FACES of FAILING PUBLIC DEFENSE SYSTEMS

Portraits of Michigan's Constitutional Crisis

APRIL 2011

FACES OF FAILING PUBLIC DEFENSE SYSTEMS

Portraits of Michigan's Constitutional Crisis

APRIL 2011

AMERICAN CIVIL LIBERTIES UNION
125 Broad Street, 18th Floor
New York, NY 10004
www.aclu.org

The ACLU, the ACLU of Michigan and the Michigan Campaign for Justice would like to thank the State Bar of Michigan, the Michigan State Appellate Defender Office, the Michigan Innocence Clinic at The University of Michigan Law School, The Cooley Innocence Project at The Thomas M. Cooley Law School, and the Innocence Project.

TABLE of CONTENTS

WAYNE COUNTY: Third Judicial Circuit Court
Conviction vacated in 2004. Pled *nolo contendere* to lesser charges.

THE COST: Incarceration: $60,000 (2 years)

WHAT WENT WRONG: Mr. Woods court-appointed attorney lacked adequate knowledge of criminal procedure. As a result, he:

- Failed to challenge a photo lineup.
- Did not request funding to hire necessary expert.
- Failed to file necessary pre-trial motions and as a result could not present alibi witnesses at trial.

TOP: Jackie Woods, Davien's mother, with Davien and Davien Jr. BOTTOM: Davien Woods (Photos by Stephanie Chang)

DAVIEN WOODS

Original conviction vacated after two years in prison; pled guilty to lesser charges and received a sentence of time served.

In 2002, 18-year old Davien Woods was convicted of carjacking, armed robbery and felony possession of a firearm, primarily because his public defense attorney failed to notify the court within the requisite time period that he intended to present an alibi defense. As a result, Mr. Woods' alibi witnesses were unable to testify at trial and Mr. Woods spent two years in prison before the Michigan Court of Appeals overturned his conviction.

Background

At 5 a.m. on September 24, 2001, two men accosted a customer at a Detroit gas station and stole his car at gunpoint. Three days later, a police officer patrolling a school crosswalk flagged down a speeding car in which Mr. Woods was a passenger. The car was the one that had been stolen from the gas station. Mr. Woods and the others in the car were arrested, charged with possession of stolen property, and jailed.

Mr. Woods was charged after an improper photographic lineup.

The following day, the car's owner picked Mr. Woods out of a photo lineup and identified him as one of the

two carjackers. Michigan state law prohibits the use of photo lineups when the accused is in jail and physically able to participate in an in-person lineup. Detroit police, however, never placed Mr. Woods in an in-person lineup.

Based solely on the car owner's identification, Mr. Woods was charged with armed robbery, carjacking, and felony possession of a firearm. His case was referred to Wayne County's Third Judicial Circuit Court for prosecution.

The public defense attorney appointed to represent Mr. Woods did not prepare for trial.

According to Mr. Woods, he and the attorney met for fewer than ten minutes before trial. During that brief conversation he told the attorney that both his brother and his grandmother could testify that he had been sleeping on a pullout bed in his grandmother's living room when the incident occurred. The attorney did not contact either witness and did little to prepare Mr. Woods' case.

Mr. Woods' attorney did not challenge the photo lineup.

The public defense attorney did nothing to challenge the improper use of the photo lineup in lieu of the in-person lineup or the car owner's identification of Mr. Woods. Although research demonstrates that eyewitness identifications are often inaccurate, the attorney did not consult with or retain an expert on the unreliability of such identifications and later acknowledged that he had never utilized an identification expert in the 20 years that he had practiced law.

ABOVE: Davien Woods and Davien Jr. (Photo by Stephanie Chang)

The public defense attorney failed to present Mr. Woods' alibi witnesses.

Although the attorney attempted to call Mr. Woods' brother as an alibi witness, he was prevented from doing so because he had not given the prosecutor and the trial court timely notice of Mr. Woods' alibi defense. Michigan state law requires that defense counsel provide the court and the prosecutor with notice of an alibi defense at least ten days prior to trial. The attorney later admitted that he was unaware of the time period within which he had to provide notice.

After listening to new evidence presented by Mr. Woods' appellate attorney, the trial judge ruled that Mr. Woods' trial attorney had "unequivocally" provided ineffective assistance of counsel.

