

**State of Michigan
In the Supreme Court**

Lonnie James Arnold,

Defendant-Appellant,

v.

People of State of Michigan,

Plaintiff-Appellee.

SC No. 160046

COA No. 325407

Monroe County Circuit Court

Case No. 13-040406-FH

Filed under AO 2019-6

**Appellant Lonnie James Arnold's
Appendix**

Marilena David-Martin (P73175)
State Appellate Defender Office
645 Griswold, Suite 3300
Detroit, MI 48226
313-420-2926
mdavid@sado.org

Counsel for Lonnie James Arnold

Date: September 24, 2020

Table of Contents

Felony Information and Supplemental Information 1a-2a
Verdict Forms..... 3a-4a
Sentencing Transcript 5a-6a
Sentencing Information Report 7a-25a

CTN: 58-13000277-01 C11

STATE OF MICHIGAN 1st JUDICIAL DISTRICT 38th JUDICIAL CIRCUIT		INFORMATION FELONY		CASE NO.: 2013000277 DISTRICT: CIRCUIT: 1340406EH	
District Court ORI: MI580025J 106 E. First Street, Monroe, MI 48161 734-240-7080		Circuit Court ORI: MI580015J 106 E. First St., Monroe, MI 48161 734-240-7020			
THE PEOPLE OF THE STATE OF MICHIGAN		Defendant's name and address V LONNIE JAMES ARNOLD 908 HARRISON ST. 2 MONROE, MI, 48161		Victim or complainant Michelle Beaudrie	
Co-defendant(s)				Complaining Witness Court Officer	
				Date: On or about 01/16/2013	
City/Twp./Village City of Monroe	County in Michigan MONROE	Defendant TCN	Defendant CTN 58-13000277-01	Defendant SID	Defendant DOB 05/08/1967
Police agency report no. MCPD 893-13	Charge See below	DLN Type: Oper./Chauf	Vehicle Type	Defendant DLN A654542367351	

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

COUNT 1: AGGRAVATED INDECENT EXPOSURE

did knowingly make an open or indecent exposure of his or her person, while fondling his or her genitals, pubic area, buttocks, or her breasts; contrary to MCL 750.335a(2)(b). [750.335A2B]

SORA NOTICE

This is a Tier I offense under the Sex Offender Registration Act (SORA) if the victim is a minor. It is a Tier II offense if the defendant has a prior conviction for a Tier I offense. MCL 28.722(s) & (t). It is a Tier III offense if the defendant has a prior conviction for a Tier II offense. MCL 28.722(v).

HIGH COURT MISDEMEANOR: 2 Years and/or \$2,000.00; court shall order law enforcement to collect DNA identification profiling samples

COUNT 2: INDECENT EXPOSURE BY SEXUALLY DELINQUENT PERSON

The defendant was a person whose sexual behavior was characterized by repetitive or compulsive acts which indicate a disregard of the consequences or the recognized rights of others, as defined in MCL 750.10a; contrary to MCL 750.335a(2)(c). [750.335A2C]

SORA NOTICE

This is a Tier I offense under the Sex Offender Registration Act (SORA) It is a Tier II offense if the defendant has a prior conviction for a Tier I offense. MCL 28.722(s) & (t). It is a Tier III offense if the defendant has a prior conviction for a Tier II offense. MCL 28.722(v).

FELONY: 1 Day to Life

RECORDED & FILED
 15
 15
 11 3 17

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

*ON INFORMATION, BELIEF & OTHER EVIDENCE.
 and against the peace and dignity of the State of Michigan.

Prosecuting Attorney

By: Allison M. Arnold 05/07/2013 3:35:02 PM
 ALLISON M. ARNOLD P45545
 ASSISTANT PROSECUTING ATTORNEY

Date _____

CTN: 58-13000277-01 CH1 BMJ

STATE OF MICHIGAN 1st JUDICIAL DISTRICT 38th JUDICIAL CIRCUIT	SUPPLEMENTAL INFORMATION	CASE NO.: 2013000277 DISTRICT: CIRCUIT: 1340406FH
--	---------------------------------	---

District Court ORI: MI580025J 106 E. First Street, Monroe, MI 48161 734-240-7080	Circuit Court ORI: MI580015J 106 E. First St., Monroe, MI 48161 734-240-7020
---	---

