


SADO
State Appellate Defender Office

Jonathan Sacks, Director
Marilena David, Deputy Director
House Appropriations Subcommittee on Judiciary | March 1, 2022

1



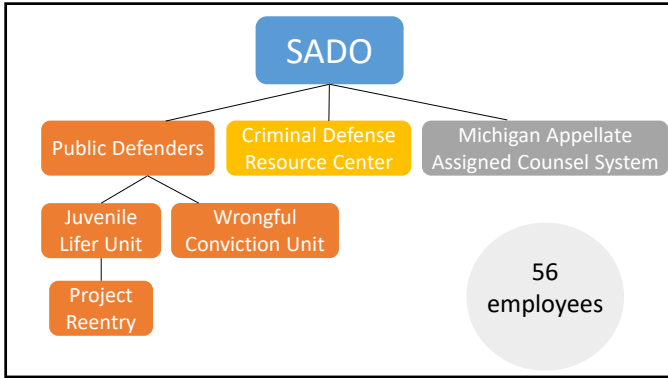
The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel.

Powell v Alabama (1932)

2

Michigan Appellate Defender Act
MCL 780.711 (1978)

3



4

Maintain Juvenile Lifer Unit Funding
Represent clients serving unconstitutional life sentences for offenses committed as youth.

Shift this funding to General Fund
Reduce pressure on the MAACS roster.

Add Administrative Support
Reduce administrative pressure from SADO expansion and growth.

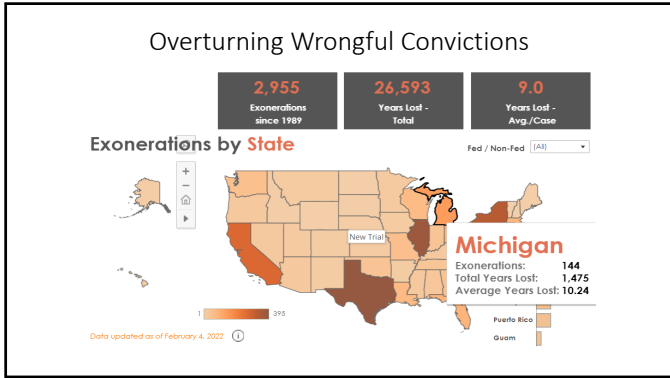
Permanent Wrongful Conviction Unit
Establish permanent unit to identify and exonerate actually innocent individuals.

**FY 2023
Budget
Priorities**

5

Public Defender Division

6



7

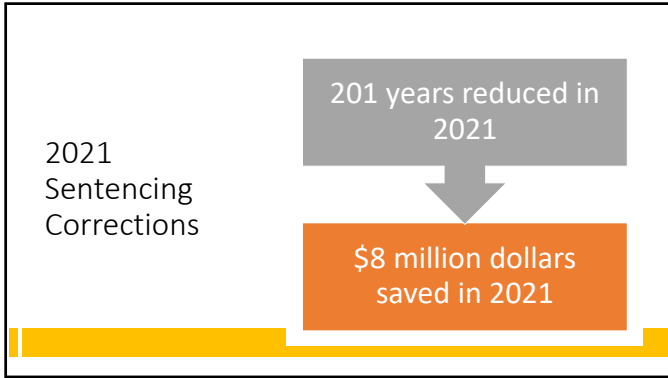
20 innocent clients exonerated in recent years

Konrad Montgomery
Incarcerated 3 years

8

Human and Financial Cost of Sentencing Errors

9



10



11

We won this fight!

The Court of Appeals remanded for resentencing before a different judge where the trial court abandoned impartiality and showed an unwillingness to follow the law.

Congrats to SADO Assistant Defender Adrienne Young.

For Ms. Dixon-Boyer

New Sentence

12



We won this fight!

On remand from the Michigan Supreme Court, the Court of Appeals granted Mr. Hughes a new trial, finding ineffective assistance of counsel for failure to object to a meritorious 4th amendment violation.

Congrats to SADO attorney Jason Eggert.

For Mr. Hughes

New Trial




13

MACS

Michigan Appellate Assigned Counsel System

14

MACS

		
150 private roster attorneys	3,000 clients per year	75% of appeals pending in appellate courts

15

December 2021




MAACS and SADO Receive Grant to Launch Juvenile Defense Project

“This is a real game changer for juvenile indigent defense in Michigan. It will expand a successful formula for private assigned appellate counsel and could lay the foundation for further reform.”

– Chief Justice Bridget Mary McCormack

16

MAACS Improvement Needs

-  Attorney incentives and funding
-  Workload standards
-  Quality control

17

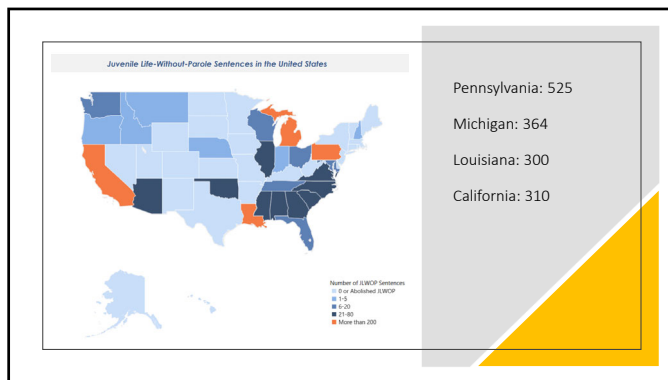
Juvenile Lifer Unit

18

“[M]andatory life without parole for those under the age of 18 at the time of their crimes violates the Eighth Amendment's prohibition on ‘cruel and unusual punishments.’”

