

STATE OF MICHIGAN

SEVENTEENTH JUDICIAL CIRCUIT COURT (KENT COUNTY)

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THE PEOPLE OF THE  
STATE OF MICHIGAN

-v-

Case No. 93-63014-FCB

**STEPHEN DENNIS TURNER,**

Defendant.

\_\_\_\_\_

**SENTENCE**

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BEFORE THE HONORABLE DENNIS C. KOLENDYENKO, JUDGE

Grand Rapids, Michigan - **Wednesday, February 2, 1994**

- - -

**APPEARANCES:**

For the People:

**MR. KEVIN M. BRAMBLE (P-38380)**  
Assistant Prosecuting Attorney  
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For the Defendant:

**MS. TONYA L. KRAUSE (P-42056)**  
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- - -

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APR 1 1994

STATE APPELLATE  
DEFENDER OFFICE

1 Grand Rapids, Michigan

2 Wednesday, February 2, 1994

3 (Court, Counsel, and Defendant present)

4 - - -

5 THE COURT: Mr. Bramble, you may  
6 proceed.

7 MR. BRAMBLE: Thank you, your Honor.

8 We would call the matter entitled the  
9 People of the State of Michigan versus Daniel  
10 Arthur Turner and Stephen Dennis Turner. This is  
11 File Number 93-63014-FC.

12 Kevin Bramble on behalf of the People of  
13 the State of Michigan.

14 The defendants appear with their  
15 attorneys, Miss Tonya Krause and  
16 Mr. Robert Mirque. Today is the time and date set  
17 for the defendants to be sentenced, Defendant  
18 Daniel Turner to be sentenced on the charges of  
19 kidnapping and criminal sexual conduct in the  
20 first degree, and Mr. Stephen Dennis Turner to be  
21 sentenced on criminal sexual conduct in the first  
22 degree and second degree.

23 The State would ask that these sentences  
24 for these individuals be imposed at this time.

25 THE COURT: Mr. Mirque, have you and

1 your client, Mr. Daniel Turner, had an opportunity  
2 to review the pre-sentence report submitted in his  
3 case, and if so, are there any additions or  
4 corrections you would like to make to that report,  
5 including any comments, if you believe some are  
6 appropriate, with regard to the scoring of the  
7 guidelines?

8 MR. MIRQUE: Thank you, your Honor.

9 Our office has in fact received a copy  
10 of the pre-sentence report, the face sheet, and  
11 the guidelines calculations. I've taken them over  
12 or we have sent them to Mr. Daniel Turner.

13 He informed me that he has no objections  
14 as to the face sheet, it's attendant papers, nor  
15 the scoring of the guidelines.

16 We feel that the pre-sentence report is  
17 a fair and accurate biography of Mr. Turner. It  
18 reflects his gender identification disorder. It  
19 reflects his unhappy childhood and problems that  
20 it contained.

21 It also reflects what I feel to be an  
22 accurate statement of what came out during the  
23 course of the trial.

24 THE COURT: Miss Krause, have you and  
25 your client, Mr. Stephen Turner, had an

1 opportunity to review the pre-sentence report? As  
2 a matter of fact, I know you have, because you  
3 have submitted a written sentencing memorandum  
4 that takes issue with the scoring of the  
5 guidelines, as well as makes argument as to how  
6 some of the information in the report should be  
7 used.

8 It also asks that certain of that  
9 information in the report be deleted.

10 I will, of course, deal with all of  
11 those in just a moment. But I don't want you to  
12 think that making that written objection precludes  
13 you from saying anything else that you want to  
14 now.

15 So is there anything on behalf of your  
16 client you'd like to say with regard to the  
17 pre-sentence report? And feel free to say what  
18 you've said in your written submissions.

19 In particular, are there any things you  
20 want to say about the guidelines? As I say, I've  
21 got your challenge. I'll deal with those, but I'm  
22 certainly open to additional argument here as to  
23 what's already been stated, plus anything new.

24 MS. KRAUSE: Your Honor, thank you.

25 Yes, both Mr. Turner and I have received the

1 pre-sentence report. We have reviewed it, and as  
2 you correctly noted, I submitted a sentencing  
3 memorandum outlining my objections to the report.

4 I will note at this time that as to the  
5 information that I asked to be deleted from the  
6 report, I have consulted with my client, and he  
7 has asked me to withdraw that objection.

8 THE COURT: Okay.

9 MS. KRAUSE: As to the scoring of the  
10 guidelines, your Honor, as I pointed out in my  
11 sentencing memorandum, I object to fifteen points  
12 being assessed to Offense Variable 5.

13 It is my understanding that there are  
14 two ways in which fifteen points can be assessed  
15 to that particular offense variable. One would be  
16 if Stephen Turner had abducted the alleged victim  
17 in this case, or aided and abetted in that. And  
18 as we sat through two weeks of testimony.

19 I think it's pretty clear that Stephen  
20 Turner did not participate in any way, shape, or  
21 form, or assist in the abduction of Lakeysa  
22 Cage. So I don't believe that would be the method  
23 for which we would get fifteen points assessed to  
24 OV-5.

25 The other manner in which fifteen points

1 could be assessed to OV-5 is if Lakeysha Cage had  
2 been held significantly beyond that time necessary  
3 to commit the offense.

4           Again, as we heard the testimony  
5 throughout the trial, the main portion of  
6 Mr. Stephen Turner's culpability seems to come  
7 from aiding and abetting the CSC First of Daniel  
8 Turner by the photograph incident. And, as the  
9 Court is aware, there was testimony from Lakeysha  
10 Cage that a photograph was taken with her and  
11 Stephen Turner by Daniel Turner that acted out or  
12 staged Lakeysha stabbing Stephen, and that was the  
13 method for which he was to have aided and abetted  
14 the First.

