

State of Michigan
Before the Judicial Tenure Commission

Judge Wade H. McCree
Complaint No. 93

Master's Report per Rule 9.214

Facts

The case of *People v King*, a felony non-support case, was assigned to Judge Wade H.

McCree.(McCree)An arraignment in the case took place before McCree on March 28, 2012 and it was set over to May 21 for a pre-trial. The real party plaintiff in the case was Geniene LaShay Mott (Mott) to whom was owed some \$15,000 of support money for their daughter. Both parties were present in court on May 21 when King pled guilty to the charge under a delayed sentence agreement. A delayed sentence will delay the actual sentencing for one year (though final action will take place short of a year to determine compliance) and if the terms of the agreement have been met the case can be dismissed. Thus the defendant can avoid the stigma of a felony by compliance with the agreement. In the case of King he was to pay \$280.50 per month in support, \$50.00 on the arrears, \$400 at the time of the plea and another \$1,000 by April 19, 2013. These cases would be reviewed by the judge every three months to ensure that compliance was ongoing. At that hearing if the defendant was in compliance he need not appear. If not in compliance then he would be subject to sanctions, e.g., having the delayed sentence revoked and proceed to sentencing, placed in jail with a requirement that money be paid immediately, or placed on a tether with the same consequences. King's case was put over to August 16.

Mott was present during the May 21 hearing and sat in an area generally reserved for court personnel. After the conclusion of the docket Mott remained in the court-room. A conversation took place between McCree, Mott and court personnel. An exchange of phone numbers between Mott and McCree took place. On the following day Mott called McCree and left word to call her, which he did. They arranged to meet for lunch in the Eastern Market on May 30.

Subsequently McCree suggested that they get their calendars together so they could meet again. The parties communicated over the next six months by phone, text messages and e-mails. An extensive number of e-mails were furnished by Mott to the JTC, Exhibit 22. While it is felt that those e-mails are genuine it is apparent that she did not include all of the e-mails that could have been provided as seen in Exhibit V.

Mott and McCree commenced a sexual relationship which continued over the next several months. The judicial chambers of McCree was the location of some of their assignments. Mott was allowed on a number of occasions to use the judicial parking lot and to use the judges' entry door.

The first review hearing for King was set for August 16, 2012. McCree had told Mott during the period leading up to August 16 to keep him apprised of compliance by King. Mott did let McCree know that King was not current on his payments. Mott gave a direction that King should get jail unless he paid \$2,500 in cash. McCree responded that if he wasn't current then he would give him jail as an inducement to pay. If King says he can pay then he would put him on tether to ensure that he paid and if he didn't then he would get double time. Mott also brought to the attention of McCree that King was on probation out of Oakland county on a 10 year felony and if given jail by McCree this would result in a probation violation.

On the hearing date of August 16 McCree assisted Mott in bringing a cell phone into court so that she could communicate with him while King's case was reviewed. This was accomplished by Mott putting her cell phone in McCree's truck, him bringing it into the court-house and then McCree putting it into an envelope so that a deputy could deliver it to Mott in the courtroom.

King had a balance owing on August 16 so McCree placed him on tether until the balance was paid. This was a customary way of handling the offense. It was paid and he was released from tether until the next review date of November 15, 2012.

At the time that McCree entered into and continued this sordid affair he was aware that he had charges against him pending before the JTC and the Supreme Court. This arose out of his sending a picture of himself after finishing a run to the female deputy sheriff. This was to be an inspiration to her to improve her workouts and eating habits. Her husband took exception to this gratuitous action and provided a copy to a television station. When interviewed by the station reporter he responded “There is no shame in my game.” McCree noted in a message to Mott on June 20, 2012 that this pending charge has made him nervous and that he has to be “real careful until this matter is put to rest.” Also he noted that as to the Mott-King case that “Naturally if it got out that we were seeing each other before your B.D.'s (babby-daddy's) case closed, everybody could be in deep shit”. Despite his statement McCree testified that he continued to handle the King case until he did recuse himself on September 18, 2012. He says now that he should have recused himself earlier but that it did not “dawn” on him and it was just an “oversight”. As he stated “Wade should have recused himself”. As to the situation he stated “no harm, no foul”

On September 18 he advised Mott that he was going to get the case transferred to Judge Callahan. After getting the judge to accept the transfer he notified Mott :

DONE DEAL!!!:-). I told a story so well, I had me believing it!! Brother King is on his way 2 'hanging' Judge Callahan. He fuck up Once & he's through!!

