

Oct. 8. 2008 10:33AM

No. 4063 P. 1

Approved, SCAO

Original - Court
1st copy - Custodial officer
2nd copy - Transport officer

3rd copy - Prosecutor
4th copy - Return

STATE OF MICHIGAN
JUDICIAL DISTRICT
45-B JUDICIAL CIRCUIT

WRIT OF HABEAS CORPUS

CASE NO.
21-1787-08

Court address
13600 Oak Park Blvd. Oak Park, MI 48237

Court telephone no.
(248) 691-7140

IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN:

TO: Michigan Department of Corrections: Mound Correctional Facility

THE AGENCY OR PERSON HAVING

CUSTODY OF James Vincent Ginnels
Name

MDOC#186011
I.D. no.

[REDACTED]
Date of birth

To bring prisoner to court in the case of:
People of
V

To inquire into detention/custody of:

YOU ARE ORDERED to:

1. Answer this writ, stating the authority under which you
File your answer with the court judge by _____
Date

restrain the named prisoner.
 exercise custody over the minor child.

2. Deliver the person named in this writ into the custody of D/Sgt. Gray, Michigan State Police, Metro North Post
Name/Title/Agency
for the following purpose: **POLYGRAPH EXAMINATION**

Immediately after the prisoner completes his/her appearance, the prisoner shall be returned to your custody.

3. Bring the person named in this writ before the Honorable

at _____, on _____ at _____ m.
Location of court Date Time

Bring this writ with you.

10/08/2008
Date

Clerk of the Court

BY Rebecca Ann Nead

45-B DISTRICT COURT

CERTIFICATE OF ALLOWANCE OF WRIT

I, _____, P. _____, certify that the above writ of habeas corpus
Name of Judge Bar no.
was allowed by me on _____, Fees are allowed in the amount of \$ _____
Date

Judge

From: Garry Gray
To: David J. Fountain
CC: David Robertson
Date: 3/6/2009 3:38 PM
Subject: Ref: Inmate James Vincent Gunnels #186011

Dave

Per our conversation moments ago, we are requesting assistance from the MDOC in contacting and interviewing Gunnels who is currently on parole status in the State of Montana.

Recently, new information has surfaced indicating that Gunnels has been directly linked to a 3 decades old homicide of 4 children.

A team of investigator's, (7 total) will be traveling to Montana, (in the very near future, hopefully next week), to interview him regarding his involvement in these crimes. Prosecutor's have advised us that we do have sufficient probable cause at this time to make an arrest of Gunnels, however we would like to avoid taking this step, and would rather seek a violation of parole status in order to bring him back to Michigan. By following these steps and bringing Gunnels back to Michigan in this manner, would further afford the team of investigators additional opportunities to interview him without the constraints of prosecutorial procedures, and also avoid media attention.

Your cooperation throughout this entire investigation has been greatly appreciated.

Please contact us at 248-584-5774 if you have additional questions or concerns.

D/Sgt. Garry Gray..... MSP
D/Sgt. Cory Williams.....Livonia Police

CHUCK SINCLAIR
517-373-2852

FOUNTAIN 517-241-0959

CHUCK DESHANE
517-241-0322

517 373

From: David J. Fountain
To: David Robertson; Garry Gray
CC: Deschaine, Cheryl; Sinclair, Charles
Date: 3/9/2009 11:48 AM
Subject: Re: Ref: Inmate James Vincent Gunnels #186011

Gunnels is supervised by Montana Agent Claris Yuhas, 730 N. Montana #15, Dillon, MT, 59725. The Parole Office phone number is 406-683-9237.

Gunnels lives with his sister Karen Zaspel at [REDACTED] Dillon, MT. Her phone number listed on the Oder for Parole is [REDACTED]. The phone number listed for Gunnels in the police report from his February arrest is [REDACTED].

