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APPEALS COURT TO HEAR SEARCY CASE FEB. 4: HITMAN CONFESSED TO MURDER, LIES TOLD ABOUT FATAL BULLETS

Posted on 01/23/2021 by Diane Bukowski

Professional hitman says he pulled trigger in
2004 murder - not the man convicted



I want to hold those in power accountable for my wrongful conviction, and those of others: Searcy; 19,000 have signed Change. Org petition for his freedom at [Petition · Michigan Attorney General: FREE WRONGFULLY CONVICTED THELONIOUS SEARCY!!!! · Change.org.](#)

“It’s hard enough when you’re guilty, it’s twice as hard when you’re innocent.”—Vincent Smothers’ testimony exonerating Thelonious Searcy

“The bullets don’t lie.” Defense Attorney Michael Dezsi

AP Patrick Muscat, DPD Sgt. Dale Collins played key roles in the convictions of both Searcy and Davontae Sanford

Appeals Court hearing Thurs. Feb. 4, 10 am, Panel 4, on Zoom



Case Call February 2021 Session Panel 4	
Mark J. Cavanagh, P.J. and Deborah A. Servitto and Thomas C. Cameron, JJ.	
Thursday, February 04, 2021 at 10:00 AM	
349169	PEOPLE OF MI V THELONIOUS DESHANE-EAR SEARCY Attorneys PL-AE THOMAS M CHAMBERS Oral Argument Preserved DF-AT MICHAEL DEZSI Oral Argument Preserved

***National Registry of Exonerations
Report: 54 percent of wrongful
convictions involved misconduct by
prosecutors, police***

By Diane Bukowski

January 23, 2021



Thelonious 'Shawn' Searcy with daughter LaShyra Thomas before 2005 conviction. Photo: LaShyra Thomas

DETROIT—The Michigan Court of Appeals will finally consider shocking evidence from a 2018 evidentiary hearing in the high-profile murder case of Jamal Segars, 15 years after the conviction of Detroitier Thelonious “Shawn” Searcy, now 40, for the crime.

“As an Asiatic Black man,” Searcy told VOD, my purpose for fighting my case so hard is to speak truth to power and hold accountable those responsible for my wrongful conviction, as well as the convictions of others who’ve been wronged by the corrupt judicial system in the City of Detroit.”

Well-known hitman Vincent Smothers confessed to the Segars murder in great detail at the 2018 hearing. It was held in front of Searcy’s trial judge Timothy Kenny just before he became Chief Judge of the Wayne Co. Third Circuit Court.

Ballistics testimony showed that Wayne County Prosecutor Patrick Muscat, aided by Kenny, lied to the jury about the gun and the bullets which killed victim Jamal Segars.

Muscat and Detroit Police Detective Dale Collins, a key witness at Searcy’s trial, also helped frame 14-year-old Davontae Sanford for the “Runyon Street killings” of four people in 2007. Smothers’ confession to those murders, which was concealed by prosecutors and ,police led in part to the dismissal of Sanford’s case eight years later.

Collins has been instrumental in numerous other frame-ups, including those involving the notorious “Ring of Snitches” in the 1990’s, which led to multiple exonerations.

The Appeals Court hearing on Searcy’s case is set for Thurs. Feb. 4 in front of Judges Mark J. Cavanagh, Deborah A. Servitto and Thomas C. Cameron, JJ. (Panel 4). It will be held via Zoom. Searcy’s attorney Michael Dezsi is asking the Court to allow public livestreaming of the event.

Judge Kenny, who became Chief Judge for the Wayne County Third District in Jan. 2019, denied Searcy’s motion for a new trial six months after the evidentiary hearing, in Dec. 2018.

He said did he not think Smothers’ confession was “credible,” based in part on Smother’s initial recantation to Michigan State police investigators after lawyers for Davontae Sanford told him it could delay Sanford’s release. Legal experts say that determination should be up to a jury.

Kenny also claimed bullets found around Segars’ car were .45 caliber, not .40 caliber as clearly shown in exhibits at Searcy’s trial in 2005, and at the 2018 evidentiary hearing. In his confession on the stand in 2018, Smothers said he used .40 caliber bullets, corroborating a police report from the scene.



Wayne Co. 3rd Circuit Chief Judge Timothy Kenny (l), AP Patrick Muscat

Searcy filed an application for leave to appeal, but the Michigan Court of Appeals at the time gruffly denied the application, “because defendant has failed to establish that the trial court erred in denying the motion for relief from judgment.” The Michigan Supreme Court later remanded the case back to the Appeals Court, saying, “in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration as on leave granted.” This meant the COA must address the substance of Searcy’s claims.



