

do you know?

A No, just they knew . . .

Q Well, when did you go down, did you ever go down to the Police Station after May 29th?

A No.

Q You never have come down to the station since then?

A No, well, Officer Waldron said another Prosecutor and Lawyer wants to talk to me about it.

Q Do you know when he said that? Was it after the 29th? Talk to you about what?

A It was like June 7th, June 8th.

Q Okay, he said another Prosecutor or Lawyer, did you say?

A Yeah.

Q Wanted to talk to you about it?

A Uh-huh.

Q What did he mean, it?

A The cases or anything that . . .

Q Which case?

A Behind Northwestern, Northwestern High School.

Q Okay. Behind the case which developed as a result of a troop behind Northwestern High School.

A Right.

Q Now, who was involved in that case?

MS. BURGESS: Objection, Your Honor, I

think, I think we're getting in the same . . .

MR. GRATTON: Well, Your Honor, we're right back to the same position we were before. I think that the root of this confusion is that this other instances are involved here. And I think that Defense Counsel has done a good job in establishing that, confusing the whole issue . . .

THE COURT: I'm looking at the clock, I'd like to make a couple of phone calls. Be back here at a quarter to eleven. It's a ten minute recess.

MS. SURGES: Thank you, Your Honor.

MR. GRATTON: Thank you, Your Honor.

(WHEREUPON there was a ten minute recess)

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THE COURT: This is recalling People v. Christopher Brian Busch. You're still under oath, Mr. Bowman, please take the witness stand.

WITNESS: I do.

Q (By Mr. Gratton) All right, Kenny, I just have a few more questions, now hopefully we can clarify any confusion in this matter. Now, you indicated before that you did not talk to anybody concerning the incident on May 29th with the Defendant, Mr. Busch, Christopher Busch. Now, we don't mean the man who is sitting here in the chair. We mean the Police Officers by the name

of Officer Waldron, remember him?

A Uh-huh.

Q And Officer Miller.

A Sergeant.

Q Sergeant. Now, did you ever talk with Waldron about Chris Busch?

A Uh-huh.

Q You did. You talked about what happened on the 29th.

A Uh-huh. I'm the one that showed him where the plane is.

Q Okay. Were you confused before on this?

A Yeah.

Q On this question?

A Uh-huh.

Q How did you happen to become unconfused? Just thought about it?

A Yeah, just, I want to get this clear, though, you did talk to some Police Officers, specifically, Officer Waldron, after May 29th about what happened on the 29th.

A Yeah.

Q Okay. Did you talk to anyone else besides Officer Waldron, do you remember anyone else's name?

A Sergeant Miller.

Q Sergeant Miller? Did you talk to Sergeant Miller about what happened on the 29th?

A Yeah.

MR. STATION: Okay, that's all the questions I have.

THE COURT: Any re-direct?

MS. BURGESS: Thank you, Your Honor.

RE-CROSS EXAMINATION

BY MS. BURGESS:

Q Mr. Bowman, now the Prosecutor's asked you a question, almost exactly the same question that I asked you. When I asked you, you said, no. When he asked you, you said yes. And the question . . .

A I didn't, you just got me confused with the dates and everything and then went back to . . .

Q Well, I don't know that you were confused, Mr. Bowman, we had pinned down the date of May 29th. I asked you if you spoke to anyone, any adult about May 29th and you said not until today, or yesterday, the Prosecutor and the Officer, that you had not spoken to Sergeant Miller about that date, and you had not spoken to Detective Waldron about that date.

A Well, I talked to them about it.

Q You now recall that you talked to them about it.

A Right. Just got a little carried away and confused.

Q I see. The, now we just had an adjournment of about twenty minutes in the Preliminary Examination. Who did you speak to during the twenty minutes?

- A Just a couple minutes ago?
- Q Well, while we were, you know, just now, while you were out in the hall. You said you went to get a candy bar or . . .
- A I didn't talk to anybody, I just went and in this staff only (sic) and just got me a couple donuts.
- Q Did you get to eat your donut?
- A Yeah, and just went back out.
- Q Did you talk with anyone further about this case? You didn't talk to the Prosecutor at all?
- A When, just a couple minutes ago? No.
- Q And you didn't talk to the Officer at all.
- A No, except about the money bit, about for here, when am I going to get the money or something.
- Q When are you going to get the money?
- A Yeah, for going to Court.
- Q For going to Court.
- A Get paid.
- Q Oh, you get paid for going to Court.
- A Yeah.
- Q Thank you.

