

STATE OF MICHIGAN
IN THE SUPREME COURT

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v.

TYLER MAURICE TATE,
Defendant-Appellant.

Case No. 158695

COA Case No. 338360

Wayne County Circuit Court Case

No. 16-010656-FJ

Filed under AO 2019-6

**DEFENDANT-APPELLANT'S
SUPPLEMENTAL APPENDIX**

Andrew J. Clopton (P80315)

Counsel of Record

Amanda K. Rice (P80460)

Eric A. Nicholson (P83825)

Shelbie M. Rose (P84471)

JONES DAY

150 W. Jefferson Ave., Suite 2100

Detroit, MI 48226-4438

(313) 230-7902

Date: September 27, 2021

Counsel for Defendant-Appellant

Tyler Maurice Tate

TABLE OF CONTENTS

1	Court of Appeals Opinion (September 20, 2018)	001a
2	Trial Court Register Of Actions	009a
3	Sentencing Transcript	012a
4	Presentence Investigation Report CONFIDENTIAL	035a
5	Supreme Court Order on Supplemental Briefing (June 4, 2021)	066a

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

TYLER MAURICE TATE,

Defendant-Appellant.

UNPUBLISHED

September 20, 2018

No. 338360

Wayne Circuit Court

LC No. 16-010656-01-FJ

Before: M. J. KELLY, P.J., and MARKEY and FORT HOOD, JJ.

PER CURIAM.

Defendant, Tyler Tate, appeals as of right his jury trial convictions of first-degree premeditated murder, MCL 750.316(1)(a), making a false report of a felony, MCL 750.411a(1)(B), and lying to a police officer in a criminal investigation, MCL 750.479c(2)(d)(i). The trial court sentenced Tate, a 16-year-old juvenile at the time of the offense, to prison terms of 40 to 60 years for the murder conviction, and one to four years for each remaining conviction, to be served concurrently. For the reasons explained below, we affirm.

I. BASIC FACTS

Tate's convictions arise from a gang-related shooting at the Eastland Mall in Harper Woods, which resulted in the death of Tyrell Lane. Tate, along with codefendants Brendon Stanton-Lipscomb, Demetrius Armour, and Tyshon Taylor were all members or supporters of the street gangs Eastside Ghetto Boys (EGB) or Rob Gang. Stanton-Lipscomb had formed the Rob Gang after the September 2013 shooting death of Stanton-Lipscomb's cousin and close friend, Robert Carter. Members of the Hob Squad gang, which is a subgroup of the Seven Mile Bloods gang, were believed to be responsible for Carter's shooting death. The Hob Squad gang and the Rob Gang were rivals and were hostile to each other. Lane, the victim, was a member of the Hob Squad.

On December 26, 2015, Tate and Taylor were at the Eastland Mall and overheard Lane make a disparaging remark about the Rob Gang. Taylor called Stanton-Lipscomb and told him about the remark. Stanton-Lipscomb and Armour drove to the mall. According to Taylor, who testified at Tate's trial pursuant to a plea agreement, Stanton-Lipscomb asked him over the phone to escort Lane to a location outside the mall where Stanton-Lipscomb could shoot him. Taylor refused, but gave his phone to Tate, who agreed to carry out Stanton-Lipscomb's plan. Tate led Lane through the Burlington Coat Factory store using an indirect route along the outer perimeter

of the store, past large windows where Stanton-Lipscomb could see them coming. After leading Lane through the Burlington store exit, Tate turned to his right, bringing Lane to Stanton-Lipscomb, who was concealed behind a pillar. Stanton-Lipscomb emerged from the pillar and shot Lane multiple times, killing him. Stanton-Lipscomb then fled the mall parking lot in a vehicle driven by Armour. Surveillance cameras inside and outside the mall captured these events.

Although the police initially believed that Tate was a targeted victim, further investigation led them to believe that both he and Taylor were participants in the offense. Stanton-Lipscomb, Armour, Taylor, and Tate were all eventually charged with first-degree premeditated murder in connection with Lane's death, and they were prosecuted separately. In June 2016, Stanton-Lipscomb was convicted of first-degree murder and possession of a firearm during the commission of a felony. Thereafter, Taylor pleaded guilty to a reduced charge of second-degree murder, and he agreed to testify at Tate's trial. Armour was convicted of first-degree murder at a jury trial in January 2017. In April 2017, another jury convicted Tate of the charges in the instant case. Stanton-Lipscomb's appeal in Docket No. 337433, and Armour's appeal in Docket No. 337434 have been submitted with the instant appeal.

II. SUFFICIENCY OF THE EVIDENCE

A. STANDARD OF REVIEW

Tate argues that the evidence was insufficient to support his conviction of first-degree murder under an aiding or abetting theory. "A challenge to the sufficiency of the evidence in a jury trial is reviewed *de novo*, viewing the evidence in the light most favorable to the prosecution, to determine whether the trier of fact could have found that the essential elements of the crime were proved beyond a reasonable doubt." *People v Gaines*, 306 Mich App 289, 296; 856 NW2d 222 (2014). "The credibility of witnesses and the weight accorded to evidence are questions for the jury, and any conflict in the evidence must be resolved in the prosecutor's favor." *People v Harrison*, 283 Mich App 374, 378; 768 NW2d 98 (2009).

B. ANALYSIS

"The elements of first-degree murder are (1) the intentional killing of a human (2) with premeditation and deliberation." *People v Bennett*, 290 Mich App 465, 472; 802 NW2d 627 (2010). The prosecution's theory was that Tate aided or abetted Stanton-Lipscomb in murdering Lane by luring Lane to the location where he was shot, knowing that Stanton-Lipscomb intended to shoot him. The following elements must be proven to support a conviction under an aiding or abetting theory:

- (1) the crime charged was committed by the defendant or some other person, (2) the defendant performed acts or gave encouragement that assisted the commission of the crime, and (3) the defendant intended the commission of the crime or had knowledge that the principal intended its commission at the time he gave aid and encouragement. [*People v Carines*, 460 Mich 750, 757; 597 NW2d 130 (1999) (quotation marks and citations omitted).]

Moreover, “because it can be difficult to prove a defendant’s state of mind on issues such as knowledge and intent, minimal circumstantial evidence will suffice to establish the defendant’s state of mind, which can be inferred from all the evidence presented.” *People v Kanaan*, 278 Mich App 594, 622; 751 NW2d 57 (2008).

Tate argues that the prosecution failed to prove his guilt of first-degree murder under an aiding or abetting theory because there was no evidence that he “did anything that was not inevitably going to happen.” He contends that Stanton-Lipscomb was determined to kill Lane when Lane walked out of the mall, regardless of whether Tate walked alongside him. Tate also argues that there was no evidence that he had knowledge of Stanton-Lipscomb’s intent or plan, other than unsubstantiated conjecture regarding his telephone contact with Stanton-Lipscomb.

Yet, Tate’s arguments overlook Taylor’s testimony and the substantial circumstantial evidence regarding his intentions. Taylor testified that he was with Tate when he spoke to Stanton-Lipscomb on his cell phone and refused Stanton-Lipscomb’s request to escort Lane out of the mall so that Stanton-Lipscomb could shoot Lane. Taylor then passed his phone to Tate, who agreed to walk Lane out of the mall. According to Taylor, he and Tate specifically discussed the plan for Tate to walk Lane out of the mall, where he would be shot by Stanton-Lipscomb. Taylor’s cell phone records and surveillance videos corroborated Taylor’s testimony that Tate spoke to Stanton-Lipscomb on Taylor’s cell phone before Tate escorted Lane outside the mall. Although Tate attacks the credibility of Taylor’s testimony, the credibility of the witnesses was for the jury to resolve. *Harrison*, 283 Mich App at 378. Moreover, Tate’s conduct when escorting Lane through the Burlington store and his actions upon exiting the store also supported an inference that he was aware of Stanton-Lipscomb’s plan and intent. Tate chose a path through the store that allowed Stanton-Lipscomb to see them approaching from his concealed location, and upon exiting the store, Tate turned toward a deserted area of the parking lot. This evidence allowed the jury to infer that Tate was aware of Stanton-Lipscomb’s plan to ambush and shoot Lane, that he deliberately took an indirect route through the store to enable Stanton-Lipscomb to see them approaching the exit, and that he turned to his right after exiting the store because he knew that Stanton-Lipscomb planned to shoot Lane.

Tate’s argument that Stanton-Lipscomb would have killed Lane regardless of Tate’s actions is without factual or legal merit. Tate did not merely walk alongside Lane. Rather, it was Tate who lured Lane to the location where Stanton-Lipscomb was able to shoot him, after Taylor refused to do so. A witness, Deshon Smith, testified that Tate admitted that he enticed Lane to leave the store with him by offering marijuana. Although Lane would have left the mall eventually, it was Tate’s actions that ensured that he would exit the mall at the location where Stanton-Lipscomb was waiting to shoot him. Accordingly, there is sufficient evidence to sustain Tate’s conviction for murder under an aiding or abetting theory.

III. ADMISSIBILITY OF EVIDENCE

A. STANDARD OF REVIEW

After Lane was shot, Tate and Taylor went to the home of Taylor’s friend, Smith, who testified that Tate admitted his role in the homicide. At the time of trial, Smith was serving a prison sentence for a home-invasion conviction. Tate attacked Smith’s credibility by suggesting

that Smith had a motive to testify in a manner helpful to the prosecution to get a favorable parole recommendation from the prosecution. To rebut that suggestion, the prosecution sought to introduce Smith's prior consistent statement to the police in September 2016. The trial court admitted the statement. Tate now contends that the court erred by admitting the statement because Smith had another motive to falsify the prior statement at the time it was given. "This Court reviews for an abuse of discretion the trial court's decision to admit or exclude evidence." *People v Lane*, 308 Mich App 38, 51; 862 NW2d 446 (2014). "The trial court abuses its discretion when its decision falls outside the range of principled outcomes or when it erroneously interprets or applies the law." *Id.*

B. ANALYSIS

Hearsay is "a statement, other than the one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted." MRE 801(c). However, a statement is excluded from the definition of hearsay if "[t]he declarant testifies at the trial or hearing and is subject to cross-examination concerning the statement, and the statement is . . . (B) consistent with the declarant's testimony and is offered to rebut an express or implied charge against the declarant of recent fabrication or improper influence or motive" MRE 801(d)(1)(B). A statement is admissible under MRE 801(d)(1)(B) if:

(1) the declarant must testify at trial and be subject to cross-examination; (2) there must be an express or implied charge of recent fabrication or improper influence or motive of the declarant's testimony; (3) the proponent must offer a prior consistent statement that is consistent with the declarant's challenged in-court testimony; and, (4) the prior consistent statement must be made prior to the time that the supposed motive to falsify arose. [*People v Jones*, 240 Mich App 704, 707; 613 NW2d 411 (2000) (quotation marks and citation omitted).]

"[T]he motive in the second element must be the same motive in the fourth element of the four-pronged test to admit a prior consistent statement under MRE 801(d)(1)(B)." *Id.* at 711.

In this case, Tate offered two motives for Smith to fabricate his statements incriminating Tate: (1) to curry favor with authorities to improve his chances of parole, and (2) to assist his friend, Taylor, by shifting culpability to Tate. At trial, Tate set forth a timeline to demonstrate that Smith's police statements coincided with Taylor's plea negotiations. Taylor gave the police statements on August 30 and September 29, 2016, and then entered into a cooperation agreement on October 24, 2016. Tate argued that although Smith had information about Lane's murder since December 26, 2015, he did not cooperate with the police until September 2016, after Taylor began to cooperate. Thus, he argued that Smith had a motive to fabricate his prior statement to assist Taylor in obtaining favorable treatment. At the time of Tate's trial, however, Smith no longer had a motive to fabricate his testimony to aid Taylor, because Taylor had already entered in a plea agreement and been sentenced.

Consequently, at trial, Tate raised a different motive for Smith to lie, namely, that Smith had recently entered into an agreement to plead guilty in a home invasion case for which he was sentenced to a minimum prison term of 18 months, and he had a motive to cooperate with the prosecution to obtain a favorable recommendation in support of his early parole. This motive

was not present when Smith gave his statement in September 2016. Smith did not enter into his plea agreement in the home invasion case until February 2017, and he was sentenced in that case in March 2017. Tate cannot avoid admission of Smith's prior consistent statement by demonstrating that "any" motive to fabricate existed in September 2016; he must demonstrate that the same motive existed at the time of the prior statement and at the time of Smith's trial testimony. However, because the motive to fabricate his story in September 2016 is not the same motive to fabricate that was present at the time of trial, See *Jones*, 240 Mich App at 711, the trial court did not abuse its discretion by admitting the prior consistent statement.

IV. INEFFECTIVE ASSISTANCE

A. STANDARD OF REVIEW

Tate argues that his lawyer was ineffective for failing to investigate and call two witnesses. Because he did not raise this issue in an appropriate motion in the trial court, and this Court denied his motion to remand, our review of this issue is limited to errors apparent from the record. *People v Jackson (On Reconsideration)*, 313 Mich App 409, 431; 884 NW2d 297 (2015).

B. ANALYSIS

To establish that a lawyer provided ineffective assistance, a defendant must show that "(1) counsel's performance was deficient, meaning that it fell below an objective standard of reasonableness, and (2) but for counsel's error, there is a reasonable probability that the outcome of the defendant's trial would have been different." *People v Solloway*, 316 Mich App 174, 188; 891 NW2d 255 (2016). This Court will not second-guess a defense lawyer's strategic decisions, nor will we assess his lawyer's "competence with the benefit of hindsight." *People v Foster*, 319 Mich App 365, 391; 901 NW2d 127 (2017).

Tate argues that his lawyer was ineffective for not contacting and calling witnesses Miracle Hall and Devin Robinson. Decisions regarding which witnesses to call, and how to question witnesses, are presumed to be matters of trial strategy. *Jackson*, 313 Mich App at 432. A lawyer's failure to present certain evidence does not constitute ineffective assistance unless it deprives the defendant of a substantial defense. *Id.* "A substantial defense is one that might have made a difference in the outcome of the trial." *People v Chapo*, 283 Mich App 360, 371; 770 NW2d 68 (2009) (quotation marks and citation omitted). Further, a defendant claiming ineffective assistance must establish the factual predicate of his claim. *People v Ackerman*, 257 Mich App 434, 455; 669 NW2d 818 (2003).

Tate relies only on his own affidavit to support his claim that Hall and Robinson would have provided favorable testimony. According to Tate's affidavit, Hall would have testified that Tate did not know Lane before December 26, 2015, and therefore had no motive to assist in Lane's murder, and Robinson would have testified that he overheard Tate's telephone conversation with Stanton-Lipscomb, and Stanton-Lipscomb did not mention the victim's name, but instead discussed "a matter between" Stanton-Lipscomb and Tate. However, Tate has not offered an affidavit from either Hall or Robinson, and Tate's affidavit is insufficient to establish

the factual predicate of his claim that Hall and Robinson would have provided exculpatory testimony. See *id.*

Additionally, the allegations in Tate's affidavit do not establish a substantial defense. The prosecution did not argue that Tate knew Lane personally or harbored any personal animosity against him. Instead, the prosecution's theory of the case was that the crime was motivated by gang rivalry and allegiance. The prosecution introduced evidence that Tate agreed to escort Lane to Stanton-Lipscomb because he and Stanton-Lipscomb shared gang affiliations, because Lane was a member of Hob Squad (a gang with a history of hostility toward the Rob Gang), and because Lane was heard making a disparaging remark about the Rob Gang. Tate's affidavit does not indicate that he was unaware of Lane's affiliation with Hob Squad or his disparaging remark about the Rob Gang, which was the alleged motive for the crime. Accordingly, Tate has failed to establish that his lawyer's performance was deficient.

V. SENTENCE

A. STANDARD OF REVIEW

Finally, Tate argues that his sentence of 40 to 60 years in prison is disproportionate and unreasonable because he was only 16 years old at the time of the offense. We review for an abuse of discretion the trial court's sentencing decision under MCL 769.25. *People v Skinner*, ___ Mich ___, ___; ___ NW2d ___ (2018) (Docket No. 152448), reh pending; slip op at 41.

