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STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE
CRIMINAL DIVISION

THE PEOPLE OF THE STATE OF MICHIGAN,

Case No. 05-3228

Honorable Mary M. Waterstone

vs.

ALEX ACEVAL AND RICARDO PENA,

Defendants.

BENCH CONFERENCE

before the Honorable Mary M. Waterstone, Circuit Judge, 403 Frank Murphy Hall of Justice, 1441 St. Antoine, Detroit, Michigan, September 19, 2005, at or about 4:25 p.m.

APPEARANCES:

For the People:

MS. KAREN PLANTS (P43616)
Assistant Prosecuting Attorney
Wayne County Prosecutor's Office
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Transcribed by:

M. Yvonne Lownie (CSR-2008)
Certified Shorthand Reporter
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1 THE COURT: Just for the record, this is a sealed
2 record, not part of the -- so the defense attorneys
3 aren't not here; Mr. Scharg nor Mr. Feinberg, neither
4 one is here.

5 MS. PLANTS: With regard to Chad Povish's
6 testimony, he was asked whether he had been offered any
7 sort of deals or immunity. He said no. He obviously
8 was offered a deal because he's the confidential
9 informant.

10 THE COURT: But it was "no" as to his testimony.

11 MS. PLANTS: Right. His testimony was "no" but he
12 did that to conceal his identity. He indicated that he
13 had never seen Mac before that day. Obviously that was
14 to conceal his identity and there was something else.

15 Oh, he doesn't remember what was said to him by
16 Mac. When he was interviewed at the police department
17 there was discussions about what a good job he had done
18 and so that was not exactly the truth. But again it was
19 done with the intent to conceal his identity.

20 When Officer McArthur testified, he testified that
21 he had no information where the cocaine was going. He
22 was in constant communication with the confidential
23 informant and so he knew what directions they were going
24 in. Clearly he testified that way to keep the identity
25 secret.

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THE COURT: To protect his life, I'm sure.

MS. PLANTS: Yes.

So that's my sealed record of the day.

THE COURT: Okay.

MS. PLANTS: Thank you, Judge.

(Concluded at or about 4:30 p.m.)

