

PROSECUTING ATTORNEY

CRIMINAL DIVISION

82 Ionia Ave N.W.
Suite 450
Grand Rapids, MI 49503-3022
Telephone: (616) 632-6710
Fax: (616) 632-6714



CHRISTOPHER BECKER
Prosecutor

MONICA M. JANISKEE
Chief Assistant Prosecutor

FACTS

On August 12, 2018 at approximately 1:30 in the morning, Kent County Sheriffs deputies were dispatched to a shooting in progress at 7311 Parle Ave NE in Grattan Township. Dispatch provided information that one individual had been shot in the stomach and was laying inside a residence, and a second person had been shot in the arm and was lying in the grass outside the residence. There were numerous people outside the home when deputies arrived, along with a jeep parked in the front yard. Deputies quickly aided the individuals who had been shot and then began the investigation into what had occurred.

The incident began earlier in the night at a vacant lot owned by the person who was fatally shot, Robert Morgan. Mr. Morgan lived in this neighborhood, just down the street from the vacant lot, but used the lot to store trailers and vehicles. The lot also had a firepit for bonfires. Mr. Morgan's son and friends were having a bonfire this night that continued into the early morning hours. This vacant lot where the bonfire happened is just around the corner from 7311 Parle where the shooting occurred.

Several individuals who were at the bonfire were interviewed by KCSD. Their statements were fairly consistent into what had happened over the course of the night. Mr. Morgan had come over to the bonfire in his jeep. From the photos taken at the scene, and from the descriptions provided by the people at the bonfire, this was not an ordinary jeep. It was modified with special doors, it apparently had an engine that was extremely loud. Through the investigation, a short clip of the jeep driving that night was discovered, and from the video the engine was much louder than a regular vehicle engine. Mr. Morgan was giving rides to the people at the bonfire in this jeep late into the night. The roads in this neighborhood are dirt roads; by most accounts Mr. Morgan would rev his engine and drive around rapidly in the neighborhood when giving these rides. This is also backed up by the short video. It should be noted that the vast majority of the people at the bonfire were 17-20 years old, and there was drinking going on. It is not clear if Mr. Morgan consumed any alcohol at the bonfire, or had consumed it elsewhere, but by all accounts, he had been drinking and was under the influence of alcohol that night.

The loud jeep and reckless driving around the neighborhood by Mr. Morgan drew the attention of Macy Fredericks who resided at 7311 Parle Ave. The jeep went by her home several times that night, as she described "flying around the corner" and kicking up rocks from the dirt road towards her home. This was already very late in the night; her husband and child were asleep. She then went to the home of Mr. Morgan, where the jeep had returned to, and told Mr. Morgan that his driving was throwing up rocks at her home and asked him to stop driving like that around her house. Mr. Morgan immediately became combative. Macy told police he called her a "trailer trash bitch" and threatened to "Fuck her up

and her boyfriend.” Macy then left the vacant lot and went back to her home. Mr. Morgan told her as she left that he was going to follow her home, but she did not believe it. Approximately five minutes after she left Mr. Morgan drove his jeep into her front yard as she was sitting by her front door.

Nobody from the bonfire was at the home to see the initial conversation between Macy and Mr. Morgan. They did however witness Mr. Morgan’s reaction after Macy left. Mr. Morgan returned to the bonfire, driving his jeep once again. Cheyenne Wolf said that Mr. Morgan was with his nephew Jake, who is Jacob Vanenk, and Mr. Morgan was asking other people at the party to come with him to go to the neighbors to confront those neighbors about their complaints about his loud jeep. Tyler Haverkamp was one of those individuals who got into the jeep with Mr. Morgan, and when he got in Mr. Morgan told him he was going to “beat someone’s ass”. Jake has a similar version of what occurred. Jake said that his uncle yelled for him to come with him to talk to the neighbors about the noise complaint. As he got in the jeep, he heard his uncle say, “I’m going to whoop some ass”. He described his uncle as extremely “fired up” on the drive over to the home. He also describes his uncle as drunk.

Mr. Morgan drove his jeep directly into the front yard of Macy’s home; the vehicle is found directly in front of the stoop to the front door, no more than ten feet away from it. Jake said his uncle got out of the jeep and started an argument with the lady who was outside. The argument lasted 2-3 minutes and then the lady went inside the home. Jake told the sheriff that he was directly behind his uncle but did not say anything. Tyler indicated that Mr. Morgan got out of the jeep and he and a lady got “in each other’s face”. Matthew Foster, the other passenger in the jeep, indicated Mr. Morgan got into the jeep and “seemed mad”. When they got to the home Matthew described how Mr. Morgan got out of the jeep, “and started screaming in the face of the wife. She got aggravated and went in and woke up her husband.”

