



**State Appellate Defender Office**

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The State Appellate Defender Office (SADO) fulfills the statutory requirements of the Appellate Defender Act (MCL 780.712) and the Sixth Amendment of the United States Constitution to represent people appealing their criminal convictions who cannot afford attorneys.

SADO consists of three divisions: The public defender division, the Michigan Appellate Assigned Counsel System (MAACS), and the Criminal Defense Resource Center (CDRC). The state-funded public defender represents 25% of individuals with pending appeals. Nearly 75% of other individuals with pending appeals and 90% of total appeals are represented by county-funded private attorneys, managed by MAACS. The CDRC provides training to the state's court-appointed trial and appellate counsel, and resources to the public and all criminal legal system stakeholders.

## State Appellate Defender Office – Public Defender Division

**The public defender division of SADO has a staff of two managing attorneys, eighteen attorneys, two investigators, and one social worker, who achieve outstanding outcomes for the people we represent:**

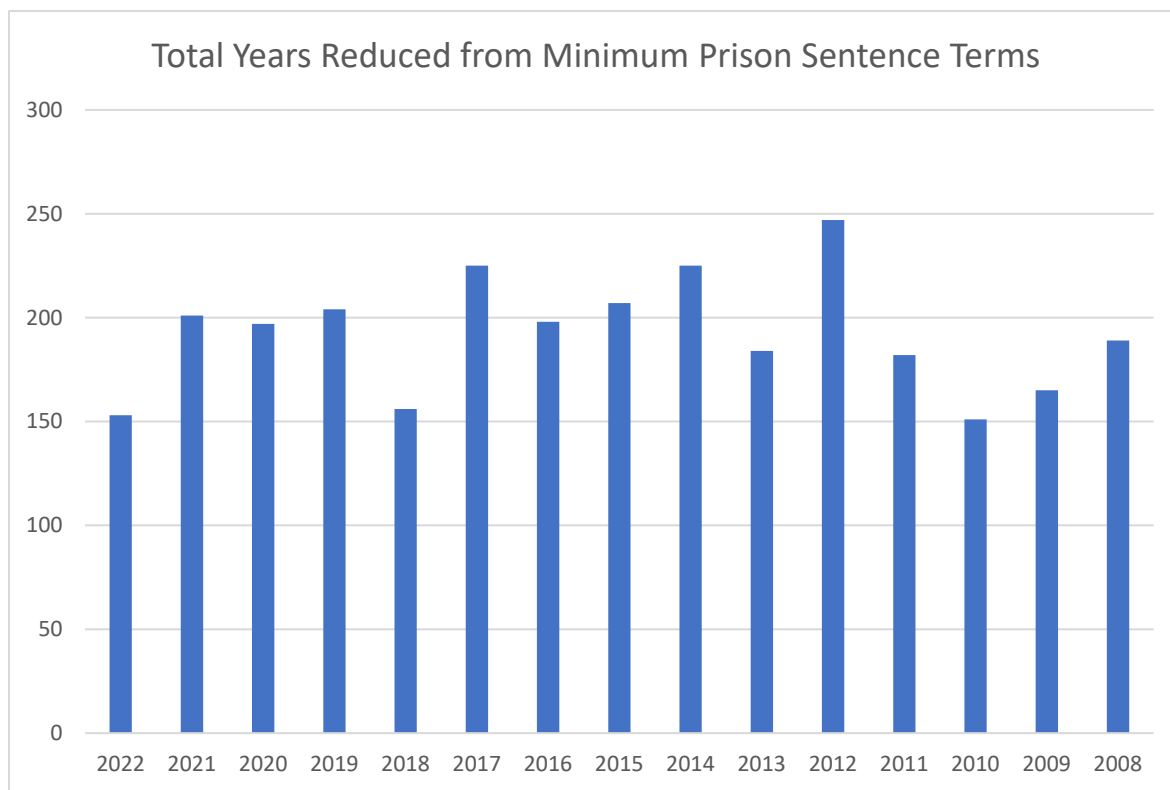
- SADO's post-conviction investigation and litigation has helped exonerate at least twenty wrongfully imprisoned clients in recent years, including:
  - [James Grissom](#): Sexual assault conviction vacated after investigation revealed a pattern of fabricated allegations.
  - [Derrick Bunkley](#): Attempted murder conviction vacated where investigation of alibi on social media and cell phone evidence showed his innocence.
  - [Konrad Montgomery](#): Attempted murder conviction vacated when investigation revealed cell-tower evidence had been misrepresented and inadequately challenged at trial.
  - [Gregory Fisher](#): Sexual assault conviction vacated based on DNA exclusion.
  - [Anthony Legion](#): Twenty-year-old murder conviction vacated after investigation in partnership with the Wayne County Prosecutor's Office Conviction Integrity Unit revealed police misconduct, discovery violations, and perjured testimony.
  - [Terance Calhoun](#): Sixteen-year-old criminal sexual conduct vacated due to never-provided evidence of the suspect's DNA matching another person.