Thumb Correctional Facility in Lapeer, MI.

During this appeal process, Searcy has twice suffered severe bouts with the COVID-19 virus which has decimated Michigan prisons. The virus threatened to make his “life without parole” sentence a summary death sentence, but Searcy, the father of twodaughters, has never ceased to fight for his life, his family, and his freedom.

Searcy is incarcerated at the Thumb Correctional Facility, where 60 percent of the prisoners have tested positive for COVID-19. After he tested positive a second time, he was shipped to the Macomb Correctional Facility for two weeks, where one-third of the prisoners have tested positive.

Now with regard to your first question, what type of caliber of bullet was found in the deceased?

After speaking with the attorneys they have agreed to my sharing with you the fact that the testimony presented in the case, and there is a report on one of the Exhibits that the bullets that were recovered from the deceased were too deformed to be able to identify what gun it came from or what caliber it came from.

All right. So that's the evidence you have to work with or deal with in this particular case.

Judge Kenny's instruction to Searcy's trial jury that fatal bullets were "too deformed" to identify them, failing to note exhibits showed the bullets were .40 caliber, not .45 caliber. (Trial transcript pp.

lawyer,” he wrote the 2016 *pro se* motion for a new trial which won his evidentiary hearing in 2018. That motion was based not only on the discovery of new evidence, but also filed under MCR 770.1, which addresses issues of likely innocence.

Searcy is looking forward to re-uniting with his two daughters, present as toddlers when police stormed into his grandmother Edna Richardson’s home in 2004 to arrest the newly-married Searcy.

His daughters have visited him throughout his incarceration and supported him at his court hearings since. Mrs. Richardson hired private investigator Scott Lewis for Searcy’s case, paid for Searcy to obtain his homicide file, and maintained a voluminous trove of other case documents at her home for review by reporters.

Searcy’s supporters have garnered nearly 19,000 signatures on a Change.Org petition for his freedom, at [Petition · Michigan Attorney General: FREE WRONGFULLY CONVICTED THELONIOUS SEARCY!!!! · Change.org](#).

“Judge Kenny has put an innocent man in harm’s way,” Searcy’s fiancée Quintasha McCroy told VOD earlier. “He chose to overlook the prosecutor’s deliberate lie about ballistics evidence and and the confession by Vincent Smothers.”

Since his incarceration, Searcy has devoted his time to studying the law, recently gaining grades of all A’s in criminal law paralegal courses conducted by the Blackstone Career Institute.

He has combed through tens of thousands of pages of his trial transcripts and his Detroit Police Department homicide file, while staying abreast of the latest court rulings in other cases. Assisted by another “jail-house



(L to R) Thelonious Searcy today, daughter LaShyra Thomas with unidentified relative, grandmother Edna Richardson at hearing; grades in criminal law classes.

Additionally, Searcy’s case is featured on [Thelonious Searcy | Actual Innocent Prisoners](#).

54% of Wrongful Convictions Nationally involved Police, Prosecutorial Misconduct— Report by National Registry of Exonerations

In September, 2020, the [National Registry of](#)

[Exonerations](#) released a [comprehensive report](#) which showed that misconduct by prosecutors and police contributed to the false criminal convictions of more than half — 54 percent— of innocent people who were later exonerated.

Reviewers called it “by far the most thorough study ever of official misconduct by police, prosecutors and others in criminal cases in the United States. It is the only such study based on a comprehensive database of cases of wrongly convicted defendants: the first 2,400 exonerations recorded in the National Registry of Exonerations.”

IDENTIFIER K Reed	DATE 9/16/04	TIME 1120AM	LOCATION Greenleaf	OFFICER Homicide
SUSPECT Jamal Segars Findlay and Connor (5/4/04 Fatal)				
LABORATORY Greenleaf	PROJECT Homicide	SEARCHED BY D Pauch	DATE FORW. 1/27/05	DATE COMPLE. 1/31/05

SERVICE REQUESTED
 1. Examine and classify submitted evidence.
 2. Microscopic comparison of fired evidence.

EVIDENCE SUBMITTED

ET# E 07171204	(1) .40 caliber, Metal jacket bullet, class 6 right.
ET# E 07191504	(1) .40 caliber, Metal jacket bullet, class 6 right.
ET# E 07191604	(1) .40 caliber, Metal jacket bullet, class 6 right. <u>Change of evidence.</u>
ET# E 07191704	(1) .40 caliber, Metal jacket bullet fragment, traces lands and grooves.
ET# E 07191804	(1) .40 caliber, Metal jacket bullet fragment, traces lands and grooves.

