MR. TUNC URAZ MAILED THIS LETTER TO :

MICHIGAN SUPREME COURT

VIA MDOC EXPEDITED LEGAL MAIL ON : 08/20/25

Filed in MSC No. 167920, People v Jayneel Ravindra Jade

RESPECTFULLY SUBMITTED

TUNC URAZ Tunc Uraz

ENTRAPMENT REVIEW BY JUDGES IN COURTS SHOULD BE DONE OBJECTIVE OR SUBJECTIVE?

THIS IS THE STEM OF PROBLEM IN MICHIGAN WHETHER ENTRAPMENT HAS OCCURRED BY POLICE OR ITS AGENT(S) :

JUDGE GETS TO DECIDE " BEFORE" TRIAL OR PLEA DEAL GIVEN TO FOR ACCUSED/DEFENDANT IF HE/SHE WAS ENTRAPPED BY POLICE OR ITS AGENT(S).

AN ACCUSED SHOULD BE ABLE TO DENY THE COMMISSION OF A CRIME AND CLAIM INNOCENCE SIMULTANEOUSLY PER U.S. SUPREME COURT DECISION. MATTHEWS V. U.S. 485 U.S. 58 (1988) JACOBSON V. U.S., 503 U.S. 540 (1992)

ENTRAPMENT SHOULD BE DECIDED BY JURY OF THE PEERS NOT JUDGES OBJECTIVELY. THIS WILL ONLY ASSURE THAT ACCUSED WOULD GET A "DE NOVO" REVIEW BY COURT OF APPEALS AND/OR MICHIGAN SUPREME COURT JUST LIKE IN THE FEDERAL COURTS.

MICHIGAN SUPREME COURT NEEDS TO CLARIFY TEST TO DETERMINE WHEN PERSON BECOMES AGENT OF THE STATE AND RULES ON JAILHOUSE INFORMANTS REQUIRING SUPPRESSION OF DEFENDANT'S STATEMENTS. (ENTRAPMENT BY JAILHOUSE INFORMANTS AND AGENTS OF GOVERNMENT)

MICHELLE SUPREME COURT NEED TO CLARIFY THAT: MICHIGAN LAW HAS NO "PER SE RULE" EXCLUDING A SELF-SERVING HEARSAY STATEMENT.

"PROPHYLACTIC" RIGHT TO COUNSEL ATTACHES WHEN AN ACCUSED IS ENTRAPMENT BY JAILHOUSE INFORMANTS IN "CUSTODIAL INTERROGATION" (JURISPRUDENCE RELATING TO FIFTH AMENDMENT (SELF INCRIMINATION) (MCNEIL V. WISCONSIN)

COURT OF APPEALS ERRED IN PEOPLE V. JADE, 2024 MICH APP LEXIS N8663 (10/28/2024)

1) CONCLUDING THAT THE STANDARD OF REVIEW FOR ENTRAPMENT RULINGS REQUIRES CONSIDERATION OF WHETHER THE ULTIMATE DETERMINATION OF ENTRAPMENT IS CLEARLY ERRONEOUS AS PROVIDED IN PEOPLE V JOHNSON, 466 MICH 491 (2002), AS OPPOSED TO A STANDARD INVOLVING A CONCLUSION OR LEGAL DETERMINATION THAT IS REVIEWED "DE NOVO" (PEOPLE V FYDA, 288 MICH APP (2010)

2) RELYING ON AND APPLYING THE LEGAL STANDARD THAT POLICE DO NOT ENGAGE IN ENTRAPMENT BY MERELY PRESENTING A DEFENDANT WITH AN OPPORTUNITY TO COMMIT THE CRIME WITH WHICH HE WAS CHARGED WITHOUT CONSIDERING THE DEFENDANT'S READINESS AND WILLINGNESS TO COMMIT THE CHARGED CRIME AS STATED IN PEOPLE V JAMIESON 436 MICH 91 (1990)

3) AFFIRMING THE TRIAL COURT'S DETERMINATION THAT THE DEFENDANT WAS NOT ENTRAPPED (JOHNSON 466 MICH AT 498)

FEDERAL MODERN JURY INSTRUCTIONS

8.07 ENTRAPMENT

THE DEFENDANT ASSERTS AS A DEFENSE THAT HE WAS THE VICTIM OF ENTRAPMENT BY AN AGENT OF THE GOVERNMENT WHILE THE LAW PERMITS GOVERNMENT AGENTS TO TRAP AN UNWARY "CRIMINALLY MINDED PERSON", THE LAW DOES JOT PERMIT THE GOVERNMENT AGENTS TO ENTRAP AN UNWARY INNOCENT.

THUS, A DEFENDANT MAY NOT BE CONVICTED OF A CRIME IF IT WAS THE GOVERNMENT WHO "GAVE THE DEFENDANT THE IDEA TO COMMIT THE CRIME, IF IT WAS THE GOVERNMENT WHO ALSO "PERSUADED" HIM TO COMMIT THE CRIME AND HE WAS NOT READY AND WILLING TO COMMIT THE CRIME BEFORE THE CRIME BEFORE THE GOVERNMENT AGENTS FIRST SPOKE TO HIM.

ON THE OTHER HAND, IF THE DEFENDANT WAS READY AND WILLING TO VIOLATE THE LAW AND THE GOVERNMENT MERELY PRESENTED HIM WITH AN OPPORTUNITY TO DO SO, THAT WOULD NOT CONSTITUTE ENTRAPMENT.

YOUR INQUIRY ON THIS ISSUE SHOULD FIRST BE TO DETERMINE WHETHER THERE IS ANY EVIDENCE THAT A GOVERNMENT AGENT TOOK THE STEP THAT LED TO A CRIMINAL ACT, IF YOU FIND THERE WAS NO SUCH EVIDENCE, THERE CAN BE NO ENTRAPMENT AND YOUR INQUIRY ON THIS DEFENSE SHOULD END THERE.

IF ON THE OTHER HAND, YOU FIND SOME EVIDENCE THAT A GOVERNMENT AGENT "INITIATED THE CRIMINAL ACTS" CHARGED IN THE INDICTMENT THEN YOU MUST DECIDE WHETHER THE GOVERNMENT HAS SATISFIED ITS BURDEN TO PROVE BEYOND A REASONABLE DOUBT THAT PRIOR TO FIRST BEING APPROACHED BY GOVERNMENT AGENTS, THE DEFENDANT WAS READY AND WILLING TO COMMIT THE CRIME.

IF YOU FIND BEYOND REASONABLE DOUBT THAT THE DEFENDANT "PREDISPOSED" THAT IS, READY AND WILLING TO COMMIT THE OFFENSES CHARGED, AND MERELY WAS AWAITING A FAVORABLE OPPORTUNITY TO COMMIT THEM, THEN YOU SHOULD FIND THAT DEFENDANT WAS NOT THE VICTIM OF ENTRAPMENT.

ON THE OTHER HAND, IF YOU HAVE A REASONABLE DOUBT THAT DEFENDANT WOULD HAVE COMMITTED THE OFFENSES CHARGED WITHOUT THE GOVERNMENT'S INDUCEMENTS YOU MUST ACQUIT THE DEFENDANT

ENTRAPMENT BY ESTOPPEL 8-7.1

P 7.01 WITNESS CREDIBILITY

FAILURE OF GOVERNMENT TO DISCLOSE THAT KEY WITNESS WAS PAID INFORMANT DEPRIVE JURY OF BENEFIT OF CAUTIONARY INSTRUCTION, CONTRIBUTING TO FINDING THAT FAILURE TO DISCLOSE WAS MATERIAL UNDER BRADY

BANKS V. PRETKE, 540 U.S. 668 (2004)

MICHIGAN SUPREME COURT NEEDS TO CLARIFY TEST TO DETERMINE WHEN PERSON BECOMES AGENT OF THE STATE AND RULES ON JAILHOUSE INFORMANTS REQUIRING SUPPRESSION OF DEFENDANT'S STATEMENTS :

DEFENDANT'S SIXTH AMENDMENT, FOURTEENTH AMENDMENT AND MICHIGAN CONSTITUTE : ARTICLE I & SEC 20 : RIGHTS WERE VIOLATED;
RIGHT TO COUNSEL ATTACHES WHEN AN ADVERSARY JUDICIAL PROCESS IS INITIATED BY STATE.

PROPHYLACTIC RIGHT TO COUNSEL PER U.S. SUPREME COURT JURISPRUDENCE RELATING TO FIFTH AMENDMENT (RIGHT AGAINST COMPELLED SELF INCRIMINATION MCNEIL V WISCONSIN 501 U.S. 171 (1991)

DEFENDANT WAS DENIED COUNSEL WHEN QUESTIONED BY JAILHOUSE INFORMANTS WHO WERE ACTING AS AN AGENT OF THE STATE TO ELICIT INCRIMINATING STATEMENTS WHEN HE WAS PLACED PURPOSEFULLY IN THE SAME CELL WITH JAILHOUSE INFORMANTS.