Thanks
Dave

>>> Garry Gray 3/6/2009 3:38 PM >>>
Dave

Per our conversation moments ago, we are requesting assistance from the MDOC in contacting and interviewing Gunnels who is currently on parole status in the State of Montana.

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Please contact us at 248-584-5774 if you have additional questions or concerns.

D/Sgt. Garry Gray..... MSP
D/Sgt. Cory Williams.....Livonia Police

P

From: David Robertson
To: FOUNTADJ@michigan.gov
CC: Gray, Garry
Date: 3/10/2009 10:48 AM
Subject: Gunnels

Morning Dave,

Per our telephone conversation, the plan has been altered a little, our hope is to travel to Montana on Monday 3/16/09.

The reason for the delay, is to allow the team to be better prepared for the interview. And also as we spoke, our plan is to bring him back with us for the Parole Violation from your department.

This allows our team more time to get information related to our investigation, before taking action on any charges from that case.

I hope this is clear, if you have any questions please feel free to contact myself or Garry Gray.

Thanks for all your help in this case.

D/Sgt. David Robertson
Michigan State Police #21
14350 West Ten Mile Road
Oak Park, MI. 48237
(248) 584-5773 office
(248) 584-5740 main

From: Cheryl Deschaine
To: Garry Gray
CC: Charles Sinclair; Fountain, David J.
Date: 3/11/2009 12:50 PM
Subject: Fwd: Gunnels 186011

** Confidential **

Det. Sgt Gray,

Per your request, the following information is what I have. Mr. Gunnels is currently being supervised by Parole Agent Ted Berry in Butte, Montana. His phone number is 406-723-8911, extension 200. The address of the parole office is 51 W. Granite Street, Butte, Montana, 49701. I have not called Mr. Berry due to my understanding that this information is to be kept extremely confidential.

According to my conversation with the Interstate Compact Office Deputy Compact Administrator, Gunnels is staying in a homeless shelter in Butte. I do not have the address, nor did the Interstate Compact Office. Again, I have not wanted to raise suspicion so I have not contacted the Parole Agent to get an address.

If you would like me to contact the parole agent to obtain address information, let me know.

Thank you.

Cheryl B. Deschaine
 Manager
 Lifer, Litigation and Parole Violation Unit
 Michigan Department of Corrections
 517-241-0322
 FAX 517-241-7528
 deschacb@michigan.gov

>>> David J. Fountain 3/11/2009 12:19 PM >>>

Detective Sergeant Garry Gray called me from MSP. I explained MDOC's concerns regarding an attempt to return Gunnels as a PV at this point. I explained the possible outcome of having an ALE that might not agree with how the PV was processed, and the possibility of Gunnels getting wind of the investigation if we push the PV issue with the Montana Interstate Compact office. I also explained the possibility of a parole rescission, but that rescission would require at least some disclosure of their case to Gunnels. Gary is not 100% sure if/how quickly they could get a warrant upon returning Gunnels to Michigan.

I told him Gunnels is now living in a shelter in Butte and that he has a new agent and reports to a new field office. **Gary would like us to find out the name, address and phone number of the shelter, and the name, address and office phone number of the supervising agent and get this information to him as soon as we can.**

I've cc'd Gary on this email so he can follow-up with the rest of the task force so they can discuss what is

in their best interest at this point. Gary hopes to get back with us today.

Thanks
Dave

From: Cheryl Deschaine
To: Garry Gray
CC: Charles Sinclair; David Robertson; Fountain, David J.
Date: 3/12/2009 3:28 PM
Subject: Gunnels # 186011

Hello,

I spoke with Parole Agent Ted Bury this afternoon. Agent Bury told me he is a retired police officer and has been an agent for 10 years. Although he has not be dealing with Gunnels for a lengthy period of time he sounded as though he has a good handle on him. Agent Bury's phone number is 406-723-8911.

