

STATE OF MICHIGAN
IN THE MICHIGAN SUPREME COURT

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

EVAN TAYLOR ARMOGEDA,

Defendant-Appellant.

MSC Case No. 167760

Court of Appeals No. 365184

Circuit Court No. 21-260-FC

APPELLANT'S APPENDIX

BY: Christopher B. Wickman (P75395)
Attorney for Defendant-Appellant

Nichols Law Firm, PLLC
3452 E. Lake Lansing Road
East Lansing, MI 48823
O: (517) 432-9000
F: (517) 225-0332
E: cwickman@nicholslaw.net



ATTORNEYS

Michael J. Nichols
Wendy M. Gschler-Nichols
Christopher B. Wickman
Jackie A. Moss

3452 E. Lake Lansing Road
E. Lansing, MI 48823

(517) 432-9000
(800) 550-5692
(517) 225-0332 - facsimile
www.nicholslawyers.com

TABLE OF CONTENTS

Appendix A – Judgment of Sentence.....	3a
Appendix B – Order Denying Motion to Correct Invalid Sentence	4a
Appendix C – Trial Court Register of Actions.....	5a
Appendix D – Presentence Interview Report.....	11a
Appendix E – Court of Appeals Opinion.....	34a
Portion of Opinion Regarding Resentencing.....	40a
Appendix F – Stipulation to Proper Sentencing Guidelines.....	43a
Appendix G – 12-08-2022 Trial Transcript Excerpts.....	45a
Appendix H – 12-09-2022 Trial Transcript Excerpts.....	81a
Appendix I – 12-12-2022 Trial Transcript Excerpts.....	116a
Appendix J – 08-14-2023 Motion to Correct Invalid Sentence Transcript Excerpts.....	124a
Concession by the Plaintiff that the Guidelines Would Change.....	126a
Argument by the Defense Regarding <i>Francisco</i> Applying.....	129a
Trial Court’s Decision on Denying Resentencing.....	131a



ATTORNEYS

Michael J. Nichols
Wendy M. Gschler-Nichols
Christopher B. Witkman
Jackie A. Moss

3452 E. Lake Lansing Road
E. Lansing, MI 48823

(517) 432-9000
(800) 550-5692
(517) 228-0332 - facsimile
www.nicholslawyers.com

Approved, SCAO

Original - Court
1st copy - Corrections
2nd copy - Corrections (for return)3rd copy - MI State Police GJIC
4th copy - Defendant
5th copy - Prosecutor

STATE OF MICHIGAN 30TH JUDICIAL CIRCUIT INGHAM COUNTY		JUDGMENT OF SENTENCE COMMITMENT TO DEPARTMENT OF CORRECTIONS		CASE NO 21-000260-FC-C30	
ORI: MI-330055J 6500		Court Address 313 W Kalamazoo Lansing, MI 48933		Court Telephone No (517) 483-	
Police Report No					
THE PEOPLE OF THE STATE OF MICHIGAN		V		Defendant name, address, and telephone no EVAN TAYLOR ARMOGEDA 1100 GRAND RIVER APT 545 WILLIAMSTON, MI 48895	
				CTN/TCN 332100024701	SID 5755174L
				DOB 04/16/1985	
Prosecuting attorney's name \ Bar no. CAROL SIEMON P32946				Defendant attorney's name \ Bar no. TAKURA NYAMFUKUDZA P77034	

THE COURT FINDS:

1. The Defendant was found guilty on 12/13/2022 of the crime(s) stated below

Count	CONVICTED BY		DISMISSED BY*	CRIME	CHARGE CODE(S) MCL citation/PACC Code
Plea*	Court	Jury			
1			G	ASSAULT WITH INTENT TO MURDER	750.83
2			G	WP-DANG WP - CARRY UNLAWFUL INTENT	750.226
3			NP	ASSAULT WITH A DANGEROUS WEAPON(FELONIOUS ASSAULT)	750.82
4			G	POLICE OFFICER - FLEEING - THIRD DEGREE - VEHICLE CODE	257.602A3-A

*For plea insert "G" for guilty plea, "NC" for nolo contendere, or "MI" for guilty but mentally ill. For dismissal insert "D" for dismissed by court or "NP" for dismissed by prosecutor/plaintiff.

- ☐ 2. The conviction is reportable to the Secretary of State under MCL 257.625(21)(b).
- ☐ 3. HIV testing and sex offender registration are completed.
- ☐ 4. The defendant has been fingerprinted according to MCL 28.243.
- ☐ 5. A DNA sample is already on file with the Michigan State Police from a previous case. No assessment is required.

IT IS ORDERED

- ☐ 6. Probation is revoked.
7. Participating in a special alternative incarceration unit is ☐ prohibited ☐ permitted.
8. The defendant is sentenced to custody of the Michigan Department of Corrections. This sentence shall be executed immediately.

Count	SENTENCE DATE	MINIMUM			MAXIMUM		DATE SENTENCE BEGINS	JAIL CREDIT		OTHER INFORMATION
		Years	Mos	Days	Years	Mos		Mos	Days	
1	02/14/2023		360			600	02/14/2023		620	
2	02/14/2023		22			60	02/14/2023		620	
4	02/14/2023		12			60	02/14/2023		620	

- ☐ 9. Sentence(s) to be served consecutively to (If this item is not checked, the sentence is concurrent.)
☐ each other ☐ case numbers

X10. Defendant shall pay

State Minimum	Crime Victim	Restitution	DNA Assess	Court Costs	Attorney Fees	Fine	Other Costs	Total
\$ 204.00	\$ 130.00	\$	\$	\$	\$	\$	\$	\$ 334.00

The due date for payment is 02/14/2023. Fine, costs, and fees not paid within 56 days of the due date are subject to a 20% late penalty on the amount owed.

- ☐ 11. The concealed weapon board shall ☐ suspend for days ☐ permanently revoke the concealed weapon license, permit number issued by County.
- ☐ 12. The defendant is subject to lifetime monitoring under MCL 750.520n.

X13. Court recommendation: RESTITUTION LEFT OPEN FOR 60 DAYS
February 14, 2023

DATE

Judge DAVID L JORDON

Bar no. P24248

I certify that this is a correct and complete abstract from the original court records. The sheriff shall, without needless delay, deliver the defendant to the Michigan Department of Corrections at a place designated by the department.

(SEAL)

Deputy court clerk

STATE OF MICHIGAN
IN THE 30TH CIRCUIT COURT FOR INGHAM COUNTY

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

Honorable David L. Jordon

v

EVAN TAYLOR ARMOGEDA,

Defendant.

Circuit Court Case No. 21-260-FC

Court of Appeals No. 365184

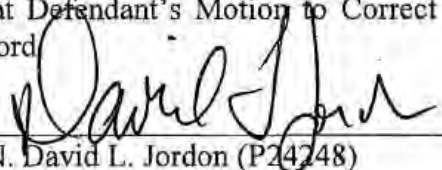
ORDER

At a session of said court, held in the 30th Circuit Courtroom, City
of Lansing, County of Ingham,
State of Michigan, this 15 day of August, 2023.

PRESENT: HON. DAVID L. JORDON

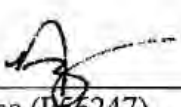
Having reviewed Defendant's Motion to Correct Invalid Sentence, Plaintiff's Response,
and Defendant's Reply by Leave and having heard oral arguments in open court:

IT IS HEREBY ORDERED that Defendant's Motion to Correct Invalid Sentence is
DENIED for the reasons stated on the record.

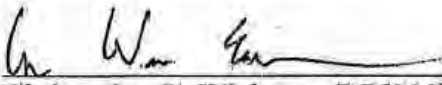

HON. David L. Jordon (P24748)
Visting Circuit Court Judge

Approved as to form only:

DATED: 8/14/2023


John J. Dewane (P56247)
By: Nattalie J. Macomber (P80008)
Ingham County Prosecuting Attorney

DATED: August 14, 2023


Christopher B. Wickman (P75395)
Attorney for Defendant
Attorney for Mr. Evan Armogeda

Ingham County, Michigan - Court Record Search

Navigation

[New Search](#)
[Return to ROA Results](#)
[Logout](#)

Case Summary

Case Title: THE STATE OF MICHIGAN vs ARMOGEDA, EVAN TAYLOR
Case Number: 21-000260-FC
Judge: DAVID JORDON
DEFENDANT: EVAN ARMOGEDA
Case Status: CLOSED
Disposition: 1BC - JURY VERDICT - 02/14/2023
File Date: 04/07/2021

Charge, Disposition & Sentencing

Charge 1: ASSAULT WITH INTENT TO MURDER
Disposition: C30 GUILTY VERDICT BY JURY
Sentence: Fines, Costs & Restitution: \$ 198.00
 Prison: Minimum - 360 (months) ; Maximum - 600 (months) ; Credit for - 620 (days)

Charge 2: WP-DANG WP - CARRY UNLAWFUL INTENT
Disposition: C30 GUILTY VERDICT BY JURY
 Prison: Minimum - 22 (months) ; Maximum - 60 (months) ; Credit for - 620 (days)

Charge 3: ASSAULT WITH A DANGEROUS WEAPON(FELONIOUS ASSAULT)
Disposition:

Charge 4: POLICE OFFICER - FLEEING - THIRD DEGREE - VEHICLE CODE
Disposition: C30 GUILTY VERDICT BY JURY
Sentence: Prison: Minimum - 12 (months) ; Maximum - 60 (months) ; Credit for - 620 (days)

Case Events

147 10/15/2024 ORDER TO PRODUCE CERTIFIED CRIMINAL HISTORY RECORDS
 146 10/07/2024 ORDER FROM COURT OF APPEALS
 145 01/12/2024 RECORD SENT TO COURT OF APPEALS
 144 01/03/2024 EXHIBIT SUBMISSION PURSUANT TO MCR 7.210(C) WITH CD OF ADMITTED EXHIBITS- #6,6A,6B,94,101,103,AND 200 AND CLOSING POWERPOINT. CD GIVEN TO CIRCUIT COURT RECORDS FOR PROPER STORAGE.

143 09/25/2023 ORDER TO PRODUCE CERTIFIED CRIMINAL HISTORY RECORDS
 142 09/06/2023 RECORDER/REPORTER'S NOTICE OF FILING OF TRANSCRIPT
 141 09/06/2023 TRANSCRIPT OF PROCEEDINGS- MOTION FOR NEW TRIAL/MOTION TO CORRECT INVALID SENTENCE-AUGUST 14, 2023

140 08/15/2023 ORDER REGARDING DEF'S MOTION FOR NEW TRIAL AND DEF'S MOTION TO CORRECT INVALID SENTENCE- DENIED FOR REASONS STATED ON THE RECORD
 139 08/14/2023 HEARING IN OPEN COURT-REGARDING DEF'S MOTION TO CORRECT AN INVALID SENTENCE AND MOTION FOR NEW TRIAL ARE BOTH DENIED FOR REASONS STATED ON THE RECORD.

138 08/11/2023 DEF'S REPLY BRIEF BY LEAVE IN SUPPORT OF DEF'S MOTION TO CORRECT AN INVALID SENTENCE
 137 08/10/2023 HEARING SET: THE FOLLOWING EVENT: MOTION (MISC) SCHEDULED FOR 08/14/2023 AT 9:00 AM HAS BEEN RESCHEDULED AS FOLLOWS: EVENT: MOTION (MISC) DATE: 08/14/2023 TIME: 11:00 AM JUDGE: JORDON, DAVID L LOCATION: CIRCUIT COURT ANNEX

136 08/10/2023 HEARING SET: THE FOLLOWING EVENT: MOTION FOR NEW TRIAL SCHEDULED FOR 08/14/2023 AT 9:00 AM HAS BEEN RESCHEDULED AS FOLLOWS: EVENT: MOTION FOR NEW TRIAL DATE: 08/14/2023 TIME: 11:00 AM JUDGE: JORDON, DAVID L LOCATION: CIRCUIT COURT ANNE0001

135 08/10/2023 HEARING ADJOURNED THE FOLLOWING EVENT: MOTION (MISC) SCHEDULED FOR 08/14/2023 AT 9:00 AM HAS BEEN RESULTED AS FOLLOWS: RESULT: C30 ADJOURNED

JUDGE: JORDON, DAVID L LOCATION: CIRCUIT COURT ANNEX RESULT STAFF: STAFF:
COURT RECORDER: BUCK0001

134 08/10/2023 HEARING ADJOURNED THE FOLLOWING EVENT: MOTION FOR NEW TRIAL SCHEDULED
FOR 08/14/2023 AT 9:00 AM HAS BEEN RESULTED AS FOLLOWS: RESULT: C30
ADJOURNED JUDGE: JORDON, DAVID L LOCATION: CIRCUIT COURT ANNEX RESULT
STAFF: STAFF: COURT RECORDER0001

133 08/09/2023 PEOPLE'S CONSOLIDATED ANSWER TO DEF'S MOTION FOR NEW TRIAL AND MOTION TO
CORRECT INVALID SENTENCE

132 07/31/2023 NOTICE OF HEARING W/POS RE: MOTIONS

131 07/25/2023 DEF'S MOTION FOR NEW TRIAL

130 07/25/2023 HEARING SET: EVENT: MOTION FOR NEW TRIAL DATE: 08/14/2023 TIME: 9:00 AM
JUDGE: JORDON, DAVID L LOCATION: CIRCUIT COURT ANNEX RESULT: C30
ADJOURNED

129 07/25/2023 ENTRY ERROR

128 07/25/2023 DEF'S MOTION TO CORRECT AN INVALID SENTENCE

127 07/25/2023 HEARING SET: EVENT: MOTION (MISC) DATE: 08/14/2023 TIME: 9:00 AM JUDGE:
JORDON, DAVID L LOCATION: CIRCUIT COURT ANNEX RESULT: C30 ADJOURNED

126 05/31/2023 RECORDER/REPORTER'S NOTICE OF FILING OF TRANSCRIPT

125 05/31/2023 TRANSCRIPT OF PROCEEDINGS: JURY TRIAL VOL V OF V BEFORE HON DAVID L
JORDON, ON 12/13/22 BY TONI COLTMAN 8226

124 05/30/2023 TRANSCRIPT OF PROCEEDINGS: SENTENCING BEFORE HON DAVID L JORDON ON
2/14/23 BY TAYLOR BUCK CEO 15806 KELLIE L WERNER CSR 6610

123 05/30/2023 REPORTER'S NOTICE OF FILING OF TRANSCRIPT

122 05/30/2023 TRANSCRIPT OF PROCEEDINGS: PRETRIAL HEARING BEFORE HON JAMES S JAMO ON
1/06/22 BY KELLI L WERNER CSR6610

121 05/30/2023 TRANSCRIPT OF PROCEEDINGS: JURY TRIAL VOL 3 OF 5 BEFORE HON DAVID L JORDON
ON 12/9/22 BY TAYLOR BUCK CEO 15806 KELLIE S WERNER CSR 6610

120 05/30/2023 TRANSCRIPT OF PROCEEDINGS: BOND HEARING BEFORE HON DAVID L JORDON ON
11/21/22 BY TAYLOR BUCK CEO 15806 KELLI S WERNER CSR 610

119 05/30/2023 TRANSCRIPT OF PROCEEDINGS: JURY TRIAL VOL 2 OF 5 BEFORE HON DAVID L JORDON
ON 12/8/22 BY TAYLOR BUCK CEO 15806 KELLIE S WERNER CSR 6610

118 05/30/2023 TRANSCRIPT OF PROCEEDINGS: PRETRIAL HEARING BEFORE HON JAMES S JAMO ON
07/18/22 BY KELLI L WERNER CSR6610

117 05/30/2023 TRANSCRIPT OF PROCEEDINGS: JURY TRIAL VOL 1 OF 5 BEFORE HON DAVID L JORDON
ON 12/7/22 BY TAYLOR BUCK CEO 15806 KELLIE S WERNER CSR 6610

116 05/30/2023 TRANSCRIPT OF PROCEEDINGS: BOND HEARING BEFORE HON JAMES S JAMO ON
11/10/21 BY KELLI L WERNER CSR6610

115 05/30/2023 TRANSCRIPT OF PROCEEDINGS: PRETRIAL HEARING BEFORE HON JAMES S JAMO ON
02/17/22 BY KELLI L WERNER CSR6610

114 05/18/2023 TRANSCRIPT OF PROCEEDINGS- JURY TRIAL- VOLUME IV OF V- DECEMBER 12, 2022

113 05/18/2023 RECORDER/REPORTER'S NOTICE OF FILING OF TRANSCRIPT

112 03/30/2023 30 DAYS PAST DUE NOTICE SENT ARMOGEDA, EVAN TAYLOR WAS SENT NOTICE FOR
\$334.00. BALANCE: \$334.00 PAST DUE: \$334.00 PRINTED ON 03/30/2023
09:39:10.42.

111 03/02/2023 RECORDER/REPORTER'S NOTICE OF FILING OF TRANSCRIPT (COURT STENOGRAPHER
CERTIFICATE OF ORDERING TRANSCRIPT ON APPEAL)

110 02/27/2023 CLAIM OF APPEAL ORDER APPOINTING COUNSEL

109 02/16/2023 NOTE* CERTIFIED COPIES OF ORDER TO SEAL HAVE BEEN SENT TO SUPREME COURT
CLERK AND SCAO.

108 02/15/2023 REMOVAL OF ENTRY FROM LEIN

107 02/14/2023 C30 - SENTENCE INFORMATION- SENTENCED TO MDOC AS TO CT. 1- 360 MONTHS TO
600 MONTHS WITH 620 CREDIT DAYS; CT. 2- 22 MO. TO 60 MO. WITH 620 DAYS CREDIT
; CT. 4 -12 MO. TO 60 MO.WITH 620 DAYS CREDIT; \$204 STATE; \$130 CVA;
RESTITUTION TO BE LEFT OPEN FOR0001

106 02/14/2023 ORDER TO SEAL RECORD

105 02/14/2023 HEARING HELD ON THE RECORD THE FOLLOWING EVENT: SENTENCING SCHEDULED
FOR 02/14/2023 AT 9:00 AM HAS BEEN RESULTED AS FOLLOWS: RESULT: HEARING
HELD ON THE RECORD JUDGE: JORDON, DAVID L LOCATTON: CIRCUIT COURT ANNEX
RESULT STAFF: STAFF: C0001

104 02/14/2023 FILED UNDER SEAL-EXHIBIT TO DEF .SENTENCING MEMORANDUM ORDERED TO BE
FILED UNDER SEAL PER ORDER FILED ON 2/14/2023

103 02/14/2023 FELONY MINIMUM COST

102 02/14/2023 CRIME VICTIM'S RIGHTS ASSESSMENT - CIRCUIT COURT

101 02/14/2023 **ALERT CANCELLED** CONDITIONAL BOND RELEASE CANCELED ON: 02/14/2023
FOR: ARMOGEDA, EVAN TAYLOR

100 02/14/2023 CASE CLOSED C30

99 02/14/2023 COMMITMENT CORRECTIONS DEPARTMENT

98 02/13/2023 ATTACHMENT TO SENTENCING MEMORANDUM

97 02/09/2023 SENTENCING MEMORANDUM

96 01/11/2023 STIPULATION AND ORDER TO ADJOURN

95 01/05/2023 SCHEDULED IN ERROR THE FOLLOWING EVENT: SENTENCING SCHEDULED FOR
01/14/2023 AT 9:00 AM HAS BEEN RESULTED AS FOLLOWS: RESULT: SCHEDULED IN
ERROR JUDGE: JORDON, DAVID L LOCATION: CIRCUIT COURT ANNEX RESULT STAFF:
STAFF: COURT RECORDER: B0001

94 01/05/2023 HEARING SET: EVENT: SENTENCING DATE: 02/14/2023 TIME: 9:00 AM JUDGE:
JORDON, DAVID L LOCATION: CIRCUIT COURT ANNEX RESULT: HEARING HELD ON THE
RECORD

93 01/05/2023 HEARING SET: THE FOLLOWING EVENT: SENTENCING SCHEDULED FOR 02/07/2023 AT
10:30 AM HAS BEEN RESCHEDULED AS FOLLOWS: EVENT: SENTENCING DATE:
01/14/2023 TIME: 9:00 AM JUDGE: JORDON, DAVID L LOCATION: CIRCUIT COURT
ANNEX RESULT: SCHEDULED0001

92 01/05/2023 HEARING ADJOURNED THE FOLLOWING EVENT: SENTENCING SCHEDULED FOR
02/07/2023 AT 10:30 AM HAS BEEN RESULTED AS FOLLOWS: RESULT: C30 ADJOURNED
JUDGE: JORDON, DAVID L LOCATION: CIRCUIT COURT ANNEX RESULT STAFF: STAFF:
COURT RECORDER: BUCK, 0001

91 01/04/2023 NOTICE BY U.S. POSTAL SERVICE OF RETURN TO SENDER

90 12/13/2022 GUILTY VERDICT BY JURY- DEF. FOUND GUILTY ON COUNTS 1,2,AND 4; BOND
REVOKED; DEF. REMANDED TO ICJ; SENTENCING ON FEBRUARY 7, 2023 AT 10:30 AM;
INFO RECIEVED; DNA ORDERED

89 12/13/2022 GUILTY VERDICT BY JURY

88 12/13/2022 HEARING SET: EVENT: SENTENCING DATE: 02/07/2023 TIME: 10:30 AM JUDGE:
JORDON, DAVID L LOCATION: CIRCUIT COURT ANNEX RESULT: C30 ADJOURNED

87 12/13/2022 JURY TRIAL CONCLUDED- JURORS SERVED FULL DAY JURORS RELEASED AT 4:10 PM

86 12/13/2022 VERDICT FORM

85 12/13/2022 HEARING HELD ON THE RECORD THE FOLLOWING EVENT: JURY TRIAL CRIMINAL
SCHEDULED FOR 12/13/2022 AT 9:00 AM HAS BEEN RESULTED AS FOLLOWS: RESULT:
HEARING HELD ON THE RECORD JUDGE: JORDON, DAVID L LOCATION: CIRCUIT COURT
ANNEX RESULT STAFF: 0001

84 12/13/2022 JURY COMMUNICATION

83 12/13/2022 GUILTY VERDICT BY JURY

82 12/13/2022 GUILTY VERDICT BY JURY

81 12/13/2022 ORDER FOR DNA SAMPLE

80 12/12/2022 JURY TRIAL CONTINUED- JURORS SERVED HALF DAY

79 12/12/2022 CONDITIONAL BOND RELEASE ORDER - NO CONTACT

78 12/12/2022 HEARING SET: EVENT: JURY TRIAL CRIMINAL DATE: 12/13/2022 TIME: 9:00 AM JUDGE:
JORDON, DAVID L LOCATION: CIRCUIT COURT ANNEX RESULT: HEARING HELD ON THE
RECORD

77 12/12/2022 HEARING HELD ON THE RECORD THE FOLLOWING EVENT: JURY TRIAL CRIMINAL
SCHEDULED FOR 12/12/2022 AT 1:00 PM HAS BEEN RESULTED AS FOLLOWS: RESULT:
HEARING HELD ON THE RECORD JUDGE: JORDON, DAVID L LOCATION: CIRCUIT COURT
ANNEX RESULT STAFF: 0001

76 12/09/2022 HEARING SET: EVENT: JURY TRIAL CRIMINAL DATE: 12/12/2022 TIME: 1:00 PM JUDGE:
JORDON, DAVID L LOCATION: CIRCUIT COURT ANNEX RESULT: HEARING HELD ON THE
RECORD

75 12/09/2022 JURY TRIAL CONTINUED- JURORS SERVED FULL DAY

74 12/09/2022 HEARING HELD ON THE RECORD THE FOLLOWING EVENT: JURY TRIAL CRIMINAL
SCHEDULED FOR 12/09/2022 AT 8:30 AM HAS BEEN RESULTED AS FOLLOWS: RESULT:
HEARING HELD ON THE RECORD JUDGE: JORDON, DAVID L LOCATION: CIRCUIT COURT
ANNEX RESULT STAFF: 0001

73 12/08/2022 HEARING SET: EVENT: JURY TRIAL CRIMINAL DATE: 12/09/2022 TIME: 8:30 AM JUDGE:
JORDON, DAVID L LOCATION: CIRCUIT COURT ANNEX RESULT: HEARING HELD ON THE
RECORD

72 12/08/2022 HEARING HELD ON THE RECORD THE FOLLOWING EVENT: JURY TRIAL CRIMINAL
SCHEDULED FOR 12/08/2022 AT 8:30 AM HAS BEEN RESULTED AS FOLLOWS: RESULT:
HEARING HELD ON THE RECORD JUDGE: JORDON, DAVID L LOCATION: CIRCUIT COURT
ANNEX RESULT STAFF: 0001

71 12/08/2022 JURY TRIAL CONTINUED- JURORS SERVED FULL DAY

70 12/07/2022 HEARING HELD ON THE RECORD THE FOLLOWING EVENT: JURY TRIAL CRIMINAL SCHEDULED FOR 12/07/2022 AT 8:30 AM HAS BEEN RESULTED AS FOLLOWS: RESULT: HEARING HELD ON THE RECORD JUDGE: JORDON, DAVID L LOCATION: CIRCUIT COURT ANNEX RESULT STAFF: 0001

69 12/07/2022 JURY TRIAL COMMENCED- JURORS SERVED FULL DAY- JURY SELECTED AND SEATED AT 2:42 PM.