DEFENDANT'S PROTECTION AGAINST POLICE INTERROGATION OF A DEFENDANT IN THE ABSENCE OF COUNSEL-AND THE EXCLUSION EVIDENCE DERIVED FROM SUCH AN INTERROGATION-CAN APPLY NOT ONLY WHEN THE INTERROGATION IS CONDUCTED DIRECTLY BY THE POLICE, BUT ALSO WHEN THE QUESTIONING IS BY A PRIVATE CITIZEN ACTING AS AN AGENT (JAILHOUSE INFORMANTS) OF THE POLICE.

SEE CASE PRECEDENT OREGON SUPREME COURT.

STATE V. BENTON 534 P.3d 724, 08/10/2023

DEFENDANT'S FIFTH AMENDMENT RIGHTS WERE VIOLATED BY "CUSTODIAL INTERROGATION" STANDARDS BY STATE AGENTS JAILHOUSE INFORMANTS AND UNDERCOVER POLICE MOBLEY.
(PURPOSEFULLY SOUGHT AFTER DEFENDANT)

SEE BARRITT FACTORS FOR MIRANDA RIGHTS (325 MICH APP 556 (2018)

MIRANDA WARNINGS ARE NOT REQUIRED UNLESS THE ACCUSED IS SUBJECT TO A "CUSTODIAL INTERROGATION" (ZAHN 234 MICH APP 438 (1999)

COA 01/19/2023 DECISION PG. 18 (X). MIRANDA VIOLATION USED A WRONG CASE PRECEDENT TO FIT THEIR NARRATIVE IGNORED MICHIGAN CASE LAWS ABOUT "CUSTODIAL INTERROGATION" , AND WHOLE VIDEO VISIT WAS WATCHED BY INFORMANT C. ALLEN

THIS WAS AGAINST DEFENDANT'S FOURTEENTH AMENDMENT RIGHTS AND THE ELEMENTS OF THE CRIME:

ELEMENTS OF THE SOLICITATION TO MURDER

1) The solicitor "PURPOSEFULLY" to have someone killed
2) Tries to " ENGAGE" someone to the killing.

PEOPLE V VANDERLINDER, 192 MICH APP 447 (1992)

See exhibit: A

IN DEFENDANT'S CASE A SEARCH WARRANT ISSUED ON 09/27/2016 AND HE WAS CHARGED WITH SECOND AGGRAVATED STALKING CHARGE ON 10/28/2016 AND HE WAS CHARGED WITH SOLICITATION TO MURDER ON 11/10/2016

ISSUANCE OF A SEARCH WARRANT BY MAGISTRATE BASED ON PERJURY & FALSIFIED, BOTCHED EVIDENCE BY PROSECUTOR AND POLICE.(see attached brief, see attached botched search warrant)

ISSUANCE OF A USE IMMUNITY GIVEN TO JAIL HOUSE INFORMANTS BASED ON PERJURY AND FALSE INFERENCES BY PROSECUTOR AND POLICE.

WAS DEFENDANT'S EVIDENTIARY/ ENTRAPMENT HEARING TESTIMONY WAS USED AGAINST HIM AT HIS TRIAL (10/20/2017)?

MICHIGAN SUPREME COURT FAILED TO ANSWER
IF ONE'S EVIDENTIARY HEARING CAN BE USED AGAINST HIM "CASE-IN CHIEF ". THIS IS THE ISSUE WHICH WHICH WAS BROUGHT TO COA AND MI SUPREME COURT.

(see COA BRIEF 01/19/2024, PG 9, FOOTNOTE #6)

SEE CASE PRECEDENTS:

PEOPLE V D'ANGELO 401 MICH 167 (1977) HN 8

PEOPLE V KANKA, 2006 MICH APP 3570 (2006)
HN 4&5

JUDGE CANADY'S DECISION ABOUT

"ONE CANNOT CLAIM INNOCENCE AND ENTRAPMENT" DECISION BASED ON A WRONG CASE PRECEDENT.

(10/20/2017, pg. 108)

(PEOPLE V. JONES 48 MICH APP 33 (1974), A "direct verdict" requested by defendant claimed innocence and entrapment in the middle of the trial)

JUDGE CANADY INTERPRETED THE CASE PRECEDENT OUT OF IT'S CONTEXT.

IN MATTHEWS V. UNITED STATES 485 US 58 (1988)

"ONE CAN CLAIM AND INSERT ENTRAPMENT SIMULTANEOUSLY."

SEE STANDARD 4 BRIEF SENT BY DEFENDANT IN APRIL 2019. ISSUE # 8

THE ONLY TESTIMONY WAS GIVEN ABOUT MSU GUN INCIDENT WAS AT THE GINTHER HEARING AND BROUGHT UP BY JAILHOUSE INFORMANTS INTERVIEW WITH THE POLICE IN OCTOBER OF 2016, WHERE THEY ELICITED INCRIMINATING STATEMENTS FROM DEFENDANT.

DEFENDANT'S POLICE INTERVIEW WITH MSU POLICE WAS ENDED ABRUPTLY BECAUSE HE HAD A ATTORNEY ON FILE (CHRIS BERGSTROM) AND ANY TESTIMONY GIVEN TO HUMAN RESOURCES INTERVIEW SHOULD HAVE BEEN SUPPRESSED BY THE COURTS BECAUSE OF IN RE GARRITY 385 U.S. 483 (1967) (RIGHTS/RULES) BY U.S. SUPREME COURT CASE PRECEDENT. ANY INTERVIEW GIVEN BY EMPLOYEE TO IT'S HR DEPT. CANNOT BE USED IN A CRIMINAL CASE IF THERE IS A COERCION OF REMOVAL FROM THE OFFICE.

CONFLICT FREE ATTORNEY (see attached brief)

DEFENDANT WAS DENIED A "CONFLICT-FREE" ATTORNEY DURING 12/12/2017 HEARING WITHOUT AN ATTORNEY AND ON 12/13/2017 (see TRANSCRIPTS) WHERE APPOINTED ATTORNEY CAME IN LATE TO THE COURT ROOM 10 MIN AFTER THE HEARING STARTED AND MR. URAZ DID NOT HAVE A "CONFLICT-FREE" ATTORNEY TO CONSULT HIM FOR HIS RIGHTS.

CASE precedent:

DOWNS V COMMONWEALTH
2020 KY LEXIS 222,

SUPREME COURT OF KENTUCKY, 07/09/2020

ON 12/12/2017 HEARING see Pgs.4,5,6 AND SEE
DEFENDANT DID NOT HAVE "CONFLICT-FREE" ATTORNEY TO REPRESENT HIS INTEREST WHEN PERRONE WAS DEFENDING HIS UNTENABLE INTEREST ADVERSE TO DEFENDANT'S.
PERRONE PERJURED SAYING THAT MR. URAZ AGREED TO CONTINUE TO REPRESENT HIM FOR HIS SENTENCING (12/13/2017).

SEE:

SEE CONFLICT FREE ATTORNEY BRIEF SENT IN APRIL OF 2023 to MI SUPREME COURT

ACQUIESCED" STANDARD USED BY COA ON 01/19/2023 /"CONFLICT- FREE" ATTORNEY BRIEF (pg. 10 of COA Brief)

SEE ACTUAL CLAIM OF INNOCENCE NOT ANSWERED BY COURT OF APPEALS AND SUPREME COURT.

SEE BRIEF SUFFICIENCY OF EVIDENCES SENT TO COA IN FEBRUARY OF 2023.

DEFENDANT DID NOT HAVE HIS PROBABLE CAUSE CONFERENCE FOR BOTH CHARGES PER MCL 766.13 (see attached brief)

DEFENDANT IS ASKING MICHIGAN SUPREME COURT TO RECONSIDER THEIR DECISION AND REMAND FOR AN EVIDENTIARY HEARING TO SET THE RECORD STRAIGHT.

RESPECTFULLY SUBMITTED

Tunc Uraz

TUNC URAZ #114653

1) THIRD SOLICITATION CHARGE

THE DISTRICT COURT JUDGE ABUSED HIS DISCRETION WHEN HE BOUND THE DEFENDANT ON A THIRD SOLICITATION OF MURDER CHARGE.

STANDARD OF REVIEW

THE DECISION TO BIND OVER IS REVIEWED FOR AN ABUSE OF DISCRETION.
PEOPLE V KING, 412 MICH 145 (1981)
PEOPLE V TALLEY, 410 MICH 378 (1981).

PROSECUTION MOVED FOR SEPARATION OF COUNT #1 (ONE) OF THE INDICTMENT (SEE 12/13/2016 PRELIMINARY EXAM TRANSCRIPT PG 191) CLAIMING THAT THERE WAS A COMPLETELY SEPARATE SOLICITATION BY THE DEFENDANT IN REGARDS TO THE UNDERCOVER INVESTIGATOR DETECTIVE FRANK MOBLEY. THE DEFENSE OBJECTED TO THE.SEPARATION (SEE 12/13/2016 PRELIMINARY EXAM TRANSCRIPTS PGS. 192-193) case # 16-2960.
COUNT #1 OF THE INDICTMENT ORIGINALLY COMBINED REGINALD CLOSE, (THE JAILHOUSE INFORMANT) AND DETECTIVE MOBLEY INTO A SINGLE CHARGE AS THE RECORD SHOWED AND WILL CONTINUE TO SHOW THAT THEY ESSENTIALLY WERE INCHOATE ONE ANOTHER.

