

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

CIVIL ACTION NO. \_\_\_\_\_

LABOR DEFENSE COALITION, KENNETH V. COCKREL, President;  
GUARDIANS OF MICHIGAN; THOMAS MOSS; MOSES BALDWIN;  
THE DETROIT CHAPTER OF THE NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE; METROPOLITAN DETROIT BRANCH  
OF THE AMERICAN CIVIL LIBERTIES UNION OF MICHIGAN; ADRIEN  
JAMES; ERNEST MAZEY; COORDINATING COUNCIL ON HUMAN RELATIONS;  
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES,  
LOCAL 26, CORNELIUS HUDSON, President; FOUNDRY WORKERS FOR  
ACTION CAUCUS, DAVID MUNDY, Co-Chairman; FORD ROUGE ACTION  
CAUCUS, HENRY (HANK) WILSON, Chairman; WOLVERINE WORKER'S  
ALLIANCE; BLACK LAY CATHOLICS ASSOCIATION, HOMER McCLARITY,  
President; EASTSIDE VOICE OF INDEPENDENT DETROIT; OPERATION  
GET DOWN, BARRY HANKERSON, Director; ALLIANCE; PEOPLES PEACE  
TREATY; CLARENCE MANNING, SR.; MARY ETTA MANNING; NATHANIEL  
JOHNSON; FANNYE SPEARS; STATE REPRESENTATIVE JACKIE VAUGHN,  
III; JORDAN U. SIMS; PAUL LOWINGER; JAMES BISH; GEORGIA  
BROWN; FRANK H. JOYCE; REVEREND GEORGE COLMAN; WALTER  
McMURTRY and SHEILA MURPHY,

Plaintiffs,

vs.

ROMAN GRIBBS, Mayor of the City of Detroit, both Individually  
and in his official capacity; JOHN F. NICHOLS, Police  
Commissioner of the City of Detroit, both individually and in  
his official capacity; WILLIAM CAHALAN, Prosecutor for the  
County of Wayne, both Individually and in his official  
capacity; and THE CITY OF DETROIT, a Municipal corporation,

Defendants.

COMPLAINT

There is no other Civil Action arising out of the  
same transaction or occurrence as alleged in this  
Complaint, pending in this Court nor has any such  
action been previously filed and dismissed after  
having been assigned to a Judge. (See MGCR (1963)  
925.5 (2) (3) and (4).

Signature of Plaintiffs' Attorney

KENNETH V. COCKREL  
510 1/2 Monroe  
Detroit, Michigan 48226  
964-1120

THEODORE F. SPEARMAN, JR.  
LABOR DEFENSE COALITION  
510-1/2 Monroe  
Detroit, Michigan 48226  
964-1120

number of incidents in which they were involved, fatal and non-fatal, follows:

	<u>TOTAL</u>	<u>FATAL</u>	<u>NON-FATAL</u>
RAYMOND PETERSON	10	8	2
MICHAEL ZIOLKOWSKI	7	4	3
GARY BOIGER	6	1	5
PHILLIP KOCINSKI	5	4	1
MICHAEL WORLEY	4	3	1
RICHARD FILGO	4	3	1
PAUL VAN WIE	3	3	0
RICHARD WOROBEK	3	3	0
ROBERT MILLER	3	2	1
CHARLES EGGERS	3	0	3

#### IV.

#### SPECIFIC ACTS OF BRUTALITY, MURDER, WRONGFUL SHOOTING, KILLING AND BEATING

A. THE CHARLOTTE-WOODWARD AREA KILLINGS. Charlotte Avenue between Woodward and Park, at the southern end of Detroit's so-called Cass Corridor, is a dreary, soot-dirty block of transient hotels, bars and several unrazed century-old homes. It is an area populated with a large number of alcoholics, panhandlers and derelicts -- mostly harmless people who are guilty only of the institutionally-created crimes of poverty, unemployment and disease. It is in this immediate vicinity that five of the STRESS killings have occurred.

9. In actuality, as Plaintiffs are prepared to prove by sworn testimony before this Court, Officers Peterson and Brown were simply fulfilling the threat previously made to Henderson. James Henderson, the witness to a prior STRESS slaying, was murdered by STRESS officers.

10. Horace Fennicks and Howard Moore. At about midnight on July 5, 1971, STRESS Patrolman Michael Ziolkowski was walking west on Charlotte between Woodward and Park when he was allegedly approached by three men who asked him for a quarter. After stating that he had no quarter, Ziolkowski was allegedly again confronted by the men, one of whom now held a knife, and asked for all of his money. Ziolkowski claims then to have drawn his gun, displayed his badge, and told the men they were under arrest.

