 Q But that door was not unlocked. Thank you. Now with -
5 with regard to the following day, I believe you indicated
6 Mr. Meloche did come in and he picked up an umbrella,
7 correct?

8 A Correct.

9 Q Other than that, I mean you really didn't have any
10 interaction because you had your meeting going on?

11 A Correct.

12 Q And when someone walks into this room from that door that
13 we saw the only one that was unlocked, is there some type
14 of a written notice or a posting that people are subject
15 to video recording while they're in that room?

16 A No, there is not.

17 Q Thank you.

18 MR. QUAS: That's all I have, your Honor. Thank
19 you.

20 THE COURT: Any Redirect?

21 MS. ROURKE: Just briefly, your Honor.

22 REDIRECT EXAMINATION

23 BY MS. ROURKE:

24 Q Mr. Smith, are you the one who actually installed those
25 cameras?

1 A I did.

2 Q Is that just part the business have security cameras on
3 the inside of the location?

4 A Yes. We - we were having a lot of problem with vandals
5 outside mainly. But when we put on the videos, the - the
6 contractor that we picked to do that says well, do you
7 want cameras inside the building as well? And I said yes.
8 So it was at that time that we installed them both inside
9 and outside.

10 Q Okay. Is there any location in this main room we saw
11 that's like private in terms of like a bathroom area or
12 anything like that?

13 A There is a bathroom in the building. But there are no
14 security cameras anywhere in that vicinity.

15 Q Okay. Thank you.

16 MS. ROURKE: I've got nothing further, your
17 Honor.

18 THE COURT: All right.

19 MS. ROURKE: I'd ask to excuse the witness.

20 THE COURT: Mr. Smith, thank you for your
21 testimony. You may step down and you may be excused.

22 THE WITNESS: Thank you.

23 (The Witness was excused at about 3:34 P.M.)

24 THE COURT: Additional witnesses, Miss Rourke?

25 MS. ROURKE: Yes, your Honor. The People call

1 [REDACTED] I'm probably going to pronounce this wrong,
2 [REDACTED] I'll have him spell it for the Record.

3 THE COURT: Thank you.

4 MS. ROURKE: Your Honor, may I approach to grab
5 Exhibits 7 through 9?

6 THE COURT: Yes.

7 MS. ROURKE: Thank you.

8 THE COURT: Good afternoon, sir. Can I have you
9 please raise your right hand? Do you solemnly swear or
10 affirm the testimony that you're going to give this Court
11 is the whole truth?

12 MR. [REDACTED] I do.

13 THE COURT: All right. Thank you. Mr.

14 [REDACTED] if you can please approach the witness stand
15 and have a seat. Make yourself comfortable.

16 [REDACTED]
17 Called as a witness by the People at about 3:35 P.M. and
18 sworn by the Court, testified as follows:

19 THE COURT: Ms. Rourke, you may proceed when
20 you're ready.

21 MS. ROURKE: Thank you, your Honor.

22 DIRECT EXAMINATION

23 BY MS. ROURKE:

24 Q I'm pretty positive I completely butchered your last name.
25 So I'm going to ask you to state and spell it for the

1 Record, your full name.

2 A Okay. [REDACTED], last name [REDACTED] -

3 Q For the Record, I was pretty close. Okay. If you could

4 spell it for me.

5 A Absolutely, [REDACTED].

6 Q Okay. Mr. [REDACTED] where do you currently live?

7 A [REDACTED].

8 Q In Clarkston. And that's in Oakland County?

9 A Yes, ma'am.

10 Q How long have you lived there?

11 A Just over a year.

12 Q Okay. I'm going to draw your attention back to like

13 October of 2023, well, just 2023 in general -

14 A Yes.

15 Q - where were you living at that time?

16 A I was living in [REDACTED]

17 Q Is that in the Clarkston area?

18 A Yeah, it's just northwest of Clarkston.

19 Q Okay.

20 A Dixie Highway and I-75 area.

21 Q And how long had you lived at that location? If you

22 recall?

23 A No, I do, I do, six or seven years.

24 Q Okay. So at that location, who all did you live with at

25 that time? Back in 2023?

1 A In 2023?

2 Q Yes.

3 A It was just my oldest son [REDACTED] my daughter [REDACTED] and my
4 youngest son [REDACTED]

5 Q Okay. And how many kids do you have?

6 A I have three - well and two stepchildren now.

7 Q Okay. The three that you just mentioned back in 2023, how
8 old were they?

9 A In 2023 okay so -

10 Q Or if you could just tell us their age now.

11 A Oh, yeah, now -

12 Q Yes.

13 A - [REDACTED] [REDACTED]

14 Q [REDACTED] you said?

15 A Yes, ma'am, just turned [REDACTED]

16 Q Okay. Mr. [REDACTED] do you know someone named Jim or
17 James Meloche?

18 A I do.

19 Q How do you know that person?

20 A He was our neighbor and friend at the time when we first
21 moved to Clarkston in 2011 - end of 2011, beginning of
22 2012. And -

23 Q So just to clarify real quick, so your - was that your
24 first home that you referenced? Or the second one?

25 A That was not one of the homes I referenced. That was

1 before.

2 Q Oh, okay. So where was that home located that the

3 Defendant was your neighbor?

4 A On [REDACTED] in Clarkston.

5 Q In Clarkston. Okay. So you just had a couple homes in

6 Clarkston.

7 A Yes.

8 Q Okay. When did you first meet the Defendant? Or Mr.

9 Meloche?

10 A That would have been in 2012.

11 Q Okay. And how many interactions would you say you had

12 with him while you were neighbors?

13 A Frequent. I couldn't put a number on it.

14 Q Did you have any or did you observe any interactions with

15 Mr. Meloche with your kids?

16 A Yes.

17 Q How many times would you say? If you know?

18 A I - I don't know. I mean dozens.

19 Q Okay. Do you see Jim Meloche or James Meloche in the

20 Courtroom today?

21 A I do.

22 Q Can you point and describe an article of clothing he's

23 wearing?

24 A Yeah, blue tie.

25 Q What was that? I'm sorry.

1 A Blue tie.

2 Q Blue tie. Okay.

3 MS. ROURKE: Judge, I'd ask the Record to
4 reflect the Defendant - or Mr. [REDACTED] has identified
5 the Defendant.

6 THE COURT: So identified.

7 MS. ROURKE: If I could have just one second,
8 your Honor.

9 BY MS. ROURKE:

10 Q So Mr. [REDACTED] I'm going to show you a couple of
11 Exhibits, actually, you know what, I'm going to start with
12 People's Exhibits 4, 5 and 6. They've already been
13 admitted.

