

Jonathan Sacks, Director
Marilena David-Martin, Deputy Director

House Appropriations Subcommittee on Judiciary | February 18, 2021

1

“The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel.”

Powell v Alabama (1932)

2

FY 2022 Budget Priorities

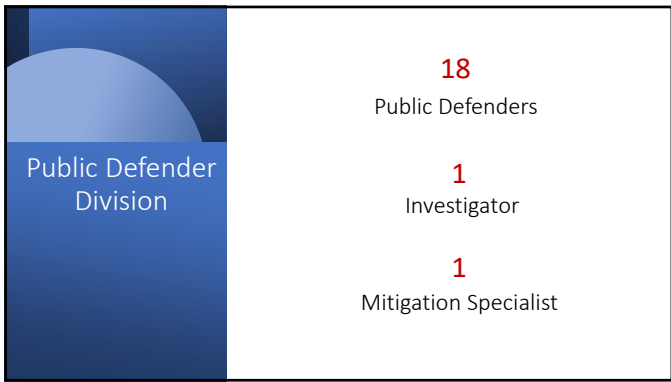
Restore	Need	Continue
Restoration of baseline budget: Restore \$360,700 in FY 21 reductions due to hiring freeze.	Need to backfill positions.	Continue funding of Juvenile Lifer Unit: \$939,100 for representation of clients serving unconstitutional LWOP sentences for offenses committed as youth.

3



Michigan Appellate
Defender Act
MCL 780.711 (1978)

4



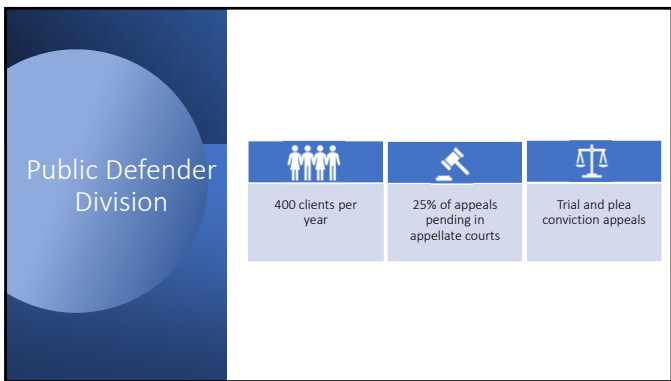
Public Defender
Division

18
Public Defenders




1
Investigator

1
Mitigation Specialist

5



Public Defender
Division

 400 clients per year	 25% of appeals pending in appellate courts	 Trial and plea conviction appeals
--	---	---

6


Overturing Wrongful Convictions



7

20 innocent clients exonerated in recent years


Derrick Bunkley
Incarcerated 2 years



8

20 innocent clients exonerated in recent years


James Grissom
Incarcerated 9 years



9


20 innocent clients
exonerated in
recent years

Konrad Montgomery
Incarcerated 3 years



10

Human and
Financial Cost of
Sentencing Errors



11

2020
Sentencing
Corrections

186 years reduced in 2020

\$6.6 million dollars saved in 2020

Average of \$5 million per year or
about \$280k per attorney

12



13

Charges
Dismissed




We won this fight!

On October 30, 2020, the prosecutor dismissed charges against SADO client Dominique Ramsey, and he was released after spending over five years in the Saginaw County Jail after his arrest on murder charges on June 25, 2015. Congrats to his attorney Christine Pagac who represented him on appeal. Read the full story at vw.sado.org.

For Mr. Ramsey

14

New Trial
Ordered



We won this fight!

The trial court reversed Mr. Boyd's second-degree murder conviction based on ineffective assistance of trial counsel for failure to present evidence of self-defense and ineffective assistance of appellate counsel for failure to expand the record on appeal.

