

Simon hearing over, but ruling on trial is months away



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[Karen Bouffard](#), The Detroit News Published 6:00 a.m. ET July 23, 2019 | Updated 9:19 p.m. ET July 23, 2019

Charlotte — Former Michigan State University President Lou Anna Simon's preliminary examination is over, but it's likely to be months before Simon learns if she'll face trial on charges that she lied during a criminal investigation of pedophile Larry Nassar.

Simon's defense team and victims who attended the hearing in Eaton County District Court said they hoped Judge Julie Reincke would rule Tuesday on whether to bind Simon over for trial on two felony and two misdemeanor charges related to whether she knew the content of allegations made against Nassar in 2014.



Ex-Michigan State University president Lou Anna Simon, center, listens during a preliminary hearing at the Eaton County Courthouse in Charlotte, June 11, 2019. (Photo: Cory Morse, AP)

Instead, Reincke asked both sides to submit legal briefs outlining their arguments. The prosecution will have 28 days to file after receiving transcripts of the seven days of testimony, which began in February. The defense then will have 21 days to file its arguments, followed by 14 days for prosecutors to respond to the defense's brief.

Defense attorney Lee Silver expressed frustration with the delay, saying there is "not a shred of evidence" against Simon.

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"I honestly believe this is a witch hunt and terrible miscarriage of justice," Silver said after leaving the courtroom. "We want this over as soon as possible, but if it takes that long to get it right, so be it."

Advocates for some of Nassar's more than 200 sexual assault victims appeared downcast by the delay.

"I'm anxious for all of it to draw to a conclusion," said Tammy Bourque, the mother of victim Alexandra Bourque, one of scores of young women and girls who were assaulted under the guise of treatment by the former MSU sports medicine physician.

"I'd like to see the truth come out," she added. "From what I've heard, I think there's more truth to be told."

Prosecutors allege Simon was informed in a 2014 meeting with Title IX coordinator Paulette Granberry-Russell that Nassar was the subject of a sexual assault complaint, but lied about that knowledge in a 2018 interview with police.

She is charged with four counts of lying to a peace officer — two felonies and two misdemeanors. The felony charges carry up to four years in prison and a \$5,000 fine.

In closing arguments, Assistant Michigan Attorney General Scott Teter said Simon lied to protect her own and the university's reputation, and to shield MSU from criminal and civil liability.

In his 90-minute closing argument, Silver methodically sought to poke holes in Teter's arguments, saying Simon was truthful and had no reason to lie to police. He accused Michigan State Police detectives Joseph Cavanaugh and William Ardnt of conducting a "sloppy" investigation that produced no evidence.

"Their whole case hangs by the threads of speculation, conjecture and assumption," Silver told the judge. "And you are the gatekeeper, your honor. I ask you to bring Dr. Simon's nightmare to an end by ending this case right here, right now."

The former MSU president has maintained she was informed that a sports doctor was under review in 2014, but didn't know it was Nassar until 2016, when the media reported his name.

"If Dr. Simon had said 'I know the name of the doctor and it's Larry Nassar,' how would that have resulted in any criminal liability?" Silver argued. "That leaves us with civil liability. Nobody has testified that Dr. Simon would have been exposed to civil liability.

"If she said 'I knew all of that,' how would that make her criminally or civilly liable? It doesn't make any sense."

Reincke said June 11 she had reviewed documents indicating there was "probable cause" that Simon "knew what was going on" with the 2014 complaint filed against Nassar by Amanda Thomashow, who was the first to file a formal complaint regarding the sports doctor at MSU.

Thomashow alleged that Nassar had massaged her breast and labia during an appointment for a cheerleading injury. The university's investigation concluded with a "no finding" determination.

It later emerged that Nassar assaulted hundreds of young women similarly under the guise of medical treatment.

In his response to Silver's closing statement, the prosecutor said the judge has a responsibility to bind Simon over for trial if there's any evidence in support of the charges against the former university president.

"We're here (to decide) probable cause," Teter said. "Not shadow of a doubt."