15           If that in fact was a continuation of  
16 the criminal sexual conduct in the first degree,  
17 by which Mr. Stephen Turner was charged with  
18 aiding and abetting, then it was the continuation  
19 of the offense and not something beyond or  
20 significantly beyond that which was necessary to  
21 commit the offense.

22           And because of the factual situation  
23 involved, I think fifteen points being assessed to  
24 OV-5 would be inappropriate.

25           The other objection I have is to Offense

1 Variable 13, where five points were assessed for  
2 counseling being necessary for the victim.

3 As part of discovery in this case, there  
4 were counseling records made available, and it  
5 appears that there were numerous appointments  
6 made. Very few of them were kept.

7 One or two were attended by Lakeysha  
8 Cage, and it did not appear from the records of  
9 the counselor that the conversation or content of  
10 those meetings dealt particularly with this issue,  
11 but rather with family issues, and because of  
12 that, I feel it's inappropriate to score five  
13 points to OV-13.

14 If the Court sustains these objections,  
15 the guidelines would be reduced from 60 to 120  
16 months, as currently scored, to level A-II of 24  
17 to 96 months.

18 THE COURT: Mr. Bramble, anything you  
19 want to say about Mr. Stephen Turner's challenge  
20 to his guidelines score?

21 MR. BRAMBLE: Very briefly, your Honor,  
22 we submit that the scoring was in fact  
23 appropriate, at least there is certainly evidence  
24 to support the scoring by the pre-sentence  
25 investigator.

1           It was clear that at some point during  
2 this entire incident the victim, Lakeysa Cage,  
3 requested to leave and the defendant, Daniel  
4 Turner, told her she could not. I believe there  
5 were at least two occasions where that type of  
6 exchange took place.

7           Again, the defendant is convicted,  
8 Stephen Turner is convicted as an aider and  
9 abetter, and, therefore, we submit that while it  
10 may have been Daniel doing the acting here, the  
11 fact that he is an aider and abetter, he should be  
12 scored because of and as a result of the  
13 co-defendant's conduct.

14           Secondly, the incident involving the  
15 knife. Clearly, this defendant -- or the jelly,  
16 whatever. Clearly, the defendant was an active  
17 participant and involved in that aspect of the  
18 incident.

19           Finally, regarding the counseling  
20 records, I can offer I think something that is  
21 fairly significant for the Court.

22           Mr. Marble and Mrs. Marble spoke with me  
23 on a couple of occasions prior to trial, and  
24 during those discussions they indicated to me that  
25 the reason they had not had Lakeysa attending



1 counseling sessions on a regular basis was because  
2 Mr. Marble had started a new job. Therefore, he  
3 was certain that his insurance would not pick up  
4 the costs of that counseling.

5 And it wasn't until the Victim Witness  
6 unit got him involved in a program that I believe  
7 would allow him to obtain monies to affect this  
8 counseling that he began to take steps to have  
9 Lakeysa get back into the counseling program.

10 THE COURT: Anything more, Miss Krause,  
11 on the guidelines challenge?

12 MS. KRAUSE: No, your Honor.

13 THE COURT: Let me deal, first of all,  
14 with that, then.

15 The evidence at trial certainly supports  
16 the conclusion -- as a matter of fact, I think  
17 establishes that Mr. Stephen Turner aided and  
18 abetted a crime which did involve a terrorism, as  
19 that is defined by Instruction C to Offense  
20 Variable 2. And, as well, that the crime involved  
21 conduct which results in fifteen points being  
22 assessed under Offense Variable 5.

23 I think under the case law, it would be  
24 inappropriate double-counting to assess 25 points  
25 under Offense Variable 2 and fifteen points under

1 Offense Variable 5, for the same conduct leading  
2 to two separate conclusions.

3 Therefore, I clearly will not score the  
4 matter twice, and I think it would be  
5 inappropriate to delete the scoring of Offense  
6 Variable 5, because, in fact, if it isn't covered  
7 by that offense variable, what happened is clearly  
8 covered by Offense Variable 2 and results in the  
9 somewhat more points, although it would not change  
10 the ultimate grid into which Mr. Stephen Turner  
11 falls.

12 If you look at the offense variables, in  
13 particular Offense Variable 2, as well as 1, it  
14 makes it clear that when scoring them in multiple  
15 offender situations, all of the participants are  
16 to be scored for what happened even if it was  
17 conduct by one of the individuals.

18 I certainly see no reason for not  
19 applying that same instruction to Offense  
20 Variable 5 as a matter of common sense, and even  
21 if it doesn't apply to 5 and we delete those  
22 points, then we apply it to Offense Variable 2,  
23 where it clearly does apply, and we end up in  
24 exactly the same situation where we are now.

25 So I'm not going to change that

1 component of the score.

2 With regard to Offense Variable 13, I  
3 think it's important that we look closely at the  
4 variable. It simply says psychological injuries  
5 sufficient enough, I'm paraphrasing, to  
6 necessitate professional treatment.

7 There is no quantum required there. It  
8 probably doesn't even require that there actually  
9 be professional treatment so long as there is the  
10 need for it. Here we have a situation where there  
11 has been some, and by virtue of the appointments  
12 made an indication that professional treatment was  
13 necessary.

