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## **CONFIDENTIAL APPENDICES**

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Updated Presentence Investigation Report

## **APPENDIX A**

Kalamazoo Circuit Court Register of Actions

**NINTH JUDICIAL CIRCUIT COURT**  
**REGISTER OF ACTIONS**  
**CASE NO. 1993-0756-FC**

**State Of Michigan vs Neilly, William Edward** § Location: **Criminal Division**  
 § Judicial Officer: **Lightvoet, Pamela L.**  
 § Filed on: **06/23/1993**

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**CASE INFORMATION**

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<b>Offense</b>	<b>Statute</b>	<b>Deg</b>	<b>Date</b>	<b>Case Type</b>
1. HOMICIDE - FELONY MURDER	750.316-B	FEL	06/23/1993	FC - Capital Felony
Arrest: 06/22/1993	KDPS - Kalamazoo Department of Public Safety			Case Status: <b>01/07/2004 Inactive</b>
2. WEAPONS FELONY FIREARM	750.227B-A	FEL	06/23/1993	
Arrest: 06/22/1993	KDPS - Kalamazoo Department of Public Safety			
3. ASSAULT W/INTENT TO ROB WHILE ARMED	750.89	FEL	06/23/1993	
Arrest: 06/22/1993	KDPS - Kalamazoo Department of Public Safety			
4. WEAPONS FELONY FIREARM	750.227B-A	FEL	06/23/1993	
Arrest: 06/22/1993	KDPS - Kalamazoo Department of Public Safety			
5. CONSPIRACY - CONVERSION	750.157(A)	FEL	06/23/1993	
Arrest: 06/23/1993	KDPS - Kalamazoo Department of Public Safety			
6. WEAPONS FELONY FIREARM	750.227B-A	FEL	06/23/1993	
Filed As: CONSPIRACY - CONVERSION	FEL	6/23/1993		
Arrest: 06/22/1993	KDPS - Kalamazoo Department of Public Safety			

**Statistical Closures**

01/07/2004 Conversion Clean-up (other disposition)

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<b>DATE</b>	<b>CASE ASSIGNMENT</b>
<b>Current Case Assignment</b>	
Case Number	1993-0756-FC
Court	Criminal Division
Date Assigned	06/23/1993
Judicial Officer	Lightvoet, Pamela L..

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**PARTY INFORMATION**

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<b>Plaintiff</b>	<b>State Of Michigan</b>
<b>Defendant</b>	<b>Neilly, William Edward</b>

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<b>DATE</b>	<b>EVENTS &amp; ORDERS OF THE COURT</b>	<b>INDEX</b>
06/23/1993	█ Returns to Circuit Court ^ <i>BOND DENIED</i>	
06/23/1993	█ Petition and Order Court Appointed Attorney - Felony - PPO ^	
07/06/1993	<b>Waiver of Arraignment (0:01 AM) (Judicial Officer: Lamb, Richard Ryan)</b> <i>No Court Reporter,</i> <i>Completed</i>	
07/06/1993	█ Waiver of Arraignment & Election to Stand Mute	

NINTH JUDICIAL CIRCUIT COURT  
**REGISTER OF ACTIONS**  
CASE NO. 1993-0756-FC

07/06/1993	<input type="checkbox"/> Information
07/07/1993	<input type="checkbox"/> Proof of Service
07/19/1993	<input checked="" type="checkbox"/> Transcript <i>PRELIM EXAM HELD 062293 RE TERI VOGT</i>
07/22/1993	<input type="checkbox"/> Notice of Scheduled Proceeding <i>8/18/93 8:30 AMCT E HPTL - 10/05/93 9:00 AMCT E HTRL</i>
07/30/1993	<input type="checkbox"/> Motion <i>TO CONSOLIDATE</i>
07/30/1993	<input type="checkbox"/> Brief - Memorandum <i>in support of People's Motion to Consolidate</i>
07/30/1993	<input type="checkbox"/> Proof of Service
07/30/1993	<input type="checkbox"/> Notice of Hearing ^
08/05/1993	<input type="checkbox"/> Notice of Further Known Witness(s)
08/05/1993	<input type="checkbox"/> List of Witnesses Prosecutor Intends to Produce
08/05/1993	<input type="checkbox"/> Notice of <i>amendment of witnesses names</i>
08/05/1993	<input type="checkbox"/> Proof of Service
08/09/1993	<b>Motion</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=134, MOT TO CONSOLIDATE W/E93-0752FC - STIP TO ENTER. Completed</i>
08/09/1993	<input type="checkbox"/> Criminal Court Event Summary Report and Mittimus
08/18/1993	<b>Pre-Trial</b> (0:01 AM) (Judicial Officer: Conversion, Judge) <i>No Court Reporter, Completed</i>
08/18/1993	<input type="checkbox"/> Stipulation and Order <i>granting people's motion to consolidate</i>
08/20/1993	<input type="checkbox"/> Criminal Pretrial Summary and Scheduling Notice <i>9 DAY JT IN CT C - POSSIBLY 2 JURIES - CONSOLIDATED WITH E93-0752FC BURNETT &amp; E93-0888FC WOGOMAN</i>
08/20/1993	<input type="checkbox"/> Notice of Additional Witness
08/20/1993	<input type="checkbox"/> Notice of Further Known Witness(s)
08/20/1993	<input type="checkbox"/> Proof of Service

NINTH JUDICIAL CIRCUIT COURT  
**REGISTER OF ACTIONS**  
CASE NO. 1993-0756-FC

08/24/1993	<input checked="" type="checkbox"/> Notice of Scheduled Proceeding <i>9/13/93 4:00 PM CT C HHRG</i>
09/13/1993	<b>Hearing</b> (4:26 PM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=157, BOND \$12500 C/S</i> <i>Completed</i>
09/13/1993	<input checked="" type="checkbox"/> Criminal Court Event Summary Report and Mittimus
09/13/1993	<input checked="" type="checkbox"/> Stipulation and Order <i>to Consolidate</i>
10/05/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=172,</i> <i>Continued</i>
10/05/1993	<input checked="" type="checkbox"/> Criminal Court Event Summary Report and Mittimus
10/05/1993	<input checked="" type="checkbox"/> Proposed Jury Instructions <i>People's</i>
10/06/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=173,</i> <i>Continued</i>
10/06/1993	<input checked="" type="checkbox"/> Criminal Court Event Summary Report and Mittimus
10/07/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>No Court Reporter,</i> <i>Continued</i>
10/07/1993	<input checked="" type="checkbox"/> Criminal Court Event Summary Report and Mittimus
10/12/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>No Court Reporter,</i> <i>Continued</i>
10/12/1993	<input checked="" type="checkbox"/> Criminal Court Event Summary Report and Mittimus
10/13/1993	<b>CANCELED Trial</b> (0:01 AM) (Judicial Officer: Conversion, Judge) <i>Conversion</i> <i>CANCELED, No Court Reporter,</i>
10/13/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=178,</i> <i>Continued</i>
10/13/1993	<input checked="" type="checkbox"/> Criminal Court Event Summary Report and Mittimus
10/14/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>No Court Reporter,</i> <i>Continued</i>
10/14/1993	<input checked="" type="checkbox"/> Criminal Court Event Summary Report and Mittimus

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**NINTH JUDICIAL CIRCUIT COURT**  
**REGISTER OF ACTIONS**  
**CASE NO. 1993-0756-FC**

10/20/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=182,</i> <i>Continued</i>
10/20/1993	 Criminal Court Event Summary Report and Mittimus
10/21/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=183,</i> <i>Continued</i>
10/21/1993	 Criminal Court Event Summary Report and Mittimus
10/27/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=187,</i> <i>Continued</i>
10/27/1993	 Criminal Court Event Summary Report and Mittimus
10/28/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=188,</i> <i>Continued</i>
10/28/1993	 Criminal Court Event Summary Report and Mittimus <i>MOTS ON 102993 CANT SET BECAUSE DATE IS PASSED, DO AS EC WHEN MT IS DONE</i>
10/29/1993	<b>Motion</b> (0:01 AM) (Judicial Officer: Conversion, Judge) <i>Court Reporter=189, DIRECTED VERDICT UAD</i> <i>Continued</i>
10/29/1993	 Criminal Court Event Summary Report and Mittimus
11/02/1993	<b>Motion</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=191, MOT FOR DIRECTED VERDICT-DENIED</i> <i>Completed</i>
11/02/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=191,</i> <i>Continued</i>
11/02/1993	 Criminal Court Event Summary Report and Mittimus
11/03/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=192,</i> <i>Continued</i>
11/03/1993	 Criminal Court Event Summary Report and Mittimus
11/04/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=193,</i> <i>Continued</i>
11/04/1993	 Criminal Court Event Summary Report and Mittimus
11/05/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=194,</i>

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**NINTH JUDICIAL CIRCUIT COURT**  
**REGISTER OF ACTIONS**  
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*Continued*

11/05/1993	❑ Criminal Court Event Summary Report and Mittimus
11/08/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter-195, MOT TO REVOKE BOND GRANTED  Completed</i>
11/08/1993	❑ Criminal Court Event Summary Report and Mittimus
11/08/1993	❑ Form of Verdict
11/08/1993	<b>Disposition</b> 1. HOMICIDE - FELONY MURDER Guilty Verdict
11/08/1993	<b>Disposition</b> 2. WEAPONS FELONY FIREARM Guilty Verdict
11/08/1993	<b>Disposition</b> 5. CONSPIRACY - CONVERSION Guilty Verdict
11/08/1993	<b>Disposition</b> 6. WEAPONS FELONY FIREARM Guilty Verdict
11/09/1993	❑ Criminal Court Event Summary Report and Mittimus <i>AMENDED</i>
11/29/1993	<b>Sentence</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>No Court Reporter,  Completed</i>
11/29/1993	❑ Criminal Court Event Summary Report and Mittimus
11/29/1993	❑ Notice of right to appellate review-request appt of attorney
11/29/1993	<b>Disposition</b> 3. ASSAULT W/INTENT TO ROB WHILE ARMED Dismissed by Court
11/29/1993	<b>Disposition</b> 4. WEAPONS FELONY FIREARM Dismissed by Court
11/29/1993	<b>Sentence</b> (Judicial Officer: Lightvoet, Pamela L.) 1. HOMICIDE - FELONY MURDER Prison Only State Confinement: Agency: Michigan Department of Corrections Effective 11/29/1993 Term: Natural Life
	5. CONSPIRACY - CONVERSION Prison Only State Confinement: Agency: Michigan Department of Corrections

NINTH JUDICIAL CIRCUIT COURT  
**REGISTER OF ACTIONS**  
**CASE NO. 1993-0756-FC**

	Effective 11/29/1993 Term: Natural Life
11/29/1993	<b>Sentence</b> (Judicial Officer: Lightvoet, Pamela L.) 2. WEAPONS FELONY FIREARM Prison Only State Confinement: Effective 11/29/1993 Term: 2 Yr Credit for Time Served: 172 Days 6. WEAPONS FELONY FIREARM Prison Only State Confinement: Effective 11/29/1993 Term: 2 Yr Credit for Time Served: 172 Days
11/30/1993	Judgment of Sentence
11/30/1993	Judgment of Sentence
01/21/1994	Claim of Appeal to Court of Appeals or Supreme Court <i>SADO</i>
02/14/1994	Reporter -Recorder Certificate-Ordering Transcript on Appeal
04/21/1994	Transcript <i>SEN HELD 112993 VIDEOTAPED CT C RE D. SPONSELLER</i>
04/21/1994	Notice of Filing of Transcript and Affidavit of Mailing
04/21/1994	Transcript <i>JT VOL I OF XVI HELD 100593 VIDEOTAPED CRE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL II OF XVI HELD 100693 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL III OF XVI HELD 100793 VIDEOTAPED C RE; D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL IV HELD 101293 VIDEOTAPED C RE D.SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL V HELD 101393 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL VI HELD 101493 VIDEOTAPED C RE D.SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL VII HELD 102093 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL VIII HELD 102093 VIDEOTAPED C RE D. SPONSELLER</i>

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NINTH JUDICIAL CIRCUIT COURT  
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**CASE NO. 1993-0756-FC**

04/21/1994	Transcript <i>JT VOL IX HELD 102793 VIDEOTAPED C RE D.SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL X HELD 102893 VIDEOTAPED C RE. D SPONSELLER</i>
04/21/1994	Transcript <i>JT VOX XI HELD 102993 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL XII HELD 110293 VIDEOTAPED C RE DSPOSELLER</i>
04/21/1994	Transcript <i>JT VOL XIII HELD 110393 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL XIV HELD 110493 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL XV HELD 110593 VIDEOTAPED C RE D.SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL XVI HELD 110893 VIDEOTAPED C RE D. SPONSELLER</i>
05/23/1994	Order Regarding Appointment Appellate Counsel & Transcript
05/25/1994	Reporter -Recorder Certificate-Ordering Transcript on Appeal
07/18/1994	Notice of Filing of Transcript and Affidavit of Mailing
07/20/1994	Transcript <i>EXCERPT OF JT VOL NO VIII OF XVI PAGES 1737 AND 1738 HELD 102193</i>
06/08/1995	Brief - Memorandum <i>Plaintiffs for an appeal</i>
06/08/1995	Proof of Service
06/29/1995	Proof of Mailing to Court of Appeals - Supreme Court
07/08/1996	Court of Appeals-Supreme Court Opinion-Order - Affirmed
07/18/1996	Application-Motion Leave Appeal-Court of Appeals-Supreme Ct <i>with brief in Support and notice of hearing</i>
07/18/1996	Proof of Service
08/19/1996	Answer To: Party: Plaintiff State Of Michigan

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NINTH JUDICIAL CIRCUIT COURT  
**REGISTER OF ACTIONS**  
**CASE NO. 1993-0756-FC**

*Opposition to Defendant's Application for leave to appeal in Supreme Court*

05/05/1997	<input checked="" type="checkbox"/> Aff -Notice of Return from Court of Appeals or Supreme Court
05/05/1997	<input checked="" type="checkbox"/> Court of Appeals - Supreme Court Order - Denied <i>ORDER FROM MICH SUPREME CT. MOTION FOR LEAVE TO FILE SUPPLEMENTAL ISSUE IS GRANTED. APP TO APPEAL DENIED.</i>
03/18/2002	<input checked="" type="checkbox"/> Motion For Relief From Judgment
03/18/2002	<input checked="" type="checkbox"/> Affidavit <i>IN SUPPORT OF DEF'S MTN FOR THE APPT OF COUNSEL.</i>
05/16/2002	<input checked="" type="checkbox"/> Order Denying Relief from Judgment <i>OPINION &amp; ORDER - with proof of service</i>
06/18/2003	<input checked="" type="checkbox"/> Order <i>FROM COA - DELAYED APPLICATION FOR LEAVE TO APPEAL - DENIED</i>
08/21/2003	<input checked="" type="checkbox"/> Proof of Mailing - Supreme CT <i>SENT TO SUPREME COURT LANSING</i>
01/07/2004	<input checked="" type="checkbox"/> Application - Motion Leave to Appeal-Denied <i>DENIED</i>
01/08/2004	<input checked="" type="checkbox"/> Affidavit <i>OF RETURN OF RECORD FROM MSC</i>
05/28/2013	<input checked="" type="checkbox"/> Motion For Relief From Judgment <i>Successive</i>
05/28/2013	<input checked="" type="checkbox"/> Brief - Memorandum
07/25/2013	<input checked="" type="checkbox"/> Order Denying Relief from Judgment <i>Order Denying Defendant's Successive Motion for Relief from Judgment</i>
02/09/2016	<input checked="" type="checkbox"/> Notice of <i>Right to Resentencing</i>
07/21/2016	<input checked="" type="checkbox"/> General Motion Party: Plaintiff State Of Michigan <i>People's Motion for Resentencing Pursuant to MCL 769.25a and Request for Stay of Proceedings</i>
07/21/2016	<input checked="" type="checkbox"/> Proof of Service
08/02/2016	<input checked="" type="checkbox"/> General Motion Party: Defendant Neilly, William Edward <i>Conditional Order of Appointment</i>
08/02/2016	<input checked="" type="checkbox"/> Order Regarding Appointment Appellate Counsel & Transcript <i>Juvenile Life Offense</i>

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NINTH JUDICIAL CIRCUIT COURT  
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CASE NO. 1993-0756-FC

08/05/2016	<input type="checkbox"/> Answer To: Party: Defendant Neilly, William Edward <i>Answer to Prosecutor's Motion to Sentence William E. Neilly to Imprisonment for Life Without the Possibility of Parole</i>
08/05/2016	<input type="checkbox"/> Proof of Service
08/05/2016	<input type="checkbox"/> General Motion Party: Defendant Neilly, William Edward <i>for Funds for Expert Witness</i>
08/05/2016	<input type="checkbox"/> Notice of Hearing ^ <i>To be Determined</i>
08/08/2016	<input type="checkbox"/> Answer To: Party: Defendant Neilly, William Edward <i>Answer in Opposition to Prosecutor's Motion to Sentence William E. Neilly to Imprisonment for Life Without the Possibility of Parole Under MCL 769.25a(4)(b) with Proof of Service</i>
08/25/2016	<input type="checkbox"/> General Motion Party: Conversion - Attorney Sado <i>Motion for Funds</i>
08/25/2016	<input type="checkbox"/> Notice of Hearing ^ <i>for 10/12/2016 @ 9am with Proof of Service</i>
10/06/2016	<input type="checkbox"/> Stipulation and Order <i>Adjourning Motion for Funds for Expert Witnesses</i>
10/12/2016	<b>CANCELED Motion</b> (9:01 AM) (Judicial Officer: Lightvoet, Pamela L.) <i>Other (specify)</i>
10/24/2016	<b>Motion</b> (9:00 AM) (Judicial Officer: Lightvoet, Pamela L.) <i>for Funds for Expert Witness (Defendant's)</i> <i>Held</i>
10/24/2016	<input type="checkbox"/> Criminal Court Event Summary Report and Mittimus <i>Motion granted up to \$2,000; parties stipulated to a stay until 8-1-17; Order to Enter by Atty Zimbelman</i>
11/03/2016	<input type="checkbox"/> Reporter -Recorder Certificate-Ordering Transcript on Appeal
11/08/2016	<input type="checkbox"/> Notice of Filing of Transcript and Affidavit of Mailing
11/08/2016	<input type="checkbox"/> Transcript <i>Motion Hearing - Wednesday 10-24-2016</i>
11/16/2016	<input type="checkbox"/> Stipulation <i>Stipulation to Stay Miller Hearing</i>
11/16/2016	<input type="checkbox"/> Order <i>Order Staying Miller Hearing</i>

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**NINTH JUDICIAL CIRCUIT COURT**  
**REGISTER OF ACTIONS**  
**CASE NO. 1993-0756-FC**

11/21/2016	<input checked="" type="checkbox"/> 7 Day Notice Entry <i>with Proof of Service</i>
11/28/2016	<input checked="" type="checkbox"/> Order
04/05/2018	<input checked="" type="checkbox"/> Notice of Scheduled Proceeding <i>Status Conf on 8-14-18</i>
08/10/2018	<input checked="" type="checkbox"/> Stip-Order or Motion-Order Regarding Adjournment <i>Status Conf re: appeal court decisions on 12-11-18 (Atty Zimbelman via phone, if desired)</i>
12/11/2018	<b>Status Conference (9:00 AM)</b> (Judicial Officer: Lightvoet, Pamela L.) <i>*adjourned from 8-14-18 to wait for Appeal Court decisions (Atty Zimbelman via phone)</i> 08/14/2018 <i>Continued to 12/11/2018 - Stipulation and Order - State Of Michigan; Neilly, William Edward</i> <i>Held - Not on the Record</i>
12/11/2018	<input checked="" type="checkbox"/> Arraignment Report
02/01/2019	<b>Status Conference (1:30 PM)</b> (Judicial Officer: Lightvoet, Pamela L.) <i>to check on status of Supreme Court case</i> <i>Held - Not on the Record</i>
02/01/2019	<input checked="" type="checkbox"/> Notice of Scheduled Proceeding <i>Status Conference 5-17-19 at 9:00 a.m. by phone</i>
05/17/2019	<b>Status Conference (9:00 AM)</b> (Judicial Officer: Lightvoet, Pamela L.) <i>Held - Not on the Record</i>
05/17/2019	<input checked="" type="checkbox"/> Arraignment Report <i>Status conf. con't 12-6-19 at 9:00</i>
12/06/2019	<b>CANCELED Status Conference (9:00 AM)</b> (Judicial Officer: Lightvoet, Pamela L.) <i>Other (specify)</i>
12/17/2019	<b>Status Conference (9:01 AM)</b> (Judicial Officer: Lightvoet, Pamela L.) <i>Claire Ward by phone.</i> <i>Held - Not on the Record</i>
12/17/2019	<input checked="" type="checkbox"/> Arraignment Report <i>Awaiting ruling of MSC</i>
04/16/2020	<input checked="" type="checkbox"/> Notice of Schcduled Proceeding <i>Status conference by phone 6-23-20</i>
04/24/2020	<b>CANCELED Status Conference (9:01 AM)</b> (Judicial Officer: Lightvoet, Pamela L.) <i>Other (specify)</i> <i>by phone or in person.</i>
06/23/2020	<b>Status Conference (1:31 PM)</b> (Judicial Officer: Lightvoet, Pamela L.) <i>Held</i>
06/23/2020	<b>CANCELED Status Conference (1:31 PM)</b> (Judicial Officer: Lightvoet, Pamela L.) <i>Other (specify)</i>

**NINTH JUDICIAL CIRCUIT COURT**  
**REGISTER OF ACTIONS**  
**CASE NO. 1993-0756-FC**

06/23/2020	<input checked="" type="checkbox"/> Arraignment Report
06/26/2020	<input checked="" type="checkbox"/> Stipulation and Order <i>Scheduling Order</i>
10/14/2020	<input checked="" type="checkbox"/> Stipulation <i>to Adjourn Miller Hearing and Amend Scheduling Order</i>
10/14/2020	<input checked="" type="checkbox"/> Order <i>to Adjourn Miller Hearing and Amend Scheduling Order</i>
11/20/2020	<b>CANCELED Motion</b> (1:29 PM) (Judicial Officer: Lightvoet, Pamela L.) <i>Other (specify)</i> <i>Pre-Miller Hearing Motions</i>
12/16/2020	<b>CANCELED Hearing</b> (9:00 AM) (Judicial Officer: Lightvoet, Pamela L.) <i>Other (specify)</i> <i>Miller Hearing</i>
12/17/2020	<b>CANCELED Hearing</b> (9:00 AM) (Judicial Officer: Lightvoet, Pamela L.) <i>Other (specify)</i> <i>Miller Hearing</i>
12/22/2020	<input checked="" type="checkbox"/> List of Witnesses Prosecutor Intends to Produce <i>at Resentencing with proof of service</i>
12/30/2020	<input checked="" type="checkbox"/> General Motion Party: Defense Attorney Ward, Claire Alexis <i>Motion to Bifurcate Proceeding and Exclude Victim Impact Testimony at Miller Hearing</i>
12/30/2020	<input checked="" type="checkbox"/> General Motion Party: Defense Attorney Ward, Claire Alexis <i>Motion for the Prosecution to Bear the Burden of Proof at the Miller Hearing</i>
12/30/2020	<input checked="" type="checkbox"/> General Motion Party: Dcfensc Attorney Ward, Claire Alexis <i>Motion to Deny a Sentence of Life Without Parole for as Categorically Banned Under the eight Amendment and Art. 1 Section 16 of the Michigan Constitution</i>
12/30/2020	<input checked="" type="checkbox"/> Defense Witness List <i>William Neilly's Initial Witness List</i>
12/30/2020	<input checked="" type="checkbox"/> Exhibit List Party: Defense Attorney Ward, Claire Alexis <i>William Neilly's Proposed Exhibits</i>
01/07/2021	<input checked="" type="checkbox"/> Answer To: Party: Plaintiff State Of Michigan <i>opposing defendant's motion to deny a sentence of life without parole as categorically banned under the 8th amendment and art 1, sec 16 of the Michigan Constitution with proof of service</i>
01/07/2021	<input checked="" type="checkbox"/> Answer To: Party: Plaintiff State Of Michigan <i>opposing defendant's motion to bifurcate proceedings and exclude victim impact testimony at</i>

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NINTH JUDICIAL CIRCUIT COURT  
**REGISTER OF ACTIONS**  
**CASE NO. 1993-0756-FC**

*Miller Hearing with proof of service*

01/07/2021	<p><input checked="" type="checkbox"/> Answer To: Party: Plaintiff State Of Michigan <i>opposing defendant's motion for the prosecution to bear the burden of proof at the Miller hearing with proof of service</i></p>
01/14/2021	<p><b>CANCELED Motion</b> (1:30 PM) (Judicial Officer: Lightvoet, Pamela L.) <i>Other (specify)</i></p>
01/27/2021	<p><input checked="" type="checkbox"/> Notice of Scheduled Proceeding <i>Miller Hearing 4-21 and 4-22 at 9:00 am</i></p>
02/10/2021	<p><b>CANCELED Motion</b> (9:00 AM) (Judicial Officer: Lightvoet, Pamela L.) <i>Issue(s) Resolved</i> <i>Writ confirmed by facility</i></p>
02/11/2021	<p><b>CANCELED Hearing</b> (9:00 AM) (Judicial Officer: Lightvoet, Pamela L.) <i>Other (specify)</i> <i>Writ confirmed by facility</i></p>
02/12/2021	<p><input checked="" type="checkbox"/> Notice of <i>People's notice of intent to withdraw motion seeking life sentence without parole</i></p>
02/17/2021	<p><input checked="" type="checkbox"/> Stipulation <i>regarding resentencing</i></p>
02/18/2021	<p><input checked="" type="checkbox"/> Notice of Scheduled Proceeding <i>Resentencing 4-21-21 at 9:00 am</i></p>
04/20/2021	<p><input checked="" type="checkbox"/> Sentencing Memorandum <i>William Neilly</i></p>
04/21/2021	<p><b>Re-Sentencing</b> (9:00 AM) (Judicial Officer: Lightvoet, Pamela L.) <i>Defendant by video from MDOC. Attorneys either in person or by video.</i> <i>Held</i></p>
04/21/2021	<p><b>Amended Sentence</b> (Judicial Officer: Lightvoet, Pamela L.) Reason: Re-Sentence</p> <p>1. HOMICIDE - FELONY MURDER</p> <p>Prison Only</p> <p>State Confinement:</p> <p>Agency: Michigan Department of Corrections Effective 04/21/2021</p> <p>Term: 35 Yr to 60 Yr</p> <p>Credit for Time Served: 25 Yr 321 Days</p> <p>Comment: Any financial obligations previously ordered remain in effect. Restitution is joint and several with co-defendants. Counts 1 and 5 are concurrent with each other. Count 2 is preceding and consecutive to the prison term imposed in Count 1. Count 6 is preceding and consecutive to the prison term imposed in Count 5. At the time of resentencing, the sentence imposed on Count 2 and 6 had been completed.</p> <p>5. CONSPIRACY - CONVERSION</p> <p>Prison Only</p> <p>State Confinement:</p> <p>Agency: Michigan Department of Corrections Effective 04/21/2021</p> <p>Term: 35 Yr to 60 Yr</p> <p>Credit for Time Served: 25 Yr 321 Days</p> <p>Comment: Any financial obligations previously ordered remain in effect. Restitution is joint and several with co-defendants. Counts 1 and 5 are concurrent with each</p>

**NINTH JUDICIAL CIRCUIT COURT**  
**REGISTER OF ACTIONS**  
**CASE NO. 1993-0756-FC**

other. Count 2 is preceding and consecutive to the prison term imposed in Count 1. Count 6 is preceding and consecutive to the prison term imposed in Count 5. At the time of resentencing, the sentence imposed on Count 2 and 6 had been completed.

