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FREE DAVONTAE SANFORD!



*Taminko Sanford (center), mother of Davontae, with his family outside court
July 29, 2010/Photo Diane Bukowski*

Serving 37-90 years since age 14 for four drug-related murders, despite confession by another man, police testimony that he is innocent

By Diane Bukowski

DETROIT – **Davontae Sanford** is now 18. He has spent the **last four years of his short life in adult prisons**, convicted of murdering four people on Runyon Street on Detroit's east side on Sept. 15, 2007, when he was 14. He is 5'6," slightly-built, blind in one eye, and "developmentally disabled."



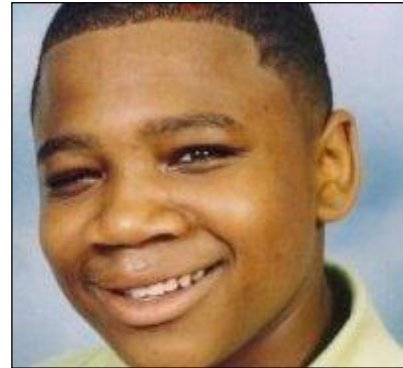
Shortly after Davontae was sentenced to **37 to 90 years** in prison in 2008, **Vincent Smothers, now 28**, of Shelby Township, confessed to the Detroit police on videotape that he and a different man committed the murders as part of a series of drug-related hits. Highly placed members of the police department have testified they believe Davontae is innocent, including a former chief of homicide who says Davontae was with him at the time of the murders.

Vincent Smothers

"Davontae's a warm, loving person who the kids always said was my favorite," said his mother **Taminko Sanford**. "He was born on **Thanksgiving Day**, and I always felt he was my gift from God."

Davontae is her first son, the second oldest of five children, and she along with his stepfather and siblings have waged a relentless campaign since his arrest to free him, garnering broad-ranging support.

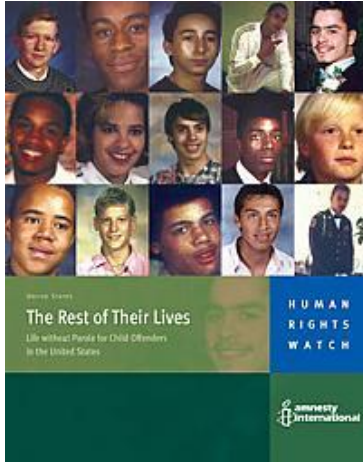
"Davontae was about to start the **ninth grade at Osborn High School** the day after his arrest," Ms. Sanford said. "He loves rap and computers. He is so close to his brother and his three sisters. His brother has all Davontae's letters from prison pasted up all over his bedroom walls, and his little sister has all his childhood photos on hers."



Davontae Sanford, 14

Davontae has **1249 Facebook supporters from all over the world**, including the United Kingdom and Sweden. He has support from media personalities like **Bill Proctor** of Detroit's Channel 7, who runs his own Innocence Project. His case has received extensive and generally sympathetic coverage from the Associated Press and Detroit's daily media.

Elish Delaporter of the UK is following his case on her MySpace website, part of her campaign against this country's exclusive practice of sentencing **juveniles to life in prison without parole**. That policy is expressly condemned by the **UN Commission on the Rights of the Child**.



Juvenile life without Parole /Human Rights Watch

But in a seemingly never-ending series of evidentiary hearings since **July, 2009**, Wayne County Prosecutor **Kym Worthy** is vigorously fighting Davontae’s motion for a new trial, citing what his defense attorney **Kim McGinnis** calls a “**classic false confession.**”

During the most recent hearing Jan. 14, in front of Davontae’s trial judge Wayne County Circuit Court **Judge Brian Sullivan**, Assistant Prosecutor **Joseph Puleo** once again ignored another of McGinnis’ requests that the prosecution grant “use” immunity to Smothers. That would allow him to testify in court about his role in the murders without fear of having the prosecution use his testimony to charge him in the cases.

Puleo said he is worried about **Smothers’ constitutional rights**, because he could face life without parole if he admits to the killings.

Smothers is already serving **50-100 years in maximum security on nine counts of second-degree murder and three counts of assault with intent to commit murder**, along with various felony firearms charges, stemming from other cases in which he testified he was a hit man for a drug ring.



