



KYM L. WORTHY
PROSECUTING ATTORNEY

COUNTY OF WAYNE
OFFICE OF THE PROSECUTING ATTORNEY

FRANK MURPHY HALL OF
JUSTICE
1441 ST. ANTOINE STREET
DETROIT, MICHIGAN 48226-
2302

Press Release
April 27, 2022
Three Pages

For Immediate Release

Contact: Maria Miller
Wayne County Prosecutor's Office
Assistant Prosecuting Attorney
(313) 224-5817
(313) 213-0457
mmiller@waynecounty.com

Terance Calhoun is Exonerated

The April 27, 2022 Hearing

Today Judge Kelly Ramsey dismissed all charges against Mr. Calhoun and vacated his convictions. The Stipulation and Order are attached as a separate document to the press release. Mr. Calhoun is expected to be released from the Michigan Department of Corrections Maxey/Woodland Correctional Facility today.

Adjournment of Proceedings.

On April 22, 2022, Judge Kelly Ramsey did not enter an order vacating the convictions and charges and dismissing the case. She explained that a Detroit police officer that she was familiar with came into her courtroom and attempted to have an ex parte communication with her about the case and tried to hand her a binder. Judge Ramsey explained that she was unable to discuss the case and instructed the officer to give to the WCPO Conviction Integrity Unit the binder to review. The hearing was adjourned for that purpose. All statements and comments from WCPO in the case will be made in court at the next hearing. The hearing will resume on April 27, 2022 at 1:00 p.m. via Zoom only. <https://www.3rdcc.org/zoom/criminal>

-more-

Summary of the Facts

Terance Calhoun, (DOB: 03/10/1987), pleaded no contest in two separate cases. The cases involve the attempted assault of Victim 1, a 15-year-old girl on September 26, 2006, near Fenkell Avenue and Gladstone Street in Detroit, and the sexual assault of Victim 2, a 13-year-old girl on October 27, 2006, near a liquor store on Fenkell Avenue in Detroit.

Victim 2 filed a police report and assisted in producing a composite sketch which was later displayed at the liquor store. Mr. Calhoun was arrested at the store on November 3, 2006. Both victims identified Mr. Calhoun from two separate lineups.

On February 21, 2007, in the case of Victim 2, Mr. Calhoun pleaded no contest to Criminal Sexual Conduct First-Degree, Kidnapping, and Felony Firearm. One count of Criminal Sexual Conduct – Assault with Intent to Commit Sexual Penetration was dismissed as part of the plea agreement. He was sentenced on March 28, 2007 to two years consecutive for Felony Firearm, and 15 to 30 years for Criminal Sexual Conduct First-Degree and Kidnapping.

On February 21, 2007, he also pleaded no contest in the case of Victim 1 to one count of Attempted Kidnapping. One count of Kidnapping, and one count of Criminal Sexual Conduct – Assault with Intent to Commit Sexual Penetration were dismissed. On March 28, 2007, in Victim 1's case he received a concurrent sentence of 11 months to five years in the Michigan Department of Corrections. He is currently housed in the Maxey/Woodland Correctional Facility located in Whitmore Lake, Michigan.

It is important to note that Mr. Calhoun's case was prosecuted prior to the 2009 discovery of the backlog of untested sexual assault kits and subsequent creation of the Sexual Assault Kit Task Force. However, protocols implemented by the Sexual Assault Kit Task Force to review these kit cases were instrumental in assisting the CIU with the Calhoun case. Recent investigation and evidence in the case has established that Terance Calhoun did not commit the two crimes. New evidence has resulted in the identification of another man. This person has been charged with several other sexual assault crimes and is currently being prosecuted as a result of work completed by the WCPO Sexual Assault Kit Task Force. Because his cases are pending no further information can be released by WCPO at this time.

The State Appellate Defender Office is representing Mr. Calhoun. Assistant Defender Michael Mittlestat is the lead attorney, and Special Assistant Defender Tabitha Harris and Investigator Angie Jackson from SADO's Wrongful Conviction Unit worked on the case. SADO also collaborated with WMU-Cooley Innocence Project Staff Attorney David Williams on Mr. Calhoun's case.

-more-

Statement by Prosecutor Kym Worthy

“A series of fortunate events and a lot of very hard work by quite a few people led to my decision to exonerate Mr. Calhoun. The decision in this case was the culmination of years of long work on this and unrelated cases. We will leave no stone unturned to get to justice for defendants like Mr. Calhoun.

“I want to stress that the Calhoun case was never a Sexual Assault Kit Task Force case. However, important Sexual Assault Kit Task Force protocols for reviewing criminal sexual conduct cases, implemented after the SAKs were discovered in 2009 allowed the CIU to consult with them to evaluate significant evidence in Mr. Calhoun’s case. This evidence disproved that he committed the two crimes.