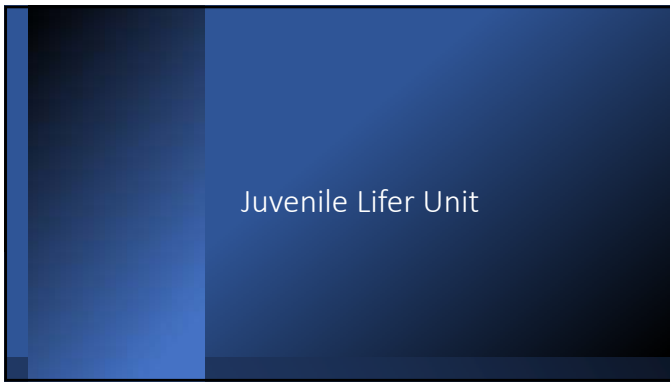
Congrats to Mr. Boyd and his SADO lawyers Maya Menlo and Jackie McCann.

For Mr. Boyd

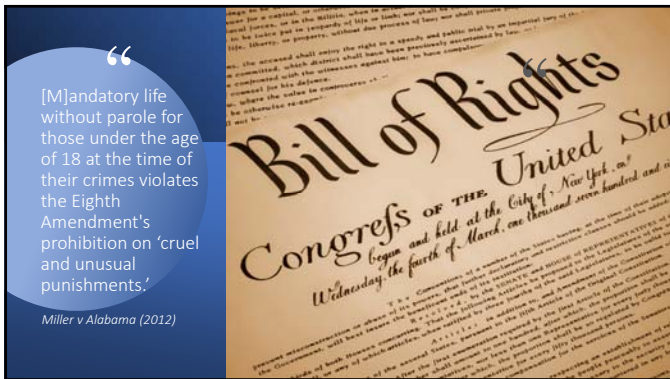
15



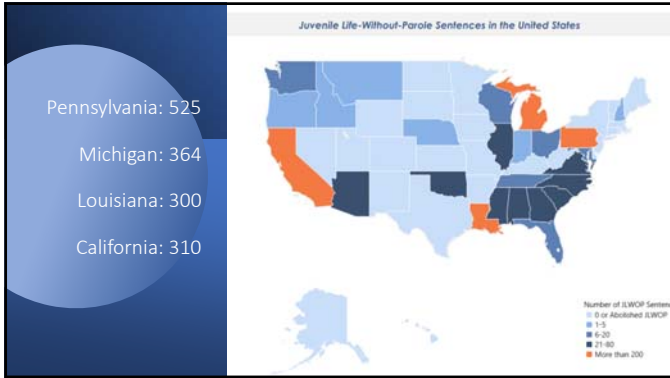
16



17



18



19



20

MCL 769.25 and MCL 769.25a

180 days for prosecutors

Motion seeking LWOP or term of years (TOY)

TOY minimum 25 to 40, maximum 60

21

Juvenile Lifer Unit

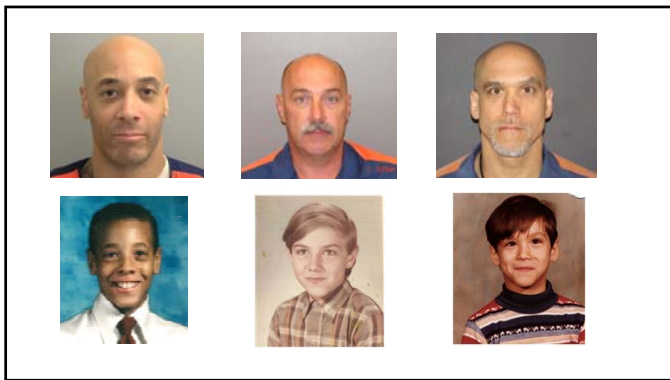
193
Clients

6
Attorneys

4
Investigators

1
Reentry Coordinator

22



23

Miller Hearings

3 days
5 defense lay witnesses
2 defense expert witnesses
2 prosecution witnesses

24



25

Results

- 107 clients resentenced to term of years
- 6 clients resentenced to life without parole
- 31.7 year average minimum sentence
- 60 clients back in community
- 66 clients awaiting contested resentencing