04/22/2021	<b>CANCELED Hearing</b> (9:00 AM) (Judicial Officer: Lightvoet, Pamela L.) <i>Issue(s) Resolved Miller</i>
04/22/2021	Judgment of Sentence Commitment to DOC - Amended ^
05/11/2021	Reporter -Recorder Certificate-Ordering Transcript on Appeal
05/11/2021	Transcript <i>April 21, 2021 - Resentencing Hearing</i>
05/24/2021	Order to Remit Prisoner Funds for Fines, Costs & Restitution
05/26/2021	Notice of right to appellate review-request appt of attorney
06/09/2021	Claim of Appeal and Order Appointing Counsel

<b>DATE</b>	<b>FINANCIAL INFORMATION</b>		
	<b>Defendant Neilly, William Edward</b>		
	Total Charges	14,925.78	
	Total Payments and Credits	0.00	
	<b>Balance Due as of 11/22/2021</b>	<b>14,925.78</b>	
05/18/2021	Charge	Defendant Neilly, William Edward	14,925.78

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## **APPENDIX B**

Stipulation Regarding Resentencing filed 2/17/21

STATE OF MICHIGAN  
IN THE NINTH CIRCUIT COURT FOR THE COUNTY OF KALAMAZOO

PEOPLE OF THE STATE OF MICHIGAN )  
Plaintiff ) THE HONORABLE  
v ) PAMELA L. LIGHTVOET  
WILLIAM NEILLY, ) CIRCUIT COURT FILE  
Defendant. ) NO. 1993-0756 FC

JEFFREY S. GETTING (P43227)  
ATTORNEY FOR PLAINTIFF  
227 West Michigan Avenue  
Kalamazoo, Michigan 49007  
(269) 383-8900

HEATHER S. BERGMANN (P49029)  
ASSISTANT PROSECUTING ATTORNEY

CLAIRE A. WARD (P83174)  
ATTORNEY FOR DEFENDANT  
200 North Washington Square  
Suite 250  
Lansing, MI 48913  
(313) 420-2968

**STIPULATION REGARDING RESENTENCING**

The parties hereby acknowledge that Defendant, originally sentenced in 1993 to serve life without the possibility of parole for crimes he committed as a juvenile, is entitled to be resentenced pursuant to federal and state law. The parties also acknowledge that the Court has the option, after considering numerous mitigating factors set forth in *Miller v Alabama*, 567 US 460, 480; 132 S Ct 2455; 183 L Ed 2d 407 (2012), to either affirm Defendant's non-parolable life sentence or impose a term of years pursuant to MCL 769.25a—"which the maximum term shall be not less than 60 years and the minimum term shall be not less than 25 years or more than 40 years."

Understanding the requirements of the law and the rights afforded to both the Defendant and the victim(s), the parties announce that they have reached a sentence agreement. This agreement comes after full consideration of the record, including the exhibits provided by the defense in preparation for resentencing, and after discussions between Defendant and his attorney and the victim's family and the attorney for the People.

The parties stipulate that the Defendant be resentenced (at a date and time to be scheduled by the Court) on Count I (Felony Murder) and Count V (Conspiracy to Commit Armed Robbery) to concurrent terms of 35 to 60 years, with credit for time served. Counts II and VI (Felony Firearm) are to remain unchanged.

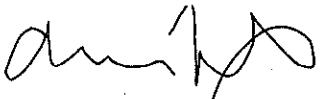
This stipulated agreement was voluntarily reached by and between:

Heather S. Bergmann

JEFFREY S. GETTING (P43227)  
PROSECUTING ATTORNEY

Heather S. Bergmann (P49029)  
Assistant Prosecuting Attorney

Date: 2/17/21



CLAIRe A. WARD (P83174)  
Attorney for Defendant

Date: 2/11/21



William Edward Neilly (Inmate # 234427)  
Defendant

Date: 2-11-2021

PREPARED BY THE OFFICE OF THE PROSECUTING ATTORNEY/hsb  
Dated: 02/10/2021

## **APPENDIX C**

Excerpt of Resentencing Hearing held 4/21/21

1 STATE OF MICHIGAN  
2 9TH JUDICIAL CIRCUIT COURT  
3 FOR THE COUNTY OF KALAMAZOO

4  
5 PEOPLE OF THE STATE OF MICHIGAN,

6 v Case No.: 1993-0756-FH  
7  
8 WILLIAM E. NIELLY  
9 Defendant.  
10 \_\_\_\_\_/

11 RESENTENCING HEARING  
12  
13 BEFORE THE HONORABLE PAMELA LIGHTVOET, CIRCUIT JUDGE  
14 Kalamazoo, Michigan - April 21, 2021  
15  
16 APPEARANCES BY ZOOM:  
17  
18  
19  
20  
21  
22  
23  
24  
25

For the People: MS. HEATHER BERGMANN (P49029)  
KALAMAZOO COUNTY PROSECUTORS OFFICE  
227 W. Michigan Ave  
Kalamazoo, MI 49007  
(269)383-8900

For the Defendant MS. CLAIRE WARD (P83174)  
3031 W. Grand Blvd., Ste 450  
Detroit, MI 48202  
(313)256-9833

MS. JESSICA ZIMBELMAN (P72042)  
3031 W. Grand Blvd., Ste 450  
Detroit, MI 48202  
(313)256-9833

AUDIO/VIDEO RECORDED

TRANSCRIBED BY: Ms. Dawn M. Thompson, CER 7583  
9191 N. 48th Street  
Augusta, MI 49012  
(269) 420-3677

1                   So with all of that being said, I certainly hope  
2 that from this day forward, Mr. Ricketts family can again  
3 begin to heal and I cannot imagine losing a child and again  
4 you're a very strong woman for being here and going through  
5 what you have had to go through every day. So I certainly  
6 hope you heal in the future too.

7                   For count I, homicide/felony murder I will follow  
8 the agreement here and sentence the Defendant to 35 to 60  
9 years in prison. He has credit for 9,446 days and there are  
10 statutory crime victim and state costs fees that are imposed  
11 with that.

12                  I will also follow the sentence agreement for count  
13 V, armed robbery/conspiracy to commit armed robbery. He is  
14 sentenced to 35 years to 60 years with the Department of  
15 Corrections. Again, he's credit for -- has credit for the  
16 9,446 days served at sentencing.

17                  Both of these counts will run concurrent with each  
18 other. They are consecutive and run after, obviously, the  
19 two felony firearm counts that we addressed before.

20                  And I am also seeing, counsel, restitution pursuant  
21 to the attachments requested in the amount of \$14,895.78.  
22 That is also ordered. I will not assess anything further for  
23 costs or court costs or attorney fees other than what was  
24 originally ordered at sentencing.

25                  Mr. Neilly, you have the right to file an

1 application for leave to appeal from the sentence. If you  
2 need an attorney to help you with that and you can't afford  
3 one the Court would appoint one for you. Any request for a  
4 court appointed attorney must be made within 42 days.

5 You're going to be sent a form outlining your  
6 appellate rights and (inaudible), let me just back up, you  
7 would have a right to appeal the sentence.

8 And I think that is -- I think I covered  
9 everything. Counsel, did I miss anything that you see from  
10 your end, Miss Burgan -- Miss Bergmann?

11 MS. BERGMANN: No, your Honor.

12 I will note, in all fairness, with regard to the  
13 restitution, I did look up this morning and see that it was  
14 not originally ordered.

15 THE COURT: Correct.

16 MS. BERGMANN: And it would be under the law, if  
17 ordered, to be joint and several with the codefendants.

18 THE COURT: Yes.

19 MS. BERGMANN: And your Honor and I have not been  
20 able to confirm what actually was out of pocket for the  
21 victim so I -- I again, in all fairness if the Court were to  
22 enter this or -- and has entered the amount, I would  
23 certainly be amenable to any amendments if we find out  
24 information that would be contrary to the legality of the --  
25 the order.

1                   THE COURT: Well, let me just indicate too, I  
2 certainly Mr. Neilly would be entitled to have a hearing with  
3 regards to the restitution or if there is a -- and that can  
4 be requested.

9 So if there's a stipulation too that needs to be  
10 changed later I can certainly address that also. Or if  
11 there's additional amounts, I can certainly address that.  
12 But I did see it was not indicated initially and it --  
13 they're certainly entitled to restitution and it is joint and  
14 several.

15 MS. BERGMANN: Thank you.

16 THE COURT: So yes, thank you for clarifying that.

17 THE COURT: Miss Ward?

18 MS. WARD: (inaudible) if I could just be heard on  
19 that.

20 Yes, no restitution was ordered at the original  
21 sentencing in November 1993 or on the original judgment of  
22 sentence. The only fee or cost on the original judgment of  
23 sentence was a \$30 crime victim fee which obviously we have  
24 no objection to Mr. Neilly being ordered to pay.

25 The occasion of this resentencing pursuant to MCL

1       769.25A should not be an occasion for the imposition of -- of  
2       restitution or fees or costs which were not originally  
3       imposed; the occasion of the resentencing is not Mr. Neilly's  
4       fault or something which could have been reasonably  
5       predicted. And (inaudible) and Miss Bergmann noted,  
6       restitution of course should, of course, be joint and several  
7       amongst the codefendants and there's -- there's no occasion  
8       for the codefendants to have restitution orders made now more  
9       than 28 years after the offense. And -- and when they are  
10      not subject to resentencing.

11           It should be joint and several between the  
12      defendants if it was to be imposed but in that event, Mr.  
13      Neilly is indigent and has been incarcerated for that last 28  
14      years. He doesn't have the ability to pay \$15,000 in  
15      restitution. He doesn't have the ability to pay even a joint  
16      and several amount of that restitution and in effect,  
17      imposing restitution now, 28 years after the fact would act  
18      as if it were en -- enhancement or a new enhancement of his  
19      sentence and that would violate his rights under the state  
20      and federal constitution.

21           So we -- we would object to imposition of  
22      restitution at this time and -- and any other fees or costs.

23           THE COURT: I ordered the statutory costs and I am  
24      ordering restitution and until somebody in a different court  
25      tells me otherwise, I certainly think is appropriate. It is

1 part of a sentence. He's here for resentencing. It's  
2 certainly statutory and so that is ordered.

3 All right, Court's in recess, thank you counsel.

4 (At 10:31 a.m., proceedings conclude)

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## **APPENDIX D**

Victim Impact Statement for resentencing held 4/21/21

PBT



Re-Sentencing April 21, 2021

Hom

# VICTIM IMPACT STATEMENT

Victim/Witness Unit  
 Kalamazoo County Prosecutor's Office  
 227 West Michigan Avenue, Kalamazoo, MI 49007  
 (269) 383-8677

Please use  
 blue or black  
 pen when  
 completing  
 this form.

Defendant's Name: William WelkyCase No.: C93-0756Your Name: Debra Ricketts-Holder

Police No.: \_\_\_\_\_

Your Loved One's Name: \_\_\_\_\_

What is your current phone number?  
 \_\_\_\_\_



The purpose of this Victim Impact Statement is to give you the opportunity to express your feelings about being a victim and to make the Court aware of the losses you have suffered in this criminal matter. NOTE: This document will be shared with the Sentencing Judge, Prosecuting Attorney's Office, Defense Attorney and/or the Defendant. If you need additional space, please feel free to attach extra pages. You may add to this statement at any time.

- 1) How has the loss of your loved one affected you and those close to you? Please feel free to discuss your feelings about what has happened and how it has affected your general well-being. Has this crime affected your relationship with any family members, friends, co-workers, and other people? As a result of this crime, if you or others close to you have sought any type of victim services, such as counseling by either a licensed professional, member of the clergy or a community-sponsored support group, you may wish to mention this.

I miss my Son everyday  
I've Seen Timers DDS since Chris munder  
I am and have been a trustee for Pts 100 / Anisogated  
Take meds to this Day. my life has been changed forever

- 2) Has this crime affected your ability to perform your work, make a living, run a household, go to school or enjoy any other activities you previously performed or enjoyed? If so, please explain how these activities have been affected by your loss.

I am permanently disabled I Grieve my Son Every Day  
my life will never be the same EVER Christopher  
Gone to soon Christopher and I and his brother  
Charlie got this life sentence / Death is final

- 3) Only if you feel comfortable in doing so, you may use this space to tell the judge anything you would like him or her to know about your loved one and the kind of person he or she was. If you wish, you can write about any special memories you have of your loved one, times you shared together, what his or her hopes and dreams were and any other information you would like to share with the judge.

my Christopher was a kind loving caring person  
my Christopher loved music collecting Rock Comic  
Book and and loved his computer and collect. Base Ball  
baseball cards. Chris favored 1600s the col. Blue  
Red

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RESTITUTION SUMMARYFUNERAL COSTS: \$ 14,895.78 *Langland funeral home*MEDICAL BILLS/DEDUCTIBLE: \$ 0COUNSELING: \$ 644.78 *644.78*TRAVEL COSTS: \$ 700LOST WAGES: \$ DisableOTHER EXPENSES: \$ Medical Bills\*If yes, please describe: To DateGRAND TOTAL DUE TO VICTIM: \$ 14,895.78  
(out-of-pocket loss, co-pay and deductible)GRAND TOTAL PAID BY MEDICAL INSURANCE: \$ OVER 5,000GRAND TOTAL PAID BY CAR INSURANCE: \$ 0GRAND TOTAL PAID BY HOME OWNER'S/RENTER'S INSURANCE: \$ 0GRAND TOTAL: \$ 14,895.78

SENTENCING: Please provide your thoughts on sentencing. Feel free to comment on what sentence you would like the defendant to receive (for example: prison time, jail time, probation, counseling, community service).

Prison time for Life. Christopher got The Life Sentence of Death I have Lifetime of giving my son

Would you like to speak at sentencing?  Yes  No

Signature: Dr. P. Ricketts Holden Date: 3/28/21

If you are completing this statement for someone else, please provide the following information:

Name: \_\_\_\_\_ Relationship: \_\_\_\_\_

PLEASE MAIL THIS COMPLETED FORM TO:

Victim/Witness Unit  
Kalamazoo County Prosecutor's Office  
227 West Michigan Avenue  
Kalamazoo, MI 49007

March 25, 2021

Death is so final. There is no pain like the broken heart of a grieving mother. It can take away any hope. It takes time to adjust and learn to cope with such a blow and allow your brain time to catch up to what your heart knows to be true. The pain I feel is for life. Oh, I miss my Christopher. You don't know til you go through it, it's a heartache that never goes away.

I take each day as it comes and hope it's a better day as if comes and hope it's a better day than yesterday. There's no one stronger than a mother who has lost her child. My life will never be the same.

Christopher Douglas Ricketts gone to soon 11/21/75 – 6/10/93.

*A  
D  
Dr. Ricketts  
Holder*

## Debbie.txt

Jamie Green  
 Parole Board Victim Coordinator  
 PO Box 30003  
 Lansing, MI 48909  
 517-335-4108  
 517-241-7908

My name is Debra Ricketts Holder. I am the mother of Christopher D. Ricketts. Four people were convicted of murdering Christopher on June 10, 1993. They are:

Name Facility	Prisoner Number	Sentence	Up-For-Parole	Correction
1. Neilly, Wm James	234427	Double Life	Aug 18, 2003	Muskegon
2. Brown, Montrice James	234427	Double Life	Oct 6, 2003	Chippewa
3. Burnett, Angelo Lee	234711		Nov, 2005	Ionia
4. Wogoman, Donnie Omar	234815	Double Life	Jul 21, 2003	Robert Cotton

The purpose of this communication is to remind you what a heinous crime these individuals committed and that they should not be granted parole.

Neilly, Brown, Burnett and Wogoman murdered my son Christopher because they wanted to steal his stereo that was in his truck. They killed for a stereo system, it was not self-defense - it was for a non-living possession that belonged to someone else.

Let me tell you about my son. He was 17 years old, bright (he was in high school) and kind. Not a troublemaker and non-confrontational. There is not one person that I know that would say a bad thing about him. If trouble were to occur, Christopher would leave.

This is how Neilly, Brown, Burnett and Wogoman killed Christopher. They pulled out guns, a 9MM and 357 Magnum and they shot him in the back as he tried to leave in his vehicle. The bullet went through the back seat and pierced his heart.

This is how Christopher's death affected me. When they took Christopher they took part of me. There is not a day that goes by that I do not think about Chris. Ten years has passed and it seems like yesterday, the pain of losing Chris has been the worst fate for me. It is a terrible pain for a mother to suffer when a child dies before her. I celebrate holidays and Christopher's birthday by visiting his grave and leafing through baby pictures and other awards and family photos. Wondering what if he had the opportunity to go to college, what profession would he have chosen? Would he be married now and have children because he would be 27? I have been robbed of what a mother always hopes to have. Sharing Mother's day, Christmas, Thanksgiving and birthdays with her children's family and being a grandparent. But these celebrations will not happen. All I have to look forward to is meeting Chris again when I walk through the gates of Heaven.

This is how Chris's murder affected Charlie, Chris's younger brother. Charlie is 14 years old. If something would happen to Charlie's father or myself he would not have a sibling to lean on, talk to or share holidays. He will never be an uncle. He will grow up without his brother's help, love and guidance.

For all people, the world - we will miss Chris's contributions.

Debbie.txt

For the murderers, they are alive and do just about anything they want to do. They wake-up everyday, have three meals, have options for education, communicate and have interaction with friends, family and other cellmates. They are where they belong so that they may never be tempted to kill another innocent human being for their self-gratification. Why would you have lethal weapons of that magnitude if you did not have intentions of using them? I believe that these men are unremorseful about Christopher's murder and are danger to society. They should not be paroled.

Debra Ricketts-Holder



RICKETTS, Christopher D.  
3840 N. 3rd St.

Passed away Thursday evening June 10, 1993. Mr. Christopher Ricketts was born November 21, 1975 in Kalamazoo, Michigan a son of Debra Ricketts-Holder and step father, Charles Holder and biological father, Ronald Harville. He had been a lifelong resident of Kalamazoo and attended the Kalamazoo Academy, Otsego High School, and Kalamazoo Central High School. He was an achiever, scholar, and a loving young man who enjoyed reading, collecting comic books, and was a computer genius. He was preceded in death by his paternal grandfather, Frederick Harville and his maternal grandfather, Cubit Ricketts; and an uncle, Billy Jeffries. He is survived by his loving, caring, mother, Debra (Charles) Ricketts-Holder of Kalamazoo; a very special loving brother, Charlie William Holder of Kalamazoo; a step sister, Breanna Harville of Atlanta, GA; loving special maternal grandmother, Florence Ricketts of Kalamazoo who has provided much in his life; paternal grandmother, Mary Harville of Maryland; aunts include Patricia Evans, Dodie Jeffries, Carolyn Shavers, and Jackie Jeffries; uncles include Sonny Evans, George Ricketts, and Robert Jeffries; cousins, Mr. Leroy Ansell, Terrence and Sonya Evans, Cubit and Patty Jeffries. "Christopher will be in our thoughts and memories everyday for as long as we live", Charles and Debra Holder. Services will be held 1 o'clock Today at the Galilee Baptist Church, 1216 North Westnedge Ave., with the Rev. Mr. Louis J. Felton officiating. Visitation was Monday 2-4 and 7-9PM at the

LANGELAND  
MEMORIAL CHAPEL  
622 S. Burdick

A Trust 100 Chapel

Interment will be in Almena Cemetery. Memorials may be directed to the Eye Research-Retina Foundation.

Case

No. of Witnesses:

RICKETTS, Christopher D.  
11/21/75 - 6/10/93

In memory of our Son:  
Gone too soon like a comet  
blazing across the evening sky  
Gone too soon like a rainbow  
fading in a twinkling of an eye  
Gone too soon  
Shiny & sparkly and splendidly  
bright here I day, gone I night  
Like the loss of sunlight on a  
cloudy afternoon, gone too soon  
Like a castle built upon a sandy  
beach, gone too soon  
Like a perfect flower that is just  
beyond your reach, gone too soon  
Born to amuse, to inspire, to  
delight here I day, gone I night  
Like a sunset dying with the  
rising of the moon, gone too soon

Charles, Mom and Charlie

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# CHRISTOPHER D. RICKETTS

"I'll lend you for a little while  
a child of mine," He said,  
"For you to love the while he lives  
and mourn for him when dead.  
It may be six or seven years,  
or twenty-two or -three,  
But, will you, 'till I call him back,  
take care of him 'for me?'

He'll bring his charms to gladden you,  
and shall his stay be brief  
You'll have his lovely memories  
as solace for your grief."

"I cannot promise he will stay,  
since all from earth return,  
But there are lessons taught  
down there I want this child to learn.  
I've looked the wide world over  
in my search for teachers true  
And from the throngs that crowd life's lanes,  
I have selected you.  
Now will you give him all your love,  
nor think the labor vain,  
Nor hate Me when I come  
to take him back again?"

"I fancied that I heard them say:  
"Dear Lord, Thy will be done!  
For all the joy The child shall bring,  
the risk of grief we'll run.  
We'll shelter him with tenderness,  
we'll love him while we may,  
And for the happiness we've known together  
— forever grateful stay.  
And shall the angels call for him  
much sooner than we've planned,  
We'll brave the bitter grief that comes  
— and try to understand."

BORN  
November 21, 1975  
Kalamazoo, Michigan

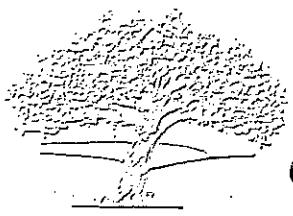
PASSED AWAY  
June 10, 1993  
Kalamazoo, Michigan

SERVICES  
Galilee Baptist Church  
Tuesday, June 15  
at 1:00 o'clock

OFFICIAIT  
Pastor J. Louis Felton

INTERMENT  
Almena Cemetery

*Lange and Chapels*



# Langeland

Family Funeral Homes

622 South Burdick Street  
Kalamazoo, MI 49007

411 East Centre Street  
Portage, MI 49002

205 East Maple Street  
Climax, MI 49034

6121 King Highway  
Kalamazoo, MI 49001

145 West Battle Creek Street  
Galesburg, MI 49053

3926 South 9th Street  
Kalamazoo, MI 49009

Phone: (269) 343-1508      Fax: (269) 343-5919

## STATEMENT OF ACCOUNT

To: Atty. James Koning  
400 Kalamazoo Bldg.  
Kalamazoo, MI 49007

Invoice Number: 930413  
Invoice Date: March 03, 2021  
Date Of Death: June 10, 1993

Services of: CHRISTOPHER DOUGLAS RICKETTS

DESCRIPTION OF SERVICES	AMOUNT	
<b>OUR SERVICES</b>		
Funeral Directors Services	3,508.62	
<b>MERCHANDISE</b>		
Acknowledgement Cards -	9.00	
Register Book -	21.00	
Service Folders -	35.00	
Casket -	5,450.00	
Outer Container -	1,990.00	
Sales Tax -	300.20	
<b>CASH ADVANCES</b>		
Grave Opening Charge	180.00	
Cemetery Equipment Charge	50.00	
Death certificates	25.00	
Long Distance Phone Calls	65.00	
Marker Engraving Purchase	2,720.64	
Obituaries	131.32	
Limousine	110.00	
<b>TOTALS</b>		
Total Sales/Use	0.00	
Total	\$14,595.78	
<b>HISTORY</b>		
09/30/1993	balance as of 9-30-93	15,044.73
01/31/1994	credit interest	-148.95
06/24/1994	CR Dep#6-11      ck#	-14,895.78
<b>BALANCE DUE</b>		
<b>PAID IN FULL</b>		

If you have any questions or concerns regarding this statement, please call or come in the Burdick Street Chapel at your convenience.

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## FUNERAL PURCHASE CONTRACT

## STATEMENT OF FUNERAL GOODS AND SERVICES SELECTED

Charges are only for those items that are used. If we are required by law to use any items, we will explain the reasons in writing below.

## (A) OUR SERVICE:

## EMBALMING

If you selected a funeral which requires embalming such as a funeral with viewing, you may have to pay for embalming. You do not have to pay for embalming if you did not approve it. You selected arrangements such as direct cremation or immediate burial if we charged you for embalming, we will explain why below.