11. At this point the trio fled. Kenneth Hicks ran away from Ziolkowski down Charlotte and was felled in critical condition with a gunshot wound. Horace Fennicks and Howard Moore ran south into an alley and then east into another alley where they were met by STRESS Patrolmen Raymond Peterson and Phillip Kocinski. The two were there shot to death, sustaining a total of five gunshot wounds between them.

12. In actuality, as Plaintiffs are prepared to prove by sworn testimony before this Court, Horace Fennicks and Howard Moore were victims of police murder, and Kenneth Hicks, who was guilty of no crime whatever, was the victim of a police assault with intent to rob being armed.

13. Further, Plaintiffs allege and are prepared to offer evidence before this Court that Defendant WILLIAM CAHALAN, his agents and employees, know and have reason to know that it was the police who are guilty of heinous crimes in this case and not Kenneth Hicks. Nevertheless, Defendant CAHALAN is prosecuting Kenneth Hicks for assault with intent to rob being armed while the police remain free, charged with no crime and licensed by the chief law enforcement officer of this county to maim and murder innocent citizens and to do so while being paid by Plaintiffs and all city taxpayers.

14. Further, the aforesaid conduct on behalf of Defendant CAHALAN is part of a systematic and intentional scheme to rubber-stamp fraudulent police complaints against innocent citizens and to avoid, whenever possible, prosecuting police officers whom he knows and has reason to know are guilty of vicious criminality.

15. James Smith. On July 14, 1971, at about 2:45 a.m., a STRESS unit consisting of Raymond Peterson, Michael Ziolkowski, Paul Van Wie and Anthony Golicz fired three bullets into the body of James Smith in front of a parking lot near the Coleman Hotel on Brainard. Smith died one week later. Another victim of the shooting, one Robert Pearson, suffered multiple gunshot wounds but later recovered. Pearson and a third alleged accomplice, Robert Roberts, were subsequently charged with assault with intent to rob while armed.

16. It appears that Van Wie, acting drunk, approached Pearson and Roberts about getting some whiskey after hours. The three stood for some time in the parking lot next to the hotel. Robert claims that Smith was not present at this time and was never involved with the three. Pearson claims that Smith was not initially present, but came out of the hotel and told the group that there was no loitering there.

17. At some point shooting began, with shots fired by police from several directions. Smith was wounded mortally, either for nothing or at worst for telling a policeman not to loiter. The survivors, Pearson and Roberts, who was uninjured, were charged with the capital offense of assault with intent to rob being armed.

18. Although police claim that the three men, one armed with a knife, advanced on Van Wie, asked for money and continued to advance even after he had drawn his pistol, identified himself as a police officer, and ordered them to halt, the survivors were offered a plea to the relatively minor offense of attempted felonious assault which they accepted and for which they received a probationary sentence.

B. THE DIMINUTIVE DRUNK SHOOTINGS. Two of the other STRESS killings and a non-fatal STRESS shooting were thoroughly cowardly acts of mayhem against individuals who measured 5'8", 125 lbs., 5'7", 122 lbs., and 5'8", 125 lbs. respectively.

1. Louis Ellois, Jr. On September 3, 1971, at about 9:00 p.m., STRESS Patrolmen Robert Miller, James Bardel, Jackson Bowioz and Joseph Cielzielski responded to a radio run to 1093 Philip regarding a man on a porch with a gun. The complaint was traced to the home of one Louis Ellois, Jr., 1081 Philip, who at the time of the officers' arrival was inside his home harming no one and having harmed no one.

2. Louis Ellois, Jr. was a clerk in the Common Pleas Court for the City of Detroit. He was a well-liked man with a weakness for alcohol and a habit of mistaking his next door neighbor's home for his own when drunk. On two previous occasions he had mistaken his next door neighbor's home for his own and had knocked on the door until the glass broke. In both instances he had apologized and made restitution. The second time it happened the neighbors knew it was he and that he was drunk and didn't bother to call the police.

3. On the night of his murder, Ellois had come home singing and drunk. He had gone to the wrong house again, broken the door glass and, after apologizing and promising to pay for it tomorrow, had been helped home by a neighborhood youth.

