

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

DEBORAH S. HUNT, Clerk

Respondent-Appellee.

ORDER

Deborah S. Hunt, Clerk

Jones filed a petition for a writ of habeas corpus in state court, asserting that the felony complaint was invalid because it was not signed by the complaining witness in front of a judicial officer and that therefore all of the subsequent proceedings were void. The trial court denied the petition and Jones's subsequent motion for reconsideration, and both the Michigan Court of Appeals and the Michigan Supreme Court denied leave to appeal.

In September 2020, Jones filed a § 2254 petition in the district court. He argued that the trial court lacked jurisdiction and that his convictions are void because the felony complaint was not signed under oath by the victims or someone with personal knowledge of the alleged crimes. Jones further claimed that Michigan Court of Appeals and the Michigan Supreme Court erroneously denied leave to appeal the denial of his state habeas corpus petition without any explanation. Pursuant to Rule 4 of the Rules Governing § 2254 Cases, the district court summarily dismissed the petition, finding that Jones's claims failed to establish a constitutional violation. The court declined to issue a COA.

To obtain a COA, a petitioner must make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). To satisfy this standard, a petitioner must demonstrate "that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003).

Rule 4 provides that the court should promptly examine a petition to determine "[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief." Rules Governing § 2254 Cases, Rule 4. If the district court determines that the petitioner is not entitled to relief, the court shall summarily dismiss the petition. *McFarland v. Scott*, 512 U.S. 849, 856 (1994).

Jones's claims were based on his assertion that the felony complaint did not comply with Michigan state law and that thus the state court lacked jurisdiction over his criminal prosecution. As the district court explained, he cannot obtain habeas relief based on the state court's lack of subject-matter jurisdiction because "a state court's interpretation of state jurisdictional issues conclusively establishes jurisdiction for purposes of federal habeas review." *Strunk v. Martin*, 27 F. App'x 473, 475 (6th Cir. 2001); see *Wills v. Egeler*, 532 F.2d 1058, 1059 (6th Cir. 1976). And he cannot obtain habeas relief based on the argument that the felony complaint violated Michigan statutory law and the state constitution because "federal habeas corpus relief does not lie for errors of state law." *Estelle v. McGuire*, 502 U.S. 62, 67 (1991) (quoting *Lewis v. Jeffers*, 497 U.S. 764,

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTHONY D. JONES, # 193539,

Petitioner,

Case Number: 2:20-CV-12682
HONORABLE SEAN F. COX

v.

MICHELLE FLOYD,

Respondent.

**OPINION AND ORDER DENYING PETITION FOR WRIT OF
HABEAS CORPUS AND DENYING A CERTIFICATE OF APPEALABILITY**

Michigan state prisoner Anthony D. Jones filed a habeas petition under 28 U.S.C. § 2254. He challenges his convictions for two counts of second-degree criminal sexual conduct, Mich. Comp. Laws § 750.520c(1)(a), two counts of third-degree criminal sexual conduct, Mich. Comp. Laws § 750.520d(1)(a), and one count of fourth-degree criminal sexual conduct, Mich. Comp. Laws § 750.520(e)(1)(a). Petitioner seeks habeas relief on the grounds that the trial court lacked jurisdiction because of defects in the criminal complaint and warrant and the Michigan appellate courts erred in deciding his post-conviction appeals. For the reasons set forth, the Court denies the petition and declines to issue a certificate of appealability.

I. Background

Petitioner was convicted in Wayne County Circuit Court of multiple counts of criminal sexual conduct. *See People v. Jones*, No. 333572, 2018 WL 442322, at *1

(Mich. Ct. App. Jan. 16, 2018). He was convicted and sentenced to 8 to 22 years for each of the convictions, to be served concurrently. Petitioner filed an appeal of right in the Michigan Court of Appeals, which affirmed his convictions. *Id.* The Michigan Supreme Court denied leave to appeal. *People v. Jones*, 501 Mich. 1093 (2018), recons. denied, 503 Mich. 862 (2018).

Petitioner later filed a state petition for writ of habeas corpus in the Jackson County Circuit Court, arguing that his convictions are void because the complaining witness did not sign failed to sign the felony complaint. The state court denied the motion. *See Jones v. Floyd*, No. 19-2697 (Jackson Cty. Cir. Ct. Oct. 23, 2019) (ECF No. 1, PageID.41-42). The Michigan Court of Appeals denied Petitioner's application for leave to appeal. *Jones v. Cooper Street Corr. Facility*, No. 353026 (Mich. Ct. App. May 18, 2020) (ECF No. 1, PageID.39). The Michigan Supreme Court also denied leave to appeal. *Jones v. Cooper Street Corr. Facility*, 947 N.W.2d 796 (Mich. Sept. 8, 2020).

Petitioner then filed this habeas corpus petition raising the following claims:

- I. Did the lower habeas corpus court commit a palpable error and abuse its discretion [by failing to require the trial court to properly obtain jurisdiction over Petitioner]?
- II. Did the Michigan Court of Appeals abuse its discretion [by neglecting to explain its denial of Petitioner's application for leave to appeal]?