## REASON FOR EMBALMING:

## OTHER PREPARATION OF THE BODY

## USE OF FACILITIES &amp; EQUIPMENT

For Funeral Ceremony, incl. staff Funeral Home, Church or Other  
For Visitation or Viewing, incl. staff Funeral Home, Church or Other

## Other Use of Facilities

(Administrative Areas, Reception Areas, Parking  
Facilities, Shelter of Remains, & all other misc.  
furnishings & equipment within the Funeral Home)

## SERVING CHAPEL

## TRANSFER OF REMAINS TO FUNERAL HOME

## AUTOMOTIVE EQUIPMENT

## Casket Coach (Hearse)

## Family Car

## Pallbearer Car

## Flower Distribution Car

## OTHER SERVICES/FACILITIES/EQUIPMENT

## DUPLICATES - Client

## LEGAL CEMETERY, CREMATORIUM OR OTHER REQUIREMENTS COMPELLING THE PURCHASE OF ANY ITEMS LISTED ABOVE

## 30 DAY DEDUCTION CONTRACT DUE

## TERMS

## PROBATE

## OTHER MERCHANDISE

## RECEPCION (other than casket)

## WEARING APPAREL

## FORWARDING OF REMAINS TO ANOTHER FUNERAL HOME

## RECEIVING OF REMAINS FROM ANOTHER FUNERAL HOME

## DIRECT CREMATION (As Selected)

## IMMEDIATE BURIAL (As Selected)

## LANGELAND CHAPELS

KENNETH P. LANGELAND, Manager

343-1508

622 So. Burdick - Kalamazoo, Michigan 49007

411 E. Centre Ave. - Portage, Michigan 49002

205 E. Maple Street - Climax, Michigan 49034

## CHRISTOPHER D. RICKETS

(Please PRINT Name)

Age 11

of person arranging services

Deceased is

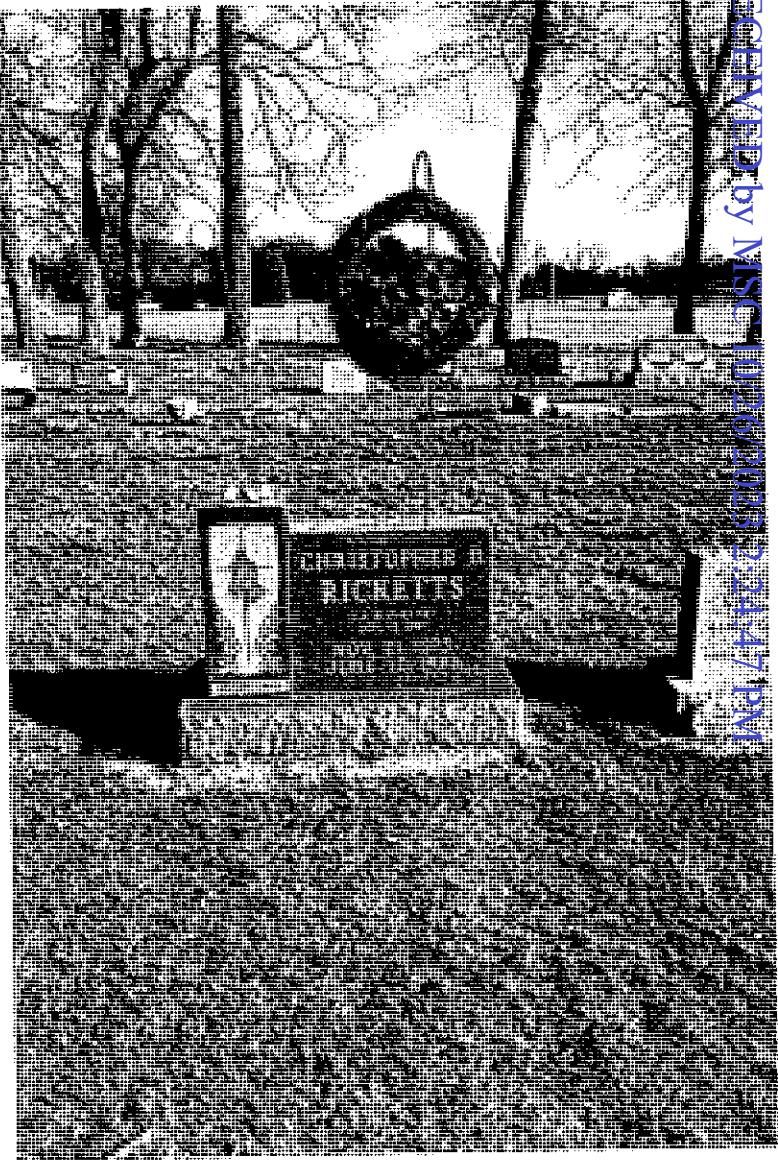
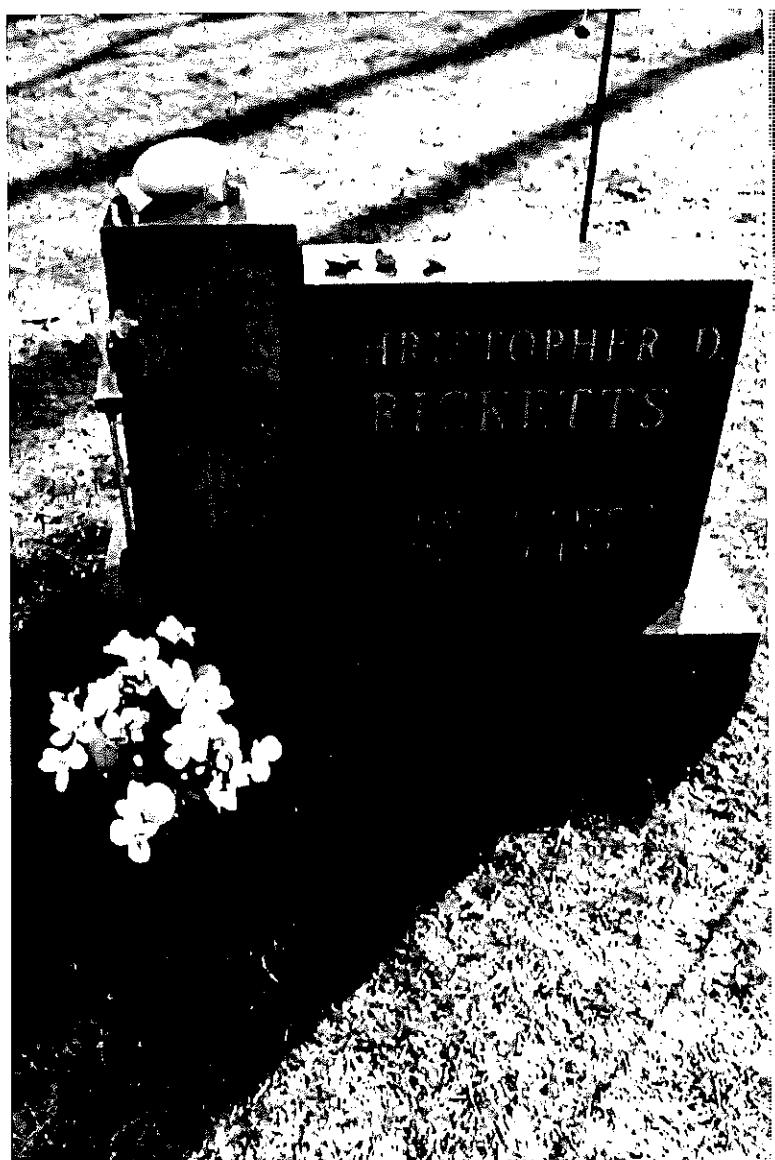
SON

(Give Relationship)

of person arranging services

Deceased is

Age 19



RECEIVED by MSC 01/26/2013 2:24:47 PM

RECEIVED by MSC 10/26/2023 2:24:47 PM



## **APPENDIX E**

Amended Judgment of Sentence filed 4/21/21

Original - Court  
1<sup>st</sup> copy - Corrections2<sup>nd</sup> copy - Corrections (for return)  
3<sup>rd</sup> copy - Michigan State Police CJIC4<sup>th</sup> copy - Defendant  
5<sup>th</sup> copy - ProsecutorSTATE OF MICHIGAN  
9TH JUDICIAL CIRCUIT  
KALAMAZOO COUNTYAMENDED JUDGMENT OF SENTENCE  
COMMITMENT TO DEPARTMENT OF CORRECTIONS  
Resentencing on Counts 1 and 5/Juvenile LiferCASE NO.  
1993-0756-FCORI MI- 390015J  
Police Report No. KDPS-93-19265Court Address  
Trial Division - 227 West Michigan Avenue, Kalamazoo, Michigan 49007  
Court telephone no.  
(269) 383-8837

THE PEOPLE OF THE STATE OF MICHIGAN

Defendant's name, address, and telephone no.

William Edward Neilly  
925 HAZARD KALAMAZOO MITCN:  
CTN: 39-93061115-01

SID

DOB  
05/31/1976Prosecuting attorney name  
Jeffrey S. GettingBar. no.  
P43227Defendant's attorney name  
Claire Alexis WardBar no.  
P83174

## THE COURT FINDS:

1. The defendant has the following dispositions of the crime(s) stated below:

Ct	CONVICTED BY	CONVICTION DATE	CRIME	CHARGE CODE(S)
1	Guilty Verdict	11/08/1993	Homicide - Felony Murder	750.316-B
2	Guilty Verdict	11/08/1993	Weapons Felony Firearm	750.227B-A
3	Dismissed by Court	11/29/1993	Assault W/intent To Rob While Armed	750.89
4	Dismissed by Court	11/29/1993	Weapons Felony Firearm	750.227B-A
5	Guilty Verdict	11/08/1993	Conspiracy - Conversion	750.157(A)
6	Guilty Verdict	11/08/1993	Weapons Felony Firearm	750.227B-A

2. The conviction is reportable to the Secretary of State pursuant to MCL 257.625(21)(b).

Defendant's driver's license number is:

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			MAXIMUM			DATE SENTENCE BEGINS	JAIL CREDIT			OTHER INFORMATION
		Years	Mos.	Days	Years	Mos.	Days		Years	Mos.	Days	
1	04/21/2021	35			60			04/21/2021	25		321	
2	11/29/1993	2			2			11/29/1993			172	
5	04/21/2021	35			60			04/21/2021	25		321	
6	11/29/1993	2			2			11/29/1993			172	

9. Sentence(s) to be served: (if line below is blank, sentence is concurrent)  each other.  case numbers \_\_\_\_\_

Counts 1 and 5 are concurrent with one another. Counts 2 is preceding and consecutive to Count 1. Count 6 is preceding and consecutive to Count 5.

10. The defendant shall pay:

State Minimum	Crime Victim	DNA Fee	Restitution	Court Costs	Attorney Fees	Fine	Other Costs	Total
0.00	30.00	0.00	14,895.78	0.00	0.00	0.00		\$14,925.78

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

Original - Court 1 <sup>st</sup> copy - Corrections	2 <sup>nd</sup> copy - Corrections (for return) 3 <sup>rd</sup> copy - Michigan State Police CJIC	4 <sup>th</sup> copy - Defendant 5 <sup>th</sup> copy - Prosecutor
STATE OF MICHIGAN 9 <sup>TH</sup> CIRCUIT COURT KALAMAZOO COUNTY ORI MI- 390015J	AMENDED JUDGMENT OF SENTENCE COMMITMENT TO DEPARTMENT OF CORRECTIONS	
Court Address Trial Division - 227 West Michigan Avenue, Kalamazoo, Michigan 49007	CASE NO. 1993-0756-FC Page 2 of 2	
THE PEOPLE OF THE STATE OF MICHIGAN	Court telephone no. (269) 383-8837	
Defendant's name, address, and telephone no.		
William Edward Neilly 925 HAZARD KALAMAZOO MI		

11. The defendant is subject to lifetime monitoring pursuant to MCL 750.520n.

12. Court recommendation: Any financial obligations previously ordered remain in effect. Restitution is joint and several with co-defendants. Counts 1 and 5 and concurrent with one another. Count 2 is preceding and consecutive to the prison term imposed in Count 1. Count 6 is preceding and consecutive to the prison term imposed in Count 5.(At the time of resentencing the sentence on Counts 2 and 6 had been completed)

**FILED**

9<sup>TH</sup> JUDICIAL CIRCUIT  
COUNTY OF KALAMAZOO  
KALAMAZOO, MICHIGAN

Signed: 4/21/2021 4:45:06 PM

  
(P47677)

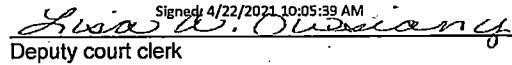
Honorable Pamela L. Lightvoet

P47677

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.

Signed: 4/22/2021 10:05:39 AM

  
Lisa W. Dusenberry  
Deputy court clerk

## **APPENDIX F**

Original Judgment of Sentence filed 11/30/93

State of Michigan  
Ninth Judicial Circuit  
Kalamazoo County

Judgment of Sentence  
Commitment to  
Corrections Department

Case No.  
C93-0756-FC

Ori

MI-390015-J 227 WEST MICHIGAN AVE.

Court Address

KALAMAZOO

MI 49007

Telephone No.

(616) 383-9837

The People of the State of Michigan

Defn: WILLIAM EDWARD NEILLY

925 HAZARD

KALAMAZOO MI

CTN: 1510: DOB:

139-93061115-011

5/31/76

Prosecuting Attorney

Bar No.:

JAMES J. GREGART

P14352

Defendant Attorney

Bar No.:

GERALD L. CHABLAND

P28813

**THE COURT FINDS:**

1. The defendant, represented by counsel, was found guilty on 11/08/93 of the crime(s) as stated below:

CONVICTED BY:

Count	Plea	Court	Jury	CRIME	CHARGE CODE(S)	MCL citation/PA/CC Code
1				X MURDER 1ST DEGREE F	1750.316-B	
2				X POSS FIREARM AT FEL	1750.227B-A	
5				X CONSPIRACY	1750.157(A)	

NOV 30 1993

2. The conviction is reportable to the Secretary of State under MCL 257.732. The defendant's driver license number is:

**IT IS ORDERED:**

3. Defendant is sentenced to the custody of the Michigan Department of Corrections as stated below. This sentence shall be immediately executed.

SENTENCE: MINIMUM MAXIMUM DATE SENTENCE: CREDIT:

Count	DATE	Yrs	Mos	Days	Yrs	Mos	Days	BEGINS	Mos	Days	OTHER INFORMATION
1	11/29/93				Life			11/29/93			
2	11/29/93	21				21		11/29/93		172	
5	11/29/93				Life			11/29/93			

Defendant shall pay restitution

X Defendant is also ordered to pay a \$30.00 Victim Rights Fund Assessment pursuant to 1989 PA 196.

4. Court recommendation:

CT. 1 - LIFE W/O PAROLE. CT. 2 CONSECUTIVE TO CT. 1.  
CT. 6 CONSECUTIVE TO CT. 5.

11/30/93

*Richard Ryan Lamb*  
Judge

RICHARD RYAN LAMB

Bar No.

Under MCL 769.16a, the clerk of the court shall send a copy of this order to the Michigan State Police Central Records Division to create a criminal history record.

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

(SEAL)

Deputy Court Clerk

## **APPENDIX G**

Co-Defendants' Judgments of Sentence & Registers of Actions

**State Appellate Defender Office**

3031 W. Grand Blvd., Ste. 450, Detroit, MI 48202  
(Phone) 313.256.9833 (Client calls) 313.256.9822  
(Fax) 313.263.0042 [www.sado.org](http://www.sado.org)

**Jonathan Sacks**

Director

**Marilena David-Martin**

Deputy Director

**Julianne Cuneo**

Chief Investigator

**Katherine Marcuz**

Managing Attorney, Direct Appeals Unit

**Tina Olson**

Managing Attorney, Juvenile Lifer Unit

**Jessica Zimbelman**

Managing Attorney, Direct Appeals Unit

May 19, 2021

Clerk  
Kalamazoo County Circuit Court  
227 West Michigan Avenue  
Kalamazoo, MI 49007  
Sent via fax 269-383-8647

Re: People v William E. Neilly  
Circuit Court No. 93-0756 FH

Dear Clerk:

On August 2, 2016, the State Appellate Defender Office was appointed as appellate counsel in the above case. On April 21, 2021, a resentencing was held and we have received the Amended Judgment of Sentence. However, we need the original 1993 Judgments of Sentence for Mr. Neilly's three co-defendants:

Omar Wogoman, No. 93-088-FC  
Angelo Burnett, No. 93-0752-FC  
James Martrice Brown, No. 93-1069-FC

If you could fax those to my attention at 313-263-0042, I would greatly appreciate it. Or if email is easier, you can email them to my legal assistant, Jean Downey at [jdowney@sado.org](mailto:jdowney@sado.org).

If you have any questions, Jean's direct dial number is 517-492-5841. Thank you for your cooperation.

Sincerely,

Claire Alexis Ward  
Assistant Defender

RECEIVED by MSC 10/26/93 2:24:44 PM

State of Michigan  
Ninth Judicial Circuit  
Kalamazoo CountyJudgment of Sentence  
Commitment to  
Corrections DepartmentCase No.  
E93-0752-FCDri Court Address Telephone No.  
MI-390015-J 227 WEST MICHIGAN AVE. KALAMAZOO MI 49007 (616) 383-983

The People of the State of Michigan	v	Defn: ANGELO BURNETT 925 HAZARD KALAMAZOO MI 349-6322
		CTN: 132-9306111Z-011 ISID: 1656106 DOB: 5/09/74

Prosecuting Attorney JAMES J. GREGARI	Bar No. P14352	Defendant Attorney KEITH TURPEL
		Bar No. P27895

## THE COURT FINDS:

1. The defendant, represented by counsel, was found guilty on 11/05/93 of the crime(s) as stated below:

Count	Elea	Court	Jury	CRIME	CHARGE CODE(S)	MCL citation/PA/CC Code
2				X ASLT IN ROB ARMED F		1750.89
3				X CONSPIRACY		1750.157(A)

FILED

2. The conviction is reportable to the Secretary of State under MCL 257.732.  
The defendant's driver license number is:

DEC 14 1993

## T IS ORDERED:

Defendant is sentenced to the custody of the Michigan Department of Corrections as stated below. This sentence shall be immediately executed in the COUNTY OF KALAMAZOO, KALAMAZOO, MICHIGAN.

Count	DATE	LYrs	Mos	Days	Yrs	Mos	BEGINS	Mos	Days	OTHER INFORMATION
2	12/13/93	15			30		12/13/93			186
3	12/13/93	15			30		12/13/93			186

Defendant shall pay restitution of \$30.00 Victim Rights Fund Assessment pursuant to 1989 PA 196.

Court recommendation:

*Richard Ryan Lamb*  
Judge RICHARD RYAN LAMB Bar No.

Under MCL 769.16a, the clerk of the court shall send a copy of this order to the Michigan State Police Central Records Division to create a criminal history record.

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

(SEAL)

Deputy Court Clerk

NINTH JUDICIAL CIRCUIT COURT  
**REGISTER OF ACTIONS**  
CASE NO. 1993-0752-FC

**State Of Michigan vs Burnett, Angelo**

Location: **Criminal Division**  
Judicial Officer: **Bridenstine, Paul J.**  
Filed on: **06/23/1993**  
Case Number History:

#### CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	FC - Capital Felony
1. HOMICIDE - FELONY MURDER	750.316-B	FEL	06/23/1993		
Arrest: 06/22/1993	KDPS - Kalamazoo Department of Public Safety			Case Status:	05/05/1997 Inactive
2. ASSAULT W/INTENT TO ROB WHILE ARMED	750.89	FEL	06/23/1993		
Filed As: WEAPONS FELONY FIREARM	FEL		6/23/1993		
Arrest: 06/22/1993	KDPS - Kalamazoo Department of Public Safety				
3. CONSPIRACY - CONVERSION	750.157(A)	FEL	06/23/1993		
Filed As: ASSAULT W/INTENT TO ROB WHILE ARMED	FEL		6/23/1993		
Arrest: 06/22/1993	KDPS - Kalamazoo Department of Public Safety				
4. WEAPONS FELONY FIREARM	750.227B-A	FEL	06/23/1993		
Arrest: 06/22/1993	KDPS - Kalamazoo Department of Public Safety				
5. CONSPIRACY - CONVERSION	750.157(A)	FEL	06/23/1993		
Arrest: 06/22/1993	KDPS - Kalamazoo Department of Public Safety				

## Statistical Closures

05/05/1997 Conversion Clean-up (other disposition)

DATE	CASE ASSIGNMENT
<b>Current Case Assignment</b>	
Case Number	1993-0752-FC
Court	Criminal Division
Date Assigned	10/31/2014
Judicial Officer	Bridenstine, Paul J.

#### **PARTY INFORMATION**

Plaintiff	State Of Michigan
Defendant	Burnett, Angelo

DATE	EVENTS & ORDERS OF THE COURT	INDEX
06/23/1993	Returns to Circuit Court ^ <b>BOND DENIED</b>	
06/23/1993	Petition and Order Court Appointed Attorney - Felony - PPO ^	
06/23/1993	<b>Disposition</b> 2. ASSAULT W/INTENT TO ROB WHILE ARMED Guilty Verdict	
06/23/1993	<b>Disposition</b> 3. CONSPIRACY - CONVERSION Guilty Verdict	

**NINTH JUDICIAL CIRCUIT COURT**  
**REGISTER OF ACTIONS**  
**CASE NO. 1993-0752-FC**

06/23/1993	<b>Disposition</b> 4. WEAPONS FELONY FIREARM Dismissed by Court
06/23/1993	<b>Disposition</b> 5. CONSPIRACY - CONVERSION Dismissed by Court
07/06/1993	<b>Waiver of Arraignment</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>No Court Reporter, Completed</i>
07/06/1993	Waiver of Arraignment & Election to Stand Mute
07/06/1993	Information
07/07/1993	Proof of Service
07/19/1993	Transcript <i>PRELIM EXAM HELD 062293 RE TERI VOGT</i>
07/22/1993	Notice of Scheduled Proceeding <i>8/18/93 8:30 AMCT E HPTL - 10/05/93 9:00 AMCT E HTRL</i>
07/28/1993	List of Witnesses Prosecutor Intends to Produce
07/28/1993	Miscellaneous Filing <i>NOT OF AMENDMENT OF WITNESSES NAME</i>
07/28/1993	Notice of Further Known Witness(s)
07/28/1993	Proof of Service
07/30/1993	Motion <i>TO CONSOLIDATE</i>
07/30/1993	Miscellaneous Filing <i>MEMO OF LAW IN SUP OF THE P'S MOT TO CONSOLIDATE</i>
07/30/1993	Notice of Scheduled Proceeding <i>HEAR MOT TO CONSOLIDATE SET FOR 080993 0130P</i>
07/30/1993	Proof of Service
08/09/1993	<b>Motion</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=134, MOT TO CONSOLIDATE W/E93-0756FH - STIP TO ENTER. Completed</i>
08/09/1993	Criminal Court Event Summary Report and Mittimus
08/18/1993	<b>Pre-Trial</b> (0:01 AM) (Judicial Officer: Conversion, Judge) <i>No Court Reporter, Completed</i>
08/18/1993	Miscellaneous Filing <i>STIP AND ORD GR P'S MOT TO CONSOLIDATE</i>
08/20/1993	Criminal Pretrial Summary and Scheduling Notice <i>9 DAY JT - POSSIBLY 2 JURIES - CONSOLIDATED WITH E93-0756FC NEILLY &amp; E93-888FC WOGOMAN</i>

**NINTH JUDICIAL CIRCUIT COURT**  
**REGISTER OF ACTIONS**  
**CASE NO. 1993-0752-FC**

08/20/1993	Notice of Further Known Witness(s)
08/20/1993	Notice of Additional Witness
08/20/1993	Proof of Service
08/24/1993	Notice of Scheduled Proceeding <i>9/13/93 4:00 PM CT C HHRG</i>
08/26/1993	Miscellaneous Filing <i>AMENDED INFO IN STIP AND ORD GR PEO'S MOT TO CONSOLIDATE</i>
09/13/1993	<b>Hearing</b> (4:26 PM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter-157, BOND SET \$150000 C.S Completed</i>
09/13/1993	Criminal Court Event Summary Report and Mittimus
09/13/1993	Miscellaneous Filing <i>STIP AND ORD TO CONSOLIDATE</i>
10/05/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=172, Continued</i>
10/05/1993	Criminal Court Event Summary Report and Mittimus
10/06/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=173, Continued</i>
10/06/1993	Criminal Court Event Summary Report and Mittimus
10/07/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>No Court Reporter, Continued</i>
10/07/1993	Criminal Court Event Summary Report and Mittimus
10/12/1993	<b>CANCELED Sentence</b> (0:01 AM) (Judicial Officer: Conversion, Judge) <i>Conversion CANCELLED, No Court Reporter,</i>
10/12/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>No Court Reporter, Continued</i>
10/12/1993	Criminal Court Event Summary Report and Mittimus
10/13/1993	<b>CANCELED Trial</b> (0:01 AM) (Judicial Officer: Conversion, Judge) <i>Conversion CANCELLED, No Court Reporter.</i>
10/13/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Latnb, Richard Ryan) <i>Court Reporter=178, Continued</i>
10/14/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=179.</i>

**NINTH JUDICIAL CIRCUIT COURT**  
**REGISTER OF ACTIONS**  
**CASE NO. 1993-0752-FC**

*Continued*

10/14/1993	Criminal Court Event Summary Report and Mittimus
10/20/1993	<b>CANCELED Trial</b> (0:01 AM) (Judicial Officer: Conversion, Judge) <i>Conversion</i> <i>CANCELLED, No Court Reporter,</i>
10/20/1993	<b>CANCELED Sentence</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Conversion</i> <i>CANCELLED, No Court Reporter, SHOULD BE CONT'D JT</i>
10/20/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Conversion, Judge) <i>Court Reporter=182,</i> <i>Continued</i>
10/20/1993	Criminal Court Event Summary Report and Mittimus
10/21/1993	<b>CANCELED Trial</b> (0:01 AM) (Judicial Officer: Conversion, Judge) <i>Conversion</i> <i>CANCELLED, No Court Reporter,</i>
10/21/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=183,</i> <i>Continued</i>
10/21/1993	Criminal Court Event Summary Report and Mittimus
10/27/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=187,</i> <i>Continued</i>
10/27/1993	Criminal Court Event Summary Report and Mittimus
10/28/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=188,</i> <i>Continued</i>
10/28/1993	Criminal Court Event Summary Report and Mittimus <i>ALSO SCH FOR MOTIONS ON 102993 SINCE DATE HAS PASSED CAN'T ENTER ON COMPUTER DO BY EC WHEN MIT IS DONE</i>
10/29/1993	<b>Motion</b> (0:01 AM) (Judicial Officer: Conversion, Judge) <i>Court Reporter=189, DIRECTED VERDICT FOR ACQ-CN</i> <i>Continued</i>
10/29/1993	Criminal Court Event Summary Report and Mittimus
11/02/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Conversion, Judge) <i>Court Reporter=191,</i> <i>Continued</i>
11/02/1993	<b>Motion</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=191, FOR DIRECT VERDICT-DENIED</i> <i>Completed</i>
11/02/1993	Criminal Court Event Summary Report and Mittimus
11/03/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=192,</i>

**NINTH JUDICIAL CIRCUIT COURT**  
**REGISTER OF ACTIONS**  
**CASE NO. 1993-0752-FC**

*Continued*

11/03/1993	Criminal Court Event Summary Report and Mittimus
11/03/1993	Criminal Court Event Summary Report and Mittimus
11/04/1993	<b>CANCELED Trial (0:01 AM)</b> (Judicial Officer: Conversion, Judge) <i>Conversion</i> <i>CANCELLED, No Court Reporter,</i>
11/04/1993	<b>Trial (0:01 AM)</b> (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=193,</i> <i>Continued</i>
11/04/1993	Criminal Court Event Summary Report and Mittimus
11/05/1993	<b>Trial (0:01 AM)</b> (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=194, DISMISS CT I, BOND REVOKED</i> <i>Completed</i>
11/05/1993	Criminal Court Event Summary Report and Mittimus
11/05/1993	Miscellaneous Filing <i>FORM OF VERDICT</i>
11/05/1993	Miscellaneous Filing <i>PEO'S PROPOSED JURY INSTRUCTIONS</i>
11/05/1993	Miscellaneous Filing <i>NOTES FROM JURY</i>
11/05/1993	<b>Disposition</b> 1. <b>HOMICIDE - FELONY MURDER</b> Dismissed by Court
12/13/1993	<b>Sentence (2:14 PM)</b> (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=213,</i> <i>Completed</i>
12/13/1993	Criminal Court Event Summary Report and Mittimus
12/13/1993	Sentencing Information Report
12/13/1993	<b>Sentence</b> (Judicial Officer: Conversion, Judge) 2. <b>ASSAULT W/INTENT TO ROB WHILE ARMED</b> Conversion - Sentencing Type State Confinement: Agency: Michigan Department of Corrections Effective 12/13/1993 Term: 15 Yr to 30 Yr Credit for Time Served: 186 Days Converted Disposition: Fine:0, Rest:0, Vctm:\$30.00, Ct Cost:0, Atty Fee:0, St Fee:0
	3. <b>CONSPIRACY - CONVERSION</b> Conversion - Sentencing Type Converted Disposition: Fine:0, Rest:0, Vctm:0, Ct Cost:0, Atty Fee:0, St Fee:0 CONCURRENT COUNTS. State Confinement: Agency: Michigan Department of Corrections Effective 12/13/1993 Term: 15 Yr to 30 Yr