B. ANALYSIS

MCL 769.25 applies to criminal defendants convicted of first-degree murder who were less than 18 years of age at the time of the offense. Here, the prosecutor did not request a sentence of life imprisonment without the possibility of parole, MCL 769.25(3), (5), and (6); therefore, the trial court imposed a term-of-years sentence of 40 to 60 years in accordance with MCL 769.25(9), which states that the sentencing court must impose a maximum sentence of no more than 60 years and a minimum sentence of "not less than 25 years or more than 40 years."¹

In *People v Wines*, ___ Mich App ___, ___; ___ NW2d ___ (2018) (Docket No. 336550), lv pending; slip op at 3, this Court explained although "[t]here are no sentencing guidelines to guide a trial court's exercise of discretion within that very substantial [25 to 40 year minimum sentence] range," a court should nevertheless balance the following objectives when imposing a

¹ The prosecution argues that our review of a sentence imposed under MCL 769.25(9) is limited to determining whether the sentence is within the range authorized by the statute and was not based on inaccurate information. In support, the prosecution relies on standards applicable to review of sentences imposed pursuant to the legislative sentencing guidelines, which require this Court to affirm a sentence if it was within the guidelines range and it was not based on inaccurate information. See MCL 769.34(10); *People v Schrauben*, 314 Mich App 181, 196 n 1; 886 NW2d 173 (2016). However, the prosecution's reliance on those cases is misplaced because Tate's term-of-years sentence was not imposed under the sentencing guidelines.

sentence under MCL 769.25(9): “ ‘(1) reformation of the offender, (2) protection of society, (3) punishment of the offender, and (4) deterrence of others from committing like offenses.’ ” *Wines*, ___ Mich App at ___; slip op at 3-4, quoting *People v Snow*, 386 Mich 586, 592; 194 NW2d 314 (1972). Stated differently, “when the sentence of life-without-parole is not at issue, the court should be guided by a balancing of the *Snow* objectives and in that context is required to take into account the attributes of youth such as those described in *Miller* [*Alabama*, 567 US 460; 132 S Ct 2455; 183 L Ed 2d 407 (2012)].” *Id.* at ___; slip op at 4. “[A] failure to consider the distinctive attributes of youth, such as those discussed in *Miller*, when sentencing a minor to a term of years pursuant to MCL 769.25a, so undermines a sentencing judge’s exercise of his or her discretion as to constitute reversible error.” *Id.* Under *Miller*, the following factors should be considered:

- (1) “[defendant’s] chronological age and its hallmark features—among them, immaturity, impetuosity, and failure to appreciate risks and consequences”; (2) “the family and home environment that surrounds him—and from which he cannot usually extricate himself—no matter how brutal or dysfunctional”; (3) “the circumstances of the homicide offense, including the extent of his participation in the conduct and the way familial and peer pressures may have affected him”; (4) whether “he might have been charged [with] and convicted of a lesser offense if not for incompetencies associated with youth—for example, his inability to deal with police officers or prosecutors (including on a plea agreement) or his incapacity to assist his own attorneys”; and (5) “the possibility of rehabilitation” [*Skinner*, ___ Mich at ___; slip op at 18-19, quoting *Miller*, 567 US at 477-478.]

Tate emphasizes that he was a 16-year-old minor at the time of the offense, in contrast to Stanton-Lipscomb who was an 18-year-old adult. However, the trial court considered Tate’s youth and maturity level, commenting that “perhaps your age, and your maturity, were working against you,” but it found that Tate “knew exactly what [he] was doing.” Tate argues that the trial court failed to consider his lesser degree of culpability in comparison to Stanton-Lipscomb. Tate emphasizes that his role was “vastly different” than Stanton-Lipscomb, who was determined to shoot Lane regardless of Tate’s involvement. Contrary to what Tate argues, the trial court did discuss Tate’s role in the offense in comparison to Stanton-Lipscomb’s role. The court acknowledged that Tate “did not start the process of this execution,” but it found that he was a willing participant in the plan to kill a young man, and that Tate played a “very active role in the cold and calculated assassination of a very young man, Mr. Lane.” The court also observed that Tate “volunteered to participate in the assassination of Mr. Lane” after Taylor had refused to do so.

Further, Tate’s efforts to distinguish his culpability from Stanton-Lipscomb’s culpability are unavailing considering that they did not receive similar sentences. Stanton-Lipscomb received a mandatory sentence of life without parole. Although the prosecution could have requested a life-without-parole sentence for Tate, it did not. The differences in the culpability are, therefore, reflected in the decision not to pursue a sentence that would have subjected Tate to imprisonment for life without parole.

Tate also asserts that he was “cooperative, articulate, and well-spoken during the pre-sentence interview,” and “expressed remorse for the victim’s family.” However, the trial court commented that it was struck by Tate’s statement in the presentence report that “I have nothing to do with it.” The court also found that Tate’s post-offense messages on Facebook showed that he had no remorse and showed that he was “a violent, deplorable young man who will continue to be violent, if allowed to do so.” Evidence at trial indicated that, after the offense, Tate eluded and lied to the police, and boasted about how he would not be captured for his role in the shooting. Accordingly, based on the record before this Court, the trial court did not abuse its discretion by sentencing Tate to a prison term of 40 to 60 years for his murder conviction.

Affirmed.

/s/ Michael J. Kelly
/s/ Jane E. Markey
/s/ Karen M. Fort Hood

RECEIVED by MSC 9/27/2021 10:55:29 PM

REGISTER OF ACTIONSCASE NO. 16-010656-01-FJ**PARTY INFORMATION**

		Attorneys
Appellate Attorney	Clopton, Andrew J.	
Defendant	Tate, Tyler Maurice	Michael J. McCarthy <i>Court Appointed</i> (313) 535-1300(W)
		Attorney Unreported <i>Retained</i>
Plaintiff	State of Michigan	Eric Sterbis (586) 469-7277(W)
		Gerald Hugh Cahill (313) 224-8348(W)

CHARGE INFORMATION

Charges: Tate, Tyler Maurice	Statute	Level	Date
1. Homicide - Murder First Degree - Premeditated	750/316-A	.	12/26/2015
2. False Report of a Felony	750/411A1B	.	12/26/2015
3. LYING TO A PEACE OFFICER VIOLENT CRIME INVESTIGATION	750/479C2D	.	12/26/2015

EVENTS & ORDERS OF THE COURT

DISPOSITIONS	
10/05/2016	Plea (Judicial Officer: Judge, District Court, 32A) 1. Homicide - Murder First Degree - Premeditated Defendant Stand Mute: Plea of Not Guilty Entered by Court 2. False Report of a Felony Defendant Stand Mute: Plea of Not Guilty Entered by Court 3. LYING TO A PEACE OFFICER VIOLENT CRIME INVESTIGATION Defendant Stand Mute: Plea of Not Guilty Entered by Court
04/05/2017	Disposition (Judicial Officer: Cox, Kevin J.) 1. Homicide - Murder First Degree - Premeditated Found Guilty by Jury 2. False Report of a Felony Found Guilty by Jury 3. LYING TO A PEACE OFFICER VIOLENT CRIME INVESTIGATION Found Guilty by Jury
04/24/2017	Sentence (Judicial Officer: Cox, Kevin J.) 1. Homicide - Murder First Degree - Premeditated Fee Totals: - Standard FEL Fees \$2,034.00 (SMCF, JCVF) DNA Fees \$60.00 - Restitution \$15,000.00 Fee Totals \$ \$17,094.00 State Confinement: Agency: Michigan Department of Corrections Effective 04/24/2017 Term: 40 Yr to 60 Yr Credit for Time Served: 207 Days
04/24/2017	Sentence (Judicial Officer: Cox, Kevin J.) 2. False Report of a Felony State Confinement: Agency: Michigan Department of Corrections Effective 04/24/2017 Term: 1 Yr to 4 Yr Credit for Time Served: 207 Days 3. LYING TO A PEACE OFFICER VIOLENT CRIME INVESTIGATION State Confinement: Agency: Michigan Department of Corrections Effective 04/24/2017 Term: 1 Yr to 4 Yr Credit for Time Served: 207 Days

Trial Court Register of Actions

OTHER EVENTS AND HEARINGS

10/04/2016 **Recommendation for Warrant**

10/05/2016 **Warrant Signed**

10/05/2016 **Arraignment on Warrant** (9:00 AM) (Judicial Officer Judge, District Court, 32A)
[Parties Present](#)
 Result: Defendant Stands Mute; Plea Of Not Guilty Entered By Court

12/12/2016 **Bound Over**

12/12/2016 **Preliminary Examination** (9:00 AM) (Judicial Officer Judge, District Court, 32A)
[Parties Present](#)
 Result: Held: Bound Over

12/12/2016 **Interim Condition for Tate, Tyler Maurice**
 - Remand

12/13/2016 **Bindover Packet**

12/19/2016 **Arraignment On Information** (9:00 AM) (Judicial Officer Cox, Kevin J.)
[Parties Present](#)
 Result: Held

12/19/2016 **Disposition Conference** (9:00 AM) (Judicial Officer Cox, Kevin J.)
[Parties Present](#)
 Result: Held

12/19/2016 **Calendar Conference** (9:00 AM) (Judicial Officer Cox, Kevin J.)
[Parties Present](#)
 Result: Held

12/19/2016 **Motion for Discovery Signed and Filed**

12/20/2016 **Order For Production Of Exam Transcript Signed and Filed**

12/22/2016 **PE PDF Transcript, filed**
 Vol./Book 2 164 pages

02/08/2017 **Motion To Quash Information**

02/08/2017 **Brief Or Memorandum of Law**

02/08/2017 **Miscellaneous, Filed**

02/13/2017 **Praecipe, Filed** (Judicial Officer: Cox, Kevin J.)

02/24/2017 **Final Conference** (9:00 AM) (Judicial Officer Cox, Kevin J.)
[Parties Present](#)
02/08/2017 Reset by Court to 02/24/2017
 Result: In Progress

02/24/2017 **Motion Hearing** (9:00 AM) (Judicial Officer Cox, Kevin J.)
[Parties Present](#)
 Result: Held

02/24/2017 **Motion**

02/24/2017 **Heard And Denied - Order Signed and Filed** (Judicial Officer: Cox, Kevin J.)

03/06/2017 **Witness List, Filed**

03/17/2017 **Final Conference** (9:00 AM) (Judicial Officer Cox, Kevin J.)
[Parties Present](#)
 Result: In Progress

03/22/2017 **Final Conference** (9:00 AM) (Judicial Officer Cox, Kevin J.)
[Parties Present](#)
 Result: Held

03/24/2017 **Miscellaneous, Filed**

03/24/2017 **Miscellaneous, Filed**

03/27/2017 **Jury Trial** (9:00 AM) (Judicial Officer Cox, Kevin J.)
[Parties Present](#)
 Result: In Progress

03/28/2017 **Jury Trial in Progress** (9:00 AM) (Judicial Officer Cox, Kevin J.)
[Parties Present](#)
 Result: In Progress

03/29/2017 **Jury Trial in Progress** (9:00 AM) (Judicial Officer Cox, Kevin J.)
[Parties Present](#)
 Result: In Progress

04/03/2017 **Jury Trial in Progress** (9:00 AM) (Judicial Officer Cox, Kevin J.)
[Parties Present](#)
 Result: In Progress

04/04/2017 **Jury Trial in Progress** (9:00 AM) (Judicial Officer Cox, Kevin J.)
[Parties Present](#)
 Result: In Progress

04/05/2017 **Jury Trial in Progress** (9:00 AM) (Judicial Officer Cox, Kevin J.)
[Parties Present](#)
 Result: Held

04/05/2017 **Found Guilty By Jury**

04/05/2017 **Motion**

04/05/2017 **Heard And Denied - Order Signed and Filed** (Judicial Officer: Cox, Kevin J.)

04/24/2017 **Sentencing** (9:00 AM) (Judicial Officer Cox, Kevin J.)
[Parties Present](#)
 Result: Sentenced

04/24/2017 **Sentenced to Prison Order Signed and Filed**

05/04/2017 **Order For Production Of Trial And Sentence Transcript**
 Vol./Book 11 1262 pages

05/04/2017 **Stenographer Certificate Required**

05/04/2017 **Appointment for Claim of Appeal (Circuit)**

05/08/2017 **Stenographers Certificate Filed**

08/07/2017 **Notice of Transcript Filed**
 Vol./Book 11 1262 pages

RECEIVED by MSC 9/27/2021 10:55:29 PM

11/27/2017 **File Sent**
 07/12/2021 **Appointment for Application for Leave to Appeal (Circuit)**

FINANCIAL INFORMATION

Defendant Tate, Tyler Maurice			
	Total Financial Assessment		17,434.00
	Total Payments and Credits		266.23
	Balance Due as of 09/16/2021		17,167.77
04/24/2017	Transaction Assessment		17,094.00
06/20/2017	Transaction Assessment		340.00
07/16/2020	Mail Payment	Receipt # 2020-47777	(108.12)
07/17/2020	Mail Payment	Receipt # 2020-48237	(108.11)
01/04/2021	Mail Payment	Receipt # 2021-00362	(25.00)
03/02/2021	Mail Payment	Receipt # 2021-18903	(25.00)
		Tate, Tyler Maurice	
		Tate, Tyler Maurice	
		Tate, Tyler Maurice	
		Tate, Tyler Maurice	

RECEIVED BY MSC 9/27/2021 10:55:29 PM

STATE OF MICHIGAN

IN THE THIRD CIRCUIT COURT FOR THE COUNTY OF WAYNE
CRIMINAL DIVISION

THE PEOPLE OF THE
STATE OF MICHIGAN,

-vs-

Case No. 16-10656

TYLER MAURICE TATE,

Defendant.

SENTENCE

BEFORE THE HONORABLE KEVIN J. COX
CIRCUIT COURT JUDGE

Monday - April 24, 2017

APPEARANCES:

MR. ERIC STERBIS and
MR. GERRY CAHILL,
Appearing on behalf of the People.

MR. MICHAEL MC CARTHY,
Appearing on behalf of the Defendant.

Transcribed by:
Suzanne L. Kinsey, CSMR 4477
Official Court Reporter

C O N T E N T S

	<u>Page</u>
April 24, 2017.....	4
Sentence	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

April 24, 2017
Detroit, Michigan

(Proceedings commencing at 9:37 a.m.)

THE COURT: Okay.

We are on, on the record in case number
16-010656-FJ, People versus Tyler Tate.

Your appearances?

MR. STERBIS: Eric Sterbis on behalf of the
People.

MR. CAHILL: Gerry Cahill on behalf of the
People.

MR. MC CARTHY: Good morning. Good morning,
Your Honor. Michael Mc Carthy appearing on behalf of
and with Tyler Tate.

THE COURT: Okay.

We are here for a sentence of Mr. Tate,
following his -- the jury's finding that he was guilty
of count one, homicide, first degree, premeditated
murder; guilty on count two, false report of a felony;
and guilty on count three, lying to a Peace Officer,
violent crime investigation.

Mr. Mc Carthy, have you had an opportunity to
review the pre-sentence investigation report?

MR. MC CARTHY: Yes, Your Honor.

I've, I've received a copy of it on Friday,

1 and I met at the Juvenile Detention Facility, with Mr.
2 Tate, on Friday. He and I went through it, together.

3 And we don't have any substantive
4 corrections, but there are a couple of minor details
5 that I would ask the Court to correct, based on what
6 Mr. Tate related to me.

7 And that is, starting first, on the
8 evaluation and page -- or plan, page one, the second
9 paragraph, in the fourth line, it has his address as
10 11238 Stockwood. He informs me that the actual name of
11 that street is Stockwell, w-e-l-l.

12 And that is restated, a couple of different
13 times, in the report.

14 I just ask that that correction be made.

15 THE COURT: Okay.

16 MR. MC CARTHY: And then -- thank you.

17 And then, the -- in the third paragraph, on
18 that same page, the fifth line, there is a, a statement
19 that he was in treatment from August 22 of 2014, to
20 September 22 of 2015.

21 Mr. Tate pointed out to me that that
22 actually, that end date was September 24, 2015.

23 THE COURT: Okay.

24 MR. MC CARTHY: And then, continuing to page
25 six, under criminal justice, juvenile history.

1 The number one of two, in the bottom line
2 there, where it says, notes. He has, it says there, on
3 2/18/2016, he was taken into custody, and admitted to a
4 detention facility.

5 Mr. Tate relates that the actual date there
6 was May the 28th of 2016.

7 THE COURT: All right.

8 MR. MC CARTHY: And then, on page eight,
9 under family, the address, street name correction would
10 be appropriate in that spread sheet there, that shows
11 the addresses of all of his, his mother, and his, and
12 his siblings.

13 And then, in the comment section, the second
14 line, it says that, I think it's the third sentence.

15 The defendant stated his mother married
16 Deshawn Walker, shortly thereafter.

17 Mr. Tate told me that his mother never
18 married Mr. Walker, but that they lived together as a
19 family.

20 THE COURT: Okay.

21 MR. MC CARTHY: And then that, on page nine,
22 under substance abuse treatment, the first entry there
23 is Lincoln Center, Juvenile placement.

24 Those dates, again, would be from August 22,
25 2014, to September 24, 2015.

1 THE COURT: All right.

2 MR. MC CARTHY: And then, last, on the basic
3 information report, it has his address down on
4 Stockwood, but once again -- and that's in the, near
5 the top of the page. I would ask that that be changed
6 to Stockwell.

7 And that is the extent of the corrections to
8 the pre-sentence report.

9 THE COURT: Okay.

10 Have you had an opportunity to look at the
11 sentencing information report, and the guidelines?

12 MR. MC CARTHY: Yes. And as it relates to
13 the charge of false report of a felony, which I believe
14 is count two, I think that the guidelines are scored
15 correctly.

