

**STATE OF MICHIGAN
IN THE SUPREME COURT**

In re Parole of RICHARD MCBRAYER #235965

THE PEOPLE OF THE STATE OF MICHIGAN
Appellee, Supreme Court No. 164311
Court of Appeals No. 357720
16th Circuit Court No. 20-000063-AP

v.

RICHARD MCBRAYER #235965
Appellant

MICHIGAN PAROLE BOARD
Appellant-Intervenor
Appellant-Intervenor

APPELLEE
PETER J. LUCIDO (P41237)
PROSECUTING ATTORNEY
MACOMB COUNTY MICHIGAN

JOSHUA ABBOTT (P53528)
CHIEF OF APPEALS

BY: TODD SCHMITZ (P46435)
ASST PROSECUTING ATTY
1 SOUTH MAIN ST. 3rd Floor
MOUNT CLEMENS, MI 48043
586-469-6453
todd.schmitz@macombgov.org

APPELLANT
RICHARD MCBRAYER #235965
C/O JACQUELINE OUVERY
(P71214)
ASSISTANT DEFENDER
STATE APPELLATE DEF. OFFICE
3031 W. GRAND BLVD. STE 450
DETROIT, MI 48202
(313)-256-9833

APPELLANT-INTERVENOR
H. STEVEN LANGSCHWAGER
ASST ATTORNEY GENERAL
ATTY FOR MI PAROLE BOARD
CRIMINAL APPELLATE DIV.
P.O. BOX 30217
LANSING, MICHIGAN 48909
517-335-3055

APPENDIX TO PLAINTIFF-APPELLEE'S BRIEF ON
MINI-ORAL ARGUMENT ON APPEAL
ORAL ARGUMENT REQUESTED

January 17, 2023

Order

Michigan Supreme Court
Lansing, Michigan

April 3, 2018

Stephen J. Mackman,
Chief Justice

156613

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Kurtis T. Wilder
Elizabeth T. Clement,
Justices

In re Parole of RICHARD McBRAYER,

T. H.,
Appellee,

v

SC: 156613
COA: 336084
Macomb CC: 2016-001586-AP

RICHARD McBRAYER,
Appellee,

and

MICHIGAN PAROLE BOARD,
Intervenor-Appellant.

On order of the Court, the application for leave to appeal the August 29, 2017 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court.

VIVIANO, J., not participating due to a familial relationship with the presiding circuit court judge in this case.



s0326

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court

April 3, 2018

Clerk

K-2
407

MICHIGAN DEPARTMENT OF CORRECTIONS
PRESENTENCE INVESTIGATION REPORT

CFJ-145 1/90
4835-6145

Honorable MARY A. CHRZANOWSKI County Macomb Sentence Date 3-2-94
Docket 93-2894-FC Attorney Al Markowski Appt. Retained _____
Defendant RICHARD ALLEN McBRAYER Age 36 D.O.B. 10-07-57

CURRENT CONVICTION(S)

Final Charge(s)	Max.	Jail Credit	Bond	Proposal B
1. <u>Criminal Sexual Conduct - First</u>	<u>Life</u>	<u>150 days</u>	<u>N/F</u>	<u>N/A</u>
2. <u>Criminal Sexual Conduct - First</u>	<u>Life</u>	<u>150 days</u>	<u>N/F</u>	<u>N/A</u>
3. _____	_____	_____ days	_____	_____

Convicted by: Plea Jury _____ Judge _____ Plea Under Advisement _____ Nolo Contendere _____ HYTA: Yes _____ No
Plea to Docket #93-2894-FC

Conviction Date 1-13-94 Plea Agreement Dismiss Docket #93-2895-FC.

Pending Charges: None Where N/A

PRIOR RECORD

Convictions: Felonies Misdemeanors Juvenile Record: Yes _____ No
Probation: Active Former Pending Violation N/A
Parole: Active Former Pending Violation N/A
Current Michigan Prisoner: Yes _____ No Number N/A
Currently Under Sentence: Offense None Sentence N/A

PERSONAL HISTORY

Education 12th Grade Employed Yes Where M.J. Recoveree, Inc.
Psychiatric History: Yes _____ No Physical Handicaps: Yes _____ No Marital Status Divorced
Substance Abuse History: Yes No _____ What Alcohol; Marijuana How Long Teens.

RECOMMENDATION

COUNT I:

80 months to 480 months incarceration in the custody of the Michigan Department of Corrections. [Credit for 150 day[s]].

COUNT II:

80 months to 480 months incarceration in the custody of the Michigan Department of Corrections. [Credit for 150 day[s]].

The defendant shall pay \$60 to the Crime Victim Rights Service Fund.

Estimated Cost = \$364,525.00]

SENTENCE GUIDELINE RANGE: 96 TO 240 MONTHS.

Agent Helen E. Kaczperski/j Appellee's Appendix 2B Date 2-28-94 C-1 2

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PAGE ONE
PRESENTENCE REPORT ON RICHARD ALLEN McBRAYER
FOR THE HONORABLE MARY A. CHRZANOWSKI

* * EVALUATION AND PLAN * *

On January 13, 1994, defendant's plea to the principal charges under Docket #93-2894-FC were accepted by Your Honor. Plea bargain agreement includes dismissal of Docket #93-2895-FC. Defendant is represented by Court-appointed Counsel, Al Markowski. Defendant remains incarcerated, having accrued 150 days jail credit.

The information provided by the now fourteen and a half year old victim, within this incident, is extensive and impressed as appalling. This criminal sexual behavior is alleged to have begun when the victim was twelve years old, until fourteen and a half. She is emotionally traumatized and will require extensive therapy.

Thirty-six year old, Richard Allen McBrayer, indicates, that upon his ultimate release, he will be offered a home with a Mr. Richard Dries, a friend, who resides at 3001 Champine, St. Clair Shores, Michigan, 48082. Mr. McBrayer appears to have average or better intelligence, an adequate education, and a creditable work history. There appears to have been no major substance abuse problem. McBrayer, though extremely emotional, was quite candid and cooperative throughout the investigation.

Recommendation on each Count is 180 to 480 months, credit 150 days.

* * INVESTIGATOR'S DESCRIPTION OF THE OFFENSE * *

Specifics included in the underlying basis in this instance happened during an established pattern of sexual abuse, starting shortly after the 12-year-old victim's mother married in 1990. This continued until 1993, when Tiffany was approximately 14-1/2 years old. The victim related that the last incident happened approximately three days prior to her mother "kicked out" her step-father on 9-16-93, at their residence at 36426 Weideman, Clinton Township, Michigan, 48035, where she lived with her mother, step-father, sister, and grandparents.

Tiffany related that on this occasion, she had taken her clothes off, and he had hugged her and talked to her about how he loved her. He then talked of how he liked to please a girl before he had sex with her, which meant to Tiffany, as it had on many other occasions, oral sex. He engaged in oral sex with her, licking her vagina, and upon accomplishing this, the victim dropped to her hands and knees. The defendant then placed his penis into her vagina, and ejaculated inside of her.

PAGE TWO
PRESENTENCE REPORT ON RICHARD ALLEN McBRAYER
FOR THE HONORABLE MARY A. CHRZANOWSKI

The victim advised that she cleaned herself up in a downstairs bathroom, as did the defendant.

* * VICTIM IMPACT STATEMENT * *

Tiffany provided a statement to this agent in reference to this issue. Along with this, came a note from her mother, Stacy, which is attached for Your Honor's convenience. The note indicates required therapy and the extent of emotional trauma that Tiffany continues to experience.

* * OFFENDER'S PERSONAL HISTORY * *

The offender, in tears, admitted his behavior with Tiffany, and openly acknowledged the expectation to pay for his actions.

* * PRIOR CRIMINAL RECORD * *

Juvenile:

None

Adult:

None

Pending Charges:

None

Adjustments:

Since the defendant's incarceration in the Macomb County Jail, he has had no misconduct notations. He has sought and received assistance through the St. Joseph's Mental Health Unit within the County Jail. He receives no specific medications.

* * MARRIAGE AND FAMILY * *

Father

Alan Leroy McBrayer, died at the age of 56 in 1980 of a heart attack. Mr. McBrayer had been a carpenter.

PAGE THREE
PRESENTENCE REPORT ON RICHARD ALLEN McBRAYER
FOR THE HONORABLE MARY A. CHRZANOWSKI

Mother Thelma Burneil McBrayer, currently age 80, shares residences with her various children, moving recently from Pensacola, Florida to Jackson, Mississippi. She is in fair health.

Defendant advised his parents divorced when he was approximately ten years old. His father remarried when he was approximately age 12, however, he could relate little information about the father's wife.

Brother Bill Strength, late-50's, divorced, father of six grown children, resides at 952 Hook Street, Jackson, Mississippi, 39212. It is with Bill, that the defendant's mother recently moved.

Sister Farria Ham, mid-50's, per defendant, is married, however, husband's name unknown. He advises his sister lives at 2600 West Michigan Avenue, Pensacola, Florida, 32526. Defendant described his sister as a computer operator and a mother of three grown children.

Sister Ann Rutherford, mid-50's and husband, Robert, reside at 7999 County Road 24, Clanton, Alabama, 35045. Per defendant, his brother-in-law Robert, is a disabled aircraft mechanic, and his sister a seamstress. The couple have three grown children.

Born in Birmingham, Alabama, defendant resided with his parents until their separation, and then with his mother until he was approximately age 15.

* * EMPLOYMENT * *

The defendant worked as a Court-officer with the Warrant Divisions of Livonia's 46th District Court and Grosse Pointe Farms, 32-B District Court, through a sub-contracted service called M. J. Recoveree, Inc., from 1992 until October, 1993. Defendant also, during the same time, worked for Pro Mark, Sterling Heights, Michigan, from September, 1991 through October, 1993. Defendant further had been employed by Mt. Clemens General Hospital for a time, and for Eastland Private Police, from September, 1989 through January, 1991.

Defendant advised that he has been told by his family members that he can obtain employment, upon ultimate release, with his brother's construction company in Mississippi.

PAGE FOUR
PRESENTENCE REPORT ON RICHARD ALLEN McBRAYER
FOR THE HONORABLE MARY A. CHRZANOWSKI

* * EDUCATION * *

Defendant attended Lakeshore High School, graduating in 1978. He indicated he attended Clanton Jr. High School, and Thornsby Elementary School, both in Alabama. He described a history of frequent moves, and attending numerous schools.

Defendant advised he attended Macomb County Community College, obtaining nine credit hours.

* * SUBSTANCE ABUSE * *

The defendant denies, and records verify, no specific substance abuse evidence. He admits to experimenting with alcohol and marijuana at age 13 or 14.

* * MENTAL AND PHYSICAL HEALTH * *

Defendant professes to be and appears to be in good mental and physical health at the present time. He acknowledges he has a problem with Carpal Tunnel Syndrome in his right arm.