Pros. Kym Worthy

McGinnis called the plea deal for such a number of hit killings “**virtually unheard of,**” and Proctor called it “**the deal of the century**” in news coverage of the sentencing on July 23 of this year.



Circuit Court Judge Craig Strong

plea deal. It spelled out in part how Smothers had confessed to the murder of four people on Runyon Street on Detroit’s east side and how 16-year-old Davontae Sanford was in prison for those killings.”

Wayne County Circuit Court **Judge Craig Strong**, who sentenced Smothers, even pleaded with him, “You cannot bring back those who were killed but **you can correct wrongs for those who were wrongfully convicted of killing people that you killed.**”

Proctor reported that Strong “seemed highly concerned about a pre-sentence report that indicated Smothers had confessed to **murders that were not a part of the**

The Associated Press quoted Smothers' attorney at the time, **Gabi Silver**, saying, **"The police have his statements. It's not him who doesn't want to correct things."**

A YouTube videotape of portions of the sentencing, along with others related to the Smothers cases, can be viewed at [http://wn.com/%22vincent smothers%22](http://wn.com/%22vincent%20smothers%22).

Smothers is now contending that his confessions were coerced, and has appealed his convictions. Among his contentions is that the police threatened to charge his wife if he did not confess. He is represented by Attorney Mitchell Foster, also of the State Appellate Defenders' Office.



Davontae in court at age 17

The prosecutor's office does not appear so concerned about **Davontae's constitutional rights**.

McGinnis said that during the child's questioning by police, **neither his mother nor an attorney was present**. Davontae signed and initialed a typewritten document drawn up by a detective, despite being blind in one eye, and according to McGinnis, reading at a third-grade level. There is no videotaped record of the confession except one in which the detective reads the confession back to him.



House on Runyon St. where killings occurred

around the corner from his house, and walked up to the police to find out what was going on. They told him, 'You know what's going on,' and took him downtown. **Twenty hours later, he signed a confession which contained only the details that the police already knew at the time.**

"It was a classic false confession," McGinnis said. "Davontae saw the police lights after the killings were discovered

In his confession Davontae claimed he committed the killings with **a different weapon than the one used in the killings**, McGinnis said. Ballistics evidence, delayed due to the shutdown of the Detroit police crime lab two years ago, is still to be introduced in upcoming evidentiary hearings.

"Smothers gave a confession that was very detailed and clear and implicated another man, **Edward Davis**," McGinnis said. "The things he says he did are what the police say Davontae did. The woman in the back room who survived said the killer talked to her in a soft voice that was sounded 30-35 years old, but later changed her testimony to say it was an adolescent voice. In his confession, Smothers admitted to going back to speak to her."

She added, “The prosecutor has spent a lot of energy trying to **tie Smothers to Davontae**, but has never been able produce any such evidence. It is absurd to think **that professional contract killers were going to allow a 14-year-old boy to tag along with them.**”

Detroit’s retired chief of homicide, **Commander William Rice**, who spent 25 years on the force, was dating Davontae’s great-aunt Cheryl Sanford at the time of the Runyon Street killings. Rice testified Oct. 28, 2009 that **he was with Davontae** at her house at the time of the murders, from 8 p.m. to 11:45 p.m., and that he left to take another man home to Mt. Clemens and then take Davontae home.



But during the November hearing, Assistant Appeals Prosecutor **Patrick Muscat** challenged Rice’s testimony.

A Detroit police investigator, **Arthur Wimmer**, testified. He said he is assigned to the Violent Crimes Task Force composed of the DPD, the FBI, the Drug Enforcement Administration (DEA), Alcohol, Tobacco and Firearms (ATF), the MDOC, the Wayne County Sheriff’s Office, and other agencies at all levels.

How much training is needed for cell tower forensics?

Wimmer said he had **120 hours (three weeks)** of specialized training in cell tower forensics conducted by the FBI and private corporations, and was allowed to testify as an expert witness. Michigan currently has no licensing process for such experts.

Wimmer claimed Rice’s cell phone records showed he was in Mt. Clemens, a city about 30 miles east of Detroit, at 11:18 p.m. the night of the murders.