16 THE COURT: All right.

17 MR. MC CARTHY: And I don't have any quarrel
18 with the scoring.

19 THE COURT: Okay.

20 Mr. Sterbis, or Mr. Cahill?

21 MR. STERBIS: Yes, Your Honor.

22 I believe that the sentencing guidelines are
23 scored correctly.

24 And for the purposes of this Court proceeding
25 further, as to the sentencing, the Wayne County

1 Prosecutor has elected to seek a, a term of years
2 sentence on Mr. Tate, in lieu of life without parole
3 sentence.

4 That being said, Miss Rodgers, who is here,
5 Tyrell Lane's mother, would like to address the Court.

6 THE COURT: All right.

7 Miss Rodgers, can you step to the, the
8 microphone there, next to Mr. Cahill?

9 Good morning to you, once again.

10 Can you tell us your name?

11 MS. RODGERS: Cassandra Rodgers.

12 THE COURT: All right.

13 Ms. Rodgers, as you know, this is your
14 opportunity to address the Court concerning Mr. Tate's
15 sentencing.

16 MS. RODGERS: Uhm, yeah. I've, I've, I've
17 sat through this, the numerous amount of times.

18 I've looked for humanity in each and every
19 one of them.

20 I've yet to find it.

21 Nothin' but evil glares, evil look.

22 This is an act that was -- this is an adult
23 crime, that was intentionally, well thought out.

24 And when you do adult crimes, you deserve
25 adult time.

1 Tyrell's never gonna come back.

2 If you ask me, I would say, a life for a
3 life.

4 But, under the conditions, that's not the
5 circumstances.

6 You know, street credit is not all that
7 great.

8 If you look at the majority of this court, we
9 all got some kind of credit. It's called education
10 credit.

11 It gets us further.

12 And it keeps us from bein' in this situation.

13 The only awesome remorse that this individual
14 has shown was the remorse of gettin' caught.

15 I don't want to be caught, and I don't want
16 to do the time.

17 Well, he deserves to do the time, and he
18 deserves to get a whole lot of it.

19 Because he knew what he did, and he thought
20 he was gonna get away with it.

21 He lied about it. He played games about it.

22 He laughed about it.

23 And I say, throw the book at him.

24 THE COURT: Thank you, Miss Rodgers.

25 Mr. Sterbis or Mr. Cahill?

1 MR. STERBIS: Your Honor, based upon the
2 availability of, of the sentence, according to the
3 statute, that a minimum term of twenty-five to forty
4 years, the People would request this Court sentence Mr.
5 Tate to a term in the Michigan Department of
6 Corrections, at a minimum of forty, to sixty years.

7 THE COURT: Mr. Mc Carthy?

8 MR. MC CARTHY: Your Honor, I've explained to
9 Mr. Tate, going back to the time when we were in the
10 pre-trial stage, of what the ramifications of, of
11 conviction as charged, of first degree premeditated
12 murder would be.

13 And given the fact that he was sixteen, at
14 the time, he would have at least the opportunity for a
15 term of years, rather than the natural life sentence,
16 which is also an option.

17 But the People, fortunately, are not seeking
18 that penalty.

19 And I explained to Mr. Tate, long ago, that
20 there was at least a minimum term that had to be
21 imposed, of twenty-five years.

22 And I know the People's position is that the
23 sentence to be imposed should be one of forty years,
24 which as I understand the statute, is the highest
25 minimum sentence to be imposed, because the maximum

1 would be sixty years.

2 I want to argue, on behalf of Mr. Tate, that
3 the minimum sentence of twenty-five years is a
4 substantial sentence.

5 There are four objectives of sentencing, to
6 consider, when imposing a sentence.

7 And this is certainly a very serious crime.
8 The jury has spoken. They found him guilty as charged,
9 of first degree murder.

10 So, in dealing with that reality, the, the
11 Court still has to consider punishment; protection of
12 society; the change of reformation and rehabilitation
13 of Mr. Tate; and also the deterrence of others.

14 And he's seventeen years old today.

15 One of the things that really struck me,
16 during the time that Mr. Tate was given an opportunity
17 to think about the, the plea offer, and the, and the
18 sentence, the minimum sentence that was being offered,
19 as a part of that sentence and plea agreement, was that
20 the fact that twenty years was beyond his ability to
21 even comprehend.

22 The fact is, he, he's only seventeen years of
23 age, and I've experienced this numerous times, when
24 dealing with young people.

25 That they just cannot fathom what twenty

1 years is, because they haven't lived that long.

2 And twenty-five, I, I tell you that because I
3 think that it makes the twenty-five be a tremendous
4 amount of time.

5 The punishment of twenty-five years of
6 incarceration, minimum, is substantial. And, and no,
7 and no one can argue that it isn't.

8 And if, you know, there's going to be a
9 maximum sentence imposed, as well.

10 And it would be up to Mr. Tate to be able to
11 demonstrate to the authorities, and the Michigan
12 Department of Corrections, that he has reformed, or
13 rehabilitated himself, during the time that he would
14 have to serve, before he'd even be considered eligible
15 for parole.

16 And it would be on the basis of the record,
17 that he makes in prison, at least in part, that would
18 be the factor, or one of the factors, and a substantial
19 one at that, that the Board, Parole Board, would
20 consider when making a determination about whether to
21 grant him parole, even after twenty-five years.

22 And that would do two things:

23 It would certainly punish him;

24 And it would also focus him on reformation
25 and rehabilitation.

1 And then there's protection of society.

2 And I certainly don't want to imply, in the
3 least bit, that this isn't a serious and substantial
4 crime, and the loss of Tyrell Lane's life is a tragedy,
5 excuse me, that should not have occurred.

6 So, the protection of society will be
7 accomplished by giving Mr. Tate the opportunity to
8 reform himself, during what I submit is a very
9 substantial and lengthy term of incarceration, even at
10 the low end of what the statute requires, twenty-five
11 years.

12 And then there is the deterrence of others.

13 And in this consideration, Your Honor, I, I
14 would say that anyone who has taken note of what has
15 gone on in this courtroom, not only during the trial of
16 Mr. Tate, but also during the trial of Mr. Armour, and
17 the trial that preceded that of Brandon Stanton-
18 Lipscomb.

19 All those individuals were found guilty, as
20 charged.

21 Mr. Stanton-Lipscomb's serving natural life
22 in prison.

23 As I understand it, Mr. Armour received a
24 minimum sentence of forty years.

25 Any person who thinks that this type of gang

1 activity, that is the sum and substance of the
2 presentation of proofs presented, that we seen by the
3 jury during the, during the trial, is -- would have to
4 stop and say, well, I don't want to trade places with
5 any one of these three individuals.

6 I doubt, very seriously, that anybody would
7 want to trade placed with Tyshon Taylor, either, who is
8 recei -- had -- is serving a sentence that begins at
9 fourteen years.

10 Those are substantial, because no one would
11 want to do that.

12 And so, I think that in a sentence of twenty-
13 five years would certain deter others from this type of
14 conduct.

15 And you know, in my representation of Mr.
16 Tate, he didn't testify during the course of this
17 trial.

18 I don't -- he didn't have much to say in the
19 pre-sentence report.

20 He is eager to pursue his opportunity to
21 appeal. We've discussed that together.

22 I don't think that he's going to have
23 anything to say regarding the facts of this case.

24 But that, I want the Court to understand, is
25 on my advice, because as I see it, if he's going to

1 pursue an appeal, that he's better off not addressing
2 the facts of the case.

3 There's an observation made that he has no
4 remorse.

5 I would simply say, Judge, that, as far as
6 that goes, remorse is a difficult thing to express when
7 one maintains their innocence, as a legal position.

8 And if any fault should be assessed for that,
9 it should be understood that that was, I think on the
10 basis of the advice that I gave to Mr. Tate, regarding
11 his appeal.

12 I've gotten to know Tyler Tate, over these
13 last six months.

14 There was a little bit of disagreement, with
15 him and I, regarding whether he ought to give careful
16 consideration to the plea and sentence agreement.

17 But beyond that, he's always been respectful.

18 He's always been listening to me.

19 And we, we did spend time together, preparing
20 for the trial, after he made his final decision to
21 reject the plea offer.

22 I spent quite a bit of time with him on
23 Friday, going through the pre-sentence report.

24 Once again, he's very polite, and, and
25 cooperative.

1 This is a tragic thing, the loss of Tyrell
2 Lane's life.

3 It is a tragic thing to see the loss of this
4 life, too.

5 Mr. Lane's mother expressed it, you know, a
6 life for a life.

7 No one wins in a situation like this.

8 Now, Mr. Tate faces a very difficult future.

9 But I'd ask this Court to give consideration
10 to what I've said here, on his behalf, and give him an
11 opportunity to rebuild his life, even as a prisoner.

12 I've explained to him that as tough as that
13 may be, he's an intelligent young man. He's got the
14 opportunity to expand his mind, and to do some good
15 even while incarcerated.

16 And I ask you to give him an opportunity to
17 do that, all this while still having hope for the
18 future.

19 Thank you.

20 THE COURT: Okay.

21 Thank you, Mr. Mc Carthy.

22 Mr. Tate, is this your opportunity to address
23 the Court, if you wish to do so.

24 DEFENDANT: I stand up?

25 THE COURT: You may.

1 DEFENDANT: Pheew. I want to apologize to the
2 family for, losing they child.

3 I just want to apologize them for losing
4 their child, 'cause I know how it feel to lose
5 somebody, that's close to them, that they raised.

6 But I'm not the person that did it.

7 But, I was the wrong place, the wrong time.

8 I just wanted to apologize.

9 THE COURT: Okay.

10 Anything else?

11 All right.

12 Thank you.

13 You may be seated.

14 Well, the Court has had an opportunity to
15 review the pre-sentence investigation report, and the
16 sentencing information report.

17 The Court has also had the ability to
18 understand this case, as I have now presided over three
19 trials that involve the tragic death of Tyrell Lane,
20 back in December 26th, of 2015, at the Eastland Mall.

21 The Court does understand that under M.C.L.
22 7.69.25, that if the Prosecutor does not file a motion
23 seeking a sentence of life without parole, the Court
24 shall sentence the individual to a term of imprisonment
25 for which the maximum term shall not -- shall be not

1 less than sixty years, and the minimum term shall be
2 not less than twenty-five years, or more than forty
3 years.

4 Under the circumstances, the Court does
5 appreciate that the jury has spoken in this matter.

6 And the Court does find that the victim --
7 the facts have shown, throughout this trial, that Mr.
8 Tate voluntari -- volunteered to participate in the
9 assassination of Mr. Lane, back on December 26th, 2015.

10 The evidence has shown to the jury, beyond a
11 reasonable doubt, that when Mr. Taylor declined to
12 participate in this plan to murder Mr. Lane, that Mr.
13 Tate volunteered to walk this young man through the
14 Eastland Mall, through the Burlington Coat Factory, to
15 an assassin's bullet.

16 The Court does understand that Mr. Tate did
17 not start the process of this execution, but he
18 certainly participated in the plan of killing this
19 young man.

20 He agreed, with Mr. Stanton-Lipscomb, that
21 he, Mr. Tate, would walk out first, from the mall, and
22 allow Mr. Stanton-Lipscomb to shoot and kill Mr. Lane.

23 The video clearly shows that Mr. Tate walked
24 this victim out to his death, through the mall, and
25 made it very easy for Stanton-Lipscomb to carry out the

1 execution.

2 Mr. Tate, when you agreed to participate in
3 this tragic endeavor, you knew what you were doing was
4 wrong.

5 Taylor knew it was wrong, and he refused to
6 participate.

7 You participated in this murder, then you ran
8 and hid.

9 You boasted, subsequence to the murder, that
10 the Police couldn't find you, the Police couldn't get
11 you.

12 This Court, now having had the opportunity
13 to, to see this circumstance three times, cannot
14 comprehend why you would volunteer to participate in
15 this execution.

16 Was it a thrill seeking? Was it an
17 opportunity to be the man, and enhance your reputation,
18 in your community?

19 I have no idea.

20 But the fact is, that perhaps your age, and
21 your maturity, were working against you.

22 But in our civilized society, you're actions,
23 despite your age, do not make your actions forgivable.

24 Once again, you knew exactly what you were
25 doing.

1 The Court, having heard the testimony and the
2 evidence, is struck by your post-murder Facebook
3 messages, Mr. Tate, which, in addition to your
4 statement in the pre-sentence investigation, that says,
5 quote: I have nothing to do with it, unquote.

6 Your messages on Facebook, show no remorse,
7 and show that you are, indeed, a violent, deplorable
8 young man who will continue to be violent, if allowed
9 to do so.

10 Mr. Tate, you are no different than Stanton-
11 Lipscomb, and Armour.

12 You have demonstrated an very active role in
13 the cold and calculated assassination of a very young
14 man, Mr. Lane.

15 You have victimized Mr. Lane's family.

16 You have victimized your family.

17 You have ruined your own life, by your own
18 design.

19 When the Court considers all of the evidence;
20 when the Court considers the law that I must follow,
21 in, in coming up with an appropriate sentence under the
22 circumstance, the Court feels that the only reasonable
23 and appropriate circumstance -- sentence, under the
24 circumstance, is to sentence you, Mr. Tate, on the
25 first -- on count one, homicide, first degree,

1 premeditated murder of Tyrell Lane, to no less than
2 forty years in the Michigan Department of Corrections,
3 and no more than sixty years.

4 As to count two, the false report of a
5 felony, this Court sentences you to no less than one
6 year in the Michigan Department of Corrections, and no
7 more than four years in the Michigan Department of
8 Corrections.

9 Similarly, as to count three, lying to a
10 Police -- a Peace Officer, regarding a violent crime
11 investigation, the Court sentences you to no less than
12 one year, and no more than four years in the Michigan
13 Department of Corrections.

14 Those sentences shall be served concurrently.

15 Your sentence shall also include you
16 obligation to pay restitution in the amount of fifteen
17 thousand dollars; D.N.A. testing of sixty dollars; two
18 hundred and four dollars in State costs; a crime
19 victim's assessment in the amount of a hundred and
20 thirty dollars; court costs of thirteen hundred
21 dollars; and an attorney fees of four hundred dollar,
22 dollars.

23 Mr. Tate, under the circumstances, I must
24 advise you that you are entitled to appellate review of
25 your conviction and sentence.

1 If you are financially unable to hire a
2 lawyer, the Court will appoint a lawyer to represent
3 you on that appeal.

4 However, please note that your request for a
5 lawyer must be made within forty-two days of today's
6 date.

7 Mr. Mc Carthy, has your client received his
8 appellate rights form?

9 MR. MC CARTHY: He has, Your Honor.

10 In fact, Mr. Tate executed that. And I'm
11 gonna hand it to your Clerk, before I leave.

12 He, he wants to not only acknowledge the, the
13 notification, but he's requesting the appointment of
14 counsel to, to appeal his conviction.

15 THE COURT: Okay.

16 MR. MC CARTHY: And, and Judge, I had one
17 question, regarding the --

18 THE COURT: Yes?

19 MR. MC CARTHY: Restitution.

20 Will that be ordered to be paid jointly and
21 severally, with the other three defendants?

22 THE COURT: Mr. Sterbis?

23 MR. STERBIS: Yes, Your Honor. That -- I
24 believe that is how the --

25 THE COURT: Yeah, and I should have indicated

1 that, that the sentence shall indicate that the
2 restitution will be jointly and severally, with Mr.
3 Armour, and Mr. Stanton-Lipscomb.

4 MR. MC CARTHY: And Mr. Tate --

5 THE COURT: And Mr. --

6 MR. MC CARTHY: I mean, Mr. Taylor, rather?

7 THE COURT: And Mr. Taylor, I apologize.

8 All four of them.

9 Anything further, from the People, Mr.

10 Sterbis?

11 MR. STERBIS: No, Your Honor.

12 THE COURT: Mr. Mc Carthy, anything further?

13 MR. MC CARTHY: No, Your Honor.

14 THE COURT: All right.

15 That concludes this hearing.

16 MR. MC CARTHY: Thank you.

17 (Whereupon the proceedings were concluded for
18 the day at 10:02 a.m.)

19 - - -

MICHIGAN DEPARTMENT OF CORRECTIONS
PRESENTENCE INVESTIGATION REPORT

DEPARTMENT OF CORRECTIONS RECOMMENDATION

Jail Credit:

DOCKET NO. 16010656-01-FJ			
Date(s)	Action	Sentence Details	Days
9/29/16 - 4/24/17	Arrest		207
Total Days Jail Credit			207

Incarceration is mandated by statute on the charge of Murder 1st Degree Premeditated and recommended by the Michigan Department of Corrections on Counts 2 and 3.

1. (08.1) You must pay restitution in the amount of \$15,000.00.
2. (08.16) You must comply with DNA testing and pay a \$60.00 fee as ordered by the Court.
3. (08.18) You must pay \$204.00 State Cost as ordered by the Court.
4. (08.2) You must pay a crime victim's assessment in the amount of \$130.00 as ordered by the court.
5. (08.4) You must pay court costs of \$1,300.00 as ordered by the court.
6. (08.6) You must pay attorney fees of \$400.00 as ordered by the court.



Supervisor: MARY K NISUN

Date: 04/20/2017

RECEIVED by MSC 9/27/2021 10:55:29 PM

RECEIVED by MCOA 9/30/2017 10:28:38 AM

**Michigan Department of Corrections
Presentence Investigation**

CFJ-284

Rev. 10/03

Evaluation and Plan

The defendant, Maurice Tate, is a 17 year old single male who is a native Detroiter. Mr. Tate was identified by Wayne County Juvenile Detention Facility staff and a LEIN. Mr. Tate stands before the Court for sentencing on the offenses of Murder First Degree, False Report of a Felony, and Lying to a Peace Officer-Violent Crime Investigation. The within offenses are the defendant's only adult felony convictions. The defendant has juvenile adjudications for delinquency, resulting in probation. Probation was violated and terminated. He also has a juvenile adjudication for Home Invasion 2nd Degree. The defendant was initially placed on probation. Probation was violated due to the within offense. The defendant was taken into custody and admitted into the Juvenile Detention Facility, where he is currently detained.

The defendant was very cooperative with writer during the presentence interview. He readily provided information regarding his drug use, education, prior juvenile record and gang involvement. The defendant was articulate, well-spoken and actively participated in the interview. The defendant reports good physical and mental health. When arrested on the within offense, he resided in the family home located at 11238 Stockwood, Detroit, Michigan TX 313-333-1845. The defendant is the oldest child in a sibship of six. He advised that his father died when he was eight years old. His mother married Shawn Walker shortly thereafter. The defendant disclosed his step-father is incarcerated on a weapons offense. It was later learned Mr. Walker was sentenced to prison for Attempt PWID and Felony Firearm 2nd. The defendant described a normal childhood void of drugs, alcohol and abuse. He advised he enjoys a supportive and loving relationship with his mother and siblings. Regarding the defendant's gang affiliation and criminal behavior, he stated, "I chose to be in a gang." When questioned as to why, the defendant stated "That's what I wanted to do. That's what everybody was doing in my neighborhood so I did it too. My mother didn't like it but I chose to be in the gang." The defendant also disclosed that he supported himself through narcotic sales of marijuana also, that his mother and step-father financially supported him as well.

