

MICHIGAN DEPARTMENT OF CORRECTIONS
PRESENTENCE INVESTIGATION REPORT

RECEIVED

11440 T

MAR 29 1994

STATE APPELLATE
DEFENDER OFFICE

CFJ-145 1/90
4835-8145

2/2/94

Honorable Dennis Kolenda County Kent Sentence Date 1-19-94

Docket 93-60314-FCB Attorney Tonya Krause Appt. X Retained _____

Defendent TURNER, Stephen Dennis Age 31 D.O.B. 12-20-62

CURRENT CONVICTION(S)

Final Charge(s)	Max.	Jail Credit	Bond	Proposal B
1. <u>CSC 2nd degree</u>	<u>15y</u>	<u>fr</u> days	<u>No</u>	_____
2. <u>Aid & Abetting CSC 1st degree</u>	<u>Life</u>	<u>7-7-93</u> days	<u>NO</u>	_____
3. _____	_____	_____ days	_____	_____

Convicted by: Plea Jury X Judge _____ Plea Under Advisement _____ Nolo Contendere _____ HYTA: Yes _____ No X

Conviction Date 12-13-93 Plea Agreement _____

Pending Charges: _____ Where _____

PRIOR RECORD

Convictions: Felonies 0 Misdemeanors 0 Juvenile Record: Yes _____ No X

Probation: Active _____ Former _____ Pending Violation _____

Parole: Active _____ Former _____ Pending Violation _____

Current Michigan Prisoner: Yes _____ No X Number _____

Currently Under Sentence: Offense _____ Sentence _____

PERSONAL HISTORY

Education 3 yrs college Employed No Where _____

Psychiatric History: Yes _____ No X Physical Handicaps: Yes _____ No X Marital Status Married

Substance Abuse History: Yes _____ No X What _____ How Long _____

RECOMMENDATION

It is recommended that Stephen Dennis Turner be turned over to the Michigan Department of Corrections to serve prison terms on bout counts. Sentencing on the low end of the guidelines is recommended.

Subject had mandatory AIDS testing performed by Kent County Health Department.

CAB/dt

CONFIDENTIAL
DO NOT DUPLICATE

This case requires a \$30.00 assessment for the Crime Victim Rights Fund.

Agent C. A. Brown 330 Caseload No. 330 Date January 11, 1994

Signature Carol A Brown 1/12/94 Supervisor's Approval: _____

TURNER, Stephen Dennis
Kent County Circuit Court Docket No. 93-63014-FCB

EVALUATION AND PLAN

Stephen Turner presents as an intelligent, soft spoken, and sincere individual. Included among the positive factors in his life is the fact that he is a high school graduate with an Associate Arts degree from Grace Bible College. Since accomplishing that degree, he has been working on a degree in computer applications at Grand Rapids Community College. He is a deeply religious individual who came to Grand Rapids in 1981 to attend Grace Bible College, where he met his wife. The couple remain married and have four children. At the time of the instant offense he was temporarily separated from his wife. They have since reconciled and when released from custody, he anticipates returning to his family. He uses no alcohol or drugs and has never had a problem with either. He has an excellent employment history, having maintained employment at Cascade Engineering for the past eight years, until the time of his arrest. He was earning \$9.25 an hour prior to his arrest. Despite his good employment history, the family has been having financial difficulties and he reports that he was in his second year of Chapter 13 bankruptcy.

Stephen maintains his innocence in this case, but was found guilty by a jury. His brother, Daniel, the co-defendant in this case, has been found guilty of three counts in this case, and appears to have been the instigator and the major player in this incident. From the evidence it appears that Stephen was present in the apartment during at least a part of the incident and that he did nothing to protect or rescue the 10 year old victim from his brother. Stephen's brother, Daniel, is a transsexual and had moved in with Stephen shortly before the instant offense occurred. Stephen, himself, admits that on occasion he has been involved in "cross dressing," but does not consider himself a "transsexual." He refers to his proclivities to cross dress as being "transgenderism." He does note that he has no desire to become a female, as has his brother. He also notes that he has normal heterosexual desires and relationships. His wife did not approve of his cross dressing, and that was one of the reasons for their recent separation. At this point in time, Stephen does not feel compelled to cross dress, and feels he can put that part of his life aside in order to save his marriage.