II. Standard of Review

Upon the filing of a habeas corpus petition, the court must promptly examine the petition to determine "if it plainly appears from the face of the petition and any exhibits

annexed to it that the petitioner is not entitled to relief.” Rule 4, Rules Governing Section 2254 cases. If the court determines that the petitioner is not entitled to relief, the court shall summarily dismiss the petition. *McFarland v. Scott*, 512 U.S. 849, 856 (1994) (“Federal courts are authorized to dismiss summarily any habeas petition that appears legally insufficient on its face”). The habeas petition does not present grounds which may establish the violation of a federal constitutional right. The petition will be dismissed.

A state prisoner is entitled to a writ of habeas corpus only if he can show that the state court’s adjudication of his claims –

- (1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or
- (2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceedings.

28 U.S.C. § 2254(d).

“A state court’s determination that a claim lacks merit precludes federal habeas relief so long as ‘fairminded jurists could disagree’ on the correctness of the state court’s decision.” *Harrington v. Richter*, 562 U.S. 86, 101 (2011) (quoting *Yarborough v. Alvarado*, 541 U.S. 652, 664 (2004)). Additionally, a state court’s factual determinations are presumed correct on federal habeas review, 28 U.S.C. § 2254(e)(1), and review is “limited to the record that was before the state court.” *Cullen v. Pinholster*, 563 U.S. 170, 181 (2011).

III. Discussion

A. Jurisdiction of State Trial Court

In his first claim, Petitioner argues that a radical jurisdictional defect rendered the trial court without jurisdiction. He bases this claim on alleged deficiencies in the criminal complaint and warrant.

“‘[F]ederal habeas corpus relief does not lie for errors of state law.’” *Estelle v. McGuire*, 502 U.S. 62, 67 (1991), quoting *Lewis v. Jeffers*, 497 U.S. 764, 780 (1990). Habeas review “is limited to deciding whether a conviction violated the Constitution, laws, or treaties of the United States,” and does not encompass reexamining state-court determinations of state-law issues. *Id.* at 68. The determination whether a state court had jurisdiction under state law is properly made by the state courts, not the federal judiciary. *Wills v. Egeler*, 532 F.2d 1058, 1059 (6th Cir. 1976). *See also Poe v. Caspari*, 39 F.3d 204, 207 (8th Cir. 1994) (“Jurisdiction is no exception to the general rule that federal courts will not engage in collateral review of state court decisions based on state law: The adequacy of an information is primarily a question of state law and we are bound by a state court’s conclusion respecting jurisdiction. . . . This determination of jurisdiction is binding on this [federal] court.”) (internal quotation omitted).

Petitioner’s claim fails to establish a constitutional violation. The Court finds no basis for granting habeas relief on this claim.

B. State Court Habeas Corpus Proceeding

Petitioner’s second claim concerns the state courts’ handling of his petition for

state habeas relief. First, Petitioner argues that the Michigan Court of Appeals' failure to provide an explanation for denying his application for leave to appeal was an abuse of discretion. There is no constitutional requirement that a state court decision must be accompanied by an explanation. *Harrington v. Richter*, 562 U.S. 86, 98 (2011). A federal court may grant habeas relief "only on the ground that [a petitioner] is in custody in violation of the Constitution or laws or treaties of the United States." *Wilson v. Corcoran*, 562 U.S. 1, 5 (2010), quoting 28 U.S.C. § 2254(a). Because a state court is not constitutionally required to provide reasons for its decision, the Court finds no violation of the Constitution or federal law.

Second, Petitioner argues that the Michigan Supreme Court improperly labeled his application for leave to appeal a "delayed" application. The Court "must accept as valid a state court's interpretation of the ... rules of practice of that state." *Cristini v. McKee*, 526 F.3d 888, 897 (6th Cir. 2008). The Court will not reexamine the state court's characterization of the application for leave to appeal because the determination was based upon the state court's interpretation of Michigan rules of practice.

In addition, Petitioner's claim alleges deficiencies during the state-court collateral review process, rather than deficiencies in the direct review process. State court collateral proceedings "are not constitutionally required" so deficiencies in state post-conviction proceedings may not form the basis for habeas corpus relief. *Murray v. Giarratano*, 492 U.S. 1, 10 (1989). Habeas relief is denied on this claim.

IV. Certificate of Appealability

Federal Rule of Appellate Procedure 22 provides that an appeal may not proceed unless a certificate of appealability ("COA") is issued under 28 U.S.C. § 2253. A COA may be issued "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). A petitioner must show "that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (citation omitted). In this case, the Court concludes that reasonable jurists would not debate the conclusion that the petition fails to state a claim upon which habeas corpus relief should be granted. Therefore, the Court will deny a certificate of appealability.

V. Conclusion

The petition for a writ of habeas corpus and a certificate of appealability are **DENIED** and the matter is **DISMISSED WITH PREJUDICE**.

SO ORDERED.

s/Sean F. Cox
SEAN F. COX
UNITED STATES DISTRICT JUDGE

Dated October 14, 2020

Attachment - D

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTHONY D. JONES, # 193539,

Petitioner,

Case Number: 2:20-CV-12682

HONORABLE SEAN F. COX

v.

MICHELLE FLOYD,

Respondent.