14 MS. ROURKE: May I approach, your Honor?

15 THE COURT: I'm not - have those been admitted?

16 MS. ROURKE: Yeah 4 through 9 were admitted.

17 Actually, all nine have been admitted at this point.

18 THE COURT: Okay. Thank you.

19 MS. ROURKE: Is that correct, Mr. Quas?

20 MR. QUAS: Yes, it is.

21 MS. ROURKE: Okay. Thank you. May I approach
22 the witness?

23 THE COURT: Yes.

24 BY MS. ROURKE:

25 Q Okay. So Mr. [REDACTED] I'm going to hand you three

1 pages. I'm going to just ask that you keep them pointed
2 towards you. If you put them down, just make sure they're
3 face down, okay?

4 So I'm going to hand you People's Exhibit 4
5 first. Do you recognize the people in that photograph?

6 A I do.

7 Q How do you recognize them?

8 A That's my youngest son [REDACTED] and my late wife [REDACTED]

9 Q Okay. Does that photo look different from what you
10 remember it?

11 A The words, yeah, certainly.

12 Q Okay. And what about the substance of the photo?

13 A Yeah, my son.

14 Q Okay. So I'm not going to - we'll get into that in just a
15 second. How old was your son in that photo, if you
16 recall?

17 A That would have been -

18 Q Would you say under the age of 15?

19 A Oh, most certainly. He was like six years old maybe.

20 Q Okay. And then I'm going to ask you to flip to Exhibit 5.

21 THE COURT: I'm sorry. Can I interrupt again -

22 MS. ROURKE: Yes.

23 THE COURT: - because Mr. [REDACTED] you
24 indicated you have two sons?

25 THE WITNESS: I do.

1 THE COURT: And could you state which son -

2 THE WITNESS: This is [REDACTED]

3 THE COURT: Thank you.

4 MS. ROURKE: Thank you, your Honor.

5 BY MS. ROURKE:

6 Q Okay. So Mr. [REDACTED] on People's Exhibit 5 do you
7 recognize the individual in that photo?

8 A I do. It's [REDACTED] again.

9 Q Okay. And what - you recognize that photo though?

10 A I recognize the photo yeah.

11 Q Okay. And that's your son in it?

12 A It is.

13 Q Okay. And what age approximately was he in that photo?

14 A He was eight years old. It was taken on his birthday.

15 Q Okay. Is there anything different about that photo that
16 you don't remember seeing?

17 A Certainly.

18 Q Okay. Can you kind of describe just generally what you're
19 seeing that's not the same?

20 A I can.

21 Q Like is there text on it? Is there -

22 A There's text on it and there's lude photo shopping.

23 Q Okay. And then you said that's your son [REDACTED]

24 A It is.

25 Q Okay. So then I'm going to ask you to flip one more time

1 to People's Exhibit 6. Do you recognize the person in
2 that photo?

3 A That's [REDACTED] again.

4 Q Okay. Approximately what age was he there?

5 A He would have been probably seven.

6 Q Under 16?

7 A Under 16 certainly.

8 Q Okay. Do you recognize like the substance of that photo?
9 The tent and stuff?

10 A I do. It was a birthday gift.

11 Q Okay.

12 A From the grandparents.

13 Q Is there anything different about that photo that you
14 don't recognize?

15 A Well, the words and then again the lude photo shopping.

16 Q Okay.

17 MS. ROURKE: May I approach to publish People's
18 4, 5 and 6, your Honor?

19 THE COURT: Yes, you may.

20 BY MS. ROURKE:

21 Q And then Mr. [REDACTED] I just have a couple more - I just
22 want to run by you.

23 MS. ROURKE: May I approach, your Honor?

24 THE COURT: Yes, you may.

25 BY MS. ROURKE:

1 Q Okay. So same thing, Mr. [REDACTED] just keep it with you
2 and then just put it face down, okay?

3 A Yep.

4 Q So starting with People's Exhibit 7. Do you recognize
5 that photo?

6 A I -

7 Q Let me clarify. Do you recognize the photo on the left?

8 A The photo of my oldest son [REDACTED]

9 Q Yes.

10 A Yes, I do.

11 Q Okay. So that's your son [REDACTED] in that photo?

12 A Yes.

13 Q Okay. Do you recognize this page in general? Have you
14 ever seen that before?

15 A Just when I saw it earlier and when the Detective showed
16 it to me in 2013 (sic).

17 MR. QUAS: I'm sorry. I didn't hear that.

18 THE WITNESS: Or 2020 - I'm sorry, in - two
19 years ago, 2023.

20 BY MS. ROURKE:

21 Q Okay. You had said the Detective showed you that in 2023?

22 A Yeah.

23 Q Okay. How old was your son [REDACTED] (sic) in this photo?

24 A This is [REDACTED]

25 Q Oh, I'm sorry. [REDACTED] How old is [REDACTED] in that photo?

1 A I don't know his exact age certainly, under - under 16.
2 They were all under 16 when we moved from - into the
3 country from - from in town. I would say he's probably 12
4 there.

5 Q Okay. And then if you wouldn't mind just flipping. Thank
6 you. People's Exhibit 8, same question. Do you recognize
7 the person or the substance of that photo?

8 A I recognize the person on the righthand side as my
9 youngest son [REDACTED] again.

10 Q Okay. And how old was he in that photo if you recall?

11 A I don't recall. He looks to be about four or five years
12 old.

13 Q Okay. The same thing that I asked previously, does
14 anything not look familiar on that page?

15 A All the words on the entire left side.

16 Q Okay. And then finally People's Exhibit 9. I don't
17 believe there's any individuals in that photo. Does that
18 look familiar in any way?

19 A Just that it was shown to me previously by the Detective.

20 Q Okay. And what is the substance of that photo in terms of
21 what are we looking at?

22 A A pair of toddler's size four underwear.

23 Q Okay.

24 A And some words and some photo shop.

25 MS. ROURKE: May I approach to publish again,

1 your Honor?

2 THE COURT: Yes, you may.

3 BY MS. ROURKE:

4 Q Mr. [REDACTED] just to be clear. So in the photos you just
5 reviewed with your children in them, fair to say all those
6 photos they are under the age of 16?