Defendant's name and address THE PEOPLE OF THE STATE OF MICHIGAN V LONNIE JAMES ARNOLD 908 HARRISON ST. 2 MONROE, MI, 48161	Victim or complainant Michelle Beaudrie Complaining Witness Court Officer
--	--

Co-defendant(s)	Date: On or about 01/16/2013
-----------------	--

City/Twp./Village City of Monroe	County in Michigan MONROE	Defendant TCN M413152940T	Defendant CTN 58-13000277-01	Defendant SID 1584044L	Defendant DOB 05/08/1967
--	-------------------------------------	-------------------------------------	--	----------------------------------	------------------------------------

Police agency report no. MCPD 893-13	Charge See below	DLN Type: Oper./Chauf	Vehicle Type	Defendant DLN A654542367351
--	----------------------------	---------------------------------	--------------	---------------------------------------

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

COUNT 1: AGGRAVATED INDECENT EXPOSURE
 did knowingly make an open or indecent exposure of his or her person, while fondling his or her genitals, pubic area, buttocks, or her breasts; contrary to MCL 750.335a(2)(b). [750.335A2B]

SORA NOTICE
 This is a Tier I offense under the Sex Offender Registration Act (SORA) if the victim is a minor. It is a Tier II offense if the defendant has a prior conviction for a Tier I offense. MCL 28.722(s) & (t). It is a Tier III offense if the defendant has a prior conviction for a Tier II offense. MCL 28.722(v).
 HIGH COURT MISDEMEANOR: 2 Years and/or \$2,000.00; court shall order law enforcement to collect DNA identification profiling samples

COUNT 2: INDECENT EXPOSURE BY SEXUALLY DELINQUENT PERSON
 The defendant was a person whose sexual behavior was characterized by repetitive or compulsive acts which indicate a disregard of the consequences or the recognized rights of others, as defined in MCL 750.10a; contrary to MCL 750.335a(2)(c). [750.335A2C]

SORA NOTICE
 This is a Tier I offense under the Sex Offender Registration Act (SORA) if the victim is a minor. It is a Tier II offense if the defendant has a prior conviction for a Tier I offense. MCL 28.722(s) & (t). It is a Tier III offense if the defendant has a prior conviction for a Tier II offense. MCL 28.722(v).
 FELONY: 1 Day to Life.

HABITUAL OFFENDER - FOURTH OFFENSE NOTICE
 Take notice that the defendant was previously convicted of three or more felonies or attempts to commit felonies in that on or about 03/07/1991, he or she was convicted of the offense of Attempted Breaking & Entering a Building with Intent in violation of MCL 750.110-A [A]; in the 17th Circuit Court for Kent County, State of Michigan;
 And on or about 01/10/2003, he or she was convicted of the offense of Police Officer-Fleeing-Third Degree in violation of MCL 750.479A3; in the 5th Circuit Court for Barry County, State of Michigan;
 And on or about 03/25/2004, he or she was convicted of the offense of Gross Indecency Between Male & Female-Committing/Procuring in violation of MCL 750.338B; in the 5th Circuit Court for Barry County, State of Michigan;
 And on or about 03/25/2004, he or she was convicted of the offense of Gross Indecency Between Male & Female-Committing/Procuring in violation of MCL 750.338B; in the 5th Circuit Court for Barry County, State of Michigan;
 And on or about 03/12/2010, he or she was convicted of the offense of Sex Offender-Failure to Comply with Registration Act in violation of MCL 28.729; in the 38th Circuit Court for Monroe County, State of Michigan;
 And on or about 03/12/2010, he or she was convicted of the offense of Sex Offender-Failure to Comply with

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MONROE

PEOPLE OF THE STATE OF MICHIGAN,

File No: 13-40406-FH
(Hon. Michael A. Weipert)

Plaintiff,

Vs.

LONNIE JAMES ARNOLD,

Defendant

VERDICT FORM

You may return one verdict on this charge. Mark only one box on this sheet.

AGGRAVATED INDECENT EXPOSURE:

NOT GUILTY

GUILTY

GUILTY OF THE LESSER OFFENSE OF: INDECENT EXPOSURE

13 NOV -5 PM 3:40
CLERK
RECORD & FILED
MSA

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MONROE

PEOPLE OF THE STATE OF MICHIGAN,

File No: 13-40406-FH
(Hon. Michael A. Weipert)

Plaintiff,

Vs.

