

**STATE OF MICHIGAN
IN THE 6th CIRCUIT COURT FOR OAKLAND COUNTY**

THE PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

Case No. 2022-279989-FH

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Hon. Cheryl A. Matthews

v

**JENNIFER CRUMBLEY AND
JAMES CRUMBLEY,**

Defendants.

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**EMERGENCY SUPPLEMENTAL MOTION TO RESTRICT PRETRIAL PUBLICITY,
TO STRIKE UNETHICAL AND INAPPROPRIATE STATEMENTS, AND FOR
SANCTIONS**

Defendant James Crumbley, by and through his attorney, Mariell R. Lehman, and Defendant Jennifer Crumbley, by and through her attorney Shannon M. Smith, move this Honorable Court to restrict pretrial publicity, strike unethical and inappropriate statements, and for sanctions, as specified below.

1. Defendants James and Jennifer Crumbley are presently being held on charges of involuntary manslaughter, relating to shootings at Oxford High School committed by their son, EC. The Court can take judicial notice that the shootings have garnered extensive press coverage, locally, nationally, and even internationally.

2. Prosecutor Karen McDonald has held press conferences and released press releases regarding the case against EC as well as the case against the parents. The Crumbleys previously filed a Motion to Restrict Pretrial Publicity and a Motion to Change Venue which are scheduled to be heard on June 27, 2022. Despite being called out for making inappropriate comments in the media, the prosecution continues to do so.

3. Contrary to the prosecution's responsive arguments, they are not protected by the First Amendment to have free reign to continuously assert they are telling the "truth" and that the defense is lying. Continuously touting that they are the ones bringing the public and the victims the "truth," they imply the defense is lying. Further, the prosecution explicitly claims the defense is lying as they write in their response to the Pretrial Publicity Motion: "But [the defense] have no right to muzzle the prosecutor or the prosecution, nor to force the victims to suffer lies in misdirection until the trial."

4. The defense has never lied to the court, the media, or otherwise regarding the facts and circumstances of this case. The prosecution, however, has lied in claiming facts exist that do not exist (i.e. the gun was unlocked, EC had "free access" to the gun). The Crumbleys are more than happy to have an evidentiary hearing regarding this issue – while the prosecution claims the "truth will not set the Crumbleys free..." it actually will. The prosecution continuously putting absolutely false information in the public purview, and doubling down on the misinformation when called out, is what will cause the Crumbleys to be deprived of a fair trial.

5. The interests of a fair trial require that a jury not be tainted by extra-judicial presentation of evidence or opinions at press conferences or other means of disseminating information to the public.

6. Contrary to the prosecution's position, there is authority for this Court to limit the prosecution's statements to the media.

7. Further, while the prosecution critiques the defense for not citing more cases "on point," there are not many cases on point because other prosecutors have not engaged in such flagrantly wrong behavior – particularly naming themselves the "truth" tellers and making assertions the defense is lying.

8. Further, as prosecutors, there is an even stronger duty to comply with the Rules of Professional Conduct based on their position, which will be explained in the Brief in Support of this Motion, which the defense asks be incorporated herein.

9. Finally, while Prosecutor McDonald has been inappropriate in her handling of the parents' case, she extensively acknowledged her duties as a prosecutor when charging and announcing charges on EC. Comments at her press conference for EC show that Prosecutor McDonald knows better and is more than aware of her ethical and legal duties.

10. Failure to require the prosecution to limit its public statements will deprive Defendants of their constitutional rights. This is particularly true in the recent comments in the media and in pleadings about the prosecution being truthful and the defense being liars. Specifically, if this behavior is allowed to continue, the Crumbleys will be deprived of a fair trial, to be represented by effective counsel, the right to due process, the right to confront the witnesses and evidence against them, and the right to fundamental fairness under both the State and Federal Constitutions. *See* U.S. Const., Amends VI, XIV; Const 1963, art 1 § 20.

WHEREFORE, Defendants James and Jennifer Crumbley move this Court to direct the prosecutor not to make public statements about Mr. and Mrs. Crumbley, EC, the evidence against them, or opinions about their intentions, knowledge, or guilt, and to have her instruct other prosecutors or law enforcement to similarly refrain. Further, the defense asks that all references to the prosecution being “truthful” and/or the defense being “liars” or “forcing the victims to suffer lies and misdirection” be struck. Finally, due to the repeated violations of pretrial publicity rules, the defense asks that the prosecution be sanctioned in a way this Court deems fair, just and equitable.

Respectfully submitted:

Dated: June 20, 2022

Shannon M. Smith
SHANNON M. SMITH (P68683)

Dated: June 20, 2022

Mariell R. Lehman
MARIELL R. LEHMAN (P74760)

PROOF OF SERVICE

On the 20 day of June, 2022 the undersigned certifies that a copy of the foregoing was served upon all parties of record by:

- First-class mail with postage fully prepaid;
- Certified mail/return receipt requested;
- Overnight mail;
- Hand delivery at their respective addresses;
- Fax transmission to their respective fax numbers;
- Other means: e-file/email

Rebecca L. Tur
Affiant