Regarding drug and alcohol abuse, the defendant denied use of alcohol. He disclosed marijuana use commencing at the age of 12. The defendant stated he would use this substance approximately once per year. The defendant advised he participated in substance abuse treatment as a condition of juvenile placement. The defendant provided that he was in treatment between 8/22/2014 and 9/22/2015 while at the Lincoln Juvenile Center. He was again in treatment between 3/24/2016 and 9/29/2016 at Starr Albion Prep, also under juvenile jurisdiction.

The defendant last attended Southeastern High School between 10/2015 to 03/2016. The defendant was in the tenth grade at this time. He is currently in the eleventh grade at the Juvenile Detention Center. The defendant further revealed he was expelled in the eighth grade while attending Timbuktu Middle School. Per the defendant, "I had too many suspensions for messing with girls. I was doing sexual things with girls." The defendant advised he was being home schooled and allowed to attend after hour classes twice weekly.

Regarding gang affiliation, the defendant stated he joined the EGB, Eastside Ghetto Boys, in 2014. The

**Michigan Department of Corrections
Presentence Investigation**

CFJ-284

Rev. 10/03

defendant stated his gang name is Ty Boog. Per the defendant, this stands for Ty Boogie Man. The defendant stated he did not have a gang rank, and all gang members were at the same level. He then described them as "just friends".

Regarding the instant offense, the defendant apologized to the family of the deceased. He then indicated that he had nothing to do with it but he feels their pain because he has lost friends and family as well.

Incarceration is mandated by statute on the charge of Premeditated Murder First Degree. The Michigan Department of Corrections recommends incarceration on the charges of False Report of a Felony, and Lying to a Peace Officer Violent Crime Investigation.

Agent's Description of the Offense

The following information was garnered from a Harper Woods Police Department Investigator's Report dated 9/22/2016:

Note: Complainant Tyrell Deonte Lane was shot a total of five times. Complainant Lane was shot three times in the back and once in each thigh. Complainant Lane died as a result of these gunshot wounds.

Note: There were three defendants Brendon Stanton-Lipscomb, Demetrius Armour and Tyshon Taylor, already charged with Homicide Murder First Degree Premeditated for the Homicide of Complainant Lane.

The following information was garnered from a Harper Woods Police Investigator's Report dated 12/31/15:

On Saturday, 12/26/15, at 5:52 pm, Tyler Maurice Tate, Complainant Lane, and Deondre Morris were exiting Burlington Coat Factory on the southside parking lot at Eastland Mall located at 18000 E. Vernier, Harper Woods, Michigan. Tate was the first to exit Burlington Coat Factory, followed by Lane then Morris. Tate exited Burlington's, then immediately turned right and walked in a westward direction with Lane following close behind. Tate and Lane were approached by a black male suspect wearing a gray Nike hooded sweatshirt, gray sweatpants, and black gym shoes. The suspect, later identified as Brendon Stanton-Lipscomb, was armed with an unknown make 9mm semi-automatic handgun. Stanton-Lipscomb has a street name as B-Lo. Stanton began firing shots in the direction of Complainant Lane. Defendant Tate fled on foot westbound without being shot. Tate was less than a foot away from Stanton and Stanton began shooting Complainant Lane. Morris ran back into Burlington Coat Factory and was able to escape without being shot. Morris was approximately fifteen feet away from Stanton when he began shooting. Stanton began shooting Complainant Lane which caused him to fall to the ground. Stanton continued to shoot Lane as he laid on the ground. Stanton then fled to an awaiting vehicle driven by Demetrius Armour and occupied by front seat passenger Mariya Martin, which then fled through the parking lot. The suspect's vehicle was later determined to be a light blue 2004 Mercury Grand Marquis owned by Mariya Martin, but registered to her mother Shevoyn Giles. Mariya Martin is the girlfriend of

**Michigan Department of Corrections
Presentence Investigation**

CFJ-284

Rev. 10/03

Stanton.

The Mercury Marquis was observed fleeing from the Homicide scene by witness Steven O'Shea. O'Shea followed the traveling vehicle eastbound, as he observed the vehicle disregard a red light. O'Shea called 911, and made contact with Harper Woods Dispatch and reported the suspicious vehicle. O'Shea was able to supply Officer Daves with a partial license plate of DAJ. The remainder of the plate was covered up with some type of cloth. O'Shea continued to follow the suspect's vehicle, and observed the same turning on Nottingham from Moross in the city of Detroit. O'Shea made the Harper Woods Police Department and completed a witness statement.

Tate and Morris fled the mall property prior to the arrival of police. Officer Holfelder responded to the scene and observed Complaint Lane lying in a pool of blood, unresponsive. The complainant was transported by Med Star EMS to St. John Hospital where he was pronounced deceased.

Harper Woods Detective Stager reviewed the surveillance footage from Burlington Coat Factory and Eastland Security Mall. Mall security footage captured the above mentioned Mercury pulling into the mall parking lot just south of Burlington Coat Factory. Burlington Coat Factory surveillance captures Stanton entering the business at approximately 5:37 pm. Stanton meets up with a black male, later identified as Tyshon Taylor. Stanton and Taylor exit Burlington Coat Factory and enter the mall just beyond the store. At approximately 5:39 pm, Stanton walks back through Burlington Coat Factory and exits the business and enters the Mercury. It appears as if Stanton just got done speaking with someone on his cell phone. At this point, Taylor walks back into the mall. At approximately 5:50 pm, complainant Lane, Tate and Morris enter Burlington Coat Factory. At approximately 5:51 pm, Stanton exits the Mercury, approaches Tate, Complainant Lane and Morris who are now exiting Burlington, and Stanton starts shooting. Stanton runs back to the Mercury after the shooting, enters the vehicle and the vehicle flees the scene.

Prior to the shooting, Eastland Mall Security surveillance footage captures several black men, including Tate, Complainant Lane, Deandre Morris and Taylor walking together throughout the mall. At approximately 5:46 p.m., the footage captures Taylor and Lane next to each other as if they were friends or acquaintances.

While conducting his investigation, Detective Stager received information from an anonymous source that the shooter's mother has a contact number of 313-465-9054. Through additional investigation, officers were able to identify the shooter as Brendon Stanton-Lipscomb.

Harper Woods Detective James Ruthenberg conducted a search through social media of EGB Ty and located the name Tyshon Taylor with a contact number of 313-772-5915. Social media photographs confirmed that Tyshon Taylor was the same subject walking with Tate and Morris around the mall, then later walking in Burlington Coat Factory with Stanton the evening of the Homicide.

**Michigan Department of Corrections
Presentence Investigation**

CFJ-284

Rev. 10/03

On Sunday, 12/27/2016, Defendant Tate was interviewed at Harper Woods PD. Tate acknowledged that he was at Burlington Coat Factory with Complainant Lane. Tate also acknowledged that he was friends with Tyshon Taylor and Deonte Woods. Tate denied he was a gang member but indicated he affiliated himself with Rob Gang, and he gets along with Hob Squad and Eastside Ghetto Boys (EGB). Tate further acknowledged he and Complainant Lane were leaving Burlington Coat Factory and heading to the bus stop just prior to the shooting. Tate also stated after the Homicide, he and Taylor walked to his friend Dante's house in Harper Woods but Dante was not at home. Tate stated that someone he was with must have set up Complainant Lane because they knew where they were exiting the mall. Tate supplied Detective Stager with Taylor's cell phone number.

Detectives conducted a photo lineup and a still photograph with Defendant Stanton in the lineup. Tate confirmed that the photograph was in fact shooter Stanton. Tate also stated that the subject in position #4 of the lineup is B-Lo, which is the nickname for Stanton. Tate also recognized several subjects from the neighborhood to include Tyshon Taylor. Tate advised detectives he observed three subjects in the suspected vehicle as it fled the Homicide scene.

On Tuesday, 12/29/2015 at 3:45 pm, Detroit Police Officers observed Stanton driving the suspected Mercury in the area of Crane and Forest in the city of Detroit. The vehicle pulled into the driveway of 4211 Crane. Officers set up surveillance, eventually arresting Stanton and Defendant Demetrius Armour. Both Stanton and Armour had cell phones on their persons. Officers were able to obtain a search warrant and check their phone logs. Stanton phone logs showed eight calls between Stanton and Defendant Tyshon Taylor. The phone calls occurred between 5:10 pm and 5:59 pm, the day of the Homicide.

Detective Stager reviewed the Eastland Mall surveillance footage and compared it to the above mentioned calls. Each time Tyshon Taylor is captured on the surveillance footage talking to Stanton, he separates himself from the larger group for privacy. At 5:44 pm, Taylor is on the phone talking to Stanton. Tate takes the phone from Taylor and talks to Stanton for 42 seconds. The call ends and then Tate gives the cell phone back to Taylor. Complainant Lane is murdered seven minutes after this call, when he is led out of Burlington Coat Factory by Tate to the awaiting Stanton.

On 1/7/2016, Tate is again interviewed at Harper Woods PD. Tate now claims he was an Eastside Ghetto Boy - EGB member. Tate stated Lane and he were inside Eastland Mall the day of the Homicide, and Lane was disrespecting Rob by stating "Fuck Rob". Tate stated he knew Stanton since seventh grade. Tate denied ever talking to Stanton at the mall leading up to the Homicide.

On 1/15/2016, Tate is again interviewed at Harper Woods PD. He denied at this time talking on Taylor's cell phone. Detective Stager then shows Tate the mall surveillance of him talking to Stanton on Taylor's cell phone. Tate then admitted he was talking to Stanton, telling him Complainant Lane was at the mall. Tate also stated the night of the Homicide he stayed the night with Deshon and Tez. Tez was later identified as Quintez Whitsell

**Michigan Department of Corrections
Presentence Investigation**

CFJ-284

Rev. 10/03

who resides at 6336 Neff Street, Detroit, Michigan. Tate verified his cell phone number was 313-728-7882 and at the conclusion of the interview, Detective Stager took possession of his cell phone (search warrant).

On 8/30/2016, Detective Stager interviews Defendant Tyshon Taylor. Taylor stated he heard Morris disrespecting Rob by yelling things like "Fuck Rob Gang". Taylor admitted he called Stanton, and advised Stanton that Hob was at the mall. Taylor admitted he continued to text and call Stanton updating him on the location of Hob inside the mall. Taylor admitted prior to the murder of Lane he was on the phone with Stanton who wanted him to lure Hob out of Burlington Coat Factory and he refused. Stanton calls Taylor a bitch and tells him to put Tate on the phone. Tate is talking to Stanton and Taylor hears Tate tell Stanton he will be exiting Burlington in two minutes and will be the first person out of the door. Tate describes to Stanton what Complainant Lane and Morris is wearing and tells Stanton not to shoot him. Tate tells Taylor he is going to get Hob to exit Burlington. Taylor observes Tate leading Lane and Morris out of Burlington's doors and calls Stanton to tell him they are getting ready to come out. Taylor and Tate meet up after the Homicide and walk to Deontae Tucker's house but Tucker is not at home.

On 8/31/2016, Detective Stager interviews witness Quintez Whitsell. Whitsell advised that Taylor and Tate came to his house on the evening of 12/26/2015. Whitsell explained Tate told him and Deshon Smith, in the presence of Taylor, what happened at Eastland Mall earlier that day. Tate told Whitsell that he used Taylor's cell phone because his was dead and advised Stanton which door they would be coming out of. Tate told Whitsell he was next to Complainant Lane when Stanton ran up on them and started shooting.

On 9/1/2016, Detective Stager interviewed Deshon Smith. Smith stated he and Tyree Pounds were also present as Tate told them what happened at the mall earlier that day. Tate told Deshon he observed Lane on a cell phone while inside Eastland Mall. Tate assumed Lane was calling guys to come up to the mall to get Tate since Tate thought Lane tried to set him up earlier that day. Tate also told Smith he heard Complainant Lane say "Fuck Rob and fuck Rob Gang" so he called Stanton up to the mall to take care of Lane. Tate told Smith he was able to get Lane to follow him out of the mall where he knew Stanton was waiting for Lane. Tate told Lane he was going out to smoke marijuana and that was why Lane followed Tate.

On 9/26/2016, the defendant was detained for a juvenile probation violation. The defendant was charged with Premeditated Murder First Degree, False Report of a Felony and Lying to Peace Officer-Violent Crime Investigation. On 4/6/2017, the defendant was found guilty by jury trial on all charges.

Consecutive Sentences

No statement was provided by the Prosecutor's Office regarding consecutive sentencing.

**Michigan Department of Corrections
Presentence Investigation**

CFJ-284

Rev. 10/03

Victim's Impact Statement

On 12/5/2016, a representative of the Michigan Department of Corrections spoke with Cassandra Rogers, the mother of deceased complainant, Tyrell Deonte Lane, via telephone. Mrs. Rogers described Defendant Stanton as a cold hearted, lowdown murderer who took her son's life. She stated Defendant Stanton does not deserve to spend the rest of his life in prison. Mrs. Rogers stated she will never see her son again and his one year old daughter will never see her father. Mrs. Rogers indicated she believes Defendant Stanton is a murderer and the world will be a better place without him in it. She also indicated during the trial proceedings she and her family were harassed by Stanton's family. Mrs. Rogers stated she and other family members have participated in long-term counseling and the emotional trauma experienced as a result of the death of her son. Mrs. Rogers stated that his death left his daughter age two without a father. She indicated that her son was murdered at the age of 17. She also requested restitution for funeral services that were not paid by insurance in the amount of \$10,500 and the cost of his headstone in the amount of \$4,500. She is requesting restitution in the amount of \$15,000.

Defendant's Description of the Offense

"I want to apologize to the family for what happen to there child, I didn't have anything to do with it. But, I still feel there pain because I lost friends and family too."

Criminal Justice

Juvenile History:

NO. 1 OF 2

Offense Date:	05/27/2014
Petition Date:	05/27/2014
Petitioning Agency:	Detroit Police Department
Charge(s) at Petition:	Home Invasion 1st Degree; Felony Firearm; Weapons Firearm Larceny; Home Invasion 2nd Degree
Court of Jurisdiction:	Wayne County Juvenile Court, 14-003237-DL
Final Charges:	Home Invasion 2nd Degree
Adjudication Date/Method:	06/16/2014
Sentence/Disposition:	Placed with DCJ probation
Sentence/Disposition Date:	07/28/2014
Attorney Present:	Unknown
Discharge Date:	Unknown
Notes:	02/18/2016 , taken into custody, admitted to detention facility.

NO. 2 OF 2

Offense Date:	03/07/2016
Petition Date:	03/07/2016
Petitioning Agency:	Detroit Police Department
Charge(s) at Petition:	VOP - Runaway
Court of Jurisdiction:	Wayne County Juvenile Court, 16-001277D-PRE
Final Charges:	VOP - Runaway

**Michigan Department of Corrections
Presentence Investigation**

CFJ-284

Rev. 10/03

Adjudication Date/Method:	03/15/2016 / Plea
Sentence/Disposition:	Probation term
Sentence/Disposition Date:	09/29/2016
Attorney Present:	Unknown
Discharge Date:	09/29/2016
Notes:	

Adult History:

NO. 1 OF 1

Offense Date:	12/26/2015
Status at Time of Offense:	Juvenile Court Supervision
Arrest Date:	09/29/2016
Arresting Agency:	HWPD
Charge(s) at Arrest:	Murder 1 Premeditated; False Report of a Felony; Lying to a Peace Officer Violent Crime Investigation
Court of Jurisdiction:	3rd Circuit Court, Docket #16-10656-01-FJ
Final Charges:	Murder 1 Premeditated; False Report of a Felony; Lying to a Peace Officer Violent Crime Investigation
Conviction Date/Method:	04/06/2017 / Jury
Sentence/Disposition:	Pending
Sentence Date:	04/24/2017
Attorney Present:	Yes
Discharge Date:	N/A
Notes:	

Personal Protection Order(s): None**Gang Involvement:**

Start Date	End Date	Gang Name	Gang Location	Gang Role	Gang Rank/Status
2014	2016	EGB - Eastside Ghetto Boys	East side Detroit		

Gang Marks, Scars, & Tattoos:

None

Gang Names:

Ty Boog

Ty Boogieman

RECEIVED by MSC 9/27/2021 10:55:29 PM

RECEIVED by MCOA 9/30/2017 10:28:38 AM

**Michigan Department of Corrections
Presentence Investigation**

CFJ-284

Rev. 10/03

Family

Name	Relationship	Age	Address	Phone	Occupation
Thomas, Rose	Mother	32	11238 Stockwood <i>Stockwell St</i> Detroit, Michigan	(313) 333-1845	Unknown
Walker, Deshawn	Brother	15	11238 Stockwood Detroit, Michigan	(313) 333-1845	Student
Walker, Tre'Sean	Brother	13	11238 Stockwood Detroit, Michigan	(313) 333-1845	Student
Walker, Massiah	Brother	12	11238 Stockwood Detroit, Michigan	(313) 333-1845	Student
Thomas, Alaya	Brother	11	11238 Stockwood Detroit, Michigan	(313) 333-1845	Student
Walker, Shauntia	Sister	9	11238 Stockwood Detroit, Michigan	(313) 333-1845	Student
Tate, James	Father	Deceased			

Comments:

As previously mentioned, the defendant was born to the relationship of James Tate and Rose Thomas. The defendant disclosed that her father died when he was eight years old. The defendant stated his mother married Deshawn Walker shortly thereafter. As previously mentioned Mr. Walker is incarcerated. The defendant described a pleasant upbringing under the guise of his mother and step-father. The defendant is the oldest child in a sibship of six. He reports his mother was loving and caring, and he enjoyed a good childhood. The defendant attributes his criminal activity to gang involvement. He stated he chose to join a gang because that's what kids do in his neighborhood. The defendant stated his mother did not like it but he is head strong and he did as he wished. The defendant did not express remorse regarding his behavior. Attempts to contact his mother were unsuccessful. she has not returned writer's calls.