68 12/07/2022 HEARING SET: EVENT: JURY TRIAL CRIMINAL DATE: 12/08/2022 TIME: 8:30 AM JUDGE: JORDON, DAVID L LOCATION: CIRCUIT COURT ANNEX RESULT: HEARING HELD ON THE RECORD

67 12/06/2022 INFORMATION- AMENDED

66 12/01/2022 AMENDED INFORMATION

65 11/30/2022 ORDER OF NOLLE PROS -COUNT 3 IS DISMISSED

64 11/22/2022 HEARING HELD ON THE RECORD THE FOLLOWING EVENT: FINAL CRIMINAL PRETRIAL CONFERENCE SCHEDULED FOR 11/21/2022 AT 10:00 AM HAS BEEN RESULTED AS FOLLOWS: RESULT: HEARING HELD ON THE RECORD JUDGE: JORDON, DAVID L LOCATION: CIRCUIT COURT ANNEX RES0001

63 11/14/2022 PEOPLE'S WITNESS LIST

62 11/14/2022 DISCLOSURE DEMANDS

61 11/08/2022 WITNESS LIST

60 11/02/2022 NOTICE OF JURY TRIAL

59 11/02/2022 SUBPOENA RE: NIESA

58 10/03/2022 ORDER SETTING CRIMINAL PRETRIAL CONFERENCE

57 09/30/2022 HEARING SET: EVENT: FINAL CRIMINAL PRETRIAL CONFERENCE DATE: 11/21/2022 TIME: 10:00 AM JUDGE: JORDON, DAVID L LOCATION: CIRCUIT COURT ANNEX RESULT: HEARING HELD ON THE RECORD

56 09/19/2022 HEARING SET: THE FOLLOWING EVENT: JURY TRIAL CRIMINAL SCHEDULED FOR 10/19/2022 AT 8:30 AM HAS BEEN RESCHEDULED AS FOLLOWS: EVENT: JURY TRIAL CRIMINAL DATE: 12/07/2022 TIME: 8:30 AM JUDGE: JORDON, DAVID L LOCATION: CIRCUIT COURT ANNEX 0001

55 09/15/2022 HEARING HELD ON THE RECORD THE FOLLOWING EVENT: FINAL CRIMINAL PRETRIAL CONFERENCE SCHEDULED FOR 09/14/2022 AT 9:00 AM HAS BEEN RESULTED AS FOLLOWS: RESULT: HEARING HELD ON THE RECORD JUDGE: JORDON, DAVID L LOCATION: CIRCUIT COURT ANNEX RESU0001

54 09/14/2022 STIPULATION AND ORDER TO ADJOURN

53 09/14/2022 ADJOURNED ON THE RECORD THE FOLLOWING EVENT: JURY TRIAL CRIMINAL SCHEDULED FOR 10/19/2022 AT 8:30 AM HAS BEEN RESULTED AS FOLLOWS: RESULT: C30 ADJOURNED - ON THE RECORD JUDGE: JORDON, DAVID L LOCATION: CIRCUIT COURT ANNEX RESULT STAFF: 0001

52 09/06/2022 HEARING SET: EVENT: JURY TRIAL CRIMINAL DATE: 10/19/2022 TIME: 8:30 AM JUDGE: JORDON, DAVID L LOCATION: CIRCUIT COURT ANNEX RESULT: C30 ADJOURNED - ON THE RECORD

51 09/06/2022 NOTICE OF JURY TRIAL

50 08/22/2022 HEARING ADJOURNED THE FOLLOWING EVENT: JURY TRIAL CRIMINAL SCHEDULED FOR 09/28/2022 AT 8:30 AM HAS BEEN RESULTED AS FOLLOWS: RESULT: C30 ADJOURNED JUDGE: JORDON, DAVID L LOCATION: CIRCUIT COURT ANNEX

49 08/19/2022 STIPULATION AND ORDER TO ADJOURN

48 08/10/2022 ORDER SETTING FINAL CRIMINAL PRETRIAL CONFERENCE

47 08/10/2022 NOTICE OF JURY TRIAL

46 08/09/2022 HEARING SET: EVENT: FINAL CRIMINAL PRETRIAL CONFERENCE DATE: 09/14/2022 TIME: 9:00 AM JUDGE: JORDON, DAVID L LOCATION: CIRCUIT COURT ANNEX RESULT: HEARING HELD ON THE RECORD RESULT: HELD BUT NOT ON RECORD

45 08/08/2022 HEARING SET: EVENT: JURY TRIAL CRIMINAL DATE: 09/28/2022 TIME: 8:30 AM JUDGE: JORDON, DAVID L LOCATION: CIRCUIT COURT ANNEX RESULT: C30 ADJOURNED

44 08/08/2022 HEARING ADJOURNED THE FOLLOWING EVENT: JURY TRIAL CRIMINAL SCHEDULED FOR 11/07/2022 AT 8:30 AM HAS BEEN RESULTED AS FOLLOWS: RESULT: C30 ADJOURNED JUDGE: JAMO, JAMES S LOCATION: COURTROOM 7 - VETERANS MEMORIAL RESULT STAFF: STAFF: COUR0001

43 07/21/2022 ORDER OF REASSIGNMENT TO JUDGE DAVID JORDON

42 07/21/2022 PURSUANT TO MCR 8.110(C)(3)(G), CASE REASSIGNED TO HON. DAVID L JORDON THE JUDGE WAS CHANGED FROM JAMO, JAMES S TO JORDON, DAVID L

41 07/18/2022 ORDER WAIVER OF EXTRADITION

40 07/18/2022 STIPULATION AND ORDER TO ADJOURN IS GRANTED

39 07/18/2022 HEARING SET: THE FOLLOWING EVENT: JURY TRIAL CRIMINAL SCHEDULED FOR 08/02/2022 AT 8:30 AM HAS BEEN RESCHEDULED AS FOLLOWS: EVENT: JURY TRIAL

CRIMINAL DATE: 11/07/2022 TIME: 8:30 AM JUDGE: JAMO, JAMES S LOCATION: COURTROOM 7 - VETERANS 0001

38 07/18/2022 HEARING HELD ON THE RECORD THE FOLLOWING EVENT: CRIMINAL PRETRIAL CONFERENCE SCHEDULED FOR 07/18/2022 AT 4:30 PM HAS BEEN RESULTED AS FOLLOWS: RESULT: HEARING HELD ON THE RECORD JUDGE: JAMO, JAMES S LOCATION: COURTROOM 7 - VETERANS MEMORIAL 0001

37 07/18/2022 HEARING IN OPEN COURT HELD ON THE RECORD; PLEA OFFER PLACED ON THE RECORD AND REJECTED BY THE DEFENDANT; THE DF IS TO BE TRANSFERRED TO RISE ON THE BEHALF OF RISE STAFF; THE DEF SHALL HAVE NO CONTACT WITH VICTIM OR POTENTIAL WITNESSES; DF SHALL BE PLA0001

36 07/18/2022 ADJOURNED ON THE RECORD THE FOLLOWING EVENT: JURY TRIAL CRIMINAL SCHEDULED FOR 08/02/2022 AT 8:30 AM HAS BEEN RESULTED AS FOLLOWS: RESULT: C30 ADJOURNED - ON THE RECORD JUDGE: JAMO, JAMES S LOCATION: COURTROOM 7 - VETERANS MEMORIAL RESULT ST0001

35 07/15/2022 ARREST BOND UPDATED ARREST BOND MODIFIED WITH: BOND STATUS: C30 BOND POSTED STATUS DATE: 07/14/2022 COMMENTS: BIG BROTHER BAIL BONDS 800 MONROE NW STE 212 GRAND RAPIDS MI 49503

34 07/13/2022 HEARING SET: THE FOLLOWING EVENT: CRIMINAL PRETRIAL CONFERENCE SCHEDULED FOR 07/18/2022 AT 9:00 AM HAS BEEN RESCHEDULED AS FOLLOWS: EVENT: CRIMINAL PRETRIAL CONFERENCE DATE: 07/18/2022 TIME: 4:30 PM JUDGE: JAMO, JAMES S LOCATION: COURT0001

33 07/13/2022 HEARING ADJOURNED THE FOLLOWING EVENT: CRIMINAL PRETRIAL CONFERENCE SCHEDULED FOR 07/18/2022 AT 9:00 AM HAS BEEN RESULTED AS FOLLOWS: RESULT: C30 ADJOURNED JUDGE: JAMO, JAMES S LOCATION: COURTROOM 7 - VETERANS MEMORIAL RESULT STAFF: STA0001

32 06/13/2022 HEARING SET: EVENT: CRIMINAL PRETRIAL CONFERENCE DATE: 07/18/2022 TIME: 9:00 AM JUDGE: JAMO, JAMES S LOCATION: COURTROOM 7 - VETERANS MEMORIAL RESULT: C30 ADJOURNED

31 06/13/2022 HEARING ADJOURNED THE FOLLOWING EVENT: JURY TRIAL CRIMINAL SCHEDULED FOR 08/01/2022 AT 8:30 AM HAS BEEN RESULTED AS FOLLOWS: RESULT: C30 ADJOURNED JUDGE: JAMO, JAMES S LOCATION: COURTROOM 7 - VETERANS MEMORIAL RESULT STAFF: STAFF: COUR0001

30 06/13/2022 HEARING SET: THE FOLLOWING EVENT: JURY TRIAL CRIMINAL SCHEDULED FOR 08/01/2022 AT 8:30 AM HAS BEEN RESCHEDULED AS FOLLOWS: EVENT: JURY TRIAL CRIMINAL DATE: 08/02/2022 TIME: 8:30 AM JUDGE: JAMO, JAMES S LOCATION: COURTROOM 7 - VETERANS 0001

29 06/13/2022 ORDER SETTING CRIMINAL PRETRIAL CONFERENCE - NOTICE OF CRIMINAL JURY TRIAL

28 04/27/2022 HEARING SET: EVENT: JURY TRIAL CRIMINAL DATE: 08/01/2022 TIME: 8:30 AM JUDGE: JAMO, JAMES S LOCATION: COURTROOM 7 - VETERANS MEMORIAL RESULT: C30 ADJOURNED

27 04/14/2022 HELD BUT NOT ON THE RECORD THE FOLLOWING EVENT: CRIMINAL PRETRIAL CONFERENCE SCHEDULED FOR 04/14/2022 AT 2:00 PM HAS BEEN RESULTED AS FOLLOWS: RESULT: HELD BUT NOT ON RECORD JUDGE: JAMO, JAMES S LOCATION: COURTROOM 7 - VETERANS MEMORIAL RESU0001

26 04/13/2022 CRIMINAL PRE-TRIAL CONFERENCE ORDER

25 02/17/2022 HEARING HELD ON THE RECORD THE FOLLOWING EVENT: CRIMINAL PRETRIAL CONFERENCE SCHEDULED FOR 02/17/2022 AT 2:00 PM HAS BEEN RESULTED AS FOLLOWS: RESULT: HEARING HELD ON THE RECORD JUDGE: JAMO, JAMES S LOCATION: COURTROOM 7 - VETERANS MEMORIAL 0001

24 02/17/2022 HEARING SET: EVENT: CRIMINAL PRETRIAL CONFERENCE DATE: 04/14/2022 TIME: 2:00 PM JUDGE: JAMO, JAMES S LOCATION: COURTROOM 7 - VETERANS MEMORIAL RESULT: HELD BUT NOT ON RECORD

23 02/09/2022 SUBSTITUTION OF ATTORNEY THAT ATTORNEY: NYAMFUKUDZA, TAKURA (77034) REPLACE ATTORNEY: ETHERIDGE, HENRY D (62871)

22 01/06/2022 HEARING SET: THE FOLLOWING EVENT: CRIMINAL PRETRIAL CONFERENCE SCHEDULED FOR 01/06/2022 AT 1:30 PM HAS BEEN RESCHEDULED AS FOLLOWS: EVENT: CRIMINAL PRETRIAL CONFERENCE DATE: 02/17/2022 TIME: 2:00 PM JUDGE: JAMO, JAMES S LOCATION: COURT0001

21 01/06/2022 ADJOURNED ON THE RECORD THE FOLLOWING EVENT: CRIMINAL PRETRIAL CONFERENCE SCHEDULED FOR 01/06/2022 AT 1:30 PM HAS BEEN RESULTED AS FOLLOWS: RESULT: C30 ADJOURNED - ON THE RECORD JUDGE: JAMO, JAMES S LOCATION: COURTROOM 7 - VETERANS MEMORIAL 0001

20 01/06/2022 HEARING IN OPEN COURT/CRIMINAL PRETRIAL CONFERENCE VIA ZOOM ON THE RECORD ON 1-6-22 - HEARING ADJ TO 2-17-22 @ 2 PM

19 12/07/2021 ARREST BOND (AMENDED CONDITIONS/ EXPIRATION DATE)

18 11/15/2021 PEOPLE'S RESPONSE TO DF'S MOTION FOR RELEASE ON BOND RE SPEEDY TRIAL W/PS

17 11/10/2021 HEARING SET: EVENT: CRIMINAL PRETRIAL CONFERENCE DATE: 01/06/2022 TIME: 1:30 PM JUDGE: JAMO, JAMES S LOCATION: COURTROOM 7 - VETERANS MEMORIAL RESULT: C30 ADJOURNED - ON THE RECORD

16 11/10/2021 HEARING IN OPEN COURT/DF'S MOTION FOR BOND CHANGE VIA ZOOM ON 11-10-21 - MOTION FOR BOND CHANGE DENIED - BOND AMOUNT REMAINS AT \$75,000, 10%, BUT WITH ADDED CONDITION OF COURT PRE-APPROVING A MICHIGAN RELEASE ADDRESS, AND THAT HE SIGN A CONSENT FOR EX0001

15 11/10/2021 HEARING HELD ON THE RECORD THE FOLLOWING EVENT: BOND HEARING SCHEDULED FOR 11/10/2021 AT 11:15 AM HAS BEEN RESULTED AS FOLLOWS: RESULT: HEARING HELD ON THE RECORD JUDGE: JAMO, JAMES S LOCATION: COURTROOM 7 - VETERANS MEMORIAL RESULT STAFF: 0001

14 10/08/2021 ENTRY ERROR

13 10/07/2021 NOTICE OF HEARING DF'S MOTION FOR RELEASE ON BOND RE: SPEEDY TRIAL UNDER MCR 6.106 AND MCR 6.004 SCHEDULED FOR WEDNESDAY, NOVEMBER 10, 2021 AT 11:15AM- WPS

12 10/06/2021 HEARING SET: EVENT: BOND HEARING DATE: 11/10/2021 TIME: 11:15 AM JUDGE: JAMO, JAMES S LOCATION: COURTROOM 7 - VETERANS MEMORIAL RESULT: HEARING HELD ON THE RECORD

11 10/05/2021 MOTION FOR RELEASE ON BOND RE: SPEEDY TRIAL UNDER MCR 6.106 AND MCR 6.004- WPS

10 05/12/2021 CRIMINAL PRE-TRIAL CONFERENCE ORDER

9 05/12/2021 HELD BUT NOT ON THE RECORD THE FOLLOWING EVENT: CRIMINAL PRETRIAL CONFERENCE SCHEDULED FOR 05/13/2021 AT 2:00 PM HAS BEEN RESULTED AS FOLLOWS: RESULT: HELD BUT NOT ON RECORD JUDGE: JAMO, JAMES S LOCATION: COURTROOM 7 - VETERANS MEMORIAL RESU0001

8 04/28/2021 TRANSCRIPT OF PROCEEDINGS (PRELIMINARY EXAMINATION BF DISTRICT JUDGE RICHRD HILLMAN OM 040121 - RECORDED BY E. STOCKING CER 0703

7 04/16/2021 HEARING SET: EVENT: CRIMINAL PRETRIAL CONFERENCE DATE: 05/13/2021 TIME: 2:00 PM JUDGE: JAMO, JAMES S LOCATION: COURTROOM 7 - VETERANS MEMORIAL RESULT: HELD BUT NOT ON RECORD

6 04/13/2021 INFORMATION AS TO CTS 1-4 W POS DNA TO BE ORDERED

5 04/07/2021 DISTRICT COURT BINDOVER RECEIVED

4 04/07/2021 ARREST BOND ARREST BOND ADDED TO CASE WITH: ACTION CODE: ASSAULT WITH INTENT TO MURDER ARREST DATE: 01/11/2021 BOND STATUS: C30 BOND NOT POSTED STATUS DATE: 04/07/2021 BLANKET BOND: NO OKAY TO APPLY: NO BOND TYPE: CR 10% BOND BOND 0001

3 04/07/2021 **ALERT ISSUED** CONDITIONAL BOND RELEASE ISSUED ON: 01/13/2021 FOR: ARMOGEDA, EVAN TAYLOR BOND AMT:

2 04/07/2021 CONDITIONAL BOND RELEASE ORDER: A,B,C,D,E,F,G,P,S,T,U. NO CONTACT WITH ZACHARY WICKIZER. MUST REMAIN 2000 FT FROM VICTIM AND 875 W GRAND RIVER AVE, WILLIAMSTON. GPS TETHER REQUIRED FOR RELEASE WITH VICTIM NOTIFICATION. JAIL TO NOTIFY JSG. SUBJECT TO R0001

1 04/07/2021 HEARING SET: EVENT: ARRAIGNMENT DATE: 04/14/2021 TIME: 8:30 AM JUDGE: JAMO, JAMES S LOCATION: COURTROOM 7 - VETERANS MEMORIAL

[Return to Case Summary](#)

**MICHIGAN DEPARTMENT OF CORRECTIONS
PRESENTENCE INVESTIGATION REPORT**

CFJ-145
Rev. 11/09

Honorable: David L. Jordon County: Ingham County Sentence Date: 02/07/2023
MDOC Nbr.: 740526 Attorney: Takura Nyamfukudza Appointed/Retained: Retained
Defendant: Armogeda, Evan Age: 37 D.O.B.: 01/10/1986

CURRENT CONVICTION(S)

Final Charge(s)			Max			Jail Credit Days	Bond	Convicted By	Conviction Date
			Yrs	Mo.	Days				
Charge(1): 21-260-FC	750.83	Asslt w/Int to Commit Murder	LIFE			247	Posted	Jury	12/13/2022
Charge(2): 21-260-FC	750.226	Carry Weapon w/Unlawful Intent	5			247	Posted	Jury	12/13/2022
Charge(3): 21-260-FC	257.602A3A	Police Officer - Fleeing - Third Degree - Vehicle Code	5			247	Posted	Jury	12/13/2022

SOR Required: ☐ No Date SOR Completed: N/A

Plea Agreement: None HYTA: No

Pending Charges: No Where: N/A

Status at Time of Offense: On District Court Bond

PRIOR RECORD

Conviction: Felonies: 13 Misdemeanors: 48 Juvenile Record: No

Probation: Active: No Former: Yes Pending Violation: No

Parole: Active: No Former: Yes Pending Violation: No

Current Michigan Prisoner: No

Currently Under Sentence: No

PERSONAL HISTORY

Where Employed: Lansing Brewing Company Education: Twelfth Grade

Psychiatric History: Yes Physical Handicaps: No Marital Status: Single

Substance Abuse History: Yes

What	How Long
THC (Marijuana, Hashish, etc.)	01/01/1997 to 01/11/2021
Alcohol	01/01/2001 to 01/11/2021
Methamphetamine	01/01/2001 to 01/01/2016
Opiates (Morphine, Heroin, Codeine)	01/01/2006 to 01/01/2016

Investigating Agent: EMMA Y RUSSELL
Worksite: Ingham/Lansing/Probation

Caseload No.: 3357
Phone No: (517)483-6100

Date: 02/03/2023

MICHIGAN DEPARTMENT OF CORRECTIONS
PRESENTENCE INVESTIGATION REPORT

CFJ-145
Rev. 11/09

DEPARTMENT OF CORRECTIONS RECOMMENDATION

Jail Credit:

DOCKET NO. 21-260-FH			
Date(s)	Action	Sentence Details	Days
1/11/21 to 7/20/21		Initial Arrest	191
12/13/22 to 2/6/23		Remand	56
Total Days Jail Credit			247

Ct I: It is respectfully recommended the defendant be sentenced to the Michigan Department of Corrections for a period of 270 to 450 months, with credit for 247 days served.

1. (08.1) You must pay restitution in the amount of \$30,000 as follows: Payable to Zackary Wickizer. You must execute a wage assignment to pay restitution if you are employed and miss two regularly scheduled payments.
2. (08.18) You must pay \$68 State Cost as ordered by the Court.
3. (08.19) You must comply with DNA testing as ordered by the court.
4. (08.2) You must pay a crime victim's assessment in the amount of \$130 as ordered by the court.
5. (09.0) No Contact with Zackary Wickizer.

Ct II: It is respectfully recommended the defendant be sentenced to the Michigan Department of Corrections for a period of 22 to 60 months, with credit for 247 days served.

1. (08.18) You must pay \$68 State Cost as ordered by the Court.
- 2.. (08.19) You must comply with DNA testing as ordered by the court.
- 3.. (09.0) No Contact with Zackary Wickizer.

Ct IV: It is respectfully recommended the defendant be sentenced to the Michigan Department of Corrections for a period of 18 to 60 months, with credit for 247 days served.

1. (08.18) You must pay \$68 State Cost as ordered by the Court.
2. (08.19) You must comply with DNA testing as ordered by the court.
3. (09.0) No Contact with Zackary Wickizer.

Kurt W. Schaaf
Supervisor: KURT W SCHAAF

Date: 02/03/2023

Michigan Department of Corrections
Presentence Investigation

CFJ-284
Rev. 10/03

RECEIVED by MSC 6/13/2025 10:45:30 AM

Evaluation and Plan

Before your Honor for sentencing is Evan Armogeda, a 37 year old, single male, who claims paternity of two children. The defendant was found guilty on Count One: Assault With Intent to Murder, Count Two: Carrying a Weapon with Unlawful Intent and Count IV: Police Officer- Fleeing and Eluding - Third Degree. The defendant was represented by retained attorney, Takura Nyamfukudza. Sentencing is scheduled for 2/7/23.

Positively speaking, the defendant reports having some family support through his aunt who resides in California. He also has obtained his high school diploma and reports no physical health concerns. The defendant has the ability to obtain and maintain employment.

To the defendant's detriment, he has a very extensive criminal history. The defendant does not have any family support in Michigan. He has not maintained long-term employment and also has served numerous probation, jail and prison terms without rehabilitation. The defendant admits that his childhood was unstable due to his mother's addiction to alcohol and his mental abuse by both his parents.

The defendant's identity was confirmed via his Ingham County Jail records. His Social Security number was confirmed on LEIN and his DNA record is available.

Offender's Name	Offender Number	Assessment Date
Armogeda, Evan	740526	02/02/2023
Core COMPAS Need Scale	Score	Supervision Recommendation
Criminal Associates/Peers	Probable	Will be assessed upon incarceration with the MDOC
Criminal Opportunity	Unlikely	N/A
Leisure/Recreation	Unlikely	N/A
Social Isolation	Highly Probable	Will be assessed upon incarceration with the MDOC
Substance Abuse	Highly Probable	Will be assessed upon incarceration with the MDOC
Criminal Personality	Highly Probable	Will be assessed upon incarceration with the MDOC
Cognitive Behavioral	Unlikely	N/A
Family Criminality	Unlikely	N/A
Vocational/Education	Unlikely	N/A
Residential Instability	Highly Probable	Will be assessed upon incarceration with the MDOC
Social Environment	Unlikely	N/A

RECOMMENDATION

**Michigan Department of Corrections
Presentence Investigation**

CFJ-284
Rev. 10/03

RECEIVED by MSC 6/13/2025 10:45:30 AM

The Michigan Sentencing Guidelines for Count One is 270-450 months, on Count Two is 22-38 months and on Count Four is 12-24 months. The defendant is eligible for PA 511 Programming and the Swift and Sure Probation Program, but is not eligible for the Special Alternative Incarceration Program. Due to the defendant's extensive criminal history and his failure to rehabilitate when given numerous opportunities, this writer is respectfully recommending that the defendant be sentenced to a term of 270 months - 450 months on Count One, 22-60 months on Count Two, and 18 - 60 months on Count Four, with the Michigan Department of Corrections, with credit for 247 days served on all counts. The counts are to run concurrent. All additional special conditions to be found on the recommendation sheet.

Agent's Description of the Offense

The following was taken from Meridian Township Police Department incident #2192600131.

On 01/11/2021, at approximately 7:50pm, the Meridian Township Police Department officers were dispatched to 875 W. Grand River Ave. to assist Williamston Police Department with a stabbing.

