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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

03 - 80598

UNITED STATES OF AMERICA,

CRIMINAL NO.

Plaintiff,

HON.

AVERN COHN

-vs-

D-1 WILLIAM MELENDEZ, a/k/a
"Robocop," *no mag #*

VIOLATIONS: 18 U.S.C. § 241

18 U.S.C. § 242

D-2 MATTHEW ZANI, a/k/a
"Spike," *no mag #*

18 U.S.C. § 924(c)

18 U.S.C. § 922(j)

D-3 JEFFREY WEISS, a/k/a
"Joker," *no mag #*

MAGISTRATE JUDGE R. STEVEN WHALEN

D-4 TROY BRADLEY, *no mag #*

D-5 CHRISTOPHER RUIZ, *no mag #*

D-6 TIMOTHY GILBERT, *no mag #*

D-7 MARK DIAZ, *no mag #*

no mag # D-8 JERROD WILLIS,

D-9 CHRIS GUINN, *no mag #*

no mag # D-10 THOMAS TURKALY,

D-11 RICARDO VILLARRUEL, *no mag #*

no mag # D-12 JOHN MCLEOD,

D-13 JOHN WATKINS, *no mag #*

no mag # D-14 DENNY BORG,

D-15 JAMES COSS, *no mag #*

no mag # D-16 STEPHEN PETROFF, and

D-17 NICOLE RICH, *no mag #*

Defendants.

FILED
2003 JUN 19 P 12:04
U.S. DISTRICT COURT
EAST DISTRICT OF MICHIGAN
DETROIT

INDICTMENT

THE GRAND JURY CHARGES THAT:

INTRODUCTION

At all times pertinent to this indictment:

1. The Fourth Amendment to the United States Constitution states: *The right of the*

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people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

2. The Fourteenth Amendment (§1) to the United States Constitution states, in pertinent part: *No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*

3. Officers with the Detroit Police Department were required to observe the Fourth and Fourteenth Amendments of the United States Constitution.

4. The defendants were officers with the Detroit Police Department.

5. The Detroit Police Department was a law enforcement agency in the City of Detroit, Michigan, empowered to enforce the laws of the State of Michigan, the County of Wayne, and the City of Detroit.

COUNT ONE

(18 U.S.C. § 241: Conspiracy Against Rights)

D-1 WILLIAM MELENDEZ, a/k/a "Robocop,"
D-2 MATTHEW ZANI, a/k/a "Spike,"
D-3 JEFFREY WEISS, a/k/a "Joker,"
D-4 TROY BRADLEY,
D-5 CHRISTOPHER RUIZ,
D-6 TIMOTHY GILBERT,
D-7 MARK DIAZ,
D-8 JERROD WILLIS,
D-9 CHRIS GUINN,
D-10 THOMAS TURKALY,
D-11 RICARDO VILLARRUEL
D-12 JOHN MCLEOD,
D-13 JOHN WATKINS,
D-14 DENNY BORG,
D-15 JAMES COSS,
D-16 STEPHEN PETROFF,
D-17 NICOLE RICH

CHARGE

From approximately April 29, 2000 to approximately June, 2003, in Detroit, in the Eastern District of Michigan, Southern Division, defendants WILLIAM MELENDEZ, a/k/a "Robocop," MATTHEW ZANI, a/k/a "Spike," JEFFREY WEISS, a/k/a "Joker," TROY BRADLEY, CHRISTOPHER RUIZ, TIMOTHY GILBERT, MARK DIAZ, JERROD WILLIS, CHRIS GUINN, THOMAS TURKALY, RICARDO VILLARRUEL, JOHN MCLEOD, JOHN WATKINS, DENNY BORG, JAMES COSS, STEPHEN PETROFF, and NICOLE RICH, being police officers with the Detroit Police Department and while acting under color of the laws of the State of Michigan and City of Detroit, did willfully conspire and agree with each other and with various other unindicted co-conspirators both known and unknown to the grand jury to

injure, oppress, threaten and intimidate persons in the State of Michigan in the free exercise and enjoyment of the rights secured to them by the Constitution and laws of the United States, those rights including:

- ◆ the right to be free from unreasonable search and seizure by one acting under color of law;
- ◆ the right to be free from the deprivation of liberty without due process of law, which includes the right not to have criminal charges based on fraudulent evidence or false information;
- ◆ the right to be free from the deprivation of property without due process of law by one acting under color of law; and
- ◆ the right to be free from the intentional use of unreasonable force by one acting under color of law.

