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In the Michigan Supreme Court

Appeal from the Michigan Court of Appeals
Hon. James Redford, Jane Beckering, and Michael J. Kelly

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v.

HAMIN LORENZO DIXON,

Defendant-Appellant.

Supreme Court No. 162221

Court of Appeals No. 349631

Chippewa County Circuit Court
Case No. 17-003294-FH

STIPULATION FOR JOINT APPENDIX

The parties hereby stipulate, pursuant to MCR 7.212(J)(4) and MCR 7.312(D), to the use of the 72-page joint appendix attached hereto. Either party may file, as a supplemental appendix, additional portions of the record not covered by the joint appendix.

Respectfully Submitted,

By: */s/ Robert L. Stratton III*
Robert L. Stratton III (P66995)
CHIPPEWA COUNTY
PROSECUTOR'S OFFICE
300 Court Street, Suite 2
Sault Ste. Marie, MI 49783

By: */s/ C. Nicholas Curcio*
C. Nicholas Curcio (P75824)
CURCIO LAW FIRM PLC
16905 Birchview Drive
Nunica, MI 49448

Date: June 7, 2021

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JOINT APPENDIX

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June 7, 2021

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D 001 DIXON,HAMIN,LORENZO DOB: 01/20/83 SEX: M RACE: B
URF-4269 WEST M-80 CTN:171700060101 TCN:G817201772H
INMATE #451781 SID:2263028K PIN:895-16
KINCHELOE, MI 49784 DLN:XXXXXXXXXXXXX ST:XX
ATY: VOGLER,MICHAEL D., PROSECUTOR: STRATTON,ROBERT L.,III
P-38725 989-734-8500 APPOINTED P-66995
LOWER DISTRICT: 9100 CTY# 17 CASE# 17 606811 PRELIM: WAIVE 07/17/17
INCARCERATION DATE: 06/28/17 DISTRICT ARRAIGNMENT: 06/28/17

Bond History

Num	Amount	Type	Posted Date	Status
1	$.00	Held Without Bond		Cancelled

Charges

Num	Type	Charge(Pacc)	Asc/Trf	Charge Description	Offense Dt	Dsp	Evt
01	ORG	800.283A		PRISONS - FURNISHING CELL	05/21/16	NOP	PLE
02	ORG	800.283A	A	PRISONS - FURNISHING CELL	05/21/16	PLG	PLE

Assessments

Account	Ordered	Paid	Balance
JUSTICE SYSTEM	$68.00	$.00	$68.00
CRIME VICTIM	$130.00	$.00	$130.00
CUNNINGHAM COURT COSTS	$300.00	$.00	$300.00
TOTAL:	$498.00	$.00	$498.00

PAYMENT DUE: LATE FEE DATE: 12/19/18

Actions, Judgments, Case Notes

Num	Date	Judge	Chg/Pty	Event Description/Comments	
1	07/17/17	LAMBROS		BOND NOT POSTED - CUSTODY OF	CLK TS
				MDOC	CLK
2		BLUBAUGH		ARRAIGNMENT	CRT TS
				ATTORNEY PRESENT: FRANCE	CRT
				R BOSLEY, #7851	CRT
				PLED NOT GUILTY	CRT
				PER WAIVER IN DISTRICT CRT	CRT
3		LAMBROS		DISTRICT COURT BINDOVER	CLK TS
				W/DISTRICT COURT BINDOVER	CLK
				PKG	CLK
4	07/20/17			SENT TO CIRCUIT TO SET FOR	CLK TS
				PRE-TRIAL	CLK
5	07/24/17			NOTICE SENT FOR: 08/08/17 10:30 AM	CLK JG
				PRE-TRIAL HEARING	
				**DEFENDANT TO APPEAR	CLK
				VIA VIDEO**	CLK
6				PROOF OF SERVICE FILED	CLK TS
				NTC TO APPEAR	CLK

7	07/25/17		INFORMATION	CLK	TS
			FELONY - ARRESTING AGENCY	CLK	
			MSP	CLK	
8	07/26/17		NTC OF ASSERTION SPEEDY TRIAL	CLK	TS
			RIGHTS FILED BY ATTNY	CLK	
			FRANCE W/PRF OF SRV	CLK	
9	08/08/17		PRE-TRIAL HEARING	CRT	JG
			ATTORNEY PRESENT: FRANCE	CRT	
			S BUMSTEAD, #8842 CER	CRT	
			PRETRIAL ORDER STATED ON THE	CRT	
			RECORD	CRT	
13			RECORDING LOG	CLK	TS
14			PRETRIAL ORDER	CLK	TS
			W/PRF OF SRV	CLK	
10	08/14/17		NOTICE SENT FOR: 12/13/17 8:30 AM	CLK	JG
			JURY TRIAL		
			THROUGH 12/15/17	CLK	
			**DEFENDANT TO APPEAR	CLK	
			IN PERSON**	CLK	
11			SET NEXT DATE FOR: 12/14/17 8:30 AM	CLK	JG
			JURY TRIAL		
			CONTINUED	CLK	
12			SET NEXT DATE FOR: 12/15/17 8:30 AM	CLK	JG
			JURY TRIAL		
15			PROOF OF SERVICE FILED	CLK	TS
			NTC TO APPEAR	CLK	
16			WRIT OF HABEAS CORPUS FOR	CLK	TS
			H DIXON FOR 12/13-12/15/17	CLK	
			TRL	CLK	
17	09/12/17	D 001	FROM: FRANCE,JENNIFER J.,	CLK	JG
			TO: PRO-PER	CLK	
			PER JUDGE; LEAVE JEN AS	CLK	
			STAND-BY FOR NOW.	CLK	
18			WRIT OF HABEAS CORPUS FOR	CLK	TS
			H DIXON FOR 10/24/17	CLK	
19		D 001	MOTION FILED	CLK	TS
			SET NEXT DATE FOR: 10/24/17 11:00 AM	CLK	
			MOTION HEARING		
			TO QUASH HABITUAL	CLK	
			OFFENDER COUNT	CLK	
			W/NTC OF HRG AND PRF OF SRV	CLK	
			(PER CIRCUIT ATTNY FRANCE	CLK	
			IS STANDBY COUNSEL)	CLK	
20	09/13/17		PPL'S RESPONSE TO DEF'S MOT TO	CLK	TS
			QUASH THE HAB OFFEDN NTC	CLK	
			FILED BY PA STRATTON W/PRF	CLK	
			OF SRV	CLK	
21	09/29/17	D 001	REMOVE NEXT EVENT: 10/24/17 11:00 AM	CLK	JG
			MOTION HEARING		
22			NOTICE SENT FOR: 10/18/17 1:30 PM	CLK	JG
			MOTION HEARING		
			TO QUASH HABITUAL	CLK	
			OFFENDER COUNT;	CLK	
			ADJOURNED FROM	CLK	
			10/24/17, BY COURT	CLK	
23			PROOF OF SERVICE FILED	CLK	TS
			NTC TO APPEAR W/WRIT OF	CLK	

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		HABEAS CORPUS	CLK	
24		NOTICE	CLK	TS
		SET NEXT DATE FOR: 10/18/17 1:31 AM	CLK	
		MOTION HEARING		
		TO STIRKE IMMATERIAL INFO	CLK	
		W/PRF OF SRV FILED BY ATTNY	CLK	
		FRANCE W/DEF'S REPLY TO	CLK	
		THE PPL'S RESPNSE TO QUASH	CLK	
25	10/04/17	PROOF OF SERVICE FILED	CLK	TS
		FILED BY R BURTT RE: FELONY	CLK	
		INF	CLK	
26	10/12/17	REMOVE NEXT EVENT: 10/18/17 1:31 AM	CLK	JG
		MOTION HEARING		
27		SEND NOTICE FOR: 10/18/17 1:31 PM	CLK	JG
		MOTION HEARING		
		TO STIRKE IMMATERIAL INFO	CLK	
28	10/18/17	MOTION HEARING	CRT	JG
		ATTORNEY PRESENT: FRANCE	CRT	
		S BUMSTEAD, #8842 CER	CRT	
		ATTY FRANCE IS REPRESENTING	CRT	
		[illegible]	[illegible]	
		TO REMAND FOR MISDEMEANOR	CLK	
		PLEA/SENTENCING	CLK	
33	10/27/17	PROOF OF SERVICE FILED	CLK	TS
		FILED BY M KIRCZENKO W/	CLK	
		MOTION FOR RECONSIDERATION-	CLK	
		FORWARDED TO CIRCUIT	CLK	
34	10/31/17	DEF'S JURY INSTRUCTIONS, WIT/	CLK	TS
		EXH LIST FILED BY ATTNY	CLK	
		FRANCE W/PRF OF SRV	CLK	
35	11/03/17	PROOF OF SERVICE FILED	CLK	VL
		BY M JURCZENKO RE: ORD RE:	CLK	
		MOT TO QUASH HAB OFFENDER	CLK	
36		PROOF OF SERVICE FILED	CLK	VL
		AMENDED BY M JURCZENKO RE:	CLK	
		ORD RE: MOT TO QUASH HAB	CLK	
		OFFENDER	CLK	
37		MISCELLANEOUS ORDER	CLK	TS
		DENYING DEF'S MOT FOR RECON-	CLK	
		SIDERATION W/PRF OF MLG	CLK	
38	11/09/17	MOTION FILED	CLK	TS
		SET NEXT DATE FOR: 11/28/17 2:30 PM	CLK	
		MOTION HEARING		
		TO REMOVE APPOINTED	CLK	
		COUNSEL	CLK	
		W/NTC OF HRG, & PRF OF SRV	CLK	
40		WRIT OF HABEAS CORPUS FOR	CLK	TS
		H DIXON FOR 11/28/17 HRG	CLK	

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39	11/13/17	CORRECTED DATE ON ORDER DENY-	CLK	TS
		ING MOTION FOR RECONSIDERA-	CLK	
		TION W/PRF OF SRV	CLK	
41	11/28/17	MOTION HEARING	CRT	JG
		ATTORNEY PRESENT: FRANCE	CRT	
		S BUMSTEAD, #8842 CER	CRT	
		MOTION DENIED; PROCEED TO	CRT	
		TRIAL.	CRT	
42		RECORDING LOG	CLK	TS
43		PROOF OF SERVICE FILED	CLK	TS
		ORD RE: REMOVAL OF APPT	CLK	
		COUNSEL	CLK	
53		MISCELLANEOUS ORDER	CLK	TS
		RE: MOTION TO REMOVE APPT	CLK	
		COUNSEL IS DENIED	CLK	
44	12/01/17	PPL'S WIT/EXH LIST, JRY IN-	CLK	VL
		STRUCTIONS FILED BY PA R	CLK	
		STRATTON W/PRF OF SRV	CLK	
45	12/04/17	AMENDED DEF'S WIT/EXH LIST	CLK	TS
		FILED BY ATTNY FRANCE W/PRF	CLK	
		OF SRV	CLK	
46	12/11/17	PROOF OF SERVICE FILED	CLK	CM
		CORRESPONDENCE FROM INMATE D	CLK	
		COOPER	CLK	
47	12/13/17	REMOVE NEXT EVENT: 12/13/17 8:30 AM	CLK	JG
		JURY TRIAL		
48		NOTICE SENT FOR: 01/16/18 10:30 AM	CLK	JG
		PLEA HEARING		
		ADJOURNED FROM	CLK	
		12/16/17; PLEA	CLK	
		AGREEMENT REACHED	CLK	
		[illegible]	[illegible]	
		NTC TO APPEAR	CLK	
52	01/09/18	AMENDED DEF'S WIT/EXH LIST	CLK	VL
		FILED BY ATTNY FRANCE W/PRF	CLK	
		OF SRV	CLK	
54	01/16/18	PLEA HEARING	CRT	JG
		ATTORNEY PRESENT: FRANCE	CRT	
		S BUMSTEAD, #8842 CER	CRT	
		ADJOURNED	CRT	
		PLEA AGREEMENT REFUSED;	CRT	
		SET FOR JURY TRIAL.	CRT	
59		RECORDING LOG	CLK	TS
55	01/17/18	NOTICE SENT FOR: 03/07/18 8:30 AM	CLK	JG
		JURY TRIAL		
		THROUGH 3/9/18	CLK	
		**DEFENDANT TO APPEAR	CLK	
		IN PERSON**	CLK	

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			JURY TRIAL		
58			PLEA AGREEMENT	CLK	TS
60			PROOF OF SERVICE FILED	CLK	TS
			NTC TO APPEAR	CLK	
61			WRIT OF HABEAS CORPUS FOR 3/7-	CLK	TS
			3/9/18 FOR H DIXON	CLK	
62	01/30/18		SPECIFIC DISCOVERY REQ FILED	CLK	VL
			BY ATTNY J FRANCE W/PRF OF	CLK	
			MLG	CLK	
63	01/31/18		THIRD AMENDED DEF'S WIT/EXH	CLK	VL
			LIST FILED BY J FRANCE W/PRF	CLK	
			OF SRV	CLK	
64	02/02/18		WRIT OF HABEAS CORPUS FOR	CLK	TS
			H DIXON FOR 2/20/18	CLK	
65		D 001	NOTICE	CLK	TS
			ATTORNEY: P-60725 FRANCE	CLK	
			SET NEXT DATE FOR: 02/20/18 2:30 PM	CLK	
			MOTION HEARING		
			TO DISCHARGE APPT COUNSEL	CLK	
			NTC OF HRG W/MOT & PRF OF	CLK	
			SRV	CLK	
66	02/20/18		MOTION HEARING	CRT	JG
			ATTORNEY PRESENT: FRANCE	CRT	
			J GOESCHEL, #7733 CER	CRT	
			MOTION GRANTED; ATTY BIAS	CRT	
			TO BE APPOINTED TO REPRESENT	CRT	
			DEFENDANT.	CRT	
67		D 001	FROM: FRANCE,JENNIFER J.,	CLK	JG
			TO: BIAS,JAMES A.,	CLK	
68			RECORDING LOG	CLK	TS
69			MISCELLANEOUS ORDER	CLK	TS
			PD'S OFFICE SHALL BE ALLOWED	CLK	
			TO W/DRAW AND ATTNY BIAS IS	CLK	
			APPT TO THIS MATTER	CLK	
70	02/21/18		PROOF OF SERVICE FILED	CLK	TS
			FILED BY M JURZENKO RE: ORD	CLK	
			TO ALLOW COUSEL TO W/DRAW	CLK	
71	03/06/18		REMOVE NEXT EVENT: 03/07/18 8:30 AM	CLK	JG
			JURY TRIAL		
72			NOTICE SENT FOR: 05/09/18 8:30 AM	CLK	JG
			JURY TRIAL		
			THROUGH 5/11/18	CLK	
			**DEFENDANT TO APPEAR	CLK	
			IN PERSON**	CLK	
			ADJ FROM 3/7/18; BY COURT	CLK	
73			REMOVE NEXT EVENT: 03/08/18 8:30 AM	CLK	JG
			JURY TRIAL		
74			SET NEXT DATE FOR: 05/10/18 8:30 AM	CLK	JG
			JURY TRIAL		
			CONTINUED	CLK	
75			REMOVE NEXT EVENT: 03/09/18 8:30 AM	CLK	JG
			JURY TRIAL		
76			SET NEXT DATE FOR: 05/11/18 8:30 AM	CLK	JG
			JURY TRIAL		
77			PROOF OF SERVICE FILED	CLK	TS
			NTC TO APPEAR	CLK	
78			WRIT OF HABEAS CORPUS FOR	CLK	TS

