

*In
The
Supreme
Court
of
Michigan*

Application For Leave To File An Amicus Brief: MER. 7.312 et al.

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Amicus Brief for "People v. Stovall" and Mich. Lexis 797
Clerk of the Supreme Court of Michigan
Michigan Hall of Justice - 935 W. Ottawa Street
P. O. Box 36052 - Lansing, Mich. 48909.
September 27, 2021; Monday

People of the State of Michigan,
Plaintiff,

v.
Montez Stovall,
Defendant,

Case no # Wayne DC # 92-33AFC
C.O.A. # 312110
S.Ct. # 162125

M.L.R. 7.312 - Amicus Briefs and Appendixes

Please find enclosed my amicus brief in support of defendant Montez Stovall pursuant to the above cited authority. Answering question # 5. "Is The Michigan Parole Board Required, Pursuant to Miller v. Alabama, 567 U.S. 460 (2012); Mortenson v. Louisiana, 577 U.S. 190 (2016) To Take Defendant's (Montez Stovall's) youth into consideration when Evaluating Him For Release on Parole?"

Doctor West II # A-837893
Pro Se Prisoner,
Benaga Correctional Facility
1392A Woodglen Road
Eureka, Michigan 49908-9204
Monday - 09/27/2021

E.C. Clerk of the Court

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Amicus Brief for "People v. Stovall" 2021 Mich. L. Div. 797

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4.

3. 11. 12. 13.

Statement of Jurisdiction

Jurisdiction is bestowed upon this Court via Articles VI, A. and 10. et al. of The Constitution of the State of Michigan of 1963. M.C.R. 7.312 Amicus Briefs, and People v. Stovall, 2021 Mich. Lexis 797

Amicus Brief for "People v. Stovall," 2021 Mich. Lexis 797
Statement of Question

question # 5.

Is The Michigan Parole Board Required, Pursuant to
Miller v. Alabama, supra.; Montgomery v. Louisiana,
supra. To Take Defendant's (Montez Stovall's) Youth
Into Consideration When Evaluating Him For
Release On Parole?

I answer this question "yes".

Statement of Facts

For the statement of facts regarding this case, see the prior history of this case i.e., Wayne CO. #93-080334-40, and COA # 342440: "People v. Stovall" 2020 Mich. App. Lexis 7459:2020 WL 6532719 (Mich. Ct App. 11/05/2020).

Question #5.

Is The Michigan Parole Board Required Pursuant To Miller v. Alabama 567 U.S. 460 (2012); Montgomery v. Louisiana, 577 U.S. 190 (2016) To Take Defendant Stevill's Youth Into Consideration When Evaluating Him For Release On Parole

Yes, the Michigan Parole Board is required to take defendant Stevill's youth into consideration when evaluating him for release on parole, pursuant to the neuroscience research that the human brain—especially those portion responsible for judgement and decision making—continues to develop into a person's mid-20's.

It is this science, social science, developments in psychology and brain science, the evergrowing body of research in developmental psychology and neuroscience. The numerous 'post Graham' studies which continue to confirm and strengthen the courts conclusion that, as years go by and neurological development occurs, a juvenile's deficiencies will be reformed Miller, supra. @ 472 (and foot note #5)

Justice Breyer and Sotomayor in their concurrence of Miller, supra. @ 490. likewise recognized "psychology and brain science continue to show fundamental differences between juvenile and adults minds, making the juveniles actions "less likely to be evidence of irretrievably depraved character than are the actions of adults." id.

It is this same science which led the State of California to extend the holdings of Graham v. Florida, 560 U.S. 48 (2010) and Miller, supra to all juveniles in the State of California sentenced to L.W.O.P., as well as those juveniles with sentences that are the function-equivalent of L.W.O.P. parole. see People v. Caballero 55 Cal.4th 262 (2012) in which the California Supreme Court urged it's legislature
page # 2.

to enact legislation establishing a parole eligibility mechanism that provides a defendant serving a de facto life sentence without the possibility of parole for (non-homicide) crimes that he or she committed as a juvenile with the opportunity to obtain release on a showing of rehabilitation and maturity. *id.* @ 209 (and footnote # 5).