Defendant acknowledges he has had HIV testing, January 17, 1994, with negative results.

Defendant advised that at the age of 15, at his father's request, he was taken for counseling, he believes resulting from the numerous moves within his mother's home. He indicates this lasted for approximately six visits, and recalled little about the outcome. In October, 1993, when first arrested, defendant was seen at the Macomb County Jail by the St. Joseph's Mental Health Unit as an intervention measure.

HEK/jb

EXHIBIT D

**Resume of
Richard McBrayer**
from MDOC
Central Office File

RESUME OF

RICHARD A. MCBRAYER
27851 Metro Villa Ct. #111D
Mt. Clemens, MI 48045
(313) 954-9617

EMPLOYMENT OBJECTIVE:

Law Enforcement Officer with opportunity for advancement within the department. Desires long term employment with a department seeking Officers that are mature and dedicated to the fulfillment of their responsibility as sworn Officers of the Law.

EDUCATIONAL & VOCATIONAL TRAINING & CERTIFICATION:

- 1978 DIPLOMA: Lake Shore High School.
- 1981 REGISTERED BLACK BELT: 1st degree
KARATE STYLE: Tang Soo Do
- 1983 REGISTERED BLACK BELT: 2nd degree
KARATE STYLE: Tang Soo Do
- 1985 Member of the United States
International Tang Soo Do
Karate Team.
- 1987 Residential Builder & Contractor:
Licensed to date.
- 1989 LAW ENFORCEMENT CERTIFICATION IN:
Pressure Point Control Tactics.
American Red Cross First Aid & CPR.
- 1990 OAKLAND POLICE ACADEMY: Oakland
Community College. Certified Police
Officer pursuant to Act 330.
See attachments for Certificates.
- 1990 FIRE FIGHTING & SCIENCE TRAINING:
Training through Harper Woods
Fire Department.
- 1990 LAW ENFORCEMENT CERTIFICATION
MAINTENANCE COURSES COMPLETED
PURSUANT TO ACT 330.

Resume of
Richard A. McBrayer
Page 2

WORK EXPERIENCE:

1989 - 1991

CERTIFIED POLICE OFFICER: Eastland Private Police Department, 18000 Vernier Road, Harper Woods, MI 48225.
Supervisor: Lt. Ronald Race.
Duties: The enforcement of Federal, State, and City ordinances and laws. The prevention, detection and investigation of crimes. Processing of subjects in custody and the protection of persons and property.

1978 - 1989

BUILDER AND SUB-CONTRACTOR: Self-employed McBrayer Construction Company, 13 Sheridan, Mt. Clemens, MI 48043.
Duties: The sale of contracts, bookkeeping payroll. To hire, supervise and manage work crews. Cost and quality control. The company addressed all areas of Building custom homes and home improvements.

REFERENCES:

Randy Skotarczyk
Sgt. with Harper Woods Police Dept.
20306 Woodmont, Harper Woods,
Michigan 48225
(313) 886-5645

Amy Digon
Matron - Macomb Co. Sheriff Dept.
17432 Kings Brooke #103
Mt. Clemens, MI 48045
(313) 228-8006

Kim Sumpter
Finance officer - MI Dept. Soc. Serv.
13 Sheridan, MT. Clemens
Michigan 48045
(313) 463-4226

Resume of
Richard A. McBrayer
Page 2

WORK EXPERIENCE:

1989 - 1991

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Supervisor: Lt. Ronald Race.
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1978 - 1989

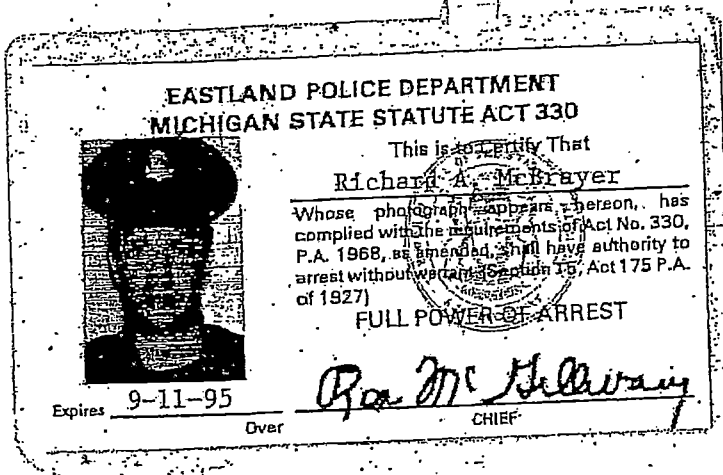
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Finance officer - MI Dept. Soc. Serv.
13 Sheridan, MT. Clemens
Michigan 48045
(313) 463-4226



Richard McBrayer

Name Richard McBrayer

Degree 2nd Dan

This card is valid for one (1) year from date of issue.

Date of Issue 1-83

[Signature]
Membership Committee

7/2023

022423

IDENTIFICATION CARD

NAME: Richard, A. McBrayer

GRADE: 2nd Dan

DATE ISSUE: April 10, 1981

THIS IS TO CERTIFY THAT BEARER OF THIS IDENTIFICATION IS A MEMBER OF KOREAN TANG SOO DO ASSOCIATION MOO-DUCK KWAN

ISSUED BY PRESIDENT

Hwang Kee

D-6 13

TCC CENTER COMPANIES, INC.

Oath of Office

I, RICHARD MCBRAYER, do solemnly swear that I am a citizen of the United States, that I am over twenty-one years of age, that I have not been under sentence of a felony for five years, and that I have never been dishonorably discharged from the Armed Forces of the United States.

I do further swear that I will perform my duties according to Section 30 of Act 330, P.A. 1968, to the best of my ability, and will protect and serve the people of this state in accordance with the rules and regulations of TCC CENTER COMPANIES, INC.

Richard D. McBrayer

Officer Signature

APPOINTMENT

By virtue of the authority vested in me by Act 330, P.A. 1968, and the Director of the Michigan State Police, I hereby appoint the above named person as a Private Security Police Officer.



Signed this 19TH day of JUNE
in the year one thousand nine hundred 90

Frederick P. Metz

Commanding Officer
Private Security & Investigator Section

AUTHORITY: P.A. 330 of 1968
COMPLIANCE: Voluntary

EXHIBIT N

**Transcript of
Sentencing Hearing,
93-2894-FC, 04/02/1994**

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STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB
THE PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff,
-VS- No. 93-2894-FC
RICHARD A. MC BRAYER,
Defendant.

SENTENCE

BEFORE THE HONORABLE MARY A. CHRZANOWSKI
Mount Clemens, Michigan - March 2, 1994.

APPEARANCES:

ERIC SMITH

On behalf of the People

ALBERT MARKOWSKI

On behalf of the Defendant

FILED
MAR 2 1994
CLERK OF COURT
MOUNT CLEMENS, MICHIGAN

EX-101
N-1 16

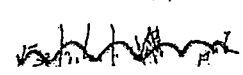
1 So therefore in obedience to this, I submit
 2 myself to the Court with the understanding that I
 3 must be punished for my crime. I pledge to the Court
 4 to be a model prisoner and to obey all rules and
 5 regulations during my incarceration. I beg the
 6 Court's mercy and understanding if that's possible.
 7 And I sincerely apologize to the Court and to the
 8 people at whose expense I'm here and that my ability
 9 to live a law abiding citizen is not excusable.
 10 Thank you.

11 THE COURT: The policy of State of Michigan
 12 favors individualized sentencing for every convicted
 13 defendant. The sentence must be tailored to fit the
 14 particular circumstances of the case and the
 15 defendant.

16 In determining this particular sentence for
 17 this particular defendant, the Court has gathered
 18 complete and detailed information by the defendant.
 19 The Court is satisfied with the reliability of the
 20 information received, it is satisfied that it is
 21 reasonably up to date, has determined it is competent
 22 as a sentencing consideration, and has resolved any
 23 challenges as to its accuracy in favor of the
 24 defendant.

25 I don't know how you can stand up there, Mr.

Mary T. Nader-Cimini
 Official Circuit Court Reporter
 CSR-2643

10 N-2 17


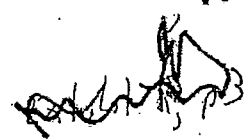
1 McBrayer, and tell me that you're not an animal.
 2 This letter written by Tiffany is the most disgusting
 3 letter that I have ever read in my entire life. You
 4 are the most disgusting individual that has ever
 5 stood in front of me.

6 And with her permission, maybe I ought to
 7 take and remind you of the brutality that you caused
 8 upon her body, and you dare to stand up here and tell
 9 me that a human being act in that manner. I have
 10 never been so disgusted in my entire life.

11 For you to take away this child's life, to
 12 put her through this pain, I just -- I didn't sleep
 13 after I read this letter, and I didn't even have to
 14 endure what she endured. "He grabbed my head and
 15 forced me to have oral sex on him. He tried to have
 16 an orgasm in my mouth."

17 There's one very disgusting episode here that
 18 I have to find because I want to place it on the
 19 record. You took her to a motel room, you abused her
 20 in a hot tub, you made her drink alcohol, you held
 21 her underneath water in the hot tub, pulled out a
 22 sucker and proceeded to stick the sucker into her
 23 vagina. And I don't even want to begin to talk about
 24 the stick shift in the car.

25 THE DEFENDANT: It's not true.

N-3

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THE COURT: Because that is disgusting.

THE DEFENDANT: It's not true.

THE COURT: It is the sentence of this Court -- and I'd like to also say for the record that the sentencing guideline range on the minimum is 96 to 240 months.

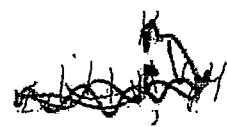
It is the sentence of this Court that you serve 20 to 40 years in the state prison for the Michigan Department of Corrections on both counts. They are to run concurrently. If within the bounds of law I could give you more time, I would. You'll be given credit for a 150 days.

In determining the sentence for this particular defendant, the Court has considered the disciplining or punishment of the wrongdoer, the protection of society, potential for rehabilitation of the defendant, and the deterring of others from committing like offenses.

This Court advises you that you are entitled as a matter of constitutional right to appellate review of your conviction. If you are financially unable to provide counsel to perfect such appeal, this Court will appoint counsel for you. Request for assistance of counsel must be made within 42 days. My clerk is handing you the form to make such

Mary T. Nader-Cimini
Official Circuit Court Reporter

CSR-2643

N-4

19

STATE OF MICHIGAN
MACOMB COUNTY CIRCUIT COURT

TIFFANY HENDERSON,

Appellant,

vs.

RICHARD McBRAYER, #235965

Appellee,

and

MICHIGAN PAROLE BOARD,

Intervening-Appellee.

Case No. 2016-1586-AP

2016 NOV 18 P 2 40
CARMELLA SABAUGH
MACOMB COUNTY CLERK
M. CLEHENS, MICHIGAN

FILED

OPINION AND ORDER

Appellant Tiffany Henderson appeals by leave granted the Michigan Parole Board's decision to parole Richard Allen McBrayer.