12/13/2016 JUDGE THOMAS BOYD DECISION ABOUT COUNT#3
PG. 207 LINES 10-13
THE VIDEO PRESENTED DET. MOBLEY CONVERSATION ABOUT TAKING OUT TRASH, IT'S HUNDERED PERCENT CIRCUMSTANTIAL. THE QUESTION ISNT DO YOU WANT TO KILL ANYBODY, THE QUESTION IS , YOU KNOW, DO YOU STILL WANT THAT TRASH TAKEN OUT.

**PG 208 LINES 3-7 I THINK THERE IS DEFINITELY A REASONABLE DOUBT ABOUT WHAT THAT CONVERSATION MEANS. YOU KNOW THAT IS NOT PROOF BEYOND REASONABLE DOUBT. I WISH PROSECUTION GOOD LUCK AS IT RELATES TO THAT INDIVIDUAL CLAIM.
HOWEVER PEOPLE V HUDSON, 241 MICH APP 268 TELLS US IF EVIDENCE INTRODUCED AT A PRELIMINARY EXAM CONFLICTS OR RAISES REASONABLE DOUBT ABOUT THE DEFENDANT'S GUILT A MAGISTRATE MUST LET THE FACT FINDER AT TRIAL RESOLVE THOSE QUESTIONS OF FACT (pg 208)

12/13/2016 preliminary hearing
PG 209 Line 13-25
JUDGE THOMAS
WHAT, I AM SAYING IS THAT THE CASE IS ABOUT A COP UNDERCOVER SOLICITING, AND THE COURT NEVER SUGGESTS THAT THAT'S A PROBLEM IN ANY WAY. YOU KNOW, I MEAN, YOU TAKE THAT IN COMBINATION WITH SALAZAR CASE AND I THINK IT'S PRETTY HARD TO CONCLUDE THAT THE COURT OF APPEALS THINKS THAT A POLICE OFFICER CANNOT SERVE IN A UNDERCOVER CAPACITY AND THAT TESTIMONY BE USED TO SUPPORT THE CONVICTION FOR SOLICITATION OF MURDER.

IN GRANTING SEPARATION OF COUNT ONE THE DISTRICT COURT JUDGE ABUSED HIS DISCRETION AND SUBJECTED THE DEFENDANT TO BE CHARGED "TWICE" FOR THE SAME CRIME, AS THE FACTS OF THE CASE ARE CLEAR, THE DEFENDANT ALLEGEDLY SOLICITED REGINALD CLOSE WHO THEN TOLD THE DEFENDANT, "HE HAS A FRIEND WHO WAS GOING TO DO THE KILLING AS A FAVOR (SEE 12/13/2016 PRELIMINARY EXAM TRANS. PG 155)

Q: okay you have a friend who owes you money

A: Yes

Q: And did you tell Mr. Uraz this friend was going to do the killing

A: He was going to do it for me

Q: Because he owes you a favor

A: Yes

Q: And Mr. Uraz was going to pay you $1000.00 (one thousand)

A: Yes

DETECTIVE MOBLEY THAN PORTRAYED THE "FRIEND" SENT BY CLOSE, ESSENTIALLY ATTACHING DETECTIVE MOBLEY TO THE SOLICITATION IN COUNT #1.
THE DEFENDANT DID NOT SEEK THE ALLEGED FRIEND OF REGINALD CLOSE. IT WAS DETECTIVE MOBLEY WHO "PURPOSEFULLY SOUGHT" OUT THE DEFENDANT.

ELEMENTS OF THE SOLICITATION TO MURDER
IN PPL V VANDERLINDER, 192 MICH APP 447 (1992) A SOLICITATION TO COMMIT MURDER OCCURS WHEN THE SOLICITOR:
1) "PURPOSELY SEEKS" TO HAVE SOMEONE KILLED AND
2) TRIES TO ENGAGE SOMEONE TO DO THE KILLING.

IN STATE V ARAVE, 268 P 3D (UTAH (2016). FACTORS CONSIDERED REQUIRES THE SOLICITOR TO ASK THE "SOLICITEE" TO PARTAKE IN THE CRIME, ALSO REQUIRES THE INVITATION BY THE SOLICITOR.

FIRST ADDRESSING THE TWO KEY FACTORS IN VANDERLINDER
1) PURPOSELY SEEKS AND
2) TRIES TO ENGAGE

IN THE INSTANT MATTER, ONE CAN APPLY THE TEST TO REGINALD CLOSE AND CHARLES ALLEN (JAILHOUSE INFORMANTS) BASED THEIR TESTIMONY IF BELIEVED FOR COUNTS #1 AND #2

COUNT #1:
SUCH AS IF ONE LOOKS AT THE NOTES EXCHANGED BETWEEN DEFENDANT AND REGINALD CLOSE, IT WAS THE REGINALD CLOSE DID THE SOLICITING AND ENGAGING NOT THE DEFENDANT.
"THERE WAS NEVER A "KILL" SOLICITATION FROM THE DEFENDANT (SEE TRAIL EXHIBIT THE NOTES WRITTEN BETWEEN DEFENDANT AND CLOSE eligible handwriting is Reginald closer's)

COUNT #2
ALLEN'S KITES WERE ALL HEARSAY AND THERE WAS NEVER A FIRST KITE ALLEGEDLY SENT IN SEPTEMBER OF 2016 TO JAIL DEPUTY TYRONE CALKINS.
AND THE SECOND KITE WAS SENT TO CREATE "SNITCH ALIBI", UNTIL AFTER ALLEN WATCHED THE VIDEO CALL BETWEEN DEFENDANT AND DETECTIVE MOBLEY AND ALSO ALLEN CORROBORATED WITH REGINALD CLOSE PRIOR TO VIDEO VISIT (SEE TRIAL TRANSCRIPTS 11/03/2017)

BOTH JAILHOUSE INFORMANTS STOLE DEFENDANT'S JOURNAL (SEE DEFEDANT'S JAILHOUSE SUBSTANCE ABUSE THERAPY REPORTS BY TIM HELD)
AND NOTES/MAP TO HIS SISTER AND FABRICATED THEIR OWN STORIES.
(10/17/2016, Close and 10/24/2016 Allen jail house interviews) and See trial testimony for both jailhouse informants 11/03/2016 and 11/06/2016)

COUNT #3
HOWEVER AS IT PERTAINS TO COUNT#3, IT WAS UNDERCOVER POLICE DETECTIVE WHO "ENGAGED" THE DEFENDANT NOT THE OTHER WAY AROUND.

SECONDLY MR. URAZ, THE DEFENDANT DID NOT INVITE THE ALLEGED HITMAN (DETECTIVE MOBLEY). THIS WAS DONE BY REGINALD CLOSE AND (LANSING POLICE DEPARTMENT DETECTIVE KRUMBACH, DETECTIVE ANDREW HOGAN, DET. BACKUS) NOR AT ANYTIME DID MR. URAZ "ASK" OR "PURPOSELY SOUGHT" DET. MOBLEY TO KILL ANYONE. THIS WAS INFERRED.

IT WAS ALSO INFERRED THAT THE DEFENDANT UNDERSTOOD THE REFERENCES OF CODE WORDS USED DURING EXTRA JUDICIARY OPERATION THAT "TRASH " MEANT DEAD BODIES AND "TWO" FOR THE FIRST BAG AND "FIVE" FOR EACH ADDITIONAL BAG ACTUALLY MEANT $2000.00 (TWO THOUSAND0 AND $500.00 (FIVE HUNDRED) TO HITMEN (see Mobley video visit transcript 10/24/2016)

THIS IN ITSELF IS A TRIPLE STACKED OF INFERENCES WHICH BE LEGALLY IMPERMISSIBLE TO SHOW " PROBABLE CAUSE". REGARDLESS OF THE INFERENCES OR CODES, DET. MOBLEY WAS CALLED UPON BY REGINALD CLOSE, THE DEFENDANT HAD ALLEGEDLY ALREADY AGREED TO PAY REGINALD CLOSE $1000.00 (ONE THOUSAND) AND THE KILLING WOULD BE DONE AS A "FAVOR" OWED TO CLOSE.

*2) THIRD SOLICITATION CHARGE

THERE IS NO REASON TO BELIEVE THE DEFENDANT INTENDED TO PAY AN "ADDITIONALLY" EXTRA $2000.00 AND $500.00 TO "HITMAN" DET. MOBLEY. BASED ON REFERENCES TO THE NUMBER "2" AND THE NUMBER "5".

IT IS A MATTER OF LAW THAT COUNT (3) OF THE INDICTMENT SHOULD NOT HAVE BEEN BOUND OVER, NOT A QUESTION OF REASONABLE DOUBT FOR A JURY TO CONSIDER.