7 A A hundred percent certain, yes.

8 Q Do you recall every giving photographs of your kids to the
9 Defendant?

10 A Never.

11 Q Okay. Any idea how he would have them?

12 A Potentially online.

13 Q Like -

14 A Social media.

15 Q Okay. Have you ever posted photos of your kids online?

16 A Myself?

17 Q Yes.

18 A I would not have taken those, no. That would have been
19 from my late wife's account -

20 Q Like on Facebook or something?

21 A - probably from Facebook, most certainly.

22 Q Understood.

23 MS. ROURKE: If I could have one second, your
24 Honor.

25 THE COURT: Yes, you may.

1 BY MS. ROURKE:

2 Q And then just one final question, Mr. [REDACTED] At any
3 point in the time you've known the Defendant have you ever
4 given him permission to use or take any of the photographs
5 of your children when they were minors?

6 A Never.

7 Q Okay. Thank you.

8 MS. ROURKE: I've got nothing further, your
9 Honor.

10 THE COURT: I - I have one question before you
11 have the Cross-Examination. You keep referring to your
12 late wife.

13 THE WITNESS: Yes.

14 THE COURT: Are you divorced? Or is she passed?

15 THE WITNESS: She passed.

16 THE COURT: Okay. Thank you. Sorry to hear
17 that. Just wanted to clarify that. Thank you.

18 Mr. Quas?

19 MR. QUAS: I have no any questions, your Honor.

20 THE COURT: All right. Mr. [REDACTED] thank you
21 for your testimony. You may step down. And you may be
22 excused. Again, thank you.

23 (The Witness was excused at about 3:45 P.M.)

24 THE COURT: I'd like to return these Exhibits to
25 you as well.

1 MS. ROURKE: Oh, yes, please. May I approach,
2 your Honor?

3 THE COURT: Yes.

4 MS. ROURKE: Thank you, your Honor.

5 THE COURT: Any additional witnesses?

6 MS. ROURKE: Yes, your Honor. The People call
7 Detective Nick Bohon.

8 THE COURT: Good afternoon. May I have you
9 please raise your right hand? Do you solemnly swear or
10 affirm the testimony you're going to give this Court is
11 the whole truth?

12 DETECTIVE BOHON: Yes, your Honor, I do.

13 THE COURT: All right. Thank you. You may step
14 up to the witness stand, Detective Bohon. Thank you.

15 DETECTIVE NICK BOHON
16 Called as a witness by the People at about 3:45 P.M. and
17 sworn by the Court, testified as follows:

18 THE COURT: You may proceed when you're ready,
19 Miss Rourke.

20 MS. ROURKE: Thank you, your Honor.

21 DIRECT EXAMINATION

22 BY MS. ROURKE:

23 Q Detective, can you state and spell your full name?

24 A Yes, Nick Bohon, B-o-h-o-n.

25 Q Oh, I apologize. I've been pronouncing your last name

1 wrong for -

2 A That's okay.

3 Q - as long as I've known. Okay.

4 THE COURT: I have too.

5 BY MS. ROURKE:

6 Q Can you spell that for the Record?

7 A Yeah, B as in boy, o-h-o-n.

8 Q Detective, where do you currently work?

9 A Currently I work for the Oakland County Sheriff's Office
10 out of Springfield Township as a Detective.

11 Q How long have you been a Detective?

12 A I've been a Detective going on three years now. I was
13 previous a Detective in Independence Township before I
14 went to Springfield.

15 Q Okay. And how long have you been a police officer in
16 total?

17 A I was hired with the Sheriff's Office back in August of
18 2014.

19 Q Okay. Have you been the whole time with the Sheriff's
20 Office?

21 A Yes, sir - yes, ma'am.

22 Q Okay. So I'm going to direct your attention back to
23 October of 2023, were you assigned to a case involving
24 someone named James Meloche?

25 A Yes.

1 Q Okay. What was the nature of that investigation that you
2 were assigned to?

3 A I was assigned a report involving what we thought was -
4 would be child pornography by my Sergeant. He assigns
5 reports. We had four Detectives at the time and I just so
6 happened to be assigned this report.

7 Q Okay. And what was your role in this investigation? Are
8 you the Officer in Charge?

9 A I would be the OIC, yes, the Officer in Charge, the head
10 Detective on the case.

11 Q Okay. So what steps did you take as the Officer in
12 Charge?

13 A So first I was given a package - a packet from Sergeant
14 Ashley. The packet that Mr. Smith testified on finding.
15 I was told that this was the stack of papers that was
16 found on scene.

17 I reached out to Mr. Smith and asked him about
18 what he found and what he gave to Sergeant Ashley. He
19 told me he found a packet of papers that he gave to
20 Sergeant Ashley that was later given to me.

21 Q What did you do next?

22 A What did I do next?

23 Q Yeah. After speaking with Mr. Smith, what did you do?

24 A I was given - also given a video, the video that we
25 watched, of the conference room.

1 Q Okay. I'm going to stop you for just a second.

2 A Yeah.

3 Q So how many videos were you provided if you recall?

4 A It was on a flash drive. So I don't know off the top of

5 my head. It was - but it was - it was from the moment

6 that Mr. Meloche comes into the next morning when Mr.

7 Smith found - it was one continuous video -

8 Q Okay.

9 A - of the whole night.

10 Q Did you watch that entire video?

11 A I watched the whole entire video from the start to finish,

12 yes, just to make sure no one else came into that

13 building.

14 Q Okay. At any point in those videos some of which we

15 played today already, at any point did you see anyone come

16 into that building after we see the initial group leave?

17 A After the meeting is over - when it appears to be over,

18 no. The only person that I observed come back into the

19 building was Mr. Smith the next morning.

20 Q And that's on the 11th?

21 A Yes.

22 Q Okay. At any point in your review of those videos did you

23 see anyone touch or move that stack of papers we saw in

24 the videos?

25 A There may have been a few patrons that were at the meeting

1 that during the meeting might have walked over to that
2 desk and might have looked at the papers. But Mr. - from
3 what I observed Mr. Meloche is the only individual that
4 placed the papers there and then the next - and then the
5 meeting was over. So -

6 Q So let me clarify. So from the moment we see everyone
7 leave -

8 A Yes.

9 Q - after the meeting -

10 A Yes.

11 Q - to when we see Mr. Smith the next morning, you reviewed
12 that full time period?

13 A Yes, throughout the night.

14 Q At any point in that time period, did you see anybody come
15 back in or move or touch those papers?

16 A No, I did not.

17 Q Okay. Did you speak to Mr. Meloche?

18 A I did.

19 Q Where did you speak to him?

20 A I spoke with Mr. Meloche at his residence in the Village
21 of Clarkston with my partner Detective Smith.

22 Q Okay. And you said he lived in Clarkston?

23 A Yes, the Village - City of the Village of Clarkston, yes.

24 Q Okay. Is that Oakland County?

25 A Yes, ma'am.

1 Q Is that technically - just cause I - I should know this by
2 now, but is that technically Clarkston? Or Independence
3 Township? Springfield Township?
4 A It's - it's the City of the Village of Clarkston but we
5 patrol it as it - the Sheriff's Office patrols it as
6 Independence Township.
7 Q Okay.
8 A Yes.
9 Q So when - let me go back for a second. So the video we
10 saw involved October 10th and 11th of 2023. When did you
11 speak with Mr. Meloche?
12 A Off the top of my head, I can't recall the actual date. I
13 believe it was that same week whenever I -
14 Q Within a couple days?
15 A Yes, whenever I was signed the report. It might have been
16 a few days later when we went to go speak with him.
17 Q Okay. And you said you spoke with him at his home in
18 Clarkston?
19 A Yes.
20 Q When you went to speak with the Defendant - well, let me
21 ask you. Do you see Jim or James Meloche in the Courtroom
22 today?
23 A Yes, I do.
24 Q Can you point and describe an article of clothing he's
25 wearing?