I. Background

McBrayer was originally charged with five counts of criminal sexual conduct involving Henderson when she was only 12-14 years old. See *People v McBrayer*, Case Nos. 1993-2894-FC (two counts of first-degree criminal sexual conduct) and 1993-2895-FC (two counts of first-degree criminal sexual conduct and one count of second-degree criminal sexual conduct). On January 13, 1994, McBrayer pled guilty to the two counts of first-degree criminal sexual conduct in Case No. 1993-2894-FC in exchange for dismissal of Case No. 1993-2895-FC. He was sentenced March 2, 1994 to concurrent terms of 20-40 years with credit for time served of 150 days.

On January 11, 2011, the Parole Board issued a Notice of Action that it would parole McBryer. People appealed on February 8, 2011. *Smith v McBryer*, Case No. 2011-0542-AP. An *Opinion and Order* dated August 8, 2013 reversed the Parole Board's decision.

On October 15, 2015, the Parole Board again decided to parole McBryer with a projected parole date of January 5, 2016. McBryer was actually paroled January 26, 2016.

On May 9, 2016, Henderson moved for a stay of McBryer's parole and for leave to appeal the Parole Board's decision to parole McBryer. An *Order as to Intervention* was signed June 3, 2016, allowing the Parole Board to intervene. An *Opinion and Order* dated July 27, 2016 denied Henderson's motion for a stay of McBryer's parole. An *Order of Granting Delayed Application for Leave to Appeal and Sealing Victim Material* was signed August 16, 2016. Henderson now appeals. Oral argument on Henderson's appeal was heard by the Court on October 24, 2016.

II. Standard of Review

MCR 7.118(H)(3) provides:

The appellant has the burden of establishing that the decision of the parole board was

- (a) in violation of the Michigan Constitution, a statute, an administrative rule, or a written agency regulation that is exempted from promulgation pursuant to MCL 24.207, or
- (b) a clear abuse of discretion.

An abuse of discretion occurs when the Parole Board's decision is outside the range of reasonable and principled outcomes. *In re Parole of Elias*, 294 Mich App 507, 538; 811 NW2d 541 (2011). "[A] reviewing court may not substitute its judgment for that of the Board." *Id.* at 538-539.

III. Record

The Presentence Investigation Report stated:

The information provided by the now fourteen and a half year old victim, within this incident, is extensive and impressed as appalling. This criminal sexual behavior is alleged to have begun when the victim was only twelve years old, until fourteen and a half. She is emotionally traumatized and will require extensive therapy.

At McBrayer's sentencing, he denied—despite pleading guilty—the truthfulness of some of Henderson's myriad allegations of sexual misconduct.

McBrayer's March 15, 1994 intake psychological review notes he stated "his stepdaughter initiated the sexual relationship"; he also claimed to have been a victim of sexual abuse as child, to have had sex with a cousin as a child and to have had prior suicidal ideations. He was described as demonstrating "an impaired ability to make reasonable life decisions". His Minnesota Multiphasic Personality Inventory-2 (MMPI-2) scores indicated a tendency to be "narcissistic, self-centered, selfish, egocentric, insensitive to the needs and feelings of others,...aggressive and resentful" as well as to "engage in asocial and antisocial acts including lying, cheating, sexual acting out;...blame family members for difficulty;...[be] impulsive and strive for immediate gratification of impulses;...tend to act without considering the consequences of their actions, who show poor judgment and take risk". McBrayer's Draw-A-Picture (DAP) assessment signaled "anxiety, aggressiveness, impulsivity, sexual preoccupation, sexual conflict, feelings of sexual inadequacy, covert hostility, emotional immaturity, dependency needs[and] evasiveness". The psychologist concluded McBrayer's "prognosis for successful community reentry is guarded" and sex offender therapy was recommended.

McBrayer was originally screened on March 16, 1994 as a middle assaultive risk. He was rescreened on July 24, 1998 as a potential high/middle assaultive risk.

McBrayer pled guilty to a major misconduct violation on May 4, 2001 for being out of place. He had failed to appear for a scheduled health care appointment.

A COMPAS Narrative Assessment Summary dated December 4, 2008 provided:

Assessment Risk Probability & Summary

Violence: Low
Recidivism: Low

Cognitive Behavioral/Psychological

Cognitive Behavioral/Psychological Scale Score: Unlikely [3]

Mr. RICHARD MCBRAYER'S low Cognitive Behavioral/Psychological score indicates the likely absence of blaming others, making excuses or minimizing the seriousness of their offense. ***

Cognitive Behavioral/Psychological Statement:

Mr. RICHARD MCBRAYER'S scale score indicates a likely criminal personality which may include impulsivity, risk-taking, restlessness/boredom, absence of guilt (callousness), selfishness and narcissism, interpersonal dominance, anger and hostility, and a tendency to exploit others. This may indicate a person who may be highly resistant to treatment.

A Transition Accountability Plan dated December 4, 2008 found McBrayer had a probable criminal personality, probable negative social cognitions and probable low empathy for others.

A Parole Guidelines Scoresheet dated June 24, 2009 had a guidelines score of 11, indicating a high probability of parole. A Vermont Assessment of Sex Offender Risk (VASOR) was performed June 26, 2009 indicating McBrayer had an overall low risk level.¹ However, the Parole Board denied parole on July 23, 2009 due to McBrayer not

¹Despite Henderson's description of the offenses and the length of the abuse, the June 2009 VASOR failed to score points for McBrayer's "clear threats of physical harm to

Handwritten signature and date: 0-4 23

having "had the benefit of therapeutic programming which is designed to allow him to gain insight into his previous behavior and provide him with skills to avoid such behavior in the future".

A VASOR performed October 7, 2009 indicated McBrayer had an overall high risk level.²

A Therapy Termination Report dated February 12, 2010 addressed McBrayer's completion of the Sex Offender Program (SOP):

History

*** The current offense, as described in the PSI, involves Mr. McBrayer engaging in oral sex and sexual intercourse and with his step-daughter, beginning when she was 12 years of age and continued until the age of 14½. *
** At the time of PSI preparation, Mr. McBrayer admitted his behavior and understood that he would deal with significant consequences. When processed through R&GC, he agreed with the PSI version of the offense, but indicated to the screening psychologist that his step-daughter initiated the sexual relationship. At the time of admission to SOP group therapy, Mr. McBrayer reported that he agreed with the PSI report and indicated that "No reason to disagree. Any disagreement I may have is irrelevant. The damage is done."

- Demonstrate the ability to participate in group in an active and meaningful manner.
 - * * * Overall, his involvement in SOP group therapy was felt to be satisfactory and productive from the standpoint of benefiting him in addressing necessary issues.
 - Take full responsibility for his crime without denial, minimization, rationalization, externalization of blame, or other defensive tactics.
- Mr. McBrayer has accepted "full responsibility" for his offense and the consequences that resulted from his actions and has done so from the beginning. * * * It is noted that Mr. McBrayer had begun the process of

victim or others", "bizarre or ritualistic behavior" and "physical harm to current victim". Had these factors been properly scored, McBrayer would have had an overall high risk level.

1. ²This second VASOR corrects some, but not all, of the deficiencies noted in footnote

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facing his offending behavior and the excuses and defenses that he used. However, the added understanding during his participation increased his ability to empathize with his victim, and to substantially reduce/eliminate residual denial, minimizing, or putting blame on others or situations.

Conclusions:

Overall, it is felt that Mr. McBrayer has addressed and/or successfully accomplished most of the goals for SOP group therapy.... However, as indicated above, many of those goals are newly attained or are still in the process of development and remain tenuous.... As indicated, he still has ongoing issues and areas of work that have only just begun, which will need to be pursued once he is released from prison. ***

Recommendations:

It is felt that Mr. McBrayer has good potential for a successful, non-sexually deviant return to society, in view of the limited time availability for him to assimilate the tools and strategies he established during his participation in SOP group therapy.

A COMPAS Narrative Assessment Summary dated December 14, 2009

provided:

Assessment Risk Probability & Summary

Violence: Low
Recidivism: Low

ReEntry Cognitive Behavioral

Cognitive Behavioral/Psychological Scale Score: Highly Probable [8]
Mr. RICHARD MCBRAYER's high score indicates attitude problems including moral justification for his criminal behavior, refusal to accept responsibility, blaming the victim, rationalizations (excuses) that minimize the seriousness and consequences of his criminal activity, etc. He likely has a fairly high risk lifestyle...and impulsive decision-making. A cognitive therapy program...is likely appropriate. *** A more in-depth mental health assessment may also be appropriate.

A Parole Guidelines Scoresheet dated March 17, 2010 had a guidelines score of 11, indicating a high probability of parole. However, the Parole Board denied parole on April 26, 2010 because McBrayer "did not demonstrate enough insight into his crime

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during PBI" and "did not convince the PB that he has enough understanding about his deviant behavior to help reduce his risk".

A Parole Guidelines Scoresheet dated October 25, 2010 again had a guidelines score of 11, indicating a high probability of parole. However, the Parole Board deferred a decision on December 7, 2010 because it "determined that additional pre-release programming is required before" McBrayer's release. A Parole Board Notice of Decision dated January 11, 2011 subsequently granted parole contingent on McBrayer's completion of Residential Sex Offender Programming (RSOP). As noted above, People appealed. After remanding the matter to the Parole Board for further objective findings, an *Opinion and Order* dated August 8, 2013 reversed the Parole Board's decision.

Meanwhile, a COMPAS Narrative Assessment Summary performed May 27, 2011 reiterated the findings of the COMPAS Narrative Assessment Summary dated December 14, 2009. A VASOR dated June 27, 2011 had rated McBrayer as having a low overall risk level.³ A Qualified Mental Health Professional Evaluation (QMHE) was performed April 19 and 20, 2012. The QMHE stated:

Mr. McBrayer's description of his offense is congruent with the Record.

Conclusions:

Mr. McBrayer completed SOP in 2010 demonstrating a good understanding of the tools and skills introduced into his Group. Mr. McBrayer demonstrated good levels of empathy for his victims, primary and secondary with good levels of remorse for his criminality.

It is the opinion of this psychologist that Mr. McBrayer's risk to reoffend sexually is accurately measured by the STATIC 99R and VASOR, low.

³See n 1.

MSC 1/17/2023

A July 26, 2012 Thinking For Change (T4C) Discharge Summary Report indicated successful completion of the program. McBrayer was noted as having excellent overall Intellectual conceptualization of self-awareness, anger management, stress management and problem identification/solving.

A November 21, 2013 QMHPE concluded:

Mr. McBrayer presented with a good+ understanding of his Re-Lapse Prevention Plan and of his community support group.

Mr. McBrayer demonstrated a thorough understanding of skills and concepts involving personal responsibility demonstrating insightful awareness for his offending behavior. Mr. McBrayer demonstrated good levels of empathy for his victims, primary and secondary with good levels of remorse for his criminality.