McGinnis challenged cell tower testimony as **sometimes inaccurate**. She said later that the testimony may have shown that Rice was off base in his exact estimates of time, but did not discount **Davontae’s presence with his family** for the time prior to the killings.



Thumb Correctional Facility mainly Houses younger prisoners at Level 2

“He would not have had time to prepare, or to hook up with Smothers and get to the site to commit the murders,” McGinnis said.

A Department of Corrections official also testified about alleged “gang” materials and graffiti found in a search of Davontae’s cell in the Thumb Correctional Facility. The official claimed scars on Davontae’s arms were remnants of gang tattoos.

“Anything that happened after the night of the murders is not relevant,” McGinnis objected. But Judge Sullivan allowed the testimony to go on record.

“The tattoos were about the movie ‘Bloodline’,” Ms. Sanford said. “Both Davontae and his brother had them. **They just stand for their connection to each other,** nothing else. They were separated from each other for part of their lives.”

In addition to Rice, Detroit Police Department investigators **Gerald Williams** and **Ira Todd**, who helped take Smothers’ confession, have testified that **Smothers admitted to the Runyon Street killings** and stated that **Davontae was not involved**. Todd, who was also a member of the Violent Crimes Task Force, has filed a **whistleblower lawsuit** against Detroit’s former Mayor **Kwame Kilpatrick**.



Kwame Kilpatrick

His lawsuit, filed by attorney Michael Stefani, says, “During the continuing investigation, it was determined that Smothers was a **killer for hire** for a notorious Detroit **drug gang** that regularly contracted for the murders of members of rival drug gangs as well as dissident members of their own organizations.”

In the lawsuit, Todd claims he was removed from the Task force, demoted and otherwise mistreated because his investigation into the Smothers’ killings led him to Smothers’ alleged accomplice, Ernest Davis, and to Davis’ cousin **James Davis of Kentucky**. Todd said James Davis claimed to have a **“business relationship” with Kilpatrick**, and that when he reported that, his investigation was shut down and he was transferred.



Neither AP’s Muscat nor Puleo would comment outside of court on the case.

Assistant Prosecutor **Maria Miller**, who is chief communications officer for Worthy’s office, said, “Because the case remains in progress we will not comment on issues directly related to it outside of court. It was appropriate for the APA handling the case to also not comment outside of court. The case is in open court and our assistant prosecutor is responding in court.”

Just prior to Smothers’ sentencing, the jail was locked down after guards discovered that he had been **able to obtain a cell phone** while locked up.

Taminko Sanford says she believes that may indicate he had connections with law enforcement officials. One of the people Smothers confessed to killing was **Rose Cobb**, wife of **Detroit police sergeant David Cobb**. Smothers said

Cobb hired her to kill his wife outside a CVS pharmacy on E. Jefferson near their home, as she waited in the car while her husband was in the store.

Although the police department arrested Cobb, Worthy never charged him in the murder. Cobb was later found hanging from a tree, an apparent suicide.

Miller did not respond to a question regarding whether Smothers may have been **a hit man for corrupt police officers.**



Michigan Reformatory at Ionia

number of **younger prisoners**, to the **Michigan Reformatory at Ionia, with Level Four prisoners over the age of 17.** In Michigan's prisons, Level Five is the maximum security grade.

During the hearing Nov. 23, Davontae appeared polite and happy to see his mother and other family members, but there was an air of quiet desperation about him.

Sanford said Jan. 12 that she was very worried about Davontae because she had not heard from him for two weeks. He was recently transferred from Michigan's Thumb Correctional Facility, which houses a large

“Davontae used to call me every day, sometimes more than once a day,” Sanford said. “I’ve been praying to God to let me hear from him so that I know he is OK. It’s a new atmosphere for him and **I’m so worried because I’m afraid that he is losing hope.** He can get very depressed.”

Davontae’s next court hearing is tentatively set for **January 28, 2010 at the Frank Murphy Hall of Justice** in Detroit.

Davontae’s Facebook Page is Free Davontae Sanford at

<http://www.facebook.com/#!/group.php?gid=108713425818908>.



Frank Murphy Hall of INJUSTICE