Agent Bury told me that Gunnels as of 3:00 pm (5:00 pm EST) will be living at Homeward Bound, a men's shelter in Butte. The address is 304 N. Main Street, Butte, Montana. The shelter director is Steve Fornier. The shelter telephone number is 406-782-8250. The shelter is not affiliated with the Montana Department of Corrections. There is a curfew as well as other rules Gunnels will have to abide by. Previous to this afternoon, he was staying at the Rescue Mission in Butte.

Agent Bury states that Gunnel's is being PBT'd and given regular urine drops and has been clean. Once admitted into Homeward Bound, it is likely Gunnels will be PBT'd and dropped daily. Gunnel's in unemployed.

Regarding the misdemeanor convictions, Agent Bury told me that Gunnels was given a one year deferred sentence on both the Possession of Marijuana and Resisting charges. Meaning if he does well during the next 11 months, the charges will be dismissed.

I hope this information is beneficial. If you have any questions, let me know.

Cheryl B. Deschaine
Manager
Lifer, Litigation and Parole Violation Unit
Michigan Department of Corrections
517-241-0322
FAX 517-241-7528
deschacb@michigan.gov

From: David Robertson
To: Gray, Garry
Date: 3/26/2009 2:34 PM
Subject: Contact MT Parole Agent

Garry,

I called Agent Ted Bury (Adult Parole/Probation) at (406) 723-8911 ext 200.

He works; Mon - Thur 7:00am - 6:00pm.

So no answer, no message left.

Dave

From: Cheryl Deschaine
To: Garry Gray
Date: 3/25/2009 3:25 PM
Subject: Fwd: Gunnels #186011

Garry,

FYI

If you have any questions or we can be of further assistance, let me know.

Thanks.

Cheryl B. Deschaine
Manager
Lifer, Litigation and Parole Violation Unit
Michigan Department of Corrections
517-241-0322
FAX 517-241-7528
deschacb@michigan.gov

>>> Cheryl Deschaine 3/25/2009 1:42 PM >>>

Pat,

Please let Chuck, Dave, Cynthia and me, know as soon as possible if Gunnels is moved to another facility.

Thank you.

>>> David J. Fountain 3/25/2009 10:46 AM >>>

Chuck and Cheryl; Detective Sergeant Gray called me back a few minutes ago and advised that he has been instructed to go to Butte Montana to interview Gunnels. He is making arrangements now and expects to be there tomorrow. He will need to be informed if Gunnels is moved to another facility.

Thanks
Dave

From: Cheryl Deschaine
To: Garry Gray
CC: Charles Sinclair
Date: 4/10/2009 8:58 AM
Subject: Gunnels # 186011

Garry,

On 4/9/09 after we spoke talked with Parole Agent Bury and Supervisor Walsh, who conducted the hearing. An audio tape recording was made of the preliminary parole violation hearing but was erased the same day of the hearing. Mr. Walsh stated the proceedings focused only on the current violations and Gunnels pled "true" to all of the allegations. Mr. Walsh stated he spoke with Gunnels both on and off the record and no reference was made to the your ongoing investigation other than Mr. Walsh advising Gunnels that the hearing is for the current parole violation.

If you have any questions, let me know.

Thank you.

Cheryl B. Deschaine
Manager
Lifer, Litigation and Parole Violation Unit
Michigan Department of Corrections
517-241-0322
FAX 517-241-7528
deschacb@michigan.gov

cwilliams@lpdmail.com

Date: Mon, 14 Apr 2008 09:30:09 -0400
From: "Garry Gray" <GrayG@michigan.gov>
Subject: Re: Inmate, Vince Gunnels #186011
To: "David J. Fountain" <FOUNTADJ@michigan.gov>
Cc: <cwilliams@lpdmail.com>, "David Robertson" <RobertsDJ@michigan.gov>

Mr. Fountain

Regarding prisoner Vince Gunnels. Last week Detective Williams and I made contact with Mr. Gunnels at the Ryan Facility and interviewed him, (or shall I say, attempted to interview him).. At the beginning of the interview, Mr. Gunnels was less than respectful and told us in no uncertain terms, that he wanted nothing further to do with us. After explaining to him that all he had to do was then listen, we told him that after our earlier interview up at camp Ojibway, we found that he was less than completely honest with us and we just needed to clear up a few details.

