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Valerie Newman, Director
Conviction Integrity Unit
Wayne County Prosecutor's Office
1441 St. Antoine
Detroit, MI 48226

RE: State of Michigan v. Paul Anthony Davis
Case No. 04-006941-01-FC

Dear Ms. Newman,

On behalf of Mr. Paul Anthony Davis, I submit this memorandum for your consideration of accepting Mr. Davis' case with the Conviction Integrity Unit. Please find the following memorandum outlining the proceedings giving rise to Mr. Davis' conviction, and the evidence supporting post-judgment relief. We thank you for your time, attention and assistance with respect to this matter.

AT-A-GLANCE FACTS

- Defendant: Paul Anthony Davis (MDOOC 514719)
- Victim: Larry Snipes
- Location: 5398 Spokane, Detroit, MI
- Case OIC: Sgt. LaNesha Jones, Detroit Police Department
- Charges:
 - Count 1 – Homicide – Murder First Degree – Premeditated;
 - Count 2 – Animals – Killing/Torture;
 - Count 3 – Weapons Felony Firearm
- Disposition:
 - Count 1 – Found Guilty by Jury;
 - Count 2 – Dismissed;
 - Count 3 – Found Guilty by Jury
- Sentence: 11/17/2004
 - Count 1 – LIFE;
 - Count 2 – Dismissed;
 - Count 3 – 2 years



PERTINENT CHARACTERS:

- Denise Henry: Witness, coerced to testify; supplied affidavit and letter re: coerced testimony.
- Dana Henry: Juvenile Witness
- Semaal Henry: Material Witness – It is understood that Semaal Henry failed to appear at trial initially, and only did appear after being detained in the midst of trial by or under the direction of Sgt. LaNesha Jones.
- Troynesha Henry: Material Witness
- Omar Taylor: Material Witness
- Maurell Kurts: Material Witness – *Maurell Kurts failed to appear at trial.*
- Sgt. LaNesha Jones: OIC at-issue case; Fired by Detroit Police around 2009, fired by Highland Park Police around 2012; was named in 2015 lawsuit accusing Jones in a 2006 botched homicide investigation in Detroit while supervisor and is accused with other officers of mishandling the investigation and withholding information from prosecutors that could have cleared that defendant. Lawsuit settled with no details publicly available.
- Officer Curtis Staples: Alleged to have coerced child witnesses to make false statements
- David Pauch – Police Officer – Firearms Examiner; alleged to have filed falsified firearms test reports in homicide investigations.
- Scott Lewis – Private Investigator hired by Paul Davis

FACTS OF THE CASE

At approximately 4:00 a.m. on May 12, 2004, Officers Linda Gilbert and Herman Hope were dispatched to 5398 Spokane for report of person shot. The officers discovered a victim inside on his back with apparent gunshot wound to the left forearm, stomach and a shot to the back. The victim, Larry Snipes Jr, was pronounced dead on arrival upon transport to Henry Ford Hospital. Officer Gilbert states they canvassed the area and spoke with witnesses Benjamin Black and Gerald Triplett, who stated they called the police after they heard someone say call the police someone has been shot.

Sgt. LaNesha Jones' Investigator Report states Mr. Paul Davis, also known as "P", produced a handgun and shot the complainant, after the two had an argument. No admissions or confessions were reported. A photo line-up was used and only references juvenile witness Dana Henry as providing a positive identification. Mr. Davis had no participation or involvement in a line-up with Dana Henry, and it is understood only a photo of Mr. Davis was used.

The prosecution relied on five juvenile witnesses, in addition to calling Sgt. Jones, the medical examiner, responding officers, evidence technician Officer Soli and Officer Stinson, and Levonia Snipes, who identified the victim's body at the medical examiner's office. The

purported theory of prosecution's case was that the victim was shot six or seven times, at close range in a standoff position, with a .45 caliber handgun. Dr. Francisco Diaz opines death was due to multiple gunshot wounds and notes with respect to the left forearm gunshot wound that there was no gross evidence of close range firing on the skin or within the depths of the wound. The *Postmortem* report reflects one penetrating gunshot wound to the right posterior shoulder, with a bullet recovered; and a perforating gunshot wound to the left forearm with no bullets or fragments recovered.