The public defense attorney made no effort to locate the real perpetrator.

The driver of the stolen car pled guilty to his part in the carjacking immediately prior to Mr. Woods' trial. He testified on Mr. Woods' behalf that he and a friend known as "K-9" had planned and committed the crime. Mr. Woods' attorney made no effort to ascertain K-9's true identity or to confirm his participation in the offense.

Mr. Woods was convicted and sentenced to between 70 months and 15 years in prison.

Mr. Woods's conviction was vacated after the court found that his trial attorney had provided ineffective assistance of counsel.

In preparation for an appeal, Mr. Woods' court-appointed appellate attorney arranged for both Mr. Woods and the convicted car driver to take polygraph tests regarding Mr. Woods' non-involvement in the carjacking. They both passed. The attorney also located "K-9" who admitted that he had in fact participated in the carjacking. Based on this new evidence, the Michigan Court of Appeals remanded Mr. Woods' case to the trial court for a hearing on the adequacy of Mr. Wood's legal representation at trial.

The trial court vacated Mr. Woods' conviction and ordered that he be provided with a new trial. The judge said Mr. Woods' attorney had "unequivocally" provided ineffective assistance of counsel, having failed, among other things, "to move for suppression of identification;" "to adequately investigate and prepare the case;" and "to communicate on a regular basis with his client."

Fearful that he would remain in prison if he continued to assert his innocence and without any guarantee that his second trial attorney would be any better than his first, Mr. Woods pled no contest to lesser charges and was sentenced to time served.

Mr. Woods currently lives with his girlfriend, mother, and grandmother, is the father of four children and is working with his uncle in the construction and landscaping business. His criminal record has impeded his ability to find other types of work.

Neither of Mr. Wyniemko's attorneys asked to have the stains on the victim's underwear analyzed or to have the stains on the bed sheet subjected to DNA analysis. Without sufficient time to prepare, the second attorney did not cross-examine the victim on the discrepancies between her description of the rapist's age, height and weight and Mr. Wyniemko's age, height and weight; was unable to establish that the snitch had only agreed to testify after the lead detective and prosecuting attorney told him that "he would never see the light of day" if he did not; and did not call as witnesses any other former girlfriends, at least two of whom could have contradicted the girlfriend who testified.

Mr. Wyniemko was convicted and sentenced to between 40 and 60 years, beyond the maximum mandated by Michigan's sentencing guidelines. The court justified the sentence by stating that Mr. Wyniemko had not shown appropriate remorse.

DNA evidence exonerated Mr. Wyniemko after nine years in prison.

Mr. Wyniemko's initial efforts to overturn his conviction failed. He later told a newspaper reporter, "There were moments when I actually thought I had died and gone to hell. Prison was hell. I knew that I was innocent and I never gave up hope."

In 2001, the Cooley Law School Innocence Project agreed to take Mr. Wyniemko's case. It located the biological evidence collected at the crime scene and had it subjected to DNA testing, which established that Mr. Wyniemko could not have been the rapist. The DNA of an unidentified male was found on a cigarette butt, in scrapings under the victim's fingernails and on semen-stained nylons used as a gag on the victim.

On June 17, 2003, a Macomb County Circuit Judge declared Mr. Wyniemko "an innocent man" and released him from prison. Mr. Wyniemko now refers to that day as his second birthday. Together with friends and family, he traveled from the courthouse to his father's grave. His father had died in 2000, after spending almost his entire life savings trying to help his son. Mr. Wyniemko believes that his father's death was caused by the stress of his incarceration.

In 2005, Clinton Township agreed to pay Mr. Wyniemko close to $4 million to settle a wrongful imprisonment case. In 2008, prosecutors announced that a known sex-offender, Craig Gonser, had been identified as the rapist but that he could not be tried for the crime because of the statute of limitations.

ENDNOTES TO INTRODUCTION

1 The cost of incarceration for each individual profiled in this booklet was calculated by multiplying $30,000, the annual average cost of incarcerating a single individual, by the number of years he or she was incarcerated. *See* Michigan Department of Corrections, 2009 Annual Report, at 5, *available at* http://michigan.gov/documents/corrections/2009_AnnualReport_341903_7.pdf (last viewed on Mar. 14, 2011).