MR. GRATTON: For the record, I would just state that I did have words with the Defendant. He asked me, or excuse, the Witness, he asked me if there was a pop machine in the building.

WITNESS: Oh, yeah.

MR. GRATTON: I directed him to the Staff Only room where there are donuts on sale. That is to the extent of my conversation and the substance of my conversation with the witness during recess.

MS. BURGESS: I appreciate that, and just since it doesn't alter my theory of the case, I have no further questions.

THE COURT: All right, thank you very much, you can step down. Did you want to call Mr. Bowman's mother?

MR. GRATTON: Yes, please. Kenny, do you want to get your mom, and have her come in, you can stay if you want to, when you come back.

THE COURT: It's best, really, young man, have a seat right here, would you get the mother. Just have a seat.

PATRICIA BOWMAN

was thereupon called as a witness herein, and after having first been duly sworn to tell the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. GRATTON:

Q Would you please state your name.

A Patricia Bowman.

Q And what is your address?

A [REDACTED]

Q And what city is that in?

A Flint.

Q Do you know a Kenny Bowman?

A Yes, I do.

Q What is your relation to him?

A He is my son.

Q Do you recall when he was born?

A [REDACTED]

Q And how old is he now?

A He's fourteen.

Q And thinking back a year ago, to approximately May 29th, 1976, do you recall how old he was then?

A He was thirteen.

Q Thirteen. Now, on the 29th, did anything unusual occur?

A Yeah, there was a knock on a door and a gentleman came to the door and asked for my son. And I told him my son wasn't there at the time. And he said that he would like to see him and he asked me where he was and I said I didn't know.

Q Okay. Did you ever see this person before?

A No, I never had.

Q Would you recognize him if you ever saw him again.

A Uh-huh.

Q Do you see anybody that looks familiar in the Courtroom today?

A Yes.

Q Who?

MS. BURGESS: Your Honor, I'm going to object to this identification. The Courtroom had been cleared, the only person, this witness knows why she's here, and the only person she could possibly designate is the Defendant.

MR. GRATTON: Well, but she also has a possibility of one, two answers to the question, also.

THE COURT: Well, that's on the record, and it's a good point, but I will take an answer. Maybe you could ask her if she remembers him from having seen him on that occasion, on the 29th or from seeing him here today in the Courtroom, isolated in the Courtroom.

MR. GRATTON: All right.

Q (By Mr. Gratton) The person who approached, came to your door on the 29th day of May, did you get a look at him?

A Yes, I did.

Q Okay. Now, I'm asking you if you could recognize him again, based upon your recollection of who you saw on that date.

A Uh-huh.

Q Is there anyone in the Courtroom that looks like that person?

A Yes.

Q Would you identify him for the record.

A Yes. That gentleman sitting right there.

MR. GRATTON: The record would reflect that the witness has identified the Defendant.

Q (By Mr. Gratton) Now, I ask you, are you basing this statement upon the fact that he is the only, he is the likeliest possible candidate in the Courtroom today, or do you actually recall seeing that person on that date?

A I recall seeing him on that date at my house.

Q Now, what occurred after he knocked on the door.

A Well, I told him that my son wasn't at home. He said that to tell him that he was there and he was looking for him and . . .

(WHEREUPON there was a short pause in the proceedings for insertion of a new tape.)

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Q (By Mr. Gratton) . . . after that conversation.

A Yeah. He came in and I told him that person was looking for him, and then he left the house.

Q He left the house.

A Yes.

Q Did you see where he went?

A No, I didn't.

Q Okay, how long after Mr. Busch left, did your son leave?

A I would say about, maybe a half hour later.

Q Okay, did you see your son later on that day?

A Yes, when he came in.

Q Approximately what time was that?

A It was around 8:30 or a quarter to nine that evening.

Q Thank you, no further questions.

CROSS EXAMINATION

BY MR. BURGESS:

Q Your name's Patricia Bowman.

A Yes.