During their relationship McCree had told Mott that he was unhappy in his home situation, that he was enamored of her and, thus, she began pressing him to get a divorce and for her to be Judge McCree's wife.

The felony support case of *People v Tillman* was assigned to McCree. At the pre-exam hearing on January 18, 2012 Tillman entered a plea with an understanding as to the payments to be made. A sentencing hearing took place on April 17 but Tillman was not present so an arraignment for failure to appear took place on April 19. A payment was made and provisions for future payments was

made. On October 31, 2012 McCree issued a bench warrant for failure to pay. On November 8, 2012
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Tillman was arraigned on a probation violation for failure to pay. This took place before Judge
Robbins, in the absence of McCree who was on sick leave. Robbins placed him on a \$500 bond.
Tillman said he couldn't make the payment but that he had just paid \$500 on the case. The prosecutor
did not have information on the payment and Tillman was to return on the 19th. Mott says that she
told McCree that Tillman (an uncle) was locked up. However, he was erroneously incarcerated. On
November 13 Mott advised McCree that she and her family would be in his court-room for the Tillman
case. However, the case was not scheduled for McCree's docket that day. McCree texted that Tillman
should be released from jail and he just had to take his receipt to the jail. On November 13, 2012
McCree signed an order allowing a \$500 cash bond. On November 14 he was released from jail.

While on the bench McCree texted several times to Mott indicating same on June 20, 2012.

The JTC Examiner points out the text of May 30, 2012:

C'mon, U'r talking about the 'docket from hell', filled w/tatted up, overweight, half-ass English
speaking, gap tooth shank hoes..and then you walk in.

McCree states that was merely an attempt to flatter Mott as to her looks compared to others.

Examiner also points to the September 10, 2012 comment “:funny, I just had Monica Conyers' nephew

B4 me (ignorant shit...as usual)” Other dates of messages are set forth but they do not rise to the level
of the above comments. Witnesses on behalf of McCree stated that these messages do not reflect how

he actually conducted his court-room. That he was at all times respectful of the parties and attorneys
before the court. That he was courteous of the parties and allowed them to have their full say in the
matter before him.

During the relationship between Mott and McCree it became volatile at times. Problems were
encountered in trying to get together due to their schedules. They did get together, sometimes with the
son of each of them who became friends. During this time McCree advanced money to Mott possibly
as much as \$6,000. He did get some \$5,000 at one time which appears to help Mott in the purchase of
home. Before Mott could get into her new house McCree allowed her to live in his mother's (then

deceased) house in Ann Arbor. Mott's finances were somewhat precarious during this time.

After they had been in the relationship for but a short time Mott began to pressure McCree that he had to divorce his wife. McCree drew up his own Complaint for Divorce and, accompanied by Mott, filed it at the Wayne Clerk's office on October 11, 2012. McCree claims that he had no intent on going through with the divorce and the action was merely to placate Mott. However, he did not want the media to get wind of the filing. Mott wanted to have the complaint served so she could be assured of his intent. McCree prepared a return of service indicating that he had served his wife even though he should have known that such service was improper. Again, the service sought to assure Mott that he was going through with the divorce. The return shows Sunday 11 November 2012 as the date of service. (A notice of dismissal of the case was filed by McCree on November 20 and the case was dismissed on November 28)

Through the latter part of October it is apparent that Mott was not trusting McCree that he would get a divorce. McCree during the same period was concerned that Mott would tell his wife about their relationship or go to the media. Mott denies any threat of going to the media or telling his wife. As to the latter Mott says his wife already knew. Mott also denies scratching Wade, which he alleges occurred when she got mad, unless it was during sex. McCree says that Mott could be very volatile and he would have to calm her down - "calmed down for Wade".

