

-----Original Message-----

From: McCabe, Michael G

Sent: Wednesday, May 08, 2019 5:11 PM

To: Pallas, John (AG)

Subject: RE: Search Warrant Affidavit

OK I am still in the office if you want to call me now.

Something is definitely wrong with this case. I have had a TV station and newspaper in Jacksonville Florida call me this afternoon. I told them nothing and after talking to MSP I referred them both to Laura Moody's office.

Mike

-----Original Message-----

From: Pallas, John (AG) [<mailto:PallasJ@michigan.gov>]

Sent: Wednesday, May 08, 2019 5:02 PM

To: McCabe, Michael G

Subject: RE: Search Warrant Affidavit

Hi Mike: I really apologize. I have been in meeting after meeting the last two days. And I am in one right now. I was told about the charges while I was in a meeting yesterday morning and texted you and Paul Walton right away to at least let you know what I had just heard. I was not able to step out of the meeting to call either of you. I texted both of you because I did not want either of you to hear about this from someone other than a representative of this office.

I can try to give you a call late tomorrow morning or early in the afternoon tomorrow to discuss this further. However, at this point, I honestly know little more about the case than what I knew when we last talked. The only new information I have is that both father and grandfather have been charged (and I don't know even know what the charges are). As I think I explained to you the last time we talked, the unit that brought these charges is no longer under my supervision so I was not the one who approved either the arrest warrants or the search warrants, nor have I reviewed any investigative reports (regardless of whether they were from your department or MSP).

Nonetheless, as always, I am happy to talk to you, and will do my best to answer any questions you might have or to find out answers for you. I can also refer you to the unit attorneys themselves who have all the knowledge of what happened and why. There was clearly a reason that they believed that criminal charges were warranted against both suspects.

Thanks.

John

-----Original Message-----

From: McCabe, Michael G <[mccabem@oakgov.com](mailto:mccabem@oakgov.com)>  
Sent: Wednesday, May 8, 2019 1:33 PM  
To: Pallas, John (AG) <[PallasJ@michigan.gov](mailto:PallasJ@michigan.gov)>  
Subject: RE: Search Warrant Affidavit

John: Still waiting for your phone call from yesterday. I sent you a text message also last night.

-----Original Message-----

From: Pallas, John (AG) [<mailto:PallasJ@michigan.gov>]  
Sent: Sunday, April 28, 2019 8:03 PM  
To: McCabe, Michael G  
Subject: RE: Search Warrant Affidavit

Sure. Thanks Mike!

John

-----Original Message-----

From: McCabe, Michael G <[mccabem@oakgov.com](mailto:mccabem@oakgov.com)>  
Sent: Sunday, April 28, 2019 2:35 PM  
To: Pallas, John (AG) <[PallasJ@michigan.gov](mailto:PallasJ@michigan.gov)>  
Subject: RE: Search Warrant Affidavit

The one used to get the DNA samples. Can we talk when you return?

-----Original Message-----

From: Pallas, John (AG) [<mailto:PallasJ@michigan.gov>]  
Sent: Friday, April 19, 2019 7:19 PM  
To: McCabe, Michael G  
Subject: Re: Search Warrant Affidavit

Hi Mike! Do you mean the results of the DNA testing done on the substances seized during the execution of the search warrant? Or has something else happened? Or do you meant one that was used to take DNA samples for the suspect(s)?

I am so sorry I have not yet called you back following our last email exchange. I just seem to get busier and busier!

Thanks and Happy Easter to you and your family!

John

From: McCabe, Michael G <[mccabem@oakgov.com](mailto:mccabem@oakgov.com)>  
Sent: Thursday, April 18, 2019 10:47:29 PM  
To: Pallas, John (AG)  
Subject: Re: Search Warrant Affidavit

John: Can you sen me the one on the DNA?