As a result of the above cited authority and the urging of its Supreme Court, California enacted "California Penal Code Section 3051" which mandates "youthful Offender Parole Hearings" for most who receive de facto life sentences for crimes they commit at or before age 25. "People v. Edwards", 34 Cal. App. 5th 183 @ 192 (2019) (under section 3051 a person convicted of an offense committed when he or she was 25 years of age or younger becomes eligible for release on parole at a "youthful Offender Parole Hearing" held during his or her 45th, 20th, or 25th year of incarceration, depending upon the offense)

Based on the aforementioned "science", California initially expanded eligibility of "youthful Offender Parole Hearings" to prisoners who were age 23 when their crimes were committed, then a year later, based on this same "science", California again expanded eligibility of "youthful Offender Parole Hearings" to prisoners who were age 25 when their crime was committed. *id.* @ 198. ("youthful Offender Parole Hearings are available to intentional first degree murders after 25 years of incarceration... *id.* @ 197).

California isn't alone in enacting this kind of legislation in the wake of Graham and Miller. see Ark. Code Ann. 16-19-b(1)(a) (1. juvenile offenders eligible for parole after 20 years); Colo. Rev. Stat. 18-1-3-401 (a) (1) (B. (juveniles opportunity for parole after 40 years) Conn. Gen. Stat. Ann. 54-125a (f) (1. (juveniles offenders eligible for parole after either 30 years or the greater of 12 years or 60% of the sentence, depending upon the sentence.); Del. Code Ann. tit. 30

44. 4204A (d. (juvenile offenders eligible for re-sentencing after 20 years)
D.C. Code Ann. 24-113.03(a) (juvenile offenders eligible for sentence reduction after 20
years); La. Rev. Stat. 15:574 (A.D. (juvenile offenders eligible for parole after 25
years); Fla. Stat. Ann. 931.1102(2) (d. (juvenile offenders entitled to review
of sentence after 20 years).

Mo. Rev. Stat. Ann. 558.047 (1. (juvenile offenders eligible for review
after 25 years); Nev. Rev. Stat. Ann. 215.12135 (juvenile offenders eligible
for parole after 15 years... and eligible for sentence reduction after 20
years); W. Va. Code 61-11-23 (b. (juvenile offenders eligible for parole
after 15 years); Wyo. Stat. Ann. 6-10-304 (c. (juvenile offenders senten-
ced to life eligible for parole after 25 years); Wash. Rev. Code 9A.A.730
(1. (juvenile offenders eligible for parole after 20 years); "People v.
Cortez" 4 Cal. 5th 349 @ 370-371 (2018).

In addition to the above legislation being enacted, the Supreme
Courts of California, Connecticut, New Jersey, Florida, Iowa, have all
held that a sentence of anywhere from 45 years to life (i.e., long
indeterminate sentences/term of years sentences) is the functional
equivalent to L.W.O.P., see "People v. Franklin" 63 Cal. 4th 261 @ 276
(2016); "People v. Caballero" supra. @ 267-268; "State v. Tubert" 227 N.J. 422
(2017); "Casiano v. Commissioners of Corrections" 217 Conn. 52 (2015); "Ben
Cloud v. State of Wyoming" 2014 Wyo. 113 (2014); "State v. Mull" 836 N.W.2d. 11
@ 71 (2013); "Collin v. State" 139 So.3d. 312 @ 313 (2016); "U.S. v. Mathium" 868
F.2d. 921 @ 934-936 (2017).

While the State of Michigan has refused to enact any legislation
in the wake of Graham and Miller, likewise, refused to acknowledge
and admit that the long indeterminate/term of years with parole senten-
ces issued by its judges are the functional equivalent of L.W.O.P.

