

OAKLAND COUNTY

Parents seek justice for son's death amid claims of prosecutorial misconduct



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A couple's attempt to get justice for their son's death has devolved into accusations by the grieving parents and Oakland County prosecutors that court proceedings were tainted by prosecutorial misconduct, although the two sides disagree about which public official allegedly committed the offense.

A Wayne County jury in August [awarded \\$75 million](#) to the estate of Denis Preka, a 21-year-old University of Detroit Mercy student who died March 19, 2019, after his friends reportedly slipped him a heavy dose of drugs. They posted Snapchat videos of his incoherent spiral into death while mocking him, forcing coffee down his throat and pouring water on his head.

Since the lawsuit was resolved in Wayne County Circuit Court, Preka's parents, Linda and James Thom, have been pushing for criminal charges to be filed against the two men who were found civilly liable for Preka's death — Nicholas Remington and Paul Wiedmaier — and Connor Gibaratz, who was named as a defendant in the lawsuit before the judge dismissed the charges against him.

Michigan Attorney General Dana Nessel's spokesman, Danny Wimmer, told The Detroit News the Attorney General's office has received information from the couple and is considering whether to file charges in connection with their son's death, which, according to an Oakland County Medical Examiner's autopsy, was caused by severe edema and congestion of his brain and lungs from drug intoxication.

A month after Preka died, Remington was charged with delivery of a controlled substance causing death, which is punishable by up to life in prison. Remington was incarcerated in the Oakland County Jail in lieu of \$1 million bond, before Oakland County prosecutors dropped the charges in 2022 because they said former Assistant Prosecutor Beth Hand had withheld evidence in the case.

Hand, who was elected Mason County prosecutor in west Michigan Tuesday, did not respond to a phone call seeking comment. Remington's attorney, Neil Rockind, declined to comment.

Gibaratz's attorney, Ben Gonek, pointed out that his client was acquitted in the civil trial and called any allegations against him "nonsense."

"The judge in the civil case found that there was no evidence whatsoever to establish that Connor had anything to do with Denis Preka's death," Gonek said in a text message. "As such, she dismissed the case against Connor."

While Linda and James Thom said they're encouraged Nessel's office is reviewing the case, they said they also want Oakland County Prosecutor Karen McDonald and Assistant Prosecutor Marc Keast to be held accountable for allegedly withholding evidence in the case to return a political favor.

"This case was never about not having enough evidence," James Thom said. "It's about the way the prosecutors messed this case up, which appears to have been done on purpose."

The Thoms last month [started a change.org petition](#) calling for McDonald and Keast to be removed from office because they allegedly "lied to and manipulated (a judge) by withholding evidence" during an April 15, 2021, hearing in Oakland County Circuit Court.

Linda Thom accused McDonald and Keast of dropping the charges against Remington because his attorney, Rockind, donated to McDonald's 2020 political

campaign. Rockind [donated \\$7,150 to McDonald in October 2020](#), campaign finance records show, with his wife donating an additional \$8,325 to the prosecutor in April.

"Before I took office and before Marc Keast was assigned to this case, the prior assistant prosecutor withheld evidence. When we discovered that, we were required to disclose it to the defense attorney and the court," McDonald said in a Monday statement.

"The judge found that the prior assistant prosecutor committed a serious Brady violation and suppressed evidence that was needed to prove our case beyond a reasonable doubt. We were ethically required to dismiss the case.

"Our office operates with the utmost integrity at all times, and the suggestion that campaign donations play any role in those decisions is outrageous."

[During the April 15, 2021, hearing](#), McDonald and Keast said former Assistant Prosecutor Hand had withheld information about messages that were sent from Remington's Snapchat account in September 2019 while he was in jail. Remington's attorney argued the messages showed his client's Snapchat account was not secure and that anyone could have sent the messages and posted the video the night Preka died. The judge agreed and ordered the videos could not be used as evidence.

"Ms. Hand's failure to produce the discovery and blatant misrepresentation to the Court at the preliminary exam, is nothing short of intolerable due process violations," [Valentine wrote in her May 21, 2021, order](#).

Parents take claims public

But Linda Thom said McDonald and Keast hid from Judge Valentine a Novi police report listing geo-tracking data and messages investigators received in November 2019 after sending a warrant to Snap Inc. According to the report, GPS and internet protocol data showed Remington's account was accessed from Gibaratz's Northville home on Sept. 26, 2019, along with a message from Remington's account that referenced "letting me use ur Snap."

"These files include inculpatory evidence that clearly shows Connor Gibaratz logged into Remington's account, the Snapchat came from Gibaratz's home address while Remington was in jail, and the communication transcripts between Gibaratz and Snapchat users where Gibaratz admits to using the account," the Thoms wrote on their change.org petition. "Keast withheld all this inculpatory evidence from Judge Valentine and started his journey to get a murderer out of jail."

