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STATE OF MICHIGAN

IN THE SUPREME COURT

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellant,

vs

JAMES GREGORY EADS,

Defendant-Appellee.
_____/

Supreme Court No. 168205
Court of Appeals No. 357332
Lower Court No. 92-007359

APPELLEE'S APPENDIX

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Sentencing Information Report

Judge: HAUSNER Probation Officer: FOGEL-GIBSON Circuit #: 84

Offender Name: JAMES EADS Docket #: 92-7359 Crime Group: HOMICIDE

Original Offense Title: MURDER 1 Conviction Offense Title: MURDER II

Original Counts: 2 Original Stat Max: LIFE # Conviction Counts: 2 Conviction Stat Max: LIFE

Original PACC Charge Code: Conviction PACC Charge Code:

Prior Record Score

PRV 1: 0 PRV 2: 0 PRV 3: 0 PRV 4: ~~10~~ 5 PRV 5: 0 PRV 6: 15 PRV 7: ~~X0~~ PRV TOTAL: 3520

Prior Record Level (circle one) A [0] B [1-24] C [25-49] D [50+]

Offense Score (specify points for each variable in crime group)		Offense Severity Level (circle one) I	II	III	IV
Assault	OV 1: OV 2: OV 5: OV 6: OV 7: OV 9: OV 13: OV 25: TOTAL:	0-9	10-24	25-49	50+
Burglary	OV 1: OV 2: OV 5: OV 8: OV 9: OV 10: OV 11: OV 13: OV 17: OV 24: OV 25: TOTAL:	0	1-10	11-25	26+
Criminal Sexual Conduct	OV 1: OV 2: OV 5: OV 6: OV 7: OV 9: OV 12: OV 13: OV 25: TOTAL:	0-9	10-24	25-49	50+
Drug	OV 8: OV 9: OV 15: OV 16: OV 25: TOTAL:	0	1-10	11-25	26+
Fraud	OV 8: OV 9: OV 17: OV 25: TOTAL:	0	1-10	11-25	26+
Homicide	OV 3: 50 OV 4: 0 OV 6: 10 OV 7: 5 OV 9: 0 OV 13: 5 OV 25: 0 TOTAL: 70	0-9	10-24	25-49	50+
Larceny	OV 8: OV 9: OV 14: OV 17: OV 25: TOTAL:	0	1-10	11-25	26+
Property Destruction	OV 8: OV 9: OV 17: OV 18: OV 19: OV 25: TOTAL:	0	1-10	11-25	26+
Robbery	OV 1: OV 2: OV 5: OV 6: OV 7: OV 9: OV 13: OV 17: OV 25: TOTAL:	0-9	10-24	25-49	50+
Weapons	OV 8: OV 9: OV 18: OV 23: OV 25: TOTAL:	0	1-10	11-25	26+

Guideline Sentence Range: ~~180~~ 104 to ~~360~~ or Life

Habitual Offender Information: Provide the following if considered as an Habitual Offender

1st Subsequent Conviction: 2nd Subsequent Conviction: 3rd or Greater Subsequent Conviction: New Stat Max:

Actual Sentence Length (state in months): Probation: Jail: Prison: 300 MINIMUM to Max: 25

Delayed Sentence: Y N Sentence Agreement: Y N Prosecutor Recommendation: Y N Guideline Departure Y N (If yes, attach SIR88-2)

Sentencing Judge: John H Hausner Date: Nov. 5, 1992

SCAO SIR88-1 COURT FILE Attach SIR (CFO-101) to this form

1B

Sentencing Information Report
Departure Evaluation*

Judge: JOHN H. HAUSNER Circuit#: 3RD CIRCUIT

Offender Name: JAMES GREGORY EADS Docket #: 92-007359

*Whenever a judge of the circuit court or of the Recorder's Court for the City of Detroit determines that a minimum sentence outside the recommended minimum range should be imposed, the judge may do so. When such a sentence is imposed, the judge must explain on the sentencing information report and on the record the aspects of the case that have persuaded the judge to impose a sentence outside the recommended minimum range. (Administrative Order 1988-4, 430 Mich xxxi (1988))

The following aspects of this case led me to impose a sentence outside the recommended range:

(1) Mr Eads is a member of the Laten Counts gang which terrorizes the area where the crime occurred

(2) This is a completely unprovoked, senseless murder, wherein Mr Eads, driving in a car, saw the Victim wearing a shirt of a different gang, stopped the car and killed the victim and wounded another person who was with the Victim (Eric Kincaid)

(3) During the trial, the Court had to have 3 witnesses taken into custody because of threats to them and/or their families to prevent them from testifying, namely a minor girl whose mother had threats made against her and her family by gang members if her daughter testified; another female witness whose brother was shot by the Laten Counts the night before she was to testify; and a male witness who had shots fired at him by Laten Count gang members the night after his first day of testimony.

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Sentencing Judge: John H. Hausner Date: Nov. 5, 1992

SCAO SIR69-2

COURT FILE

2B

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Sentencing Information Report
Departure Evaluation*

Judge: JOHN H. HAUSNER Circuit#: 3RD CIRCUIT

Offender Name: JAMES GREGORY EADS Docket #: 92-007359

"Whenever a judge of the circuit court or of the Recorder's Court for the City of Detroit determines that a minimum sentence outside the recommended minimum range should be imposed, the judge may do so. When such a sentence is imposed, the judge must explain on the sentencing information report and on the record the aspects of the case that have persuaded the judge to impose a sentence outside the recommended minimum range. (Administrative Order 1988-4, 430 Mich xxxi (1988))

The following aspects of this case led me to impose a sentence outside the recommended range:

(4) During the trial members of the Latin Counts, wearing the gang colors, black and red, came to Court to support Mr Eads and along with him found humor in this senseless murder.

(5) Mr Eads admits & takes pride in the fact that he has never held a job and has supported himself and the gang by selling narcotics for the Latin Counts.

(6) Mr Eads has refused to participate in the programs designed to help him at the Youth Facilities in which he was placed, and was a disruptive influence, or escaped shortly after his arrival.

(7) At one Youth Facility, Mr Eads formed his own gang "The Force", which assaulted and terrorized other youth inmates.

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Sentencing Judge: John H. Hausner Date: Nov. 5, 1992

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