Numerous text messages passed between the parties on October 30, as Mott was coming to McCree's courtroom. The gist is that McCree's son had told his mother about Mott. McCree was complaining about bills coming due. There are no messages for October 31.

McCree says that on October 31 he took his son to a Halloween party. He was talking to Mott on the phone.. When he got home he says that Mott called on the land-line and during the conversation he told Mott that he was breaking off the relationship. McCree's wife picked up another phone and heard the conversation. After showing McCree the portable phone on which she was

listening he terminated the conversation. He states that he then made a full confession to his wife including that Mott said she was pregnant. On November 1 by arrangement between the parties Mott was at McCree's courtroom. McCree says they talked in his chambers.

On November 1 Mott called and said she was coming to the McCree house to talk. He called the police as he was concerned. When she showed up she was beating on the door until he came out. The two of them left in her car, dropped her kids off at their grandmothers, and then had a talk. On November 2 a text from McCree states “but if U'r saying its over between us EXCEPT 4 our child, then U tell me that” She then asks him to come over and he indicates that he will. On November 4 there is a blow-up over her having put his pictures on her facebook, the same picture being on her mantel which had been seen by his son.

At some point in this time sequence McCree and his wife determined that they would string Mott along so that she would get an abortion. Mott, in turn, was stringing them along on the basis that she would get one. As time went on all parties realized they were being played.

As to the alleged pregnancy McCree and his wife both felt she was not pregnant. While Mott appeared in court looking as if she was pregnant she refused to give any information as to her doctor, her due date, date of conception and whether she had had two pregnancies, one etopic and the other fallopion.

On November 5 McCree told his wife that Mott had been to the doctor but gave no information about termination. On that date he told Mott “make whatever arrangements U deem necessary.” On November 6 McCree tells Mott that his wife will agree to a divorce. A later text says that her agreement is conditioned on the abortion being a certainty. Mott stated “...she should know that if I don't terminate I lose u & that's my 'prize' in the deal?” On November 6 McCree went to Mott's house and she later texted”...being held in ur arms this afternoon meant so much to me.” On the same day McCree texted his wife that Mott was going along with the termination and a divorce. However,

they would have to delay the divorce until after the abortion. McCree to Mott later that day says that his wife it “talking'terms' of the Consent Judgment”. Mott texts that the baby 's termination is his leverage in getting the divorce from his wife.

On November 8 McCree texted his wife that Mott had said “...that I should have told her 2 her face!...” that he longer wished to see her. In a text that day Mott says she still wants him to get a divorce but that they are through. Also, that she would get an abortion but he would pay for it and the time she would have to take off work. On November 9 McCree texts that he is going to stop at Mott's. There are a number of contacts between the parties leading up to November 18 when Mott drives to Belle Isle where McCree is running. He gets in the car and they have a discussion (Mott denies the contact but she has a text the same day to McCree telling about seeing him in his tights) McCree says that Mott wanted him to go to Dave (a credit union person from whom he got a loan for \$5,000 to help Mott) and get a loan for \$20,000 and to give her one-half. (nothing to indicate what he was to do with his ½) Mott denies this demand. On the next day he tells her that he is @ Chase and that they need to know the name of the place where she is having the procedure and the amount. He was to then take it to that place and be present for the abortion. In it he says “U did say it was a 4-5 hundred, right?” (no mention of the \$10,000) While each party was leading the other on – she thinking that the abortion was merely a condition precedent to Mrs McCree going through with a consent judgment; and he thinking that if he got her to get the abortion then he would not have to worry about support for the child, he could dismiss the divorce action and be back with his family. McCree appears to have been strung out with the family financial obligations and with what he had been paying to keep Mott happy.

At some point in these exchanges between the parties Mott got word from a third party that McCree was not serious about a She then tried turning up the heat and bombarded McCree with text messages. As of November 21 McCree told his wife that Mott had texted “”Oh yeah, she repeated her texte: 'If U don't want 2 C me,just tell me & I'll move on.' Yeah, she's desperate!! She's now wondering about my next move!!