The officers were advised that a female's boyfriend, later identified as the victim, Zackary Wickizer, (age 25), was stabbed by her ex-boyfriend later identified verbally and confirmed through LEIN as the defendant, Evan Armogeda, (age 35). There was a large amount of blood on scene due to the victim being stabbed in the chest by a 10-inch knife. The victim was transported to Sparrow Hospital. The defendant left the area in a white, or silver BMW with a California license plate and the left tail light was out.

The MTPD officers arrived at the defendant's address located at 1147 W. Grand River Ave Apt. 923 and observed him leave the parking lot North bound at a high rate of speed. The officers attempted to complete a traffic stop; however, the defendant did not stop and continued North on Churchill Downs Blvd. at approximately 45mph. The defendant reached a dead end at Churchill Downs and came to a stop. The defendant was ordered to put his hands out the window, get out of the vehicle, walk backwards, and get onto his knees. The defendant complied with the orders. However, when the officer attempted to place the handcuffs on his right wrist, the defendant attempted to pull away. The officer assisted the defendant to the ground where he began to comply. The defendant was searched, and no weapons were found on his person. The vehicle was also searched and no evidence of the crime found in his vehicle. The defendant was placed in the patrol vehicle and at this time an officer observed the defendant's sweatpants sagging below his buttocks. Officer's also saw a cut with blood on the defendant's buttocks.

The defendant was transported to Ingham County Jail where WPD would perform an interview. During the transport, the officer could smell the odor of alcoholic beverages on the defendant's breath and person.

Consecutive Sentences

According to APA Natalie Macomber the instant offense does not require consecutive sentencing.

**Michigan Department of Corrections
Presentence Investigation**

CFJ-284

Rev. 10/03

Victim's Impact Statement

This writer spoke with the victim, Zachary Wickizer on 2/2/23 and he did not wish to provide a victim's impact statement for this presentence report; however, revealed that he may provide a written statement for APA Macomber to read at the time of sentencing.

When Mr. Wickizer was asked about restitution? He reported that at the time of this offense he was working at McDonalds as a maintenance worker earning \$30,000 per year. However, as a result of the instant offense, he lost his job. He also was unable to obtain employment for 1 year, since his doctor was unwilling to clear him to return to work due to his injuries and also having to go through rehabilitation.

Defendant's Description of the Offense

The defendant did not wish to provide a statement surrounding the instant offense at the advice of his attorney.

Criminal Justice

The following information was obtained from LEIN, District Court records and the defendant:

Juvenile History:

This investigation revealed no juvenile criminal history for this offender.

Adult History:

This information was obtained from LEIN and local district court records.

NO. 1 OF 31

Offense Date:	08/09/2003
Status at Time of Offense:	None
Arrest Date:	08/09/2003
Arresting Agency:	Casosanta P.D
Charge(s) at Arrest:	Ct.1- Possession of a Controlled Substance without a Prescription
Court of Jurisdiction:	Casosanta D.C
Final Charges:	Ct.1- Possession of a Controlled Substance without a Prescription (CS/M)
Conviction Date/Method:	2003 / Plea
Sentence/Disposition:	Probation - 3 years, Jail - 15 days and Fines and Cost
Sentence Date:	08/11/2003
Attorney Present:	Unknown
Discharge Date:	Unknown
Notes:	N/A

NO. 2 OF 31

Offense Date:	09/18/2003
Status at Time of Offense:	None
Arrest Date:	09/19/2003
Arresting Agency:	Hunington Beach P.D
Charge(s) at Arrest:	Ct.1- Open Alcohol Ct.2- Possession Controlled Substance W/O Prescription

**Michigan Department of Corrections
Presentence Investigation**

CFJ-284

Rev. 10/03

Court of Jurisdiction:	Hunington Beach D.C
Final Charges:	Ct.1- Open Alcohol (Public Ord/M) Ct.2- Possession Controlled Substance w/o Prescription (CS/M)
Conviction Date/Method:	2003 / Plea
Sentence/Disposition:	Fines and Cost
Sentence Date:	2003
Attorney Present:	Unknown
Discharge Date:	Unknown
Notes:	N/A

NO. 3 OF 31

Offense Date:	01/03/2004
Status at Time of Offense:	None
Arrest Date:	01/03/2004
Arresting Agency:	Hunington Beach P.D
Charge(s) at Arrest:	Ct.1- Jaywalking
Court of Jurisdiction:	Hunington Beach D.C
Final Charges:	Ct.1- Jaywalking (Infraction) Ct.2- False ID to Peace Officer (Pub Ord/M)
Conviction Date/Method:	2004 / Plea
Sentence/Disposition:	Jail - 10 days
Sentence Date:	03/02/2004
Attorney Present:	Unknown
Discharge Date:	Unknown
Notes:	N/A

NO. 4 OF 31

Offense Date:	02/11/2004
Status at Time of Offense:	None
Arrest Date:	02/11/2004
Arresting Agency:	Hunington Beach P.D
Charge(s) at Arrest:	Ct.1- Possession of Narcotic Controlled Substance Ct.2- False ID to Peace Officer
Court of Jurisdiction:	Hunington Beach D.C
Final Charges:	Ct.1- Possession of Narcotic Controlled Substance (CS/G) Ct.2- False ID to Peace Officer (Pub Ord/M)
Conviction Date/Method:	2004 / Plea
Sentence/Disposition:	Probation - 3 years, Jail - 60 days and Fines and Cost
Sentence Date:	02/19/2004
Attorney Present:	Yes
Discharge Date:	Unknown
Notes:	N/A

NO. 5 OF 31

Offense Date:	02/19/2004
Status at Time of Offense:	None
Arrest Date:	02/19/2004
Arresting Agency:	Hunington Beach P.D

Michigan Department of Corrections Presentence Investigation

CFJ-284

Rev. 10/03

Charge(s) at Arrest:	Ct.1- Possession of a Controlled Substance Ct.2- False ID
Court of Jurisdiction:	Hunington Beach D.C
Final Charges:	Ct.1- Possession of a Controlled Substance (CS/F) Ct.2- False ID (Public Ord/M)
Conviction Date/Method:	2004 / Plea
Sentence/Disposition:	16 months Prison, Fines and Cost
Sentence Date:	2004
Attorney Present:	Yes
Discharge Date:	Unknown
Notes:	N/A

NO. 6 OF 31

Offense Date:	02/10/2006
Status at Time of Offense:	None
Arrest Date:	02/10/2006
Arresting Agency:	Hunington Beach P.D
Charge(s) at Arrest:	Ct.1- Possession of Narcotic Controlled Substance
Court of Jurisdiction:	Hunington Beach D.C
Final Charges:	Ct.1- Possession of Narcotic Controlled Substance (CS/G) Ct.2- False ID (Public Ord/M)
Conviction Date/Method:	2006 / Plea
Sentence/Disposition:	Probation - 3 years, Jail, Fines and Cost
Sentence Date:	11/09/2006
Attorney Present:	Yes
Discharge Date:	02/07/2007
Notes:	Probation Revoked - 16 months Prison on 2/7/2007 -- 9/25/08 - Parole Violation

NO. 7 OF 31

Offense Date:	01/14/2010
Status at Time of Offense:	None
Arrest Date:	01/14/2010
Arresting Agency:	Hunington Beach PD
Charge(s) at Arrest:	Ct.1- Use/Under the Influence of a Controlled Substance Ct.2- Possession of Marijuana Sale Ct.3- Possession of a Hypodermic Needle/Syringe Ct.4- Possession of a Controlled Substance Paraphernalia
Court of Jurisdiction:	Hunington Beach D.C
Final Charges:	Ct.1- Use/Under the Influence of a Controlled Substance (CS/M) Ct.2- Possession of Marijuana Sale(CS/F) Ct.3- Possession of a Hypodermic Needle/Syringe (Pub Ord/M) Ct.4- Possession of Drug Paraphernalia (Pub Ord/M)
Conviction Date/Method:	2010 / Plea
Sentence/Disposition:	Ct.2- Prison - 16 months, Ct.1, 3 and 4 Community Supervision and Fines and Cost
Sentence Date:	02/17/2010
Attorney Present:	Yes
Discharge Date:	Unknown
Notes:	N/A

**Michigan Department of Corrections
Presentence Investigation**

CFJ-284
Rev. 10/03

RECEIVED by MSC 6/13/2025 10:45:30 AM

NO. 8 OF 31

Offense Date:	01/22/2011
Status at Time of Offense:	None
Arrest Date:	01/22/2011
Arresting Agency:	Casosanta P.D
Charge(s) at Arrest:	Ct.1- Possession of Narcotic Substance Ct.2- Possession of a Controlled Substance Paraphernalia
Court of Jurisdiction:	Casosanta D.C
Final Charges:	Ct.1- Possession of Narcotic Substance (CS/G) Ct.2- Possession of a Controlled Substance Paraphernalia (Pub Ord/M) Ct.3- Possession Hypodermic Needle (Public Ord/M)
Conviction Date/Method:	01/31/2011 / Plea
Sentence/Disposition:	Probation - 3 years and Fines and Cost
Sentence Date:	01/31/2011
Attorney Present:	Yes
Discharge Date:	Unknown
Notes:	PV 3/29/11, 4/15/11, 7/11/11 -- Probation revoked and Sentenced to 24 months prison

NO. 9 OF 31

Offense Date:	06/07/2011
Status at Time of Offense:	None
Arrest Date:	06/07/2011
Arresting Agency:	Hunington Beach P.D
Charge(s) at Arrest:	Ct.1- Possession of Narcotic Controlled Substance
Court of Jurisdiction:	Hunington Beach D.C
Final Charges:	Ct.1- Possession of Narcotic Controlled Substance (CS/F)
Conviction Date/Method:	07/26/2011 / Plea
Sentence/Disposition:	Prison - 2 years - Fines and Cost
Sentence Date:	08/05/2011
Attorney Present:	Yes
Discharge Date:	08/05/2011
Notes:	N/A

NO. 10 OF 31

Offense Date:	06/23/2011
Status at Time of Offense:	None
Arrest Date:	06/23/2011
Arresting Agency:	Huntington Beach P.D
Charge(s) at Arrest:	Ct.1- DWLS
Court of Jurisdiction:	Huntington Beach D.C
Final Charges:	Ct.1- DWLS (Public Ord/M)
Conviction Date/Method:	2011 / Plea
Sentence/Disposition:	Jail - 10 days and Fines and Cost
Sentence Date:	2011
Attorney Present:	Unknown
Discharge Date:	Unknown
Notes:	N/A

**Michigan Department of Corrections
Presentence Investigation**

CFJ-284
Rev. 10/03

RECEIVED by MSC 6/13/2025 10:45:30 AM

NO. 11 OF 31

Offense Date:	04/08/2013
Status at Time of Offense:	None
Arrest Date:	04/08/2013
Arresting Agency:	Casosanta Ana P.D
Charge(s) at Arrest:	Ct.1- Possession of Narcotic of a Controlled Substance Ct.2- Possession of a Controlled Substance Ct.3- Possession of Metal Knuckles Ct.4- Possession of Unlawful Paraphernalia
Court of Jurisdiction:	Casosanta Ana D.C
Final Charges:	Ct.1- Possession of Narcotic of a Controlled Substance (CS/F) Ct.2- Possession of a Controlled Substance (CS/F) Ct.4- Possession of Unlawful Paraphernalia (Public Ord/M)
Conviction Date/Method:	04/18/2013 / Plea
Sentence/Disposition:	Probation - 3 years and Jail - 180 days
Sentence Date:	07/05/2013
Attorney Present:	Yes
Discharge Date:	Unknown
Notes:	N/A

NO. 12 OF 31

Offense Date:	07/03/2013
Status at Time of Offense:	None
Arrest Date:	07/03/2013
Arresting Agency:	Westminster P.D
Charge(s) at Arrest:	Ct.1- Possession of a Controlled Substance Ct.2- Possession of a Controlled Substance Ct.3- Possession Unlawful Paraphernalia
Court of Jurisdiction:	Westminster D.C
Final Charges:	Ct.1- Possession of a Controlled Substance (CS/F) Ct.2- Possession of a Controlled Substance (CS/F) Ct.3- Possession Unlawful Paraphernalia (Public Ord/M)
Conviction Date/Method:	2013 / Plea
Sentence/Disposition:	Probation , Fines and Cost
Sentence Date:	2013
Attorney Present:	Yes
Discharge Date:	Unknown
Notes:	

NO. 13 OF 31

Offense Date:	10/03/2013
Status at Time of Offense:	None
Arrest Date:	10/03/2013
Arresting Agency:	Fullerton P.D
Charge(s) at Arrest:	Ct.1- Possession of Narcotics Controlled Substance Ct.2- Possession of Unlawful Paraphernalia
Court of Jurisdiction:	Fullerton D.C

Michigan Department of Corrections Presentence Investigation

CFJ-284
Rev. 10/03

RECEIVED by MSC 6/13/2025 10:45:30 AM

Final Charges:	Ct.1- Possession of Narcotics Controlled Substance (CS/F) Ct.2- Possession of Unlawful Paraphernalia (Public Ord/M)
Conviction Date/Method:	10/18/2013 / Plea
Sentence/Disposition:	Probation, Jail - 270 days and Fines and Cost
Sentence Date:	10/18/2013
Attorney Present:	Yes
Discharge Date:	Unknown
Notes:	N/A

NO. 14 OF 31

Offense Date:	03/29/2014
Status at Time of Offense:	None
Arrest Date:	05/14/2014
Arresting Agency:	Newport Beach P.D
Charge(s) at Arrest:	Ct.1- Possession of Narcotic of Controlled Substance Ct.2- Possession of Unlawful Paraphernalia
Court of Jurisdiction:	Newport Beach D.C
Final Charges:	Ct.1- Possession of Narcotic of Controlled Substance (CS/F)
Conviction Date/Method:	2014 / Plea
Sentence/Disposition:	Probation - 3 years, Jail - 120 days
Sentence Date:	2014
Attorney Present:	Yes
Discharge Date:	07/06/2017
Notes:	PV 11/19/14, 3/21/16, 7/22/16

NO. 15 OF 31

Offense Date:	08/14/2014
Status at Time of Offense:	None
Arrest Date:	08/14/2014
Arresting Agency:	Hunington Beach P.D
Charge(s) at Arrest:	Ct.1- Possession of Narcotic Controlled Substance Ct.2- Possession Unlawful Paraphernalia
Court of Jurisdiction:	Hunington Beach D.C
Final Charges:	Ct.1- Possession of Narcotic Controlled Substance (CS/G) Ct.2- Possession Unlawful Paraphernalia(Public Ord/M)
Conviction Date/Method:	08/18/2014 / Plea
Sentence/Disposition:	Probation - 3 years, Jail - 180 days
Sentence Date:	08/18/2014
Attorney Present:	Yes
Discharge Date:	Unknown
Notes:	PV - 11/19/14

NO. 16 OF 31

Offense Date:	02/20/2015
Status at Time of Offense:	None
Arrest Date:	02/20/2015
Arresting Agency:	Newport Beach PD
Charge(s) at Arrest:	Ct.1- Possession of a Switchblade in a Vehicle

Michigan Department of Corrections Presentence Investigation

CFJ-284

Rev. 10/03

	Ct.2- Possession of a Narcotic of a Controlled Substance Ct.3- Possession of Unlawful Paraphernalia Ct.4- Possession of a Controlled Substance
Court of Jurisdiction:	Newport Beach D. C
Final Charges:	Ct.1- Possession of a Switchblade in a Vehicle (Public Safety/M) Ct.2- Possession of a Narcotic of a Controlled Substance (CS/M) Ct.3- Possession of Unlawful Paraphernalia (Public Ord/M) Ct.4- Possession of a Controlled Substance (CS/M)
Conviction Date/Method:	05/26/2015 / Plea
Sentence/Disposition:	Jail - 60 days and Fines and Cost
Sentence Date:	05/26/2015
Attorney Present:	Yes
Discharge Date:	Unknown
Notes:	N/A

NO. 17 OF 31

Offense Date:	03/11/2015
Status at Time of Offense:	On Bond
Arrest Date:	03/11/2015
Arresting Agency:	Westminster P.D
Charge(s) at Arrest:	Ct.1- Possession Narcotic of a Controlled Substance Ct.2- Possession of Unlawful Paraphernalia
Court of Jurisdiction:	Westminster D.C
Final Charges:	Ct.1- Possession Narcotic of a Controlled Substance (CS/M) Ct.2- Possession of Unlawful Paraphernalia (Public Ord/M)
Conviction Date/Method:	05/26/2015 / Plea
Sentence/Disposition:	Jail - 60 days and Fines and Cost
Sentence Date:	05/26/2015
Attorney Present:	Yes
Discharge Date:	Unknown
Notes:	

NO. 18 OF 31

Offense Date:	03/11/2015
Status at Time of Offense:	None
Arrest Date:	03/11/2015
Arresting Agency:	Westminster PD
Charge(s) at Arrest:	Ct.1- Possession of a Narcotic Controlled Substance Ct.2- Possession of a Controlled Substance
Court of Jurisdiction:	Westminster D.C
Final Charges:	Ct.1- Possession of a Narcotic Controlled Substance (CS/M) Ct.2- Possession of a Controlled Substance (CS/M)
Conviction Date/Method:	06/22/2015 / Plea
Sentence/Disposition:	Probation, Jail, Fines and Cost and Firearm Restriction
Sentence Date:	03/21/2016
Attorney Present:	Unknown
Discharge Date:	Unknown
Notes:	Probation Sentence Modified

**Michigan Department of Corrections
Presentence Investigation**

CFJ-284

Rev. 10/03

NO. 19 OF 31

Offense Date:	04/25/2015
Status at Time of Offense:	None
Arrest Date:	04/25/2015
Arresting Agency:	Hunington Beach P.D
Charge(s) at Arrest:	Ct.1- Possession of Unlawful Paraphernalia
Court of Jurisdiction:	Hunington Beach D.C
Final Charges:	Ct.1- Possession of Unlawful Paraphernalia (Public Ord/M)
Conviction Date/Method:	06/22/2015 / Plea
Sentence/Disposition:	Probation, Jail, Fines and Cost, Restriction of a Firearm
Sentence Date:	06/03/2015
Attorney Present:	Unknown
Discharge Date:	Unknown
Notes:	N/A

NO. 20 OF 31

Offense Date:	05/03/2015
Status at Time of Offense:	None
Arrest Date:	05/03/2015
Arresting Agency:	Hunington Beach P.D
Charge(s) at Arrest:	Ct.1- Possession of a Narcotic Controlled Substance Ct.2- Possession of a Controlled Substance Ct.3- Possession of Unlawful Paraphernalia
Court of Jurisdiction:	Hunington Beach D.C
Final Charges:	Ct.1- Possession of a Narcotic Controlled Substance (CS/M) Ct.2- Possession of a Controlled Substance (CS/M) Ct.3- Possession of Unlawful Paraphernalia (Public Ord/M)
Conviction Date/Method:	06/22/2015 / Plea
Sentence/Disposition:	Probation - 3 years, Jail- 46 days and Fines and Cost
Sentence Date:	2015
Attorney Present:	Unknown
Discharge Date:	Unknown
Notes:	N/A

NO. 21 OF 31

Offense Date:	06/22/2015
Status at Time of Offense:	None
Arrest Date:	06/22/2015
Arresting Agency:	Westminister P.D
Charge(s) at Arrest:	Ct.1- DWLS Ct.2- Possession of a Controlled Substance Ct.3- Possession of a Controlled Substance
Court of Jurisdiction:	Westminister D.C
Final Charges:	Ct.1- DWLS (Public Ord/M) Ct.2- Possession of a Controlled Substance (CS/M) Ct.3- Possession of a Controlled Substance (CS/M)
Conviction Date/Method:	2016 / Plea
Sentence/Disposition:	Probation, Jail and Fines and Cost

**Michigan Department of Corrections
Presentence Investigation**

CFJ-284

Rev. 10/03

Sentence Date:	06/03/2016
Attorney Present:	Unknown
Discharge Date:	Unknown
Notes:	N/A

NO. 22 OF 31

Offense Date:	06/22/2015
Status at Time of Offense:	None
Arrest Date:	06/22/2015
Arresting Agency:	Westminister PD
Charge(s) at Arrest:	Ct.1- DWLS Ct.2- Possession Unlawful Paraphernalia Ct.3- Possession Narcotic Controlled Substance
Court of Jurisdiction:	Westminister D.C
Final Charges:	Ct.1- DWLS (Public Ord/M) Ct.2- Possession Unlawful Paraphernalia (Public Ord/M) Ct.3- Possession Narcotic (CS/M)Controlled Substance (CS/M)
Conviction Date/Method:	03/21/2016 / Plea
Sentence/Disposition:	Probation - 3 years, Jail - 20 days and Fines and Cost
Sentence Date:	03/21/2016
Attorney Present:	Unknown
Discharge Date:	Unknown
Notes:	N/A

NO. 23 OF 31

Offense Date:	08/28/2015
Status at Time of Offense:	None
Arrest Date:	08/28/2015
Arresting Agency:	Hunington Beach P.D
Charge(s) at Arrest:	Ct.1- Possession Unlawful Paraphernalia
Court of Jurisdiction:	Hunington Beach D.C
Final Charges:	Ct.1- Possession Unlawful Paraphernalia (CS/M)
Conviction Date/Method:	03/21/2016 / Plea
Sentence/Disposition:	Jail - 24 days and Fines and Cost
Sentence Date:	03/21/2016
Attorney Present:	Unknown
Discharge Date:	Unknown
Notes:	N/A

NO. 24 OF 31

Offense Date:	09/06/2015
Status at Time of Offense:	None
Arrest Date:	09/06/2015
Arresting Agency:	Hunington Beach P.D
Charge(s) at Arrest:	Ct.1- Possession of Narcotic Controlled Substance Ct.2- Possession of Unlawful Paraphernalia
Court of Jurisdiction:	Hunington Beach D.C

Michigan Department of Corrections Presentence Investigation

CFJ-284

Rev. 10/03

Final Charges:	Ct.1- Possession of Narcotic Controlled Substance (CS/M) Ct.2- Possession of Unlawful Paraphernalia (Public Ord/M)
Conviction Date/Method:	2015 / Plea
Sentence/Disposition:	Probation - 3 years, Jail - 180 days and Fines and Cost
Sentence Date:	03/21/2016
Attorney Present:	Yes
Discharge Date:	Unknown
Notes:	PV - 7/22/16, 1/23/17

NO. 25 OF 31

Offense Date:	09/22/2015
Status at Time of Offense:	None
Arrest Date:	09/22/2015
Arresting Agency:	Hunington Beach P.D
Charge(s) at Arrest:	Ct.1- Possession of Narcotic Controlled Substance
Court of Jurisdiction:	Hunington Beach D.C
Final Charges:	Ct.1- Possession of Narcotic Controlled Substance (CS/M)
Conviction Date/Method:	2015 / Plea
Sentence/Disposition:	Jail - 24 days
Sentence Date:	03/21/2016
Attorney Present:	Yes
Discharge Date:	Unknown
Notes:	N/A

NO. 26 OF 31

Offense Date:	12/09/2015
Status at Time of Offense:	None
Arrest Date:	12/09/2015
Arresting Agency:	Cadasanta P.D
Charge(s) at Arrest:	Ct.1- Possession of Narcotic Controlled Substance Ct.2- SWLS
Court of Jurisdiction:	Cadasanta D.C
Final Charges:	Ct.1- Possession of Narcotic Controlled Substance (CS/M) Ct.2- DWLS (Pub Ord/M)
Conviction Date/Method:	2016 / Plea
Sentence/Disposition:	Probation - 3 years, Jail - 30 days and Fines and Cost
Sentence Date:	03/21/2016
Attorney Present:	Yes
Discharge Date:	Unknown
Notes:	PV 7/22/16, 1/23/17

NO. 27 OF 31

Offense Date:	02/03/2016
Status at Time of Offense:	None
Arrest Date:	02/03/2016
Arresting Agency:	Capdcosta Mesa P.D
Charge(s) at Arrest:	Ct.1- DWLS
Court of Jurisdiction:	Capdcosta Mesa D.C

**Michigan Department of Corrections
Presentence Investigation**

CFJ-284

Rev. 10/03

Final Charges:	Ct.1- DWLS (Pub Ord/M)
Conviction Date/Method:	03/21/2016 / Plea
Sentence/Disposition:	Jail - 30 days
Sentence Date:	03/21/2016
Attorney Present:	Unknown
Discharge Date:	Unknown
Notes:	N/A

NO. 28 OF 31

Offense Date:	2017
Status at Time of Offense:	None
Arrest Date:	2017
Arresting Agency:	Casosanta Ana P.D
Charge(s) at Arrest:	Ct.1- Possion of a Narcotic Controlled Substance Ct.2- Possession of Unlawful Paraphernalia
Court of Jurisdiction:	Casosanta Ana D.C
Final Charges:	Ct.1- Possion of a Narcotic Controlled Substance (CS/M) Ct.2- Possession of Unlawful Paraphernalia (Public Ord/M)
Conviction Date/Method:	01/23/2017 / Plea
Sentence/Disposition:	Probation - 3 years, Jail - 46 days and Fines and Cost
Sentence Date:	2017
Attorney Present:	Yes
Discharge Date:	Unknown
Notes:	N/A

NO. 29 OF 31

Offense Date:	07/04/2017
Status at Time of Offense:	None
Arrest Date:	07/04/2017
Arresting Agency:	Hunington Beach P.D
Charge(s) at Arrest:	Ct.1- False ID to Peace Officer Ct.2- Driving While License Suspended
Court of Jurisdiction:	Hunington Beach D.C
Final Charges:	Ct.1- False ID to Peace Officer (Public Ord/M) Ct.2- Driving While License Suspended (Public Ord/M)
Conviction Date/Method:	07/05/2017 / Plea
Sentence/Disposition:	Jail - 30 days and Fines and Cost
Sentence Date:	07/05/2017
Attorney Present:	Unknown
Discharge Date:	Unknown
Notes:	N/A

NO. 30 OF 31

Offense Date:	12/10/2018
Status at Time of Offense:	None
Arrest Date:	12/10/2018
Arresting Agency:	East Lansing Police Department
Charge(s) at Arrest:	Ct.1- Operating While Intoxicated

Michigan Department of Corrections Presentence Investigation

CFJ-284

Rev. 10/03

Court of Jurisdiction:	54-B District Court
Final Charges:	Ct.1- Operating While Intoxicated (Pub Saf/M) Ct.2- DWLS (Pub Ord/M)
Conviction Date/Method:	2021 / Plea
Sentence/Disposition:	Jail -93 days and Fines and Cost
Sentence Date:	10/12/2021
Attorney Present:	Yes
Discharge Date:	Unknown
Notes:	N/A

NO. 31 OF 31

Offense Date:	01/11/2021
Status at Time of Offense:	Bond
Arrest Date:	01/11/2021
Arresting Agency:	Williamston PD
Charge(s) at Arrest:	Ct.1- Assault With Intent to Murder Ct.2- Weapons - Dangerous - Weapon- Carrying with Unlawful Intent Ct.3- Assault with a Dangerous Weapon Ct.4- Police Officer - Fleeing and Eluding 3rd
Court of Jurisdiction:	30th Circuit Court
Final Charges:	Ct.1- Assault With Intent to Murder (Person/A) Ct.2- Weapons -Dangerous -Weapon- Carrying with Unlawful Intent (Public Safety/E) Ct.4- Police Officer - Fleeing and Eluding 3rd (Public Safety/E)
Conviction Date/Method:	12/07/2022 / Plea
Sentence/Disposition:	Instant Offense
Sentence Date:	02/08/2023
Attorney Present:	Yes
Discharge Date:	Unknown
Notes:	N/A

Personal Protection Order(s):

The defendant's LEIN did not reveal any Personal Protection Orders.