2 Michael Van Beek, *New State Data Shows Michigan Public Schools Spent Record Amount Per-Student,* Michigan Capitol Confidential, July 28, 2010, *available at* http://www.michigancapitolconfidential.com/13248 (last viewed on Feb. 2, 2011).

3 In Michigan, Medicaid services cost only about $790 per child per year. Eva Yulita Nugraheni, *Failure of Federal Medicaid Fund Extention: Michigan Impact,* Michigan Policy Network (June 21, 2010) *available at* http://www.michiganpolicy.com/index.php?option=com_content&view=article&id=821:failure-of-federal-medicaid-fund-extension-michigan-impact&catid=43:health-care-policy-briefs&Itemid=159 (last viewed on February 2, 2011).

4 *Gideon v. Wainright,* 372 U.S. 335 (1963).

5 *Id*. at 344.

6 *McMann v. Richardson*, 397 U.S. 759, 771 (1970) (emphasis added).

7 *United States v. Cronic*, 466 U.S. 648, 656 (1984). *See also Jones v. Barnes*, 463 U.S. 745, 758 (1983) (Brennan, J., dissenting); *Ferri v. Ackerman*, 444 U.S. 193, 204 (1979).

8 *Herring v. New York,* 422 U.S. 853, 862 (1975). *See Nix v. Williams*, 467 U.S. 431, 453 (1984) (a criminal conviction is to be the product of an adversarial process, rather than the *ex parte* investigation and determination of the prosecution); *Wheat v. United States*, 486 U.S. 153, 158 (1988) (the right to counsel "was designed to assure fairness in the adversary criminal process").

9 *Strickland v. Washington*, 466 U.S. 668, 687 (1984).

10 *Id.*, at 688.

11 *Id.*

12 *Id.*

13 *Id*.

14 *Id.* at 691. *See United States v. Tucker*, 716 F.2d 376, 581 (9th Cir. 1983); *Gaines v. Hopper*, 575 F.2d 1147, 1149-50 (5th Cir. 1978).

15 *Strickland v. Washington*, 466 U.S. at 688-89. *See United States v. Gray*, 878 F.2d 702, 711 (3d Cir. 1989); *Adams v. Balkcom*, 688 F.2d 734, 739 (11th Cir. 1982); *United States v. Kaufman*, 109 F.3d 186, 190 (3d Cir. 1997); *Davis v. Alabama*, 596 F.2d 1214, 1217 (5th Cir. 1979); *McQueen v. Swenson*, 489 F.2d 207, 217-18 (8th Cir. 1974).

16 *Strickland v. Washington*, 466 U.S. at 688-89.

17 American Bar Association, *Ten Principles of a Public Defense Delivery System* (Feb. 2002), *available at* http://www.abanet.org/legalservices/downloads/sclaid/indigentdefense/tenprinciplesbooklet.pdf (last viewed on Mar. 17, 2011).

18 *Cf. Robertson v. Jackson,* 972 F.2d 529 (4th Cir. 1992) (holding that although administration of a food stamp program was turned over to local authorities, "ultimate responsibility . . . remains at the state level."); *Omunson v. State,* 17 P.3d 236 (Idaho 2000) (holding that where a duty has been delegated to a local agency, the state maintains "ultimate responsibility" and must step in if the local agency cannot provide the necessary services).

19 The Sentencing Project, *Reducing Racial Disparity in the Criminal Justice System* (2008), *available at* http://www.sentencingproject.org/doc/publications/rd_reducingracialdisparity.pdf (last viewed Mar. 17, 2011).

20 *See, e.g. Johnson v. Oklahoma*, 484 U.S. 878 (1987) (parity in access to experts); *Wardius v. Oregon*, 412 U.S. 470 (1973) (parity in discovery); *Washington v. Texas*, 388 U.S. 14 (1967) (parity in offering testimony of and compelling attendance of witnesses); *Gregory v. United States*, 369 F.2d 185, 188 (D.C. Cir. 1966) (parity in access to witnesses).