LONNIE JAMES ARNOLD,

Defendant

_____ /

VERDICT FORM

You may return one verdict on this charge. Mark only one box on this sheet.

SEXUALLY DELINQUENT PERSON:

NOT GUILTY

GUILTY

13809 07 11:00:18

REMOVED FILED

MW

S T A T E O F M I C H I G A N
I N T H E C I R C U I T C O U R T F O R T H E C O U N T Y O F M O N R O E

PEOPLE OF THE STATE OF MICHIGAN,

File No. 10-38127-FH
13-40406-FH

v.

LONNIE ARNOLD,

Defendant.

RECEIVED

SEP 22 2014

APPELLATE DEFENDER OFFICE

SENTENCING

BEFORE HONORABLE MICHAEL A. WEIPERT, CIRCUIT COURT JUDGE

Monroe, Michigan - Thursday, July 10, 2014

APPEARANCES:

For the Plaintiff:

MR. KENNETH M. SWINKEY (P 31717)
Assistant Prosecuting Attorney
125 East Second Street
Monroe, Michigan 48161
(734) 240-7600

For the Defendant:

MR. STEVEN M. HYDER (P 69875)
Hawkins, Hyder Law Group, PLLC
824 South Monroe Street
Monroe, Michigan 48161
(734) 241-6611

For Probation:

MS. DEB BEAN
MONROE COUNTY ADULT PROBATION
29 Washington Street
Monroe, Michigan 48161
(734) 240-7640

Recorded by:

Linda Hammac, CER 7624
Certified Electronic Recorder
(734) 240-7069

Transcribed by:

Suzanne Rochowiak, CER 8813
Certified Electronic Recorder
(734) 240-7067

RECEIVED by MSC 9/24/2020 10:24:59 PM

TABLE OF CONTENTS

WITNESSES - PLAINTIFF:

Page

None

WITNESSES - DEFENDANT:

Page

None

EXHIBITS:

None

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

Monroe, Michigan

Thursday, July 10, 2014 - 10:20 a.m.

CLERK BOISVENUE: Bottom of page three and top of page four, People versus Lonnie Arnold.

THE COURT: Mr. Hyder, have you and your client received a copy of the Presentence Investigation Report in both of these cases?

MR. HYDER: Judge, the Presentence Report was, I believe, given to him back in February with an updated in March.

THE COURT: I have a--a more updated one. I don't know if it changed to be honest with you, but I re-read everything. Have you seen those?

MR. HYDER: No.

THE COURT: Here's one, six-ten.

MR. HYDER: No, I have not seen them.

THE COURT: Do you wanna take a chance to look through them?

MR. HYDER: Yes, Judge.

THE COURT: All right.

MR. HYDER: Is it on the violation or it is on the--

THE COURT: It's on both.

MR. HYDER: It's on both.

THE COURT: It's on both. Well, here you can use

1 mine.

2 MS. BEAN: We--we have copies, your Honor.

3 THE COURT: Okay. We'll take a--do we have other
4 cases to call here?

5 CLERK BOISVENUE: Yes.

6 THE COURT: All right. We'll pass this then.

7 (At 10:21 a.m., Court recessed)

8 (At 10:38 a.m., case re-called)

9 CLERK BOISVENUE: Recall bottom of page three, top
10 of page four, People versus Lonnie Arnold.

11 MR. HYDER: Judge, Steve Hyder appearing on behalf
12 of Mr. Arnold. Thank you for the additional time to review
13 the report.

14 THE COURT: Sure. No problem. Any additions,
15 deletions, corrections to make to the report?

16 MR. HYDER: No, Judge, I do not.

17 THE COURT: Okay. Anything from the People or
18 Probation?

19 MR. SWINKEY: No, thank you.

20 MS. BEAN: No, your Honor.

21 THE COURT: What would you like to say on Mr.
22 Arnold's behalf before the Court imposes sentence, Mr. Hyder?

23 MR. HYDER: Well, Judge, upon recommendation in the
24 probation violation report, of course we would agree with
25 that, and then looking over to the other two, Judge, legally

