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WCPO Statement for the Charles Evan's Case Dismissal

On December 1, 2025, Judge Cylenthia LaToye Miller began a jury trial in the case of Charles Evans. Defendant Evans was charged with Felony Murder and Child Abuse First Degree. His attorney works for the Perkins Law Group PLLC. Neither Judge Miller nor the attorney ever disclosed that she was represented by this firm in a criminal case that was filed against her in for carrying a loaded weapon in Detroit Metropolitan Airport on June 8, 2024. Based on this obvious conflict of interest (unknown to the assistant prosecutor at the outset of the trial), Judge Miller should have recused herself from the case.

On December 8, 2025, Judge Miller dismissed the case, erroneously, citing a discovery violation.*WCPO contends that there was no violation, and that the judge failed to follow the law. The Office is requesting the transcript and the video recording of the trial, which will show many other instances of biased and inappropriate behavior by the judge.

In addition to the appearance of impropriety posed by the above conflict, Judge Miller demonstrated obvious bias during the course of the trial. She repeatedly inserted herself in the proceedings with inappropriate questions for the witnesses. A judge is permitted to ask questions during a trial, but only to clarify the record. In the 2019 case of *People v. Swilley*, 540 Mich 350, the Michigan Supreme Court held that, "Undue interference, impatience, or participation in the examination of witnesses, or a severe attitude on the judge's part toward a witness may tend to prevent the proper presentation of the case or the determination of the truth. For that reason, a judge should avoid questions that are intimidating, argumentative, or skeptical." The record will show that Judge Miller clearly failed to do so in the Evans case.

The dismissal of the case against Mr. Evans was understandably upsetting to the family of the victim. This office intends to appeal the erroneous dismissal of the case by Judge Miller.

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“It is outrageous that the judge would blame the outcome of the case on the prosecution. In all of my years of practice I have never seen a judge behave like this. The record will bear this out,” said Prosecutor Kym Worthy.

*Judge Miller dismissed this case with prejudice. There is no such thing as dismissal with prejudice in the criminal law. Double jeopardy would prevent a retrial. However, that does not apply here. The circumstances of the dismissal, mid-trial on grounds used by the court were premised on alleged Brady or discovery violations. That does not invoke the double jeopardy clause, and therefore we can appeal in this case.

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