1 A He's sitting right next to the Defense Attorney wearing a
2 blue tie.

3 Q Thank you.

4 MS. ROURKE: Your Honor, I'd ask the Record to
5 reflect the Detective has identified the Defendant.

6 THE COURT: So identified.

7 BY MS. ROURKE:

8 Q So Detective when you spoke with the Defendant at his home
9 and you had already mentioned you were with a partner.

10 A Yes.

11 Q Okay. Did Mr. Meloche speak with you voluntarily?

12 A Yes. We informed him that we had some items that we would
13 like to show him and we'd like to speak with him. We did
14 inform him that it was completely voluntarily and he was
15 able to stop at any point and he could advise us to leave
16 at any point also.

17 Q Did you speak to him outside his house? Or inside his
18 house?

19 A Inside of his living room, I believe.

20 Q Okay. So he allowed you into his house?

21 A Yes.

22 Q Was he in custody at that point?

23 A No, I don't - I didn't even have a pair of handcuffs me or
24 my partner.

25 Q Okay. So was he free to leave or ask you to leave at any

1 point?

2 A Yes. We told him multiple times it was completely
3 voluntarily and he could let us - he could tell us to
4 leave at any point.

5 Q Okay. So what, if anything, did the Defendant say?

6 A If I can recall, first we just - we asked him if he was a
7 part of some kind of committee. He told us he was on some
8 kind of historic and that they had meetings at the Town
9 Hall in the Village of Clarkston.

10 At that point, I had a - I had the stack of
11 papers that was provided to us that was left on camera and
12 I had half of the picture covered, redacted so you could
13 not see the pornographic parts.

14 I first just showed Mr. Meloche the picture of
15 the juvenile who at the time I did not know who it was.

16 Q So I'm going to cut you off just real quick. Let me start
17 by first asking did you ask the Defendant if he had been
18 at this meeting at the center the day before - or on the
19 10th?

20 A I believe - I believe I did, yes.

21 Q Okay. And what did he say?

22 A Yes, he told us that he was a part of the historic and -
23 committee and that he - I think it was the head of it he
24 said and he held the meetings there at the Town Hall.

25 Q Okay. So he didn't deny being there on October 10th?

1 A No, I don't -

2 Q Okay. I'm going to show you People's Exhibit 7, 8 and 9.
3 Detective, the Exhibits I just showed you are these the
4 photos that you showed the Defendant when you interviewed
5 him or talked to him?

6 A Yes.

7 Q Okay. And so when you say you redacted part of it, what
8 do you mean by that?

9 A So if I'm looking at this picture, on the left is
10 obviously a picture of what appears to be a juvenile. On
11 the right is a picture of what I would say a pornographic
12 picture. The pornographic picture was covered by a piece
13 of paper. So when I showed Mr. Meloche this picture, all
14 he could see was the writing and the picture of the
15 juvenile.

16 Q Okay. And what, if anything did he say when you showed
17 him that first picture?

18 A I asked him if he'd ever - if he ever saw this picture and
19 he - I believe he said no. Then I asked him do you know
20 the - the appeared juvenile in this picture and he said
21 yes, that was my old neighbor, his kid.

22 Q Okay. And then what about People's Exhibit 5? Same kind
23 of question? Do you show him - oh, I'm sorry, not 5, 8.
24 People's Exhibit 8.

25 A Yes.

1 Q Did you show the Defendant that picture?

2 A I don't believe - I can't recall if I showed all - all the
3 pictures. I do recall that after I showed him the first
4 picture and after I unredacted the picture and showed him
5 the entire picture, at that point he requested to speak
6 with his lawyer and advised us that he no longer wished to
7 talk to us at that point.

8 Q Okay. Did the interview or conversation conclude at that
9 point?

10 A At that point, yes.

11 Q Okay.

12 MS. ROURKE: May I approach to grab the
13 Exhibits, your Honor?

14 THE COURT: Yes.

15 MS. ROURKE: I apologize I did not ask to
16 approach to give him them. My apologies.

17 BY MS. ROURKE:

18 Q Detective, what was the Defendant's demeanor when you
19 showed him that first picture?

20 A He appeared to be nervous while we were talking to him
21 just while we were speaking to him. But as soon as I
22 showed him the picture unredacted, he completely froze up
23 and just looked at me and said I want my lawyer and put
24 his head right down.

25 Q Okay. What did you do after that?

1 A At that point, myself and Deputy Smith exited the home.
2 And then we determined that based on the interview with
3 Mr. Meloche, based on the pictures, based on the video
4 that we watched, we concluded that there may be further
5 evidence, more evidence, inside of Mr. Meloche's home.

6 So at that point, we knocked on the door. Mr.
7 Meloche let us back in and we advised Mr. Meloche that he
8 was - needed to sit on his couch and my partner left, went
9 and got a search warrant signed for Mr. Meloche's address.

10 During that time, myself and Deputy Cotellis
11 (ph) was on scene. It was all recorded through Deputy
12 Cotellis' body camera, we stayed on scene and waited for
13 the search warrant to be signed in order for any evidence
14 not to be tampered with.

15 Q Was a search warrant obtained?

16 A Yes.

17 Q Okay. And that was signed by a Judge?

18 A Yes.

19 Q Were you present when the search was executed?

20 A Yes, I was there.

21 Q And when did that take place?

22 A That same day that we interviewed Mr. Meloche, maybe an
23 hour or so after we interviewed him just waiting for the
24 search warrant to be written and signed.

25 Q Okay. And what, if anything, was seized from the

1 Defendant's home?

2 A I mean, multiple items. When you walk into Mr. Meloche's
3 home, there's like the foyer area. To the right is what I
4 would call an office, had a computer in it, books. We
5 searched that room first.