Marriage

Name	Relationship	Age	Address	Phone	Occupation
N/A					

Comments:

Employment

Employer Name	Start Date	End Date	Position	Rate of Pay	Termination Reason
N/A					

Per the defendant, he was supported by his mother and step-father, and with the proceeds from marijuana sales.

Education

High School:

Name	Start Date	End Date	Level Completed	Area of Study	Certificate
Southeastern High School	10/2015	03/2016	Tenth Grade	General Studies	None

As previously mentioned, the defendant was an eleventh grade student at the juvenile detention facility. The

**Michigan Department of Corrections
Presentence Investigation**

CFJ-284

Rev. 10/03

defendant reports average grades. He also disclosed he was expelled from Timbuktu Middle School in the eighth grade. The defendant stated he was suspended for messing around with girls indicating he was doing sexual things with the young women in school. The defendant stated he was home schooled after the expulsion and he would report to school twice weekly after hours.

College/Advanced Degrees:

Name	Start Date	End Date	Level Completed	Area of Study	Certificate
N/A					

Vocational/Other Training:

Name	Start Date	End Date	Level Completed	Area of Study	Certificate
N/A					

Substance Use and Treatment**Substance Use:**

Drug	Start Date	End Date	Frequency	Age of First Use
THC (Marijuana, Hashish, etc.)	2011	2015	Occasional	12

Substance Abuse Treatment:

Treatment Type	Provider	Start Date	End Date	Completed
Outpatient	Lincoln Center Juvenile Placement	08/22/2014	09/22/2015	YES
Outpatient	Starr Albion Prep	03/24/2016	09/29/2016	YES

9-24-15
1482

Health**Physical Health:**

Health Problem	Medication	Treatment	Treatment Begin Date
N/A			

Mental Health:

Health Problem	Medication	Treatment	Treatment Begin Date
N/A			

Finances**Income:**

Type	Amount	Description
N/A		

Assets:

Type	Estimated Value	Description
N/A		

**Michigan Department of Corrections
Presentence Investigation**

CFJ-284
Rev. 10/03

RECEIVED by MSC 9/27/2021 10:55:29 PM

RECEIVED by MCOA 9/30/2017 10:28:38 AM

Liabilities:

Type	Amount	Description
N/A		

/DLM

RECEIVED by MSC 9/27/2021 10:55:29 PM

Court Name (Last, First, Middle) Tate, Tyler Maurice			MDOC Nbr. 360030	Given Name (Last, First, Middle) Same		
Name Type		Other Names (Last, First, Middle)				
Gang Name		Ty Boog; Ty Boogieman				
Place of Birth Michigan		Citizenship USA		Last Known Address & Telephone No. 11238 Stockwood <i>Stockwell</i> Detroit Michigan 48201 (313)333-1845		
State & DLN None		DOB 10/20/1999				
SID No. 4870056H		FBI No. 587375AE8				
Race Black or African American		Sex Male	Hair Brown	Eyes Brown		
Height 5' 10"	Weight 185	Highest Grade Completed Tenth Grade		Occupation None	Health Ins. No	Assets-\$1,500 & Up No
Marital Status Single		Dependents 0	Religion No Preference		Military Branch None	Military Dates None
Discharge Type None					Monthly Income of \$75 & Up No	
Marks, Scars, Amputations, Tattoos Scar Lip					Drug Abuse Yes	Alcohol Abuse No
					Mental Health Treatment No	

CRIMINAL HISTORY

Juvenile			Adult				Status at Time of Offense		
Comm.	Prob.	Esc.	Jail	Pris.	Prob.	Esc.	None	Delayed Sentence	
1	1	0	0	0	0	0	HYTA	Parole	
Age of First Arrest 15		Sex Offense Convictions 0		SAI Eligible No			Probation	Jail	
Pending Charges in Court No		No. of Prior Felony Convictions 0				District Probation		State Prison	
						Federal Probation		On Bond	
						Federal Parole		X Juvenile Court Supervision	
Type of Report Presentence		County Wayne County			Agent & Caseload No. MARCHELLA T. PATILLO - 1902				
		DOC Recommended Disposition 4		Probation Violation New Sentence No		Probation Violation Technical No			

CURRENT OFFENSE

NO. 1 OF 3 Docket No.: Charge (1): 16010656-01-FJ Last Name: Tate

PACC Code 750.316A	Offense Homicide - Murder First Degree-Premeditated	Max LIFE	Consecutive Sentence No
Victim / Relationship None		Codefendant(s) Armour, Demetrius O.	
Circuit 03rd Circuit Court - Wayne County		Judge Kevin J. Cox	Attorney McCarthy Michael J.
Retained / Appointed Appointed			
Method of Conviction Jury	Date of Offense 12/26/2015	Date of Arrest 09/29/2016	Date of Bond N/A
Date of Conviction 04/06/2017	Jail Credit 207	Guilty But Mentally Ill No	

DISPOSITION

Sentence Type			Sentence Date 04/24/2017		CTN 821671989301		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:													

CURRENT OFFENSE

RECEIVED by MCOA 9/30/2017 10:28:38 AM

MICHIGAN DEPARTMENT OF CORRECTIONS
BASIC INFORMATION REPORT

4836-6101
12/06 CFJ-101

RECEIVED by MSC 9/27/2021 10:55:29 PM

NO. 2 OF 3		Docket No.: Charge (2): 16010656-01-FJ			Last Name: Tate		
PACC Code 750.411A1B		Offense False Report of a Felony			Max 4 yrs.		Consecutive Sentence No
Victim / Relationship None				Codefendant(s) Taylor, Tyshon Z.			
Circuit 03rd Circuit Court - Wayne County		Judge Kevin J. Cox		Attorney McCarthy Michael J.		Retained / Appointed Appointed	
Method of Conviction Jury	Date of Offense 12/26/2015	Date of Arrest 09/29/2016	Date of Bond N/A	Date of Conviction 04/06/2017	Jail Credit 207	Guilty But Mentally Ill No	

DISPOSITION

Sentence Type			Sentence Date 04/24/2017		CTN 821671989301		Fine		Cost		Restitution		
MINIMUM			MAXIMUM			LIFE	JAIL		Supervision Fees		Crime Victims Assessment		
Years	Months	Days	Years	Months	Days		Months	Days					
Attorney Fees			Forensic Fees			Restitution Fund Fees			Other Fees				
Sentencing Guidelines													
RANGE					LIFE	NA	Prior Record Total			Offense Variable Total			
Low:		12	High:		24			40			155		
Comments:													

CURRENT OFFENSE

NO. 3 OF 3		Docket No.: Charge (3): 16010656-01-FJ			Last Name: Tate		
PACC Code 750.479C2D		Offense Peace Officer-Lying -Violent Crime Investigation			Max 4 yrs.		Consecutive Sentence No
Victim / Relationship Lane, Tyrell D. - No Relationship				Codefendant(s) Lipscomb, Stanton B.			
Circuit 03rd Circuit Court - Wayne County		Judge Kevin J. Cox		Attorney McCarthy Michael J.		Retained / Appointed Appointed	
Method of Conviction Jury	Date of Offense 12/26/2015	Date of Arrest 09/29/2016	Date of Bond N/A	Date of Conviction 04/06/2017	Jail Credit 207	Guilty But Mentally Ill No	

DISPOSITION

Sentence Type			Sentence Date 04/24/2017		CTN 821671989301		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:												

RECEIVED by MCOA 9/30/2017 10:28:38 AM

UD-94'(2-89)

AUTHORITY: PA 59 of 1935
Compliance Voluntary

HARPER WOODS POLICE REQUEST FOR WARRANT

15-20144		INVESTIGATOR'S REPORT					Prosecutor Case No.	
Police Offense Number							DATE: 09/22/16	
Y MORE DEFN.								
CUST	DEFENDANT NAME (Last, First, Middle)	FULL ADDRESS	AGE	SEX	RACE	D.O.B.	ST. & LOCAL I.D.	
Y	TATE, TYLER MAURICE, 11238 STOCKWELL, DETROIT MI 48205		16	M	B	10/20/99	4870056H	
Offense (To be filled in by Prosecutor)								
Place of Offense: BURLINGTON COAT FACTORY SIDEWALK 18000 E. VERNIER, HARPER WOODS MI 48225					Date: 12/26/15 Time 5:52 P.M.		Date of Complaint: 12/26/15	
Complainant's Name (Last, First, Middle)		Full Address			Age	Sex	Race	Phone No.
LANE, TYRELL DEONTE		22025 SCHROEDER EASTPOINTE MI 48021			17	M	B	313-656-1526
Person to Sign (Last, First, Middle)				Reviewing Attorney and Bar No.				
STAGER, TED-DEPUTY CHIEF-HWDPS								

DETAILS OF INVESTIGATION

GUN USED **Y** #KILLED/INJURED **1**

*****NOTE*****TYLER MAURICE TATE IS CURRENTLY INCARCERATED IN THE STARR COMMONWEALTH JUVENILE FACILITY LOCATED AT 13725 STARR COMMONWEALTH ROAD, ALBION MICHIGAN 49225, TX#800-837-5591. TATE IS INCARCERATED IN CONJUNCTION WITH A JUVENILE CONVICTION FOR HOME INVASION.

*****NOTE*****COMPLAINANT LANE WAS SHOT A TOTAL OF (5) TIMES. COMPLAINANT LANE WAS SHOT THREE TIMES IN THE BACK AND ONCE IN EACH THIGH. COMPLAINANT LANE DIED AS A RESULT OF THESE GUNSHOT WOUNDS AND THE MANNER OF DEATH WAS RULED A HOMICIDE.

*****NOTE*****THERE WERE THREE DEFENDANTS (BRENDON STANTON-LIPSCOMB, DEMETRIUS ARMOUR, TYSHON TAYLOR) ALREADY CHARGED WITH HOMICIDE-MURDER FIRST DEGREE-PREMEDTATED FOR THE HOMICIDE OF COMPLAINANT LANE. STANTON-LIPSCOMB HAS BEEN CONVICTED AND SENTENCED TO LIFE IN PRISON. ARMOUR AND TAYLOR ARE AWAITING TRIAL.

On Saturday December 26, 2015 at approximately 5:52 p.m. TYLER MAURICE TATE, complainant Lane, Deondra Morris were exiting Burlington Coat Factory to the outside south parking lot at the Eastland Mall located at 18000 E. Vernier, in the City of Harper Woods, County of Wayne. TATE was the first to exit the Burlington Coat Factory doors, followed by complainant Lane then Deondra Morris. As TATE exited the Burlington Coat Factory doors, he immediately turned right and walked in a westward direction with

STAGER	DEPUTY CHIEF	HWDPS	Reviewed &
in Charge	Emp. No.	Dept./Precinct/Bureau	Approved By:
			Commanding Officer
			Dept./Precinct/Bureau

REQUEST FOR WARRANT RECOMMENDATION

DETAILS OF INVESTIGATION (Continued)

complainant Lane following close behind him. TATE and complainant Lane were approached by a black male suspect wearing a gray Nike hooded sweatshirt, gray sweatpants and black gym shoes. The suspect (later identified a BRENDON DIYAMONTES STANTON-LIPSCOMB) was armed with an unknown make 9mm semi-automatic handgun. STANTON-LIPSCOMB has a street name of B Lo. STANTON-LIPSCOMB began shooting complainant Lane. TATE fled on foot westbound without being shot. TATE was less than a foot away from STANTON-LIPSCOMB when STANTON-LIPSCOMB began shooting complainant Lane. Deondra Morris fled back into Burlington Coat Factory when the shots rang out. Morris was approximately fifteen feet away from STANTON-LIPSCOMB when he started shooting. STANTON-LIPSCOMB began shooting complainant Lane which caused him to fall to the ground. STANTON-LIPSCOMB continued to shoot Lane as he lay on the ground. STANTON-LIPSCOMB then fled to an awaiting vehicle driven by DEMETRIUS ORESE CHARLES ARMOUR and occupied (front passenger) by Mariya Tiara Martin which fled through the parking lot to Beaconsfield Street then south into the City of Detroit. The suspect vehicle was later determined to be a light blue in color 2004 Mercury Grand Marquis, Michigan plate #DAJ7824. This vehicle is owned by Mariya Martin but registered to her mother Shevoyn Giles. Mariya Martin is the girlfriend of STANTON-LIPSCOMB.

The Mercury Grand Marquis suspect vehicle was observed fleeing from the homicide scene by witness Steven O'Shea. O'Shea was traveling eastbound on the outer perimeter roadway of the mall coming from Home Depot. While in the area of the bus stop, which would be southeast of Burlington Coat Factory, O'Shea observed a silver or gray Grand Marquis (10-15 years old) disregard a stop sign on mall property and pass by him at a high rate of speed. O'Shea observed the Grand Marquis disregard the red light at Beaconsfield and travel south on Beaconsfield towards Detroit. O'Shea was also traveling in this same direction and was able to follow the vehicle while calling 911. This 911 call was recorded and saved to a DVD. O'Shea made telephone contact with Harper Woods Dispatch (Patrol Officer James Daves) and reported the suspicious vehicle to him. O'Shea was able to supply Officer Daves with a partial license plate of DAJ but stated the remainder of the plate was covered up with some type of cloth or rag. O'Shea continued to follow the suspect vehicle and last observed same turning right on Nottingham from Moross in the City of Detroit. O'Shea made the Harper Woods Police Department and completed a witness statement. O'Shea advised Deputy Chief Stager that he thought there were three subjects in the Grand Marquis but couldn't be certain.

TATE and Morris fled the mall property prior to police arrival. Harper Woods Patrol Officers responded to the scene where Officer David Holfelder was the first to arrive. Officer Holfelder observed complainant Lane lying in a pool of blood unresponsive. Complainant Lane was transported by MedStar EMS personnel to St. John Hospital where he was pronounced deceased by Doctor Hafez Bazzi. Harper Woods Patrol Officer John Biernat made the hospital, identified and took photographs of complainant Lane and placed same on evidence. Officers from the Harper Woods Department of Public Safety secured the crime scene awaiting the arrival of detectives to take over the scene. The original description of the shooter was as follows:

BLACK MALE, THIN BUILD, WEARING A GRAY HOODIE AND GRAY SWEATPANTS.

Several witnesses were in or near Burlington Coat Factory when the shooting occurred. Witness Dior Nicholls stated she was inside Burlington Coat factory when she heard two gunshots from the entrance area of the store. Witness Kelly Sliwinski, store manager for Burlington Coat Factory, heard several loud bangs then observed people running through the store. Witness Monique Cooper, Burlington Coat factory employee, did not observe

TED STAGER	DEPUTY CHIEF	HWDP	Reviewed &	
Officer in Charge	Emp. No.	Dept./Precinct/Bureau	Approved By:	
			Commanding Officer	Dept./Precinct/Bureau

REQUEST FOR WARRANT RECOMMENDATION

DETAILS OF INVESTIGATION (Continued)

the shooting or hear the shots but saw the victim on the ground after the shooting. Witness Page Marion, Burlington Coat Factory store employee, heard three loud bangs then observed people running. Witness Semaj Jordan, Burlington Coat Factory store employee, heard three gunshots then observed people running and screaming. Witness Phyliss Burbridge observed a group of subjects walking through Burlington Coat Factory and heard someone say "yeah we fucked them up that's how you do it". Witness Michael Williams, Burlington Coat Factory security guard, observed a black male wearing all gray enter Burlington Coat Factory prior to the shooting. Witness Robert Morris, Burlington Coat Factory security guard, observed three subjects exit the store while three other subject were still inside the vestibule. Morris immediately heard approximately five gunshots then observed everyone running.

Harper Woods Detectives Matthew Closurdo and Michael Lynch made the crime scene and processed same for evidence. Detectives photographed the scene prior to the recovery of any evidence. Detectives recovered (4) spent 9mm shell casing and (2) spent bullets from the crime scene. One of the bullets was recovered from the pool of blood at the scene. The other spent bullet was recovered from the store window frame west of the entry door. A blood sample and the victim's cellular phone were also recovered. All items were placed on Harper Woods evidence.

A fifth spent 9mm casing was inadvertently picked up by medical personnel and turned over to Harper Woods Patrol Officer Justin Johnson who placed same on evidence.

Harper Woods Police Deputy Chief Ted Stager inspected the (5) spent 9mm shell casing and confirmed they were all 9 mm Luger Blazer casings. D/C Stager then reviewed the surveillance footage from Burlington Coat Factory and the Eastland Mall Security. Mall security footage captures the above mentioned Mercury pulling into the mall parking lot just south of Burlington Coat Factory and parking.