21 *See, e.g., Report of the Defense Services Committee*, Michigan State Bar Journal (Mar. 1978); *Proposed Minimum Standards for Court-Appointed Criminal Trial Counsel*, Michigan Bar Journal (Sept. 1986); Thomas E. Daniels, *Gideon's Hollow Promise – How Appointed Counsel Are Prevented from Fulfilling Their Role in the Criminal Justice System*, Michigan State Bar Journal (Feb. 1992); Barbara R. Levine, *Funding Indigent Criminal Defense in Michigan*, Michigan State Bar Journal (Feb. 1992); State Bar of Michigan Defender Systems and Services Committee, *Indigent Defense Contracts in Michigan*, Michigan State Bar Journal (Feb. 1992); Frank D. Eaman, *A Model System for Indigent Defense Services*, Michigan State Bar Journal (Feb. 1992); National Legal Aid and Defender Association, *A Race to the Bottom: Speed and Savings Over Due Process: A Constitutional Crisis* (June 2008), available at http://www.mynlada.org/michigan/michigan_report.pdf (last viewed on March 17, 2011).

22 National Legal Aid and Defender Assocation, *A Race to the Bottom: Speed and Savings Over Due Process: A Constitutional Crisis*, *supra*.

SOURCES FOR PROFILES

Edward George Carter

Interview with Edward George Carter; *People v. Carter*, Case No. 74-08896, Motion for Discovery (Detroit Recorder's Ct., Dec. 5, 1974); *People v. Carter*, Case No. 74-08896, Trial Transcript (Detroit Recorder's Ct. Jan. 3, 1975); *People v. Carter,* Case No. 74-08896, Judgment of Sentence (Detroit Recorder's Ct., Jan. 10, 1975); Detroit PD Investigation Report, Nov. 9, 1974, submitted by Sgt. Steven Dest; Detroit Crime Lab Report of Analysis, Oct. 25, 1974, submitted by unknown; Detroit Crime Scene Investigation Unit Technician Report, Oct. 24, 1974, submitted by Stephen Hausner; Detroit PD Progress Sheet, Oct. 24, 1974, submitted by unknown; Detroit PD Criminal Investigation Report, Willis Taylor III, CSC Rape, Feb. 2, 1974; Detroit PD Criminal Investigation Report, Willis Taylor III, CSC Attempted Rape, July 28, 1975; Detroit PD Criminal Investigation Report, Willis Taylor III CSC Attempted Rape, Oct. 20, 1978; Detroit PD Criminal Investigation Report, Willis Taylor III CSC Indecent Exposure, May, 5, 1978; Detroit PD Fingerprint Analysis of ET #101684 & Willis Taylor III, Sept. 14, 2009, submitted by Marcia McCleary; Detroit PD Fingerprint Analysis of ET #101684 & Edward George Carter Oct. 6, 2009, submitted by Marcia McCleary; Polygraph Report (Edward George Carter), Feb. 25, 2010, submitted by H. John Wojnaroski, Forensic Polygraph Examiner; *Detroit's Deborah Gaskin: She's A Criminal Lawyer Practicing With Compassion*, JET, Feb. 20, 1984, at 26.