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			5/9-5/11/18 FOR H DIXON			CLK
79	05/03/18		REMOVE NEXT EVENT: 05/09/18	8:30	AM	CLK JG
			JURY TRIAL			
80			NOTICE SENT FOR: 07/25/18	8:30	AM	CLK JG
			JURY TRIAL			
			THROUGH 7/27/18			CLK
			**DEFENDANT TO APPEAR			CLK
			IN PERSON**			CLK
			ADJ FROM 5/9/18; BY COURT			CLK
81			REMOVE NEXT EVENT: 05/10/18	8:30	AM	CLK JG
			JURY TRIAL			
82			SEND NOTICE FOR: 07/26/18	8:30	AM	CLK JG
			H DIXON FOR 7/25-2/27/18			CLK
87	05/04/18		DEF'S JRY INSTRUCTIONS, DEF'S			CLK VL
			WIT/EXH LIST FILED BY ATTNY			CLK
			J BIAS W/PRF OF SRV			CLK
88	07/17/18		REMOVE NEXT EVENT: 07/25/18	8:30	AM	CLK JG
			JURY TRIAL			
89			NOTICE SENT FOR: 08/07/18	2:00	PM	CLK JG
			PLEA HEARING			
			ADJOURNED FROM			CLK
			7/25/18; PLEA			CLK
			AGREEMENT REACHED			CLK
			DEF TO APPEAR IN PERSON			CLK
90			REMOVE NEXT EVENT: 07/26/18	8:30	AM	CLK JG
			JURY TRIAL			
91			REMOVE NEXT EVENT: 07/27/18	8:30	AM	CLK JG
			JURY TRIAL			
92			PPL'S WIT/EXH LIST, JRY IN-			CLK VL
			STRUCTIONS FILED BY PA R			CLK
			STRATTON W/PRF OF SRV			CLK
93			WRIT OF HABEAS CORPUS FOR H			CLK VL
			DIXON FOR 08/07/2018 FOR			CLK
			PLEA HEARING			CLK
94	07/18/18		PROOF OF SERVICE FILED			CLK VL
			NTC TO APPEAR			CLK
95	07/20/18		PLEA AGREEMENT			CLK VL
96	08/07/18	JOHNSON	PLEA HEARING			CRT JG
			ATTORNEY PRESENT: BIAS			CRT
			S BUMSTEAD, #8842 CER			CRT
			ADJOURNED			CRT
			DEFENDANT OPTED TO HAVE SAME			CRT
			PLEA/SENTENCING JUDGE			CRT
98		LAMBROS	RECORDING LOG			CLK TS
99			ASSIGNMENT - JUDGE JOHNSON			CLK TS
			BLANKET ASSIST			CLK
97	08/13/18		NOTICE SENT FOR: 08/30/18	10:00	AM	CLK JG
			PLEA HEARING			

			**DEFENDANT TO APPEAR	CLK	
			VIA VIDEO**	CLK	
100			PROOF OF SERVICE FILED	CLK	TS
			NTC TO APPEAR	CLK	
101	08/22/18		REMOVE NEXT EVENT: 08/30/18 10:00 AM	CLK	JG
			PLEA HEARING		
102			NOTICE SENT FOR: 09/04/18 10:00 AM	CLK	JG
			PLEA HEARING		
			**DEFENDANT TO APPEAR	CLK	
			VIA VIDEO**	CLK	
			ADJOURNED FROM 8/30/18;	CLK	
			BY COURT	CLK	
103			PROOF OF SERVICE FILED	CLK	VL
			NTC TO APPEAR	CLK	
106	09/04/18	00001	PLEA HEARING	CRT	JG
			ATTORNEY PRESENT: BIAS	CRT	
			S BUMSTEAD, #8842 CER	CRT	
			NOLLE PROSEQUI	CRT	
			& DISMISS HABITUAL OFFENDER	CRT	
			4TH OFFENSE NOTICE;	CRT	
			PER PLEA AGREEMENT	CRT	
107		00002	PLEA HEARING	CRT	JG
			ATTORNEY PRESENT: BIAS	CRT	
			S BUMSTEAD, #8842 CER	CRT	
			PLEAD GUILTY	CRT	
			PER PLEA AGREEMENT	CRT	
109			RECORDING LOG	CLK	VL
104	09/05/18		INFORMATION	CLK	TS
			AMENDED FELONY - ARRESTING	CLK	
			AGENCY MSP - W/PRF OF SRV	CLK	
108	09/13/18		NOTICE SENT FOR: 10/23/18 8:30 AM	CLK	JG
			SENTENCING		
			**DEFENDANT TO APPEAR	CLK	
			IN PERSON**	CLK	
110			WRIT OF HABEAS CORPUS FOR H	CLK	VL
			DIXON FOR SENTENCING ON	CLK	
			10/23/2018	CLK	
111			PROOF OF SERVICE FILED	CLK	VL
			NTC TO APPEAR	CLK	
112	10/23/18	00002	SENTENCING	CRT	JG
			ATTORNEY PRESENT: BIAS	CRT	
			S BUMSTEAD, #8842 CER	CRT	
			TERM TO BE SERVED CONSECUTIVE	CRT	
			TO THE TERM CURRENTLY SERVING	CRT	
			W/MDOC.	CRT	

SENTENCE PRISON:	MINIMUM	MAXIMUM	CREDIT
CONSECUTIVE	YYY- 11-DDD	YYY- 30-DDD	YYY-MMM-DDD

BEGIN 10/23/18

$68.00	JUSTICE SYSTEM		130.00	CRIME VICTIM	
$300.00	CUNNINGHAM COURT COSTS				
113			RECORDING LOG	CLK	TS
114			SENT INFO RPT	CLK	TS
115			NTC OF RIGHT TO APPELLATE REV	CLK	TS
			W/RCPT OF NTC	CLK	
116			FINAL ORDER OR JUDGMENT FILED	CLK	TS
			JDGMNT OF SENTENCE COMMIT	CLK	
			TO DOC	CLK	

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117	10/24/18		BOND CANCELED (01)	CLK TS
118			MISCELLANEOUS ORDER	CLK TS
			TO REMIT PRISONER FUNDS W/	CLK
			CERT OF MLG	CLK
119	10/26/18		PROP'D NOLLE PROS - SENT TO	CLK VL
			CIRCUIT -	CLK
120			MOT/ORD NOLLE PROS - CNT 1	CLK VL
			DISMISSED W/OUT PREJ	CLK
121	11/05/18		NTC OF RIGHT TO APPELLATE REV	CLK VL
			W/REQ FOR APPOINTMENT OF	CLK
			ATTNNY - FORWARDED TO	CLK
			CIRCUIT -	CLK
122	11/08/18	D 001	FROM: BIAS,JAMES A.,	CLK VL
			TO: VOGLER,MICHAEL D.,	CLK
123			MISCELLANEOUS ORDER	CLK VL
			RE: APPOINTMENT OF APPELLATE	CLK
			COUNSEL AND TRANSCRIPT	CLK
124	11/13/18		RPRTR/RCRDR CERT OF ORDERING	CLK TS
			OF TRANSCRIPT ON APPEAL	CLK
			FILED BY J GOESCHEL	CLK
125	11/16/18		RPRTR/RCRDR CERT OF ORDERING	CLK VL
			TRANSCRIPTS ON APPEAL FILED	CLK
			BY S WILDS	CLK
126	11/28/18		NTC OF FILING OF TRANSCRIPT	CLK VL
			AND AFFDVT OF MLG FILED BY J	CLK
			GOESCHEL	CLK
127			** TRANSCRIPT OF MOTION TO	CLK VL
			DISCHARGE APPOINTED COUNSEL	CLK
			ON 02/20/2018 **	CLK
128	11/29/18		RPRTR/RCRDR CERT OF ORDERING	CLK VL
			OF TRANSCRIPT ON APPEAL	CLK
			FILED BY R BOSLEY	CLK
129	12/11/18		NTC OF FILING OF TRANSCRIPT	CLK TS
			& AFFDVT OF MLG FILED BY	CLK
			R BOSLEY	CLK
130			** TRANSCRIPT OF PRELIM EXAM	CLK TS
			& CC ARRAIGNMENT ON 7/17/17	CLK
			FILED BY R BOSLEY	CLK
131	01/03/19		NTC OF FILING OF TRANSCRIPT &	CLK TS
			AFFDVT OF MLG FILED BY	CLK
			S WILDS W/AMENDED CERT OF	CLK
			ORDERING	CLK
132			TRANSCRIPT OF SENTENCE HRG ON	CLK TS
			10/23/2018 FILED BY S WILDS*	CLK
133			TRANSCRIPT OF PLEA HRG ON	CLK TS
			9/4/18 FILED BY S WILDS **	CLK
134			** TRANSCRIPT OF PLEA HRG ON	CLK TS
			8/7/18 FILED BY S WILDS **	CLK
135			** TRANSCRIPT OF PLEA HRG ON	CLK TS
			1/16/18 FILED BY S WILDS **	CLK
136			** TRANSCRIPT OF MOTION HRG ON	CLK TS
			10/18/17 FILED BY S WILDS **	CLK
137			** TRANSCRIPT OF PRETRIAL HRG	CLK TS
			ON 8/8/17 FILED BY S WILDS**	CLK
138	01/14/19		** UPDATED COVERSHEET OF	CLK TS
			TRANSCRIPT FOR 7/17/17 HRG	CLK
			INCORRECT FILE NUMBER WAS	CLK

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			ON ORIGINAL (PLACE W/ORIG	CLK
			TRANSCRIPT)	CLK
139	04/19/19	D 001	MOTION FILED	CLK VL
			ATTORNEY: P-38725 VOGLER	CLK
			SET NEXT DATE FOR: 05/29/19 10:30 AM	CLK
			MOTION HEARING	
			TO CORRECT AN INVALID	CLK
			SENTENCE	CLK
			W/BRIEF IN SPPRT, NTC OF	CLK
			HRNG AND PRF OF SRV	CLK
140	04/29/19		WRIT OF HABEAS CORPUS FOR H	CLK VL
			DIXON FOR 05/29/2019 POST-	CLK
			JDGMNT MOT TO CORRECT AN IN-	CLK
			VALID SENTENCE	CLK
141	05/01/19	D 001	ATTORNEY: P-38725 VOGLER	CLK JG
			REMOVE NEXT EVENT: 05/29/19 10:30 AM	CLK
			MOTION HEARING	
142			NOTICE SENT FOR: 06/13/19 10:00 AM	CLK JG
			MOTION HEARING	
			TO CORRECT AN INVALID SENTENCE	CLK
			ADJOURNED FROM 5/19/19;	CLK
			BY COURT **DEFENDANT TO	CLK
			APPEAR IN PERSON**	CLK
143	05/02/19		PROOF OF SERVICE FILED	CLK VL
			NTC TO APPEAR	CLK
144			WRIT OF HABEAS CORPUS FOR H	CLK VL
			DIXON FOR 06/13/2019 FOR	CLK
			POST-JDGMNT MOT TO CORRECT	CLK
			AN INVALID SENTENCE	CLK
145	06/13/19		MISCELLANEOUS ORDER	CLK VL
			RE: MOT TO CORRECT AN	CLK
			SENTENCE ** DENIED **	CLK

END OF SUMMARY

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CTN: 2017000601 kg

STATE OF MICHIGAN 91st JUDICIAL DISTRICT 50th JUDICIAL CIRCUIT	AMENDED INFORMATION FELONY	CASE NO.: 2017000601 DISTRICT: 17-60681-1-FY CIRCUIT: 17-3294-FH

District Court ORI: MI170015J
325 Court Street, Sault Ste. Marie, MI 49783 906-635-6320

Circuit Court ORI: MI170025J
319 Court Street Sault Ste. Marie, MI 49783 906-635-6338

		Defendant's name and address	ALIAS:
THE PEOPLE OF THE STATE OF MICHIGAN	V	HAMIN LORENZO DIXON 4533 W INDUSTRIAL PARK DR KINCHELOE, MI, 49788	

Co-Defendant(s)

Complaining Witness — Date: On or about 05/21/2016

City/Twp./Village	County in Michigan	Defendant TCN	Defendant CTN	Defendant SID	Defendant DOB
Kinross Township	Chippewa	G817201772H	17-17000601-01	2263028K	01/20/1983

Police agency report no.	Charge	DLN Type:	Vehicle Type	Defendant DLN
00M82 895-16	See below	Oper./Chauf		D-250-298-546-055

[ ] A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous case.

