STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff,

-v-

Hon. Lawrence S. Talon
No. 07-015-018-01-FC

DAVONTAE SANFORD,
Defendant

AFFIDAVIT OF VINCENT SMOTHERS

BEFORE ME, the undersigned Notary, Charles Prince, on this day of March 6th, 2015, personally appeared Vincent Smothers, who being by me first duly sworn, on his oath, deposes and says:

1. My name is Vincent Smothers, and this affidavit is based on my personal knowledge.

2. On September 17, 2007, Ernest "Nemo" Davis and I shot and killed four people at 19741 Runyon Street in Detroit. I had been hired by Leroy Payne to kill Mike Robinson, who lived at 19741 Runyon Street, over a drug-related dispute. Nemo and I not only killed Robinson, but also three other people who were present in the living room at the time of the hit. We left two survivors in the back bedroom: a young boy who had been sleeping in bed and a woman who ran from the living room and hid under the bed.

3. I cannot emphasize strongly enough that Davontae Sanford was not involved in the September 17, 2007 murders at 19741 Runyon Street in any way. Before my arrest by the Detroit Police Department in April of 2008, I had never met, spoken with, or even heard of Davontae Sanford or anyone connected to him. Davontae Sanford is being wrongly incarcerated for crimes that I know he did not commit.

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4. At the request of Davontae Sanford's lawyers, I have voluntarily provided the information within this affidavit in order to provide the court with the truth. I agreed to speak with Sanford's current attorneys and submit this affidavit to the court because I am frustrated and disappointed that I have told the police the truth about these crimes for nearly seven years and that Davontae Sanford is nonetheless still wrongfully incarcerated for crimes I committed.

5. This affidavit reflects statements I made to Davontae Sanford's attorneys, including Megan Crane and Laura Nirider, and law students Lauren Howard, Mary Soo Anderson, Christina Bonanni, Nicole Kornblum, Emily Damrau, and Cassie Hightman, during three in-person interviews at the Michigan Reformatory, where I am currently incarcerated, and during multiple telephone calls with those same people between October 2014 and February 2015. Before I made any substantive statements to any of these individuals, Ms. Crane and Ms. Nirider explained that they are attorneys for Davontae Sanford, that neither they nor the law students are my attorneys, and that they cannot provide me with any legal advice. They also explained that Ms. Howard, Ms. Anderson, Ms. Bonanni, Ms. Kornblum, Ms. Damrau, and Ms. Hightman are law students working under their supervision on behalf of Davontae Sanford as part of the clinic associated with the Center on Wrongful Convictions of Youth at Northwestern University School of Law and the Michigan Innocence Clinic at the University of Michigan Law School.

6. I understand that I have the right to not say anything about my commission of the Runyon murders. I have previously spoken to two different attorneys who represented me about my rights and I am fully aware of the potential risks, including conviction and possible punishment.

Background

7. I grew up in Detroit and attended Kettering High School. After I graduated from high school, I worked at Metal Services—an HVAC manufacturing company—as a general laborer

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and then as a shop manager. I spent most of my free time hanging out with my group of about six or seven friends from Kettering High School, including my best friend Daeyre Alexander (who is now deceased), his older brother Darryl Alexander, and Ernest "Nemo" Davis. Darryl rented the downstairs floor of a house on Medbury Street for his drug business, and we all used to regularly hang out and play basketball there. Because most of us went to high school together, we were all close in age, ranging from 24 to 29 years old in 2007. No kids or teenagers hung out with us.

8. To supplement my income while working at Metal Services, I robbed drug dealers, ranging from petty sales guys to higher-up distributors. My friends on Medbury knew that I did this.

9. An associate of Darryl's named Leroy Payne sometimes hung out with us at Darryl's house on Medbury. I had known Leroy for about seven years when, one day in the summer of 2006, he asked me how much I would charge to kill someone. I did not take him seriously at first, but I threw out a number anyway. He stepped out, made a phone call, and told me it was a deal. He then drove me past the house of the target—a man named Willie "Black Will" Watson—and I started putting together a plan to murder him. I killed Watson in July 2006, when I was 25 years old.

10. Less than a month after I completed this first hit, I got in a motorcycle accident that prevented me from going to work at Metal Services. When it was time to return to work, they told me they were going to cut my pay. Within a few weeks, Leroy asked me to do another hit. I agreed and stopped working at Metal Services shortly thereafter. Committing hits for Leroy soon became my primary source of income.

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11. Leroy told me that the requests for most or all of the hits were coming not from him, but from a higher-up drug dealer named Delano "Lano" Thomas, who is now deceased. Leroy was the middleman who paid me. I never met Lano face-to-face or had a conversation with him, but I recognized his name when Leroy said it because Lano had a reputation as a big-time drug dealer in Detroit.

12. Leroy and I never discussed the specific plans for any of the murders. He left the logistics up to me, including the timing of the hit, the strategy, and whether or not I asked someone to help me. I always had a plan in place that ensured I would make it out of each hit alive and uninjured. I chose to use accomplices for some hits when I thought that the intended target had associates nearby who might attack us during the hit. I selected my accomplices carefully, because they were a vital part of my own self-preservation strategy. I only chose grown men who were close associates of mine—in other words, experienced men whom I knew well, whom I could trust with my life, and who would not hesitate to shoot anyone if it were necessary.

13. By June of 2007, I had committed five hits at Leroy's request, which resulted in seven murders. I never asked too much about why these people were being murdered. I stayed out of Lano's and Leroy's drug business and just focused on completing my assigned hits.

The Hit on Michael Robinson

14. In August of 2007, at least a month before I committed the Runyon Street murders, Leroy came to Darryl's house on Medbury to hire me to kill a guy named "Big Mike" who lived on 19741 Runyon Street. I now know the target's name was Michael Robinson. After our initial conversation at Darryl's house, Leroy drove me past Robinson's house on Runyon so I could see what the target looked like. It was broad daylight and I got a good clear look at Robinson, a

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large black man wbo was sitting on the front porch stairs by himself. I had neither seen nor interacted with Michael Robinson before, and I had never been inside his house.

