

DAVONTAE SANFORD – BRING HIM HOME!

A nation that prides itself as having the best justice system in the world should tolerate no room for corruption, lies and misconduct that sends an innocent child to prison for a crime he did not commit. Not even for a day, much less 37-90 years in prison.

And if we remain silent in the face of that injustice, we are committing a greater crime than the oppressors by not standing up, hold our heads high, and fight for his life. For the life we save today may very well be our sons' and daughters' tomorrow. And in the end we are defending not only his rights, but rights of each and every one of us to due process and equality under the law.

Indeed, one of the most fundamental principles under our Constitution says that no man, woman, or child should be deprived of life, liberty or property without due process of law. The inalienable right to liberty draws from that principle of due process – a principle the new founded nation saw fit to include in our Constitution as a covenant to the people that our government would never commit the sins of the British Crown in denying its citizens their inalienable right to liberty.

We stand here today to remind this prosecutor and her minions next door at 1300 Beaubien who stole Davontae Sanford's liberty without due process of law that those guarantees are not written in our federal Constitution for mere window dressing! A child who was stolen from his mother's embrace and given to the state as a slave in violation of due process of law is an act of wickedness, treachery and deceit by the highest levels of government on this corner!

Today, ladies and gentlemen, we come on the authority of a power higher than any judge of this court, soldiers we are with truth as our weapon and courage as our armor to stand before this court and tell the world what the Wayne County Prosecutor and Detroit Police have lied and denied about for five years now. And in that endeavor, we will not cower, we will not whisper and we will not be afraid. For truth is our guiding post.

Here today we stand at the Crossroads of Justice and Righteousness, for we are guided by an almighty hand to stand here and condemn the Wayne County Prosecutor and the Detroit Police for their enormous crimes!

Due process and liberty are inalienable rights to us all. Those are sacred principles written in our Constitution and sung from the hearts of souls like Dr. King, Harriett Tubman, Sojourner Truth, Frederick Douglass, and far away heroes like Nelson Mandela, Ghandi and Che Guevara. It is a universal language understood by all mankind. Liberty – more valuable than gold. As Patrick Henry, one of the nation's founding fathers once remarked, "Give me liberty, or give me death!"

And it is on the shoulders of giants like these heroes that we draw the courage today to condemn the shameful misdeeds of the Wayne County Prosecutor and Detroit

Police in stealing liberty and depriving due process of law from 14 year old Davontae Sanford. Shame on you all!

When government begins to assault our freedom, we must fight to defend it, lest the nation descends into the abyss of tyranny. For sure, they who are corrupt have committed a tremendous dishonor to the people, are the greatest threat to our freedoms, and have declared war on liberty. Indeed, when government descends into tyranny and deprives people of their right to due process and a fair trial, freedom is on the throes of extinction.

Nearly five years ago, on September 17, 2007, Davontae Sanford, a fourteen year old mentally disabled boy who could only read on a second grade level, and blind in one eye, left his home in his pajamas shortly after 1 a.m. to investigate police activity at a home on Runyon Street not far from his home. Curiously, as most children would do, Davontae walked up to the scene and asked one of the officers what was going on. One of the officers told him, "You know what's going on," and took him into custody.

Ever since that day, that fateful day, Davontae has suffered a tremendous injustice, ladies and gentlemen. After hours of interrogations that began at 4 a.m. and again at 9:30 p.m. that following day, and after two police-prepared statements were put in front of this 14 year old kid and told this is what he did, Davontae was instructed to adopt the police officer's typewritten confessions that sent him to prison for 37-90 years – a virtual life sentence for a kid who was only 14 years old. Tragically, he did not realize what they had just done to him in that interrogation room.

In the first statement prepared at 4 a.m. by police, Davontae's role in the killing was not clear at all. He does not even place himself at the scene of the crime. They knew they had a problem getting a conviction with that statement because it was seriously lacking any evidence of admissions of guilt to anything. So they were not satisfied, ladies and gentlemen.

Seventeen hours later, at 9:30 p.m., they picked him up again, and prepared another statement in which they told Davontae he actually helped commit the murders and had him sign a confession to it all. Davontae, who suffered from a reading comprehension disability, never read either statement. It was read to him in a leading manner and he was told to agree to its accuracy.