Gang Involvement:

There has been no known prior gang involvement for the defendant.

Family

Name	Relationship	Age	Address	Phone	Occupation
Boss, Sharon	Mother	Deceased	California	N/A	N/A
Armogeda, Brooke	Half-Sister	Unknown	California	Unknown	Unknown
Armogeda, Matthew	Half-Brother	Unknown	Seattle, Washington	Unknown	Resident Doctor
Armogeda, Robert	Father	Unknown	California	Unknown	Unknown
Smith, Shawna	Half-Sister	Unknown	Seattle, Washington	(206) 915-1282	Non-Profit Org

Comments: The defendant reports that he was raised by his mother who was an alcoholic and he revealed that he last had contact with his father when he was 30 years old. The defendant further reported that his dad had him selling illegal drugs when he was 15 years old and was in and out of his

**Michigan Department of Corrections
Presentence Investigation**

CFJ-284
Rev. 10/03

RECEIVED by MSC 6/13/2025 10:45:30 AM

life. He stated he saw him on average every 6 months when he was growing up. Mr. Armodeda indicated that when he did have contact his father, he suffered both physical and mental abuse.

The defendant went on to reveal that his mother passed away due to her alcoholism when he was 25 years old, and serving his 2nd prison term. Mr. Armodeda disclosed that though he loved his mother, he revealed that growing up with her was difficult because he knew she loved him, but she was also physically abusive when drunk, so she leaned on him heavily to cook and clean starting as early as the age of 7.

According to the defendant, his mother's addiction got so bad that she had to stop working, resulting in him having to care for her on a full-time basis.

Mr. Armodeda indicated that he did not grow up with his half siblings, reporting that he just began speaking with them a few years ago. The defendant reports having no family in the State of Michigan.

Marriage

Name	Relationship	Age	Address	Phone	Occupation
Behnke, James	Son	19	California	Unknown	Unknown
Armodeda, Betty	Daughter	15	Hunington Beach, California	Unknown	Student

Comments: The defendant reports that he last had contact with his son when he was 4 years old, revealing that his son's whereabouts are unknown, and he lost all contact. According to the defendant he speaks with his daughter regularly through his aunt, Kathleen Boss - 818-515-5898.

Employment

Employer Name	Start Date	End Date	Position	Rate of Pay	Termination Reason
Lansing Brewing Company	08/01/2022	2022	Cook	\$14.00 Hourly	Arrested
Basin 141 Bar and Grill	02/01/2019	03/01/2020	Cook	\$15.00 Hourly	Quit
Red Cedar Grill	2018	2019	Cook	\$13.00 Hourly	Quit
Old Nation Brewing	2017	2018	Cook	\$12.00 Hourly	Quit

Education

High School:

Name	Start Date	End Date	Level Completed	Area of Study	Certificate
Edison High	1999	2013	Twelfth Grade	General Studies	High School Diploma

College/Advanced Degrees:

Name	Start Date	End Date	Level Completed	Area of Study	Certificate
Golden West College	2006	2006	N/A	Vocational Prep	None

Substance Use and Treatment

Substance Use:

**Michigan Department of Corrections
Presentence Investigation**

CFJ-284

Rev. 10/03

Drug	Start Date	End Date	Frequency	Age of First Use
Alcohol	2001	1/11/2021	Daily	16
THC	1997	1/11/2021	Daily	12
Meth	2001	2016	1-2x per week	16
Heroin	2007	2016	Daily	21

Substance Abuse Treatment:

Treatment Type	Provider	Start Date	End Date	Completed
Residential Treatment	Lighthouse	2008	2008	Yes
Outpatient Treatment	CMH	07/01/2022	12/01/2022	No

The defendant was participating in treatment at CMH, while at RISE sober living housing; however, due to his arrest was unable to complete programming.

Health

Physical Health:

The defendant reports no physical health concerns.

Mental Health:

Health Problem	Medication	Treatment	Treatment Begin Date
Post Traumatic Stress Disorder	Prozac, Seroquel, Risperdal	Medication	2021

Finances

Income:

Type	Amount	Description
Lansing Brewery Company	900.00 Bi-weekly	Employment

Assets:

The defendant reports no assets.

Liabilities:

The defendant revealed no outstanding debts.

MICHIGAN DEPARTMENT OF CORRECTIONS
BASIC INFORMATION REPORT

4836-6101
12/06 CFJ-101

Court Name (Last, First, Middle) Armogeda, Evan				MDOC Nbr. 740526		Given Name (Last, First, Middle) Same			
Name Type				Other Names (Last, First, Middle)					
Court/Commitment Name				Armogeda, Evan Taylor					
Place of Birth California			Citizenship USA		Last Known Address & Telephone No. Homeless ()-				
State & DLN None			DOB 04/19/1988						
SID No. 5755174L			FBI No. None						
Race White		Sex Male	Hair Brown	Eyes Green					
Height 5' 8"	Weight 195	Highest Grade Completed Twelfth Grade		Occupation Cook		Health Ins. Yes	Assets-\$1,500 & Up No		Monthly Income of \$75 & Up No
Marital Status Single		Dependents 1		Religion Protestant		Military Branch None		Military Dates None	
Discharge Type None									
Marks, Scars, Amputations, Tattoos									
Tattoo Left Forearm		Tattoo Left Hand		Tattoo Right Forearm		Drug Abuse Yes		Alcohol Abuse Yes	Mental Health Treatment Yes
Tattoo Left Neck		Tattoo Left Chest		Tattoo Left Knee					
Tattoo Left Calf									

CRIMINAL HISTORY

Juvenile			Adult				Status at Time of Offense			
Comm. 0	Prob. 0	Esc. 0	Jail 24	Pris. 4	Prob. 18	Esc. 0	None		Delayed Sentence	
Age of First Arrest 16		Sex Offense Convictions 0		SAI Eligible No		HYTA		Parole		
Pending Charges in Court No		No. of Prior Felony Convictions 13				Probation		Jail		
						District Probation		State Prison		
						Federal Probation		On Bond		
						Federal Parole		Juvenile Court Supervision		
Type of Report Presentence	County Ingham County			Agent & Caseload No. EMMA Y. RUSSELL - 3357						
DOC Recommended Disposition 4			Probation Violation New Sentence No			Probation Violation Technical No				

CURRENT OFFENSE

NO.	1	OF	3	Docket No.: Charge (1): 21-260-FC		Last Name: Armogeda	
PACC Code 750.83	Offense Asslt w/Int to Commit Murder				Max LIFE	Consecutive Sentence No	
Victim / Relationship None				Codefendant(s) None			
Circuit 30th Circuit Court - Ingham County			Judge David L. Jordon			Attorney Takura Nyamfukudza	
Retained / Appointed Retained							
Method of Conviction Jury	Date of Offense 01/11/2021	Date of Arrest 1/11/21 12/13/22	Date of Bond 7/20/22 N/A	Date of Conviction 12/13/2022	Jail Credit 247	Guilty But Mentally Ill No	

DISPOSITION

Sentence Type			Sentence Date 2/7/2023			CTN			Fine			Cost			Restitution		
MINIMUM			MAXIMUM			LIFE			JAIL			Supervision Fees			Crime Victims Assessment		
Years	Months	Days	Years	Months	Days		Months	Days									
Attorney Fees			Forensic Fees			Restitution Fund Fees			Other Fees								
Sentencing Guidelines																	
RANGE						LIFE		NA		Prior Record Total			Offense Variable Total				
Low: 270		High: 450				X				75			135				
Comments:																	

Armogeda, Evan - 740526
02/13/2023 09:45:03

CFJ-101

Page: 1

RECEIVED by MSC 6/13/2025 10:45:30 AM

CURRENT OFFENSE

NO. 2	OF 3	Docket No.: Charge (2): 21-260-FC				Last Name: Armogeda	
PACC Code 750.226	Offense Carry Weapon w/Unlawful Intent				Max 5 yrs.		Consecutive Sentence No
Victim / Relationship None				Codefendant(s) None			
Circuit 30th Circuit Court - Ingham County		Judge David L. Jordon		Attorney Takura Nyamfukudza		Retained / Appointed Retained	
Method of Conviction Jury	Date of Offense 01/11/2021	Date of Arrest 1/11/21 12/13/22	Date of Bond 7/20/22 N/A	Date of Conviction 12/13/2022	Jail Credit 247	Guilty But Mentally Ill No	

DISPOSITION

Sentence Type			Sentence Date 2/7/2023			CTN			Fine			Cost			Restitution		
MINIMUM			MAXIMUM			LIFE			JAIL			Supervision Fees			Crime Victims Assessment		
Years	Months	Days	Years	Months	Days		Months	Days									
Attorney Fees			Forensic Fees			Restitution Fund Fees			Other Fees								
Sentencing Guidelines																	
RANGE						LIFE		NA		Prior Record Total				Offense Variable Total			
Low: 22		High: 38								75				60			
Comments:																	

CURRENT OFFENSE

NO. 3	OF 3	Docket No.: Charge (3): 21-260-FC				Last Name: Armogeda	
PACC Code 257.602A3A	Offense Police Officer - Fleeing - Third Degree - Vehicle Code				Max 5 yrs.		Consecutive Sentence No
Victim / Relationship None				Codefendant(s) None			
Circuit 30th Circuit Court - Ingham County		Judge David L. Jordon		Attorney Takura Nyamfukudza		Retained / Appointed Retained	
Method of Conviction Jury	Date of Offense 01/11/2021	Date of Arrest 1/11/21 12/13/22	Date of Bond 7/20/22 N/A	Date of Conviction 12/13/2022	Jail Credit 247	Guilty But Mentally Ill No	

DISPOSITION

Sentence Type			Sentence Date 2/7/2023			CTN			Fine			Cost			Restitution		
MINIMUM			MAXIMUM			LIFE			JAIL			Supervision Fees			Crime Victims Assessment		
Years	Months	Days	Years	Months	Days		Months	Days									
Attorney Fees			Forensic Fees			Restitution Fund Fees			Other Fees								
Sentencing Guidelines																	
RANGE						LIFE		NA		Prior Record Total				Offense Variable Total			
Low: 12		High: 24								75				20			
Comments:																	

SENTENCING INFORMATION REPORT

Offender: Armogeda, Evan SSN: 000-00-0000 Workload: 3357 Docket Number: 21-260-FC
Judge: The Honorable David L. Jordon Bar No.: P24248 Circuit No.: 30 County: 33

Conviction Information

Conviction PACC: 750.83 Offense Title: Asslt w/Int to Commit Murder
Crime Group: Person Offense Date: 01/11/2021
Crime Class: Class A Conviction Count: 1 of 3 Scored as of: 01/11/2021
Statutory Max: Life Habitual: No Attempted: No

Prior Record Variable Score

PRV1: 0 PRV2: 30 PRV3: 0 PRV4: 0 PRV5: 20 PRV6: 5 PRV7: 20
Total PRV: 75
PRV Level: F

Offense Variable

OV1: 25 OV2: 5 OV3: 25 OV4: 10 OV5: 0 OV6: 50 OV7: 0
OV8: 0 OV9: 0 OV10: 0 OV11: 0 OV12: 10 OV13: 0 OV14: 0
OV16: 0 OV17: 0 OV18: 0 OV19: 10 OV20: 0
Total OV: 135
OV Level: VI

Sentencing Guideline Range

Guideline Minimum Range : 270 to 450 or life

Minimum Sentence

	Months	Life
Probation:	<input type="checkbox"/>	<input type="checkbox"/>
Jail:	<input type="checkbox"/>	<input type="checkbox"/>
Prison:	<input type="checkbox"/>	<input type="checkbox"/>

Sentence Date: _____
Guideline Departure: _____ Consecutive Sentence: _____
Concurrent Sentence: Yes

Sentencing Judge: _____ Date: _____

Prepared By: RUSSELL, EMMA Y

RECEIVED by MSC 6/13/2025 10:45:30 AM

32a

RECEIVED by MSC 6/13/2025 10:45:30 AM

33a

If this opinion indicates that it is "FOR PUBLICATION," it is subject to revision until final publication in the Michigan Appeals Reports.

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

EVAN TAYLOR ARMOGEDA,

Defendant-Appellant.

UNPUBLISHED

October 04, 2024

2:01 PM

No. 365184

Ingham Circuit Court

LC No. 21-000260-FC

Before: BORRELLO, P.J., and MURRAY and LETICA, JJ.

PER CURIAM.

Defendant appeals by right his convictions of, and sentences for, assault with intent to murder, MCL 750.83, carrying a dangerous weapon with unlawful intent, MCL 750.226, and third-degree fleeing and eluding, MCL 257.602a(3). The trial court sentenced defendant to serve concurrent prison terms of 360 months (30 years) to 600 months (50 years) for the assault conviction, 22 to 60 months (5 years) for the weapons conviction, and 12 to 60 months for the fleeing-and-eluding conviction. For the reasons set forth in this opinion, we affirm defendant's convictions, but remand to the trial court to conduct a hearing to determine the proper assessment of Prior Record Variable 2 (PRV 2) and other relief as outlined in this opinion.

I. BACKGROUND

Defendant was convicted of stabbing Zackary Wickizer, an acquaintance of his ex-girlfriend, Abby O'Connor. O'Connor had informed defendant that she was pregnant with his child. Defendant moved from California to Michigan in November 2020 to pursue a relationship with O'Connor. O'Connor testified that by December 2020, she told defendant that she did not want to be in a relationship with him but that he could still be involved in their child's life. In the weeks leading up to the crime on January 11, 2021, defendant communicated multiple times with O'Connor, primarily through text messages. Defendant also showed up uninvited at O'Connor's residence, expressing resistance to the breakup and a desire to co-parent the expected child. Close to the time of the attack, Wickizer sent defendant a message showing himself with O'Connor and using kissing-face symbols, although Wickizer denied having a romantic relationship with O'Connor.

According to trial testimony, on the day of the stabbing, defendant sent messages to Wickizer threatening to fight him, and arrived at O'Connor's in the evening with a knife. Defendant parked behind a vehicle containing friends who were visiting O'Connor and Wickizer, walked up to Wickizer, who was talking to the occupants of the vehicle, with the knife concealed behind him. Defendant struck Wickizer without speaking and pulled his body onto the knife. Defendant quickly fled the scene and discarded the knife, but was soon arrested. Wickizer survived the attack after emergency surgery. Five people at O'Connor's residence witnessed the crime, and multiple security cameras recorded it. The defense was that defendant acted out of spontaneous emotional distress and did not intend to murder Wickizer.

Defendant raised several arguments on appeal. First, defendant argues that the visiting judge presiding at his trial was unconstitutionally assigned to that position. Second, defendant claims that the trial court improperly excluded evidence of defendant's emotional state as it related to his relationship with his father. Finally, defendant argues that resentencing is required because the trial court sentenced him using an inaccurate sentencing guidelines range. While we do not find merit in any of these appellate claims, we agree with defendant that the trial court must establish the correct assessments for PRV 2 and OV 12 on the record, adjust the operable guidelines sentencing range accordingly, and correct the presentence investigation report (PSIR) to reflect those adjustments.

II. STANDARDS OF REVIEW

This Court reviews a trial court's decision to grant or deny a motion for a new trial for an abuse of discretion. *People v Muniz*, 343 Mich App 437, 441; 997 NW2d 325 (2022). Likewise, a trial court's denial of a motion for resentencing. See *People v Divietri*, 206 Mich App 61, 66; 520 NW2d 643 (1994). A court abuses its discretion when it chooses an outcome that is not within the range of principled outcomes. *People v Orlewicz*, 293 Mich App 96, 100; 809 NW2d 194 (2011). However, to the extent that a motion for resentencing was based on an issue of law, review is de novo. See *People v Latham*, 334 Mich App 501, 505; 965 NW2d 248 (2020). This Court reviews a trial court's evidentiary decisions for an abuse of discretion. *People v Martzke*, 251 Mich App 282, 286; 651 NW2d 490 (2002). This Court reviews "the constitutional question whether a defendant was denied the constitutional right to present a defense" de novo. *People v Kurr*, 253 Mich App 317, 327; 654 NW2d 651 (2002).

However, unpreserved claims are reviewed for plain error affecting substantial rights. *People v Carines*, 460 Mich 750, 763; 597 NW2d 130 (1999). Reversal is warranted only if the plain error resulted in the conviction of an innocent defendant, or if "the error seriously affected the fairness, integrity, or public reputation of judicial proceedings independent of the defendant's innocence." *Id.*

III. VISITING JUDGE

Defendant argues that the Michigan Supreme Court, through the State Court Administrative Office, lacked the authority to assign the defendant's presiding judge because the assignment violated the Michigan Constitution. Defendant's primary argument is that the assignment of the visiting judge created a new judicial seat because it carried a four-year term,

renewable annually, that could properly be filled only by election or gubernatorial appointment rather than by assignment.

The Michigan Constitution provides as follows:

A vacancy shall occur in the office of judge of any court of record or in the district court by death, removal, resignation or vacating of the office, and such vacancy shall be filled by appointment by the governor. The person appointed by the governor shall hold office until 12 noon of the first day of January next succeeding the first general election held after the vacancy occurs, at which election a successor shall be elected for the remainder of the unexpired term. Whenever a new office of judge in a court of record, or the district court, is created by law, it shall be filled by election as provided by law. The Supreme Court may authorize persons who have been elected and served as judges to perform judicial duties for limited periods or specific assignments. [Const 1963, art 6, § 23.]

This provision plainly sets forth the procedures for filling vacancies or new judicial seats, as well as for “specific assignments” of judges “for limited periods.”

Defendant argues that because there was no vacancy or new judicial seat created in the Ingham County Circuit Court, assigning a judge to that court was a constitutional violation to clear a backlog of cases. This argument was rejected by this Court in *People v Sardy*, 216 Mich App 111; 549 NW2d 23 (1996), wherein we rejected a defendant’s argument that Const 1963, art 6, § 23 “restricts the authority of the Supreme Court to appoint visiting judges to only those situations in which a vacancy occurs in the office to which the judge is appointed,” and therefore that “the visiting judge in the case at bar was improperly appointed because no such vacancy existed.” *Sardy*, 216 Mich App at 117. In rejecting the argument, this Court noted that an earlier version of that constitutional provision “did restrict the Supreme Court’s authority to appoint visiting judges to the filling of a vacancy until a successor judge was elected and qualified,” but that restriction was omitted from the current version, indicating an “intent to broaden the use of visiting judges,” and we concluded that the Supreme Court now had the general authority to “authoriz[e] the appointment of visiting judges ‘to perform judicial duties for limited periods or specific assignments.’ ” *Id.* Here, the order assigning defendant’s visiting judge, David L. Jordon, states that it did so as part of an effort to relieve the “significant backlog in pending criminal trials caused by the prolonged COVID-19 pandemic.”

Defendant further argues that the assignment of a visiting judge for years violates the requirement that such assignments be for “limited periods.” However, the constitutional provision includes no time limitation other than “limited periods,” and apparently, no statute or case law defines “limited period” for this purpose. Further, in *People v Fleming* 185 Mich App 270, 274-276; 460 NW2d 602 (1990), this Court affirmed the Michigan Supreme Court’s assignment of visiting judges to open-ended terms. Thus, defendant has not demonstrated that the assignment of the visiting judge presiding over his case was contrary to the constitution, or otherwise not authorized by law.

Defendant further argues that the assignment of a visiting judge when there is no vacancy on the court violates the separation of powers doctrine. The separation of powers doctrine is expressed in Const 1963, art 3, § 2, as follows: “The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.” The legislative power for the state is reserved to the two houses composing the Legislature as follows: “Except to the extent limited or abrogated by article IV, section 6 or article V, section 2, the legislative power of the State of Michigan is vested in a senate and a house of representatives.” Const 1963, art 4, § 1.

Defendant argues that “by creating and filling the newly created position in the sole discretion of the judiciary, Ingham County violated the separation of powers doctrine because the filling of a new position is left exclusively to the election by the citizens of the county or the temporary appointment to a vacated judicial seat by governmental (Executive) appointment.” However, the Supreme Court “has exclusive rulemaking authority with respect to matters of practice and procedure for the administration of our state’s courts.” *People v Watkins*, 277 Mich App 358, 363; 745 NW2d 149 (2007).¹ Further, MCL 600.219 provides as follows:

The [Michigan] [S]upreme [C]ourt has a general superintending control over all inferior courts and tribunals. The [S]upreme [C]ourt has the authority to issue any writs, directives, and mandates that it judges necessary and expedient to effectuate its determinations and to take any action it deems proper to facilitate the proper administration of justice.

See also Const 1963, art 6, § 4 (granting the Supreme Court “general superintending control over all courts”). Additionally, MCR 8.110(C)(3)(g) authorized the chief judge of the Ingham Circuit Court to exercise “administrative superintending power and control” to “request assignments of visiting judges and direct the assignment of matters to the visiting judges.” According to the clear language of the Michigan Constitution of 1963, Article 6, Section 23, visiting judges can be used broadly to provide judicial services for limited periods. Defendant’s claim that his judge was assigned to a newly created position is an inaccurate description as it disregards the explicit authority of the Michigan Supreme Court to assign visiting judges for specific purposes, such as reducing COVID-19-related docket congestion, for specified periods.

IV. EVIDENCE

Defendant argues that evidence of his lack of a relationship with his father and how it affected his behavior was erroneously excluded from his trial. Defendant believes that this error violated his fundamental right to present a defense, pointing to instances during where the trial court denied defendant attempts to offer evidence regarding his emotional state.

¹ See also Const 1963, art 6, § 5 (“The supreme court shall by general rules establish, modify, amend and simplify the practice and procedure in all courts of this state.”).

During trial, defense counsel asked defendant's aunt, Kathleen Boss, "We learned earlier in the trial that [defendant's] father was absent from his life after he was born. Is that true?" The prosecuting attorney objected, and the trial court sustained the objection on grounds of relevance. Additionally, while testifying about defendant's hopes for moving to Michigan, Boss stated that "he was excited to be able to be a dad himself and do a better job than what his father had done with him and how he was raised," which the trial court struck from the record as irrelevant.