15. Leroy and I did not actually negotiate or even discuss the price for this hit because we had an understanding that I would charge the same price as I had done for prior hits. Like my other hits, Leroy paid me after I successfully killed Robinson.

16. My high school friend Ernest Davis, who goes by the nickname "Nemo," was my only accomplice to the Runyon murders. I asked Nemo to come with me to Runyon because Leroy had told me that Robinson was a drug dealer and I knew drug dealers typically keep guns in their home and often have associates nearby who also have guns. I wanted Nemo with me to make sure that somebody had my back if anyone caused problems or pulled out a gun. I trusted Nemo with my life and I knew that Nemo was the kind of guy who would pull a trigger with no questions asked.

17. My standard practice before a hit was to observe my targets and study their habits for weeks in advance so I could better plan my strategy for the murder. I am a very careful planner and I always did everything I could to prevent anything going wrong during a hit. Starting in August 2007, I began to observe Mike Robinson on a regular basis. I would frequently drive to 19741 Runyon Street around 3:00 a.m. and park a few houses away, where I would spend many hours watching his house. My black Jeep Commander had tinted windows so nobody could see me sitting in the back of the truck. Sometimes I would read or even sleep the night in the back of my Commander so I could watch Robinson the next day as well. Other times, I would park a block or two away and walk up and down the block of Runyon where Robinson lived.

18. During this reconnaissance period, I monitored who came in and out of the house and watched Robinson sell weed to people from his front stoop. He would sit on his porch for hours

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with a shoebox next to him. In the shoebox, Robinson kept the weed he sold and the money he received from customers.

19. Based on my weeks of reconnaissance and my observations on the night of the murder, I can describe Robinson's house on Runyon Street in detail. I have never been shown any pictures of this house nor has anyone ever provided me details of the house. My descriptions are based only on my memory.

20. The house was a small white house on the west side of Runyon on the block south of State Fair. In front of the front door, the house had a small porch that had two concrete steps and a slab concrete platform about 6 feet by 5 feet in size. Neither the porch nor the steps leading to the porch had a railing. There were two front doors: a metal and glass storm door on the outside and a solid door on the inside. There was a large window to the right of the front door if you were looking at the house from the street. I drew a diagram of the front of the house, which is attached to this affidavit, and shows the locations of this window and the front door.[1] Additionally, there was a small kitchen window and a door on the right side of the house, whicb seemed to be the only exit other than the front door. There was a large privacy fence around at least part of Robinson's backyard at the time and there was some, but not much, grass in the backyard.

21. In addition to observing Robinson, I also watched the neighbors to figure out the best time to commit the crime in order to avoid being seen. I discovered that one neighbor would sit

[1] This drawing is one of a set of three drawings I made on November 23, 2014, during an interview with Ms. Crane, Ms. Anderson, Ms. Bonanni, and Ms. Kornblum. I sketched these drawings entirely myself, based only on my memory, and I signed the back of each drawing. Again, no one has ever shown me any pictures or diagrams of the house or the neighborhood. These drawings, maps, and descriptions are based only on my observations on the night of the murder and during the weeks that I spent watching the target. The drawings include: (1) a diagram of what I observed inside 19741 Runyon Street on the night of the murders; (2) a map of the neighborhood surrounding 19741 Runyon Street that depicts my exit route from the crime scene and the location of the neighbor with whom I exchanged gunfire after committing the murders; and (3) a drawing of the front door and front living room window at 19741 Runyon Street.

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on his front porch all day long talking to other neighbors who would come over. This neighbor lived in a light-colored house four or five houses down from the end of the block at State Fair. He had a few chairs on his front porch and there was a window to the right of the front door. His house was across the street facing Mike Robinson's house, about two or three houses north, so I knew I should worry about him seeing me as I made the hit. I drew a picture of the area, which is attached to this affidavit, and it shows the location of this neighbor's house in relation to the house at 19741 Runyon Street.

The Events of September 17, 2007

22. On Monday, September 17, 2007, I asked Nemo to accompany me to Runyon Street to do additional reconnaissance on Mike Robinson's home. I brought Nemo with me for two reasons. First, I wanted him to play catch with me in front of Robinson's house so I could get a closer look at the house and spend more time observing the comings and goings without raising suspicions. Second, I wanted to have backup in case anything went wrong.

23. During the afternoon, Nemo and I drove to Runyon in my Jeep Commander and parked on Runyon Street a block south of Robinson's house. We walked up Runyon and positioned ourselves on the street on either side of Robinson's house. We then began throwing the baseball back and forth while we watched the house. We were both wearing regular street clothes at that time.

24. While we were playing catch, I noticed that Robinson's neighbor across the street was not sitting on his porch as he usually was. I decided that if this neighbor was still not on his porch by the time it got dark, it would be the perfect opportunity to get a closer look at Robinson's front door to determine how difficult it would be to get inside. This was important because I would have to get inside if I couldn't kill Robinson while he was entering or exiting his

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house. Like many drug houses I've seen, Robinson's house had a metal storm door in addition to a regular, opaque front door. These storm doors usually are designed to open to the outside rather than the inside, so they can't be kicked in like a normal front door. I wanted to determine whether Robinson left the storm door unlocked or whether I needed to bring tools to break in.

25. As we played catch, it got dark and the neighbor was still not on his porch, so I decided the time was right to test Robinson's storm door. I knew, however, that trying the front door would be dangerous—in large part because I knew that Robinson was at home. Therefore, before approaching Robinson's house to test the storm door, I decided to drive back to Darryl's house on Medbury Street and change into dark clothing that would better allow me to approach the front door without being seen. I also wanted to get my semi-automatic AK-47 rifle, which I kept at the Medbury house, for protection. I generally preferred to have the AK-47 when committing a hit because it is an intimidating gun, but it was not always the best choice because its large size was too conspicuous for hits committed in broad daylight. I used this same AK-47 to kill Carl Thornton because that hit occurred at night; similarly, I felt comfortable bringing it to Runyon Street that night because it was very dark outside and I did not think anyone would see me with the gun.