Rodney Hubbard

Interviews with Rodney Hubbard and Domeda Fields; *People v. Hubbard*, Case No. 2004-404393-FC, Preliminary Examination Transcript (Berrien Cty. Cir. Ct. Aug. 26, 2004); *People v. Hubbard*, Case No. 2004-404393-FC, Trial Transcript (Berrien Cty. Cir. Ct., Mar. 15-21, 2005); *People v. Hubbard*, No. 26330, Order (Mich. Ct. App., Jan. 25, 2007); Autopsy Report, A-99-094 (Raymond Davis), dated Mar. 17, 1999; Polygraph Report (Evelyn Victoria Domena), dated Mar. 12, 1999, submitted by Shawn P. Loughrige, Specialist Sergeant, Polygraph Subunit, Forensic Science Division, Department of State Police, State of Michigan; Benton Township PD Incident Report, Apr. 22, 1999, submitted by Det. R.E. O'Brien; Benton Harbor PD Incident Report, May 10, 1999, submitted by Sgt. K. McGee; Affidavit for Search Warrant, Police Agency Report Number: 99-2773-99, May 11, 1999, signed by State Trooper Jerry Miazga; Benton Township PD Incident Report, May 11, 1999, submitted by Det. R.E. O'Brien, Benton Township PD Incident Report, May 26, 1999, submitted by Det. R.E. O'Brien; Benton Township PD Incident Report, May 27, 1999, submitted by Det. R.E. O'Brien; Benton Township PD Incident Report, June 2, 1999, submitted by Det. R.E. O'Brian; Benton Township PD Incident Report, June 9, 1999, submitted by Det. R.E. O'Brien; Benton Harbor PD Original Incident Report, Supplemental Report Date June 11, 1999, reported by D/Tpr. Jerry Miazga TFA; Benton Township PD Incident Reports, June 14, 1999, submitted by Det. R.E. O'Brien; Benton Township PD Incident Report, June 15, 1999, submitted by Det. R.E. O'Brien; Benton Township PD Incident Report, June 17, 1999, submitted by Det. R.E. O'Brien; Benton Harbor PD Original Incident Report, Supplemental Report Date Aug. 12, 1999, reported by D/Tpr. Jerry Miazga; Benton Harbor PD Supplemental Incident Report, Aug. 26, 1999, reported by D/Tpr. Jerry Miazga; Benton Township PD Incident Report, Sept. 15, 1999, submitted by Det. Sgt. R.E. O'Brien; Benton Township PD Incident Report, Nov. 5, 1999, submitted by Det. Sgt. R.E. O'Brien; Benton Township PD Incident Report, Mar. 27, 2000, submitted by Det. Sgt. R.E. O'Brien; Benton Harbor Task Force Supplemental Incident Report, June 16, 2000, reported by Tpr. D. Diekema; Benton Charter Township Police Supplement #1, date written July 15, 2004, submitted by Det./Lt. R.E. O'Brien; Benton Charter Township Police Supplement #2, July 25, 2004, submitted by Det./Lt. R.E. O'Brien; Memo to Det. Carl DeLand, BCTPD from D/Sgt. Jim Young, CID/TSU, dated Aug. 2, 2004; Benton Charter Township Police Supplement #4, date written Aug. 3, 2004, submitted by Det. Carl Deland; Benton Charter Township Police Supplement #7, date written Aug. 9, 2004, submitted by Det./Lt. R.E. O'Brien; Benton Charter Township Police Supplement #9, date written Aug. 13, 2004, submitted by Det. Carl Deland; Benton Charter Township Police Supplement #11, date written Aug. 17, 2004, submitted by Det. Carl Deland; Benton Charter Township Police Supplement #15, date written Aug. 24, 2004, submitted by Det. Carl Deland.

Temujin Kensu

Interviews with Temujin Kensu and A'miko Kensu;, *People v. Freeman*, Docket No. 28340-FC, Defendant's Brief in Support of Motion for Relief from Judgment, (St. Clair Cty. Cir. Ct., Sept. 21, 2004); *Temujin Kensu: Why He is Actually Innocent*, Proving Innocence, June 1, 2009, *available at* http://provinginnocence.net/cases/press-releases/163-kensu-media-release-2-why-he-is-actually-innocent.html (last viewed on Mar. 17, 2011); *Who is Temujin Kenus?* Proving Innocence, June 1, 2009, *available at* http://provinginnocence.net/cases/press-releases/165-kensu-media-release-4-who-is-temujin-kensu.html; "What others say about the Kensu case," Proving Innocence, June 1, 2009, *available at* http://provinginnocence.net/cases/press-releases/166-kensu-media-release-5-what-others-say-about-the-kensu-case.html (last viewed on Mar. 17, 2011); Sandra Svoboda, *Reasonable Doubt: Part I*, Detroit Metro Times, Aug. 1, 2007, *available at* http://www.metrotimes.com/editorial/story.asp?id=11151 (last viewed on Mar. 17, 2011); Sandra Svoboda, *Eyewitness to What?*, Detroit Metro Times, Aug. 1, 2007, *available at* http://www.metrotimes.com/editorial/story.asp?id=11152 (last viewed on Mar. 17, 2011); Sandra Svoboda, *Reasonable Doubt: Part II*, Detroit Metro Times, Aug. 8, 2007, *available at* http://www.metrotimes.com/editorial/story.asp?id=11237 (last viewed on Mar. 17, 2011); Jeff Gerritt, *Shaky Evidence Still Led to Murder Conviction*, Detroit Free Press, Dec. 11, 2008, *available at* http://www.michigancampaignforjustice.org/docs/DetroitFreePress12-11-08 pdf (last viewed on Mar. 17, 2011).