**OPINION AND ORDER DENYING PETITIONER'S
MOTION FOR CERTIFICATE OF APPEALABILITY (ECF No. 11)**

Petitioner Anthony D. Jones has appealed the Court's opinion and judgment denying his *pro se* petition for the writ of habeas corpus. The habeas petition challenged Petitioner's Michigan convictions for two counts of second-degree criminal sexual conduct, Mich. Comp. Laws § 750.520c(1)(a), two counts of third-degree criminal sexual conduct, Mich. Comp. Laws § 750.520d(1)(a), and one count of fourth-degree criminal sexual conduct, Mich. Comp. Laws § 750.520(e)(1)(a). Petitioner sought habeas relief on these grounds: (i) the trial court lacked jurisdiction because of defects in the criminal complaint and warrant; and (ii) the Michigan appellate courts erred in deciding his post-conviction appeal. The Court found no merit in these claims and denied the petition. Currently before the Court is Petitioner's motion for a certificate of appealability.

The Court declined to grant a certificate of appealability (COA) at the same time the Court denied the petition. So the Court construes Petitioner's current motion for a COA as a motion for reconsideration. Motions for reconsideration may be granted when the moving party shows (1) a "palpable defect," (2) by which the court and the parties were misled, and (3) the

Attachment - 9

correction of which will result in a different disposition of the case. E.D. Mich. L.R. 7.1(h)(3).

A “palpable defect” is a “defect which is obvious, clear, unmistakable, manifest or plain.” *Olson v. The Home Depot*, 321 F. Supp. 2d 872, 874 (E.D. Mich. 2004).

Petitioner seeks a COA for the two claims raised in his habeas petition. The Court denied Petitioner’s challenge to the adequacy of the state criminal complaint and warrant because the claim challenged a state-court determination on a state-law issue. *Estelle v. McGuire*, 502 U.S. 62, 68 (1991). In his second claim, Petitioner challenged the state courts’ handling of his post-conviction appeals. This claim was denied because, like Petitioner’s first claim, it raised only alleged violations of state law.

Petitioner fails to show that the Court made an obvious, clear, unmistakable, manifest, or plain error in denying his habeas claims. His motion simply reasserts arguments advanced in his petition. A motion which presents the same issues already ruled upon by the Court does not allege sufficient grounds for reconsideration. *See* E.D. Mich. L.R. 7.1(h)(3) (“[T]he Court will not grant motions for rehearing or reconsideration that merely present the same issues relied upon by the Court, either expressly or by reasonable implication.”). The Court will deny reconsideration.

Petitioner also states that he received ineffective assistance of counsel. (ECF No. 11, PageID.209.) This claim was not raised in the petition and it is unclear whether Petitioner intends to assert ineffective assistance of counsel as a new claim or a new basis for a COA. To the extent that he seeks a COA on this claim, the request is denied because the claim was not raised in the petition. To the extent that Petitioner asserts this claim as a new basis for habeas corpus relief, the claim is comparable to a second or successive petition. The Court has no

Attachment - D

jurisdiction to adjudicate a second or successive petition unless the Sixth Circuit Court of Appeals authorizes the filing of a second or second petition. *See* 28 U.S.C. § 2244(b)(3)(A); *Burton v. Stewart*, 549 U.S. 147, 149, 157 (2007) (concluding that the District Court lacked jurisdiction to entertain a state prisoner's second or successive habeas petition challenging custody because the petitioner failed to comply with the gatekeeping requirements of § 2244(b) and neither sought, nor received, authorization from the Court of Appeals before filing the petition). Because Petitioner has not received permission from the Court of Appeals to file a second or successive petition raising this claim, the Court lacks authority to address the merits of the new claim.

Accordingly, for the reasons states, the Court DENIES Petitioner's Motion to Grant Certificate of Appealability (ECF No. 11).

s/Sean F. Cox
SEAN F. COX
UNITED STATES DISTRICT JUDGE

Dated: February 9, 2021

Order

Michigan Supreme Court
Lansing, Michigan

September 8, 2020

Bridget M. McCormack,
Chief Justice

161414 & (26)

David F. Viviano,
Chief Justice Pro Tem

ANTHONY D. JONES,
Plaintiff-Appellant,

Stephen J. Markman
Brian K. Zahra
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh,
Justices

v

SC: 161414
COA: 353026
Jackson CC: 19-002697-AH

COOPER STREET CORRECTIONAL
FACILITY WARDEN,
Defendant-Appellee.

On order of the Court, the motion to supplement is GRANTED. The application for leave to appeal the May 18, 2020 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.



10831

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

September 8, 2020

Clerk

Court of Appeals, State of Michigan

ORDER

Anthony D Jones v Cooper Street Correctional Facility Warden

Docket No. 353026

LC No. 19-002697-AH

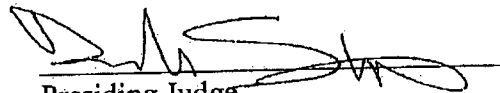
Douglas B. Shapiro
Presiding Judge

Jane M. Beckering

James Robert Redford
Judges

The COVID-19 emergency motion for personal appeal bond is DENIED.

