

STATE OF MICHIGAN 41A1 JUDICIAL DISTRICT 16TH JUDICIAL CIRCUIT	COMPLAINT FELONY	DISTRICT: CIRCUIT: CTN: 96-19900751-01 MSP #: 2019900751
District Court ORI: MI500085J	Circuit Court ORI: MI500015J	AG ORI: MI820025A

THE PEOPLE OF THE STATE OF MICHIGAN v		Victim or complainant:
NEIL KALINA 9415 T12 AVENUE LITTLEROCK, CA 93543		Complaining Witness SA JEFF FRASIER
Co-defendant(s)		Date: On or about 01-01/1982-12/31/1984
City/Twp./Village Shelby Twp.	County in Michigan Macomb	Defendant SID
Charge(s) See Below		Defendant DOB 07/09/1955
		Maximum Penalty See Below

STATE OF MICHIGAN, COUNTY OF MACOMB

The complaining witness says that on the date and at 53600 Mound Road, Utica, MI, the defendant, contrary to law,

COUNT 1: CRIMINAL SEXUAL CONDUCT - SECOND DEGREE (Person Under Thirteen, Defendant 17 years of age or older)

being 17 years of age or older, did engage in sexual contact with John Doe, a person under 13 years of age; contrary to MCL 750.520c(1)(a) and MCL 750.520c(2)(b). [750.520C2B]

SORA NOTICE

This is a Tier III offense under the Sex Offender Registration Act (SORA). MCL 28.722(w)(v).

HIV/STD TESTING NOTICE

Take notice that pursuant to MCL 333.5129, upon bindover to circuit court or recorder's court, the district court judge shall order the defendant to be tested for sexually transmitted infection, hepatitis B infection, and for the presence of HIV or an antibody to HIV if the judge determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.

FELONY: 15 Years and lifetime electronic monitoring; mandatory AIDS/STD testing

COUNT 2: CRIMINAL SEXUAL CONDUCT - SECOND DEGREE (Person Under Thirteen, Defendant 17 years of age or older)

being 17 years of age or older, did engage in sexual contact with John Doe, a person under 13 years of age; contrary to MCL 750.520c(1)(a) and MCL 750.520c(2)(b). [750.520C2B]

SORA NOTICE

This is a Tier III offense under the Sex Offender Registration Act (SORA). MCL 28.722(w)(v).

HIV/STD TESTING NOTICE

Take notice that pursuant to MCL 333.5129, upon bindover to circuit court or recorder's court, the district court judge shall order the defendant to be tested for sexually transmitted infection, hepatitis B infection, and for the presence of HIV or an antibody to HIV if the judge determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.

FELONY: 15 Years and lifetime electronic monitoring; mandatory AIDS/STD testing

COUNT 3: CRIMINAL SEXUAL CONDUCT - SECOND DEGREE (Relationship)

did engage in sexual contact with: John Doe, said victim being at least 13 but less than 16 years of age, and the defendant coerced the victim to submit by exerting his/her authoritative position; contrary to MCL 750.520c(1)(b). [750.520C1B]

SORA NOTICE

This is a Tier II offense under the Sex Offender Registration Act (SORA). It is a Tier III offense if the defendant has a prior conviction for a Tier II offense. MCL 28.722(u)+(v).

HIV/STD TESTING NOTICE

Take notice that pursuant to MCL 333.5129, upon bindover to circuit court or recorder's court, the district court judge shall order the defendant to be tested for sexually transmitted infection, hepatitis B infection, and for the presence of HIV or an antibody to HIV if the judge determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.

FELONY: 15 years; mandatory AIDS/STD testing; DNA to be taken upon arrest.

COUNT 4: CRIMINAL SEXUAL CONDUCT - SECOND DEGREE (Relationship)

did engage in sexual contact with: John Doe, said victim being at least 13 but less than 16 years of age, and the defendant coerced the victim to submit by exerting his/her authoritative position; contrary to MCL 750.520c(1)(b). [750.520C1B]

SORA NOTICE

This is a Tier II offense under the Sex Offender Registration Act (SORA). It is a Tier III offense if the defendant has a prior conviction for a Tier II offense. MCL 28.722(u)+(v).

HIV/STD TESTING NOTICE

Take notice that pursuant to MCL 333.5129, upon bindover to circuit court or recorder's court, the district court judge shall order the defendant to be tested for sexually transmitted infection, hepatitis B infection, and for the presence of HIV or an antibody to HIV if the judge determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.

FELONY: 15 years; mandatory AIDS/STD testing; DNA to be taken upon arrest.

Court shall order law enforcement to collect a DNA identification profiling sample before sentencing or disposition, if not taken at arrest.

