

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

PEOPLE OF THE STATE OF
MICHIGAN,

Case No: 12-4934-FC

Plaintiff - Appellee,

v.

Honorable Thomas D. Wilson

KESEAN CALVIN WILSON,

Defendant – Appellant.

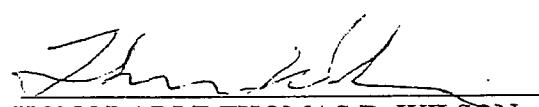
Kesean Calvin Wilson #812224
In pro per
Lakeland Correctional Facility
141 First Street St
Coldwater, Michigan 49036

Jerard M. Jarzynka (P35496)
Prosecuting Attorney
312 South Jackson St
Jackson, Michigan 49201
517.788.4283

**ORDER DENYING MOTION FOR RESENTENCING AND MOTION FOR RELIEF
FROM COURT COSTS AND OTHER FEES**

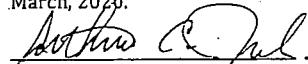
This Court has diligently reviewed petitioner's Motion for Resentence and Motion for Relief from Court Costs and Other Fees, and has determined petitioner has exhausted all appellate remedies. Petitioner's motion is hereby **DENIED**.

IT IS SO ORDERED this 5 day of March, 2020.


HONORABLE THOMAS D. WILSON
CIRCUIT COURT JUDGE

Certificate of Service:

I hereby certify that a copy of this order was sent to the parties via U.S. mail this 5 day of March, 2020.


Arthur C. Joslin, Court Officer



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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

Case No. 12-4934-FC

v.

Hon. Thomas D. Wilson

KESEAN C. WILSON,

Defendant.

Jerard M. Jarzynka (P35496)
Prosecuting Attorney
Office of the Prosecuting Attorney
312 S Jackson St.
Jackson, MI 49201

Kesean Wilson, #812224
Pro Per Defendant
Lakeland Correctional Facility
141 First St.
Coldwater, MI 49036

**ORDER DENYING MOTION TO SET ASIDE JUDGMENT & DENIAL OF
EVIDENTIARY HEARING**

This Court has reviewed Defendant's Motion to Set Aside Judgment pursuant to MCR 6.502(G)(2)(b) and 6.508(D)(3). Defendant claims this Court lacked jurisdiction to hear his case because he was charged and convicted with two counts of armed robbery contrary to MCL 750.529 and one count of felony firearm contrary to 750.227 following a robbery of credit union that was federally insured in state court. Defendant claims that he recently learned that his co-defendant was federally charged and convicted for that same offense. Accordingly, Defendant claims the federal courts have exclusive jurisdiction based on an M-Live article, which states, "It is a federal crime to rob any national or state member bank of the Federal Reserve." Defendant's Exhibit A. While 18 USC 2113 does make it a federal crime to rob a federally insured bank, the State of Michigan has concurrent jurisdiction to prosecute crimes that are identified by our state legislature under our penal code that occur within our state. This is evident in the case of *Bartkus v Illinois*, 359 U.S. 121 (1959), where Illinois had state jurisdiction to prosecute the defendant of armed robbery, even after the defendant in that case had been acquitted for robbery of a federally insured bank, yet Illinois did not violate the Double Jeopardy clause for prosecuting the same offense. As such, if both the state and federal government permits prosecution on those same facts, the federal jurisdiction does not supersede the state jurisdiction. Rather, each sovereign entity possesses jurisdiction.

To note, this Court also received Defendant's supplement on December 9, 2024. Defendant asserted a claim of ineffective assistance of counsel because his counsel did

not raise the issue of federal jurisdiction. Under *Strickland v Washington*, 466 US 668 (1984), an individual must show both that his prior counsel made an error, and that the Defendant was prejudiced by his counsel's actions. As already established, Defendant made a valid plea to a crime where there is concurrent state and federal jurisdiction. Whether Defendant's co-defendant was charged and convicted federally is irrelevant to impact Defendant's case in this Court. This Court had proper jurisdiction to hear this case, as granted by MCL 750.529 and MCL 750.227. Accordingly, even if his counsel did commit error by not raising this objection, it would not have prejudiced Defendant because this Court had proper jurisdiction.

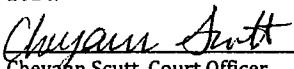
Because Defendant's Counsel would not be prejudiced, Defendant is not entitled to an evidentiary hearing as requested. *

IT IS HEREBY ORDERED that Defendant's motion is **DENIED**.

IT IS SO ORDERED this 20 day of December, 2024.

Certificate of Service:

I hereby certify that a copy of this order was sent to the parties via e-mail U.S. mail this 20 day of December 2024.


Cheyann Scutt
Court Officer



HONORABLE THOMAS D. WILSON
CIRCUIT COURT JUDGE

**Additional material
from this filing is
available in the
Clerk's Office.**