26. Just as it started to get dark, Nemo and I drove my Jeep Commander back to Darryl's house on Medbury Street. I got my AK-47 and changed from my street clothes into darker clothes. I don't recall whether I wore my black wool stocking cap, but I often wore this during my hits so I could pull it down over my face if necessary. I also always carried a Glock .40 caliber pistol, so I had two guns on me that night including the AK-47. Nemo was already wearing dark street clothes and carrying the gun he always carried, a Springfield .45 semi-automatic pistol.

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27. I am not certain exactly how long we spent at Darryl's Medbury house. I'm sure that it took us at least an hour to drive to Medbury Street, change clothes, pick-up the AK-47, and return to Runyon Street, but we may also have talked to some friends while we were there. We drove back to Runyon Street in the Commander sometime after 9:00 or 10:00 pm, but before midnight. It was completely dark outside when we returned and the streetlights were on.

28. When we drove back to Robinson's neighborhood, we first drove up Runyon to make sure that the neighbor was still not out on his porch. After we confirmed that the neighbor was not outside, we turned left on State Fair Street and then turned left onto Teppert Street, which is one block west of Runyon Street. I made a U-turn on Teppert Street so that the Commander was facing north and parked it a few houses south of State Fair. I parked facing this direction so that the car would be facing the most major street in the vicinity for a quick getaway. We got out of the Commander and walked north on Teppert toward State Fair. We cut through a vacant lot at the end of the block to arrive on Runyon Street and then walked south towards Robinson's house.

29. After observing the street for weeks, I knew that nobody lived in the house directly to the north of Robinson's house, so we decided to hide in that house's backyard until the street was clear enough to allow us to go into Robinson's yard unseen. We waited behind the abandoned house for probably five or ten minutes until the street was clear, and then we climbed over a fence separating the back yard of the abandoned house from the back yard of Robinson's house. After climbing the fence we walked towards the front of Robinson's house on his driveway, which was the most direct route to Robinson's front door. I led the way around the north side of the house to the front door. As we snuck around, we passed a kitchen window and a side exit-door on the north side of the house.

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30. I knew that Mike Robinson's TV was on the north wall inside the house's front room even before we entered because I could hear a football game playing extremely loudly through that wall. I could also hear people cheering and knew that Robinson must have company. We did not see anyone enter or leave the house during the day, so I assumed they must have shown up while we were at Medbury. The fact that Robinson had company made this an even better time to check to see if he kept his storm door locked, because he would be distracted by his friends and the game. The noise from his friends and the TV would also make it more difficult for him to hear me try the door handle.

31. As Nemo and I walked across the front of the house towards the front door, we passed in front of a large window that was positioned to the right (north) of the front door. We could see the silhouette of a man's shoulders and head through the window. I told Nemo to point his .45 pistol at him in case anything went wrong. Nemo stood on the ground to the right of the porch and trained his pistol upwards toward the figure in the window, positioning the barrel about a foot away from the window. As he did that, I walked to the cement porch with my AK-47, climbed up tbe few steps, and crouched down. Staying in that position, I tried the handle of the storm door to see if it was unlocked. It did not immediately open, so I kept trying.

32. I was still trying to open the storm door when a man inside Robinson's house suddenly opened the solid inner front door inwards towards the living room. He looked down and saw me. I could immediately see that he was unarmed. He must have seen the AK-47 in my hand, because he immediately began to twist towards his right, away from the rest of the living room and towards the south of the house. As he moved aside, I could see Robinson, the target, sitting on a large stuffed armchair just behind the man at the front door. I could also see that there was a gun sitting on a cocktail table next to Robinson. I immediately started firing the AK-47

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woman lay dead between the coffee table and the couch, next to the man on the ground and just to the north of him. The third man, whose silhouette we had seen through the front window when we approached the door, was still sitting on the same couch against the east wall of the living room with the large window behind his head. The man on the couch had been shot in the neck. Blood was squirting from his neck wound seven or eight feet in the air toward the ceiling. He was not yet dead when I entered the house but I was certain that he would die.

36. I drew a picture of the inside of the house which includes the location of each of the victim's bodies in the living room. That drawing is attached to this affidavit. No one showed me pictures of the inside of Robinson's house or any photos or diagrams of the victims' bodies. I drew this diagram based only on my memory.

37. After we stopped firing in the living room, I told Nemo that I had seen someone run to another room and wanted to clear the house. I gave him my AK-47 so that I could move more easily and quickly through the house and around corners. Nemo put his .45 semi-automatic into the waistband of his pants and held the AK-47 in his hands. He stayed in the living room to make sure nobody moved or came to the door.

38. As I passed by Robinson on my way out of the living room, I took the .40 caliber pistol that was sitting on the cocktail table next to Robinson and put it in my waistband. I had my own .40 caliber Glock in my hands and Robinson's .40 caliber pistol in my waistband as I searched the house. I did not, however, fire any more shots inside 19741 Runyon Street after I left the living room. I never fired my .40 caliber Glock or the .40 caliber pistol I stole from the house during the hit. The AK-47 and Nemo's .45 caliber pistol were the only guns fired at the scene of the Runyon murders.

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39. I then headed down the hallway in the same direction that I had seen the woman run. I turned left down the hallway and saw one doorway to a bedroom on the left side of the hallway and one doorway to a bedroom on the right. I first checked the doorway on the left and saw that it was an empty bedroom. Then I went into the bedroom on the right at the end of the hall. The drawing I drew of the inside of the house, which is attached to this affidavit, shows the location of this bedroom.

40. In that bedroom, at the southwest of the house, I saw that there was a bed positioned lengthwise against the south wall of the room. There was a boy lying in the bed who was just starting to wake up. He was lying with his feet pointing east towards Runyon and his head pointing west towards Teppert. He was a big boy, but he appeared to be very young. I would guess he was between seven and ten years old. I said something to the boy along the lines of, "Everything is ok. Go back to bed." He seemed extremely groggy and it took him a minute to realize that I was not his father. Then he started to try to get out of bed and I reached my hand out towards him and told him to lie back down.

41. There was also a woman hiding under the bed. I assumed this was the woman I had seen run from the living room. She was also lying with her head towards Teppert and her feet towards Runyon, but she had turned her face away from me toward the south wall. When I walked into the room she said something like, "Don't kill me." I told her that I was not going to kill her and told her to just stay in the room until we left. The entire interaction lasted only a few seconds before I left the room and went back into the hallway.

