

**STATE OF MICHIGAN
BEFORE THE JUDICIAL TENURE COMMISSION**

COMPLAINT AGAINST

Hon. Demetria Brue
Thirty-Sixth District Court
Detroit, MI

FC 105

_____ /

COMPLAINT

1. The Judicial Tenure Commission (“Commission”) has authorized this complaint against Honorable Demetria Brue, judge of the 36th District Court, County of Wayne, State of Michigan, and directed that it be filed. This action is taken pursuant to Article 6, Section 30 of the Michigan Constitution of 1963, as amended, and MCR 9.200 *et seq.*

BACKGROUND

1. Respondent Brue has been a licensed lawyer and a member of the State Bar of Michigan since 1988.
2. Respondent Brue is, and since 2012 has been, a judge of the Thirty-Sixth District Court, County of Wayne, State of Michigan.
3. As a judge respondent has been and is currently subject to the duties and responsibilities imposed by the Michigan Supreme Court and is subject to the standards for discipline set forth in MCR 9.104 and 9.202.
4. Respondent attended a judicial conference on Mackinac Island on August 20, 2019.

5. Respondent rented bicycles from the Mackinac Island Bike Shop on Main Street for herself and a colleague.
6. Respondent Brue provided her credit card number to the staff of the bicycle rental shop before she was given bicycles for herself and the colleague.
7. When they returned their bicycles to the shop, respondent and her colleague explained to the bicycle shop staff that the colleague had a problem operating the bicycle.
8. Respondent did not want to pay full price for the rentals and asked a staff member for an accommodation. The staff member summoned his supervisor.
9. Respondent Brue spoke with the supervisor and again asked for an accommodation. The request was denied.
10. Respondent Brue told at least one of those two employees that she and the colleague were judges.
11. One of the employees summoned Ira Green, the proprietor of the bike shop.
12. Mr. Green and respondent spoke for approximately 20 minutes but were not able to resolve their disagreement over how much to pay.

COUNT ONE – RESPONDENT BRUE’S ACTIONS ON AUGUST 20, 2019

13. Paragraphs 1-12 are incorporated in this count.
14. During her discussion with Mr. Green respondent Brue said words to the following effect:

You’re going to call the police on two black judges. . . We’re trying to explain to you the situation with the bikes and so now you want to call the police officers on us.

I am absolutely a judge.

15. During her discussion with Mr. Green respondent reached over the cash register and forcibly attempted to take the bike rental paper out of Mr. Green’s hand, ripping the paper.
16. Respondent Brue then said to Mr. Green words to the effect:

You assaulted me. Did you just assault me? You took my receipt and tore it up. I want the police. Now we need the police. I am going to call them. Because you just assaulted an elected official who is here . . . who came here by invitation for a conference. You assaulted me. I asked you for my receipt back. You snatched my receipt back from me. You snatched my receipt and threw it away and grabbed my hand and you hurt me. You touched my hand with force and violence. I am a female. I am a judge. I am here for a conference and you --- . . . --- I am an African America female. That was racist, and it was disrespectful and it was violent.

* * * *

No, you settle down. You touched me. I am afraid, I'm shaken. I'm in fear of my safety. --- With violence.”

Do you know what is now going to happen to you, a Caucasian man that's found guilty of striking an African American female judge?

17. Respondent Brue's statements that Mr. Green assaulted her were false and she knew they were false when she said them.
18. Respondent Brue's statement that Mr. Green snatched the receipt from her was false and she knew it was false when she said it.
19. Respondent Brue's statement that Mr. Green touched her hand with force and violence was false and she knew it was false when she said it.
20. Respondent's statements as alleged in paragraph 16 assert that Mr. Green initiated contact with respondent Brue. That assertion was false and respondent Brue knew it was false when she made it.
21. Police Officer Kenneth Hardy arrived at the bicycle rental business.
22. Respondent Brue spoke with Officer Hardy for more than 10 minutes.
23. Respondent Brue told Officer Hardy that she and her colleague were judges.
24. Judge Brue told Officer Hardy words to the following effect while asserting that she wanted to press charges:

[Referring to Mr. Green, who was standing nearby] You grabbed my hand and snatched the receipt out of my hand because you didn't want me to have a receipt. [Speaking to Officer Hardy about Mr. Green] He took my receipt.