14 So again, whether it is actually to  
15 occur or merely to be an injury that is of a kind  
16 that requires such treatment, either way Offense  
17 Variable 13 is satisfied. Accordingly, the score  
18 will remain as set.

19 For counsel and defendants, or for their  
20 right of allocution, we would ask if there's  
21 anyone here to speak on behalf of Miss Cage. I  
22 don't see her in the courtroom.

23 The people from Victim Witness are  
24 indicating to me, if there's someone here, they  
25 don't want to speak or maybe they're not here,

1 which, of course, is certainly their right.

2 That being the case, we can now proceed  
3 on to what others have to say. I, frankly, always  
4 like to ask for that victim impact first so the  
5 lawyers and the defendants know what was said, and  
6 therefore are in a position where they can respond  
7 to it.

8 Mr. Mirque, anything more you would like  
9 to say?

10 MR. MIRQUE: No, thank you, your Honor.

11 THE COURT: Miss Krause, anything you'd  
12 like to say on behalf of your client?

13 MS. KRAUSE: Yes, thank you, your Honor.

14 Stephen Turner stands before the Court  
15 today accepting the jury's verdict and  
16 understanding and accepting that he must be  
17 sentenced. However, the Court should be aware  
18 that he maintains his innocence in this case.

19 I believe that there are many factors  
20 that are not taken into account by the sentencing  
21 guidelines that would warrant a downward departure  
22 from the minimum guidelines in this case.

23 I have outlined those thoroughly in my  
24 sentencing memorandum, but I would like to  
25 reiterate here.

1                   Prior to this event, Mr. Stephen Turner  
2                   had absolutely no criminal record whatsoever.  
3                   He's been married to his wife Alesha for eight  
4                   years, and they have four small children ranging  
5                   from age ten -- eight to six months.

6                   He maintained steady employment prior to  
7                   his arrest in this case. He has an Associate's  
8                   degree. He attended Grace Bible College, and one  
9                   of the reasons he attended that college is because  
10                  he's a deeply religious man. And as I point out  
11                  in my sentencing memorandum, this is a deep and  
12                  abiding faith that has helped carry him through  
13                  this ordeal.

14                  At this point in time Stephen Turner  
15                  would like to very much move on with his life and  
16                  return to his family. I believe all of the  
17                  factors that I've listed in my memorandum and just  
18                  now indicate that a downward departure from the  
19                  guidelines would be appropriate in this particular  
20                  matter.

21                  I can also express to the Court that as  
22                  I've worked closely with Stephen Turner throughout  
23                  this case, he has expressed on numerous occasions  
24                  that he feels very badly for what did happen to  
25                  Lakeysha Cage. He's also indicated to me that he

1 will take to his grave knowing that he could have  
2 done more to prevent what happened, and, your  
3 Honor, quite frankly, living with that is going to  
4 be a monumentous punishment.

5 With all of that, I believe that a  
6 downward departure from the minimum guidelines of  
7 60 months would be appropriate. I ask you to do  
8 so on behalf of Stephen Turner.

9 Thank you.

10 THE COURT: Mr. Bramble, anything you  
11 want to say on behalf of the People? And,  
12 Counsel, I'll give you an opportunity to respond  
13 if you think that's necessary.

14 MR. BRAMBLE: Sure, your Honor.

15 Number one, it's my understanding that  
16 Mr. and Mrs. Marble had planned on attending this  
17 and addressing the Court, but apparently could not  
18 make it. I do know they were trying to work  
19 something around their work schedule.

20 I will add this, that after discussing  
21 this with them, I submit that this is every  
22 parent's worst fear. One would hope an parent  
23 could allow their child to play right outside  
24 their door, on the steps right outside their door  
25 without fear of something like this happening.

1                   But when you have people like Daniel and  
2                   Stephen Turner living in the community, that  
3                   simply can't be.

4                   Regarding the sentencing guidelines  
5                   scoring, I submit and I argue to this Court that  
6                   the sentencing guidelines don't take into  
7                   consideration the type of humiliation and  
8                   degradation that occurred in this particular  
9                   incident.

10                  Not only was the victim sexually  
11                  assaulted, but, in fact, the testimony indicated  
12                  that she was urinated on by the defendant, Daniel  
13                  Turner, and Lakeysha Cage was very clear in that  
14                  regard on cross-examination, indicating that the  
15                  white stuff went in her mouth and the sexual  
16                  penetration, and the yellow stuff went on her  
17                  stomach area.

18                  I again submit that the sentencing  
19                  guidelines don't take into consideration that type  
20                  of conduct, and I would ask you to exceed the  
21                  sentencing guideline range on both individuals.

22                  Thank you.

23                  THE COURT: Mr. Mirque, any response?

24                  MR. MIRQUE: Well, your Honor,  
25                  Mr. Bramble is correct that that did come out upon

1 cross-examination, but your Honor is aware of what  
2 evidence there was to negate that circumstance.

3 For whatever reason, the jury decided to  
4 convict Mr. Daniel Turner. We don't know whether  
5 or not it was that particular fact that was what  
6 the jury weighted it upon.

7 The judge was there for two weeks. He  
8 knows that this was a close case. I think the  
9 facts were present to support an acquittal in this  
10 matter. The jury's deliberations and the time  
11 involved certainly would suggest that.

12 I personally do not think that an upward  
13 departure of the guidelines is warranted. I feel  
14 the guidelines take into consideration the facts  
15 and circumstances of this case and the defendant's  
16 prior record adequately, and whatever factors that  
17 need to be incorporated into the guidelines, then  
18 let the Supreme Court do so.