Of extreme concern in this matter is the finding of the record or file being entirely void of any valid warrant, autopsy photos, pictures of the victim, victim clothing photos, blood samples, photos of shell casings and other investigatory evidence which would customarily be found in a homicide investigation file and prosecution. Upon information and belief, Mr. Davis states that evidence and property list states clothing coming from Grace Hospital, whereas the victim was rushed to Henry Ford Hospital where they were pronounced dead on arrival. This inconsistency raises further concerns regarding the legitimacy and credibility of investigators involved.

PROCEDURAL HISTORY

On June 26, 2004 Mr. Davis was arraigned on the warrant alleging one count of first degree murder, one count of animal torture, and one count of weapons felony firearm. He was, over objection, bound over to the Third Circuit Court on July 8, 2004. An arraignment on information took place on July 15, 2004. Register of Actions reflect a Motion to Quash Information was filed on September 15, 2004 and October 1, 2004. On October 1, 2004, a motion hearing and order denying the motion to quash were entered.

Jury trial began on October 12, 2004 and took place over four days. Defendant was found guilty by jury on October 19, 2004. Sentencing began on November 03, 2004 and was adjourned at the request of the defense. Sentencing resumed and concluded on November 17, 2004.

A claim of appeal was filed with the circuit court on or about November 29, 2004. A motion to withdraw s attorney was filed April 4, 2006. Thereafter, an application for leave to appeal (circuit) was filed on or about October 31, 2006. An order denied by the Supreme Court was entered October 31, 2006.

The Register of Actions next reflect a motion for relief from judgment filed on May 21, 2007 (second docket entry for motion for relief from judgment on May 25, 2007). An order denying relief from judgment was entered on October 3, 2007. On or about June 4, 2008, a motion for relief from judgment was filed and then denied by order entered October 1, 2008.



An application for leave to appeal (circuit) was filed on March 27, 2009 and then on October 26, 2009 the same is entered on the docket. No relief granted or reflected on Register of Actions.

WITNESSES

The following paragraphs summarize those witnesses relied upon by the Prosecution, both in their investigation and at trial, and incorporates issues and inconsistencies among the testimony collected, evidence investigated, and subsequent recanting by at least one witness. It is alleged by Mr. Davis that in all relevant aspects of the investigation and treatment of these witnesses, that the responsible officers handling the matter violated investigatory protocols and procedures, particularly with respect to juvenile witnesses.

It should be noted, as more fully explained under the following 'New Evidence' section, that the Detroit Police Department's homicide file relative to this matter does not exist or cannot be located. The information as provided below is a result of years of efforts to collect what documents are available, with an impression a great deal more was removed or destroyed by their absence and/or inability to be produced.

Benjamin Black: Stated the shooter came with Henry Smalls, and describes the shooter as "yellow, 5'8" with braids", driving a grey mazda van, and had a .45 caliber Smith & Wesson weapon. Benjamin claims to have been at 5398 Spokane when the shooter, Henry Smalls, Henry's cousin "Black" and the victim arrived. He says he did not see the victim get shot but claims Henry Smalls stated: "The yellow n***ga shot him. Them was his exact words." Concludes interview by stating the victim was shot following an argument over pushups.

Gerald Cortez Triplett: States he was home around the time of the shooting, when his mother told him to call 911 because someone got shot down the street. He did not hear any gun shots; but Benjamin Black knocked on his door and told him someone was shot. A name was not provided by Benjamin.

Lavonia Snipes is the grandmother of the victim and identified his body at the Wayne County Medical Examiner's office. It should be noted in the available file there is a warrant adjournment/denial form signed that indicates Witness-2, Ms. Snipes, has no identification of the suspect reflected in their file, and the form further states they "need to know how this D is the person referenced in the statement as P."