NINTH JUDICIAL CIRCUIT COURT  
**REGISTER OF ACTIONS**  
**CASE NO. 1993-0752-FC**

Credit for Time Served: 186 Days

12/14/1993	Judgment of Sentence
01/14/1994	Notice of right to appellate review-request app't of attorney
02/23/1994	Claim of Appeal to Court of Appeals or Supreme Court <i>SADO</i>
03/11/1994	Miscellaneous Filing <i>REPORT/RECORD CERT OF ORD OF TRANS ON APPEAL</i>
04/12/1994	Order Regarding Appointment Appellate Counsel & Transcript
04/21/1994	Transcript <i>SEN HELD 121393 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Miscellaneous Filing <i>NOT OF FILING OF TRANS AND AFF OF MAILING</i>
04/21/1994	Transcript <i>JT VOL I HELD 100593 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL II HELD 100693 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL III HELD 100793 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL IV HELD 101293 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL V HELD 101393 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL VI HELD 101493 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL VII HELD 102093 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL VIII HELD 102193 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL IX HELD 102193 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL X HELD 102193 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL XI HELD 102993 VIDEOTAPED RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL XII HELD 110293 VIDEOTAPED RE D SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL XIII HELD 110393 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript

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NINTH JUDICIAL CIRCUIT COURT  
**REGISTER OF ACTIONS**  
**CASE NO. 1993-0752-FC**

*JT VOL XIV HELD 110493 VIDEOTAPED C RE D. SPONSELLER*

04/21/1994	Transcript <i>JT VOL XV HELD 110593 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL XVI HELD 110593 VIDEOTAPED C RE D. SPONSELLER</i>
04/25/1994	Miscellaneous Filing <i>REPORT/RECORD CERT OF ORD OF TRANS ON APPEAL</i>
04/25/1994	Order Regarding Appointment Appellate Counsel & Transcript <i>MARTIN BERES FOR DEF</i>
05/03/1994	Miscellaneous Filing <i>REPORT/RECORD CERT OF ORD OF TRANS ON APPEAL</i>
05/03/1994	Miscellaneous Filing <i>NOT OF FILING OF TRANS AND AFF OF MAILING</i>
10/10/1994	POS of Copy of File to Defendant
10/13/1994	Motion <i>FOR EXTENSION OF TIME W/IN WHICH DEF-APPELLANT MAY FILE A BRIEF ON APPEAL</i>
12/06/1994	Miscellaneous Filing <i>MOT TO REMAND CAUSE TO LOWER CRT FOR RESENTENCING, NOTICE &amp; POS</i>
12/06/1994	Miscellaneous Filing <i>DEF-APPELLANT BRIEF ON APPEAL</i>
02/15/1995	Miscellaneous Filing <i>PLAINTIFF-APPELLEE'S BRIEF ON APPEAL</i>
02/15/1995	Proof of Service
03/01/1995	Proof of Mailing to Court of Appeals - Supreme Court
07/08/1996	Court of Appeals-Supreme Court Opinion-Order - Affirmed
07/26/1996	MAACS Statement of Service & Order For Payment
08/02/1996	Copy of Voucher <i>PMT TO MARTIN BERES</i>
10/09/1996	Miscellaneous Filing <i>ANS IN OPPOS TO DEF'S APP FOR LV TO APPEAL</i>
05/05/1997	Aff -Notice of Return from Court of Appeals or Supreme Court
05/05/1997	Court of Appeals - Supreme Court Order - Denied <i>ORDER FROM MICH SUPREME COURT</i>

DATE	FINANCIAL INFORMATION
	<b>Defendant</b> Burnett, Angelo
	Total Charges 30.00
	Total Payments and Credits 30.00
	<b>Balance Due as of</b> 11/22/2021 0.00

NINTH JUDICIAL CIRCUIT COURT  
**REGISTER OF ACTIONS**  
CASE NO. 1993-0752-FC

10/15/2010	Charge	Defendant Burnett, Angelo	60.00
10/15/2010	Adjustment	Defendant Burnett, Angelo	(30.00)
10/15/2010	Counter	Defendant Burnett, Angelo	(30.00)

Receipt # 2010-12523

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State of Michigan  
Ninth Judicial Circuit  
Kalamazoo County

Judgment of Sentence  
Commitment to  
Corrections Department

Case No.  
E93-1069-FC

Court Address  
11-390015-J 227 WEST MICHIGAN AVE. KALAMAZOO MI 49007 Telephone No.  
(616) 383-8937

The People of the State of Michigan

Defn't JAMES MARTRICE BROWN  
1705 HIGHLAND  
KALAMAZOO MI

Prosecuting Attorney  
JAMES J GREGART

Bar No. 1  
E14352

CTN# 1510 139-93061114-011 ISDN: 1695646 DOB: 3/25/75  
Defendant Attorney  
GARY K VOSHELL Bar No. E32490

THE COURT FINDS:

1. The defendant, represented by counsel, was found guilty on 1/19/94 of the  
crime(s) as stated below:

CONVICTED BY:

Count	Plea	Court	Jury	CRIME	MCL citation/PAcc Code
1	X			MURDER 1ST DEGREE F	1750.316-B
2	X			POSS FIREARM AT FEL	1750.227B-A
5	X			CONSPIRACY	1750.157(A)

2. The conviction is reportable to the Secretary of State under MCL 257.732.  
The defendant's driver license number is:

FILED

FEB 16 1994

IT IS ORDERED:

Defendant is sentenced to the custody of the Michigan Department of Corrections  
as stated below. This sentence shall be executed in the 9th JUDICIAL CIRCUIT  
SENTENCE: MINIMUM MAXIMUM DATE COUNT OF KALAMAZOO  
Count DATE Yrs Mos Days DATE Yrs Mos Days OTHER INFORMATION

1	2/14/94	1	Life	1999	1	2/14/94	1	1
2	2/14/94	2		2	1	2/14/94	1	1981
5	2/14/94	1	Life	1999	1	2/14/94	1	1

Defendant shall pay restitution  
of \$0.

X Defendant is also ordered to pay a  
\$30.00 Victim Rights Fund Assessment  
pursuant to 1989 PA 196.

Court recommendation:

CT. 1 - LIFE W/O PAROLE. CT. 2 CONSECUTIVE & PRECEDING CT. 1  
CT. 6 CONSECUTIVE & PRECEDING CT. 5.

2/15/94

Judge

J. RICHARDSON JOHNSON

Bar No.

Under MCL 769.160, the clerk of the court shall send a copy of this order to the  
Michigan State Police Central Records Division to create a criminal history record.

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

(SEAL)

Deputy Court Clerk

219b (Local) JUDGMENT OF SENTENCE/COMMITMENT TO CORRECTIONS DEPARTMENT MCR6.427(

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State of Michigan  
Ninth Judicial Circuit  
Kalamazoo County

Judgment of Sentence  
Commitment to  
Corrections Department

Case No.  
E93-1069-FC

Ori Court Address Telephone No.  
MI-390015-J 227 WEST MICHIGAN AVE., KALAMAZOO MI 49007 (616) 383-8333

The People of the State of Michigan

Defn't JAMES MARTRICE BROWN  
1705 HIGHLAND  
KALAMAZOO MI

CTN# ISIN# DOB#  
139-93061114-011 1695646 8/25/75

Prosecuting Attorney Bar No.  
JAMES J GREGART P14352

Defendant Attorney Bar No  
MARY K VOSHELL P32620

THE COURT FINDS:

1. The defendant, represented by counsel, was found guilty on 1/19/94 of the  
crime(s) as stated below:  
CONVICTED BY

Count Plea Court Jury CRIME MCL citation/PAcc Code  
6 X POSS FIREARM AT FEL CHARGE CODE(S)  
1 MCL citation/PAcc Code  
750.227B-A

2. The conviction is reportable to the ~~State~~ <sup>9th JUDICIAL CIRCUIT</sup> under MCL 257.732.  
The defendant's driver license number <sup>9th JUDICIAL CIRCUIT</sup> COUNTY OF KALAMAZOO  
KALAMAZOO, MICHIGAN

IT IS ORDERED:

Defendant is sentenced to the custody of the Michigan Department of Corrections  
as stated below. This sentence shall be immediately executed.

SENTENCE MINIMUM MAXIMUM DATE SENTENCE CREDIT

Count DATE Yrs Mos Days Yrs Mos BEGINS Mths Days OTHER INFORMATION  
6 2/14/94 21 1 21 2/14/94 1 1 1981

Defendant shall pay restitution  
of

X Defendant is also ordered to pay a  
\$30.00 Victim Rights Fund Assessment  
pursuant to 1989 PA 196.

Court recommendation:

CT. 1 - LIFE W/O PAROLE, CT. 2 CONSECUTIVE & PRECEDING CT. 1  
CT. 6 CONSECUTIVE & PRECEDING CT. 5.

2/15/94

ate Judge

J. RICHARDSON JOHNSON

Bar No

Under MCL 769.160, the clerk of the court shall send a copy of this order to the  
Michigan State Police Central Records Division to create a criminal history record.

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

(SEAL)

Deputy Court Clerk

c219b (Local) JUDGMENT OF SENTENCE/COMMITMENT TO CORRECTIONS DEPARTMENT MCR6.427(

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**NINTH JUDICIAL CIRCUIT COURT**  
**REGISTER OF ACTIONS**  
**CASE No. 1993-1069-FC**

**State Of Michigan vs Brown, James Martrice**

§ Location: **Criminal Division**  
§ Judicial Officer: **Bridenstine, Paul J.**  
§ Filed on: **09/01/1993**  
§ Case Number History:

## CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	FC - Capital Felony
1. HOMICIDE - FELONY MURDER	750.316-B	FEL	09/01/1993		
Arrest: 08/31/1993	KDPS - Kalamazoo Department of Public Safety			Case Status:	05/02/1997 Inactive
2. WEAPONS FELONY FIREARM	750.227B-A	FEL	09/01/1993		
Arrest: 08/31/1993	KDPS - Kalamazoo Department of Public Safety				
3. ASSAULT W/INTENT TO ROB WHILE ARMED	750.89	FEL	09/01/1993		
Arrest: 08/31/1993	KDPS - Kalamazoo Department of Public Safety				
4. WEAPONS FELONY FIREARM	750.227B-A	FEL	09/01/1993		
Arrest: 08/31/1993	KDPS - Kalamazoo Department of Public Safety				
5. CONSPIRACY - ROBBERY - ARMED	750.529(C)	FEL	09/01/1993		
Filed As: CONSPIRACY - CONVERSION	FEL		9/1/1993		
Arrest: 08/31/1993	KDPS - Kalamazoo Department of Public Safety				
6. WEAPONS FELONY FIREARM	750.227B-A	FEL	09/01/1993		
Arrest: 08/31/1993	KDPS - Kalamazoo Department of Public Safety				
7. HABITUAL OFFENDER-2ND OFFENSE	769.10	FEL	09/01/1993		
NOTICE					
Arrest: 08/31/1993	KDPS - Kalamazoo Department of Public Safety				

## Statistical Closures

05/02/1997 Conversion Clean-up (other disposition)

DATE

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**CASE ASSIGNMENT**

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### Current Case Assignment

Case Number 1993-1069-FC  
Court Criminal Division  
Date Assigned 10/31/2014  
Judicial Officer Bridenstine, Paul J.

#### PARTY INFORMATION

**Plaintiff** **State Of Michigan**

Defendant Brown, James Martrice

DATE

## EVENTS & ORDERS OF THE COURT

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**INDEX**

09/01/1993	Returns to Circuit Court ^ <i>BOND DENIED</i>
09/01/1993	Petition and Order Court Appointed Attorney - Felony - PPO ^
09/13/1993	<b>Waiver of Arraignment</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>No Court Reporter,</i> <i>Completed</i>

**NINTH JUDICIAL CIRCUIT COURT**  
**REGISTER OF ACTIONS**  
**CASE NO. 1993-1069-FC**

09/13/1993	Waiver of Arraignment & Election to Stand Mute
09/13/1993	Information
09/13/1993	Supplemental Information <i>2ND OFFENDER</i>
09/14/1993	Proof of Service
09/20/1993	Motion <i>D'S MOT TO SUPPRESS STATEMENTS</i>
09/20/1993	Proof of Service
09/22/1993	Motion <i>D'S MOT TO QUASH INFO</i>
09/22/1993	Proof of Service
09/24/1993	Notice of Scheduled Proceeding <i>12/14/93 9:00 AMCT E HMOT - 12/14/93 9:00 AMCT E HMOT</i>
09/29/1993	Notice of Scheduled Proceeding <i>12/01/93 8:30 AMCT E HPTL - 1/05/94 9:00 AMCT E HTPL</i>
10/04/1993	Transcript <i>PRE EXAM HELD 083193 RE M. HICKS</i>
10/22/1993	List of Witnesses Prosecutor Intends to Produce
10/22/1993	Miscellaneous Filing <i>NOT OF AMENDMENT OF WITNESSES NAME</i>
10/22/1993	Notice of Further Known Witness(s)
10/22/1993	Proof of Service
11/17/1993	List of Witnesses Prosecutor Intends to Produce <i>AMENDED</i>
11/17/1993	Notice of Further Known Witness(s)
11/17/1993	Proof of Service
11/24/1993	Miscellaneous Filing <i>ANS TO DEF'S MOT TO QUASH INFO</i>
11/24/1993	Proof of Service
12/01/1993	Pre-Trial (0:01 AM) (Judicial Officer: Conversion, Judge) <i>No Court Reporter, Completed</i>
12/01/1993	Criminal Pretrial Summary and Scheduling Notice <i>12-15 DAY JT</i>
12/03/1993	Motion <i>TO IMPEACH</i>

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**NINTH JUDICIAL CIRCUIT COURT**  
**REGISTER OF ACTIONS**  
**CASE NO. 1993-1069-FC**

12/03/1993	Notice of Scheduled Proceeding <i>HEAR MOT TO IMPEACH SET FOR 121493 0900A</i>
12/03/1993	Proof of Service
12/03/1993	Miscellaneous Filing <i>DEFENSE ATTORNEY'S MOT TO JUDICIAL GUIDANCE</i>
12/03/1993	Notice of Scheduled Proceeding <i>HEAR DEF ATT MOT FOR JUDICIAL GUIDANCE SET FOR 121493 0900A</i>
12/03/1993	Proof of Service
12/14/1993	<b>Motion</b> (0:01 AM) (Judicial Officer: Johnson, J. Richardson) <i>Court Reporter=MM, MOT TO QUASH INFO</i> <i>Completed</i>
12/14/1993	<b>Motion to Impeach</b> (0:01 AM) (Judicial Officer: Johnson, J. Richardson) <i>Court Reporter=MM, TO IMPEACH DENIED</i> <i>Completed</i>
12/14/1993	<b>Motion</b> (0:01 AM) (Judicial Officer: Johnson, J. Richardson) <i>Court Reporter=MM, JUDICIAL GUIDANCE GRANTED</i> <i>Completed</i>
12/14/1993	<b>CANCELED Motion</b> (0:01 AM) (Judicial Officer: Johnson, J. Richardson) <i>Conversion</i> <i>CANCELLED, No Court Reporter, PER ATTY MOTION RESOLVED - NO NEED FOR HEARING</i>
12/14/1993	Criminal Court Event Summary Report and Mittimus
01/04/1994	Miscellaneous Filing <i>ORD DENY PROSECUTOR'S MOT TO IMPEACH</i>
01/04/1994	Miscellaneous Filing <i>ORD REGARDING DEFENSE ATT MOT FOR JEDICIAL GUIDANCE</i>
01/05/1994	<b>Trial</b> (0:01 AM) (Judicial Officer: Johnson, J. Richardson) <i>Court Reporter=MM,</i> <i>Continued</i>
01/05/1994	Criminal Court Event Summary Report and Mittimus
01/05/1994	Miscellaneous Filing <i>PEO'S PROPOSED JURY INSTRUCTIONS</i>
01/05/1994	Miscellaneous Filing <i>WAIVER OF TRIAL BY JURY</i>
01/06/1994	<b>Trial</b> (0:01 AM) (Judicial Officer: Johnson, J. Richardson) <i>Court Reporter=MM,</i> <i>Continued</i>
01/06/1994	Criminal Court Event Summary Report and Mittimus
01/11/1994	<b>CANCELED Trial</b> (0:01 AM) (Judicial Officer: Johnson, J. Richardson) <i>Conversion</i> <i>ADJ, Court Reporter=MM,</i>

**NINTH JUDICIAL CIRCUIT COURT**  
**REGISTER OF ACTIONS**  
**CASE NO. 1993-1069-FC**

01/11/1994	Criminal Court Event Summary Report and Mittimus
01/12/1994	<b>Trial</b> (0:01 AM) (Judicial Officer: Johnson, J. Richardson) <i>Court Reporter-MM,</i> <i>Continued</i>
01/12/1994	Criminal Court Event Summary Report and Mittimus
01/13/1994	<b>Trial</b> (0:01 AM) (Judicial Officer: Johnson, J. Richardson) <i>No Court Reporter,</i> <i>Continued</i>
01/13/1994	Criminal Court Event Summary Report and Mittimus
01/17/1994	Notice of Scheduled Proceeding <i>1/19/94 9:00 AMCT E HDEC</i>
01/19/1994	<b>Court's Decision</b> (0:01 AM) (Judicial Officer: Johnson, J. Richardson) <i>Court Reporter=BK,</i> <i>Completed</i>
01/19/1994	<b>CANCELED Court's Decision</b> (0:01 AM) (Judicial Officer: Conversion, Judge) <i>Conversion</i> <i>CANCELED, No Court Reporter,</i>
01/19/1994	Criminal Court Event Summary Report and Mittimus
01/19/1994	Miscellaneous Filing <i>PROPOSED STIPULATIONS</i>
01/19/1994	<b>Disposition</b> 1. HOMICIDE - FELONY MURDER Guilty Finding
01/19/1994	<b>Disposition</b> 2. WEAPONS FELONY FIREARM Guilty Finding
01/19/1994	<b>Disposition</b> 3. ASSAULT W/INTENT TO ROB WHILE ARMED Not Guilty
01/19/1994	<b>Disposition</b> 4. WEAPONS FELONY FIREARM Not Guilty
01/19/1994	<b>Disposition</b> 5. CONSPIRACY - ROBBERY - ARMED Guilty Finding
01/19/1994	<b>Disposition</b> 6. WEAPONS FELONY FIREARM Guilty Finding
01/19/1994	<b>Disposition</b> 7. HABITUAL OFFENDER-2ND OFFENSE NOTICE Dismissed by Court
02/14/1994	<b>Sentence</b> (0:01 AM) (Judicial Officer: Johnson, J. Richardson) <i>Court Reporter-MM,</i> <i>Completed</i>

**NINTH JUDICIAL CIRCUIT COURT**  
**REGISTER OF ACTIONS**  
**CASE NO. 1993-1069-FC**

02/14/1994	Criminal Court Event Summary Report and Mittimus
02/14/1994	Sentencing Information Report
02/14/1994	<b>Sentence</b> (Judicial Officer: Conversion, Judge) <ul style="list-style-type: none"> <li>1. HOMICIDE - FELONY MURDER               <ul style="list-style-type: none"> <li>Conversion - Sentencing Type</li> <li>State Confinement:                   <ul style="list-style-type: none"> <li>Agency: Michigan Department of Corrections</li> <li>Effective 2/14/1994</li> <li>Term: 999 Yr to 999 Yr</li> </ul> </li> <li>Converted Disposition:                   <ul style="list-style-type: none"> <li>Fine:0, Rest:0, Vctm:\$30.00, Ct Cost:0, Atty Fee:0, St Fee:0</li> <li>CT. 1 - LIFE W/O PAROLE. CT. 2 CONSECUTIVE &amp; PRECEDING CT. 1</li> <li>CT. 6 CONSECUTIVE &amp; PRECEDING CT. 5.</li> </ul> </li> </ul> </li> <li>2. WEAPONS FELONY FIREARM               <ul style="list-style-type: none"> <li>Conversion - Sentencing Type</li> <li>Converted Disposition:                   <ul style="list-style-type: none"> <li>Fine:0, Rest:0, Vctm:0, Ct Cost:0, Atty Fee:0, St Fee:0</li> </ul> </li> <li>State Confinement:                   <ul style="list-style-type: none"> <li>Agency: Michigan Department of Corrections</li> <li>Effective 2/14/1994</li> <li>Term: 2 Yr to 2 Yr</li> <li>Credit for Time Served: 198 Days</li> </ul> </li> </ul> </li> <li>5. CONSPIRACY - ROBBERY - ARMED               <ul style="list-style-type: none"> <li>Conversion - Sentencing Type</li> <li>State Confinement:                   <ul style="list-style-type: none"> <li>Agency: Michigan Department of Corrections</li> <li>Effective 2/14/1994</li> <li>Term: 999 Yr to 999 Yr</li> </ul> </li> <li>Converted Disposition:                   <ul style="list-style-type: none"> <li>Fine:0, Rest:0, Vctm:0, Ct Cost:0, Atty Fee:0, St Fee:0</li> </ul> </li> </ul> </li> <li>6. WEAPONS FELONY FIREARM               <ul style="list-style-type: none"> <li>Conversion - Sentencing Type</li> <li>Converted Disposition:                   <ul style="list-style-type: none"> <li>Fine:0, Rest:0, Vctm:0, Ct Cost:0, Atty Fee:0, St Fee:0</li> <li>State Confinement:                       <ul style="list-style-type: none"> <li>Agency: Michigan Department of Corrections</li> <li>Effective 2/14/1994</li> <li>Term: 2 Yr to 2 Yr</li> <li>Credit for Time Served: 198 Days</li> </ul> </li> </ul> </li> </ul> </li> </ul>
02/15/1994	 Judgment of Sentence
02/16/1994	Notice of right to appellate review-request appt of attorney
02/23/1994	Claim of Appeal to Court of Appeals or Supreme Court <i>ZEEMERING</i>
03/02/1994	Miscellaneous Filing <i>REPORT/RECORD CERT OF TRANS ON APPEAL</i>
03/09/1994	Order Regarding Appointment Appellate Counsel & Transcript <i>PAUL STATED FOR DEF</i>
08/03/1994	Transcript <i>BT HELD 010594 RE M. MYENO</i>
08/11/1994	Transcript <i>BT HELD 010694 RE M. MYENO</i>

**NINTH JUDICIAL CIRCUIT COURT**  
**REGISTER OF ACTIONS**  
**CASE NO. 1993-1069-FC**

08/12/1994	Transcript <i>SEN HELD 021494 RE M. MYENO</i>
08/15/1994	Transcript <i>BT HELD 011294 RE M. MYENO</i>
08/16/1994	Miscellaneous Filing <i>NOT OF FIL OF TRANS AND CERT OF SERVICE</i>
12/02/1994	POS of Copy of File to Defendant
12/08/1994	Miscellaneous Filing <i>NOTICE OF FILING OF TRANSCRIPT AND AFFIDAVIT OF MAILING</i>
12/08/1994	Transcript <i>JURY TRIAL HELD 1/11/94</i>
12/08/1994	Transcript <i>JURY TRIAL HELD 1/13/94</i>
12/08/1994	Transcript <i>OPINION HELD 1/19/94</i>
06/22/1995	Miscellaneous Filing <i>PL-APPELLEE'S BRF ON APPEAL</i>
06/22/1995	Proof of Service
06/29/1995	Proof of Mailing to Court of Appeals - Supreme Court
09/18/1996	MAACS Statement of Service & Order For Payment
09/25/1996	Copy of Voucher <i>PMT TO PAUL STATEN</i>
10/16/1996	Aff -Notice of Return from Court of Appeals or Supreme Court
10/16/1996	Court of Appeals - Supreme Court - Remand Per Opinion
10/28/1996	Proof of Mailing - Supreme CT
11/25/1996	Answer To: <i>IN OPPOS TO DEF'S APP FOR LV TO APPEAL</i>
05/02/1997	Aff -Notice of Return from Court of Appeals or Supreme Court
05/02/1997	Court of Appeals - Supreme Court Order - Denied <i>ORDER FROM MICH SUPREME COURT</i>
11/18/2009	 Motion for Order to Show Cause
11/20/2009	 Order <i>Denying Motion for Order to Show Cause</i>
02/23/2012	 Motion For Relief From Judgment
02/23/2012	 Brief - Memorandum <i>In Support of Motion for Relief for Judgment</i>

NINTH JUDICIAL CIRCUIT COURT  
**REGISTER OF ACTIONS**  
CASE NO. 1993-1069-FC

02/23/2012	<input checked="" type="checkbox"/> General Motion Party: Defendant Brown, James Martrice <i>for Evidentiary Hearing</i>
02/23/2012	<input checked="" type="checkbox"/> General Motion Party: Defendant Brown, James Martrice <i>for Appointment of Counsel</i>
02/23/2012	<input checked="" type="checkbox"/> General Motion Party: Defendant Brown, James Martrice <i>for Release on Bond</i>
03/30/2012	<input checked="" type="checkbox"/> Order <i>Opinion and Order Denying Relief From Judgment</i>
05/20/2012	<input checked="" type="checkbox"/> General Motion Party: Defendant Brown, James Martrice <i>for Reconsideration of Motion for Relief from Judgment</i>
05/24/2012	<input checked="" type="checkbox"/> Order <i>Opinion and Order Denying Motion for Reconsideration</i>
09/17/2013	<input checked="" type="checkbox"/> Court of Appeals - Supreme Court Order - Denied <i>Court of Appeals</i>
10/29/2013	<input checked="" type="checkbox"/> Court of Appeals - Supreme Court Order - Denied
01/16/2014	<input checked="" type="checkbox"/> Certificate of Transmittal of Record on Appeal (COA-Supreme)
06/30/2014	<input checked="" type="checkbox"/> Court of Appeals - Supreme Court Order - Denied
07/01/2014	<input checked="" type="checkbox"/> Aff -Notice of Return from Court of Appeals or Supreme Court
04/19/2018	<input checked="" type="checkbox"/> Order <i>Returning Without Filing Defendant's Successive Motion for Relief from Judgment with proof of mailing</i>
10/15/2018	<input checked="" type="checkbox"/> Motion For Relief From Judgment
10/15/2018	<input checked="" type="checkbox"/> Brief - Memorandum <i>In Support of Defendant's Motion for Relief From Judgment</i>
10/25/2018	<input checked="" type="checkbox"/> Order <i>Denying Defendant's Motion for Relief From Judgment, with proof of service</i>
12/26/2018	<input checked="" type="checkbox"/> Court of Appeals - Supreme Court - Order <i>Dismissed</i>
03/05/2019	<input checked="" type="checkbox"/> Certificate of Transmittal of Record on Appeal (COA-Supreme)

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NINTH JUDICIAL CIRCUIT COURT  
**REGISTER OF ACTIONS**  
**CASE NO. 1993-1069-FC**

07/29/2019	<input checked="" type="checkbox"/> Court of Appeals - Supreme Court Order - Denied
08/08/2019	<input checked="" type="checkbox"/> Aff -Notice of Return from Court of Appeals or Supreme Court
08/21/2019	<input checked="" type="checkbox"/> Return of Document <i>Sent in error to Paul Staten. Sent copy to James Brown</i>

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**FINANCIAL INFORMATION**

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No Financial Information Exists

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State of Michigan  
Ninth Judicial Circuit  
Kalamazoo County

Judgment of Sentence  
Commitment to  
Corrections Department

Case No.  
C93-0888-FC

Ori Court Address Telephone No.  
MI-390015-J 227 WEST MICHIGAN AVE., KALAMAZOO MI 49007 (616) 383-883

The People of the State of Michigan

Defn: OMAR WOGOMAN

620 DWIGHT

KALAMAZOO MI

345-3417

CTN: 139-93061116-011 ISID: 1570416 DOB: 9/20/73

Prosecuting Attorney

Bar No. 1

JAMES J. GREGART

E14352

Defendant Attorney

Bar No.

