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April 22, 2010

Linda Ortiz, Assistant FOIA Coordinator  
Michigan State Police  
105 West Allegan  
Lansing, MI 48933

Re: Oakland County Child Killer ("OCCK") / Busch, Christopher  
Your File No. CR-17346-10

Dear Ms. Ortiz:

In regard to your letter of January 12, 2010, the King family does not believe that any of the Michigan State Police ("MSP") files are exempt under the Freedom of Information Act ("FOIA"). The King family does not want access to all of the OCCK files, it only wants a determination as to whether Christopher Busch participated in the murder of Timothy King.

In support of their position that there are no exempt MSP files, the King family will rely in part on the proceedings in the Columbine High School massacre and the Adam Walsh murder case, two nationally publicized similar cases. See John Walsh, *Tears of Rage* (1997); Dave Cullen, *Columbine* (2009).

*Tears of Rage*

In *Tears of Rage*, John Walsh summarizes the investigation in the murder of his six-year old son, Adam Walsh. After 15 years, several newspapers petitioned the Court for access to the police investigation files. John Walsh and others vigorously protested the release of this information. The judge ordered the release of the files on February 16, 1996. After being granted access to the file, John Walsh and his counsel were given information which had not been available prior to this time. After follow up with a new police detective on the case, John Walsh, his counsel and the police investigators concluded that Otis Toole was the murderer of Adam Walsh. John Walsh states his conclusions in this regard at page 362:

"We fought so hard to keep that case file closed. We thought that if it was unsealed, it would take away all our hope. And it did. But for a reason different from the one we thought. We believed that it would forever destroy whatever evidence could still be used to prove who killed our son. Instead, it showed what a disaster the investigation was right from the start. How filled with laziness, stupidity, and arrogance. It showed that there had never been a chance of convicting Adam's killer. Not from day one."

The court in the Adam Walsh case concluded that public access to the police investigation files after 15 years was appropriate and the result justified this ruling. The Oakland County Child killings are now 33 or 34 years old and there is no reason to deny public access to the entire file at this time, much less the file on Christopher Busch.

### *Columbine*

The Columbine High School massacre on April 20, 1999 was committed by two students, Eric Harris and Dylan Klebold, both of whom committed suicide at the scene. One year before the massacre, Eric Harris told his friend, Brooks Brown, of his accumulation of guns and bombs. Brooks Brown was concerned over this information and confided in his mother, Judy Brown. Judy Brown approached the Jefferson County Sheriff several times regarding this information. Her information prompted the preparation of a search warrant affidavit and a search warrant for examination of the Harris residence. For reasons which are not clear in the book, the Jefferson County Sheriff did not act on this search warrant.

After the massacre, the Jefferson County officials were asked if they had any warning that Eric and Dylan might be considering their actions. The Jefferson County officials met concerning this inquiry and Dave Cullen describes their reaction as follows at page 166:

"The officers knew they had a problem, and it was much worse than the Browns realized. Thirteen months before the massacre, Sheriff's Investigators John Hicks and Mike Guerra had investigated one of the Browns' complaints. They'd discovered substantial evidence that Eric was building pipe bombs. Guerra had considered it serious enough to draft an affidavit for a search warrant against the Harris home. For some reason, the warrant was never taken before a judge. Guerra's affidavit was convincing. It spelled out all the key components: motive, means, and opportunity.

"A few days after the massacre, about a dozen local officials slipped away from the Feds and gathered clandestinely in an innocuous office in the county Open Space Department building. It would come to be known as the Open Space meeting. The purpose was to discuss the affidavit for a search warrant. How bad was it? What should they tell the public?

"Guerra was driven to the meeting, and told never to discuss it outside that group. He complied.

"The meeting was kept secret, too. That held for five years. March 22, 2004, Guerra would finally confess it happened, to investigators from the Colorado attorney general. He described it as 'one of those cover-your-ass meetings.'"

Commencing at page 343, Dave Cullen summarizes the discovery of the Open Space meeting and describes it as the last-known layer of the cover up. The new sheriff was advised of paperwork referring to the cover up. In August 2004, the Colorado attorney general called a grand jury to review the Open Space meeting.

Public access to the Open Space meeting was obtained because of actions taken in civil lawsuits by the families of those killed and injured in the massacre. Without the appropriate court orders in this regard, the information of the Open Space meeting would not have been discovered. If there has been an MSP cover up

Linda Ortiz, Assistant FOIA Coordinator  
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or improper investigation in the death of Timothy King, the King family anticipates that any reasonable trial judge would allow examination of the entire file.

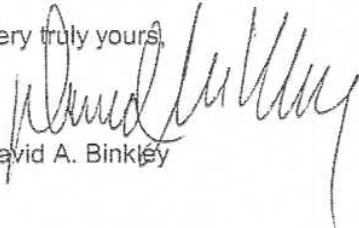
#### Summary

Until Christopher Busch was identified by Lawrence Wasser, the MSP shared all of its investigation reports with the King family and the public. In the Lamborgine matter, the MSP identified all of the alleged participants and provided Michael Stebbins with sufficient information to commence a civil lawsuit in hopes of obtaining additional information.

As requested in your earlier letter, we enclose my client's check for \$5,762.74. You have authority to cash this check when you agree to make the entire MSP file on Christopher Busch available to my client. If you claim there are exempt portions of the file, please identify the documents which we understand to be your responsibility pursuant to FOIA. We will then take the matter up with the Oakland County Circuit Court and you may cash the check when the appeal period has expired on any order from the trial court.

We also wish to examine the file before ordering copies.

Very truly yours,

  
David A. Binkley

DAB/jer  
Enclosure

cc: Kym L. Worthy, Wayne County Prosecutor (via email)  
Jessica R. Cooper, Oakland County Prosecutor  
Robert Moran, Wayne County Prosecutor  
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