19 But I don't feel that just because there  
20 are non factors that the guidelines miss out, that  
21 that's a necessary reason to depart upward.

22 THE COURT: Miss Krause, any response  
23 you want to make to Mr. Bramble's comments?

24 MS. KRAUSE: Yes, thank you, your  
25 Honor.



1 First of all, I do believe that the  
2 sentencing guidelines take into account how the  
3 victim feels. In fact, I addressed that  
4 particular offense variable about psychological  
5 injury to the victim. So that is accounted for in  
6 the guidelines.

7 And I recognize that Mr. Bramble is  
8 asking for an upward departure for Stephen  
9 Turner. However, a sentence has to be  
10 individualized and particularized with regard to  
11 the offense, and the particular circumstances of  
12 the offense and the offender.

13 We went through two weeks of trial,  
14 where I think everyone involved would agree that  
15 the facts indicated that Defendant Stephen  
16 Turner's involvement was minimal. And if they  
17 wouldn't agree that it was minimal, they would at  
18 least agree that as compared to the two, it  
19 certainly was the less of the two.

20 And I think the Court has to take all  
21 that into consideration when deciding what the  
22 appropriate sentence is, and I think Mr. Bramble  
23 is incorrect that there's enough here to warrant  
24 an upward departure. In fact, I think there's  
25 significant facts that support a downward

1 departure from the sentencing guidelines.

2 Thank you.

3 THE COURT: Mr. Daniel Turner, is there  
4 anything at all you would like to say? Now's the  
5 time to tell me whatever you think I should know.  
6 I'd be glad to hear it.

7 THE DEFENDANT: First of all, from my  
8 understanding of my own heritage, this Court does  
9 not have any legal jurisdiction in this or any  
10 other criminal matter involving myself, my  
11 brother, the co-defendant in this matter, or any  
12 other member of the Oneida Nation or members of  
13 the Iroquois League of Nations, pursuant to the  
14 Treaty of Fort Stanwick between the Nations and  
15 the United States Government, which guarantees us  
16 absolute sovereign immunity from prosecution.

17 Secondly, Lakeysa Cage, the alleged  
18 victim in this case, repeatedly perjured herself  
19 with her contradictive lying throughout all of the  
20 proceedings in this case.

21 Furthermore, the State's third witness,  
22 Laura Lee Vangenderen, from Apartment 202 at 4130  
23 Oak Park Drive in Grand Rapids, was not sworn in  
24 prior to testifying during our trial.

25 Additionally, after suffering 220

1 continuous days of confinement since our arrest,  
2 the State and this Court violated our Sixth  
3 Amendment Rights to a speedy trial, and this  
4 State's own rules for confinement of the accused  
5 without bond for an expedited trial in the Kent  
6 County Jail.

7 Now we ask that this Court take the time  
8 to study all the various statements made to the  
9 police and the medical professionals by the  
10 alleged victim and the transcripts of our  
11 preliminary examination of July 20th, 1993, along  
12 with the booklet entitled "Ideologies of  
13 Cross-dressers," which was collected as evidence,  
14 along with my assessment report which you  
15 mentioned yesterday that you hadn't read, and  
16 transcripts of that report -- trial that that come  
17 from.

18 In consideration of all these statements  
19 and facts presented to this Court in this matter,  
20 I motion that this Court overturn the jury's  
21 verdicts or declare a mistrial or dismissal of all  
22 the charges for the reasons stated today and  
23 reasons presented during the trial.

24 But regardless of this Court's final  
25 judgment, I motion this Court for the complete and

1 accurate copy of all transcripts, documents,  
2 photos, and information pertaining to the charges  
3 and the matter at hand.

4 Should you persist in the judgment of  
5 guilty, I hereby have signed the document and I  
6 submit the application, my application for  
7 appeal.

8 If I were guilty of anything, I would  
9 plead a no contest at the onset of these charges,  
10 or guilty, one or the other, as I have done in all  
11 my previous other convictions. I would not have  
12 put the State through the burden and the cost of  
13 proving so.

14 My brother Stephen, a deeply devoted,  
15 conservative Christian, and myself are both  
16 parents of daughters. He has three daughters,  
17 ranging in the age of three years to eight years.  
18 My daughter is eleven years old.

19 I would no more rape anybody than I  
20 would whoop or beat my daughter for misbehaving,  
21 as was demonstrated in the transcripts and  
22 testimony. Lakeysha Cage verified herself that  
23 she gets whooped if she slightly misbehaved.

24 I see any violence as being  
25 unforgivable, especially to the weak and underdog,

1 and that definitely includes children, and  
2 accusing me of rape and kidnapping is completely  
3 preposterous, absurd. It is utterly ridiculous,  
4 since I am as capable of this as an eunuch.

5 The State and the people have this  
6 misconception that since I have a penis, I would  
7 like to use it for sexual or even erotic  
8 gratification. Nothing could be further from the  
9 truth.

10 I'm a lifelong sufferer of severe gender  
11 dysthonia, and "dysthonia" is the key word there,  
12 meaning I don't like it at all, an innate  
13 condition commonly referred to as transsexual,  
14 which is a psychophysiological disturbance between  
15 the sexuality of the mind and body.

16 A symptom of -- gender dysthonia is not  
17 a disorder. It's gender dysthonia. It is an  
18 extremely strong idiopathic sense of total  
19 inappropriateness of and a frank repugnance  
20 towards my own genitalia, to the extent that any  
21 stimulation of any kind to my genitalia,  
22 especially a morbid penile erection, is a gruesome  
23 physiological disturbance of my gender identity  
24 and of my gender sex role.

