**RESPONSE TO DENIAL OF GRAND JURY PETITION BY JUDGE MAURER:**

A Citizens Grand Jury provides to the citizens a safety valve against unchecked public corruption. These conditions in Livingston County prompted the filing of a grand jury petition last June. At that time the citizens of Livingston County were literally up in arms about what had been occurring in their court system, and the reputation of the court was hemorrhaging **.**  Neither the elected Prosecuting Attorney, the State Police, the Attorney General, or the Judicial Tenure Commission had taken any public action to curb what had occurred in spite of the fact that they had transcripts and evidence to do so for over a year.

Judge David J. Reader carefully considered the request for a Grand Jury investigation in June of 2018 and properly decided that substantial enough evidence existed to warrant the seating of a grand jury, and he appointed former prosecuting attorney Thomas Kizer, Jr. to lead the

inquiry. Those decisions were secretly overruled by Probate Judge Miriam A. Cavanaugh who worked with the State Court Administrative Office to ship the case to an out-of-county judge in spite of laws which required that it be re-assigned to another Livingston County Judge.

***Judge Cavanaugh’s serious potential conflicts of interest motivating her attack on Judge Reader’s Orders approving the Grand Jury should be exposed. She was an assistant prosecutor during the entire investigation and charge of Mr. Kowalski. She had knowledge about the relationship of her political and social supporter Judge Brennan with Dect. Furlong and perhaps others that she may have been duty bound to reveal. The social relationship with Dect. Furlong and her potential for bias in both his favor and that of Judge Brennan should be***

***explained. Her close relationship with the Prosecutor must also be questioned. Her Order setting aside the Order of Judge Reader authorizing the Grand Jury has cast a further cloud on our Judiciary.***

In spite of the fact that Judge Maurer has substantially agreed in his opinion that unchecked public corruption existed in Livingston County and that the Order of Judge Reader was appropriate and necessary, he denied the petition to impanel a grand jury because the Attorney General has now belatedly taken action against Livingston County District Judge Theresa Brennan, who continues to receive taxpayer funded salary although she is suspended from performing her official duties.

Judge Maurer stated in his Opinion that “*the purposes of the intent of the petition for a citizens grand jury has been accomplished. Judge Brennan is currently in the midst of proceedings to hold her accountable for her actions that have stained the name of the Livingston County Courts and undermined the People’s confidence in the judiciary.*

We have expended substantial effort to protect and reinstate the initial Order of Judge Reader, and the rights of the citizens of this county, to commence a citizens investigation of the corruption in the judicial system and in doing so have been required to argue the merits of the petition and other related procedure in Livingston, Lenawee, Eaton, and Genesee counties, and the Michigan Court of Appeals and Supreme Court.

We do not agree with Judge Maurer that the issues are moot because the Attorney General has initiated an action against Judge Brennan. What occurred to again damage the reputation of this county did not occur in a vacuum, or by one person alone. Yet only Judge Brennan has been targeted by the Attorney General.

We do not know if Mr. Kowalski, a victim of this corrupt system, is innocent or guilty. What we do know is that because of the corruption in the criminal justice system, he did not receive a fair trial guaranteed by the constitution, and has now served over 10 years in prison. The County Prosecutor has finall**y** substantively now admitted the defects in the Kowalski trial by agreeing to vacate the murder conviction, which he had fiercely defended and won all the way to the Michigan Supreme Court.

In spite of the acknowledged *stain* and *undermined* confidence in the judiciary in Livingston County, the anemic prosecutorial effort against only Judge Brennan is insufficient, and the Citizens of Livingston County are being shortchanged by the system.

***The inaction by the Prosecutor in 2013 to even check with his own staff about the extent of***

***the relationship between Judge Brennan and Furlong; the failure of former assistant prosecutor Cavanaugh and then newly elected Judge in 2013 to offer what she knew of the relationship and her actions in 2018 to undo the Order of Judge Reader have never been answered in any forum by these elected and connected officials.***

***Judge Brennan created the initial problem but the potential that our elected officials have participated in a “cover up” of the facts and their part in the fraudulent conviction of Kowalski has yet to be examined and addressed. Our officials owe us more than protecting their own agendas and then “self preservation” when the dominoes start to fall.***

Prosecutor Vailliencourt did nothing to investigate even within his own office whether Judge Brennan was engaged in a more extensive relationship with Dect. Furlong than she claimed from the bench when she was asked to step down as presiding Judge. He sat silent.

Judge Cavanaugh while scuttling the Orders of Judge Reader never revealed her own connection and the extent of it with Mr. Vailliencourt, Dect Furlong, and Judge Brennan leading up to the Kowalski trial itself.

Our elected powerful officials owed our county transparency. Instead we were served with silence and secrecy.

We fully expected that there would be pushback to the filing of the petition for a Grand Jury investigation, but never expected that it would come from the court system itself. We will consider our options from this point forward.

Daniel A. Burress, Thomas Kizer,

Petitioner Special Prosecutor