MANNER AND MEANS

The manner and means by which the defendants and their co-conspirators sought to accomplish the objects of their conspiracy included, among others, the following:

Defendants and their co-conspirators would attempt to identify individuals whom they believed were engaging in narcotics trafficking, as well as locations from which they believed narcotics were being sold. In order to discover controlled substances, firearms, money, and other property, they would then, without a warrant or exigent circumstances, forcibly enter residences and unlawfully restrain, search, and question the occupants. They would also stop and detain individuals on the street without reasonable suspicion or probable cause and unlawfully search and question those individuals.

If they found narcotics, firearms or other contraband during their illegal searches,

they would decide whom they wished to arrest. They would then falsify their police reports to justify both the criminal charges against individuals whom they chose for illegal arrest and the initial searches and seizures of the contraband. They would sometimes keep for themselves some or all of the money, drugs or firearms they discovered.

On occasions where no contraband was found or, in their view, an insufficient amount or type of contraband was discovered, defendants would plant drugs, firearms or money, claiming they found those items on or near the individual chosen for the illegal arrest.

In executing the raids and ensuing searches, defendants and their co-conspirators would often intimidate the persons found inside the houses with threats of violence or unlawful arrest. As instruments of intimidation they would use their firearms or other objects. The illegal searches included full searches without probable cause as well as unjustified and demeaning searches, such as body cavity searches.

Defendants and their co-conspirators would take advantage of their presence in a house for investigative purposes by stealing from the occupants of the house.

Defendants and their co-conspirators would take money from persons in return for not arresting them.

In order to avoid detection, defendants and their co-conspirators would falsify police reports and commit perjury when called to testify in court.

The defendants and their co-conspirators perpetuated the pattern of civil rights violations committed by their fellow officers against those persons who were targeted

for abuse by not bringing those abuses to the attention of their superiors or by otherwise covering up for their fellow officers.

OVERT ACTS

In furtherance of the unlawful conspiracy, and to effect the objectives thereof, defendants committed the following overt acts in the City of Detroit, Eastern District of Michigan, among others:

1. On April 29, 2000, MATTHEW ZANI and CHRISTOPHER RUIZ, and unindicted co-conspirators, illegally entered a house at 14117 Stout by breaking a window. Once inside, they subjected Ramon Taylor and Derrick Tolbert to unlawful searches and seizures. An illegal search of the residence resulted in the discovery of marijuana and a firearm. In order to justify their actions, ZANI and RUIZ falsified their reports, claiming that Ramon Taylor threw a gun, which hit the door frame and fell into the house, and that they pursued Ramon Taylor into the house. RUIZ falsely claimed in his report that he found the marijuana outside on the porch where Ramon Taylor had been standing.

2. On May 2, 2000, MATTHEW ZANI and CHRISTOPHER RUIZ, and unindicted co-conspirators, illegally entered a residence in the area of Central and Michigan. Once inside the house, ZANI and RUIZ subjected Tracy Brown and others to illegal searches and seizures. ZANI fondled Brown's breasts and RUIZ and ZANI stole approximately \$1,242 belonging to Brown. They falsified their reports to justify their actions and conceal their unlawful conduct.

3. On August 28, 2000, MATTHEW ZANI, CHRISTOPHER RUIZ,

JERROD WILLIS, DENNY BORG, and TROY BRADLEY unlawfully entered a house at 4110 Joe Street and conducted an illegal search of the premises. They arrested Ramone Porter on the second floor of the home. They attempted to justify their arrest of Porter by falsely claiming in their reports that Porter ran out of the back of the home, causing them to chase him into an alley. They falsely claimed seeing a firearm fall from Porter's waistband after Porter jumped over a fence. In truth and in fact, Porter never left the residence until he was arrested, and the firearm was found in the house. They stole approximately \$200 from Porter.