Jamie Fredericks is the husband of Macy. He was asleep inside the home for everything until his wife came and woke him up after the jeep pulled into their front yard. He is a postal worker, had to get up early in the morning, and had been in bed since 9PM. His wife came into the bedroom yelling that people were outside the house who were going to “whoop” everyone’s ass and he needed to come outside. Jamie came out to find a jeep running in his front yard next to his porch, three unknown males standing outside on his property, and the “oldest” male by his description, “freaking out”. This male was calling his wife a “cunt” and a “fucking bitch”. Jaime said he tried to calm the situation down by telling the man, who he did not know, to settle down. Jamie told his mom who was at the home that night to call 911. Jamie said the older white male then made threats to him; he was about to break his jaw, told him he was about to get his ass whooped and he wasn’t going to go anywhere. This male then made a move towards the house. Jamie, who is an Army veteran and a valid CPL holder, then went inside his house to obtain his .40 caliber handgun.

Jamie indicated that he came outside with the gun at his side and told everyone to get off his property and that the police had been called. Part of this is not correct, he did not have the gun at his side. There is a second short video, found on the phone that had the video of the jeep driving earlier in the night. This very short video clearly shows Mr. Fredericks coming out of his home, on his front porch, pointing his gun at the people outside. The video then ends. Jaime remained on the front porch. Jamie said that this older male, who we now know is Mr. Morgan, then said, “you’re a fucking pussy” and rushed him. This is confirmed by the other witnesses at the scene that night who saw what took place. Matt Foster said that as the man with the gun told Mr. Morgan and Jake if they don’t get away he would shoot them, “Bob (Mr. Morgan) tells him to, and so Bob and Jake run at the male then I heard a gun shot.” In his statement, Jake said his uncle “charged” at the person with the gun and grabbed him. The

two of them fell into the doorway of the home. Macy then came up and put Mr. Morgan into a headlock and her husband hit him in the face with his hand or the gun. Jake went to the doorway to get his uncle away from Jamie, this is when he heard a gunshot. Jake was standing behind his uncle when he heard the shot, after the shot he felt something on his arm and saw blood running down his arm. He was hit by a gunshot, in his left arm.

Macy said she was in some woodchips next to the porch, with her husband Jamie standing on the porch facing Mr. Morgan. She heard Mr. Morgan say, "You're a bitch. Fuck you-I'ma whoop your bitches ass and your ass." She then said Mr. Morgan jumped on her husband and was beating on him. She admits she then jumped on the man since he was on top of and beating her husband. The next thing she recalls is her mother-in-law on the phone to 911 and she smelled gunpowder. She does not recall hearing a shot at all. Jaime stated that after Mr. Morgan rushed him, Mr. Morgan grabbed his neck like he was trying to put him in a headlock, then with his other hand Mr. Morgan tried to get the gun. The two of them were inside his home by this point in time. Jamie estimated that they were close to his entertainment center when he made the decision to put the gun to the stomach of Mr. Morgan and fire one round. Jamie told the sheriff's detectives that he felt he had no other option than to shoot Mr. Morgan since he was being attacked in his own home. His 9-year-old daughter was asleep inside the home. Scott Talo, another person who came on scene after the shooting, said he witnessed Jamie pacing back and forth inside his home saying, "I have a right to defend my family". After being shot, Mr. Morgan went to the ground, Jamie's wife was on him at this time, and once he stopped struggling, Jamie unloaded the gun, and hid it, then tried to render aid to Mr. Morgan.

Witness statements support that fact that the shot was fired inside the home of Jamie and Macy. Darcie Slater is the mother of Jamie. She was in the home and calling 911 when all of this took place. She did not see the confrontation, but she heard the argument. She also heard Jamie say, "Why are you in my house?" and then a single gunshot. She came into the living room and saw a male subject who she did not know, on his butt, slumped over leaning on the wall of the home before falling over. Macy was trying to hold him up before he fell over. Mr. Talo is a friend of Mr. Morgan. He came to the vacant lot to assist Mr. Morgan in cleaning up. As he was approaching the lot he noticed Jake coming down the street holding his left arm, and he heard shouts coming from down the road that someone had been shot. He guessed that Jake had been shot, and asked him who did it. He said Jake said, "them" and pointed to a nearby house, and Jake told him that Mr. Morgan had been shot as well. Mr. Talo reported he went to the house Jake pointed towards and found Mr. Morgan laying on the floor just inside the front door bleeding. He then began to render aid to Mr. Morgan. Timothy Miller was another person who was at the bonfire, came down from the bonfire after he realized Jake had been shot, and he too saw Mr. Morgan on the floor inside the home. The physical evidence supports the fact the shot happened inside the home as well. There is a vast amount of blood surrounding the front door inside the home, a single .40 caliber casing is found on the wall behind the front door, and a single casing was found near the entertainment center inside the home.