Instead, Michigan chooses to remain as a state in violation of
both, the holdings of the U.S. Supreme Court (i.e., Graham and Miller)
and the U.S. Constitution (i.e., 8th Amendment). - - - - - page 44.

The unconstitutional status of the Michigan Parole Board as described in "Bay v. Rubitschun," 2007 U.S. Dist. Lexis 95748 (years of cumulative changes to Michigan's Parole Board, when considered in total is found to have significantly disadvantaged a class of Paroleable Lifers [a class which defendant Stovall belongs] in violation of the Ex Post Facto Clause) remains the status quo and additionally violative of the 8th Amendment and the holdings of Graham and Miller.

The practical implementation of the 1993 and 1999 amendments to Michigan's Parole Board prolongs incarceration not only for the class of Paroleable Lifers spoken of in Bay v. Rubitschun, but also those who the aforementioned "science" says were not adults when their crimes were committed (i.e., those who were age 25 or younger).

Michigan's true intent regarding the amount of time, both juveniles and those whom the aforementioned "science" says are not adults should serve, was revealed in the Bay v. Rubitschun litigation. i.e., "The intent of the overhaul was to make Michigan communities safer by making more criminals serve more time and keeping as many more locked-up for as long as possible... and to keep even those those prisoners who have served their maximums locked-up" (These are the words of former Director of the Mich. Dept. of Cons. Kenneth McGinnis):

"Why should we parole you?... rather than "why shouldn't we parole you?" (These are the words of Administrative Assistant to the Chairman of Michigan's Parole Board - Michael Stzely): "It's been the longstanding philosophy of Michigan Parole Board that a life sentence means just that - life in prison" (These are the words of the Board's Chair Stephen Marschke).

"Paroleable Lifers are treated the same way as prisoners serving long, indeterminate sentences for purpose of parole... and

now the Board aligns paroleable lifers with mandatory lifers" (these are the words of representatives of the Parole Board from the years leading up to 1992).

"Regardless of whether a prisoner is serving long indeterminate / number of years with parole eligibility or life sentences... the standards by which these groups are judged, for parole purposes are the same... the same standards are applied to long indeterminate sentences and lifers." (These are the words of Deputy Director of the Program Bureau - William Kime; Administrative Assistant - William Hudson; former Director's of the Mich. Dept. of Cor. - Perry Johnson and Robert Brown; and Parole Board member - Frank Buchko)

All of this in addition to documents created by Mich. Dept. of Cor. from as far back as 1942 which demonstrate that the two groups are coupled for parole purposes.

Therefore, in addition to the Michigan Parole Board being required to take defendant Stovall's youth into consideration, the U.S. District Court for the Eastern District of Michigan Southern Division made it a requirement for Michigan's Parole Board to take defendant Stovall's youth into consideration when evaluating him for release on parole. See "Foster Bey v. Sampson" 2008 U.S. Dist. Lexis 408299 @*2.

"a remedy is needed to right the constitutional wrong and to ensure that the named Plaintiff and the members of the plaintiff class get swift, sure, and complete relief. That relief must include prompt personal parole review of the plaintiff class.

subject to the laws, policies, procedures, and applying the standards that were the norm for the decades before 1992. By this order the Court is

Amicus Brief for "People v. Stovall," 2002 Mich. Lexis 797

giving defendants a chance to show that they are willing and able to remedy the constitutional violation, if they cannot then stronger remedial measures will become necessary"

From 1942 until 1984 paroleable lifers was paroled at a steady 5-15 % rate with the average time served steady at 15-18 years, hence the standards that were the norm for the decades before 1942... hence, youth was taken into consideration's implied in the time served, then juxtaposed with the time served now. "Day v. Rubinsteyn," supra @ 43.