4. On January 3, 2001, MATTHEW ZANI and CHRISTOPHER RUIZ detained Lonnie Byrd in the area of 16625 W. Chicago and subjected him to an illegal search and seizure. RUIZ falsely claimed in his report that he found crack cocaine on Byrd's person. ZANI and RUIZ stole approximately \$400 from Byrd and wrote false reports to justify Byrd's arrest and to conceal their illegal conduct.

5. On February 12, 2001, MATTHEW ZANI forcibly entered the home of Michael Olah, 6066 Cecil, by pointing a firearm at Olah. ZANI and THOMAS TURKALY unlawfully entered the house and subjected Olah to an illegal search and seizure. Inside the house, ZANI stole approximately \$140 belonging to Olah. In their reports, ZANI and TURKALY concealed the fact that they had entered the home illegally, falsely stating that they had arrested Olah on the front porch. Heroin and cocaine were discovered during the unlawful search of the house. ZANI and TURKALY falsely stated in their reports that these drugs were located on the front porch near where Olah was standing.

6. On February 26, 2001, WILLIAM MELENDEZ, JEFFREY WEISS and RICARDO VILLARRUEL unlawfully entered a residence at 3820 Wesson and subjected Clifton White and Shannon White, among others, to illegal searches and seizures. MELENDEZ pointed his firearm at Clifton White to gain entrance into the house. MELENDEZ, WEISS and VILLARRUEL falsely claimed in their reports that they contacted Clifton White and Shannon White on a public street and that Clifton White was in possession of cocaine. MELENDEZ, WEISS and VILLARRUEL wrote false reports concealing their unlawful entry into the house and justifying the false arrest of Clifton White for possession of cocaine.

7. On June 3, 2001, at the Jeffries Projects, near Myrtle and the John C. Lodge Freeway, MATTHEW ZANI, MARK DIAZ and THOMAS TURKALY chased Christopher Daniel, arrested him, and took approximately \$2,000 that belonged to Daniel, some of which they distributed to neighborhood children. They each wrote a false report concealing the seizure and distribution of this money.

8. On June 16, 2001, WILLIAM MELENDEZ, JEFFREY WEISS and RICARDO VILLARRUEL unlawfully stopped and arrested Victoria Tillmon outside her home at 3539 Wesson. MELENDEZ and WEISS falsely claimed in their reports that Tillmon dropped a vial containing crack cocaine. While taking her to the police station, MELENDEZ threatened Tillmon, explaining that people who testify against him and his crew will be killed.

9. On August 7, 2001, JEFFREY WEISS, TROY BRADLEY, JOHN MCLEOD and JERROD WILLIS took part in the arrest of James Liddell, and others, in the area

of Kulick and Wesson. WEISS, BRADLEY, MCLEOD and WILLIS all wrote false reports justifying the arrest of Liddell for possession of crack cocaine. In truth and in fact, Liddell did not have crack cocaine in his possession.

10. On October 8, 2001, WILLIAM MELENDEZ, JOHN WATKINS, JEFFREY WEISS, TIMOTHY GILBERT and JOHN MCLEOD, took part in the arrests of Clifton White, Perry Young, James Guffy, Cleophus Muse and others. MELENDEZ falsely claimed in his report that he saw Clifton White sell narcotics to James Guffy and Cleophus Muse. WATKINS falsely claimed in his report that he recovered a .22 caliber F.I.E. revolver, serial # 05169, from Clifton White's waistband and cocaine and marijuana in Clifton White's pocket. In truth and in fact, Clifton White did not have any narcotics or the .22 revolver on his person. The .22 revolver had been previously stolen by MELENDEZ and others from the residence of Chaka Thompson and Antoine Evans. Subsequent to an inventory search at the police station, TIMOTHY GILBERT placed \$100 in a property bag for Clifton White, falsely claiming the money was found on Clifton White's person. MELENDEZ, WATKINS, WEISS, GILBERT and MCLEOD all wrote false reports to justify the arrest of White.

11. In or about the winter of 2001, WILLIAM MELENDEZ and another officer detained and searched Antoine Evans. During the detention, MELENDEZ took approximately \$900 and a sweater belonging to Antoine Evans. After taking the money and sweater, MELENDEZ told Antoine Evans that he could walk away or MELENDEZ would arrest him on an outstanding warrant.