4. Thereafter he was seen waving a shotgun on his porch. The shotgun was unloaded. When the plainclothes STRESS officers arrived, Ellois was upstairs and had to come down a narrow stairway to get onto the porch.

5. Police claim that Ellois, while coming downstairs with his gun, pointed it at them. For this, Patrolman Miller fired a shotgun from close range into Ellois' lower abdomen, blowing him away with a 3" by 3" wound of 00 buckshot. Had the officers merely stepped to the side of the doorway they would have been completely out of danger and in fine position to disarm this 5'8", 125 pound man coming down the stairs.

6. Donald Saunders. On September 21, 1971, at about 1:46 a.m., at Randolph and Monroe Streets, STRESS officers Robert Miller, Raymond Peterson, David Siebert and Anthony Golicz participated in the murder of one Donald Saunders.

7. Saunders, 5'7", 122 lbs, drunk and alone, allegedly asked Miller for 20 cents to catch a bus home. Miller claims that Saunders then pulled a knife, placed it at his throat and demanded and received his wallet. Then little Donald Saunders is alleged to have knocked Miller to the ground and fled.

8. Police claim that Miller identified himself as a police officer and ordered Saunders to halt. Saunders kept running and Miller and Siebert began firing. When the shooting stopped Saunders was dead, killed by two gunshot wounds -- one in the back of the thigh and the other in the front chest.

9. Harold Singleton. Harold Singleton was fortunate. When STRESS executioners were done with him he was not dead. He only had six bullet wounds in his 5'8", 125 lb. body.

10. On January 23, 1972, at about 2:30 a.m., Harold Singleton left Foster's Bar near the downtown Detroit Greyhound Terminal and walked up Farmer toward Monroe to catch a bus home. He was 26 years old about to return to electronics training school, and he had (and still has) no criminal record.

11. At Cadillac Square Singleton saw a man standing by the Van Dyke bus stop. He asked him if he was waiting for the Van Dyke bus and the man said no, that he was driving. He continued walking, waiting for the Gratiot bus. He and the other man exchanged conversation, and Singleton asked the man how much he would charge to take him home. The man said he wouldn't do it, that he (Singleton) might be a STRESS of police officer. Singleton assured the man that he wasn't.

12. The the man started cursing Singleton. The two had words, cursing back and forth. The man called Singleton a son of a bitch, and Singleton walked away. The man called him back, and Singleton began walking back across the street (Bates at the corner of Cadillac Square). As he was walking across the street, Singleton noticed the man draw a gun and begin shooting. At no time did the man identify himself as a police officer. Singleton began to run down Bates and was



hit. He fell severely wounded in an alley about a block away where he was converged upon by two other men. One of them asked if Singleton was dead and one of them kicked him. Then he passed out.

13. The three men were all STRESS officers. The man at the bus stop had been STRESS officer Charles Eggers who claims Singleton came at him with a knife and who admits to having fired five shots. Other STRESS officers present were Robert Miller, Gary Boiger and Michael Ziolkowski.

14. Police claim Singleton was guilty of an armed robbery, and he is currently incarcerated in the Wayne County Jail awaiting trial on that charge. Although he has been offered a plea to an offense carrying a maximum of 2 1/2 years, he has refused to confess to a crime he did not commit.

15. As in the other instances described above none of the STRESS officers involved in these two killings and one non-fatal shooting have been disciplined or prosecuted by Defendants GRIBBS, NICHOLS or CAHALAN, and each continues to draw taxpayer's money.

C. CLARENCE MANNING, JR.

1. On May 28, 1971, at approximately 10:30 p.m., Clarence Manning, Jr., his brother Clyde Manning, Nathaniel Johnson and his common-law wife, Jennifer Thomas, left the Johnson residence to go to the Columbia Bar on Columbia and

Brush to arrange to pick up Wanda Thomas where she was employed as a bar maid. They drove to the Columbia Bar in Clarence Manning's car. After arriving all four went inside and sat down and had cokes.

2. At approximately 1:00 a.m. that same evening Clyde Manning decided to go home. He, Clarence Manning and Nathaniel Johnson got into their car and proceeded down Brush. At 1:00 a.m. their car was stopped by a Tactical Mobile Unit (TMU) manned by Wallace Brzenk, Badge No. 231, and Larry Bingham, Badge No. 3701. The occupants of the car were ordered out and searched. The car was also searched. No tickets were issued and no arrests were made. The three were allowed to go on after approximately 15 minutes. No weapons were found.