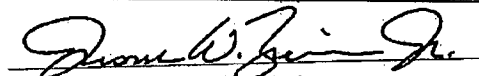
The delayed application for leave to appeal is DENIED.


Presiding Judge

A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

MAY 18 2020

Date


Chief Clerk

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF JACKSON

ANTHONY D. JONES #193539,

Petitioner,

Case No. 19-2697-AH

Hon. Thomas D. Wilson

v.

MS. M. FLOYD (ACTING WARDEN),

Respondent.

ANTHONY D. JONES #193539
Cooper Street Correctional Facility
3100 Cooper St
Jackson, MI 49201

MS. M. FLOYD (ACTING WARDEN)
Cooper Street Correctional Facility
3100 Cooper St
Jackson, MI 49201

ORDER FOLLOWING WRIT OF HABEAS CORPUS

Petitioner in this matter has filed a petition for a Writ of Habeas Corpus. This writ is used "to determine the legality of the restraint under which a person is held [and] deals with radical defects [in jurisdiction] that render a judgment or proceeding absolutely void." *Moses v. Dep't of Corr.*, 274 Mich. App. 481, 485 (2007). If there is no legal basis for the detention, the judge must order that the detainee be released. *See Hinton v. Parole Bd.*, 148 Mich. App. 235, 244 (1986).

Petitioner alleges that the complaining witness must sign the felony complaint in front of a judicial officer for it to be valid and as his was not signed by the complaining witness it is therefore invalid and all of the proceedings that occurred afterwards leading to his conviction are void. This Court disagrees.

MCL 764.1(a)(2) states that a finding of reasonable cause by the magistrate, giving authority to issue a warrant, shall be based upon 1 or more of the following: "(a) factual allegations of the complainant contained in the complaint. (b) the complainant's sworn testimony. (c) the complainant's affidavit. (d) any supplemental sworn testimony of the complainant or other individuals presented by the complainant or required by the magistrate." Petitioner fails to present any evidence that the magistrate did not base his findings on 1 or more of the following circumstances listed in the statute.

Furthermore, MCR 6.101 states that the complaint must be signed and sworn to before a judicial officer or court clerk, which was done so by the prosecutor's office, satisfying the court rule. Nowhere in the statute or the court rule does it state that the complaining witness must sign the complaint for it to be valid.

Therefore, the petition for Writ of Habeas Corpus is hereby **DENIED**.

IT IS SO ORDERED this 27 day of October, 2019.

Certificate of Service:

I hereby certify that a copy of this order was sent to the parties via U.S. mail this 23 day of October, 2019.

Brittany Lawe
Brittany Lawe, Court Officer

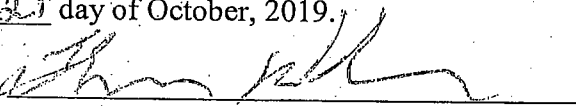

HONORABLE THOMAS D. WILSON
CIRCUIT COURT JUDGE

Exhibit - A

2015711201

STATE OF MICHIGAN

CASE NO: 2015711201

36TH DISTRICT COURT DETROIT
3rd Judicial Circuit

COMPLAINT
FELONY

15058373

The People of the State of Michigan

vs

ANTHONY DEAN JONES 82-15711201-01

Offense Information

Police Agency / Report No.

82DPSC 1501280078

Date of Offense

JAN 2015 CDG

Place of Offense

14475 CHELSEA, DETROIT

Complainant or Victim

MERCEDES DESHIELDS

Complaining Witness

INFO AND BELIEF

STATE OF MICHIGAN, COUNTY OF WAYNE

The complaining witness says that on the date and the location stated above, the defendant, contrary to law,

COUNT 1: CRIMINAL SEXUAL CONDUCT - FIRST DEGREE (DURING FELONY)

did engage in sexual penetration to-wit: FINGER IN GENITAL OPENING with MERCEDES DESHIELDS, under circumstances involving the commission of another felony, to-wit: HOME INVASION; contrary to MCL 750.520b(1)(c). [750.520B1C]

SORA NOTICE

This is a Tier III Offense under the Sex Offender Registration Act (SORA) MCL 28.722(w)(iv).

HIV/STD TESTING NOTICE

Take notice that pursuant to MCL 333.5129, upon bindover to circuit court or recorder's court, the district court judge shall order the defendant to be tested for venereal disease, hepatitis B infection, and for the presence of HIV or an antibody to HIV if the judge determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.

FELONY: Life or any term of years; mandatory lifetime electronic monitoring; mandatory AIDS/STD testing; DNA to be taken upon arrest. The Court may impose a consecutive sentence under MCL 750.520b(3).

SECOND OFFENSE NOTICE

And it further appearing that on 4/2/88, said defendant was previously convicted of MCL 750.520B1A, in RECORDERS, DETROIT;

Therefore, the offense set forth above is alleged to be a second offense; contrary to MCL 750.520b(2)(c). [750.520B2C]

SORA NOTICE

This is a Tier III Offense under the Sex Offender Registration Act (SORA) MCL 28.722(w)(iv).