Q When the man came to the door that you just mentioned, did he say that Greg Green was looking for your son?

A No, he didn't.

Q Did he say that Greg Green was waiting for your son?

A No.

Q Do you know Greg Green?

A Yes, I do.

Q Did you see him outside?

A No, I did not.

Q Were you looking for him?

A No, I was not.

Q Have you ever seen this man before?

A No, until that day.

Q That was the only time, that's the only time in your life you've seen him, except right now.

A Right.

Q And you saw him for what, a minute?

A Approximately two to three minutes when he talked to me.

Q And that consisted of his saying, "Is Ken home," and you said, "No," and he said, "Tell him I stopped by,"

A Uh-huh, that he was looking for him.

Q Thank you.

THE COURT: Thank you very much, you can step down.

WITNESS: Thank you.

MR. GRATTON: Your Honor, I have no further witnesses.

THE COURT: Do you expect to call witnesses?

MS. BURGESS: No, Your Honor.

MR. GRATTON: Your Honor, at this time, I would move that the Defendant be Bound Over for Trial in Circuit Court on the charge as embodied in the Complaint and Warrant, specifically, Third Degree Criminal Sexual Conduct, Counts One and Two. Does the Court, would the Court like a . . .

THE COURT: It's not necessary, we've completed the Exam in one forenoon. It's not as though

it's been stretched over several weeks or several different periods of the Court. Do you have a response to that motion?

MS. BURGESS: Yes, I have, Your Honor. The testimony, first of all, has elicited only one Count of Criminal Sexual Conduct in the Third Degree, I believe.

THE COURT: I'm sorry, I hate to interrupt you, but wouldn't the mutual . . .

MS. BURGESS: Well, my interpretation of the Law is, Your Honor, that the penetration must be accomplished upon the victim. And that if the penetration is accomplished upon the actor, rather than the victim, it does not constitute a violation of that section.

THE COURT: That's a point I'll look up in the definitions here. You can proceed, I'm sorry to interrupt you, but I didn't, I didn't know if I missed something or what, but go ahead.

MS. BURGESS: The other point I wished to make is that I think that the Court might find the witness to be incredible. He states that he has, he has no, he has spoken with no one about this incident for several months and that his, what might almost sardonically be called his memory of the incidents involved, were refreshed on the way to Court this morning, by

reading what is apparently a P.C.R. And he falls in that category of witnesses, Your Honor, of whom the Court has to be particularly careful, because they are susceptible to suggestion. And if he is testifying given his own admission that he lies and tells the truth according to his own convenience. I think where his testimony has such indication of manufacturing as appears here, the Court would properly throw it out and not take any of it in consideration in attempting to substantiate the charges brought against Mr. Busch.

THE COURT: Let me just get the definitions out here. Let me talk with you two attorneys for just a second. Maybe we can avoid the need of me looking . . .

(WHEREUPON there was a short pause in the proceedings for a consultation.)

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THE COURT: We're back on the record with People v. Christopher Busch.

MS. BUSHES: Your Honor, to continue, just briefly with a closing remark here. Two other points I would like to comment on the Prosecution's case, is that they have not shown that the Defendant was aware of the age of Mr. Bowman. And I believe that that is part of their case. Under the old law, that was not the case, in a Statutory Rape situation. If the victim was under

was under sixteen years, it was intended to be the responsibility of the actor to determine that. And for policy reasons it was determined that that was an appropriate way to handle the situation. Under this act, we have two age distinctions. And I believe the one that is analogous to the statutory Rape situation, is the under thirteen group, where the actor will be held to absolute liability regardless of knowledge of age. But, I think as to that group between thirteen and sixteen, the Legislature intended that that be an element of the offense and that the, that the actor would not be, would not be burdened with that, would not be burdened with having to show that he did not know, but rather the Prosecution must show that is an element of the offense.

THE COURT: Well, all right, I'm going to do this and I don't do so without giving it a good deal of thought, I appreciate the remarks of both the Prosecutor and Defense Counsel, I'm going to Bind the case of Mr. Busch over on the charge, the one count of Criminal Sexual Conduct in the Third Degree and the second count, Criminal Sexual Conduct in the Fourth Degree. Now, we have the two identical counts and we can modify either one, so I'm going to make Count II a Fourth Degree. And of course we have the same victim. Now, I should reconsider that wording of Count II, engage in sexual

contact, sexual contact. Will you make a note of this, Prosecutor?