It is the opinion of this psychologist that Mr. McBrayer's risk to reoffend sexually is accurately measured by the STATIC 99R and VASOR, low.

A COMPAS Assessment Narrative dated November 26, 2013 found McBrayer had a highly probable risk for social isolation, criminal thinking, low empathy, criminal personality, low self-efficacy and cognitive behavioral issues as well as being at probable risk for negative social cognitions and social environment issues.

A Parole Guidelines Scoresheet dated December 18, 2013 again had a guidelines score of 11, indicating a high probability of parole. However, the Parole Board denied parole on January 27, 2014 because McBrayer "continues to minimize the level of abuse and his insight is limited. Risk is not significantly reduced at this time."

A COMPAS Assessment Narrative dated June 9, 2015 found McBrayer only had a highly probable risk for reentry social environment issues.

A Parole Guidelines Scoresheet dated July 25, 2015 also had a guidelines score of 11, indicating a high probability of parole.

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An October 7, 2015 QMHPE stated:

Mr. McBrayers descriptions of the offense essentially matched the description in the record. He related that when his step-daughter turned thirteen years old, he began grooming her and progressed to fondling, intercourse, performing oral sex on the victim and "a lot" of inappropriate conversations. He reported that this went on until she was fifteen.

Findings:

In assessing Mr. McBrayers risk of offending recidivism, the Static-99R and Stable-2007 were administered. The Static-99R is an assessment tool designed to support the prediction of sexual offending recidivism in Adult Sex Offenders. Using the Static-99R, he is considered to fall within the LOW risk category.

The Stable-2007 was developed to assess change intermediate-term risk status, assessment needs, and help predict recidivism in sexual offenders. *** On the Stable-2007, Mr. McBrayers score falls into the interpretative range considered to be MODERATE on stable dynamic needs.

Emotional Identification with children: There were no current concerns related to emotional identification with children noted during this evaluation. ***

General social/loneliness: *** Self-help group facilitator reports in the treatment unit indicate that Mr. McBrayer is an active and valuable member in the groups. ***

Lack of concern for others: *** Mr. McBrayer showed an excellent amount of empathy for his primary victim, as well as secondary victims. **

Impulsive acts: There were no current concerns related to impulsivity during this evaluation. His self-regulation used during his offense appears to have been controlled rather than impulsive or under-regulated. ***

Poor cognitive problem solving: There were no current concerns related to problem solving noted during this evaluation. *** He plans to live in Louisiana with his niece and her husband in an area he reports is appropriately removed from high-potential for underage traffic. ***

Sex drive/Sexual preoccupation: There were some concerns related to

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sexual preoccupation noted during this evaluation. * * *

Deviant Sexual Interests: There is some concern related to deviant sexual interests noted during this evaluation. Mr. McBrayers only victim was twelve years old at the time the offense began. He denied any current fantasies about children or his victim. He indicated part of his reasoning for planning to parole to Louisiana is to be away from his victim.

Treatment and Supervision Cooperation: There are not current concerns related to treatment and supervision cooperation. * * * He currently takes advantage of the self-help groups offered in the treatment unit. He was cooperative during this evaluation and showed internalization of the tools learned both in SOP programming and in the self-help groups.

Clinical History and Impression:

Mental Health History: * * * Two previous Sex Offender Risk Assessments have been completed for Mr. McBrayer dated 4/26/12 and 11/21/13. Both identified his risk as Low for sexually reoffending and noted that he demonstrated a "good understanding of the tools and skills" in SOP.

History of sexual offender treatment: Mr. McBrayer completed SOP. His termination report, dated 2/15/2010, indicated mostly "excellent," and some "good" ratings.

On October 15, 2015, the Parole Board decided to parole McBrayer with a projected parole date of January 5, 2016. A Michigan Parole Board Order for Parole dated January 21, 2016 set McBrayer's parole date as January 26, 2016 with a two-year period of parole.

IV. ANALYSIS

Henderson asserts the Parole Board erred in releasing McBrayer prior to serving his maximum sentences given her vehement objections, his denial of and refusal to accept responsibility for his crimes, his manipulative behavior during the sexual assaults and the risk he still presents to society.

In response, the Parole Board notes McBrayer completed sex offender therapy with a good evaluation, was psychologically evaluated as a low sexual reoffense risk,

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had a good institutional misconduct record and is subject to strong parole conditions. Hence, the Parole Board argues it did not abuse its discretion in paroling McBrayer.

McBrayer, despite receiving notice and having an opportunity to participate in these proceedings, has not filed a brief.

MCL 791.233e(1) requires the Department of Corrections to develop parole guidelines for the release of prisoners. MCL 791.233e provides in pertinent part:

(2) In developing the parole guidelines, the department shall consider factors including, but not limited to, the following:

(a) The offense for which the prisoner is incarcerated at the time of parole consideration.

(b) The prisoner's institutional program performance.

(c) The prisoner's institutional conduct.

(d) The prisoner's prior criminal record. As used in this subdivision, "prior criminal record" means the recorded criminal history of a prisoner, including all misdemeanor and felony convictions, probation violations, juvenile adjudications for acts that would have been crimes if committed by an adult, parole failures, and delayed sentences.

(e) Other relevant factors as determined by the department, if not otherwise prohibited by law.

(3) In developing the parole guidelines, the department may consider both of the following factors:

(a) The prisoner's statistical risk screening.

(b) The prisoner's age.

The Parole Board shall not parole a prisoner until it has reasonable assurance that the prisoner will not become a menace to society or the public safety. MCL 791.233(1)(a).

As a preliminary, McBrayer became eligible for parole after he served the minimum term of his sentences less an allowance for disciplinary credits. MCL 791.233b. Given that his twenty-year minimum sentence began March 2, 1994, the Parole Board (even without allowance for credit for time served and disciplinary credits) did not grant McBrayer an early release when it considered his parole eligibility in 2015

and paroled him in 2016.

Henderson correctly notes the horrific nature of the crimes for which McBrayer had been sentenced. The severity of those crimes and their continuing impact on her—both emotionally and physically—can not be overstated.

As noted, the Parole Board previously decided to parole McBrayer in 2011. This decision was reversed.⁴ The Parole Board subsequently denied parole to McBrayer on January 27, 2014. Thus, the relevant focus is on what has happened since these decisions.

McBrayer's institutional program performance does not paint a rosy picture.

The May 27, 2011 COMPAS reiterated the highly probable cognitive behavioral/psychological scale score of the December 14, 2009 COMPAS.⁵ The 2011 COMPAS clearly weighs against paroling McBrayer.

The correctly scored June 27, 2011 VASOR would rate McBrayer as having a high overall risk to reoffend. The correctly scored Static-99R would rate McBrayer as having a low-moderate risk of reoffending.⁶ These corrected test results refute the 2012 QMHPE's conclusion that McBrayer's risk to sexually reoffend is low.

⁴The reasoning in the *Opinion and Order* dated August 8, 2013 remains valid and pertinent. MRE 201 and *Knowlton v City of Port Huron*, 355 Mich 448, 452; 94 NW2d 824 (1959) ("circuit judge may take judicial notice of the files and records of the court in which he sits").

⁵The 2009 COMPAS had indicated ongoing "attitude problems including moral justification for his criminal behavior, refusal to accept responsibility, blaming the victim, rationalizations (excuses) that minimize the seriousness and consequences of his criminal activity, etc. He likely has a fairly high risk lifestyle...and impulsive decision-making."

⁶McBrayer should have scored -1 point for age at release, 2 points for prior sex offenses and 1 point for an unrelated victim (he had not been Henderson's stepfather for two years when the rapes began) for a total score of 2 points, which qualifies for the low-moderate sexual reoffense risk category.

The July 26, 2012 T4C and November 21, 2013 QMHPE professed improvement. However, the 2013 QMHPE also relied on McBrayer's erroneous Static-99R and VASOR reoffense risk levels. Moreover, the November 26, 2013 COMPAS reinforced McBrayer's highly probable risk for social isolation, criminal thinking, low empathy, criminal personality, low self-efficacy and cognitive behavioral issues as well as being at probable risk for negative social cognitions and social environment issues. Indeed, the Parole Board recognized these deficiencies when it refused to parole McBrayer on January 27, 2014.

The June 9, 2015 COMPAS limited McBrayer to being only at a highly probable risk for reentry social environment issues. This improvement from the prior 2013 COMPAS occurred despite the lack of any additional therapy. The 2015 COMPAS also contradicts McBrayer's statements during his most recent parole hearing in which he blamed Henderson for wanting his attention, admitted an attraction to thirteen- and fourteen-year-old girls and acknowledged only Henderson's report of his lengthy sexual abuse prevented him from creating other victims.⁷

The October 7, 2015 QMHPE suffers from the same Static-99R and VASOR infirmities as the 2013 QMHPE. The 2015 QMHPE further failed to appreciate the significance of McBrayer's self-imposed need to isolate himself in Louisiana to be away from his victim and other children. McBrayer does not even trust himself to be near Henderson or other children, establishing—contrary to the 2015 QMPHE's analysis—he

⁷McBrayer similarly blamed Henderson during his 2014 parole interview, downplayed the number as well as the degree of the sexually abusive episodes and denied the abuse tormented Henderson.

still has emotional identifications with children, impulsivity concerns,⁸ poor cognitive problem solving skills, sex drive/sexual preoccupation issues, deviant sexual interests and treatment failures. The 2015 QMHPE does not justify a decision to parole McBrayer.

McBrayer's need to isolate himself also underscores the SOP Therapy Termination Report's conclusion that his accomplishment of therapy goals was tenuous and he still has ongoing issues. Significantly, McBrayer did not even follow through his relapse avoidance strategy but has chosen to reside in an area where many children are present, refuting any good potential for a successful and non-deviant return to society.⁹ He clearly lacks a suitable and realistic parole plan.

Therefore, the record establishes the Parole Board's decision contravenes a statute and administrative rules. The Parole Board violated its duty to consider all of the true facts and circumstances in determining whether McBrayer remained a danger and menace to society. MCL 791.233(1)(a) and Mich Admin Code, R 791.7715(1) and (2).

Additionally, given McBrayer's present risk of harm and lack of true rehabilitation, substantial and compelling evidence establishes the Parole Board abused its discretion in paroling him. See *In re Parole of Glover (After Remand)*, 241 Mich App 127, 129; 614 NW2d 714 (2000) (abuse of discretion occurs when the facts on which the

⁸The reviewer's comment that McBrayer's "self-regulation used during his offense appears to have been controlled rather than impulsive or under-regulated" also defies the record. McBrayer repeatedly raped Henderson over 2½ years, sometimes sexually abusing her multiple times during an episode and sometimes engaging in more than one episode per day. McBrayer's actions were the antithesis of self-regulation.