3. On the way to Clyde Manning's residence they stopped and bought a bottle of wine. The new bottle while still in the brown bag was placed under the seat of the car. It was never opened.

4. After dropping off Clyde Manning at his home, Clarence Manning, Jr. and Nathaniel Johnson proceeded back to the Columbia Bar, Clarence Manning, Jr. driving. They took the Lodge Expressway to the Grand River exit, drove down Grand River to Third and down Third to the intersection with Ledyard. After taking a left on Ledyard, Clarence Manning, Jr. pulled the car over in front of the Edison Garage. He got out of the car and began to urinate. It

was then approximately 2:10 a.m., and both he and Johnson were expected back at the Columbia Bar to pick up Wanda Thomas and her daughter, Jennifer, who were waiting for them.

5. While Manning was urinating, a white hippy-appearing man approached him on the sidewalk. He uttered something to Manning which made him angry. Manning told Johnson, who was still sitting in the car, "Wait a minute, I've got to see what this motherfucker wants."

6. Manning took a couple of steps toward the "hippy" and the "hippy" pulled a gun and fired. The "hippy" was STRESS Patrolman Michael Worley, and he had just shot his .357 Magnum once striking Manning in the area of the upper left arm. Johnson squirmed down on the floor board of the car afraid of what was taking place. Manning tried to get around to the other side of the car (the driver's side) but was unable to because Worley was following him around the car. When Johnson saw the two go by the driver's side window, he got behind the driver's wheel, put the auto in gear and drove off down Ledyard. He recalled hearing the one shot that was initially fired at Manning and several later shots fired as he was driving away. He drove approximately two blocks and hit a parked car. Johnson did not possess a driver's license, nor had he ever been taught how to drive. He was so frightened that he exited the car through the window and ran down Sprout until he got to the Columbia Bar, approximately six blocks away.

7. Arriving at the Columbia Bar, Johnson was crying and very nervous. He told Wanda Thomas and Jennifer Thomas what had happened, and all three got into a cab and drove back toward the scene of the shooting. Approximately a block and a half from where the shooting occurred, they saw a police car driving in their direction on the other side of the street. They told the cab driver to stop and Nathaniel Johnson got out of the cab and summoned the police car to a stop. The car was manned by TMU Patrolman Raymond Burns, Edgar Clapp and John Shenkaruk. When the unit stopped, Johnson identified himself and told them that his friend had just been shot back on Ledyard.

8. The TMU officers immediately placed Johnson under arrest and took him to 1300 Beaubien where he was subsequently charged with assault with intent to rob while armed.

9. Just before Johnson had driven away, Manning had run to the back of the car and crouched down trying to avoid further fire. At that time, he was converged upon by STRESS officers Worley and Raymond Peterson who had been down Ledyard, and Marv Johnson, who had come across from the Cass Park. All were between ten and twenty feet away from Manning and all testified to firing at least two shots at him, all claiming that they thought he had a gun. Further investigation showed that he did not. Moreover, the area in which he was crouched is very well lighted by the lights over the Edison Garage driveway.

10. Manning was shot seven times with the fatal shot being fired by Raymond Peterson.

11. While the abovementioned officers were firing at Manning, the fourth officer in the unit, Richard Worobec, claims to have been running from the scene of the original shooting, firing at the escaping car. He claims to have fired six shots while being at a maximum of ten to fifteen feet away from the car. An investigation of the car made by the Accident Prevention Bureau determined that there were no bullet holes in the car.

12. A total of eighteen shots were fired by the four STRESS officers.

13. The trial of Nathaniel Johnson took place in December, 1971. No weapons were ever introduced into evidence, and the state dropped the assault with intent to rob while armed charged before the jury began deliberations. After considering the remaining charge of felonious assault for approximately thirty minutes, the jury return a verdict of not guilty.

14. At the time of his murder Clarence Manning, Jr. was 25 years old. He had no criminal record and was employed by the City Library of Detroit. Nathaniel Johnson at the time of the shooting was 21 years old with no criminal record, and he was employed as a part-time plumber by his father, Jack Johnson.

15. Despite the foregoing facts and jury verdict and despite the transparent lies and fabrications of the STRESS officers involved in the Manning killing, Defendant CAMALAN has failed to initiate a prosecution against these STRESS officers and Defendants GRIBBS and NICHOLS continue to allow the said officers to remain in the employ of the Detroit Police Department. In fact, Patrolman Raymond Peterson, who has been involved in eight of the fifteen reported STRESS killings to date participated in six such slayings after that of Clarence Manning and to this day he still remains a member of STRESS.