Eddie Joe Lloyd

Interviews with Ruth Lloyd Harlin; *In the Matter of the Estate of Eddie Joe Lloyd, v. Detroit*, Case No. 04-70922, Amended Complaint (E.D. Mich. May 10, 2005); *Innocence Project, Know the Cases, Eddie Joe Lloyd*, *available at* http://www.innocenceproject.org/Content/Eddie_Joe_Lloyd.php (last viewed on May 4, 2010); Jodi Wilgoren, *Confession has his signature; DNA did not*, N.Y. Times, Aug. 26, 2002, *available at* http://www.truthinjustice.org/eddie-lloyd.htm (last viewed on May 4, 2010); Jodi Wilgorn, *Man freed after DNA clears him of crime*, N.Y. Times, Aug. 27, 2002, *available at* http://www.nytimes.com/2002/08/27/national/27DNA.html (last viewed on May 4, 2010); Ailsa Chang, *Not enough money or time to defend Detroit's poor*, National Public Radio, Aug. 17, 2009, *available at* http://www.npr.org/templates/story/story.php?storyId=111811319 (last viewed on May 4, 2010).

Dwight Carvel Love

Interview with Dwight Carvel Love; *People v. Love*, No. 81-06966 (Detroit Recorder's Ct., Mar. 21, 1997); *People v. Love*, No. 202344 (Mich. Ct. App., July 31, 1998); *Love v. Ficano*, 19 F.Supp. 2d 754 (E.D. Mich. 1998); *First Analysis, Wrongful Imprisonment Compensation Act*, Michigan House Legislative Analysis Section, *available at* http://www.legislature.mi.gov/documents/2007-2008/billanalysis/House/htm/2007-HLA-4250-3.htm (last viewed on Mar. 17, 2011).

Frederick Mardlin

Interviews with Frederick Mardlin, Cindy Hays, Linda Hays, Ramona Harper and F. Martin Tieber; *People v. Mardlin*, No. 279699, Brief on Appeal (Mich. App. Apr. 23, 2008); *People v. Mardlin*, No. 279699, Decision (Mich. App., May 5, 2009); *People v. Mardlin*, No. 139146, Defendant Appellee's Answer to Prosecution Application for Leave to Appeal (Mich. Sup. Ct., July 2, 2009); Ltr. to Honorable Daniel J. Kelly, Chief Judge, St. Clair County Circuit Ct., from F. Martin Tabor, Attorney, July 15, 2009; Ltr. to Jerry Celmer, Jr., Court Administrator, St. Clair County Circuit Ct., from F. Martin Tabor, Attorney, Sept. 22, 2009; *People v. Mardlin*, No. 139146, Defendant Appellee's Brief on Appeal (Mich. Sup. Ct., Dec. 11, 2009); *People v. Mardlin*, No. 139146, Decision (Mich. Sup. Ct., July 31, 2010).

Alphonso Sones, Sr.

Interviews with Alphonso Sones; *People v. Sones*, Case No. 02-047859-FC, Preliminary Hearing Transcript (Muskegon Cty. Trial Ct., Sept. 16, 2002); *People v. Sones*, Case No. 02-047859-FC, Trial Adjournment (Muskegon Cty. Trial Ct., Dec. 4, 2002); *People v. Sones*, Case No. 02-047859-FC, Criminal Motion Hearing (Muskegon Cty. Trial Ct., Feb. 10, 2003); *People v. Sones*, Case No. 02-047859-FC, Trial Transcript (Muskegon Cty. Trial Ct., Feb. 13, 2003); *People v. Sones*, No. 248198, Decision (Mich. Ct. App., July 15, 2004); *People v. Sones*, No. 251709, Decision (Mich. Ct. App., Mar. 1, 2005); *Sones v. Bell*, Case 1:07-cv-00552 JTN-HWB, Memorandum of Law in Support of Petition for Writ of Habeas Corpus (W.D. Mich., June 8, 2007); *Sones v. Bell*, Case 1:07-cv-00552 JTN-HWB, Respondent's Answer in Opposition to Petition for Writ of Habeas Corpus (W.D. Mich., Dec. 17, 2007); *Sones v. Bell*, Case 1:07-cv-1114, Memorandum of Law in Support of Petition for Writ of Habeas Corpus (W.D. Mich., Nov. 6, 2007); *Sones v. Bell*, Case 1:07-cv-1114, Respondent's Answer in Opposition to Petition for Writ of Habeas Corpus (W.D. Mich., Mar. 3, 2008); *Sones v. Bell*, Case 1:07-cv-00552 JTN-HWB, Report and Recommendations (W.D. Mich., Apr. 26, 2010); *Sones v. Bell*, Case 1:07-cv-00552 JTN-HWB, Opinion (W.D. Mich., June 14, 2010).

David Tucker

Detroit Police Department, Investigators Report, April 21, 1991; Pre-Sentence Investigation Report, Michigan Department of Corrections, Case Number F-206077-1, March 26, 1992; *Tucker v. Prelesnik*, Civil Action NO. 96-CV-73088-DT, Memorandum Opinion and Order Granting Petition for Writ of Habeas Corpus (E.D. Mich. Aug 29, 1997); *Tucker v. Prelesnik*, 181 F.3d 747 (6th Cir. 1999); Ann Mullen, *Judging the Judge*, Metro Times, Feb. 19, 2003 *available at* http://www2.metrotimes.com/editorial/story.asp?id=4606 (last viewed on Mar. 19, 2011).

Karl Vinson

Interviews with Karl Vinson, Robert Vinson and David Moran; *State v. Vinson*, Case No. 86-00214, Trial Transcript (Recorder's Court of the City of Detroit, May 12-14, 1986); State v. Vinson, Case No. 86-00214, Second Amended Motion for Relief from Judgment (3rd Jud. Cir. Ct., Wayne Ct., Sept. 14, 2009); State v. Vinson, Case No. 86-00214, Brief in Opposition to Motion for Relief from Judgment (3rd Jud. Cir. Ct., Wayne Ct., Feb. 8, 2010); State v. Vinson, Case No. 86-00214, Defendant's Reply Brief to People's Opposition to Motion for Relief from Judgment (3rd Jud. Cir. Ct., Wayne Ct., Feb. 19, 2010); Sandra Svoboda, *23 years after crime, questions about conviction*, MetroTimes Blog, June 25, 2009, *available at* http://blogs.metrotimes.com/index.php/2009/06/23-years-after-crime-questions-about-conviction/ (last viewed on Mar. 23, 2011); Jonathan Oosting, *Finding innocence: U-M law clinic celebrates first victory as two Ecorse men leave prison after 8 years*, MLive.com, Aug. 14, 2009, *available at* http://www.mlive.com/news/detroit/index.ssf/2009/08/finding_innocence_um_law_clini.html (last viewed on Mar. 23, 2011); Aaron Dolwy, *Detroit mother is hoping DNA can clear son of 1986 rape conviction*, MLive.com, Sept. 16, 2009, *available at* http://www.mlive.com/news/detroit/index.ssf/2009/09/detroit_mother_is_hoping_dna_c.html (last viewed on Mar. 23, 2011); Doug Guthne and Santiago Esparaza, *Wrong man jailed for 23 years*, Detroit News, Sept. 16, 2009, *available at* http://www.mlive.com/news/detroit/index.ssf/2009/09/detroit_mother_is_hoping_dna_c.html (last viewed on Mar. 23, 2011); Julie Berman and Jacob Smilovitz, *University Innocence Clinic calls for wrongfully convicted man to go free*, Michigan Daily News, Sept. 16, 2009, *available at* http://www.michigandaily.com/content/university-innocence-clinic-calls-wrongfully-convicted-man-go-free (last viewed on Mar. 23, 2011); Ed Brayton, *DNA may overturn rape verdict for Michigan man*, The Michigan Messenger, Sept. 16, 2009, *available at* http://michiganmessenger.com/26379/dna-may-overturn-rape-verdict-for-michigan-man (last viewed on Mar. 23, 2011); Joe Swickard, *Conviction challenged in child rape case*, Detroit Free Press, Sept. 16, 2009, *available at* http://truthinjustice.org/vinson.htm (last viewed on Mar. 23, 2011); Curt Guyette, *Evidence lost and found*, Metro Times, Sept. 23, 2009, *available at* http://www2.metrotimes.com/news/story.asp?id=14395 (last viewed on Mar. 23, 2011).

