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SADO DETROIT CRIME LAB PROJECT

Introduction

Inaccuracies in Detroit Crime Lab firearms evidence that surfaced in 2008 prompted Wayne County Prosecutor Kym Worthy to request an independent review by the Michigan State Police. This audit found a 10% error rate within the lab for firearms evidence, and non-compliance with 66 out of 101 national accreditation criteria. The audit concluded that, “[i]f this 10% error rate holds, the negative impact on the judicial system would be substantial, with a strong likelihood of wrongful convictions and a valid concern about numerous appeals.”

In response, the City of Detroit and the Wayne County Prosecutor’s Office closed the Crime Lab and the Wayne County Prosecutor’s Office set up a Conviction Integrity Unit to systematically arrange for retesting of Crime Lab evidence and review of results. SADO supplemented this effort with a federal grant funded, multi-year review of cases with Detroit Crime Lab evidence.

Starting in 2008, the federally grant funded SADO Crime Lab Unit reviewed 1,043 cases to analyze the impact of Detroit Crime Lab evidence in criminal convictions. Through this review, SADO sent 27 referrals sent to the Wayne County Prosecutor’s Office for new testing of Detroit Crime Lab evidence by the Michigan State Police. Seven of these referrals resulted in new trials for SADO clients, five via agreement with the Wayne County Prosecutor’s Office, one through litigation, and one following analysis by an Independent Review Commission.

The Criminal Defense Attorneys of Michigan honored SADO’s Crime Lab Unit with the Justice for All Award in 2014. Through the work of the projects, the following wrongful convictions have been revealed:

Orande Thompson

On August 8, 2006, Orande Thompson was wrongfully convicted of first-degree murder for the killing of his girlfriend, Kiara Barton. Mr. Thompson always maintained that the shooting was accidental and that he did not believe the gun he shot her with was a functioning weapon and was “shocked” when the trigger went off. The prosecution presented testimony from Detroit Crime Lab firearm examiner, David Pauch, that the bullet that caused the fatal wound was fired from the recovered handgun. The trial resulted in a hung-jury as the jury was unable to reach a verdict as to the murder charge. At the second trial, the evidence presented mirrored that presented at the first trial with the exception of additional testimony by firearms examiner David Pauch. Pauch testified that he conducted further testing of the handgun and found that it was completely operable in both single

action and double action modes, and that the handgun fired as designed each of the 40 times he fired a test shot. The jury convicted Mr. Thompson of first-degree murder.

In 2009, SADO requested that Pauch's findings be retested by the Michigan State Police. Ronald Ainslie, a firearms and toolmarks specialist, issued a report on his retesting of the handgun from this matter. Mr. Ainslie concluded that while the gun did function during the examination, it did not function every time, and it specifically "would not function in the double action mode." Based on these findings, the trial court vacated Mr. Thompson's murder conviction and ordered a new trial.

Mr. Thompson was later convicted of involuntary manslaughter, the appropriate offense for an accidental shooting, and felony firearm. He was sentenced to 7 to 17 years in prison.

William Lee

On September 19, 2007, seventeen year-old William Lee was wrongfully convicted of first-degree criminal sexual conduct and sentenced to 15 to 30 years in prison the violent sexual assault of his landlord's girlfriend. Mr. Lee admitted to fighting his landlord and girlfriend, but denied any sexual contact.

At trial, the prosecution claimed that not enough material had been collected for DNA testing. In 2010, SADO's crime lab unit requested testing for any possible DNA evidence by the Michigan State Police. Testing of the sexual assault kit by MSP demonstrated that the landlord, not Mr. Lee, matched the semen collected from the complainant. The landlord was the prosecution's primary witness against Mr. Lee at trial.

Based on this new evidence, the Court of Appeals remanded the case to the trial court for an evidentiary hearing and motion for new trial. The trial court ordered a new trial, finding that a jury could conclude the criminal sexual conduct charges were fabricated. On retrial, a jury acquitted Mr. Lee.

Nathan Jacobs

On December 6, 2007, Nathan Jacobs was wrongly convicted of second-degree murder and sentenced to 25 to 47 years in prison. Two eyewitnesses and friends of the victim testified that Mr. Jacobs shot the victim with an AK-47, once in the head and twice in the abdomen in front of the victim's house. The prosecution presented this theory of the case at trial.

On appeal, Mr. Jacobs' attorney argued for a new trial based on newly discovered evidence due to the shutdown of the Detroit Crime Lab. The Court of Appeals affirmed the conviction, relying in part on Detroit Crime Lab case report, which concluded that the spent bullet fragments at issue were too damaged, thus presenting no risk of tainted analysis.

Through research and investigation, SADO's crime lab unit discovered that an independent forensic laboratory, Ron Smith & Associates, had analyzed the same firearms evidence as part of the Detroit Crime Lab audit in August 2008. This analysis materially contradicted the Detroit Crime Lab result, finding that the abdomen bullet fragments were consistent with an AK-47 while the bullet fragments taken from the deceased's head were consistent with a pistol.

This new evidence that the victim was shot with two weapons could not be squared with either the prosecution's theory of the case or the testimony of the main eyewitnesses at trial, one of whom actually had a pistol on the day of the shooting. The new evidence also explained the presence of a spent pistol shell near the victim, a fact that the prosecution had previously explained as evidence of the victim returning fire.

After discovering this information in 2010, SADO requested and received appointment on this case for post-conviction remedies. SADO filed a motion to remand and a supplemental application in the Michigan Supreme Court. The Michigan Supreme Court vacated the Court of Appeals decision on newly discovered evidence and remanded to the Court of Appeals for reconsideration in light of crime lab evidence. The Court of Appeals again affirmed the conviction and the Michigan Supreme Court denied leave to appeal.