MR. CARTER: Yes.

THE COURT: Sexual contact, intentional touching of the victim's intimate parts, rather than fellatio, intentional touching the victim's intimate parts, under the following existent circumstances, which remain the same. I can rewrite . . . The Bond is twelve thousand dollars cash, it's a substantial Bond. I'm inclined to leave it as it is. He's made the Bond. Does he have other Bonds out?

MS. BURGESS: Yes, and I would like to address that issue, Your Honor.

THE COURT: All right, you can.

MS. BURGESS: It's not only that there are, there are Bonds, and they are cash Bonds. And his family could use that money, far more productively in other ways. I have been working with Mr. Busch for about a month, six weeks. He's completely responsible. Whenever I need to see him, he's there, often before I am. He's been in Court whenever he's been directed to appear in Court. And he has met the somewhat burdensome conditions which have been placed on his Bond to this point, which are a seven to seven curfew. I would very much like to ask the Court to reconsider the conditions and

the amount.

THE COURT: Well, I'll do this to the amount. I'll make it a total of nine thousand . . .

MR. GRATTON: Your Honor, I would oppose that. Granted, maybe he has shown up in the past, but I think there's authority for looking at other factors, such as the gravity of the crime, too, the seriousness of it, and I would strenuously oppose that. And I think that, even argue that twelve thousand dollars is too low and certainly urge that restrictions be placed upon him of the, and I'm referring to the curfew, specifically, seven to seven curfew. And rather than lowering bond, I certainly would argue that it should be raised if anything.

MS. BURGESS: With regard to the curfew, Your Honor, seven o'clock curfew for an adult is really terribly burdensome. He can't go to a movie in the evening, he can't go out to dinner, he's living with his parents at this point. He can't go out to dinner, it restricts the activities of the whole family and I think there has been no further incident of any kind. Mr. Busch has responded, I think, very responsibly to these charges. He has sought psychiatric assistance. I have a portion of a report I would be happy to share with Your Honor, in that regard, if you feel that it

would be appropriate. I think the conditions are far stricter than necessary.

THE COURT: Well, I would make this one modification. He can, I'm going to keep the curfew seven to seven to seven unless he's with both of his parents. Now, that would mean he can go to church, go to a movie, dinner, whatever, but he's got to be with both of his parents at the time, then there is no curfew. But if he's not with both of his parents, the curfew would remain in effect. And, no, the curfew, it's sort of a choice of either going back to Jail or being on a curfew, but if his mother and father wanted to visit a relative, go to a wedding, a graduation, a relative's graduation, or something coming up. If he were with both of his parents then the curfew would not apply. And of course the Police could put that on a lien, if they wanted.

MS. BURGESS: What about something like seven to ten or eleven, I mean that doesn't really intrude badly into that, Your Honor. The summer is coming up . . .

THE COURT: I know, the daylight hours extend it . . . I'm going to leave it as it is. I would suggest this, if you want, if you're really interested in modifying that curfew, get together with a case

worker, possibly, a Probation Officer, and this psychological evaluation and present it to Circuit Court. But, get his folks actively involved or a friend, does he have a girlfriend, or whatever? Get somebody involved, but you're not in a position to do that right now, because I don't see them in Court. But, go to Circuit Court, and the Bond will put you in a much better position. Now, nine thousand dollars is a substantial amount of money. If they put through the proposed Bond Reform, that would be equivalent of ninety thousand dollars Bond. Because I think it, we're just close to having the Defendant put up ten per cent of the Bond. You're familiar with the Proposed Bond provision?

MR. GRAYSON: Yes.

THE COURT: So he's really on a ninety thousand dollar Bond, if you want. So, when you go to Circuit Court with a reduced Bond, even though the money's already been put up, it will make your position look a little better. But, go to Circuit Court and present a motion, and this is his living plan . . . is he working anywhere?

MS. BURGESS: No.

THE COURT: He was working at a party store, wasn't he, up in Ladington?

MS. BURGESS: He's worked in there and

at a restaurant.