1 speaking, if you're gonna be sentencing him on the
2 delinquency matter, Judge, the law is still the same. It has
3 not changed even though there's been some case law come down
4 in the legislature. It went back through and made this a
5 Class A felony to where scoring came into play. The law
6 itself, they still have never amended the law, Judge, to
7 where it gives an (inaudible) at sentencing. I--I did the
8 research again last night to make sure there were no other
9 updates on it and that still has not changed. The law still
10 says that a minimum term of sentence one day to life is what
11 the sentence should be. There's been some new case law that
12 came down not too long ago on this that--that the legislature
13 did go back and amend it and made it a Class A felony and
14 then guidelines started playing into the fact of it though.
15 But at that time, the legislature would have had an
16 opportunity to amend the law and they still haven't, Judge.
17 So, I still believe that this Court can sentence him to one
18 day on any conviction, one day to life imprisonment. I don't
19 believe that you have to follow the guidelines for the
20 habitual offender and follow them in sentencing him to 225
21 months, is what the recommendation is, Judge.

22 Everybody in this courtroom knows this--this case a
23 heck of a lot better than I do. I came in at the very last
24 minute just before sentencing in February. I was not here.
25 I was not his trial attorney, Judge. I don't know exactly

1 what transpired through the trial. All I know is that he got
2 a--a conviction from the jury.

3 I'm gonna ask you, Judge, to follow the statute.
4 I'm gonna ask you to sentence him to indeterminate sentence
5 of one day to life. I believe that's well within this
6 Court's authority to do so and that's what I plead with this
7 Court to do.

8 THE COURT: I will tell you this, Mr. Hyder, if I
9 did that one day to life, DOC would write to me and say I
10 cannot sentence him to life. They would say you have to set
11 a maximum because I've had that happen on other cases
12 already.

13 MR. HYDER: Apparently, there's conflict between
14 MDOC then and the statute because I'm sure this Court will
15 review the statute in depth, and I'm sure the Court has saw
16 what the sentence is on--on the law scope. I'm relying upon
17 the--

18 THE COURT: Well, I'll just tell you this. I have
19 to give him a tail. I can't just say life because DOC will
20 write to me and say you can't do that. There's a statute on
21 it that says that. Okay.

22 Mr. Arnold, is there anything you'd like to say
23 before the Court imposes sentence?

24 MR. ARNOLD: Yes, your Honor. As I've been saying,
25 I'm innocent of this charge. Okay? I--back when Mr. Gregory

1 Jones was my attorney, I asked twice, once with Amara Hunter
2 and once with Ms. Arnold, to take a polygraph exam because I
3 knew I could prove my innocence that this never occurred.
4 Steve Jedinak was there with me. I know what happened and
5 this never happened, and I was told no, both times, all
6 right, and then me and--then me and Mr. Gregory Jones started
7 having issues because he wouldn't come see me, wouldn't come
8 talk. Okay, then I ended up with Mr. Kershaw. Now, Mr.
9 Kershaw apparently had an agreement on this 404B motion with
10 you and Ms. Arnold. Now, I was not aware of this agreement
11 because I was told there was not--they weren't gonna be able
12 pull a 404 motion during trial.

13 THE COURT: Well, let me--let me stop you right
14 there and then you can continue. There was no agreement with
15 me at all. I had no conversation with them about a 404B
16 motion. That's what a motion is, you file it before the
17 Judge and then everybody argues their point and then the
18 Judge decides it. There was no agreement with me. It may
19 have been between he and the prosecutor, I don't know that.
20 It was not with me.

21 MR. ARNOLD: Well, I was--I was not made aware of
22 this agreement or stipulation or anything of that matter,
23 okay? In fact, it just--it like I said, I was shocked that
24 it was pulled on me during trial.

25 THE COURT: I don't think there was a stipulation

1 that it was allowed.

2 MR. ARNOLD: Well, this--this is what I was told.

3 So--

4 MR. HYDER: From my understanding, Judge, there was
5 an agreement between Allison--Prosecutor Arnold and the trial
6 attorney that the 404B would be allowed in during the trial.