Burlington Coat Factory surveillance captures STANTON-LIPSCOMB entering their business from the south side parking lot entrance at approximately 5:37 p.m. STANTON-LIPSCOMB walks through Burlington Coat Factory where he meets up with a black male, late teens, 6-0 tall, 175 pounds, wearing a red hooded sweatshirt, blue jeans with white designs on the rear pockets, with short corn rolls dyed reddish brown. This subject was later identified as TYSHON ZAMIAR TAYLOR. STANTON-LIPSCOMB and TAYLOR walk together and enter into the mall just beyond the Burlington Coat Factory. They stop and appear to be looking around for someone. TAYLOR points his right arm to the right indicating someone or something is significant where he is pointing. STANTON-LIPSCOMB immediately walks in the direction where TAYLOR had pointed and walks out of camera range for a few seconds. TAYLOR walks out of camera range away from STANTON-LIPSCOMB in a different direction. STANTON-LIPSCOMB comes back into camera range and at approximately 5:39 p.m. STANTON-LIPSCOMB walked back through Burlington Coat Factory and exited the business into the south side parking lot where he enters the Mercury (rear driver side). It appeared as if STANTON-LIPSCOMB just got done speaking with someone on his cellular phone at that time. TAYLOR walked back into the mall. At approximately 5:50 p.m. complainants Lane, Tate and Morris enter Burlington Coat Factory from the mall and proceed to walk through the store towards the south side exit door. At approximately 5:51:50 STANTON-LIPSCOMB exits the Mercury, approaches TATE, complainant Lane and Morris who are now exiting Burlington Coat Factory and starts shooting. STANTON-LIPSCOMB runs back to the Mercury after the shooting and enters the rear passenger seat of the Mercury. The Mercury then flees the scene.

TED STAGER DEPUTY CHIEF HWDPS
 Officer in Charge Emp. No. Dept./Precinct/Bureau

Reviewed &
 Approved By: _____
 Commanding Officer Dept./Precinct/Bureau

REQUEST FOR WARRANT RECOMMENDATION

DETAILS OF INVESTIGATION (Continued)

*****NOTE***** STANTON-LIPSCOMB is holding the handgun in his left hand while shooting Lane. D/C Stager later verified STANTON-LIPSCOMB is left handed when STANTON-LIPSCOMB completed the Advice of Rights Form with his left hand.

Prior to the shooting, the Eastland Mall surveillance footage captures several young black males, to include TATE, complainant Lane, Deondra Morris and TAYLOR walking together throughout the mall. At approximately 5:46 p.m. the footage captures TAYLOR and complainant Lane next to each other talking as if they are friends or acquaintances. The Eastland Mall and Burlington Coat Factory surveillance footage was saved and downloaded to DVD's and placed on evidence.

While conducting his investigation later that evening, D/C Stager received information from an anonymous source that the shooter's mother has a contact number of 313-465-9054. D/C Stager also obtained information that the subject in the red hoodie talking to the shooter inside Burlington Coat Factory prior to the shooting was known as EGB Ty. D/C Stager conducted a general Clemis Report System search of 313-465-9054 and discovered a Brendan D. Stanton, black male with a date of birth of 06/14/97 used this number as his contact number in 2013 when he was being investigated by the Grosse Pointe Park Police Department. D/C Stager conducted an investigative query of Stanton and generated a color photograph of him then compared the photograph to the shooter from surveillance footage. Stanton appeared to be our shooter. D/C Stager conducted further investigation and determined Stanton's true name to be BRENDON DIYAMONTES STANTON-LIPSCOMB. D/C Stager met with Detroit Police Detective Mike Reizen from the Gang Intelligence Unit. Detective Reizen has had several contacts with STANTON-LIPSCOMB and has arrested him in the past. Detective Reizen's last contact with STANTON-LIPSCOMB was the summer of 2015. D/C Stager showed Detective Reizen portions of the surveillance footage that captured the shooter inside the mall prior to the homicide. Detective Reizen immediately identified the shooter as STANTON-LIPSCOMB.

Harper Woods Detective James Ruthenberg conducted a search through social media of EGB Ty and located the name TYSHON TAYLOR with a contact number of 313-772-5915. Social media photographs confirmed that TYSHON TAYLOR was the same subject walking with TATE and Deondra Morris around the mall then later walking in Burlington Coat Factory with STANTON-LIPSCOMB the evening of the homicide.

On Sunday December 27, 2016 D/C Stager interviewed TATE at the Harper Woods Police Station. The entire interview was audio/video taped. TATE stated he walked to Eastland Mall the day of the homicide with his friends TYSHON TAYLOR and Donte Woods. TATE stated he is closest with TYSHON TAYLOR. TATE denied being in a gang but affiliated himself with Rob Gang and further stated he gets along with Hob Squad and Eastside Ghetto Boys (EGB). TATE stated they were being escorted out of mall by security guards and told complainant Lane that he was going out of the back doors so he wouldn't get a curfew violation. TATE further told complainant Lane that he was going to the bus stop on Moross. Complainant Lane told TATE that he would go with TATE and get on the bus. TATE advised D/C Stager that complainant Lane did not trust or know any of TATE'S friends and only trusted TATE. TATE acknowledged that he was not the intended target and could have been shot if he was in fact the target. TATE then advised D/C Stager that the jacket he was wearing (black bubble jacket) got shot and ripped by a bullet during the homicide shooting. TATE stated he met up with TYSHON TAYLOR right after the homicide. TAYLOR saw TATE'S damaged jacket and was asking TATE what happened to it. TATE described this jacket as all black in color. TATE stated he and TYSHON TAYLOR walked to his friend Detae's house in Harper Woods but Detae was not home. Detae's

TED STAGER DEPUTY CHIEF HWDPS
Officer in Charge Emp. No. Dept./Precinct/Bureau

Reviewed &
Approved By:

Commanding Officer Dept./Precinct/Bureau

REQUEST FOR WARRANT RECOMMENDATION

DETAILS OF INVESTIGATION (Continued)

mother told them Detae was not home. Detae was later identified as Deontae Tucker who does in fact live in Harper Woods. TATE stated he threw the black bubble jacket away in a garbage can in Harper Woods while he and TYSHON TAYLOR were running through Harper Woods after the homicide. TATE explained that TYSHON TAYLOR had a black Champion sweatshirt at Deontae Tucker's house that TAYLOR gave TATE to wear. TATE stated that someone he was with must have set complainant Lane up because they knew where they were exiting the mall. TATE supplied D/C Stager TYSHON TAYLOR'S cellular phone number as 313-772-5915.

Harper Woods Detective James Ruthenberg constructed a photographic line-up containing photographs of six black male subjects sharing similar characteristics. STANTON-LIPSCOMB was in the #4 position. The line-up was then conducted with TATE who narrowed the shooter down to #4 or #1 but could not decide between the two. D/C Stager then showed TATE a still photograph of STANTON-LIPSCOMB from the surveillance footage. TATE confirmed that the photograph was in fact the shooter. TATE also stated that the subject in position #4 of the line-up is B Lo. B Lo is the nickname of STANTON-LIPSCOMB. D/C Stager showed TATE portions of the surveillance footage. TATE recognized several subjects from the neighborhood to include TYSHON TAYLOR. TATE knew TAYLOR well enough that he had his cellular phone number saved in his phone as 313-772-5915. TATE advised the detectives that he observed three subjects in the suspect vehicle as it fled from the homicide scene. D/C Stager showed TATE a still photograph of the Mercury and TATE confirmed this was the suspect vehicle.

On Tuesday December 29, 2015 at approximately 3:45 p.m. Detroit Police Officer Garnette Steen observed STANTON-LIPSCOMB driving the suspect Mercury in the area of Crane and Forest in the City of Detroit. Officer Steen observed the Mercury pull into the driveway of 4211 Crane. STANTON-LIPSCOMB exited the Mercury along with two other occupants later identified as DEMETRIUS ARMOUR (a.k.a. Fat Meech) and Demetrius Jackson. Officers set up surveillance on this location. Detroit Police Officer Robert Gadwell observed STANTON-LIPSCOMB and ARMOUR exit the residence at which time he and Detective Reizen arrested STANTON-LIPSCOMB without incident. ARMOUR was detained at that time. Demetrius Jackson was also detained without incident. At the time of his arrest, STANTON-LIPSCOMB had two cellular phones in his possession. One phone was a black apple I-Phone with a white Verus backing. The other phone was a black and silver ZTE cellular phone. Due to three subjects being in the suspect Mercury when it fled Eastland Mall property, ARMOUR and Jackson were transported to Harper Woods Police for questioning. At the time of his detention, ARMOUR had two cellular phones in his possession. One cellular phone was a black ZTE (serial #321231362722). The other cellular phone was a black Kyocera (serial #SINV510306654). These cellular phones were recovered and placed on evidence.

*****NOTE*****At the time of his arrest, STANTON-LIPSCOMB had \$1,439.00 of U.S. currency in his possession. This money was confiscated and placed on evidence.

A search warrant was obtained by Detective Ruthenberg for the residence at 4211 Crane and the Mercury parked on the property. Detective Ruthenberg made contact with home owner Maria Smith who is also the mother of ARMOUR. The search was executed and the gray Nike hooded sweatshirt, gray Nike sweatpants and black gym shoes worn by STANTON-LIPSCOMB during the homicide were recovered from the southeast upstairs bedroom. A pill bottle prescribed to STANTON-LIPSCOMB was also recovered from this bedroom.

TED STAGER DEPUTY CHIEF HWDPS
Officer in Charge Emp. No. Dept./Precinct/Bureau

Reviewed &
Approved By:

Commanding Officer Dept./Precinct/Bureau

REQUEST FOR WARRANT RECOMMENDATION

DETAILS OF INVESTIGATION (Continued)

Maria Smith completed a witness statement acknowledging the clothing items confiscated belonged to STANTON-LIPSCOMB. The suspect Mercury was searched then towed and held at Woods Towing.

Detective Ruthenberg obtained search warrants to access, search and retrieve any/all contents within the cellular phones recovered from STANTON-LIPSCOMB and ARMOUR. A court order had also been previously completed/signed to obtain the phone records for TYSHON TAYLOR'S Metro PCS cellular phone-313-772-5915. Detective Ruthenberg determined that STANTON-LIPSCOMB'S I-Phone had a contact number of 248-378-3064 and the ZTE cellular phone had a contact number of 616-954-5071. Detective Ruthenberg searched the call log history for STANTON-LIPSCOMB'S 616-954-5071 cellular phone and reviewed the call detail records for TYSHON TAYLOR'S cellular phone which revealed the following for Saturday December 26, 2015:

5:10 p.m. STANTON-LIPSCOMB called TAYLOR for a duration of 54 seconds.
 5:15 p.m. STANTON-LIPSCOMB called TAYLOR for a duration of 50 seconds.
 5:32 p.m. STANTON-LIPSCOMB called TAYLOR for a duration of 307 seconds.
 5:37 p.m. TAYLOR called STANTON-LIPSCOMB for a duration of 28 seconds.
 5:41 p.m. STANTON-LIPSCOMB called TAYLOR for a duration of 34 seconds.
 5:43 p.m. STANTON-LIPSCOMB called TAYLOR for a duration of 118 seconds.
 5:49 p.m. TAYLOR called STANTON-LIPSCOMB for a duration of 49 seconds.
 5:59 p.m. TAYLOR called STANTON-LIPSCOMB for a duration of 111 seconds after the homicide.

D/C Stager reviewed the Eastland Mall surveillance footage and compared the footage to the above referenced calls. Each time TYSHON TAYLOR is captured on the surveillance footage talking to STANTON-LIPSCOMB, he separates himself from the larger group for privacy. At 5:34 p.m. TATE is alone with TAYLOR and talking to STANTON-LIPSCOMB on TAYLOR'S cellular phone. TATE gives the cellular phone back to TAYLOR who continues to talk to STANTON-LIPSCOMB. At 5:44 p.m. TYSHON TAYLOR is on his cellular phone talking to STANTON-LIPSCOMB. TATE takes the cellular phone from TAYLOR and talks to STANTON-LIPSCOMB for 42 seconds. The call ends then TATE gives the cellular phone back to TAYLOR. Complainant Lane is murdered (7) minutes after this call when he is led out of Burlington Coat factory by TATE to an awaiting STANTON-LIPSCOMB.

The surveillance footage from Eastland Mall was downloaded and saved to a DVD by Eastland Mall Security Officer Kevin Szuminski. The surveillance footage from the Burlington Coat Factory was downloaded and saved to a DVD by Loss Prevention Manager Brian Madson.

On Tuesday December 29, 2015 at approximately 7:05 p.m. D/C Stager advised STANTON-LIPSCOMB of his Miranda Rights while audio/video taping same. The entire interrogation was audio/video taped. STANTON-LIPSCOMB initialed and signed the appropriate waiver form (left hand) and agreed to make a statement and answer questions. STANTON-LIPSCOMB admitted he drove up to Eastland Mall on December 26, 2015 to do some shopping. STANTON-LIPSCOMB stated his girlfriend Mariya Martin was with him. STANTON-LIPSCOMB drove the Mercury Grand Marquis to the mall and parked near Burlington Coat Factory. STANTON-LIPSCOMB stated Martin stayed in the Mercury as he entered the mall through Burlington Coat Factory. STANTON-LIPSCOMB stated he was wearing a gray hooded Nike sweatshirt, gray sweatpants and

TED STAGER	DEPUTY CHIEF	HWDP5	Reviewed &
Officer in Charge	Emp. No.	Dept./Precinct/Bureau	Approved By:
			Commanding Officer
			Dept./Precinct/Bureau

REQUEST FOR WARRANT RECOMMENDATION

DETAILS OF INVESTIGATION (Continued)

black Nike gym shoes. STANTON-LIPSCOMB stated he unexpectedly ran into TYSHON TAYLOR inside Burlington Coat Factory. They exited Burlington Coat factory into the mall at which time TAYLOR told him "the opps" were in the mall. This term is slang, meaning an opposing gang. STANTON-LIPSCOMB stated that once he heard this, he exited the mall and went back out to and entered the Mercury. STANTON-LIPSCOMB stated he then heard gunshots so retrieved his gun from under the seat in the Mercury, exited the Mercury, approached the Burlington Coat factory entry/exit doors near the pillar and began shooting at the subjects walking out. STANTON-LIPSCOMB admitted he continued to shoot the subject on the ground so this subject could not shoot back at him. STANTON-LIPSCOMB admitted his handgun was a 9mm, chrome and black in color. STANTON-LIPSCOMB stated he ran back to the Mercury and fled the mall property in same. STANTON-LIPSCOMB stated that his 9mm handgun was either a Larsen or a Hi-Point.

D/C Stager made telephone contact with Mariya Martin at cellular phone number 313-918-2972 and requested she come to the police station to be questioned. On Tuesday December 29, 2015 at approximately 10:02 p.m. D/C Stager advised Martin of her Miranda Rights while audio/video taping same. The entire interrogation was audio/video taped. Martin initialed and signed the appropriate waiver for and agreed to make a statement and answer questions. Martin admitted she went up to Eastland Mall on December 26, 2015 in her Mercury Grand Marquis driven by STANTON-LIPSCOMB. Martin was the front passenger and Demetrius Armour (fat Meech) was the rear passenger. STANTON-LIPSCOMB was talking on his cellular phone to an unknown subject while they were in the Mercury prior to going to the mall. STANTON-LIPSCOMB stated out loud that Hob Squad was at the mall and this was when they started driving to Eastland Mall. Martin asked STANTON-LIPSCOMB to take her home or drop her off but he just continued to Eastland Mall. STANTON-LIPSCOMB parked the Mercury near Burlington Coat Factory, exited the Mercury and entered the mall through Burlington Coat Factory. ARMOUR changed positions in the Mercury and was now in the driver seat. ARMOUR moved the Mercury and parked it closer to the Burlington Coat Factory doors. STANTON-LIPSCOMB exited Burlington Coat Factory and entered the Mercury in the back seat. Martin stated several minutes passed then STANTON-LIPSCOMB received a telephone call. STANTON-LIPSCOMB tells ARMOUR and Martin that if anything happens to him, he loves them. STANTON-LIPSCOMB then exited the Mercury and began walking toward the Burlington Coat Factory. Martin observed three subjects exit the Burlington Coat Factory and STANTON-LIPSCOMB began shooting at them. Martin observed one subject fall to the ground and the other two run away. STANTON-LIPSCOMB then ran back to and entered the Mercury driven by ARMOUR and they fled off of mall property. While fleeing from the mall, STANTON-LIPSCOMB stated out loud that he shot "Rello". "Rello" is the street name of complainant Lane.

*****NOTE*****On December 31, 2015 an Investigative Subpoena was completed with Martin by Assistant Wayne County Prosecutor Mike Reynolds. Martin's sworn testimony was consistent with her above statement.