THE FACTS PRESENTED AT THE PRELIMINARY HEARING DO NOT SUPPORT THAT A SEPARATE AND INDEPENDENT CRIME WAS COMMITTED.
THE FACTS DO SUPPORT THE JAILHOUSE INFORMANT, REGINALD CLOSE AND UNDERCOVER DET. MOBLEY WERE PART OF THE SAME TRANSACTION.

DEFENDANT EVEN TRIED END THE VIDEO VISIT BY SAYING TO UNDERCOVER DET. MOBLEY INSISTED ON TALKING IN A INTIMIDATING MANNER TO KEEP THE CONVERSATION GOING M

ACCORDINGLY DEFENDANT'S CONVICTION OF COUNT #3 SOLICITATION TO COMMIT MURDER MUST BE REVERSED.

11/10/2016 ARRAIGNMENT DETECTIVE KRUMBACH'S SWORN TESTIMONY
Pg.7
LINE 2-15
DURING THE COURSE OF THIS INVESTIGATION, WE HAD A MEETING AT THE PROSECUTOR'S OFFICE, ALSO LANSING POLICE DEPARTMENT UNDERCOVER OFFICERS, LIEUTENANT ROB BACKUS, AND IT WAS DETERMINED AT THAT TIME THAT WE WOULD HAVE AN UNDERCOVER "SOLICIT"—OR SECURE US VIDEO VISITS WITH THE ACCUSED WHICH DID OCCUR. I CAN GIVE YOU THE DATES ON THAT. THAT OCCURRED ON 10/24/2016 (wrong date it was 10/25/2016) at approximately 17:30 hours and officer Frank Mobley of the Lansing Police Department did make contact with the accused via Securus video visit, and that WAS ALSO TAPED AND ATTACHED TO ORIGINAL REPORT, AND AN AGREEMENT WAS REACHED BETWEEN THE TWO OF THEM IN REFERENCE A MURDER OF THE VICTIM FOR A TOTAL OF —I BELIEVE IT WAS $2000 AND $ 500 FOR EVERY ADDITIONAL PERSON KILLED.

04/13/2022 Ginther hearing with ROTH
pg 14
CRINO : that Frank Mobley used ambiguous language that was used during the phone call (It was a video visit), MOBLEY REFERRED VICTIM AS AS A TRASH, FULLY RED-HAIRED TRASH (She is blonde)

ROTH; YES I WOULD REFER TO IT AS CODED LANGUAGE, NOT AMBIGUOUS LANGUAGE.
(WHICH WOULD MAKE MOBLEY AN UNQUALIFIED "EXPERT") UNDER MRE 702)
CRINO: MR. PERRONE'S THEORY OF DEFENSE WAS THAT THIS WAS
AMBIGUOUS. THAT, Perrone was able tonat least make an effort at making points toward that?
ROTH: YES

12/13/2016
mobley testimony pg. 179 voir dire by Nichols about the video visit call

NICHOLS: SO WE ALL WATCHED TOGETHER, AND WE HEAR YOU SAY SEVERAL TIMES INTO THE VIDEO THAT YOU ARE HAVING A HARD TIME HEARING THE OTHER PERSON. WAS THAT A TECHNIQUE BY YOU TO GET HIM TO RESTATE SOMETHING, OR WERE YOU LEGITIMATELY HAVING A HARD TIME HEARING HIM?
MOBLEY: YES SIR, IT WAS A TECHNIQUE TO GET HIM "REPEAT" SOMETHING
NICHOLS: I STILL OBJECT AS TO RELEVANCE BECAUSE AT NO POINT IN TIME DO THEY DISCUSS ANYTHING OTHER THAN "TAKING OUT TRASH" AND THIS WAS THE SUBJECT OF MY MOTION THAT I FILED 2 WEEKS AGO.

10/27/2016 second video visit call
pg 188 police report pg 11-12
MOBLEY pg189
KOOP please describe the second visit for us
MOBLEY; Defendant Advised me that he could not hear me.After several seconds, HE HUNG UP THE PHONE
pg 189
KOOP : so you actually did make a connection with him.
MOBLEY : yes sit
KOOP: After that connection, were you ever able—did you ever attempt again to contact the defendant?
MOBLEY: yes sir
KOOP: And did he ever pickup again
MOBLEY : No: he did not.
pg 190
NICHOLS: DO YOU HAVE THE RECORDING OF THE 10/27/2016 VISIT
MOBLEY: YES, I CAN GET THAT FOR YOU
NICHOLS: BECAUSE OBVIOUSLY SAYING "I CAN'T HEAR YOU" CAN HAVE DIFFERENT MEANINGS RIGHT?
MOBLEY: YES SIR.

***FACT
BY ENDING THE VIDEO VISIT THAT DEFENDANT RECEIVED FROM UNDERCOVER POLICE DEFENDANT "RENUNCED THE PLOT" WHERE HE WAS SOLICITED, ENGAGED BY THE POLICE.
***see MI CRIM J I
10.7 renunciation as a defense to solicitation

PG 194
NICHOLS: DEFENSE FACTUALLY OR LEGALLY THE CRIME THAT REQUIRES SPECIFIC INTENT CANT HAVE BEEN COMMITTED, THEREFORE, THE PERSON CANT BE CONVICTED OF IT.
JUDGE: THE CRIME IS CONSUMMATED WITHOUT TO INTENT TO COMMIT.

IN PEOPLE V SALAZAR 140 MICH APP 137; 362 N.W. 2d 913; 1985 MICH APP LEXIS 2412 (1985)

THE COURT HELD THAT IN ORDER TO OBTAIN A CONVICTION, THERE HAD TO BE AN ELEMENT OF IMMINENCE TO ACT WHICH WAS BEING INCITED. HERE, THERE WAS NO IMMEDIATE ACTION TO KILL THE PERSONS. FURTHERMORE, THERE WAS INSUFFICIENT PROOF OF INCITEMENT, WHICH MEANT URGENT ACTION, PERSUADING, IR URGING EARNESTLY, BECAUSE IT WAS THE "INFORMER" WHO DID THE *INCITING, INDUCING*, AND EXHORTING, AND DEFENDANT MOSTLY ONLY "RESPONDED" TO THE INFORMER'S SOLICITATION.
THE CONVICTION WAS VACATED.

TIME AND AGAIN ON CROSS- EXAMINATION, MARTINEZ (POLICE INFORMANT) ADMITTED THAT IT WAS HE SOLICITED THE DEFENDANT TO PARTICIPATE IN THE CRIME AND NOT THE OTHER WAY AROUND. FOR EXAMPLE:

Q: DID MR. SALAZAR (DEFENDANT) ASK YOU FOR AN ADDRESS OR A PHONE NUMBER WHERE HE COULD GET IN TOUCH WITH YOU, MR. MARTINEZ?

A: NO SIR

Q:BUT YOU VOLUNTARILY GAVE HIM ONE, DIDN'T YOU?

A: YES SIR HE TOLD ME THAT HE WOULD LOOK FOR ME AFTER HE GOT OUT.

Q: NOW, MR. MARTINEZ, MR. SALAZAR NEVER OFFERED TO HAVE YOU DO THIS JOB FOR HIM, DID HE?

A: YOU MEAN HE NEVER ASKED ME?

Q: HE NEVER ASKED YOU?

A: NO SIR. HE AGREED WITH ME

Q: EXCUSE ME?

A: HE AGREED WITH ME.

Q:DID HE EVER ASK YOU TO DO A CONTRACT INVOLVING THE MURDER OF RON NEIL AND LARRY KIMMEL (STATE POLICE DETECTIVES).

A: NO, SIR. BUT I ASKED HIM, AND HE SAID YESM

Q: I KNOW YOU ASKED HIM. EVERY TIME THAT CAME UP, YOU ASKED HIM; RIGHT?

A: YES, SIR

Q: AND YOU COULD NEVER GET HIM TO SAY, OKAY. MR. MARTINEZ, I 'LL HAVE YOU DO THIS, COULD YOU?

A: HE DIDN'T SAY I'LL HAVE YOU DO THIS, BUT HE DID SAY, YES

Q: HE KEPT PUTTING YOU OFF, DIDN'T HE?

A: YES, SIR. HE DIDN'T WANT TO TALK INSIDE THE JAIL.

*3) THIRD SOLICITATION CHARGE

continued

Q: HE KEPT PUTTING YOU OFF?

A: YES, SIR

Q: HE NEVER AGREED WITH YOU TO DO ANYTHING REGARDING THE MURDER OF RON NEIL AND LARRY KIMMEL, DID HE?

A: HE DID SAY, YES, AT ONE POINT.

Q: HE SAID, YES, WHAT?