42. I did not kill the woman under the bed or the little boy because I knew they were not a threat to me. I did not think she was armed and, at that point, I already knew that the target was dead, so I had no reason to shoot her. This was consistent with the way I liked to carry out my

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hits; I was always ready to kill the target, but I never had any particular interest in killing other people who happened to be present. Despite this, other people were often present when I committed my various hits, and they often ended up being killed, just like the individuals who were in the living room at Runyon with the target. When possible, though, I tried to spare non-targeted people who were present at my hits—just as I did during this hit.

43. When we first discussed the hit, Leroy specifically told me to search the house. As Nemo continued to guard the living room with my AK-47, I left the back bedroom and went to search the rest of the house. I took a left into the kitchen. In the northeast corner of the room, there was a staircase down into the basement and a side door to the outside. The diagram I drew of the inside of the house, attached to this affidavit, shows the location of the kitchen and the stairs down to the basement.

44. I headed down the steps to search the basement. The basement had an open floor plan with only framed walls and was filled with weed plants. I looked around the basement for 20 or 30 seconds until I heard gunfire upstairs. It sounded like the AK-47 was fired four or five times. I did not think that anyone else had entered the house because Nemo did not yell to me, but I was not surprised that Nemo would fire additional shots to make sure everyone in the living room was dead; Nemo did not hesitate to pull the trigger.

45. I returned upstairs and told Nemo to grab the shoebox that I had observed Robinson use while selling weed, which was sitting on the coffee table in the living room.

46. I put my pistol back in my holster and grabbed the AK-47 from Nemo. I was carrying two magazines, or "clips," that held 30 rounds each and were connected to each other. I flipped the clip over so I would have a full clip plus the bullet in the chamber, a total of 31 bullets, when

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we left the house. I always flipped the clip over before leaving an incident like this in case the police pulled up or someone else began to fire at me.

47. I exited the house first and Nemo followed right behind me. Robinson's house was six or seven houses from the vacant lot on the north end of Runyon, where Runyon meets State Fair. We left the house and walked north up Runyon toward the vacant lot.

48. We had just passed the last house before the lot on the west side of Runyon when I heard shots fired. The gun sounded like it was semi-automatic because the shots were in quick succession, but not as close together as a fully automatic weapon. When I was two or three steps into the field, I turned around toward the direction of the shots and crouched down. I initially was not sure where the shots had come from because I had not noticed anybody watching as we left the house. Then I saw Robinson's neighbor—the one who was always sitting outside on his porch—standing in his front doorway. The second drawing I drew, which is attached to this affidavit and depicts the location of the neighbor's house, shows the direction of shots fired towards me as I was in the field.

49. I fired several shots at the neighbor and saw him roll his body toward his left (south) to hide behind a small wall to the south of his doorway. As I recall, I fired multiple shots into the wall because I wanted to injure him or scare him off so that he would not shoot at us anymore.

50. After I shot several times and the neighbor stopped shooting, I got up and ran west across the lot to where the Jeep Commander was parked on Teppert. Although I had parked the Jeep pointing towards State Fair to make a quick getaway, I did a U-turn to drive south on Teppert, away from State Fair, so I would not have to drive past the neighbor's house again. We drove south down Teppert for two to three blocks and then headed west on Lappin Avenue because it was the first street we came to that went all the way to Outer Drive. The second

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drawing I drew, which is attached to this affidavit and depicts the neighborhood around 19741 Runyon Street, shows where my Commander was parked, and shows the route of my U-turn and escape.

51. Nemo and I drove to Darryl's house on Medbury Street so I could change my clothes and drop off the AK-47 and the .40 caliber pistol that I picked up at Robinson's. I was living in the suburbs in Shelby Township with my wife and daughters at the time, and I never took guns there other than the pistol that I always carried for protection. Nemo and I split up the money that was in the shoebox we took from Robinson's house. I do not recall with certainty what happened to the weed we stole, but I did not keep it because I do not smoke weed. Nemo more than likely kept it. Nemo and I parted ways at Medbury Street. I returned home sometime before 3 a.m.

52. I talked to Leroy sometime after committing the murders at Runyon to tell him the job was done, but I don't recall exactly when we spoke. I told him there were other people in the house and that most of them were now dead. Leroy did not appear to be concerned about the survivors or about the neighbor.

53. The Runyon hit was the second to last hit I committed before I was arrested in 2008.

I Confessed to the Runyon Murders When I Was Arrested in April of 2008

54. I was arrested on April 19, 2008, at my home in Shelby Township. Before my arrest, I was aware that there was a warrant out for my arrest. Either Leroy or Nemo's cousin James Davis had previously given me a copy of the warrant. The warrant had been issued for another hit I had completed on Gravier Street, where I had killed Clarence Cherry and Gaudrielle Webster.

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55. When the police arrived at my house around noon on April 19, 2008, I was outside the front of my house with my 26-day-old baby girl in my arms. My wife Cecily came out of the house as the police told me to get on the ground. I sat on the ground with the baby and, after a while, they finally had an officer come over and take the baby from me. I was eventually brought to Schaefer police station in Detroit, where I was interrogated over the next couple days.

56. When I married Cecily four months before my arrest, I made the decision that if I were ever arrested, I would cooperate with the police. It was important to me that the police understood that my wife never had anything to do with my hits. She never asked me for any details about my work but only wanted to know when I was home safe. When I was arrested, I wanted to do whatever was necessary to make sure that Cecily was free and able to take care of our baby and my step-daughter, whom I treated like my own child.

57. During my interrogation, I realized that the police had also arrested Cecily right after they arrested me. I began to confess to the murders I committed so that they would know that she had nothing to do with them and let her go.

58. I also realized that the police had information on other hits besides just the Gravier hit. During my interrogation, I could see one officer's notepad and was able to read it upside down. I also read it when he stepped out of the room. Based on what I read, I knew that the police knew about several of the hits I committed and that I needed to cooperate to keep my family safe and out of trouble. In all, I confessed to seven hired hits, which resulted in twelve murders.

59. I first told details about the Runyon murders to an officer who interrogated me at some point after Ira Todd. I told the officer that I committed these murders and that Nemo was my accomplice, but the officer did not ask me any follow-up questions. I cannot recall the name of this officer.