⁹McBrayer has also not followed through with his plan to work for a family member's construction company, employment that would have allowed for some measure of monitoring of his actions by someone aware of his prior history. McBrayer evidently told reviewers whatever he thought was necessary to gain his release on parole without any intent of fulfilling those plans; he is still manipulating people to satisfy his own desires.

decisionmaker refiled do not provide justification for the decision).

IV. CONCLUSION

For the reasons set forth above, the Michigan Parole Board's decision to parole Richard Allen McBrayer is REVERSED.

This *Opinion and Order* resolves the last pending claim in this matter and closes the case. MCR 2.602(A)(3).

IT IS SO ORDERED.

Date: NOV 18 2016

Kathryn A. Viviano
Hon. Kathryn A. Viviano, Circuit Court Judge

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Final Vote:

Continue
18 Months

Screener: JANE PRICE

Vote:

Continue
18 Months

Assessments:

Correctional Adjustment

Misconduct? Yes

The behavior reflected in the misconducts:

Has diminished

Institution Management? Yes

The prisoners institutional management suggests that the prisoner(s):

Has satisfactory block reports

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Assessments:

Correctional Adjustment

INTERVIEW - MISCONDUCT & MGMT? Yes

Regarding the institutional adjustment, it is our belief the prisoner:

Recognizes value of good behavior

P HAS BEEN IN PRISON 20 YRS, NO PENDING MMCS(Not used as reason)

Post Conviction History? Yes

The prisoner's prior post conviction corrections history includes:

No prior parole history until PB granted a P70 Parole for 02/22/11 but was suspended due to a Circuit Court Order of Stay, dated 2/17/11, from Macomb Co. to allow Application For Leave to Appeal Parole Board Decision.(Not used as reason)

INTERVIEW - POST CONVICTION? No

Assessments:

Crime & Criminal Behavior

Assaultive? Yes

The assaultive crime:

Currently serving for a Sexual Offense

Sexually Motivated? Yes

The sexually motivated crime:

Violated a position of trust or authority

Involved minor/child victim

Involved a family member or acquaintance

Serving for Failing to Register or for a crime requiring registration under the Sex Offender Registration Act

Macomb Co. 09/16/93; P (age 36) sexually assaulted his step daughter for over three years by forcing her to engaged in multiple sexual acts such as: P licked V's vagina, P instructed V to get down on her hands and knees at which point P would force penile to vaginal intercourse until P would ejaculate inside V. V reports this was the norm for several years and only stopped when P was kicked out of the house by V's Mother. (Not used as reason)

Property? No

Assessments:

Crime & Criminal Behavior

Drug Law Violation? No

INTERVIEW - CRIME? Yes

Regarding the crime, it is our belief:

Prisoner minimizes their responsibility

P AGREES WITH PSI, P SAID DID FOR SEXUAL GRATIFICATION, WAS FANTASIZING ABOUT HER, DIDN'T GET HELP OR ADDRESS. P SAID THE V WAS JUST UNDER 13 WHEN "SHE STARTED", RATHER HE STARTED. P SAID WAS ATTRACTED TO THE V BUT NOT GIRLS THAT AGE IN GENERAL. P SAID THERE WERE SOME PHYSICAL ATTRIBUTES HE WAS ATTRACTED. P SAID ASSAULTS WERE RANDOM, HAD A LOT TO DO WITH WHETHER HE WOULD FANTASIZE ABOUT IT, P SAID WHEN HE WOULD SPEND INAPPROPRIATE TIME THINKING OF HER, P SAID "TIFFANY", SHE HAS A NAME, DOESN'E WANT TO CALL HER "HER". ASKED P ABOUT LAST INTERVIEW WHERE HE SAID ABOUT 8 TIMES, HAD INTERCOURSE, P SAID 8 OR 10, DOESN'T REMEMBER EXACTLY.(Not used as reason)

Criminal History? Yes

The prisoner has a criminal history:

Which includes only the present offense

Assessments:

Crime & Criminal Behavior

INTERVIEW - CRIMINAL HISTORY? No

[REDACTED]

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Case Summary Report
RE: Prisoner MCBRAYER, RICHARD A235965

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Assessments:

Crime & Criminal Behavior

INTERVIEW - VICTIM? Yes

Regarding the victim, it is our belief the prisoner:

Expresses remorse

P SAID HAS HAD A DEVASTATING AFFECT ON V'S AND SHE LIKELY DOESN'T TRUST ANYONE, CAUSED SHE AND HER FAMILY A LOT OF PAIN.(Not used as reason)

Personal History

Mental Health History? Yes

The prisoner has a history of mental health issues which:

PSI: Some counseling.

MHR: None(Not used as reason)

Substance Abuse History? Yes

The prisoner has a history of substance abuse which:

PSI: Some MJ and Alcohol as a teen.(Not used as reason)

Assessments:

Personal History

Social History? Yes

The prisoner's social history indicates:

PSI: No abuse or neglect listed in P's formative years. P worked as a Court-officer w/the Warrant Div. in Livonia's 46th Dist. Court and Grosse Pointe Farms 32-B Dist. through a sub contractor in the early 1990's.(Not used as reason)

Suitability of Placement Plan? Yes

The placement plan submitted by the offender in the PER:

Is for out-of-state placement

Proposed placement acceptable; pending MDOC approval

Placement: Brother/ Jackson, MS. Work: Strenght-Adam Siding/Jackson, MS.(Not used as reason)

Relevant Information? Yes

Review of the file discloses the following relevant information that the prisoner must be

Relevant documents reviewed by screener

Relevant documents reviewed by interviewer

Pre-screened by Ann Morrow-Maynard

P WOULD PAROLE TO HIS BROTHER, HAS A JOB WITH HIS NEPHEW DOING DORMERS AND CONSTRUCTION WORK. P HAS SUPPORT IN MS, HAS FAMILY SUPPORT THERE AND FAMILY FRIEND WHO WORKS AT A DRUG PROGRAM THERE AND HAS OFFERED HER SUPPORT, P SAID. QUITE A BIT OF SUPPORT THERE. P HAS BEEN IN PRISON ALONG TIME, IS A GOOD INMATE WITH A GOOD PROGRAMMING RECORD. HOWEVER, P GROSSLY MINIMIZES THE OCCURANCES AND DEGREE OF ABUSE INFLICTED ON V. NOR DO I BELIEVE HE TORMENTED THE V BC OF HIS PRIOR SEXUAL ABUSE. I DO NOT FEEL THE RISK IS SUFFICIENTLY REDUCED AT THIS TIME. C 18(Not used as reason)

Assessments:

Personal History

INTERVIEW - ACCEPTED INFO? No

INTERVIEW - REJECTED INFO? No

INTERVIEW - PERSONAL HISTORY? Yes

Regarding personal history, it is our belief that the prisoner:

P SAID HE WOULD RATHER DIE THAN CONTINUE TO LIVE AS A SEXUAL PREDATOR. HE HAS CAUSED A LOT OF PAIN TO "TIFFANY AND HER FAMILY". HE HAS FOUND THE ELEPHANT IN THE ROOM AND HAD A LOT TO DO WITH HIS SEXUAL ABUSE. (Not used as reason)

Assessments:

Preliminary Matters

30 DAYS NOTICE MET? Yes

Regarding 30-day notice:

Inmate agreed with receiving 30 days notice

REPRESENTATIVE? No

PER CORRECTIONS? No

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Assessments:

Preliminary Matters

CHANGES IN PLAN? Yes

At the interview, the following changes were made to the Placement Plan:

INTERVIEW NOT CONDUCTED? No

Program Involvement

Psychological? Yes

Psychological programming has been recommended or required and:

SOT termination report in COF

Compas dated 11/2013: Low/Low. Vaso: dated 06/27/11: Re-Offense Risk Score of 7 = Low. Compas dated 11/2013: Low/Low. Completed SOP 02/15/10 after attending 47 of 47 sessions with grades of E, G & G+ and completed a RPP.(Not used as reason)

Assessments:

Program Involvement

Education? Yes

Educational programming was recommended and:

Prisoner is high school graduate or has GED

Work? Yes

Routine work assignments have been recommended and:

Involvement has been adequate

Work: Maintenance with above average work reports.
(reason)

Vo-Tech: Not a recommendation.(Not used as

Substance Abuse? Yes

Recommendation(s) has been made S.A. programming and:

Prisoner completed substance abuse programming voluntarily

SASSI Level 1: Low probability of substance abuse dependence. Recommend: No treatment or education

Phase I in 2008 & N/A 12 step 3/23/9.(Not used as reason)

Assessments:

Program Involvement

Community Programs? No

Other Programming? Yes

Participation in other department sanctioned program(s) has:

Potential to assist prisoner upon release

Completed Thinking Matters 1/2012, Chance for life in 12/2011, Sex Offender Didactic's 01/2011 and Hope and Recovery 6/1999.(Not used as reason)

INTERVIEW - PROG INVOLVEMENT? Yes

Regarding program involvement, it is our belief:

SOP, TFC, TM, NA, PH I, IN CFL NOW AND HAS BEEN IN A LITTLE OVER 2 YRS, TRIED TO STAY IN ANYTHING THAT CHALLENGES HIS THINKING AND TO BE A BETTER PERSON. P IS WORKING MAINTENANCE/ELECTRICAL(Not used as reason)

Interviewer: AMY BONITO

Vote:

Continue

18 Months

Appellee's Appendix 47B
Case Summary Report
RE: Prisoner MCBRAYER, RICHARD A235965

PLAN Changes:

P HAS A BC AND WILL WORK WITH ARUS FOR SSC

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08/18/2016

Case Summary Report

RE: Prisoner MCBRAYER, RICHARD A235965

1/2014

Final Vote:

Continue

18 Months

Recommendations For Continuance:

Demonstrate responsible behavior by earning positive reports in any programs you may be involved in

Demonstrate responsible behavior by avoiding situations which result in misconduct citations

Substantial and Compelling Reasons:

P CONTINUES TO MINIMIZE THE LEVEL OF ABUSE AND HIS INSIGHT IS LIMITED. RISK IS NOT SIGNIFICANTLY REDUCED AT THIS TIME.

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EXHIBIT P

R 791.7715

Exhibit P

R 791.7715 Factors considered in granting or denying parole; psychological or psychiatric evaluations.

Rule 715. (1) Except as provided in section 34a of Act No. 232 of the Public Acts of 1953, as amended, being §791.234a of the Michigan Compiled Laws, a prisoner shall not be released on parole until the parole board has considered all relevant facts and circumstances, including the prisoner's probability of parole as determined by the parole guidelines set forth in R 791.7716 and any crime victim's statement provided under section 21 of Act No. 87 of the Public Acts of 1985, as amended, being §780.771 of the Michigan Compiled Laws.

(2) The parole board may consider all of the following factors in determining whether parole is in the best interests of society and public safety:

(a) The prisoner's criminal behavior, including all of the following:

- (i) The nature and seriousness of the offenses for which the prisoner is currently serving.
- (ii) The number and frequency of prior criminal convictions.
- (iii) Pending criminal charges.
- (iv) Potential for committing further assaultive or property crimes.
- (v) Age as it is significant to the likelihood of further criminal behavior.