“We are currently prosecuting the defendant who is alleged to be the perpetrator of criminal sexual conduct crimes. Because the cases are in progress, we are ethically prohibited from releasing further information at this time,” said Prosecutor Kym Worthy.

.#####

STATE OF MICHIGAN

IN THE WAYNE COUNTY CIRCUIT COURT

PEOPLE OF THE STATE OF MICHIGAN
Plaintiff

-vs-

Circuit Court No. 06-013904-01-FC
06-013905-01-FC

Hon. Kelly A. Ramsey

TERANCE TERNILL CALHOUN
Defendant

**AGREED ORDER VACATING CONVICTIONS and SENTENCES
AND DISMISSING CHARGES WITH PREJUDICE**

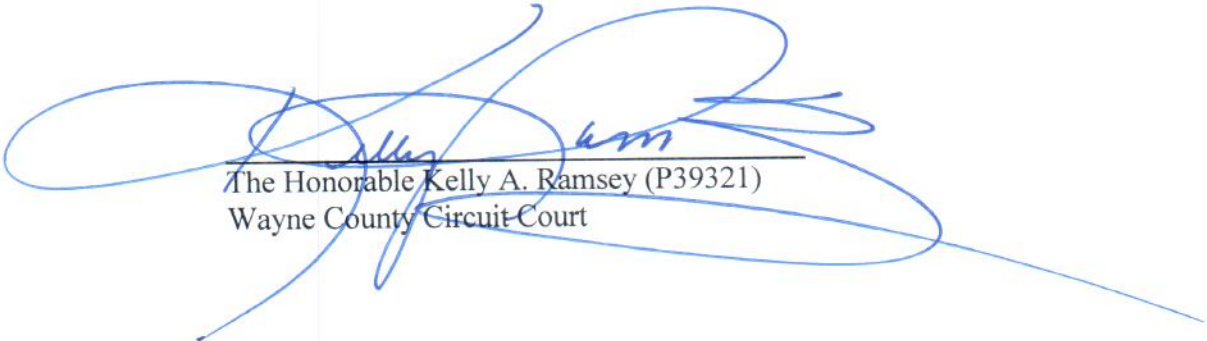
At said session of said Court held in the County of Wayne, City of
Detroit, State of Michigan, on this 27th day of April, 2022.

THE HONORABLE KELLY A. RAMSEY
Wayne County Circuit Court Judge

This matter having come before the Court on the parties' stipulation, and the Court being
otherwise fully advised in the premises;

IT IS HEREBY ORDERED that the convictions and sentences in the above-captioned
matters be **VACATED**;

IT IS FURTHER ORDERED, that all charges in the above captioned matters are
DISMISSED WITH PREJUDICE.



The Honorable Kelly A. Ramsey (P39321)
Wayne County Circuit Court

STATE OF MICHIGAN

IN THE WAYNE COUNTY CIRCUIT COURT

PEOPLE OF THE STATE OF MICHIGAN

Plaintiff

-vs-

**Circuit Court Nos. 06-013904-01-FC
06-013905-01-FC**

Hon. Kelly A. Ramsey

TERANCE TERNILL CALHOUN

Defendant.

Kym L. Worthy (P38875)
Wayne County Prosecutor
1441 St. Antoine
Detroit, MI 48226
(313) 224-5777

Michael L. Mittlestat (P68478)
State Appellate Defender Office
3031 W. Grand Blvd., Ste. 450
Detroit, MI 48203
(313) 256-9833

Valerie Newman (P47291)
Wayne County Conviction Integrity Unit
1441 St. Antoine, 11th floor
Detroit, MI 48226
(313) 967-2684

David R. Williams (P84269)
Cooley Innocence Project
300 S. Capitol Ave.
Lansing, MI 48933
(517) 371-5140

**STIPULATED FINDINGS OF FACT AND AGREED ORDER TO VACATE
CONVICTIONS and DISMISS CASES WITH PREJUDICE**

The parties in this matter agree and stipulate to the following:

1. On September 26, 2006, Victim 1 (age 15) was grabbed and assaulted by a man near Fenkell Avenue and Blackstone Street in Detroit, Michigan. No physical evidence was reportedly recovered from the scene.
2. Victim 1 described her assailant in part as having “braids” and a “puzzle tattoo” on his arm.
3. On October 27, 2006, a man sexually assaulted Victim 2 (age 13) at gunpoint in an alley near Fenkell Avenue and Patton Street in Detroit, less than a half mile from where Victim 1 had been assaulted. Victim 2 reported that the assailant had used a condom.

