

STATE OF MICHIGAN
36TH JUDICIAL DISTRICT (DETROIT, MICHIGAN)

PEOPLE OF THE STATE OF MICHIGAN,

v

File No. 14-0053-FY

ROBERT HEZEKIAH PRESTON,

Defendant.

PRELIMINARY EXAMINATION

BEFORE THE HONORABLE RUTH C. CARTER, DISTRICT JUDGE

Detroit, Michigan - [day and date]

APPEARANCES:

For the People: MS. KYM L. WORTHY (P38875)
Prosecuting Attorney
Wayne County Prosecutor's Office
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For the Defendant: MR. JONATHAN JONES (P52920)
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TRANSCRIBED BY: [name and CER number]
Certified Electronic Recorder
[phone number]

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Detroit, Michigan
[day, date, and time]

THE COURT: All right. This is in the matter of the State of Michigan versus Robert H. Preston, 140053FY. The matter is scheduled for a preliminary examination on a 15-count felony complaint.

Counsel, please state your appearances for the record.

MS. WORTHY: Yes, your Honor. Kym Worthy appearing for the People.

MR. JONES: Hello, your Honor. Jonathan Jones on behalf of the defendant, who is seated to my left.

THE COURT: All right. Are you ready to defend, Mr. Jones?

MR. JONES: Yes, your Honor.

THE COURT: Are you ready to proceed, Ms. Worthy?

MS. WORTHY: Yes, your Honor.

THE COURT: Are there any stipulations prior to hearing the evidence?

MS. WORTHY: There is one, your Honor. It is my belief that, for the purpose of the preliminary examination only, defense has stipulated that the defendant has been convicted of a felony offense and is ineligible to lawfully possess a firearm.

THE COURT: And you confirm that, Mr. Jones?

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MR. JONES: That's correct, your Honor. For the preliminary exam only.

THE COURT: All right. The Court will accept that stipulation should evidence show a crime was committed related to that. Anything else, Ms. Worthy?

MS. WORTHY: No, your Honor. I will call my witness, Vanessa Smith.

THE COURT: All right. Ms. Smith, if you would come over here to this chair right here. Before sitting down, would you face me and raise your right hand. Do you swear or affirm the testimony you will give is the truth, the whole truth, and nothing but the truth, so help you God?

MS. SMITH: Yes.

VANESSA SMITH

(At [time], called by Ms. Worthy and sworn by the Court, testified as follows)

THE COURT: All right. Have a seat in this chair, please. If you could please state your name, spelling both your first and your last name.

THE WITNESS: Vanessa Smith, V-a-n-e-s-s-a S-m-i-t-h.

THE COURT: Ms. Smith, this lady here who is standing up is going to ask you a few questions. If you would please speak loud enough so that she can hear you. If you don't understand something, just let her know. When she's

1 done, this gentleman here to your right with the coat and tie
2 on is probably going to ask you a few questions as well.
3 Please give him the same respect.

4 Shaking or nodding your head in answer to a question
5 doesn't work in this courtroom because we have to tape-record
6 [tape record] everything that is said. So remember to speak
7 your answers so that we can hear you. Will you do that?

8 THE WITNESS: Yes, ma'am.

9 THE COURT: Good. Now that little black thing in
10 front of you is a microphone. It doesn't amplify your voice.
11 It records your voice. Just speak in a normal tone like you
12 are conversing with Ms. Worthy, and it will pick up your voice
13 just fine. Feel free to move forward to the microphone if
14 you'd like. That's fine. All right?

15 THE WITNESS: Yes, ma'am.

16 THE COURT: Okay. We're ready, Ms. Worthy.

17 DIRECT EXAMINATION

18 BY MS. WORTHY:

19 Q Ms. Smith, are you acquainted with a person named Robert
20 Preston?

21 A Yes.

22 Q How do you know him?

23 A He's a cab driver. I met him when he was giving me a ride
24 home.

25 Q Do you see him in court today?

1 A Yes.

2 Q Would you point to him and describe what he is wearing and
3 where he is seated, please.

4 A He's sitting right in front of me in an orange jumpsuit.

5 MS. WORTHY: Your Honor, may the record reflect the
6 witness's identification of the defendant?

7 THE COURT: It may.

8 BY MS. WORTHY:

9 Q Drawing your attention to January 12th of last year, did you
10 have occasion to ride in Mr. Preston's cab?

11 A Yes.

12 Q Where were you seated in relation to the driver?

13 A I was sitting in the front passenger seat next to him.

14 Q What kind of vehicle was it?

15 A It was a minivan.

16 Q Did the defendant ever express to you a romantic interest in
17 you?

18 A Yes.

19 Q What did he say to you to make you believe he had a romantic
20 interest in you?

21 A You mean that specific day?

22 Q At any time.

23 A He told me he thought I was pretty. He liked me. He wanted
24 to get to know me better.

25 Q How many times have you ridden in his cab?

1 A A few.

2 Q A few times prior to January 12th?

3 A Yes.

4 Q On January 12th did you call him to seek a ride in his cab?

5 A Yes.

6 Q Did you ride with him in the cab?

7 A Yes.

8 Q Did you have a specific destination you were intending to go?

9 A Yes. I was going home.

10 Q How far away from home were you when the defendant picked you
11 up?

12 A Roughly three miles.

13 Q Did there come a point when the defendant said something to
14 you you found inappropriate?

15 A Yes.

16 Q What happened?

17 A He pulled into an alley and told me we were going to have sex.
18 I told him no. I told him I had to go home. He turned off
19 the car and pulled a gun from underneath his seat and put it
20 to my head.