Mike McCabe

On Apr 5, 2019, at 4:50 PM, Pallas, John (AG)  
<[PallasJ@michigan.gov](mailto:PallasJ@michigan.gov)<<mailto:PallasJ@michigan.gov>>> wrote:

Good Afternoon Mike: As per your request, attached please find the search warrant/affidavit for the case we have discussed over the past few weeks.

Apparently, there are non-law enforcement individuals trying to get ahold of this (it was not made clear to me who, an attorney perhaps?) so if you could keep this in the law enforcement family, we would greatly appreciate it.

Thanks, and have a great weekend!

John  
<Search Warrant Affidavit.pdf>

COUNTY OF OAKLAND  
**OFFICE OF THE SHERIFF**

MICHAEL J. BOUCHARD



June 26, 2019

Director Paul Myszenski  
Centerline Department of Public Safety  
7070 East Ten Mile Road  
Centerline, Michigan 48015

Dear Director Myszenski:

I am in receipt of your response dated June 24th to our inquiries regarding the MacMaster case. I am very disappointed, surprised, and offended by the tone of your response. First and foremost, as a professional law enforcement agency, the Oakland County Sheriff's Office carries a great concern for victims of any crime, but especially those involving criminal sexual conduct against a minor. To assume that we, as an agency, are not concerned about the safety and well being of the child in this specific case is beyond absurdity and comprehension. As our record will reflect, The Oakland County Sheriff's Office is a committed and respected investigative body. Similarly, the Oakland County Prosecutors Office holds an impressive conviction rate, particularly in cases of criminal sexual conduct involving children.

We recognize that it is not uncommon in divorce cases where animosity exists and criminal charges are filed, that investigators must exercise extreme caution to ensure everyone is afforded due process as outlined in the Constitution of the United States, state law, and best practice. With respect to this specific case, several agencies (local and state) were involved in the determination of fact and subsequently what could be proven in a court of law. The Oakland County Sheriff's Office, the Oakland County Prosecutor's Office Special Victims' Section and the State of Michigan Child Protective Services all thoroughly reviewed the file for the case in question. Furthermore, more than one medical evaluation was conducted on the child. The case file further contains a transcript of a recorded conversation between the mother and father of the victim and within that conversation the mother can be heard pressuring the father claiming that there is a criminal investigation underway and he could avoid all criminal prosecution and alimony payments if he immediately signed documents surrendering his parental rights.

1200 N TELEGRAPH RD BLDG 38 EAST ★ PONTIAC MI 48341-1044 ★ (248)858-5000



After a comprehensive review of all the facts known at that time, it was determined that insufficient evidence was present to justify the issuance of an arrest warrant. It has been the practice of our Prosecutor to review cases under the standard of proving the case "beyond a reasonable doubt" not simply applying a "probable cause" standard and hope that enough evidence comes together by trial to meet the conviction standard. Or equally offensive, charge high with the idea that a reduced plea can be extorted out of a suspect by trial time.

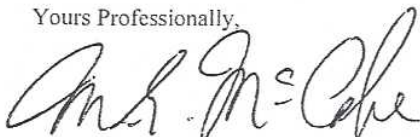
Subsequent to the Oakland County Prosecutor's denial of a warrant, the victim's mother contacted the Michigan State Police – Lapeer Post, and the Federal Bureau of Investigation for further review of the case. Upon speaking with the Officer in Charge (Det. Frieberg, OCSO), the Michigan State Police declined to re-open the case. The Federal Bureau of Investigation was given complete access to our case file and they determined that further investigative action was not warranted.

Considering what efforts were put forth on behalf of both the victim and the accused in this case, I am quite certain that you, as a law enforcement professional, would understand our concern as to why this case was re-opened after 3 years. That concern and surprise was compounded by the unusual way the case was reopened by your detectives and other parties. Normal law enforcement protocols and practices were obviously disregarded in this instance. You mentioned to me in our conversation on Friday, May 17<sup>th</sup> that you were "miffed" with your detective and the handling of our case file, thus making your letter even more puzzling. When we re-examined our investigative file, we were quite curious as to how this case could have been re-opened. As part of our efforts to better understand the unfolding of events, we contacted the Michigan State Police and Laura Moody, Chief of Staff for the Michigan Attorney General's Office and she advised us to contact the Michigan State Police for further details on how and why this case was re-opened, as it was "the MSP's case". Subsequently following our conversation with Ms. Moody, we contacted the Michigan State Police Second District Command and they shared some of our concerns and related to us that their Trooper advised his command that this was "an Attorney General's case".

