

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

K.S.,

Plaintiff,

Case No. 14-cv-12214

Hon. David M. Lawson

Mag. Michael J. Hluchaniuk

v.

DETROIT PUBLIC SCHOOLS, a  
Michigan municipal corporation, CHARLES PUGH,  
ROY ROBERTS, ROBERT BOBB, BERRY GREER,  
and MONIQUE MCMURTRY,

Defendants.

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**PLAINTIFF'S PETITION FOR  
A WRIT OF HABEAS CORPUS AD TESTIFICANDUM**

NOW COMES the Plaintiff, K.S., by and through his counsel, SEIKALY STEWART & BENNETT, P.C., and hereby petitions this Honorable Court for a Writ of Habeas Corpus ad Testificandum to produce Nathaniel Hill, MDOC #771743, for testimony at trial in this matter. In support of his petition, Plaintiff further states:

1. A significant issue in the upcoming trial in this matter will be the readily available information that the Detroit Public Schools (“DPS”) could have discovered about Charles Pugh, had it followed its own policies and procedures regarding the admission of volunteers into the school, and/or exerted reasonable diligence in conducting a background check regarding Mr. Pugh prior to permitting the Charles Pugh Leadership Forum to operate within DPS.

2. As stated in his affidavit, previously filed in this matter and attached here as Exhibit 1, Mr. Hill was a previous victim of Mr. Pugh’s sexual harassment and advances while he was a DPS student.

3. It is expected that, at trial, Mr. Pugh may deny engaging in any prior relationships with school-aged boys, including but not limited to Mr. Hill.

4. If Mr. Pugh admits engaging in such conduct, there will be no need for Mr. Hill’s testimony. But if he denies it, it is critical for Plaintiff to be able to impeach that testimony through the testimony of Mr. Hill.

5. Such testimony would be proper impeachment evidence under Fed. R. Evid. 607, as it would be used to cast doubt on Mr. Pugh's credibility on this intrinsically relevant matter by demonstrating the likely lack of truthfulness of Mr. Pugh on the factual matters asserted. This is not impeachment on a collateral matter, since Mr. Pugh's undisguised behavior with other victims is directly relevant to the point that Plaintiff is trying to make about how easy it would have been to uncover such evidence and get Mr. Pugh out of the schools (or refuse him entry to the schools), if DPS had made any effort at following its own policies. Further, the witness would not be offering any extrinsic evidence on Mr. Pugh's *character* for truthfulness, in violation of Fed. R. Evid. 608(b).

6. Mr. Hill is currently incarcerated at the Michigan Department of Corrections' Chippewa Correctional Facility, located at 4387 M-80, Kincheloe, Michigan 49788.

7. Accordingly, in order to secure the presence of said witness, it is necessary that a Writ of Habeas Corpus ad Testificandum be issued by the Court, commanding the warden or supervisor of the Chippewa Correctional Facility produce the witness for testimony at the trial in this matter.

8. Because the Court indicated that it may adjourn the trial date in this matter depending on whether Defendants seek to depose Mr. Hill and/or certain other witnesses, Plaintiff cannot state with certainty at this juncture what date his

testimony would be required. Accordingly, Plaintiff will supplement this filing as soon as possible with the anticipated date upon which his testimony would be needed.

9. Under 28 U.S.C. § 2241, the Court has the authority to issue such a writ if “[i]t is necessary to bring him into court to testify or for trial.” The decision whether to issue such a writ is within the sound discretion of the Court. *Cuckovich v. U.S.*, 170 F.2d 89, 90 (6th Cir. 1948).

10. If Mr. Pugh denies the existence of a prior relationship between himself and Mr. Hill, or more generally, with any young men like Mr. Hill, Mr. Hill’s testimony will be necessary to impeach Mr. Pugh. Indeed, if the writ is denied and Mr. Hill cannot testify in this matter, Mr. Pugh will be able to testify falsely with impunity, armed with the knowledge that the witness who can contradict that testimony will not be present at the trial. Thus, paradoxically, if the Court declines to issue the Writ, the Writ will then be most needed.