25 Even while sleeping this bothers me, in

1 the middle of my sleep, to realize that I have  
2 such a physical manifestation of my own body.

3 This is quite true of most, if not all,  
4 transsexuals. As I said, dysthoria is the key  
5 word.

6 Although my sexual orientation is,  
7 relatively speaking, lesbian, since I have no  
8 erotic or emotional attraction to men, I have been  
9 100 percent asexual during the past six years.

10 Because of my own impotence, plus the  
11 risk of AIDS, I have chosen to abstain from sex  
12 and all sexual activities until I can fully and  
13 safely enjoy myself in a sexual act. Hence, I am  
14 actually in life an asexual person.

15 Keep in mind, in talking with abnormal  
16 and unusual life-styles, stereotypes are tricky,  
17 unreliable, and quite often untrue.

18 Transgenderism, at its roots, is not an issue of  
19 vanity or sexual desires. It is the issue of  
20 being comfortable with oneself and within  
21 society.

22 Back in June of '93 I moved into Grand  
23 Rapids, where I shared a one-bedroom apartment  
24 with my younger brother, in which I was using the  
25 front room as my bedroom.

1           On July 6th, which was a hot, muggy  
2 night, the air conditioner in the apartment was  
3 broken, so I had the front window open and the  
4 mini blinds were raised off the window sills to  
5 allow for window ventilation. No curtains were on  
6 the window.

7           About eleven p.m. that same night I  
8 found three young kids, later found out to be  
9 Lakeysa Cage, her little sister, and a friend of  
10 hers, were all being insidious peeping toms again,  
11 which continued until about 2:30 the following  
12 morning.

13           On the 7th of July I rode around town on  
14 my bicycle looking for work. Although I did get  
15 lost that afternoon, I did manage to return home  
16 shortly before three p.m. I was tired and  
17 exhausted.

18           The apartment was quite hot when I  
19 opened the door, so I left it open and raised the  
20 window blinds so the apartment could cool off.

21           I immediately made two phone calls  
22 looking for second-shift job assignments. Two  
23 places I'd had temporary work out of. I decided  
24 to watch some cartoons after turning on my  
25 computer, which had the game displayed on it, so I

1 reached over and turned on the TV.

2 When I turned towards the TV, I noticed  
3 Lakeysha just outside her window on the second  
4 floor balcony, standing there staring and gawking  
5 at me again. She lingered around just outside our  
6 door and window for ten to fifteen minutes looking  
7 at me the whole time.

8 The computer game was on the demo mode  
9 at the time displaying its actions, so anybody  
10 watching could see what game it was on.

11 Although I thought my brother may have  
12 known her already, my gut reaction at the time was  
13 a growing sense of uneasiness and anguishing  
14 embarrassment because of the night before, and a  
15 positive desire to put an end to her invasion by  
16 having her arrested. But that would violate the  
17 will and desires of the creator; particularly, do  
18 not vex children, but treat them and respect them  
19 as your own.

20 So I responded with simple kindness  
21 instead, by first introducing myself and starting  
22 up a conversation with her. She indicated she was  
23 bored, so I offered to let her come in and play my  
24 computer games. This was about 3:15 in the  
25 afternoon, during the commercial breaks.



1                   While she was playing, there was some  
2 girl talk and talk about clothes, and that's when  
3 I showed her some of my lingerie and I showed her  
4 a silk dress. She was interested in what silk was  
5 like.

6                   When I went to the kitchen to get us a  
7 cold drink of water, she followed me into the  
8 kitchen. That's when she seen my clothes in the  
9 kitchen closets and Steve came out of his room  
10 looking like he had just woken up. It was minutes  
11 later when she accused excused herself. This was  
12 around four p.m.

13                   It was about 5:35. I was in the  
14 bathroom when I heard somebody knocking on the  
15 door. I tossed my sweaty panties underneath the  
16 sink when -- I was in the posture of changing to  
17 get fresh clothes when I answered the door.

18                   I was verbally and physically assaulted  
19 by a hysterical woman. Any time I tried to say  
20 something she started swinging her arms at me  
21 again. I was simply ducking and dodging her  
22 attacks defensively as I tried to communicate and  
23 understand what she wanted.

24                   Moments later a black man was running  
25 towards me swinging a tire iron. I got back in my

1 apartment just as he swung the tire iron at my  
2 head or shoulders, I couldn't tell for sure which,  
3 but I could feel the breeze coming across my  
4 back.

5 He retreated as I span around. Then he  
6 tried to beat down our apartment door with the  
7 tire iron as he was yelling obscenities,  
8 derogatory remarks, and publicly accusing just me  
9 of raping his daughter. He also stated that he  
10 wanted to kill me, and he was yelling for me to  
11 come out or he would call the cops.

12 It was at this time that I asked my  
13 brother to call the cops himself. I was too  
14 shaken up, and he did. And when the cops did  
15 arrive, I was still too shaken up and in shock  
16 that I wasn't thinking clearly, but my first  
17 priority at that moment was to get myself out of  
18 that imminent danger by defusing the violent  
19 situation the quickest way I could think of, and  
20 that was to have myself arrested, then to try to  
21 get things cleared up later and press charges  
22 against the Marbles for attacking me so  
23 viciously.

24 I was totally surprised when my brother  
25 was also accused and arrested. I still find it

1 hard to believe that the juries and this Court  
2 have found us guilty without any evidence to  
3 support any one of her claims that I first  
4 kidnapped her or that either one of us sexually  
5 assaulted her in any way. In fact, the evidence  
6 and facts point to our innocence.