7 MR. ARNOLD: That--that was never discussed with
8 me. It was never told to me because you know, what they're
9 saying--what--what they're saying is, is--is if this happened
10 11 or 12 years ago, I did it this time too and that's not the
11 case, your Honor. That didn't happen. This did not happen.
12 It--the only reason this whole incident happened was because
13 I refused to sell her Vicodin pills. That's why. And I left
14 after this all went down and she said I came back in she--I
15 mean, I even asked him--I even asked Mr. Kershaw to do a
16 motion to quash because I wanted you to read it. I wanted
17 you to see what was going down, how was--how she was lying.
18 You know what he told me? He goes no, nine times out of ten
19 a Judge won't do a motion to quash. Okay. If that's the
20 case, I still want to hear a no, okay? He didn't do that.
21 Okay, there was a bunch of issues going on between me and
22 Kershaw and that's why when I--when all this stuff down, I
23 was like you know, I know--I know--I know you think that
24 okay, attorneys--you see a part of attorneys that are doing
25 their job, but they're certain things that now that I look

1 back on and go, no, he--he didn't. You know, like he came to
2 the prison one time to talk to me and you know what he told
3 me--like when I told him about the--when he told me about the
4 conversation that he had with Ms. Arnold stating that Ms.
5 Arnold told him that she knew you were gonna allow the 404B
6 motion, which I put in my motion about you, stating that she
7 said that you were gonna pass it because she knows how you
8 are, and that you guys had either previously talked about it
9 or something on that--on that nature. So, I put that in my
10 motion because I'm--I'm--I took this to trial because I
11 thought that I was given, you know, hey, I can prove my
12 innocence this way. They wouldn't let me do a polygraph
13 exam. Now all of a sudden, I get found guilty of a crime I
14 know I didn't commit.

15 THE COURT: You know the results of the polygraph
16 would not come in at the trial.

17 MR. ARNOLD: But it would show that I was telling
18 the truth. The prosecutor would have to acknowledge that.

19 THE COURT: They can acknowledge it. It doesn't
20 stop them from trying the case.

21 MR. ARNOLD: You know, I--and then Steve Jedinak
22 was there. This whole time, Steve--me and Steve were talking
23 from two-thirty until three o'clock.

24 THE COURT: So, that makes everything true because
25 Mr. Jedinak was there?

1 MR. ARNOLD: No, what I'm saying is that he was
2 there when this went down, okay, when she said that this
3 occurred. Okay, it never occurred 'cause I never got in the
4 elevator, your Honor. I never even was--after I got done
5 talking to her at like two-thirty, I was with Jed--Steve
6 Jedinak talking to him in the stairwell. I never got in the
7 elevator and I tried--I thought I proved that until they
8 brought the 404B motion and thinking okay, hey, if he did it
9 back in 2011, he did it this time too, and that's not the
10 case. I'm a totally different person from 2011 to now. That
11 never happened, your Honor. And that's why--I even--I--I
12 originally asked Kershaw to do a bench trial. He didn't want
13 to do that. So, there's things I wanted him to do, your
14 Honor, and he did not do.

15 So, you know now, I'm in a situation where you're
16 gonna hammer me with 24 years to life or whatever you're
17 gonna give me for something I know I didn't do. You know,
18 every other time if you look at my record, I pled stuff out.
19 You know why I pled stuff out, because I knew I was guilty
20 and I knew I--I had to deal with it. This is the first time,
21 actually second time because I took the R&O's to trial. This
22 is the second time I've ever been to trial. I'm not guilty
23 of this crime, your Honor. I--I can't, you know, I--I don't
24 know what else to tell you because I don't--I don't want to
25 sit there and spend the rest of life in prison for something

1 I didn't do. You know, that's why I've been filing all these
2 motions because I know I was--I know for a fact that I was
3 not--this never occurred. She lied and she lied on the stand
4 and now I'm made to look like the bad guy because I had a
5 history of it 12 years ago or 11 years ago and that's not the
6 case. I changed since then. You know, I had custody of my
7 kid. I had a part time job. I had my own apartment. I had
8 changed my life, you know. I was trying to get--I had a
9 girlfriend I was getting married to, that went to crap after
10 this happened. You know, I--everything--you know, I went to
11 church. I changed my life and became a Christian. I had--I
12 had family--I had, what do you want to call it, family--
13 family backing me you know, Pastor Boyd and--and his family.
14 I was--my uncle finally came back in my life, the ex-cop, and
15 I was invited to, you know the--you know, holiday dinners and
16 everything. You know, so everything was coming back for me.
17 I'm not gonna screw that up for what, because of what she
18 said? No, I'm not--I was changing my life because I didn't
19 want to be out of my kid's life. I didn't want to be like my
20 family did to me, you know, and now all of a sudden, here I
21 am. You know, now I'm--I'm looking at spending the rest of
22 life in prison for something I know never happened and I
23 don't know how else to prove this to you.