Please know our desire to understand the process by which this case came to be re-opened. It is important to us because it is likely we will be compelled to testify in the case when it proceeds through the court process. Our case file is expected to be viewed by the Court as exculpatory evidence. You told me that if our roles were reversed you would share in the quest to understand how and why this case was handled after the initial investigation and subsequent review.

Please feel free to contact me directly should you feel the need to discuss this matter in further detail. I believe our personal and professional relationship can facilitate a positive dialogue with respect to this case, and furthermore I'm certain that you share in the concerns of our Office that justice is served, and all parties' interests and rights are protected.

Yours Professionally,



Michael G. McCabe  
Undersheriff | Chief Deputy

Notes  
connections  
what  
investigation do  
who HLT  
HRT get file

What  
normal  
law enf.  
protocols  
practices  
disregarded

how is  
our file  
expected  
to be  
viewed as  
exculpatory



## CENTER LINE DEPARTMENT OF PUBLIC SAFETY

Paul J. Myszenski  
Director of Public Safety

June 24, 2019

Dear Undersheriff McCabe,

After reviewing the questions you requested to be answered, none of those questions asked are related to the facts of the case or the investigation that was conducted by the Sheriff's Department. Rather, the questions asked are an attempt to blame or point a finger at someone who may have played a part of wanting the case to be reinvestigated. Who and how the case got brought to the State Police to be reinvestigated is irrelevant, what was not taken into consideration was the safety of the 4 year old child. It is for these reasons that we will not be answering any of the questions submitted, nor will we be answering any other questions from your office in the future.

If you need any questions answered regarding the Macmaster's case you will need to contact the Michigan State Police or the Michigan Attorney general's office.

Respectfully,

A handwritten signature in black ink, appearing to read "Paul J. Myszenski", is written over a horizontal line.

Paul J. Myszenski  
Director of Public Safety  
Center Line Department of Public Safety

COUNTY OF OAKLAND  
**OFFICE OF THE SHERIFF**

MICHAEL J. BOUCHARD



September 13, 2019

The Honorable Dana Nessel  
Attorney General for the State of Michigan  
G. Mennen Williams Building  
525 W. Ottawa Street  
P.O. Box 30212  
Lansing, MI 48909

Dear Attorney General Nessel:

I am contacting your office as a result of learning from your September 10<sup>th</sup> press conference of the sudden resignation of former Assistant Attorney General Brian Kolodziej. *The Detroit News* has reported you made the following request: "If anyone has information about a particular case where inappropriate behavior transpired, we encourage you to come forward and let your voice be heard."

As sworn Law Enforcement Officers, we feel obligated to advise you that in March of this year a Command Officer with our office was made aware of a search warrant involving Larry Erlin Orr and Sean Michael MacMaster out of the 52-2 Judicial District (case number 19-002946-7). The individual prosecuting this case from your office was Mr. Brian I. Kolodziej. We contacted the MSP and were advised by their command that this was a case being supervised by your office and that their Trooper Busaca was only "assisting."

This case came to our attention for several reasons. Most importantly was the fact the Defendants were thoroughly investigated on the same allegations in 2015 by the Oakland County Sheriff's Office, the Oakland County Prosecutor's Office, Child Protective Services and the FBI. After careful review, it was determined by all four agencies that the case lacked evidence and probable cause to justify actions by CPS or an arrest warrant for either Mr. Orr or Mr. MacMaster.

