



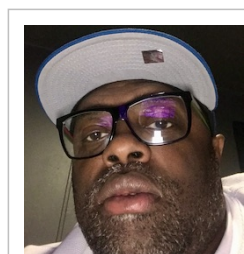
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3,051 EXONERATIONS SINCE 1989
MORE THAN 26,700 YEARS LOST

DENNIS ATKINS

Other Wayne County, MI, Murder Exonerations



Dennis Atkins

Shortly after 3 a.m. on June 4, 2005, George Chulig was awakened by a voice crying, “Help me! Help me!” Chulig, who lived in the 19300 block of Omira Street in Detroit, Michigan, looked out and saw someone lying on the ground at the end of his driveway. As Chulig was peering outside, the man got up and began to walk, staggered and fell.

Chulig called 911. Two Detroit Fire Department paramedics, James Peyton and Toby Hanna, responded, arriving before the police. Peyton and Hanna found 17-year-old Billie Rutledge lying face

down in a nearby vacant lot. He appeared to have a gunshot wound to his leg. They cut away some of his clothing, put a C-collar around his neck, and rolled him onto a backboard.

As they lifted the backboard onto a stretcher, they heard a voice from behind them, saying “Look out! Look out!”

Then, they heard the sound of a pump-action shotgun racking in a shell. They saw a man wearing a mask coming toward them, holding a shotgun at his waist, and pointing it toward them. Peyton later told police that he turned to run and Hanna was already running away when he heard a shotgun blast, the sound of another shell being racked into the chamber, and then a second shot was fired. The gun was racked a third time.

“I looked over my shoulder,” Peyton later recalled. “I saw the patient roll off the stretcher...I saw the...gunman standing there, pretty much looking in my direction, and then turn to go away.” Peyton ran to their emergency vehicle and called for help.

By the time police arrived, the gunman was gone and Rutledge was dead. He had been shot twice in the head.

Rutledge’s 15-year-old brother Lemuel told the news media that he believed Rutledge was killed because he knew information about the March 11, 2005 murder of Shadad “Tommy” Yousif, who was killed in his auto repair business located two blocks away at the corner of Seven Mile and Omira. Rutledge worked in Yousif’s business and rumors had circulated that he was the driver for the gunman who killed Yousif.

Rutledge had been arrested April 15, 2005 on outstanding warrants in Oakland County, Michigan and released on June 3. Less than 24 hours after his release, he was dead.

On June 10, 2005, police arrested 21-year-old Dennis Atkins and charged him with the murder of Rutledge and two counts of assault with intent to murder of the two paramedics.

Three witnesses who all lived together told police that Atkins came pounding on their door in the early morning hours of June 9, asking to be

State: Michigan

County: Wayne

Most Serious Crime: Murder

Additional Convictions: Gun Possession or Sale

Reported Crime Date: 2005

Convicted: 2006

Exonerated: 2022

Sentence: Life

Race/Ethnicity: Black

Sex: Male

Age at the date of reported crime: 21

Contributing Factors:

Did DNA evidence contribute to the exoneration?: No

let in. Once inside, he began talking about how he had been the person who killed Rutledge.

Later that day, one of the witnesses told her mother that Atkins had admitted he shot Rutledge. The mother called police and Atkins was arrested.

In January 2006, Atkins went to trial in Wayne County Circuit Court. The prosecution's theory was that DeSean Neal lured Rutledge out of the home where he was staying in the 19600 block of Omira Street.

The prosecutor, Christine Kowal, presented testimony from Jerry Session that Neal came to his home on Omira and left with Rutledge. Not long after, Rutledge was killed.

Neal was not available to testify. He had been murdered days after Rutledge—shot while riding in a car being driven by Rutledge's mother.

By that time, Larry Davidson had been charged with Yousif's murder. Police believed that Davidson, Neal and Yousif were running an auto insurance fraud scheme. Fake titles were generated for cars that were photographed and then phony insurance claims were submitted. The proceeds were sent to Yousif, who shared the money with Davidson and Neal. Yousif had been killed, police believed, because he was less than forthcoming with all of the insurance proceeds.

The prosecution contended that Rutledge had been killed by two men, one of whom was Atkins. No one else, though, was ever charged.

There was no forensic or physical evidence that linked Atkins to the murder. The prosecution's evidence was based on testimony from three witnesses—Tiffany Bishop, her boyfriend, Dawanne Sparks, and Sparks's sister, Lakesha Sparks, who had previously dated Atkins.

At the time of the shooting, all three were living in the same residence with Lakesha's young child. Bishop testified that at about 3:30 a.m. on June 9, Lakesha woke her and said that Atkins was at the door. Bishop said that Lakesha let him in and they went into the kitchen for a few minutes. When they came out into the living room, Bishop said, "Dennis broke out and said, 'Did y'all see what happened on the news how I shot the guy? Then, when an ambulance came, how I ran out [to] the stretcher and shot him up?'"

Bishop testified that Atkins said that he was lying in wait for Rutledge and came out of some bushes and shot him. "And then, when the ambulance pulled up, he shot him on the stretcher," Bishop testified.