Denise Henry, is the mother or relative of the children and juvenile witnesses in the home. She was present during several of the juvenile witness interviews. She states, and further briefed under the New Evidence section, that Sgt. Jones and Officer Kurtiss Staples did pressure, intimidate, and/or threaten her and her children to provide testimony identifying Mr. Davis as the shooter. Ms. Henry has authored a notarized statement regarding this influence from Detroit



Police Department, expressing her remorse and regret for falsely identifying Mr. Davis as the shooter out of fear what would happen to her, her children and relatives if she did not comply.

The Investigator's Report Supplement provides summary of statements/testimony from the children or relatives of Denise Henry: Semaal Henry, Troynesha Henry, Dana Henry, Omar Taylor and Maurell Kurtz. The above-referenced juvenile witnesses purportedly had no prior familiarity or relationship with Mr. Davis or the deceased. The Report states each "will testify to being at 5398 Spokane and observing an argument between the complainant and the defendant, and will also testify to observing the defendant, known only to [them] as "P", produce a handgun and shoot the complainant, only known to [them] at "Red". Ms. Denise Henry is not included on this witness list nor is the undersigned in possession of a written statement.

Dana Henry purportedly identified Mr. Davis at a photo lineup, which the government included as an exhibit at trial. Dana was age 12 at the time of providing his witness statement and identification of Mr. Davis. The photo lineup was conducted after Troynesha Jones failed to identify Mr. Davis as perpetrator at a lineup, and when Mr. Davis requested his counsel present, Sgt. LaNesha Jones then refused the request cancelled the second lineup and had Dana Henry conduct a suggestive photo lineup.

Dana Henry is the son of Ms. Denise Henry, who authored the statement alleging coercion and intimidation by Sgt. LaNesha Jones. The witness statement of Dana Henry is typed out and is extremely detailed considering this was a 12 year old boy providing a statement of events that occurred at 3:50 a.m. Dana acknowledges he does not know the suspect identified as P, had only met him that night. Dana goes on to describe a man named Chocolate, who is his step-father and lives down the street (but cannot provide his real name) and that Chocolate also possessed a gun at the time of the incident, was in the home when the suspect P reportedly came inside the home, and Dana was able to describe his gun as a black and silver 357 magnum. Notably, Dana describes 6 shots being fired from very close range, and believes all 6 shots should have hit the decedent because "P pointed gun at his chin and then on down." We have seen the report of the medical examiner and know two bullets penetrated the body, yet this witness who states he clearly observed the shooting, provides testimony that does not comport with the medical examiner's observations or logic given the description of events and inconsistencies with others testimony. Further, records indicate Dana Henry was placed in a detention from foster care until after his testimony was taken.

Semaal Henry, age 16 at time of statement concerning this incident. Advised he did not really know Mr. Davis and that Red was one of his mother's friends. They were both in the backyard when Semaal and Maurell returned from the liquor store; that they left the backyard and sat in a silver mini-van in front of the property before going into the home with Semaal, Maurell and a man named Chocolate, who left while Mr. Davis and Red were drinking and betting with each other about who could do more pushups. Stated he was sitting on the couch when Mr. Davis allegedly shot Red, yet could not answer where Red was shot on his body,



despite his close proximity. Further says Mr. Davis did not say anything when he allegedly shot Red, nor after the shooting, despite other witnesses stating words were exchanged. Stated the following were in the home at the time of the shooting: Semall, Maurell, Nicole, Dana, Omar, Caroline, Brionna, Demar, Troynesha, Raneka and Joshua, and that all were sleeping except for Troynesha, who was at the top of the stairs. As indicated earlier, Semaal Henry failed to appear at trial initially. He was eventually brought before the Court after being detained by or under the direction of Sgt. LaNesha Jones. Semall Henry purportedly had difficulty making an in-court identification of the defendant.