24 THE COURT: I'll--I'll just tell you this, it's not
25 to prove to me anymore. It's gonna be you prove it to an

1 appellate court.

2 MR. ARNOLD: And that's--yeah, okay. I prove--how-
3 -how often do you see an appellate review come through?

4 THE COURT: Often.

5 MR. ARNOLD: Well, I haven't. You know, and the
6 other thing was when in, you know, not to you know, when I
7 filed my motion for--to--to--for judicial biased or whatever,
8 I was supposed to go to Hillsdale County May 14th for a court
9 hearing and I never went. Nobody ever brought me out or
10 anything. He showed up and Ms. Arnold showed up. I didn't
11 and then they sent it back here. I never got to say anything
12 on my behalf.

13 THE COURT: Well, that's outside of my control.

14 MR. ARNOLD: You know, so I'm you know, so I'm--I'm
15 back in here and I'm trying to fight for my life because this
16 never happened, your Honor. You know, I'm innocent. I am
17 innocent of this charge and--and I don't want to be sitting
18 and spending the rest of my life in prison for something I
19 never did. You know, I--I'd been better off going out and
20 doing something heinous to get this much time.

21 THE COURT: All right. Mr. Swinkey?

22 MR. SWINKEY: I was told early on in my career that
23 the only lie detector that ever counts are the 12 people
24 sitting in that jury box. They heard the evidence in this
25 case. They determined who was telling the truth and who

1 wasn't and they convicted him, and this was a heinous case.
2 The victim suffered strong emotional injuries as a result of
3 the defendant's actions here and he--I don't know that I've
4 ever encountered a sentencing where somebody's had 18 felony
5 convictions before. This is just outrageous and--and you
6 know, the jury has spoken, he needs to be sentenced. Ms.
7 Arnold indicated today she was requesting a 25 year minimum
8 on the sexually delinquent count and that's within--well
9 within the range of guidelines. So, it's (inaudible) and
10 we're encouraging you to do that on--as a minimum sentence on
11 that particular count.

12 THE COURT: All right. Thank you. Probation?

13 MS. BEAN: Nothing further, your Honor.

14 THE COURT: Is there any victim present in this
15 case who would like to address the Court? It appears not.

16 I have gone through all of this with you, Mr.
17 Arnold. In fact, as you may recall, who was it that gave you
18 custody of your child?

19 MR. ARNOLD: You did, your Honor.

20 THE COURT: I have watched you throughout my
21 career, basically on this bench, and I am sorry to say it but
22 I have watched your behavior escalate and it has concerned me
23 to no end. Quite frankly, I think you engage in predatory
24 conduct. I really do. And I agree exactly with what the
25 prosecutor just said, there were 12 people sitting in that

1 box that heard the testimony and they came up with a decision
2 that yes you are guilty of this and that's what this Court
3 relies on and must rely on. That's the way that the law is
4 and I've said this in and out on this case. I, quite
5 frankly, think I gave you more breaks than any other Judge
6 ever would have here. And frankly, you've proven to me that
7 you're not a good candidate for any probation or anything
8 else like that. I've gone contrary to much of the
9 Probation's recommendations throughout our career together
10 and it has just been a pure disappointment to me.

11 I will tell you this though. Based on allocution
12 that I've heard today because I'll be honest with you, Mr.
13 Arnold, I was gonna give you 30 years on the minimum. I
14 really was today but I will--I'll go less than that.

15 I find the following to be a fair and proportionate
16 sentence. I'm gonna start with the 2010 case. It's for the
17 protection of society. On that case, I am just discharging
18 you from probation, revoking your probation, discharging
19 without improvement. I'm gonna carry forward as judgment
20 items the attorney fees that are owed to the County of
21 Monroe, \$431.60; any fines or costs are zeroed out; there is
22 no crime victim fee there and the states costs of \$174.00 is
23 carried forward as a judgment item.

24 In file 13-40406-FH, the Court finds the following
25 to be a fair and a proportionate sentence. It is for the

1 protection of society. On count one, you're ordered to serve
2 two years to a maximum of 15 years in the Michigan Department
3 of Corrections, credit for 532 days served there; no fines,
4 no costs, no restitution; \$130.00 crime victim's right fee is
5 assessed, \$68.00 state costs.

