

Amicus Brief for "People v. John Antonio Poole"

Clerk of the Supreme Court of Michigan, Hall of Justice  
425 W. Ottawa Street - P. O. Box 30052  
Lansing, Michigan 48909

October 25<sup>th</sup> 2021: Monday

People of the State of Michigan,  
Plaintiff,

Case no. #2021 Mich. Lexis 1085

v.  
John Antonio Poole,  
Defendant,



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

Please find enclosed my amicus brief in support of Defendant John Antonio Poole pursuant to the above cited authority answering the questions of whether defendant's successive motion for relief from judgment is based on a retroactive change in law: M.C.R. 6.502(G)(2), where the law relied upon does not automatically entitle him to relief, and if so, whether the U.S. Supreme Court's decision in Miller v. Alabama, 567 U.S. 123 (2012) and Montgomery v. Louisiana, 577 U.S. 190 (2016) should be applied to defendants who are 17 years old at the time they commit a crime and who are convicted of murder and sentenced to mandatory life without parole under the 8<sup>th</sup> Amendment to the U.S. Constitution or Michigan's Constitution 1908 article 1, §16, or both?

Case no. #2021 Mich. Lexis 1085  
Carage Correctional Facility  
13924 Wadega Road - A.M.F.  
Carage, Michigan 49908-9801  
October 25<sup>th</sup> 2021: Monday - Low: Page

cc: Clerk of the Court  
Attorney General's Office

Table Of Contents

Table of Authorities	III.
Statement of Jurisdiction	IV.
Statement of Questions.	VI.
Statement of Facts.	VII.
Questions/Arguments.	I.

Question 1: Does Defendant John Antonio Poole's Successive Motion for Relief from Judgment, Based on a Retrospective Change in Law M.R. 6.502(G)(2). When the Law Relies Upon Doesn't Automatically Entitle Him to Relief; and If So, Does the U.S. Supreme Court's Decision in Miller v. Alabama: supra. and Montgomery v. Louisiana: supra. Should Be Applied to Defendants Who Are 17 years Old At The Time They Commit A Crime and Who Are Convicted of Murder and Sentenced to Mandatory Life w/o Parole Under the 8th Amendment to the U.S. Constitution. or Michigan's Constitution 1963 Article 1/16. or Both?

Conclusion.	8.
Remedy.	9.
Appendix.	

Table of Authorities

Federal Cases:

<i>Bay v. Rubitschun</i> , 2007 U.S. Dist. Lexis 90718	7.
<i>Foster Bay v. Simpson</i> , 2008 U.S. Dist. Lexis 108299	7.
<i>Graham v. Florida</i> , 560 U.S. 48 (2010)	4, 7.
<i>Miller v. Alabama</i> , 567 U.S. 160 (2012)	II, VI, 1, 3, 4, 7.
<i>Montgomery v. Louisiana</i> , 2016 U.S. Dist. Lexis 862	II, VI, 4, 3, 6, 8.
<i>Poole v. MacLaurin</i> , 547 Fed. Appx. 719 (2013)	VII.
<i>Poole v. Scott</i> , 2012 U.S. Dist. Lexis 71812	VII.
<i>Roper v. Simmons</i> , 543 U.S. 551 (2005)	2.
<i>Teague v. Lane</i> , 489 U.S. 288 (1989)	7.
<i>U.S. v. Mathium</i> , 868 F.3d. 921 (2017)	6.

State Cases:

<i>Beas Cloud v. State of Wyoming</i> , 2014 Wyo 113 (2014)	6.
<i>Coriano v. Commissioners of Corrections</i> , 317 Conn. 52 (2015)	6.
<i>Collins v. State</i> , 189 So. 3d. 342 (2016)	6.
<i>People v. Cobullo</i> , 55 Cal. 4 <sup>th</sup> 262 (2012)	1, 6.
<i>People v. Cosp</i> , 406 Mich. 440 (2014); 196 Mich. 440 (2014)	3, 7.
<i>People v. Contreras</i> , 4 Cal. 5 <sup>th</sup> 349 (2018)	6.
<i>People v. Edwards</i> , 34 Col. App. 5 <sup>th</sup> 183 (2019)	5.
<i>People v. Franklin</i> , 63 Cal. 4 <sup>th</sup> 261 (2016)	6.
<i>People v. Manning</i> , 506 Mich. 1033 (2020)	1.
<i>People v. Poole</i> , 2005 Mich. App. Lexis 3021	V, VII.
<i>People v. Poole</i> , 476 Mich. 863 (2006)	V, VII.
<i>People v. Skinner</i> , 502 Mich. 99 (2018)	6.
<i>State v. Mull</i> , 856 N.W.3d. 41 (2013)	6.
<i>State v. Zuber</i> , 227 N.J. 122 (2017)	6.

