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State Appellate Defender Office – 2024 Update

The State Appellate Defender Office (SADO) fulfills the statutory requirements of Michigan’s Appellate Defender Act, the Sixth Amendment of the United States Constitution, and parallel provisions in the Michigan Constitution to represent poor people appealing their criminal convictions. SADO has three units: The public defender division, which includes appeals and the Juvenile Lifer Unit, the Michigan Appellate Assigned Counsel System (MAACS), and the Criminal Defense Resource Center (CDRC).

Under the Appellate Defender Act, the SADO public defender division provides representation in 25% of pending felony appeals for people who cannot afford attorneys, and private attorneys overseen by MAACS represent the remaining people.

In Fiscal Year 2025, SADO’s budget priorities include implementing necessary public defender workload standards, adding a youth defense position to MAACS to replace an expiring grant, implementing SADO’s Collective Bargaining Agreement, and shifting certain grant and contract positions to FTEs. **These requests have all been included in the Executive Budget Recommendation.**

State Appellate Defender Office – Appeals

The public defender division of SADO has a staff of two managing attorneys, twenty-one attorneys, two investigators, one social worker, and four paralegals who achieve outstanding outcomes for the people we represent:

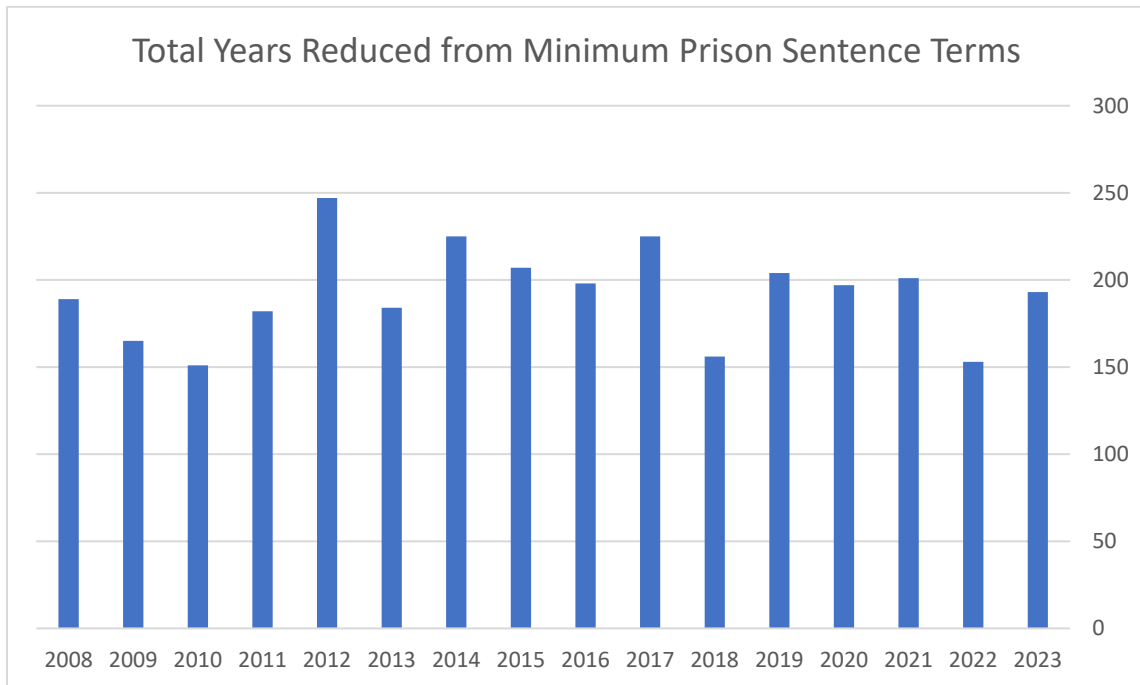
- SADO’s post-conviction investigation and litigation has helped exonerate at least twenty wrongfully imprisoned clients in recent years, including:
 - [Crystal Mulherin](#): After DNA testing identified another perpetrator, attempted murder conviction linked to problematic confession and identification vacated.
 - [James Grissom](#): Sexual assault conviction vacated after investigation revealed a pattern of fabricated allegations.
 - [Derrick Bunkley](#): Attempted murder conviction vacated where investigation of alibi on social media and cell phone evidence showed his innocence.

