

Dear Mr. Valliencourt--here is an email requesting prosecution to the AG today. I am sending it to you demanding that your office act. This entire matter is extremely serious and you must do your duty. Sitting on this and allowing the Statute of Limitations to expire is a clear violation of your oath of office as I indicated last week. I mean no disrespect but it is total disrespect by you and your office to ignore and avoid charging Mr. Furlong and Judge Brennan for the acts that violated their public trust including perjury; misconduct in office; and obstruction of justice.

Protecting them only demonstrates a double standard between treatment of the powerless in society and special treatment afforded to the powerful. You treated the powerful in 2013 as special people and if you follow the same path today given the evidence before you that you refused to investigate in 2013, you will be the *new* problem.

You must act before 1/4/19.

Below is the email which lays out the crimes for you:

**"Dear Mr. Cunningham--**

**I took the time over the Christmas weekend to review once again the transcripts of the findings of Judge Giovan and the testimony of Sean Furlong. The only conceivable reason not to have issued charges against Sean Furlong is to protect his testimony as a witness in the retrial of Kowalski and perhaps even in other cases where his testimony was critical to either the evidence of the crime or obtained search warrants on other cases. That is not a legitimate reason to ignore the serious criminal behavior of those persons entrusted with the duty to act within the law and certainly to tell the truth.**

**In 2013 your office accepted the statements of our local prosecutor when he clearly had to have told you that Judge Brennan's words was trustworthy. I asked your office at that time to investigate and you informed me (I still have the letter) that you had no reason to do anything further than accept the decision of the Prosecutor. I was concerned at the time but understood that your office tried (as it normally should) to accept the statement of a duly elected prosecutor that they were doing their duty.**

**In 2017 Furlong testified under oath in a circumstance where he knew the nature and importance of my questions and his testimony regarding the relationship he was engaged in with Judge Brennan. This was a detective with extensive experience and widely respected by the AG's office and law enforcement in general. In fact, I believe in the case involving legislators Gamrat and Courser, ultimately charged by your office, then Det. Furlong was standing beside our AG as the charges were announced.**

**The fact that former Det. Furlong was a good officer for apparently most of his career does not trump the fact of his criminal behavior designed to protect himself from criminal liability. It does not excuse perjury; misconduct in office; or common law obstruction of justice.**

**January 4, 2019 is a very critical date and we all know it.**

**Mr. Furlong testified that: 1. he never kissed Judge Brennan in her chambers. 2. That he never had a call with Judge Brennan during the 2013 Kowalski trial.**

**As to #1, there are two independent witnesses (one an APA) who stated that both Judge Brennan and Mr. Furlong denied that kiss occurred. Mr. Furlong lied. The**

evidence is there. He knew the importance of his denial of the kiss as it related to the Kowalski matter. That charge should be a slam dunk. It is far too serious to suggest there is not enough evidence. The only person with a reason to commit perjury was Mr. Furlong--not the other two witnesses.

As to #2, at minimum he should be charged as a co-conspirator with Judge Brennan in trying to obstruct justice or commit misconduct in office by altering testimony in his deposition in 2017. (The statute has not run on those potential charges based on the 2017 testimony, but the seriousness of this testimony relates to the Kowalski matter and should not be avoided. In fact, his testimony was perjury. He first said "no calls during trial", and then based upon Judge Brennan's improper behavior in the deposition he first tried to alter and/or confuse his testimony to the change it to "I don't recall any calls". However, when I went further and challenged him on which was the truth, at the end of his deposition he clearly confirmed his statement made to me under oath of NO CALLS during the trial was correct. Those are facts related to criminal behavior trying to cover up the relationship at a critical time--the Kowalski trial.

I have not mentioned the part Judge Brennan played in NO. 1 above. She absolutely should be charged with perjury on NO. 1. Just look at her testimony, i.e. no such kiss and no telling the two witnesses about the kiss. Two perjurious statements!!

Finally, absolutely Judge Brennan should be charged with Misconduct in Office and/or Obstruction of Justice connected to her bench statement attempting to cover up the true relationship with Mr. Furlong. January 1, 2019 is the critical date on this matter.

The Code of Judicial Conduct; MCR 2.003 and MCR 9.205 set the duty of Judge Brennan when she made her statement glossing over the friendship. She avoided

her duty in order to conceal her true relationship. She was caught by the motion made by Kowalski's attorney to recuse her. If she told the truth she would have been in trouble for all the Walker and Daubert rulings she made which supported her bias for Mr. Furlong. If she just recused herself all those rulings would have been upset and the matter would start over. If she told the truth she would have been potentially prosecuted by your office (or if the local prosecutor had decided to finally decided to do his duty you would have been off the hook) at the time. None of this happened because of the Misconduct in Office and/or obstruction of justice.

In conclusion, I do not know how to make my message any stronger without being insulting. I want to be respectful. However, in 2013 you just accepted the belief that the prosecutor would do his duty so you brushed my complaint off. Now you have facts and I urge you not to allow January 4, 2019 to absolve Sean Furlong and Theresa Brennan of their crimes.

I do not have the results of the MSP investigation on discussions with Mr. Furlong but there is no way for him to absolve himself of his criminal behavior. It could only have been worse for him in my view with forensic evidence. In fact, if he was put on notice in 2013 with a question by the prosecutor at the time and if he denied any truth to the allegations made in my 1/4/13 letter then for certain he would have to be charged also with misconduct and/or obstruction of justice dealing with the Kowalski trial.

I recall that Det. Reece mentioned that Mr. Valliencourt claims to have asked Furlong at the time about whether there was any truth to my claims in the letter--or something along those lines. I have never seen the investigative report but if questions, please ask Det. Reece.

**This cannot just be washed away given all the evidence. Something is truly rotten here and please act this week to correct this injustice. Thank you. I deserve a response as to our citizens. Tom Kizer "**