D. NEIL BRAY

1. At about midnight, November 13, 1971, STRESS Patrolmen Paul Van Wie and Phillip Kocinski exited the H & I Bar on Solvay Street and began walking north on the west side of Solvay. They were dressed in "hippy-type" clothes and were walking with a drunken gait. STRESS Patrolmen Raymond Peterson and Michael Worley were at that time in the immediate vicinity of Solvay and Gould Streets. All were armed with revolvers.

2. At about that time Neil Bray, 21 years old, carrying a 2 1/2' long blue broomstick, approached Van Wie and Kocinski. A short conversation took place during which Bray told the two that he was not going to rob them. At some point Bray struck Van Wie once with the broomstick, and for this act he was summarily executed. Van Wie pulled out his revolver and fired, shooting Bray through the chest. At least eight more

shots were then fired by Van Wie, Kocinski and Peterson, who had joined the group. Bray's body ended up with six bullets in it and additional areas of abrasion which appeared to the Wayne County Medical Examiner to have been caused by grazing bullets. At no time did the officers attempt to disarm or arrest Neil Bray.

E. THE SHOOTING AND BEATING OF JOHN SIMMONS AND LARRY PARKER

1. On March 6, 1972, at about 10:30 p.m., John Simmons, 21, and Larry Parker, 21 were walking near the intersection of Woodward and Longfellow. Upon crossing to the west side of Woodward they saw a white man who appeared to be a cripple and asked him for 50 cents. He refused, and they walked on.

2. A couple of minutes later, walking west on Longfellow on the south side of the street, they noticed the same man ahead of them. When they were even with him Simmons again asked him for 50 cents. The man mumbled something, pulled out his gun and shot Simmons in the upper chest area. Parker took off running across the street back toward Woodward but was shot twice, once in the side and once in the thigh, and he immediately fell.

3. Simmons also started running toward Woodward. While running he was shot at by STRESS Patrolman Patrick Devine, David Siebert and Charles Eggers. He finally collapsed after being shot three times.

4. The "cripple" had been STRESS Patrolman Garry Boiger. On this night Boiger was carrying a .44 Magnum, the most powerful handgun made possessing the muzzle velocity of a 30.06 rifle and having the capacity of penetrating with ease the wall of most houses even after going through a victim. Boiger fired this weapon a total of six times in the Longfellow neighborhood.

5. After Parker had fallen, he was approached by at least two STRESS officers. What happened next was witnessed by the Spears family. Both STRESS officers began to kick Parker in the head and upper body. They were saying, "Die, nigger, die."

6. Simmons fell in some bushes next to a counseling center located on Longfellow. The center was inhabited at the time by Rev. Ken Weber, Richard Symeski, Robert Blake and Tim Coleman. Rev. Weber looked through a window just as Simmons fell. He left the window and proceeded to go outside. When he got to Simmons, STRESS officers were already there. The Reverend immediately identified himself and said that he wished to be of some help to the injured person. The police did not respond. He witnessed an officer grabbing Simmons' hair and yanking him over to place on handcuffs, although it was obvious that he was in critical condition and near death.

7. Rev. Weber then went down the street to where Parker was laying. He heard one of the policemen ask if anyone had found his wallet. Rev. Weber began to look around for the



wallet. Contrary to the police report that the wallet was found under the body of one of the suspects, Rev. Weber spotted a wallet some 20 feet east of where Parker lay immobilized. Rev. Weber did not know whose wallet it was, but it was picked up by one of the police after Rev. Weber called attention to it.

8. Both men were admitted to Detroit General Hospital: Parker was in serious condition, and Simmons was in critical condition. Simmons suffered bullet wounds, three broken ribs and a cracked clavicle. Parker sustained his bullet wounds plus several lacerations about the head.

9. As a consequence of this incident the family of Plaintiff Fannye Spears has suffered irreparable harm in that some children in the family have suffered emotional distress from witnessing the beating which followed the shooting and that they have in addition lost respect for the police.

10. In conformance with his systematic and intentional pattern to protect and shield Detroit police officers and to prosecute the victims of police beatings and shootings, Defendant CAHALAN, without any independent investigation, summarily initiated and to this day continues prosecutions against John Simmons and Larry Parker while guilty police officers remain free and in the employ of Defendants GRIBBS and NICHOLS.