Mr. Gunnels advised that prior to cooperating with us any further, he must first seek the advice of an attorney. Mr. Gunnels was again advised of the seriousness of this investigation, (homicide of 4 children back in the mid 70's), and we wanted, (hopefully) to clear him of any possible involvement, and or knowledge. Mr. Gunnels advised that after he consults with an attorney, he will get back with us. So I guess we're sort of on his time-table now as to when he wants to get back with us.

Please advise if MDOC plans on paroling Mr. Gunnels prior to the completion of our investigation of him, so we can make further arrangements if need be.

Thank You very much for your cooperation in this matter.

I would also like to commend the staff at the Ryan Facility as well as the entire corrections system in general. Every time I've needed to do followup at a prison, whether it be Camp Ojibway and Inspector Don Majurin (sp), the Macomb Facility, with Inspector Wanda Moore or Jackson's Inspector Cindy Aker, I've been met with nothing but the utmost in professionalism, respect and complete cooperation. I always look forward to doing work with the Michigan Department of Corrections because of people like these.

Thanks

D/Sgt. Garry Gray
Michigan State Police
Metro North Post.
248-584-5774

>>> David J. Fountain 4/2/2008 11:45 AM >>>
Detective Gray;

UPDATE

Prisoner Gunnels is en route to the Ryan Correctional Facility. You can contact with the Wardens Office at RRF for anything you may need.

Thanks
Dave Fountain

000395

P175

4/14/2008

>>> Garry Gray 3/24/2008 12:07:22 PM >>>
Mr. Fountain

Per our conversation earlier, please consider the following request to have inmate Gunnels transferred to either the Mound or Ryan Facility in the city of Detroit, regarding additional investigation/interviews into the case involving the Oakland County Child Killer case.

Several weeks ago, D/Sgt. Williams and I traveled to Camp Ojibway to interview Mr. Gunnels regarding his knowledge of a key suspect in the Child Killer Case.

Recently we've learned that Mr. Gunnels has been less than honest and we would like to interview him further and confront him with our new information.

Unfortunately Mr. Gunnels is coming up for parole on April 15, 2008, and he is requesting movement to the State of Montana. This causes us great concern because of the inability to further investigate Gunnels or proceed in our investigation.

Presently I have scheduled Mr. Gunnels to take a polygraph test on May 7th at 1:00 PM. If Mr. Gunnels is transferred to the Detroit area, I'll request that an earlier polygraph date possibly be set to expedite his getting paroled.

It is very important that we confront Mr. Gunnels again to gain the much needed information we feel he may still possess.

Thank-you for your time and consideration

Oakland County Child Killer Task Force

cwilliams@lpdmail.com

Date: Thu, 01 May 2008 14:57:23 -0400
From: "Garry Gray" <GrayG@michigan.gov>
Subject: Re: Ref: Inmate Vince Gunnels
To: "David R. Kleinhardt" <KLEINHDR@michigan.gov>
Cc: <cwilliams@lpdmail.com>

Dave ...

Thanks for getting back with us so fast. I sort of figured this would be the case, but I guess it didn't hurt to try. We can't provide legal counsel either for obvious reasons. We're going to contact his sister advising her that either she or Vince will have to obtain an attorney.

We'll also tell her that if he's not involved as he say's he isn't, why waste the money. But of course the final decision rests with Gunnels.

Thanks again

D/Sgt. Garry Gray
MSP

RECEIVED
MAY 07 2008
LIVONIA POLICE DEPT.