The complaining witness asks that defendant be apprehended and dealt with according to law.

Warrant authorized on <u>5/23/19</u>	Date
by <u>Danielle Hagaman-Clark</u>	Date
Danielle Hagaman-Clark (P63017) Assistant Attorney General Criminal Division Mich. Dept. of Atty. General 525 W. Ottawa St., 7th Floor Lansing, MI 48933	
<input type="checkbox"/> Security for costs posted	

<u>[Signature]</u>	Complaining witness signature
<u>5-23-19</u>	Subscribed and sworn to before me on
<u>[Signature]</u>	Judge/Magistrate/Clerk
<u>124301</u>	Bar no.

State of Michigan
41A Judicial District
16th Judicial Circuit

**AFFIDAVIT
IN SUPPORT OF COMPLAINT**

Case No:
District:
Circuit:

THE COMPLAINING WITNESS, ON INFORMATION AND BELIEF, SAYS:

1. I, Affiant, Rick Lutz, am a Detective Sergeant with the Michigan State Police. I have 13 years' experience in law enforcement and criminal investigations. My job duties include the investigation of criminal activity as assigned by MSP.
2. On October 3, 2018, the Michigan Department of Attorney General and the Michigan State Police executed search warrants at each of the seven dioceses of the Catholic Church in the state of Michigan. The search warrants were executed as part of the Department of Attorney General's investigation into allegations of sexual abuse, sexual assault, and the cover-up of these assaults by the Catholic Church.
3. In addition, the Department of Attorney General has received numerous tips regarding sexual abuse committed by Catholic priests, including one relating to John Doe. In response to that tip, investigators interviewed John Doe on two occasions.
4. John Doe was born May 9, 1970. Between 1982 and 1984, when John Doe was between the age of twelve and fourteen, he spent time with Father Neil Kalina, the pastor at St. Kieran Church in Utica, Michigan. On several occasions, Kalina provided John Doe with alcohol and drugs, which included powder cocaine and marijuana.
5. On at least four occasions, John Doe spent the night with Kalina in the rectory at St. Kieran's. On each occasion, Kalina provided John Doe with cocaine or marijuana, which John Doe ingested.
6. On at least two occasions, when John Doe was twelve years old, John Doe woke up to discover Kalina with his hands down John Doe's pants, fondling his genitals.
7. On at least two other occasions, when John Doe was thirteen or fourteen years old, John Doe woke up to discover Kalina with his hands down John Doe's pants, fondling his genitals.
8. Kalina left the state in approximately 1985 and moved to California. He currently resides in San Pedro, California, where he operates a faith-based service program for at-risk young men. Because Kalina has not "usually and publicly reside[d] within the state" since 1986, MCL 767.24, this charge is within the applicable statute of limitations.
9. Based on John Doe's detailed and credible allegations, I am seeking a warrant charging the following:

Count 1 - Second-Degree Criminal Sexual Conduct (under the age of 13)

10. On or about 1982 to May 9, 1983, Neil Kalina, being over the age of 16, did engage in sexual contact with John Doe, a child under 13 years of age; contrary to MCL 750.520c(1)(a).

Count 2 - Second-Degree Criminal Sexual Conduct (under the age of 13)

11. On or about 1982 to May 9, 1983, Neil Kalina, being over the age of 16, did engage in sexual contact with John Doe, a child under 13 years of age; contrary to MCL 750.520c(1)(a).

Count 3 - Second-Degree Criminal Sexual Conduct (position of authority)

12. On or about May 10, 1983, to 1984, Neil Kalina, being over the age of 16, did engage in sexual contact with John Doe, a child who was at least 13 but less than 16 years of age, and the defendant coerced the victim to submit by exerting his authoritative position; contrary to MCL 750.520c(1)(b).

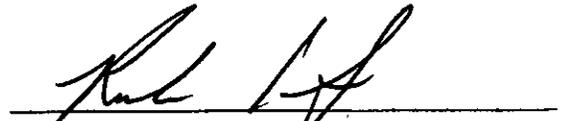
Count 4 - Second-Degree Criminal Sexual Conduct (position of authority)

13. On or about May 10, 1983, to 1984, Neil Kalina, being over the age of 16, did engage in sexual contact with John Doe, a child who was at least 13 but less than 16 years of age, and the defendant coerced the victim to submit by exerting his authoritative position; contrary to MCL 750.520c(1)(b).

Reviewed on: 5/22/19



Danielle Hagaman-Clark, P63017
Assistant Attorney General
525 W. Ottawa St.
Lansing, MI 48909
(517) 335-7650


Rick Lutz (Affiant)

Subscribed and Sworn before me on: 5-23-19
Date

Honorable 
Judge/Magistrate -- 41A District Court