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60. Sgt. Gerald Williams was the last officer to interrogate me during these two days of interrogation. He asked me primarily about the murder of Carl Thornton. I used the same AK-47 to kill Carl Thornton that I used in the Runyon murders, so our discussion of the Thornton murder reminded me about the Runyon murder and I also confessed to Sgt. Williams about the Runyon murders. I told Sgt. Williams that I used the same AK-47 in the Thornton and Runyon murders. I also told him I used a .40 caliber pistol that I picked up at Robinson's house on Runyon to murder a police officer's wife, Rose Cobb, in December of 2007. I told Sgt. Williams the details as best as I could remember at that time, but it was the end of multiple days of interrogation without sleep. Sgt. Williams was the first officer to ask me follow-up questions regarding the Runyon murders, but he was most interested in Ernest Davis's role and actions during the Runyon murder so that was the focus of most of his questions.

61. I also told Sgt. Williams that I believed my AK-47—the one I used to kill Thornton and in the Runyon murders—was at Nemo's cousin's house on Promenade Street in Detroit. From what I understand, Cecily took the police to this house and they searched it for our guns. They recovered Nemo's .45 semi-automatic Springfield that he used in the Runyon murders but my AK-47 was not there. I may have also told other officers that Davis and I kept some of our guns at the Promenade Street house, but I can't specially recall their names.

62. I also talked with Sgt. Michael Russell in detail about how I committed the Runyon murders when he took me the bathroom during one of my interrogations. I had asked to use the bathroom, and the interrogating officer left the room to find someone to accompany me. It took him a while to return, even though there were officers standing right outside the door. He returned with a bald officer whom I now know to be Sgt. Russell, who took me to the bathroom. I did not know his name at the time, but I saw the same officer later in court and I pointed him

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out to my lawyer, Gabi Silver, as the guy who had taken me to the bathroom. She identified the officer as Sgt. Mike Russell. On the way to and from the bathroom, Sgt. Russell talked to me about Runyon. He told me that they already caught the guy responsible for the murders. I told him they must have the wrong guy then because I had committed the murders, and I knew that Nemo, my only accomplice, had not been arrested. I also told Sgt. Russell several details about the murder including the neighbor who shot at me. After Sgt. Russell took me to the bathroom, several more officers came in and questioned me about other murders.

I Was Never Charged with the Runyon Street Murders

63. On April 19 and 20, 2008, I confessed to a total of seven hits that resulted in twelve murders and three attempted murders. The Runyon murders are the only murders I confessed to for which I was not charged and convicted.

64. No Detroit police officer ever followed up or questioned me about the Runyon murders after my April 19–20, 2008 interrogation. The only time Runyon came up again with a Detroit officer was in May 2008. At that time, I was interrogated by Ira Todd, who ~~is~~ was V.S. a detective with the Detroit Police Department, along with some detectives from Kentucky about Nemo and his brother, who lived on and off in Kentucky. I had to volunteer information about Runyon after the Kentucky detectives finished asking me questions.

65. I remember that in the course of my legal proceedings, Sgt. Gerald Williams was called to testify about my interrogation. During his testimony at a preliminary hearing in my case, he testified about my interrogation and told the court that I had confessed to the Runyon murders. I remember the prosecutor objected to this line of testimony and my lawyer, Gabi Silver, was not permitted to continue asking him about Runyon.

V. S.

66. Even though I was not charged with the Runyon murders, I recall discussing them with the person who was preparing my Pre-Sentence Investigation Report. I had already told police that I murdered the four victims on Runyon Street, crimes for whicb Davontae Sanford had been convicted.

67. I also recall the judge talking about the Runyon murders at my sentencing hearing. He said he was concerned that there were additional victims whose murders I was not charged with and that, in fact, someone else was wrongfully convicted of the murders. He asked if I was trying to help resolve this because, although I could not bring back those that I killed, I could help right my wrongs for those who were wrongfully convicted of my crimes. I told the judge that the police were aware that I had committed this crime.

68. Since my arrest, I have not kept in touch with any of my crew from Medbury Street. I have not spoken with Ernest "Nemo" Davis since my arrest. I do not believe Nemo has ever been charged or arrested for the Runyon Street murders. I also have not talked to Leroy Payne but, from what I know, he has never been charged or arrested for this crime, either.

69. I know that my prosecutor knew I had confessed to Runyon because it came up during my negotiations for a plea deal and also during my appeal. An initial plea offer, made sometime soon before trial was scheduled to begin, was a 50-to-100-year sentence if I agreed not to testify in Davontae Sanford's legal proceedings about my confession to the Runyon Street murders. It is my understanding that this plea offer, conditioned on my silence, was a serious offer. My then-lawyer, Ms. Silver, told me about the offer and did not give any indication that it was not serious or that she was not taking it seriously. I declined this offer because it seemed ludicrous to me that the state would actually go this far to make sure Davontae Sanford remained in prison for crimes I committed and confessed to. Ms. Silver communicated my rejection to the

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prosecutor and returned a bit later with the same offer of a 50-to-100-year sentence but without the prohibition on any future testimony I may give about the Runyon murders.

I Have Repeatedly and Consistently Confessed to the Runyon Murders for Seven Years

70. I first confessed to the Runyon murders during the interrogation immediately following my arrest on April 19, 2008. As explained above, I spoke to multiple officers about the Runyon murders during my interrogations on April 19 and 20, 2008, including Sgt. Williams.

71. Since this first interrogation, I believe I have confessed to this murder to at least three police officers during two more interrogations. I spoke with Ira Todd of the Detroit Police Department during or after the interrogation with Kentucky detectives in the spring of 2008. I then spoke with Michigan State Police detectives in August of 2013, when they extensively interviewed me solely about the Runyon murders.

72. In addition to these voluntary confessions to the police, I told my attorney Gabi Silver that I committed the Runyon murders and we talked about them in detail during the time that she was representing me. I also told Linda Borus, an investigator for Sanford's defense team, about my commission of the Runyon murders when she visited me in 2010.