12. On February 9, 2002, MATTHEW ZANI and MARK DIAZ unlawfully

entered a residence at 3762 Tillman. While inside, they subjected James Underwood and Michael Holt to illegal searches and seizures. ZANI and DIAZ, and other officers, held Michael Holt by his legs and dangled Holt from a second story window. Later, inside the house, ZANI placed a noose around Holt's neck, tightened it, and threatened to kill Holt. ZANI and DIAZ falsely arrested James Underwood for possession of cocaine and marijuana. ZANI hit James Underwood in the head while he was handcuffed. ZANI and DIAZ wrote false police reports in which they claimed they had observed James Underwood go to the front door of the house and buy narcotics and that James Underwood was in possession of cocaine and marijuana.

13. On February 11, 2002, MATTHEW ZANI, WILLIAM MELENDEZ, MARK DIAZ, NICOLE RICH, and others, forcibly entered the residence of Clifton White, 2021 Toledo, Apartment 114. Once inside, they subjected Clifton White, Letecia Stanley, and others, to illegal searches and seizures. Despite searching the house and finding no contraband, they arrested Clifton White. ZANI, DIAZ and RICH concealed their illegal entry and search of Clifton White's residence by writing false reports stating they contacted Clifton White in an alley outside of the apartment building. ZANI, DIAZ and RICH supported the unlawful arrest of Clifton White by falsely stating in their reports that Clifton White dropped a plastic bag containing cocaine.

14. On February 19, 2002, WILLIAM MELENDEZ, JEFFREY WEISS, JERROD WILLIS and CHRIS GUINN unlawfully entered the residence of Dontae Lindsey, 4161 N. Campbell, and subjected Dontae Lindsey and Darrell Robinson to illegal searches and seizures. They arrested Dontae Lindsey and Darrell Robinson and wrote reports

falsely claiming that they found Lindsey and Robinson in a vacant house at 4155 N. Campbell, and that Lindsey and Robinson were in possession of firearms and narcotics.

15. On March 24, 2002, WILLIAM MELENDEZ, JEFFREY WEISS, and JERROD WILLIS confronted Edward Evans and Christie Parole as they sat in a parked car in front of 3311 Hammond. MELENDEZ searched Christie Parole and found cocaine. Edward Evans was then arrested. MELENDEZ, WEISS and WILLIS wrote false police reports justifying this arrest and claiming that Edward Evans, rather than Parole, was in possession of the cocaine.

16. On March 9, 2002, WILLIAM MELENDEZ and TIMOTHY GILBERT stopped a vehicle driven by Lenwood Watson in the area of 30th Street and Herbert. Andre Sanders was seated in the rear of the vehicle and another male was sitting in the front passenger seat. MELENDEZ and GILBERT searched the car and discovered a brown bag containing two plastic bags, one containing heroin and the other containing cocaine. When no one admitted ownership of the narcotics, MELENDEZ and GILBERT split up the heroin and cocaine and arrested Watson and Sanders. GILBERT falsely claimed in his report that he found the heroin on Watson's person. MELENDEZ falsely claimed in his report that Sanders had the crack cocaine in his mouth.

17. On April 22, 2002, on Clippert Street, WILLIAM MELENDEZ, TROY BRADLEY and JEFFREY WEISS subjected Darryl Chancellor and Robert Blackwell to unreasonable searches and seizures. MELENDEZ arrested Chancellor based on MELENDEZ's false claim that he saw Darryl Chancellor throw a firearm to the

ground. MELENDEZ, BRADLEY and WEISS wrote false reports justifying the arrest of Chancellor.

18. On April 24, 2002, WILLIAM MELENDEZ, TIMOTHY GILBERT, TROY BRADLEY, CHRIS GUINN, STEPHEN PETROFF and JAMES COSS forcibly and unlawfully entered a residence at 4831 Ternes. Inside, they subjected Anthony Perry, Tracy Brown, Irene Lake, and others, to illegal searches and seizures, as well as the use of unreasonable and excessive force. Specifically, Anthony Perry was beaten and subjected to a body cavity search. Irene Lake's head was stepped on, dislodging her tooth. They arrested Anthony Perry, Tracy Brown and Irene Lake based on their false claims that Anthony Perry dropped a bag containing cocaine, Tracy Brown was found to have heroin in her sock, and Irene Lake dropped a bag of cocaine.