When it came to our attention that your office was reinvestigating this case, our concerns rose to a level in which we felt it necessary to contact your Chief of Staff, Laura Moody. On May 10, 2019, myself and Major Robert Smith held a conference call with Ms. Moody where we detailed our concerns regarding the reopening of an investigation which had been closed for almost three years. Ms. Moody informed us that she was aware of the issues we raised surrounding the reopening of the case, including exculpatory evidence in our possession. Moreover, she did not express that she shared our same concerns, nor did she inquire of any additional information from our office. Ms. Moody was polite and professional but ended the call by informing us this case was a Michigan State Police case and any concerns or questions should be directed to them.

Chief among our concerns expressed to Ms. Moody was that if there was evidence we missed, we would like to be notified. We also made an inquiry as to how the Michigan State Police became involved and why the "new" evidence was not referred to us. Again, we were met with the response, "You should contact the State Police."

1200 N TELEGRAPH RD BLDG 38 EAST \* PONTIAC MI 48341-1044 \* (248)858-5000



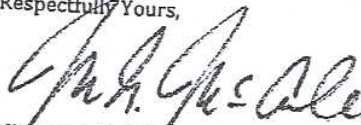
However, prior to our contact with your office, and several times thereafter, we had spoken with several Executive Command Officers with the Michigan State Police concerning the case. They informed us that this case was a Michigan Attorney General's Office case, not an MSP case. Additionally, members of MSP's Executive Command Staff also expressed concerns about this case. It was at this point that we made arrangements to make our entire case file available to MSP. The recent bond hearings indicated the MSP Trooper who had been the OIC may have been replaced in June by Investigator Schipani from your office.

At arraignment, we found it somewhat unusual that the assigned AGs had requested and then obtained a "no bond" provision pursuant to MCR 6.106(B)(1) rather than a requested high cash bond. As you are aware, because of the no bond order, a bond hearing was required pursuant to MCR 6.106(b)(3). We anticipated we would likely be called as witnesses by either the prosecution or defense and would be asked to discuss the full range of the investigation. However, no one from the AG's trial team contacted us. We were served a subpoena by the defense and anticipated we would be asked questions regarding the fact the suspects passed multiple polygraph examinations. Strangely, we had no contact from the AG trial team other than to be cross-examined at the hearing. At this point, AAG Kolodziej made allegations that we are purposely working for the defense to see that this case was not prosecuted. The bond hearing itself lasted five days took place at the 52-3 District Court in Rochester Hills for both defendants in the case. Initially, bond was denied by the presiding Judge (at the request of former AAG Brian Kolodziej), however, a \$250,000 bond was later set. As of the writing of this letter, both defendants remain incarcerated in the Oakland County Jail. As a precaution, we are holding Mr. MacMaster in an isolation cell separated from jail general population due to the fact that he is/was a sworn police officer in the Duval County School District in Jacksonville, Florida. A preliminary exam is scheduled for September 16, 2019. We, as in the bond hearings, have investigators under subpoena from the defense team, due to exculpatory evidence we possess.

We feel it is imperative and are requesting that the authority reviewing the cases prosecuted by former Assistant Attorney General Brian I. Kolodziej (particularly case number 19-002946-7) contact our office to arrange a time and place during which our staff may be able to inform your office of our many concerns. Should additional investigation on any aspect of this case need our assistance, it will be made available to you, MSP, or any other authorized entity reviewing this matter.

The transcripts show that, during the testimony of OCSO Detective Freiberg, former AAG Brian Kolodziej made strong inferences that our contact with your office and MSP was inappropriate. He asked him "If persons in your office had some sort of special relationship with either of the defendants?" Additionally, he asked twice "Your office wants this to go away, correct?" Please be aware that our office has no interest in this case, other than to ensure that due process is afforded all victims and both defendants, and justice is served in accordance with the high standards upheld by our respective offices. Should you require any additional information or have any questions, please do not hesitate to contact me directly.

Respectfully Yours,



Michael G. McCabe  
Undersheriff  
Oakland County Sheriff's Office

1200 N TELEGRAPH RD BLDG 38 EAST \* PONTIAC MI 48341-1044 \* (248)858-5000



USMM

From: Boucher, Brody (MSP) <BoucherB@michigan.gov>  
Sent: Tuesday, March 10, 2020 5:25 PM  
To: McCabe, Michael G <mccabem@oakgov.com>  
Subject: Request for Interview

Undersheriff McCabe,

My name is Brody Boucher, I am the commander of the Michigan State Police Professional Standards Section. I am also in charge of the investigation regarding the perjury allegations leveled against Trooper David Busacca by Ms. Alona Sharon and Mr. Sean MacMaster. I would like to interview you and Detective Freiberg regarding this complaint. I am available next week if your schedule(s) allow.

Thanks

BB

F/Lieutenant Brody Boucher  
Office of Professional Development  
Professional Standards Section  
7150 Harris Drive  
Dimondale, MI 48821

(517)284-3239

From: "McCabe, Michael G" <mccabem@oakgov.com>  
Date: March 12, 2020 at 7:27:40 PM EDT  
To: "Deasy, Thomas (MSP)" <DeasyT@michigan.gov>  
Cc: "Walton, Paul T" <waltonp@oakgov.com>  
Subject: Re: Trooper Busacca Question

Thanks Tom.

He emailed me yesterday and also contacted Paul Walton. I left him a voicemail yesterday. He emailed me again today and we will talk on the phone tomorrow.

Thanks again.

Mike McCabe

On Mar 12, 2020, at 6:56 PM, Deasy, Thomas (MSP)  
<DeasyT@michigan.gov> wrote:

Mike-

I talked to the PSS commander this afternoon. He has been planning those interviews. He'll call you first for background and for help determining who else within your department he should talk with.

Undersheriff McCabe:

Lauren Schipani has filed a grievance arising out of the termination of her employment from the Department of Attorney General. The matter is going to hearing on January 15 and 16, 2020.

I would like to call you as a witness on January 15, 2020 since it was your concerns that initiated our investigation into Schipani. Are you available to appear on January 15, 2020 here in Lansing at 10:00 am? And would you need a subpoena?

Also, would you be available prior to then to speak with me via telephone about the Schipani matter? I can be reached today at 517-335-3605 (this is my direct line) after 1:30 pm or tomorrow at 810-931-5422 which is my cellphone.

Jeanmarie Miller  
Assistant Attorney General  
Michigan Department of Attorney General  
Civil Litigation, Employment & Elections (CLEE)  
525 W Ottawa St, 5th Floor  
P.O. Box 30217  
Lansing, MI 48909  
(517) 335-7659  
(517) 335-7640 (fax)

PRIVILEGED AND CONFIDENTIAL - ATTORNEY CLIENT COMMUNICATION: The above communication may be protected by the attorney-client privilege and should be read by the intended recipient(s) only. Further distribution of this message beyond the intended recipient(s) may waive this privilege. If you feel that you have received this message in error, please contact the sender immediately.



Arsiola Vasha

Richard A. Moore  
Gina U. Puzzuoli

RCMD SHERIFFS OFFICE  
SEP 9 2020 PM 3:57

Daniel G. Romano  
23800-23880 Woodward Avenue  
Pleasant Ridge, MI 48069  
P(248) 750-0270 F(248) 936-2105  
www.danielromanolaw.com

Avraham M. Weiss

September 3, 2020

Undersheriff Michael G. McCabe  
1200 North Telegraph Rd.,  
Bldg. 38E  
Pontiac, MI 48341

Dear Undersheriff McCabe,

**RETRACTION REQUESTED OF ALL FALSE AND DEFAMATORY STATEMENTS  
REGARDING DAVID BUSACCA**

Please be advised that we represent David Busacca for his claims against you and Oakland County for defamation, abuse of process, intentional interference with a business relationship, *Monell* claims as well as claims for a violation of his civil rights and conspiracy to violate his civil rights.