Witnesses

DETECTIVE/SGT ROBERT ALLEN	RECORDS PERSON	C/O HERIBERTO RUIZ-OJEDO
C/O CLINTON BRADLEY	C/O TRAVIS MILLER	SGT STANLEY SHUNK

STATE OF MICHIGAN, COUNTY OF CHIPPEWA
IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN: The prosecuting attorney for this County appears before the court and informs the court that on the date and at the location described above, the defendant:

COUNT 1: PRISONS - CELLPHONE VIOLATIONS
did being a prisoner in a correctional facility, did possess or use a cellular telephone or other wireless communicatior device in or on the grounds of a correctional facility without authorization; contrary to MCL 800.283A. [800.283A]
FELONY: 5 Years and/or $1,000.00

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50TH CIRCUIT COURT
CHIPPEWA COUNTY CLERK

COUNT 2: ATTEMPTED PRISONS - CELLPHONE VIOLATIONS
did attempt to commit the following listed offense and in the attempt did act towards the commission of that offense, but failed in the perpetration or was prevented in the execution thereof; contrary to MCL 750.92, being a prisoner in a correctional facility, did possess or use a cellular telephone or other wireless communication device in or on the grounds of a correctional facility without authorization; contrary to MCL 800.283A. [800.283A][A]
FELONY: 2 1/2 years; court shall order law enforcement to collect DNA identification profiling samples.

HABITUAL OFFENDER - FOURTH OFFENSE NOTICE
Take notice that the defendant was previously convicted of three or more felonies or attempts to commit felonies in that on or about 7-13-09, he or she was convicted of the offense of interfere with electronic communication in violation of 750.5405a; in the 31st Circuit Court for Port Huron, State of Michigan;

And on or about 7-13-09, he or she was convicted of the offense of home invasion 3rd degree in violation of 750.110A4; in the 31st Circuit Court for Port Huron, State of Michigan;

And on or about 2-11-08, he or she was convicted of the offense of fleeing 3rd degree in violation of 750.479A3; in the 31st Circuit Court for Port Huron, State of Michigan;

Therefore, defendant is subject to the penalties provided by MCL 769.12. [769.12]
PENALTY: Life if primary offense has penalty of 5 Years or more; 15 Years or less if primary offense has penalty under 5 Years. The maximum penalty cannot be less than the maximum term for a first conviction.

MCR 6.102 Probable Cause Determination is based in part on the police agency report referred to above and submitted herewith.

Upon conviction of a felony or an attempted felony court shall order law enforcement to collect DNA identification profiling samples.

and against the peace and dignity of the State of Michigan.

Prosecuting Attorney

9/5/18
Date

By: Pat O Stiem P66995

CTN: 17-17000601-01 CI1

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MICHIGAN DEPARTMENT OF CORRECTIONS

CRITICAL INCIDENT REPORT

CAJ-570
REV. 12/04
4835-0570

Incident Number: KCF 042-16

Institution/Field Office	Security Level	Date of Incident
KCF	II	05/21/2016
Location Where Incident Occurred	**Reporting Staff Member**	**Time of Incident**
D-2 Prisoner Bathroom	Sgt. Shunk	0009

Telephone Report Required? ☐ Yes ☒ No | If so, reported to whom, date & time: , &

1. INCIDENT DESCRIPTION: (Use Supplement Page, if Additional Space is needed.) Briefly describe the incident. Specifically who did or said what to whom. Describe actions, behaviors, and statements. Do not attempt to interpret actions, behavior or statements. For example, write J. Doe grabbed/hit/pushed D. Smith rather than J. Doe assaulted D. Smith.

On 5/21/16 at 0009 hours, Sgt. Shunk received a call from C/O Ruiz-Ojeda. C/O Ruiz-Ojeda said that he was making a round in the D-2 prisoner bathroom and he noticed Dixon 451781D-2-74 with a cellphone in the last bathroom stall. C/O Ruiz-Ojeda took the cellphone from Dixon. C/O Jobes and C/O Bradley escorted Dixon to his cube to get his ID card but they could not locate it. C/O Jobes and C/O Bradley escorted Dixon to the officer's desk where C/O Ruiz-Ojeda placed Dixon into restraints. C/O T. Miller and C/O Ruiz-Ojeda proceeded to escort Dixon to THC #1 without incident. Sgt. Shunk took a photograph of the cellphone and it was secured in MSP locker #1. C/O Jobes did a room search of Dixon's area of control and found the phone charger.

Supplemental Page Attached: ☒ Yes ☐ No

5/24/16

2. TYPE OF INCIDENT: (Check all that apply)

Homicide/Death
- ☐ Murder
- ☐ Attempted Murder
- ☐ Suicide
- ☐ Attempted Suicide
- ☐ Drug Overdose
- ☐ Other ____

Disturbance
- ☐ Riot/Strike/Demonstration
- ☐ Attempted Riot/Strike Demonstration
- ☐ Hostage Taking

Offender Control
- ☐ Staff Use of Force (other than routine fights)
  - ☐ Appropriate
  - ☐ Excessive

Escape

(Number of Prisoners - Total, and at each level)	Total # of Pris	Security Level I	II	III	IV	V	In-Transit
☐ Escape	___	___	___	___	___	___	___
☐ Escape Attempt	___	___	___	___	___	___	___

Incident Location
- ☒ Housing Unit
- ☐ Yard
- ☐ Other ____

Major Physical Plant Failure
- ☐ Security System
- ☐ Electrical
- ☐ Heat
- ☐ Water, Sewage
- ☐ Structural
- ☐ Other CC Book Insp. MSP

Assault

	# of Victims/ Perpetrators	Assault Category
☐ Staff Assaulted	___	___
☐ Offender Assaulted	___	___
☐ Visitor/Civilian Assaulted	___	___
☐ Offender Perpetrator	___	___
☐ - Resisting Staff	___	___
☐ - Not Resisting Staff	___	___
☐ Staff Perpetrator	___	___
☐ Visitor/Civilian Perpetrator	___	___
☐ Involved Sexual Assault or Abuse	___	___

Serious Physical Injury

	Assault Victims with	Accident Victims with
☐ Staff	___	___
☐ Offender	___	___
☐ Visitor/Civilian	___	___

Serious Emotional Reaction — # Victims with ...
- ☐ Staff ___
- ☐ Offender ___
- ☐ Visitor/Civilian ___

Miscellaneous
- ☐ Fire, Explosion or Natural Disaster (w/damage over $500 or serious physical injury)
- ☐ Medical Emergency
- ☐ Felony
- ☐ Disruptive Behavior
- ☐ Accident
- ☐ Illegal Conspiracy Involving Staff
- ☒ Other Critical Incident Possession of Contraband
- ☐ Media Attention Occurred

Notifications
- ☐ A telephone report required by policy.
  If so, to whom was it reported, the date, and time?

____

82-895-16

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CAJ-570

MICHIGAN DEPARTMENT OF CORRECTIONS
CRITICAL INCIDENT REPORT

Incident Number: KCF 042-16

3. STAFF INVOLVED OR WITNESSING INCIDENT

Name (PRINT)	Job Classification	Role In Incident	Statement Attached Yes	Statement Attached No
C/O Ruiz-Ojeda	E-9	Found Cellphone, Restraints, Esc. THC	☒	☐
C/O T.Miller	E-9	Escort THC	☒	☐
C/O Jobes	E-9	Escort, Found Cellphone Charger	☒	☐
Sgt. Shunk	CSS11	Photograph	☒	☐
C/O Bradley	E-9	Escort	☒	☐

4. OFFENDER INVOLVED IN INCIDENT

Offender Name (PRINT)	Offender ID#	ERD	Serving For	Role In Incident	Statement Attached Yes	Statement Attached No
Dixon	451781	01/12/2034	Attempt of Murder	Possession of Cellphone	☐	☒
					☐	☐
					☐	☐
					☐	☐
					☐	☐

5. CIVILIAN/VISITOR INVOLVED IN INCIDENT

Civilian/Visitor's Name (PRINT)	Address	Role In Incident	Statement Attached Yes	Statement Attached No
			☐	☐
			☐	☐

6. ACTION TAKEN BY STAFF AT TIME OF INCIDENT (Check all that apply)

- ☒ Command/Order Offender
- ☒ Contraband Confiscated
- ☐ Fire Control Procedure Initiated
- ☐ Firearm Drawn
- ☐ Firearm Discharged
- ☐ Chemical Agent Used
- ☒ Physical Restraint Used
- ☒ Shakedown/Search for Contraband
- ☐ Suicide Implements Taken/Cell Stripped
- ☒ Supervisor Notified
- ☐ Gun Squad Dressed Out
- ☐ Emergency Count Taken
- ☐ Emergency Mobilization Initiated
- ☒ Offender Interrogated
- ☒ Misconduct Report Written
- ☒ Custodial Assistance Called For
- ☐ Medical Assistance - Facility
- ☐ Medical Assistance - Civilian Hosp.
- ☐ Other ____

Offender Moved
- ☒ To Segregation/Temporary Hold
- ☐ To Control Center
- ☐ To Deputy's Office
- ☐ To Housing Unit Office
- ☐ To Other Place of Assistance
- ☐ Out of His/Her Cell

7. FINAL DISPOSITION (Check all that apply)

Offender Placed In
- ☐ Segregation
- ☐ Detention
- ☐ Toplock
- ☐ Holding Cell
- ☐ Direct Observation
- ☐ Psychiatric Unit
- ☐ Infirmary/Hospital
- ☐ Civilian Hospital
- ☒ Own Cell/Room/Dorm

Final Action
- ☐ Count Taken In Housing Unit
- ☐ ERT Deployed
- ☐ Employee Taken to Civilian Hospital
- ☒ Contraband Placed in Evidence Box
- ☐ Offender Taken Back Into Custody
- ☐ Offender Returned to Assignment
- ☐ Recommend Disciplinary on Employee
- ☐ Offender Grievance/Complaint Filed
- ☐ Offender Transferred

- ☒ Misconduct Report Written
- ☐ No Formal Action Taken
- ☐ Other ____

Case Referred To:
- ☒ Facility Inspector
- ☐ BHCS - Medical
- ☐ BHCS - PSU
- ☐ Internal Affairs
- ☒ MSP

8. CAUSES OR CONTRIBUTING FACTORS (Check all that apply)

- ☐ Sexual Behavior – Aggressive/Predatory
- ☐ Sexual Behavior – Passive/Consensual
- ☐ Racial Conflict
- ☐ Offender/Offender Conflict
- ☐ Offender/Staff Conflict
- ☐ Offender Reaction to Disciplinary Action
- ☐ Offender Reaction Parole Board Decision
- ☐ Offender Extortion/Strong-arming
- ☐ External Factors (family, friend, job, etc)
- ☐ Emotional Upset
- ☒ None Apparent
- ☐ Other (gambling, property, Religious, STG, etc.) ____

9. CRITICAL INCIDENT REPORT SUBMITTED

Submitted by: Name	Title	Date Submitted	Time Submitted
Sgt. Shunk	CSS-11	May. 21, 16	0009

82-845-IL

MICHIGAN DEPARTMENT OF CORRECTIONS
CRITICAL INCIDENT REPORT

CAJ-570

Incident Number
KCF 042-16

1. INCIDENT DESCRIPTION (Cont'd.)	Briefly describe the incident. Specifically who did or said what to whom. Describe actions, behaviors, and statements. Do not attempt to interpret actions, behavior or statements. For example, write J. Doe grabbed/hit/pushed D. Smith rather than J. Doe assaulted D. Smith.

Warden MacLaren was notified at 0406 hours on 5/21/16. Dixon was issued Misconducts for possession of dangerous contraband and smuggling.

Attached:

OTIS Face Sheet
Evidence Report
2 - CSJ-228 Misconduct Report
CSJ-284 Contraband Removal Record
2 - Photographs

3. STAFF INVOLVED OR WITNESSING INCIDENT: (Continued)

Name (PRINT)	Job Classification	Role in Incident	Statement Attached	
			Yes	No
			☐	☐
			☐	☐
			☐	☐
			☐	☐

4. OFFENDER INVOLVED IN INCIDENT: (Continued)

Offender Name (PRINT)	Offender ID#	ERD	Serving For	Role in Incident	Statement Attached	
					Yes	No
					☐	☐
					☐	☐
					☐	☐
					☐	☐

5. CIVILIAN/VISITOR INVOLVED IN INCIDENT: (Continued)

Civilian/Visitor's Name (PRINT)	Address	Role in Incident	Statement Attached	
			Yes	Yes
			☐	☐
			☐	☐
			☐	☐

82-895-14

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MICHIGAN DEPARTMENT OF CORRECTIONS
PRESENTENCE INVESTIGATION REPORT

CFJ-145
Rev. 11/09

Honorable: James P. Lambros | **County:** Chippewa County | **Sentence Date:** 10/23/2018

MDOC Nbr.: 451781 | **Attorney:** James Bias | **Appointed/Retained:** Appointed

Defendant: Dixon, Hamin Lorenzo | **Age:** 35 | **D.O.B.:** 01/20/1983

CURRENT CONVICTION(S)

Final Charge(s)			Max Yrs	Max Mo.	Max Days	Jail Credit Days	Bond	Convicted By	Conviction Date
Charge(1): 173294-FH	800.283A [A]	Prisons - Furnishing Cellphone to Prisoner (Attempt)	2	6		0	N/A	Plea	09/04/2018

SOR Required: ☐ **Date SOR Completed:**

Plea Agreement: In exchange for his guilty plea to an amended Ct. 2-Attempted- Prisons-Cellphone Violations, prosecution has agreed to dismiss Ct. 1-Prisons-Cellphone Violations as well as HOA 4th sentence enhancement. Sentencing in this matter is for 10/23/18. **HYTA:** No

Pending Charges: N/A **Where:** N/A

Status at Time of Offense: State Prisoner

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50TH CIRCUIT CT

PRIOR RECORD

Conviction: Felonies: 13 **Misdemeanors:** 4 **Juvenile Record:** Yes

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

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

SENT 10/23/18

Current Michigan Prisoner: Yes

Currently Under Sentence: Yes

Sentence Date	Offense	County/State	Sentence	Min.	Max.
09/24/2004	Controlled Substance-Delivery/Manf., Nar/Coc <50 Grams	St. Clair County	Prison	1y - 5m	20y
10/15/2004	Controlled Substance-Delivery/Manf., Nar/Coc <50 Grams (Hab Crim 3rd Off.)	St. Clair County	Prison	1y - 5m	40y
02/11/2008	Police Officer - Fleeing - Third Degree (Attempt) (Hab Crim 3rd Off.)	St. Clair County	Prison	1y	5y
07/13/2009	Home Invasion - 3rd Degree (Hab Crim 3rd Off.)	St. Clair County	Prison	2y	10y
07/13/2009	Interfering with Electronic Communications (Hab Crim 3rd Off.)	St. Clair County	Prison	2y	4y
10/19/2009	Attempt to Murder (Hab Crim 4th Off.)	St. Clair County	Prison	22y - 6m	40y
10/19/2009	Poisoning - Food/Drink/Medicine/Water Supply (Hab Crim 4th Off.)	St. Clair County	Prison	22y - 6m	40y
10/19/2009	Poisoning - Food/Drink/Medicine/Water Supply (Conspiracy) (Hab Crim 4th Off.)	St. Clair County	Prison	22y - 6m	40y
10/19/2009	Witnesses-Intimidating-Committing Crime/Threatening Kill/Inj (Hab Crim 4th Off.)	St. Clair County	Prison	22y - 6m	40y
02/01/2010	Assault with Dangerous Weapon (Felonious Assault)	St. Clair County	Prison	1y - 2m	4y

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PERSONAL HISTORY

Where Employed: Unemployed **Education:** Twelfth Grade

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

Substance Abuse History: Yes

What	How Long
THC (Marijuana, Hashish, etc.)	1996 to Present
Alcohol	2000 to Present
Cocaine	2002 to 2006

Investigating Agent: DENVER J MCBURNEY **Caseload No.:** 3187 **Date:** 09/24/2018
Worksite: Chippewa/Sault Ste. Marie **Phone No:** (906)635-6345

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DEPARTMENT OF CORRECTIONS RECOMMENDATION

Jail Credit:

DOCKET NO. 173294-FH			
Date(s)	**Action**	**Sentence Details**	**Days**
07/25/18-10/23/18	Arrest/Sent.		0
		Total Days Jail Credit	**0**

Ct. 2-Attempt-Prisons-Cellphone Violation – It is recommended that the defendant be sentenced to a prison commitment of 17 months to 30 months under the supervision of the Michigan Department of Corrections. Statute mandates that this term be served consecutively to those presently being served by the defendant. All monetary assessments shall apply as determined by the sentencing court.

