

STATE OF MICHIGAN
IN THE WAYNE COUNTY CIRCUIT COURT

PEOPLE OF THE STATE OF MICHIGAN

Plaintiff

Circuit Court No. 07-105018-FC

Honorable Brian R. Sullivan

-vs-

DAVONTAE SANFORD

Defendant.

WAYNE COUNTY PROSECUTOR'S OFFICE
Attorney for Plaintiff


DYKEMA GOSSETT, PLLC
Samuel C. Damren (P25522)
Jonathan S. Feld (P77458)
Heidi A. Naasko (P58783)
Attorneys for Defendant

**STIPULATION TO ENTRY OF ORDER GRANTING
DAVONTAE SANFORD RELIEF FROM JUDGMENT, VACATING CONVICTIONS
AND SENTENCES, AND DISMISSING THE CASE**

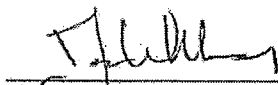
1. On September 17, 2007, at a home on Runyon Street in Detroit, four people were killed and another shot.
2. Davontae Sanford, 14 years old at the time, was questioned and released by the police. He was questioned again the next day, arrested, and subsequently charged with four counts of first-degree murder and other offenses connected to the shooting.
3. During the preliminary examination Sergeant Michael Russell testified about Davontae Stanford's statements and how allegedly Davontae Sanford made a sketch of the scene as part of a confession.
4. Trial commenced on March 17, 2008. On March 18, during the prosecution's case-in-chief, Davontae Sanford, who was then 15 years old, pleaded guilty to multiple counts of second-degree murder and other offenses related to the Runyon Street killings.
5. Following his sentencing, he appealed his convictions and sentences.
6. During a July 13, 2010 evidentiary hearing, then Deputy Chief James Tolbert of the Detroit Police Department testified that Davontae Sanford drew the *entire* diagram of the crime scene, which included the location of the bodies of each victim.
7. The Wayne County Prosecutor's Office relied on Tolbert's testimony about the diagram to demonstrate the reliability of Davontae Sanford's confession and subsequent guilty plea.
8. The Court relied on Tolbert's testimony about the diagram in denying Davontae Sanford's motion to withdraw his guilty plea.
9. On September 26, 2013, the Court of Appeals vacated the order denying the motion to withdraw plea and remanded for additional proceedings.
10. On April 25, 2014, the Michigan Supreme Court vacated the Court of Appeals judgment and reinstated the order denying the motion to withdraw plea. The Court stated that its order was without prejudice to defendant filing a motion for relief from judgment raising issues addressed in his motion to withdraw plea.

11. A motion for relief from judgment was filed raising actual innocence and other claims supportive of relief.
12. On May 4, 2015 the Wayne County Prosecutor's Office requested that the Michigan State Police reinvestigate the case.
13. This Court held Davontae Sanford's 6.500 motion in abeyance pending the outcome of the investigation.
14. On May 20, 2016 the Michigan State Police submitted a report to the prosecutor's office. The report contains information and evidence related to Davontae Sanford's claims of innocence and other matters brought under the 6.500 motion.
15. Among other information contained in the report is a recorded interview with former Deputy Chief James Tolbert. During that interview, Tolbert stated that he drew the diagram of the interior of the house and that Davontae Sanford identified the location of the bodies.
16. Tolbert's recorded statement directly contradicts his prior sworn testimony about the drawing of the diagram and seriously undermines (a) the confession obtained from Davontae Sanford and (b) his subsequent guilty plea.
17. The interests of justice require the setting aside of Davontae Sanford's convictions and sentences.
18. In addition to the stipulation to vacate Davontae Sanford's convictions and sentences, the People also *will also* dismiss all charges in this matter without prejudice.

DAVONTAE SANFORD


Davontae Sanford, by his Counsel
Samuel C. Damren (P25522)
Jonathan S. Feld (P77458)
Heidi A. Naasko (P58783)
Dykema Gossett PLLC

PEOPLE OF THE STATE OF MICHIGAN


Kym L. Worthy (P38875)
Prosecuting Attorney, County of Wayne
Jason W. Williams (P51503)
Chief of Research, Training, and Appeals
Thomas M. Chambers (P32662)
Assistant Prosecuting Attorney

STATE OF MICHIGAN
IN THE WAYNE CIRCUIT COURT

PEOPLE OF THE STATE OF MICHIGAN

Plaintiff

Circuit Court No. 07-105018-FC

Honorable Brian R. Sullivan

-vs-

DAVONTAE SANFORD

Defendant.

WAYNE COUNTY PROSECUTOR'S OFFICE
Attorney for Plaintiff

DYKEMA GOSSETT, PLLC
Samuel C. Damren (P25522)
Jonathan S. Feld (P77458)
Heidi A. Naasko (P58783)
Attorneys for Defendant

**STIPULATED ORDER GRANTING RELIEF FROM JUDGMENT,
VACATING CONVICTIONS AND SENTENCES, AND DISMISSING THE CASE**

At said session of said Court, held in the County of Wayne, City of Detroit State of Michigan, on this ____ day of June 2016.

HONORABLE Brian R. Sullivan
Wayne Circuit Court Judge, Presiding

The parties having stipulated to entry of an order granting Davontae Sanford's motion for relief from judgment and vacating his convictions and sentences and the prosecutor having agreed to dismiss all charges in this matter, and, the court having found that the defendant has satisfied his burden of establishing entitlement to the relief requested based upon the stipulated facts.

It is hereby ORDERED that defendant's motion for relief from judgment is granted.

It is further ORDERED that Davontae Sanford's convictions and sentences in this matter are vacated in the interests of justice and, because the charges are being dismissed, he is to be released from the Michigan Department of Corrections.

It is further ORDERED that the case is dismissed.

HONORABLE BRIAN R SULLIVAN

Approved AS TO FORM AND CONTENT:
J. J. [Signature] (P51503)

4815-1321-2210.HIDUNAASKO, HEIDI - 019956\000771

[Signature] (P29522)

as his own personal recognizance

state will move to the charges