Compare now, defendant Stovall who was under the age 18 when his crime was committed in 1991 (his age places him in a different category) having now served approximately 30 years of his paroleable life sentence, yet having to continually go before Michigan's Parole Board to have only his file reviewed by such Board, as it is currently structured, is an excessive sanction violative of the 8th Amendment because as stated above, the Board is structured to prolong/extend the amount of time defendant Stovall must serve.

Although the U.S. Supreme Court has not defined what it means for a juvenile offender to rejoin society, the language of Graham suggest the Court envisioned more than the mere act of release or a de minimus quantum of time outside of prison, Graham spoke of the chance of rejoining society in qualitative terms - the rehabilitative idea that contemplate a sufficient period to achieve reintegration as a productive and respected member of the citizenry.

The chance for reconciliation with society, the right to re-enters the community, the opportunity to reclaim one's value and place in society, all indicate concern for a measure of belonging and redemption that goes beyond mere freedom from confinement. For any individual released after decades of incarceration, adjusting to civil life is undoubtedly a complex and gradual process, confinement with no possibility page #7.

This testimony shows that Michigan's Parole Board's approach to Paroleable Lifer is indeed 'life means life.' "it's nearly impossible to get the Board to agree to parole a fully rehabilitated - long-serving Paroleable Lifer unless the inmate is ill." (these are the words of now Board member - Ronald Guch) id. @ 15.

"Any discussion of lifer parole's always devolve into page #8.

discussion of the inmates original offense, and the Board almost always deny parole based just on the offense. Michigan's Parole Board does not intend to release any lifer who committed a serious offense" (These are the words of new Board member Jessie Rivers) id. @ 45.

"The Board's decisional process totally focuses on the crime as opposed to the decades the lifer may have spent in prison with perfect conduct. These are the words of First Chair of the new Board - Gary Garby id. @ 46. "The Board never moves forward in a Paroleable Lifer case to a public hearing without an interview"... However... "the in person interview requirement was eliminated in 1999"... (These are the words of Parole Board Member - Barbara Sampson) id. @ 53.

Michigan's Parole Board as it's currently structured, and by it's operations, as illustrated above, has become a de facto 2nd Sentence, dispensing it's own "vigilante justice" via it's decisions regarding paroleable life, long indeterminate number of years with the eligibility of parole, and life sentences.

That defendant Stovall deserve severe punishment for committing a homicide is beyond question. However, as a De Facto 2nd Sentence, Michigan's Parole Board need to examine all circumstances when evaluating defendant Stovall for release on parole. cf., *Miller*, supra @ 479. Under *Graham* the sentences must consider all mitigating circumstances attendant in the juvenile's (and all those whom the "science" says were not adults when their crimes were committed, i.e., all those who were age 25 or younger) crime and life, including but not limited to his or her chronological age at the time of the crime... the Board of Parole Hearings (being both Parole Board and 2nd Sentence in this argument) will then determine whether the juvenile offender must be released from prison based on demonstrated maturity and rehabilitation, see 130 S.Ct. @ 2030.

However, Michigan's Parole Board as currently structured, does not, can not and will not provide a meaningful opportunity for defendant Stevull to obtain release based on demonstrated maturity and rehabilitation. Graham, supra. @ 75.

Defendant Stevull's sentence, as illustrated above, is a violation of Miller, and as such, Michigan may remedy this violation: by extending parole eligibility to defendant Stevull Montgomery, supra. Miller announced a substantive rule that is retroactive in cases on collateral review. The retroactive effect of Miller does not require the State of Michigan to re-litigate defendant Stevull's sentence, let alone his conviction.

In Miller, the U.S. Supreme Court extended Graham's reasoning to homicide cases and in doing so, made it clear that Graham's flat ban on life without parole sentences for juvenile offenders in non-homicide cases applies to their sentencing equation regardless of intent in the [crimes] commission, or how a sentencing court structures the life without parole sentence. see Miller, supra. @ 132 S.Ct. 2465 - 2469.