Now, never mind that the interrogations were done in violation of Michigan law that required a parent or attorney present for a child under the age of 16 to ensure the proceedings were done without violating his right to remain silent or to seek the assistance of counsel. But we know from having watched the video of the interrogation and having read the two statements prepared by Detroit Police, Davontae did not confess to anything. Information from the crime scene was fed to him by the interrogating officer who then leadingly asked Davontae if the statements were true. Davontae, willing to please his interrogator, answered affirmatively. And this they call a confession? Don't insult us with that nonsense!

In the interval between 4 a.m. and 9:30 p.m. interrogations, Detroit Police, realizing they had a mentally disabled kid, employed a buddy system whereby they took him to the Coney Island, let him play on the computers in their office, won his trust and deceived him into believing he would be a big man if he confessed to the murders on Runyon Street. Davontae answered affirmatively to their questions to please his interrogators, believing they would let him go home. You can't blame a child under those circumstances! Instead, look at the officers' conduct!

But Detroit Police got sloppy. Oh yes, they got very sloppy. They induced Davontae to identify four accomplices in his statements but against whom the prosecutor never filed charges the moment those accomplices' alibi defenses stood up. If the accomplice portion of Davontae's confession was not true, would that not cause you to question the reliability of his entire statement? Of course, his version of events were not reliable!

In addition, ladies and gentlemen, ballistics evidence at the crime scene seriously undermined the statements in which the officers induced Davontae to say he used a Mini-14 to help kill the victims. It is undisputed, however, that Mini-14 casings were not found at the scene. It is also undisputed that police never found the Mini-14 they say in Davontae's statement that he used. Nor for that matter did the prosecution ever argue that Davontae threw the gun away. He did not throw the gun away, ladies and gentlemen, because he never possessed that firearm, he was never at the Runyon Street house, he did not commit those murders, and they know it!

They got sloppy, oh yes, no doubt. The injustices go on, ladies and gentlemen. Then, there was the confession and testimony by another defendant, a total stranger to Davontae, who confessed to the crimes with greater detail and for whom all the forensics evidence corroborated his version of the murders – well known freelance self-professed hit man Vincent Smothers. The AK-47 weapon Smothers admitted to using matched the ballistics evidence found at the Runyon Street killings and at the scene of another murder he committed. In addition, Smothers identified an accomplice in the Runyon Street killings who used a 45 pistol, which when found, also clearly matched some of the casings and bullets at the crime scene. Again, the forensics evidence in this case clearly corroborated Smothers' rendition of events that day in which he confessed to committing the murders.

It does not stop there, ladies and gentlemen. Here's some more truth medicine that the prosecutor and Detroit Police have kept from the public. In his various statements admitting to the Runyon Street killings, Smothers also provided evidence that a .40 caliber pistol taken from that home was used in yet another contract killing he carried out on an officer's wife at a CVS store in Detroit. Davontae, in his statement, never mentioned anything about a 40 caliber pistol. That makes sense, don't you think when Detroit Police at the time they prepared his statement did not know about the 40 caliber pistol until Smothers confessed to the crime a year later! Who do they think we are to believe this nonsense!

But the sloppiness does not stop there, ladies and gentlemen. Let me know when I am really hitting the nerve cell at 1300 Beaubien! Smothers in his confession described in detail the amount of drugs and money taken from the Runyon Street killings, a fact conspicuously missing from Davontae's so-called confession.

Oh, I'm not done yet! Allah take my hand as I speak the truth! In Smother's unadulterated confession, he also identified a six year old boy who was in a back bedroom with a female victim who survived the killings. In the statement Detroit Police prepared for Davontae, however, there is no mention of this six year old kid. Good police work, or sloppy interrogation? You tell me. Sloppy, and they were slipping.

