

MEMORANDUM

DATE: 7/1/15  
TO: Craig Tank  
FROM: Athina Siringas  
Assistant Prosecuting Attorney  
RE: Andre Thomas

AGREEMENT

Pursuant to our conversation and joint request that our agreement be in writing, this two-page memorandum is to confirm our understanding regarding a statement from Andre Thomas

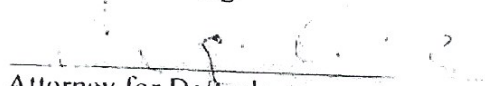
Upon information and belief, Andre Thomas has information relating to the homicide of Martez Johnson on June 28, 2015 and any surrounding circumstances. He has come forward and wishes to make a statement to the police regarding this information.

It is our mutual understanding that any statement made by Andre Thomas pursuant to this agreement, even if said information implicates him in criminal activity, will not be used against him as direct evidence in any court proceeding. The evidence may be used to impeach him if he testifies in a manner inconsistent with his statement in any proceeding.


It is also our agreement that law enforcement is not prohibited from derivative use of the information provided by Andre Thomas. The People are not in any way prohibited from using information currently in their possession

It is further our agreement that Andre Thomas will, upon request of the Wayne County Prosecutor's Office, submit to polygraph examinations regarding his statement. These polygraph examinations shall be conducted by a polygraph examiner chosen by the Wayne County Prosecutor's Office.

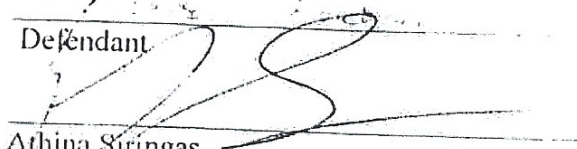
This memorandum constitutes the entire proposed proffer understanding between you, Andre Thomas and APA Athina Siringas and the Wayne County Prosecutor's Office. No other agreement, oral or written, exists at this time. Any other agreement shall be in writing.

  
\_\_\_\_\_  
Attorney for Defendant

Date: 7/1/15

  
\_\_\_\_\_  
Defendant

Date: 7/1/15

  
\_\_\_\_\_  
Athina Siringas  
Assistant Prosecuting Attorney

Date: 7/1/15

**STATE OF MICHIGAN  
IN THE 36th DISTRICT COURT**

**PEOPLE OF THE STATE OF MICHIGAN**

**v.**

**Case no. 15-  
Hon. Ronald Giles**

**CODY CLARK &  
ARKEENE BROADEN**

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**Kym L. Worthy  
Prosecutor for the County of Wayne County  
Erika Tusar (P56831)  
Assistant Prosecuting Attorney  
1441 St. Antoine  
Detroit, Mi. 48226  
(313) 224-8801**

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**PETITION AND APPLICATION FOR ORDER GRANTING IMMUNITY**

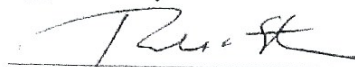
NOW COMES THE PLAINTIFF, the People of the State of Michigan, by and through, Kym L. Worthy, the Wayne County Prosecutor, and Erika Tusar, Assistant Prosecuting Attorney and in accordance with MCL 780.702 et seq., to hereby petition this Court for an order granting immunity to Andre Thomas for the following reasons:

1. This matter is before this Honorable Court pursuant to a warrant charging the above Defendants with Felony Murder and other offenses.
2. Witness, Andre Thomas is integral to the People's case and possesses information relevant to the facts and circumstances that form the basis of the charges against the defendants. The People believe that Andre Thomas will, if compelled to testify truthfully, under a grant of immunity, testify that:
  - a. He was present at 18163 Heyden on or about June 28, 2015, and was attempting to conduct a drug transaction with the victim and others.
  - b. He was present at the location when the defendants and the victim pulled up in a white Dodge Caliber;
  - c. That the defendant, Arkeene Broaden a/k/a Buddah was the driver of a White Caliber and that defendant Cody Clark was in the rear of that vehicle with the victim.

- d. Defendant Cody Clark entered the location with the victim and once inside held a gun to the victim's head and said, "nigga give me that shit." The victim tried to get away and defendant Clark shot him in the head.
  - e. Thomas ran to the kitchen and retrieved his weapon and he got into a shoot out with defendant Clark.
  - f. Defendant Clark ran from the location on foot and a white Malibu drove down the street firing shots at him. Thomas then returned shots as the white Malibu passed by.
  - g. He was interviewed by Detroit Police officers on June 26, 2015 and initially did not give a truthful account of the events because he was afraid of incriminating himself.
  - h. He came into the Prosecutor's Office with his attorney, Craig Tank, and gave a corrected, truthful statement on July 1, 2015.
3. Truthful testimony might tend to incriminate witness, Thomas, in a possible narcotics and weapons prosecution.
  4. Without an order granting immunity, the witness' testimony will be lost and the integrity of the People's case against the defendants will potentially be diminished. With the testimony, the integrity of the People's case against the defendants will be enhanced and the ends of justice will be served.
  5. As provided in 1999 PA 249, MCLA 780.702a, this court is empowered to enter an order granting immunity to the witness, Andre Thomas, if the witness testifies truthfully.
  6. The People aver that pursuant to 1999 PA 249, MCLA 780.702a, truthful testimony, evidence or other truthful information shall not be used against the witness, Andre Thomas, in a criminal case, except for impeachment purposes or in a prosecution for perjury or otherwise failing to comply with the order.

WHEREFORE, the People of the State of Michigan respectfully request that this Court enter an Order granting immunity to the witness, Andre Thomas, which will compel the witness to testify truthfully in the action now pending before the court.

Approved By:



Robert A. Stevens  
Deputy Chief of Special Prosecutions

Respectfully submitted,



Erika Tusar (P56831)  
Assistant Prosecuting Attorney



STATE OF MICHIGAN  
IN THE 36th DISTRICT COURT

PEOPLE OF THE STATE OF MICHIGAN

v.

Case no. 15-  
Hon. Ronald Giles

CODY CLARK &  
ARKEENE BROADEN

ORDER GRANTING IMMUNITY TO WITNESS, ANDRE THOMAS

At a session of said Court this date  
of: AUG 11 2015

PRESENT: HON. RONALD GILES  
Judge of the 36th District Court


The Prosecutor's Application and Petition for an Order of Immunity having been considered, and with the Court finding it is in the interests of justice to grant it:

The People's Petition and Application for Order Granting Immunity is hereby GRANTED.

Witness, Andre Thomas is hereby ordered to appear before this Court and testify under oath concerning the facts and circumstances surrounding the above captioned matter now pending before the court, which facts and circumstances are more fully described in paragraph 2 of the People's Petition and Application for Grant of Immunity.

IT IS HEREBY ORDERED, pursuant to 1999 PA 249, MCLA 780.702a, that truthful testimony, evidence or other truthful information concerning the facts and circumstances surrounding the above-captioned matter compelled under this Order granting immunity, and any information derived directly or indirectly from that truthful testimony, evidence or other truthful information shall not be used against the witness Andre Thomas, in a criminal case, except for impeachment purposes or in a prosecution for perjury or otherwise failing to comply with the order.

IT IS SO ORDERED:

  
Hon: Ronald Giles, Judge of the 36th District Court