Graham's analysis does not focus on the precise sentence meted out, instead it held that a State must provide a juvenile offender with some realistic opportunity to obtain release from prison during his or her expected lifetime. Graham, supra. @ 130 S.Ct. 2034.

In Miller v. Alabama, supra. the U.S. Supreme Court recognized that Michigan is one of the States that do not have separate parity provisions for juveniles, and that Michigan mandates a life without parole for children by virtue of generally applicable parity provisions, imposing such sentences without regard to see 567 U.S. 160 @ 186 (Footnote #13).

The Court also recognized that Michigan is one of the States that

set no minimum age for who may be transferred to adult court in the first instance, thus applying "life without parole to children of any age - be it 17 or 14 or 10 or 6; 567 U.S. 460 @ 487 (footnote # 14)

The Court also recognized that Michigan is one the states that place juvenile homicide offenders in adult court automatically, with no apparent opportunity to seek transfer to juvenile court. 567 U.S. 460 @ 487. (footnote # 15)

The Court also recognized that Michigan is one of the states that lodge these decisions exclusively in the hands of prosecutors, with no statutory mechanism for judicial reevaluation. 567 U.S. 460 @ 488. (footnote # 16) Miller v. Alabama.

At this point in defendant Stovall's sentence, it is not impossible for Michigan to re-evaluate Stovall's individual sentence in the trial court under the U.S. Supreme Court's mandates, however, the easier route, I believe would be for this court to immediately give defendant Stovall (and all others from the plaintiff class of Foster Bey v. Rubitachun, supra. who have yet to be personally interviewed by the Board.) a hearing a.s.a.p. with his youth being the primary focus, when evaluating him for release on parole.

"Conclusion"

The basic concept underlying the 8th Amendment is nothing less than the dignity of a man... The amendment must draw its meaning from the evolving standards of decency that mark the progress of a maturing society... Our maturing society says "the science" says Michigan's time to enact a law like that of California's penal code # 3051 is now!

The only way the Michigan Parole Board can realistically make a constitutional distinction between children whose crimes reflect transient immaturity (and those whom science says were not adults when their crimes were committed, i.e., those who age 85 or younger) and

those whose crimes reflect irreparable corruption, is to implement the youthful offender Parole Hearings like California has, where one is personally interviewed and not just having one's file reviewed, and the primary focus of the parole hearing is one's youthfulness at the time of the crime. anything short of such a system, being established in the State of Michigan, is violative of both the command of the U.S. Supreme Court and the 8th Amendment of the U.S. Constitution with regards to life sentences, paroleable life sentences, long indeterminate sentences and number of years with the possibility of parole sentence.

See (exhibits A. and B.) attached to support and illustrate that the science of "mid 20's," neuro science and brain development has been known and utilized by the Mich. Dept. of Cor., when a prisoner reaches age 20, the prisoner has (2) two points removed (from) from our screen review, because once we reach such age, we, presumably become less of a management problem.

Thus, the truth of the "science" has been known to Michigan's prison administrators, legislators, and now you, State Court justices, so, legislation reflecting this truth must now be enacted beginning with this Court, just like the Supreme Court of California, must urge the legislature of Michigan to enact a law like California's 3051 law.

This way Michigan will be in full compliance with the aforementioned U.S. Supreme Court command, likewise, the U.S. Constitution. Furthermore, both State Court judges and those being sentenced by such judges will be fully aware of the amount of time one must serve, and most importantly, a meaningful opportunity to obtain release will be provided, after serving such time.

As the U.S. District Court for the Eastern District of Michigan recognized and succeeded "a stronger remedial measure has become very necessary," hence, enactment of a law by our Legislature a.k.a. I, adopt the same youthful offender Parole Hearings as California.

Remedy

Rule in favor of defendant Stovall, finding that the Michigan Parole Board does have to take his youth into consideration when evaluating him for release on parole.

Additionally, urge the Legislature of Michigan to follow the lead of the Legislature of California and enact a law in Michigan just like California's penal code # 3052.