I'm not done yet. Even more interesting is the fact that in neither of their respective confessions does Davontae or Smothers identify the other as aiding each other in the murders. In fact, Smothers, a methodical, professional hitman, admitted he never previously knew Davontae or employed him to help carry out these murders. It makes sense, don't you think? Why would Smother's, a professional hit man who identified his accomplice as someone other than Davontae, need a 14 year old mentally disabled kid who is blind in one eye help him commit the murders? Also, why would Smothers take the risk in allowing such an amateur killer escape his grasp and allow him to go home rather than keep him under his watch to be sure he would not tell his mother or the police about his role in the murders?

Let me know, Kym Worthy, when you want me to stop! She wants to play Lady Macbeth, treacherous as she is, in now silencing Smothers! She and Judge Sullivan of this Court, who recently denied Davontae's motion to withdraw his ill-advised guilty plea to these murders based on newly-discovered evidence of Smothers' confession. Smothers, ladies and gentlemen, after several legal maneuvers with the prosecutor's office in attempting to get immunity in exchange for testifying on the witness in Davontae's favor, recently indicated to the Associated Press that he is now willing to take the stand without a grant of immunity, feeling atoned for his crimes after learning that Davontae was wrongfully convicted of them based on police and prosecutorial misconduct in extracting a bogus confession from him and inducing him to plea to the murders!

Just recently in a 29 page opinion and order, Judge Sullivan of this Court compounded the wrongs committed in this case by abusing his discretion in refusing to allow Smothers a third chance to finally get on that witness stand and tell truth. In his ruling, he said – incredibly – that despite newly-discovered evidence of Smothers' role in the murders, Davontae has not met his burden of establishing actual innocence. Judge Sullivan ruled that there is no basis to conclude that Davontae's confession was false. He further ruled that Smothers' confession, standing alone, is insufficient to warrant granting Davontae's motion to withdraw his ill-advised guilty pleas. Really? Perhaps Judge Sullivan was asleep when all the facts and evidence about Smothers' role was played for the world to hear and which we repeat today! No, he was not asleep! He knows better than to believe that fanciful make believe law he issued! He further corrupted this case that started at the crime scene on September 17, 2007 and ended right on his desk with his 29 page ruling that distorted the facts, contained critical

gaps with respect to problems with Davontae's confession, and ignored other key evidence pointing to Smothers' guilt in the killings. For instance, Judge Sullivan talks about a crime scene sketch Davontae drew pinpointing the victims' locations in the house. I have that sketch and it was not drawn by Davontae; it was drawn by the officer who interrogated him and as with his confession, he had Davontae sign it.

Judge Sullivan:

How dare you deliberately misrepresent the evidence, while ignoring all the other evidence of this child's innocence!

How dare you ignore the fact that Smothers provided detailed evidence, ranging from the amount of drugs and money taken from the home to the forensics evidence corroborating his version of the types of weapons that were used in the murders!

How dare you ignore the fact that one of the murder weapons used in this case was indeed found at Smother's accomplice's home!

How dare you ignore the fact that Smother's also correctly stated that a six year old kid was in the back bedroom of that home the night of the murders!

How dare you ignore the fact that the AK-47 used in that crime was the same weapon Smothers used in a different contract killing!

How dare you ignore the fact that the .40 caliber weapon Smothers used to kill a police officer's wife was taken from the Runyon Street killings!

You, Judge Sullivan, are not worthy of garnishing your robe for further corrupting this case and condemning this child to a life sentence by willingly sweeping all this evidence under the rug! What are you hiding! You are hiding the truth! You and the prosecutor are hiding the truth that the officers who extracted Davontae's confession did so under highly coercive tactics in which trickery, deceit and mischief were employed. Indeed, this judge, the police and the prosecutor's office are in lockstep in denying justice, betraying our trust and committing a great crime.

What are they afraid of in allowing Smothers to testify, who has nothing to gain but everything to lose by getting on that witness stand and telling the truth? What are they hiding? Their own wrongdoing!! That's what! From the moment Smothers' confessed, they realized they had a huge problem on their hands in that Davontae's ill-advised plea to the charges came full circle. So what do they do? They make him their sacrificial lamb to their corruption, lies and deceit!! It is treacherous, ladies and gentlemen and one I will never forget!