- [Konrad Montgomery](#): Attempted murder conviction vacated when investigation revealed cell-tower evidence had been misrepresented and inadequately challenged at trial.
 - [Gregory Fisher](#): Sexual assault conviction vacated based on DNA exclusion.
 - [Anthony Legion](#): Twenty-year-old murder conviction vacated after investigation in partnership with the Wayne County Prosecutor's Office Conviction Integrity Unit revealed police misconduct, discovery violations, and perjured testimony.
 - [Terance Calhoun](#): Sixteen-year-old criminal sexual conduct vacated due to never-provided evidence of the suspect's DNA matching another person.
- SADO attorneys regularly secure new trials for clients, holding the criminal legal system accountable and helping to ensure fairness. Some bases for new trial grants in recent years include [the lack of an expert witness](#), [discrimination in jury selection](#), prosecutorial misconduct, and serious constitutional violations.
 - SADO's success in correcting sentencing errors has resulted in a reduction in prison terms by 193 years in 2023. Other sentencing relief includes reducing financial obligations, ending improper probation conditions, and challenging collateral consequences such as improper sex offender registration and lifetime electronic monitoring.
 - SADO attorneys regularly appear before the Michigan Supreme Court, which helps shape the law to ensure due process and a fairer criminal legal system. SADO has **sixteen** cases this term with arguments in the Michigan Supreme Court. Recent opinions and orders from the Court have resulted in [ensuring that problematic interrogations do not produce involuntary confessions](#), [reforming lifelong sentences for youth](#), and [prohibiting improper closure of the courtroom to the public](#).

The work of SADO's public defenders and staff provides taxpayers with excellent return on investment.

- When SADO clients serve shorter sentences, the State of Michigan saves \$44,946 per year in costs of incarceration. SADO's work obtaining sentencing relief and correcting trial errors historically has reduced statewide prison costs by over \$7 million each year.
- Including the Juvenile Lifer Unit, SADO attorneys saved the state approximately \$22.7 million in prison costs for 2023: \$8.7 million from appeals representation, and \$14 million for Juvenile Lifer Unit conversions to a term of years sentence from life without parole sentences.

- For 2024 year-to-date, SADO attorneys have already saved the state approximately \$1.8 million in prison costs from appeals representation through sentencing reductions and an exoneration.



Prison Sentence Reductions		
Year	Total Years Reduced from Minimum Prison Sentence Terms	Estimated Savings to State of Michigan
2023	193	\$8,674,578
2022	153	\$6,076,548
2021	201	\$7,982,916
2020	197	\$7,824,052
2019	204	\$7,564,320
2018	156	\$5,617,716
2017	225	\$8,123,850
2016	198	\$6,961,086
2015	207	\$7,237,134
2014	225	\$7,898,093
2013	184	\$6,311,025
2012	247	\$8,502,518
2011	182	\$6,287,600
2010	151	\$5,183,566
2009	165	\$5,534,678
2008	189	\$6,292,812
Total	3077	\$112,072,492

State Appellate Defender Office – Juvenile Lifer Unit

A unit of lawyers and mitigation specialists at SADO represents people serving life without parole sentences for offenses committed as youth. These individuals require new sentencing hearings because they are serving mandatory life sentences in violation of the constitutional prohibition against cruel and unusual punishment.

The Juvenile Lifer Unit consists of one managing attorney, eight attorneys, one mitigation specialist supervisor, five mitigation specialists, two reentry coordinators, and one paralegal.

Background

- A decision of the United States Supreme Court in 2016 created an extraordinary one-time constitutional crisis involving 364 children serving life without parole sentences in Michigan. [Montgomery v. Louisiana](#) requires resentencing of all people serving mandatory sentences of life without parole for offenses committed as youth because the sentences violate the Eighth Amendment ban on cruel and unusual punishment.
- SADO's Juvenile Lifer Unit represents 193 of Michigan's 364 juvenile lifers and 155 of these individuals have received a term of years sentence offering the opportunity for release on parole. SADO has also received additional client appointments since this original group.
- Michigan lags far [behind](#) the rest of the country. Twenty-eight states and the District of Columbia ban juvenile life without parole, and five more states have no children serving life without parole sentences. On February 10, 2023, Illinois became the latest state to abolish this sentence.

Snapshot of Results: 2016-2023

- 177 SADO clients have received term of years sentences. This amount includes some people who were not part of the original clients assigned to SADO. 85 people have been released on parole or discharged from the Michigan Department of Corrections. Including new appeals, 13 clients await new sentencing hearings.
- There have been 42 contested resentencing hearings for SADO clients. 33 have resulted in term of years sentences, and nine resulted in life without parole sentences. Appellate courts reversed five of the life without parole sentences, and more reversals are expected. SADO attorneys also successfully negotiated term of years sentences for 67 clients, where prosecutors initially pushed for life without parole.
- SADO attorneys have successfully advocated for nine new sentencing hearings on appeal, where the original sentencing hearing, handled outside of SADO, was invalidated due to legal error.