To:
LIVONIA POLICE DEPARTMENT
(Chief Robert Stevenson)
15050 Farmington Rd.
Livonia, Michigan 48154-5499

From:
JAMES VINCENT GUNNELS # 186011
17600 Ryan Rd.
Detroit, Michigan 48212

Dear Sir/Madam;

I am hereby making a Formal Request for appointment of Court Appointed Counsel for the purpose of representation for and during a Polygraph and DNA testing as requested of me by the Livonia Police Department (Oakland County) Detective Sgt. Gary and Detective Cory Williams, (whom on 03/06/2008 read me my Miranda Rights and conducted a Audio Recorded Interview which I agreed to); the Michigan State Police and the Michigan Department of Corrections Parole Board, as I am indigent and cannot procure said Counsel.

I am further hereby stating that; "I shall comply with both the DNA and Polygraph testing IF said persons shall allow said DNA and Polygraph tests to be conducted by a Non-bias Independent Testing Company."

I am further respectfully requesting that; all parties agree, in writing, to terminate all investigations concerning myself when, said DNA and Polygraph tests conclude my non-involvement to the alleged and/or related crimes being investigated.

I further request that; immediately after said polygraph and DNA tests conclude my non-involvement in the alleged and/or related crimes being investigated, the Michigan Department of Corrections re-instate my Parole to the State of Montana, Official Date: 05/13/2008.

In furtherance; if there is any need to establish contact with concerns to hiring a Non-bias Independent Polygraph and DNA Testing Company, please contact: Karen Zespel at: [REDACTED] whom is my sister and shall assist in the paying of the costs and fees of said Non-bias Independent DNA and Polygraph Testing Company.

Respectfully Submitted By;

James V. Gunnels
JAMES VINCENT GUNNELS # 186011
17600 Ryan Rd.
Detroit, Michigan 48212

Date: 5-3-08

cc.

M.D.C. PAROLE BOARD:
MICHIGAN STATE POLICE:
OAKLAND COUNTY PROSECUTOR
LIVONIA POLICE DEPARTMENT
File.

000398

PROOF OF SERVICE

NOW COMES: The Affiant; JAMES VINCENT GUNNELS, hereby claiming that; if called to testify, he is of age, sound mind, body, spirit and thus, competent to testify before a court of original jurisdiction that; he did serve a copy of:

- * Formal Request for Court Appointed Counsel;
- * with this PROOF OF SERVICE.

To The:

LIVONIA POLICE DEPARTMENT
(Chief Robert Stevenson)
15050 Farmington Rd.
Livonia, Michigan 48154

MICHIGAN STATE POLICE
(Col. Peter C. Munoz)
714 S. Harrison Rd.
East Lansing, Michigan 48823

M.D.O.C. PAROLE BOARD
(Barbara Sampson -Ranking Member)
206 E. Michigan Ave.
P.O. Box 30003
Lansing, Michigan 48933

OAKLAND COUNTY PROSECUTORS OFFICE
(David Borcyca)
1200 Telegraph
Pentiac, Michigan 48341

By sending said Formal Request for Court Appointed Counsel to the above specified persons at the above persons business addresses through the Michigan Department of Corrections Legal Mail process from the Ryan Correction Facility 17600 Ryan Rd. Detroit, Michigan 48212 on the undersigned date.

The undersigned depose and declares under the penalties of perjury that the afore claimed is true, accurate, correct and not meant to be misleading to the best of his knowledge, information and belief.

Respectfully Submitted By;
James V. Gunnels
JAMES VINCENT GUNNELS # 186011
17600 Ryan Rd.
Detroit, Michigan 48212

Date: 5-3-08

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 03 DAY OF MAY, 2008

M. Duke
MADRICE DUKE
NOTARY PUBLIC WAYNE CO., MI
MY COMMISSION EXPIRES Sep 22, 2008

000399

cwilliams@lpdmail.com

Date: Mon, 12 May 2008 15:32:05 -0400
From: "David J. Fountain" <FOUNTADJ@michigan.gov>
Subject: Re: Inmate, Vince Gunnels #186011
To: "Garry Gray" <GrayG@michigan.gov>
Cc: <cwilliams@lpdmail.com> , "David Robertson" <RobertsDJ@michigan.gov>

Detective Gray;

The Parole Board has conducted the parole suspend interview for prisoner Gunnels and has voted to continue (flop) him. He will be seen again by the Parole Board in February, 2009.