6 During that search, we found multiple pictures
7 that appear to be very similar to the pictures that you
8 just showed us.

9 In a closet to the right of the room when you
10 walk in, we found multiple hard copies of the same
11 pictures.

12 Q So when you say same pictures, what was the general nature
13 of those pictures?

14 A It all appeared to be juveniles and then photo shopped
15 pornographic pictures with writing on it. Just appeared
16 to be - at first when I looked at it, just appeared to be
17 child porn to me.

18 Q Okay. And when you say you found them in a closet, is
19 that like printed pieces of paper? Or -

20 A Yeah, it would have been just like the pictures that you
21 showed me just now was all printed - they were printed off
22 with words and little stories on 'em.

23 Q Okay.

24 A We also took multiple hard drives, multiple flash drives,
25 multiple computers. Pretty much anything electronic that

1 we believed, cameras that we believed could store pictures
2 we took.

3 Q All those items were placed or secured as evidence?

4 A Yes.

5 Q By who?

6 A It would have been myself, Detective Smith, Detective
7 Computer Crimes Jeff Enger would have been the individual
8 who went through all the electronics.

9 Q Okay. So where did you take those pieces of evidence
10 after executing the search?

11 A That evidence would have been taken down our - the Oakland
12 County Sheriff's Office Property Room and then the - the
13 electronics, the computers, the hard drives, the flash
14 drives, that all was taken to the Computer Crimes Unit and
15 given to them.

16 Q And who analyzes it or searches those items?

17 A That would be our Computer Crimes Unit. I believe it was
18 Detective Enger was the individual who was tasked to this
19 report.

20 Q Okay. So once that person downloads or whatever phrase
21 they use, the technical phrases -

22 A Uh-huh.

23 Q - for looking through those items you seized, what role do
24 you have after that?

25 A So once everything is analyzed and downloaded, the

1 Detective will reach back out to me and let me know that
2 it's completed. I'll go - they'll provide me with a flash
3 drive and like a brief summary of what they - some items
4 they found and how they went through the extraction.

5 And then they provide me the flash drive and
6 then I plug the flash drive into my computer and it's my
7 job to go through every picture, every video that I see
8 and determine if there's any criminal pictures or anything
9 on the - the electronics that we took.

10 Q So in this case, did you personally review the evidence
11 that was collected from the Defendant's computer, USB's,
12 everything like that?

13 A The - yes, the extraction that was given to me from the
14 Computer crimes I reviewed everything that they pulled
15 from the computer, the hard drives, wherever they got it.

16 Q And how much did you end up reviewing?

17 A Hundreds and hundreds of pictures.

18 Q Okay. Ultimately from that, how many were of similar
19 nature to what we have admitted today?

20 A All of 'em.

21 Q Okay. So I'm going to just real quickly, I'm going to
22 hand you People's Exhibits 4, 5, 6, 7, 8 and 9.

23 MS. ROURKE: May I approach, your Honor?

24 THE COURT: Yes, you may.

25 BY MS. ROURKE:

1 Q Detective, these photographs that I'm handing you, I'm
2 going to give you a second to just kind of flip through
3 those. Those photographs that I just sent - not sent,
4 handed to you, People's 4 through 9, do you recognize
5 those photos as the substance of what you reviewed after
6 the Defendant's devices were analyzed or searched?

7 A Yes.

8 Q Okay. So is it fair to say those items were found on his
9 computers and such?

10 A Yes, four - I mean, yes.

11 MS. ROURKE: May I approach, your Honor?

12 THE COURT: Yes, you may.

13 MS. ROURKE: I have nothing further.

14 THE COURT: Mr. Quas, do you have any Cross
15 Examination?

16 MR. QUAS: I do not.

17 THE COURT: All right. Detective, thank you for
18 your testimony. You may step down.

19 (The Witness was excused at about 4:00 P.M.)

20 THE COURT: Any additional witnesses?

21 MS. ROURKE: Just one last witness, your Honor.
22 The People call Detective Jeff Enger.

23 THE COURT: Detective, can I have stop at the
24 podium first? Can you please raise your right hand? Do
25 you solemnly or affirm the testimony that you're going to

1 give this Court is the whole truth?

2 DETECTIVE ENGER: I do, your Honor.

3 THE COURT: All right. Thank you. You may
4 approach the witness stand, have a seat. Make yourself
5 comfortable.

6 THE WITNESS: Thank you.

7 DETECTIVE JEFFREY ENGER
8 Called as a witness by the People at about 4:00 P.M. and
9 sworn by the Court, testified as follows:

10 THE COURT: Miss Rourke, you may proceed when
11 you're ready.

12 MS. ROURKE: Thank you, your Honor.

13 DIRECT EXAMINATION

14 BY MS. ROURKE:

15 Q Detective, can you state and spell your full name for the
16 Record?

17 A Yeah, it's Jeffrey Enger, E-n-g-e-r.

18 Q Can you spell your first name for me?

19 A J-e-f-f-r-e-y.

20 Q Thank you. Just - just in case. Some people spell it
21 differently.

22 A Sure.

23 Q Detective, where do you - let me ask first and foremost,
24 is Detective the proper -

25 A Yeah, that's fine.

1 Q Okay. All right. Where do you currently work?

2 A I work for the Oakland County Sheriff's Office in the

3 Computer Crimes Unit.

4 Q How long have you - let me back up. What's your title

5 there?

6 A Detective.

7 Q Okay. So it's the same. All right. How long have you

8 been in that Unit?

9 A I've been in that Unit for a little over seven years.

10 Q Okay. And how long have you been a police officer in

11 total?

12 A About 23 and a half years. So seven in the Computer

13 Crimes Unit. The five before that I was a Detective just

14 doing general case work at one of our substations. And

15 prior to that Road Patrol and in the jail.

16 Q Is that all with the Sheriff's Office?

17 A Yes.

18 Q Okay. So where are you stationed out of?

19 A The main office in Pontiac.

20 Q Okay. What are some of your responsibilities in the

21 Computer Crimes Unit?

22 A So we do digital media investigations. So essentially

23 anything that can be analyzed and store data, cellphones,

24 computers, thumb drives, external hard drives, tablets,

25 DVR systems essentially anything that can store data.

1 We supplement Detective's cases if they submit
2 something as part of their investigation, we do the
3 forensic analysis of those items.

4 Q And how many cases would you say you've been involved in
5 as part of the Computer Crimes Unit?

6 A Oh, I - it would be hard to say, hundreds and hundreds.

7 Q Okay. And how many - actually I guess I don't even know
8 really the correct phrase. How many times have you
9 conducted some kind of search or analysis of like a
10 computer, an I-pad, a phone?