(b) Institutional adjustment, as reflected by the following:

- (i) Performance at work or on school assignments.
- (ii) Findings of guilt on major misconduct charges and periods of confinement in administrative segregation.

(iii) Completion of recommended programs.

(iv) Relationships with staff and other prisoners.

(v) Forfeitures or restorations of good time or disciplinary credits.

(c) Readiness for release as shown by the following:

(i) Acquisition of a vocational skill or educational degree that will assist in obtaining employment in the community.

(ii) Job performance in the institution or on work-pass.

(iii) Development of a suitable and realistic parole plan.

(d) The prisoner's personal history and growth, including the following:

(i) Demonstrated willingness to accept responsibility for past behavior.

(ii) Employment history before incarceration.

(iii) Family or community ties.

(e) The prisoner's physical and mental health, specifically any hospitalizations or treatment for mental illness and any irreversible physical or mental condition which would reduce the likelihood that he or she would be able to commit further criminal acts.

(3) The parole board may consider the prisoner's marital history and prior arrests that did not result in conviction or adjudication of delinquency, but shall not base a denial of parole solely on either of these factors.

(4) The parole board shall not consider any of the following in making a parole release decision:

(a) A juvenile record that a court has ordered the department to expunge (b) Information that is determined by the parole board to be inaccurate or irrelevant after a challenge and presentation of relevant evidence by a prisoner who has received a notice of intent to conduct an interview as provided in R 791.7701. This subrule applies only to presentence investigation reports prepared before April 1, 1983.

(5) A prisoner being considered for parole shall receive psychological or psychiatric evaluation before the release decision is made if the prisoner has a history of any of the following:

(a) Hospitalization for mental illness within the past 2 years.

DOCUMENT TYPE ADMINISTRATIVE RULE	NUMBER R 791.7715	PAGE 2 OF 2
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- (b) Predatory or assaultive sexual offenses.
- (c) Serious or persistent assaultiveness within the institution.

(Eff Nov. 30, 1977; amended Dec. 29, 1988; amended Jan. 26, 1996.)

Final Vote:

Parole
24 Months
NFD 12/03/2020

Screener: ANTHONY KING

Vote:

Parole
24 Months
NFD 12/03/2020

Assessments:

Correctional Adjustment

Misconduct? Yes

The behavior reflected in the misconducts:

Has diminished

Institution Management? Yes

The prisoners institutional management suggests that the prisoner(s):

Has satisfactory block reports

@RGC since 4-10-18.(Not used as reason)

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Assessments:

Correctional Adjustment

INTERVIEW - MISCONDUCT & MGMT? Yes

Regarding the institutional adjustment, it is our belief the prisoner:

Recognizes value of good behavior

NO PENDING MMC TICKETS. 4/24/2001 - OUT OF PLACE: P HAD A MEDICAL CALL OUT FOR GLASSES AND HE MIS-READ THE CALL OUT TIME. HE WAS LATE FOR THE APPOINTMENT.(Not used as reason)

Post Conviction History? Yes

The prisoner's prior post conviction corrections history includes:

No prior parole history until PB voted to Parole 02/22/11 but prior to his release the parole was suspended due to a Circuit Court Order of Stay dated 2/17/11 from Macomb Co. allow Application For Leave to Appeal PB Decision. Five years later, P was paroled 1/26/16 and was reportedly in compliance with both parole and GPS orders. P was reporting as instructed, completed sex offender therapy & was maintaining full-time employment. MDOC received the information on 2nd Order of Stay & extended P's parole discharge date while filing an Appeal to the Stay - The Michigan Supreme Court denied the MDOC's application for leave and P's parole was rescinded 4/5/18 - P was transported/returned to RGC 4/10/18.(Not used as reason)

INTERVIEW - POST CONVICTION? Yes

Regarding the prior post conviction sanctions, it is our belief the prisoner:

Accepts post conviction history as indicated

PAROLED TO A CHURCH SUPPORTED HOUSING. FACBRATION - ARISACOAT. P WAS TAKEN BACK. MEDIA PRESSURE. PO APPROVED. OAKLAND COUNTY. PLOW WRONG.. CONSTURTION.(Not used as reason)

Assessments:

Crime & Criminal Behavior

Assaultive? Yes

The assaultive crime:

Currently serving for a Sexual Offense.

Sexually Motivated? Yes

The sexually motivated crime:

Violated a position of trust or authority

Arose during commission of another crime

Involved minor/child victim

Involved a family member or acquaintance

Serving for Failing to Register or for a crime requiring registration under the Sex Offender Registration Act

"A1 & "A2" Macomb Co. 09/16/93: P (age 36) sexually assaulted his step-daughter, "Tiffany" [last name not provided] for over three years by forcing her to engaged in multiple sexual acts such as: P licked V's vagina and instructed V to get down on her hands and knees at which point P would force penile to vaginal intercourse and ejaculated inside V. V reports this was the norm for several years and only stopped when P was "kicked out" of the house by V's Mother.(Not used as reason)

Case Summary Report

RE: Prisoner MCBRAYER, RICHARD A235965

12/14/2020
Page 4 of 13

Assessments:

Crime & Criminal Behavior

Property? No

Drug Law Violation? No

INTERVIEW - CRIME? Yes

Regarding the crime, it is our belief:

Prisoner accepts responsibility

Prisoner expresses remorse

P AGREES W/ THE PSI. HE SEXUALLY ASSAULTED THE VICTIM BEGINNING AT AGE 12 AND ENDING WHEN SHE WAS 14 AND HE LEFT THE HOME. THE VICTIM LOOKED UPON P AS A FATHER FIGURE THE VICTIM PAID ATTENTION TO HIM AND WAS LOVING (AS A DAUGHTER) TOWARD HIM. HE TOOK ADVANTAGE OF THE SITUATION. HE WOULD GIVE THE VICTIM GIFTS. P STATED HE WAS SEXUALLY ABUSED AS A CHILD. HIS MOTHER DID NOT PAY ATTENTION TO HIM AND HE SPENT TIME UNSUPERVISED. AS CHILD/YOUTH HE HAD SEXUAL CONTACT W/ ADULTS. HE VIEWED THE CONTACT AS NORMAL. WHEN HE LOOKED AT THE VICTIM HE THOUGHT SHE WOULD ALSO ENJOY THE CONTACT. P STATED THIS WAS NOT AN EXCUSE FOR WHAT HE DID. HE EXPRESS GENUINE REMORSE AND UNDERSTANDING THAT WHAT HE DID WAS HORRIBLE AND WRONG.(Not used as reason)

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Case Summary Report
RE: Prisoner MCBRAYER, RICHARD A235965

Assessments:

Crime & Criminal Behavior

Criminal History? Yes

The prisoner has a criminal history:

Which includes only the present offense

INTERVIEW - CRIMINAL HISTORY? Yes

Regarding criminal history, it is our belief the prisoner:

Accepts it as indicated

NO PRIOR CRIMINAL HISTORY(Not used as reason)

[REDACTED]

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Case Summary Report
RE: Prisoner MCBRAYER, RICHARD A235965

RECEIVED by MSC 1/17/2023 4:14:39 PM

Assessments:

Crime & Criminal Behavior

[REDACTED]

[REDACTED]

INTERVIEW - VICTIM? Yes

Regarding the victim, it is our belief the prisoner:

Accepts the need to refrain from contact

Expresses remorse

I HAVE HARD TO FIX ME AND MY THINKING. I AM SORRY FOR THE PAIN I CREATED FOR THE VICTIM AND HER FAMILY. I AM SORRY THAT I CANNOT CHANGE WHAT HAPPEN AND FIX WHAT I DID. THE VICTIM IS HURTING AND WHAT I DID WILL ALWAYS BE WITH HER.(Not used as reason)

Personal History

Mental Health History? Yes

The prisoner has a history of mental health issues which:

PSI: Some counselling. MHR screen dated 12-27-18 indicates Other Circumstances Related to Child Neglect, Physical Abuse, Psychological Abuse or Sexual Abuse, and Unspecified Personality Disorder. Inactive status.(Not used as reason)

Assessments:

Personal History

Substance Abuse History? Yes

The prisoner has a history of substance abuse which:

PSI: Some MJ and Alcohol as a teen.(Not used as reason)

Social History? Yes

The prisoner's social history indicates:

PSI: No abuse or neglect listed in P's formative years.(Not used as reason)

Suitability of Placement Plan? Yes

The placement plan submitted by the offender in the PER:

Proposed Placement - Commercial

Macomb Co.Proposed job w/LUJA Lawn Service in Oxford, MI.(Not used as reason)

Relevant Information? Yes

Review of the file discloses the following relevant information that the prisoner must be

Pre-screened by Larry Schneider

Relevant documents reviewed by screener

Case Summary Report
RE: Prisoner MCBRAYER, RICHARD A235965

Assessments:

Personal History

Relevant Information? Yes

Review of the file discloses the following relevant information that the prisoner must be

~~notified of.~~
Relevant documents reviewed by interviewer

PAROLE PLAN IS TO RETURN TO HIS PRIOR JOB IN LANDSCAPING BUSINESS. HE IS IN CONTACT W/ HIS PRIOR EMPLOYER ON A REGULAR BASES. HE INDICATES SOME FAMILY SUPPORT. P HAS CONSTRUCTION SKILLS AND HE HAS FACTORY WORK EXPERIENCE. COMPAS: L/L. P ACCEPTED RESPONSIBILITY FOR HIS OFFENSES AND HE EXPRESSED GENUINE REMORSE. EXCELLENT PRISON BEHAVIOR; 1 MMC IN 30 YEARS. SOP COMPLETION W/ G-E SCORES. STRONG PAROLE PLAN. NEED UPDATED SORA. D42. PLAN TO DO WRITTEN EXPLANATION OF PAROLE DECISION IN ANTICIPATION OF AN APPEAL. / bjs for mce. discussed in panel. parole with added 4.0.(Not used as reason)

INTERVIEW - ACCEPTED INFO? No

INTERVIEW - REJECTED INFO? No

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Case Summary Report
RE: Prisoner MCBRAYER, RICHARD A235965

Assessments:

Personal History

INTERVIEW - PERSONAL HISTORY? No

Preliminary Matters

30 DAYS NOTICE MET? Yes

Regarding 30-day notice:

5/21/2020 5/28.2020(Not used as reason)

REPRESENTATIVE? No

12/14/2020
Page 10 of 13

Case Summary Report
RE: Prisoner MCBRAYER, RICHARD A235965

Assessments:

Preliminary Matters

PER CORRECTIONS? No

CHANGES IN PLAN? No

INTERVIEW NOT CONDUCTED? No

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Case Summary Report

RE: Prisoner MCBRAYER, RICHARD A235965

12/14/2020
Page 11 of 13

Assessments:

Program Involvement

Psychological? Yes

Psychological programming has been recommended or required and:

SOT termination report in COF

Compas dated 4/12/18 = Low/Low. SOP = completed 2/15/10 & copy in file. P was housed in MSOP unit prior to most recent parole. T4C = completed 7/26/12 w/excellent ratings & copy in file. P also completed SOP in the community (while on parole at Eastwood Clinics- date & copy of completion report not available). SORA dated 5-1-18=Low. MSOP waived. Report in COF.(Not used as reason)

Education? Yes

Educational programming was recommended and:

Prisoner is high school graduate or has GED

Work? Yes

Routine work assignments have been recommended and:

Involvement has been adequate

Prisoner has completed vocational training/counseling/education

Emp. Readiness = completed 12/18/15. Ported since 10-10-19.(Not used as reason)

Substance Abuse? Yes

Recommendation(s) has been made S.A. programming and:

Prisoner completed substance abuse programing voluntarily

43
RF

Appellee's Appendix 63B
Case Summary Report
RE: Prisoner MCBRAYER, RICHARD A235965

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Assessments:

Program Involvement

Substance Abuse? Yes

Recommendation(s) has been made S.A. programming and:

SASSI Level 1: Low probability of substance abuse dependence. Recommend: No treatment or education

P completed: Phase I in 2008, N/A 12 step 3/23/9 & Hope & Recovery = 6/3/99. (Not used as reason)

Community Programs? No

Other Programming? Yes

Participation in other department sanctioned program(s) has:

Provided tools for a successful return to society

Completed; How to Keep People from Pushing Your Buttons = 2014, Mediation= 2014, Thinking Matters 1/2012, Chance for life in 12/2011, Sex Offender Didactics' 01/2011 and Hope and Recovery 6/1999. (Not used as reason)

INTERVIEW - PROG INVOLVEMENT? Yes

Regarding program involvement, it is our belief:

Recognizes need to continue upon release

Has positive attitude about challenges ahead

Case Summary Report
RE: Prisoner MCBRAYER, RICHARD A235965

RECEIVED by MSC 1/17/2023 4:14:39 PM

Assessments:

Program Involvement

INTERVIEW - PROG INVOLVEMENT? Yes

Regarding program involvement, it is our belief:

. Identifies gains from program involvement

P COMPLETED SOP IN THE PAST. SINCE HIS LAST CONTINUANCE HE HAS CONTINUED TO WORK ON HIMSELF AND TO PREPARE FOR A PAROLE. HE HAS SEVERAL JOBS IN HIS UNIT. HE WORKS IN THE LAUNDRY, CLEANS THE UNIT, HELPS MOVE PEOPLE AND ASSISTS STAFF WHEN HE CAN. CONTINUES IN AA NOT DUE TO ALCOHOL USE BUT FOR THE CONVERSATION AND LEARNING. FEELS HE CAN CONTRIBUTE. HE FOLLOWS THE TENET DO NO HARM, TO LEARN DAILY AND FINALLY TO MAKE THINGS BETTER. HE ADDRESSES HIS THINKING - MOVING FORWARD, GOOD WORK REPORTS. IN FREE TIME TAKES CARE OF GARDEN FOR SELF AND OTHERS. NO MH ISSUE. TAKES MEDS FOR HI BLOOD PRESSURE AND THYROID. HE HAS HIS HS DIPLOMA AND SOME COLLEGE CREDITS.(Not used as reason)

Interviewer: BRIAN SHIPMAN

Vote:

Parole

24 Months

NFD 12/03/2020

95
F-13 987

EXHIBIT R

**Luja Lawn Care, LLC is
“not in good standing”**

**2017 Annual Statement
2015 Articles of Organization**

State of Michigan
Department of Licensing and
Regulatory Affairs Website
printout.

LARA Corporations Online Filing System

Department of Licensing and Regulatory Affairs

ID Number: 801837115

Request certificate

Return to Results

New search

Summary for: LUJA LAWN CARE LLC

The name of the DOMESTIC LIMITED LIABILITY COMPANY: LUJA LAWN CARE LLC

Entity type: DOMESTIC LIMITED LIABILITY COMPANY

Identification Number: 801837115 Old ID Number: E72916

Date of Organization in Michigan: 10/29/2015

Purpose: All Purpose Clause

Date of In Existence But Not In Good Standing: 02/18/2020

Term: Perpetual

The name and address of the Resident Agent:

Resident Agent Name: JOSEPH WEILER

Street Address: 2580 SASHABAW RD

Apt/Suite/Other:

City: BRANDON TWP State: MI Zip Code: 48371

Registered Office Mailing address:

P.O. Box or Street Address:

Apt/Suite/Other:

City: State: Zip Code:

Act Formed Under: 023-1993 Michigan Limited Liability Company Act

Managed By:

Members

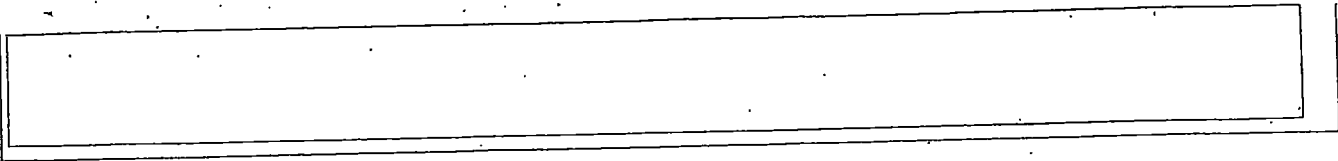
View filings for this business entity:

- ALL FILINGS
- ANNUAL REPORT/ANNUAL STATEMENTS
- CERTIFICATE OF CORRECTION
- CERTIFICATE OF CHANGE OF REGISTERED OFFICE AND/OR RESIDENT AGENT
- RESIGNATION OF RESIDENT AGENT
- CERTIFICATE OF ASSUMER NAME

View filings

Comments or notes associated with this business entity:

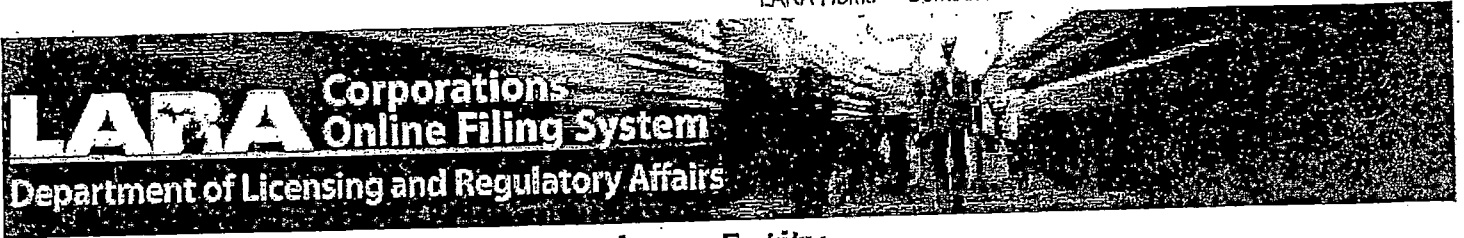
96
47



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Business Entity

Name: LUJA LAWN CARE LLC

Order certified copies	Name of filing	Year filed	Date filed	Filing No.	View PDF
<input type="checkbox"/>	ANNUAL STATEMENT	2017	02/14/2017		E0921639.tif, 1 pgs
<input type="checkbox"/>	ARTICLES OF ORGANIZATION		10/29/2015		INT0000F8F8.TIF ; 1 pgs

[Return to entity summary](#)

[Order filings](#)

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R-3 48 49

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU
LIMITED LIABILITY COMPANY ANNUAL STATEMENT

2017

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Identification Number E72916	Limited Liability Company Name LUJA LAWN CARE LLC
Resident agent name and mailing address of the registered office JOSEPH WEILER MI	
The address of the registered office 2580 SASHABAW RD BRANDON TWP MI 48371	

Electronic Signature		
Filed By JOSEPH WEILER	Title AUTHORIZED AGENT	Phone 2485727041
<input checked="" type="checkbox"/> I certify that this filing is submitted without fraudulent intent and that I am authorized by the business entity to make any changes reported herein.		

Payment Information		
Payment Amount \$ 25	Payment Date/Time 02/14/2017 21:37:14	Reference Nbr 71315 6802.E72916.2017

Required by Section 207, Act 23, Public Acts of 1993

INFORMATION & INSTRUCTIONS

Annual Statement must be signed in accordance with MCL 450.4103.

For Domestic Limited Liability Companies - It may be signed by a member, if managed by members, by a manager if managed by managers, or by an authorized agent of the company.

For Foreign Limited Liability Companies - Must be signed by a person with authority to do so under the laws of the jurisdiction of its organization.

CSCL/CD-700 (Rev. 01/14)

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU

Date Received

(FOR BUREAU USE ONLY)

OCT 28 2015

This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.

TranInfo:1 20794866-1 10/27/15
Chk#: 3527 Amt: \$50.00
ID: BUSINESS SERVICES USA LLC

OCT 29 2015

EFFECTIVE DATE: ADMINISTRATOR
CORPORATIONS DIVISION

Name Business Services USA LLC		
Address 1528 W Warm Springs Rd Unit 100		
City Henderson	State NV	ZIP Code 89014

Document will be returned to the name and address you enter above.
If left blank, document will be returned to the registered office.

E72916

ARTICLES OF ORGANIZATION
For use by Domestic Limited Liability Companies
(Please read information and instructions on reverse side)

Pursuant to the provisions of Act 23, Public Acts of 1993, the undersigned executes the following Articles:

ARTICLE I

The name of the limited liability company is: LUJA lawn Care LLC

ARTICLE II

The purpose or purposes for which the limited liability company is formed is to engage in any activity within the purposes for which a limited liability company may be formed under the Limited Liability Company Act of Michigan.

ARTICLE III

The duration of the limited liability company if other than perpetual is: _____

ARTICLE IV

- The name of the resident agent at the registered office is: Joseph Weiler
- The street address of the location of the registered office is:
2580 Sashabaw Rd, Brandon Twp, Michigan 48371
(Street Address) (City) (Zip Code)
- The mailing address of the registered office if different than above:
2580 Sashabaw Rd, Brandon Twp, Michigan 48371
(P.O. Box or Street Address) (City) (Zip Code)

ARTICLE V (Insert any desired additional provision authorized by the Act; attach additional pages if needed.)

Empty box for Article V provisions.