Months later, the WCPO agreed that this case would be the first examined by a special crime lab independent review group. Both members of the group recommended a new trial, and the Prosecutor agreed to follow the recommendation. The Prosecutor joined SADO in a Motion for Reconsideration in the Michigan Supreme Court, where the parties agreed that a new trial was warranted. The Michigan Supreme Court granted Mr. Jacobs a new trial in October 2011 and Mr. Jacobs eventually pled guilty to a lesser offense of assault with intent to murder and felony firearm. He was sentenced to 10 to 25 years in prison.

Karecio Eatmon

On March 20, 2006, Mr. Eatmon was convicted by a plea of no contest to assault with intent to murder and sentenced to 16 to 40 years in prison. One piece of evidence against him was a finding by the Detroit Crime Lab that a bullet from the complainant's car matched a gun found in Mr. Eatmon's home. In 2011, SADO Crime Lab Unit secured appointment on Mr. Eatmon's case and requested retesting of the firearms evidence. Retesting of Detroit Crime Lab evidence by the Michigan State Police showed that the bullet from the complainant's car was not fired by the gun found in Mr. Eatmon's home. The Wayne County Prosecutor's Office joined SADO's Successive Motion for Relief from Judgment and stipulated that plea withdrawal was warranted. The trial court granted the motion in May 2012 and Mr. Eatmon, who had already served 6 ½ years in prison, entered into a new plea to a lesser offense in September 2012 and was sentenced to time served and released.

Jerah Arnold

Jerah Arnold was convicted of second-degree murder and felony firearm in June 2004 by a Wayne County jury and sentenced to 24 ½ years to 50 years in prison. This marked his third trial as the first two trials ended in hung juries. The evidence against Mr. Arnold at trial consisted of the problematic testimony of two eyewitnesses who identified him as the shooter, along with critical ballistics evidence linking him to the scene. The prosecution never provided any motive for the shooting and never provided any link between Mr. Arnold and the victim. The stories of the eyewitnesses conflicted with one another and were not corroborated by the physical evidence.

Additional evidence against Mr. Arnold came from a January 2003 firearms report prepared by firearm examiners at the Detroit Crime Lab stating that all 36 shell casings found on the crime scene came from a gun recovered from Mr. Arnold's home.

In March 2011, SADO's Crime Lab Unit reviewed Mr. Arnold's questionnaire for assistance and flagged his case for an in-depth review. In August 2011, the Crime Lab Unit requested that the ballistics evidence be retested by the Michigan State Police and the Wayne County Prosecutor's Office submitted the evidence for retesting. The Michigan State Police issued a report in November 2011 stating that the characteristics of the casings from the scene suggested that they were not fired from the gun recovered from Mr. Arnold's home. Two of the casings exhibited characteristics similar to tests shots from the recovered weapon, but MSP was unable to make a positive identification or elimination.

In October 2012, the prosecutor's office stipulated to Mr. Arnold's Motion for Relief from Judgment and for New Trial based on the unique facts and issues of his case.

In February 2013, Mr. Arnold pled guilty to second degree murder and felony firearm in exchange for a sentence agreement of 8 to 10 years in prison. On March 18, 2013, Mr. Arnold was sentenced in accordance with that agreement and was released from custody after serving over 10 years.

Dewayne Span

In 2005, Dewayne Span was tried and convicted of second-degree murder for shooting and killing a man during a fight outside a Detroit nightclub. Two prosecution eyewitnesses testified that they observed the fight between Mr. Span and the complainant, and that Mr. Span fired two shots. The witnesses consistently claimed that Mr. Span was the one and only person involved in the assault on the decedent. A Detroit Crime Lab firearms expert corroborated the witnesses when he testified that an examination of casings at the scene and a slug and a partial slug recovered from the decedent's body were all fired from the same weapon.

In 2014, the SADO Crime Lab Unit arranged for reexamination of the bullets, shell casings, and evidence reports compiled by the Detroit Crime Lab. The reopened investigation revealed that the evidence had been seriously misrepresented by the Detroit Crime Lab. A Michigan State Police Crime Lab Firearms expert concluded that the bullets and casings recovered were had been fired from at least two different weapons, thus undermining the credibility of the prosecution eyewitnesses.

After a motion for relief from judgment was filed in 2015, the prosecution agreed to vacate Mr. Span's convictions. A negotiated settlement was reached and Mr. Span entered guilty plea to manslaughter in exchange for an agreed-to sentence of 12-22½ years in prison. This represents a sentence reduction of nearly 12 years.

Darrell Siggers

In 1984, Darrell Siggers was convicted of first-degree murder and sentenced to life in prison for the shooting and killing of James Montgomery. A Detroit Crime Lab ballistics analyst testified at trial that seven shell casings found at the scene had been fired from the same weapon, and that shell casings and a bullet that had been recovered from wood molding in an apartment across the hall from Siggers' apartment, came from the same weapon. The murder weapon was never recovered.

In 2015, SADO filed a motion for relief from judgment, challenging the ballistics testimony at trial. The motion was supported by a report by David Townshend, a firearms expert, which criticized the testimony of the DPD ballistics expert, finding it “unbelievable” and “highly unlikely” that there was a match between the casings found at the crime scene and the bullet and casings found near Mr. Siggers’ apartment. After a second firearms expert also questioned the accuracy of the DPD ballistic expert’s testimony, and the Conviction Integrity Unit of the Wayne County Prosecutor’s Office further reviewed, the Office agreed to vacate and dismiss Mr. Siggers’ convictions.

On August 30, 2018, Mr. Siggers was released after spending more than 34 years in custody.