11 A I do it all day, every day. I don't take my own cases.
12 So I don't OIC 'em. All we do is the forensic evidence.
13 So it's literally every day. Some cases take a day. Some
14 take months. So -

15 Q What kind of training if any do you have to have to be in
16 this Unit?

17 A Yeah, so the requirement for our Unit is you be a
18 Certified Forensic Computer Examiner and that's standard
19 is set through the International Association of Computer
20 Investigator Specialists or IACIS. So we have to attend
21 their training and they have very comprehensive exam you
22 have to take at the end of it. It takes three, four
23 months to go through the entire process.

24 Q Is that training the whole three or four months?

25 A So there's two weeks of training and then when you get

1 home from that, there are three months approximately of
2 you're assigned a Peer Review Coach and you get questions
3 sets essentially. Mock evidence that you have to go
4 through and find certain things, answer very complex
5 questions based on the information they've given you.

6 Q And you - you participated in that training?

7 A I did. I'm CFC certified, yes.

8 Q Okay. So you're certified. Okay. And you had to take
9 the exam and everything too?

10 A Yes.

11 Q Okay. What kind of training do you have to do while on
12 the job, if any?

13 A So we do continuous training as part of the IACIS
14 certification they require when you recertify that you've
15 had so many hours of training in between. But we do
16 training on all the software that we use. We use a
17 multitude of different software programs in our Unit. We
18 have to go to training for all those.

19 I've had hours of cellphone training computer
20 related, different programs. DVR systems I think at last
21 count I have a nexus of 800 total hours of training -

22 Q Oh, wow. Okay.

23 A - and digital forensics.

24 Q In the span of the seven years that you've been in this
25 Unit?

1 A Correct.

2 Q Okay. And how - is there like a set amount of hours you
3 have to have each year?

4 A No. As far as IACIS is concerned for them to recertify
5 you as a - as a CFC, they require you I believe it's 80 in
6 a three-year span when you have to recertify.

7 Q Okay. Have you testified in Court before?

8 A Yes.

9 Q Have you been qualified as an expert in your field before?

10 A I have, yes.

11 Q How many times?

12 A Two.

13 Q And what -

14 A That I can remember. I think it might be a few more than
15 that. It's on my CV. I didn't realize when I made my CV
16 I needed to put my expert testimony. But I remember two
17 for sure.

18 Q Okay. Is that in Oakland County?

19 A It was. One in Circuit Court and one in 52-3 District
20 Court.

21 Q Okay.

22 MS. ROURKE: Judge, at this time I'd ask to move
23 to essentially admit or - yeah, admit Detective Enger as
24 an expert in his field of Computer Crimes and Forensic
25 Science.

1 MR. QUAS: No objection.

2 THE COURT: So admitted.

3 BY MS. ROURKE:

4 Q So Detective, what - I'm going to draw your attention back
5 to October of 2023, were you asked to assist in an
6 investigation involving someone named James Meloche?

7 A I was, yes.

8 Q What role did you have?

9 A I went to assist the Detectives who were investigating the
10 case. A lot of times we'll go on stuff like that where it
11 may potentially involve digital evidence and kind of point
12 out things that - that might have value of a forensic
13 nature.

14 Q Do you actually go to the scene? Or do you just wait for
15 people to bring items to you?

16 A When we assist with a search warrant, if they request it,
17 we'll go out to the scene and assist on scene.

18 Q So in this case for Mr. Meloche, did you actually go to
19 the scene?

20 A Yes, I went to the scene, yeah.

21 Q Was that his home?

22 A Yes.

23 Q Okay. So what role did you have once you got on scene?

24 A I just assisted the Deputy - or the Detectives that were
25 there in identifying what might be of value to - to take.

1 Q Okay. So once all of those items are logged into
2 evidence, what do you do with it?

3 A Yeah, so they log them into evidence and then they bring
4 them to us and I conduct a forensic analysis of the items
5 that I'm able to analyze.

6 Q Can you kind of briefly explain to us in kind of laymen
7 terms what steps do you take in order to do that? Like do
8 you have programs you've got to use? Or -

9 A Yeah, so cellphones, we have a couple different programs
10 we use. Basically, we hook that to the software. It
11 dumps the cellphone and makes a file that we're able to
12 upload into our forensic software and it parses it out or
13 puts it into different categories that make it look a
14 little more easy to look at, like pictures, text messages,
15 stuff like that.

16 For computers, thumb drives, externals we have a
17 device that is called Write Blocker so it will - you plug
18 it into the Write Blocker and then you plug your evidence
19 drive on the other side and it prevents anything from
20 being written onto the original evidence.

21 So essentially, we make a forensic copy of that
22 hard drive and then we take that forensic copy and we load
23 it into our software and it does the same thing the
24 cellphone software does. It kind of parses it out into
25 different categories and then we do our analysis in the

1 program.

2 Q Okay. So is it fair to say that your role is essentially
3 just kind of extracting everything and creating a report?

4 A Yeah. Well, we'll do - yeah, we'll extract the data,
5 analyze it in some - most cases and then create a report
6 from it, yeah.

7 Q Is that - as far as creating a report, are you looking for
8 dates that any items are created or modified in any way?

9 A Yes. That can be part of it absolutely.

10 Q Okay. So when I say created or modified, do you - are you
11 able to tell the distinction between when they were
12 created or modified from the original device?

13 A Yes. If the - if that artifact, the picture or whatever
14 the artifact is that you're looking at has that data there
15 then yeah, we can make that distinction.

16 Q Okay. So in this case, how many items did you review in
17 total if you recall?

18 A It was a lot. I'd have to look at my report for a total
19 number but it was in excess of 20 plus and it was if you
20 count all the disc drives and stuff like that, it was
21 actually probably in excess of 70 plus items. I'd have to
22 look at my report to be certain.

23 Q Okay. And what kind of items are we talking about?
24 Computers? Phones?

25 A This was cellphone. I believe a tablet. There were

1 laptops, tower computers, external - external storage
2 devices, thumb drives, floppy discs the old three and a
3 half inch floppies. I'm trying to think if there was
4 anything else. There was a camera, I believe, a printer.
5 And then some old zip floppy drives. So -

6 Q Okay.

7 A - a lot of items.

8 Q All right. And so you reviewed all of those things?

9 A The ones I was able to. There were a few things I was
10 unable to. There was a hard drive that had some
11 inscription that I as of now have not been able to get
12 into and there were some old zip floppy drives that I
13 mentioned. I didn't have any piece of media to read that
14 with. It's kind of antiquated - antiquated item.