Constitution, Statutes and Others

Article 1/16, Michigan 1963 Constitution	II, VI, 1, 9.
Article 6:4 and 40, Michigan 1963 Constitution	VI.
	III.

8th Amendment of the U.S. Constitution.	II	1.	9.
Ark. Code Ann. 16-19-621 (a.) (1.)			5.
Cal. Rev. Stat. 18-1-3-401 (1.) (c.) (1.) (B.)			5.
Conn. Gen. Stat. Ann. 54-125 (a.) (f.) (1.)			5.
Del. Code Ann. tit. 11-126A (a.) (d.)			5.
D.C. Code Ann. 21-103.03 (a.)			5.
Fla. Stat. Ann. 921-1402 (2.) (d.)			5.
La. Rev. Stat. 15-571 (1.) (D.)			5.
Mo. Rev. Stat.			6.
M.C.L. 769.25 - Criminal Defendants less than 18 years.		2.	6.
M.C.R. 6.502 - Post Conviction Relief.	II	VI.	1.
Me. Rev. Stat. Ann. 21B-12135			6.
Wash. Rev. Code 9.44 A. 730 (1.)			6.
W. Va. Code 61-11-33 (b.)			6.
Cal. Penal Code 30.51			5. 9.
The Law Dictionary; 7th Edition; by Anderson Publishing Co.			4.
Wyo. Stat. Ann. 6-16-301			3.

"Statement of Jurisdiction"

Jurisdiction is bestowed upon this Court via Article VI, 4, and 10, et. al. of the Constitution of the State of Michigan of 1963: M.C.R. 7.342 Amicus Briefs, and People v. John Antonio Poole, 2021 Mich. Lexis 1085.

Statement Of Questions

Question:

Does Defendant John Antonio Poole's Successive Motion For Relief From Judgment, Based On A Retroactive Change In Law M.C.R. 6.502(G)(2), Whose The Law Relied Upon Does Not Automatically Entitle Him To Relief; And If So, Does The U.S. Supreme Court's Decision In Miller v. Alabama, 567 U.S. 460 (2012) and Montgomery v. Louisiana, 577 U.S. 190 (2016) Should Be Applied To Defendants Who Are 17 years Old At The Time They Commit A Crime and Who Are Convicted Of Murder and Sentenced To Mandatory Life W/O Parole Under The 8<sup>th</sup> Amendment To The U.S. Constitution or Michigan's Constitution 1963 Article 1/16. or Both?

I answer these questions "yes".

Statement Of Facts

For the statement of facts regarding this case, see the prior history of this case, i.e., People v. Poole, 2005 Mich. App. Lexis 3021: 176 Mich. 863 (2006) : 2008 Mich. App. Lexis 2755: Poole v. Scott, 2012 U.S. Dist. Lexis 11812: Poole v. MacLaren, 517 Fed. Appx. 749 2013: People v. Poole, 2020 Mich. App. Lexis 3137: 2021 Mich. Lexis 1085

Question 3:

Does Defendant John Antonio Poole's Successive Motion For Relief From Judgment, Based On A Retroactive Change In Law M.C.R. 5.02(G)(2). Which The Law Relied Upon Does Not Allow/ Automatically Entitled Him To Relief; And If So, Does The U.S. Supreme Court Decision In Miller v. Alabama, 567 U.S. 460 (2012) and Montgomery v. Louisiana, 577 U.S. 190 (2016) Apply To Defendants Who Are 17 years Old At The Time They Commit A Crime and Who Are Convicted Of Murder and Sentenced To Mandatory Life W./P. Parole Under The 8<sup>th</sup> Amendment To The U.S. Constitution or Michigan's Constitution 1963 Article I, Section 16 or Both?