Your Honor, this subject's part in the instant offense was more one of failing to act to protect the victim, rather than actively victimizing her. I do not see him as a particular danger to the community; however, he has been convicted of a non probationable offense, and I would, therefore, recommend that he be turned over to the Michigan Department of Corrections to serve a period of prison confinement on the low end of the sentencing guidelines.

INVESTIGATOR'S DESCRIPTION OF THE OFFENSE

On July 7, 1993, Grand Rapids Police were dispatched to an apartment complex near 44th Street in Grand Rapids regarding a man with a crowbar pounding on a door and threatening people. When police arrived, they found Larry Marble with a crowbar, who approached them and told them that the men in the apartment at which he was

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Kent County Circuit Court Docket No. 93-63014-FCB

pounding on the door had "raped" his stepdaughter. The police then spoke with 10 year old Lakeysha Cage, the victim in this case. She told police that while she was playing outside of her apartment building, a man wearing red lipstick, later identified as Daniel Turner, grabbed her and "dragged" her into his apartment in the same apartment complex. While in his apartment, he took her into a bedroom where he removed her clothing and got on top of her. She reports that he felt her breasts and then urinated on her while she was on the bed. She reported that Daniel Turner was wearing a bra and women's panties. She told police that he was rubbing his own penis and made her touch his penis and forced her to perform fellatio on him, ejaculating in her mouth. She also told police that he put his mouth on her vagina and seemed to be sucking on her "private part." During this time she requested to go home and cried, but was told she could not leave.

At some point during this time, Stephen Turner, the brother of Daniel, entered the room where Lakeysha and Daniel were. Reportedly Daniel asked him to hold Lakeysha's arms down, but he refused, stating that he didn't want her in his bedroom. He then reportedly "dragged" her into the living room and threw her on a mattress at which time he also fondled her breasts. He then reportedly left the room again. While in the living room, Daniel made her try on women's clothing, including bras and panties which were present in the apartment. He allowed her to put on her own clothing and then held her on his lap while they played a video strip poker game. While playing this game, she reports that Daniel continued to feel her chest area.

Before allowing her to leave the apartment, Daniel posed Lakeysha with a butter knife on which he placed jelly, being held to his brother Stephen's body as if she was stabbing Stephen. He then threatened Lakeysha that if she told the police, they would show them the picture and the police would not believe her. She also told police that Daniel threatened to kill her if she told anyone.

Within a half an hour, Lakeysha did report the incident to her mother who confronted Daniel at his apartment door at which time he was heard to say by the mother and other witnesses, "I don't know why I did it, I don't know why I did it." About this time, Lakeysha's stepfather, Larry Marble, approached the apartment with a crowbar and the Turners retreated into their apartment. A neighbor called the police because of the ruckus.

Daniel and Stephen Turner were arrested and taken to the county jail. Stephen denied any knowledge of what went on between his brother and the child. Lakeysha Cage was taken to St. Mary's Hospital for a medical examination. Although she described the molestation, she refused to allow the doctor to perform a pelvic exam on her. To avoid further traumatizing her, her mother also agreed that the pelvic exam should not be done. Arrangements were made for her to be interviewed at the Children's Assessment Center at a later time. At that time she was given the name of a counselor who she has seen in counseling to help her deal with this event.

This writer spoke with Grand Rapids Detective Debora Vazquez during the preparation

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of this report. She told this investigator that Stephen was definitely the less involved in the actual incident, which was mainly perpetrated by Daniel. She feels that Stephen was actually afraid of his brother and afraid to stand up to him at the time of the incident. She points out that he did not come to the assistance of the child in any way and as a result, "helped put this girl through hell." She feels that he should go to prison but perhaps for not as long as Daniel. She feels Daniel should get "60 to 80 years in prison."