A: THAT HE WANTED, NOT RON NEIL, BY THAT TIME HE TOLD ME RON NEIL HAD BEEN TAKEN CARE OF, HE HAD BEEN PUT AWAY AND HE WAS NEVER COMING BACK TO COURT NO MORE, HE WOULD NEVER SHOW UP HERE NO MORE. AND THEN I ASKED HIM IF HE STIKK WANTED ME TO TAKE CARE OF LARRY FOR HIM. AND I THINK I SAID, THE POLICEMAN'S FRIEND, DID HE STILL WANT ME TO TAKE CARE OF THAT FOR HIM, AND HE SAID, YES, OR SOMETHING TO THAT EFFECT

AS NOTED ABOVE, INCITEMENT REQUIRES AN URGING, A PERSUADING, OR THE LIKE. BUT THE RECORD, WHEN READ AS A "WHOLE", DOES NOT REFLECT THAT THE DEFENDANT URGED OR PERSUADED MARTINEZ TO PARTICIPATE IN ANY CAPACITY IN THE KILLING OF NEIL OR KIMMEL. ARGUABLY, THE TESTIMONY MAY HAVE SUPPORTED A CONVICTION FOR CONSPIRACY TO KILL NEIL AND KIMMEL, BUT DOES NOT SUPPORT A CONVICTION FOR INCITEMENT TO AID AND ABET MURDER UNDER (MCL 750.157B)

AIDING AND ABETTING A MURDER IS A FELONY, MCL 767.39, ANY PERSON WHO INCITES A THIRD PERSON "TO DO ANY ACT WHICH WOULD CONSTITUTE A FELONY" IS TO BE PUNISHED IN THE SAME MANNER AS IF HE COMMITTED THE OFFENSE. ALSO, AIDING AND ABETTING A MURDER IS AN ACT " LIKELY TO ENDANGER THE LIFE OF ANY PERSON"

IN THIS CASE

THEREFORE AS IT SAID ON THE IMMUNITY GIVEN TO JAILHOUSE INFORMANTS (ALLEN AND CLOSE) ON 12/01/2016

"THE ACTIONS AND ENCOURAGEMENT BY ALLEN AND CLOSE IN FURTHERANCE OF THE SOLICITATION OF MURDER BY DEFENDANT WAS DONE WITHOUT ANY PRIOR INVOLVEMENT OR KNOWLEDGE ON BEHALF OF LAW ENFORCEMENT. THEREFORE, THESE ACTIONS COULD CONSTITUTE THE CRIME OF SOLICITATION OF MURDER UNDER A CONSPIRACY THEORY OR AIDER AND ABETTOR THEORY."

The Statue 750.157b in 1985 read as;
"Any person who incites, induces or exhorts any other person to unlawfully burn any property, to murder, to kill, to wound or to commit an aggravated or felonious assault on any person or to do any act which would constitute a felony or circuit court misdemeanor, that may endanger or to be likely to endanger the life of any person, or who aids and abets in any such inciting, inducing or exhorting shall be punished in the same manner as if he had committed the offense, incited, induced or exhorted." (emphasis added).

AIDING AND ABETTING

ALTERNATIVELY ANYONE WHO INTENTIONALLY ASSITS SOMEONE ELSE IN COMMITTING A CRIME IS AS GUILTY AS THE PERSON WHO DIRECTLY COMMITS IT AND CAN BE CONVICTED OF THESE CRIMES AS AN AIDER AND ABETTOR.

PLL V COOMER 245 MICH APP 206 (2001) TO PROVE AIDING AND ABETTING OF A CRIME, A.PROSECUTOR MUST SHOW:

1) THAT THE CRIME CHARGED WAS COMMITTED BY THE DEFENDANT OR SOME OTHER PERSON.

2) THAT THE DEFENDANT PERFORMED ACTS OR GAVE ENCOURAGEMENT WHICH ASSISTED IN THE COMMISSION OF THE CRIME

3) THAT THE DEFENDANT INTENDED THE COMMISSION OF THE CRIME OR HAD KNOWLEDGE OF THE OTHER'S INTENT AT THE TIME HE GAVE THE AID OR ENCOURAGEMENT.

PPL V MOORE 470 MICH 56 (2004)

"AN AIDER AND ABETTOR MUST HAVE THE SAME REQUISITE INTENT AS THAT REQUIRED OF A PRINCIPAL, PPL V AKINS 259 MICH APP 545 (2003).

THE FIRST ELEMENT OF IMMINENCE TO THE ACT WHICH IS BEING INCITED. (PEOPLE V CHAPMAN, 80 MICH APP 583) (1978), WHERE THE DEFENDANT WAS CHARGED AND FOUND GUILTY UNDER MCL 750.157B. ON APPEAL, THE DEFENDANT ARGUED THAT MCL 750.157B WAS UNCONSTITUTIONALLY VAGUE, CITING BRANDENBURG V OHIO, 395 U.S. 444; 89 S CT 1827; 23 L ED. 2D 430 (1969). THIS COURT AGREED THAT AN INCITING STATUE "MUST HAVE AN ELEMENT OF IMMINENCE", BUT CONSTRUED MCL 750.157B AS HAVING THAT ELEMENT.

IN CHAPMAN SUPRA : THE DEFENDANT DID NOT URGE FIEDLER (undercover detective) TO COMMIT THE MURDERS IMMEDIATELY. IN FACT, HE AGREED THAT FIEDLER WOULD NOT PERFORM THE KILLINGS UNTIL FIEDLER WAS "PAID ONE-HALF OF HIS FEE, AND DEFENDANT "NEVER" PAID FIEDLER THAT MONEY. IN ADDITION, DEFENDANT GAVE FIEDLER NEITHER THE SCHEDULES NOR PHOTOGRAPHS OF INTENDED VICTIMS." (OWENS SUPRA P 86)

IN THIS INSTANT CASE DEFENDANT DID NOT PROVIDE ANY PHOTOGRAPH NOR SCHEDULE OF THE INTENDED VICTIM MS.MELKE.

THE SO CALLED MAP WAS STOLEN FROM DEFENDANT'S JOURNAL DRAWN FOR DEFENDANT'S SISTER TO COMPENSATE MELKE FOR HER LOSSES.

10/20/2017 PG 6-25 MAP PART of the Def. JOURNAL

MRE 801 HEARSAY DECISION BY JUDGE

pg 20 LINE 6-25

ROTH: THE THIRD PART OF THE NOTE, IS THIS ALSO PART OF THE SAME CONVERSATION OR A SEPARATE (MAP)?

URAZ: NO IT WAS STOLEN FROM ME.

ROTH : STOLEN FROM YOU?

URAZ: BECAUSE THIS IS PART OF MY OTHER DOCUMENTS. (MY JOURNAL)

ROTH: OK SO THIS IS NOT A NOTE PASSED BETWEEN YOU TWO?

URAZ; NO

ROTH: VERY GOOD I HAVE NO OBJECTION TO THE ADMISSION OR WHAT WAS DESCRIBED AS ONE AND TWO (NOTES). TO THIS POINT I DONT THINK THERE IS ANY RELEVANCE TO NUMBER THREE (MAP). AND HE IS SAYING THIS WAS NOT GIVEN TO SOMEBODY

JUDGE: BUT HE SAID HE WROTE IT

ROTH: HE SAID HE WROTE IT, WHICH WOULD BE HEARSAY. AS I UNDERSTAND IT, PAGES ONE AND TWO ARE ADMITTED TO SHOW THE EFFECT ON THE LISTENER'S THE EFFECT ON THE DEFENDANT, IF THE DEFENDANT IS TESTIFYING TO PAGE 3 (MAP) WAS NOT GIVEN TO SOMEBODY, THEN IT WOULDN'T HAVE THAT RELEVANCE. SO I HAVE NO OBJECTION TO ADMITTING PAGES ONE AND TWO (NOTES)

JUDGE BUT IT WOULDN'T BE A HEARSAY IT'S HIS DOCUMENT THAT HE WROTE

ROTH: RIGHT AND SO WE CAN PUT IN BECAUSE HE IS OUR PARTY OPPONENT. BECAUSE IT'S HIS OWN "PARTY", IT WOULDN'T BE APPLICABLE

PERRONE: IF YOU LOOK THIS MAP, THE NATURE OF DRAWING ON THE MAP AND THAT COULD BE INDICATIVE OF DEFENDANT'S "MENTAL STATE" AT THE TIME OF THE DRAWING OF THE MAP.

JUDGE: I HEAR YOU SO THIS IS AN EVIDENTIARY HEARING, SO I AM GOING TO ALLOW IT.

*4) THIRD SOLICITATION CHARGE

11/06/2017

UNDERCOVER POLICE DETECTIVE MOBLEY VIDEO VISIT TRANSCRIPTION WAS NOT GIVEN THE JURY BEFORE THEY WATCH THE VIDEO.
**
11/06/2017
Pg 122 line 19 TO DETECTIVE MOBLEY ABOUT THE VIDEO VISIT

PROSECUTOR ROTH : DID YOU TALK ANY DIFFERENTLY ON THAT CALL THAN WHEN YOU ARE HERE IN COURT TODAY?

U/C DETECTIVE MOBLEY : YES SIR

ROTH: TELL ME ABOUT THAT.

