

Hale, you can come back forward, please, sir.

~~Anything on behalf of the People before I sentence the~~
defendant in this case, Mr. Sepic?

MR. SEPIC: Judge, really, just, I think they've said it all here and I think the 10 years agreed upon is an appropriate sentence. Thank you.

THE COURT: Okay, thank you, Mr. Sepic. Mr. Kirk, anything on behalf of your client, sir, before I sentence him?

MR. KIRK: Yes, your Honor. I would note that it was a no contest plea, that Mr. Hale has maintained his innocence on this. I was not part of a plea agreement for 10 years so I'm gonna be asking that it be within the guidelines itself.

We got a man here that's 54 years old and he has no criminal record and no record of doing anything like this in the past. There's sympathy for the victims but there was also other de--there was another victimization issue, altogether, with this fellow Michael Barrett, who pled guilty and was sentenced by--by a court for this. So, to say that the girls have been traumatized, well, the question would be as--at--at whose actions were that, Mr. Barrett or what the claim was on Mr. Hale?

He has a-- Mr. Hale has a strong family support. I've met many of them. They've been there for him. They're communicating with him regularly. He has severe medical problems. He has a heart condition. I believe he has nitro

pills in his pocket at this moment. His-- He was under Dr. Aurora's care. He has a--a damaged heart and with serious heart conditions. So, anything like a 10-year would be, essentially, a death sentence for him, in our opinion.

So, the fact that-- I'm not gonna make a big-- I know the Court doesn't like hearing that about maintaining innocence, and what not, but, he has maintained that he did plead no contest. A person with no record. The offense variables score out pretty high in themselves. But I would ask, your Honor, that--that you sentence him within the guidelines and look for a sentence, you know, at the 36-month category or thereabouts, and not go departing higher based on a plea agreement that I don't think my client understood at all, let alone I wasn't part of. So, I'm arguing that if he's pled guilty to--you know, pled no contest to the CSC 3rd, that the guidelines themselves provide very adequate punishment and that you stay within those guideline when you sentence Mr. Hale.

THE COURT: Okay. Thank you, Mr. Kirk. This is your opportunity, Mr. Hale; is there anything that you would like to say, sir, before I sentence you?

THE DEFENDANT: (No verbal response)

THE COURT: Okay. These cases are--are always difficult. They're traumatic, obviously, to the victim's family, who's here today, but also, to your family it's a--it's a traumatic situation because multiple lives have been forever

changed due to the conduct that occurred from September 20th of 2009 to August 24th of 2011. When-- And as has been stated earlier - And Mr. Kirk's done a fine job for you as he's processed the case along here recently as substitute counsel, your prior counsel is extremely thorough, and, in the Court's opinion, you know, turned over every rock and tree and visited every crevice in this case to, in his effort, try to get the best possible plea arraignment for you that he could. Met in chambers with him because I am reluctant to accept no contest pleas in CSC cases like this because of the counseling that's required once a person is released from prison. It-- It makes it difficult and problematic.

These children have been through a lot, not just from you, but by a prior felon. I would note that this plea agreement that was reached and ultimately entered into on June 11th of 2012, you were looking at spending life in a Michigan state prison, and, after consulting with your able attorney at that time, arrived at--at this plea agreement. It's not as if this was just plucked out of the air for a man that had no prior convictions. You had access to these children. The children testified under oath. Your uncle testified under oath. The eldest child's testimony was compelling. In addition, the--the children were interviewed on January 20th of 2012 a forensic interview, prepared--or, conducted by the Berrien County Child Assessment Center and they were found to be truthful and the

statements that they were making were found to be meritorious. For years and years in--in this country state and country this might have been a case that would've fallen through the cracks because there wasn't an adult eyewitness that could testify, raise their hand in court and swear that you penetrated these children. But, through the professional techniques that have been developed, this was the testimony of--of the children on this case. Your guilt was established and you knowingly, freely, voluntarily entered into that plea agreement you chose to take a--a sentencing agreement of 10 years to give you a chance at a life-after-prison rather than risk what I--I think would've been a conviction had you gone to trial by jury, because I listened to the children testify under oath on March 6th of 2012 and I found their testimony to be compelling and truthful.

Accordingly, it is the sentence of the Court, again, the plea agreement entered into on June 11th of 2000 and--and 12, that you are to serve 10 to 15 years in a Michigan state prison, with credit for time served as of today's date of 147 days. You are to pay \$68 in state cost, victim's rights fee of \$130, for a total of \$198 within 30 days of your release.

You do have the right, sir, to appeal your conviction and sentence within 42 days of today's date to the Michigan Court of Appeals.

Anything further, counsel?