VICTIM'S IMPACT STATEMENT

This writer spoke with Larry Marble, the stepfather of Lakeshya. He reports that on the outside, Lakeysha appears to be okay emotionally, but he feels sure that she is "scarred on the inside." She has been involved in counseling over in Muskegon, where the family moved as a result of this incident. Some of their medical expenses have been paid through his wife's employment insurance, however, they do have some outstanding bills for which they have requested assistance through the Victims Compensation Fund. In regards to a sentencing recommendation, he told this investigator that he himself has served time in prison for a property offense, and that through his prison experience, it is his belief that sexual offenders do not change, or that it is rare for them to change. In regards to Daniel, he feels that the likelihood of him changing or getting help in the system would be extremely rare. He anticipates that Daniel would not be out to ever victimize Lakeysha again, but he expresses a fear that if Dan gets out, he will do this again to another child. He would therefore like to see him receive a lengthy prison sentence. In regards to Stephen's sentence, he made the following statement: "He's an adult, and he condoned his brother's behavior. He could have demanded that his brother stop it. Even though he did not partake as much as Daniel, he did nothing to stop it." He does feel that Stephen should be incarcerated, and feels that perhaps in his case there might be some chance for rehabilitation for him.

DEFENDANT'S DESCRIPTION OF THE OFFENSE

The following is a written statement provided by Stephen Turner: "I maintain my innocence in this case, and upon advice of counsel I decline any further comment of this matter."

PRIOR CRIMINAL RECORD

Juvenile

None reported nor found.

Adult

7-7-93 GRPD 1.CSC 2nd Instant Offense.

CONFIDENTIAL
DO NOT DUPLICATE

TURNER, Stephen Dennis
Kent County Circuit Court Docket No. 93-63014-FCB

2. Aiding and Abetting Instant Offense.
CSC 1st

FAMILY BACKGROUND

Father: Glenn Turner, 60, Route 2-028A, Bluff Road, Eagle, Wisconsin,
414-495-4722. Employed as a janitor.

Mother: Sophia Turner, 57, of above address.

Siblings: Tom Turner, 37, Milwaukee, Wis.

Judy Turner, 33, LaCrosse, Wis.

Daniel Turner, 36, presently incarcerated at Kent County Jail awaiting
sentencing as a co-defendant under the same docket number.

Spouse: Alisha Persons Turner, 28, 4270 Langley Court S.E., Grand Rapids, MI,
455-2094.

Children: Amanda Turner, 8, of above address.

Angela Turner, 6, of above address.

Laura Turner, 3, of above address.

Luke Turner, 6 months, of above address.

Stephen reports that his home life was rough at times as he was growing up due to the fact that his mother had suffered serious injuries in two automobile accidents in 1971 and 1973 which left her with some head injuries and resultant problems. As a result she was frail and the children were expected to maintain the household chores. He recalls that his mother was a perfectionist and this was not an easy task. As a result he feels his two brothers rebelled against their parents and both joined the Navy to get away from home. He does recall that his brother, Dan, also had some gender identity issues which became obvious to the family and caused some problems in the home. Stephen, on the other hand, experienced a religious rebirth when he was in high school, and as a result, he feels he was not as bitter towards his parents but was able to deal more with the home situation than were his brothers.

After graduating from high school in 1981 he came to Grand Rapids to attend Grace Bible College and has lived in the Grand Rapids area since. He met his wife while a student at the Bible College and married her in 1985. Their marriage remains intact and four children have been born to the marriage.

MDOC No. 0		Court Name (Last, First, Middle) TURNER, Stephen Dennis						
Alias or Maiden Name "Steph"				Given Name Same				
Place of Birth Milwaukee, Wis		Citizenship USA		DOB 12-20-62		Last Known Address & Telephone No. 4270 Langley Ct., S.E. Grand Rapids, MI 49508 616-455-2094		
STATE & DLN T 656 777 139 964								
SSN 399 76 6155			SID No. 1705505T					
FBI No. 634282TAA		Race W	Sex M	Hair Red	Eyes Brn			
Height 5'10 1/2	Weight 155	Highest Grade Completed 3 yrs college		Occupation shipping/Rec'd	Health Ins. ___Y___X___N	Assets of \$1,500 & Up ___Y___X___N	Monthly Income of \$75 & Up ___Y___X___N	
Marital Status Married		Dependents 4		Religion Protestant		Military Branch NA	From - To	Discharge Type
Marks, Scars, Amputations, Tattoos None				Drug Abuse ___Y___X___N	Alcohol Abuse ___Y___X___N	Known Homosexual ___Y___X___N	Mental Health Treatment ___Y___X___N	