The United States Constitution gives criminal defendants the right "to present a complete defense." *People v King*, 297 Mich App 465, 473; 824 NW2d 258 (2012). "Few rights are more fundamental than that of an accused to present evidence in his . . . own defense." *People v Unger*, 278 Mich App 210, 249; 749 NW2d 272 (2008). A "fundamental element of due process" is the right to present the defendant's version of events through witnesses. *Washington v Texas*, 388 US 14, 18-19; 87 S Ct 1920; 18 L Ed 2d 1019 (1967). However, the right to present a defense is "not unlimited and is subject to reasonable restrictions." *King*, 297 Mich App at 473-474. A defense "must still comply with established rules of procedure and evidence designed to assure both fairness and reliability in the ascertainment of guilt and innocence." *Id.* at 474 (quotation marks and citation omitted). The right to present a defense is thus limited "to relevant and admissible evidence." *People v Solloway*, 316 Mich App 174, 198; 891 NW2d 255 (2016).

"Generally, all relevant evidence is admissible at trial." *People v Aldrich*, 246 Mich App 101, 114; 631 NW2d 67 (2001). See also MRE 402. Evidence is relevant if it has "any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." MRE 401. "Under this broad definition," evidence that is useful in shedding light on any material point is admissible. *Aldrich*, 246 Mich App at 114. To be considered material, evidence does not necessarily have to relate to an element of the charged crime or an applicable defense. *People v Brooks*, 453 Mich 511, 518; 557 NW2d 106 (1996). Rather, the "relationship of the elements of the charge, the theories of admissibility, and the defenses asserted governs what is relevant and material." *People v Yost*, 278 Mich App 341, 403; 749 NW2d 753 (2008) (quotation marks and citation omitted).

Defendant argues that Boss's testimony regarding the lack of a healthy relationship between defendant and his father was relevant to defendant's theory that he did not intend to kill Wickizer, but was acting out of his emotional distress at the prospect of being excluded from caring for his child with O'Connor.

However, the record makes clear that the trial court provided the jury with appropriate instructions regarding defendant's emotional state as a potential mitigating factor in determining his intent. This included clarifying that defendant could only be found guilty of assault with intent to commit murder if he would have met the intent requirement for murder had the victim died. The court also explained that acting on "emotional excitement to the point that an ordinary person might have acted on impulse without thinking twice" did not meet that standard.

O'Connor testified that she told defendant that she was pregnant in December 2020, after defendant moved to Michigan in November 2020, and that she consistently communicated to defendant that she did not want to be involved with him but that he could be a part of the child's life, and that account was supported by evidence of text messages she sent to defendant in the two days before the assault. Defendant testified that O'Connor had not always been supportive of his

involvement in their child's life, but eventually communicated that he could have access to the child. Defendant further testified that Wickizer communicated to him that he was planning on raising the baby with O'Connor, and that he felt "betrayed" and "devastated" by Wickizer's relationship with O'Connor.

Wickizer denied communicating that he was dating O'Connor or offering to help with the child, and no messages were admitted suggesting that Wickizer wanted to be involved with the anticipated child. Wickizer testified that he was not in a romantic relationship with O'Connor, but admitted that he sent defendant the message showing Wickizer with O'Connor and a "kissing face" character because he was angry over defendant's messages to O'Connor. Wickizer stated that defendant sent messages asserting his refusal to allow Wickizer to raise his child, and threatening to fight Wickizer.

Defendant stated that he was "falling apart from the inside out," and that the emotional intensity of fighting with O'Connor on the phone for the three weeks up to the day of the attack produced a state of "mental chaos," with "debilitating" anxiety and depression. Defendant's friend, Ashley Pfister, testified that defendant was having "a nervous breakdown" on the evening of the attack, and had been upset for about two weeks from communications with O'Connor.

We conclude that it was not an abuse of discretion to exclude Boss's testimony that defendant did not have a good relationship with his father, and was excited for the opportunity to be active with a child because there was no link between the excluded testimony from Boss and any acute emotional state that might have compelled defendant to attack Wickizer. Boss's testimony about defendant's aspirations as a result of childhood deprivation did not provide information about defendant's emotional state at the time of his attack. Defendant's distress at the prospect of not having the opportunity to co-parent his expected child with O'Connor was not implicated by Boss's excluded testimony, and the excluded testimony did not provide information about whether defendant's emotional state on January 11, 2021, compelled him to attack Wickizer.

Alternatively, an evidentiary error does not merit reversal in a criminal case unless it appears "more probable than not that the error was outcome determinative." *People v Lukity*, 460 Mich 484, 495-496; 596 NW2d 607 (1999). Defendant cannot prove that excluding Boss's testimony significantly impacted the trial's outcome. Boss's testimony about defendant's absent father and its impact would have been redundant, as similar testimony was already provided by the defendant and O'Connor. Additionally, the objection to the question about defendant's relationship with his father was overruled, allowing defendant to answer and provide evidence to the jury. Therefore, the jury did hear about the impact of defendant's absent father without any interference from the trial court.

Although cited by neither party, another such instance occurred when O'Connor was asked on cross-examination, "How would you describe [defendant's] upbringing," the trial court overruled the prosecuting attorney's objection, and O'Connor testified that defendant had an adverse relationship with his father.

Additionally, as noted, defendant was allowed to freely describe his emotional state preceding the attack, including feeling "betrayed" and "devastated" by Wickizer's relationship with O'Connor, that he was "falling apart from the inside out," and in a state of "mental chaos,"

with “debilitating” anxiety and depression after weeks of emotional wrangling with O’Connor. As also noted, Pfister testified that defendant was upset, even having “a nervous breakdown,” for about two weeks from his interactions with O’Connor. Thus, defendant’s emotional state at the time of his crime was fully presented and explored, leaving the jury informed of the antecedents of the distress, mainly O’Connor’s leaving defendant while reportedly pregnant, and Wickizer’s support of her, and including how lingering attachment issues from an absent father contributed to defendant’s psychological state, despite the limitations on Boss’s testimony.

Defense counsel extensively argued in closing that defendant did not intend to kill Wickizer, but acted because of his agitated state. The argument included that defendant’s distress resulted partly from his childhood experience, which exacerbated his urgent desire to parent any child that he had with O’Connor. Defense counsel made the case that impending fatherhood overwhelmed defendant: “I failed as a father with my son. I’ve done the best I can with my daughter. And I didn’t want to lose another opportunity. This is what was driving him It was based on emotion. He didn’t plan to murder this man, premeditated.” Defense counsel closed by arguing that the jury could not properly find defendant guilty because of the mitigating circumstance of his emotional impairment.

Defendant argued that his emotional state at the time, including his difficult childhood and his hopes for parenthood, affected his intent to kill.

The trial court’s decision to limit testimony about defendant’s relationship with his father was correct and did not prevent the defendant from presenting his defense. Accordingly, defendant is not entitled to relief on this issue.

V. SENTENCING

“A defendant is entitled to be sentenced by a trial court on the basis of accurate information.” *People v Francisco*, 474 Mich 82, 88; 711 NW2d 44 (2006). “[A] sentence is invalid if it is based on inaccurate information.” *People v Miles*, 454 Mich 90, 96; 559 NW2d 299 (1997). At issue in this case is the assessment of PRV 2, which concerns “prior low severity felony convictions,” MCL 777.52(1), and was initially assessed at 30 points for “4 or more prior low severity felony convictions.” MCL 777.52(1)(a). With that score, the guidelines range for defendant’s minimum sentence for his assault conviction was 270 to 450 months, and the minimum sentence imposed, 360 months, fell within that range.

The (PSIR) included defendant’s 31 prior convictions in California, four of which were felonies, based on information from the defendant, district court proceedings, and the Law Enforcement Information Network (LEIN). However, during the hearing on the posttrial motions, both parties agreed that the state of California had reclassified some of those felonies as misdemeanors. Defendant argued, based on California’s registers of actions, that he had no prior felony convictions, while the prosecution argued, based on a LEIN report, that three of the convictions listed on the PSIR remained felonies.

With no low-severity felony convictions, as asserted by defendant, no points could be assessed for PRV 2, MCL 777.52(1)(e), and the guidelines range would be 171 to 285 months. With the three low-severity felony convictions, as asserted by the prosecution, 20 points could be

assessed for PRV 2, MCL 777.52(1)(b), and the guidelines range would be 225 to 375 months. Either calculation thus produced a lesser range than the 270 to 450 months before the sentencing court.

The trial court noted that the parties “are in agreement” that the “first reduction of guidelines, if the people are arguing for between 225 and 275 [sic, 375], and the other one would have been 171 to 285,” but denied the motion for resentencing even if considering a reduced guidelines range.

When imposing a sentence, a court must consult the sentencing guidelines. MCR 6.425(D). This requires the court to score the sentencing variables, calculate the recommended range for the minimum sentence, and take that range into consideration when determining a sentence. *People v Lockridge*, 498 Mich 358, 391-392; 870 NW2d 502 (2015). A sentence that is “based upon an inaccurate calculation of the guidelines range” is “inconsistent with the law,” and requires resentencing. *Francisco*, 474 Mich at 92.

However, in *Francisco*, 474 Mich at 91, the trial court was unaware that it was sentencing the defendant with reference to an inaccurate guidelines range. Here, the trial court confirmed with the parties that a reduction in the guidelines ranges was in order, but stated that it would stay with the sentence it had imposed despite any change in the guidelines range. The trial court noted that the guidelines range was advisory, and explained, “Even if the guidelines had been . . . appropriately 170 [sic, 171] to 285, I think 360 months is the lowest minimum sentence that I felt, in my discretion, was appropriate.” The Court emphasized that the victim was fortunate to survive, and concluded that, in light of “the harm to the victim . . . , regardless of these scores, I’m just not able to go any lower than that on the minimum.” Thus, the trial court made clear that, regardless of the guidelines range, it would issue a minimum sentence of 360 months.

In *Latham*, 334 Mich App at 506, this Court stated that resentencing was not required when the trial court had indicated its “intent to maintain the same sentence, regardless of the prior scoring error.” *Latham* differed somewhat from the current case because the trial court had corrected the guidelines scoring before deciding to remain with its original sentence, which was within the guidelines range as corrected. *Id.* In this case, however, the trial court knew that a corrected guidelines range would have recommended a lesser minimum sentence, and asserted that, regardless, it was going to exercise its discretion to stay with the original sentence.

A sentencing court may depart from the advisory guidelines range without stating substantial and compelling reasons for doing so, but the sentence must be reasonable. *Lockridge*, 498 Mich at 365, 392. In this case, the trial court acknowledged two possible corrected guideline ranges but clearly stated that it intended to impose the same minimum sentence regardless so that resentencing was unnecessary. It was not an error of law to do so. *Latham*, 334 Mich App at 506.

However, even though the trial court did not commit an error requiring resentencing, a remand is needed for a hearing to determine the proper scoring of PRV 2 and establish the operative guidelines range on the record.

The parties agreed that OV 12, contemporaneous felonious criminal acts, MCL 777.42, was improperly scored and should have been assessed zero points, doing which would not itself

alter the guidelines range. The parties also agreed that PRV 2 was incorrectly scored but did not agree on the correct assessment, and the trial court did not resolve that dispute, thus leaving an incorrect assessment of PRV 2 and resulting in an incorrect guidelines recommendation on the defendant's record. "Critical decisions are made by the Department of Corrections regarding a defendant's status based on the information contained in the presentence investigation report." *People v Norman*, 148 Mich App 273, 275; 384 NW2d 147 (1986). When errors are found in the PSIR, it is necessary to send the case back to the trial court. This allows the court to fix the report and send a corrected version to the Department of Corrections. As a result, remand is necessary to ensure that the sentencing information record accurately reflects zero points for OV 12, correctly assesses PRV 2, and adjusts the guidelines sentencing range appropriately. *Id.* at 276

For the reasons stated, we affirm defendant's convictions and sentence, but remand for a hearing to clarify the correct assessment of PRV 2, and adjustment of the guidelines sentencing range to consider the correct scoring of PRV 2 and OV 12, and correction of the PSIR to reflect these determinations. We do not retain jurisdiction.

/s/ Stephen L. Borrello
/s/ Christopher M. Murray
/s/ Anica Letica

STATE OF MICHIGAN
IN THE 30TH CIRCUIT COURT FOR INGHAM COUNTY

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

Honorable David L. Jordon

v

EVAN TAYLOR ARMOGEDA,

Defendant,

Circuit Court Case No. 21-260-FC

Court of Appeals No. 365184

ORDER TO PRODUCE CERTIFIED CRIMINAL HISTORY RECORDS

At a session of said Court, held in the 30th Circuit Court, City
of Lansing, County of Ingham, State of Michigan,
on this 15 day of October 2024.

PRESENT: HON. CLINTON CANADY, III

Upon reading the following Stipulation and the Court being otherwise fully advised on the premises:

IT IS ORDERED that in lieu of a contested hearing, the parties do hereby agree to the proper scoring of the guidelines and the Presentence Investigation Report in the above case shall be amended to reflect corrected guidelines as follows for Conviction Counts 1, 2, and 3:

- PRV 2 should be scored at 0 points.
- OV 12 should be scored at 0 points.


IT IS FURTHER ORDERED that this therefore makes the proper scoring of the guidelines on Count 1 of 3 a total PRV of 45 (D level) and a total OV of 125 (VI level) with a proper guideline range on the A grid of 171 to 285 months.

IT IS FURTHER ORDERED that this therefore makes the proper scoring of the guidelines on Count 2 of 3 a total PRV of 45 (D level) and a total OV of 50 (V level) with a proper guideline range on the E grid of 14 to 29 months.

IT IS FURTHER ORDERED that this therefore makes the proper scoring of the guidelines on Count 3 of 3 a total PRV of 45 (D level) and a total OV of 10 (II level) with a proper guideline range on the E grid of 7 to 23 months.

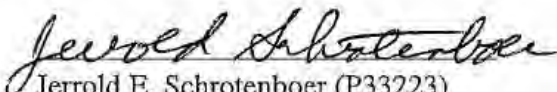
IT IS FURTHER ORDERED that the proper guidelines indicated above be amended throughout the Presentence Investigation Report.

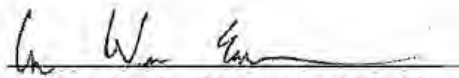
IT IS FURTHER ORDERED that the amended Presentence Investigation Report be provided to the Michigan Department of Corrections replacing the previous Presentence Investigation Report.


 HON. CLINTON CANADY, III (P23262)
 Visiting Circuit Court Judge

STIPULATION REGARDING THE ABOVE ORDER

NOW COME the parties by and through counsel and hereby stipulate to entry of the above Order. Pursuant to the October 4, 2024 order of the Court of Appeals, this case was remanded "for a hearing to clarify the correct assessment of PRV 2, and adjustment of the guidelines sentencing range to consider the correct scoring of PRV 2 and OV 12, and correction of the PSIR to reflect these determinations." The parties agree that the proper scoring of PRV 2 should be 0 points, and the proper scoring of OV 12 should be 0 on each conviction.


 Jerrold E. Schrottenboer (P33223)
 Attorney for the Plaintiff


 Christopher B. Wickman (P75395)
 Attorney for the Defendant

STATE OF MICHIGAN
30th JUDICIAL CIRCUIT FOR THE COUNTY OF INGHAM
CRIMINAL DIVISION

THE PEOPLE OF THE
STATE OF MICHIGAN,

v

Case No. 21-260-FC

EVAN TAYLOR ARMOGEDA,

Defendant.

/

JURY TRIAL - VOLUME II OF V
BEFORE THE HON. DAVID JORDON, CIRCUIT JUDGE

Ingham County, Michigan
December 8, 2022

APPEARANCES:

For the People: NATTALIE J. MACOMBER (P80008)
Ingham Co Prosecutor's Office
303 West Kalamazoo Street
Lansing, MI 48933-2021
(517) 483-6251
nmacomber@ingham.org

For the Defendant: TAKURA N. NYAMFUKUDZA (P77034)
Alane & Chartier PC
403 Seymour Ave.
Lansing, MI 48933-1170
(517) 885-3305
takura@cndefenders.com

RECORDED BY:
Taylor Buck, CEO-15806

TRANSCRIBED BY:
Kelli Simon Werner, CRR, RPR, CSR-6610
Official Court Stenographer
313 W. Kalamazoo St.
Post Office Box 40771
Lansing, MI 48933
(517) 483-6427
kwerner@ingham.org

1 24 hours a day, seven days a week?

2 A. Yes, we do.

3 Q. So seven officers on staff, what does that look
4 like for a normal patrol night or a patrol day
5 for an officer?

6 A. Generally during the days of the week we have
7 our chief in. His hours vary. Then we have one
8 patrol officer for the remainder of that day and
9 one patrol officer for the night shift.

10 Q. If you're working and you need backup, what
11 would you do if there was only one officer
12 working?

13 A. Our agency has a mutual aid agreement with
14 outside agencies such as Meridian Township,
15 Ingham County Sheriff's Office, state police, so
16 they will come in to assist us on higher
17 priority calls or calls for service. That's
18 generally our protocol and what we do.

19 Q. Given that Williamston is a small town and a
20 small community, would you say that it is likely
21 that you know the majority of the residents
22 within Williamston?

23 A. I would say I know quite a few of them.

24 Q. Does that necessarily mean that if you know
25 somebody that they have had dealings with law

1 enforcement -- by that I mean that they were
2 either a suspect of a crime or a defendant in a
3 criminal case -- or could it just be that they
4 are residents?

5 A. Could be just that they're a resident. Our
6 department focuses on community policing, so we
7 know a lot of people in the community. That's
8 one of our missions as a department is to be
9 involved in the community as a whole.

10 Q. I want to bring your attention to the evening of
11 January 11, 2021. Were you working that night?

12 A. I was.

13 Q. And what shift were you working?

14 A. I was working the afternoon shift at that time.

15 Q. What time frame is that?

16 A. I believe back then we were still on eight-hour
17 shifts, so it would be 3:00 p.m. to 11:00 p.m.

18 Q. And at this time back on January 11 of 2021, did
19 your department have body-worn cameras?

20 A. We did not.

21 Q. Okay. During your shift that night, did you
22 have a reason to respond to an 875 West Grand
23 Avenue (sic)?

24 A. I did.

25 Q. Is that Lot Number 3?

1 A. It was.

2 Q. Approximately what time was that response at?

3 A. Shortly after 7:00 p.m.

4 Q. That's, again, in the city of Williamston?

5 A. Correct.

6 Q. Ingham County, Michigan?

7 A. Yes, ma'am.

8 Q. Okay. What is located at 875 West Grand River?

9 A. It's a mobile home community. It's called
10 Village Square. There's a variety of mobile
11 home residences at that location.

12 MS. MACOMBER: Your Honor, may I
13 approach?

14 THE COURT: Yes.

15 BY MS. MACOMBER:

16 Q. I'm handing you what was marked as People's
17 Proposed Exhibit 1. Do you recognize that
18 exhibit?

19 A. I do.

20 Q. What do you recognize that (inaudible?)

21 A. I recognize that as the map layout of Village
22 Square.

23 Q. (Inaudible) accurate (inaudible)?

24 A. Yes, ma'am.

25 Q. (Inaudible)?

1 THE COURT: You have had a chance to
2 review this?

3 MR. NYAMFUKUDZA: I have. Without
4 objection, yes.

5 THE COURT: It's admitted.
6 (People's Exhibit Number 1 was admitted and received at
7 9:29 a.m.)

8 MS. MACOMBER: Thank you, Your Honor.
9 (Inaudible).

10 THE COURT: Sure.

11 BY MS. MACOMBER:

12 Q. Where this red mark is here, is that
13 approximately the location that you responded to
14 that day?

15 A. No, ma'am. It would be right off of Village
16 Drive West.

17 Q. Can you point to where that would be? I think
18 you can mark your screen. Yes.

19 A. It would be approximately right in that
20 location.

21 Q. Okay. So we're talking about an area right
22 around here?

23 A. Yes, ma'am.

24 Q. Okay. And when you responded to that, prior to
25 ending up at that address did you know who the

1 resident of that address would be?

2 A. I did not.

3 Q. What was the purpose for your response there
4 that day?

5 A. I was dispatched to a stabbing that had
6 occurred.

7 Q. When you arrived on scene, what did you observe?

8 A. When I arrived on scene, I observed what
9 appeared to be blood outside the residence on
10 the sidewalk leading up to the residence. I
11 heard people inside loudly talking and yelling.
12 I announced myself and went inside then.

13 Q. You said you announced yourself. Why did you do
14 that?

15 A. To let them know who I was coming inside the
16 residence. And that's part of our standard
17 protocol is to announce ourselves prior to
18 entry.

19 Q. At that time did you know whether or not you
20 would have a suspect at all or did you just know
21 that there was a stabbing?

22 A. All I knew is there was a stabbing. I didn't
23 know much more than that at that time.

24 Q. After you announced yourself did you make
25 contact with anybody?

1 A. I did.

2 Q. And do you recall who that was with?

3 A. It was with Zackary Wickizer and Abby O'Connor
4 at their residence.

5 Q. Can you describe the demeanor of Abby O'Connor
6 when you made contact with her?

7 A. Abby O'Connor was highly emotional, talking very
8 loudly, quickly. She appeared frantic, as I
9 said, talking very quickly and loudly.

10 Q. Where was she positioned at inside the residence
11 when you made contact?

12 A. We were near the front entrance of the entrance
13 of the residence. It would be kind of like
14 where the living room area of that residence
15 would be.

16 Q. And what about Zackary Wickizer? Where was he
17 at when you made contact?

18 A. Zackary was with Ms. O'Connor in the same area,
19 laying on the floor.

20 Q. What was his demeanor like?

21 A. He was mostly quiet. He was holding his chest
22 area, laying on his back on the floor.

23 Q. You said walking up to the residence you
24 observed blood outside on the sidewalk leading
25 in. Did you observe any blood inside the

1 residence?

2 A. Yes, ma'am.

3 Q. What did you observe?

4 A. I observed that same consistent appearance of a
5 red liquid, looked like blood, that went inside
6 that front entrance of the residence and then
7 stopped where Mr. Wickizer was laying. There
8 was a larger pool of it underneath where he was
9 laying.

10 Q. What did you do when you observed somebody
11 laying on the ground in a pool of blood?

12 A. I updated our dispatch that we did have a victim
13 with a wound. I asked what happened and I tried
14 to render aid to Mr. Wickizer by applying
15 pressure to control some of the bleeding. I
16 also turned Mr. Wickizer over to see the extent
17 of the wound, if it went through the back part
18 of his body.

19 Q. Did you observe any other wound on Mr. Wickizer?

20 A. No. I did a quick assessment to see whether
21 there was any other wounds. I did not find any.

22 Q. You said you rendered aid by holding a
23 compression, you said?

24 A. Pressure.

25 Q. Pressure?

1 A. With my hand or -- I don't remember if there was
2 a scarf or some other object there I held over
3 and applied pressure. Ms. O'Connor was trying
4 to assist with that as well.

5 Q. Okay. What did you do after beginning to apply
6 pressure on the wound?

7 A. I was trying to establish more information.
8 They said that the --

9 MR. NYAMFUKUDZA: Objection. Hearsay.

10 MS. MACOMBER: Your Honor, it is not
11 being offered for the truth of the matter. It
12 is offered to show what the officer did in his
13 investigation to find out what was happening as
14 he responded to a stabbing incident.

15 MR. NYAMFUKUDZA: I'm sorry. The
16 response was --

17 MS. MACOMBER: It is not being offered
18 for its truth. It is being asked to show what
19 the officer did in response to the stabbing
20 incident and steps he took.

21 MR. NYAMFUKUDZA: I think he could just
22 explain what he did rather than the hearsay that
23 she was about to elicit, Your Honor.

24 MS. MACOMBER: It would only be hearsay
25 if it is offered for the truth, and it's not.

1 asked what happened and I was told that the
2 victim was stabbed with a knife. And I asked
3 who the suspect was and they said it was an Evan
4 Boss. And then I also asked where he went and
5 at that time they said that they did not know.

6 Q. With that information, what did you do?

7 A. I put out an area broadcast, and other agencies
8 were already en route to assist me with this
9 call for service. I gave them the information
10 for that suspect over the radio for them to
11 attempt to locate as they were entering that
12 area.

13 Q. You said that you were given the name Evan Boss?

14 A. Yes, ma'am.

15 Q. What suspect information did you put out over
16 the radio for assisting law enforcement
17 officers?

18 A. I put out that information and I also put out
19 the information that I remembered him as. I
20 don't recall if it was his exact name. I gave a
21 vehicle description from the prior call for
22 service.

23 Q. Okay. We're going to back up a little bit.
24 Evan Boss, that name was familiar to you?

25 A. Yes, ma'am.

1 Q. Okay. And as far as you knew, the person that
2 would go by the name of Evan Boss?

3 A. Yes, ma'am.

4 Q. You knew what that person looked like?

5 A. Yes, ma'am.

6 Q. You knew what their car would look like?

7 A. Yes, ma'am.

8 Q. Do you know if that was that person's legal name
9 at that time?

10 A. I knew it was not their legal name. I knew that
11 it was a secondary name used on social media.

12 Q. Okay. What kind of physical description did you
13 give out for the responding law enforcement that
14 was backing you up?

15 A. I asked the people on the scene what the suspect
16 was seen wearing. I relayed that information.
17 I believe I said that he was a white male and I
18 requested dispatch to pull up his vehicle
19 information, as I said, based on a prior call
20 for service. I believe that was the extent of
21 what I broadcasted at that time.