73. During the past seven years, I have consistently and repeatedly stated that I committed the murders on Runyon Street in September 2007 and that Davontae Sanford was not involved. To the extent that I did not provide as much detail as contained in this affidavit in prior confessions or conversations, it is due primarily to the fact that the people questioning me did not ask for details.

History of Involvement with Davontae Sanford's Legal Proceedings

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74. I was first contacted by a lawyer representing Sanford in 2008. His lawyer at the time, Kim McGinnis, asked me to testify about the Runyon murders at a hearing related to Sanford's appeal process. It is my understanding that she had previously spoken with my attorney, Gabi Silver, before approaching me.

75. When I was first approached, I was going through my own court proceedings and I was afraid that my testimony about the Runyon murders could hurt me legally and physically. Legally speaking, I knew that I was going to get a long prison sentence, but I wanted to avoid a life sentence. Physically, I feared repercussions from other inmates who would perceive any testimony in court as a form of "snitching." More importantly, I feared retaliation against my wife and daughters, either from the people I implicated in my testimony or from associates who might consider me a snitch.

76. I was subpoenaed to appear in court in July 2009 during a hearing in Sanford's legal proceedings, along with my lawyer, Ms. Silver. I took the stand and invoked my Fifth Amendment privilege against self-incrimination because my legal proceedings were ongoing and I had not been charged with the Runyon murders.

77. In lieu of testifying in person, I waived my attorney-client privilege regarding the Runyon murders so Ms. Silver could testify regarding the fact that I had told her that Nemo and I committed those murders. From my experience, the people who would be most likely to retaliate don't understand the legal system and would not necessarily associate Gabi Silver's testimony with my own testimony or "snitching." I did not want to be considered a snitch by my associates because this could result in serious retribution against Cecily and my kids. However, I thought if the information came from my attorney, these negative consequences would be less likely for me

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and my family. It is my understanding that Ms. Silver was not allowed to provide testimony in Sanford's case.

78. On November 22, 2010, an investigator from the state appellate defender office named Linda Borus came to visit me in the Ionia Maximum Correctional Facility. She introduced herself as an investigator working on Sanford's appeal and told me that she had contacted my lawyer at the time, Mitch Foster, and gotten his approval to come speak with me about Sanford's case. She asked me whether or not I would be willing to testify for Sanford and I told her that I would be. At the time, however, I still had some concerns about my safety, my family's safety, and the legal consequences if I testified. I had just been sentenced a couple of months prior and I was still in the process of appealing my sentence and only beginning to adjust to my life in prison. I gave Ms. Borus a brief overview narrative of my involvement in the Runyon Street murders, but we did not go into much depth. She did not ask me many—if any—questions about the details of the crime. It is my understanding that Linda Borus was not allowed to testify about this conversation either.

79. Once I realized that neither Ms. Borus nor my attorney Ms. Silver would be permitted to testify in Sanford's hearing, I offered to testify and not take the Fifth. I still feared consequences but, by this point, I was so frustrated that the truth was not being told in Sanford's case and so shocked that the judge didn't let my attorney or Ms. Borus testify that I was more willing to take the risks associated with testifying. I also thought the risks were less severe because I had already been convicted and sentenced. The judge, however, did not allow me to take the stand.

80. At this point, I assumed I would never have the chance to testify to Davontae Sanford's innocence during his legal proceedings. Instead, I drafted and signed an affidavit, dated August 16, 2012, about my commission of the Runyon murders, which is attached to this affidavit. I

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was very upset that an innocent kid was still in jail for crimes I committed—I was determined to do something to help.

81. I am now willing to testify in court that I committed the Runyon murders with Nemo and to provide the details of my involvement in these crimes. I am frustrated that despite repeatedly telling the truth about these crimes for nearly seven years, Davontae Sanford is nonetheless still wrongfully incarcerated for crimes he did not commit. I am providing this affidavit with more details about my commission of the Runyon murders and my confessions to those murders so that no one will doubt the truth about my involvement and Davontae Sanford's innocence.

82. I am currently serving my sentence of 50-to-100 years in prison at the Michigan Reformatory in Ionia. I am less worried about being considered a snitch now because I have had time to adjust and establish a reputation in prison.

83. I have nothing to gain from testifying about my commission of the Runyon murders. I only want to tell the truth in order to prevent an innocent kid from serving time for crimes that I committed. I hope to have the opportunity to testify in court to provide details and drawings of the crime scene that could only be known by the person who committed the crime: me.

Contact with Davontae Sanford

84. As I stated above, before my arrest I had never met, spoken with, or even heard of Davontae Sanford or any of his family members.

85. Other than Sanford's attorneys, no one has ever contacted me on Sanford's behalf. I have never spoken with any of Sanford's family members or friends.

86. Since my arrest, I have only had a conversation with Sanford on two occasions and both were very brief. I believe that both conversations occurred in 2008. At some point, after I had been in county jail for about two to three months, Sanford was placed in a holding cell about

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three cells down from me. I heard someone calling out my name. I knew it was someone who did not know me well because the person called me either "Vincent" or "Smothers," instead of my nickname "Vito." Then another guy who knew me called out my name "Vito," which got my attention, and said someone was in his cell who wanted to holler at me. That person was Sanford.

87. This first conversation we had was very brief. I could not even see Sanford during this conversation because there were three cells between us. Sanford did not say much, but he thanked me for coming forward and telling the truth about the Runyon murders. I just listened and did not really say anything in response because at that point I did not know what my sentence would be or if I would be able to help him.

88. A month or so later in 2008, we were briefly placed in the same holding cell. Even then, we only shared a few minutes of conversation. I could tell that we had nothing in common to discuss. He was much younger than me and seemed to be mentally impaired. He recognized me, though, and knew that I had confessed to the murders on Runyon. He thanked me again for voluntarily coming forward with the truth. After that, I returned to reading the book I brought to entertain me while I waited in the cell. I avoided further conversation because I was not sure at the time whether I would be willing to testify in his legal proceedings. We did not discuss any details of the crime.

89. Sanford and I were also in the visiting area of the county jail at the same time on a couple of occasions, but we did not talk to each other. If I was sitting with a visitor, like my mother, when he arrived, he would say something like "What's up?" as he passed by. I never spoke with any of his visitors.