CRIMINAL HISTORY

JUVENILE			ADULT				Status at Time of Offense <input checked="" type="checkbox"/> None <input type="checkbox"/> HYTA <input type="checkbox"/> Probation <input type="checkbox"/> District Prob. <input type="checkbox"/> Delayed Sentence <input type="checkbox"/> Parole <input type="checkbox"/> Jail <input type="checkbox"/> State Prisoner <input type="checkbox"/> On Bond	
Comm.	Prob.	Esc.	Jail	Pris.	Prob.	Esc.		
0	0	0	0	0	0	0		
CSC Convictions 0		Age of First Arrest 30		SAI Eligible ___Y___X___N				
Pending Charges In Court ___Y___X___N			No. Prior Felony Convictions 0					

CURRENT OFFENSE DATA

No. 1 Docket No: 93-63014-FCB			No. 2 Docket No:							
PACC Code 750.520C1A 750.520B1A		Offense CSC 2nd degree Aid & Abetting CSC 1st		PACC Code		Offense				
Max. 15, life	Circuit 17	Judge Dennis Kolenda		Max.	Circuit	Judge				
Codefendant(s) Daniel Arthur Turner				Codefendant(s)						
Date of Offense 7-7-93		Victim(s) Relationship Lakeysha Cage, none				Date of Offense		Victim(s) Relationship		
Date of Arrest 7-7-93		Date of Bond NA		Date of Conviction 12-13-93		Date of Arrest		Date of Bond		
Date of Bond NA		Attorney Tonya Krause		Date of Bond NA		Attorney Tonya Krause		Date of Conviction 12-13-93		
Date of Conviction		Method of Disp. ___Bench___ Sec.7411___Nolo Cont.		Date of Conviction		Method of Disp. ___Bench___ Sec.7411___Nolo Cont.		Date of Arrest		
Jail Credit fr 7-7-93		Guilty But Mentally Ill ___Y___X___N				Jail Credit		Guilty But Mentally Ill ___Y___X___N		
Type of Report <input checked="" type="checkbox"/> PSI ___PSI Up date 1-4-94			County Kent 41			Agent & Caseload No. C. A. Brown 330			Prob. Viol. - New Sentence ___Y___X___N	
___HYTA/Delay Update			Recommended Disposition 4			Prob. Viol. - Technical ___Y___X___N			___Y___X___N	

SENTENCING GUIDELINE RANGE

Low 60 High 120

Not Applicable

DISPOSITION

Sentence Type	Date	CTN	Min.			Max.			Fine	Cost	Rest.	Jail	
			Yrs.	Mos.	Days	Yrs.	Mos.	Days				Mos.	Days
Prison CH Prison ctz	2-2-94	41 93 157194	02	10	15	15	30	CONCUR.					

Sentencing Information Report
Departure Evaluation*

Judge: Dennis C. Kolenda

Circuit#: 17th.

Offender Name: Stephen Turner

Docket #: 93-60314 ~~MMB~~ FCB

630/4

*Whenever a judge of the circuit court or of the Recorder's Court for the City of Detroit determines that a minimum sentence outside the recommended minimum range should be imposed, the judge may do so. When such a sentence is imposed, the judge must explain on the sentencing information report and on the record the aspects of the case that have persuaded the judge to impose a sentence outside the recommended minimum range. (Administrative Order 1988-4, 430 Mich xxxi (1988))

The following aspects of this case led me to impose a sentence outside the recommended range:

Defendant was convicted of aiding and abetting his brother in the commission of an egregious CSC-1st. The brother's Guidelines were 180-360. This defendant's Guidelines were 60-120. To have sentenced within those Guidelines would have resulted in the very kind of inexplicable disparity the Guidelines are designed to avoid. The brother got 30-50 years. A sentence of 15-30 years for this defendant seemed more in keeping with the requirement of proportionality than a 10-? sentence authorized by the Guidelines.

REC'D & FILED

MAR 9 - 1994

Kent County Clerk

Sentencing Judge: *Dennis C. Kolenda*

Date: 2 | 2 | 94