15 Q Okay.

16 MS. ROURKE: If I could just have one second,
17 your Honor.

18 BY MS. ROURKE:

19 Q Okay. So Detective, I'm going to show you People's
20 Exhibit 4, 5 and 6.

21 MS. ROURKE: May I approach, your Honor?

22 THE COURT: Yes, you may.

23 BY MS. ROURKE:

24 Q Detective, starting with image 4, do you recognize that
25 image?

1 A I do.

2 Q How do you recognize it?

3 A It was one that I found on some of the media that was
4 submitted to be analyzed.

5 Q Okay. And what's the general nature that we're looking at
6 here?

7 A It's a picture of a woman and what appears to be a minor
8 child and it appears that the child has a penis
9 superimposed on him and there's some captioning around the
10 picture.

11 Q Okay. And Detective, were you able to confirm either a
12 creation or a modification date for this specific photo
13 from the Defendant's devices?

14 A Yes.

15 Q Do you recall what date that was?

16 A I believe this one was 5/24/20.

17 Q Okay. And then Exhibit 5, do you recognize that photo?

18 A Yes.

19 Q How do you recognize it?

20 A That was another one that was found on one of the pieces
21 of media.

22 Q Okay. One of the pieces -

23 A Digital media, one of the - one of the devices.

24 Q From the Defendant's home?

25 A Yes.

1 Q Okay. And were you able to obtain either a creation or a
2 modification date for that photograph?

3 A Yes, this one had a creation date of 9/27/23.

4 Q And then finally People's Exhibit 8, do you recognize that
5 photo?

6 A Also found on one of the submitted digital items.

7 Q Okay. Were you able to obtain either a creation or some
8 kind of modification date for that photo?

9 A Yes, I believe it was 7/22 of '22.

10 Q In your review of all the items, did you see any like
11 duplicates of these photos?

12 A Yeah, most of them occurred multiple times on the piece of
13 media and that's not uncommon to see that as things are
14 saved in different locations on the - on the devices.

15 Q Okay.

16 MS. ROURKE: May I approach, your Honor, with
17 People's Exhibits 7, 8, and 9?

18 THE COURT: Yes, you may.

19 BY MS. ROURKE:

20 Q Okay. Detective, I'm going to steal these from you. I'm
21 going to hand you 7, 8 and 9. Starting with People's
22 Exhibit 7, do you recognize that photo?

23 A Yes.

24 Q How do you - oh, you know what, we'll just go through one
25 by one. How do you recognize People's Exhibit 7?

1 A This is an image that I'd seen on - on one of the - on one
2 of the media that I looked at, one of the digital devices.

3 Q One of the Defendant's devices?

4 A Yes.

5 Q Okay. And then moving on to People's Exhibit 8, do you
6 recognize that photo?

7 A Yeah, also one from one of the digital devices, yes.

8 Q Okay. And then finally People's Exhibit 9, do you
9 recognize that photo?

10 A Yes, also from one of the items seized.

11 Q Okay. So is it fair to say People's Exhibit 4 through 9,
12 the six photographs we just showed you, were all of those
13 photographs found in your analysis or search of the
14 Defendant's devices?

15 A Yes.

16 Q Okay.

17 MS. ROURKE: May I approach, your Honor?

18 THE COURT: Yes, you may.

19 BY MS. ROURKE:

20 Q Detective, in your review of everything, did you have any
21 evidence to suggest that any of the photos had been tried
22 to be deleted or anything like that?

23 A Yeah, some of them were found what we call an allocated
24 space. So the allocated space on a computer is the area
25 that files get sent when they've been marked for deletion.

1 They're stored there sometimes until that space is needed
2 by the computer and then it will be overwritten. But it's
3 not uncommon to find items in an allocated space. So
4 yeah, that - it is an indication that they had been
5 deleted.

6 Q Okay. So deleted in some way from the original device.

7 A Yeah so deleted from like the actual folders of the
8 computer. It moves it to an allocated space. It resides
9 there until it's overwritten.

10 Q Is that something - moving it to that folder, is that
11 something that can happen automatically? Or does an
12 individual have to take some action to do that?

13 A No, they have to delete the item, yeah.

14 Q Okay. So it -

15 A It takes -

16 Q - won't - it wouldn't just delete on its own?

17 A No.

18 Q Okay. And then Detective, just a couple more questions.
19 You mentioned thumb drives, floppy discs, and things like
20 that, were any of those Exhibits found on thumb drives?
21 Or what specifically do you recall that they were found
22 on?

23 A Some were found - there's some from a laptop. There were
24 some from a tower. Multiple removable media, external
25 hard drives, thumb drives. They were across multiple -

1 multiple items out of the things that I analyzed.

2 Q Okay. So for example like a thumb drive, you obtained a

3 couple of thumb drives, you said?

4 A Many, yeah.

5 Q Okay. And on those thumb drives, did you notice any of

6 these similar kinds of photos?

7 A Yes.

8 Q Can a photo be transferred to a USP or a thumb drive

9 automatically? Or does somebody have to take an action to

10 do that?

11 A Somebody has to take an action to move it to -

12 Q Okay.

13 A - to that location, yes.

14 Q Okay. Thank you.

15 MS. ROURKE: If I can just have one second, your

16 Honor?

17 THE COURT: Yes.

18 MS. ROURKE: I've got nothing further.

19 MR. QUAS: No questions, your Honor.

20 THE COURT: Detective, thank you for your

21 testimony. You may step down.

22 THE WITNESS: Thank you, your Honor.

23 THE COURT: And you may be excuse.

24 THE WITNESS: Thank you.

25 THE COURT: Have a good day.

1 THE WITNESS: You too.

2 (The Witness was excused at about 4:13 P.M.)

3 THE COURT: Ms. Rourke, any additional

4 witnesses?

5 MS. ROURKE: No, your Honor. The People rest.

6 THE COURT: Mr. Quas, do you have any witnesses?

7 MR. QUAS: No, your Honor.

8 THE COURT: Closing arguments?

9 MS. ROURKE: Judge, at this time the People

10 would move to bind over as charged. For purposes of

11 expediency, I think for probable cause purposes, the

12 elements have been met for all nine charges.

13 So I would just reserve my rebuttal and leave it

14 to Mr. Quas.

15 THE COURT: Thank you. Any argument, Mr. Quas?

16 MR. QUAS: Judge, the primary offense is 1, 3,

17 5, 7, 8, 9. Two, 4 and 6 are the companion use of a

18 computer.

19 But they stem from basically producing,

20 possessing, however you want to look at it, child sexually

21 abusive material.