1. (08.18) You must pay $68.00 State Cost as ordered by the Court.

2. (08.2) You must pay a crime victim's assessment in the amount of $130.00 as ordered by the court.

3. (08.4) You must pay court costs of $300.00 as ordered by the court.

Supervisor: STEPHANIE S SZWEC-GORDON **Date:** 09/24/2018

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Evaluation and Plan

Attached hereto and made a part thereof is a presentence investigation report that was prepared by Agent Wilson for the 31st Circuit Court, St. Clair County on 01/27/10. Any additions, deletions or corrections are contained herein.

Appearing before the court is 35 year old Hamin Lorenzo Dixon who pled guilty in the 50th Circuit Court, Chippewa County to an amended Ct. 2-Attempted-Prisons-Cellphone Violations. In exchange for his guilty plea, prosecution has agreed to dismiss Ct. 1-Prisons-Cellphone Violations as well as HOA 4th sentence enhancement. Sentencing in this matter is for 10/23/18.

The instant offense occurred while the defendant was incarcerated as an inmate at the Kinross Correctional Facility. Reports indicate that facility staff found the defendant to be in possession of a cellular telephone. Staff took possession of the cell phone and the defendant was placed in restraints without further incident. A subsequent search revealed that the cellphone charger was located in the defendant's area of control.

MDOC records indicate that since most recently being sentenced to prison on 10/19/09, the defendant has incurred 22 major misconduct reports related to disciplinary issues. In addition to misconduct related to the instant offense, these include; Fighting, Possession Of A Weapon, Substance Abuse, Theft/Possession Of Stolen Property, Destruction/Misuse Of Property and Disobeying A Direct Order.

The defendant was positively identified utilizing MDOC records.

Criminal history for the defendant now includes 14 felony convictions with the instant offense representing a continuing pattern of disregard for the law as well as MDOC rules and regulations.

Sentencing guidelines in this case are 5 months to 17 months.

OV19 was assessed 25 points as the defendant's conduct threatened the security of the penal institution. The possession and use of a device that has cellular telephone capabilities within the secure perimeter of a correctional facility puts both staff and inmates' lives in jeopardy. An inmate's ability to engage freely in unmonitored conversations with outside entities puts correctional administrators at a serious disadvantage with regard to institutional safety and security. Matters such as escape, assault (both staff and prisoner) and introduction of contraband may be freely discussed by a prisoner possessing and utilizing an unauthorized cellular telephone.

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Based on the above information, it is respectfully recommended that the defendant be sentenced as follows:

Ct. 2-Attempt-Prisons-Cellphone Violation – It is recommended that the defendant be sentenced to a prison commitment of 17 months to 30 months under the supervision of the Michigan Department of Corrections. Statute mandates that this term be served consecutively to those presently being served by the defendant. All monetary assessments shall apply as determined by the sentencing court.

Agent's Description of the Offense

On 05/21/16 at approximately 12:09 A.M., Kinross Correctional Facility staff were making routine rounds when they discovered the defendant, Hamin Lorenzo Dixon, in the D-2 bathroom with a cellphone in his possession. Staff confiscated the cellphone and placed the defendant in restraints without incident. Staff maintained the chain of custody as the cellphone was placed in facility MSP evidence locker #1. A subsequent search of the defendant's cell revealed that the cellphone charger was in the defendant's area of control.

Consecutive Sentences

Mandatory per statute.

Victim's Impact Statement

Mandatory per statute.

Defendant's Description of the Offense

The defendant was given the opportunity to provide a written statement but has chosen to rely on statements made at the time of his plea.

Criminal Justice

Juvenile History:

NO. 1 OF 1

Offense Date:	06/26/1996
Petition Date:	06/28/1996
Petitioning Agency:	Port Huron Police Department
Charge(s) at Petition:	Breaking and Entering with Intent
Court of Jurisdiction:	St. Clair County Probate Court
Final Charges:	Attempted Breaking and Entering with Intent
Adjudication Date/Method:	08/19/1998 / Plea
Sentence/Disposition:	Made a Ward of the Court, juvenile probation under supervision of the Family Independence Agency
Sentence/Disposition Date:	08/18/1998
Attorney Present:	Yes
Discharge Date:	01/24/2002
Notes:	Dixon had several minor violation of probations. As a result, he was placed in the King Group Home in Mt. Clemens, Michigan, which was operated by Boysville.

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Michigan Department of Corrections
Presentence Investigation
New Conviction Update Report

CFJ-284A
Rev. 10/03

Adult History:

NO. 1 OF 12

Offense Date:	01/23/2002
Status at Time of Offense:	Not Applicable
Arrest Date:	01/23/2002
Arresting Agency:	Port Huron Police Department
Charge(s) at Arrest:	Minor in Possession of Alcohol
Court of Jurisdiction:	72nd District Court - Docket PH226872
Final Charges:	Minor in Possession of Alcohol
Conviction Date/Method:	03/04/2002 / Plea
Sentence/Disposition:	$75.00 fines and costs
Sentence Date:	03/04/2002
Attorney Present:	No
Discharge Date:	Unknown
Notes:	None.

NO. 2 OF 12

Offense Date:	06/25/2002
Status at Time of Offense:	Not Applicable
Arrest Date:	06/25/2002
Arresting Agency:	Port Huron Police Department
Charge(s) at Arrest:	Leave the Scene of a Property Damage Accident
Court of Jurisdiction:	72nd District Court - Docket PH255363
Final Charges:	Leave the Scene of a Property Damage Accident
Conviction Date/Method:	10/08/2002 / Plea
Sentence/Disposition:	$373.75 fine or serve 30 days jail
Sentence Date:	11/14/2002
Attorney Present:	No
Discharge Date:	Unknown
Notes:	None.

NO. 3 OF 12

Offense Date:	09/15/2002
Status at Time of Offense:	Not Applicable
Arrest Date:	09/16/2002
Arresting Agency:	Port Huron Police Department
Charge(s) at Arrest:	Felonious Assault
Court of Jurisdiction:	31st Circuit Court. Case 02-2600FH
Final Charges:	Felonious Assault
Conviction Date/Method:	03/19/2003 / Jury
Sentence/Disposition:	9 months jail
Sentence Date:	04/14/2003
Attorney Present:	Yes
Discharge Date:	Unknown
Notes:	None.

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Michigan Department of Corrections
Presentence Investigation
New Conviction Update Report

CFJ-284A
Rev. 10/03

NO. 4 OF 12

Offense Date:	09/16/2002
Status at Time of Offense:	Not Applicable
Arrest Date:	09/16/2002
Arresting Agency:	Port Huron Police Department
Charge(s) at Arrest:	Carrying a Concealed Weapon
Court of Jurisdiction:	31st Circuit Court - Docket 02-2599-FH
Final Charges:	Attempted Carrying a Concealed Weapon
Conviction Date/Method:	05/20/2003 / Plea
Sentence/Disposition:	2 years probation, not use drugs, enter and complete the 90-day Huron House Residential Program
Sentence Date:	06/23/2003
Attorney Present:	Yes
Discharge Date:	09/24/2004
Notes:	Dixon was discharged as a probation violator and sentenced to serve 1 year, 5 months to 2 years, 6 months in prison.

NO. 5 OF 12

Offense Date:	10/28/2002
Status at Time of Offense:	Not Applicable
Arrest Date:	Unknown
Arresting Agency:	Port Huron Police Department
Charge(s) at Arrest:	Count I - Delivery of Cocaine Under 50 Grams Count II - Possession of Marijuana
Court of Jurisdiction:	31st Circuit Court - Docket 03-850-FH
Final Charges:	Count I - Delivery of Cocaine Under 50 Grams
Conviction Date/Method:	05/20/2003 / Plea
Sentence/Disposition:	3 years probation, not use drugs, enter and complete the 90-day Huron House Residential Program
Sentence Date:	06/23/2004
Attorney Present:	Yes
Discharge Date:	09/24/2004
Notes:	Dixon was discharged as a probation violator and sentenced to serve 1 year, 5 months to 20 years in prison.

NO. 6 OF 12

Offense Date:	07/07/2004
Status at Time of Offense:	Not Applicable
Arrest Date:	07/07/2004
Arresting Agency:	St. Clair Drug Task Force
Charge(s) at Arrest:	Count I - Possession With Intent to Deliver Cocaine Under 50 Grams, 2nd Drug Conviction Double Penalty Count II - Resisting a and Obstruction a Police Officer Count III - Disorderly Person
Court of Jurisdiction:	31st Circut Court - Docket 04-1781-FH
Final Charges:	Possession with Intent to Deliver Cocaine Under 50 Grams, Habitual 3rd
Conviction Date/Method:	09/24/2004 / Plea
Sentence/Disposition:	1 year, 6 months to 40 years prison

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Sentence Date:	10/15/2004
Attorney Present:	Yes
Discharge Date:	Unknown
Notes:	This case is still active. Dixon was paroled on 02/10/2009

NO. 7 OF 12

Offense Date:	11/19/2006
Status at Time of Offense:	Unknown
Arrest Date:	11/19/2006
Arresting Agency:	Grosse Pointe Shores Police Department
Charge(s) at Arrest:	Operating While Intoxicated - Ordinance Misdemeanor
Court of Jurisdiction:	32B Municipal Court Grosse Pointe Park. Case 0642417A
Final Charges:	Operating While Intoxicated - Ordinance Misdemeanor
Conviction Date/Method:	12/14/2006 / Plea
Sentence/Disposition:	Placed on 1 year term of probation and ordered to pay $1165.00 in Fines and Costs
Sentence Date:	01/18/2007
Attorney Present:	Yes
Discharge Date:	Unknown

NO. 8 OF 12

Offense Date:	08/31/2007
Status at Time of Offense:	Parole
Arrest Date:	08/31/2007
Arresting Agency:	Port Huron Police Department
Charge(s) at Arrest:	Count I - Police Officer-Fleeing 3rd, Habitual 4th Count II - Operating License Suspended 2nd Count III - Failure to Stop After Collison Count IV - Attempt Fleeing Police Officer 3rd, Habitual 4th
Court of Jurisdiction:	31st Circuit Court - Docket 07-2333-FH
Final Charges:	Count II - Operating License Suspended 2nd Count IV - Attempt Police Officer-Fleeing 3rd, Habitual 3rd
Conviction Date/Method:	01/03/2008 / Plea
Sentence/Disposition:	Count II - Sentenced to serve 164 days in jail with credit for 164 days held in custody Count IV - Sentenced to serve 1 year to 5 years in Prison
Sentence Date:	02/11/2008
Attorney Present:	Yes
Discharge Date:	Unknown
Notes:	Dixon was released on parole on 02//10/2009

NO. 9 OF 12

Offense Date:	02/10/2009
Status at Time of Offense:	Parole
Arrest Date:	02/12/2009
Arresting Agency:	Port Huron Police Department
Charge(s) at Arrest:	Ct. 1. Home Invasion 1st Degree. Ct. 2. Interfering With Electronic Communication. As Enhanced by Habitual Offender 3rd Conviction
Court of Jurisdiction:	St. Clair County Circuit Court. Case 09-699FH

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Michigan Department of Corrections
Presentence Investigation
New Conviction Update Report

CFJ-284A
Rev. 10/03

Final Charges:	Ct. 2. Interfering With Electronic Communication . Ct. 3. Home Invasion 3rd Degree. As Enhanced by Habitual Offender 3rd Conviction
Conviction Date/Method:	06/10/2009 / Plea
Sentence/Disposition:	Ct. 2. Sentenced to serve 2 years to 4 years in Prison. Ct. 3. sentenced to serve 2 to 10 years in Prison
Sentence Date:	07/13/2000
Attorney Present:	Yes
Discharge Date:	Unknown
Notes:	This offense involved Dixon forcing his way into his former girlfriend's residence the day he was released on parole.