Troynesha Henry, age 13 and provided a statement with her mother, Denise Henry. Troynesha stated she was home with her brothers and sisters around 4:00 am on the date of the incident. States Mr. Davis and victim had a bet about how many pushups they could do; that an argument lasted for about thirty minutes. References the victim was shot about six times before she ran up stairs and got her siblings dressed, that she then heard Mr. Davis' truck leave the front of the home. Despite her observations of the incident, People's Exhibit 9 relates to a Showup and Photo ID Record for Troynesha and notes "No I.D." Mr. Davis further represents that after Troynesha Henry failed to identify Mr. Davis as the perpetrator, he made a request for his counsel to Sgt. LaNesha Jones, who refused the request before cancelling a second line-up for identification.

Omar Taylor claims he was asleep when he was awoken by shots and men arguing. Omar said he saw out his window the fire from a gun when a man shoot his dog, and names that man as Mr. Davis. He does not see Mr. Davis come to the house at any point. Further states his cousin Henry Small told him and the children to go up stairs and get into bed when the men were still arguing. Omar claimed to have heard five or six shots, before a gold van in front left the scene. Finally, Omar states he had never seen Mr. Davis before.

Maurell Kurts describes returning to the home at the scene of the shooting with Semaal after visiting a liquor store in the early hours of the morning. In his witness statement, he repeatedly refers to individuals at the "fat guy" and "skinny guy". He describes the fat guy as a black male, light skin, 5'9 or 5'10 and 250 lbs. Maurell's statement never references a name, nickname or alias, and only identifies parties by fat or skinny guy. Acknowledges he does not know the "fat guy" and had not seen him before. Maurell vaguely describes an argument taking place, the parties involved in it drinking, and then repeats that 6 shots were before the shooter left in a silver or grey fan (note: inconsistent descriptions of the van purportedly used by suspect to flee). Maurell never states where in the home he was, how he saw these events he describes, or provides any meaningful details. Other witnesses provided testimony that must be considered inconsistent based upon the events they describe and where they describe others, and Maurell's lack of testimony in that fails to resolve or redress any inconsistencies as presented across these statements.



NEW EVIDENCE

Coerced Testimony:

On April 26, 2017, Denise Henry authored the enclosed notarized statement and letter concerning coerced or pressured statements. She states she never saw Mr. Davis commit the murder, that she and her juvenile children were forced to state Mr. Davis did commit the murder with the assistance of Detroit Police; was threatened that her children would be taken away by CPS if she did not provide fabricated testimony. Specifically, she stated Sgt. LaNesha Jones and Officer Kurtiss Staples that she was out running errands and that her children were upstairs sleeping at the time of the shooting, and that Detroit Police did not believe her and was afraid for herself and her children and cooperated with the directions of the officers involved. She was not forced or promised anything for this statement recanting her testimony.

Sgt. LaNesha Jones was the officer in charge of this case and specifically alleged by witness Denise Henry to have coerced and/or intimidated witnesses, such as Ms. Henry, to provide false testimony under threat of punishment or the losing of children, all who were made to testify in this matter. In 2015, a lawsuit accused Jones in a botched 2006 homicide investigation in Detroit that led to the conviction and prison sentence of a man named Elroy Jones. LaNesha Jones, who was a supervisor then in Detroit homicide, is accused with other officers of mishandling the investigation and withholding information from prosecutors that could have cleared Elroy Jones. The lawsuit was settled but no details were available in court records.