MOBLEY: IT'S ALMOST LIKE ACTING. YOU TALK THE WAY YOU—THAT A HITMAN IS PORTRAYED. SO I THREW A LITTLE SLANG IN THERE, SWORE A LITTLE BIT MORE. I DONT KNOWM

ROTH: DID YOU USE THE WORD "TRASH"?

MOBLEY : SO WHO FIRST USED THE "TRASH"?

MOBLEY : I DID

ROTH: WERE YOU USING "TRASH" IN PLACE OF A DIFFERENT WORD?

MOBLEY: YES, SIR

ROTH: TELL ME ABOUT THAT?

MOBLEY: BEING THAT WE WERE RECORDED, AND THAT THIS IS A MURDER FOR HIRE INVESTIGATION, I KNEW I COULDN'T USE THE WORD "KILL". SO WHAT I DID IS I USED THE WORDS "TAKE OUT TRASH"

ROTH: EVEN THOUGH YOU USED THAT PHRASE "TAKE OUT THE TRASH", DID YOU USE IT IN SUCH A WAY TO MAKE IT CLEAR THAT YOU WERE TALKING ABOUT A PERSON AT VARIOUS POINTS THROUGHOUT THE CONVERSATION?

MOBLEY :YES SIR

ROTH : TELL ME A LITTLE BIT ABOUT HOW YOU DID THAT.

MOBLEY: THROUGHOUT THE CONVERSATION I MENTIONED: DO YOU WANT ME TO BEAT THAT TRASH WITH A BAT? DO YOU WANT ME TO SPILL THAT TRASH OVER THE HOUSE? DO YOU WANT ME TO CLEAN UP THE TRASH WHEN I 'M DONE? HOW MANY BAGS OF TRASH DO YOU WANT ME TO TAKE OUT?

PG.124

ROTH : DID YOU TALK ABOUT THE COLOR OF THE HAIR OF THE TRASH?

MOBLEY: I ASKED ABOUT THE COLOR OF HAIR OF THE TRASH.
I ASKED ABOUT THE ACTUAL ADDRESS OF THE TRASH.

ROTH: VERY GOOD. EVEN THOUGH YOU WERE THE ONE THAT STARTED THIS CODE OF "TAKING OUT THE TRASH" DID THE DEFENDANT USE IT TOO? DID THE DEFENDANT TAKE UP THAT PHRASE AS WELL AND BEGIN USING ON HIS SIDE AS WELL?

MOBLEY :YES SIR

ROTH: DID HE EVER EXPRESS ANY CONFUSION ABOUT WHAT YOU MEANT BY IT? OR DURING YOUR CONVERSATION ABOUT WHAT YOU WERE SAYING?

MOBLEY : NO SIR

ROTH: WERE THERE THINGS THAT HE DID DURING THIS CALL TO SHOW THAT HE WAS BEING CAREFUL BECAUSE THE CALL WAS RECORDED?

MOBLEY: YES SIR
125

ROTH: CAN YOU TELL ME WHAT SORT OF THINGS YOU'RE TALKING ABOUT?
***MOBLEY: I ASKED HIM NUMEROUS TIMES ABOUT WHAT THE ADDRESS WAS WHERE THIS TRASH WAS LOCATED. HIS RESPONSE WAS: WELL; ROUGH SHOULD HAVE TOLD YOU THAT INFORMATION, BECAUSE HE HAD WRITTEN IT DOWN I GUESS. AND HE SAID THAT ROUGH SHOULD HAVE HAD GIVEN YOU INFORMATION BECAUSE IF WAS WRITTEN DOWN SOMEWHERE.

ROTH: SO.YOU KEPT ASKING FOR THE ADDRESS, WHERE YOU WERE TO GO AND HE REFUSED TO PROVIDE IT.

MOBLEY: CORRECT

FACT: CLOSE NEVER HAD THE ADDRESS OF MELKE. DEF. JOURNAL WAS STOLEN FROM HIM.

*PG 126 LINE 8-12
ROTH: SO AT THIS TIME I AM GOING TO MOVE FOR ADMISSION PROPOSED EXHIBIT 44 AND 45, "THOUGH WE WILL NOT BE DISTRIBUTING THE TRANSCRIPT TO THE JURY UNTIL AFTER THE VIDEO IS PLAYED, IS MY UNDERSTANDING?

PERRONE OBJECTED THIS BUT AS USUAL ABUSE OF DISCRETION BY JUDGE ALLOWED IT.

UNDERCOVER POLICE MOBLEY CROSS EXAMINATION BY PERRONE DEFENDANT'S TRIAL ATTORNEY

***PG 131 LINE 3-4

MOBLEY TO PERRONE
MOBLEY I DIDN'T KNOW HIM AT ALL. HE DIDN'T KNOW ME AT ALL. I JUST "INITIATED" A CONVERSATION

**PG 133 LINE 16-19
PERRONE; "ROUGH" BEING BLACK, YOU WERE CHOOSEN SINCE YOU WERE BLACK

**MOBLEY; I DIDN'T EVEN KNOW ROUGH WAS BLACK

***PG135 LINE 2-5

MOBLEY : BASICALLY IT WAS JUST TRYING TO GET HIM TO "INCRIMINATE" HIMSELF. IT WAS SIMPLE. I MEAN "JUST TRY TO GET HIM TO SAY WHAT HE WANTED DONE."

PG 136 LINE 24-25

PERRONE : YOU WERE USING AS A TECHNIQUE TO GET HIM TO REPEAT HIMSELF?

***PG 137 LINE 1
**MOBLEY: SOMETIMES , A COUPLE OF TIMES. YEP

**PG143 LINE 14 -21

PERRONE: DID YOU PRESSURE HIM/ASK HIM FOR A DOWN PAYMENT?

MOBLEY : YES

PERRONE : DID YOU RECEIVE A DOWN PAYMENT?

MOBLEY: NO.
***PG 145 LINE 1-8

PERRONE: WHY DID YOU MAKE THE THIRD CALL?

MOBLEY : TO TRY TO GET MORE EVIDENCE ON HIM.

PERRONE: HE NEVER GAVE YOU AN ADDRESS ON THAT VIDEO? NEVER GAVE YOU A HAIR COLOR? NEVER GAVE YOU A CAR?
MOBLEY: NO, SIR (3 TIMES).

SEE CASE PPL V SALAZAR 1985 MICH APP 2412 (1985)

IT WAS UNDERCOVER POLICE MOBLEY WHO SOLICITED THE DEFENDANT TO PARTICIPATE IN THE CRIME AND NOT THE OTHER WAY AROUND

"PURPOSELY SOUGHT", INCIMENT ENGAGEMENT REQUIRES AN URGING, A PERSUADING, OR THE LIKE. BUT THE RECORD, WHEN READ AS A WHOLE, DOES NOT REFLECT THAT THE DEFENDANT URGED, PERSUADED POLICE, MOBLEY, CHARLES ALLEN , REGINALD CLOSE TO PARTICIPATE IN ANY CAPACITY IN THE KILLING OF MELKE ARGUABLY, THE TESTIMONY DOES NOT SUPPORT A CONVICTION FOR SOLICITATION MURDER UNDER THE STATUE.

DOUBLE JEOPARDY ANALYSIS:

IN THIS CASE DEFENDANT WAS CHARGED MULTIPLE CRIMES FOR THE SAME OFFENSE AND HE RECEIVED MULTIPLE PUNISHMENTS FOR THE SAME OFFENSES.

DEFENDANT WAS CHARGED THIRD SOLICITATION CHARGE BASED ON THE SAME TRANSACTION (REGINALD CLOSE AND DETECTIVE MOBLEY)

ANALYSIS:

PEOPLE V WAFER 2022 MICH LEXIS 372 (2/2022)
HN4 THE PROHIBITION AGAINST DOUBLE JEOPARDY PROTECTS INDIVIDUALS IN 3 WAYS ;
1) IT PROTECTS AGAINST A SECOND PROSECUTION FOR THE SAME OFFENSE AFTER ACQUITTAL
2) IT PROTECTS AGAINST A SECOND PROSECUTION FOR THE SAME OFFENSE AFTER CONVICTION
3) IT PROTECTS AGAINST MULTIPLE PUNISHMENT FOR THE SAME OFFENSE

THE FIRST TWO OF THOSE 3 PROTECTIONS CONCERN THE SUCCESSIVE PROSECUTION STRAND OF THE DOUBLE JEOPARDY CLAUSE.
WHILE THE THIRD CONCERNS THE MULTIPLE PUNISHMENTS STRAND
PEOPLE V TORRES 452 MICH 43 (1996)

US V WILSON 420 US 332 (1975)
people v Miller 458 MICH 13 (2015)

THE CRIME OF SOLICITATION WAS INTENDED BY THE LEGISLATURE TO PUNISH THE "INITIAL" INSTIGATOR, WHEREAS THE CRIME OF CONSPIRACY WAS INTENDED TO ADDRESS THE INCREASED DANGER OF GROUP ACTION A RISING FROM AN AGREEMENT TO ACT ILLEGALLY
PPL V BURTON (COA NO: 195231) 1998 MICH APP LEXIS 1616) BECAUSE IN (REHKOPF AND VANDERLINDER)

5) THIRD SOLICITATION CHARGE

THE LEGISLATIVE INTENT BEHIND EACH STATUE IS DIFFERENT THE DOUBLE JEOPARDY WAS NOT VIOLATED FOR THE EVEN BLOCKBURGER APPLIES EACH OF THE OFFENSES IN QUESTION REQUIRES PROOF OF DIFFERENT ELEMENTS. CONVICTIONS FOR SOLICITATION TO COMMIT MURDER AND CONSPIRACY TO COMMIT MURDER DO NOT VIOLATE THE DOUBLE JEOPARDY CLAUSE OF THE U.S. CONSTITUTION BECAUSE EACH CRIME REQUIRES AN ELEMENT OF PROOF THAT THE OTHER DOES NOT REQUIRE.

