

Michael Levine Consulting: Recent Notable Cases and Outcomes
Attachment A
Rule 26–court and deposition testimony 2013 to 2021

2018-2021 presently retained in numerous cases involving police use of force, undercover tactics, entrapment, avoidance of documenting Brady materials, the substandard handling of criminal informants in an undercover capacity and handling and corroboration of criminal informant information. Many of these cases were settled without the need for testimony. Specific details available on request.

US v Felipe Nevarez 9-CR-00271-1-REB-JMC. Federal court, Denver Colorado via CCTV.
April 14, 2021, Trial Testimony.

Defendant was arrested with less than one ounce of methamphetamine and \$16,000 cash as a result of a traffic stop. He was charged with possession with intent to distribute which would give the federal government the right to seize the \$16,000 as proceeds of drug trafficking. My review and testimony we're strongly indicative of a lack of standard proof of intent to distribute. **Outcome: After 6 hours of deliberation the jury found the defendant guilty of distribution.**

Terry R. Baker, et al v Nicholas Goodman, et al.,
March 19, 2021, Deposition Testimony.

A synopsis of my testimony in this matter is that the totality of evidence reviewed through the lens of my almost five decades of training and experience, provides significant reasons to believe that Sgt. Nicholas Goodman, Portland Maine Police Department in his homicide of 22 year old Chance Baker acted in direct and flagrant disregard of the National Standard mandating that the taking of the human life by a law enforcement officer, must be a last resort. He also acted in disregard of the Portland Police Department's deadly force policy that mandates that deadly force should only be used if the person is an imminent threat to use deadly force against the officer or another. And that my review resulted in elements of probable cause indicative of false reporting, perjury and cover-up to merit this case being forwarded to be appropriate Federal Agency for criminal investigation. **Outcome: Pending.**

Darrell Siggers v Joseph Alex (retired detective, Detroit Police Department), in his individual capacity.

January 28, 2021, Deposition Testimony.

In this matter, I was retained by the city of Detroit, as an expert for the retired detective. The accusation involved claims by Mr. Siggers, that he had been wrongfully incarcerated for a period of 28 years as a result of actions perpetrated (intentionally) by the then homicide detective during his investigation of a 1984 homicide. My complete review of all available documentation of this homicide resulted in findings that detective Alex's procedures and actions were consistent with the best police procedures, and that I could observe no indications whatsoever of officer Alex having violated either any known Standard of investigative procedure, nor any known Standard of officer conduct; and that the entire lawsuit was sufficiently frivolous to merit review by the appropriate regulatory Organization or agency, and that a frivolous lawsuit of this type, in itself, represented a

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Attachment A
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serious threat to the safety and security of both citizens and police serving and/or living in High crime areas.

Outcome: Lawsuit dismissed.

Benny Warr v Rochester New York Police Department:

January 23rd-24th 2019, Testimony for plaintiff at federal trial in Rochester, New York.

Plaintiff, an elderly African American—an amputee largely confined to a wheelchair—was arrested and charged with disorderly conduct. During the course of the arrest, the plaintiff’s wheelchair was slammed onto its side after which defendants beat plaintiff with elbow strikes to the head and knee kicks to the body.

Outcome: After two days of testimony, the jury found that the defendant police officer had in fact resorted to the use of Excessive Force. Money award matter still pending.

Dekalb County, Georgia. Civil Grand Jury (Police Involved Shooting)

Testified for prosecution:

Updated Outcome: On October 14, 2019, Olsen was convicted in criminal court, Dekalb County Georgia, of aggravated assault, violating the oath of his office, and making a false statement. On November 1, 2019, Olsen was sentenced to 12 years in prison.

Matter: October 22, 2015, I aided DA’s investigators in follow-up investigation, then testified before the DeKalb County Grand Jury as an expert for the District Attorney’s Office in its recommendation that this matter be sent to a criminal grand jury. Case: in the police-involved shooting of Anthony Hill, by Officer Robert Olsen. Retained by the Dekalb County District Attorneys Office. GJ recommended that officer Olsen case be forwarded to criminal grand jury for a criminal indictment.