Mott went on in several messages that he would be looking at a fight over support for the child for 18 years.

McCree decided to bring some other pressure to bear on Mott. He talked to Wayne County Prosecutor Kim Worthy on November 19 and 20. He told her he had been a bad boy and gotten into a bad relationship and that the lady was stalking him. The information she received was not enough to bring charges but that she would have the matter investigated.

Robert Donaldson is deputy chief in the prosecutor's office. He met McCree in his chambers on November 20 and was told that he felt that he was being extorted. That the lady claimed she was pregnant and was trying to get money. That the lady had had a case before him but upon knowing that one of kids had interacted with one of hers he had the case transferred. McCree said that he doubted that if she was pregnant that it was his as he was "the king of latex."

Detective Timothy Matlock had been with Donaldson on the interview. He too heard that McCree say he was being extorted. Again that he was "the king of latex" and also that "Wade was being played". McCree said that she had been stalking him showing up a Belle Isle and also his courtroom. That she was seeking \$10,000 and it could not be his child as he always used latex. He verified the story of the transfer of her case that had been before McCree. He attempted to contact Mott but was not able to do so. He recommended that McCree seek a PPO. The story about the King case being transferred due to the relationship between their sons was also told to Sharon Grier, the prosecutor assigned to McCree's courtroom. Mott disclosed the affair to the media on December 6.

A special record was created in this case inasmuch as the defense had not raised in their pleadings that they were going to try to raise a defense of mental impairment. The testimony of Dr. David Jacobi is that he is an internist and McCree's personal physician. He always felt he was hyperactive: fast speech, grandiose and bordering on hypomanic. When hearing the interview, after the

picture of McCree that had been sent to a deputy became public he was taken aback by the statement “there is no shame in my game”. He felt this was a loss of the ability to manage public pressure. He saw McCree and was concerned that he had slipped into hypomania. The condition is best treated by a psychiatrist.

Dr Curtis Longe, a psychiatrist, has known McCree since he was 18. He was aware of McCree's involvement with another woman and he felt that her behavior raised red flags and that he should get out of the affair. She was with McCree at his house for a football game and felt her actions were inappropriate. He felt that her behavior would not stop and it would lead to more negativity. He saw McCree on the Sunday after the story about Mott was in the media and felt that he had an adjustment disorder, was depressed, had a bi-polar disorder (hypomania) not otherwise specified. He gave a prescription for Lamotrigine, a mood stabilizer, for the manic episode. He was referred to another psychiatrist who has increased the dosage of the drug. There was no testimony from this person.

COUNT ONE IMPROPER CONDUCT – PEOPLE v KING

Mott was the complaining witness in this case to whom some \$15,000 was owed in child support. McCree was aware of this at the time of the plea and sentencing agreement entered on May 21. With the exchange of cards by them this was a sufficient basis upon which he should have disqualified himself from any further contact with the case. He could then have proceeded “no harm, no foul”.

What followed was telephone calls, lunch, text messages, phone conversations, etc leading up to sex.

For McCree to claim in sworn testimony during these proceedings that it was an OVERSIGHT or it didn't DAWN on him that he should recuse himself is not credible. In short he lied to the JTC.

He had a hot young lady who was in his words “eye candy” and a way to keep her interested was to keep her case and be of assistance in the collection of money. The only reason that he finally did recuse himself was that their relationship was becoming common knowledge. Especially

when he already had a matter pending before the Supreme Court. On September 6 he texted to her

“Yeah, I'm DEEPLY concerned that certain levels of”us” remain COMPLETELY UNDETECTED as long as U'r still a litigant N case B4 me & while my nuts R still on a chopping block B4 the JTC.

She responded that she thought he had transferred the case to another judge. He then said “I'm in the process of transferring the case.” On September 18 he finally got it transferred to the Judge of his choice, Judge Callahan, who McCree assured Mott that he would be tough. At this point the Examiner's theory that some of his motivation in having looked after this case and transferring it to a judge of his choice so it would ensure payment of the support and, thus, take off some of the financial pressure that was building for McCree in looking after two families is, by a preponderance, true. He complained to Mott in emails the troubles he was having in meeting some of the bills in the McCree household. At the same time Mott is putting pressure on for payment of her bills and the house payment for “our” house. The reference was to a house which she had bought. Pending the purchase of that house McCree put her up in the house in Ann Arbor which had belonged to his mother so that he did not have to put her into an expensive hotel.