David Pauch provided laboratory analysis records which were introduced as People's Exhibits 5 – 7. Exhibit 5 reflects a .38 caliber lead bullet with traces of lands and groves examined and sent to property section pending recovery of suspected weapon; Exhibit 6 reflects a .45 caliber, metal jacketed hollow point bullet hydro shock type, class 6L examined and sent to property section pending recovery of suspected weapon; Exhibit No. 7 reflects a microscopic comparison was conducted and yielded evidence indicating the two .45 caliber spent casings were fired in the same weapon and that the evidence was sent to the property section pending recovery of a suspected weapon. People's Exhibit 8 indicates the two spent shell casings tested by Pauch in Exhibit 7 contained no readable prints found. These results are extremely relevant in light of facts now known regarding David Pauch and his history of falsifying and/or otherwise tampering with evidence in question in homicide investigations, such as the case of Mr. Desmond Ricks. Physical evidence was never presented at trial; APA Suzette Samuels only admitted Pauch's statements into evidence to corroborate her witness testimony that the deceased was shot with a .45 caliber weapon. Moreover, due to ineffective counsel at the time of trial, no experts on ballistics or trajectory were questioned with respect to the questionable collection and analysis of the evidence asserted by Mr. Pauch.



Other Relevant Facts:

Tamika Holmes gave a witness statement to Detective J. Wolff indicating that she, along with her brother Tommie Holmes, Jennifer Craine, Tiffany Watson and their children, were at her home in the Pond Village Apartments in Taylor, Michigan with Paul Davis at or around the time of the alleged murder. A Notice of Alibi was filed by Mr. Davis trial attorney indicating Mr. Davis was at 135 Byron, River Rouge, Michigan, on May 12, 2004. Mr. Davis' former counsel erred in drafting the Notice of Alibi. The address in River Rouge above is where Ms. Tamika Holmes gave her statement to Detective Wolff, and not where Mr. Davis was on May 11th and 12th, 2004. Ms. Tamika Holmes did testify at trial regarding Mr. Davis' whereabouts at the time of the incident, and this can be found on pages 89-108 of the trial transcript. While Tommy Holmes purportedly signed an affidavit as to Mr. Davis whereabouts, former counsel failed to call Tommy as an alibi witness to corroborate Ms. Holmes statements. Neither counsel nor the authorities made attempts to locate Tiffany or Jennifer.

It is also stated an affidavit was authored by Julia Sanders wherein she asserts she dropped Mr. Davis off at Ms. Holme's residence on May 11, 2004, and picked him up from said residence in the afternoon on May 12, 2004. Ms. Sanders was never called as a witness at trial. The undersigned does not presently have Ms. Sanders or Mr. Holmes affidavits as, more described below, there is a concerning lack of file or record as advised by private investigator Scott Lewis and the Detroit Police Department.

Mr. Davis further contends the officers handling the case failed to follow forensic interviewing protocols pursuant to MCR 722.621, et seq. and that the juvenile witnesses were interviewed as adults, with no video footage of said interviews, and never interviewed by trained forensic interview psychologist nor assessed for competency pursuant to MCL 600.2163.

Private Investigator Scott Lewis was hired by Mr. Davis to obtain the homicide file and child protective service records. Mr. Lewis authored a notarized affidavit indicating his FOIA requests for the homicide files was denied, aside from two police incident reports, containing minimal information. That an appeal of the FOIA denial was denied in August 2016 because Detroit Police Department did not possess any additional records that correspond to a request for the homicide file, and that no file was located at the Detroit Police Department. Mr. Lewis notes in his 25-year professional career as a private investigator, these homicide files generally contain hundreds of reports, records and photographs. To date, no homicide file or related documents, which should be available, are in possession or existence at this time, casting further doubt on the matter, particularly considering the involvement of Sgt. LaNesha Jones and Mr. David Pauch.



CONCLUSION

In sum, there are more than sufficient questions raised regarding the available evidence, identification of inconsistent testimony, identification of material witnesses/law enforcement agents with *known* records of witness interference and/or evidence tampering, as well as a notarized statement indicating testimony was coerced and assistance provided under threat of punishment, to warrant this matter being accepted by the Conviction Integrity Unit and reviewed for wrongdoing at the time of investigation and conviction, which further warrants post-judgment relief of the wrongfully convicted Mr. Paul Davis.

Should you have questions or concerns, or wish to review information referenced within this memorandum, please do not hesitate to let me know.

Sincerely

Lewis & Dickstein, PLLC

Robert M.. Goldman

Enc.

Cc: Mr. Paul Davis