On Tuesday December 29, 2015 at approximately 10:58 p.m. D/C Stager advised ARMOUR of his Miranda Rights while audio/video taping same. The entire interrogation was audio/video taped. ARMOUR initialed and signed the appropriate waiver form and agreed to make a statement and answer questions. ARMOUR admitted that he was in the Mercury with STANTON-LIPSCOMB and Martin. STANTON-LIPSCOMB was driving, he was in the back seat and Martin was the front passenger. ARMOUR admitted that STANTON-LIPSCOMB received a telephone call from an unknown person then heard STANTON-LIPSCOMB say he was going to shoot or kill someone at Eastland Mall. Despite hearing STANTON-LIPSCOMB say this, ARMOUR stated he did not believe STANTON-LIPSCOMB would kill someone. They arrived at the mall and parked near the

TED STAGER DEPUTY CHIEF HWDPS
 Officer in Charge Emp. No. Dept./Precinct/Bureau

Reviewed &
 Approved By: _____
 Commanding Officer Dept./Precinct/Bureau

REQUEST FOR WARRANT RECOMMENDATION

DETAILS OF INVESTIGATION (Continued)

Burlington Coat Factory. STANTON-LIPSCOMB exited the Mercury and entered the Mall. ARMOUR admitted that he got into the driver seat of the Mercury and Martin was still the front seat passenger. STANTON-LIPSCOMB exited Burlington Coat Factory and entered the Mercury in the back seat. Several minutes passed then STANTON-LIPSCOMB received a telephone call. STANTON-LIPSCOMB tells ARMOUR and Martin that if anything happens to him, he loves them. STANTON-LIPSCOMB then exited the Mercury and began walking toward the Burlington Coat Factory. ARMOUR observed three to four subjects exit the Burlington Coat Factory and STANTON-LIPSCOMB began shooting at them. ARMOUR observed one subject fall to the ground. STANTON-LIPSCOMB then ran back to and entered the Mercury driven by ARMOUR. ARMOUR stated this was when he saw STANTON-LIPSCOMB carrying a black and silver handgun. ARMOUR admitted that he then fled the mall property driving the Mercury with STANTON-LIPSCOMB and Martin inside same. ARMOUR admitted that he drove the Mercury back to his house on Crane Street in Detroit where he parked it in the back yard to hide it because it was hot. ARMOUR advised D/C Stager that he overheard STANTON-LIPSCOMB talking on the phone about selling the gun. ARMOUR stated he was later told by STANTON-LIPSCOMB that he sold the gun for \$1,500.00.

On Thursday December 31, 2015 at approximately 2:45 p.m. Harper Woods Police Detective Sandra Hernden and Officer Robert Hill were in the area of 1685 Glendale in the City of Detroit conducting surveillance in an attempt to locate TYSHON TAYLOR. TAYLOR was wanted for questioning in this homicide but also had a valid 32-A District Court misdemeanor arrest warrant (OCA#15-13729). TAYLOR was observed by the officers exiting this location. At this time, TAYLOR appeared to be wearing the same clothes he had on at Eastland Mall the night of the homicide. Detective Hernden and Officer Hill made contact with TAYLOR and arrested him with incident. TAYLOR'S cellular phone was recovered from him at this time and placed on evidence.

On Thursday December 31, 2015 at approximately 3:15 p.m. D/C Stager advised TAYLOR of his Miranda Rights while audio/video taping same. The entire interrogation was audio/video taped. TAYLOR initialed and signed the appropriate waiver form and agreed to make a statement and answer questions. TAYLOR admitted that he was at Eastland Mall the day of the homicide and was currently wearing the same red Nike Hoodie, blue jeans and reversible belt that he had on while at the mall on the 26th. TAYLOR admitted that he knew STANTON-LIPSCOMB was coming up to Eastland Mall. TAYLOR admitted that he met up with STANTON-LIPSCOMB inside Burlington Coat Factory then left and met back up with complainant Lane and some other subjects. TAYLOR admitted to making and receiving several telephone calls to/from STANTON-LIPSCOMB and updating STANTON-LIPSCOMB on the location of complainant Lane inside the mall. TAYLOR stated he knew STANTON-LIPSCOMB was going to fight or shoot complainant Lane once Lane exited the mall but didn't think STANTON-LIPSCOMB was going to kill him. After the shooting, TAYLOR exited the mall on the opposite side near Macy's and left the mall property.

On January 07, 2016 TATE was interviewed by D/C Stager and Detective Sergeant Ruthenberg at the Harper Woods Police Station. The entire interview was audio/video taped. D/C Stager was given consent by TATE'S mother, Rose Thomas, to speak and question her son without her being present. TATE now claimed he was an Eastside Ghetto Boys (EGB) member. TATE stated he heard complainant Lane inside Eastland Mall the day of the homicide disrespecting rob by stating "fuck Rob". TATE stated he has known STANTON-LIPSCOMB since 7th grade. TATE denied ever talking to STANTON-LIPSCOMB at the mall leading up to the homicide, specifically stating he does not talk to STANTON-LIPSCOMB. TATE said the left side of his jacket got hit by

TED STAGER	DEPUTY CHIEF	HWDP	Reviewed &	
Officer in Charge	Emp. No.	Dept./Precinct/Bureau	Approved By:	
			Commanding Officer	Dept./Precinct/Bureau

REQUEST FOR WARRANT RECOMMENDATION

DETAILS OF INVESTIGATION (Continued)

a bullet when complainant Lane was murdered. **TATE** stated cotton was sticking out of his jacket where the bullet went through it. **TATE** stated he was running after the homicide and his jacket started ripping and cotton was falling out of it so he threw it away in a garbage can closer to Deshon's house. Deshon was later identified as Deshon Smith who resides at 6336 Neff Street in the City of Harper Woods. **TATE** said he and **TYSHON TAYLOR** went to Deontae's house in Harper Woods, Deontae's mother advised them Deontae was not home so they left.

On January 14, 2016 D/C Stager obtained a search warrant to take possession of and obtain data from any cellular phones belonging to **TYLER TATE**.

On January 15, 2016 **TATE** was interviewed by D/C Stager and Detective Sergeant Ruthenberg at the Harper Woods Police Station. The entire interview was audio/video taped. D/C Stager was given consent by **TATE'S** mother, Rose Thomas, to speak and question her son without her being present. **TATE** was not in custody but D/C Stager still advised **TATE** of his Miranda Rights in the presence of D/Sergeant Ruthenberg. **TATE** initialed and signed the appropriate waiver form and agreed to make a statement and answer questions. **TATE** stated they exited out of Burlington Coat Factory because it was closet to Beaconsfield Street. **TATE** initially denies talking on **TYSHON TAYLOR'S** cellular phone. D/C Stager then shows **TATE** mall surveillance footage of him talking to **STANTON-LIPSCOMB** on **TYSHON TAYLOR'S** cellular phone. **TATE** then admitted he was talking to **STANTON-LIPSCOMB** and telling him complainant Lane was up at the mall. **TATE** stated complainant Lane was in the mall "mother fucking" Rob.

*******NOTE****** **ROB REFERS TO ROB CARTER WHO WAS MURDERED IN 2013 BY A MEMBER OF THE HOB SQUAD GANG. STANTON LIPSCOMB FORMED ROB GANG IN HONOR OF ROB CARTER AFTER HE WAS MURDERED. COMPLAINANT LANE WAS CLAIMING HE WAS PART OF HOB SQUAD.**

TATE stated during this interview that he had a sweater on under his jacket. During **TATE'S** December 27, 2015 interview, **TATE** said he got a sweater that belonged to **TYSHON TAYLOR** from Deontae Tucker's house right after the homicide. **TATE** was offered and refused to take a polygraph test. **TATE** stated he and **TYSHON TAYLOR** went to Deshon's house the night of the homicide where **TYSHON TAYLOR** told Deshon what happened at the mall. **TATE** stated he stayed the night at this location with Deshon and Tez. Tez was later identified as Quintez Whitsell who also resided at 6336 Neff Street in the City of Detroit. **TATE** verified his cellular phone number was 313-728-7882. At the conclusion of the interview D/C Stager took possession (search warrant) of **TATE'S** Metro PCS cellular phone bearing number 313-728-7882.

TATE'S Metro PCS Cellular phone (313-728-7882) was turned over to Detective Michael Morrish of the Southfield Police Department. Detective Morrish is trained and an expert in cellular phone examination and data extraction. Detective Morrish conducted his examination/data extraction of **TATE'S** cellular phone and supplied Harper Woods Detectives with a detailed thumb drive report. The extraction report was reviewed and several photographs and two videos of **TATE** wearing the dark colored bubble jacket that he was wearing at Eastland Mall the day of complainant Lane's homicide were located. Most significant is a video recorded on January 06, 2016 which captures **TATE** wearing the same jacket that he wore at Eastland Mall when complainant Lane was murdered. This video contradicts **TATE'S** statements to D/C Stager about throwing the jacket in the garbage because it was hit by a bullet when complainant Lane was murdered.

TED STAGER	DEPUTY CHIEF	HWDPS	Reviewed &
Officer in Charge	Emp. No.	Dept./Precinct/Bureau	Approved By:
			Commanding Officer
			Dept./Precinct/Bureau

REQUEST FOR WARRANT RECOMMENDATION

DETAILS OF INVESTIGATION (Continued)

On August 30, 2016 D/C Stager and D/Sergeant Ruthenberg interviewed defendant TYSHON TAYLOR in the presence of his defense attorney Wyatt Harris. Wayne County Assistant Prosecuting Attorneys Eric Sterbis and Gerry Cahill were also present. TYSHON TAYLOR stated he walked to Eastland Mall the day of the homicide with his friends Johntae and Stacks. They met up with several people at the mall to include Deondra Morris and complainant Lane. TAYLOR stated he did not know the names of Morris or complainant Lane but did know they were members of the HOB Squad Gang. TAYLOR stated he heard Morris disrespecting Rob by yelling things like "Fuck Rob Gang". TAYLOR admitted he called STANTON-LIPSCOMB via cellular phone and advised STANTON-LIPSCOMB that HOB was up at the mall. STANTON-LIPSCOMB arrived at the mall and this was when TAYLOR and STANTON-LIPSCOMB met inside the Burlington Coat Factory. TAYLOR and STANTON-LIPSCOMB walked into the mall from Burlington and this was when STANTON-LIPSCOMB told TAYLOR that he was shooting HOB not fighting with them. TAYLOR admitted he continued to text STANTON-LIPSCOMB and update him on the location of HOB inside the mall. TAYLOR explained that shortly before the murder of Lane, he was on the phone with STANTON-LIPSCOMB who wanted TAYLOR to lure HOB out of the Burlington Coat Factory. TAYLOR told STANTON-LIPSCOMB he would not do this. STANTON-LIPSCOMB calls TAYLOR a "bitch" and tells TAYLOR to put TATE on the phone. TATE is talking to STANTON-LIPSCOMB and TAYLOR hears TATE tell STANTON-LIPSCOMB that he will be the first person out the door. TATE also describes to STANTON-LIPSCOMB what he, complainant Lane and Morris is wearing and tells STANTON-LIPSCOMB not to shoot him. TAYLOR also hears TATE tell STANTON-LIPSCOMB that they will be exiting the Burlington Coat Factory in two minutes. The call ends then TATE asked TAYLOR why he wouldn't walk HOB out of the Burlington Coat Factory Doors. TAYLOR tells TATE he wouldn't do it because STANTON-LIPSCOMB was going to shoot HOB. TAYLOR advised D/C Stager that he did not trust STANTON-LIPSCOMB and was afraid STANTON-LIPSCOMB would shoot him if he walked out the doors. TATE tells TAYLOR that he is going to get HOB to exit the Burlington Coat Factory Doors. TAYLOR observes TATE leading complainant Lane and Morris into the Burlington Coat Factory then calls STANTON-LIPSCOMB to tell him that they are getting ready to come out. TAYLOR states an unknown male answered STANTON-LIPSCOMB'S phone and tells TAYLOR that STANTON-LIPSCOMB is already out of the car and approaching the mall. TAYLOR and TATE meet up after the homicide and walk to Deontae Tucker's house in Harper Woods but Tucker is not home. TAYLOR and TATE then walk to 6336 Neff in the City of Detroit where they meet up with Quintez Whitsell and Deshon Smith. TAYLOR stated the four of them were in Deshon Smith's bedroom where they proceeded to talk about the homicide of Lane. TATE was describing details of the homicide and told TAYLOR, Deshon Smith and Quintez Whitsell that STANTON-LIPSCOMB was yelling "move Tyler, move move" as STANTON-LIPSCOMB was approaching them to shoot complainant Lane. D/C Stager questioned TAYLOR about TATE'S jacket getting hit with a bullet during the homicide of complainant Lane. TAYLOR had no knowledge of this, never observed any damage to TATE'S jacket and TATE never mentioned this to TAYLOR.

On August 31, 2016 D/C Stager and D/Sergeant interviewed witness Quintez Whitsell in the presence of his mother Lashanda Smith. The entire interview was audio/video taped at the Harper Woods Police Department. Whitsell stated that on the evening of December 26, 2015 TYLER TATE and TYSHON TAYLOR came to his house located at 6336 Neff Street in the City of Detroit. Whitsell stated his cousin Deshon Smith lived there as well and was present. Whitsell explained that TATE told him and Deshon Smith, in the presence of TYSHON TAYLOR, what had happened at Eastland Mall earlier that day. TATE told Whitsell that he used TYSHON TAYLOR'S cellular phone and advised Stanton-Lipscomb which door they would be coming out of. TATE

TED STAGER	DEPUTY CHIEF	HWDP	Reviewed &
Officer in Charge	Emp. No.	Dept./Precinct/Bureau	Approved By:
			Commanding Officer
			Dept./Precinct/Bureau

REQUEST FOR WARRANT RECOMMENDATION

DETAILS OF INVESTIGATION (Continued)

stated he used TYSHON TAYLOR'S phone because his was dead. TATE told Whitsell that he was next to complainant Lane when STANTON-LIPSCOMB ran up on them and started shooting Lane. TATE stated that complainant Lane fell to the ground then STANTON-LIPSCOMB unloaded the clip on him. Whitsell described TATE as wearing a black bubble jacket and TYSHON TAYLOR as wearing a red Nike sweatshirt.

On September 01, 2016 D/C Stager and D/Sergeant Ruthenberg interviewed witness Deshon Smith. The entire interview was audio/video taped at the Harper Woods Police Department. Smith stated that on the evening of December 26, 2015 TYLER TATE and TYSHON TAYLOR came to his house located at 6336 Neff Street in the City of Detroit. Smith stated Tyree Pounds was also present as TATE told him what had happened at Eastland Mall earlier that day. TATE told Deshon Smith he observed complainant Lane on his cellular phone while inside Eastland Mall. TATE assumed Lane was calling guys to come up to the mall to get TATE since TATE thought Lane tried to set him up earlier that day. TATE told Deshon Smith that he heard complainant Lane say "fuck Rob and fuck Rob gang" so he called STANTON-LIPSCOMB up to the mall to take care of Lane. TATE told Deshon Smith that he was able to get complainant Lane to follow him out of the mall at Burlington Coat Factory where he knew STANTON-LIPSCOMB was waiting for Lane. TATE told complainant Lane they were going out to get/smoke some marijuana and that was why Lane followed TATE out of the mall at Burlington Coat factory. TATE told Deshon Smith that STANTON-LIPSCOMB was supposed to wait until they got away from the mall and the cameras before he shot complainant Lane but as soon as they exited the Burlington Coat Factory doors, STANTON-LIPSCOMB was there and shot Lane. Deshon Smith advised D/C Stager that TATE and TYSHON TAYLOR stayed the night at the Neff location the night of the homicide. Deshon Smith gave TATE clothes to wear because TATE'S clothes were wet from the night before. Deshon Smith advised D/C Stager that TATE was wearing a black bubble jacket the night he and TYSHON TAYLOR came to the Neff house on December 26, 2015. Deshon Smith confirmed that he observed TATE wearing this black bubble jacket several times after complainant Lane's murder and never saw any bullet holes in the jacket. Deshon Smith further stated TATE'S bubble jacket ended up hanging in his closet for a period of time up until about a week prior to this interview. Deshon Smith stated his Aunt Lashanda Smith moved out of the Neff location and threw away a lot of clothes to include TATE'S bubble jacket.

On September 01, 2016 D/C Stager and D/Sergeant Ruthenberg interviewed witness Tyree Pounds. The entire interview was audio/video taped at the Harper Woods Police Department. Pounds stated that on the evening of December 26, 2015 he was inside of 6336 Neff in the City of Detroit with Deshon Smith and Quintez Whitsell when TYLER TATE and TYSHON TAYLOR came to the house. TATE told Pounds that STANTON-LIPSCOMB killed complainant Lane because Lane was HOB. Pounds explained to the detectives that he was well aware of the ongoing rivalry between Rob Gang and HOB and knew that STANTON-LIPSCOMB formed Rob Gang after the death of his friend Rob Carter. Pounds further explained to detectives that shortly after Rob Carter's death, complainant Lane was being openly disrespectful, stating "fuck Rob". Pounds advised detectives that STANTON-LIPSCOMB has wanted to kill complainant Lane ever since. TATE told Pounds that he was communicating with STANTON-LIPSCOMB and told STANTON-LIPSCOMB he would be coming out of the Burlington Coat Factory with complainant Lane. Pounds also advised detectives that 2-3 days after Lane's murder, DEMETRIUS ARMOUR (Fat Meech) was inside 6336 Neff. ARMOUR told Pounds that he and STANTON-LIPSCOMB went to Eastland Mall that day to get HOB. ARMOUR admitted to Pounds that he drove the car and never mentioned being threatened or forced in any way to drive.