7 Due to the residual physical effects of  
8 being a pedestrian run down by a speedy car on a  
9 country road, and two separate motorcycle wrecks,  
10 plus several other structural injuries, this  
11 alleged victim of 90 pounds is just too heavy for  
12 me to lift or even drag several feet, much less to  
13 carry off a distance of more than 50 feet while  
14 she is kicking and fighting to get away, as she  
15 has claimed in court and in some previous police  
16 statements.

17 But not all previous statements include  
18 the same information. What we do have here is a  
19 battered child that is a confessed peeping tom,  
20 who cannot remember any one of her lies from one  
21 another, nor can she remember what alleged acts  
22 she claims were perpetrated against her or by  
23 whom, or even what order these events supposedly  
24 happened in.

25 Even when led by the prosecuting

1 attorney, she could not recall the major,  
2 important facts of her earlier statements or the  
3 events of these same facts and the elements.

4 The stories of her alleged abduction are  
5 just like that of a cheap story line or cheap,  
6 low-budget skin flick, dialogue and all, totally  
7 impossible given the time constraints of  
8 approximately one hour to one hour-and-a-half, and  
9 the physical facts or lack thereof, such as the  
10 sticks and rubber bands that she claims she was  
11 playing with on the second floor balcony at the  
12 time, at the top of the stairs, at the time she  
13 was grabbed were found neatly placed under the  
14 very first step, directly below.

15 She was directly -- if she had tossed  
16 'em or grabbed them, they would be all over the  
17 yard, but they were directly below her at ground  
18 level, a distance of ten feet or more, nowhere  
19 near where she had said they would be at.

20 Lakeysa told Officer Mesman that a  
21 white male in his 20's drove by in a small red car  
22 and seen me carry her off while she was fighting  
23 and screaming to get away.

24 The police canvased the entire  
25 neighborhood, but no such car or driver was

1 found. No small car was found anywhere in the  
2 neighborhood at all to her description.

3 At the preliminary examine, when she was  
4 asked about the car and the driver, her response  
5 was of complete and total surprise. She did not  
6 remember anything about that car, driver, or the  
7 incident.

8 Then during the trial she says that that  
9 car and its driver live in the next apartment  
10 complex, just behind the complex where we lived.  
11 She even played football with him, according to  
12 her comments in the trial, which is in the same  
13 yard as our apartment complex.

14 Where was this person when the police  
15 searched? Where was he during the prelim? Where  
16 was he at the trial?

17 She claims that I ejaculated in her  
18 mouth in one of her statements. She says she  
19 wiped it out with her hand and then wiped it on to  
20 her blanket.

21 In those statements she said she spat it  
22 out right away, then during the trial she claims  
23 that she held it in her mouth the whole time we  
24 supposedly tried on clothes, during all the time  
25 that she was playing computer games, until she was

1 way outside. Then she spat it out by the bushes.

2 The strip poker game, which is no quick  
3 game at all that she says she won at the  
4 conclusion of the game, it took my sister-in-law  
5 ten to twelve hours to win and she's a damn good  
6 poker player. That's when she was 19.

7 I myself won the game only once back in  
8 1987, and that was after three days of playing  
9 that game.

10 In her statement to Detective Vazquez,  
11 she claims that Stephen dragged her out of the  
12 bedroom into the living room by her wrists. He  
13 was fondling her breasts at the same time, per her  
14 claim.

15 In the prelim testimony she claims that  
16 Stephen dragged her by the neck into the living  
17 room. Then in testimony to Stephen's jury, not to  
18 mine, she claims that she was dragged by me into  
19 the living room by the shirt collar, which dug  
20 into her neck and choked her. All this time she  
21 had come in her mouth? It's too farfetched.

22 Even Deputy Bishop recognized that this  
23 alleged victim was lying on the stand during that  
24 trial.

25 In her claims and testimony, she says

1 that I pissed on her and ejaculated all over her,  
2 in that order, and then took her panties off. But  
3 her panties never had any urine or semen in them  
4 or male pubic hairs, or anything else. And during  
5 that I was supposedly licking and sucking on her  
6 breasts and all over as she was sitting in my lap  
7 playing a video game.

8 She told police she was thrown against  
9 the wall and knocked out, raped in the living  
10 room, then she tells 'em that she tripped. This  
11 was in the trial. She tells us that she tripped  
12 and knocked her head on the table, on the living  
13 room table, the leg of a folding card table.

14 If she hit her head on that table, it  
15 would have been broke.

16 She tells Mr. Bramble that she woke up  
17 in the back room just after I raped her again, but  
18 in cross-examination she says that I took her to  
19 the back room.

20 In the same statement she says I told  
21 her to go to the bathroom, where she laid on a  
22 bed, not a cot. It wasn't a bed in there, just a  
23 cot, on the floor with her head on a pillow that  
24 she claimed at a previous point for fifteen,  
25 thirty minutes while I was laying on her,

1 supposedly.

2 During the emergency room examination,  
3 at least six people were present and no one  
4 noticed the smell of urine on her or seen any  
5 smudges of lipstick on her.

6 The Woods light turned up completely  
7 negative, no sperm on anything, although it wasn't  
8 traced on her face. I cannot see why it was not  
9 at least traced there.

10 Dr. Perry's examination found she had  
11 complete normal vital signs; no traumatic  
12 indications, no floor burns, no dried-out stuff on  
13 her body, no rashes, no discoloration, no redness,  
14 no lipstick, no complaint of pain, no injuries or  
15 marks on her neck.