11. Plaintiff therefore submits that the issuance of a Writ is justified, because Mr. Hill’s testimony (or, at the very least, the *possibility* of his testimony) is necessary to elicit the truth in this matter.

12. Plaintiff additionally requests that Mr. Hill be permitted to testify in ordinary clothes provided by his family, and without handcuffs or restraints, to prevent unfair prejudice against his testimony.

13. Undersigned counsel has been informed by the appropriate officials that MDOC requires 2 weeks' notice to produce a prisoner for attendance at trial. Accordingly, Plaintiff respectfully requests that the Court consider this petition on an expedited basis.

WHEREFORE, for all the foregoing reasons, Plaintiff K.S. respectfully requests that this Honorable Court grant his petition, and issue a Writ of Habeas Corpus ad Testificandum for Nathaniel Hill to be produced at trial in this matter.

Respectfully submitted,

SEIKALY STEWART & BENNETT, P.C.  
Attorneys for Plaintiff

By: /s/ Benjamin J. Wilensky  
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BENJAMIN J. WILENSKY (P75302)  
30445 Northwestern Hwy., Ste. 250  
Farmington Hills, Michigan 48334  
(248) 785-0102

Dated: October 2, 2015

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**BRIEF IN SUPPORT OF PLAINTIFF'S PETITION FOR  
A WRIT OF HABEAS CORPUS AD TESTIFICANDUM**

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The facts and authorities in support of the Petition, and the reasons why it should be granted, are set forth in the Petition itself. Plaintiff relies upon that Petition, and respectfully requests that the Court grant the relief requested therein.

Respectfully submitted,

SEIKALY STEWART & BENNETT, P.C.  
Attorneys for Plaintiff

By: /s/ Benjamin J. Wilensky  
WILLIAM R. SEIKALY (P33165)  
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30445 Northwestern Hwy., Ste. 250  
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Dated: October 2, 2015

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**CERTIFICATE OF SERVICE**

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Benjamin J. Wilensky hereby certifies that on this 2<sup>nd</sup> day of October, 2015, he filed the foregoing document with the Clerk of the Court via the Court's ECF system, which will automatically serve the document upon all counsel of record.

/s/ Benjamin J. Wilensky (P75302)

# **EXHIBIT 1**

Affidavit of NATHANIEL HILL

STATE OF MICHIGAN     )  
ss                             )  
COUNTY OF CHIPPEWA    )

Now comes Nathaniel Hill and for his affidavit states as follows:

1. My name is Nathaniel Hill and my date of birth is January 12, 1993.
2. I met Charles Pugh when I was 14 years old and looking for a job. I gave him my resume and he called me and hired me as his intern/personal assistant later that year. He paid me a salary of between \$150 and \$300 per week.
3. I worked for Mr. Pugh while he was employed at Fox 2 TV News Channel, during his campaign for City Council, and while he was President of the City Council.
4. When I was hired, I had to provide identification documents to Mr. Pugh. I gave him documents with accurate information and he knew my true age, which was 14 or 15 by the time I was actually hired.
5. I was not required by Mr. Pugh to obtain a work permit in order to have the job, although the law required it because I was a high school student. I attended Cass Technical High School in Detroit while I worked for Mr. Pugh.
6. I drove a car for the job, although I did not have a driver's license and I was not old enough to obtain a driver's license, and Mr. Pugh knew this. Once my car would not start and Mr. Pugh called his insurance company for road service to have my car towed.
7. I did some of my work for Mr. Pugh while I was at school and in class. I used my Blackberry phone to check on Mr. Pugh's emails and voicemails throughout the day and to keep in touch with Mr. Pugh. We communicated frequently while I was in class.
8. During my school lunch hour, I often left to make deliveries to Mr. Pugh.
9. During my employment with Mr. Pugh, I was in his home frequently. On several occasions pornographic videos were on the computer screen while I was present. It was not unusual for me to come into a room and find pornographic material on Mr. Pugh's computer and talk to him while the material was visible. Pornography was a frequent backdrop to activities at Mr. Pugh's home when I was there.
10. Many of the actors in the pornography videos were very young and appeared to be adolescent or very young adults. Some videos depicted group sex. All of the pornography was gay pornography.