Yes, defendant Poole's successive motion for relief from judgment based on a retroactive change in law entitles him to relief<sup>4</sup> and yes, the U.S. Supreme Court's decision in Miller and Montgomery apply to defendants who were 17 years old at the time they committed a crime, and were convicted of murder, and were sentenced to mandatory life w./p. parole.

Likewise, such decision must apply to all those whom "the sciences, social sciences, developments in psychology and brain science; the ever-growing body of research in developmental psychology... the numerous 'post Graham' studies" which says the human brain — especially those portions responsible for judgment and decision making — continue to develop into a person's mid 20's... as years go by neurological developments occur. Miller, supra, @ 47.2. (and footnote #5) (i.e., those 25 years old and younger).

Michigan's Supreme Court justice [chief justice] Bridgette M. McCormack, in her dissenting opinion of People v. Manning 506 Mich. 1033 @ 1040 (2020) agrees (The defendant and amici make a compelling argument that the advances in studies of brain develop



ment since "People v. Simmons" 543 U.S. 551 (2005) on which Miller was based demonstrates that the "distinctive attributes" of youth that formed the basis for the Miller decision continue beyond age 18.

I read Miller as, overall, imposing two requirements upon States, (1) to address those juveniles (and those who "the science" says are not adults, i.e., 25 years old and younger) who have yet to (God forbid) encounter the judicial system for 1<sup>st</sup> degree murder, which Michigan has addressed via M.C.L. 769.35 et al., and (2) to address those who "were" juveniles (and those who "the science" says "were not" adults) who has already encountered the judicial system for 1<sup>st</sup> degree murder prior to Miller's announcement, whose convictions have become final, which Michigan has partially addressed in the handful of cases that were lucky enough to garner Michigan's attention, which brings us to the point where we are now.

I read Miller, in general, as instructing States to perform two duties, (1) address the sentencing of those juveniles (and those who "the science" says were not adults, i.e., 25 years old and younger) whom their crimes were committed and (2) the release of such individuals, via the parole system.

Thus far, all litigation in Michigan regarding Miller's application has been primarily focused on the aspect of "sentencing", particularly those juveniles who have yet to encounter the judicial system, and those who have, for 1<sup>st</sup> degree murder and the like, Michigan has yet to truly address the aspect of how Miller's application applies to those whom "the science" says were not adults (i.e., 25 years old and younger) whom their crimes were committed and the release of the aforementioned juveniles and those individuals who "the science" says were not adults.

And, yes. I get it, Courts can only answer the questions presented in litigation, thus, I present to this Court my argu- #2

ment addressing that aspect of Miller's holding.

Michigan, in People v. Case 496 Mich. 440 @ 470 (and footnote # 9): © 494 (and footnote # 34) © 503 - 528 (2011) spent a large amount of time fighting against the U.S. Supreme Court's Miller decision, arguing that it would be a burden on the administration of justice to implement/adhere to the holdings of Miller, however, every argument Michigan puts forth, the U.S. Supreme Court has already addressed.

see Montgomery v. Louisiana, 2016 U.S. Dist. Lexis. 862 @ \*\*\* 35 giving Miller retroactive effects, moreover, does not require states to re-litigate sentences, let alone convictions... a state may remedy a Miller violation by permitting juvenile homicide offenders (and those who "the science" says were not adults, i.e., 25 years old and younger) to be considered for parole rather than re-sentencing them. see e.g., Wyo. Stat. Ann. 6-10-301 (juvenile homicide offenders eligible for parole after 25 years) ... extending parole eligibility to juvenile offenders (and those whom "the science" says were not adults, i.e., 25 yrs. old and younger) does not impose an onerous burden on the state nor does it disturb the finality of state convictions."

Michigan, via it's case law, can assert all of it's incorrect theories of 'could've, would've, should've, regarding it's interpretation of the application of Miller, however, Michigan cannot defy "the science", which universally says age 25 is when a human being truly becomes an adult. Miller supra. @ 472 (and footnote # 5.)

Michigan, in People v. Case supra. @ 467 (and footnote # 6): © 524 (and footnote # 40) attempts to discredit Justice Brandeis and Justice Sotomayer's concurrence opinion in Miller as if such was dicta. ("had the court itself adopted Justice Brandeis's proposed rule, then Miller might be said to have the form and effect of the categorical rules adopted in Graham and Roper, but the Court did not" ... #3.

"further, Justice Baynes, in his concurrence, spoke only for himself and one other justice").

A concurrence is not dicta, it's part of the holding, and it carries the same amount of weight as the opinion, i.e., Dictum.

Dictum, or Dictum Obiter: a statement by a judge concerning a point of law which is not necessary for the decision of the case in which it is stated, usually dictum is not as persuasive as it's opposite, i.e., holding.

Holding: the principle which reasonably may be drawn from the decision which a court or judge actually makes in a case; the opposite of dictum. The Law Dictionary, 7<sup>th</sup> edition by Anderson Publishing Co. (1997).

Anyone relying on a concurrence of an opinion is standing on solid ground, that being said, justices Enayes and Satomayor in their concurrence of Miller supra. @ 490. Likewise recognized that "psychology and brain science continue to show fundamental differences between juvenile and adult minds, making the actions of juveniles (and those whom "the science" says are not adults, i.e., those 35 years old and younger) less likely to be evidence of intractably intractably depraved character than are the actions of adults. id.

It's 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 (and those whom "the science" says aren't adults, i.e., those 35 years old and younger) in the State of California sentenced to L.W.O.P. and or it's functional equivalent. See People v. Caballero 55 Cal.4<sup>th</sup> 262 (2012) in which the California Supreme Court urged it's legislature to enact legislation establishing a parole eligibility mechanism that provides a defendant serving a de facto life sentence without the possibility of parole for crimes

that he or she committed as a juvenile with the opportunity to obtain release on a showing of rehabilitation and maturity. id. @ 269 (and footnote #5)

As a result of the above cited authority and the urging of its Supreme Court, California enacted "Cal. Penal Code sec. 3051" which mandates youthful offender parole hearings for most who receive definite 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 15th, 20th, or 25th year of incarceration, depending upon the offense).

Based on the aforementioned "science", California initially expanded eligibility of youth offender parole hearings to persons 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 persons were age 25 when their crime was committed. id. @ 198. (youthful offender parole hearings are available to intentional first degree murderers after 25 years of incarceration... id. @ 197.)

California is not alone in enacting this kind of legislation in the wake of Graham and Miller. See Ark. Code Ann. 16-19-601 (a. 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. 54-225 a. (1. juvenile offenders eligible for parole after either 20 years or the greater of 12 years or 60% of the sentence, depending upon the sentence; Del. Code Ann. tit. 11. 1204A (d. juvenile offenders eligible for resentencing after 20 years; D.C. Code Ann. 24-103.03 (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. 921.116 (2. (d. juvenile offenders

entitled to review of sentence after 30 years):

Mo. Rev. Stat. Ann. 558.047 (1. juvenile offenders eligible for re-

view after 35 years: Neu. Rev. Stat. Ann. 213.121.35 juvenile offenders eligible for parole after 15 years...and eligible for sentence reduction after 20 years: W. Va. Code 17-11-23 (b. juvenile offenders eligible for parole after 15 years: Wash. Rev. Code 9.44.730 (1. juvenile offenders eligible for parole after 20 years: People v. Contreras 4 Cal. 5th 349 @ 370-371 (2018).

In addition to the above legislation being enacted, the Supreme Courts of California, Connecticut, New Jersey, Florida and Iowa have all held that a sentence of anywhere from 15 years to life, i.e., long indeterminate term of years sentences, is the functional equivalent of L.W.O.P., see, People v. Franklin, 63 Cal. 4th 261 @ 276 (2016); People v. Cebellero same @ 267-268; State v. Tuben, 327 N.J. 422 (2017); Casiano v. Commissioner Corrections,

317 Conn. 52 (2015); Bear Cloud v. State of Wyoming 2014 Wyo. 113 (2014); State v. Mull, 336 N.W.2d 41 @ 71 (2015); Collins v. State 189 So.3d 342 @ 343 (2016); U.S. v. Mathium, 868 F.3d 921 @ 934-936 (2017).

The U.S. Supreme Court, in the spirit of comity, and respect for state sovereignty, left it to the states, the task of developing appropriate ways to enforce the requirements of Miller, within reason, not to unreasonably put up additional barriers to prevent Miller's enforcement. 'cf., Montgomery v. Louisiana, supra @ \*\*\*33: HN#27 ("that Miller did not impose a formal grandfathering requirement does not leave states free to violate the 8th Amendment")

Michigan has already addressed the issue of those to be sentenced in the wake of Miller, see, Mich. 769.25 et al., a law ambiguously written cf. People v. Skinner, 502 Mich. 89 @ 110-111 (2018) (the legislative response to Miller is not a model of clarity). The question now is "how do we deal with those who were convicted and sentenced prior to the decision of Miller, whose convictions have become final, likewise, those whom "the science" says were not adults, i.e., those 35 years old.

and younger when their crimes were committed?

Adopting California's youthful offenders Parole Hearings system would be in line with Miller's requirements, it would also solve this fictitious problem of there being a burden on the administration of justice if Michigan gives Miller retroactive status, despite the fact that the U.S. Supreme Court has, for purpose of "federal" [not state] court application, specifically rejected the retroactivity test adopted by Michigan. People v. Lapp, supra @ 502 (and footnote # 30) (citing Trogu v. Lane, 489 U.S. 238 (1989)).

Michigan would also be in compliance with the 8th Amendment's underpinnings, "The Evolving Standards of A Maturing Society". The winds of change are blowing, the "lock 'em up and throw away the key" days are no more. Michigan is not required to guarantee eventual freedom, but must provide some meaningful opportunity for persons such as defendant Peole, and those who "the science" says were not adults at their crimes were committed, to obtain release based upon demonstrated maturity and rehabilitation. Miller v. Alabama, supra @ 479-480 (2012) (citing Graham v. Florida, 560 U.S. 48 @ 75 (2010)).

The questions presented by defendant Peole will be easily answered by Michigan's adoption of California youthful offenders Parole Hearings, which would only require, not a complete overhaul, but an addition to Michigan's parole system, because, as currently structured, Michigan's parole board cannot comply with neither Miller's command nor California's youthful offenders Parole Hearings system. cf., Foster Esy v. Sampson, 2008 U.S. Dist. Lexis 108299 @ \*2; By v. Rubitschun, 2007 U.S. Dist. Lexis 95748 (describing the ineffectiveness of Michigan's parole board)

How can Michigan misinterpret the holdings of Miller?, with regard to 'the letter of the law and the spirit of the law', in this instance, they are essentially one and the same. "Miller announced a substantive rule that is retroactive in cases on collateral review... regardless of when a defendant's conviction became final... States may not disregard a controlling constitutional

command in their own courts... In adjudicating claims under it's collateral review procedures a state may not deny a controlling right asserted under the constitution, when the claim is properly presented in the case... The re-litigation of every sentence is unnecessary, instead, a state could remedy Miller violations by permitting juvenile homicide offenders and those whom "the science" says were not adults, i.e., those 25 years old and younger, when their crimes were committed, to be considered for parole. These are the words of the U.S. Supreme Court. see, Montgomery v. Louisiana, supra.

### Conclusion

The truth of "the science" has been known to Michigan's prison administrators, and has been used by such administrators against Michigan's male inmate population every since I came through the bubble in 1994 (see ex. A and B attached) illustrating how the Dept. of corrections removes 2-20 points from a prisoners security classification bases review when a prisoner reaches age 26 (i.e., mid-20's) because presumably, prisoners become less of a management problem (i.e., maturation of brain and neurological development) at that age.

The truth of "the science" is self evident to anyone who was once a child themselves, however, it's now time for Michigan via it's legislators and State Court judges to create legislation and case-law which reflects "the science", furthermore, this court knows very well that it's past due time this issue be addressed, hence, the dozen or so cases currently being held in abeyance, awaiting the outcome of this particular case.

FOOTNOTE \*1: it was never revealed, what law defendart Poole relied upon in his successive motion for relief from judgment, presumably he relied upon Miller and Montgomery, if so, I say he's standing on solid ground, or such law entitles him to be heard, to prove he belongs to a class

### Remedy

Rule in favor of defendant Poole, finding that his motion & for relief from judgment successive motions based on a retroactive change in law does entitle him for relief, likewise, rule that Miller and Montgomery does apply to defendants who are 17 years old at the time they commit a crime and who are convicted of murder and sentenced to mandatory life w/o. parole under the 3<sup>rd</sup> Amendment to the U.S. Constitution and the Michigan Constitution 1963 article 1, § 16. also,

Rule that defendant Poole is immediately eligible to see the parole board in which his youth will be taken into consideration when evaluating him for release or parole, also,

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 section # 3051 which would allow for all those who were 25 years old and younger at the time their crimes were committed to go before a "youthful Offender Parole Board."

Thank you for your time, Respectfully,

Carlton West II #A-287293.

10/25/2021

### "Proof of Service"

Pursuant to applicable statutes and the Prison Mailbox Rule, I declare under penalty of perjury that I am placing a copy of the enclosed Amicus brief in the hands of prison officials to be mailed out to the clerk of the Michigan Supreme Court @ P.O. Box 30652 Lansing, Michigan 48909 and the Attorney General's Office @ 525 W. Ottawa Street P.O. Box 30217 Lansing, Michigan 48909, using the Expedited Legal Mail process on this 25 day of October 2021.

Thank you for your time, Respectfully,

Carlton West II #A-287293

October 25<sup>th</sup> 2021 - Monday



Appendixes

ex. A.	Security Classification System Review	04/07/20	1 pg.
ex. B.	Intramural Correspondence	07/20/21	1 pg.



3-236

**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 \_\_\_

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

Management Score at last screening

Dated 04/01/2019 was (A) 0

**SINCE THAT DATE**

1. Number of acts resulting in separate class I-II misconducts	1	1 X 2 = 2
2. Number of those which were non-bondable or resulted in felony conviction		0 X 2 = 0
3. Number of those involving serious injury		= 4 = 0
4. Has assault risk increased to V.H.		= 4 = 4
5. Classified one or more times to involuntary segregation		= 10 = 0
6. Found guilty of homicide, rioting, striking or inciting riot or strike		
<b>SUBTOTAL, Unfavorable Behavior</b>	(B) 7	
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 X 6 = 6
8. Number of six month periods completed with satisfactory work/school performance. Date of the periods:		0 X 3 = 0
9. Reached age 26 since last screening		= 2 = 0
10. Completed G.E.D or earned vocational certificate or college degree.		= 1 = 0
<b>SUBTOTAL, Favorable Behavior</b>	(C) 6	
<b>TOTAL CHANGES</b> (Indicate plus or minus) (B-C=D)	(D) +1	
<b>NEW SCORE</b> (A+D=E) (if minus enter zero) Range 0-35	(E) 1	



04/07/2020 (237293)

Confinement Level  V

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

**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  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

V

Appropriate Signature is Required

APPROVED BY NIEMI, STEVEN

DATE 04/07/2020

Tuesday: 07/20/2021

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

Sanaga 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-Form

Dear I!

Could you please tell me "what's the reason male prisoners have (2) 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

Monday - October 25, 2021

To: Clerk of the Court - Julianne Claydon  
Supreme Court of Michigan - Hall of Justice  
925 W. Ottawa Street - Post Office Box 30052  
Lansing, Michigan 48909

From: Carlton West II #4-257293

Caroga Correctional Facility Level 05  
13924 Wadaga Road - A.M.F.  
Caroga, Michigan 49908 9204

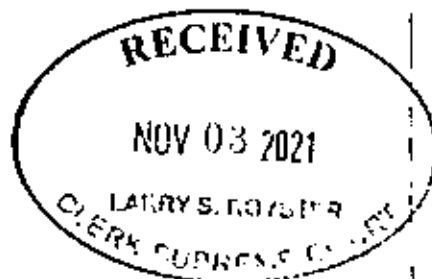
Proof of Service

Pursuant to applicable statutes and the Prison Mailbox Rule I declare under penalty of perjury that I am placing a copy of the enclosed Amicus brief in the hands of prison officials to be mailed out, using the Expedited Legal Mail process, to the clerk of the Michigan Supreme Court @ P.O. Box 30052: Lansing, Michigan 48909 and the Attorney General's Office @ 525 W. Ottawa Street: P.O. Box 30217: Lansing, Michigan 48909. on this 25<sup>th</sup> day of October, 2021

Thank you for your time. Respectfully,

Carlton West II #4-257293

Caroga Correctional Facility Level 05  
13924 Wadaga Road - A.M.F.  
Caroga, Michigan 49908-9204  
Monday - October 25<sup>th</sup> 2021



"proof of service"

Supreme

Court

of  
Michigan

Michigan: Hall of Justice: 935 W. Ottawa Street: P.O. Box 30052  
Lansing, Michigan 48909