It is unconscionable, yes, downright outrageous what you did, Judge Sullivan, in ignoring the truth, ignoring the facts and denying this child justice! This 29 page decision by the Court is not the law! This is garbage in violation of the truth! An injustice further perpetrated by a judge who is now complicit in the corruption of

condemning this young child to prison for crimes he did not commit! That child's blood is now on the hands of this court!

There is absolutely no physical evidence that connects Davontae to these murders! Nor was there ever any connection between Davontae and Smothers. Only after Smothers confessed to the crimes a year later did the prosecutor alter its theory that he and Davontae helped each other. But what they don't tell you is that when Davontae entered a factual basis for his plea prior to Smothers confession, he never identified Smothers as his accomplice in court. I challenge the prosecutor to prove me wrong! She won't because she cannot!! Clear the smoke bombs, ladies and gentlemen, and see the truth!

Why, Ms. Worthy, do you continue to deny this child justice? What victory do you get in the war on crime by continuing to refuse to confess error and set this child free? Kym Worthy knows she can stop the appeals process right now by filing a Confession of Error with the Court of Appeals. This is why we are here today. The power in his her hands to do justice; do the right thing.

What victory is there for the family members of those four murdered victims in knowing a child was wrongfully convicted of those murders while Smothers and his accomplice, who walks free in the streets of Detroit today to carry out more murders, remain uncharged! There is no victory in sending an innocent child to prison.

Hear us, Ms. Worthy, and obey! Obey the principles of due process, a fair trial and the laws of humanity! Obey, indeed, the word of God, Pharaoh of this Court, and set this child free! You are committing a greater crime in continuing to condemn him to prison, rob him of life, liberty and the pursuit of happiness. He will never be able to get a high school diploma, raise a family and live life to his fullest all because her sin is pride. She, who lectures us about justice is no Guardian of Justice, let me tell you! She who denigrates the principles of justice just as she does violence to the presumption of innocence! With this shame; with this crime against a child, you – you have denied justice; killed our faith in the system, and betrayed our trust. Shame on you!

Kym Worthy would do well to heed the admonishment of Freedom Fighter Frederick Douglass when he said, "No man can put a chain about the ankle of his fellow man without at least finding the other end fastened about his own neck." Your crime in condemning this innocent child is enormous; and here again you leave a trail of tears. Come down from these steps, look his mother in the eye and dare you tell her that Smothers got it all wrong!

The police, the prosecutor and the judge in this case offer the world a drink from the well of deception. We, however, offer you a drink from the Fountain of Truth! They build barriers to the truth, dropping smoke bombs, lying and denying along the way,

We refuse to settle with any notion that our son's life is that cheap that we must move on and let him rot with the prosecutor salivates with the blood of innocence in her mouth! She who professes to be the guardian of justice has violated it!

Where is there justice, where is there equity in condemning a young boy to a virtual life sentence and rob him of all hope, all dreams of getting his diploma, going to college, growing in this society, living a full life and raising a family?

Where is justice and equity in knowing they wrongfully convicted this child only to aggravate that travesty by playing ignorance about it all today! But we will not be silent in the face of this corruption! We will not tremble before the evildoers! We will never let this prosecutor and the police who railroaded this fine young man to a life sentence forget their enormous crime! Indeed, we will forever keep him indelibly on their minds until he comes home!

I want to assure you, Taminko, that until justice is done, we will not tire, we will not falter and we will not surrender! And in saying so, I am inspired by the words of comrade Fidel Castro of Cuba, who inspired a nation for more than 50 years to stare down the oppressors who imposed a criminal embargo against that nation: Siguimos hasta la victoria! Onward to victory! You are not alone in your suffering. We suffer with you and stand by you until this wrong is corrected. Until Davontae comes home!

Until that is done, Taminko, we will fight on. Because Davonte is my son, my brother, my child as well! We will get victory and renew the spirit of justice under the law. For I am moved by the words of a former slave:

All my life I have been called a slave;
They tells me I belongs to my master.
That may be true about my body.
But my soul remembers a time when I was free.
So when I get a chance . . . I WILL RUN!

Transcript of Speech by Roberto Guzman, Legal Assistant of the People's Task Force to Free The Wrongfully Convicted, given on the steps of the Frank Murphy Hall of Justice on April 23, 2012.