NO. 10 OF 12

Offense Date:	02/28/2009
Status at Time of Offense:	Jail
Arrest Date:	03/20/2009
Arresting Agency:	Port Huron Police Department
Charge(s) at Arrest:	Ct. 1. Attempted Murder Ct. 2. Conspiracy to Poisoning Food Drink or Medicine Ct. 3. Poisoning Food Drink or Medicine Ct. 4. Witnesses, Intimidating, Threatening All Four Charges are Enhanced by the Charge of Habitual Offender 4th Conviction
Court of Jurisdiction:	St. Clair County Circuit Court. Case 09-1342FC
Final Charges:	Ct. 1. Attempted Murder Ct. 2. Conspiracy to Poisoning Food Drink or Medicine Ct. 3. Poisoning Food Drink or Medicine Ct. 4. Witnesses, Intimidating, Threatening All Four Charges are Enhanced by the Charge of Habitual Offender 4th Conviction
Conviction Date/Method:	09/16/2009 / Jury
Sentence/Disposition:	Sentenced to serve 22 years 6 months to 40 years in Prison
Sentence Date:	10/19/2009
Attorney Present:	Yes
Discharge Date:	Unknown

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Michigan Department of Corrections
Presentence Investigation
New Conviction Update Report

NO. 11 OF 12

Offense Date:	07/04/2009
Status at Time of Offense:	Parole
Arrest Date:	08/03/2009
Arresting Agency:	St. Clair Couinty Sheriff's Department
Charge(s) at Arrest:	Felonious Assault
Court of Jurisdiction:	St. Clair County Circuit Court. Case 09-2517FH
Final Charges:	Felonious Assault
Conviction Date/Method:	01/04/2010 / Plea
Sentence/Disposition:	14 months to 48 month prison commitment with MDOC.
Sentence Date:	Unknown
Attorney Present:	Yes
Discharge Date:	Unknown
Notes:	This offense alleges that Dixon struck another inmate in the back of the head with a mop handle, while Dixon was in the St. Clair County Jail

NO. 12 OF 12

Offense Date:	05/21/2016
Status at Time of Offense:	State Prisoner
Arrest Date:	07/25/2018
Arresting Agency:	Michigan State Police
Charge(s) at Arrest:	Ct. 1-Prisons-Cellphone Violations
Court of Jurisdiction:	50th Circuit Court, Chippewa County
Final Charges:	Ct. 1-Attempted-Prisons-Cellphone Violations
Conviction Date/Method:	09/04/2018 / Plea
Sentence/Disposition:	INSTANT OFFENSE
Sentence Date:	10/23/2018
Attorney Present:	Yes
Discharge Date:	Unknown

Personal Protection Order(s): None known.

Gang Involvement:

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

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MICHIGAN DEPARTMENT OF CORRECTIONS
BASIC INFORMATION REPORT

4836-6101
12/06 CFJ-101

Court Name (Last, First, Middle)	MDOC Nbr.	Given Name(Last, First, Middle)
Dixon, Hamin Lorenzo	451781	Same

Name Type	Other Names (Last, First, Middle)
Alias	DIXIN, HAMIN LORENZO; DIXON, HAMIN L

Place of Birth	Citizenship	Last Known Address & Telephone No.
Michigan	USA	1427 22nd St Port Huron Michigan 48060-5518 (810)357-5789
State & DLN Michigan D 250 298 546 055	DOB 01/20/1983	
SID No. 2263028K	FBI No. 736615XB9	

Race	Sex	Hair	Eyes
Black or African American	Male	Black	Brown

Height	Weight	Highest Grade Completed	Occupation	Health Ins.	Assets-$1,500 & Up	Monthly Income of $75 & Up
5' 9"	180	Twelfth Grade	None	No	No	No

Marital Status	Dependents	Religion	Military Branch	Military Dates	Discharge Type
Single	4	Muslim	None	None	None

Marks, Scars, Amputations, Tattoos			Drug Abuse	Alcohol Abuse	Mental Health Treatment
Scar Right Lower Face Tattoo Left Upper Breast Tattoo Right Center Bicep	Scar Center Forearm Tattoo Left Forearm Tattoo Right Forearm	Tattoo Right Upper Chest Tattoo Right Center Forearm	Yes	Yes	No

CRIMINAL HISTORY

Juvenile			Adult				Status at Time of Offense				
Comm.	Prob.	Esc.	Jail	Pris.	Prob.	Esc.			None		Delayed Sentence
1	1	0	2	4	2	0			HYTA		Parole
									Probation		Jail
									District Probation	X	State Prison
									Federal Probation		On Bond
									Federal Parole		Juvenile Court Supervision

Age of First Arrest	Sex Offense Convictions	SAI Eligible
13	0	No

Pending Charges in Court	No. of Prior Felony Convictions
No	13

Type of Report	County	Agent & Caseload No.	
Presentence Update	Chippewa County	DENVER J. MCBURNEY - 3187	
	DOC Recommended Disposition 4	Probation Violation New Sentence No	Probation Violation Technical No

CURRENT OFFENSE

NO. 1 OF 1 Docket No.: Charge (1): 173294-FH Last Name: Dixon

PACC Code	Offense	Max	Consecutive Sentence
800.283A[A]	Prisons - Furnishing Cellphone to Prisoner (Attempt)	2 yrs.6 mos.	Yes

Victim / Relationship	Codefendant(s)
None	None

Circuit	Judge	Attorney	Retained / Appointed
50th Circuit Court - Chippewa County	James P. Lambros	James Bias	Appointed

Method of Conviction	Date of Offense	Date of Arrest	Date of Bond	Date of Conviction	Jail Credit	Guilty But Mentally Ill
Plea	05/21/2016	07/25/2018	N/A	09/04/2018	0	No

DISPOSITION

Sentence Type	Sentence Date	CTN	Fine	Cost	Restitution
		171700060101			

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: 5	High: 17			129	25

Comments:

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SENTENCING INFORMATION REPORT

Offender: Dixon, Hamin Lorenzo **SSN:** 366-92-9501 **Workload:** 2239 **Docket Number:** 092517-FH

Judge: The Honorable Peter E. Deegan **Bar No.:** P12619 **Circuit No.:** 31 **County:** 74

Conviction Information

Conviction PACC: 750.82 **Offense Title:** Assault with Dangerous Weapon (Felonious Assault)

Crime Group: Person **Offense Date:** 07/04/2009

Crime Class: Class F **Conviction Count:** 1 of 1 **Scored as of:** 07/04/2009

Statutory Max: 48 **Habitual:** No **Attempted:** No

Prior Record Variable Score

PRV1: 50 **PRV2:** 20 **PRV3:** 0 **PRV4:** 2 **PRV5:** 2 **PRV6:** 20 **PRV7:** 20

Total PRV: 114

PRV Level: F

Offense Variable

OV1: 10 **OV2:** 1 **OV3:** 0 **OV4:** 0 **OV5:** 0 **OV6:** 0 **OV7:** 0

OV8: 0 **OV9:** 0 **OV10:** 0 **OV11:** 0 **OV12:** 0 **OV13:** 25 **OV14:** 0

OV16: 0 **OV17:** 0 **OV18:** 0 **OV19:** 0 **OV20:** 0

Total OV: 36

OV Level: III

Sentencing Guideline Range

Guideline Minimum Range : 14 to 29

Minimum Sentence

	Months	Life
Probation:		☐
Jail:		
Prison:	14	☐

Sentence Date: 02/01/2010

Guideline Departure: **Consecutive Sentence:** Yes

Concurrent Sentence:

Sentencing Judge: **Date:**

Prepared By: WILSON, GEORGE R

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MICHIGAN DEPARTMENT OF CORRECTIONS
PRESENTENCE INVESTIGATION REPORT

CFJ-145
Rev. 11/09

Honorable: Peter E. Deegan | **County:** St. Clair County | **Sentence Date:** 02/01/2010

MDOC Nbr.: 451781 | **Attorney:** Michael Boucher | **Appointed/Retained:** Appointed

Defendant: Dixon, Hamin Lorenzo | **Age:** 27 | **D.O.B.:** 01/20/1983

CURRENT CONVICTION(S)

Final Charge(s)			Max Yrs	Max Mo.	Max Days	Jail Credit Days	Bond	Convicted By	Conviction Date
Charge(1): 092517-FH	750.82	Assault with Dangerous Weapon (Felonious Assault)	4			0	Not Posted	Plea	01/04/2010

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

Plea Agreement: Dismiss Habitual Offender, Fourth Conviction **HYTA:** No

Pending Charges: None **Where:** N/A

Status at Time of Offense: Parole

PRIOR RECORD

Conviction: Felonies: 7 **Misdemeanors:** 4 **Juvenile Record:** Yes

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

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

Current Michigan Prisoner: Yes

Currently Under Sentence: Yes

Sentence Date	Offense	County/State	Sentence	Min.	Max.
09/24/2004	Controlled Substance-Delivery/Manf., Nar/Coc <50 Grams	St. Clair County	Prison	1y - 5m	20y
10/15/2004	Controlled Substance-Delivery/Manf., Nar/Coc <50 Grams (Hab Crim 3rd Off.)	St. Clair County	Prison	1y - 5m	40y
02/11/2008	Police Officer - Fleeing - Third Degree (Attempt) (Hab Crim 3rd Off.)	St. Clair County	Prison	1y	5y
07/13/2009	Home Invasion - 3rd Degree (Hab Crim 3rd Off.)	St. Clair County	Prison	2y	10y
07/13/2009	Interfering with Electronic Communications (Hab Crim 3rd Off.)	St. Clair County	Prison	2y	4y
10/19/2009	Attempt to Murder (Hab Crim 4th Off.)	St. Clair County	Prison	22y - 6m	40y
10/19/2009	Poisoning - Food/Drink/Medicine/Water Supply (Hab Crim 4th Off.)	St. Clair County	Prison	22y - 6m	40y
10/19/2009	Poisoning - Food/Drink/Medicine/Water Supply (Conspiracy) (Hab Crim 4th Off.)	St. Clair County	Prison	22y - 6m	40y
10/19/2009	Witnesses-Intimidating-Committing Crime/Threatening Kill/Inj (Hab Crim 4th Off.)	St. Clair County	Prison	22y - 6m	40y

PERSONAL HISTORY

Where Employed: Unemployed **Education:** Twelfth Grade

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

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STATE OF MICHIGAN

IN THE 50TH CIRCUIT COURT FOR THE COUNTY OF CHIPPEWA

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

Vs File No: 17-3294-FH

HAMIN LORENZO DIXON,

Defendant.
_____/

PLEA

BEFORE THE HONORABLE JAMES P. LAMBROS - CIRCUIT JUDGE

Sault Ste. Marie, Michigan - Tuesday, September 4, 2018

APPEARANCES BY:

For the Plaintiff: ROBERT L. STRATTON, III, P66995
Prosecuting Attorney
325 Court Street
Sault Ste. Marie, MI 49783
906-632-6379

For the Defendant: JAMES BIAS, P59338
Attorney at Law
P.O. Box 361
Drummond Island, MI 49726
906-259-0404

Transcribed by: SUSAN WILDS, CER 5447
Certified Recorder

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Direct Examination by Mr. Bias. 7

EXHIBITS:

NONE

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Sault Ste. Marie, Michigan.

Tuesday, September 4, 2018 - 10:06 a.m.

THE COURT: Mr. Stratton is now present in the courtroom. We are postured for entry of a plea. Mr. Dixon can you please state your name and date of birth for the record please?

MR. DIXON: Hamin Lorenzo Dixon, 1-20-83.

THE COURT: Thank you Mr. Dixon. Mr. Bias are we postured with a plea? Are we pleading then mister---

MR. BIAS: We are your Honor. I do have a copy of a plea agreement.

THE COURT: I do right there.

MR. BIAS: I believe the court should have a copy of. My client has not signed it but I had signed it with his permission I think back in late July.

THE COURT: Okay, and Mr. Dixon---

MR. DIXON: Hello.

THE COURT: Oh, I'm sorry Mr. Dixon go ahead.

MR. DIXON: I can't hear counsel for --- I think there's something wrong with that mic and maybe the, the ones on the table. I can't hear them.

THE COURT: Okay, Mr. Dixon, what Mr. Bias just informed us is that you wish to plead guilty to prisoner in possession of a cellphone, or pleading guilty of an added count two, attempted prisoner in possession of a cellphone,

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count one would be dismissed. Is that your understanding as, as with the habitual offender? So you'd be pleading guilty to an added count two, attempted prisoner of possession of a cellphone.

MR. DIXON: Yes.

THE COURT: Okay, thank you. Then Mr. Colvin can you please swear in Mr. Dixon please.

BAILIFF COLVIN: Mr. Dixon please raise your right hand. Do you solemnly swear or affirm the testimony you're about to give is the truth, the whole truth and nothing but the truth?

MR. DIXON: Yes.

HAMIN DIXON

(At 10:08 a.m., called by the Court, sworn in as a witness, testified as follows)

EXAMINATION BY THE COURT

THE COURT: Thank you. Thank you Mr. Colvin. Mr. Dixon you're before the court today on a one count complaint stemming from an incident that occurred on or about May 21st, 2016 in Kinross Township, County of Chippewa, State of Michigan.

Mr. Dixon the courts been advised a pleas been negotiated whereby you are pleading guilty to an added count two, attempted prisoner in possession of cellphone, which is a two and a half year felony and up to $500.00 in fines and

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costs. In exchange for your plea of guilty to the added count two, count one and the habitual offender fourth will be dismissed. Is that your understanding Mr. Dixon of the plea agreement?

THE WITNESS: Yes.

THE COURT: Thank you. You understand Mr. Dixon that if the court accepts your guilty plea, you'll be giving up several constitutional rights you have throughout these proceedings. Specifically in this matter on these charges you are presumed innocent. You have the right to have the prosecutor attorney prove beyond a reasonable doubt that you're guilty of these offense, or this offense.

You have the right to have a jury trial. You have the right to have any witnesses against you appear at that jury trial. You have the right to question any and all witnesses that appear for or against you at trial. You have the right to have the court order any witnesses you have for your defense to appear at that trial.

You have the right to testify at that trial Mr. Dixon. And you also have the right to remain silent. If you elect to remain silent your silence cannot be used against you. Do you understand your constitutional rights Mr. Dixon as I've explained them to you?

THE WITNESS: Yes.

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THE COURT: Thank you. Are you willing to waive those rights, and proceed with the plea that we've stated on the record today?

THE WITNESS: Yes.

THE COURT: Thank you. Do you also understand Mr. Dixon that if the court accepts your guilty plea to the added count two today you will also be giving up any claim that this plea was a result of any promises or threats that were not disclosed to me today, or that it was not of your own free choice to plead guilty? In other words Mr. Dixon is this a knowing and voluntary action on your part to enter into this guilty plea today?