Charles Walker

Interviews with Charles Walker; *People v. Walker*, No. 2006-400638-FH, Preliminary Examination Transcript (Berrien Cty. Cir. Ct., Feb. 14, 2006); *People v. Walker*, No. 2006-400638-FH, Trial Transcript (Berrien Cty. Cir. Ct., May 23-24, 2006); *People v. Walker*, No. 2006-400638-FH, Sentencing Transcript (Berrien Cty. Cir. Ct., Jun. 15, 2007); *People v. Walker*, No. 271740, Defendant's Brief on Appeal (Mich. App., Jan 25, 2007); *People v. Walker*, No. 271740, Defendant's Pro Per Brief on Appeal (Mich. App., Apr. 11, 2007); *People v. Walker,* No. 271740, 2007 WL 4179343 (Mich. App. Nov. 27, 2007).

Harold Wells

Interview with Harold Wells; *People v. Wells*, Docket No. 91-00071, Pre-Sentence Investigation Report for Harold Alfonzo Wells (Detroit Recorder's Ct., Dec. 7, 1992); *People v. Wells*, Docket No. 161383, Order (Mich. App., Nov. 2, 1993); *People v. Wells*, No. 91-71-01, Motion for New Trial (Detroit Recorder's Ct., Nov. 2, 1993), *People v. Wells,* No. 91-71-01, Brief in Support of Motion for New Trial (Detroit Recorder's Ct., Nov. 2, 1993), Ann Mullen, *Judging the Judge*, Metro Times, Feb. 19, 2003, *available at* http://www.metrotimes.com/editorial/story.asp?id=4606 (last viewed on Mar. 17, 2011).

Davien Woods

Interviews with Renae Robinson and Davien Woods; *People v. Woods*, No. 254469, Brief in Support of Motion to Remand (Mich. Ct. App., Oct. 13, 2003); *People v. Woods*, Case No. 01-11543-01, Motion for New Trial and Brief in Support (3rd Jud. Cir. Ct., Wayne Cty, Jan. 2, 2004); *People v. Woods*, Case No. 01-11543-01, Transcript of Motion/Evidentiary Hearing (3rd Jud. Cir. Ct., Wayne Cty, Feb. 6 and Feb. 9, 2004); *People v. Woods*, Case No. 01-11543-01, Answer to Application for Leave to Appeal (3rd Jud. Cir. Ct., Wayne Cty, Apr. 14, 2004); *People v. Woods*, No. 254469, Stipulation for Dismissal of Defendant-Appellant's Appeal (Mich. Ct. App., May 24, 2004); Sharon Cohen & Deborah Hastings, *1000 Years in Prison: Wrongful Convictions Destroyed Inmates' Lives*, Associated Press, May 28, 2002.

Kenneth Wyniemko

Wyniemko v. Smith, 2000 WL 760704 (E.D. Mich. 2000); *Wyniemko v. Smith*, 8 Fed. App. 357, 2001 WL 302029 (C.A. 6 2001); *The Innocence Project – Know the Cases: Kenneth Wyniemko*, *at* http://www.innocenceproject.org/Content/Kenneth_Wyniemko.php (last viewed on Apr. 19, 2010); Sandra Svoboda, *Beyond Innocence, A Michigan exoneree finds purpose in advocacy, closure in identification of perpetrator*, Metro Times, July 2, 2008, *available at* http://www.metrotimes.com/editorial/story.asp?id=12029 (last viewed on Apr. 19, 2010); David Whitesock, *Exonerated inmate to speak at USD*, The Volante, Feb. 14, 2007, *available at* http://volanteonline.com/2.7416/exonerated-inate-to-speak-at-usd-1.785672 (last viewed on Apr. 19, 2010); Kim North Shine, *Freed by science, he celebrates, DNA tests exonerate a man convicted of rape and robbery*, Detroit Free Press, June 18, 2003, *available at* http://truthinjustice.org/Wyniemko. htm (last viewed on Feb. 28, 2010); *Calling All You Angels: The Ken Wyniemko Story*, available at http://thenightstalker-onestepbeyond.blogspot.com/2007/11/calling-all-you-angels-ken-wyniemko_16.html (last viewed on Apr. 19, 2010).


ACLU
AMERICAN CIVIL LIBERTIES UNION


Michigan Campaign for Justice
A JUSTICE SYSTEM THAT WORKS FOR ALL


ACLU
AMERICAN CIVIL LIBERTIES UNION
of MICHIGAN