16 Her head examine was clear and there was  
17 no sign of injury in her pubic area, no  
18 penile-genital penetration, no penile-rectal  
19 injury. These were, point-blank, denied by the  
20 victim.

21 I submit that she did not want to allow  
22 the doctor to do an examine because she realized  
23 that the examine would expose her as being a  
24 liar.

25 Every time I was knocked out, and



1 there's been a number of times, the doctors who  
2 took care of me told me that these symptoms and  
3 conditions of head injuries would last anywhere  
4 from twelve to twenty-four hours, and usually up  
5 to thirty-six hours. It's a very dangerous time,  
6 and most of the time they wanted me to stay in the  
7 hospital for examinations and observations.

8 Then she says that we or I took a  
9 picture of her that afternoon. The only camera in  
10 that apartment was my brother's 35 millimeter,  
11 which the police destroyed while getting the film  
12 out. The only picture that was on that last film  
13 taken was a place in Elkhorn, Wisconsin, which can  
14 be verified by Judge Wrace of Walworth County.

15 He's quite familiar with that himself,  
16 and he used it when he came into the dry-cleaning  
17 shop where I worked at.

18 Then she said the camera that was used  
19 was the kind that makes a picture right away. No  
20 such camera was found in our apartment that can do  
21 that.

22 The shirt that was found was a dirty old  
23 shirt with stains, just an old shirt that I have  
24 that I used for wiping up stains and messes. It's  
25 too small for either one of us, even Lakeysa, to

1 wear. As I said, just a small old rag I've had.

2 But if we are to take her word as the  
3 holy gospel truth of what supposedly had happened,  
4 then what about her statement to Detective Vazquez  
5 in the hospital about her being scared when she  
6 saw my face, quote: "My face, my breasts, and  
7 bra," that's when she got really scared, because  
8 she thought that I was a real lady.

9 Now that you've seen I have no falsies  
10 and my chest itself, I am not equipped to be  
11 foolish enough to pose any threat in showing some  
12 girl my chest.

13 Now, in furtherance of law and justice,  
14 this Court's primary obligation and responsibility  
15 is the rehabilitation of the accused; secondly,  
16 the protection of society. And by rehabilitation  
17 of the accused, society is granted an additional  
18 degree of protection not afforded by the  
19 deterrence of long-term retribution alone.

20 If this Court persists in the belief  
21 that my brother and/or myself committed an act of  
22 CSC, does this Court also have the conviction to  
23 order the surgical and hormonal rehabilitation of  
24 the primary accused as the key element of this  
25 Court's sentence, knowing that the State's prisons

1 are not and do not voluntarily provide this  
2 treatment that are currently available here in  
3 Grand Rapids, at Glenbeigh?

4 THE COURT: Mr. Stephen Turner, is there  
5 anything you'd like to say?

6 THE DEFENDANT: Yes, your Honor, there's  
7 many things I'd like to say, but for the sake of  
8 my appeal, I've chosen to remain silent at this  
9 time and do not adopt my brother's statement.

10 THE COURT: Let me address, first of  
11 all, the circumstances of Mr. Daniel Turner, then  
12 I will address those of Mr. Stephen Turner, and  
13 then impose sentence.

14 Mr. Turner, and until I indicate  
15 otherwise, these comments are directed at  
16 Mr. Daniel Turner, there is, in my judgment and I  
17 think the judgment of this community, no crime  
18 other than the murder of a child which is more  
19 serious than the abduction and sexual assault of a  
20 young child.

21 That kind of crime unquestionably  
22 terrorizes a child in a way that no other crime  
23 does. It also terrorizes the community in a way  
24 no other crime does.

25 It's every parent's nightmare to think

1 that their child will be abducted anywhere, let  
2 alone playing on the stoop in front of their own  
3 apartment.

4 Therefore, if I do anything other than  
5 deal very, very sternly with the crime that the  
6 jury found you convicted of, the criminal justice  
7 system will lose its credibility, the people will  
8 lose their sense of safety, and the quality of  
9 life in this community will plummet.

10 Your lawyer and you are right, however,  
11 that one of the things I must also do is look to  
12 you as well as to the crime. However, in this  
13 particular case that focus does not change the  
14 conclusion that only a stern sentence will be  
15 appropriate.

16 What this jury found that you did and  
17 whether there was ample evidence for the jury to  
18 find that you did demonstrates, despite your  
19 protest to the contrary, you are, for whatever  
20 reason, disorder or otherwise, a dangerous sexual  
21 predator, not someone who will be helped by merely  
22 treating your disorder, because that will never  
23 guarantee anywhere close to what needs to be  
24 guaranteed that this won't happen again.

25 As a matter of fact, given the way it

1 happened, I think there is every reason to believe  
2 that it will happen in the future, and I,  
3 therefore, have to be very, very careful in  
4 imposing a sentence to make that something that  
5 this community will not endure.

6 With regard to your request that this  
7 case be dismissed because the Court lacks  
8 jurisdiction over you, the motion is denied  
9 because, in fact, and I am familiar with the  
10 treaties to which you refer, this Court does have  
11 jurisdiction over you and your brother.

12 Your motion requesting that the case be  
13 dismissed for lack of evidence is also denied.  
14 Having sat here for two weeks and listened to the  
15 evidence, I'm satisfied there was plenty that the  
16 jury could in fact have based their verdict on.

17 Your request for transcripts and  
18 exhibits and other documents will be granted at  
19 such time as immediately after these proceedings I  
20 grant your request for appointment of counsel to  
21 appeal.