SOLICITATION REQUIRES AN OFFER OF SOMETHING OF VALUE TO INDUCE ANOTHER TO COMMIT AN ILLEGAL ACT, BUT CONSPIRACY DOES NOT.
CONSPIRACY REQUIRES AN AGREEMENT TO COMMIT AN ILLEGAL ACT, BUT SOLICITATION DOES NOT.
THUS, THE OFFENSES ARE DIFFERENT FOR PURPOSES OF DOUBLE JEOPARDY UNDER THE "SAME ELEMENTS" TEST SET FORTH BY THE S.C.O.T.U.S. BLOCKBURGER, NETTING V ELO 173 F3d 429 (6th. 1999)
MURDER REQUIRES PROOF OF DEATH, SOMETHING THAT NEITHER CONSPIRACY NOR SOLICITATION REQUIRE, CONSPIRACY DOES NOT REQUIRE AN OVERT ACT. PPL V COTTON 191 MICH APP 377 (1991) AND SOLICITATION DOES NOT REQUIRE AN ACTUAL HOMICIDE.
PPL V CRAWFORD 232 MICH APP 608 (1998) DOUBLE JEOPARDY CLAIM LACKS MERIT, BECAUSE THE "SAME ELEMENTS" TEST OF BLOCKBURGER TEST WAS NOT VIOLATED AND THE LEGISLATIVE INTENT FOR EACH OFFENSE IS DIFFERENT.

IN THIS CASE IMPERFECT SELF-DEFENSE AND DURESS JURY INSTRUCTIONS WERE NOT GIVEN TO JURY TO PROTECT DEFENDANT'S RIGHTS.

PPL V POUNCEY 183 MICH APP 216 (1989)
THE LAW DOES NOT EXCUSE ACTORS WHOSE BEHAVIOR IS CAUSED BY JUST ANY EMOTIONAL DISTURBANCE....RATHER, THE LAW ASKS WHETHER THE VICTIM'S PROVOKING ACT AROUSED THE DEFENDANT'S EMOTIONS TO SUCH A DEGREE THAT THE CHOICE TO REFRAIN FROM CRIME BECAME DIFFICULT FOR THE DEFENDANT. THE LEGAL DOCTRINE REFLECTS THE PHILOSOPHICAL DISTINCTION BETWEEN EMOTIONS THAT ANY CAUSE CHOICE AND EMOTIONS SO INTENSE THAT THEY DISTORT THE VERY PROCESS OF CHOOSING
73 CAL LN 1091 1132 LAW REVIEW

PREDOMINANT AGGRESSOR
DOCTRINE OF IMPERFECT-SELF DEFENSE PPL V KEMP 202 MICH APP 318
HN 5 THE DOCTRINE HAS BEEN RECOGNIZED WHERE A DEFENDANT WOULD HAVE BEEN ENTITLED TO INVOKE THE THEORY OF SELF-DEFENSE HAD HE NOT BEEN THE INITIAL AGGRESSOR. PPL V BUTLER 1993 MICH APP 63
HN7 A DEFENDANT IS NOT ENTITLED TO CLAIM IMPERFECT SELF-DEFENSE IF HE ACTS WITH EXCESSIVE FORCE.

IN THIS CASE THE INITIAL AGGRESSORS/PROVOCATORS WERE JAILHOUSE INFORMANTS AND UNDERCOVER POLICE (CLOSE, MOBLEY, ALLEN)

ELEMENTS OF THE SOLICITATION TO MURDER :

IN PPL V VANDERLINDER, 192 MICH APP 447 (1992) A SOLICITATION TO COMMIT MURDER OCCURS WHEN THE SOLICITOR:

1) "PURPOSELY SEEKS" TO HAVE SOMEONE KILLED AND
2) TRIES TO ENGAGE SOMEONE TO DO THE KILLING.

****FACT DEFENDANT WAS ENGAGED BY ALLEN, CLOSE AND MOBLEY SEE THEIR TRIAL TESTIMONIES. TO UNDERSTAND WHO ENGAGED WHO.

"PURPOSELY SOUGHT", INCIMENT ENGAGEMENT REQUIRES AN URGING, A PERSUADING, OR THE LIKE. BUT THE RECORD, WHEN READ AS A WHOLE, DOES NOT REFLECT THAT THE DEFENDANT URGED, PERSUADED POLICE, MOBLEY, CHARLES ALLEN , REGINALD CLOSE TO PARTICIPATE IN ANY CAPACITY IN THE KILLING OF MELKE ARGUABLY, THE TESTIMONY DOES NOT SUPPORT A CONVICTION FOR SOLICITATION MURDER UNDER THE STATUE.

DEFENDANT WAS NOT THE INITIAL AGGRESSOR/PROVOCATOR ON ALL SOLICITATION TO MURDER CHARGES.

IF ONE PAYS ATTENTION TO THE DETAILS OF THE CASE :

- CLOSE WAS THE ONE WROTE DOWN
"PURPOSELY SOUGHT" ABOUT WHAT NEEDS TO HAPPEN IT WAS ALL HIS PLANS, INCITEMENT, ENTICEMENT, ENCOURAGEMENT ON THE NOTES EXCHANGED WITH DEFENDANT :

PAGE #1
Close: You don't think it would look better as a Robbery

Def: OK But I want it gone of Beat up badly

Close: I could have him carjack her beat her ass with the gun and shoot her a few times

Def: OK !!! Where would he leave her?

Close : Not 100% sure but I am sure he know's what he is doing....he would kill her and leave her in her car

Def: OK!! Good

Close : You have to Draw me map
(this part was added later by Close after he stole defendant's Journal and his letters to His sister where defendant draw a map of Melke's apartment and whereabouts so that she can meet up with her and apologize/compensate her for any anguish she had.)

Close also added notes below with his own handwriting again stolen from defendant's journal.

Mike Toves car Black Charger BRD
Homestead Apt

Stan White 188[illegible]ean, Holt

PAGE #2
NOTES CONTINUED ;

Def: Wait for me to get out and sentenced because they may try to keep me here if something happens to her. (Defendant was already accepted a plea deal for the first stalking and went to jail to start his presumed jail sentence early)

Close: They can't you are already in jail
It would look bad if it happen's when you are out

Def: OK

Close: You would be number #1 Suspect

PAGE #3

THE MAP DRAWN BY DEFENDANT WAS STOLEN FROM DEFENDANT'S JOURNAL AND WAS USED AGAINST HIM ALTHOUGH IT WAS INADMISSIBLE SINCE IT WAS NOT PART OF THE NOTES EXCHANGED
SEE :10/20/2017 EVIDENTIARY HEARING PG 20 line 6-25 judge's abuse of discretion (see attached)

-CLOSE AND ALLEN WAS "PURPOSELY PALACED" WITH DEFENDANT IN THE SAME CELL AND POD FOR 3 WEEKS BETWEEN: 09/27/2016-10/20/2016.

-CLOSE WAS THE ONE WROTE DOWN
"PURPOSELY SOUGHT" ABOUT WHAT NEEDS TO HAPPEN IT WAS ALL HIS PLANS, INCITEMENT, ENTICEMENT, ENCOURAGEMENT ON THE NOTES EXCHANGED WITH DEFENDANT :

-CLOSE DELIBERATELY ELICITED INCRIMINATING STATEMENTS FROM DEFENDANT

-MOBLEY CALL WAS ALL ABOUT BEATINGS

-ALLEN WAS ABOUT BEATINGS

-CLOSE WAS GIVEN SEVERAL PROFFERS/CONCESSIONS/BREAKS BY INGHAM COUNTY PROSECUTOR'S OFFICE PRIOR CASES

DEFENDANT'S MENTALLY IMPAIRED ATTORNEY PERRONE FAILED TO REQUEST THE (pre-sentence investigation reports) PSIR of jailhouse informants (CLOSE AND ALLEN).
PERRONE FAILED TO SUBPOENA THE LETTER CLOSE WROTE HIS ATTORNEY ABOUT DEFENDANT'S INCRIMINATING STATEMENTS . SINCE HE WAS GIVEN IMMUNITY, IT WOULD NOT HAVE VIOLATED attorney-client privilege

SEE ATTACHED ANALYSIS :

PROFFERS, IMMUNITY AND CONCESSIONS GIVEN TO Jailhouse informant.