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90. All of the information in this affidavit comes from my personal knowledge and observations. No one, including the police, my lawyer, Sanford, his family and friends, or his lawyers, has ever provided me any information about the Runyon murders. I have never seen any police reports about the murders, any crime scene photographs, or any diagrams of the scene. My drawings and maps, attached to this affidavit, are based solely on my own personal observations and recollections.

91. The idea that I may be covering for Sanford and getting the necessary details from someone interested in freeing him is ridiculous. No one knows the details that I know. You had to have been there to know everything that I know and to be able to recall the specific details that I remember and have provided in this affidavit. I have also been asked if Davontae Sanford was involved in this murder with me, which is absurd. I would never involve a kid in my hits. I planned them very carefully and in great detail because I knew that a loose cannon or inexperienced person could be the difference between life and death.

92. If called to testify, I would testify to all of the statements included in this affidavit.

93. I also waive my attorney-client privilege with respect to all conversations I had with my former attorney, Gabi Silver, regarding the Runyon murders, so that she can also submit an affidavit or testify in Sanford's case.

VINCENT SMOTHERS

Dated: 3.6.15

Subscribed and sworn to before me this 6 day of March, 2015.

Chel Ri C. Prince

[Notary Public]

My Commission Expires: 11/2020

[illegible]

STATE OF MICHIGAN
IN THE COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN

Plaintiff-Appellee

Court of Appeals No. 291293

Lower Court No. 07-15018-01

-vs-

DAVONTAE SANFORD

Defendant-Appellant.
_____/

AFFIDAVIT OF VINCENT SMOTHERS

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

Vincent Smothers, being first duly sworn, deposes and says that:

1. I am currently incarcerated in the Michigan Reformatory, Ionia, Michigan.

2. I want to testify that I and Ernest "Nemo" Davis committed the 4 murders on Runyon Street in September of 2007 because Davontae Sanford was wrongfully convicted of these murders.

3. I understand that I have the right to not say anything at all about my role in the murders. I spoke with my attorney about my rights and am fully aware of potential risks, including conviction and possible punishment.

4. I was not willing to testify before that Nemo and I were the sole perpetrators of these homicides because I thought that the judge would permit my attorney Gabi Silver to testify about what I told her about the Runyon Street murders and Mr. Sanford's innocence. When I learned that the courts would not let her testify and the appeal on that issue was not successful, I decided that I would come forward.

5. I have never had any connection to Mr. Sanford or his family. I have never used a juvenile as an accomplice.

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6. In September of 2007, I was contracted to kill Michael Robinson, who lived on Runyon Street and was a low-level drug dealer. Mr. Robinson was targeted because of a feud between two drug organizations.

7. Ernest "Nemo" Davis and I carried out the hit. There was no other shooter. We used two weapons only—my AK-47 and Nemo's .45.

8. I can't remember the exact date of the murders, but I know that it was in September of 2007 and that there was going to be an NFL football game on that night.

9. Earlier on the day of the shooting, Nemo and I went over to the area and tossed a ~~football~~ BASEBALL around ~~on the vacant lot at the end of~~ in the street two houses down on Runyon.

10. When we returned later, Nemo approached the side of the house and I walked up towards the front, carrying my AK.

11. Someone surprised me by opening up the front door. I started shooting through the open door with my AK. Nemo also fired shots then, through the front window, with his .45. It was not my intention to shoot from the outside of the house.

12. We then went into the house. I saw a man on the couch who had been shot in the neck. I saw Mike on the other couch—he was also shot. Also a woman inside laying in bed

13. I went to a bedroom and saw a young boy there, who I talked to. I went into the basement to see if anyone else was there. the bed, who I talked to.

14. Nemo and I left the house, walking towards State Fair. Just after we left the house, I fired my AK at a person across the street, who had fired at me.

15. Neither I nor Nemo knew Davontae Sanford. Neither I nor Davis were connected with Mr. Sanford or his family in any way. Mr. Sanford did not take any part in the Runyon Street homicides.

16. I was arrested on April 19, 2008, in Shelby Township and transported to a Detroit police station. On April 19 and 20, 2008, I was interrogated by several officers about a series of murders-for-hire that I committed in Detroit from July of 2006 to December of 2007.

17. Over the course of the interrogation, I admitted that I had perpetrated 12 murders-for-hire during that time, including the 4 murders on Runyon Street. I was eventually questioned in detail about my role in 8 of the 12 murders.

18. At one point during the interrogation, when I was being escorted to the bathroom, I told a bald detective that they did not have the right person convicted for the Runyon Street murders. Had supplied details to give credit to what I was saying.

V.S.

19. No officer ever questioned me in detail about the Runyon Street homicides. No officer ever asked me if I knew Mr. Sanford or had any connection to him or his family.

20. In June of 2010, I pleaded guilty to committing 8 murders for hire. I was never charged with the 4 Runyon Street murders.

21. On November 22, 2010, SADO Investigator Linda Borus visited me at Ionia Maximum Correctional Facility. I told her about my role in the murders and that I did not know Mr. Sanford.

22. I have nothing to gain by agreeing to testify. No one is pressuring or threatening me to testify. I am testifying because Mr. Sanford is innocent of the 4 murders on Runyon Street and should be exonerated.