25. Respondent Brue's statement to Officer Hardy was false. She knew that Mr. Green had not assaulted her or grabbed the receipt from her hand when she said it, because it was she who grabbed the receipt from Mr. Green's hand.
26. Respondent Brue told Officer Hardy that she tried to pay Mr. Green but he would not accept the money. This statement was false or misleading and respondent Brue knew it was false or misleading, in that respondent Brue never offered to pay Mr. Green the amount owed for the two bicycle rentals.
27. Mr. Green took Officer Hardy and another Mackinac Island police officer, Officer Smyth, to his office to view security video that captured Mr. Green's interaction with respondent and her colleague.
28. Neither Mr. Green nor anyone associated with law enforcement told respondent Brue or her colleague where they should wait during this review. In particular, no one told them to stand by the curb or in the street, or words to that effect.
29. While Mr. Green and the police officers reviewed the security video, respondent Brue and her colleague waited in a place of their own choosing. That place was mostly or entirely the sidewalk near Mr. Green's business office, and not the curb or the street.
30. While Mr. Green and Officers Hardy and Smyth reviewed the security video, Michigan State Police Trooper Bergsma arrived and spoke with respondent Brue and her colleague. Respondent Brue told Trooper Bergsma that Mr. Green grabbed a paper out of her hand and scratched her hand. That statement was false and

respondent Brue knew it was false when she said it, in that respondent had attempted to grab the paper from Mr. Green.

31. Respondent Brue told Trooper Bergsma she wanted to press charges against Mr. Green for assault and battery. By telling Trooper Bergsma she wanted to press charges against Mr. Green for assault and battery, respondent Brue thereby falsely communicated that Mr. Green had assaulted her, knowing that what she communicated was false.
32. When Officer Hardy returned from watching the video of the incident, he told respondent Brue words to the effect of “it looks like you did the assault.” He demonstrated multiple times what he saw respondent Brue do that was captured on the video.
33. In response to being told what the video of the interaction showed respondent Brue told the officers words to the effect that the paper was “her property.”
34. Respondent Brue eventually admitted to Officer Hardy that Mr. Green had not assaulted her, and that she had reached across the counter and attempted to take the paper from Mr. Green.
35. Trooper Bergsma negotiated a settlement whereby respondent Brue and her colleague did not pay for their bicycle rentals, Mr. Green provided respondent Brue a receipt showing that she did not owe any money, and respondent Brue and Mr. Green would not seek to prosecute the other.
36. Respondent Brue’s conduct described in paragraphs 10, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, 26, 30, 31, 32, 33, 34 violated the following canons:

- a. Canon 2(A), which requires a judge to avoid all impropriety and the appearance of impropriety;
- b. Canon 2(B), which prohibits conduct that tends to erode confidence in the integrity of the judiciary;
- c. Canon 2(B), which requires a judge treat all persons with courtesy and respect.
- d. Canon 2(C), which forbids judges to use the prestige of their office to advance personal interests.
- e. MCR 9.104(2), which forbids lawyers to engage in conduct that exposes the courts to contempt, obloquy, censure, or reproach.
- f. MCR 9.104(3), which forbids conduct that is contrary to justice, ethics, honesty, or good morals.
- g. MCR 9.104(5), which forbids conduct that violates a criminal law of a state.
- h. Michigan Compiled Law 750.479c(1)(b), which forbids knowingly and willfully making any statement to a peace officer that the person knows is false or misleading regarding a material fact.
- i. Michigan Rule of Professional Conduct 8.4(b,) which forbids a lawyer to engage in conduct involving dishonesty, deceit, or misrepresentation, where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer.
- j. Michigan Rule of Professional Conduct 8.4(c), which prohibits a judge from engaging in conduct that is prejudicial to the administration of justice.

**COUNT TWO - RESPONDENT BRUE'S FALSE
STATEMENTS TO THE COMMISSION**

- 37. Paragraphs 1-35 are incorporated in this count.
- 38. Respondent Brue answered the Commission's September 9, 2020 request for comments on November 10, 2020. Respondent Brue's signature on her answer attested to the veracity of her answer.

39. Respondent Brue's answer #15 to the Commission's request for comments asserted that she did not tell a young employee of the bike shop that she and her colleague were judges.
40. Respondent Brue's answer was false and she knew it was false, in that she did tell a young employee of the bike shop that she and her colleague were judges, and she knew she had done so.
41. Page seven of respondent Brue's answer to the Commission's request for comments asserted that she did not tell Mr. Green that she and her colleague were judges on August 20, 2019. Her answer #31 to the Commission's request for comments reflected the same misrepresentation.
42. Respondent Brue's answers were false and she knew they were false, because she did tell Mr. Green she was a judge multiple times and knew she had done so.
43. Page seven of respondent Brue's answer to the Commission's request for comments denied that she told Officer Hardy that both she and her colleague were judges.
44. Respondent Brue's answer was false and she knew it was false, because she did tell Officer Hardy that she and her colleague were judges, and she knew she had done so.
45. Respondent Brue's answer #15 to the Commission's request for comments stated that she only told the "police supervisor" (Trooper Bergsma) that she and her colleague were judges.

46. Respondent Brue's answer was false and she knew it was false, because she told Officer Hardy, Mr. Green, and a young employee of the bike shop that she and her colleague were judges and knew she had done so.
47. Respondent Brue's answer #43 to the Commission's request for comments denied that she made the following statements or words to their effect to Mr. Green on August 20, 2019:
- You attacked me.
 - I am in fear for my life.
 - Do you know what is now going to happen to you, a Caucasian man that's found guilty of striking an African American female judge?