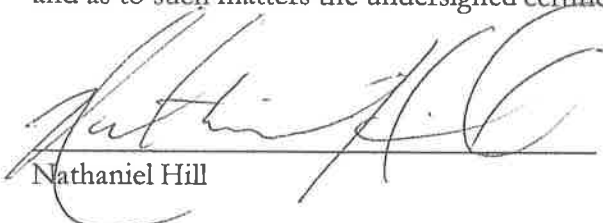


11. Over the months and years, there were a number of small incidents involving body language and/or the way Mr. Pugh spoke to me and/or looked at me that made me uncomfortable because they seemed to be sexual advances.
12. It was clear to me that Mr. Pugh was attracted to teenaged males. I saw him pursue young men on several occasions and in various ways. Frequently he was manipulative. Mr. Pugh made it clear that he believed he could attract any young man he set his sights on. Teenaged boys were invited to events as Mr. Pugh's guests on many occasions.
13. I was present once when Mr. Pugh interviewed a straight 19-year-old male for a housekeeper job. Mr. Pugh asked the young man if he would feel comfortable working around gay men and asked him if he would be comfortable working topless or in a "wife beater" t-shirt.
14. Once at WJBK I found Mr. Pugh alone in one of the studios with a teenaged boy who was a student at U of D Jesuit High School. There were two studios at WJBK; only one was secluded. Mr. Pugh and the boy were alone in the secluded studio, which had a buzzer to allow outside entry.
15. I once spoke with a friend who worked at the Detroit Academy of Arts and Sciences and she expressed concern that Mr. Pugh came to their performances alone. She wondered why Mr. Pugh was there and what he was doing. The friend said that Mr. Pugh was not invited as a dignitary or to attend any special function for adults or public figures, and his frequent presence was unusual.
16. When I was almost 16 years old and still enrolled at Cass Technical High School, I sent a photo of myself wearing only boxer underwear and socks to Mr. Pugh. I don't recall what led up to me sending the photo; it was not something I have ever done for anyone else. It was very much out of character for me.
17. Afterward, Mr. Pugh asked for more photos, saying, "Can I see more?" and "Show me more." When I did not respond, Mr. Pugh became very frantic and apologetic and sent text messages saying things like, "I didn't mean it." When I did not respond to his texts, Mr. Pugh became nervous and asked why I wasn't responding to him.
18. About this time, my relationship with Mr. Pugh seemed to change. Mr. Pugh gave me fewer work hours and responsibilities. He had me work in his home more frequently doing things like cleaning the house and scheduling his public appearances. Mr. Pugh also began to give me sums of money randomly. These ranged from \$40 to \$200 at a time, and were given to me privately with little or no explanation.
19. I never became sexually involved with Mr. Pugh and he began giving me fewer and fewer hours to work until I was no longer working for him at all.

20. When I heard about the allegations against Mr. Pugh involving sexual involvement with a teenager from Frederick Douglass Academy, I knew they were consistent with what I had experienced. The stories I heard were similar to the experience I had when Mr. Pugh attempted to groom and manipulate me into participating in sexual behavior while I was an underage Detroit Public Schools student.

FURTHER, Affiant sayeth not.

Under the penalty of perjury, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters stated to be on information and belief and as to such matters the undersigned certifies he believes the same to be true.

  
Nathaniel Hill

July 6.15  
Date

Subscribed and sworn before me

this 6th day of July, 2015



Notary Public

**D. CUSHMAN**  
**Notary Public, State of Michigan**  
**County of Chippewa**  
**Expires: 04/12/2021**  
**Acting in the County of Chippewa**

\_\_\_\_\_ County, State of Michigan

My Commission Expires: