



State Appellate Defender Office
www.sado.org

The State Appellate Defender Office (SADO) works to meet the statutory (MCL 780.712, et seq.) and constitutional requirement to represent poor people appealing their criminal convictions. The office is funded by the state and is the defense counterpart to the Appellate Division of the Michigan Attorney General's Office. The defender unit of SADO is charged with handling no less than 25% of Michigan's assigned criminal appellate caseload. The remainder of the state's criminal appeals are assigned to locally-funded private attorneys overseen by the Michigan Assigned Appellate Counsel System (MAACS), the assigned counsel unit of SADO. SADO's training unit, the Criminal Defense Resource Center (CDRC) provides training to the state's court-appointed trial and appellate counsel.

SADO's budget of approximately \$7.6 million funds a staff of 49, including attorneys, administrators, and investigation and mitigation professionals.

I. Overview of SADO

SADO's staff of appellate defenders, investigators, and mitigation specialists are well-trained, supervised, and successful at identifying and correcting plea, trial, and sentencing errors.

- In addition to success at remedying trial errors and injustices, SADO's post-conviction investigation and litigation has helped exonerate at least 19 wrongfully imprisoned clients, including:
 - *James Grissom*: Rape conviction vacated after investigation on appeal revealed that complainant had fabricated allegations.
 - *Derrick Bunkley*: Attempted murder conviction vacated where investigation of social media and cell phone evidence showed a definitive alibi.
 - *Konrad Montgomery*: Attempted murder conviction vacated when investigation revealed cell-tower evidence had been misrepresented and inadequately challenged at trial.
 - *Gregory Fisher*: Rape conviction vacated based on DNA exclusion.

- SADO’s success in correcting sentencing errors has resulted in a reduction in prison terms by a total of nearly 686 years statewide for 2017 alone, 494 of those years are the result of SADO’s work handling the resentencings of over 60 people originally sentenced to life without parole as youth, and 192 years for other SADO clients.
- SADO regularly pursues successful and innovative grant-funded projects, such as a social worker sentencing project and special units to review cases involving the now closed Detroit Police Crime Lab and the discovery of untested Sexual Assault Kits.

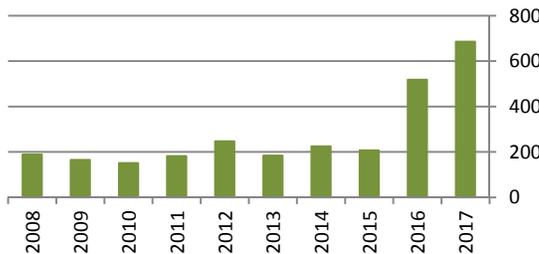
SADO provides taxpayers with excellent return on investment.

- SADO’s work obtaining sentencing relief and correcting trial errors historically has reduced statewide prison costs by over \$5 million each year, about \$300,000 per staff attorney.
- SADO attorneys saved the state approximately \$23,831,000 in prison costs for 2017 alone, \$17,261,000 for reduced sentences for juvenile lifer clients, and \$6,570,000 for reduced sentences from error correction for standard clients appealing their convictions or sentences.

SADO is working to save counties money and improve quality of locally-appointed representation.

- SADO routinely accepts appointment of larger, more-complex appeals that would be very costly for the counties if handled by locally-funded MAACS attorneys.
- By continuing to increase its share of statewide appeals above 25% and handling over half of the state’s “juvenile lifer” resentencings, SADO has helped further ease the counties’ financial burden.
- The goal has been to vastly improve the quality of representation by MAACS attorneys through reducing caseloads, increasing compensation, and attracting new talent.

Total Years Reduced from Minimum Prison Sentence Terms



Estimated Savings to State of Michigan through Prison Sentence Reductions



II. Overview of MAACS

MAACS merged with SADO in 2014. MAACS is the system for appointing criminal appellate counsel in all Michigan circuit courts, from a roster of approximately 150 private attorneys and SADO attorneys. Approximately 75% of indigent felony appeals are assigned to the MAACS roster. MAACS staff also oversees the work of roster attorneys and ensures compliance with minimum standards of representation.

- **Reforms to benefit trial courts and assigned counsel:** In 2015, after decades of operating under an inefficient assignment model and inadequate resources, MAACS launched an innovative pilot project that utilizes a more efficient regional assignment process as a means to encourage the trial courts' voluntary adoption of a reasonable and standardized attorney fee policy. After beginning with 14 trial courts in the Upper Peninsula and Eastern Lower Peninsula, the pilot grew to include 32 trial courts statewide—more than half. In November 2017, the Supreme Court approved these reforms permanently, and MAACS continues to grow the new regional assignment lists and standard fee participation to the shared benefit of trial courts, appointed appellate counsel, and indigent criminal defendants.
- **New web-based assignment system:** To help facilitate the assignment process, in June 2017 MAACS implemented a new web-based case assignment system that allows the electronic transmission of documents and orders and automatically pre-screens counsel before the appointment takes place, further improving the speed and efficiency of the assignment process.
- **Roster oversight and training:** MAACS personnel maintain oversight of the quality of the roster, conducting thorough and regular reviews of attorney work product. Attorney work is assessed both qualitatively and to determine compliance with the more objective measures set forth in the Minimum Standards for Indigent Criminal Appellate Defense Services. Partnering with SADO's Criminal Defense Resource Center, MAACS personnel also conduct three regular annual trainings, as well as other trainings on specific topics.
- **Litigation support:** MAACS staff provides regular litigation support to roster attorneys. MAACS also hosts the Appellate Investigation Project, a federally-funded and innovative collaboration which provides MAACS roster attorneys with greater access to investigators and expert witnesses.

III. Overview of CDRC

An essential part of SADO's mission as Michigan's only state-funded public defender office is to provide resources through support services and training to assigned criminal defense attorneys throughout the state. MCL 780.712(7), MCL 780.716(d).

- For forty years, SADO's Criminal Defense Resource Center (CDRC) has served that function for the criminal defense bar. CDRC also provides services and resources to judges, prosecutors, probation agents, county jails, and state prisons.
- **Resources:** CDRC produces a wealth of resources for criminal justice professionals, all of which are accessible on SADO's website. Some of the most popular resources include: defender books and manuals, appellate summaries, a brief bank, the Criminal Defense Newsletter, an online criminal defense attorney forum, databases containing expert witness transcripts, law enforcement misconducts, and reentry service providers, and self-help resources covering child support, expungement, collateral consequences, pro per manuals, sample pleadings, and more.
- **Trainings:** CDRC's primary focus is to provide high-quality training to attorneys handling indigent appeals at SADO and MAACS. In addition to that target group, CDRC hosts dozens of complimentary trainings at various locations throughout the state and via online webinars for trial-level practitioners, and other criminal justice stakeholders. Trainings are recorded and archived on the website for later viewing.
- **Support:** The CDRC team is available 24/7 by email or phone to assist criminal defense attorneys with legal or procedural questions and issues. In partnership with MAACS, CDRC conducts monthly online case development sessions for MAACS roster attorneys handling indigent appellate assignments. CDRC also supports the trial bar by coordinating the Research Attorney Project at Wayne County Circuit Court.

IV. FY 2019 Request

For FY 2019, SADO requests the *continued* appropriation of \$700,000 to support representation of clients serving Life Without Parole sentences for offenses committed as youth. These clients require new sentencing hearings because they are now serving mandatory life sentences in violation of the constitutional prohibition against cruel and unusual punishments.

- A 2016 United States Supreme Court decision required new sentencing hearings for all individuals serving unconstitutional mandatory sentences of Life Without Parole. SADO represents 193 of Michigan's 364 juvenile lifers and 66 of these clients have now received new sentences.
- SADO first received a supplemental \$300,000 appropriation (FY 2016), then appropriations of \$700,000 (FY 2017), and \$700,000 (FY 2018) to dedicate staff to represent these clients.
- In the last two years, 66 clients received new sentences with an average length of 29.9 years. 25 clients have been approved for parole and 22 clients released on parole. 126 clients await new sentencing hearings.
- **With over two years of work underway, continuation of SADO funding is the only cost-effective, successful and efficient strategy:**
 - SADO spent two years building an operational Juvenile Lifer Unit with attorneys and mitigation specialists. Should funding end in FY 2019, in the middle of the project, this unit would be disbanded.
 - **Cost to the state:** For cases that proceed to hearings, an adequately-funded defense saves significant money for the State of Michigan:
 - Estimated cumulative number of reduced sentences for 66 clients no longer serving life sentences: 848 years
 - Estimated savings in incarceration costs for the 2.5 years of Juvenile Lifer Unit operations: \$29,311,941
 - **Return on Investment:** 16:1 (1624%)

Contact: *Jonathan Sacks, Director, State Appellate Defender Office*
313-420-2901, jsacks@sado.org