22 Q. So at some point does an ambulance arrive?

23 A. Yes, ma'am.

24 Q. Which ambulance service was that?

25 A. NIESA, Northeast Ingham Emergency Service

1 Authority.

2 Q. When they arrived were you still on scene?

3 A. I was.

4 Q. And what happened -- what physically happened
5 when the ambulance arrived?

6 A. The medical personnel came inside and began to
7 render aid to Mr. Wickizer. They ended up
8 transporting him to the back of the ambulance
9 where they further cared with him before taking
10 him to the hospital.

11 Q. Once Mr. Wickizer was removed from the
12 residence, what next procedural steps were taken
13 within the residence?

14 A. So once he was transported, I had a
15 consent-to-search form completed by the owner of
16 that residence, Ms. O'Connor. I contacted the
17 Michigan State Police to come in and process the
18 crime scene with their technicians.

19 Q. By the time that you had a consent-to-search
20 form filled out by Ms. O'Connor were you still
21 the only officer on scene?

22 A. I was not.

23 Q. Okay. What other departments, if any, had
24 responded at that time?

25 A. Both Ingham County Sheriff's Office as well as

1 the Meridian Township Police Department arrived
2 on scene and were assisting me at that time.

3 Q. You said you had a consent to search that
4 residence. Eventually was a search of that
5 residence conducted?

6 A. Yes, ma'am.

7 Q. Was anything of evidentiary value found within
8 that residence other than the victim and his
9 blood?

10 A. I know the Michigan State Police took photos and
11 processed it and -- according to their protocol.
12 We didn't obtain any other evidence directly
13 that night from that residence, but we did
14 obtain surveillance footage from that residence
15 as well.

16 Q. And why did you obtain that surveillance
17 footage?

18 A. Because we found out that it actually captured
19 the whole incident on camera.

20 Q. I'll go back to that in just a moment.

21 Were you given a description of the
22 object used in the stabbing during your
23 investigation?

24 A. I was. I was told that it was a large knife.

25 Q. Did you find a large knife on scene?

1 A. I did not.

2 Q. Were you given a description of how large it
3 would be?

4 A. I was told approximately ten inches. It was
5 described multiple times as a large knife.

6 Q. Going back to the Evan Boss that you were given
7 the name of, you said you had dealt with that
8 person before?

9 A. Yes, ma'am.

10 Q. And that that was their social media name?

11 A. Yes, ma'am.

12 Q. The person you knew to have the social media
13 name of Evan Boss, would you recognize him if
14 you saw him again?

15 A. Yes, ma'am.

16 Q. Do you see him in the courtroom today?

17 A. Yes, ma'am.

18 Q. Can you describe where he's sitting and an
19 article of his clothing?

20 A. Sitting at the defendant's seat in a red shirt.

21 MS. MACOMBER: If the record may
22 reflect identification of the defendant.

23 THE COURT: Without objection, sir?

24 MR. NYAMFUKUDZA: Without objection.

25 THE COURT: It does.

1 individual?

2 A. As in the report, we found one wound.

3 Q. Where was that at?

4 A. I believe it was in the -- according to the
5 report, the left upper quadrant of the torso.

6 Q. When you were responding, were you informed as
7 to what happened to the victim as to how they
8 obtained that injury?

9 A. During the response to the call?

10 Q. Yes.

11 A. Or after we were on scene?

12 Q. During the response as you were determining what
13 type of medical treatment to provide, were you
14 provided with the cause of injury?

15 A. The only information that we had from dispatch
16 was the possibility of a stabbing.

17 Q. During your treatment of the victim -- I guess
18 is my question -- did you learn during that
19 treatment what had caused the injury or did you
20 learn something after treatment?

21 A. During treatment in speaking with the patient,
22 according to the report, he had explained
23 that --

24 MR. NYAMFUKUDZA: Objection. Hearsay.

25 MS. MACOMBER: Your Honor, the

1 statement was made for a medical purpose. It's
2 not hearsay.

3 THE COURT: Medical purpose, sir?
4 Overruled.

5 MS. MACOMBER: Thank you.

6 THE WITNESS: According to -- I'm
7 sorry. Could you repeat the question just to
8 make sure I answer it appropriately?

9 BY MS. MACOMBER:

10 Q. Yes. When you were treating the patient, what
11 did you learn had happened to him as far as the
12 injury?

13 A. During a conversation with the patient, as
14 stated in the report, he explained that he had
15 been outside speaking with another individual
16 when a third party came up to him and appeared
17 to want to fight with him.

18 Q. And did his statement continue on to how the
19 injury occurred?

20 A. As in the report, patient stated that he
21 believed the individual was going to take a
22 swing at him and then suddenly felt a burning
23 sensation and felt warm and wet, and at that
24 time apparently realized he was bleeding.

25 Q. Did he realize what had caused the bleeding?

1 A. He believed -- he believed at the time that it
2 was a knife.

3 Q. Now, to be clear, you didn't see a knife on
4 scene; is that correct?

5 A. I did not.

6 Q. Okay. And you weren't there when this happened?

7 A. That is correct. I was not.

8 Q. Why is it important to know what type of tool
9 may have caused an injury when treating a
10 patient -- or is it important, I guess?

11 A. It is absolutely important.

12 Q. Why is it important?

13 A. In order to determine where -- in this instance,
14 having the possibility of being stabbed, it
15 would make a difference how long the knife was,
16 how wide the knife was, to try to get an idea of
17 the depth of possible injuries and organs that
18 may or may not have been in the line of the
19 penetrating wound.

20 Q. And in that same fashion were you able to
21 determine an idea of how long the knife was?

22 A. At one point in the report I was told that the
23 knife was approximately ten inches long.

24 Q. Now, what did you do after immediately observing
25 and assessing your initial assessment with the

1 right.

2 Q. Okay. So initially the person that got into the
3 passenger side of that vehicle, was that Zack?

4 A. I believe so, yes.

5 Q. Or was that -- is there somebody else still in
6 the passenger side of that vehicle?

7 A. I did not see anyone get up. So, I mean, that
8 might have been -- because I believe that's
9 Alexis's vehicle, that might have been Ricky
10 coming up to the door and then getting in.

11 Q. And we see Zack coming from the far right side
12 of the screen --

13 A. Yes.

14 Q. -- into view; is that correct?

15 A. Yep. That would be where the front door is.

16 Q. Okay. Now, at this time, thinking back on your
17 memory of this event, when you see Evan
18 approaching, do you remember if he was saying
19 anything?

20 A. I remember when he was standing out by his door
21 they exchanged a little bit of words, but that
22 might have been just -- you know, as far as I'm
23 aware from all that I can remember is really
24 just kind of, like, fighting words like "I'm
25 gonna mess you up," blah, blah, blah, blah,

1 blah, that type of thing.

2 Q. Those fighting words, were those -- was that
3 Zack saying those things to Evan or vice versa?

4 A. Evan saying that to Zack.

5 Q. And what was Evan's demeanor at this point?

6 A. To me it looked like he was just kind of walking
7 up, getting ready to fight. As far as I'm
8 concerned, like, how every fight starts, it
9 starts with a shove, you know. So that's how I
10 was taking it.

11 Q. At this point how long had you been with Zack
12 that day?

13 A. I was with him earlier on in the day. And then
14 I went home, you know, did some stuff at home
15 that I needed to do around the house. Then I
16 came back to hang out with Abby and Zack, but we
17 did not plan that at first.

18 Q. At any point that you were with Zack that day,
19 did you ever see him with any sort of weapon?

20 A. No.

21 Q. When Evan is exchanging fighting words and
22 saying fighting words to Zack, at any point did
23 you hear Zack threaten Evan with any weapons?

24 A. No.

25 Q. At this point in time, thinking back on your

1 memory, did you -- what did you assume was going
2 to happen when Evan got up to Zack?

3 A. Like I said, just a shove, you know, just for a
4 basic fistfight to start.

5 Q. At this point in time did you have any reason to
6 believe that Evan may have a weapon on him?

7 A. No.

8 Q. Just for your information and also for the jury,
9 this is Exhibit 6-B. So the time is slowed down
10 to show the incident happening in a slower
11 motion. It's not a glitch, just so you're
12 aware.

13 (Media presented at 2:24 p.m.)

14 MS. MACOMBER: I'll pause it at one
15 minute and 42 seconds.

16 BY MS. MACOMBER:

17 Q. We just saw what looked like some sort of
18 contact between Evan and Zack when Evan
19 approaches Zack?

20 A. Yes.

21 Q. And you appear to step in front of Zack?

22 A. Yes.

23 Q. Why is that?

24 A. Because, like I said, at first I thought it was
25 just a shove and so I didn't really want a fight

1 BMW.

2 Later it was updated that the
3 individual was named Evan Armogeda. And then
4 while we got on scene -- I believe as soon as I
5 arrived on scene we also got the update that he
6 had a California plate on the back of his
7 vehicle. That was the main description we had
8 gotten through dispatch.

9 Q. Now, you say when you arrived on scene. Where
10 did you arrive first?

11 A. I first arrived at the Creek Club Apartments,
12 which was said to be where he was residing,
13 according to dispatch, most recently.

14 Q. Was that in Williamston, the city?

15 A. Yes.

16 Q. Ingham County, Michigan?

17 A. Correct.

18 Q. Now, prior to responding to this incident, had
19 you had any contact with Evan Armogeda?

20 A. I did not.

21 Q. Aside from being a white male, was there any
22 time in which you became aware of what his
23 physical description was?

24 A. I don't recall if I looked up his photograph on
25 his license prior to my arrival. I don't

1 remember if they had added an attachment or not
2 into the call either.

3 Q. When you say you don't remember if you had
4 looked at the photo -- his license photo --

5 A. Mm-hmm.

6 Q. -- do you mean at all during your investigation
7 or as you were arriving on scene?

8 A. As I was arriving on scene. I was responding
9 with lights and sirens, so I wasn't able to look
10 him up in our computer system.

11 Q. When you arrived on scene at Creek Club
12 Apartments what did you do?

13 A. We went to go make contact at his apartment,
14 which was -- I believe 923 was the apartment
15 number. We got out on foot and kind of looked
16 in the lot for the vehicle.

17 That's when we had seen a silver BMW
18 going to pass myself and Officer Anderson. I
19 seen -- once I shined the light I had seen the
20 white male in the driver's seat kind of gave me
21 a real wide-eyed look and then the car sped up
22 rapidly through a parking lot. I'd say maybe 30
23 or 40 miles an hour in the parking lot. And
24 that's when we had seen the California plates.
25 And he had a smashed window in the back as well.

1 He took off pretty quick towards Grand River.

2 Q. And the vehicle, just to be clear, that was the
3 same approximate color and type of vehicle that
4 you were looking for as well?

5 A. That's correct.

6 Q. Now, in regards to whether or not you had looked
7 at his photograph ahead of time, would reviewing
8 your report help refresh your memory on that
9 aspect?

10 A. Sure.

11 Q. Okay.

12 MS. MACOMBER: May I approach,
13 Your Honor?

14 THE COURT: Please.

15 MS. MACOMBER: I'll take that back.
16 Now may I approach the witness?

17 THE COURT: Sure.

18 MS. MACOMBER: (Inaudible) to
19 yourself.

20 BY MS. MACOMBER:

21 Q. Did that refresh your memory?

22 A. Yes, it did.

23 Q. Were you able to observe a photograph of Evan
24 Armogeda prior to?

25 A. I was and I think it was an attachment that was

1 posted by dispatch. But, yes, I do remember
2 shining a vehicle in the light as he passed and
3 seeing the tattoos that matched.

4 Q. You said tattoos that matched. Which tattoos
5 are you referring to specifically?

6 A. I think it was the neck tattoos. It wasn't a
7 specific tattoo. It was just the neck tattoo.
8 And wearing a black shirt was given out by
9 dispatch as well, which he was also.

10 Q. Now, as this vehicle passed you, did it attempt
11 to slow down at all?

12 A. No. It did the opposite -- sped up very
13 rapidly.

14 Q. Were you in a full police uniform?

15 A. I was.

16 Q. Okay. What did you do once that vehicle sped
17 up?

18 A. Once the vehicle sped up we confirmed again,
19 like I said, as it passed us that it did have
20 the matching California plate that was put out
21 by dispatch.

22 We ran back to our vehicles. At that
23 point I believe it was Officer Velasquez that
24 initiated a vehicle pursuit. We tried to light
25 up the vehicle as it approached Grand River Ave.

1 and the vehicle continued, so we fell in line
2 with Officer Velasquez and followed him to Grand
3 River and to the dead end at Churchill Downs in
4 Williamston.

5 Q. Now, you say you tried to "light up" the
6 vehicle. What do you mean by that?

7 A. Officer Velasquez initiated his overhead lights.
8 The vehicle did not stop. And once he called
9 that out over dispatch, he then initiated his
10 sirens indicating to dispatch that he was
11 involved in a pursuit

12 Q. You said that you kind of fell in line behind
13 Officer Velasquez and trailed vehicles?

14 A. Correct.

15 Q. Were your overhead lights on as well?

16 A. They were.

17 Q. And is your vehicle a fully marked police
18 vehicle?

19 A. It was.

20 Q. You said that the vehicle continued onto
21 Churchill Downs?

22 A. Correct.

23 Q. Is that a street?

24 A. It is a street, yep.

25 Q. Approximately how fast were you going in your

1 attempts to continue to follow the vehicle to
2 attempt a traffic stop?

3 A. Approximately on Grand River I was doing around
4 90 miles an hour to catch up. Going north on
5 Churchill Downs, probably around 60 or 70.

6 Q. You said that eventually the vehicle came to a
7 stop at a dead end?

8 A. Correct.

9 Q. Is that a short street -- relatively short
10 street or is it a longer street?

11 A. It's a relatively shorter street, probably about
12 a quarter of a mile or so.

13 MS. MACOMBER: Your Honor, may I
14 approach the witness?

15 THE COURT: Sure.

16 BY MS. MACOMBER:

17 Q. I'm handing you what was marked as People's
18 Proposed Exhibit 89.

19 A. Mm-hmm.

20 Q. Do you recognize what that exhibit depicts?

21 A. Yeah, I believe so.

22 Q. And what does that exhibit depict to you?

23 A. That would be the Creek Club Apartments area
24 that I initially responded to, I believe.

25 Q. Okay. Is there any other area on that map?

1 Q. Okay. Which side did you see the defendant
2 speeding out of, if you recall?

3 A. So I had originally entered this area of the
4 complex, and then we had later seen the subject
5 in this lot as he had passed us and then exit
6 onto Grand River.

7 Q. Okay. Going back to People's Exhibit No. 89,
8 can you highlight on here where Churchill Downs
9 is?

10 A. Yes.

11 Q. Where is that?

12 A. Right over here.

13 Q. At the top of the left-hand side of this map is
14 where you have circled?

15 A. Correct.

16 Q. And then this very top area here is where we see
17 the dead end at?

18 A. Correct.

19 Q. Is that where the traffic stop initially
20 ended --

21 A. That's where --

22 Q. -- where the traffic pursuit ended?

23 A. Correct.

24 Q. Okay. Once that vehicle came to a stop, what
25 did you do?

1 A. Once the vehicle came to a stop, we immediately
2 started what we consider a felony stop.

3 So Officer Velasquez was one of the
4 point cars. I parked behind him and took up a
5 position on his passenger door with my weapon
6 drawn and then Officer Dietz and Anderson fell
7 to the west of them, positioned their vehicle in
8 a traditional way we would do a felony stop.

9 We started to give verbal commands for
10 the driver to exit the vehicle and get on the
11 ground so we could apprehend him.

12 Q. And why do you conduct that type of stop?

13 A. Because of the nature of the call, the danger of
14 dispatch advising whether he may have a weapon
15 still, obviously the fact that he had just
16 seemingly run from us, all of those officer
17 safety reasons.

18 Q. And so was that driver then detained?

19 A. He was.

20 Q. Was he put into handcuffs?

21 A. Correct.

22 Q. Were you able to identify him positively at that
23 point?

24 A. Correct, I was.

25 Q. Would you recognize Mr. Armogeda if you saw him

1 again?

2 A. I would, yes.

3 Q. Do you see him in the courtroom today?

4 A. I do.

5 Q. And where is he sitting? And an article of his
6 clothing, please.

7 A. Yes. He's directly in front of me in the red
8 button-up shirt.

9 MS. MACOMBER: Your Honor, if the
10 record may reflect identification of the
11 defendant.

12 THE COURT: Without objection, sir?

13 MR. NYAMFUKUDZA: Without objection.

14 THE COURT: The record will so reflect,
15 and the jury may note that.

16 BY MS. MACOMBER:

17 Q. After Mr. Armogeda was taken into handcuffs,
18 what happens next?

19 A. From there he was -- at this point it should be
20 noted that we were assisting Williamston with
21 the call. So we didn't handle it as typically
22 as we would if this was in our jurisdiction.

23 So he was, at that point, seated in one
24 of our patrol vehicles. The whole situation was
25 slowed down at that point. We didn't question

1 A. That's correct.

2 Q. Prior to this incident had you had any dealings
3 with Mr. Armogeda?

4 A. Not personally, no.

5 Q. Had you ever met him before?

6 A. No.

7 Q. When you came into contact were you able to view
8 the suspect in this case within the apartment
9 complex? What happens next?

10 A. He was leaving the area in the suspect vehicle
11 at a high rate of speed. Appeared like he was
12 going toward the exit of the complex toward the
13 main road, which was Grand River.

14 Q. Coming back out this way?

15 A. Correct.

16 Q. Okay. Was there anything that indicated to you
17 that a vehicle was approaching before you saw
18 the vehicle?

19 A. Headlights. I saw headlights approaching from a
20 distance. And then as it passed by is when I
21 identified the vehicle and the suspect itself
22 driving.

23 Q. You were able to see the suspect that was
24 driving?

25 A. Yes.

1 Q. Once the vehicle sped past you and out towards
2 Grand River what happened next?

3 A. I was, at that time, on foot. I ran back to my
4 patrol vehicle and attempted to catch up to the
5 suspect in the vehicle.

6 Q. You were driving on Grand River at this point?

7 A. I was in the complex traveling north, got onto
8 Grand River and began traveling west, which is
9 the path the suspect had taken.

10 Q. In looking at People's Exhibit No. 89, you came
11 out this way and went in this direction?

12 A. That's correct.

13 Q. In following that vehicle, did you indicate to
14 that vehicle in any way that you were trying to
15 approach the vehicle or make contact?

16 A. Yes. Once I was able to catch up closer to it I
17 did.

18 Q. How did you do that?

19 A. I activated my overhead lights, and I would
20 activate my siren as well.

21 Q. Okay. Were you in a fully marked police
22 vehicle?

23 A. Yes, I was.

24 Q. Fully marked police uniform?

25 A. Yes.

1 Q. What happened after you activated your overhead
2 lights? Did the vehicle slow down or stop?

3 A. I activated the lights and siren as I pulled
4 into Churchill Downs. The vehicle continued its
5 speed and would turn off their lights and go
6 into the wrong lane of travel. They went to the
7 opposite lane of travel. Seemed that their
8 speed also appeared to increase and was above
9 the posted speed limit for that area as well?

10 Q. What is the posted speed limit for that area?

11 A. I believe that would have been 25.

12 Q. Why do you believe that?

13 A. That's the -- it was a residential area there.

14 Q. Again, coming out from the complex, coming this
15 way -- and this is Churchill Downs that I'm
16 highlighting from the upper left-hand corner.

17 A. Yes, ma'am.

18 Q. You said at some point the vehicle turned off
19 its lights. How did you know the vehicle did
20 that?

21 A. I could no longer see its taillights and I did
22 not see any lights to its direct front
23 indicating the headlights appeared to be off as
24 well.

25 Q. When this is occurring, when you initiate your

1 overhead lights initially, your sirens, when
2 you're continuing to try to stop the vehicle, is
3 it light outside or is it dark outside?

4 A. It's dark.

5 Q. And the lights on your vehicle, are they pretty
6 bright?

7 A. Very bright.

8 Q. After the vehicle extinguished its own lights,
9 what happened next?

10 A. I believe it was at that point that it went into
11 the wrong lane of travel and continued
12 northbound on Churchill Downs.

13 Q. So continued up toward the top of the map here?

14 A. That's correct.

15 Q. At some point did the vehicle come to a stop?

16 A. Yes, once it reached a dead end.

17 Q. Is that this top area right up here?

18 A. Yes.

19 Q. Now, you said earlier that you were in a fully,
20 marked police vehicle at this time?

21 A. That's correct.

22 Q. Did that police vehicle have any sort of camera
23 or recording device on it?

24 A. Yes, it does.

25 Q. What does that camera or recording device

1 Q. And who lived at the Creek Club Apartments in
2 Williamston at that time?

3 A. Initially, it was a guy named Chuck or Charles,
4 whatever he prefers to go by.

5 Q. Okay.

6 A. But apparently he was allowing Evan to stay
7 there.

8 Q. Okay. I'm going to show you what's already been
9 admitted as People's Exhibit No. 4. Is this an
10 accurate depiction of the Creek Club Apartment
11 complex layout?

12 A. Yes.

13 Q. Okay. And where did you then meet Evan on
14 January 11, 2021 -- which building, if you
15 recall?

16 A. I think it was seven maybe.

17 Q. Okay.

18 A. Oh, wait. No, hold on. Three, I think.

19 Q. So one of these buildings?

20 A. It was right next to the dog park. It was the
21 building closest to the dog park.

22 Q. Okay. So one of these buildings here?

23 A. Yeah.

24 Q. Okay. And at this time did you also live in the
25 Creek Club apartment complex?

1 A. I did.

2 Q. Can you circle which building you lived in at
3 that time? Building number nine?

4 A. Yes.

5 Q. Okay. When you first received the phone call
6 from Evan, were you at your apartment?

7 A. I was.

8 Q. How long did it take you to get over to this
9 area here?

10 A. Maybe two minutes.

11 Q. Now, when you arrived, what was Evan's demeanor?

12 A. He seemed very upset. He literally looked like
13 he had had a rough day all day. Like -- I,
14 like, felt bad. I didn't know what to do. I
15 was like, "Are you okay?"

16 Q. Now, was he able to tell you what was upsetting
17 him?

18 A. Initially he showed me his phone, which had
19 multiple text messages. And this had also gone
20 on for a couple weeks of text messages of things
21 that were upsetting him and everything.

22 So I was reading through all the text
23 messages and stuff and kind of just gave him a
24 point of view like, "Don't let this stuff bother
25 you; like, it's not that big of a deal."

1 Q. At this time did you know a person by the name
2 of Zackary Wickizer?

3 A. I do.

4 Q. How do you know Zack?

5 A. That was my ex-boyfriend.

6 Q. When did you and Zack date, approximately?

7 A. We started dating on October 9 of 2016.

8 Q. When did your relationship end?

9 A. Roughly three years later.

10 Q. About 2019 --

11 A. Yeah.

12 Q. End of 2019?

13 A. Somewhere around there we did, yeah.

14 Q. After your relationship ended with Zack, did you
15 remain in contact with him?

16 A. Sometimes.

17 Q. What about any members of his family?

18 A. Yes.

19 Q. Who did you remain in contact with?

20 A. Abigail Wickizer, Megan Wickizer, their dad
21 Brian Wickizer sometimes, but --

22 Q. Who is Abigail?

23 A. Abigail and Megan are both Zack's sisters.

24 Q. Okay. When you arrived at Evan's apartment was
25 there anybody else there with him?

STATE OF MICHIGAN
30th JUDICIAL CIRCUIT FOR THE COUNTY OF INGHAM
CRIMINAL DIVISION

THE PEOPLE OF THE
STATE OF MICHIGAN,

v

Case No. 21-260-FC

EVAN TAYLOR ARMOGEDA,

Defendant.