RESULTS OF EXAMINATION
 Evidence examined and classified as stated. No microscopic comparison of the above fired evidence could be conducted due to condition. Evidence sent to property section.

DAVID W PAUCH
Police Officer
Firearms Examiner

LLOYD ALLEN
Police Officer
Firearms Examiner

PEOPLE’S TRIAL EXHIBIT #23, PRESENTED BY PROS. MUSCAT, SHOWS BULLETS FOUND IN SEGARS’ BODY WERE 40 CALIBER.

In Searcy’s case, Vincent Smothers testified that he repeatedly told numerous police, court and media representatives, in affidavits and letters over three years, that he had committed the Segars murder, but to no avail. He took the stand at Searcy’s evidentiary hearing over the advice of his own lawyer, to describe the murder first-hand in great detail.

AP Muscat presented a .45 caliber gun at Searcy’s trial, alleging it was the murder weapon without any fingerprint or other ballistics evidence.

However, he also presented Peoples Exhibit #23 at trial (at left above), in which Detroit Police Officer David Pauch identified the bullets found in Segars’ body at the morgue as .40 caliber. At Searcy’s 2018 evidentiary hearing, independent firearms expert David Balash confirmed Pauch’s report, and testified the bullets were found in Segars’ body.

Additionally, a .40 caliber bullet that the DPD crime lab initially identified as a 9mm shell casing was produced for analysis. The original designation was corrected by Detroit Police Officer Patricia Little of the Conviction Integrity Unit during the evidentiary hearing. The bullet is ET#07191604, shown on the report.

Also during the evidentiary hearing, the testimony of the prosecution’s reluctant key witness DeAnthony Witcher was challenged with newly discovered evidence showing that the DPD had covered up a concealed weapons arrest of Witcher just prior to Searcy’s arrest.

AP Muscat forced Witcher to submit to an investigative subpoena hearing without counsel, and Judge Kenny forced Witcher to testify by giving him “use immunity.”

Below is Private Investigator Scott Lewis’ audiotape of Vincent Smothers’ confession to the Jamal Segars murder, obtained in 2017.



Above: Searcy (bottom right) listens as his atty. Michael Dezsi (center) plays Vincent Smothers’ taped confession as Smothers (seated with head down) listens during 2018 evidentiary hearing.

From Atty. Michael Dezsi’s Brief on Remand:

“The trial court abused its discretion by substituting its own judgment, ignoring both a recent confession and corroborating forensic evidence exculpating Defendant of a 2004 murder, and denying Defendant’s Motion for Relief from Judgment and for new trial.”

Vincent Smothers’ confession is corroborated by a myriad of documentary and testimonial evidence such that Defendant Searcy was wrongfully convicted.

- Smothers identified the victim, provided a motive.
- Smothers’ testimony regarding the bullet trajectory of his shots matches the autopsy report
- Smothers provided extensive factual details of the murder scene
- Smothers’ testimony regarding the murder weapon has now been confirmed by newly discovered forensic evidence [Smothers testified he used a .40 caliber gun; only .40 cal. slugs found in victim’s body.]
- There is newly discovered evidence tending to show that the prosecution’s star witness (DeAnthony Witcher) may have received a quid pro quo of leniency in exchange for his cooperation and testimony against Defendant Searcy.
- Newly discovered forensic evidence, that was suppressed by the prosecution at trial, regarding a bullet taken from the victim exculpates Defendant and supports relief under both MCR 6.508(D)(3)(b)(i) and (iii)
- The trial court’s credibility determinations and factual findings cannot be upheld in light of the Supreme Court’s decision in Johnson
- The newly discovered evidence makes probable a different result on retrial.

MDB

Vincent Smothers 1.MP3

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MDB · Vincent Smothers 1.MP3

RELATED DOCUMENTS:

Atty. Michael Dezsi’s Brief on Remand to Court of Appeals:

http://voiceofdetroit.net/wp-content/uploads/TSSearcy.COA_3.27.2020.pdf

Michigan Supreme Court’s remand of Searcy case to Court of Appeals:

<http://voiceofdetroit.net/wp-content/uploads/Thelonious-Searcy-MS-remand-to-COA-3-18-20.pdf>

Michigan Court of Appeals denial of Searcy application for leave to appeal:

<http://voiceofdetroit.net/wp-content/uploads/TSearcy-COA-denial.pdf>

Judge Timothy Kenny’s order denying Searcy motion for relief from judgment Dec. 3, 2018:

<http://voiceofdetroit.net/wp-content/uploads/Searcy-Thelonious-Opinion-Order-12-03-18-compressed-1.pdf>

Searcy’s pro se motion for new trial, filed July 22, 2016:

<http://voiceofdetroit.net/wp-content/uploads/TS-motion-for-new-trial-7-22-16.compressed-2.pdf>

Part one of Searcy brief with Motion:

<http://voiceofdetroit.net/wp-content/uploads/TS-brief-7-22-16-part-one.compressed-1.pdf>

Part two of Searcy brief with Motion:

<http://voiceofdetroit.net/wp-content/uploads/TS-brief-7-22-16-part-two.compressed-1.pdf>



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VOD STORIES ON THELONIOUS SEARCY’S WRONGFUL CONVICTION IN 2005, EVIDENTIARY HEARING 2017-18, IN CHRONOLOGICAL ORDER:

[FALSE DETROIT CONVICTION: VINCENT SMOTHERS SAYS HE, NOT THELONIOUS SEARCY, KILLED JAMAL SEGARS IN 2004 | VOICE OF DETROIT: The city’s independent newspaper, unbosser and unbought](#)

[IS EXONERATION NEAR FOR THELONIOUS SEARCY, SERVING LIFE FOR MURDER VINCENT SMOTHERS CONFESSED TO? | VOICE OF DETROIT: The city’s independent newspaper, unbosser and unbought](#)

[SEARCY WINS EVIDENTIARY HEARING; SMOTHERS EXPECTED TO TESTIFY HE WAS THE KILLER IN 2004 CASE | VOICE OF DETROIT: The city's independent newspaper, unbossed and unbought](#)

[RALLY TO FREE DETROIT'S WRONGFULLY CONVICTED, OUST KYM WORTHY SAT. OCT. 21 2-6 PM | VOICE OF DETROIT: The city's independent newspaper, unbossed and unbought](#)

[PACK COURT TO STOP WRONGFUL CONVICTION OF THELONIOUS SEARCY MON. MARCH 19, 9 AM; JUDGE KENNY | VOICE OF DETROIT: The city's independent newspaper, unbossed and unbought](#)

[VINCENT SMOTHERS TAKES STAND TO EXONERATE THELONIOUS SEARCY IN 2004 DETROIT MURDER | VOICE OF DETROIT: The city's independent newspaper, unbossed and unbought](#)

[SMOTHERS' CO-DEFENDANT MARZELL BLACK BACKS CONFESSION TO SEGARS MURDER, AT SEARCY HEARING | VOICE OF DETROIT: The city's independent newspaper, unbossed and unbought](#)

[TESTIMONY AT 2 MARCH HEARINGS SHOWED SEARCY LIKELY INNOCENT; NEXT HEARING DELAYED TO MAY 9 | VOICE OF DETROIT: The city's independent newspaper, unbossed and unbought](#)

[FAVORABLE SIGNIFICANT EVIDENCE SURFACES AT SEARCY HEARING ON INNOCENCE CLAIM | VOICE OF DETROIT: The city's independent newspaper, unbossed and unbought](#)

[TRIAL EVIDENCE VS. THELONIOUS SEARCY IN 2004 CITY AIRPORT MURDER DISCREDITED AT MAY 15 HEARING | VOICE OF DETROIT: The city's independent newspaper, unbossed and unbought](#)

[PROSECUTORS, COPS, TECHS LIED, FALSIFIED EVIDENCE VS. THELONIOUS SEARCY, ATTY. SAYS IN FINAL HEARING | VOICE OF DETROIT: The city's independent newspaper, unbossed and unbought](#)

[JUDGE KENNY STRIKES DOWN THELONIOUS SEARCY BID FOR FREEDOM ON 'ACTUAL INNOCENCE' OF 2004 MURDER | VOICE OF DETROIT: The city's independent newspaper, unbossed and unbought](#)

[THELONIOUS SEARCY TARGETS WAYNE CO. PROS. PATRICK MUSCAT IN ATTY. GRIEVANCE COMMISSION COMPLAINT | VOICE OF DETROIT: The city's independent newspaper, unbossed and unbought](#)

[SUPREME CT. GRANTS REHEARING TO THELONIOUS SEARCY: HITMAN CONFESSED; JUDGE, AP LIED TO JURY | VOICE OF DETROIT: The city's independent newspaper, unbossed and unbought](#)

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