6) THIRD SOLICITATION CHARGE

CLOSE WAS GIVEN SEVERAL PROFFERS/CONCESSIONS/BREAKS BY INGHAM COUNTY PROSECUTOR'S OFFICE PRIOR CASES (see attached documents)

DEFENDANT'S MENTALLY IMPAIRED ATTORNEY PERRONE FAILED TO REQUEST THE (pre-sentence investigation reports) PSIR of jailhouse informants , MDOC FILES, JAIL RECORDS OF (CLOSE AND ALLEN). PERRONE FAILED TO SUBPOENA THE LETTER CLOSE WROTE HIS ATTORNEY ABOUT DEFENDANT'S INCRIMINATING STATEMENTS . SINCE HE WAS GIVEN IMMUNITY, IT WOULD NOT HAVE VIOLATED attorney-client privilege

PROFFERS, IMMUNITY AND CONCESSIONS GIVEN TO Jailhouse informant. (see attached)

ANALYSIS ;

PERRONE FAILED TO REQUEST PSIR, MDOC FILES, JAIL, OTIS REPORTS FOR JAILHOUSE INFORMANTS TO IMPEACH THEIR TESTIMONY

ANALYSIS:
[W]e must conclude that the need for impeachment of criminal accusations outweighs any need for confidentiality of presentence reports. This does not mean that defendants should receive wholesale access to confidential records of others. We hold only that when records of prior inconsistent statements of witnesses are necessary for effective cross-examination, they should b made available to the defendant. An in camera inspection procedure should be utilized by the court to limit disclose to those statements materially inconsistent with the witness's testimony. [People v Rohn, 98 Mich App 593, 600 ; 296 NW2d 315 (1980), overruled on other grounds. People v Perry, 460 Mich 55,64;594 NW2nd 477 (1999).]

IN PEOPLE V STANAWAY, 446 MICH 643, 650; 521 NW2d 557 (1994), OUR SUPREME COURT ACKNOWLEDGED THE DIFFICULTY IN PROTECTING CONFIDENTIAL RECORDS WITH A DEFENDANT'S RIGHT TO OBTAIN EVIDENCE RELEVANT TO HIS DEFENSE. ULTIMATELY, THE COURT HELD "THAT WHERE A DEFENDANT CAN ESTABLISH A REASONABLE PROBABILITY THAT THE PRIVILEGED RECORDS ARE LIKELY TO CONTAIN MATERIAL INFORMATION NECESSARY TO HIS DEFENSE, AN IN CAMERA REVIEW OF THOSE RECORDS MUST BE CONDUCTED TO ASCERTAIN WHETHER THEY CONTAIN EVIDENCE THAT IS REASONABLY NECESSARY, AND THEREFORE ESSENTIAL, TO THE DEFENSE. ONLY WHEN TRIAL COURT FINDS SUCH EVIDENCE, SHOULD IT BE PROVIDED TO THE DEFENDANT."Id.

10/20/2017 PG 6-25 MAP PART of the Def. JOURNAL

MRE 801 HEARSAY DECISION BY JUDGE (ABUSE OF DISCRETION)

pg 20 LINE 6-25 .

ROTH: THE THIRD PART OF THE NOTE, IS THIS ALSO PART OF THE SAME CONVERSATION OR A SEPARATE (MAP)?

URAZ: NO IT WAS STOLEN FROM ME.

ROTH : STOLEN FROM YOU?

URAZ: BECAUSE THIS IS PART OF MY OTHER DOCUMENTS. (MY JOURNAL)

ROTH: OK SO THIS IS NOT A NOTE PASSED BETWEEN YOU TWO?

URAZ; NO

ROTH: VERY GOOD I HAVE NO OBJECTION TO THE ADMISSION OR WHAT WAS DESCRIBED AS ONE AND TWO (NOTES). TO THIS POINT I DONT THINK THERE IS ANY RELEVANCE TO NUMBER THREE (MAP). AND HE IS SAYING THIS WAS NOT GIVEN TO SOMEBODY

JUDGE: BUT HE SAID HE WROTE IT

ROTH: HE SAID HE WROTE IT, WHICH WOULD BE HEARSAY. AS I UNDERSTAND IT, PAGES ONE AND TWO ARE ADMITTED TO SHOW THE EFFECT ON THE LISTENER'S THE EFFECT ON THE DEFENDANT, IF THE DEFENDANT IS TESTIFYING TO PAGE 3 (MAP) WAS NOT GIVEN TO SOMEBODY, THEN IT WOULDN'T HAVE THAT RELEVANCE. SO I HAVE NO OBJECTION TO ADMITTING PAGES ONE AND TWO (NOTES)

JUDGE: BUT IT WOULDN'T BE A HEARSAY IT'S HIS DOCUMENT THAT HE WROTE

ROTH: RIGHT AND SO WE CAN PUT IN BECAUSE HE IS OUR PARTY OPPONENT. BECAUSE IT'S HIS OWN "PARTY", IT WOULDN'T BE APPLICABLE

PERRONE: IF YOU LOOK THIS MAP, THE NATURE OF DRAWING ON THE MAP AND THAT COULD BE INDICATIVE OF DEFENDANT'S "MENTAL STATE" AT THE TIME OF THE DRAWING OF THE MAP.

JUDGE: I HEAR YOU SO THIS IS AN EVIDENTIARY HEARING, SO I AM GOING TO ALLOW IT.

ROTH: THAT'S FINE, I ASK THAT IT WILL BE SEPARATES A AND B

pg 21 line 19
JUDGE : "A" SHOULD BE TWO PAGES THAT WERE ACTUALLY AUTHORED BY MR. URAZ AND EXCHANGED WITH OTHER PERSONS. THAT'S A TWO PAGE DOCUMENT. AND THAN THEN EXHIBIT "B" IS A DOCUMENT THAT IS SIMPLY AUTHORED BY MR. URAZ BUT NOT "DISTRIBUTED" TO ANYBODY ALL RIGHT.

ROTH: THANK YOU YOUR HONOR.
(DX# A&B)

IN THIS INSTANT CASE:

UNDERCOVER POLICE DETECTIVE MOBLEY "CONTACTED AND PRESSURED DEFENDANT WITH HIS INDUCEMENTS SEE ATTACHED VIDOE VISIT TRANSCRIPTS AND DETECTIVE MOBLEYS POLICE REPORT

THIS IN ITSELF IS A TRIPLE STACKED OF INFERENCES WHICH SHOULD BE LEGALLY IMPERMISSIBLE TO SHOW PROBABLE CAUSE. REGARDLESS OF TH INFERENCES OR CODES, OFFICER MOBLEY WAS CALLED UPON BY REGINALD CLOSE.
***THE DEFENDANT HAD ALLEGEDLY ALREADY AGREED TO PAY REGINALD CLOSE $1000 AND THAT THE KILLING WOULD BE DONE AS A "FAVOR" OWED TO REGINALD CLOSE. THERE IS NO REASON TO BELIEVE THE DEF. INTENDED TO PAY AN "ADDITIONALLY" PAY EXTRA $2000 AND $500 TO OFICER MOBLEY. BASED ON REFERENCES/ INFERENCES TO $2000 for the first person AND $500 perspectively.

IT IS A MATTER OF LAW THAT COUNT #3 OF THE INDICTEMENT SHOUD NOT HAVE BEEN BOUND OVER, NOT A QUESTION OF REASONABLE DOUBT FOR A JURY TO CONSIDER.

THE FACTS PRESENTED AT PRELIMINARY HEARING DO NOT SUPPORT THAT A SEPARATE AND

INDEPENDENT CRIME WAS COMMITTED. ** THE FACTS DO SUPPORT THAT CLOSE AND OFFICER MOBLEY WERE PART OF THE "SAME TRANSACTION".

12/13/2016 JUDGE THOMAS BOYD DECISION ABOUT COUNT#3
PG. 207 LINES 10-13
THE VIDEO PRESENTED DET. MOBLEY CONVERSATION ABOUT TAKING OUT TRASH, IT'S HUNDERED PERCENT CIRCUMSTANTIAL. THE QUESTION ISNT DO YOU WANT TO KILL ANYBODY, THE QUESTION IS , YOU KNOW, DO YOU STILL WANT THAT TRASH TAKEN OUT.
PG 209 Line 13-25

WHAT, I AM SAYING IS THAT THE CASE IS ABOUT A COP UNDERCOVER SOLICITING, AND THE COURT NEVER SUGGESTS THAT THAT'S A PROBLEM IN ANY WAY. YOU KNOW, I MEAN, YOU TAKE THAT IN COMBINATION WITH SALAZAR CASE AND I THINK IT'S PRETTY HARD TO CONCLUDE THAT THE COURT OF APPEALS THINKS THAT A POLICE OFFICER CANNOT SERVE IN A UNDERCOVER CAPACITY AND THAT TESTIMONY BE USED TO SUPPORT THE CONVICTION FOR SOLICITATION OF MURDER.