Thanks
Dave Fountain

>>> Garry Gray 4/14/2008 9:30:09 AM >>>
Mr. Fountain

Regarding prisoner Vince Gunnels. Last week Detective Williams and I made contact with Mr. Gunnels at the Ryan Facility and interviewed him, (or shall I say, attempted to interview him).. At the beginning of the interview, Mr. Gunnels was less that respectful and told us in no uncertain terms, that he wanted nothing further to do with us. After explaining to him that all he had to do was then listen, we told him that after our earlier interview up at camp Ojibway, we found that he was less than completely honest with us and we just needed to clear up a few details.

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Thanks

D/Sgt. Garry Gray
Michigan State Police
Metro North Post.
248-584-5774

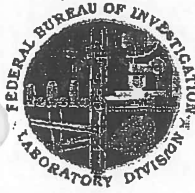
>>> David J. Fountain 4/2/2008 11:45 AM >>>
Detective Gray;

000400

12



P184



FBI Laboratory

2501 Investigation Parkway
Quantico, Virginia 22135

To: Detective Sergeant Garry Gray
Michigan State Police
14350 Ten Mile Rd.
Oak Park, MI 48237

Date: November 10, 2008

Case ID No.: 306-DE-80444

Lab No.: 081106008 GK

Reference: Communication dated November 5, 2008

Your No.:

Title: MARK STEBBINS - VICTIM (DECEASED)
JILL ROBINSON - VICTIM (DECEASED)
KRISTINE MIHELICH - VICTIM (DECEASED)
TIMOTHY KING - VICTIM (DECEASED)
SERIAL KILLINGS

Date specimens received: November 6, 2008

The FBI Laboratory has received your request for examination. The accompanying items of evidence have been inventoried. The provided listing and description of the submitted items may be subject to change when the examination phase begins. If changes are made, they will be reflected in the Report of Examination issued by the examiner making the change.

Specimens:

K41 Buccal sample from JAMES VINCENT GUNNELS

Each examiner assigned to your request will issue a separate Report of Examination that will address the results of his/her expertise. For technical questions, contact the following unit(s) assigned to your case: DNA Analysis Unit II (Mitochondrial) - 703-632-7572.

If there is a change in the status of your investigation that would have an affect on the prioritization of your request, such as court deadlines, dismissal of charges, or guilty pleas; or if you have questions regarding the status of your case, contact Request Coordinator Charles A. Peters at 703-632-7427.

For Official Use Only



FBI Laboratory

2501 Investigation Parkway
Quantico, Virginia 22135

REPORT OF EXAMINATION

To: Detective Sergeant Garry Gray
Michigan State Police
14350 Ten Mile Rd.
Oak Park, MI 48237

Date: February 25, 2009

Case ID No.: 306-DE-80444

Lab No.: 081106008 GK ME

Reference: Communication dated November 5, 2008

Your No.:

Title: MARK STEBBINS - VICTIM (DECEASED)
JILL ROBINSON - VICTIM (DECEASED)
KRISTINE MIHELICH - VICTIM (DECEASED)
TIMOTHY KING - VICTIM (DECEASED)
SERIAL KILLINGS

Date specimens received: November 6, 2008

The item listed below was examined in the DNA Analysis Unit II:

K41 Buccal sample from JAMES VINCENT GUNNELS

This report contains the results of the mitochondrial DNA examinations.

1 - Detroit
SA Sean Callaghan

Page 1 of 3

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000406

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