22 You've already made that request. It is  
23 at this point premature, only because there's no  
24 judgment yet to appeal, but in a few minutes there  
25 will be. At that point I will grant you a

1 Court-appointed lawyer, and by doing so  
2 automatically start your appeal. By virtue of  
3 doing that, it will automatically entitle that  
4 lawyer and you to copies of everything that  
5 anybody needs out of this file to properly appeal  
6 this particular matter.

7 With regard to the matter of Mr. Stephen  
8 Turner, Mr. Turner, your involvement in this case  
9 was less than your brother's. There's no question  
10 about that. But I think there honestly is,  
11 likewise, no question that your culpability, while  
12 not exactly his, was not all that much less than  
13 his.

14 He, according to the evidence in this  
15 case, is the one who repeatedly abused sexually  
16 Lakeysha. But you didn't stop it, and you didn't  
17 help her when you had the opportunity to do so.

18 Had you simply done or not done those  
19 things, you would be guilty of no crime, because  
20 under the law of this state, that's not a crime.  
21 However, you ultimately went further and  
22 affirmatively participated in your brother's  
23 activities by engaging in a bizarre effort to  
24 intimidate the child in to not reporting what  
25 happened.

1           Once you actively involved yourself in  
2 the crime, you became responsible for the crime as  
3 it was, and I think must also bear responsibility  
4 for having had plenty of opportunity to help the  
5 child and not having done so.

6           Therefore, in a very real sense, as well  
7 as in the jurisprudential sense that follows from  
8 being an aider and abetter, you, too, sexually  
9 abused Lakeysha in the first degree.

10           Your lack of a record is why the  
11 guidelines, as they apply in your particular case,  
12 are much lower for you than they are for your  
13 brother. Your offense score is essentially the  
14 same, not identical, but essentially. Your prior  
15 record score, however, is much lower and is  
16 therefore the reason why the guidelines in your  
17 case are only a fraction of what the guidelines  
18 authorize in his case.

19           I have, frankly, given this matter a  
20 great deal of thought, discussed it among my  
21 colleagues here on the bench to be sure that I was  
22 exploring every possible avenue, and I have come  
23 to the conclusion, frankly, that in your case the  
24 guidelines are not adequate, because they do one  
25 thing which sentences under the guidelines are

1 definitely not supposed to do, and that is, result  
2 in what appears to be, to the public anyway, a  
3 mystifying disparity -- two people involved in the  
4 same crime, somewhat differently, but nonetheless  
5 essentially the same crime, ending up with what  
6 could be wildly difference sentences.

7 And the guidelines were specifically  
8 designed to see that that doesn't happen.

9 However, even when a judge departs from  
10 guidelines, he or she always starts from the  
11 guidelines as a base. Therefore, since I am  
12 staring with the guidelines in your case of  
13 considerably less than your brother's, and am  
14 imposing on you a sentence less than his to  
15 recognize your lack of a record and your lesser  
16 involvement in this particular matter, I am,  
17 nonetheless, satisfied that acting exclusively in  
18 these guidelines would, as I say, do the very  
19 thing we should be avoiding, and that is,  
20 sentences that people just don't understand, and  
21 which therefore result in a lack of credibility  
22 and confidence in this particular system.

23 Since both of you have already filled  
24 out applications for Court-appointed counsel, I  
25 won't have to do anything about advising people of



1 their rights to appeal.

2 Mr. Daniel Turner, it is therefore the  
3 sentence of this Court that you be committed to  
4 the Michigan Department of Corrections to serve at  
5 an institution of that department's choosing three  
6 concurrent, as the law requires, terms of not less  
7 than thirty nor more than fifty years, all three  
8 terms commencing on July 7th, 1993.

9 Mr. Stephen Turner, it is the sentence  
10 of this Court that you be committed to the  
11 Michigan Department of Corrections to serve on the  
12 conviction of criminal sexual conduct in the  
13 second degree a term of not less than ten nor more  
14 than fifteen years.

15 And on the conviction of aiding and  
16 abetting your brother's commission of criminal  
17 sexual conduct in the first degree, a sentence of  
18 not less than fifteen nor more than thirty years,  
19 those sentences, as required by the law of this  
20 state, to run concurrently with each other, both,  
21 because they do run concurrently, to also start on  
22 July 7th, 1993.

23 As I've indicated, since everyone has  
24 already filled out applications for  
25 Court-appointed counsel, we need not discuss

1           appellate rights. Those applications will be  
2           processed and granted in due course, and once they  
3           are, all necessarily transcripts, pleadings,  
4           et cetera, will be provided to your lawyer, and  
5           each of you may then obtain them from that  
6           particular lawyer.

7                       MR. MIRQUE: Thank you, sir.

8                       (Proceedings concluded)

9                                       -ooOoo-

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OFFICIAL REPORTER'S CERTIFICATE

STATE OF MICHIGAN       )  
                                  )        SS  
COUNTY OF KENT         )

I, Rebecca L. Russo, Court Reporter in and for the Circuit Court for the County of Kent, State of Michigan, do hereby certify that I reported stenographically the proceedings held in the above-entitled cause before the Honorable Robert A. Benson on February 2, 1994; and do further certify that the foregoing transcript is a true and correct transcript of my stenographic notes of said proceedings so reported and transcribed by me.

*Rebecca L. Russo*  
Rebecca L. Russo, CSR-2759  
Official Court Reporter

Dated:       3.24.94  
                    Grand Rapids, Michigan