THE WITNESS: Yes you're Honor.

THE COURT: Thank you. You also understand Mr. Dixon that any review by the Court of --- of the Court of Appeals of the plea and disposition of this case after sentencing is by leave only. You do not have an automatic right to the Court of Appeals Mr. Dixon. Should you seek appellate review you have to file an application to leave and the Court of Appeals would then have to review that leave and accept it. Do you understand that?

THE WITNESS: Yes.

THE COURT: Thank you. Then Mr. Bias has the court stated the plea agreement correctly?

MR. BIAS: You have your Honor, thank you.

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THE COURT: Mr. Dixon --- thank you. Mr. Dixon has anyone promised you anything to get you to plead guilty today?

THE WITNESS: No sir.

THE COURT: Has anyone threatened you in any manner to get you to plead guilty.

THE WITNESS: No.

THE COURT: Mr. Dixon are you pleading guilty to attempted possession of a cellphone while you were incarcerated at the Michigan Department of Corrections because you believe you are guilty of that offense?

THE WITNESS: Yeah.

THE COURT: Attempted possession, okay thank you. Mr. Bias can you please elicit a factual basis if you need to. I don't know if you need to at this point.

MR. BIAS: Thank you.

DIRECT EXAMINATION

BY MR. BIAS:

Q. Mr. Dixon, on or about the date of May 21st, 2016 you were lawfully incarcerated with the Michigan Department of Corrections at prison located in Chippewa County, is that correct?

A. Yes.

Q. Alright, and at that time you did not actually possess a cellphone but you did attempt to possess a cellphone is that correct?

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A. Yes.

Q. And you understand that that violates the rules of the institution as well as the laws of the State of Michigan correct?

A. Yes.

MR. BIAS: Thank you.

THE COURT: Thank you Mr. Bias. Mr. Stratton are you satisfied with the factual basis supplied by Mr. Dixon.

MR. STRATTON: Yes you're Honor.

THE COURT: Thank you. Are counsel aware of any promises, threats or inducements other than those stated in open court to encourage or entice Mr. Dixon to plead guilty?

MR. BIAS: None your Honor.

MR. STRATTON: No your Honor.

THE COURT: Are counsel satisfied the courts complied with Michigan Court Rule 6.302 (A) through (D) in the taking and accepting Mr. Dixon's guilty plea.

MR. BIAS: I believe you have your Honor.

MR. STRATTON: You have complied.

THE COURT: Thank you. Mr. Dixon the court will accept your plea. At this point I'll refer the matter to the Michigan Department of Corrections. The court has complied with Michigan Court Rule 6.302 (A) through (D) in the taking and accepting of your plea. We'll have the matter referred to the Michigan Department of Corrections Mr. Dixon, and then

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we'll see you in person for sentencing in about a month or so, okay.

THE WITNESS: Yes.

THE COURT: Okay, thank you Mr. Dixon.

(At 10:11 a.m., court recessed)

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STATE OF MICHIGAN)
)SS
COUNTY OF CHIPPEWA)

I certify that this transcript, consisting of 10 pages, is a complete, true, and accurate transcript of the Plea and testimony taken in People of the State of Michigan versus Hamin Lorenzo Dixon, File No: 17-3294-FH on Tuesday, September 4, 2018.

Date: 1-3-19

SUSAN WILDS, CER 5447
7281 S. Nicolet Road
Sault Ste. Marie, MI 49783
906-635-6315

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STATE OF MICHIGAN

IN THE 50TH CIRCUIT COURT FOR THE COUNTY OF CHIPPEWA

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

Vs File No: 17-3294-FH

HAMIN LORENZO DIXON,

Defendant.
_____/

SENTENCE

BEFORE THE HONORABLE JAMES P. LAMBROS - CIRCUIT JUDGE

Sault Ste. Marie, Michigan - Tuesday, October 23, 2018

APPEARANCES BY:

For the Plaintiff: ROBERT L. STRATTON, III, P66995
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325 Court Street
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For the Defendant: JAMES BIAS, P59338
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Transcribed by: SUSAN WILDS, CER 5447
Certified Recorder

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WITNESSES: PAGE

NONE

EXHIBITS:

NONE

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Sault Ste. Marie, Michigan.

Tuesday, October 23, 2018 - 8:50 a.m.

THE COURT: Okay, the next matter is file 17-3294-FH. State of Michigan versus Hamin Dixon. Mr. Dixon is present with this Attorney Mr. James Bias. Prosecuting Attorney Mr. Robert Stratton is present this morning as well. Mr. Dixon can you please state your name and date of birth for the record please?

MR. DIXON: Hamin Dixon. 1-20-83.

THE COURT: Thank you Mr. Dixon. Mr. Stratton in the People of the State of Michigan versus Hamin Dixon we are postured for sentencing. Would you move for that sentencing?

MR. STRATTON: Yes you're Honor.

THE COURT: Thank you. Mr. Dixon have you had a chance to review the presentence report as prepared by the Michigan Department of Corrections in your matter?

MR. BIAS: If we can have just one second you're Honor. I had a copy. It was faxed to me. The presentence report. And although the pages on the faxed report indicate it goes from page three to page four to page five there's actually a page missing in the presentence report. But I do have another copy that has that page in there.

THE COURT: We can recess Mr. Bias if you need more time.

MR. BIAS: I think, I think we're good.

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THE COURT: Okay, alright.

MR. BIAS: He had a question about one particular offense.

THE COURT: Okay.

MR. DIXON: Yes you're Honor.

THE COURT: Okay, thank you. Thank you Mr. Bias. Mr. Bias have you had a chance to review the presentence report as prepared by the Michigan---

MR. BIAS: I have your Honor. I believe the scoring to be accurate.

THE COURT: Okay, thank you. Mr. Stratton have you had a chance to review the presentence report as prepared by the Michigan Department of Corrections?

MR. STRATTON: Yes you're Honor. I found no errors or omissions.

THE COURT: Thank you. Okay, then Mr. Dixon is there any comment you care to make this morning. You don't have to speak if you don't want to. Mr. Bias will have a chance to allocute for you as will Mr. Stratton for the People. Is there any comment you wish to make this morning?

MR. DIXON: Not really. Can I, can I speak later?

THE COURT: I have no problem with that. It's up to Mr. Bias.

MR. BIAS: He can go after. That's fine by me.

THE COURT: Yeah, that's fine. Sure.

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MR. BIAS: What I would indicate to the court, once again as we sit here another Tuesday morning with the recommendation for maximum possible jail time for this offender. Mr. Dixon finds himself before the court. He's not had a criminal offense in the last ten years. He's had I think maybe five misconduct tickets in the last ten years while he's been with the MDOC.

But for his criminal history he would score significantly lower in this matter, and it would seem that -- and I'm guessing because we have a fairly sparse presentence report. I would guess that the recommendation for maximum jail time is due to the fact that he has a fairly lengthy criminal history. That's already accounted for in the presentence report. It's already accounted for the sentencing guidelines. It certainly was accounted for when he was charged with habitual fourth.

So other than that I can't see any, any explanation, any reason why there is a recommendation on a five to seventeen guideline range from the seventeen as opposed to the five. Mr. Dixon is not the best defendant that will be before the court this month, and he's not the worse defendant that will be before the court this month. I would ask the court to consider splitting the guideline range right in the middle. The halfway point on a five to seventeen guideline range at

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eleven months. And that would seem to be appropriate for Mr. Dixon in this case.

He is indigent. To the extent that there are any fines and costs that he is unable to pay we would ask the court to waive those, although we do understand that there are some that cannot be waived. I'd ask the court to take that into consideration.

THE COURT: Thank you. Mr. Stratton.

MR. STRATTON: Is defendant going to say anything?

THE COURT: Oh I didn't --- mister did you want to --- I'm sorry. I'm sorry.

MR. DIXON: I'm looking in here because there's some new information that's not in here. Like I don't --- I was trying to see where the children's name was, was in here. But I don't think --- I don't think it's in here.

THE COURT: And your Honor I would indicate when I worked with Mr. Dixon he's been a very, very good gentlemen to work with. He understands he's got a --- I think another thirteen years to serve on his current --- fifteen years to serve. He wants to get his time behind him. He wants to get home. And he's making every effort to do that so he can be back with his children, with his family.

THE COURT: Thank you. Anything further Mr. Dixon.

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MR. DIXON: Yeah, that was - I, I was just trying to see where they had --- because it usually be in the front where they got the children's names.

THE COURT: The family, yeah, yeah.

MR. DIXON: Yeah, and I want --- because my son had just --- handed back to the State so. But you're Honor I'm -- - in this, in this, in this incident I find myself in a bad situation. I divulged some information at the time on this incident but I don't want, you know, say it.

And I think I think I'm at fault for that because I didn't, you know --- you know being a, being a, being in the prison you know what I'm saying it's like a --- sometimes it's like a catch twenty two. You either gonna be --- you know you either gonna be a --- you either have to be brave or you know --- and in this incident I was kind of like a coward. You know what I'm saying. And I, I don't even think it would of got to this point had I just --- you know, been brave and dealt with whatever it was with the individual who, who eventually he, he wound up come forward. You know what I'm saying.

But I mean pardon, pardon my speech. But him coming forward at the same time it --- the, the, the --- it was already on me. You know like the ball was already on me. And you know I manned up for basically --- I mean for --- like I said I'm a --- I'm (inaudible) not telling what it was at the

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time. You know what I'm saying. Not giving up the names. So I --- you know I accepted it. And also Judge this is just --- it's just---

MR. BIAS: Yeah, there was an affidavit from another prisoner indicating that it was --- one of --- I think his cellmate indicating that it was the other cellmate's cellphone. He submitted an affidavit to the prosecution in this matter. The cellphone was found not in my client's possession but in close proximity to a bathroom stall where my client was. And it was on that basis that he took responsibility for an attempt to possess the cellphone. Is that---

MR. DIXON: That's --- yeah, yeah, that's basically what I'm trying to say. You know your Honor I'm, I'm, I'm just asking --- my counselor spoke you know and I don't know. I don't really --- I can't really say nothing your Honor.

THE COURT: I understand Mr. Dixon. Mr. Stratton.

MR. STRATTON: Your Honor this is a case with a possession of a cellphone. He was in the bathroom. He was the only one in the bathroom. He had the cellphone on him when they found it. What they're talking about in the affidavit is an individual whose serving life in prison came forward a year and a half later and said oh by the way I gave it to him. He didn't want to have it. And that person turned out to be his cellmate who's a friend of his, so that's one of

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the reasons why I made the plea offer the way I did was because it was a question of whether or not this individual gave it to him, and if so why didn't this individual report it.

So the plea offer is based on that aspect. With regards to looking at this criminal --- this defendant's criminal history this is his fourteenth felony. He does have a history in the prison since being in since 2009.

You go to page one the evaluation and plan. It says he has twenty two major misconducts with regards to disciplinary issues. In addition a misconduct related to the instance offense. These include fighting, possession of a weapon, substance abuse, theft or possession of stolen property. Destruction or misuse of property and disobeying a direct order.

In regards to the cellphone. It's nice that someone comes forward a year and a half, two years later who's serving life in prison saying I gave this guy this cellphone. But the problem is he could of told the officers, if this is true back then, so we could of at least done an investigation. He didn't want to do that.

This guy had a cellphone. It makes a danger to the facility. The reason why the statute was created was because when phone calls are made to the prison to the inmates going in and out of the facility they're able, able to monitor those

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phone calls so that they're able to find out if stuff is coming in, going out. If there's going to be a hit on an individual. If someone's trying to escape. All of that stuff is monitored.

Once people have cellphones in the facility they're worth a lot of money because people can make phone calls to the outside world and plan criminal activity unbeknownst to the facility. That's why it's --- that's why the statute was created. That's why the State decided it was a five year felony because it's very serious and it breaches the security of the facility. That is why they've recommended the recommendation and I ask that you follow it. I believe it's appropriate based on his prior criminal history. Thank you.

THE COURT: Thank you. Anything further Mr. Bias.

MR. DIXON: Everything Mr. Stratton said, you know, I can't dispute as far as why they created the statute and all that. And I understand the reasoning behind it. The individual, the individual is not a friend of mine. Second when, when the, when the situation did happen I did talk to SEC and I did divulge some information to --- Corrigan was the inspector at the time. And the one that took in the office though they're showing me the pictures of people on the, on the, on the computer.

You know, I told him, I told him --- I can't remember the inspector name. But he took me in his office and

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went on the computer and I pointed out some pictures --- this organization. This is organization in prison. And, and I, I pointed out one of the guys, you know what I'm saying. But I don't want that to come out so I --- you know --- and they at time Inspector Corrigan had told me to give him something so he wouldn't, so he wouldn't --- or tell me what, whatever I know. So---

MR. BIAS: And your Honor, my client was issued a ticket through the MDOC procedure on this. That ticket ended up being dismissed after hearing.

MR. DIXON: Yeah, I talked to the other --- the other inspector. I can't --- man I can't remember his name. But --- and Corrigan had told me at the time like okay well we now gonna go to the State Police. So a year later the case was brought up on a year later. Over a year later. After I had talked to SEC and pointed out pictures on the --- now this is not even important your Honor. But I mean this is where --- this is where we at now and yeah the guy never --- they guy --- the guy wasn't none of my friend. I don't have any friends in prison. I, you know --- yeah.

THE COURT: Well thank you Mr. Dixon. In reviewing this I agree with Mr. Bias. I don't know why we always --- this one rolls exactly to the high end of the guideline ranges. Maybe because the guidelines so low. I don't know that. But it doesn't necessarily mean that that automatically

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has to be the high end of the guideline just because the guideline is lower than maybe the author anticipated. That doesn't necessarily mean that has to be the recommendation.

I agree with Mr. Bias. I think it's appropriate to be somewhere in the middle of this for this offense, because that's consistently with what --- how I see the reports come through. So just because the guidelines lower it doesn't necessarily mean it has to be at the top of that.

So I'm gonna follow the recommendation that Mr. Bias suggest. That Mr. Dixon be sentenced to a term of commitment at the Michigan Department of Corrections for a period of eleven months to thirty months. Sentence him to supervision with the Michigan Department of Corrections which could be served in any correctional facility.