26

More than half of Michigan juvenile lifers still wait for resentencing

27

2016-2020 Outcomes

- ✓ 1,402 years reduced
- 💰 \$49.3 million dollars saved
- 🏠 Average of \$10 million per year or about \$8 million per attorney

28

Michigan Appellate Assigned Counsel System
MAACS

29

MAACS

- 2 Administrators
- 3 Support Staff
- 1 Litigation Support Counsel

30

MAACS

- 150 private roster attorneys
- 3,000 clients per year
- 75% of appeals pending in appellate courts

31

MAACS Regional Assignment Lists
February, 2021

Upper Peninsula

- Blair (1) - effective 11/1/2018
- Blair/Hogbin/Kennedy (12) - effective 10/1/2018
- Chapman (2) - effective 10/1/2018
- Della (1) - effective 10/1/2018
- Dickinson/McMinnis (4) - effective 10/1/2018
- Dugdale/Chapman (2) - effective 6/5/2017
- Marquette (2) - effective 10/1/2018

Northern Lower Michigan

- Albright/Batterson (2) - effective 11/2/2020
- Annac/Koon/Osola/Alvares (2) - effective 6/5/2017
- Bishop/Marshall (1) - effective 9/1/2017
- Chalkley (3) - effective 6/5/2017
- Chapman/Priddy/He (3) - effective 9/1/2017
- Clare/Gardner (5) - effective 6/1/2018
- Crawford/Calkins/Chapman (6) - effective 6/5/2017
- Emmet (5) - effective 6/5/2017
- Isabella (1) - effective 10/1/2018
- Lake (1) - effective 6/1/2018
- Leelanau (1) - effective 6/1/2018
- Manitoulin (1) - effective 6/1/2018
- Michigan/Osola (4) - effective 6/1/2018
- Missaukee/Walker (2) - effective 9/1/2017
- Ogemaw/Roscommon (4) - effective 6/5/2017

West Michigan

- Albini (4) - effective 9/1/2017
- Bart (1) - effective 9/1/2017
- Bertha (2) - effective 8/1/2018
- Calhoun (2) - effective 10/1/2018
- Casa (4) - effective 10/20/2017
- Charlton/Hartman (1) - effective 11/1/2018
- Macgregor (1) - effective 10/1/2018
- Nease (2) - effective 9/1/2018
- Oshtemo (2) - effective 9/1/2017
- Van Meter (1) - effective 6/5/2017

East Michigan

- Beaumont (1) - effective 10/1/2018
- Holmes (2) - effective 10/1/2018
- Isaac (1) - effective 10/1/2018
- Madison (4) - effective 10/1/2018
- Shiawassee (1) - effective 6/5/2017
- Tuscola (4) - effective 10/1/2018

Southeast Michigan

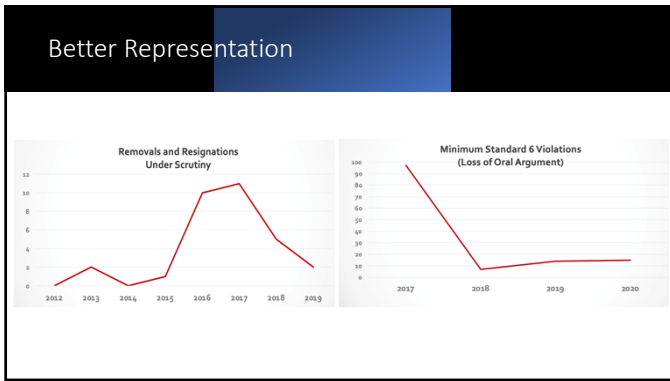
- Lawrence (1) - effective 6/1/2018
- Livonia (4) - effective 6/1/2018
- Macomb (1) - effective 10/1/2018
- Monroe (3) - effective 6/1/2018
- Oakland (1) - effective 6/5/2017
- St Clair (1) - effective 10/1/2018
- Washtenaw (2) - effective 6/5/2017