MELENDEZ, GILBERT, BRADLEY, GUINN, PETROFF and COSS wrote false reports supporting these fabrications.

19. On August 22, 2002, in the area of Magnolia and Tillman, MATTHEW ZANI and unindicted co-conspirators unlawfully detained Darryl Stormer. During an unlawful search of Stormer, ZANI recovered Stormer's house keys. ZANI and unindicted co-conspirators then conducted an illegal search of the Stormer's house, looking for narcotics. Darryl Stormer was arrested. ZANI and the other unindicted co-conspirators wrote false reports claiming that Stormer threw a bag containing cocaine and marijuana to the ground and concealing the fact that they had entered Stormer's house.

20. On October 5, 2002, in the area of 4161 North Campbell, TROY BRADLEY,

CHRIS GUINN, TIMOTHY GILBERT and unindicted co-conspirators subjected Thearthur Williams to unreasonable and excessive force.

21. On December 3, 2002, WILLIAM MELENDEZ subjected Nathaniel Penick to an unreasonable search at his home at 1015 N. Rademacher Street. While conducting an unlawful search of Penick's home, MELENDEZ stole approximately \$2,000 belonging to Nathaniel and Anita Penick.

All in violation of Title 18, United States Code, Section 241.

COUNT TWO

(18 U.S.C. § 242: Deprivation of Rights under Color of Law)

D-2 MATTHEW ZANI

On or about February 12, 2001, in Detroit, in the Eastern District of Michigan, Southern Division, defendant MATTHEW ZANI, an officer with the Detroit Police Department, while acting under color of the laws of the State of Michigan, forcibly and unlawfully entered the home of Michael Olah, whom he subjected to unjustified detention and assault; unlawfully searched Olah's residence; and unlawfully took money from Olah. In so doing, MATTHEW ZANI did willfully deprive Michael Olah, a person in the State of Michigan, of the following rights preserved and protected by the Constitution of the United States:

- ◆ the right to be free from the deprivation of property without due process of law by one acting under color of law;
- ◆ the right to be free from unreasonable search and seizure by one acting under the color of law; and
- ◆ the right to be free from the intentional use of unreasonable force by one acting under color of law.

In the commission of this crime, defendant MATTHEW ZANI did use or threaten the use of a dangerous weapon, namely, a firearm.

All in violation of Title 18, United States Code, Section 242.

COUNT THREE

(18 U.S.C. § 924(c)(1): Use and Carrying of Firearm During Crime of Violence)

D-2 MATTHEW ZANI

On or about February 12, 2001, in Detroit, in the Eastern District of Michigan, Southern Division, defendant MATTHEW ZANI knowingly used and carried a firearm during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, Deprivation of Rights under Color of Law, 18 U.S.C. § 242; and in the commission of this crime, defendant MATTHEW ZANI did brandish a firearm.

All in violation of Title 18, United States Code, Section 924(c)(1).

COUNT FOUR

(18 U.S.C. § 242: Deprivation of Rights under Color of Law)

D-1 WILLIAM MELENDEZ

On or about February 26, 2001, in Detroit, in the Eastern District of Michigan, Southern Division, defendant WILLIAM MELENDEZ, an officer with the Detroit Police Department, while acting under color of the laws of the State of Michigan, forcibly and unlawfully entered the home of Clifton White, whom he subjected to unjustified detention and assault; and unlawfully searched White's residence. In so doing, WILLIAM MELENDEZ did willfully deprive Clifton White, a person in the State of Michigan, of the following rights preserved and protected by the Constitution of the United States:

- ◆ the right to be free from unreasonable search and seizure by one acting under the color of law; and
- ◆ the right to be free from the intentional use of unreasonable force by one acting under color of law.

In the commission of this crime, defendant did use or threaten the use of a dangerous weapon, namely, a firearm.

All in violation of Title18, United States Code, Section 242.

COUNT FIVE

(18 U.S.C. § 924(c)(1): Use and Carrying of Firearm During Crime of Violence)

D-1 WILLIAM MELENDEZ

On or about February 26, 2001, in Detroit, in the Eastern District of Michigan, Southern Division, defendant WILLIAM MELENDEZ knowingly used and carried a firearm, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, Deprivation of Rights under Color of Law, 18 U.S.C. § 242; and in the commission of this crime, defendant WILLIAM MELENDEZ did brandish a firearm.