"And he said, 'That's how we do it,'" Bishop said. "He said he had a mask on and he threw it away. And then he came back around when the police came... like nothing had happened."

Dawanne Sparks also testified that Atkins said he shot Rutledge. Lakesha testified that Atkins began talking about the shooting after he began drinking gin.

The paramedics testified about how the shooting occurred. Neither man could identify Atkins as the gunman, although Peyton said the shooter was about 5 feet, 11 inches tall and weighed about 180 pounds. Atkins, Kowal pointed out, was 5 feet, 11 inches tall and weighed 170 pounds.

The autopsy report showed that Rutledge initially had been shot four times with a .380-caliber pistol. Those wounds were not fatal, however. The shotgun blasts caused instantaneous death.

Police had determined that—after Rutledge had been released from custody and before he was killed—Jamal Thomas, who claimed he was Davidson's brother, was seen with Rutledge.

Atkins's defense attorney wanted to call Tammy Weaver as a witness. About a month after Rutledge was killed, Weaver had told police that Thomas, who was her boyfriend, had told her that he and Neal had killed Rutledge.

Weaver was in jail when she came forward to police. She had been released in November 2005, and police were unable to locate her by the time of Atkins's trial.

On January 9, 2006, the jury convicted Atkins of first-degree murder and possession of a firearm in the commission of a felony. The jury acquitted him of the charges of assault with intent to commit murder of the paramedics. Atkins was sentenced to life in prison without parole.

In March 2006, Davidson was convicted of Yousif's murder and was sentenced to life in prison without parole. And in April, Thomas was convicted of assault with intent to commit murder in a different shooting. He was sentenced to 50 to 100 years in prison.

In May 2007, the Michigan Court of Appeals upheld Atkins's convictions.

In October 2007, Atkins filed a federal petition for a writ of habeas corpus claiming that his trial had been unfair because the prosecution and police had failed to locate Tammy Weaver. The petition was denied in November 2009.

In 2018, the Wayne County Prosecutor's office created a Conviction Integrity Unit (CIU) and appointed attorney Valerie Newman to review innocence claims from convicted defendants.

Subsequently, Atkins requested that the CIU examine his case.

During a lengthy re-investigation of the case, evidence showed there were six crimes that happened sequentially and appeared to be related. It began with the auto insurance fraud scheme involving Yousif, Davidson and Neal. It was followed by the murder of Yousif on March 11, 2005 for which Davidson was sent to prison for life.

The third crime was the murder of Rutledge on June 4, 2005. Evidence was developed that Thomas told detectives that Neal implicated himself in Rutledge's shooting. Thomas told an acquaintance that Davidson also was responsible for the killing. Davidson, for his part, claimed at the time that he was in Texas in jail when Rutledge was killed.

During the re-investigation, Thomas and Davidson said they did not know Atkins at all when Rutledge was killed.

On June 7, 2005—after Rutledge was killed, Carmen Giordano claimed that Atkins carjacked him at knife point. Atkins was pulled over by police in Giordano's car and police found a knife. Atkins claimed that he gave Giordano drugs in exchange for use of the car. Two days later, when Giordano declined to press charges, Atkins was released.

The fifth crime was witness intimidation—which was never charged. When Atkins was allowed inside the house with Bishop and Dawanne and Lakesha Sparks, he admitted to carjacking Giordano. He said that Giordano was not pressing charges because Atkins threatened to kill him if he did. Lakesha challenged Atkins's story, and he became irate and asked her whether she would tell the police. He then asked whether she'd been following the news. That's when he brought up the stretcher murder and said he was the person who told the paramedics to move away and shot Rutledge. He said, "That's how we take care of witnesses."

Atkins admitted to the CIU that he said the things that Bishop and Lakesha and Dawanne Sparks recounted at the trial. But he said it was all false braggadocio. Claudia Whitman, who directs the National Capital Crime Assistance Network and has helped exonerate numerous wrongfully convicted defendants, paid for a polygraph examination for Atkins. The polygraph examiner concluded that Atkins was truthful when he said he had no involvement in Rutledge's murder.

The sixth and final crime was the murder of Neal, the last person seen with Rutledge before Rutledge was killed. Neal was gunned down shortly after Rutledge was fatally shot.

During the many interviews conducted as part of the CIU re-examination of the case, an inmate claimed to have been the man who fired the shotgun blasts that killed Rutledge. The inmate was not identified publicly because the murder remained under investigation.

On February 4, 2022, at the conclusion of the CIU reinvestigation, Newman filed a motion asking that Atkins's convictions be vacated. Wayne County Circuit Court Judge Shannon Walker granted the motion, and the charges were dismissed.

– *Maurice Possley*

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ABOUT THE REGISTRY

The National Registry of Exonerations is a project of the Newkirk Center for Science & Society at University of California Irvine, the University of Michigan Law School and Michigan State University College of Law. It was founded in 2012 in conjunction with the Center on Wrongful Convictions at Northwestern University School of Law. The Registry provides detailed information about every known exoneration in the United States since 1989—cases in which a person was wrongly convicted of a crime and later cleared of all the charges based on new evidence of innocence. The Registry also maintains a more limited database of known exonerations prior to 1989.

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