In this case it will be the Michigan Department of Corrections consecutive with the term he's currently serving at the Michigan Department of Corrections. $68.00 State costs. Crime victim assessment fee in the amount of $130.00. There is a court costs in the amount of $300.00. I know Mr. Bias had requested that fines and costs be suspended. Nothing personal to you Mr. Dixon I just haven't done that before and I'm not gonna make the exception at this particular case.

But you do have appellate rights which I'm presenting to Mr. Colvin. Your notice of appellate review Mr. Dixon. Should you seek appellate review you must return the

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forms within twenty one days, forty two days if you'd like appellate counsel to be appointed for you.

This sentence is punitive in nature. It's for the protection of society. It's to serve as a deterrent effect and allow Mr. Dixon to rehabilitate himself in the Michigan Department of Corrections. Thank you.

MR. BIAS: Your Honor please let the record reflect I've provided the prosecutor with a copy of the notice of right to appellate review, and we'd thank the court for time and attention.

THE COURT: Thank you.

(At 9:03 a.m., court recessed)

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STATE OF MICHIGAN)
)SS
COUNTY OF CHIPPEWA)

I certify that this transcript, consisting of 14 pages, is a complete, true, and accurate transcript of the Sentence and testimony taken in People of the State of Michigan versus Hamin Lorenzo Dixon, File No: 17-3294-FH on Tuesday, October 23, 2018.

Date: 1-3-19

Susan Wilds

SUSAN WILDS, CER 5447
7281 S. Nicolet Road
Sault Ste. Marie, MI 49783
906-635-6315

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STATE OF MICHIGAN

50TH JUDICIAL CIRCUIT COURT (CHIPPEWA COUNTY)

THE PEOPLE OF THE STATE OF MICHIGAN,

V File No. 17-3294-FH

HAMIN L. DIXON,

Defendant.
_____/

MOTION HEARING

BEFORE THE HONORABLE JAMES P. LAMBROS, CHIEF CIRCUIT JUDGE

Sault Ste. Marie, Michigan - Thursday, June 13, 2019

APPEARANCES:

For the People:	MR. ROBERT L. STRATTON, III (P66995) Prosecuting Attorney 325 Court Street, Suite 103 Sault Ste. Marie, Michigan 49783 (906) 635-6342
For the Defendant:	MR. MICHAEL D. VOGLER (P38725) Attorney at Law 1354 W. Third Rogers City, Michigan 49779 (989) 734-8500
Recorded and Transcribed by:	Mrs. Stephanie Bumstead, CER 8842 Certified Electronic Recorder (906) 635-6339

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Sault Ste. Marie, Michigan

Thursday, June 13, 2019 - 10:24 a.m.

THE COURT: Sorry, Mr. Dixon and the Department of Corrections. We were scheduled at ten, I realize that. We are running behind, so I apologize for the delay because I know you guys have been here. So thank you for that. I apologize for being late. Same with you, Mr. Vogler, I apologize.

MR. VOGLER: No problem. That was the first drug court I ever really experienced or watched. Very -- very positive.

THE COURT: Thank you, I appreciate that. Yeah, sometimes they go over, and this one of them where it did. So I thank you for that. I appreciate it.

THE COURT: Okay, you may be seated, Mr. Dixon. Thank you.

THE COURT: Okay, the next matter's a motion to correct an invalid sentence. It's 17-3294-FH. As I've indicated Mr. Dixon's present with his attorney Mr. Michael Vogler. Prosecuting Attorney Mr. Robert Stratton's present. As is Agent Garchow from the Michigan Department of Corrections. They are all present this morning as well.

THE COURT: Mr. Dixon, can you please state your name and date of birth for the record, please?

THE DEFENDANT: Hamin Dixon, 1/20/1983.

THE COURT: Thank you, Mr. Dixon.

THE COURT: Okay, we're postured for the motion. Mr. Vogler, you may respond -- or continue, and then I'll let Mr. Stratton respond.

MR. VOGLER: Yes, again, this is a case or an issue that we've been working on in a lot of different cases and really trying to find some relief. I thought this was a good case to bring this because in my experience anyway in most criminal crimes committed in prison by a prisoner, they get this 25 points and it's almost like an automatic. There's no real in depth investigation s to what all exactly happened, what was actually done to warrant the 25 points. But except for the crime was committed there.

There is some daylight though appearing in that case of People v Carpenter. For the first time, I saw a case where the Court of Appeals basically started looking at things, and that of course was not totally on point with this case. But they looked at a fight between two inmates, and although they upheld the 25 points in that case for certain reasons, they seem to indicate that in and of itself a fight between two inmates in a prison setting would not -- would not just for that reason along justify the 25 points.

So we have a case here of a -- Mr. Dixon attempting having plead to attempted possession of a cell phone. Really no evidence that I saw in the record showing that he actually

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had used the cell phone. No evidence as to what -- if the cell phone even worked. No evidence as to if he did talk to somebody, who was it and what did they talk about. I remember a case a couple years ago, the gentlemen had a cell phone in a prison and he had it because his kid was messing up in school and he was using it to contact his kid's school teacher.

So and as the Court's aware sometimes and I think you can read between the lines that at the allocution of the sentencing in this case you know where sometimes these prisoners get into a tough spot. They can be forced or coerced into holding things. If that's the case, they can't really role out and report that up because that has its own internal consequence. So they take -- what happened I think Mr. Dixon said it well you know.

At that case, he, reflecting on his own behavior that he was acted a little bit cowardly there because you know I don't think his expression was he didn't really want that cell phone. There was a person later that came forth I think and filed an affidavit to the effect that it was his cell phone not my client's cell phone, but the person who signed the affidavit.

Again, this was a case that occurred back in May of '16. That affidavit surfaced sometime -- this case really wasn't filed until a year later -- over a year later, and then that person came through with an affidavit in which you know after

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this case had gotten underway. So although I understand in theory that a prisoner with a cell phone in a prison has you now it's outlawed you now obviously by the law, but I think there has to be more shown to warrant that 25 points that is there. There has to be something more shown by the prosecution to get there, and in this case, there wasn't.

It's my understanding it was placed on the record at sentencing and not been refuted that I know of that the ticket as I'll say it, the charge that occurred in this institution got dismissed. So it seems to me that even the Department of Corrections did not -- seeing fit to dismiss that did not view it as a threat to their security.

So, as far as I know, there was nothing -- no showing here that Mr. Dixon used that phone to plan some kind of escape, plan some kind smuggling inside, planned anything whatsoever with it or even used it. So I'm asking the Court to wipe that 25 points off. That does change his guideline, and that would entitle him to be resentenced.

THE COURT: Thank you, Mr. Vogler.

THE COURT: Mr. Stratton.

MR. STRATTON: With regards to the ticket, Your Honor, I don't know if -- I don't know what happened with the ticket. It was with the Department of Corrections. Their tickets are dismissed for all types of reasons. It may have been that the ticket wasn't written in a timely manner. There

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are a lot of different reasons why tickets go with being dismissed through that process. It has no bearing on a criminal case.

Now, with regards to the criminal case, he plead to an attempted possession of a cell phone. Normally people walk around with cell phones. It's not illegal to have a cell phone, but the State of Michigan decided to make it a five-year felony to possess a cell phone in a prison. The reason for that was because of the security and safety of the prison.

Actually, if you look at the guidelines it's actually classified as a public safety crime because of the safety and security of the prison. Now if you want to look at *Carpenter*, *Carpenter* was a case where there was two things; there was fights between two inmates as well as controlled substances. Actually that case it actually says that -- just to make sure I read it correctly.

It is hard to believe that anyone can sincerely dispute the presence of illicit drugs threatens the security of a penal institution. So this case actually said that controlled substances in the prison, it would be crazy to think that that doesn't interfere with the safety of the prison. I would say a cell phone is actually more dangerous than drugs because the cell phone -- the phones in the prison, all those phone calls are recorded for the security of the prison.

To know what's going out. To know what information's

coming back and forth between the outside world and the prison so they can make sure that their things are secure. That's how we catch a lot of things going into the prison are from those phones. Now when people have cell phones in the prison, you don't know what that communication is going back and forth between the outside world and the inside world.

That increases the security of the prison. People get stabbed for cell phone. People buy cell phones. They trade cell phones for drugs. They trade cell phones for weapons. That in and of itself interferes with the security and safety of the prison. That's why the State of Michigan made it a five-year felony. I believe the scoring is correct.

Now with regards to also *Carpenter*, he said that two fights between two inmates may not rise to the security -- interfering with the security of the prison, I agree because two fights between two inmates isn't a felony. It could be an assault, which is a misdemeanor. You wouldn't even have guideline scoring a fight between two inmates without weapons because all it is are assault and batteries.

So I agree absolutely with *Carpenter* on that aspect that a fight between two inmates, simple fights absolutely doesn't interfere with the security of the prison because it's a misdemeanor. It wouldn't even ever get to a guideline range. So I'd ask that you follow the guideline range. It is appropriate, and I ask you to keep it as is. Thank you.

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THE COURT: Thank you, Mr. Stratton.

THE COURT: Well, in this set of circumstances, I agree, Mr. Stratton. I don't know under what set of circumstances a prisoner possessing a cell phone whether the cell phone works, appears to work, doesn't work cannot threaten the institution and the safety of the institution of the Michigan Department of Corrections. I don't know under what set of circumstances that wouldn't.

Because that in and of itself device can be used or could be used to cause serious harm to not only other inmates but set somebody up for all sorts of problems by just possessing it. So I don't quite understand what set of circumstances that wouldn't threaten the safety, as would a weapon. I think they're synonymous in the sense that I think that those two items, narcotics there's a gray area there, but I think a weapon and a cell phone definitely by their nature threaten the institution.

At least a cell phone for sure threatens the institution and safety of the Michigan Department of Corrections just by possessing it because it's clearly prohibited. As Mr. Stratton indicates, it's a five-year felony to possess it. So, unfortunately, Mr. Dixon, the motion's going to be denied at this point. I believe it was scored correctly. Unless, Mr. Garchow, I didn't mean to gloss over you. Mr. Garchow is there any comment you wish to make this morning?

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MR. GARCHOW: No, the prosecution laid it out really really nice.

THE COURT: Okay, and I agree. The motion will be denied. The scoring will be upheld, and the matter can be resolved that way.

THE COURT: Mr. Vogler, could you please prepare the order to that effect?

MR. VOGLER: Your Honor, I think I have one here.

THE COURT: Okay.

MR. VOGLER: Let me just see here. I would just hand it to Mr. Stratton if he's okay with that. I did include in it an order that would have the court recorder prepare the transcript of today's hearing.

THE COURT: Okay.

MR. VOGLER: If you want to sign off on that.

MR. VOGLER: Do you take that?

THE BAILIFF: Yes, sir.

MR. VOGLER: Okay.

THE BAILIFF: Thank you.

MR. STRATTON: You're welcome.

THE BAILIFF: Your Honor.

THE COURT: Thank you, Mr. Colvin.

THE COURT: Okay, all right I'll sign that today, and that will be the order and disposition of the Court at this point. Sorry, Mr. Colvin, you can return that to Mr.

Vogler.

THE BAILIFF: Thank you, Your Honor.

THE COURT: And that matter will be concluded.

THE COURT: Thank you, Mr. Dixon, and thank you, Michigan Department of Corrections. I appreciate it.

MR. VOGLER: All right. Thank you, Your Honor.

(At 10:36 a.m., court in recess)

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I certify that this transcript, consisting of 12 pages, is a complete, true, and correct transcript of the People of the State of Michigan versus Hamin L. Dixon and testimony taken in this case, as recorded on June 13, 2019.

Date: 6/26/2019

Stephanie Bumstead

Stephanie Bumstead, CER 8842

319 Court Street

Sault Ste. Marie, Michigan 49783

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CHIPPEWA COUNTY CLERK

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STATE OF MICHIGAN
50th JUDICIAL CIRCUIT COURT – CHIPPEWA COUNTY

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff,

v

HAMIN DIXON,
Defendant.

FILE NO. 18-003294-FH

Honorable James P. Lambros

/

ROBERT L. STRATTON, III (P 66995)
Prosecuting Attorney
325 Court Street, Suite 103
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(906) 635-6342

MICHAEL VOGLER (P 38725)
Attorney for Hamin Dixon
1354 West Third
Rogers City, MI 49779
(989) 734-8500

/

ORDER

This matter being before the Court on Defendant's Motion to Correct an Invalid Sentence and the Court being fully advised in the premises NOW THEREFORE IT IS ORDERED that Defendant's motion is DENIED for the reasons set forth in the record. IT IS FURTHER ORDERED that the court reporter shall immediately prepare and file the transcript of this motion hearing and serve a copy of the same on the attorneys appearing in this case.

Dated: June 13th, 2019

JAMES P. LAMBROS
Circuit Court Judge

Approved for entry:

ROBERT L. STRATTON
Prosecuting Attorney

Prepared by:
Michael Vogler
Attorney for Defendant

A TRUE COPY
50TH CIRCUIT COURT
CHIPPEWA COUNTY CLERK
CLERK/DEPUTY CLERK

STATE OF MICHIGAN 50TH JUDICIAL CIRCUIT CHIPPEWA COUNTY	JUDGMENT OF SENTENCE COMMITMENT TO DEPARTMENT OF CORRECTIONS	CASE NO. 17-003294-FH-L

ORI MI-170025J | Court Address 319 COURT STREET SAULT STE MARIE, MI 49783 | Court Telephone no. 906-635-6338

Police Report No. 895-16

THE PEOPLE OF THE STATE OF MICHIGAN	V	Defendant's name, address, and telephone no. HAMIN LORENZO DIXON URF-4269 WEST M-80 INMATE #451781 KINCHELOE, MI 49784

CTN/TCN	SID	DOB
171700060101	2263028K	1/20/83

Prosecuting attorney's name	Bar no.	Defendant attorney's name	Bar no.
STRATTON,ROBERT L.,III	66995	BIAS,JAMES A.,	59338

THE COURT FINDS:

1. The defendant was found guilty on 9/04/18 (Date) of the crime(s) stated below.

Count	CONVICTED BY Plea*	Court	Jury	DISMISSED BY*	CRIME	CHARGE CODE(S) MCL citation/PACC code
2	G				PRISONS - FURNISHING CELL	800.283A ATTEMPT

*Insert "G" for guilty plea, "NC" for nolo contendere, or "MI" for guilty but mentally ill, "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).

