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## **PROSECUTOR FILES NUISANCE COMPLAINT AGAINST CLUB WHERE RAPPER WAS KILLED**

Prosecutor Kym L. Worthy filed a complaint in the Wayne County Circuit Court citing the CCC Club, located at 15304 Eight Mile Road, as a public nuisance and requesting that it be padlocked and closed. The club was the scene of the fatal shooting of rap artist Proof, a.k.a. DeShaun Holton on April 11, 2006, as well as other violent outbreaks and numerous violations of the liquor control act from 2005 through 2006.

Acting on behalf of the People of the State of Michigan, Prosecutor Worthy alleged that the owners of the CCC Club and the holders of its liquor license have created and maintained a public nuisance in violation of the law. That law allows for the closing of a building for one year to abate a nuisance. A Show-Cause Hearing will be held before Judge William Giovan on or about May 11, 2006.

# FAQ'S

## **Who are the parties being sued?**

The last owners of record holding title to the property are Starlight Properties, L.L.C. The property was transferred by a Quit Claim Deed dated June 28, 2001 from Alfred Adolphus Thompson and Helen Marie Thompson with Mr. Thompson remaining as resident agent for Starlight Properties.

Metro East Caring Caribou Association, the last holders of record for the liquor license to "Club CCC," is also being sued. Its last listed officers are Milton Bryant, Governor, Gregory Brown, Jr., Governor, and Lashan Lamont Bryant, Administrator.

## **Is this a civil lawsuit?**

Yes. Michigan Compiled Law 600.3801 provides that equitable relief can be granted if a nuisance is created, maintained, and allowed to exist. The moving party must show that nuisance activities are taking place at a specific location, and that the location is a continuing nuisance. The Defendants have 28 days to file an answer or be found in default.

## **What activities constitute a nuisance?**

In this case, the CCC Club has numerous violations of the Michigan Liquor Control Act for being open after hours, selling liquor after hours, and selling liquor to minors. Serious violent crimes have also occurred there, including the recent death of DeShaun Holton, a.k.a. Proof, on April 11, 2006:

- 1) On October 5, 2005, at 5:30 a.m. Keith Taylor and Arthur Foster were approached by an unknown male armed with a semi-automatic weapon as they left the CCC Club. They were robbed of their personal property and instructed not to look up or they would be shot. The robber also took their vehicle.
- 2) On October 8, 2005, at 2:15 a.m., Darrell Brown was shot in the hand while inside the CCC Club after two unknown males entered with firearms and began shooting.

- 3) On December 10, 2005, at approximately 2:50 a.m., during illegal after-hours operations, Detroit Police Department Vice Section Officers paid \$20.00 and were allowed into the club by a doorman identified as Mario Etheridge. Once inside, the officers observed after hour liquor sales, smelled a strong odor of marijuana, and observed approximately 50 patrons dancing. The officers purchased alcohol and observed obviously underage patrons being served alcohol. Lashan Lamont Bryant was identified as the person in charge of the premises.

A Detroit Police Investigation and a Michigan Liquor Control Inspection were conducted as a result of the officers' observations. This resulted in the seizure of various amounts of marijuana and several handguns with live rounds of ammunition; in addition, a patron was arrested with a .45 caliber handgun containing 8 live rounds. Three patrons were cited with possession / consumption of alcohol by a minor. Mr. Bryant received violations for furnishing alcohol to a minor, allowing dancing and entertainment during prohibited hours, and failing to display City of Detroit Identification Tags on coin-operated video poker machines.

The Metro East Caring Caribou Association, holders of the liquor license, received numerous violations. A Michigan Liquor Control Hearing is scheduled for April 26, 2006 for the Association Officers.

- 4) On February 25, 2006, at approximately 2:35 a.m. during illegal after hour operations, Michael Smith was shot multiple times in the abdomen while inside the club by an unknown person who got into an argument with the doorman.
- 5) On April 9, 2006 at 3:00 a.m., while inspecting the club for violations, Detroit Police Officers observed 40-50 patrons drinking alcohol after hours. Lashan Lamont Bryant was advised that he would be cited for violations and all patrons were instructed to leave.
- 6) On April 11, 2006, at approximately 4:30 a.m., again during illegal after hour operations, Keith Bender and DeShaun Holton were killed.

### **What if the owners were unaware of the illegal activities in the CCC Club?**

This would make no difference; there is no "innocent owner" exception under Michigan law.

### **What can be done about other clubs that are creating a public nuisance?**

This Office will use its Community Prosecutors to focus on establishments that pose a danger to the public. Clubs that are the subject of police runs and citizen complaints will be targeted for nuisance abatement lawsuits.

### **What are the remedies for a nuisance abatement suit?**

- 1) Under MCL 600.3801, the occupants can be ordered to vacate the property, which can then be padlocked for a period of one year.
- 2) Under MCL 600.3825(1), the court can order the removal and sale of all furniture, fixtures, and contents of the premises. All proceeds can be applied to any outstanding liens, mortgages or utility bills owed by the defendants.
- 3) Under MCL 600.3825(1), the court can order forced sale of the property, with all costs and attorneys fees paid by the defendants.

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