

**STATE OF MICHIGAN
IN THE SUPREME COURT**

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

MSC No. 138577
COA No. 279017
LC No. 05-3228-01
Prior MSC No.135149
Prior COA No. 269198
Prior MSC No.130784

v

ALEXANDER ACEVAL,
Defendant-Appellant.

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DEFENDANT-APPELLANT ALEXANDER ACEVAL'S

**S U P P L E M E N T A L
B R I E F**

**IN SUPPORT OF PENDING APPLICATION FOR LEAVE TO APPEAL
BASED UPON CERTAIN ALREADY-MADE-PUBLIC ATTORNEY
GENERAL INVESTIGATORY MATERIALS FROM PENDING CRIMINAL
PROSECUTION AGAINST DEFENDANTS [FORMER] APA KAREN PLANTS,
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“P” Waterstone Statement To AG 12-1-08

“Q” JTC Letter To Waterstone 9-12-06

“R” AG Investigatory Report [date unknown, but after 4-09] [7pp][Referencing AG Interviews of top WCPO officials who knew of perjury at pertinent times]

“S” “People’s [AG’s] Proposed Stipulation For Purpose Preliminary Exam, *People v Plants, Waterstone, et al*, 36th D Ct No. 09-57635, p 2, Paragraph “f.,”

“T” Letter From Defendant-Appellant’s Counsel To AG
Re Request Investigatory Material 7-26-09

“U” Povish Statement To AG 9-25-08

“V” AG-Subpoenaed Documents List From WCPO [Excerpt]

“W” ABA Formal Opinion 09-454; 7-8-09

Additional transcripts submitted on date of filing hereof [not exhibits]:

1. *People ve Aceval* [second trial] No. 05-003228, Jury trial before Judge VM Jones, “6-6-06, “Testimony of Chad Povish (continued) Shawn Adams, and Scott Rechtzigel only”[98 pp]

2. *People ve Aceval* [second trial] No. 05-003228, Jury trial before Judge VM Jones, “6-5-06, “Testimony of Chad Povish only”[225pp]

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STATEMENT OF ISSUES PRESENTED

I.

WHETHER JUST-DISCOVERED ATTORNEY GENERAL INVESTIGATORY INTERVIEW UNDER OATH OF TRIAL JUDGE WATERSTONE REVEALS SHE DELIBERATELY DECLARED "HUNG JURY" MISTRIAL NOT BECAUSE OF JURY'S HONEST, INFORMED INDECISION, BUT DELIBERATELY AND CALCULATEDLY TO AVOID ATTACHMENT OF JEOPARDY, AVOID REVELATION OF HER OWN COMPLICITY IN PERJURY CONSPIRACY, AND TO BELATEDLY "WASH HANDS" OF RESPONSIBILITY

The Defendant-Appellant Says "Yes."

The Plaintiff-Appellee Says "No."

The Trial Court Impliedly Refused to Over Rule Judge Waterstone On This Question

The Court Of Appeals Said "No," Without Benefit Of The New Materials

II.

WHETHER DOUBLE-JEOPARDY APPLICABILITY TRIGGERED BY PROSECUTOR'S "INTENT" TO "AVOID" OR "PREVENT" ACQUITTAL [INVISIBLE TO 2-5-09 COA PANEL] STARKLY EVIDENT IN AG INVESTIGATORY INTERVIEW UNDER OATH OF CI POVISH WHERE POVISH CONFIRMS PRE-EXAM AND PRE-TRIAL "COACHING" MEETINGS CONDUCTED BY APA PLANTS TO PERFECT PERJURY SCHEME AND WHERE PERJURY SCHEME DEEMED BY PO MCARTHUR TO BE "THE ONLY WAY" TO CONVICT DEFENDANT ACEVAL

The Defendant-Appellant Says "Yes."

The Plaintiff-Appellee Says "No."

The Trial Court Impliedly Refused to Over Rule Judge Waterstone On This Question

The Court Of Appeals Said "No," Without Benefit Of The New Materials

III.

WHETHER PERVASIVE PERJURY OF 2ND TRIAL, WCPO CONCEALMENT OF ADDITIONAL MISCONDUCT AND TAMPERING WITH EVIDENCE, AND PLAIN ERROR OF 2-5-09 COA OPINION'S AND

WCPO'S CLAIM THAT DEFENDANT "RECEIVED ALL THE PROCESS HE WAS DUE" REVEALED IN JUST-DISCOVERED ATTORNEY GENERAL INVESTIGATORY INTERVIEW UNDER OATH OF CI / DRUG DRIVER POVISH

The Defendant-Appellant Says "Yes."

The Plaintiff-Appellee Says "No."

The Trial Court Impliedly Said "No."

The Court Of Appeals Said "No," Without Benefit Of The New Materials

IV.

WHETHER ADDITIONAL PROOF OF PERVASIVE PERJURY OF 2ND TRIAL, OBSTRUCTION OF JUSTICE AND ADDITIONAL PERJURY KNOWN TO TRIAL PROSECUTOR AND TO HIGHER-UPS IN WCPO DURING 2D TRIAL, ALL DEMONSTRATING CORRUPT FUTILITY OF ANY POTENTIAL 3RD THIRD TRIAL, WILL BE REVEALED IN JUST-DISCOVERED ATTORNEY GENERAL INVESTIGATORY INTERVIEW UNDER OATH OF KYM WORTHY, APA PLANTS'S SUPERVISORS, 2ND TRIAL ATTORNEY APA BERNIER, INKSTER PD OFFICERS RECHTZIGEL AND MCARTHUR AND THEIR SUPERIORS, AND AGC INTERVIEWS

The Defendant-Appellant Says "Yes."

The Plaintiff-Appellee Says "No."

The New Material Was Not In Existence At The Time Of The Trial Court's Hearing

The New Material Was Not In Existence At The Court Of Appeal's 2-5-09 Ruling

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STATEMENT OF FACTS

Defendant-appellant incorporates by reference the Statement Of Facts set forth in the main Brief In Support Of Application For Leave to Appeal filed 4-2-09, and the recitation of facts set forth in his accompanying Motions, with the additions set forth in each individual issue of this Supplemental Brief.

The Attorney General [AG] filed criminal charges against APA Plants, trial court Judge Waterstone, and Inkster police officers Rechtizigel and Mc Arthur, on or about 3-25-09, arising out of their conduct in this criminal case. In the course of that prosecution certain documents have emerged showing that a broad criminal investigation was undertaken by the AG prior to filing those charges, that included unde-oath examinations of Wayne County Prosecutor Office [WCPO] personnel, including its highest officials, command figures at the Inkster Police Department, the second trial prosecutor, and a host of others.

Although that 8500 page plus investigatory material has been furnished as a matter of course to the criminal defendants themselves, as case discovery, defendant-appellant has been unable to obtain it, except for that small amount trickling out in the course of the AG's continuing prosecution. Even this limited material has

demonstrated vividly and in detail the factual and legal validity of defendant-appellant's arguments on appeal that he was denied his right to counsel, his double jeopardy rights, due process rights, and any semblance of fundamental fairness, by a pattern of official that continues to this day.

The forceful import of the limited AG investigatory material that has become publicly available is discussed in detail, and the tantalizingly silhouetted likelihood of additional compelling factual disclosures is analyzed with a view back at the strictly accurate vindication of previous accusations. Accompanying this Supplemental Brief is a Motion entreating this Honorable Court's assistance in obtaining the balance of the materials in a sufficiently timely manner, so that they might be used to demonstrate, with the finality and factual certainty they will afford, that defendant-appellant's convictions should be reversed and re-prosecution barred.