FELONY: Life without parole, mandatory lifetime electronic monitoring; mandatory AIDS/STD testing; DNA to be taken upon arrest. Life without parole cannot be imposed on a 17 year old defendant per Graham v. Florida __US__ (08-7412, 5/17/2010). The Court may impose a consecutive sentence under MCL 750.520b(3).

COUNT 2: HOME INVASION - 1ST DEGREE

did break and enter, or did enter without permission a dwelling located at 14475 CHELSEA, and, while entering, present in, or exiting did commit CRIMINAL SEXUAL CONDUCT 1ST DEGREE, a felony, and while entering, present in, or exiting the dwelling MERCEDES DESHIELDS, was lawfully present therein; contrary to MCL 750.110a(2). [750.110A2]

FELONY: 20 Years and/or \$5,000.00. A consecutive sentence may be imposed for any other conviction arising out of the same transaction.

COUNT 3: CRIMINAL SEXUAL CONDUCT - THIRD DEGREE (PERSON 13-15)

did engage in sexual penetration to-wit: PENIS IN GENITAL OPENING, with a child who was at least 13 years of age, but under 16 years; contrary to MCL 750.520d(1)(a). [750.520D1A]

SORA NOTICE

This is a Tier III Offense under the Sex Offender Registration Act (SORA) unless the court finds that the victim was between the ages of 13 to 15 inclusive, consented to the conduct, and the defendant was not more than 4 years older than the victim. MCL 28.722(w)(iv).

EXHIBIT-A

HIV/STD TESTING NOTICE

Take notice that pursuant to MCL 333.5129, upon bindover to circuit court or recorder's court, the district court judge shall ~~order the defendant to be tested for venereal disease, hepatitis B infection, and for the presence of HIV or an antibody to HIV if~~ the judge determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.

FELONY: 15 Years; Mandatory AIDS/STD testing; DNA to be taken upon arrest.

HABITUAL OFFENDER - SECOND OFFENSE NOTICE

Take notice that the defendant was previously convicted of a felony or an attempt to commit a felony in that on or about 4/22/88, he or she was convicted of the offense of CRIMINAL SEXUAL CONDUCT 1ST in violation of 750.520B1A in the RECORDERS Court for DETROIT, State of MI;

Therefore, defendant is subject to the penalties provided by MCL 769.10. [769.10] One and one-half times the maximum sentence on primary offense or a lesser term. The maximum penalty cannot be less than the maximum term for a first conviction.

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

The complaining witness asks that defendant be apprehended and dealt with according to law.

Warrant authorized on <u>6-4-15</u> by:
<u>Michelle Jarczewski</u> Date <u>6-4-15</u>
Michelle Jarczewski P#0831

<u>[Signature]</u>
Complaining witness signature
Subscribed and sworn to before me on <u>6-4-15</u>
Date <u>JUN 04 2015</u>
<u>[Signature]</u>
Judge/Magistrate/Clerk Bar no.
Magistrate Charles Anderson

STATE OF MICHIGAN

CASE NO: 2015711268

36TH DISTRICT COURT DETROIT
3rd Judicial CircuitCOMPLAINT
FELONY

15058315

The People of the State of Michigan

vs

ANTHONY DEAN JONES 82-15711268-01

Offense Information
 Police Agency / Report No.
 82DPSC 1506030342
 Date of Offense
 JAN 2015 CDG
 Place of Offense
 14475 CHELSEA, DETROIT
 Complainant or Victim
 AJHANIQUE FOREMAN
 Complaining Witness
 INFO AND BELIEF

STATE OF MICHIGAN, COUNTY OF WAYNE

The complaining witness says that on the date and the location stated above, the defendant, contrary to law,

COUNT 1: CRIMINAL SEXUAL CONDUCT - FIRST DEGREE (Person Under Thirteen, Defendant 17 years of age or older) being 17 years of age or older, did engage in sexual penetration, to-wit: FINGER IN GENITAL OPENING, with a child under 13 years of age; contrary to MCL 750.520b(1)(a) and MCL 750.520b(2)(b). [750.520B2B]

SORA NOTICE

This is a Tier III Offense under the Sex Offender Registration Act (SORA) MCL 28.722(w)(iv).

HIV/STD TESTING NOTICE

Take notice that pursuant to MCL 333.5129, upon bindover to circuit court or recorder's court, the district court judge shall order the defendant to be tested for venereal disease, hepatitis B infection, and for the presence of HIV or an antibody to HIV if the judge determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.

FELONY: Life or any term of years; mandatory minimum of 25 years; lifetime electronic monitoring; mandatory AIDS/STD testing; DNA to be taken upon arrest. The Court may impose a consecutive sentence under MCL 750.520b(3).

COUNT 2: CRIMINAL SEXUAL CONDUCT - FIRST DEGREE (Person Under Thirteen, Defendant 17 years of age or older) being 17 years of age or older, did engage in sexual penetration, to-wit: FINGER IN GENITAL OPENING, with a child under 13 years of age; contrary to MCL 750.520b(1)(a) and MCL 750.520b(2)(b). [750.520B2B]

SORA NOTICE

This is a Tier III Offense under the Sex Offender Registration Act (SORA) MCL 28.722(w)(iv).