THOMAS J. HIRSCH

P15600

**THE COURT FINDS:**

1. The defendant, represented by counsel, was found guilty on 11/08/93 of the crime(s) as stated below:

CONVICTED BY:

Count	Plea	Court	Jury	CRIME	CHARGE CODE(S)
1				MURDER 1ST DEGREE F	MCL citation/PMCC Code 1750.316-B
2				POSSESS FIREARM AT FEL	1750.227B-A
5				CONSPIRACY	150.157(A)

2. The conviction is reportable to the Secretary of State under MCL 257.732. The defendant's driver license number is:

REC'D  
FBI KALAMAZOO  
DEC 21 1993

**T IS ORDERED:**

Defendant is sentenced to the custody of the Michigan Department of Corrections as stated below. This sentence shall be immediately executed in the 9th JUDICIAL CIRCUIT COUNTY OF KALAMAZOO KALAMAZOO, MICHIGAN

Count	DATE	Yrs	Mos	Days	Yrs	Mos	BEGINS	Mos	Days	OTHER INFORMATION
1	12/20/93	1	Life	1999	1	12/20/93				
2	12/20/93	2			2		12/20/93		194	
5	12/20/93	1	Life	1999	1	12/20/93				

Defendant shall pay restitution of \$30.00 Victim Rights Fund Assessment pursuant to 1989 PA 196.

Court recommendation:

LIFE W/O PAROLE, CT. II CONSECUTIVE & PRECEDING CT. I,  
CT. VI CONSECUTIVE & PRECEDING CT. V.

12/21/93

*Richard Ryan Lamb*  
Judge RICHARD RYAN LAMB

Bar No.

Under MCL 769.16a, the clerk of the court shall send a copy of this order to the Michigan State Police Central Records Division to create a criminal history record.

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

(SEAL)

Deputy Court Clerk

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State of Michigan  
Ninth Judicial Circuit  
Kalamazoo County

Judgment of Sentence  
Commitment to  
Corrections Department

Case No.  
093-0888-FC

Ori

MI-390015-J 227 WEST MICHIGAN AVE.

Court Address  
KALAMAZOO

MI 49007

Telephone No.  
(616) 383-6882

The People of the State of Michigan

Defn't OMAR WOGOMAN

620 DWIGHT

KALAMAZOO MI

345-3417

CTN# 1916 ISID# DOB#

139-93061116-011 1570416 9/2/73

Prosecuting Attorney

Bar No. 1

Defendant Attorney

Bar No.

JAMES J. GREGART

P14352

THOMAS J. HIRSCH

P143900

## THE COURT FINDS:

1. The defendant, represented by counsel, was found guilty on 11/08/93 of the crime(s) as stated below:

CONVICTED BY

CHARGE CODE(S)

Count	Plea	Court	Jury	CRIME	CHARGE CODE(S)
6	X	FOSS		POSSESS FIREARM AT FEL	MCL citation/PACC Code 1750.227B-A

2. The conviction is reportable to the Secretary of State under MCL 257.732. The defendant's driver license number is:

FILED

DEC 21 1993

## T IS ORDERED:

Defendant is sentenced to the custody of the Michigan Department of Corrections as stated below. This sentence shall be immediately executed.

SENTENCE: MINIMUM MAXIMUM DATE SENTENCE CRED JUDICIAL CIRCUIT  
Count DATE Yrs Mos Days!Yrs Mos BEGINS COUNTY OF KALAMAZOO INFORMATION  
6 112/20/93 21 1 21 12/20/93 1 124

Defendant shall pay restitution of

X Defendant is also ordered to pay a \$30.00 Victim Rights Fund Assessment pursuant to 1989 PA 196.

Court recommendation:

LIFE W/O PAROLE, CT. II CONSECUTIVE & PRECEDING CT. I,  
CT. VI CONSECUTIVE & PRECEDING CT. V.

12/21/93

*Richard Ryan Lamb*  
Judge RICHARD RYAN LAMB

Bar No.

Under MCL 769.16a, the clerk of the court shall send a copy of this order to the Michigan State Police Central Records Division to create a criminal history record.

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

(SEAL)

Deputy Court Clerk

NINTH JUDICIAL CIRCUIT COURT  
**REGISTER OF ACTIONS**  
CASE NO. 1993-0888-FC

**State Of Michigan vs Wogoman, Omar**

Location: **Criminal Division**  
Judicial Officer: **Lightvoet, Pamela L.**  
Filed on: **07/21/1993**

## CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	FC - Capital Felony
1. HOMICIDE - FELONY MURDER	750.316-B	FEL	07/21/1993		
Arrest: 07/20/1993	KDPS - Kalamazoo Department of Public Safety			Case Status:	09/17/1999 Inactive
2. WEAPONS FELONY FIREARM	750.227B-A	FEL	07/21/1993		
Arrest: 07/20/1993	KDPS - Kalamazoo Department of Public Safety				
3. ASSAULT W/INTENT TO ROB WHILE ARMED	750.89	FEL	07/21/1993		
Arrest: 07/20/1993	KDPS - Kalamazoo Department of Public Safety				
4. WEAPONS FELONY FIREARM	750.227B-A	FEL	07/21/1993		
Arrest: 07/20/1993	KDPS - Kalamazoo Department of Public Safety				
5. CONSPIRACY - CONVERSION	750.157(A)	FEL	07/21/1993		
Arrest: 07/20/1993	KDPS - Kalamazoo Department of Public Safety				
6. WEAPONS FELONY FIREARM	750.227B-A	FEL	07/21/1993		
Arrest: 07/20/1993	KDPS - Kalamazoo Department of Public Safety				
7. HABITUAL OFFENDER-2ND OFFENSE NOTICE	769.10	FEL	07/21/1993		
Arrest: 07/20/1993	KDPS - Kalamazoo Department of Public Safety				

## Statistical Closures

09/17/1999 Conversion Clean-up (other disposition)

<b>DATE</b>	<b>CASE ASSIGNMENT</b>
<b>Current Case Assignment</b>	
Case Number	1993-0888-FC
Court	Criminal Division
Date Assigned	07/21/1993
Judicial Officer	Lightvoet, Pamela L.

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**PARTY INFORMATION**

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**Plaintiff** **State Of Michigan**

**Defendant** **Wogoman, Omar**

DATE	EVENTS & ORDERS OF THE COURT	INDEX
07/21/1993	 Returns to Circuit Court ^ <i>BOND DENIED</i>	
08/02/1993	<i>CANCELED</i> <b>Waiver of Arraignment</b> (0:01 AM) (Judicial Officer: Conversion, Judge) <i>Conversion</i> <i>CANCELLED, No Court Reporter,</i>	
08/02/1993	<b>Waiver of Arraignment</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>No Court Reporter,</i>	

**NINTH JUDICIAL CIRCUIT COURT**  
**REGISTER OF ACTIONS**  
**CASE NO. 1993-0888-FC**

	<i>Completed</i>
08/02/1993	Waiver of Arraignment & Election to Stand Mute
08/02/1993	Information
08/02/1993	Supplemental Information <i>2ND OFFENDER</i>
08/04/1993	Miscellaneous Filing <i>SCHEDULING ORDER</i>
08/04/1993	Proof of Service
08/16/1993	Transcript <i>PRELIM EXAM VOL. I HELD 7/1/93</i>
08/16/1993	Transcript <i>PRELIM EXAM VOL. II HELD 7/15/93</i>
08/20/1993	Criminal Pretrial Summary and Scheduling Notice <i>9 DAY JT - POSSIBLY 2 JURIES - CONSOLIDATED WITH E93-0752FC BURNETT &amp; E93-0756FC NEILLY</i>
08/20/1993	List of Witnesses Prosecutor Intends to Produce
08/20/1993	Miscellaneous Filing <i>NOT OF AMENDMENT OF WITNESS NAME</i>
08/20/1993	Notice of Further Known Witness(s)
08/20/1993	Proof of Service
08/23/1993	Notice of Scheduled Proceeding <i>10/05/93 9:00 AM CT E HTML</i>
08/24/1993	Notice of Scheduled Proceeding <i>9/13/93 4:00 PM CT C HHRG</i>
08/24/1993	Motion <i>TO IMPEACH</i>
08/24/1993	Notice of Scheduled Proceeding <i>HEAR MOT TO IMPEACH SET FOR 09/13/93 0400P</i>
08/24/1993	Proof of Service
09/07/1993	Motion <i>TO SET BOND</i>
09/13/1993	<b>Hearing</b> (4:26 PM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=157, FOR BOND SET AT \$150000 C/S</i> <i>Completed</i>
09/13/1993	<b>Motion to Impeach</b> (4:26 PM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=157,</i> <i>Completed</i>
09/13/1993	Criminal Court Event Summary Report and Mittimus

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**NINTH JUDICIAL CIRCUIT COURT**  
**REGISTER OF ACTIONS**  
**CASE NO. 1993-0888-FC**

09/13/1993	Miscellaneous Filing <i>STIP AND ORD TO CONSOLIDATE</i>
10/05/1993	<b>Trial (0:01 AM)</b> (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=172 , Continued</i>
10/05/1993	Criminal Court Event Summary Report and Mittimus
10/05/1993	Miscellaneous Filing <i>REQUESTED JURY INSTRUCTIONS</i>
10/05/1993	Miscellaneous Filing <i>PEO'S PROPOSED JURY INSTRUCTIONS</i>
10/05/1993	Miscellaneous Filing <i>ORD GR MOT TO IMPEACH</i>
10/06/1993	<b>Trial (0:01 AM)</b> (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=173 , Continued</i>
10/07/1993	<b>Trial (0:01 AM)</b> (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=177 , Continued</i>
10/07/1993	Criminal Court Event Summary Report and Mittimus
10/12/1993	<b>Trial (0:01 AM)</b> (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=177 , MOT FOR RECONSIDRATION-DENIED Continued</i>
10/12/1993	Criminal Court Event Summary Report and Mittimus
10/13/1993	<b>CANCELED Trial (0:01 AM)</b> (Judicial Officer: Conversion, Judge) <i>Conversion CANCELLED, No Court Reporter,</i>
10/13/1993	<b>Trial (0:01 AM)</b> (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=178 , Continued</i>
10/13/1993	Criminal Court Event Summary Report and Mittimus
10/14/1993	<b>Trial (0:01 AM)</b> (Judicial Officer: Lamb, Richard Ryan) <i>No Court Reporter, Continued</i>
10/14/1993	Criminal Court Event Summary Report and Mittimus
10/20/1993	<b>Trial (0:01 AM)</b> (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=182 , Continued</i>
10/20/1993	Criminal Court Event Summary Report and Mittimus
10/21/1993	<b>Trial (0:01 AM)</b> (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=183 , Continued</i>

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**NINTH JUDICIAL CIRCUIT COURT**  
**REGISTER OF ACTIONS**  
**CASE NO. 1993-0888-FC**

10/21/1993	Criminal Court Event Summary Report and Mittimus
10/27/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=187,</i> <i>Continued</i>
10/27/1993	Criminal Court Event Summary Report and Mittimus
10/28/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=188,</i> <i>Continued</i>
10/28/1993	Criminal Court Event Summary Report and Mittimus <i>MOTS TO BE HEARD ON 102993 0230P CT C</i>
10/28/1993	Criminal Court Event Summary Report and Mittimus
10/29/1993	<b>Motion</b> (0:01 AM) (Judicial Officer: Conversion, Judge) <i>Court Reporter=189, DIRECTED VERDICT UAD</i> <i>Continued</i>
10/29/1993	Criminal Court Event Summary Report and Mittimus
11/02/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=191,</i> <i>Continued</i>
11/02/1993	<b>Motion</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=191, MOT FOR DIR VERDICT DENIED</i> <i>Completed</i>
11/02/1993	Criminal Court Event Summary Report and Mittimus
11/03/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=192,</i> <i>Continued</i>
11/03/1993	Criminal Court Event Summary Report and Mittimus
11/04/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=193,</i> <i>Continued</i>
11/04/1993	Criminal Court Event Summary Report and Mittimus
11/04/1993	Miscellaneous Filing <i>NOTES FROM TRIAL</i>
11/05/1993	<b>Trial</b> (0:01 AM) (Judicial Officer: Lamh, Richard Ryan) <i>Court Reporter=194,</i> <i>Continued</i>
11/05/1993	Criminal Court Event Summary Report and Mittimus
11/05/1993	Miscellaneous Filing <i>NOTES FROM TRIAL</i>
11/05/1993	Miscellaneous Filing <i>NOTES FROM TRIAL</i>

**NINTH JUDICIAL CIRCUIT COURT**  
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**CASE NO. 1993-0888-FC**

11/05/1993	Criminal Court Event Summary Report and Mittimus
11/05/1993	<b>Disposition</b> 1. HOMICIDE - FELONY MURDER Guilty Verdict
11/05/1993	<b>Disposition</b> 2. WEAPONS FELONY FIREARM Guilty Verdict
11/05/1993	<b>Disposition</b> 5. CONSPIRACY - CONVERSION Guilty Verdict
11/05/1993	<b>Disposition</b> 6. WEAPONS FELONY FIREARM Guilty Verdict
11/08/1993	Trial (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=195, BOND REVOKED Completed</i>
11/08/1993	Criminal Court Event Summary Report and Mittimus
11/08/1993	Miscellaneous Filing <i>FORM OF VERDICT</i>
11/08/1993	Criminal Court Event Summary Report and Mittimus <i>AMENDED SHOWS SEN DATE</i>
11/08/1993	<b>Disposition</b> 7. HABITUAL OFFENDER-2ND OFFENSE NOTICE Dismissed by Court
11/30/1993	Miscellaneous Filing <i>STIP TO ADJ SENTENCING</i>
12/01/1993	Miscellaneous Filing <i>STIP AND ORD TO ADJ SENTENCING</i>
12/01/1993	Criminal Court Event Summary Report and Mittimus <i>AMENDED MITTIMUS ADJ SEN</i>
12/06/1993	<i>CANCELED Sentence</i> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Conversion ADJ, No Court Reporter,</i>
12/20/1993	<b>Sentence</b> (0:01 AM) (Judicial Officer: Lamb, Richard Ryan) <i>Court Reporter=218, Completed</i>
12/20/1993	Criminal Court Event Summary Report and Mittimus
12/20/1993	<b>Disposition</b> 3. ASSAULT W/INTENT TO ROB WHILE ARMED Dismissed by Court
12/20/1993	<b>Disposition</b> 4. WEAPONS FELONY FIREARM Dismissed by Court

**NINTH JUDICIAL CIRCUIT COURT**  
**REGISTER OF ACTIONS**  
**CASE NO. 1993-0888-FC**

12/20/1993	<p><b>Sentence</b> (Judicial Officer: Conversion, Judge)</p> <p>1. <b>HOMICIDE - FELONY MURDER</b>            Conversion - Sentencing Type            State Confinement:            Agency: Michigan Department of Corrections            Effective 12/20/1993            Term: 999 Yr to 999 Yr            Converted Disposition:            Fine:0, Rest:0, Vctm:\$30.00, Ct Cost:0, Atty Fee:0, St Fee:0            LIFE W/O PAROLE. CT. II CONSECUTIVE &amp; PRECEDING CT. I.            CT. VI CONSECUTIVE &amp; PRECEDING CT. V.</p> <p>2. <b>WEAPONS FELONY FIREARM</b>            Conversion - Sentencing Type            Converted Disposition:            Fine:0, Rest:0, Vctm:0, Ct Cost:0, Atty Fee:0, St Fee:0            State Confinement:            Agency: Michigan Department of Corrections            Effective 12/20/1993            Term: 2 Yr to 2 Yr            Credit for Time Served: 194 Days</p> <p>5. <b>CONSPIRACY - CONVERSION</b>            Conversion - Sentencing Type            State Confinement:            Agency: Michigan Department of Corrections            Effective 12/20/1993            Term: 999 Yr to 999 Yr            Converted Disposition:            Fine:0, Rest:0, Vctm:0, Ct Cost:0, Atty Fee:0, St Fee:0</p> <p>6. <b>WEAPONS FELONY FIREARM</b>            Conversion - Sentencing Type            Converted Disposition:            Fine:0, Rest:0, Vctm:0, Ct Cost:0, Atty Fee:0, St Fee:0            State Confinement:            Agency: Michigan Department of Corrections            Effective 12/20/1993            Term: 2 Yr to 2 Yr            Credit for Time Served: 194 Days</p>
12/21/1993	 Judgment of Sentence
01/21/1994	Miscellaneous Filing <i>APP FOR APP OF ATT TO PERFECT APPEAL</i>
02/25/1994	Claim of Appeal to Court of Appeals or Supreme Court <i>SADO</i>
03/11/1994	Miscellaneous Filing <i>REPORT/RECORD CERT OF ORD OF TRANS ON APPEAL</i>
04/12/1994	Order Regarding Appointment Appellate Counsel & Transcript
04/21/1994	Transcript <i>SEN HELD 122093 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Miscellaneous Filing <i>NOT OF FIL OF TRANS AND AFF OF MAILING</i>
04/21/1994	Transcript <i>JT VOL 1 OF XVI HELD 100593 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VO II HELD 100693 VIDEOTAPED C RE D. SPONSELLER</i>

**NINTH JUDICIAL CIRCUIT COURT**  
**REGISTER OF ACTIONS**  
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04/21/1994	Transcript <i>JT VOL III HELD 100793 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL IV HELD 101293 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL V HELD 101393 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL VI HELD 101493 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL VII HELD 102093 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL VIII HELD 102193 VIDEOTAPED C RE D SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL IX HELD 102793 VIDEOTAPED C RE D.SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL X HELD 102893 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL XI HELD 102993 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL XII HELD 110293 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL XIII HELD 110393 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL XIV HELD 110393 VIDEOTAPED C RE D SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL XV HELD 110593 VIDEOTAPED C RE D. SPONSELLER</i>
04/21/1994	Transcript <i>JT VOL XVI HELD 110893 VIDEOTAPED C RE D. SPONSELLET</i>
04/25/1994	Miscellaneous Filing <i>REPORT/RECORD CERT OF ORD OF TRANS ON APPEAL</i>
09/14/1994	Miscellaneous Filing <i>APPELLANT'S BRIEF ON APPEAL W/POS</i>
11/07/1994	Brief - Memorandum <i>PL-APPELLEE'S BRIEF ON APPEAL</i>
11/07/1994	Proof of Mailing to Court of Appeals - Supreme Court
05/22/1996	PL Appellee's Answer To: <i>IN OPPOS TO DEF-APPELANT'S MOT FOR LV TO FILE SUPPLEMENTAL BRIEF</i>
05/22/1996	Proof of Service
07/08/1996	Court of Appeals-Supreme Court Opinion-Order - Affirmed

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NINTH JUDICIAL CIRCUIT COURT  
**REGISTER OF ACTIONS**  
CASE NO. 1993-0888-FC

09/27/1996	MAACS Statement of Service & Order For Payment
10/07/1996	Copy of Voucher <i>PMT TO DANIEL RUST</i>
01/03/1997	Answer To: <i>OPPOSING DEF-APPELLANT'S DELAYED APP FOR LV TO APPEAL</i>
01/03/1997	Miscellaneous Filing <i>AFFIDAVIT OF JUDY KETCIUM</i>
01/03/1997	Proof of Service
05/02/1997	Court of Appeals - Supreme Court Order - Denied <i>ORDER FROM MICH SUPREME COURT</i>
04/09/1998	Aff -Notice of Return from Court of Appeals or Supreme Court
04/23/1998	Motion For Relief From Judgment
04/23/1998	Motion <i>FOR RELIEF FROM JMT</i>
04/23/1998	Proof of Service
07/07/1998	Order Denying Relief from Judgment <i>W/POS</i>
08/07/1998	Brief - Memorandum <i>PL-APPELLEE'S BRIEF IN OPPOSITION TO DEF-APPELLANT'S APPLICATION FOR LEAVE TO APPEAL</i>
01/29/1999	Miscellaneous Filing <i>ANSWER OPPOSING DEF-APPELLANTS DELAYED APP FOR LEAVE TO APPEAL</i>
03/05/1999	Proof of Mailing - Supreme CT <i>FILE SENT TO MI SUP CT.</i>
09/17/1999	Application - Motion Leave to Appeal-Denied
09/17/1999	Affidavit <i>FILE RETURNED FROM SUPREME COURT.</i>
12/13/2004	Answer To: <i>PLAINTIFF'S ANSWER OPPOSING DEF'S MOTIONFOR JAIL. CREDIT W/POS</i>
12/14/2004	Answer To: <i>PLAINTIFF'S ANSWER OPPOSING DEF'S MOTIONTO CORRECT PRESENTENCE REPORT W/POS</i>
02/04/2005	Order <i>DENYING DEF'S MOTION TO CORRECT PRESENTENCE REPORT W/POM</i>
11/16/2018	<input checked="" type="checkbox"/> Motion For Relief From Judgment <i>with Brief In Support of Motion- with Proof of Service</i>
11/28/2018	<input checked="" type="checkbox"/> Order <i>Directing Office of the Prosecuting Attorney to Respond, with proof of service</i>

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NINTH JUDICIAL CIRCUIT COURT  
**REGISTER OF ACTIONS**  
**CASE NO. 1993-0888-FC**

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03/27/2019	<input checked="" type="checkbox"/> Opposition to: Party: Plaintiff State Of Michigan <i>Plaintiff's Response in Opposition to Defendant's Motion for Relief From Judgment with Proof of Service</i>
04/15/2019	<input checked="" type="checkbox"/> Miscellaneous Filing <i>Defendant's Reply to Response to Motion for Relief from Judgment</i>
04/15/2019	<input checked="" type="checkbox"/> Proof of Service <i>of Defendant's Reply to Response to Motion for Relief from Judgment</i>
05/22/2019	<input checked="" type="checkbox"/> Order <i>Denying Successive Motion for Relief from Judgment, with proof of mailing</i>
10/14/2019	<input checked="" type="checkbox"/> Court of Appeals - Supreme Court Order - Denied <i>Court of Appeals</i>
11/18/2019	<input checked="" type="checkbox"/> Application-Motion Leave Appeal-Court of Appeals-Supreme Ct
11/18/2019	<input checked="" type="checkbox"/> Proof of Service
12/20/2019	<input checked="" type="checkbox"/> Certificate of Transmittal of Record on Appeal (COA-Supreme) <i>To Supreme Court</i>
03/27/2020	<input checked="" type="checkbox"/> Court of Appeals - Supreme Court Order - Denied <i>Supreme Court</i>
04/04/2020	<input checked="" type="checkbox"/> Aff -Notice of Return from Court of Appeals or Supreme Court

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**FINANCIAL INFORMATION**

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No Financial Information Exists

## **APPENDIX H**

Court of Appeals Opinion 11/10/22

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

UNPUBLISHED  
November 10, 2022

Plaintiff-Appellee,

v

No. 358043  
Kalamazoo Circuit Court  
LC No. 1993-000756-FC

WILLIAM EDWARD NEILLY,

Defendant-Appellant.

---

Before: SAWYER, P.J., and MARKEY and SWARTZLE, JJ.

PER CURIAM.

Defendant appeals as of right the trial court's imposition of restitution at resentencing. We affirm.

In 1993, defendant, along with three other individuals, was involved in the robbery and shooting death of a 17-year-old individual. Defendant was convicted of first-degree felony murder, conspiracy to commit armed robbery, and possession of a firearm during the commission of a felony. Defendant, who was 17 years old at the time of the offense, was sentenced to life imprisonment without the possibility of parole for the first-degree felony-murder conviction. Defendant was not ordered to pay restitution.

Following the United States' Supreme Court's decision in *Miller v Alabama*, 567 US 460; 132 S Ct 2455; 183 L Ed 2d 407 (2012) and the enactment of MCL 769.25a, defendant was set to be resentenced for the first-degree felony-murder conviction. Defendant and the prosecution agreed to a sentence of 35 to 60 years' imprisonment for the felony-murder and conspiracy convictions. Before the resentencing hearing was held, the victim's mother requested that

defendant pay restitution of \$14,895.78 for funeral expenses. At the conclusion of the hearing, the trial court ordered that defendant pay restitution in the amount requested.

On appeal, defendant argues that the imposition of restitution at resentencing was a violation of the Ex Post Facto Clause of the Michigan<sup>1</sup> and United States<sup>2</sup> Constitutions because defendant was sentenced under the current version of the restitution statutes, and not the version of those statutes that was in effect at the time of defendant's original sentencing in 1993. We disagree.

Generally, we review an order of restitution for an abuse of discretion. *People v Gubachy*, 272 Mich App 706, 708; 728 NW2d 891 (2006). “[W]hen the determination of restitution involves statutory interpretation, the review is *de novo*.” *People v Byard*, 265 Mich App 510, 511; 696 NW2d 783 (2005). We review constitutional questions *de novo*. *People v Lockridge*, 498 Mich 358, 373; 870 NW2d 502 (2015).

An order of restitution is governed in part by MCL 780.766(2). The current version of MCL 780.766(2) states as follows:

Except as provided in subsection (8), when sentencing a defendant convicted of a crime, the court shall order, in addition to or in lieu of any other penalty authorized by law or in addition to any other penalty required by law, that the defendant make full restitution to any victim of the defendant's course of conduct that gives rise to the conviction or to the victim's estate.<sup>[3]</sup>

In 1993, this statute was largely the same, except that it provided that the trial court *may* order restitution, instead of requiring the trial court to order restitution. MCL 780.766(2), as amended by 1988 PA 21.

Additionally, in the 1993 version of MCL 780.767(1), the trial court was required to consider the financial resources and earning ability of the defendant when determining whether to order restitution and the amount of that restitution. MCL 780.767(1), as amended by 1985 PA 87. That consideration is not included in the current version of MCL 780.767(1). In the current version, the trial court is only instructed to consider the amount of loss sustained by the victim when determining the amount of restitution. MCL 780.767(1).

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<sup>1</sup> Const 1963, art 1, § 10.

<sup>2</sup> US Const, art I, § 9.