- According to the Michigan Department of Corrections, of 170 former juvenile lifers released, only three have reoffended, which is remarkably below Michigan's standard recidivism rate of [22.1%](#).
- **Savings to the state:**
 - Estimated cumulative number of reduced sentences for clients no longer serving life sentences (based on an estimated average lifespan of 64 years): 2,235.75 years
 - Estimated savings in incarceration costs for Juvenile Lifer Unit operations: \$83,481,589
 - Return on Investment: 12:1 (1203%)

Reentry and Training

- The success of Michigan's Juvenile Lifers may be due in part to the services of SADO's Project Reentry. Project Reentry develops Comprehensive Reentry Plans to assist with the return to the community, holds [reentry workshops](#), publishes a [Reentry Guidebook](#) and [Reentry Newsletter](#), and has developed a [Reentry Services Locator](#) to help individuals find assistance for their specific needs.
- One of SADO's former clients, Lorenzo Harrell, now a reentry specialist for SADO has been recently [profiled](#) by National Public Radio. The Michigan Justice Fund supported a Summer Justice Fellow at SADO to create [Triumph Reports](#) to highlight other successes of former juvenile lifers.
- In 2023, Project Reentry prepared 66 Comprehensive Reentry Plans for Juvenile lifer and other clients and assisted 47 people preparing for parole. Project Reentry provided post-incarceration support for more than 50 people.

Next Steps – 18 year-olds and parolable lifers

- On July 28, 2022, the Michigan Supreme Court issued multiple decisions on youth sentencing. In [People v. Parks](#), the Court held that a mandatory sentence of life imprisonment without the possibility of parole for 18-year-olds constituted cruel or unusual punishment under the Michigan Constitution. In [People v. Stovall](#), the Court held that a parolable life sentence for a youth convicted of second-degree murder violates Michigan's constitution. These cases significantly expand the impact of the United State Supreme Court *Montgomery* decision.
- According to Michigan Department of Corrections records, at the time of the *Stovall* decision, 77 people were serving sentences of life with parole for offenses committed as 17-year-olds or younger and 274 people were serving life without parole sentences for offenses committed as 18-year-olds.

- Since the *Stovall* decision, SADO has worked with local trial systems on appointment of counsel for those individuals and resentencings have been ongoing. SADO has successfully represented seven people in their *Stovall* proceedings, and three more people await resentencing. Four of the resented people have discharged from prison.
- On January 18, 2024 the Court of Appeals decided [People v. Poole](#) holding that the *Parks* decision applied retroactively, meaning the entire group of 18-year-olds serving life without parole sentences would receive new sentencing hearings. In preparation for representation of over 170 additional clients, SADO has sent correspondence to the members of the group, obtained releases so that record collection can be initiated, and started facilitation of appointment of counsel.

Criminal Defense Resource Center

For the past 47 years, an essential part of SADO’s mission has been to provide resources through support services and training to assigned criminal defense attorneys. This is especially important with training requirements linked to trial indigent defense reform.

- **Resources:** The CDRC produces resources accessible on SADO’s website. Some of the most popular include defender [books and manuals](#), appellate decision summaries, a brief bank, the [Criminal Defense Newsletter](#), databases containing expert witness transcripts, and [Self-Help Resources](#) covering child support, expungement, collateral consequences, pro per representation, and sample pleadings. All new books contain hyperlinks, to help with navigation and online use.
- **Training:** The CDRC hosts dozens of free online and in-person [training events](#) annually for both trial and appellate practitioners and other criminal legal system stakeholders. These trainings include separate monthly programs for trial attorneys and defense investigators, and each program is consistently well-attended and highly evaluated. Based on these successes, the CDRC plans to launch a third series later this year for social workers and mitigation specialists. Trainings are also recorded and archived on SADO’s website for later viewing.

The CDRC team also provides individualized trainings to its subscribers around the state. For example, since late 2022, the CDRC has met with dozens of public defender offices, county bar associations, and Michigan Department of Corrections (MDOC) prison librarians, showcasing CDRC’s resources and learning about subscriber needs. More recently, the CDRC trained a group of MDOC librarians about criminal appellate processes, and based on feedback from that training, it is developing new resources for the librarians.

- **Subscriber support:** The CDRC has always provided support to its subscribers, responding to ad hoc questions about legal and procedural issues. As the CDRC's subscriber base has grown – since the advent of the MIDC, the number has increased three-fold, from ~600 to ~1,800 – so too have the number of subscriber questions. CDRC staff views subscriber questions as an opportunity to learn about subscriber needs, and to act accordingly. For example, in 2023, in response to subscriber questions and needs, CDRC staff wrote and published the *Defender Interlocutory Appeals Book* – a new publication designed to help trial attorneys navigate the appellate system.

