

APPENDIX B – GLENN MCCORMICK'S DECLARATION

Here is Glenn McCormick's complete declaration.

Case Number 03-74779

KENNETH WYNIEMKO

vs.

THOMAS J. OSTIN, BART M. MARLATT,
ALEXANDER C. ERNST, and TOWNSHIP OF CLINTON,
Defendants.

DECLARATION OF GLEN MCCORMICK

Glen McCormick, pursuant to 28 U. S. C. 1746, states as follows:

1. My name is Glen McCormick. I currently reside in the State of Michigan.
2. Kenneth Wyniemko and I shared a cell in the Macomb County jail for about two weeks starting in mid-July 1994. I have not spoken to Mr. Wyniemko since we shared a jail cell in July, 1994.
3. Mr. Wyniemko never told me at any time that he had committed any crime. He never told me that he had any involvement in the rape and robbery of Diane Klug.
4. A few days after I was released from jail in July 1994, I received a telephone call from a woman who identified herself as Linda Davis. Ms. Davis said she was an Assistant Macomb County Prosecutor. Ms. Davis said that she wanted to talk to me about Mr. Wyniemko.
5. Shortly after receiving the call from Ms. Davis, I received a telephone call from a Clinton Township police officer named Thomas Ostin. Mr. Ostin made arrangements for me to meet the next day with Ms. Davis and him at the Clinton Township Police Department.
6. On the next day, I met with Ms. Davis and Mr. Ostin at the Clinton Township Police Department. Ms. Davis and Mr. Ostin told me that if I could provide information helpful to them in their case against Mr. Wyniemko, they could help me avoid a possible life sentence as a habitual offender as a result of the charge that I had pending against me. They told me this before asking me whether I had any useful information against Mr. Wyniemko. They also told me that they had already three or four witnesses who were going to testify that Mr. Wyniemko had committed the crimes, but they would like my help as well. I was really concerned about the possibility of a life sentence if I did not help. I agreed to be a witness even though Mr. Wyniemko had not told me in any way that he had committed any crime.
7. After I indicated that I would be a witness, I was left alone in the room that we were meeting in. Before leaving the room, Mr. Ostin placed a police report regarding Mr. Wyniemko and the crimes against Ms. Klug directly in front of me on the table that we were sitting at. Mr. Ostin said he was going to leave me alone for a little while, or words similar to that. After Mr. Ostin put the police report in front of me and said he was going to leave me alone, I assumed that I was supposed to review the police report. By reading the police report, I learned details about the crime against Ms. Klug. I later used these details in the testimony I gave at the preliminary examination and trial. I would not have been able to talk or testify about the crimes against Ms. Klug without the police report that I reviewed in the room.
8. After I had been left alone in the room with the police report for a while, Mr. Ostin and Ms. Davis returned to the room and asked me what Mr. Wyniemko had told me about the crime against Ms. Klug. I proceeded to tell them things that I had just read in the police report.
9. During this meeting with Mr. Ostin and Ms. Davis, I received suggestions regarding statements that I should make. One of the statements that was suggested to me was that I say that Mr.

Wyniemko had told me that "they ain't got shit against me" or words like that. It was also suggested to me that I say that Mr. Wyniemko had told me that he had gotten rid of the evidence. Mr. Wyniemko had not told me these things.

10. During this meeting with Mr. Ostin and Ms. Davis, they made a tape recording of an interview with me. During the interview, the tape was stopped on numerous occasions. When the tape was stopped, I received suggestions on the way I should say certain things.
11. After the meeting with Mr. Ostin and Ms. Davis was over, Mr. Ostin gave me a ride home in the front seat of a police car.
12. During Mr. Wyniemko's preliminary examination and trial, I gave testimony based upon the police report that I had reviewed at the time of this meeting and the suggestions made to me during this meeting.
13. I have not spoken with Mr. Ostin or Ms. Davis since Mr. Wyniemko's trial in 1994.
14. The statements made in the declaration are being made voluntarily and freely on my part without any threats or duress or offers of any kind.
15. I am making these statements to get the weight off of my shoulders from my involvement in Mr. Wyniemko's preliminary examination and trial. I feel badly about what I said he did.
16. Because I am making these disclosures, I am fearful for the safety of my family and myself. I do not want any harm to come to them or to me because I have come forward and made these disclosures.
17. I declare under penalty of perjury that the foregoing is true and correct.

Glenn McCormick signed the declaration, dated October 5, 2004.