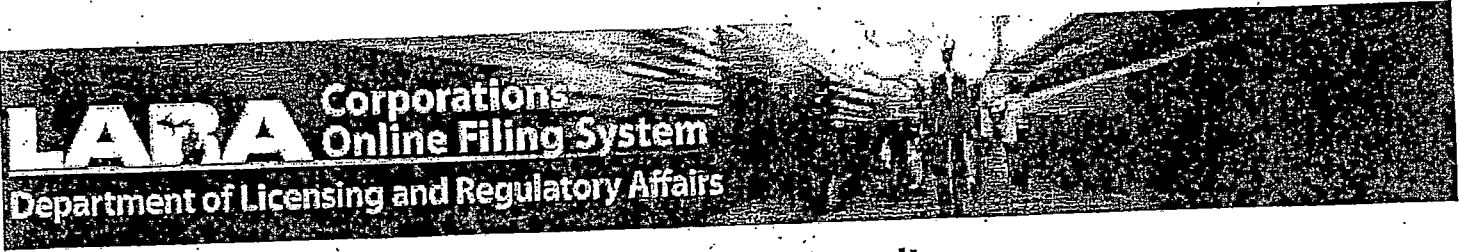
Signed this 22 day of October, 2015

By Joseph Weiler
(Signature(s) of Organizer(s))

Appellee's Appendix 70B

Joseph Weiler
(Type or Print Name(s) of Organizer(s))

Handwritten initials and numbers: JWS, 51, R-5



Business Entity Results

Number of Records: 8

[Print Results](#)

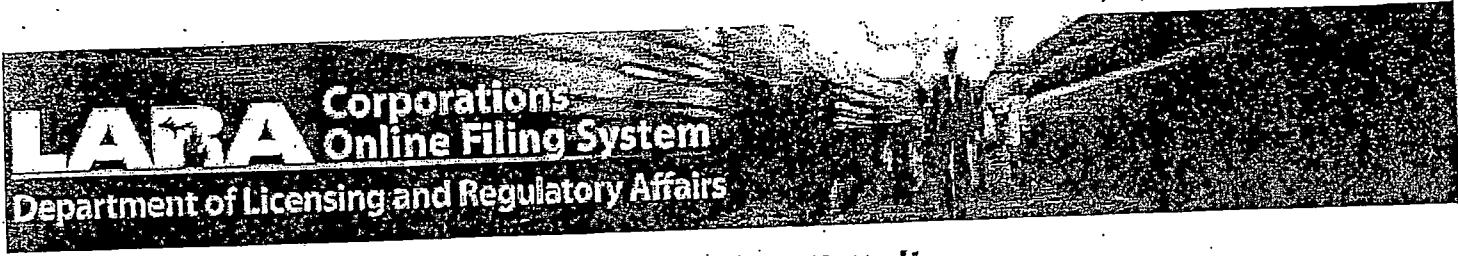
Entity Name	ID Number	Old ID Number	Address
LUJAIN CLEANING, LLC	802294721		7439 KENDAL ST DEARBORN, MI 48126 USA
LUJAK DEVELOPMENT CORPORATION, INC.	800115395	112637	PO BOX 585 FOWLerville, MI 48836 USA
LUJA LAWN CARE LLC	801837115	E72916	2580 SASHABAW RD BRANDON TWP, MI 48371 USA
LUJA LLC	801435952	E01845	42195 OLD POND CIRCLE PLYMOUTH, MI 48170 USA
LUJAN ADR SERVICES, P.C.	800981610	11437E	322 S MAIN, SUITE 100 ROCHESTER, MI 48307 USA
LUJANE LLC	801824814	E6041J	20221 NORTHVILLE PL DR APT 2716 NORTHVILLE, MI 48167 USA
LUJAY, INC.	800151128	146867	7071 EDINBOROUGH RD. WEST LOOMFIELD, MI 48033 USA
LUJAY'S, INC.	800348359	333161	35369 BANBURY LIVONIA, MI 48152 USA

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Business Entity Results

Number of Records: 3

[Print Results](#)

Name	Position	Individual's Address	Entity Name	ID No.	Old ID No.
JOSEPH WEILER	RESIDENT AGENT	2580 SASHABAW RD BRANDON TWP, MI 48371	LUJA LAWN CARE LLC	801837115	E72916
JOSEPH WEILER, JR.	DIRECTOR	4700 DUBLIN AVENUE MIDLAND, MI 48642 USA	MIDLAND COUNTY COUNCIL ON AGING	800879988	848054
JOSEPH WEILER	DIRECTOR	510 SCENIC DR MIDLAND, MI 48642 USA	WEST MIDLAND FAMILY CENTER	800796958	705417

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Business Name Search Result

Business Name	File Date	End Date
<u>HALLELUJAH NUTRITION SUPPLY</u>	01/03/2003	01/02/2008
<u>HALLELUJAH NUTRITION SUPPLY</u>	01/03/2003	01/02/2008
<u>LUJAN ENT</u>	04/27/1984	04/26/1989
<u>LUJAN ENT</u>	04/27/1984	04/26/1989
<u>LUJAN GROUP</u>	04/11/2001	04/10/2006

When registering a business name, final approval is the decision of the Oakland County Clerk's Office.

Tip: If you do not find the results you are looking for, consider using uncommon spellings or switch the order of the names.

© 2002-2021 Oakland County, Michigan

No "Luja" partnership or sole proprietorship listed on Oakland County Clerk website

R-8 54 1/19

EXHIBIT S

**Warranty Deed,
Joseph C. Weiler conveys
2580 Sashabaw Road,
Oxford, MI on
June 29, 2020**

J

OAKLAND COUNTY TREASURERS CERTIFICATE
HEREBY CERTIFY that there are no TAX LIENS or TITLES
held by the state or any individual against the within description
and all TAXES on same are paid for five years previous to the
date of this instrument as appears by the records in the office
except as stated:
Reviewed By: RTN

LIBER 54543 PAGE 214
\$21.00 DEED - COMBINED
\$4.00 REMONUMENTATION
\$5.00 AUTOMATION
\$2,171.50 TRANSFER TX COMBINED
07/22/2020 07:15:29 PM RECEIPT# 110302
PAID RECORDED - Oakland County, MI
Lisa Brown, Clerk/Register of Deeds

Jul 22, 2020

5.00 E-FILE

Sec. 135, Act 206, 1893 as amended
ANDREW E. MEISNER, County Treasurer

Not Examined

STATE OF MICHIGAN



REAL ESTATE
TRANSFER TAX

OAKLAND
07/22/2020
110302

\$277.75 CO
\$1,893.75 ST
001268688



File No. 90202131

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That Joseph C. Weiler
whose address is 2580 Sashabaw Rd, Oxford, MI 48371
convey(s) and warrant(s) to Erik Holbrook and Tracy Holbrook
whose address is 31060 Westgate Blvd Apt 85, Novi, MI 48377
Land situated in the Township of Brandon, County of Oakland, State of Michigan

SEE ATTACHED EXHIBIT A FOR COMPLETE LEGAL DESCRIPTION

Commonly known as 2580 Sashabaw Rd, Oxford, MI 48371
Tax ID No. 03-27-426-018

For the sum of Two Hundred Fifty Two Thousand Three Hundred Fifty and 00/100 Dollars (\$252,350.00)

Subject to the existing building and use restrictions, easements and zoning ordinances of record, if any

Dated this 29 day of June, 2020

Joseph C. Weiler
Joseph C. Weiler

State of Michigan
County of Oakland

The foregoing instrument was acknowledged before me this 29 day of June, 2020, by Joseph C. Weiler.

[Signature]

DELIA LUCIA MCMANN
Notary Public, State of Michigan
County of Wayne
My Commission Expires Dec. 18, 2023
Acting in the County of Oakland

Notary Public, Wayne County,
My commission expires 12-18-23
Acting in the County of Oakland

Drafted by:
Interstate Title, Inc.
Under the direction of Joseph C. Weiler
2580 Sashabaw Rd
Oxford, MI 48371

When recorded return to:
Erik Holbrook
2580 Sashabaw Rd
Oxford, MI 48371

5-1
HJO
56
7

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EXHIBIT A

File No. 90202131

Land situated in the Township of Brandon, County of Oakland, State of Michigan described as follows:

Part of the Southeast 1/4 of Section 27, Town 5 North, Range 9 East, described as: Beginning at a point on the East line of Section 27, distant South along the Section line 284.81 feet from the East 1/4 corner of said Section 27; thence South along said line 170 feet; thence West 256.23 feet; thence North 170 feet; thence East 256.23 feet to the point of beginning.

Assessed for Tax Purposes:

T5N, R9E, SEC 27 S 170 FT OF N 454.81 FT OF E 256.23 FT OF N 3/4 OF NE 1/4 OF SE 1/4, ALSO PART OF SE 1/4
BEG AT PT DIST S 00°17'20" W 454.81 FT FROM E 1/4 COR, TH S 00°17'20" W 47.45 FT, TH N 89°48'00" W 256.23
FT, TH N 00°17'20" E 47.45 FT, TH S 89°48'00" E 256.23 FT TO BEG

Commonly known as: 2580 Sashabaw Rd, Oxford, MI 48371
Tax ID No. 03-27-426-018

RECEIVED by MSC I/17/2023 4:14:39 PM

5-2 57

EXHIBIT T

**Email regarding address
change, dated 08/12/2020**

58
58
Exhibit T

Morrow-Maynard, Ann M (MDOC)

From: Boles, Kandis (MDOC)
Sent: Wednesday, August 12, 2020 8:10 AM
To: Morrow-Maynard, Ann M (MDOC)
Subject: McBrayer 235965 new info

reports his employment address has changed to:

Luja Lawn Service
1155 Lasalle Ave.
Waterford, MI 48328
TX: 248-464-3954

8-12-2020
I added to PERL
Ayc

50
T-1 59

Vallejo, Jessica (MDOC)

From: Parole-Board-Staff
Sent: Thursday, October 15, 2020 1:04 PM
To: Joeweiler36@yahoo.com
Subject: RE: Attn: Parole Board - Richard McBrayer, #235965

Thank you for your email regarding Richard McBrayer, #235965.

Mr. McBrayer's case is currently under consideration with the Parole Board to determine if parole is warranted. Every case is completely different; therefore, we are unable to provide a timeline as to when a decision will be reached. He will receive a notice of decision from the Parole Board within 2 weeks of the date the decision is made.

The information you provided will be placed in Mr. McBrayer's Central Office file for the Parole Board's review and consideration.

From: DoNotReply@michigan.gov <DoNotReply@michigan.gov>
Sent: Thursday, October 15, 2020 10:08 AM
To: Parole-Board-Staff <Parole-Board-Staff@michigan.gov>
Subject: Attn: Parole Board - Recommendation (ContentID - 372802)

PrisonerNumber: 235965
PrisonerName: Richard A, Mcbrayer
YourEmail: Joeweiler36@yahoo.com
YourName: Joseph Weiler
YourAddress: 1155 Lasalle Ave
YourCity: Waterford
YourState: MI
YourZip: 48328

addComments: I am Mr.Mcbrayers employee and he has had a deferral since mid summer and I would like to know if he will be getting released soon . As I want to hold his position for him. And doing so I need to schedule jobs accordingly to his potentail release. Thank You,

7-2
60
JWP
D-12
1115