4. A used condom was collected at the scene of the sexual assault of Victim 2, and biological material was swabbed from inside and outside the condom. Samples were submitted to ReliaGene Laboratory for testing, including DNA analysis.

5. Police arrested Terance Calhoun based on a composite sketch created from the description given by Victim 2.

6. For the Victim 2 assault, Mr. Calhoun was charged with First Degree Criminal Sexual Conduct (weapon), Kidnapping, Assault with Intent to Commit Sexual Penetration, and Felony Firearm. See Case No. 06-013904-01-FC.

7. For the Victim 1 assault, Mr. Calhoun was charged with Kidnapping and Assault with Intent to Commit Sexual Penetration. See Case No. 06-013905-01-FC.

8. In connection with both cases, there were two orders for a forensic examination dated December 8, 2006, and January 29, 2007. A report by the Center for Forensic Psychiatry was issued February 21, 2007, which indicated that Mr. Calhoun has cognitive deficiencies, but was legally competent to waive his constitutional rights and stand trial.

9. On February 21, 2007, Mr. Calhoun entered pleas of no contest to Attempted Kidnapping in Case No. 06-013905-01-FC, involving Victim 1 and to First Degree CSC, Kidnapping, and Felony Firearm in Case No. 06-013904-FC involving Victim 2.

10. On March 28, 2007, Mr. Calhoun was sentenced in Case No. 06-013905-FC to a prison term of 11 months to 5 years and in Case No. 06-013904-FC to 15 to 30 years in prison for the First-Degree CSC conviction and the kidnapping conviction, consecutive to a two-year sentence for the Felony Firearm count.

11. Mr. Calhoun was appointed counsel for the purpose of pursuing appeals or post-conviction remedies in both cases.

12. On June 15, 2007, Short Tandem Repeat (STR) analysis was completed on the condom collected at the scene of the sexual assault on Victim 2. That analysis excluded Mr. Calhoun as a donor of biological material.

13. On September 10, 2007, Mr. Calhoun, after consulting with his appellate attorney, dismissed his appeal. There is no indication that the results of the STR analysis, completed on June 15, 2007, were provided to Mr. Calhoun's appellate counsel.

14. In January 2019, as part of the Sexual Assault Kit (SAK) protocol, a SAK assistant prosecutor reviewed Mr. Calhoun's case. Based on the 2007 lab reports SAK notified the State Appellate Defender Office (SADO) of Calhoun's exclusionary test results on January 14, 2019.

15. On February 2, 2019, the Honorable Prentis Edwards, Jr. appointed the State Appellate Defender Office to represent Mr. Calhoun as part of SADO's Rape Kit Screening and DNA Testing Project.

16. SADO subsequently arranged for Bode Technology to conduct additional STR analysis of the condom from the Victim 2 sexual assault.

17. On August 14, 2019, and on September 2, 2019, Bode Technology confirmed the earlier report, completed in 2007 by ReliaGene Laboratory, and concluded that Mr. Calhoun was not the donor of biological material recovered from the condom collected at the scene of the Victim 2 assault.

18. On January 10, 2022, the Michigan State Police (MSP) reported that a CODIS report had matched the DNA recovered in the Victim 2 assault to another individual, who is currently charged with other sexual assault offenses in the Detroit area that are alleged to have occurred between 2007 and 2014.

19. Victim 1 described her assailant as having “braids” and a “puzzle tattoo” on his arm.

20. Mr. Calhoun had neither braided hair nor a puzzle tattoo.

21. During the post-conviction investigation, the Wayne County Prosecutor's Office Conviction Integrity Unit conducted a national search of law enforcement databases. The search turned up only one individual with a puzzle tattoo on his arm. That individual is currently incarcerated in the Michigan Department of Corrections for sexual assault convictions.

22. Since June 15, 2007, Mr. Calhoun has been excluded as the donor of the DNA recovered from the condom found at the scene of Victim 2's assault. There is no indication that the evidence was provided to the defense prior to 2019. Subsequent testing not only confirmed Mr. Calhoun's exclusion but also revealed a match with another individual who is currently charged in multiple sexual assaults in Wayne County.

23. Additionally, Victim 1 described an assailant who definitively cannot be Mr. Calhoun.

24. Considering these facts, the parties hereby stipulate that Terance Calhoun's convictions and sentences in Cases No. 06-013904-FC and No. 06-013905-01-FC be vacated and both cases dismissed with prejudice. See MCL 770.1.

Dated: April 27, 2022

/s/Valerie Newman
Valerie Newman (P47291)
Wayne County Conviction Integrity Unit

/s/Michael L. Mittlestat
Michael L. Mittlestat (P68478)
State Appellate Defender Office

/s/ David R. Williams
David R. Williams (P84269)
Cooley Innocence Project