THE COURT: Well, if you were to get some type of supervision through a friend or relative and so on, but I'm going to leave the curfew as it is, seven to seven, except if he's with both of his parents, then there is no curfew at all.

MS. BURGESS: The other point on the Bind, Your Honor, is that he's not permitted to leave Oakland County and my office is in Detroit, so may he, may we extend that to Detroit?

THE COURT: To Wayne and Oakland, yes.

MS. BURGESS: Thank you.

THE COURT: To Wayne and Oakland County.

MS. BURGESS: Thank you, Your Honor.

THE COURT: So, we'll get a Bind over, it's on Third and Fourth, then.

MR. GRAYSON: Thank you, Your Honor.

THE COURT: Thank you very much.

(WHEREUPON the Defendant was Bound over to Circuit Court for Arraignment and Trial.)

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C E R T I F I C A T E

STATE OF MICHIGAN)

COUNTY OF OAKLAND)

ss.

I hereby certify that I reported electronically the foregoing proceedings at the time and place hereinbefore set forth; that the same was later reduced to typewritten form and that the foregoing is a true, full and correct transcript of my said electronic tape so taken.

I further certify that my signature applies only to the original and three copies of the typewritten, signed, certified transcript. The undersigned assumes no responsibility for any reproduction not made under my control or supervision.

(Mrs.) E. Jane VanKeuren

(Mrs.) E. Jane VanKeuren

Official Court Recorder

DATED: 5-13-77

AFFIDAVIT OF DAVID METZGER
MICHIGAN STATE POLICE FORENSIC SCIENTIST (RETIRED)

The undersigned being duly sworn deposes and says as follows:

1. I, David Metzger, am a forensic laboratory scientist formerly employed by the Michigan State Police between the years of 1975 through 1981.

2. In my capacity as a forensic scientist with the Michigan State Police lab, I regularly reviewed and analyzed crime scene evidence submitted by law enforcement agencies to look for trace evidence. A regular part of my duties included the review of evidence submitted to identify the presence of blood, hairs, fibers, dirt, grease and other bodily fluids.

3. As a forensic scientist for the Michigan State Police, I have been recognized and qualified as an expert in the field of forensic blood, hair and fiber analysis and have testified over 50 times in the Circuit, District, and Federal Courts in Michigan.

4. On February 28, 2012, I was contacted by the Oakland County Prosecutors' Office regarding a forensic examination that I performed on numerous ropes and cordage collected by the Bloomfield Township Police Department referencing the suicide of Christopher Busch that occurred in 1978.

5. To the best of my independent recollection, I have never been approached by any other law enforcement agency or prosecutors' office to discuss my forensic examination report of the ropes collected at the Christopher Busch suicide scene except, perhaps, the Bloomfield Township Police Department and maybe investigators from the Oakland County Child Killings Task Force over 30 years ago, prior to my contact with the Oakland County Prosecutors' Office on February 28, 2012.

6. I moved out of the State of Michigan in 1981 and was completely unaware of the recent attention that had been focused on the ropes collected at the scene of Christopher Buschs' suicide.

7. I received a copy of my original lab report (14402-78) from the Oakland County Prosecutors' Office and was asked to review the findings that I made back in 1978. After I reviewed my original lab report, I then contacted the Oakland County Prosecutors' Office to articulate my findings in what would be considered layman's terms.

8. In December 1978, when I conducted my examination of the ropes submitted by the Bloomfield Township Police Department, as noted in my report, the original request was to compare the submitted ropes and cordage with any other ropes or cordage submitted from the bodies of the victims or in the vicinities of the victims' bodies. No such ropes or cordage had been submitted to me from the victims, so no such comparisons could be made. However, I was aware that the Oakland County Child Killer Task Force would be interested in having the ropes examined to determine if there was any forensic evidence connecting them to any of the Oakland County victims.

9. The cases under investigation by the Oakland County Child Killer Task Force were very much on my mind at the time I examined the ropes because in March of 1977, I was one of the Michigan State Police lab personnel who was called to the location where the body of Timothy King had been discovered and I assisted in processing the crime scene for evidence.

10. On December 12, 1978, I began my trace evidence examination of the ropes. The ropes were submitted as evidence to determine whether or not they could be associated with any of the Oakland County homicides. The ropes were examined for the possible