<sup>3</sup> The current version of MCL 769.1a(2) is nearly identical with the current version of MCL 780.766(2). Like MCL 780.766(2), the version of MCL 769.1a(2) in effect in 1993 allowed, but did not require, that the trial court order restitution. MCL 769.1a(2), as amended by 1985 PA 89.

For the application of a criminal or penal law to violate the Ex Post Facto Clause of the Michigan or United States Constitutions, two elements must be present: “it must be retrospective, that is, it must apply to events occurring before its enactment, and it must disadvantage the offender affected by it.” *Weaver v Graham*, 450 US 24, 29; 101 S Ct 960; 67 L Ed 2d 17 (1981). However, a statute does not violate the Ex Post Facto Clause of either the United States or Michigan Constitutions unless, among other things, the law increases the punishment for a crime.<sup>4</sup> *People v Earl*, 495 Mich 33, 37; 845 NW2d 721 (2014); see also *Weaver*, 450 US at 29 n 12. The Supreme Court enumerated a two-step analysis for determining whether a law is a “punishment” and, therefore, is capable of violating the Ex Post Facto Clause:

The court must begin by determining whether the Legislature intended the statute as a criminal punishment or a civil remedy. If the Legislature’s intention was to impose a criminal punishment, retroactive application of the law violates the Ex Post Facto Clause and the analysis is over. However, if the Legislature intended to enact a civil remedy, the court must also ascertain whether the statutory scheme is so punitive either in purpose or effect as to negate the State’s intention to deem it civil. Stated another way, even if the text of the statute indicates the Legislature’s intent to impose a civil remedy, we must determine whether the statute nevertheless functions as a criminal punishment in application. [*Earl*, 495 Mich at 38 (quotation marks and citations omitted).]

However, if this Court determines that the legislative intent was to impose a civil penalty, then the statute will be deemed to be a punishment only if the defendant shows by “the clearest proof” that the statute is so punitive either in purpose or effect so as the statute functions as a criminal penalty. *People v Betts*, 507 Mich 527, 543-544; 968 NW2d 497 (2021).

There is conflicting authority regarding whether the purpose of restitution was to serve as a punishment. This Court has held that the purpose of restitution is to compensate the injured party. *People v Schluter*, 204 Mich App 60, 63; 514 NW2d 489 (1994). But this Court also concluded on the basis of the language of MCL 780.766(2) that restitution is part of the penalty imposed by the trial court. *Id.* at 65. In the context of determining whether restitution violated a defendant’s protection against double jeopardy, this Court held that “the trial court’s order of restitution was not in excess of the punishment intended by the Legislature.” *People v Dewald*, 267 Mich App 365, 385; 705 NW2d 167 (2005). The Michigan Supreme Court has held that, although the defendant argued that a restitution order was a penalty because it forced him to pay a large sum of money, the fact that the restitution order would cause the defendant financial pain did not “automatically render the order primarily penal.” *People v Peters*, 449 Mich 515, 523, 526; 537 NW2d 160 (1995).

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<sup>4</sup> Other instances in which a law can be found to violate the Ex Post Facto Clause are when it “(1) punishes an act that was innocent when the act was committed; (2) makes an act a more serious criminal offense; . . . or (4) allows the prosecution to convict on less evidence.” *Earl*, 495 Mich at 37. Those instances are not applicable to this case.

In a recent opinion, this Court noted that it “has consistently held that the focus of restitution is on the victims’ losses not on punishing criminal defendants” and that restitution was remedial in its character. *People v Foster*, 319 Mich App 365, 389; 901 NW2d 127 (2017); see also *People v Allen*, 295 Mich App 277, 282; 813 NW2d 806 (2011) (holding that the legislative intent of the Victim’s Rights Act was to shift the burden of losses arising from criminal conduct to the defendants, and that the law was “remedial in character . . .”). This Court has also stated that “the purpose of restitution is to allow crime victims to recoup losses suffered as a result of criminal conduct.” *People v Newton*, 257 Mich App 61, 68; 665 NW2d 504 (2003).

This Court has also explicitly stated that “a restitution order is not a penalty.” *Foster*, 319 Mich App at 389. This Court made these statements in the context of analyzing whether a restitution order violated the Sixth Amendment requirement that any fact that increases the penalty for a crime beyond the prescribed statutory maximum be submitted to a jury and proved beyond a reasonable doubt. *Id.* at 388, 389.

Although there is some conflicting authority on this issue, the weight of the authority establishes that this Court treats the primary intention of the Legislature in enacting the restitution statute to be compensating crime victims. *Foster*, 319 Mich App at 389; *Allen*, 295 Mich App at 282; *Newton*, 257 Mich App at 68; *Schluter*, 204 Mich App at 63. Therefore, we conclude that the Legislature did not intend for the restitution statutes to be a criminal punishment. See *Earl*, 495 Mich at 38.

We must next determine if, nevertheless, the statute functions as a criminal punishment in application. *Earl*, 495 Mich at 38. The United States Supreme Court enumerated the following factors when making this determination (the *Mendoza-Martinez* factors):

Whether the sanction involves an affirmative disability or restraint, whether it has historically been regarded as a punishment, whether it comes into play only on a finding of scienter, whether its operation will promote the traditional aims of punishment—retribution and deterrence, whether the behavior to which it applies is already a crime, whether an alternative purpose to which it may rationally be connected is assignable for it, and whether it appears excessive in relation to the alternative purpose assigned. [*Kennedy v Mendoza-Martinez*, 372 US 144, 168-169; 83 S Ct 554; 9 L Ed 2d 644 (1963); see also *Betts*, 507 Mich at 545.]

Some of the *Mendoza-Martinez* factors suggest that restitution is a penalty. It could be said that the operation of the restitution statute will promote the traditional aims of punishment—retribution and deterrence. See *Earl*, 495 Mich at 38. But several other *Mendoza-Martinez* factors suggest that restitution is not a punishment. Restitution does not involve an affirmative disability or restraint, defendant has not provided any evidence that restitution had historically been regarded as a punishment, restitution does not come into play only on a finding of scienter, there is an alternative purpose to which restitution may rationally be connected, and restitution is not excessive in relation to that alternative purpose. See *Mendoza-Martinez*, 372 US at 168-169. Therefore, there is not “the clearest proof” that, despite the Legislature’s intent, restitution functions as a penalty. See *Betts*, 507 Mich at 543-544.

Because restitution is not a penalty under the legislative intent or in its application, it cannot violate the Ex Post Facto Clause as the application of the current version of the statute does not increase the punishment for a crime. See *Earl*, 495 Mich at 37.

Affirmed.

/s/ David H. Sawyer  
/s/ Jane E. Markey  
/s/ Brock A. Swartzle

MICHIGAN DEPARTMENT OF CORRECTIONS  
PRESENTENCE INVESTIGATION REPORT

CFJ-145  
Rev. 11/09

Honorable: Pamela L. Lightvoet      County: Kalamazoo County      Sentence Date: 4/21/2021  
MDOC Nbr.: 234427      Attorney: Claire Alexis Ward      Appointed/Retained: Appointed  
Defendant: NEILLY WILLIAM EDWARD      Age: 44      D.O.B.: 05/31/1976

**CURRENT CONVICTION(S)**

Final Charge(s)			Max			Jail Credit Days	Bond	Convicted By	Conviction Date
			Yrs	Mo.	Days				
Charge(5): C93-0756-FC	750.316B	Homicide - Felony Murder	LIFE			9446	N/A	Jury	11/08/1993
Charge(6): C93-0756-FC	750.227BA	Weapons - Felony Firearms	2			730	N/A	Jury	11/08/1993
Charge(7): C93-0756-FC	750.529 [C]	Robbery Armed (Conspiracy)	LIFE			9446	N/A	Jury	11/08/1993
Charge(8): C93-0756-FC	750.227BA	Weapons - Felony Firearms	2			730	N/A	Jury	11/08/1993

SOR Required:  Date SOR Completed:

Plea Agreement: N/A convicted by jury trial      HYTA: No

Pending Charges: None      Where:

Status at Time of Offense: Juvenile Court Supervision

**PRIOR RECORD**

Conviction: Felonies: 0	Misdemeanors: 0	Juvenile Record: Yes
Probation: Active: No	Former: No	Pending Violation: No
Parole: Active: No	Former: No	Pending Violation: No

Current Michigan Prisoner: Yes

Currently Under Sentence: Yes

Sentence Date	Offense	County/State	Sentence	Min.	Max.
11/08/1993	Weapons - Felony Firearms	Kalamazoo County	Prison	2y	2y
11/29/1993	Robbery Armed	Kalamazoo County	Prison		Life
11/29/1993	Homicide - Felony Murder	Kalamazoo County	Prison		Life
11/29/1993	Weapons - Felony Firearms	Kalamazoo County	Prison	2y	2y

**PERSONAL HISTORY**

Where Employed: Unemployed      Education: GED Completion

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

Substance Abuse History: Yes

What	How Long
Alcohol	1987 to 1993
THC (Marijuana, Hashish, etc.)	1987 to 1993

Investigating Agent: DENNIS J DONAHUE  
Worksite: Kalamazoo/Kalamazoo

Caseload No.: 3793  
Phone No: (269)383-8972

Date: 03/07/2021

234427 - NEILLY WILLIAM EDWARD,

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DEPARTMENT OF CORRECTIONS RECOMMENDATION

**Neilly, William Edward**

**Jail Credit:**

DOCKET NO. C93-0756FC			
Date(s)	Action	Sentence Details	Days
06/11/93-11/29/93	Arrest/Sent.		171
11/29/93-04/21/21	Re-sent.	Sentence to Re-sentence date	10005
Total Days Jail Credit			9446

**Count I-Homicide-Felony Murder**

It is respectfully recommended that the Defendant be sentenced to a 40 to 60 year prison term with the Michigan Department of Corrections. He is entitled to jail credit of 9446 days served at sentencing on 04/22/2021. This sentence is to be served consecutive to a prison term imposed in Count II, and concurrent with all other counts.

**Count II-Weapons-Felony Firearms**

It is respectfully recommended that the Defendant be sentenced to a 2-year prison term with the Michigan Department of Corrections. He is entitled to jail credit of 730 days served at sentencing on 04/21/2021. This sentence is to be served preceding and consecutive to the prison term imposed in Count I, and concurrent with all other counts.

**Count V-Robbery Armed (Conspiracy)**

It is respectfully recommended that the Defendant be sentenced to a 40 to 60 year prison term with the Michigan Department of Corrections. He is entitled to jail credit of 9446 days served at sentencing on 04/22/2021. This sentence is to be served consecutive to a prison term imposed in Count VI, and concurrent with all other counts.

**Count VI-Weapons-Felony Firearms**

It is respectfully recommended that the Defendant be sentenced to a 2-year prison term with the Michigan Department of Corrections. He is entitled to jail credit of 730 days served at sentencing on 04/21/2021. This sentence is to be served preceding and consecutive to the prison term imposed in Count V, and concurrent with all other counts.

Lara Neuman for

Supervisor: NINA L GARZA

Date: 02/05/2021

DD/rrc

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## **Evaluation and Plan**

On or about 06/23/1993, the Defendant, along with codefendants Donnie Wogoman, Angelo Burnett and James Brown, conspired to rob Christopher Ricketts, of his car stereo. The Defendant, along with codefendant Brown, approached the victim's car, armed with handguns. When the victim attempted to leave, both individuals fired into the vehicle, with a bullet striking the victim, causing his death.

The Defendant was originally charged with Felony Murder, Assault to Rob While Armed, Conspiracy to Commit Armed Robbery and three counts of Felony Firearm. On 11/08/1993, he was convicted by jury trial of Felony Murder, Conspiracy to Commit Armed Robbery and two counts of Felony Firearm. He was sentenced to prison with the Michigan Department of Corrections on 11/29/1993.

The Defendant is a forty-four year old man, before the court for re-sentencing on crimes he was sentenced to in 1993. He was sentenced to life in prison for murder and robbery charges and two year prison terms for the Felony Firearm offenses. There are six factors the court must consider in regard to resentencing. First factor is the Defendant's age at the time of the offense. The Defendant was seventeen years old when he committed the instant offense and was under active juvenile court supervision. Second, the court must consider the hallmark features of youth, such as immaturity, impetuosity and failure to appreciate risk and consequences. There is ample evidence to suggest the Defendant was fully aware of the risk and consequences of his actions, given his statements at the time of the offense, as well as subsequent statements. His actions can also be associated with his mental immaturity and his desire to act tough in front of his peers. The third factor is the offender's family and home environment. By all accounts, the Defendant's home environment could be classified as less than ideal. The majority of his siblings, as well as his mother, possess criminal records. His father was not a factor in his upbringing and male role models were all involved in the drug/crime culture, which he tried to emulate. Records also suggest a lack of discipline, structure and proper guidance in the family home. The Defendant's grandmother appears to be the only positive influence in the Defendant's life. The fourth factor that needs to be considered are the circumstances of the offense, including the extent of the Defendant's participation and peer/family influence. The offense involved the Defendant making a conscience choice to arm himself with a deadly weapon, approach a vehicle and demand the victim turn over his sound system. When the victim chose to flee, both the Defendant and codefendant Brown fired shots into the vehicle. As the Defendant was with several of his friends at the time, peer influence cannot be discounted as a factor, and as stated earlier, family influence in regard to criminal behavior being the norm, is also a likely influence. The fifth factor is whether the Defendant's youth affected how his case was managed by police or the prosecuting attorney. Although the Defendant was seventeen years of age at the time and fled the scene, he did turn himself in at the behest of his grandmother. Charges brought by the prosecutor's office are in line with charges brought against his codefendants. The sixth factor to consider is the possibility of rehabilitation. The Defendant has been incarcerated since 1993. Although he has incurred a number of violations since being incarcerated, the last violation on record was in 2015 and the one prior to that was 2003. He has been assigned as a unit porter since

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2013 and has completed a number of programs to include cognitive behavioral, substance abuse and employability skills. He has received positive reports from MDOC staff.

Codefendant Wogoman is serving a life prison term with the Michigan Department of Corrections. Codefendant Brown is serving a life prison term with the Michigan Department of Corrections, and codefendant Burnett was convicted of the lesser charge Assault to Rob While Armed. He was sentenced to fifteen to thirty year prison term and completed his sentence on parole in December 2017. There is no record of a restitution requests in the Defendant's file.

Positive attributes for the Defendant would include his willingness to take full responsibility for his actions in regard to the offense. He has completed his education requirements, as well as multiple programs offered by the Michigan Department of Corrections. He is not seen as a problem inmate and is gainfully employed as a unit porter.

Negative attributes would include negative family influences, past use of alcohol and marijuana, and the fact he was under juvenile court supervision for a felony offense at the time he committed this offense.

A COMPAS screen was completed, indicating several needs. The Defendant is likely to need assistance with housing and employment. Family contacts should be monitored and limited, and the Defendant's proposed placement will also need to be address prior to his release. Addiction issues were noted however, those are based on his behavior when he was seventeen years of age. Controlled substance use has not been noted since incarceration. Cognitive behavior issues were not evident, nor were there indications of mental health issues.

Defendant's social security number was verified using prison case files. One of his proposed placements is with his grandmother in Kalamazoo. It is not known if any of the Defendant's siblings or his mother currently reside there. However, it is the family home and not likely to be the best environment for the Defendant to return to if granted parole. Defendant did indicate that a possible parole placement, who he plans to reside with if he is paroled, would be with his cousin Tony Hill. The address is 2210 Matthew Place, Zion, IL 60099. Commercial placement is also available for the Defendant.

The Defendant does not qualify for SAI, Swift and Sure Sanctions or the Drug Treatment Court Program. He does qualify for residential placement at KPEP.

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Offender's Name	Offender Number	Assessment Date
Neilly, William Edward	234427	01/15/2021
Reentry COMPAS Need Scale	Score	Supervision Recommendation
Social Isolation	Probable	Will be assessed upon incarceration
Substance Abuse	Highly Probable	Will be assessed upon incarceration
Cognitive Behavioral	Unlikely	Will be assessed upon incarceration
Family Criminality	Highly Probable	Will be assessed upon incarceration
Vocation/Education	Highly Probable	Will be assessed upon incarceration
Social Environment	Highly Probable	Will be assessed upon incarceration
Residential Instability	Highly Probable	Will be assessed upon incarceration
Depression/Mental Health	Unlikely	Will be assessed upon incarceration

Taking into consideration the Defendant's age at the time of the offense, as well as his actions, a prison term of forty to sixty years is appropriate and will be recommended. The Defendant has made substantial progress while incarcerated. He has completed multiple programs; his record is void of any misconducts since one in 2015 (and 2003 prior to that) and he takes full responsibility for his actions in regard to this offense. Prison reports are supporting of the Defendant and his psychological assessment does not suggest he suffers from any debilitating mental health issues that would interfere with his reentry into society. However, this agent must also recognize the Defendant's actions resulted in the loss of an innocent life. \*The guns were not received it was unknown which gun caused the fatality. (Per PL 4/21/21) Most troubling, is the fact the Defendant had a total disregard for human life. He, by his own admission, was high and intoxicated and chose to arm himself with a deadly weapon in order to be seen as tough and to show off. He blindly fired into the victim's vehicle, knowing the possible deadly consequences his actions may have on a young man who was doing nothing but sitting in his car. Regardless of the progress the Defendant has made over the years, because of his senseless taking of a life, substantial incarceration is still warranted.

**Agent's Description of the Offense**

The following information was taken from Kalamazoo Department of Public Safety report 93-12965.

On or about 06/10/1993, Kalamazoo Department of Public Safety was dispatched to the 800 block of Hawley St. reference a shooting. Arriving on the scene, officers were directed to a vehicle that had struck a telephone pole. That vehicle was occupied by a lone individual who was slumped over the wheel. Officers observed the man suffer from a bullet wound in the back and was not responsive. LIFE EMS transported the victim to Bronson Hospital where he was pronounced dead from a single gunshot wound to his back, which had caused damage to the victim's heart, lungs and spleen. The victim was identified as Christopher Ricketts, seventeen years of age.

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Officers interviewed several witnesses who were at the scene who advised that the victim was killed during a robbery attempt. According to witnesses, Ricketts was sitting in his parked car talking to other people when another vehicle drove up, occupied by William Neilly, James Brown, Angelo Burnett, Donnie Wogoman and Telly Matthews. Those individuals decided to steal the sound system from the victim at that time. Neilly and Brown armed themselves with automatic pistols, walked up to the victim's vehicle and demanded he give them the sound system. He tried to drive away, however, both individuals fired a single shot into the vehicle, with one of those bullets striking the victim in the back, causing the fatal wound.

The suspects all fled the scene at that time and were arrested on felony charges at a later date.

The Defendant was arrested on 06/11/1993 and convicted by jury trial on 11/08/1993. The Defendant was sentenced on 11/29/1993 and remains incarcerated.

**Consecutive Sentences**

Count I must be served preceding and consecutive to any term of imprisonment imposed for the felony contained in Count II. Count VI must be served preceding and consecutive to any term of imprisonment imposed for the felony contained in Count V.

**Victim's Impact Statement**

Original statement from the victim's family is available for the courts review. According to the prosecuting attorney, the victim's family has not supplied any additional statements regarding this offense.

**Defendant's Description of the Offense**

The Defendant was interviewed at the county jail on 11/19/1993 and stated that he was smoking marijuana and drinking at the time of the offense. He advised he was hanging out with the codefendants when they decided that they would steal a car stereo from the victim. He states that he got his 9mm pistol out of the glove box which he had bought for \$50 on the street. He stated \*he was unaware\* (Per PL 4/21/21) Brown got a pistol which was a .380 caliber semi-automatic. They then walked up to the victim's vehicle and he thinks that is when the victim saw him holding a gun and attempted to pull away. Both him and Brown fired a shot into the vehicle and got scared and took off running. He stated that it all started as a joke, became a robbery, and ended in a tragedy and he is sorry for his actions. He does not believe it would have happened if he had not been drinking or high. The Defendant was also interviewed while incarcerated with the Michigan Department of Corrections and supplied a written statement for the court's review. Please see below.

"I take full responsibility for the murder of Christopher Ricketts. I conspired to rob Christopher. I walked to the car, I told him to get out of the car, and as he drove away, I fired. I'm sorry. I'm sorry for killing Christopher and

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for the pain that I caused his family and the community. I ask his family for forgiveness. Not only did I rob him of his life but I robbed him of going to college, having a wife and a family. I'm no longer the person who committed those acts. I've done work to restructure my thinking. I seek the forgiveness of his family and the community and I want them to know that I am truly sorry for the role that I played that night on June 10, 1993."

**Criminal Justice**

**Juvenile History:**

NO. 1 OF 1

Offense Date:	1992
Petition Date:	1992
Petitioning Agency:	Kalamazoo Dept. Public Safety
Charge(s) at Petition:	CS-Possess L/T 25g
Court of Jurisdiction:	9th Circuit Court, Family Division
Final Charges:	CS-Possess L/T 25g (F)(CG:CS, CC:G)
Adjudication Date/Method:	07/20/1992 / Plea
Sentence/Disposition:	prob, ILC
Sentence/Disposition Date:	09/02/1992
Attorney Present:	Yes
Discharge Date:	06/24/1993
Notes:	

**Adult History:**

NO. 1 OF 1

Offense Date:	06/10/1993
Status at Time of Offense:	Juvenile Court Supervision
Arrest Date:	06/11/1993
Arresting Agency:	Kalamazoo Dept. Public Safety
Charge(s) at Arrest:	Ct. I Homicide-Felony Murder, Ct. II Felony Firearm, Ct. III Assault w/Intent to Rob While Armed, Ct. IV Felony Firearm, Ct. V Conspiracy to Commit Armed Robbery, Ct. VI Possess Firearm
Court of Jurisdiction:	9th Circuit Court, 93-0756FC
Final Charges:	Ct. I Homicide-Felony Murder (F)(CG:PER), Ct. II Felony Firearm (F), Ct. V Conspiracy to Commit Armed Robbery (F)(CG:PER, CC:A), Ct. VI Felony Firearm (F)
Conviction Date/Method:	11/08/1993 / Jury
Sentence/Disposition:	Instant Offense- Re-sentencing Pending
Sentence Date:	11/29/1993
Attorney Present:	Yes
Discharge Date:	Unknown
Notes:	Sentenced 11/29/1993 to Ct. I Life without parole,, Ct. II 2 yrs prison, Ct. V Life without parole, Ct. VI 2 yrs prison

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**Personal Protection Order(s):** None.

**Gang Involvement:**

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

**Gang Marks, Scars, & Tattoos:** None.

**Gang Names:** None.

**Family**

Name	Relationship	Age	Address	Phone	Occupation
NEILY, WILLIE MAE	Mother	70	925 Hazard Kalamazoo, Michigan		Unknown
Givan, Eddie	Father	69			
HILL, RONALD LEE	Brother	56	Hazard Kalamazoo, Michigan		
Neily, James Len	Half-Brother	Deceased	Hazard Kalamazoo, Michigan		
NEILY, VICTOR	Half-Brother	Deceased	925 Hazard Ave Kalamazoo, Michigan 49048-1987		
Neilly, Simone	Half-Sister	39	Kalamazoo, Michigan		
Neily, Tacarra Marane	Half-Sister	37	Kalamazoo, Michigan		
BERNNETTE, MAMMIE	Grandmother		925 HAZARD KALAMAZOO, Michigan	349-6379	

**Comments:**

The Defendant was born in Kalamazoo, MI and primarily raised by his mother and grandmother. His biological father was not a factor in his upbringing. The majority of the Defendant's siblings, as well as his mother, possess criminal records. Defendant acknowledges his mother used drugs during his formative years and was not a positive role model. He indicates his home environment lacked structure and there was little positive guidance. He \*originally reported he was never\* (Per PL 4/21/21) the victim of any physical sexual or emotional abuse, however, did acknowledge he received "whoopings" which involved switches, belts and smacks to the face. There were also indications Child Protective Services were called on more than one occasion due to home life issues.

**Marriage**

The Defendant is single, has never been married and has fathered no children.

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**Employment**

The Defendant has no significant employment history to report. While incarcerated, the Defendant has completed job skill certifications and is actively assigned as a unit porter.

**Education**

**High School:**

Name	Start Date	End Date	Level Completed	Area of Study	Certificate
Kalamazoo Public Schools	1990	1993	Eleventh Grade	General Studies	None
Verified at BELLAMY CREEK CORRECTIONAL FACILITY	1999	1999	GED Completion	General Studies	GED Certificate

The Defendant was enrolled in the Kalamazoo Public School system and completed tenth grade prior to being involved with the juvenile justice system. He was enrolled in the Juvenile Learning Center prior to his incarceration on this offense. He did complete his GED requirements in 1999.

**College/Advanced Degrees:** None.

**Vocational/Other Training:** The Defendant has received the following certifications while incarcerated: Phase II Food Service Sanitation, Custodial Maintenance, Blood Born Pathogen Spill Clean Up and Introduction to Business 101.

**Substance Use and Treatment**

**Substance Use:**

Drug	Start Date	End Date	Frequency	Age of First Use
Alcohol	1987	1993	Daily	11
THC (Marijuana, Hashish, etc.)	1987	1993	Daily	11

The Defendant acknowledges use of alcohol and marijuana beginning at the age of eleven. He indicates his use was daily and problematic. He has not used any controlled substances since incarceration.

**Substance Abuse Treatment:**

Treatment Type	Provider	Start Date	End Date	Completed
Outpatient	Gateway	1992	1992	NO
Educational	MDOC	10/2014	10/2014	YES

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The Defendant was enrolled in outpatient counseling through Gateway while involved with the juvenile justice system. He was not able to complete that program. He has completed programming with the Michigan Department of Corrections while incarcerated including 12-Step Substance Abuse Programming and Substance Abuse Phase I.

### Health

**Physical Health:** The Defendant reports overall good physical health and does not suffer from any limitations or disabilities.

**Mental Health:** The Defendant has not been diagnosed with any psychiatric illnesses.

The Defendant has completed several rehabilitative courses while incarcerated that include Cage Your Rage Anger Management, The Way to Happiness Course, Change-Chance for Life Class and Thinking for Change.