_____ /

JURY TRIAL - VOLUME III OF V
BEFORE THE HON. DAVID JORDON, CIRCUIT JUDGE

Ingham County, Michigan
December 9, 2022

APPEARANCES:

For the People: NATTALIE J. MACOMBER (P80008)
Ingham Co Prosecutor's Office
303 West Kalamazoo Street
Lansing, MI 48933-2021
(517) 483-6251
nmacomber@ingham.org

For the Defendant: TAKURA N. NYAMFUKUDZA (P77034)
Alane & Chartier PC
403 Seymour Ave.
Lansing, MI 48933-1170
(517) 885-3305
takura@cndefenders.com

RECORDED BY:
Taylor Buck, CEO-15806

TRANSCRIBED BY:
Kelli Simon Werner, CRR, RPR, CSR-6610
Official Court Stenographer
313 W. Kalamazoo St.
Post Office Box 40771
Lansing, MI 48933
(517) 483-6427
kwerner@ingham.org

1 THE COURT: Ma'am, just before you're
2 seated, please raise your right hand.

3 Do you swear or affirm any testimony
4 you'll give will be the truth, the whole truth,
5 and nothing but the truth?

6 THE WITNESS: (Inaudible).

7 THE COURT: Have a seat, state your
8 full name for the record and spell your last
9 name, please.

10 THE WITNESS: My full name is Abby
11 Reese O'Connor, O-c-o-n-n-o-r.

12 THE COURT: Thank you. Go ahead,
13 ma'am.

14 MS. MACOMBER: Thank you, Your Honor.

15 THE COURT: And try sitting up close to
16 the microphone. It does pick up your voice.

17 THE WITNESS: Thank you.

18 THE COURT: You have a low voice.

19 ABBY O'CONNOR,
20 (At 9:30 a.m., having been called by Ms. Macomber and
21 sworn in by the Court, testified as follows:)

22 DIRECT EXAMINATION

23 BY MS. MACOMBER:

24 Q. Good morning.

25 A. Good morning.

1 Q. Abby, do you know a Zackary Wickizer?

2 A. Yes.

3 Q. And how do you know Zack?

4 A. We have been friends for quite a few years now.

5 Q. Do you know an Ashley Pfister?

6 A. Yes.

7 Q. How do you know Ashley?

8 A. We used to be friends.

9 Q. Can I take it that you are no longer friends?

10 A. Yes.

11 Q. About when did that friendship dissolve?

12 A. A few times throughout the term of knowing her.

13 But most recently a few months, I believe,
14 before the incident.

15 Q. The incident being the reason that we are all
16 kind of here today?

17 A. Yes, ma'am.

18 Q. Okay. Do you know a Ron Holbrooke?

19 A. Yes.

20 Q. How do you know Ron?

21 A. We have also been friends for quite a few years.

22 Q. Do you know an Evan Armogeda?

23 A. Yes.

24 Q. How do you know Evan?

25 A. I met him through Ashley.

1 Q. Through Ashley Pfister?

2 A. Yes.

3 Q. About how long ago did you meet Evan?

4 A. I saw him for the first time over a video call
5 she was having with him a few years ago.

6 Q. At any point did you become closer to Evan?

7 A. Yes.

8 Q. How so?

9 A. We started having what I guess could be
10 described as an online relationship.

11 Q. About when did that begin?

12 A. September of the year just before the incident.

13 Q. September of 2020?

14 A. Yes.

15 Q. Okay. At some point did that relationship
16 evolve from an online relationship to where you
17 were more in person?

18 A. Yes. He ended up coming out from California
19 around November, I believe, of 2020.

20 Q. So when you were first having a relationship
21 with him he was living in California?

22 A. Yes.

23 Q. Okay. When he moved to Michigan, where in
24 Michigan did he move?

25 A. He came to try to stay with me at first. Things

1 did not work out there, so he ended up staying
2 with Ashley.

3 Q. Would you recognize Evan if you saw him again?

4 A. Yes.

5 Q. Do you see him in the courtroom today?

6 A. Yes.

7 Q. Can you describe where he's sitting and an
8 article of his clothing?

9 A. I believe he's got on a blue shirt.

10 Q. Sitting at the second table?

11 A. Yes.

12 MS. MACOMBER: Your Honor, if the
13 record may reflect identification of the
14 defendant.

15 THE COURT: Without objection, Counsel?

16 MR. NYAMFUKUDZA: Without objection.

17 THE COURT: Okay. It does.

18 MS. MACOMBER: Thank you, Your Honor.

19 BY MS. MACOMBER:

20 Q. You said that your relationship with Evan didn't
21 really work out?

22 A. No.

23 Q. Prior to your relationship kind of dissolving
24 did you become pregnant?

25 A. I was, but I didn't know it yet.

1 Q. When did you become aware that you were
2 pregnant?

3 A. Just about the time that we started splitting up
4 and I realized things were not working for us
5 after he had moved out and was already staying
6 with Ashley.

7 Q. Was that in December of 2020?

8 A. Yes.

9 Q. Okay. When that relationship came to an end,
10 did you inform Evan that you were pregnant?

11 A. I did when I found out, yes.

12 Q. And because your relationship was ending did you
13 have any intentions as to whether or not you
14 would allow him to be part of that baby's life?

15 A. I did make it very clear to him that he was --
16 as long as that was something he wanted he could
17 be part of the baby's life. I did not want a
18 relationship with him, but I wasn't going to
19 keep him from seeing the baby.

20 Q. So am I to understand you would have a
21 co-parenting relationship but not a romantic
22 relationship?

23 A. Yes.

24 Q. Okay. How did Evan handle the end of your
25 relationship?

1 A. Not well.

2 Q. Why do you say that?

3 A. After he called it quits with me there were a
4 few times where he showed up at my house
5 unannounced. There was a time I remember waking
6 up in the morning and he was sitting on my back
7 porch in a chair staring at my bedroom window.
8 A few incidents like that, I suppose, where he
9 would just randomly pop up and, you know, we
10 would argue. Things would not go well.

11 Q. And this may be a silly question, but in those
12 times when he would just show up unannounced,
13 how did that make you feel?

14 A. Nervous. Not to the extent that I thought
15 something like what happened would happen, but
16 nervous.

17 Q. Did you continue to engage in communication with
18 Evan during this time?

19 A. I did. I did.

20 Q. And what was the purpose of that communication?

21 A. Making things clear to him that I did not want
22 to be with him, but that he could be part of the
23 baby's life if he chose. But he did not seem to
24 be interested in that.

25 Q. The communication that you had with Evan, was it

1 wanted to fight.

2 Q. Okay.

3 A. And it was at least partially about that.

4 Q. So you had contacted Evan about something you
5 had heard or had Evan contacted you?

6 A. I'm not sure who contacted who first.

7 Q. Okay.

8 A. I don't know if I remember.

9 Q. Okay. But the intention was to address that --

10 A. Yes.

11 Q. -- what you had heard as a threat?

12 A. Yes.

13 Q. Okay. Now, on January 11, 2021, where were you
14 living?

15 A. I lived in a trailer in Williamston, Michigan.

16 Q. I'm showing you People's Exhibit No. 1. Is that
17 kind of a map or outline of where you were
18 living on that day?

19 A. Yes.

20 Q. Okay. And, again, this is the same location
21 that you had lived prior, and so Evan knew this
22 location?

23 A. Yes.

24 Q. Is this the same location Evan had shown up to
25 unannounced?

1 A. Yes.

2 Q. On January 11, 2021, during the daytime, had you
3 seen Evan at all that day?

4 A. I don't believe so.

5 Q. During the evening hours did there come a time
6 in which you saw Evan?

7 A. When the incident happened.

8 Q. At that time who was at your home?

9 A. I was there. Ron Holbrooke was there, Zack
10 Wickizer, and for a brief moment Hector had
11 dropped by.

12 Q. Hector Pence?

13 A. I think so.

14 Q. Okay. Is that somebody that you know well or is
15 that somebody that --

16 A. No, not very well at all.

17 Q. Okay. When you -- this evening you came into
18 contact with Evan and that was at your home, had
19 you invited him over there that day?

20 A. No.

21 Q. Had you asked him to come over that day?

22 A. No.

23 Q. To your knowledge had anybody invited Evan to
24 your home that day?

25 A. No.

1 Q. Okay. Were you surprised to see him show up?

2 A. I was. I know when we had talked he had
3 mentioned something about fighting, but nobody
4 ever thought he would show up at my house.

5 Q. Okay. And why not?

6 MR. NYAMFUKUDZA: Objection. Asking
7 what other people may think and why calls for
8 speculation.

9 MS. MACOMBER: Sure. I can rein that
10 question in.

11 THE COURT: Rephrase it.

12 MS. MACOMBER: Yes.

13 THE COURT: Okay. That question is
14 withdrawn. We're going to kind of start over.

15 THE WITNESS: Thank you.

16 BY MS. MACOMBER:

17 Q. Why didn't you believe that Evan was going to
18 show up that day?

19 A. I didn't believe he was going to show up that
20 day because I had witnessed him say things like
21 that to other people before and nothing
22 happened. So I mean he had a history of this
23 kind of behavior.

24 Q. Kind of saying something but not necessarily
25 following through?

1 A. I figured Evan would see that he was not out
2 there alone and that if he -- you know, I
3 figured he wouldn't be willing to try anything
4 with three adults standing outside, you know.

5 Q. Now, we see Evan getting out of the vehicle and
6 approaching the vehicle. Just so you're aware,
7 this video was modified to slow down for the
8 approach.

9 In real time as you were experiencing
10 this, did Evan slow down at all as he approached
11 the vehicle?

12 A. No.

13 Q. When you asked Evan what he was doing there, did
14 he respond?

15 A. He looked at me and just said, like --

16 THE COURT: I'm sorry. Sort of shushed
17 you? Was that what that --

18 THE WITNESS: Yes.

19 THE COURT: Okay.

20 MS. MACOMBER: Playing from one minute
21 and 16 seconds in on Exhibit 6-B.

22 (Media presented at 9:52 a.m.)

23 MS. MACOMBER: I'm going to pause it at
24 one minute and 44 seconds in.

25 BY MS. MACOMBER:

1 Q. At this point we kind of see you in a state
2 where your hands are out to the side.

3 Do you recall what was going through
4 your mind in this moment?

5 A. I think I was in shock. I was pretty confused.
6 I didn't know what had just happened.

7 Q. Before inquiring as to what had happened or
8 learning information, what did you think
9 happened based off what you had physically seen?

10 A. It wasn't until Zack said that he stabbed him
11 that I knew what was happening. I thought he,
12 like, punched him or something. You know, I
13 just saw him bring him in close.

14 Q. Okay. And after you had heard Zack say, "He
15 stabbed me," did you notice anything in Evan's
16 hand?

17 A. Yeah. When I looked over and saw him, like,
18 heading back, I saw the knife in his hand.

19 Q. And can you -- the best that you can describe
20 that knife?

21 A. It was serrated, a longer blade, larger than a
22 steak knife, I'd say, or maybe just like a very
23 large steak knife.

24 Q. For context if we were to go to Texas Roadhouse
25 and they have steak knives there, would it be

1 longer than that knife?

2 A. Yeah, I'd say so.

3 MS. MACOMBER: I'm going to play the
4 video from one minute and 44 seconds in.

5 (Media presented at 9:54 a.m.)

6 MS. MACOMBER: I'm going to stop it at
7 two minutes and three seconds out.

8 BY MS. MACOMBER:

9 Q. Abby, we see Evan get into a vehicle and you
10 kind of -- as he's getting in, you're chasing
11 after him. Why were you doing that?

12 A. I felt like we needed to know at least where he
13 was, you know. Like, I didn't want him to leave
14 because I knew the police needed to come and
15 arrest him.

16 Q. At that point as you're chasing you know at that
17 point that he had stabbed Zack?

18 A. Yeah.

19 Q. Okay. Now, we see you hit something. Are you
20 hitting Evan, the vehicle, or something else?

21 A. His back driver's side window. Like the back
22 passenger driver -- I'm sorry. The rear
23 driver's side window.

24 Q. Okay. Why did you hit the window?

25 A. For whatever reason I thought that would keep

1 him from going anywhere if I could break it. I
2 don't know why. But I guess that was all I
3 could think to do in the moment.

4 Q. To be clear, were you able to break that window?

5 A. No.

6 Q. Cause any damage to it?

7 A. No.

8 Q. We see something in your hand at that time.
9 What's in your hand?

10 A. A piece of plastic. A disposable, like, vape
11 cartridge for nicotine.

12 Q. Okay. Then we see you kind of run back towards
13 your home. What do you do at that point?

14 A. At that point I was going in to find Zack. He
15 had walked back into my house and I was going to
16 look for him so I could try to help him.

17 Q. And did you, in fact, find Zack?

18 A. Yeah. I found Zack. I took a jacket off of the
19 coat rack and put it over the hole in his chest
20 and tried to call the police. Something had
21 happened with my phone. I had a horrible phone
22 at the time. It wasn't working, so I went next
23 door and had my neighbors call an ambulance.

24 Q. When you came back from asking the neighbor to
25 call the ambulance -- or did you go back to your

1 home after asking the neighbor to call?

2 A. Yes.

3 Q. Okay. When you went back, was Zack still in
4 your home?

5 A. Yes. He was laying on the floor. Right before
6 I told him I needed to go find somebody to call
7 him an ambulance, I told him to, like, hold the
8 jacket as tight as he could. I went back inside
9 and he was still awake.

10 Q. What was his demeanor like at that time?

11 A. He was super pale, barely there. He just kept
12 saying he wanted to go to sleep.

13 THE COURT: Ma'am, we do have a tissue
14 there if you want to have one.

15 THE WITNESS: Thanks.

16 BY MS. MACOMBER:

17 Q. Did you stay with Zack until help arrived?

18 A. Yes, I did.

19 Q. If you recall, who arrived first on the scene?

20 A. Pintar -- Officer Pintar.

21 Q. And what happened once Officer Pintar arrived?

22 A. He moved the jacket for, like, just a second to
23 check the bleeding, and then he called for an
24 ambulance and he started helping him. He asked
25 me what happened.

1 Q. Okay. As you were approaching Evan's vehicle or
2 Evan, what was his demeanor like at this point?

3 A. Calm. Calm. When I was approaching the car as
4 he was pulling away after it, he was almost
5 laughing.

6 Q. You're familiar with Evan's mannerisms?

7 A. Yeah.

8 Q. Yes?

9 A. Yes. Sorry.

10 Q. That's okay. At any point on January 11, 2021,
11 did you see Zack with a weapon?

12 A. No.

13 Q. At any point on January 11, 2021, did you hear
14 Zack threaten Evan?

15 A. No.

16 Q. At any point did you hear anybody threaten Evan
17 that day?

18 A. (Inaudible).

19 MS. MACOMBER: Nothing further. Thank
20 you.

21 THE WITNESS: Thank you.

22 THE COURT: Okay. Cross, sir?

23 MR. NYAMFUKUDZA: Yes. Thank you.

24

25

CROSS-EXAMINATION

BY MR. NYAMFUKUDZA:

Q. Good morning, Ms. O'Connor.

A. Good morning.

Q. My name is Takura Nyamfukudza. I represent
Mr. Armogeda. I have some questions for you.

A. Okay.

Q. When Mr. Armogeda moved from California to
Michigan, it was specifically for the purpose
for pursuing a romantic relationship with you?

A. Yes, sir.

Q. It was your understanding that California is
where he was born and raised and most of his
family was?

A. Yes.

Q. As the two of you advanced in your online
relationship from September '20 --
September 2020 until he ultimately moved -- I
think you said in November?

A. Yes. I believe mid-November.

Q. Did you discuss each other's upbringing,
childhood, and so on?

A. Yes.

Q. How would you describe his upbringing?

MS. MACOMBER: Objection, Your Honor.

1 (Inaudible) speculation and potentially
2 hearsay.

3 THE COURT: I'm sorry. Speculation
4 and --

5 MS. MACOMBER: Potentially hearsay
6 based on what her answer would be. If she's
7 going to say what Evan told her about her (sic)
8 upbringing that would be hearsay. If she's to
9 say her interpretation of his upbringing that
10 would be speculation.

11 THE COURT: Response?

12 MR. NYAMFUKUDZA: Speculation? If she
13 is going to relay exactly what he told her --

14 MS. MACOMBER: That would be hearsay,
15 Your Honor.

16 THE COURT: Would that not be hearsay?

17 MR. NYAMFUKUDZA: Well, Your Honor,
18 again -- I'll rephrase.

19 THE COURT: Fair enough. So he means
20 he's going to start over again.

21 THE WITNESS: Okay.

22 BY MR. NYAMFUKUDZA:

23 Q. In your discussions about each other's
24 childhood, did he describe his upbringing as a
25 difficult one?

1 Q. And so all of the organs that you just outlined,
2 were you concerned that there was a potential
3 that any of those organs could have been
4 impacted based on the injury that you observed?

5 A. True.

6 Q. Based on your information prior to completing
7 surgery, did you believe this could potentially
8 be a life-threatening injury?

9 A. Prior to surgery, yes.

10 Q. And not knowing what type of tool was used, was
11 there any concern that there may be an
12 infection?

13 A. Yes. All traumatic wounds, by nature of how
14 they happen -- not material in the operating
15 room -- are at risk for an infection.

16 Q. Turning back to the medical chart --

17 (Discussion held off the record at 1:31 p.m.)

18 (Back on the record at 1:31 p.m.)

19 BY MS. MACOMBER:

20 Q. Looking at page one of that chart, we see an
21 events timeline down here.

22 A. Mm-hmm.

23 Q. Can you go through that events timeline and
24 explain what those events are and the time that
25 they happened at?

1 A. Yes. So when a trauma comes in and everyone
2 gets alerted, a nurse gets assigned to that
3 trauma and a nurse immediately goes to the
4 operating room -- "to the operating room;" my
5 apologies -- to the emergency room trauma bay,
6 the big room where the trauma goes in, and opens
7 up the computer and starts typing. And they
8 type in when the patient was admitted, when the
9 patient arrived, when the patient arrived into
10 the room -- that's E.D. room -- to when the
11 patient was transferred from the room to the
12 operating room or to CT or to wherever they may
13 go. So that's the timeline that the nurse has
14 been typing in.

15 When the patient goes to either CT or
16 the O.R., a different nurse receives the patient
17 and starts typing in that medical record and
18 continues the flow of events so there is
19 continuity in documentation. That's what you're
20 seeing.

21 Q. Okay. And so according to this -- a little
22 crooked there -- according to this chart, it
23 looks like he was admitted at 8:36 or 20:36.

24 A. Correct.

25 Q. And that he was transferred in at 20:55. What

1 does "transferred in" mean?

2 A. I believe that's when they started moving him
3 from the trauma bay to the hallways en route to
4 the operating room.

5 Q. So approximately 20 minutes from the time he
6 made it into Sparrow, had an assessment, is how
7 it took to go to the next stage to go to an
8 operating room?

9 A. Yes.

10 Q. It was that urgent that it was a 20-minute span
11 where that decision had been made?

12 A. It was emergent. So there was more of an alert
13 than an urgency. An emergency is it needs to
14 happen now. I make a call downstairs or I look
15 at the O.R. nurses and I say, "Start opening the
16 room," and they get it ready for me.

17 Q. Now, can you explain to the jury what type of
18 surgery was performed on Mr. Wickizer that day?

19 A. Per the documentation, we did an exploratory
20 laparotomy, which means that it was exploratory;
21 we didn't know what we were going to find.
22 Laparotomy is a fancy word for opening the
23 belly, top to bottom, and looking to control
24 hemorrhage and to control contamination, if you
25 will, if there is contamination.

1 Q. Okay. Looking at page 41 of that medical
2 record, is this an outline or overview of the
3 procedure that you performed on Mr. Wickizer?

4 A. That looks like the operative note.

5 Q. Can you -- not necessarily reading word for
6 word, but go through the note and explain the
7 different steps that were taken during the
8 procedure?

9 A. Sure. So when a patient arrives into the
10 operating room, we -- in a trauma specifically,
11 we -- if we have time, we try to coordinate with
12 the anesthesia team, get anesthesia going,
13 verify that there is consent if we have time.

14 In an emergency the patient is brought
15 down semi-running into the operating room and
16 this happens a lot more quickly. So anesthesia
17 is usually ready to go. We basically -- the
18 patient gets down. We put warm blankets on
19 them. We transfer them to the operating room
20 table. Anesthesia puts the gas mask on, and
21 they start working to induce the anesthetic, get
22 him comfortable, get in position so that we can
23 start working.

24 Now, depending on how stable the
25 patient is that may be happening at the same

1 time that I'm getting dressed and ready to
2 operate. Yeah. And then the operation will
3 happen.

4 Q. Going through the operation itself, what did you
5 have to do to ensure that you were providing
6 medical care to the best of your ability? How
7 did that procedure come out?

8 A. So ensuring that we were providing good medical
9 care, he was transferred to the O.R. table. We
10 sterilely washed his belly. If he had any hair,
11 we removed it. And then we made a cut straight
12 through the middle, just like we were talking
13 about. It has some of the medical jargon on the
14 note.

15 We divided some of the ligaments to try
16 to get at his organs a little bit better and
17 move the liver around and get into the different
18 body cavities that we could -- so that we can
19 explore all of the four quadrants of the abdomen
20 including the dome of the liver and where the
21 spleen is at and the dome of the diaphragm,
22 which is a breathing muscle. That was key to
23 make sure we didn't have to go into the chest in
24 addition to going into the belly.

25 So once I know that I got in, there is

1 no hemorrhage, we can proceed to try to explore
2 to figure out where exactly the injury is and
3 whether or not there is any organs damaged. So
4 that's how that goes.

5 Q. To be clear, during this procedure did you
6 notice any damage to any organs?

7 A. I don't recall seeing any damage to any organ
8 specifically, no.

9 Q. Did you notice damage -- well, I guess let me
10 ask you this: There is your skin. Are there
11 any layers between your skin and your organs
12 medically?

13 A. Yes.

14 Q. What are those layers?

15 A. So there is the abdominal wall and the abdominal
16 wall. The very bottom layer is fascia and the
17 peritoneal lining.

18 Q. Was there any damage to those layers, if you
19 recall?

20 A. Do you mind if I look? I don't want to give you
21 an answer --

22 Q. Yes, please do. Yes.

23 A. Just to confirm. It did not appear to violate
24 the peritoneum.

25 Q. What is the peritoneum?

1 A. The innermost lining of the layers of the
2 abdominal wall. The little Saran Wrap that
3 covers the organs.

4 Q. And is there muscle between the peritoneum and
5 the skin?

6 A. The peritoneum is the very bottom layer under
7 the muscle.

8 Q. Okay. Were you able to determine whether or not
9 there was any injury to the muscle?

10 A. There was injury to the muscle.

11 Q. Is that what we are seeing up here at the top --
12 (inaudible) the muscle bleeding?

13 A. Yes.

14 Q. Do you know -- when surgery happens you have to
15 obviously make an incision. How is that then
16 finalized? How is the patient closed, I guess,
17 for lack of a better question?

18 A. Patients can be closed in different ways.
19 Because he didn't have a severe injury to his
20 organs we were able to close him primarily, so
21 we stitched him closed.

22 Those layers of the abdominal wall can
23 come together with a suture and then staples
24 overlying the midline incision.

25 Q. The staples that were used, are those staples --

1 how are those -- I guess, do they stay in the
2 patient forever? Are they removed? Do they
3 dissolve or something else?

4 A. They are metal staples -- skin staples, so they
5 are sterile. They are usually removed
6 approximately 10 to 14 days after surgery once
7 the skin edges are healed nicely.

8 Q. Going back to page two of the medical records,
9 we see in this second entry here a discharge.

10 A. Mm-hmm.

11 Q. Can you tell us what date that discharge from
12 Sparrow Hospital was?

13 A. I can't tell if that's a six or a five. It's a
14 little blurry.

15 Q. I can zoom in.

16 A. Looks like 1/15/21.

17 Q. So he would have been in Sparrow for four days?

18 A. Correct.

19 Q. The 11th through the 15th?

20 A. Correct.

21 Q. Typically speaking, what is the overall healing
22 time for somebody who has had that type of
23 invasive surgery?

24 A. It depends on the person and their pain
25 tolerance and whether or not they had any other

1 injuries. For the surgery that we did with what
2 we found on him, it's somewhere between three
3 and five days, sometimes a little bit longer.

4 Q. Would there still be -- after the three- to
5 five-day range the staples would probably still
6 be in the person?

7 A. Correct.

8 Q. When we look at post discharge from the hospital
9 and even post staples being removed from the
10 patient, would there still be pain there?

11 A. It depends on the person, but, yes, there's
12 healing that happens for weeks later.

13 Q. Okay.

14 THE COURT: I'm sorry, was that "for a
15 week later" you said?

16 THE WITNESS: For weeks.

17 THE COURT: For weeks later. Thank
18 you.

19 BY MS. MACOMBER:

20 Q. And all of the treatment that was performed on
21 Mr. Wickizer, that was all deemed medically
22 necessary?

23 A. Yes, that's correct.

24 MS. MACOMBER: Okay. I have nothing
25 further. Thank you.

1 in contact with Evan?

2 A. Not really. Not very much. I might have talked
3 to him a little bit, but I really can't recall.

4 Q. Did there come a time when Evan had discussed
5 with you in some way or talked to you about
6 potentially fighting?

7 A. Yes.

8 Q. Okay. I'll show you People's Exhibit No. 100.
9 Again, is this the same type of Messenger
10 conversation?

11 A. Yeah.

12 Q. And, again, you being the black speech bubbles
13 and Evan being the blue?

14 A. Yes.

15 Q. Who was this person here?

16 A. That's Abby.

17 Q. And so you send Evan a picture of Abby; is that
18 correct?

19 A. (Inaudible).

20 Q. Why did you do that?

21 A. I was angry. He was sending Abby a bunch of
22 messages and they were about both of us and it
23 was just really upsetting, and I just sent him
24 that.