21 Q Can you describe for the Court the type of gun that he pulled
22 from underneath his seat?

23 A I didn't really get a chance to see it, but I could feel it
24 against my head. It felt like a .45- caliber [45 caliber] or
25 9-millimeter pistol. [9 millimeter]

1 MR. JONES: Objection, your Honor. This calls for
2 speculation on the part of the witness.

3 THE COURT: I will allow the question, but be
4 careful, Ms. Worthy. Objection overruled.

5 BY MS. WORTHY:

6 Q Are you familiar with handguns?

7 A Somewhat.

8 Q What happened next?

9 A He told me to get out of the van. I asked him if he was
10 serious. I told him I would just walk home. I got out of the
11 van and started walking. He was yelling and swearing at me.
12 He said, "Get back in the van or I'm going to shoot you."

13 Q Did he have the gun pointed at you?

14 A He did for a minute and then he put it back under his seat
15 when he got in the van.

16 Q Why did you get back into the van?

17 A Because he had a gun pointed at me.

18 Q What happened next?

19 A He pulled out of the alley and started driving in the
20 direction of my house. He was yelling at me the entire time.
21 He started hitting me while he was driving down the road.

22 Q When you say he hit you, what part of his body touched what
23 part of your body?

24 A He was driving with his left hand and hitting me in the head
25 and the face with his right hand.

1 Q Was he hitting you with an open hand or a closed fist?

2 A I'm not sure.

3 Q Did it hurt?

4 A Yes. He gave me a bloody lip.

5 Q Did there come a point when the vehicle stopped again?

6 A Yes. He pulled into a parking -- a barbershop parking lot and
7 parked the van. He started apologizing to me and then he
8 started yelling at me again.

9 Q What happened then?

10 A I threw my purse at him. It hit him in the face. I opened
11 the van door and got out. I ran as fast as I could across the
12 parking lot.

13 Q Did he chase after you?

14 A Yes.

15 Q Was he saying anything to you?

16 A He was yelling at me that he was going to kill me.

17 Q Did he have the gun at that time?

18 A I don't know.

19 Q What happened next?

20 A I ran across the parking lot and down the street toward some
21 people standing at the crosswalk. I yelled to them to call 9-
22 1-1 and that he had a gun.

23 Q What happened next?

24 A I looked back and saw him run back to his van, get in, and
25 drive away.

1 Q Did any of the people standing at the crosswalk call 9-1-1 for
2 you?

3 A Yes.

4 MS. WORTHY: Thank you, Ms. Smith.

5 That's all the questions I have, your Honor.

6 THE COURT: At this time I'd like to take a brief
7 recess to attend to some other unrelated issues. About 15
8 minutes should suffice. We are in recess.

9 (At [time], recess)

10 (At [time], back on the record)

11 THE COURT: Okay. We're back on the record.

12 Mr. Jones, do you have questions for this witness?

13 MR. JONES: Yes, your Honor.

14 CROSS-EXAMINATION

15 BY MR. JONES:

16 Q Ms. Smith, were there ever any other passengers in Mr.
17 Preston's van?

18 A Yes. He had passengers in the van when he picked me up.
19 That's why I was sitting in the front seat. He dropped them
20 all off at some Mexican restaurant. I don't remember the
21 name.

22 Q Now when he pulled a gun on you, was that the first time you
23 had seen it?

24 A Yes.

25 Q And you think it was a .45-caliber or a 9-millimeter gun?

1 A Yes.

2 Q Now after you threw your purse at him and got out of the car
3 and ran across the parking lot, did you see the gun at that
4 time?

5 A No. I just assumed he had it.

6 MR. JONES: Okay. Thank you, Ms. Smith. I have no
7 further questions.

8 THE COURT: Anything else, Ms. Worthy?

9 MS. WORTHY: One more question, your Honor.

10 REDIRECT EXAMINATION

11 BY MS. WORTHY:

12 Q Why did you assume Mr. Preston had a gun?

13 A Because he had been beating me and threatening me with the
14 gun. He was threatening to kill me.

15 Q Were you fearful of Mr. Preston?

16 A Yes. I was very afraid. I thought he was going to kill me.

17 MS WORTHY: Thank you. I have no further questions.

18 Your Honor, I would ask that this be marked as
19 People's Exhibit 1. It is the police report concerning this
20 matter.

21 (At [time], PX#1 marked)

22 MS. WORTHY: Thank you. I would offer People's
23 Exhibit 1 for the file, your Honor.

24 MR. JONES: No objection, your Honor.

25 THE COURT: It will be admitted into evidence.

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(At [time], PX#1 admitted)

THE COURT: May this witness be excused?

MS. WORTHY: Yes, your Honor.

MR. JONES: Yes, your Honor.

THE COURT: You may step down, Miss Smith. You can exit out the door that you came in. Thank you.

(At [time], witness excused)

THE COURT: Do you have any other evidence?

MS. WORTHY: No, your Honor. The People rest.

THE COURT: Mr. Jones?

MR. JONES: Not at this time, your Honor.

THE COURT: Very well.

The Court is satisfied of the presence of a firearm during this incident and that there is enough evidence to support the charges. I will bind the case over to circuit court for further proceedings.

Mr. Preston's bond is denied at the current time. The Court has signed an order for a forensic examination to determine if the defendant is compos mentis. I will relinquish jurisdiction.

Thank you, Counsel.

MS. WORTHY: Thank you, your Honor.

MR. JONES: Thank you, your Honor.

THE COURT: We're off the record.

(At [time], proceedings concluded)

I certify that this transcript, consisting of 13 pages, is a complete, true, and correct transcript of The People of the State of Michigan versus Robert Hezekiah Preston and testimony taken in this case as recorded on [today's date].

Date:

[your name and CER number]

[your business address]

[city, state, and zip]