HIV/STD TESTING NOTICE

Take notice that pursuant to MCL 333.5129, upon bindover to circuit court or recorder's court, the district court judge shall order the defendant to be tested for venereal disease, hepatitis B infection, and for the presence of HIV or an antibody to HIV if the judge determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.

FELONY: Life or any term of years; mandatory minimum of 25 years; lifetime electronic monitoring; mandatory AIDS/STD testing; DNA to be taken upon arrest. The Court may impose a consecutive sentence under MCL 750.520b(3).

COUNT 3: CRIMINAL SEXUAL CONDUCT - SECOND DEGREE (Person Under Thirteen, Defendant 17 years of age or older)

being 17 years of age or older, did engage in sexual contact with a person under 13 years of age; contrary to MCL 750.520c(1)(a) and MCL 750.520c(2)(b). [750.520C2B]

SORA NOTICE

This is a Tier III offense under the Sex Offender Registration Act (SORA). MCL 28.722(w)(v).

HIV/STD TESTING NOTICE

Take notice that pursuant to MCL 333.5129, upon bindover to circuit court or recorder's court, the district court judge shall order the defendant to be tested for venereal disease, hepatitis B infection, and for the presence of HIV or an antibody to HIV if the judge determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.

FELONY: 15 Years and lifetime electronic monitoring upon parole from prison; mandatory AIDS/STD testing; DNA to be taken upon arrest.

EXHIBIT - A

COUNT 4: CRIMINAL SEXUAL CONDUCT - SECOND DEGREE (Person Under Thirteen, Defendant 17 years of age or older)

being 17 years of age or older, did engage in sexual contact with a person under 13 years of age; contrary to MCL 750.520c(1)(a) and MCL 750.520c(2)(b). [750.520C2B]

SORA NOTICE

This is a Tier III offense under the Sex Offender Registration Act (SORA). MCL 28.722(w)(v).

HIV/STD TESTING NOTICE

Take notice that pursuant to MCL 333.5129, upon bindover to circuit court or recorder's court, the district court judge shall order the defendant to be tested for venereal disease, hepatitis B infection, and for the presence of HIV or an antibody to HIV if the judge determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.

FELONY: 15 Years and lifetime electronic monitoring upon parole from prison; mandatory AIDS/STD testing; DNA to be taken upon arrest.

COUNT 5: CRIMINAL SEXUAL CONDUCT - SECOND DEGREE (Person Under Thirteen, Defendant 17 years of age or older)

being 17 years of age or older, did engage in sexual contact with a person under 13 years of age; contrary to MCL 750.520c(1)(a) and MCL 750.520c(2)(b). [750.520C2B]

SORA NOTICE

This is a Tier III offense under the Sex Offender Registration Act (SORA). MCL 28.722(w)(v).

HIV/STD TESTING NOTICE

Take notice that pursuant to MCL 333.5129, upon bindover to circuit court or recorder's court, the district court judge shall order the defendant to be tested for venereal disease, hepatitis B infection, and for the presence of HIV or an antibody to HIV if the judge determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.

FELONY: 15 Years and lifetime electronic monitoring upon parole from prison; mandatory AIDS/STD testing; DNA to be taken upon arrest.

HABITUAL OFFENDER - SECOND OFFENSE NOTICE

Take notice that the defendant was previously convicted of a felony or an attempt to commit a felony in that on or about 4/22/88, he or she was convicted of the offense of CRIMINAL SEXUAL CONDUCT 1ST in violation of 750.520B1A in the RECORDERS Court for DETROIT, State of MI;

Therefore, defendant is subject to the penalties provided by MCL 769.10. [769.10]
One and one-half times the maximum sentence on primary offense or a lesser term. The maximum penalty cannot be less than the maximum term for a first conviction.

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

The complaining witness asks that defendant be apprehended and dealt with according to law.

Warrant authorized on <u>6-4-15</u> by: <u>[Signature]</u>
Date <u>6-4-15</u>
<u>[Signature]</u>
Michelle Jarczewski P70831 <u>P37970</u>

<u>[Signature]</u>
Complaining witness signature
Subscribed and sworn to before me on <u>6-4-15</u>
Date <u>6-4-15</u>
<u>[Signature]</u>
Judge/Magistrate/Clerk
Bar no.

Magistrate Charles Anderson

STATE OF MICHIGAN

36TH DISTRICT COURT
DETROIT
3rd Judicial Circuit

WARRANT
FELONY

2015711201
CASE NO: 2015711201

5058373

The People of the State of Michigan

vs

ANTHONY DEAN JONES 82-15711201-01

Offense Information
Police Agency / Report No.
82DPSC 1501280078
Date of Offense
JAN:2015 CDC
Place of Offense
14475 CHELSEA, DETROIT
Complainant or Victim
MERCEDES DESHIELDS
Complaining Witness
INFO AND BELIEF

STATE OF MICHIGAN, COUNTY OF Wayne

To any peace officer or court officer authorized to make arrest: The complaining witness has filed a sworn complaint in this court stating that on the date and the location stated above, the Defendant(s), contrary to law,

COUNT 1: CRIMINAL SEXUAL CONDUCT - FIRST DEGREE (DURING FELONY)
did engage in sexual penetration to-wit: FINGER IN GENITAL OPENING with MERCEDES DESHIELDS, under circumstances involving the commission of another felony, to-wit: HOME INVASION; contrary to MCL 750.520b(1)(c).
750.520B1C]

SORA NOTICE

This is a Tier III Offense under the Sex Offender Registration Act (SORA) MCL 28.722(w)(iv).
IV/STD TESTING NOTICE

Take notice that pursuant to MCL 333.5129, upon bindover to circuit court or recorder's court, the district court judge shall order the defendant to be tested for venereal disease, hepatitis B infection, and for the presence of HIV or an antibody to HIV if the judge determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.