### Finances

**Income:** None.

**Assets:** None.

**Liabilities:** None.

Court Name (Last, First, Middle) NEILLY WILLIAM EDWARD						MDOC Nbr. 234427	Given Name (Last, First, Middle) Neily, William Edward Givhan			
Name Type			Other Names (Last, First, Middle)							
Court/Commitment Name			NEILLY, WILLIAM EDWARD							
Place of Birth Michigan			Citizenship USA		Last Known Address & Telephone No.					
State & DLN None			DOB	05/31/1976						
SID No. 1702601A			FBI No. 510502TA1		-					
Race Black or African American		Sex Male	Hair Black	Eyes Brown						
Height 6' 2"	Weight 205	Highest Grade Completed GED Completion		Occupation None		Health Ins. No	Assets-\$1,500 & Up No	Monthly Income of \$75 & Up No		
Marital Status Single		Dependents 0	Religion No Preference		Military Branch None	Military Dates None		Discharge Type None		
Marks, Scars, Amputations, Tattoos								Drug Abuse	Alcohol Abuse	Mental Health Treatment
								Yes	Yes	No

### CRIMINAL HISTORY

Juvenile			Adult			Status at Time of Offense						
Comm.	Prob.	Esc.	Jail	Pris.	Prob.	Esc.						Delayed Sentence
0	1	0	0	0	0	0						Parole
Age of First Arrest 16		Sex Offense Convictions 0			SAI Eligible No							Jail
Pending Charges in Court No		No. of Prior Felony Convictions 0										State Prison
Type of Report Presentence		County Kalamazoo County			Agent & Caseload No. DENNIS J. DONAHUE - 3793							On Bond
		DOC Recommended Disposition 4			Probation Violation New Sentence No							Federal Probation
					Probation Violation Technical No							Federal Parole
											X	Juvenile Court Supervision

### CURRENT OFFENSE

NO. 1 OF 4	Docket No.: Charge (5): C93-0756-FC			Last Name: NEILLY WILLIAM EDWARD			
PACC Code 750.316B		Offense Homicide - Felony Murder				Max LIFE	Consecutive Sentence Yes
Victim / Relationship NO REL - CMIS Defined RICKETTS, CHRISTOPHER - No Relationship					Codefendant(s) BROWN, JAMES M. Burnett, Angelo Wogoman, Omar D.		
Circuit 09th Circuit Court - Kalamazoo County		Judge Pamela L. Lightvoet			Attorney Claire Alexis Ward		Retained / Appointed Appointed
Method of Conviction Jury		Date of Offense 06/10/1993	Date of Arrest 06/11/1993	Date of Bond N/A	Date of Conviction 11/08/1993	Jail Credit 9446	Guilty But Mentally Ill No

### DISPOSITION

Sentence Type			Sentence Date	CTN 399306111501	Fine		Cost		Restitution
MINIMUM			MAXIMUM		LIFE	JAIL		Supervision Fees	Crime Victims Assessment
Years	Months	Days	Years	Months	Days		Months	Days	
Attorney Fees			Forensic Fees			Restitution Fund Fees			Other Fees
Sentencing Guidelines									
RANGE				LIFE	NA	Prior Record Total			Offense Variable Total
Low:		High:			X				
Comments:									

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**CURRENT OFFENSE**

NO. 2 OF 4	Docket No.: Charge (6): C93-0756-FC			Last Name: NEILLY WILLIAM EDWARD		
PACC Code 750.227BA	Offense Weapons - Felony Firearms			Max 2 yrs.	Consecutive Sentence No	
Victim / Relationship NO REL - CMIS Defined RICKETTS, CHRISTOPHER - No Relationship			Codefendant(s) BROWN, JAMES M. Burnett, Angelo Wogoman, Omar D.			
Circuit 09th Circuit Court - Kalamazoo County		Judge Pamela L. Lightvoet		Attorney Claire Alexis Ward		Retained / Appointed Appointed
Method of Conviction Jury	Date of Offense 06/10/1993	Date of Arrest 06/11/1993	Date of Bond N/A	Date of Conviction 11/08/1993	Jail Credit 730	Guilty But Mentally Ill No

**DISPOSITION**

Sentence Type			Sentence Date		CTN 399306111501		Fine		Cost		Restitution
MINIMUM			MAXIMUM			LIFE	JAIL		Supervision Fees		Crime Victims Assessment
Years	Months	Days	Years	Months	Days		Months	Days			
Attorney Fees			Forensic Fees			Restitution Fund Fees			Other Fees		
Sentencing Guidelines											
RANGE			LIFE		NA X		Prior Record Total			Offense Variable Total	
Low:	High:										
Comments:											

**CURRENT OFFENSE**

NO. 3 OF 4	Docket No.: Charge (7): C93-0756-FC			Last Name: NEILLY WILLIAM EDWARD			
PACC Code 750.529[C]	Offense Robbery Armed (Conspiracy)			Max LIFE	Consecutive Sentence Yes		
Victim / Relationship NO REL - CMIS Defined RICKETTS, CHRISTOPHER - No Relationship			Codefendant(s) BROWN, JAMES M. Burnett, Angelo Wogoman, Omar D.				
Circuit 09th Circuit Court - Kalamazoo County		Judge Pamela L. Lightvoet			Attorney Claire Alexis Ward		Retained / Appointed Appointed
Method of Conviction Jury	Date of Offense 06/10/1993	Date of Arrest 06/11/1993	Date of Bond N/A	Date of Conviction 11/08/1993	Jail Credit 9446	Guilty But Mentally Ill No	

**DISPOSITION**

Sentence Type			Sentence Date		CTN 399306111501		Fine		Cost		Restitution
MINIMUM			MAXIMUM			LIFE	JAIL		Supervision Fees		Crime Victims Assessment
Years	Months	Days	Years	Months	Days		Months	Days			
Attorney Fees			Forensic Fees			Restitution Fund Fees			Other Fees		
Sentencing Guidelines											
RANGE			LIFE		NA X		Prior Record Total			Offense Variable Total	
Low:	High:										
Comments:											

**CURRENT OFFENSE**

NO. 4 OF 4	Docket No.: Charge (8): C93-0756-FC			Last Name: NEILLY WILLIAM EDWARD		
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NEILLY WILLIAM EDWARD - 234427

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CFJ-101

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PACC Code 750.227BA	Offense Weapons - Felony Firearms	Max 2 yrs.	Consecutive Sentence No
Victim / Relationship OTHER - CMIS Defined RICKETTS, CHRISTOPHER - Other		Codefendant(s) BROWN, JAMES M. Burnett, Angelo Wogoman, Omar D.	
Circuit 09th Circuit Court - Kalamazoo County		Judge Pamela L. Lightvoet	Attorney Claire Alexis Ward
Method of Conviction Jury	Date of Offense 06/10/1993	Date of Arrest 06/11/1993	Date of Bond N/A
			Date of Conviction 11/08/1993
			Jail Credit 730
			Guilty But Mentally Ill No

### DISPOSITION

Sentence Type			Sentence Date			CTN 399306111501		Fine		Cost		Restitution
MINIMUM			MAXIMUM			LIFE	JAIL		Supervision Fees		Crime Victims Assessment	
Years	Months	Days	Years	Months	Days		Months	Days				
Attorney Fees			Forensic Fees			Restitution Fund Fees			Other Fees			
Sentencing Guidelines												
RANGE				LIFE		NA X		Prior Record Total			Offense Variable Total	
Low:		High:										
Comments:												

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MICHIGAN DEPARTMENT OF CORRECTIONS  
PRESENTENCE INVESTIGATION REPORT

CR-145

Honorable Richard Ryan Lamb County Kalamazoo Sentence Date 11/29/93  
 Docket C930756 Attorney Gerald Charland Adpt. X Retained         
 Defendant William Edward Neilly Age 17 D.O.B. 5/31/76

**CURRENT CONVICTION(S)**

Final Charge(s)	Max.	Jail Credit	Bond	Proposal B
1. First Degree Murder	Life	172 days	No	Yes
2. Felony Firearm	2 yr.	172 days	No	Yes
3. Asslt w/intent to Rob while Armed	Life	172 days	No	Yes

Convicted by: Plea Jury X Judge        Plea Under Advisement        Nolo Contendere        HYTA: Yes        No X

Conviction Date 11/08/93 Plea Agreement No

Pending Charges: No Where       

**PRIOR RECORD**

Convictions: Felonies 0 Misdemeanors 0 Juvenile Record: Yes X No       

Probation: Active        Former X Pending Violation       

Parole: Active        Former        Pending Violation       

Current Michigan Prisoner: Yes        No X Number       

Currently Under Sentence: Offense        Sentence       

**PERSONAL HISTORY**

Education 10th Employed No Where       

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

Substance Abuse History: Yes X No        What Alcohol and Marijuana How Long 4 years

**RECOMMENDATION**

**FOR OFFICE USE ONLY**

FEM       

NJA       

LTJ       

CSC       

PDF       

AFA       

COM X

OR

CAP       

ETA       

PM/L X

CDP       

Agent Arthur O'Leary TX: 383-8972 Caseload No.        Date       

Signature        Supervisor's Approval:       

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MICHIGAN DEPARTMENT OF CORRECTIONS  
PRESENTENCE INVESTIGATION REPORT

CFR-145

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Honorable \_\_\_\_\_ County \_\_\_\_\_ Sentence Date \_\_\_\_\_

Docket \_\_\_\_\_ Attorney \_\_\_\_\_ Appt. \_\_\_\_\_ Retained \_\_\_\_\_

Defendant \_\_\_\_\_ Age \_\_\_\_\_ D.O.B. \_\_\_\_\_

**CURRENT CONVICTION(S)**

Final Charge(s)	Max.	Jail Credit	Bond	Proposal B
4. <input checked="" type="checkbox"/> Felony Firearm	2yrs	172 days	No	Yes
5. <input checked="" type="checkbox"/> Conspiracy to Commit Armed Robbery	Life	172 days	No	Yes
6. <input checked="" type="checkbox"/> Felony Firearm	2yrs	172 days	No	Yes

Convicted by: Plea \_\_\_\_\_ Jury \_\_\_\_\_ Judge \_\_\_\_\_ Plea Under Advisement \_\_\_\_\_ Nolo Contendere \_\_\_\_\_ HYTA: Yes \_\_\_\_\_ No \_\_\_\_\_

Conviction Date \_\_\_\_\_ Plea Agreement \_\_\_\_\_

Pending Charges: \_\_\_\_\_ Where \_\_\_\_\_

**PRIOR RECORD**

Convictions: Felonies \_\_\_\_\_ Misdemeanors \_\_\_\_\_ Juvenile Record: Yes \_\_\_\_\_ No \_\_\_\_\_

Probation: Active \_\_\_\_\_ Former \_\_\_\_\_ Pending Violation \_\_\_\_\_

Parole: Active \_\_\_\_\_ Former \_\_\_\_\_ Pending Violation \_\_\_\_\_

Current Michigan Prisoner: Yes \_\_\_\_\_ No \_\_\_\_\_ Number \_\_\_\_\_

Currently Under Sentence: Offense \_\_\_\_\_ Sentence \_\_\_\_\_

**PERSONAL HISTORY**

Education \_\_\_\_\_ Employed \_\_\_\_\_ Where \_\_\_\_\_

Psychiatric History: Yes \_\_\_\_\_ No \_\_\_\_\_ Physical Handicaps: Yes \_\_\_\_\_ No \_\_\_\_\_ Marital Status \_\_\_\_\_

Substance Abuse History: Yes \_\_\_\_\_ No \_\_\_\_\_ What \_\_\_\_\_ How Long \_\_\_\_\_

**RECOMMENDATION**

**FOR OFFICE USE ONLY**

FEM \_\_\_\_\_

NJA \_\_\_\_\_

LTJ \_\_\_\_\_

CSC \_\_\_\_\_

PDF \_\_\_\_\_

AFA \_\_\_\_\_

COM \_\_\_\_\_

CAP \_\_\_\_\_

ETA \_\_\_\_\_

PM/L

CDP \_\_\_\_\_

OR

Agent \_\_\_\_\_ TX: 383-8972 Caseload No. \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Supervisor's Approval: \_\_\_\_\_

NEILLY, WILLIAM EDWARD  
PRE-SENTENCE INVESTIGATION REPORT  
PAGE 1

SUMMARY:

On the night of 6/10/93, William Neilly conspired with James Brown, Angelo Burnett, and Donnie Wogoman to rob 17-year old Christopher Ricketts. During the course of the hold-up, Ricketts was shot and killed.

EVALUATION AND PLAN:

William Edward Neilly is 17-years old and single. At the time of this offense, he had just completed the school year and he did not have a job. Neilly was born out of wedlock in Kalamazoo on 5/31/76. According to respondent, his father is Billy Gavan. According to Neilly's juvenile file, the father is Eddie Gavan. Whatever the case, Neilly states his father had nothing to do with his upbringing. Respondent was raised on Kalamazoo's east side by his mother, Willie Mae Neilly and his maternal grandmother, Mammie Burnett. Neilly has three older and two younger half siblings. Neilly feels he had a good home life and states he was never neglected or abused. One must assume that moral standards in the household were low as respondent's mother and two of his older half brothers have felony records. At the time of instant offense, Neilly was still living at home. He has never been married, he has no children and no one is pregnant.

Neilly attended Kalamazoo Public Schools. When he got into high school, he skipped a great deal and did poorly academically. After being placed on juvenile probation, he was taken out of regular high school and placed in the Intensive Learning Center. Apparently he did well there. Respondent had just completed the school year at I.L.C. on the day of the murder. Neilly had planned to return to Kalamazoo Central for his junior year in the Fall of 1993. Respondent states he can read and write. He has never been in the Service.

Neilly has never had a regular job. At the time of this offense, he was supported by his mother. In the past, he has had some work experience during the summers with the Y.O.U. Program and at the Juvenile Facility's Intensive Learning Center. Neilly has no marketable job skills. He is indigent.

Respondent states he is in good physical health and feels he is emotionally stable. Other than routine contacts in the juvenile system, he has not been involved in psychiatric care. Neilly states he began drinking and smoking marijuana at age 13. He continued both until the date of instant offense. While in the juvenile system, Neilly used marijuana regularly, had lots of dirty urines, and was sent to Gateway for drug counseling. He continued to use the drug. In the hours preceding instant offense, Neilly states he drank Cognac and smoked marijuana.

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NEILLY, WILLIAM EDWARD  
PRE-SENTENCE INVESTIGATION REPORT  
PAGE 2

Evaluation and Plan cont'd...

If he had not been drunk and high, Neilly feels he would not find himself in this predicament.

Neilly has a juvenile record for Possession of Controlled Substance less than 25 grams. When he committed this offense, he was still on juvenile probation. As for sentencing in these matters, Life in Prison without Parole is the mandatory sentence for First Degree Murder. If commutation is considered at some point in the future, officials should be aware that this murder sparked community outrage and revulsion. The victim was a 17-year old innocent who was minding his own business when set upon by a gang of predatory thugs. This crime is as pointless and mindless as it is violent.

INVESTIGATOR'S VERSION OF THE OFFENSE:

At 10:50 p.m., Thursday, 6/10/93, Kalamazoo Department of Public Safety responded to a shooting in the 800 block of Hawley Street near Cadillac. When they arrived, police found 17-year old Christopher Douglas Ricketts slumped over the wheel of his GEO Tracker. The victim had a single gunshot wound to his back. Ricketts was rushed to Bronson's Hospital where he was pronounced dead at 11:19 p.m. An autopsy was performed the next day and death was attributed to a gunshot wound with resultant trauma to the victim's heart, lungs and spleen.

Witnesses told police that Ricketts was killed during a robbery attempt. The assailants were identified as 17-year old William Neilly, 18-year old James Brown, 19-year old Angelo Burnett, and 19-year old Donnie Wogoman. Apparently, none of the four knew the deceased before they encountered him that night.

In the minutes proceeding the robbery and shooting, Ricketts was sitting in his parked car on Hawley Street talking to other young people. The four attackers then drove up in a car driven by a fifth individual, Telly Matthews.

Ricketts was playing music on his car stereo. Apparently the four decided on the spur of the moment, to steal the sound system. According to police, Neilly and Brown armed themselves with automatic pistols and walked up to Rickett's vehicle. Neilly had his own pistol and was wearing a hooded sweatshirt. Apparently, Wogoman gave Brown a pistol and Burnett gave him a hooded sweatshirt to wear.

NEILLY, WILLIAM EDWARD  
PRE-SENTENCE INVESTIGATION REPORT  
PAGE 3

Investigator's Version of the Offense Cont'd...

When Neilly and Brown confronted Ricketts, the victim tried to drive away. Both robbers fired a single shot each. A 9mm bullet struck the speaker box and vehicle. A .380 bullet hit the victim in the back and caused the fatal wound. After being shot, the victim's car traveled up Hawley Street and came to a rest when it hit a utility pole on North Street. That is where police found the Rickett's youth. After the abortive robbery attempt and shooting, the assailant fled the scene and disposed of the guns. Neilly, Burnett, and Wogoman were arrested within hours. Brown fled Michigan to California and was arrested later.

Neilly was arrested 6/11/93 and charged with First Degree Murder, Assault w/i to Rob while Armed, Conspiracy to Commit Armed Robbery, and three counts of Felony Firearm. On 11/8/93, he was convicted of all six counts by a Kalamazoo County Jury. Sentencing is scheduled for 11/29/93. On that day, Neilly will have been jailed 172 days.

Co-defendants Wogoman and Burnett have also been convicted and are awaiting sentencing. Brown is still awaiting trial.

VICTIM IMPACT STATEMENT:

Victim's impact statements from the deceased survivors are attached.

OFFENDER'S VERSION OF THE OFFENSE:

When interviewed at the County Jail on 11/19/93, Neilly offered the following.

First of all, Neilly states he did not know the Rickett's youth. In the afternoon proceeding the shooting, Neilly states that he had finished his last day of the school year at the Intensive Learning Center. After leaving school, Neilly hung out with his cousin Angelo Burnett on the east side and got high smoking marijuana.

About 9:00 p.m. that night, the pair got with Telly Matthews. Matthews had a car. The three of them went to a Party Store and brought some Cognac. They then went back to the east side and met up with Brown and Wogoman. They continued to drink and smoke.

NEILLY, WILLIAM EDWARD  
PRE-SENTENCE INVESTIGATION REPORT  
PAGE 4

Offender's Version of the Offense Cont'd....

After a while, they decided to go to Wogoman's neice's house on the north side. They hoped to borrow some money from her to go to a dance. When they got to the neice's house on Hawley Street, Wogoman and Neilly went up on the porch. No one was home. Wogoman then left the porch and Neilly hesitated a few moments and then urinated. When he got back to the car, Neilly states everybody was out of the vehicle and talking about doing this to that. Respondent states that Brown said, "we should jack him for his sounds." Neilly and Brown then volunteered to do it.

Neilly states that he got his 9mm pistol out of the glove box. Neilly had brought the pistol for \$50 on the street. Neilly already had a sweatshirt on and pulled up the hood. Neilly is uncertain if Wogoman gave a pistol to Brown, but notes that Brown was armed with the .380 automatic.

Neilly and Brown walked up to the truck. Neilly walked around the vehicle and then back to the drivers side. Respondent states that Ricketts looked at him. Neilly thinks that Ricketts knew he was going to be robbed. Ricketts saw they were wearing hooded sweatshirts and thinks the victim saw him holding his gun.

Ricketts pulled away. At that point, both Respondent and Brown shot. They then got scared and he and Brown took off running. They met the other three in the car on Douglas Street. Telly then drove them to the Patwood Apartment Complex. For a while, they hung around in the parking lot. Then respondent, Brown and Matthews went back to the east side in the car. Wogoman and Burnett stayed at Patwood.

Once on the east side, Brown took off. Defendant and Matthews went to a girl's house where they met back up with Wogoman and Burnett. The four of them went to Concord Apartments on West Main. Neilly states that they all continued to get more paranoid. Neilly and Burnett called a cab and took it back to the east side. En route, police saw them. They both jumped out of the car. Police caught Burnett almost immediately. Neilly made it to his mother's home and she told him to surrender. He did and he has been in jail since.

Neilly expresses remorse for what he has done. He states that this started as a joke, became a robbery, and ended in a tragedy. He feels this would not have happened if he had not been drunk and high. Neilly states he buried his gun at Rockwell Park. He is willing to show police where the weapon is.

NEILLY, WILLIAM EDWARD  
PRE-SENTENCE INVESTIGATION REPORT  
PAGE 5

PRIOR CRIMINAL HISTORY:

Instant offense is Neilly's first adult conviction. Respondent states he has a juvenile record. Kalamazoo County Probate Court files reveal he was adjudicated 7/20/92 for Possession of Controlled Substance less than 25 grams. He had been caught with a bag of marijuana. He was placed on Probation. On 9/2/92, he was placed in the Intensive Learning Center after failing in regular high school. He was terminated from the juvenile system on 6/24/93 after his arrest for the instant offense.

FAMILY HISTORY:

Billy Gavan, Father, whereabouts and circumstances unknown.

Willie Mae Neilly, Mother, age 41, 925 Hazard Street, Kalamazoo, MI, 49001. She has been on welfare for years.

Mammie Burnett, Maternal Grandmother.

Siblings:

Ronald Hilcomb, Half Brother, age 29, Kalamazoo, MI. He has been in prison.

James Neilly, Half Brother, age 27, Kalamazoo, MI.

Victor Neilly, Half Brother, age 25, Kalamazoo, MI. He has been in prison. His number is B192030.

William Edward Neilly, Respondent.

Simone Neilly, Half Sister, age 12, lives with her mother.

Tarkare Neilly, Half Sister, age 10, lives with her mother.

PROSECUTOR'S STATEMENT REGARDING CONSECUTIVE SENTENCING:

No statement available.

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Michigan Department of Corrections  
BASIC INFORMATION REPORT

4835-6101

CFI-101 4/91

MDOC No. <b>None</b>		Court Name (Last, First, Middle) <b>NEILLY, WILLIAM EDWARD</b>																			
Alias or Maiden Name <b>EDDIE</b>												Given Name <b>Same</b>									
Place of Birth <b>Kalamazoo</b>		Citizenship <b>USA</b>		DOB <b>5/31/76</b>		Last Known Address & Telephone No. <b>925 Hazard Kalamazoo, MI 49001 Tx: (616) 349-6379</b>															
STATE & DLN <b>None</b>																					
SSN <b>Unk</b>		SID No. <b>1702601A</b>																			
FBI No. <b>510502TA1</b>		Race <b>B</b>	Se <b>M</b>	Blk <b>Blk</b>	Brn <b>Brn</b>	Assets of \$1,500 & Up <b>Y X N</b>															
Height <b>6'1</b>	Weight <b>165</b>	Highest Grade Completed <b>10th</b>		None		Monthly Income of \$75 & Up <b>Y X N</b>															
Marital Status <b>Single</b>		Dependents <b>0</b>		Religion <b>Baptist</b>		Military Branch <b>None</b>		From - To		Discharge Type											
Marks, Scars, Amputations <b>None</b>												Drug Abuse <b>X Y N</b>		Alcohol Abuse <b>XY N</b>		Known Homosexual <b>Y X N</b>		Mental Health Treatment <b>Y X N</b>			

## CRIMINAL HISTORY

JUVENILE		Ad		Prob.		Esc.		S. is at Time of Offense									
Comm.	Prob.	Esc.	Jail	Prob.	Esc.			None		Delayed Sentence							
0	1	0	0	0	0			HYTA		Parole							
CSC Convictions		Age of First Offense		16	SAI Eligible		Probation Juvenile			Jail							
					Y N		District Prob.			State Prisoner							
Pending Charges In Court		No. of Convictions		0						On Bond							
Y X N																	

## CURRENT OFFENSE DATA

No. 1 Docket No: <b>C93 0756 FC</b>			No. 2 Docket No: <b>CT II</b>								
PACC Code <b>750.316B</b>		Offense <b>First Degree Murder</b>		PACC Code <b>750.227BA</b>		Offense <b>Possession of Firearm while Committing Felony</b>					
Max. Life	Circuit 9	Judge <b>Richard Ryan Lamb</b>	Max. 2 yrs	Circuit 9	Judge <b>Richard Ryan Lamb</b>						
Codefendant(s) <b>Wogoman, Burnett, Brown</b>						Codefendant(s) <b>Wogoman, Burnett, Brown</b>					
Date of Offense <b>6/10/93</b>	Victim(s) Relationship <b>Christopher Ricketts (None)</b>		Date of Offense <b>6/10/93</b>	Victim(s) Relationship <b>Christopher Ricketts (None)</b>							
Date of Arrest <b>6/11/93</b>			Date of Arrest <b>6/11/93</b>								
Date of Bond <b>N/A</b>	Attorney <b>Gerald Charland</b>	X App'd Retain	Date of Bond <b>N/A</b>	Attorney <b>Gerald Charland</b>	X App'd Retain						
11/08/93	Method of Disp. <b>Bench</b>	Plea <b>Sec.7411</b> Jury <b>Nolo Cont.</b>	11/08/93	Method of Disp. <b>Bench</b>	Plea <b>Sec.7411</b> Jury <b>HYTA</b>						
Date of Conviction											
Jail Credit <b>172</b>	Guilty But Mentally Ill <b>Y X N</b>		Jail Credit <b>172</b>	Guilty But Mentally Ill <b>Y X N</b>							
Type of Report <b>X PSI</b>	County <b>Kalamazoo</b>		Agent & Caseload No. <b>O'Leary #3399</b>								
	Recommended Disposition <b>4</b>		Prob. Viol. - New Sentence <b>Y X N</b>		Prob. Viol. - Technical <b>Y X N</b>						
HYTA/Delay Update						Not Applicable					

## SENTENCING GUIDELINE RANGE

Low \_\_\_\_\_

High \_\_\_\_\_

 Not Applicable

## DISPOSITION

Sentence Type	Date	CTN <b>399306111501</b>	Yrs.	Min. Mos. <b> </b>	Days <b> </b>	Max. Mos. <b> </b>	Days <b> </b>	Fine	Cost	Rest.	Jail Mos. <b> </b>	Days <b> </b>
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Michigan Department of Corrections  
BASIC INFORMATION REPORT

4835-6101  
CFJ-101 4/91

MDOC No. None		Court Name (Last, First, Middle) NEILLY, WILLIAM EDWARD											
Alias or Maiden Name EDDIE										Given Name Same			
Place of Birth Kalamazoo		Citizenship USA		DOB 5/31/76		Last Known Address & Telephone No.  925 Hazard Kalamazoo, MI 49001 Tx: (616) 349-6379							
STATE & DLN None													
SSN Unk		SID No. 1702601A		Eyes B									
FBI No. 510502TA1		Race B	Sex M	Blk	Brn								
Height 6'1	Weight 165	Highest Grade Completed 10th		None		Health Ins. Y X N	Assets of \$1,500 & Up Y X N	Monthly Income of \$75 & Up Y X N					
Marital Status Single		Dependent 0		Religion Baptist		Military Branch None		From - To		Discharge Type			
Marks, Scars, Amputations, i.						Drug Abuse X Y N	Alcohol Abuse X Y N	Known Homosexual Y X N		Mental Health Treatment Y X N			
<b>CRIMINAL HISTORY</b>													
JUVENILE		ADL		S. S. at Time of Offense									
Comm.	Prob.	Esc.	Jail	Prob.	Esc.	<input type="checkbox"/> None <input type="checkbox"/> HYTA <input checked="" type="checkbox"/> Probation Juvenile <input type="checkbox"/> District Prob.							
0	1	0	0	0	0	<input type="checkbox"/> Delayed Sentence <input type="checkbox"/> Parole <input type="checkbox"/> Jail <input type="checkbox"/> State Prisoner <input type="checkbox"/> On Bond							
CSC Convictions 0	Age of First 16		SAI Eligible Y X N										
Pending Charges In Court Y X N		No. T 0											