Wrongful death beneficiaries of Ruth Helen Harrion v The City of Jackson, MS:

May 13th-16th, 2019. Testified at the Hinds County, MS District Court, Judge Wooten presiding.

Matter: I testified to a police demonstration of Craven Disregard of the life of 67-year-old Mrs. Harrion, who had called 911 with a prowler complaint at 3 AM in a high crime area; that the police came to the residence; police cleared the call making no attempts to personally speak with the complainant to ensure that she was unharmed. While police were checking the outside of the house, the prowler had already entered and was in the process of raping and murdering the elderly woman. My testimony demonstrated unforgivably substandard procedures, cowardice and reckless disregard of her life by police.

Outcome: Client’s family awarded \$1 million after two days of trial testimony.

Joshua Skinner v Michael DeFiore et al

November 15, 2017, Deposition at Valley Recording, Greene Street, Kingston, NY.

Matter: Case involved Iraq Veteran allegedly being taken into custody for his own protection under Vermont law providing for forced detention due to drugs and/or alcohol intoxication and/or other situation wherein the subject, while not having committed any crime, can be detained and brought to

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Attachment A
Rule 26–court and deposition testimony 2013 to 2021

a detox center. My review resulted in findings indicative of false arrest on the basis of a bad faith use of the statute, grossly excessive (deadly) force and elements of PC indicative of false official statements as well as significant elements of probable cause indicative of the police avoiding investigative leads that would have resulted in evidence clearly inculpatory for police.

Outcome: Trial Pending

Estate of Darrell W. Kempf v Trans America Insurance Company:

September 8th 2017, Testified at Deposition.

Matter: Case involved a \$2 million dollar life insurance claim against my client, Trans America. Darrell Kempf vanished in 2007, after his car was reported in a one-car accident, capsized in a California body of water. My review of crime scene evidence revealed elements of probable cause indicative of the accident having been staged. Testimony based upon my extensive experience hunting fugitives, along with first-hand experience and training involved specifically with hunting individuals seeking to escape prosecution in South America.

Outcome: A favorable out-of-court settlement was reached for my client after my deposition.

United States v Damon X. Hedgecock IS1 / E-6 U.S. Navy

April 18th 2018, Testified before Hawaii Judicial Circuit Navy-Marine Corps Trial Judiciary, General Court-Martial:

Matter: My qualifications to testify as an expert in Homicide investigations, informant handling and corroboration, police investigative procedures in general including but not limited to interrogations and interviews, were accepted by judge Advocate Gen, via telephonic testimony.

The Estate of Charles Burns v Concord California Police Department et al:

January 12th 2018, Testified at seven-hour Deposition.

Matter: Retained by the family of 22-year-old Mr. Burns, who was shot and killed by two officers firing a total of 16 or more rounds at the young man as he allegedly fled from police. While reaching for his cell phone, defendants claim that they mistook the phone for a gun. After Mr. Burns had been mortally wounded, defendants then caused him to be attacked by a trained attack dog. The dog was permitted by defendants to continue to viciously maul the dying young man in the middle of the street.

Outcome: Case settled for \$2.5 million within weeks of my deposition.

Lee Abraham v Arnold Smith:

On June 9th, 2017, I testified at a 7.5 hour Daubert Hearing in the court of Honorable Barry Ford in Greenville Mississippi.

Matter: Abraham was suing Dr. Smith in a high profile Mississippi case resulting from the police-involved killing of Keira BYRD by Officers of the Mississippi Attorney Generals Office. The State claim this was a shootout evolving from BYRD having been contracted by SMITH to murder ABRAHAM. BYRD'S homicide was charged to Dr. SMITH, who is still facing criminal charges.

Michael Levine Consulting: Recent Notable Cases and Outcomes
Attachment A
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ABRAHAM subsequently sued DR. SMITH for mental anguish etc., due to the alleged attempted homicide.

My review and expert report indicated that BYRD was in fact enticed by ABRAHAM to his office with the promise by ABRAHAM of purchasing a gun from BYRD as evidence against Dr. SMITH, and that I had been able to identify significant elements of PC indicative of the murder of BYRD having been both unjustified and premeditated, that I had also identified other elements of PC indicative of false reporting, perjury and evidence tampering. Further: in the report, I also identified a number of elements of probable cause indicative of the police investigation avoiding all investigative and interrogation leads that would have led to incriminating evidence against police.

Outcome: Judge Ford issued a ruling that I would be permitted to testify to the full content of my report. Case resulted in satisfactory civil settlement for my client in January 2019.

James P. Crocker v Deputy Sheriff Steven Eric Beatty et al:

March 8th 2017, Deposition conducted via CCTV, Kingston NY.

Matter: Sheriff Deputy seized iPhone from Plaintiff, claiming that the seizure was “evidence” in that it contained photos of an auto accident that might contain “photographic evidence” pertinent to the fatal accident. When Plaintiff questioned officer and did not follow a deputy’s orders, plaintiff was arrested. I filed an expert report in favor of plaintiff indicating that the arrest was false and the seizure was illegal, and that Defendant Internal Affairs investigation and reporting was conducted in violation of the Search for Truth Standards, resulting in probable cause of false official reporting and cover up.

Outcome: Out-of-court settlement reached in October 2018, in favor of my client.

Marcia Przybysz, v City of Toledo, Toledo Police Department et al:

Deposition on April 16th, 2017 - Testimony in favor of police.

Matter: Thomas Prsybysz, was arrested by Toledo PD undercover officers for narcotic violations. As a result he volunteered to be an undercover informant. After a successful buy-bust set up by Thomas, he was murdered. The suit alleges that the Toledo PD failed to act appropriately to protect the decedent from retribution. I filed a report in support of the Toledo Police indicating that as per my review, in consideration of the totality of evidence presented, the DEFENDANTS had adhered to all Professional and National Standards and had acted in a reasonable manner.

Outcome: The Judge, citing my testimony and expert report, subsequently dismissed the civil complaint against the defendant officers as well as the Monell charges against Toledo PD in August 2018.

Cory Greene v Norwalk Connecticut police Department.

March 21st, 2017, Deposition at Valley Recording, 115 Greene Street, Kingston NY.

Matter: Issues Plainclothes officers beat Plaintiff brutally during an arrest. Substandard undercover operation resulting in undercover officers appearing like thugs instead of law enforcement; failure to appropriately identify themselves a police officers, Defendant officer

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Attachment A
Rule 26–court and deposition testimony 2013 to 2021

Resorted to the use of grossly excessive force, when little or no force was reasonably necessary. Report included significant elements of probable cause indicative of violation of search for truth standards in that investigative and interrogation leads that would have yielded incriminating evidence toward police were explicitly avoided. Report filed and deposition testimony in favor of plaintiff.

Barone v FBI/USA

September 16th, 2016, Deposition at the Southern District US Attorneys Offices.

Matter: Mr. Barone, an 18-year protected FBI criminal informant and high-level mafia associate was engaged in a murder for hire plot. He agreed to be an informant for the FBI, however, refused to wear a wire, as doing so would be a virtual death sentence. He was then arrested and charged with a homicide conspiracy. As a result of the charges and the handling of same by the FBI, Barone was publicized as an FBI informant in the news. After having been found not guilty of the charges he filed a suit in federal court claiming that the revelation of his identity as an informant would have him living under a death threat for the rest of his life. My expert testimony focused on the impossibility of a FBI informant (high level Mafia associate) maintaining his cover for 18 years without committing numerous and violent felonies on an almost daily basis and of the FBI necessarily being aware of and avoiding knowledge of same.

Bowles Murray v City of Cartersville, GA et al.

March 11th, 2016, Deposition.

Matter: I provided expert testimony on behalf of the family of victim of a police-involved shooting, 66 year old Jeanne Murray, during a No-knock search warrant execution based on two sales of user quantity marijuana and improperly controlled and corroborated informant. Among my findings were indications that investigative and interrogation procedures and tactics that would have elicited incriminating evidence for police were intentionally avoided, resulting in false Official reporting by material omission, and that the amount of PC of cover-up, falsification of testimony etc., merited criminal investigation by independent federal authorities.

DeKalb County, Georgia. Criminal Grand Jury (Police Involved Shooting)

January, 2016, Testified for prosecution.

