EXHIBIT R

A Tale of Two Prosecutors - The Ludington Torch

Upper Peninsula: No Prosecution for Hate-Inspired, Violent Terroristic Threat



Third year Michigan Tech University mechanical engineering student Matthew Schultz (above) was arraigned on November 16, 2015 at the Houghton County Courthouse after making what many people would call a 'terrorist threat' on Yik Yak. Yik Yak is a social media smartphone application that allows people to anonymously create and view discussion threads among those within a 5-mile radius. The threat Mr. Schultz allegedly made was "Gonna shoot all black people".

The 21 year old from Norway, Michigan, a city where there may be no black people (0.2% are 'other race or mixed') was charged with "disturbing the peace" (a 90 day misdemeanor) rather than the more serious charge of making a terrorist threat (a 20 year felony), because the prosecutor decided that the existing evidence did not support it, and left it open to either amend the charge or drop the charge altogether, depending on what was found with then-unfinished forensics of the student's tech devices.

Shortly thereafter, the prosecutor issued a statement, declaring that the student's effects were searched and there appeared to be no "obvious evidence of motive or intent". He noted the Michigan Anti-Terrorism Statute (MATS) contains a definition of terrorist act which requires more than a threat of violence, it has an intent or motive element. Because of the lack of intent or motive, Schultz would not be charged under MATS unless more was found in his computers under forensic examination that showed otherwise.

a added his final determination would not be based on emotion, but based solely on law and facts. Many vocal students had marched in protest over the lenient misdemeanor charge before Thanksgiving.

On December 7, Prosecutor Michael Makinen decided to drop all charges against Schultz, claiming that while

Case 2:16-cv-00203-GJQ-TPG ECF No. 1-18 filed 09/06/16 PageID.84 Page 3 of 3 authorities take the situation very seriously, the action did not merit a terrorism charge, nor did the evidence suggest the lesser misdemeanor. He noted the case remains under investigation and Schultz may be recharged if further evidence of wrongdoing is discovered.

The prosecutor and the media did not explicitly say so, but there appears to be little dispute as to Schultz's authorship of the Yik Yak post that said he was going to shoot all black people.