The autopsy shows that Mr. Morgan was killed by a single gunshot wound to his stomach. The entrance wound was on the mid right side of his abdomen, traveled right to left and exited his left lower back area. This bullet also struck Jake in the arm, he was standing behind his uncle when the shot was fired. The bullet struck several organs, and an artery; efforts to save his life failed and he died at Spectrum Health at 5:06 AM. In the autopsy it was noted his postmortem blood alcohol level was .12, over the legal limit in Michigan of .08.

THE LAW

The rule of self-defense is well established in Michigan law. As a general rule, the use of deadly force against another person in self-defense by one who is free from fault is justifiable if, under all the circumstances, he honestly and reasonably believes that he is in imminent danger of death or great bodily harm and that it is necessary for him to exercise deadly force. *People v Riddle*, 467 Mich 116, 119 (2002). The use of deadly force in self-defense is justified where the actor (1) is not the aggressor, (2) acts under an honest and reasonable belief that he is in danger of death or great bodily harm, (3) retreats from the scene if possible, and (4) the only recourse lay in repelling the attack by the use of deadly force. *People v Heflin*, 434 Mich 482, 502-503, 509 (1990). In *Riddle*, the Supreme Court clarified that “a person is never required to retreat from a sudden, fierce and violent attack; nor is he required to retreat from an attacker who he reasonably believes is about to use a deadly weapon.”

The *Self-Defense Act of 2006* changed the law of self-defense. The Michigan Legislature abrogated the duty to retreat under most circumstances: “an individual who is not engaged in the commission of a crime at the time he uses deadly force may use deadly force against another individual anywhere he has the legal right to be with no duty to retreat if.....the individual honestly and reasonably believes that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to himself or another individual...”. Not only did the *Self-Defense Act of 2006* modify the Supreme Court’s decision in *Riddle* and *Heflin* regarding a duty to retreat, the Legislature further modified another part of the law discussed in *Riddle*. *Riddle* had also held that the “castle doctrine”, that one is never required to retreat in their own home, does not extend to the curtilage of the home. “Because there is no indication that this “castle doctrine” extended to outlying areas within the curtilage of the home at the time of the codification of our murder statute, however, we decline defendant’s invitation to extend the doctrine in this matter.” *Riddle*, 35-36. The Michigan Legislature did just that by enacting MCL 768.21c, “the duty to retreat before using deadly force is not required if an individual is in his or her own dwelling or within the curtilage of that dwelling.”

CONCLUSION

Jamie Fredericks was justified in using deadly force in the early morning hours of August 12, 2018. There is no question that he faced a “sudden, fierce, and violent attack” that morning by Robert Morgan. Mr. Morgan had driven his jeep onto the front lawn of Jamie’s home, and had been acting belligerently the entire night. Before “charging” (description of Mr. Morgan’s nephew Jake) Jamie, Mr. Morgan had repeatedly threatened to harm him, his wife, and had expressed to the people he asked to go with him he was going to “whoop some ass” when he went over to the house. Mr. Morgan was clearly intoxicated that night; the people who knew him indicated he was drunk or had at least been drinking due to his behavior.

From the evidence presented it would appear Jamie was on his front porch when Mr. Morgan attacked. The momentum from the attack clearly propelled the two of them into the home. At this point in time, it is necessary to look at things from Jamie’s point of view. He had been asleep just minutes before. He had been woken up by his terrified wife regarding a jeep parked on their front lawn and a group, not just a single person, of strangers now outside threatening her. He went outside and he too was threatened with physical harm. He then got his gun, and tried to use that gun to scare these individuals away, which is not at all successful. Instead, he was attacked, and now he found himself

inside his own home with at least one attacker trying to put him in a headlock and disarm him, and he has no idea what these other individuals are doing. He has a sleeping child in his home. There is nowhere to further retreat. Under the law, he would not be required to retreat even if he was simply on his porch, but now they are in his living room. Under the law he is justified in using deadly force at this time. He is in his home, he has been attacked, he does have a right to defend himself and his family when the attack takes him inside his home. Furthermore, there is no requirement under Michigan law that a homeowner see a weapon, suspect there is a weapon, before using deadly force to defend himself as long as the belief of the homeowner is honest and reasonable given all the circumstances that he needs to use deadly force for defense.

This was an incredible tragedy. One person is dead, another, who from the evidence presented to this office did nothing more than go with his uncle to the home, and who may have tried to stop his uncle from attacking Jamie, was shot in the arm. This is a lesson in what can happen when an individual consumes too much alcohol; under normal circumstances Mr. Morgan would most likely have not acted the way he did that night. His violent outbursts can be attributed to his over consumption, many of the witnesses indicated this was not the normal way he acted. These outbursts, cumulating in his rushing Jamie Fredericks in his own home, left Jamie with little choice but to fire his weapon. Under the circumstances in this case, his belief that he needed to use deadly force to protect himself and his family was both honest and reasonable. No charges will be issued in this matter.



Chris Becker
Prosecuting Attorney

9-10-18

Date