Thank you for your time, Respectfully,
Coulton West II # A-237293

09/27/2021

Proof of Service

Pursuant to the Prison Mailbox Rule I, Coulton West II declare under penalty of perjury that I am placing a copy of this Amicus Brief in the hands of prison officials to be mailed to the clerk of the Supreme Court of Michigan this 27th day of the month of September, 2021.

Thank you for your time, Respectfully,

Coulton West II # A-237293

Dodge Correctional Facility

13924 Wadaga Road

Dodge, Michigan 49908-9204

Waiver of Fees

Dear Clerk,

Pursuant to all relevant court rules, could you please waive any/all filing fees that may come with the processing of this Amicus Brief.

Thank you for your time, Respectfully,

Coulton West II # A-237293.

09/27/2021



Appendices

Ex. A. Security Classification Screen Review	01/07/20	1 pg.
Ex. B. Intramural Correspondence	07/20/21	1 pg.

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SECURITY CLASSIFICATION SCREEN - REVIEW - Male Prisoners Only Finalized date: 04/07/2020

Prisoner Name (last, first middle): WEST, CARLTON	Prisoner Number: 237293	Institution: BARAGA MAXIMUM FACILITY	Date Entered: 04/07/2020
Date: 04/07/2020	Purpose of Screen Annual Review	Screened By: NIEMI, RONALD	Supervisor Review

CONFINEMENT LEVEL

CONF. LEVEL

MANAGEMENT LEVEL

EARLIEST RELEASE DATE=month ___ year ___ Life

- Any escape attempt or conspiracy to escape secure adult custody in last 5 years?
 no yes
- Two such escape incidents or any involving hostages or violence in last 10 years?
 no yes
- Is the prisoner currently designated STG II?
 no yes
- Is prisoner currently designated Sexually Aggressive?
 no yes
- Is prisoner within 7 years of ERD, or if not has served more than three years of his controlling sentence?
 yes no
- Does prisoner have a pending escape sentence or had a DOC adult walkaway in last 5 years?
 no yes
- Is prisoner serving a life sentence?
 no yes
- Is the prisoner first year and potential VH assault risk without a definite parole within the next year?
 no yes
- Has the prisoner been VH assault risk for less than 7 years?
 no yes
- If VH assault risk, has prisoner received an assaultive major or class I misconduct in the last 7 years?
 no yes
- Is prisoner designated as a STG I?
 no yes
- Is there a juvenile arrest record and a walkaway from a juvenile or non-DOC adult facility in last 10 years?
 no yes
- Is prisoner within 3 yrs of ERD, or within 4, with 2 served?
no
yes

V
IV
II
I

Management Score at last screening

Dated 04/01/2019 was (A) 0

SINCE THAT DATE

- Number of acts resulting in separate class I-II misconducts
- Number of those which were non-bondable or resulted in felony conviction
- Number of those involving serious injury
- Has assault risk increased to V.H.
- Classified one or more times to involuntary segregation
- Found guilty of homicide, rioting, striking or inciting riot or strike

1 X2= 2
0 X2= 0
= 4 = 0
= 4 = 4
=10= 0

SUBTOTAL, Unfavorable Behavior

(B) 7

- Number of six month periods completed without any class I-II misconducts or administrative segregation or convictions.

Date of the periods: 11/22/18-5/22/19
12/20/19-bk

1 X6= 6

- Number of six month periods completed with satisfactory work/school performance.

Date of the periods: _____

0 X3= 0

- Reached age 26 since last screening

= 2 = 0

- Completed G.E.D or earned vocational certificate or college degree.