Those denials were false and respondent Brue knew they were false, because respondent Brue did say those things or words to their effect and knew she had done so.

48. Respondent Brue's answer # 44 to the Commission's request for comments stated that Officer Hardy refused to speak with her. That statement was false and respondent Brue knew it was false, because as respondent Brue knew when she made this statement, Officer Hardy spoke with respondent when he first arrived at the bicycle shop and took notes in a notepad as he did so.
49. Respondent Brue's answer #46 to the Commission's request for comments stated about Officer Hardy: "He would not listen to Judge Brue or her colleague." That statement was false and respondent Brue knew it was false when she made it, in that Officer Hardy listened attentively and took notes about what respondent Brue said to him.

50. Respondent Brue's answer #46 to the Commission's request for comments stated that when it appeared that Officer Hardy would not speak with her, she asked Officer Hardy words to the effect of when she would be allowed to address him, and in response, he said words to the effect that he would not have to speak with her because the video would show him the information he needed to know. That statement was false and respondent Brue knew it was false when she made it, because Officer Hardy did not say words to this effect to respondent and it never appeared that Officer Hardy would not speak with her, since Officer Hardy talked with respondent for more than 10 minutes when he first arrived at the bicycle shop.
51. Respondent Brue's statements written in paragraphs 48-50 created a false impression for the Commission that Officer Hardy ignored both her and her colleague and only paid attention to Mr. Green, and respondent Brue knew that impression was false when she created it.
52. Respondent Brue's answer #46 to the Commission's request for comments stated that she believed it was Mr. Green who told Officer Hardy that she was claiming to have been assaulted. That statement was knowingly false because she is the person who told Officer Hardy she was assaulted by Mr. Green.
53. Pages 10-11 and answers ## 37, 45, 50, and 51 of respondent Brue's answer to the Commission's request for comments stated repeatedly that Officer Hardy told both she and her colleague to "go wait by the curb" and that they both waited by the curb. Those statements were false and respondent Brue knew they were false, because

Officer Hardy did not make that statement and respondent Brue and her colleague did not wait by the curb.

54. Respondent Brue's answer #46 to the Commission's request for comments stated under oath that she did not tell any police officers at the scene something that was not truthful. Respondent Brue's answer #55 to the Commission's request for comments denied that she changed her description of what happened. Those statements were false and respondent Brue knew they were false when she made them, in that she had originally and falsely told both Officer Hardy and Trooper Bergsma that it was Mr. Green who grabbed a paper from her, and later acknowledged that he had not done so.
55. Respondent Brue's knowingly false statements to the Commission that are alleged in this count violated the following canons, court rule, and Rule of Professional Conduct:
 - a. Canon 2(A), which prohibits a judge to avoid all impropriety and the appearance of impropriety;
 - b. Canon 2(B), which prohibits conduct that tends to erode confidence in the integrity of the judiciary;
 - c. Michigan Rule of Professional Conduct 8.4(b,) which forbids a lawyer to engage in conduct involving dishonesty.
 - d. Michigan Rule of Professional Conduct 8.4(c), which prohibits a lawyer from engaging in conduct that is prejudicial to the administration of justice.
 - e. Michigan Court Rule 9.104(2), which prohibits a lawyer from engaging in conduct that exposes the legal profession or the courts to obloquy, contempt, censure or reproach.

- f. Michigan Court Rule 9.104(3), which prohibits a lawyer from engaging in conduct that is contrary to justice, ethics, honesty, or good morals.
- g. Michigan Court Rule 9.104(6), which prohibits knowing representation of facts or circumstances surrounding a request for investigation or complaint.

**COUNT THREE – RESPONDENT BRUE’S FAILURE TO COOPERATE
WITH THE COMMISSION**

- 56. Paragraphs 1-35 and 38-54 are incorporated in this count.
- 57. On about October 25, 2021 the Commission sent respondent Brue supplemental questions.
- 58. On about November 12, 2021 respondent Brue informed the Commission that she refused to answer the Commission’s supplemental questions ## 4-8 for the reason that they were similar to questions she had previously answered and were unreasonable.
- 59. Questions ## 4-8 were not the same questions respondent had previously answered.
- 60. The Commission’s supplemental questions were reasonable because they sought relevant, material information.
- 61. Judge Brue’s refusal to answer the Commission’s supplemental questions ## 4-8 as described in paragraphs 57-60 violated MCR 9.202(B)(1)(f), which requires a judge to cooperate with a reasonable request made by the Commission in its investigation.

Pursuant to MCR 9.230(B), an original verified answer to the foregoing complaint, and nine copies thereof, must be filed with the Commission within 14 days after service of the complaint upon respondent. Such answer must contain a full and fair disclosure of all facts

and circumstances pertaining to the allegations. Willful concealment, misrepresentation, or failure to file an answer and disclosure are additional grounds for disciplinary action.

JUDICIAL TENURE COMMISSION
OF THE STATE OF MICHIGAN

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