FELONY: Life or any term of years; mandatory lifetime electronic monitoring; mandatory AIDS/STD testing; DNA to be taken upon arrest. The Court may impose a consecutive sentence under MCL 750.520b(3).

SECOND OFFENSE NOTICE

And it further appearing that on 4/2/88, said defendant was previously convicted of MCL 750.520B1A, in RECORDERS, DETROIT;

Therefore, the offense set forth above is alleged to be a second offense; contrary to MCL 750.520b(2)(c). [750.520B2C]
SORA NOTICE

This is a Tier III Offense under the Sex Offender Registration Act (SORA) MCL 28.722(w)(iv).
FELONY: Life without parole, mandatory lifetime electronic monitoring; mandatory AIDS/STD testing; DNA to be taken upon arrest. Life without parole cannot be imposed on a 17 year old defendant per Graham v. Florida __US__ (08-7412, 5/17/2010). The Court may impose a consecutive sentence under MCL 750.520b(3).

COUNT 2: HOME INVASION - 1ST DEGREE

I break and enter, or did enter without permission a dwelling located at 14475 CHELSEA, and, while entering, present in, or exiting did commit CRIMINAL SEXUAL CONDUCT 1ST DEGREE, a felony, and while entering, present in, or exiting the dwelling MERCEDES DESHIELDS, was lawfully present therein; contrary to MCL 750.110a(2). [750.110A2]
FELONY: 20 Years and/or \$5,000.00: A consecutive sentence may be imposed for any other conviction arising out of the same transaction.

COUNT 3: CRIMINAL SEXUAL CONDUCT - THIRD DEGREE (PERSON 13-15)

engage in sexual penetration to-wit: PENIS IN GENITAL OPENING, with a child who was at least 13 years of age, but under 16 years; contrary to MCL 750.520d(1)(a). [750.520D1A]

RA NOTICE

This is a Tier III Offense under the Sex Offender Registration Act (SORA) unless the court finds that the victim was between the ages of 13 to 15 inclusive, consented to the conduct, and the defendant was not more than 4 years older than the victim. MCL 28.722(w)(iv).

Exhibit - B

HIV/STD TESTING NOTICE

Take notice that pursuant to MCL 333.5129, upon binder to circuit court or recorder's court, the district court judge shall ~~order the defendant to be tested for venereal disease, hepatitis B infection, and for the presence of HIV or an antibody to HIV if~~ the judge determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.

FELONY: 15 Years; Mandatory AIDS/STD testing; DNA to be taken upon arrest.

HABITUAL OFFENDER - SECOND OFFENSE NOTICE

Take notice that the defendant was previously convicted of a felony or an attempt to commit a felony in that on or about 4/22/88, he or she was convicted of the offense of CRIMINAL SEXUAL CONDUCT 1ST in violation of 750.520B1A in the RECORDERS Court for DETROIT, State of MI;

Therefore, defendant is subject to the penalties provided by MCL 769.10. [769.10] One and one-half times the maximum sentence on primary offense or a lesser term. The maximum penalty cannot be less than the maximum term for a first conviction.

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

Upon examination of the complaining witness, there is probable cause to believe that the offense charged was committed and the Defendant committed the offense. THEREFORE, IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN, I command you to arrest and bring the defendant before the Court immediately.

(SEAL)

Date

Judge/Magistrate

Bar no.

Exhibit - B

2015711268

STATE OF MICHIGAN

CASE NO: 2015711268

36TH DISTRICT COURT
DETROIT
3rd Judicial Circuit

WARRANT
FELONY

The People of the State of Michigan

VS

ANTHONY DEAN JONES 82-15711268-01

Offense Information

Police Agency / Report No.

32DPSC 1506030342

Date of Offense

JAN 2015 CDG

Place of Offense

14475 CHELSEA, DETROIT

Complainant or Victim

AJHANIQUE FOREMAN

Complaining Witness

INFO AND BELIEF

STATE OF MICHIGAN, COUNTY OF Wayne

To any peace officer or court officer authorized to make arrest: The complaining witness has filed a sworn complaint in this court stating that on the date and the location stated above, the Defendant(s), contrary to law,

COUNT 1: CRIMINAL SEXUAL CONDUCT - FIRST DEGREE (Person Under Thirteen, Defendant 17 years of age or older) being 17 years of age or older, did engage in sexual penetration, to-wit: FINGER IN GENITAL OPENING, with a child under 13 years of age; contrary to MCL 750.520b(1)(a) and MCL 750.520b(2)(b). [750.520B2B]

SORA NOTICE

This is a Tier III Offense under the Sex Offender Registration Act (SORA) MCL 28.722(w)(iv).