TED STAGER DEPUTY CHIEF HWDPS
Officer in Charge Emp. No. Dept./Precinct/Bureau

Reviewed &
Approved By: _____

Commanding Officer Dept./Precinct/Bureau

REQUEST FOR WARRANT RECOMMENDATION

DETAILS OF INVESTIGATION (Continued)

On September 07, 2016 D/C Stager and D/Sergeant Ruthenberg made the Eastland Mall and took some additional digital photographs of the area where complainant Lane was shot and killed. They measured the area between the support pillar and the Burlington Coat Factory store front where Lane was murdered which measured four feet. They then took two separate videos. The first video was taken from the parking lot area of the Burlington Coat Factory starting where the suspect vehicle was parked and pointing towards the Burlington Coat Factory store. D/C Stager, while filming, then walked the approximate route taken by STANTON-LIPSCOMB to the area where he shot and killed complainant Lane. The second video started at the food court area at the approximate location of where TATE and TYSHON TAYLOR were standing together talking to STANTON-LIPSCOMB on TAYLOR'S cellular phone. D/C Stager and D/Sergeant Ruthenberg then walked the route taken by TATE as he led complainant Lane and Morris through the mall and into the Burlington Coat Factory. Once inside Burlington Coat Factory, D/C Stager and D/Sergeant Ruthenberg continued the route taken by TATE as he led complainant Lane and Morris through the Burlington Coat Factory to and through the southeast exits doors to an awaiting STANTON-LIPSCOMB. TATE leads as they walk to the far south isle way inside the Burlington Coat Factory. TATE leads complainant Lane and Morris east down this isle then turns right (south) and leads them along the south outer wall towards the exit doors. The store was well lit and it was dark outside. As TATE leads complainant Lane and Morris along this wall, they pass a series of large windows right before the exit. These windows are significant because it would be easy for someone outside to see them walking inside along these windows yet difficult for someone who was inside to see out.

D/C Stager spoke with the Burlington Coat Factory Manager Kelly Sliwinski as it relates to the route taken by TATE. Sliwinski advised D/C Stager that this route taken by TATE, complainant Lane and Morris is not the common route taken by customers who are walking through the store to exit the mall. Most customers take the first or second isle as they enter the Burlington Coat Factory; not the far south isle. Sliwinski further stated it would not be normal for a customer to veer off from the isle, walk through merchandise on the sale floor for sale and walk along the outer south wall of the store towards the exit doors.

*******NOTE*****Per TATE'S own statements as described above, his initial intention was to go to the Moross Bus Stop once he exited the Burlington Coat Factory. As you exit the Burlington Coat Factory south doors, you would walk straight out of these doors and angle towards the left in a southeast direction to head towards the Moross bus stop. TATE exited the Burlington Coat Factory Doors and immediately turned right and walked west which would be walking away from the Moross bus stop direction.**

The autopsy of complainant Lane was completed by Assistant Medical Examiner Sung Lokman of the Wayne County Medical Examiner's Office (WCMEO). Complainant Lane's death was caused by multiple gunshot wounds and the manner of death was ruled a homicide. The identification of Lane was completed by his mother Cassandra Rodgers at the WCMEO.

2a TYSHON TAYLOR, WITNESS/DEFENDANT, testifies to: TYLER TATE'S involvement and participation in the murder of complainant Lane and details of same as described above.

b. DEANDRA MORRIS, WITNESS, testifies to: being at Eastland Mall on December 26, 2015, walking out of the mall with complainant Lane who was shot and killed and details of same.

TED STAGER	DEPUTY CHIEF	HWDP	Reviewed &
Officer in Charge	Emp. No.	Dept./Precinct/Bureau	Approved By:
			Commanding Officer
			Dept./Precinct/Bureau

REQUEST FOR WARRANT RECOMMENDATION

DETAILS OF INVESTIGATION (Continued)

- c. **DAVE HOLFELDER, HARPER WOODS PATROL OFFICER, testifies to:** responding to a fight and shooting at Eastland Mall and details of same, obtaining witness statements, securing the crime scene, chain of evidence, completing a police report.
- d. **HAFEZ BAZZI, ST. JOHN E.R. DOCTOR, testifies to:** pronouncing complainant Lane deceased and associated injuries.
- e. **DOCTOR LOKMAN SUNG, WCMEO, testifies to:** completing the autopsy on complainant Lane, cause/manner of death, completing a Post Mortem Report.
- f. **DIOR NICHOLLS, WITNESS, testifies to:** being inside Burlington Coat Factory and hearing two gunshots coming from the entrance/exit area of the store, completing a witness statement.
- g. **KELLY SLIWINSKI, BURLINGTON COAT FACTORY MANAGER, testifies to:** being in the store and hearing several loud bangs then people running, layout/floor plan of the Burlington Coat Factory and the normal route of travel for customers exiting same.
- h. **MONIQUE COOPER, BURLINGTON COAT FACTORY EMPLOYEE, testifies to:** seeing people running and observing a body on the ground outside the store, completing a witness statement.
- i. **PAIGE MARION, BURLINGTON COAT FACTORY EMPLOYEE, testifies to:** hearing three loud bangs then seeing people running, completing a witness statement.
- j. **SEMAJ JORDAN, BURLINGTON COAT FACTORY EMPLOYEE, testifies to:** hearing three gunshots then observing people running, completing a witness statement.
- k. **PHYLISS BURBRIDGE, CUSTOMER/WITNESS, testifies to:** hearing 5 to 6 gunshots, completing a witness statement.
- l. **MICHAEL WILLIAMS, SECURITY GUARD FOR BURLINGTON COAT FACTORY, testifies to:** observing a black male wearing all gray enter Burlington Coat Factory prior to the shooting.
- m. **ROBERT MORRIS, SECURITY GUARD FOR BURLINGTON COAT FACTORY, testifies to:** observing three subjects exit the store while three other subject were still inside the vestibule, immediately hearing approximately five gunshots then observing everyone running.
- n. **JOHN BIERNAT, HARPER WOODS PATROL OFFICER, testifies to:** identification of complainant Lane at the hospital and photographing complainant Lane, completing a report.
- o. **MATTHEW CLOSURDO, HARPER WOODS POLICE DETECTIVE, testifies to:** crime scene processing, search warrant execution, collection/chain of evidence, completing a report.

TED STAGER DEPUTY CHIEF HWDPS
 Officer in Charge Emp. No. Dept./Precinct/Bureau

Reviewed &
 Approved By: _____
 Commanding Officer Dept./Precinct/Bureau

REQUEST FOR WARRANT RECOMMENDATION

DETAILS OF INVESTIGATION (Continued)

- p. **MICHAEL LYNCH, HARPER WOODS POLICE DETECTIVE, testifies to:** crime scene processing, search warrant execution, collection/chain of evidence, completing a report.
- q. **JAMES RUTHENBERG, HARPER WOODS POLICE DETECTIVE, testifies to:** crime scene processing, search warrant completion/execution, collection/chain of evidence, identification of **TAYLOR**, completing a report.
- r. **MIKE REIZEN, DETROIT POLICE DETECTIVE, testifies to:** arrest of **STANTON-LIPSCOMB** and **ARMOUR** and details of same, identification of **STANTON-LIPSCOMB**.
- s. **GARNETTE STEEN, DETROIT POLICE OFFICER, testifies to:** locating **STANTON-LIPSCOMB** and **ARMOUR** in the Mercury on Crane Street in Detroit and details of same.
- t. **ROBERT GADWELL, DETROIT POLICE OFFICER, testifies to:** arrest of **STANTON-LIPSCOMB** and **ARMOUR** and details of same, completing a report.
- u. **SANDRA HERNDEN, HARPER WOODS DETECTIVE, testifies to:** arrest of **TAYLOR** and details of same, collection/chain of evidence, completing a report.
- v. **ROBERT HILL, HARPER WOODS PATROL OFFICER, testifies to:** arrest of **TAYLOR** and details of same.
- w. **JUSTIN JOHNSON, HARPER WOODS PATROL OFFICER, testifies to:** collection/chain of evidence, completing a report.
- x. **MARIA SMITH, HOME OWNER OF 4211 CRANE, testifies to:** being the mother of **DEMETRIUS ARMOUR**, clothing items recovered by the police belonging to **STANTON-LIPSCOMB**, completing a witness statement.
- y. **QUINTEZ WHITSELL, WITNESS, testifies to:** residing at 6336 Neff in Detroit on 12/26/15, statements made by **TATE** while inside 6336 Neff and details of same.
- z. **DESHON SMITH, WITNESS, testifies to:** residing at 6336 Neff in Detroit on 12/26/15, statements made by **TATE** while inside 6336 Neff and details of same.
- aa. **TYREE POUNDS, WITNESS, testifies to:** residing at 6336 Neff in Detroit on 12/26/15, statements made by **TATE** while inside 6336 Neff and details of same.
- bb. **MICHAEL MORRISH, SOUTHFIELD DETECTIVE, testifies to:** forensic examination of cellular phones and details of same, collection/chain of evidence.
- cc. **CASSANDRA RODGERS, MOTHER OF LANE, testifies to:** the identification of her deceased son Tyrell Lane.

TED STAGER DEPUTY CHIEF HWDPS
 Officer in Charge Emp. No. Dept./Precinct/Bureau

Reviewed &
 Approved By: _____
 Commanding Officer Dept./Precinct/Bureau

REQUEST FOR WARRANT RECOMMENDATION

DETAILS OF INVESTIGATION (Continued)

dd. KEVIN SZUMINSKI, EASTLAND MALL SECURITY OFFICER, testifies to: the download of Eastland Mall surveillance footage and details of same, collection/chain of evidence.

ee. BRIAN MADSON, BURLINGTON COAT FACTORY LOSS PREVENTION MANAGER, testifies to: the download of Burlington Coat Factory surveillance footage and details of same, collection/chain of evidence.

ff. STEVEN O'SHEA, WITNESS, testifies to: following the Mercury Grand Marquis from near the homicide scene and details of same, completing a witness statement.

gg. MARIYA MARTIN, WITNESS, testifies to: owning the suspect Mercury Grand Marquis, being inside the Mercury at the time of the homicide and observing STANTON-LIPSCOMB shooting Lane, Demetrius Armour driving the suspect vehicle away from the homicide scene, complete details of everything she observed and heard leading up to, during and after the homicide.

hh. TED STAGER, HARPER WOODS DEPUTY POLICE CHIEF, testifies to: being the O.I.C., reviewing security footage, identification of STANTON-LIPSCOMB, conducting interviews and interrogations and details of same, collection/chain of evidence, completing an Investigator's Report.

3. TATE'S interviews are detailed above in the Investigator's Report.

4: EVIDENCE:

ET#15002059 – Scout car 61, 62 and 64 audio/video.

ET#15002060 – (1) DVD containing photographs of Tyrell Lane's body.

ET#15002261 – (1) 9mm shell casing.

ET#15002267 – (1) DVD containing photographs of the homicide scene.

ET#15002268 – (1) DVD containing CCTV surveillance footage from Burlington Coat Factory.

ET#15002269 – (2) Spent bullets recovered from the scene (markers I and G).

ET#15002270 – (4) Spent 9mm Luger Blazer shell casing recovered from the scene (markers B,C,D and F).

ET#15002271 – (1) Spent bullet recovered from the body of Lane at Wayne County Medical Examiner's Office.

ET#15002272 – (1) Metro PCS cellular phone belonging to Tyrell Lane #313-656-1526.

ET#15002276 - \$1,439.00 recovered from Stanton-Lipscomb in HYPD Lock-up.

ET#15002277 – (1) DVD containing the booking room footage (Stanton-Lipscomb/Armour).

ET#15002278 – (1) Black Apple I-Phone with a white Verus backing #248-378-3064 and (1) Black/silver ZTE phone #616-954-5071 – both phones belonging to Stanton-Lipscomb.

ET#15002279 – (1) Pair of black/silver (size 8) Air Jordan gym shoes.

ET#15002282 – (1) Black ZTE cell phone #313-758-7706 and (1) Black Kyocera cell phone #313-759-6295 – both phones belonging to Armour.

ET#15002283 – (1) Gray Nike hooded sweatshirt and (1) Gray Nike sweatpants belonging to Stanton-Lipscomb.

ET#15002284 – Employment paperwork in the name of Stanton-Lipscomb.

ET#15002285 – (1) DVD containing photographs from the search warrant at 4211 Crane in Detroit.

TED STAGER

DEPUTY CHIEF

HWDPS

Reviewed &
Approved By:

Officer in Charge

Emp. No.

Dept./Precinct/Bureau

Commanding Officer

Dept./Precinct/Bureau

REQUEST FOR WARRANT RECOMMENDATION

DETAILS OF INVESTIGATION (Continued)

- ET#15002287 – (1) Pill bottle and envelope in Stanton-Lipscomb's name and residency to 4211 Crane in Detroit.
- ET#15002289 – (1) DVD containing the video of the "fight" at Eastland Mall on 12/26/15.
- ET#15002290 – (1) DVD containing the audio/video interview with Tyler Tate.
- ET#15002291 – (1) DVD containing photographs of Stanton-Lipscomb and Taylor from Burlington Coat Factory surveillance video. Photographs of Stanton-Lipscomb's phone showing call/history with Taylor.
- ET#15002292 – (1) DVD containing the audio/video interrogation with Demetrius Armour.
- ET#15002293 – (1) DVD containing the audio/video interview with Mariya Martin.
- ET#15002294 – (1) DVD containing the audio/video interrogation with Brendon Stanton-Lipscomb.
- ET#15002296 – (1) DVD containing Eastland Malls Security footage capturing portions the incident.
- ET#15002304 – (1) Silver LG cellular phone #313-772-5915 belonging to Taylor.
- ET#15002305 – (1) DVD containing the audio/video interrogation with Tyshon Taylor.
- ET#15002306 – (1) Red Nike hooded sweatshirt, (1) Red/black reversible belt and (1) pair of blue jeans belonging to Taylor.
- ET#15002307 – (1) DVD containing photographs from Stanton-Lipscomb, Armour, Taylor and Lane's cellular phones.
- ET#16000027-(1) DVD containing the audio taped 911 call made by witness O'Shea to HYPD.
- ET#16000070-(1) DVD containing audio/video taped interviews of **TATE** on 01/07/16 & 01/15/16.
- ET#16001881-(1) DVD containing photographs and (2) videos from Eastland Mall and Burlington Coat Factory filmed by D/C Stager.
- ET#16001882-(1) DVD containing the audio/video taped interview of witness Quintez Whitsell.
- ET#16001883-(1) DVD containing the audio/video taped interviews of Deshon Smith and Tyree Pounds.
- ET#16001945-(1) DVD containing photographs of **TATE** at Eastland Mall on 12/26/15 prior to the homicide and photographs and videos of **TATE** before and after the homicide.

TED STAGER DEPUTY CHIEF HWDPS
 Officer in Charge Emp. No. Dept./Precinct/Bureau

Reviewed &
 Approved By: _____
 Commanding Officer Dept./Precinct/Bureau

Offender: Tate, Tyler Maurice SSN: 000-00-0000 Workload: 1902 Docket Number: 16010656-01-FJ
Judge: The Honorable Kevin J. Cox Bar No.: P36925 Circuit No.: 03 County: 82

Conviction Information

Conviction PACC: 750.411A1B Offense Title: False Report of a Felony
Crime Group: Public Order Offense Date: 12/26/2015
Crime Class: Class F Conviction Count: 1 of 3 Scored as of: 12/26/2015
Statutory Max: 48 Habitual: No Attempted: No

Prior Record Variable Score

PRV1: 0 PRV2: 0 PRV3: 10 PRV4: 0 PRV5: 0 PRV6: 10 PRV7: 20
Total PRV: 40
PRV Level: D

Offense Variable

OV1: 25 OV3: 100 OV4: 0 OV9: 0 OV10: 10 OV12: 0 OV13: 0
OV14: 10 OV16: 0 OV19: 10 OV20: 0
Total OV: 155
OV Level: IV

Sentencing Guideline Range

Guideline Minimum Range : 12 to 24

Minimum Sentence

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

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

Sentencing Judge: *W* Date: 4-24-2017

Prepared By: PATILLO, MARCHELLA T

Tate, Tyler Maurice - 360030

RECEIVED by MSC 9/27/2021 10:55:29 PM

RECEIVED by MCOA 9/30/2017 10:28:38 AM

Order

Michigan Supreme Court
Lansing, Michigan

June 4, 2021

Bridget M. McCormack,
Chief Justice

158695

Brian K. Zahra

David F. Viviano

Richard H. Bernstein

Elizabeth T. Clement

Megan K. Cavanagh

Elizabeth M. Welch,

Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 158695

COA: 338360

Wayne CC: 16-010656-FJ

TYLER MAURICE TATE,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the September 20, 2018 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

We further ORDER the Wayne Circuit Court, in accordance with Administrative Order 2003-03, to determine whether the defendant is indigent and, if so, to appoint the State Appellate Defender Office to represent the defendant in this Court.

The appellant shall file a supplemental brief within 42 days of the date of the order appointing counsel or by September 27, 2021 whichever is later, addressing: (1) whether the Court of Appeals correctly held in *People v Wines*, 323 Mich App 343 (2018), rev'd in nonrelevant part 506 Mich 954 (2020), that trial courts must consider the distinctive attributes of youth, such as those discussed in *Miller v Alabama*, 567 US 460 (2012), when sentencing a minor to a term of years pursuant to MCL 769.25a; (2) if *Wines* was correctly decided, whether sentencing judges have an obligation to explicitly set forth their analysis of how the defendant's age impacted their sentencing discretion when proceeding under MCL 769.25a or MCL 769.25; and (3) if *Wines* applies to this case, whether the trial court complied with its requirements, and if it did not, what more the court was required to do. In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellee shall file a supplemental brief within 21 days of being served with the appellant's brief. A reply, if any, must be filed by the appellant within 14 days of being served with the appellee's brief. The parties should not submit mere restatements of their application papers.

RECEIVED by MSC 9/27/2021 10:55:29 PM

We further direct the Clerk to schedule the oral argument in this case for the same future session of the Court when it will hear oral argument in *People v Boykin* (Docket No. 157738).

The Prosecuting Attorneys Association of Michigan and the Criminal Defense Attorneys of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



t0601

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 4, 2021

A handwritten signature in cursive script, appearing to read "Larry S. Royster", written over a horizontal line.

Clerk

067a