32

Enhanced Training & Support

New Attorneys	All Attorneys
<ul style="list-style-type: none"> Intensive Orientation Required to work with Litigation Support Counsel on first 2 assignments Access to all other MAACS resources and programs 	<ul style="list-style-type: none"> Annual Training Program Bi-Weekly Case Rounds Monthly Writers' Roundtable - NEW! On-Demand Litigation Support Appellate Writing Workshop

33



34

MAACS Improvement Needs

- Attorney incentives and funding
- Workload standards
- Quality control

35

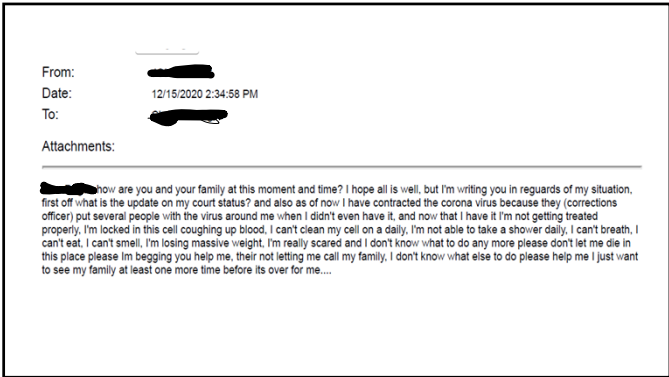
System Differences

SADO	MAACS
Statutory floor of 25% of pending felony appeals	All felony appeals not assigned to SADO (~ 75%)
State-funded office of salaried public defenders	County-funded roster of private attorneys with unpredictable pay
Ample resources	Limited resources
Managed caseloads	Some problematic caseloads

36



37



38



39

SADO COVID-19 Advocacy

Information and Resources
Jail Release Project
Appellate Bonds
HYTA Review



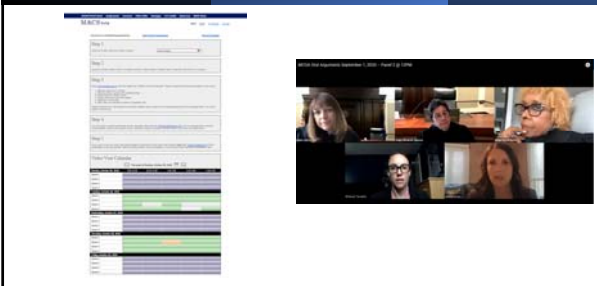
40

COVID-19 and Zoom Court Considerations

Access to clients
Witness interviews and field work
In-Person v Zoom: safety for client, attorney, community

41

Client Meetings and Oral Arguments



42

COVID-19 and Zoom Court: Juvenile Lifer Unit

- 4 *Miller* hearings
- 13 clients resentenced to TOY
- 9 negotiations
- 3 after *Miller* hearing, 1 pending