22 Under the Statute, child sexually abusive

23 material means any depiction whether made or produced by

24 electronic, mechanical or other means including a

25 developed or undeveloped photograph, picture, film, slide,

1 video, electronic visual image, computer diskette,
2 computer or computer generated image or picture or sound
3 recording which is of a child or appears to be a child
4 engaging in a listed sexual act.

5 A listed sexual act means sexual intercourse,
6 erotic fondling, sado machoistic abuse, masturbation,
7 passive sexual involvement, sexual excitement or erotic
8 nudity.

9 Here what's gotten lost in shuffle with this is
10 the offensiveness of what's been presented through
11 Exhibits 4 through 9, the photos don't qualify.

12 You have images where there's amateur photo
13 shopping on 4, 5 and 6. But it's not erotica and it
14 doesn't promote erotica. It doesn't promote excitement.
15 It's not the child actually in that state.

16 There's a photo shot, to be perfectly frank, of
17 a man's penis put over the clothes of the child. That's
18 it. None of that applies here.

19 In 7, 8 and 9, the picture of the child is a
20 separate picture. It's not involving the - the child is
21 not involved in what someone might say the sexual
22 photograph, completely separate picture. They're placed
23 on one piece of paper.

24 And what is the erotica of it from each of the
25 Exhibits is the text. Text isn't included in the Statute.

1 It's strictly the photographic images.

2 And when there's one picture of a minor and then
3 another picture of an act, that isn't the minor engaging
4 in the act.

5 And in 4, 5 and 6, yes, there's this
6 superimposed man's penis, but nothing about any of those
7 pictures involves erotica or any of the listed sexual acts
8 or - yes, listed sexual acts that are defined in the
9 Statute. None of this qualifies.

10 And therefore, the case should be dismissed, and
11 the matter should not be bound over. And clearly, I
12 think, Exhibit 9 in and of itself, a pair of underwear,
13 doesn't qualify.

14 But why is it there? It's there because the
15 focus of the investigation became or incorporated the text
16 that was with these photos and that was the reason these
17 charges were brought because they combined the two.

18 But the text is not a portion of what is to be
19 considered by this Court as sexually abusive material only
20 the photos.

21 And therefore, I'm asking the Court to dismiss.

22 THE COURT: Final argument?

23 MS. ROURKE: Yes, your Honor. Although this is
24 simply a probable cause determination, I do think there is
25 probable cause to bind all nine Counts over to Circuit

1 Court. But I would like to specifically kind of touch
2 base on what Mr. Quas was referring to.

3 I don't think there's any question here that
4 there are pictures of minors which has already been
5 established through the testimony with genitalia either
6 somehow put on those photos or whatever was able to be
7 done. But it certainly falls under that computer
8 generated image. It's something that was made or
9 produced.

10 Mr. [REDACTED] testified that this was - this is
11 not the photo that he remembered, different than what he
12 remembered because of those additions to that photo of his
13 children.

14 So it falls under that category of made in some
15 way or produced of a computer-generated photograph.

16 However, on top of that, the underlying material
17 of those items in addition to all the things that Mr. Quas
18 just listed, if you look at the definition in the Jury
19 Instructions for - subsections E, F and G, that includes
20 passive sexual involvement meaning watching, drawing
21 attention to or exposing someone to persons who are
22 performing real or simulated sexual intercourse, erratic
23 fondling and much other things.

24 There's no question in Exhibits 7, 8 and 9 that
25 there is material that you're being drawn to or looking at

1 for that purpose. That is a child - it's children in 7
2 and 8 and it's also a child's diaper or under garment in
3 Exhibit 9. That is drawing attention to sexually abusive
4 material of children.

5 On top of that, there's also sexual excitement
6 which is the display of someone's genitals in the state of
7 stimulated or - stimulation or arousal.

8 There's also erotic nudity which is allowing or
9 showing genital, pubic or rectal area of someone in a way
10 that tends to produce lude or lustful emotion. That
11 certainly qualifies all six Exhibits.

12 Exhibits 4 through 9 certainly fall under in my
13 - my opinion all three of those categories. But certainly
14 erotic nudity which is showing genital areas of someone in
15 a way that tends to produce lude or lustful emotion.

16 Whether it produces lude or lustful emotions in
17 my opinion is a question of fact for a Jury to decide.

18 So regardless, I think again for probable cause
19 purposes all the elements have been met.

20 I would like to again draw the attention to
21 Exhibit - all the Exhibits that were admitted. There's no
22 question, there's no denying that on those photographs
23 there is texts. Texts that is not handwritten. It is
24 text meaning it had to come from a computer in some way or
25 some kind of device.

1 On top of that, both Detectives testified that
2 they found all of those six photographs on the Defendant's
3 devices and Detective Bohon also testified that he saw
4 printed versions of those things in the Defendant's
5 closet. So at some point, some computer device was used
6 to do those things and I don't think there's a question
7 that these photographs at least for probable cause reasons
8 reach that level. And so we'd ask to bind over as
9 charged.

10 THE COURT: All right. Thank you. The Court's
11 heard the testimony in this matter. I am satisfied that
12 the Prosecutor has met her burden as to all nine charges.

13 I think where your argument fails, Mr. Quas, is
14 you're - you're trying to - you're trying to direct the
15 photo down to the photo of the child itself but the photo
16 is the complete photo.

17 And when you're looking the - each Exhibit as a
18 complete photo, it certainly falls within the - within the
19 definition as defined by the Statute on each of those
20 Exhibits that I was able to view as part of this Exam.

21 So I am satisfied that the elements have been
22 met and that the questions that are open are questions of
23 fact.

24 So I am going to bind this matter over to
25 Circuit Court for further proceedings as charged with the

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amendments as requested earlier.

MS. ROURKE: Thank you, your Honor.

THE COURT: Is there anything else?

MS. ROURKE: Not from the People.

THE COURT: All right. And Mr. Meloche's bond
does continue.

MS. ROURKE: Thank you, your Honor.

(At about 4:22 P.M., the matter was concluded.)

1 STATE OF MICHIGAN)
2 COUNTY OF OAKLAND)

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4 I certify that this transcript, consisting of 81
5 pages, is a complete, true, and correct transcript to the
6 best of my ability of the digital proceedings in the case
7 on September 25, 2025.

8 Digital proceedings were recorded and provided to
9 this transcriptionist and this certified recorder accepts
10 no responsibility for any events that occurred during the
11 above proceedings, for any inaudible and/or indiscernible
12 response by any person or party involved in the
13 proceedings or for the content of the recording provided.

14 I also certify that I am not a relative or employee
15 of the parties involved and have no financial interest in
16 the case.

17
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23 October 28, 2025
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