6 I'll impose the terms and conditions on count two.
7 On count two, you're ordered to serve 25 years to a maximum
8 of 70 years in state prison. You're given credit for 532
9 days served; no fine, no costs, no restitution there, none
10 has been requested; no crime victim right fee; \$68.00 state
11 costs is imposed however. Conditions of parole, full time
12 employment upon release; no contact with any victim in this
13 case; substance abuse counseling; mental health counseling;
14 educational/vocational counseling; psychological counseling;
15 impulse control counseling; sex offender counseling;
16 AA/NA/CA, if it's available to you in the system and
17 recommended by the system or if your parole agent requires
18 any of those items. You shall register under the Sex
19 Offender Registration Act. Conditions of parole as well is
20 you may not access any social networking sites; use, own, or
21 possess anything capable of accessing the internet; or
22 utilize any third person, or their devices, or their services
23 to do any accessing like that; and as a condition of parole,
24 you may not go into any stores that sell sexually stimulating
25 materials nor may you possess those items.

1 On all of these cases that the law entitles you to
2 any appeal, Mr. Arnold, you're entitled to have the
3 assistance of an attorney help you perfect any appeal. If
4 you cannot afford to hire an attorney and you request one,
5 the Court will appoint one for you at county expense. You're
6 given forms to sign which explain your appellate rights as
7 well as how to obtain the attorney. You have 42 days from
8 today's date to submit that request to the County Clerk.
9 Please do not mail them to me, mail them to the Monroe County
10 Clerk if you seek to--the assistance of an attorney to help
11 you perfect an appeal.

12 MR. SWINKEY: For the record, Judge, these two
13 prison sentences are concurrent to each other and the other
14 prison sentence is--

15 THE COURT: They are concurrent, yes. Thank you,
16 Mr. Swinkey, because I did mean to say that. Did your client
17 receive those forms and execute the receipt?

18 MR. HYDER: Yes, Judge, he did. Also, in this
19 matter, Judge, there was a--

20 THE COURT: I'm sorry, your attorney fees?

21 MR. HYDER: I had substantial time in this, Judge,
22 at eight-o-six.

23 THE COURT: Eight-o-six? So, you're ordered to
24 reimburse the County of Monroe as well as conditions of
25 parole for all attorney fees incurred in these cases.

1
2
3
4

All right.

MR. HYDER: Thank you, Judge.

THE COURT: You're welcome.

(At 10:55 a.m., proceeding concluded)

STATE OF MICHIGAN)

)

COUNTY OF MONROE)

I certify that this transcript, consisting of 18 pages, is a complete, true, and accurate record of the proceedings and testimony taken in this case as recorded on Thursday, July 10, 2014.

Date: September 8, 2014

Suzanne Rochowiak

Suzanne Rochowiak, CER 8813

106 East First Street

Monroe, Michigan 48161

(734) 240-7067

SENTENCING INFORMATION REPORT

RECEIVED by MSC 9/24/2020 10:24:59 PM

Offender: Arnold, Lonnie James SSN: 383-76-7480 Workload: 3179 Docket Number: 13-40406-FH
Judge: The Honorable Michael A Weipert Bar No.: P35050 Circuit No.: 38 County: 58

Conviction Information

Conviction PACC: 750.335A2C Offense Title: Indecent Exposure By Sexually Delinquent Person
Crime Group: Person Offense Date: 01/16/2013
Crime Class: Class A Conviction Count: 2 of 2 Scored as of: 01/16/2013
Statutory Max: Life Habitual: 4th or subsequent Attempted: No

Prior Record Variable Score

PRV1: 75 PRV2: 30 PRV3: 0 PRV4: 0 PRV5: 15 PRV6: 10 PRV7: 10
Total PRV: 140
PRV Level: F

Offense Variable

OV1: 0 OV2: 0 OV3: 0 OV4: 10 OV5: 0 OV6: 0 OV7: 0
OV8: 0 OV9: 0 OV10: 0 OV11: 0 OV12: 0 OV13: 25 OV14: 0
OV16: 0 OV17: 0 OV18: 0 OV19: 10 OV20: 0
Total OV: 45
OV Level: III

Sentencing Guideline Range

Guideline Minimum Range : 135 to 450

Minimum Sentence

Months Life
Probation: _____
Jail: _____
Prison: _____

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

Sentencing Judge: _____ Date: _____

Prepared By: COSGROVE, RYAN M