43

Criminal Defense Resource Center

44

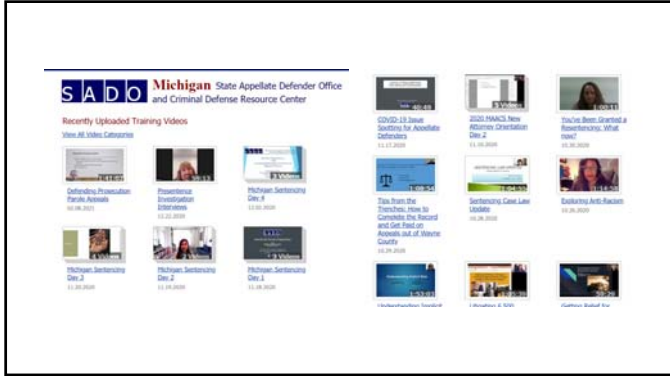
SADO State Appellate Defender Office

2020 Update
Learn more at www.sado.org @SADOMich

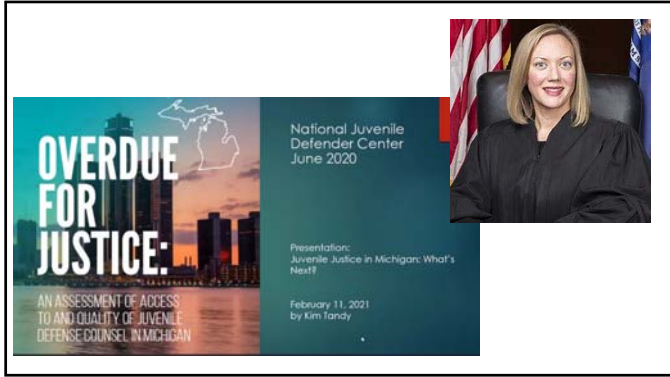
Criminal Defense Resource Center (CDRC)
For over 25 years, SADO's CDRC has been providing Michigan's defense attorneys with a wealth of resources, support, and complimentary high quality training. This year was no different.

- 60+ HRS CLE** CDRC has provided over 60 hours of complimentary online training for criminal defense practitioners and teams in 2020.
- 230+ OPINIONS** CDRC has published 11 volumes of the Criminal Defense Newsletter in 2020 and has summarized over 230 appellate opinions.
- 1,000+ MEMBERS** CDRC has over 1,000 defense attorney and other member subscribers who have 24/7 access to resources and 1-on-1 support.

45



46



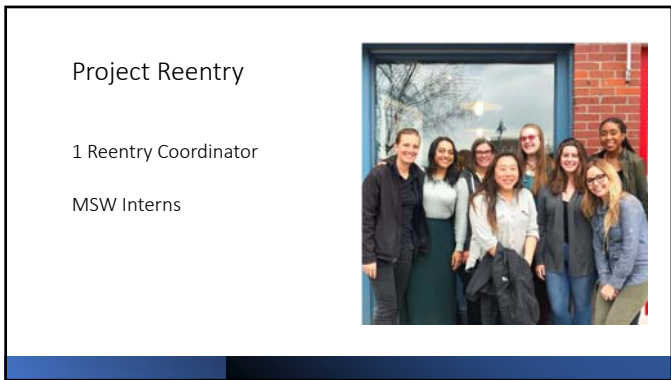
47



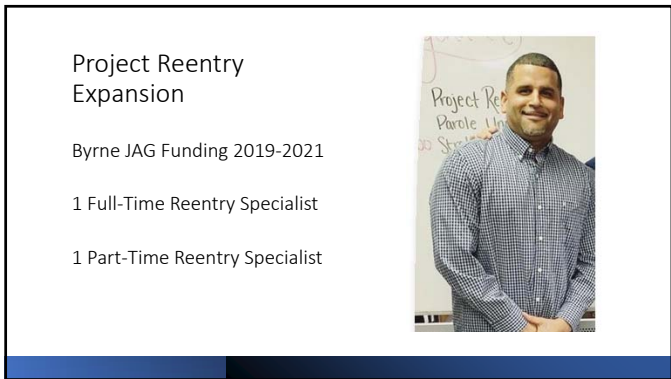
48



49



50



51



55

SADO
PROJECT REENTRY WORKSHOP
GOAL-SETTING
Sun 1/24 @ 3pm - 4:30pm via Zoom

“Goal-setting is powerful because it provides focus, it shapes our dreams. It gives us the ability to hone in on the exact actions we need to perform to achieve everything we desire.”
- Jim Hogan

Members of the reentry community, please join us online as we enter the New Year sharpening our goal-setting tools. Reentry Specialist Jose Burgos will be conducting a goal-setting workshop to lead a discussion on how to properly set both short and long term goals and develop the tools necessary for achieving those goals. Be prepared to not only learn a few things, but to also share in some goal setting techniques of your own.

Register in advance at www.sado.org/go/goals

Questions? Contact Mariela David-Martin
mdavid@sado.org | 313-470-0309

56

In the three states that have released the majority of people once serving JLWOP, the recidivism rate among that population is less than 2%

cfsy.org #MontgomeryAt5

57



58