Mr. Busacca's claims are based on you making false, slanderous, defamatory, defamatory per se and libelous statements about him; including, but not limited to statements that Mr. Busacca perjured himself and/or lied at the trial during testimony in the McMaster case.

It is clear that you have made these false, slanderous, defamatory, defamatory per se and libelous statements regarding Mr. Busacca maliciously in order to injure his reputation. As a result of your malicious, false, slanderous, defamatory, defamatory per se and libelous statements as well as your other actions in this matter, Mr. Busacca was passed over for a promotion with the Michigan State Police, was criminally investigated by the Michigan State Police and an out county prosecutor and is subject to an internal affairs investigation. His reputation has been severely harmed by your actions and he has incurred both economic and non-economic damages as a result of your actions. Consequently, this letter constitutes a demand for immediate retraction in writing of these false, libelous, slanderous, defamatory per se and defamatory statements made to all individuals, news agencies, television stations and any other entity that these statements were made to by you.

Our request is being made in order to prevent further economic and non-economic injury and harm from coming to Mr. Busacca and his reputation as a result of your false, slanderous, defamatory per se and libelous statements regarding Mr. Busacca. Please send us a copy of all retractions within the next 7 days. Additionally, we request that you cease and desist from tortuous interference and making any additional false, defamatory, defamatory per se and malicious statements about Mr. Busacca. Moreover, we demand that you save all documents, letters, reports, text messages, emails, notes, writings, recordings of any kind concerning this matter. Please govern yourself accordingly.





Arsiola Vasha

Richard A. Moore  
Gina U. Puzzuoli

Daniel G. Romano  
23800-23880 Woodward Avenue  
Pleasant Ridge, MI 48069  
P(248) 750-0270 F(248) 936-2105  
www.danielromanolaw.com

Avraham M. Weiss

September 3, 2020

Undersheriff Michael G. McCabe  
1200 North Telegraph Rd.,  
Bldg. 38E  
Pontiac, MI 48341

Dear Undersheriff McCabe,

**RETRACTION REQUESTED OF ALL FALSE AND DEFAMATORY STATEMENTS  
REGARDING LAUREN SCHIPANI**

Please be advised that we represent Lauren Schipani for her claims against you and Oakland County for defamation, abuse of process, intentional interference with a business relationship, *Monell* claims as well as claims for a violation of her civil rights and conspiracy to violate her civil rights.

Ms. Schipani's claims are based on you making false, slanderous, defamatory, defamatory per se and libelous statements about her; including, but not limited to statements that Ms. Schipani perjured herself during testimony in the McMaster case and that Ms. Schipani was having a romantic affair with the prosecutor in that case.

It is clear that you have made these false, slanderous, defamatory, defamatory per se and libelous statements regarding Ms. Schipani maliciously in order to injure her reputation whether you made them for your own self-interest, political agenda, or any other malicious reason. As a result of your malicious, false, slanderous, defamatory, defamatory per se and libelous statements as well as your other actions in this matter, Ms. Schipani was terminated from her position at the Attorney General's office and was criminally investigated by the Michigan State Police and an out county prosecutor. Her reputation has been severely harmed by your actions and she has incurred both economic and non-economic damages as a result of your actions. Consequently, this letter constitutes a demand for immediate retraction in writing of these false, libelous, slanderous, defamatory per se and defamatory statements made to all individuals, news agencies, television stations and any other entity that these statements were made to by you.

Our request is being made in order to prevent further economic and non-economic injury and harm from coming to Ms. Schipani and her reputation as a result of your false, slanderous, defamatory per se and libelous statements regarding Ms. Schipani. Please send us a copy of all retractions. Additionally, we request that you cease and desist from tortious interference and making any additional false, defamatory, defamatory per se and malicious statements about Lauren Schipani. Moreover, we demand that you save all documents, letters, reports, text messages,