Miller v Alabama (2012)

19



20

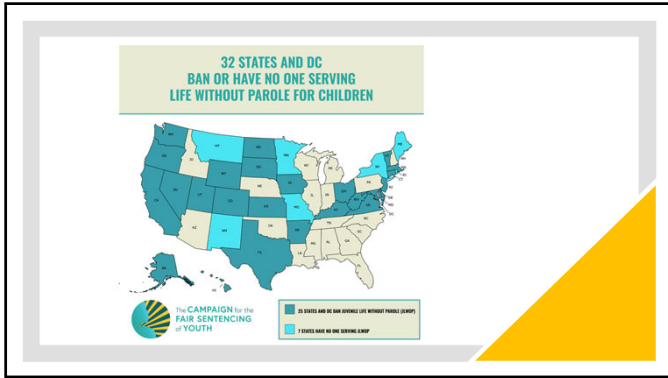
193
Clients

6
Attorneys

4
Mitigation Specialists

1
Reentry Coordinator

21



22

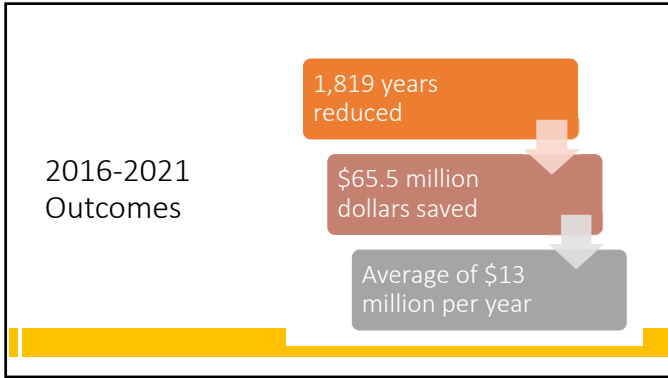


23

Results

- 132** clients resentenced to term of years
- 6** clients resentenced to life without parole*
- 31.7** year average minimum sentence
- 69** clients back in community
- 34** clients awaiting contested resentencing

24



25

2016-2021 Outcomes


"The Michigan Department of Corrections reports 242 of the state's 364 juvenile-lifers have been resentenced to a term of years and of those, 151 have been released. Among those who were released, only one has reoffended, the MDOC reported."

© 2021 MDOC
The road to redemption: Benton Harbor man navigates life after prison with unique court ruling. Correction is making the most of his second chance.
By JACOB HERRICK for the Star Tribune
Dec 31, 2021

26

Criminal Defense
Resource Center


27



www.sado.org

- Defender Books
- Defender Topic Manuals
- Criminal Defense Newsletter
- Appellate Opinion Summaries
- Brief Bank
- Online Forum
- Expert Witness Database
- Police Misconduct Database
- Trainings and Archive

28



EDUCATION AND TRAINING OF
DEFENSE COUNSEL

A GUIDE TO IMPLEMENTATION OF THE MINIMUM STANDARDS FOR DELIVERY SYSTEMS
PREPARED BY THE MICHIGAN INDIGENT DEFENSE COMMISSION
SPRING 2017

Standard 1

29

SUPPORT

Visit our Products Page to subscribe to the Criminal Defense Resource Center and immediately connect to a wealth of invaluable resources.

2014	2022	Staff
479 subscribers	2,000+ subscribers	2 employees

30

FY 2023 Budget Priorities

1. Maintain Juvenile Lifer Unit Funding: \$962,900 - Represent clients serving unconstitutional life sentences for offenses committed as youth.
2. Shift this funding to the General Fund -
 - Reduce pressure on the MAACS roster
 - Representation for continued appeals and new Life Without Parole sentences

31

3. Administrative Support: \$445,100

SADO / MAACS merger; Juvenile Lifer Unit; Project Reentry
 Budget and grants FY 2015-FY 2022: \$6.8 to \$9.9 million; 41 to 56 employees
 CDRC: An increase from 479 subscribers in 2014 to 1,704 in 2022
 Cybersecurity Risks – IT staffer replaces attorney
 4 FTEs: Finance and Administration Support; Grant Manager; CDRC Program Officer; Attorney Backfill

32

4. Wrongful Conviction Unit: \$287,900

Sporadic grant funding not renewing – Five exonerations and six new trials
 Based on Michigan Appellate Rules – Early screening and assignment
 2 FTEs: Attorney and Investigator
 BJA Evaluation: “Perhaps key to the Fast Response Project’s success is the way in which it directly contributes to SADO’s core mission: zealous and effective appellate representation.”

33

The screenshot shows the Michigan State Appellate Defender Office website. The header includes navigation links for Home, About Us, Program Services, Publications, Locations, Training, Events, Search, and Practice. The main content area features a 'THE DRUM' graphic and several sections: 'QUESTIONS' with links for 'Substantive Issues', 'Ethical Issues', 'Local or Ad Hoc', and 'Self-Defense'; 'Upcoming Events' with a list of dates and topics; and 'Do you have a question for falling to register under SORA?'.

Questions?