Matter: I testified before the DeKalb County Criminal Grand Jury as an expert for the prosecution in the police-involved shooting of Anthony Hill, by Officer Robert Olsen. Retained by the DeKalb County District Attorneys Office. Olsen indicted for homicide and false statements.

DeKalb County, Georgia. Civil Grand Jury (Police Involved Shooting)

October 22nd, 2015, Testified for prosecution:

Matter: I aided DA's investigators in follow-up investigation, then testified before the DeKalb County Grand Jury as an expert for the District Attorneys Office in its recommendation that this matter be sent to a criminal grand jury. Case: In the police-involved shooting of Anthony Hill, by

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Attachment A
Rule 26–court and deposition testimony 2013 to 2021

Officer Robert Olsen. My review resulted in findings of deception, attempts to cover up incriminating evidence, false official statements and the avoidance of bad evidence. Retained by the DeKalb County District Attorneys Office. GJ recommended that officer Olsen case be forwarded to criminal grand jury for a criminal indictment. On October 15 2019, Olsen would be convicted criminal court, DeKalb County Georgia, of criminal assault,

Holcomb v Princeton West Virginia Police Department

July 31st, 2015, Deposition at Valley Reporting Kingston, NY

Matter: Provide expert opinions in favor of Princeton W.VA PD, to defend an action charging them with negligence in failing to properly supervise and provide oversight to an officer who had suffered brain damage during a training exercise, and whom was then alleged to have used his police position and authority to coerce a 17 year old boy into a homosexual relationship.

Morse v. Commonwealth of Mass

January 26th, 2015, six hour Deposition testifying for defendant.

Matter: Opinions that defendant police engaged in substandard and deceptive investigative and interrogation procedures and police reporting related thereto, violations of the search for truth standards as to the departmental oversight and management of police charged with excessive force in executing a forceful and warrantless entry into the home of plaintiff.

Feliciano et al v. Municipality of Anchorage and Anchorage PD et al.

March 24th 2014, Expert Testimony at Trial at Anchorage Alaska Federal Court.

Qualified as an expert on several areas of police procedures including but not limited to Undercover Tactics, Informant Handling, Corruption, Police Investigative Reporting, Evidence handling, Management, Supervision and Oversight etc.

January 10th 2014, Deposition in Support of Anchorage PD.

Matter: Opinions in support of Anchorage Alaska Police Department's decision to deactivate its Drug Enforcement Unit, for reasons based on said unit's failure to adhere to national and professional standards in its evidence handling, undercover and Informant Handling, procedures and other matters related to police corruption, substandard oversight, elements of PC indicative of corruption, etc.

Japan v Lindsay McNicol

July 4, 2013, Testify in Tokyo

Matter: Expert in "Blind Mule" defense of woman charged with the smuggling of \$10 million in Ecstasy Pills into Japan in false bottom suitcase. Testified as police procedural expert with a focus on Japanese police avoidance of all investigative and interrogation tactics that would have yielded exculpatory information and avoidance of bad evidence.

Michael Levine Consulting: Recent Notable Cases and Outcomes
Attachment A
Rule 26–court and deposition testimony 2013 to 2021

WRITTEN PUBLICATIONS (PAST 10 YEARS):

- “That Nightmare Moment” (police use of deadly force), published by the *Los Angeles Times*.
- “Blind Mules-Fact or Fiction” -unwitting and/or duped participation in crime, published in *Law Enforcement Executive Forum* a publication of the Illinois Law Enforcement Training and Standards Board, the University of Western Illinois.
- “The Weakest Link” - Identification of Management Failures in Covert (Undercover) Operations, published in *Law Enforcement Executive Forum* a publication of the Illinois Law Enforcement Training and Standards Board, the University of Western Illinois.
- “The American Hustle” - A critique on the use of undercover tactics to “create” crime as opposed to a deterrence published in *Law Enforcement Executive Forum* a publication of the Illinois Law Enforcement Training and Standards Board, the University of Western Illinois.
- Undercover Tactics and Informant Handling” police instructional manual first published for DEA, then the State of New York and finally the State Department for police instruction in Brazil. In 2015, the manual was republished via Academia.edu and as of 2106 was listed among the top 05% - 01% of downloads globally by police agencies and researchers.