HIV/STD TESTING NOTICE

Take notice that pursuant to MCL 333.5129, upon bindover to circuit court or recorder's court, the district court judge shall order the defendant to be tested for venereal disease, hepatitis B infection, and for the presence of HIV or an antibody to HIV if the judge determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.

FELONY: Life or any term of years; mandatory minimum of 25 years; lifetime electronic monitoring; mandatory AIDS/STD testing; DNA to be taken upon arrest. The Court may impose a consecutive sentence under MCL 750.520b(3).

COUNT 2: CRIMINAL SEXUAL CONDUCT - FIRST DEGREE (Person Under Thirteen, Defendant 17 years of age or older) being 17 years of age or older, did engage in sexual penetration, to-wit: FINGER IN GENITAL OPENING, with a child under 13 years of age; contrary to MCL 750.520b(1)(a) and MCL 750.520b(2)(b). [750.520B2B]

SORA NOTICE

This is a Tier III Offense under the Sex Offender Registration Act (SORA) MCL 28.722(w)(iv).

HIV/STD TESTING NOTICE

Take notice that pursuant to MCL 333.5129, upon bindover to circuit court or recorder's court, the district court judge shall order the defendant to be tested for venereal disease, hepatitis B infection, and for the presence of HIV or an antibody to HIV if the judge determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.

FELONY: Life or any term of years; mandatory minimum of 25 years; lifetime electronic monitoring; mandatory AIDS/STD testing; DNA to be taken upon arrest. The Court may impose a consecutive sentence under MCL 750.520b(3).

COUNT 3: CRIMINAL SEXUAL CONDUCT - SECOND DEGREE (Person Under Thirteen, Defendant 17 years of age or older) being 17 years of age or older, did engage in sexual contact with a person under 13 years of age; contrary to MCL 750.520c(1)(a) and MCL 750.520c(2)(b). [750.520C2B]

SORA NOTICE

This is a Tier III offense under the Sex Offender Registration Act (SORA) MCL 28.722(w)(v).

HIV/STD TESTING NOTICE

Take notice that pursuant to MCL 333.5129, upon bindover to circuit court or recorder's court, the district court judge shall order the defendant to be tested for venereal disease, hepatitis B infection, and for the presence of HIV or an antibody to HIV if the judge determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.

FELONY: 15 Years and lifetime electronic monitoring upon parole from prison; mandatory AIDS/STD testing; DNA to be taken upon arrest.

COUNT 4: CRIMINAL SEXUAL CONDUCT - SECOND DEGREE (Person Under Thirteen, Defendant 17 years of age or older)
being 17 years of age or older, did engage in sexual contact with a person under 13 years of age; contrary to MCL 750.520c(1)(a) and MCL 750.520c(2)(b). [750.520C2B]

SORA NOTICE

This is a Tier III offense under the Sex Offender Registration Act (SORA). MCL 28.722(w)(v).

HIV/STD TESTING NOTICE

Take notice that pursuant to MCL 333.5129, upon bindover to circuit court or recorder's court, the district court judge shall order the defendant to be tested for venereal disease, hepatitis B infection, and for the presence of HIV or an antibody to HIV if the judge determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.

FELONY: 15 Years and lifetime electronic monitoring upon parole from prison; mandatory AIDS/STD testing; DNA to be taken upon arrest.

COUNT 5: CRIMINAL SEXUAL CONDUCT - SECOND DEGREE (Person Under Thirteen, Defendant 17 years of age or older)
being 17 years of age or older, did engage in sexual contact with a person under 13 years of age; contrary to MCL 750.520c(1)(a) and MCL 750.520c(2)(b). [750.520C2B]

SORA NOTICE

This is a Tier III offense under the Sex Offender Registration Act (SORA). MCL 28.722(w)(v).

HIV/STD TESTING NOTICE

Take notice that pursuant to MCL 333.5129, upon bindover to circuit court or recorder's court, the district court judge shall order the defendant to be tested for venereal disease, hepatitis B infection, and for the presence of HIV or an antibody to HIV if the judge determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.

FELONY: 15 Years and lifetime electronic monitoring upon parole from prison; mandatory AIDS/STD testing; DNA to be taken upon arrest.

HABITUAL OFFENDER - SECOND OFFENSE NOTICE

Take notice that the defendant was previously convicted of a felony or an attempt to commit a felony in that on or about 4/22/88, he or she was convicted of the offense of CRIMINAL SEXUAL CONDUCT 1ST in violation of 750.520B1A in the RECORDERS Court for DETROIT, State of MI;

Therefore, defendant is subject to the penalties provided by MCL 769.10. [769.10]
One and one-half times the maximum sentence on primary offense or a lesser term. The maximum penalty cannot be less than the maximum term for a first conviction.

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

Upon examination of the complaining witness, there is probable cause to believe that the offense charged was committed and the Defendant committed the offense. THEREFORE, IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN, I command you to arrest and bring the defendant before the Court immediately.

(SEAL)

Date

Judge/Magistrate

Bar no.