Defendant's driver's license number

☐ 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 Years	MINIMUM Mos.	MINIMUM Days	MAXIMUM Years	MAXIMUM Mos.	MAXIMUM Days	DATE SENTENCE BEGINS	JAIL CREDIT Mos.	JAIL CREDIT Days	OTHER INFORMATION
2	10/23/18		11			30		10/23/18		0	

☒ 9. Sentence(s) to be served consecutively to (If this item is not checked, the sentence is concurrent.)
☐ each other. ☒ case numbers TERM CURRENTLY SERVING W/MDOC.

10. The defendant shall pay: $68.00 JUSTICE SYSTEM $130.00 CRIME VICTIM
$300.00 CUNNINGHAM COURT COSTS $498.00 TOTAL $498.00 BALANCE

The due date for payment is _____. 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 defendant is subject to lifetime monitoring under MCL 750.520n.

12. Court recommendation:

10/24/2018
Date

Judge JAMES P. LAMBROS 62099
Bar no.

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

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Approved, SCAO

Original - Trial court
1st copy - Prosecutor
2nd copy - Defendant/Juvenile for return
3rd copy - Defendant/Juvenile

STATE OF MICHIGAN 50TH JUDICIAL CIRCUIT CHIPPEWA COUNTY	NOTICE OF RIGHT TO APPELLATE REVIEW AND REQUEST FOR APPOINTMENT OF ATTORNEY RECEIVED	CASE NO. 17-003294-FH-L D01 Judge: LAMBROS

Court Address: 319 COURT STREET, SAULT STE MARIE, MI 49783 NOV 5 2018

Court Telephone no.: (906) 635-6338

50TH CIRCUIT CT.

THE PEOPLE OF THE STATE OF MICHIGAN v

Defendant's/Juvenile's name, address, and telephone no.
HAMIN LORENZO DIXON
URF-4269 WEST M-80
INMATE #451781
KINCHELOE, MI 49784

CTN:	SID:	DOB:
171700060101	2263028K	01/20/83

Note to court: This form must be given to the defendant/juvenile at sentencing. A separate form must be provided for each case.

1. You are entitled to appellate review of your conviction and sentence. This is done by filing a claim of appeal by right, or when you are not entitled to file a claim of appeal by right, an application for leave to appeal. If you pled guilty or nolo contendere, an appeal must be done by filing an application for leave to appeal.
2. If you cannot afford to hire an attorney to represent you on appeal and you request an attorney, the court will appoint an attorney for you.
3. You may request an attorney by completing the request for appointment of attorney section below and returning this form to the trial court within 42 days after sentencing.

Receipt of Notice

10-23-18
Date

HD
Defendant's/Juvenile's initials

REQUEST FOR APPOINTMENT OF ATTORNEY

Instructions to defendant/juvenile: To request an attorney to represent you on appeal, the completed and signed form should be received by the trial court within 42 days after sentencing. Keep a copy for yourself. If you experience problems in a felony case, write to Michigan Appellate Assigned Counsel System, 200 N.Washington Square, Suite 250, Lansing, MI 48933.

I request appointment of an attorney to represent me on appeal. I provide the following financial information for the court to determine whether I am indigent.

10-30-18
Date

Signature of defendant/juvenile

Residence
☐ Rent ☐ Own ☐ Room/Board
☐ Live with parents ☑ Prison 451781 Number

Marital Status
☑ Single ☐ Married ☐ Divorced ☐ Separated
☐ Dependents: _____ Number

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50TH CIRCUIT COURT
CHIPPEWA COUNTY CLERK

Employer name and address
☑ NONE

Length of Employment N/A
Average pay ☐ weekly ☐ monthly ☑ every two weeks
Gross:$ _____ Net:$ _____

Other income State monthly amount and source. E.g., MDHHS, VA, rent, pensions, spouse, unemployment.
☑ NONE

Assets State value of car, home, bank accounts, inmate accounts (attach a certified account statement), etc.
☑ NONE

Obligations/Debts Itemize monthly rent, installment payments, mortgage payments, child support, etc.
☑ NONE

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

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STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

HAMIN LORENZO DIXON,

Defendant-Appellant.

FOR PUBLICATION
September 10, 2020
9:15 a.m.

No. 349631
Chippewa Circuit Court
LC No. 17-003294-FH

Before: REDFORD, P.J., and BECKERING and M. J. KELLY, JJ.

REDFORD, P.J.

Defendant appeals by delayed leave granted his sentence imposed by the trial court following acceptance of his guilty plea to attempted possession of a cell phone by a prisoner contrary to MCL 800.283a and MCL 750.92, in exchange for dismissal of the charge of prisoner in possession and a charge of fourth-offense habitual offender. The trial court sentenced defendant to 11 to 30 months' imprisonment to be served consecutively to the prison term he currently served. We affirm.

I. BACKGROUND FACTS AND PROCEDURAL HISTORY

At his plea hearing, defendant admitted that, while incarcerated with the Department of Corrections (DOC) in prison in Chippewa County, on May 21, 2016, he attempted to possess a cell phone. He admitted that he understood that his conduct violated the prison rules and state laws. He pleaded guilty to attempted possession of a cell phone by a prisoner and the trial court accepted his plea.

The DOC prepared and submitted to the trial court a Presentence Investigation Report (PSIR) which explained that, while incarcerated, at approximately 12:09 a.m. on May 21, 2016, during routine rounds, prison staff found defendant in a bathroom in possession of a cell phone. Prison staff confiscated the cell phone, searched defendant's area of control, and found a cell phone charger. The PSIR reported that, during his incarceration, defendant incurred 22 major misconduct reports related to fighting, possession of a weapon, substance abuse, theft, and destruction of property. Defendant's criminal history included 14 felony convictions. The DOC recommended that the trial court assess defendant 25 points for Offense Variable (OV) 19 on the ground that his

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conduct threatened the security of the penal institution because possession, use, and attempted use of a cell phone within the secure perimeter of a correctional facility put staff and inmates' lives in jeopardy and interfered with correctional administrators' ability to maintain institutional safety and security because unmonitored communication with outside persons could involve matters of escape, assault of prisoners and staff, and the introduction of contraband into the prison.

At defendant's sentencing hearing, the trial court asked defendant if he reviewed the PSIR, and defense counsel indicated that he had. The trial court gave defendant an opportunity to speak and defendant alluded to additional facts regarding the cell phone incident.

In this colloquy, defense counsel stated that defendant's cellmate indicated in an affidavit that the cell phone belonged to him. Defense counsel said that the cell phone had been found in close proximity to a bathroom stall occupied by defendant but not in his possession.

In response, relying on information in the PSIR, the prosecution responded that defendant had been the only person in the bathroom and he had the cell phone on his person when prison staff found it. The prosecution explained that the inmate who provided the affidavit was defendant's friend and cellmate serving a life sentence and he came forward a year and a half later to say he gave defendant the cell phone and defendant did not want to have it. The prosecution stated that, based on the information, he agreed to make the plea offer. The prosecution, however, argued that possession of a cell phone jeopardized the safety of the prison and prisoners and constituted a breach of the security of the facility. The prosecution also advised the trial court of defendant's criminal history and his misconduct during his incarceration. Defense counsel advocated for sentencing defendant in the middle of the guidelines range and the trial court agreed to sentence defendant to a minimum sentence of 11 months with a maximum of 30 months to be served consecutively to his current prison sentence.

Defendant later moved to correct an invalid sentence on the ground that the trial court improperly scored OV 19. At the hearing, defendant argued that defendant's plea to commission of the crime of attempted possession of a cell phone did not justify the assessment of 25 points for OV 19 which is scored under circumstances where a defendant's conduct threatened the security of a penal institution. He asserted that no evidence established that he actually used the cell phone, talked to anyone, or that it even worked. He explained that during allocution at sentencing he expressed that he did not want the cell phone and an inmate came forward later and provided an affidavit that clarified that the cell phone did not belong to defendant. Defendant asserted that the prosecution agreed to dismiss the possession charge which indicated that it did not view defendant's conduct as a threat to the security of the penal institution. Defendant contended that no evidence established that he used the cell phone to plan an escape or smuggling in contraband. Defendant essentially argued that more criminality had to be established to warrant assessment of 25 points for OV 19, and therefore, requested rescoring OV 19 at zero and to be resentenced.

The prosecution argued that the Legislature made it a criminal offense for a prisoner to have a cell phone while incarcerated because such conduct threatened the security and safety of prisons. The prosecution explained that inmate phone calls were monitored and recorded for the safety of the prison, and unauthorized cell phone communication with the outside world interfered with the maintenance of the security of the prison. Further, cell phones were used as currency for

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illicit drug deals in prison and violence occurred because of the presence of cell phones in prisons. The prosecution argued that the offense warranted assessment of 25 points for OV 19.

At the end of the motion hearing after having the benefit of both counsels' arguments and considering the entire record, the trial court stated:

> *The Court*: Thank you, Mr. Stratton [the prosecutor].
>
> *The Court*: Well, in this set of circumstances, I agree, Mr. Stratton. I don't know under what set of circumstances a prisoner possessing a cell phone whether the cell phone works, appears to work, doesn't work cannot threaten the institution and the safety of the institution of the Michigan Department of Corrections. I don't know under what set of circumstances that wouldn't.
>
> Because that in and of itself device can be used or could be used to cause serious harm to not only other inmates but set somebody up for all sorts of problems by just possessing it. So I don't quite understand what set of circumstances that wouldn't threaten the safety, as would a weapon. I think they're synonymous in the sense that I think that those two items, narcotics there's a gray area there, but I think a weapon and a cell phone definitely by their nature threaten the institution.
>
> At least a cell phone for sure threatens the institution and safety of the Michigan Department of Corrections just by possessing it because it's clearly prohibited . . . . I believe it was scored correctly.

The trial court, therefore, concluded that OV 19 had been correctly scored and denied defendant's motion. Defendant now appeals.

II. STANDARD OF REVIEW

We review for clear error the trial court's factual determinations used for sentencing under the sentencing guidelines, and such facts must be supported by a preponderance of the evidence. *People v Hardy*, 494 Mich 430, 438; 835 NW2d 340 (2013). We review de novo the trial court's application of the facts to the law. *Id*. We review de novo the trial court's interpretation and application of the statutory sentencing guidelines. *People v Jackson*, 487 Mich 783, 789; 790 NW2d 340 (2010). A trial court's factual determination will be found clearly erroneous only if it leaves us with a definite and firm conviction that the trial court made a mistake. *People v Armstrong*, 305 Mich App 230, 242; 851 NW2d 856 (2014).

III. ANALYSIS

When calculating the sentencing guidelines scores, a sentencing court may consider all evidence in the record including the contents of a PSIR and plea admissions. *People v Johnson*, 298 Mich App 128, 131; 826 NW2d 170 (2012). A PSIR "is presumed to be accurate and may be relied on by the trial court unless effectively challenged by the defendant." *People v Callon*, 256 Mich App 312, 334; 662 NW2d 501 (2003). A trial court may draw inferences from objective evidence when sentencing the defendant. *People v Petri*, 279 Mich App 407, 422; 760 NW2d 882 (2008).

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OV 19 must be scored for all felony offenses. MCL 777.22. OV 19 applies when a defendant's conduct posed a threat to the security of a penal institution or court or interfered with the administration of justice. MCL 777.49 in relevant part defines OV 19 scoring as follows:

> Offense variable 19 is threat to the security of a penal institution or court or interference with the administration of justice or the rendering of emergency services. Score offense variable 19 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:
>
> (a) The offender by his or her conduct threatened the security of a penal institution or court ……..25 points.

The plain language of MCL 777.49(a) requires assessment of 25 points where an offender's "conduct threatened the security of a penal institution." In this case, defendant pleaded guilty to the attempted possession of a cell phone while incarcerated in a correctional facility. The record reveals that prison staff found defendant in a bathroom in possession of a cellular telephone and later discovered a cell phone charger located in his area of control. In *People v Dickinson*, 321 Mich App 1, 23-24; 909 NW2d 24 (2017), this Court explained that

> [b]ringing a controlled substance like heroin into a prison and delivering it to a prisoner in violation of MCL 800.281(1) inherently puts the security of the penal institution at risk. Our Legislature has specifically criminalized such conduct because of the seriousness of the problem of drugs in our state's penal institutions and the way in which illicit drug use interferes with the administration of justice in those institutions. Defendant's delivery of an unquestionably dangerous drug like heroin into the confines of the prison threatened the safety and security of both the guards and the prisoners and, therefore, threatened the security of a penal institution.

This Court further explained that the plain language of MCL 777.49 "does not limit the assessment of 25 points for OV 19 to offenders who *smuggled weapons or other mechanical destructive devices* into a prison." *Id*. at 24 (emphasis added). The Legislature's criminalization of cell phone possession indicates that prisoners shall not have cell phones within a penal institution because of the inherent dangers posed by the presence of and unmonitored use of a cell phone within the confines of a penal institution. It is axiomatic that a prisoner's possession of contraband like a cell phone threatens the safety and security of the prison staff and prisoners because of the numerous ways in which a prisoner may use such a device for illicit purposes, with prison staff left without a means of intercepting such unmonitored communications to prevent violation of prison rules and the commission of serious crimes. A prisoner should not have the ability to engage freely in unmonitored conversations with persons outside of the penal institution because such conduct places correctional facility administrators and staff at a serious disadvantage regarding the maintenance of institutional safety and security if prisoners can engage in communicating with persons regarding escape, assault of prison staff or other prisoners, witness intimidation, procurement and delivery of contraband into the prison, and a myriad of other criminal activities affecting the safety and security of penal institutions.

We hold that a prisoner's possession or attempted possession of a cell phone within the confines of a penal institution threatens the security of the penal institution; and if found guilty of such offenses, a trial court may properly assess 25 points for OV 19.

The trial court in this case correctly relied on the information within the PSIR, a preponderance of the evidence in the record, and drew reasonable inferences from the facts that supported its assessment of 25 points for OV 19. The trial court properly interpreted and applied MCL 777.49(a). Defendant's conduct warranted assessment of 25 points for OV 19, and therefore, he is not entitled to resentencing.

Affirmed.

/s/ James Robert Redford
/s/ Jane M. Beckering
/s/ Michael J. Kelly

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