23. This affidavit is not comprehensive but is a proffer of the type of testimony that I will provide if called.

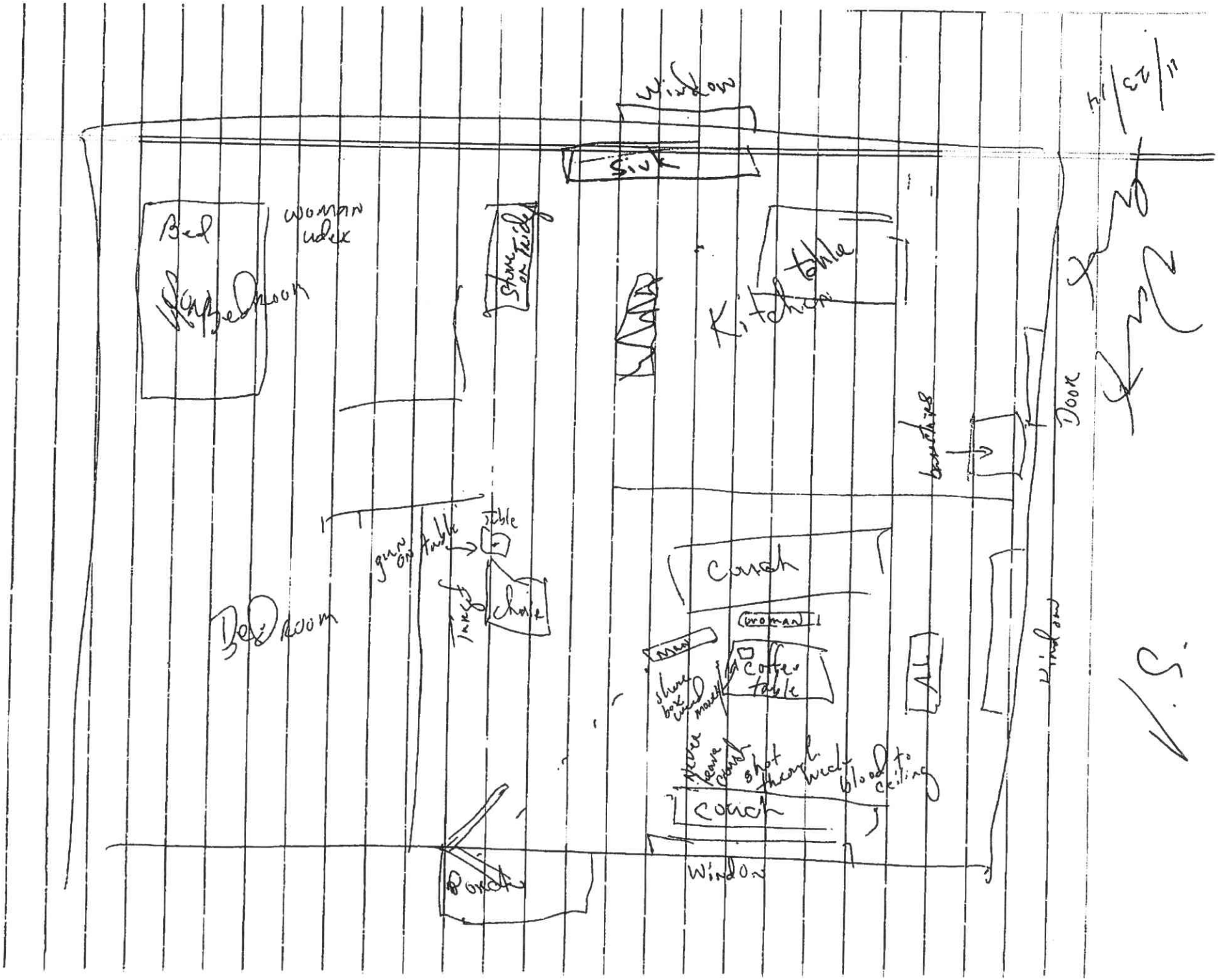
24. If called as a witness, I am willing and competent to testify to the above information.

Vincent Smothers

Subscribed and sworn to before me
this 16th day of August, 2012.

Notary Public, Oakland County, Michigan
My commission expires: 6/23/2013

V.S.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Sink
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Door
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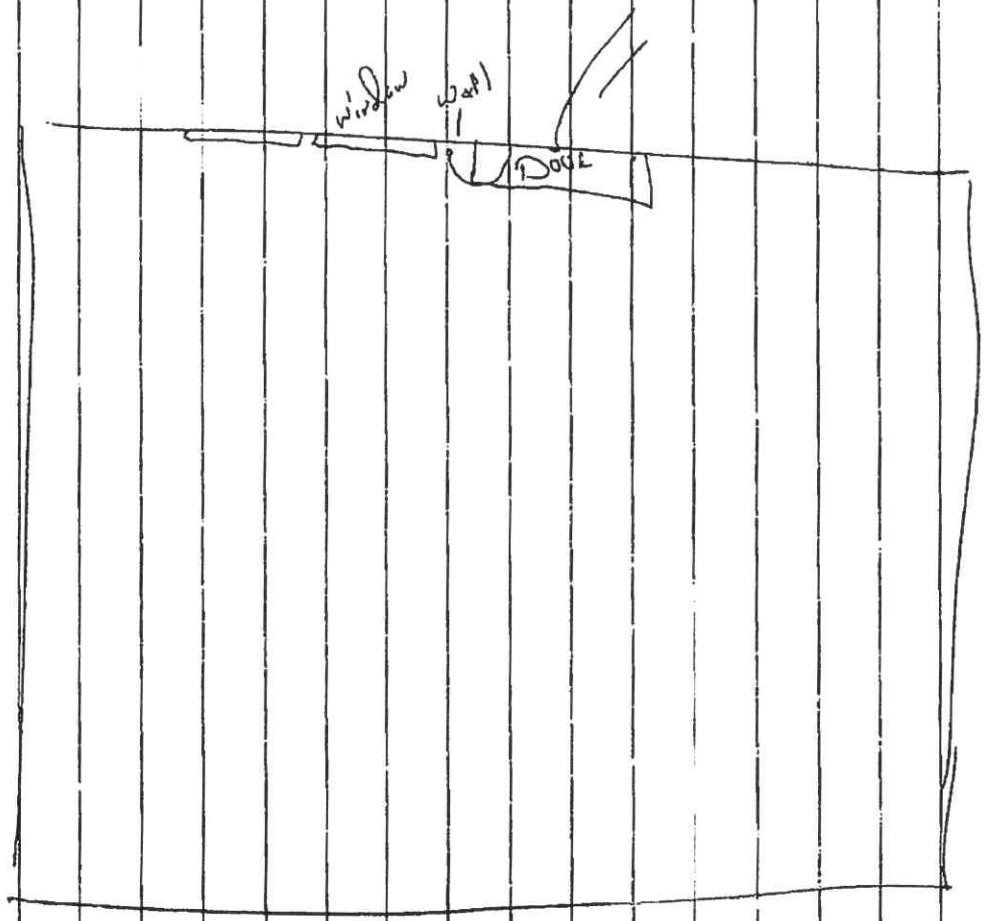
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