CURRENT OFFENSE DATA									
No. 1 Docket No: CT III			No. 2 Docket No: CT IV						
PACC Code 750.89		Offense Assault with intent to Rob while Armed		PACC Code 750.227BA		Offense Possession Firearm While Committing Felony			
Max. Life	Circuit 9	Judge Richard Ryan Lamb		Max. 2	Circuit 9	Judge Richard Ryan Lamb			
Codefendant(s) Wogoman, Burnett, Brown			Codefendant(s) Wogoman, Burnett, Brown						
Date of Offense 6/10/93	Victim(s) Relationship Christopher Ricketts (None)			Date of Offense 6/10/93	Victim(s) Relationship Christopher Ricketts (None)				
Date of Arrest 6/11/93				Date of Arrest 6/11/93					
Date of Bond N/A	Attorney Gerald Charland			Date of Bond N/A	Attorney Gerald Charland				
11/08/93	Method of Disp. Bench Sec.7411 Nolo Cont.			11/08/93	Method of Disp. Plea X Jury HYTA Bench Sec.7411 Nolo Cont.				
Date of Conviction									
Jail Credit 172	Guilty But Mentally Ill Y X N			Jail Credit 172	Guilty But Mentally Ill Y X N				
Type of Report X PSI PSI Up date HYTA/Delay Update	County Kalamazoo			Agent & Caseload No. O'Leary #3399					
	Recommended Disposition 4			Prob. Viol. - New Sentence Y X N			Prob. Viol. - Technical Y X N		

SENTENCING GUIDELINE RANGE      Low \_\_\_\_\_ High \_\_\_\_\_  Not Applicable

<b>DISPOSITION</b>											
Sentence Type		Date	CTN 399306111501		Yrs.	Min. Mos. Days	Max. Mos. Days	Fine	Cost	Rest.	Jail Mos. Days

Michigan Department of Corrections  
**BASIC INFORMATION REPORT**

4835-6101

CFJ-101 4/91

MDOC No. None		Court Name (Last, First, Middle) NEILLY, WILLIAM EDWARD					
Alias or Maiden Name EDDIE				Given Name Same			
Place of Birth Kalamazoo		Citizenship USA		DOB 5/31/76			
STATE & DLN None				Last Known Address & Telephone No. 925 Hazard Kalamazoo, MI 49001			
SSN Unk		SID No. 1702601A					
FBI No. 510502TA1		R. e B	Se M	I Blk	Eyes Brn		
Height 6'1	Weight 165	Highest Grade Completed 10th		Occupation None	Health Ins. Y X N	Assets of \$1,500 & Up Y X N	Monthly Income of \$75 & Up Y X N
Marital Status Single	Dependents 0	Relig Baptist		Military Branch None	From - To		Discharge Type
Marks, Scars, Amputations. None				Drug Abuse X Y N	Alcohol Abuse X Y N	Known Homosexual Y X N	Mental Health Treatment Y X N

## CRIMINAL HISTORY

**CURRENT OFFENSE DATA**

No. 1 Docket No: CT V		No. 2 Docket No: CT VI	
PACC Code 750.529C		Offense Conspiracy to Commit Armed Robbery	
Max. Life	Circuit 9	Judge Richard Ryan Lamb	Max. 2 yrs
		Circuit 9	Judge Richard Ryan Lamb
Codefendant(s) Wogoman, Burnett, Brown			
Date of Offense 6/10/93	Victim(s) Relationship Christopher Ricketts (None)		Date of Offense 6/10/93
Date of Arrest 6/11/93			Date of Arrest 6/11/93
Date of Bond N/A	Attorney Gerald Charland	X App'd Retain	Date of Bond N/A
11/08/93	Method of Disp. Bench	Plea X Jury HYTA Sec.7411 Nolo Cont.	Date of Conviction 11/08/93
Date of Conviction			Method of Disp. Bench
Jail Credit 172	Guilty But Mentally Ill Y X N		Jail Credit 172
Type of Report XX PSI PSI Up date HYTA/Delay Update	County Kalamazoo Recommended Disposition 4		Agent & Caseload No. O'Leary #3399 Prob. Viol. - New Sentence Y X N
			Prob. Viol. - Technical Y X N

## SENTENCING GUIDELINE RANGE

Low \_\_\_\_\_ High \_\_\_\_\_

Not Applicable

## DISPOSITION

## KALAMAZOO COUNTY PROSECUTOR'S OFFICE

VICTIM IMPACT STATEMENT

Sentencing Judge

People v.

Case #

PLEASE USE BLACK/BLUE PEN

WHEN COMPLETING FORM

This form will allow the sentencing judge and the prosecutor to know your feelings about being the victim of crime and how the crime affected you. If you need additional space, please feel free to attach extra pages.

**VICTIM'S PERSONAL REACTION:** Write your feelings on how being the victim of this crime has affected you personally, as well as those around you.

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**VICTIM'S PHYSICAL OR EMOTIONAL INJURY:** Explain any injuries and the treatment that you received. Attach copies of any bills.

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---

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**VICTIM'S PROPERTY LOSS:** List any property that was damaged, destroyed, or lost; as well as the value of that property. Attach copies of bills or estimates for repair.

Bullet hole damage to Chris' Tracker + Speaker

---

**FINANCIAL OR OTHER LOSS:** List the days and hours you missed from work because of this crime and the amount of wages that you lost.

6/11, 14, 15, 16, 1993

Money is not important

---

**COMPENSATION:** List any agency or company you have made application to for replacement or to cover your loss. (i.e., insurance, Medicaid, Crime Victims Compensation, etc.).

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---

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RECEIVED by MSC 10/26/2023 2:24:47 PM

Please list any compensation that you have already received

RESTITUTION: Give your opinion of whether the person convicted of the crime should pay you money for your loss, or do work as part of the sentence and how much.

SENTENCING: Write your thoughts on sentencing.

LIFE without Parole for Such A Heinous Crime

ANY OTHER COMMENTS OR CONCERNs THAT YOU WOULD LIKE TO EXPRESS:

I would like my Impact Statement included in the Pre-Sentence Report.  Yes  No

I swear that the statements made here are true to the best of my knowledge.

Signature Patricia Evans Date 7-5-93

If you are completing this statement for someone else, please complete the following:

Victim's Name \_\_\_\_\_ Relationship \_\_\_\_\_

YOU MAY ADD TO THIS STATEMENT AT ANY TIME.

Victim Assistance  
Kalamazoo County Prosecutor's Office  
227 West Michigan Avenue  
Kalamazoo, MI 49007  
(616) 383-8677

## KALAMAZOO COUNTY PROSECUTOR'S OFFICE

## VICTIM IMPACT STATEMENT

Sentencing Judge LambPeople v. Wagaman (Neily), BurnetteCase # C-93-0888RECEIVED by MSC 10/26/2023 2:24:41 PM  
PLEASE USE BLACK/BLUE PEN  
WHEN COMPLETING FORM

This form will allow the sentencing judge and the prosecutor to know your feelings about being the victim of crime and how the crime affected you. If you need additional space, please feel free to attach extra pages.

VICTIM'S PERSONAL REACTION: Write your feelings on how being the victim of this crime has affected you personally, as well as those around you.

Sir, the loss of my Cousin Christopher has been very devastating. This was a outstanding young man who would have become a great asset to society and his Country. My grandfather and I would often talk about Chries good nature, and how it was better for him work on his Computer rather than Roaming the streets looking to harm good Americans like the four men who took his life. May they be judged like they judged Christopher.

VICTIM'S PHYSICAL OR EMOTIONAL INJURY: Explain any injuries and the treatment that you received. Attach copies of any bills.

It has been extremely hard at times to concentrate on my studies, I'm currently working on a PH.D degree at WMC there was no doubt in my mind that Chri would have reached high educational levels as well. The lessons taught to me by my grandfather helped to guide me and would have guided Chri also. He was a very bright young man.

VICTIM'S PROPERTY LOSS: List any property that was damaged, destroyed, or lost; as well as the value of that property. Attach copies of bills or estimates for repair.

FINANCIAL OR OTHER LOSS: List the days and hours you missed from work because of this crime and the amount of wages that you lost.

COMPENSATION: List any agency or company you have made application to for replacement or to cover your loss. (i.e., insurance, Medicaid, Crime Victims Compensation, etc.).

The Only Compensation that I want is for these four men to be punished to the maximum the law in this state will allow.

Please list any compensation that you have already received

**RESTITUTION:** Give your opinion of whether the person convicted of the crime should pay you money for your loss, or do work as part of the sentence and how much.

The four men that murdered Chris had complete malice of foul thought, and with that, made the decision to end Christopher's life. These four men were known drug dealers and are now known killers as well.

**SENTENCING:** Write your thoughts on sentencing.

Anything less then life without the possibility for parole, would be a slap in the face of every good decent American. Americans are tired of being victims of malice by individuals who feel it's ok to attack good hard working Americans and believe if caught their sentencing will be light or receive parole.

**ANY OTHER COMMENTS OR CONCERN THAT YOU WOULD LIKE TO EXPRESS:**

This Case should prove Once and for all that killing innocent Americans won't be tolerated.

I would like my Impact Statement included in the Pre-Sentence Report.  Yes  
 No

I swear that the statements made here are true to the best of my knowledge.

Signature Ansel Jeffries Date 11-1-93

If you are completing this statement for someone else, please complete the following:

Victim's Name \_\_\_\_\_ Relationship \_\_\_\_\_

YOU MAY ADD TO THIS STATEMENT AT ANY TIME.

Victim Assistance  
Kalamazoo County Prosecutor's Office  
227 West Michigan Avenue  
Kalamazoo, MI 49007  
(616) 383-8677

## KALAMAZOO COUNTY PROSECUTOR'S OFFICE

VICTIM IMPACT STATEMENT

Sentencing Judge

People v.

Case #

PLEASE USE BLACK/BLUE PEN

WHEN COMPLETING FORM

This form will allow the sentencing judge and the prosecutor to know your feelings about being the victim of crime and how the crime affected you. If you need additional space, please feel free to attach extra pages.

VICTIM'S PERSONAL REACTION: Write your feelings on how being the victim of this crime has affected you personally, as well as those around you.

I feel real real bad I lost a son I feel like I been rob. I feel thundon.

VICTIM'S PHYSICAL OR EMOTIONAL INJURY: Explain any injuries and the treatment that you received. Attach copies of any bills.

VICTIM'S PROPERTY LOSS: List any property that was damaged, destroyed, or lost; as well as the value of that property. Attach copies of bills or estimates for repair.

Bullet hole three into back of  
behind

FINANCIAL OR OTHER LOSS: List the days and hours you missed from work because of this crime and the amount of wages that you lost.

COMPENSATION: List any agency or company you have made application to for replacement or to cover your loss. (i.e., insurance, Medicaid, Crime Victims Compensation, etc.).

RECEIVED by MSC 10/26/2023 2:24:47 PM

Please list any compensation that you have already received

RESTITUTION: Give your opinion of whether the person convicted of the crime should pay you money for your loss, or do work as part of the sentence and how much.

~~They all should Die~~

SENTENCING: Write your thoughts on sentencing:

~~Life in Prison & Without  
Parole~~

ANY OTHER COMMENTS OR CONCERNs THAT YOU WOULD LIKE TO EXPRESS:

I would like my Impact Statement included in the Pre-Sentence Report.  Yes  No

I swear that the statements made here are true to the best of my knowledge.

Signature Charles R. Holder Date 6/28/93

If you are completing this statement for someone else, please complete the following:

Victim's Name Debra Holder Relationship Wife

YOU MAY ADD TO THIS STATEMENT AT ANY TIME.

Victim Assistance  
Kalamazoo County Prosecutor's Office  
227 West Michigan Avenue  
Kalamazoo, MI 49007  
(616) 383-8677

July 9, 1993

Dear Sentencing Judge:

RE: CHRISTOPHER D. RICKETTS IMPACT STATEMENT

I attended the preliminary hearing June 22, 1993 and I did not feel or see any remorse from the defendants. I truly believe in my heart these men had intentions to do great bodily harm, including murder and it happened to be our Christopher, he was in the wrong place at the wrong time. I can still see their faces. They have very little regard for themselves or life. I have never been afraid of my people or the area the crime happened in but the actions and nonchalant attitude of these men and their families as we walked from the parking lot to our cars made me loose trust and faith. I had in the past tried not to pass judgement and give the benefit of the doubt.

It is so very hard to put into words how I feel. There are so many reminders of Chris. I can hear him say "But Aunt Patty" when we would have a conversation. I miss our weekly luncheons with my mother and Chris at Rykse's and watching him consume the amount of food that kept him the jolly size he was. Knowing the routes he took and the stores he and we as well patronized makes it unbearable sometimes. When I drive up the driveway of my parent's home it's a constant reminder because his little red truck more often than not was parked in the garage or he was using my mother's towels to wash it and she was scolding him. But I also visualize his little red truck in the garage with the bullet holes through the rear tailgate, canvass top and through his blood stained seat. I can see it like I'm looking at a colored photo.

My father, his grandfather died in January, 1993 from complications after surgery and since that time Christopher had assumed a new role as man of the house and taking care of his 72 year old grandmother. My mother is numb, she tells me she does not understand this, "your father's death was merciful but this I will never get over". She has not been able to go into his room. She is now lonely even though I have only missed 2 days from visiting her since this heinous crime, but for her just knowing he was in the next room at night made her feel at ease. Christopher had lived with my parents his entire life. My husband brought him and my sister home from the hospital after he was born.

Christopher had spent the night Wednesday, June 9. He and my daughter, Sonya were very close. He let her drive his tracker the last day of school to Portage Central and then later on dropped her off, Thursday, June 10 for a wedding rehearsal and that was the last time we saw him alive. Sonya could not sleep at home for several days. She is devastated.

Chris was kind and mannerly to mother and everyone he knew. He never back talked me or my husband. We all loved and still do love Chris and it is so hard to believe he is gone. He had so much going for him and so much to give.

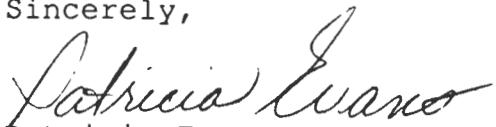
CHRISTOPHER D. RICKETTS IMPACT STATEMENT  
PAGE 2

When my mother and I greeted family and friends the afternoon of Christopher's visitation services, (my sister was so distraught and pending possible admission to the hospital was unable to attend the afternoon services) I was overwhelmed with the large number of friends Chris had, white and black, that came to pay their last respects. All I could do was to put my arms around each and every friend and hold them and weep as they wept silent tears.

There is no doubt in my mind that Chris would have been an asset to society but all that has been lost by men who obviously have NO value on life. It does not seem fair that they could get a second chance at life. Christopher hadn't begun to experience life because he was gunned down minding his own business. I know Michigan does not have the death penalty and I don't know if I could live with that but I do believe a crime of this nature deserves life in prison without parole. To have weapons and ammunition in ones possession while joy riding says their intentions were not good. I want to continue to believe in the judicial system and I can only hope and pray justice is served.

There is no way you could possibly know how we feel, but just imagine if it was your son, grandson or nephew, how would you feel?

Sincerely,



Patricia Evans

D. <sup>Omar</sup> Wogman  
 James Brown  
 Angelo Burnett  
 William Neilly

sentencing

Dear Judge, James

I can't even start to explain what the loss of Christopher Ricketts has done to me. Christopher and I were seeing each other, and we were very close. This has hurt me so much. He never hurt anyone or had any intentions of hurting anyone. The day I found out about his death I cried for 5 hours. I still cry every night and every time I think about it. I wonder "why him?" We had plans for our future. After high school we were gonna move to Georgia with the rest of <sup>his</sup> the family and get married. Then I was gonna go to college and we were gonna have kids. He wanted his grandma to see his kids before she died. Well, I guess she won't now. He had so much to live for. This is really hard on his whole family, also. I feel that Omar, Angelo, and William all are sick and have something wrong in their head to kill such a great person like Christopher. They all should be tortured. When they find James he should be, too. Then they should be in jail forever. No parole! They can be good in jail so they can get out and do it again. Ya never know. If they've done it once they'll do it again. They can't say they didn't mean to kill Christopher because if they had guns then they were looking for trouble. If they just wanted to scare him they would've had fake guns. They should all suffer for the rest of their lives, and never get out of jail. Thank you for your time.

Aimee  
 Maxson

Christopher was kind of a boyfriend. In time he really would've been.

NOV 23 1993

Nov 22, 1993

DUTT

RECEIVED by MSCB 10/26/2023 2:24:47 PM

Dear Judge Richard Ryan Lamb,  
 I'm writing you in concern of William Edward Neilly.  
 I'm asking you to please be very lenient with him.  
 William was a victim just as Christopher was. He is very  
 young and plus under the influence of alcohol discredit his  
 better judgement. I am asking that you please have mercy  
 on him, because even though he wasn't the one actually  
 put the bullet in Ricketts, I know he is really remorseful  
 in what happen as well as Shock. I know the Lord says  
 Thou shall not kill, But God also say forgive as he forgive us  
 I know from the expression on Williams Neilly face as  
 the words he speaks, he is crying out for forgiveness on  
 that night of June 10, 1993. As I listen to the testimony.  
 Even though they purchase liquor William, Telly and Angelo  
 was riding for hours together minding their own business. I  
 feel it was stupid what Neilly did, but he was intoxicated,  
 maybe he wasn't when the police seen him, because it was  
 hours later and plus what had happen sober him up as well  
 as it would of did any person, especially being as young as  
 Neilly was. Judge Lamb, would you please forgive Neilly as  
 God has done and have mercy on him, please. Please be  
 lenient on his sentence. A man, young man in Prison for a  
 long time, this young man any way would be misused and abused  
 in our own system, because he is a very gentle person. I believe  
 Neilly could be a very productive citizen and positive person in society  
 Please don't let him be an example for being Naive that  
 night. Judge Lamb, again Please have mercy on Neilly,  
 Please have compassion, please be lenient with him.

Sincerely,

Carolyn Walker

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RECEIVED  
NOV 23 1993  
09307564

# HOWARD & HOWARD

ATTORNEYS

Established 1869

The Pinehurst Office Center, Suite 250  
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Bloomfield Hills, Michigan 48304  
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The Kalamazoo Building, Suite 400  
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Kalamazoo, Michigan 49007  
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222 Washington Square, North  
Lansing, Michigan 48933  
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MICHELE L. HALLORAN  
RICHARD L. HALPERT  
PATRICK D. HANES  
ELLEN M. HARVATH  
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JON H. KINGSEPP  
STEVEN C. KOHL  
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SHAMRA M. VANWAGONER  
JACQUELINE K. VESTEVICH  
CINDY RHODES VICTOR  
STEVEN H. WESTON  
MYRA L. WILLIS  
CYNTHIA F. WISNER  
TIMOTHY M. WITTEBORT  
KAREN V. WRIGHT \*  
THOMAS J. WUORI  
JOHN E. YOUNG

WILLIAM G. HOWARD  
(1846-1906)  
HARRY C. HOWARD  
(1871-1946)  
WILLIAM J. HOWARD  
(1904-1993)

ALL ATTORNEYS ADMITTED IN MICHIGAN  
ONLY, EXCEPT AS OTHERWISE INDICATED

\* ALSO ADMITTED IN DELAWARE  
† ALSO ADMITTED IN INDIANA  
‡ ALSO ADMITTED IN NEW YORK  
§ ALSO ADMITTED IN DISTRICT OF COLUMBIA  
+ ALSO ADMITTED IN TEXAS  
# ALSO ADMITTED IN ILLINOIS  
\$ ALSO ADMITTED IN VIRGINIA  
@ ALSO ADMITTED IN OHIO  
% ALSO ADMITTED IN PENNSYLVANIA  
¤ ONLY ADMITTED IN ILLINOIS  
¤ ADMITTED TO PRACTICE BEFORE THE  
PATENT AND TRADEMARK OFFICE

Kalamazoo Office  
November 18, 1993

Hon. Richard Ryan Lamb  
Circuit Court of Kalamazoo County  
227 West Michigan Avenue  
Kalamazoo, Michigan 49007

Re: People v. William Neilley

Dear Judge Lamb:

It is my understanding that you will be sentencing William Neilley on November 29, 1993. I am writing to you with respect to the sentencing of Mr. Neilley.

I knew Christopher Ricketts for approximately 12 years before his death. Chris was the recipient of a settlement which arose out of a product liability case which was settled in 1983. Since that time I have kept in contact with him at various times. After Chris' grandfather died in January of this year, the frequency of our contact increased.

Chris was a young man with great potential. Chris grew up under challenging circumstances, but had overcome many of those challenges. Chris was polite, bright and respected his elders and those with authority over him. Certainly Chris was not perfect, but I was personally proud of his lifestyle choices and his plans to be a productive member of society.

**Hon. Richard Ryan Lamb**  
Page 2  
November 18, 1993

Chris' death was needless. When faced with confrontation, he chose to leave rather than to confront the young men.

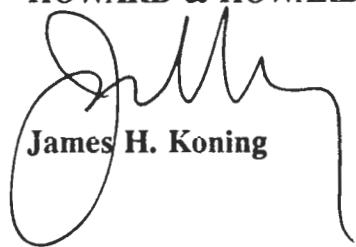
It makes no difference to me whether Mr. Neilley intended to scare Chris as was claimed during the trial or kill him. The Kalamazoo community awaits your sentence as an indication of our community's willingness to tolerate crime. If Mr. Neilley is not dealt with severely, I fear that a terrible message will be sent to our community. Not only is Mr. Neilley's future at stake, but also the future of many other young people in Kalamazoo, most notably those living in our more disadvantaged sections. A message should be sent that "if you play with fire, you will be burned".

Chris' death poses a different situation than many other killings. Chris was more than an innocent victim. When confronted with wrongdoing, he decided to leave.

I realize that your job is difficult and that you have many things to weigh. You can assist in reducing serious crime in Kalamazoo by making an example of Mr. Neilley when you sentence him. If any case requires that an example be made, this case presents such an opportunity because of the notoriety of the case and Chris' death, despite his decision to leave rather than confront Mr. Neilley and the others.

Very truly yours,

**HOWARD & HOWARD**



James H. Koning

JHK/pj

STATE OF MICHIGAN  
9th JUDICIAL CIRCUIT  
KALAMAZOO COUNTYCLAIM OF APPEAL  
AND  
ORDER APPOINTING COUNSEL

RECEIVED

FEB 16 1994

CASE NO.

C93-0756FH

STATE APPELLATE  
DEFENDER OFFICE

Court telephone no.

383-8837

Court address

227 West Michigan Ave., Kalamazoo, MI 49007

THE PEOPLE OF THE STATE OF MICHIGAN

v

Defendant name, address, date of birth, and inmate no. (if known)

William E. Neilly

OFFENSE NAME	MCL CITATION	SENTENCE(S)
Murder 1st Degree	F 750.316-B	
Life to 999 years WITHOUT PAROLE		
Poss Firearm At Fel	750.227B-A	
2 to 2 years		
Conspiracy	750.157(A) Life to 2 years	
Poss Firearm At Fel	(750.227B-A)	to 2 years

Michigan Department of Corrections

1. The defendant claims an appeal from a final judgment or order entered on 11-29-93 in the 9th Date

Circuit Court, Kalamazoo County, Michigan by Judge Richard Ryan Lamb

P16362

Copies of the final judgment or order being appealed are attached for the Court of Appeals and appointed counsel.

Bar no.

2. On 11-29-93 the defendant filed a request for appointment of counsel and a declaration of indigency. Date

## IT IS ORDERED:

3.  The State Appellate Defender Office, 1200 Sixth Avenue, Third Floor North Tower, Detroit, MI 48226 (313) 256-2814  
OR

Name of Appellate Counsel

Address

JAN 21 1994

City, state, and zip

Telephone no.  
9th JUDICIAL CIRCUIT

Bar no.

KALAMAZOO, MICHIGAN  
is appointed counsel for the defendant in post-conviction proceedings. If appointed counsel cannot or will not accept this appointment, counsel shall notify the court immediately.

4. The court reporter(s)/recorder(s) shall file with the trial court clerk the transcripts checked below and any other transcripts requested by counsel in this case not previously transcribed. Transcripts shall be filed within 28 days for pleas or 56 days for trials from the date ordered or requested. [MCR 7.210(B)] Reporter(s)/recorder(s) shall be paid as provided by law.

TRANSCRIPT ORDERED	REPORTER/RECORDER NAME, DESIGNATION, AND NUMBER	DATE(S) OF PROCEEDING
<input checked="" type="checkbox"/> a. Jury trial	The Legal Record	10-5-93, 10-6-93
<input type="checkbox"/> b. Bench trial	PO Box 081791	10-7-93, 10-12-93
<input type="checkbox"/> c. Plea	Rochester, Michigan	10-13-93, 10-14-93
	48308	10-20-93, 10-21-93
<input type="checkbox"/> Probation Violation		10-27-93, 10-28-93
<input type="checkbox"/> d. Plea <input type="checkbox"/> e. Hearing		11-3-93, 11-4-93, 11-5-93 and
<input type="checkbox"/> f. Sentence <input type="checkbox"/> g. Resentence	The Legal Record	11-28-93
<input type="checkbox"/> h. Other (specify)		11-29-93

5. The clerk shall immediately send to counsel a copy of the docket entries and the transcripts ordered above or requested by counsel as they become available. The clerk shall also forward documents upon request by counsel. [MCR 6.433]

Jan 21 1994

RECEIVED

Date

FEB 16 1994

Richard Ryan Lamb

Judge

RICHARD RYAN LAMB

Bar no.

STATE APPELLATE  
DEFENDER OFFICE

## PROOF OF SERVICE

On this date I served a copy of this claim of appeal on appointed counsel, defendant, court reporter(s)/recorder(s), prosecutor, Court of Appeals, and the Michigan Appellate Assigned Counsel System. I also served a copy of the final judgment or order being appealed on appointed counsel and the Court of Appeals and a copy of the defendant's request for appointment of counsel on appointed counsel, the prosecutor, and the Michigan Appellate Assigned Counsel System.

Date

2/3/94

Signature

Dacy - Howard

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FEB 16 1994

STATE APPELLATE  
DEFENDER OFFICE

NOVEMBER 22, 1993

To the Honorable Richard Ryan Lamb  
NEILLY, WILLIAM EDWARD

Docket #C93-0756

  
RECOMMENDATION

Count I, First Degree Murder. Life in prison without parole is the mandatory sentence.

Count II, Felony Firearm. Two years in prison served consecutively with and proceeding any term of imprisonment imposed for the Felony is mandatory.

Count III, Assault with intent to Rob while Armed. It is recommended that the defendant be sentenced to Life in prison.

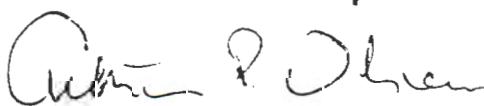
Count IV, Felony Firearm. A prison sentence of two years served consecutively with and proceeding any term of imprisonment for the Felony is mandatory.

Count V, Conspiracy to Commit Armed Robbery. It is recommended that the defendant be sentenced to Life in prison.

Count VI, Possession of Firearm. A prison sentence of two years served consecutively with and proceeding any term of imprisonment for the Felony is mandatory.

If sentenced 11/29/93, Neilly should be given credit for 172 days on the three counts of Felony Firearm.

Respectfully submitted,



Arthur O'Leary  
Probation Agent

/wp

Approved by:

