

L W ALLEN
22372 OXFORD ST
DEARBORN MI 48124
(313)3599852

STATE OF MICHIGAN

IN THE 19TH DISTRICT COURT FOR THE CITY OF DEARBORN

CITY OF DEARBORN,

Plaintiff,

vs.

LAWRENCE ALLEN,

Defendant.

Lower Court Case
Nos.: 03C246245,
03C246246, 03C246247,
03C246248, 03C246249

HON. VIRGINIA A. SOBOTKA

PLEA

Proceedings had in the above-entitled matter before
the HONORABLE VIRGINIA A. SOBOTKA, 19TH District Court Judge for
the City of Dearborn, at 16077 Michigan Avenue, Dearborn,
Michigan, on Thursday, FEBRUARY 5, 2004.

APPEARANCES:

ROBERT HEDGES (P-36646)
Assistant Corporation Counsel
City of Dearborn
13615 Michigan Avenue
Dearborn, Michigan 48126
(313) 943-2035

Appearing on behalf of the City of Dearborn.

SCOTT A. SMITH (P-35856)
Attorney at Law
27218 Michigan Avenue
P.O. Box 388
Inkster, Michigan 48141
(313) 561-3110

Appearing on behalf of the Defendant.

Court Reporter: Margaret M. Pedenelli, CSR
19th District Court
16077 Michigan Avenue
Dearborn, MI 48126
(313) 943-2138

Dearborn, Michigan 48126

Thursday, FEBRUARY 5, 2004

At or about 9:43 o'clock, a.m.

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THE COURT: Case No. 03C246248, 49, 47, 46, 45,
Lawrence Allen.

MR. SMITH: Ready, your Honor.

MR. HEDGES: Robert Hedges on behalf of the
People.

Your Honor, I've divided the files into
statures, three charges being dismissed, two breach of
peace cases the defendant will be pleading guilty as
charged, and those will be under advisement.

THE COURT: And the three?

MR. HEDGES: The three that are clipped together
are being dismissed: That's stalking, assault and a
breach of peace.

MR. SMITH: For the record, your Honor, Scott
Smith appearing on behalf of Lawrence Allen. Mr. Allen is
present in court with me.

Mr. Hedges has accurately stated the plea
agreement that we've had, with the exception that there's
a provision for a review after one year to see if there's
been compliance and possible dismissal at that point.

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1 MR. HEDGES: That's correct, two years,
2 reviewable after one year if there's been no problems.

3 THE COURT: Is that correct, sir, that you wish
4 to enter a plea of guilty to two separate charges?

5 DEFENDANT ALLEN: Yes.

6 THE COURT: And the first one is disturbing -
7 they're both disturbing the peace?

8 DEFENDANT ALLEN: Correct.

9 THE COURT: And these are criminal charges
10 carrying a maximum sentence of a \$500 fine, 90 days jail.

11 Under advisement means that if you comply with
12 the conditions of probation, and you are not involved in
13 any further difficulty, the cases could be dismissed.

14 DEFENDANT ALLEN: I understand that, your Honor.

15 THE COURT: Have you had the full opportunity to
16 discuss your rights and the facts of the case with your
17 attorney?

18 DEFENDANT ALLEN: Yes, I have.

19 THE COURT: Have you had the full opportunity to
20 discuss your rights to a trial by a court or by a jury and
21 what would take place at such a trial, with your attorney?

22 DEFENDANT ALLEN: Yes, I have.

23 THE COURT: Having done so, are you entering
24 these two separate pleas freely and voluntarily?

25 DEFENDANT ALLEN: Correct.

1 THE COURT: Could you tell me what happened that
2 makes you feel you are guilty of both of these charges?

3 DEFENDANT ALLEN: On 10-24-03, I ran into Mr.
4 Sheridan in the alley. After repeatedly having the city
5 called - all right. I flipped him the finger and told him
6 to "F" off.

7 THE COURT: Did you discuss these facts with
8 your attorney?

9 DEFENDANT ALLEN: Yes, I did.

10 THE COURT: And you discussed your rights with
11 your attorney?

12 DEFENDANT ALLEN: Correct.

13 MR. HEDGES: Your Honor, that was one of the
14 factual basis. There is a second one, too.

15 THE COURT: Okay. And the other one?

16 MR. SMITH: Tell us what happened on August 23rd
17 of 2003.

18 DEFENDANT ALLEN: The same. I ran into him in
19 the alley, again. I flipped him the finger and told him
20 to "F" off.

21 THE COURT: My understanding is there are three
22 charges: Assault, stalking and breach of peace, that are
23 going to be dismissed; is that correct?

24 DEFENDANT ALLEN: Correct.
25

1 THE COURT: After discussing all of your rights
2 and the facts of the case with your attorney, are you
3 entering these two separate pleas freely and voluntarily
4 because you are guilty and this is what you want to do?

5 DEFENDANT ALLEN: Yes.

6 THE COURT: Accept your pleas of guilty to both
7 charges with the understanding that they would both be
8 taken under advisement, dismiss the three remaining
9 charges.

10 I'm going to have a jury coming out in just a
11 moment. Would you be able to come back for a sentencing
12 date any morning at 8:00 o'clock?

13 MR. SMITH: Yes, your Honor.

14 THE COURT: Give me a date.

15 MR. SMITH: How long would the court need?

16 THE COURT: Well, we will have him interviewed
17 today and that will probably take about a half hour or so
18 to have him interviewed today, and maybe a little bit
19 longer.

20 We would have everything all ready so when you
21 came in at 8:00 o'clock on a morning that you choose, we
22 can do the sentencing, you'll be out of here within ten
23 minutes.

24 MR. SMITH: I can come back tomorrow morning,
25 your Honor, my motion call got cancelled for tomorrow.

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DEFENDANT ALLEN: I cannot.

MR. SMITH: Okay. Tuesday of next week?

THE COURT: Tuesday of next week would be fine.

Oh, we're on the docket next week. If you're here at 8:00 o'clock, you'll be out by five after.

MR. SMITH: Very good. Thank you, your Honor.

THE COURT: Refer this over to the probation department. Sir, you will be here for a little while.

DEFENDANT ALLEN: Okay.

(Proceedings adjourned to February 5, 2004)

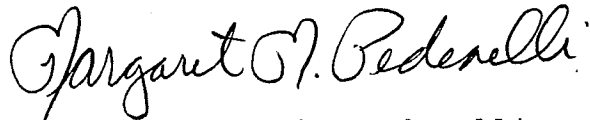
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PENGADINDY, MUNCIE, IN 47302
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REPORTER'S CERTIFICATE

I do hereby certify that I have recorded by mechanical stenography the proceedings had and testimony taken in the above-entitled matter, and that the foregoing is a full, true and correct transcript of proceedings had in the above-entitled matter; and I do further certify that the foregoing transcript has been produced by computer-aided transcription.



Margaret Murphy Pedenelli
Certified Shorthand Reporter - 4949

Notary Public, Wayne County, Michigan
My Commission Expires: 7-14-55

Dated: February 22, 2004

STATE OF MICHIGAN

IN THE 19TH DISTRICT COURT FOR THE CITY OF DEARBORN

CITY OF DEARBORN,

Plaintiff,

Lower Court Case

No.: 03C246248

vs.

03C246249

LAWRENCE ALLEN,

HON. VIRGINIA A. SOBOTKA

Defendant.

SENTENCING

Proceedings had in the above-entitled matter before the HONORABLE VIRGINIA A. SOBOTKA, 19TH District Court Judge for the City of Dearborn, at 16077 Michigan Avenue, Dearborn, Michigan, on Tuesday, FEBRUARY 10, 2004.

APPEARANCES:

ROBERT HEDGES (P-36646)
Assistant Corporation Counsel
City of Dearborn
13615 Michigan Avenue
Dearborn, Michigan 48126
(313) 943-2035

Appearing on behalf of the City of Dearborn.

SCOTT A. SMITH (P-35856)
Attorney at Law
27218 Michigan Avenue
P.O. Box 388
Inkster, Michigan 48141
(313) 561-3110

Appearing on behalf of the Defendant.

Court Reporter: Margaret M. Pedenelli, CSR
19th District Court
16077 Michigan Avenue
Dearborn, MI 48126
(313) 943-2138

Dearborn, Michigan 48126

Tuesday, FEBRUARY 10, 2004

At or about 8:57 o'clock, a.m.

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THE COURT: Case No. 03C246248 and 49, Lawrence Allen.

MR. SMITH: Good morning, your Honor, for the record, Scott Smith appearing on behalf of Mr. Allen. Mr. Allen is present in court immediately to my right.

THE COURT: May I see you, Counselor.

(Discussion at the Bench, on the record.)

THE COURT: The probation officer came in yesterday to talk to me about him, and said she had a number of letters from various neighbors who said that they have all had a problem with this one neighbor.

She has recommended \$100 fine, \$50 court costs, under advisement. That would be for one year. And no contact with the victim in this matter.

I don't know how you're going to avoid any problems in the future, but the probation officer is going to continue to monitor the situation so that if there are any problems, if you would like to talk to your client and let him notify the probation department of any changes in circumstances, or any ongoing or continuing problem, so

1 that if she gets a phone call about it, she would be
2 expecting to hear. Okay?

3 MR. SMITH: Okay.

4 THE COURT: So it will be under advisement.
5 She's got him reporting four times a year; I've got no
6 problem with that. Except that it's going to be his
7 responsibility to keep her informed.

8 She says apparently, by all these letters that
9 she has, that it looks like it's going to be an ongoing
10 situation in the entire neighborhood, not just with him.

11 So if anything goes on, it would be up to him to
12 let her know so she isn't surprised by any information
13 coming through.

14 MR. SMITH: Yes.

15 (Bench discussion concluded.)

16 THE COURT: Take the case under advisement for a
17 period of one year, reporting four times a year.

18 It would be a total of \$150 fines and court
19 costs.

20 There is to be contact with the complainant.

21 MR. SMITH: Very good, your Honor.

22 (Proceedings concluded)

23 -- -- --

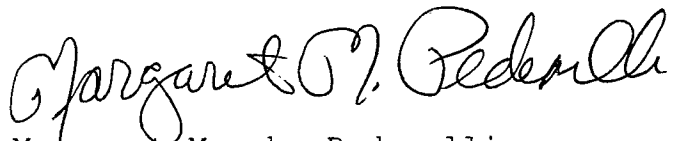
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Margaret Murphy Pedenelli
Certified Shorthand Reporter - 4949

Notary Public, Wayne County, Michigan
My Commission Expires: 7-14-55

Dated: February 24, 2004

PENGAJINDY. MUNCIE, IN 47304

STATE OF MICHIGAN 19TH JUDICIAL DISTRICT ORI820135J	REGISTER OF ACTIONS	CASE NO: 03C246249 D01 OM X-REFERENCE #: 03-52243 STATUS: PEND
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JUDGE OF RECORD: SOBOTKA, VIRGINIA A. P-20768
JUDGE:

ALLEN/LAWRENCE/WILSON JR
22372 OXFORD
DEARBORN MI 48124

SID: CTN:
PIN: 03-52243
ENTRY DATE: 11/17/03
OFFENSE DATE: 09/04/03
VEHICLE TYPE:
VPN:
PAPER PLATE:

DOB: 11/03/1962 SEX: M RACE: W DLN:
VEH YR: VEH MAKE: VIN:

OFFICER: LANCE/THOMAS/DETECTIVE SGT.

DEPT: DEARBORN POLICE/DETECTIVE

PROSECUTOR: HEDGES, ROBERT F.,

P-36646
VENUE: CITY OF DEARBORN

COUNT 1 C/M/F: M 14-131

ORD#14-131

DISTURBING THE PEACE

ARRAIGNMENT DATE:

PLEA:

PLEA DATE:

FINDINGS:

DISPOSITION DATE:

SENTENCING DATE:

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

JAIL SENTENCE:

PROBATION:

VEH IMMOB START DATE:

NUMBER OF DAYS:

VEH FORFEITURE:

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
09/04/03	1 ORIGINAL CHARGE DIST PEACE SCHEDULED FOR ARRAIGNMENT 120903 800A SOBOTKA, VIRGINIA A. P-20768	MMB
11/14/03	1 AUTHORIZATION OF COMPLAINT DATE PROS HEDGES, ROBERT F., P-36646	MMB
11/17/03	FILING DATE 111703	MMB
1	COMPLAINT ISSUANCE DATE	MMB
	NOTICE TO APPEAR FOR DEFENDANT REQUESTED DIST PEACE	MMB
1	NOTICE TO APPEAR GENERATED DIST PEACE	MMB

STATE OF MICHIGAN 19th District Court		COMPLAINT MISDEMEANOR		CASE NO.	
ORI Court Address MI-16077 Michigan Avenue, Dearborn, MI 48126		Court Telephone no. (313) 943-2066			
THE PEOPLE OF <input type="checkbox"/> The State of Michigan <input checked="" type="checkbox"/> City of Dearborn		Defendant's name and address LAWRENCE WILSON ALLEN 22372 OXFORD DEARBORN, MI 48124		Victim or complainant People of the City of Dearborn	
Co-defendant(s)		Date: On or about 9/4/2003			
City/Town/Village Dearborn		County in Michigan Wayne		Defendant CTN	Defendant SID
Police agency/report no. 03-52243	OFF 14-131 (Breach of the Peace)		Maximum penalty \$ 500/90 days		
Witnesses			Defendant DLN		
			Aka		

STATE OF MICHIGAN, COUNTY OF WAYNE,

The Complaining witness says that on the date and at the location described, the defendant contrary to law, did, make or assist in making any noise, disturbance, trouble of improper diversion, or any rout or riot, by which the peace and good order of the City was disturbed, on or about September 4, 2003, in the City of Dearborn, Michigan.

The Complaining witness asks that defendant be apprehended and dealt with according to law.
(Peace Officers only) I declare that the statements above are true to the best of my information, knowledge, and belief.

Warrant authorized on <u>November 14, 2003</u> by:
<u>Robert F. Heiges</u> (P36646)
Prosecuting official

<u>[Signature]</u>
Complainant witness signature
Subscribed and sworn to before me on <u>11-17-03</u>
<u>[Signature]</u>
Judge/court clerk/magistrate

Upon examination of the complaint, I find probable cause to believe defendant committed the offense set forth,

STATE OF MICHIGAN 19TH JUDICIAL DISTRICT ORI820135J	REGISTER OF ACTIONS	CASE NO: 03C246249 D01 OM X-REFERENCE #: 03-52243 STATUS: PROB
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JUDGE OF RECORD: SOBOTKA, VIRGINIA A. P-20768
 JUDGE: SOBOTKA, VIRGINIA A. P-20768

ALLEN/LAWRENCE/WILSON JR
 22372 OXFORD
 DEARBORN MI 48124

SID: CTN:
 PIN: 03-52243
 ENTRY DATE: 11/17/03
 OFFENSE DATE: 09/04/03
 VEHICLE TYPE:
 VPN:
 PAPER PLATE:

DOB: 11/03/1962 SEX: M RACE: W DLN:
 VEH YR: VEH MAKE: VIN:

DEFENSE ATTORNEY ADDRESS
 SMITH, SCOTT A.,
 27218 MICHIGAN AVE
 PO BOX 388
 INKSTER MI 48141

BAR NO.
 P-35856
 Telephone No.
 (313) 561-3110

OFFICER: LANCE/THOMAS/DETECTIVE SGT.

DEPT: DEARBORN POLICE/DETECTIVE
 P-36646
 VENUE: CITY OF DEARBORN

PROSECUTOR: HEDGES, ROBERT F.,

COUNT 1 C/M/F: M 14-131
 DISTURBING THE PEACE

ORD#14-131

ARRAIGNMENT DATE: PLEA: PLEAD GUILTY PLEA DATE: 02/10/04

FINDINGS: LOCAL DIVERS DISPOSITION DATE: 02/10/04
 SENTENCING DATE: 02/10/04

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
110.00	0.00	40.00	0.00	0.00	0.00	150.00	0.00

JAIL SENTENCE: PROBATION: 12 MONTHS PO: DAKHLALLAH, SANAA,
 PROBATION END DATE: 02/10/05

VEH IMMOB START DATE: NUMBER OF DAYS: VEH FORFEITURE:

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
09/04/03	1 ORIGINAL CHARGE DIST PEACE	MMB
	SCHEDULED FOR ARRAIGNMENT 120903 800A SOBOTKA, VIRGINIA A. P-20768	MMB
11/14/03	1 AUTHORIZATION OF COMPLAINT DATE	MMB
	PROS HEDGES, ROBERT F., P-36646	MMB
11/17/03	FILING DATE 111703	MMB
	1 COMPLAINT ISSUANCE DATE	MMB
	NOTICE TO APPEAR FOR DEFENDANT REQUESTED	
	DIST PEACE	MMB
	1 NOTICE TO APPEAR GENERATED	
	DIST PEACE	MMB
12/04/03	MISCELLANEOUS ACTION ALL COUNTS	BJR
	PROS HEDGES, ROBERT F., P-36646	BJR
	ATT SMITH, SCOTT A., P-35856	BJR
	REMOVED FROM CALENDAR 120903 800A SOBOTKA, VIRGINIA A. P-20768	BJR
	SCHEDULED FOR PRE-TRIAL 122303 800A SOBOTKA, VIRGINIA A. P-20768	BJR

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
	NOTICE TO APPEAR GENERATED	
	ALL COUNTS	BJR
12/23/03	MISCELLANEOUS ACTION ALL COUNTS	BJR
	SCHEDULED FOR SETTLEMENT CONFERENCE	
	012004 800A SOBOTKA, VIRGINIA A. P-20768	BJR
	SCHEDULED FOR JURY SELECTION	
	020504 800A SOBOTKA, VIRGINIA A. P-20768	BJR
	MISCELLANEOUS ACTION ALL COUNTS	BJR
	SCHEDULED FOR JURY-TRIAL 020504 800A SOBOTKA, VIRGINIA A. P-20768	BJR
	NOTICE TO APPEAR GENERATED	
	ALL COUNTS	BJR
02/10/04	SENTENCE HEARING HELD ALL COUNTS	JCR
	JDG SOBOTKA, VIRGINIA A. P-20768	JCR
	PLEAD GUILTY	JCR
	LOCAL DIVERSION	JCR
	SENTENCE \$ 150.00	JCR
	1 YEAR PROB/1 YEAR UA/\$150 FINE	JCR
	NO CONTACT WITH COMPLAININT	JCR
	JSMO \$ 40.00	JCR
	CRIMINAL ORDINANCE FINE & COSTS \$ 110.00	JCR
	PROBATION 012M	JCR
	SCHEDULED FOR REVIEW 021005	JCR
	MISCELLANEOUS ACTION ALL COUNTS	JCR
	SCHEDULED; MATTER UNDER ADVISEMENT	
	021005 800A SOBOTKA, VIRGINIA A. P-20768	JCR
1	MONETARY TRANSACTION DIST PEACE	DMG
	PAYMENT \$ 150.00 D230326	DMG
	ATM CARD TENDERED	DMG
	PROBATION MODULE ACTION ALL COUNTS	EAJ
	PO DAKHLALLAH, SANAA, # 1917	EAJ
	ORDER OF PROBATION GENERATED	
	ALL COUNTS	EAJ
	PROBATION 1 YEAR REPORT 4 TIMES A YEAR	EAJ
	\$150 FINE-PAID	EAJ
	UNDER ADVISEMENT 1 YEAR	EAJ
	NO CONTACT WITH COMPLAINANT	EAJ
	PROB APPT	EAJ
02/12/04	PROBATION MODULE ACTION ALL COUNTS	EAJ
	SCHEDULED FOR PROBATION APPOINTMENT	
	030404 1015A DAKHLALLAH, SANAA, # 1917	EAJ