Michigan Appellate Assigned Counsel System

MAACS, the system for appointing criminal appellate counsel in all Michigan circuit courts, merged with SADO in 2014. The MAACS roster of 111 private practice attorneys represents 75% of indigent individuals with pending appeals and most people appealing guilty pleas, up to 3,000 people per year. MAACS includes two attorney administrators, one litigation support attorney, one grant-funded social worker, one grant-funded youth defense attorney, an accountant, and three support staffers.

- **Reforms to benefit trial courts and assigned counsel:** In 2015, after decades of operating under an inefficient assignment model and inadequate resources, MAACS launched a [regional assignment process](#) to encourage the voluntary adoption of a standardized attorney fee policy by trial courts. After beginning with 14 trial courts, the pilot now includes all circuit courts statewide. In 2017, the Supreme Court approved these reforms, and MAACS implements the project to the benefit of trial courts, appointed counsel, and indigent individuals.
- **Reasonable Pay Rates:** Starting Fiscal Year 2024, the State of Michigan made a funding commitment to compensate MAACS roster attorneys at Michigan Indigent Defense Commission rates of \$130 to \$142 per hour. To salvage past reforms and ensure constitutionally adequate appellate representation into the future, this investment provides 1:1 matching funds to all counties with reasonable hourly attorney fees. MAACS now has an accountant on staff to implement this funding and review invoices.
- **Roster oversight and training:** MAACS personnel maintain oversight of the quality of the roster, conducting thorough and regular reviews of attorney work product. Since the merger with SADO, failing MAACS roster attorneys have been removed and compliance with appellate minimum standards has improved. For example, violations of minimum standards for submitting late briefs decreased from 97 in 2017 to 4 in 2023. Partnering with CDRC, MAACS also conducts regular annual trainings.

- **Litigation support:** MAACS started a program where a special litigation counsel provides regular support to roster attorneys and works for greater access to investigators and expert witnesses. Over the past two years, the Litigation Support Counsel has worked extensively with new roster attorneys. For their first two assignments, the roster attorney must consult with the Litigation Support Counsel for every stage of the appeal. The step-by-step approach helps train the roster attorney in best appellate practices.
- **Mitigation:** Since January 2022, MAACS has employed a mitigation specialist through the Byrne Justice Assistance Grant, funded by the Department of Justice. The mitigation specialist works with MAACS roster attorneys to help advocate for clients at new sentencing hearings, and to ensure that their clients have a support structure when they return to their communities from prison.
 - The MAACS mitigation specialist has worked with forty clients for twenty-six different roster attorneys. This work has resulted in a combined sentencing reduction of 926 months, more than 77 years.
 - Analyzing these results, the corrected sentences of 77.17 years in total reductions can be multiplied by \$44,946, the Michigan Department of Corrections annual cost per person housed, for a total of \$3,468,483 in savings.

Youth Defense

- **Youth Appeals:** The United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention awarded a three-year grant to MAACS to establish a Youth Defense Project in Michigan. In a media statement, former Michigan Supreme Court Chief Justice Bridget Mary McCormack said, “This is a real game changer for juvenile indigent defense in Michigan. It will expand a successful formula for private assigned appellate counsel and could lay the foundation for further reform.”
- The MAACS Youth Defense Project anticipated and started to implement one of the recommendations of Governor Whitmer’s Michigan Task Force on Juvenile Justice Reform: “Expand the State Appellate Defender Office to include appellate services to juveniles, which will include post-dispositional services.” Through the grant, MAACS has:
 - Conducted a year of trainings for over one hundred people representing youth in the juvenile justice system.
 - Submitted court rule proposals to the Michigan Supreme Court on the advice of appellate rights for youth in the system. The Court has adopted these proposals.
 - Provided technical assistance to trial and appellate attorneys in the juvenile justice system.
 - Ensured the assignment of counsel for youth appeals and recruited attorneys for a youth appellate defense roster.

- As reported by the *Detroit News*, The grant started a [successful](#) response to a system where Michigan's appellate defense for youth is practically non-existent. There are approximately 20 appeals from delinquency cases per year despite 2019 caseload data showing more than 7,000 trial-level cases reaching the disposition phase that year alone. Certain counties have not seen a single delinquency appeal in years.
- As part of the recently signed [package](#) of Juvenile Justice reform legislation, new amendments have expanded the Appellate Defender Act to include youth defense, [Senate Bill 425](#). Along with the Executive Budget Recommendation, these amendments will make this grant project permanent and allow both SADO defenders and MAACS roster attorneys to best represent clients in the juvenile justice system.

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