25 Q. And was this on January 10, 2021?

1 A. Um --

2 Q. Or -- I'm sorry -- January 11, 2021?

3 A. I was going to say I'm pretty sure it was the
4 same night.

5 Q. Yes, January 11.

6 A. It was right before everything.

7 Q. And so you said you were angry. Is that why you
8 also included these two kissy faces?

9 A. Yeah.

10 Q. These emojis?

11 The nature of what was being said about
12 you, what was the nature of that?

13 MR. NYAMFUKUDZA: Sounds like that's
14 going to be hearsay. Who are you asking him
15 to --

16 MS. MACOMBER: I can make it more
17 clear, yes.

18 MR. NYAMFUKUDZA: Yep.

19 THE COURT: You're going to rephrase?

20 MS. MACOMBER: Yes.

21 THE COURT: So ignore where we are.

22 We'll start over.

23 BY MS. MACOMBER:

24 Q. What things was Evan saying about you that was
25 causing you to be upset?

1 A. I don't remember exactly what he was saying
2 about me. It's been quite a long time now. But
3 I remember him saying something about raising
4 his baby and that he wanted to fight. Like -- I
5 don't remember a whole lot more than that.

6 Q. At any point had you told Evan you were going to
7 raise his baby?

8 A. No.

9 Q. At any point had you told Abby that you wanted
10 to raise the baby as your own?

11 A. No.

12 Q. At this point were you in a relationship with
13 somebody, or a new relationship?

14 A. I was freshly out of a relationship and still
15 trying to, like, figure that relationship out.

16 Q. And, again, that was not with Abby?

17 A. Correct.

18 MR. NYAMFUKUDZA: Your Honor, we're
19 having to let it go, but there is a lot of
20 leading here. I'm not sure who's testifying at
21 this point. She's telling him that it's not
22 with Abby. I think if it is open-ended because
23 it's direct, that may be more appropriate. A
24 lot of leading.

25 MS. MACOMBER: I don't know that I

1 necessarily agree, Your Honor. I don't believe
2 that just because a question calls for a yes or
3 no answer it is leading, but I can try to make
4 them more open-ended if it makes Defense
5 Counsel --

6 THE COURT: Fair enough. Fair enough.
7 Up to this point it's gone and then maybe now,
8 back a little more open-ended.

9 BY MS. MACOMBER:

10 Q. Now, this text bubble here, who is that
11 responding back to you?

12 A. That was Evan responding back to me.

13 Q. Can you read those two exchanges?

14 A. Ha-ha, okay. Come see me when you're ready.
15 Fists only. About to teach you something.
16 Don't worry. Let your girlfriend know.

17 Q. When Evan says fists only, what does that mean
18 to you?

19 A. Fight hands only, no weapons.

20 Q. Were you concerned or scared when you received
21 that message?

22 A. No.

23 Q. Why?

24 A. I didn't think that he was going to show up with
25 a weapon. He'd always talked about, like, how

1 kind of the exchange that we just saw?

2 A. Yeah.

3 MS. MACOMBER: I'm going to pause this
4 at one minute and 20 seconds in.

5 BY MS. MACOMBER:

6 Q. I just saw two other persons enter the screen.

7 Can you tell the jury who those persons are?

8 A. Ron and Abby.

9 Q. The furthest to the right, Ron?

10 A. Yes.

11 Q. And the person standing to the left of the trash
12 can, Abby?

13 A. Yeah.

14 Q. At this point in time, what did you believe was
15 going to happen, if anything?

16 A. I didn't really know what was about to happen.
17 I thought that he wanted to fight, and I didn't
18 really realize that he had his arm hidden behind
19 his back. I wasn't trying to (inaudible) or
20 anything. I guess I was just ready for him to
21 start something.

22 Q. At any point during the time that we either are
23 watching you on scene or, actually, at any point
24 at all that day, did you have a weapon on you?

25 A. No.

1 Q. At any point did you threaten Evan with a
2 weapon?

3 A. No.

4 Q. When Evan is coming -- even at this point as
5 Evan is approaching you, did you threaten to
6 harm him in any way?

7 A. No.

8 Q. Again, nothing in your hands that could have
9 been used as a weapon?

10 A. No.

11 MS. MACOMBER: I'm going to play this
12 from one minute and 20 seconds forward.

13 BY MS. MACOMBER:

14 Q. Zack, just for your knowledge, this video has
15 been slowed down in order to observe what
16 happens. (Inaudible) just so that you know.

17 If we pause this at one minute and 44
18 seconds, you see -- or we saw an altercation in
19 which Evan approached you. Can you describe
20 what happened in that moment?

21 A. He walked up and he stabbed me, and I hit him as
22 he was stabbing me.

23 Q. And why did you do that?

24 A. Well, at first I thought he was just, like,
25 trying to shove me until I felt something in my

1 chest.

2 Q. When you and Evan kind of break away from each
3 other, we see you go behind Ron. At that point
4 were you aware that you had been stabbed or did
5 you know what had happened at that point?

6 A. I -- I was, like, just starting to realize that
7 I had gotten stabbed. I didn't really know
8 exactly what had happened yet until I looked
9 down and saw blood all over my body.

10 Q. When you saw that blood, what did you do?

11 A. I started to go back to the stairs. I told
12 everybody that he just stabbed me and started
13 walking into the house.

14 Q. Why did you do that?

15 A. Because I was trying to, like, calmly get into
16 the house and sit down before, like, I passed
17 out or something worse happened.

18 Q. You said before you passed out. At the point at
19 which you are going back into the house, did you
20 feel like you were going to pass out?

21 A. I felt very warm and started -- I almost
22 immediately started to feel light-headed.

23 Q. As this altercation that we just saw take place,
24 do you recall if Evan said anything to you at
25 all?

1 A. No. I think he just took off and got in his car
2 at that point.

3 Q. At the time when Evan leaves, to be clear, did
4 you know where he was going?

5 A. Not a clue.

6 Q. What happened after you went inside Abby's
7 house?

8 A. Abby put something on -- I walked in and I fell
9 over on the floor and Abby started pushing
10 something into my chest and then told me to hold
11 it there.

12 Then she ran to get somebody to call
13 the ambulance, 911, I guess. And I don't really
14 remember a whole lot after that. I was, like,
15 having a hard time keeping my eyes open.

16 I just remember after that Officer
17 Pintar showing up and pushing pressure on my
18 chest and just I was in and out a lot.

19 Q. Do you know if you received any sort of medical
20 treatment?

21 A. Yes.

22 Q. And where did you receive that treatment at, if
23 you know?

24 A. Sparrow Hospital.

25 Q. Broadly speaking, what type of treatment did you

STATE OF MICHIGAN
THIRTIETH JUDICIAL CIRCUIT COURT (INGHAM COUNTY)

THE PEOPLE OF THE STATE OF MICHIGAN,

v

File No. 21-260-FC

EVAN TAYLOR ARMOGEDA,

Defendant.

JURY TRIAL - VOLUME IV OF V

BEFORE THE HONORABLE DAVID L. JORDON, CIRCUIT JUDGE

Lansing, Michigan - Monday, December 12, 2022

APPEARANCES:

For the People:

MS. NATTALIE MACOMBER (P80008)
Ingham County Prosecutor's Office
303 West Kalamazoo Street, Fourth Floor
Lansing, Michigan 48933
(517) 483-6108

For the Defendant:

MR. TAKURA NYAMFUKUDZA (P77034)
Chartier & Nyamfukudza, PLC
2295 Sower Boulevard
Okemos, Michigan 48864
(517) 885-3305

Recorded By:

Taylor Buck, CEO 15806
Certified Electronic Operator
(517) 483-6112

Transcribed By:

Lauren Vela, CER 9341
Certified Electronic Recorder
(517) 483-6429

1 A. Yes.

2 Q. How did you take that message?

3 A. How did I feel or how did I perceive it?

4 Q. Both.

5 A. The way it made me felt was hurt. Definitely betrayed. I
6 perceived it as antagonistic. A petty jab, for sure. Mostly
7 just hurt.

8 Q. Did Mr. Wickizer rub whatever relationship he had with Ms.
9 O'Connor in your face?

10 A. Yes, to a degree.

11 Q. Were there other messages that you took as antagonizing?

12 MS. MACOMBER: Objection, your Honor, as to
13 hearsay.

14 THE COURT: Response?

15 MR. NYAMFUKUDZA: Was that message --

16 THE COURT: I guess that question's withdrawn and -
17 -

18 MR. NYAMFUKUDZA: That's fine.

19 THE COURT: Go ahead.

20 BY MR. NYAMFUKUDZA:

21 Q. Before that message with the emoji underneath it, did you and
22 Mr. Wickizer communicate? Were there other messages, phone
23 calls? How did you --

24 A. Yes.

25 Q. -- communicate with him?

1 A. Facebook Messenger. I did speak to him in person at one
2 time. I stopped to -- by his house to pay off debt and try
3 to speak to him about it. I said, you know, "I'm still your
4 friend," expressed that it was bothering me, handed him the
5 money, and left.

6 Q. So you communicated to him directly how you felt about his
7 relationship with Ms. O'Connor; is that right?

8 A. Absolutely.

9 Q. And whatever they were, were there other instances where, as
10 he described it, he was petty with regard to the substance of
11 the messages he sent you?

12 MS. MACOMBER: Objection, your Honor, as to
13 speculation and hearsay.

14 MR. NYAMFUKUDZA: I'm asking how he perceived
15 messages that he received. I'm not asking about the
16 substance, what he said. I'm just asking whether over the
17 course of their communication he received other messages that
18 made him feel like Mr. Wickizer was being petty.

19 THE COURT: I'll allow that. We're not going --

20 MR. NYAMFUKUDZA: How he feels is not speculation.

21 THE COURT: -- into the substance of it. First of
22 all, I guess we gotta clarify there were other messages.

23 BY MR. NYAMFUKUDZA:

24 Q. Were there other messages outside of the one with the emoji
25 that we saw on the screen here?

1 A. Yes.

2 Q. Just one or multiple? I'm not asking you the exact number,
3 but were there multiple messages?

4 A. Yes. Yes.

5 Q. That made you feel the same way that you described that that
6 emoji face one made you feel?

7 A. Yes.

8 Q. Over what timeframe were these petty messages coming in?
9 These jabs?

10 A. Close to a couple weeks that I can remember at best.

11 Q. Mr. Wickizer testified that he never communicate -- pardon
12 me, that he never initiated communication with you; that it
13 was always you reaching out. Is that true?

14 A. No.

15 Q. He also testified that he never threatened you. Is that
16 true?

17 MS. MACOMBER: Objection, your Honor. Hearsay.

18 THE COURT: I'll overrule that. I think that's --
19 I'll allow the answer there.

20 THE WITNESS: No. He -- I don't remember him ever
21 directly threatening me, no.

22 BY MR. NYAMFUKUDZA:

23 Q. You recall Ms. Pfister's statement that you reached out to
24 her and said you were having a mental breakdown.

25 A. Yes.

1 Q. Describe how you were feeling. How did you reach that
2 conclusion? What was going on in your mind?

3 A. I definitely wasn't thinking straight. I was feeling
4 panicked. Just a frenzied state of anxiety. At one point,
5 suicidal. Just so many emotions at once I could barely
6 process it. Scared. Just so many emotions I could get into
7 right now that would be so difficult to describe, but
8 definitely just felt like I was falling apart from the inside
9 out.

10 Q. And what was the reason for this mental breakdown?

11 A. That would be arguments with Abby and I. And that night my
12 phone was blowing up. At one point, I handed the phone off
13 because I couldn't -- I couldn't deal. I felt bombarded with
14 messages, phone calls. I don't know how better to describe
15 it.

16 Q. These panicked feelings, this anxiety -- is this the first
17 time that you've experienced such feelings in your life?

18 A. No.

19 Q. Did you experience similar feelings during the time that you
20 and Ms. O'Connor were dating?

21 A. Yes.

22 Q. Did you convey this to her?

23 A. Yes.

24 MS. MACOMBER: Objection, your Honor, as to
25 hearsay.

1 A. Of course. I had guns trained on me.

2 Q. Did it make you jealous that Mr. Wickizer was spending time
3 around the clock with the woman you moved halfway across the
4 country for?

5 A. Yes.

6 Q. Were you angry?

7 A. Yes.

8 Q. You hesitated. Why is that?

9 A. Because it's a -- there's more than one emotion involved in
10 that, not just anger.

11 Q. Were you embarrassed?

12 A. Yes.

13 Q. Sad?

14 A. Very.

15 Q. So are we here today because you hated Mr. Wickizer at the
16 relevant timeframe?

17 A. No.

18 Q. Now, you mentioned that you considered Mr. Wickizer a friend;
19 is that right?

20 A. Correct.

21 Q. Did you feel a sense of betrayal by Mr. Wickizer?

22 A. Yes.

23 Q. And we've heard that you announced your plan to go and hurt
24 him; is that true?

25 A. I did, yes.

1 Q. Did you receive an invitation to come over to where Mr.
2 Wickizer was?

3 A. Could you define invitation? Like --

4 Q. How did you know where he was?

5 A. Oh, I was -- I was told directly to come over and get beat
6 up, basically.

7 Q. And you went over with a knife.

8 A. Yes.

9 Q. Why did you take a knife, sir?

10 A. Originally, I mean, for protection. I knew I'd be
11 outnumbered. I went over alone. I wasn't really in a
12 rational mindstate at the time either, so -- but that would
13 be -- that would be the initial decision to have that with
14 me, yes.

15 Q. So are you trying to tell us that you did not have a specific
16 plan to go and stab Mr. Wickizer?

17 A. It was -- it wasn't a concrete decision, no.

18 Q. Once you arrived, why did you not just stay in your car when
19 you saw that in fact you were outnumbered?

20 A. That's a hard answer. I just felt all the emotion welling
21 up, and I just wasn't thinking straight at all. I mean, I
22 made a very, very poor decision.

23 Q. Why was that knife behind your back as you approached Mr.
24 Wickizer?

25 A. Once again, I wasn't -- I wasn't thinking correctly. I

1 wasn't thinking rationally. I was purely in a manic state.

2 Q. Did you stab him on purpose, or was that by mistake?

3 A. I stabbed him on purpose.

4 Q. Did you stay to help after you realized that he may have been
5 injured?

6 A. No.

7 Q. Why? Why not?

8 A. He was surrounded by people. He was on his feet, still
9 verbal. I mean, other than being scared after doing
10 something that was just so irrational, but, I mean, I knew he
11 was safe. I knew he would be at least taken care of. But he
12 was verbal, he was on his feet, he was conscious. He wasn't
13 on his back.

14 Q. And how many times did you strike him, sir?

15 A. Once. Just once.

16 Q. Ms. O'Connor testified that you showed up unannounced several
17 times and snooped. Could you tell us about that?

18 THE COURT: You're -- you're in a timeframe prior
19 to the incident which brings us here.

20 MR. NYAMFUKUDZA: Yes. Yes.

21 THE COURT: Thank you. I understood that, but just

22 --

23 MR. NYAMFUKUDZA: Yes.

24 THE COURT: -- being clear for the witness.

25 BY MR. NYAMFUKUDZA:

1 STATE OF MICHIGAN
2 IN THE CIRCUIT COURT FOR THE COUNTY OF INGHAM
3
4 PEOPLE OF THE STATE OF MICHIGAN,

5 Plaintiff,

6 vs. CASE NO: 21-260-FC

7 EVAN TAYLOR ARMOGEDA,

8 Defendant.

9 -----/

10 BEFORE HONORABLE DAVID L. JORDON, CIRCUIT JUDGE
11 LANSING, MICHIGAN -- MONDAY, AUGUST 14, 2023

12 MOTION FOR NEW TRIAL
13 MOTION TO CORRECT INVALID SENTENCE

14 APPEARANCES:

15 FOR THE PEOPLE:

16 NATTALIE MACOMBER, JD
17 Assistant Ingham County Prosecutor
18 303 W. Kalamazoo Street
19 Lansing, Michigan 48933

20 FOR THE DEFENDANT:

21 CHRISTOPHER B. WICKMAN, JD
22 NICHOLS LAW FIRM
23 3452 E. Lake Lansing Rd.
24 Lansing, MI 48823

25 Reported by: Teresa J. Abraham, CSR-3445
 e-Mail: tjabraham@msn.com

1 look at LEIN, whether it's admissible before this
2 court, to a certain extent, and then whether it's
3 correct, is my concern. Because as California
4 updated, they might not have updated all of these
5 things.

6 So I have a few concerns. But I am going
7 to do what the Court orders for either me to look at
8 it or not look at it. But I insulate myself from
9 the Court, if you don't mind.

10 MS. MACOMBER: If the Court wants to wait
11 for him viewing it, I can discuss some of Mr.
12 Wickman's concerns about whether it's been updated
13 or not, and how we know that the convictions that we
14 are relying on are felony convictions, for
15 argument's sake, and then make decisions from there,
16 if that's easier.

17 THE COURT: Let's just do that. And,
18 really, this has got a string to the Court of
19 Appeals, I should say a rubber band, as all that
20 stuff will go up to them. And they can figure it
21 out. I guess I can look at it. I'm not sure if you
22 can share with Defense counsel. And he doesn't want
23 to -- I appreciate this. So go ahead.

24 MS. MACOMBER: Thank you, Your Honor.

25 In looking at conviction number four, we

1 do see in the certified LEIN copy, that that is, as
2 it stands, a felony conviction. There was a prison
3 sentence attached to that. There is no further
4 entry into that conviction that states that it has
5 been reduced to any sort of misdemeanor.

6 The same thing happens with conviction
7 number 7 and conviction number 11. In reviewing
8 conviction number 8, that Defense counsel cites in
9 his brief, the People did not have access to the
10 case that he attached.

11 Based on that case, Your Honor, there's no
12 argument that we can make that would say that that
13 would count as a low severity felony, given the
14 (inaudible) from the Court of Appeals says it's a
15 misdemeanor.

16 So we concede that conviction number 8
17 would be treated as a misdemeanor, which would lower
18 the PRV's to 65, given a PRV-3, 20 points, total
19 points being 65. That would make it an E-6 range,
20 that range being 225 to 375.

21 If I can put a pin in that for just one
22 second, Your Honor.

23 In reviewing the rest of the LEIN, there
24 are entries, Your Honor, from California, in which
25 the Defendant had a felony conviction, applied to

1 have that conviction reduced to a misdemeanor, and
2 successfully did reduce that conviction to a
3 misdemeanor.

4 And in those cases, Your Honor, there is a
5 notation that says: Reduce to misdemeanor. That is
6 how we know that these three remaining convictions
7 are actually felony convictions, absent some other
8 information that we may have. We have no orders
9 showing that those had been reduced to misdemeanors.
10 We had no cases showing that those had been reduced
11 to a misdemeanor.

12 The public ROA, as the Court is well
13 aware, can be fallible. It can be incorrect. It
14 happens quite often, which is why, when we look at
15 the certified criminal history, we use that when
16 we're looking at what to score as a felony versus a
17 misdemeanor as far as a conviction versus an
18 acquittal versus a dismissal.

19 So based on the information that we have
20 that is certified, we have convictions that defense
21 counsel lists as number four, seven and 11 that are
22 certified felony convictions. And, again, that puts
23 us in that 225 to 375 range.

24 This Court sentenced Mr. Armogeda to 360
25 months at the minimum. So that 360 months is within

1 read from?

2 MR. WICKMAN: Yes. The way I understand
3 from Ms. Macomber, and I'll make it for the record,
4 I have not viewed any LEIN Information, I don't plan
5 to, because based on Ms. Macomber's argument, I
6 actually don't think I need to. And I think we are
7 going to resentencing at this point, Your Honor.

8 So I will leave it to argument with the
9 Michigan Department of Corrections, and try to get
10 certified records on resentencing.

11 I believe what Ms. Macomber is saying that
12 one place indicates felony, and in another place it
13 indicates reduced to misdemeanor. And I am not
14 doubting Ms. Macomber. She is representing that
15 three other felonies do not have an indication that
16 they were reduced to misdemeanors; is that correct,
17 Ms. Macomber?

18 MS. MACOMBER: Yes. I'm going over the
19 entire cycle, but, yes.

20 MR. WICKMAN: Okay. Okay. I'm going to
21 argue, based on that information, once again, I have
22 not reviewed that, and I am not going to prior to
23 leaving the building today.

24 THE COURT: I am going to say I haven't
25 either. Ms. Macomber was authorized to look at

1 whatever the LEIN had and has given some conclusory
2 statements that we are accepting for purposes of
3 this argument.

4 MR. WICKMAN: Yes. And I would ask to
5 adjourn if we have more of an issue to have, but I
6 don't think we need to get there. Based on
7 Ms. Macomber's arguments, I believe her office is
8 conceding that the guideline range changes.

9 "If the minimum sentence --" and this is
10 quoting from *People v Francisco*:

11 "If the minimum sentence falls within the
12 appropriate guideline range, a defendant
13 is not entitled to be resentenced unless
14 there has been a scoring error, or
15 any inaccurate information has been
16 relied upon."

17 There has been a scoring error. Even if
18 Ms. Macomber is correct and we are wrong as the
19 Defense, there has been a scoring error.

20 "A sentence --"

21 Continuing from *People v Francisco*, 474
22 Mich 82, and this is at page nine of my motion for
23 resentencing, slash, the motion to correct invalid
24 sentence:

25 "A sentence is invalid if it's based on

1 inaccurate information."

2 Continuing:

3 "When the appropriate guidelines range
4 changes upon proper guidelines of the --
5 I am sorry -- proper calculation of the
6 guidelines, the defendant is entitled to
7 resentencing, even if the original
8 sentence was within the new guidelines
9 range."

10 I believe that is what Ms. Macomber's
11 position here is that we are -- the guideline range
12 has changed. We're within it.

13 Our argument is, and I have not reviewed
14 LEIN Information, that none of these should be
15 counted. I think before resentencing we are going
16 to have to get more information, with regards to
17 what happened in these, making sure, confirming that
18 they were reduced, because we know that there was an
19 unpublished court opinion conviction that eight of
20 31 has been reduced.

21 So I think that Ms. Macomber's position is
22 that, under the law, under *People v Francisco*, which
23 I have no indication has been overturned in any
24 shape or form, that resentencing is required, Your
25 Honor.

1 THE COURT: Okay. Thank you. Any further
2 response to that?

3 MS. MACOMBER: No, Your Honor.

4 THE COURT: Well, let me see if counsel
5 are in agreement. The first reduction of
6 guidelines, if the people are arguing for between
7 225 and 275, and the other one would have been 170
8 to 285; is that correct?

9 MS. MACOMBER: 171 to 285, if there were
10 no prior --

11 THE COURT: If there were none. Okay.
12 Well, I'm going to deny resentencing for
13 the following reasons:

14 First of all, as judges always say, the
15 guidelines are advisable. Even if the guidelines
16 had been, and are -- were appropriately 170 to 285,
17 I think 360 months is the lowest minimum sentence
18 that I felt, in my discretion, was appropriate.

19 This act didn't kill the victim by a
20 confluence of a lot of very fortuitous things. That
21 there were people on the scene to stop bleeding.
22 That there was very quick transmittal, emergency run
23 to Sparrow Hospital. That the knife almost
24 miraculously didn't go any higher or any lower, and
25 it didn't hit enough of a major blood vessel to

1 cause the victim to bleed out. And the harm that
2 was done was grave.

3 I -- the harm to the victim just didn't --
4 just in my discretion, then and now, regardless of
5 these scores, I'm just not able to go any lower than
6 that on the minimum. So I deny the motion for new
7 trial, deny the motion for resentencing. And those
8 are the reasons.

9 It's nothing scientific, honestly. It's
10 just not a scientific thing. It's because there was
11 a -- there was a video that probably got played
12 several times in the car. And -- but for just the
13 confluence of a lot of fortuitous circumstances, the
14 victim wouldn't have been at the trial to testify,
15 because he would have been dead. And he lost a
16 great percentage of blood in his body. I can't
17 remember, for the record, what it was, but it was a
18 big number.

19 So, with respect, are there other
20 findings, subsidiary findings that you want me to
21 make clear, for me to decide? I am happy to do it.

22 MR. WICKMAN: Thank you, Your Honor. For
23 the Defense, just why *People v Francisco* doesn't
24 apply. It's very clear law.

25 Thank you, Your Honor.

1 THE COURT: Ms. Macomber?

2 MS. MACOMBER: No. Thank you, Your Honor.

3 THE COURT: Well, I'm just telling you, it
4 sounds -- I'm sure sure it's a little comfort to
5 Defendant and Defense counsel. But there's no
6 mechanical guidelines scoring that could controvert
7 the severity of this crime, and impact on the victim
8 to lead to any lower number than what I did. And
9 that's not out of malice toward the victim or the
10 Defendant. It's just what it came down to. Fair
11 enough?

12 MR. WICKMAN: I think the record is clear,
13 Your Honor.

14 THE COURT: Okay. That will be all for
15 the record, then. I guess we'll get an order for
16 the reasons stated on the record. Do you want to
17 prepare the order?

18 MR. WICKMAN: I'm sorry, Your Honor?

19 THE COURT: One of you will get to submit
20 an order for the reasons stated on the record.

21 MR. WICKMAN: I can prep it, Your Honor.

22 THE COURT: Okay. Very fine. That's all.

23 MS. MACOMBER: Thank you.

24 (Proceedings concluded at 11:43 a.m.)

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF FLORIDA)