McCree continued on the King case through the review hearing in August. As the hearing date approached it appeared that King was delinquent and measures would have to be taken against him to secure compliance with the payment schedule. Mott was providing input, without objection by McCree, as to how King should be dealt with. As it turned out he had made a payment that did not show in the records and the minor delinquency was dealt with in an appropriate manner which gives rise to McCree alleging “no harm, no foul”. However, it should have DAWNED on him that he should not even be hearing the matter.

McCree's problem with the truth is also shown in his contact with law enforcement officials in seeking to have pressure brought to bear on Mott. He told Proecutor Worthy that a lady with whom he had a relationship was stalking him. There was no indication that he and his wife had been

engaged in a plan of deception which resulted in continuing contacts between the parties, i.e., calls to secure the abortion, to complete negotiations for the divorce, etc. The Court of Appeals case of *Bloch v French*, No. 306862, May 28, 2013, concerned a PPO based on stalking. The court reviewed the stalking statute. The court determined that there had to be “uncontested contact”, that is contact that is done without the victim's consent. In that case, as in this, a mutually undertaken pattern of consented contact had taken place.

He told Robert Donaldson that he had recused himself from the King case when he found out that a child of Mott's had interacted with one of his children. A lie.

He told Detective Timothy Matlock that Mott had been stalking him by showing up at Belle Isle. He did not tell that he got in the car and had a conversation with her. He was also a witness to the statement as to the basis for the transfer of the case which was a lie.

Sharon Greer, the prosecutor who worked in McCree's courtroom, was also told the same lie as to the basis for the transfer of the King case.

Whether Mott is pregnant or not and who is the baby's father are not of concern, we leave that for the Jerry Springer show. But the events over the October 30 through late November period show a pattern of lies and deception by McCree in his dealings with Mott (not to say that she was an innocent party in those events)

The citations by the Examiner to the Professional Disciplinary Proceedings as to attorneys are not considered. The power of the Judicial Tenure Commission under Rule 9.200 et seq. deals with the disciplinary action taken as to a judge, not an attorney. The provisions of 9.100, et seq. relate to the discipline of attorneys and provide for an entirely different proceeding. Further the Judicial Tenure Commission per Article VI, Sec 30 of the Michigan Constitution deals with the “censure, suspend,

with or without salary, retire or remove a judge”, not with the removal from practicing law.

Rule 9.200 provides:

An independent and honorable judiciary, being indispensable to justice in our society, subchapter 9.200 shall be construed to preserve the integrity of the judicial system, to enhance public confidence in that system, and to protect the public, the courts, and the rights of the judges who are governed by these rules in the most expeditious manner that is practicable and fair.

Pertinent to this proceeding are the following provisions of the rules of the Judicial Tenure

Commission:

Rule 9.205:

(A) Responsibility of Judge. A judge is personally responsible for the judge's own behavior and for the proper conduct and administration of the court in which the judge presides.

(B)(1) Misconduct in office includes, but is not limited to:

- (a) persistent incompetence in the performance of judicial duties;
- (b) persistent neglect in the timely performance of judicial duties;
- (c) persistent failure to treat persons fairly and courteously;
- (d) treatment of a person unfairly or discourteously because of the persons' race, gender, or other protected personal characteristic;
- (e) misuse of judicial office for personal advantage or gain, or for the advantage or gain of another; and
- (f) failure to cooperate with a reasonable request made by the commission in its investigation of a judge.

The Code of Judicial Conduct provides in the following pertinent portions:

Cannon 1

A judge...should personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. A judge should always be aware that the judicial system is for the benefit of the litigant and the public, not the judiciary.