[According to the Novi police report](#), Snap Inc. provided the messages and geo-tracking data to Novi investigators on Nov. 21, 2019, more than a year before the April 15, 2021, hearing before Judge Valentine.

"You tell me why the prosecutors didn't tell the judge that one of the people who was with my son on the night he died logged into his account to cover for him," Linda Thom said. "The prosecutors were working with the defense attorney because their goal was to release Nick Remington, not to get justice for my son."

[More than 1,600 pages of files](#) the Thoms obtained from Oakland County prosecutors through a public records request have been posted to their change.org page. The records show the Novi police report was part of the evidence package that had been gathered by prosecutors before they dropped the case. The Novi Police Department did not return a phone call seeking comment.

Linda Thom said Hand learned of the Snapchat messages that had been sent from Remington's account while he was in jail because her husband showed the former assistant prosecutor a message on his cellphone that had been forwarded by Preka's friend.

"(Hand) had no way of knowing for sure if that message was real," she said. "It was hearsay information — someone showed her a screenshot of what they said was a Snapchat message. How can they say (Hand) withheld that information, when she hadn't yet verified it?"

During the April 15, 2021, court hearing, Keast told Valentine he had only recently learned from Rockind that Hand, who had worked for former Oakland County Prosecutor Jessica Cooper before voters replaced her with McDonald in November 2020, had hid evidence of the Snapchat messages that were sent while Remington was in jail.

"There was a report that I asked (former Novi Police Detective Sgt. Steve Balog) to author when Mr. Rockind made me aware of (the withheld evidence)," Keast told the judge, according to a hearing transcript. "I asked him if he had written a supplemental report regarding that; he indicated he did not. I told him to write one and send it to me. When he did, I turned it over to defense counsel."

Linda Thom said the supplemental report Keast referenced doesn't exist.

"It's not in any of the files the prosecutor sent us, and we asked for everything that's in the case file," she said. "The prosecutors told us they sent us the whole file, but there's no supplemental reports. I've been asking everyone: Where are these supplemental reports? You go ask them where they are because nobody will tell me."

What the video shows

Preka was a business major who was cramming for a test at his friend Wiedmaier's Novi home the night of March 18, 2019, when Preka reportedly asked for Adderall to help him study.

According to court records, Wiedmaier called Gibaratz and Remington, who police and prosecutors said was a known drug dealer. Remington and Gibaratz allegedly gave Preka MDMA and MDA instead of Adderall, authorities said. According to the civil lawsuit, the men gave Preka the wrong drugs because they thought it would be funny to watch his reaction.

At some point, as Preka began feeling the effects of the high drug dosage, a series of videos were broadcast over a four-hour period to Snapchat from Remington's account under the screen name "Hulkolas." Since the videos were posted in Snapchat's My

Story area, they would have been deleted after 24 hours. But a friend who was horrified after seeing the videos preserved some of them and forwarded them to police.

The videos, which were reviewed by The News, show multiple off-camera people taunting Preka as he succumbs to the effects of the drugs. In one clip, Preka rocks back and forth on a chair with his head thrown back while people cheer, and one man tells him, 'This is the best moment of your life, damn it.' In another clip, someone pours water on Preka's head.

While the videos were being broadcast, several people sent messages to Remington's account asking what drugs he had given the victim, according to police and prosecutors. The responses: "Methylone some Moll," which are references to MDA and MMDA, or "Molly."

Linda Thom said she doesn't want to release the videos to the public yet because they might taint the case should criminal charges be filed, although she said she'll release the videos afterward, "so the world can see how cruel this was."

Preka died at about 2 a.m. on March 19, although nobody dialed 911 to report the death until 9 a.m., according to the civil lawsuit.

Remington was arrested and arraigned June 12, 2019, in Novi's 52-1 District Court on charges of delivery of a controlled substance causing death.

In setting a \$1 million cash bond with no 10% requirement to get bail, Magistrate Andra Richardson said, "You're on a probation for a drug offense and now someone has died as a result of these drugs. ... I do find you to be a danger to our society and to safety of the public."

District Judge Travis Reeds bound the case over for trial on Oct. 16, 2019. After the COVID pandemic hit a few months later, the case was dormant for months.

After Keast took over the case in January 2021 following McDonald's election as prosecutor and learned that Hand had allegedly withheld evidence, he asked the court in March 2021 to have Remington's bond removed. Judge Valentine ordered the defendant released on a tether.

Nearly a year later, on Feb. 18, 2022, McDonald sent a letter to the victim's parents, informing them of her decision to drop the charges against Remington. McDonald said in the letter the decision was made because Remington's Snapchat account wasn't secure, although the prosecutor didn't mention the allegations against Hand.

Linda Thom insisted justice has not been served.

"My son was murdered, and nobody has gone to jail for it," Thom said. "There's something wrong with our system if someone can get away with murder, and prosecutors can get away with lying. All I know is I'm going to find justice for my son. In this great country, no one is above the law."

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