All in violation of Title 18, United States Code, Section 924(c)(1).

COUNT SIX

(18 U.S.C. § 922(j): Possession of Stolen Firearm)

D-1 WILLIAM MELENDEZ
D-13 JOHN WATKINS

On or about October 8, 2001, in Detroit, in the Eastern District of Michigan, Southern Division, defendants WILLIAM MELENDEZ and JOHN WATKINS did knowingly possess a stolen firearm, namely, a .22 caliber F.I.E. revolver, serial # 05169, which had been shipped and transported in interstate commerce, knowing and having reasonable cause to believe that the firearm was stolen, in violation of Title 18, United States Code, Section 922(j).

COUNT SEVEN

(18 U.S.C. § 242: Deprivation of Rights under Color of Law)

D-2 MATTHEW ZANI
D-7 MARK DIAZ

On or about February 9, 2002, in Detroit, in the Eastern District of Michigan, Southern Division, defendants MATTHEW ZANI and MARK DIAZ, officers with the Detroit Police Department, while acting under color of the laws of the State of Michigan, forcibly and unlawfully entered 3762 Tillman, Detroit Michigan, and subjected Michael Holt and James Underwood to unjustified detention and assault. In so doing, MATTHEW ZANI and MARK DIAZ did willfully deprive Michael Holt and James Underwood, persons in the State of Michigan, of the following rights preserved and protected by the Constitution of the United States:

- ◆ the right to be free from unreasonable search and seizure by one acting under the color of law; and
- ◆ the right to be free from the intentional use of unreasonable force by one acting under color of law.

In the commission of this crime, defendants MATTHEW ZANI and MARK DIAZ did cause bodily injury to Michael Holt and James Underwood.

All in violation of Title 18, United States Code, Section 242.

COUNT EIGHT

(18 U.S.C. § 242: Deprivation of Rights under Color of Law)

D-1 WILLIAM MELENDEZ
D-4 TROY BRADLEY
D-6 TIMOTHY GILBERT
D-9 CHRIS GUINN
D-15 JAMES COSS
D-16 STEPHEN PETROFF


On or about April 24, 2002, in Detroit, in the Eastern District of Michigan, Southern Division, defendants WILLIAM MELENDEZ, TROY BRADLEY, TIMOTHY GILBERT, CHRIS GUINN, JAMES COSS and STEPHEN PETROFF, officers with the Detroit Police Department, while acting under color of the laws of the State of Michigan, forcibly and unlawfully entered 4831 Ternes, Detroit Michigan, and subjected Anthony Perry and Irene Lake to unjustified detention and assault. In so doing, WILLIAM MELENDEZ, TROY BRADLEY, TIMOTHY GILBERT, CHRIS GUINN, JAMES COSS and STEPHEN PETROFF did willfully deprive Anthony Perry and Irene Lake, persons in the State of Michigan, of the following rights preserved and protected by the Constitution of the United States:

- ◆ the right to be free from unreasonable search and seizure by one acting under the color of law; and
- ◆ the right to be free from the intentional use of unreasonable force by one acting under color of law.

In the commission of this crime, defendants WILLIAM MELENDEZ, TROY BRADLEY, TIMOTHY GILBERT, CHRIS GUINN, JAMES COSS and STEPHEN PETROFF did cause bodily injury to Anthony Perry and Irene Lake.

All in violation of Title 18, United States Code, Section 242.

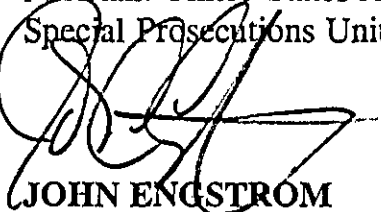
THIS IS A TRUE BILL


FOREPERSON

JEFFREY G. COLLINS
United States Attorney



R. MICHAEL BULLOTTA
Assistant United States Attorney
Special Prosecutions Unit



JOHN ENGSTROM
Assistant United States Attorney
Special Prosecutions Unit

Dated: 6/19/2003