Canon 2

A. Public confidence in the judiciary is eroded by irresponsible or improper conduct by judges.

A judge must avoid all impropriety and appearance of impropriety. A judge must expect to be the subject of constant public scrutiny. A judge must therefore accept restrictions on conduct that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly.

B. At all times the conduct and manner of a judge should promote public confidence in the integrity and impartiality of the judiciary...a judge should treat every person fairly, with courtesy and respect.

A judge should not allow family, social or other relationships to influence judicial conduct or judgement. A judge should not use the prestige of office to advance personal business interests or those of others.

Canon 3

A(4) A judge should not initiate, permit, or consider ex-parte communications, or consider other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding..

C (1) A judge should raise the issue of disqualification whenever the judge has cause to believe that grounds for disqualification may exist.

Canon 5

C (1) A judge should refrain from financial and business dealings that tend to reflect adversely on the judge's impartiality or judicial office, interfere with the proper performance of judicial duties, exploit the judicial position...

The testimony indicated that McCree was not in violation of the 9.205 provisions pertaining to the performance of his work. Those testifying as to the subject indicated that he was fair, responsive to the parties and handled his docket in an orderly fashion.

His actions in the *King* case show, however, a gross dereliction of judicial duties. His standard of conduct, for his own sexual gratification, has severely damaged the public's view of the judiciary. His irresponsible conduct could only lead to the public having no confidence in the judiciary. He clearly knew he was especially subject to public scrutiny when he had a case pending before the JTC when he began his escapade with Mott. He knew he was on the “chopping block”. Yet he continued to engage in activities which would bring even greater scrutiny. He was using his judicial position to advance his own interests by keeping the *King* case. His social relationship gave Mott the belief that she was able to influence his judicial duties. He continuously engaged in *ex parte* communications with Mott about the case.

Having already received substantial publicity over his photo sent to the deputy and his remarks to the press regarding same he should have been aware that when the story would break about his relationship with Mott and his handling of the *King* case all of his duplicity would be revealed. That the public's trust in an independent and honorable judiciary would be put to the test.

Count II
FALSE REPORT OF A FELONY

The Examiner sets forth in this count that McCree made a complaint to the prosecutor's office that he was being stalked by Mott and that she seeking to extort money from him.

As noted in the facts set forth above he was not truthful with the representatives of the office as to why he removed himself from the *King* case. He claimed that he was being stalked by her and appeared while he was jogging on Belle Isle on November 18, yet he gets into the car with her. He also related that she had appeared uninvited at his house, yet he got in the car with her. He had called the prosecutor on November 19 about his situation and talked to the investigators on November 20. Yet he failed to tell them of his ongoing contacts with her pertaining to the abortion and the money to be exchanged. Interestingly his text to his wife on November 21 states:

Big thanks!! Oh yeah, she repeated her text: "if U don't want 2 C me, just tell me & I'll move on." Yeah, she's desperate!! She's now wondering about my next move.

It certainly doesn't sound like someone who is afraid he is being stalked or is being extorted. He is just playing the game of trying to outsmart Mott.

It does not appear that the ongoing contacts between them was told to the prosecutor or the investigators. Contacts that under the *Block* case are consented contacts and not stalking.

The emails of November 19 indicate that McCree was at the bank and trying to get from Mott the dollar amount of the abortion procedure so that he could have a check drawn to cover it. No mention is made by him of a \$10,000 demand which he says was made on the 18th. (that he should get a \$20,000 loan from Dave and give her ½) He also claims that she showed at the courthouse on the 20th and still wanted the money, sending a text later that said "So are we going to settle and make this go away." None of her messages refer to the alleged \$10,000.

His claim that "Wade got played" and that he was the King of Latex and could not be the father

are not indicative of a person who is being stalked and who is being extorted. It is clear that he was in the midst of his game with Mott to see who could outsmart the other. Mott to believe that with her abortion then the wife would agree to a divorce. The McCree scam to get her to have the abortion and we can then forget about her and go on with our marriage. (even though there were already threats made by Mott that she would go to the man most hated by McCree with the story)

It is clear that he was improperly seeking to get the prosecutor and her office involved with alleged crimes that were not existent.