= 1 = 0

SUBTOTAL, Favorable Behavior

(C) 6

TOTAL CHANGES

(Indicate plus or minus) (B-C=D)

(D) +1

NEW SCORE

(A+D=E)

(E) 1

(If minus enter zero) Range 0-35

NEW MANAGEMENT LEVEL

0-6 Level I; 7-14 Level II; 15-22 Level IV;
23-35 Level V

2; I

Confinement Level 1 V

TRUE SECURITY LEVEL (Departure)

If you agree that the highest level between boxes 1 or 2 correctly identifies this prisoner's true security needs, enter that level in box 3. If not, enter the appropriate level which does and the reason for the departure.

TRUE SECURITY LEVEL

3 V

Appropriate Signature is Required

APPROVED BY NIEMI, STEVEN

DATE

ACTUAL PLACEMENT LEVEL (Waiver)

If there is a placement available at the prisoner's true security level enter that level here: (if not, enter the level available, and the reason for the waiver)

ACTUAL PLACEMENT LEVEL

4 V

Appropriate Signature is Required

APPROVED BY NIEMI, STEVEN

DATE 04/07/2020

Tuesday: 07/26/2001

To: Housing Unit no # 7 - Case Manager
"Wilson"

Orange Correctional Facility

From: Inmate no # A-237293

Carlton West II

Housing Unit no. # 7/A/105

B

Reason: "Security Classification Screen Review: Male Prisoners"
C & J-481-Forms

Bless I!

Could you please tell me "what's the reason male prisoners have (&) two points removed their Management Level upon reaching the age 26"?

The "Security Classification Manual" has the answer to this question, however, such manual is no longer available to the prisoner general population in the law library.

Thank you for your time, Respectfully, West II #A 237293

At 26 most prisoners have matured to the point where it may be assumed they will be less of a management problem

Amicus Brief for "People v. Stovall" 2021 Mich. Lexis 791.

Clerk of the Court for the Supreme Court of Michigan
Michigan Hall of Justice 935 W. Ottawa Street

Post Office Box 30052

Lansing, Michigan 48904

Monday, October 11th 2021

People of the State of Michigan,

Plaintiff,

v.

Monty Stovall,

Defendant,

Case no# Criminal Co. #02-331-FC

D.O.A. # 342410

S.Ct. # 142425

"Motion to Waive Fees"

M.C.F. 7.319 (3)

Dear Clerk, pursuant to applicable court rules, could you please waive any/all filing fees that may come with the processing of this amicus brief for the following reasons:

I have a vested interest in the determination of the issues presented in this case. Thus I would like my voice to be heard via my amicus brief. The issues presented in this case and the resolution thereof, are very important, and for this reason, my motion to waive fees should be granted.

Thank you for your time, Respectfully,

Carlton West II #A-237293

Paraga Correctional Facility

13924 Woodedge Road - A.M.F.

Paraga, Michigan 49908-9301

10/11/21



"Proof of Service"

Pursuant to the Prison Mailbox Rule and all applicable court rules, I, Carlton West II declare under penalty of perjury that I am placing a copy of this Amicus Brief in the hands of prison officials to be mailed to the clerk of the Supreme Court of Michigan and to the office of the Attorney General of Michigan, this 15th day of the month of October, 2021

Thank you for your time, Respectfully,

Carlton West II # A-237293
Wasaga Correctional Facility
13924 Wasaga Road
Wasaga, Michigan 49088-9301



Monday, October 11th, 2021

To: Clerk of the Court
Supreme Court of Michigan
Michigan Hall of Justice
435 W. Ottawa Street
Lansing, Michigan 48909

From: Inmate no #A-237293
Carter West II

Baraga Correctional Facility
13924 Wadega Road
Baraga, Michigan 49908-9301



Re: People v. Stovall, 2021 Mich. Lexis 797

Dear Clerk, please find enclosed, my Motion for leave to file a Amicus Brief regarding the above cited case, my Motion to waive fees, and my Proof of service. Please accept the enclosed as having cured the defects preventing the filing of my Amicus Brief.

Thank you for your time; Respectfully submitted,

Carter West II #A-237293
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Baraga, Michigan 49908-9301