COUNT III IMPROPER CONDUCT – PEOPLE V TILLMAN

Tillman, an uncle of Mott, had a case before McCree for felony non-support. He had a bench warrant issued for failure to appear for sentencing. He was picked up on the warrant. McCree was not on the bench so when Tillman was brought to court he was before Judge Robbins. The bond was reduced to \$500 He then goes to jail and held on an improper designation of remand. McCree is back on the bench on November 13. Mott states that she talked to McCree about Tillman being locked up and that she and the family would be in court on the 13th. She states that she sent a note and text messages to McCree about the case. McCree states that he signed an order for reduction of bond which was a determination that was made by Robbins. He was just signing a stack of orders and this just happened to be one of them. The case had not been scheduled for a hearing on the 13th.

Comments in text messages from Mott to McCree on the 13th are:

10:51: FYI...me & family will be in ur courtroom shortly on Damone Tillman case...

12.11: OK What's the deal with Tillman?? Had 2 go outside use my phone

12.16: OK I got my phone...(thanks 2 jerome) Let me know what's up??

From McCree to Mott:

12.18: Defendant should be released from Dickerson.

Mott to McCree:

12.19: OK cool...does my uncle need 2 stay & get any paperwork 2 take there???

12.22: OK cook...does my uncle need 2 stay & get any paperwork 2 take there 2 dickerson??? Or what does he do next???

McCree to Mott:

12.22: Just his receipt taken 2 the jail

McCree's story of just signing the bond as one of a stack of orders would under most circumstances have had a ring of truth. Also, he was just confirming in the order what had already been done by Robbins. The texts reveal another scenario. Even though the case was not before him, Mott and the family were there. They were communicating with texts. He was advising what had to be done when the order was signed and how they would get Tillman out of jail.

The main import of the matter to me is that he again had a case in which Mott had an interest. He was ethically not to be involved and should not have been signing any orders pertaining to the case. McCree's actions were beyond an appearance of impropriety – they were in violation of the ethical standards.

COUNT IV IMPROPER BENCH CONDUCT AND Demeanor

The complaint is that McCree sent text messages making disparaging remarks about some women in general and some specific persons. That some of these were sent while he was on the bench. Of all people who should have known how allegedly private matters (the photo to the deputy) can get into the public domain it would be McCree. However, should these having been released by a woman scorned be a basis for an ethical violation? One cannot excuse the language used. But it was used in a private context and when used there was no reason to believe that the statements would become public. The fact that he may have sent some messages from the bench (as in Tillman) does not mean that he was not performing as a judge. There is no showing that the sending of the texts in any way interfered with his duties as a judge. I do not believe that this count rises to the level of judicial misconduct.

COUNT V MISREPRESENTATIONS TO THE COMMISSION

The Examiner sets forth several allegations of Answers filed by McCree as not being truthful. One is that McCree did not irrevocably terminate his relationship with Mott on October 31. There is no indication that a sexual relationship continued after that date. They did maintain a relationship as to whether there would be an abortion, what would be paid, etc. It is not believed that the answer as given was a false representation.

The Examiner also alleges that the representation that he asked Mott to keep the affair confidential from his wife was not true in that he also did not want the JTC to find out. This representation surely did not mislead the JTC as they already had in their possession the information that he did not want the JTC to find out.

The Examiner states that the answer that he filed for divorce to keep Mott quiet and to get her to have an abortion is not true as he did not find out about the alleged pregnancy until later. Actually it would seem the divorce was filed, with Mott present, as more a matter of keeping her happy. This was not a material misrepresentation.

It is also asserted that McCree falsely answered that he did not know about any family relationship Mott had with Tillman and that he took no action on the case. It appears that he was aware of the family relationship and took minor action which affirmed what was done by another judge. Again, it does not appear to be a material misrepresentation as the Examiner had all of the texts and had an accurate picture when the answer was filed.

Thus these allegations are not such as to warrant action by the JTC.

In final summary there is Shame in the McCree game: shame to the good name of McCree and shame brought upon the judiciary of the State of Michigan
Respectfully submitted.