## */2 State Appellate Defender Office*

- SADO attorneys regularly secure new trials for clients, holding the criminal legal system accountable and helping to ensure fairness. Some bases for new trial grants in recent years include [the lack of an expert witness](#), prosecutorial misconduct, and serious constitutional violations.
- SADO's success in correcting sentencing errors has resulted in a reduction in prison terms by 153 years in 2021. Other sentencing relief includes reductions in financial obligations, improper probation conditions, and challenges to collateral consequences such as improper sex offender registration and lifetime electronic monitoring.
- SADO attorneys regularly appear before the Michigan Supreme Court, which helps shape the law to ensure due process and a fairer criminal legal system. SADO has **twenty-one** cases upcoming with arguments in the Michigan Supreme Court. Recent opinions from the Court have resulted in [protecting the Fourth Amendment rights of people to be secure in the contents of their cell phones](#), [reform in lifelong sentences for youth](#), and [prohibiting improper closure of the courtroom to the public](#). This term, the Court [ordered argument](#) on whether funding courts through costs imposed on people prosecuted are constitutional.

### **The work of SADO's public defenders and staff provides taxpayers with excellent return on investment.**

- When our clients serve shorter sentences, the State of Michigan saves \$39,716 per year in costs of incarceration. SADO's work obtaining sentencing relief and correcting trial errors historically has reduced statewide prison costs by over \$6 million each year.
- Including the Juvenile Lifer Unit, SADO attorneys saved the state approximately \$14 million in prison costs for 2021, \$6 million from appeals representation, and \$8 million for Juvenile Lifer Unit conversions to a term of years sentence from life without parole sentences.



Prison Sentence Reductions		
Year	Total Years Reduced from Minimum Prison Sentence Terms	Estimated Savings to State of Michigan
2022	153	\$6,076,548
2021	201	\$7,982,916
2020	197	\$7,824,052
2019	204	\$7,564,320
2018	156	\$5,617,716
2017	225	\$8,123,850
2016	198	\$6,961,086
2015	207	\$7,237,134
2014	225	\$7,898,093
2013	184	\$6,311,025
2012	247	\$8,502,518
2011	182	\$6,287,600
2010	151	\$5,183,566
2009	165	\$5,534,678
2008	189	\$6,292,812
<b>Total</b>	<b>2884</b>	<b>\$103,397,914</b>

## Juvenile Lifer Unit

**A unit of lawyers and investigators at SADO represents people serving life without parole sentences for offenses committed as children. These individuals require new sentencing hearings because they are serving mandatory life sentences in violation of the constitutional prohibition against cruel and unusual punishment.**

**The Juvenile Lifer Unit consists of one managing attorney, four attorneys, four mitigation specialists, and one reentry coordinator. This number includes in-kind personnel contributions from SADO.**

## Background

- A decision of the United States Supreme Court in 2016 created an extraordinary one-time constitutional crisis involving 364 children serving life without parole sentences in Michigan. [Montgomery v. Louisiana](#) requires resentencing of all people serving mandatory sentences of life without parole for offenses committed as youth because the sentences violate the Eighth Amendment ban on cruel and unusual punishment.
- SADO's Juvenile Lifer Unit represents 193 of Michigan's 364 juvenile lifers and 157 of these individuals have received a term of years sentence offering the opportunity for release on parole. SADO has also received additional client appointments since this original group.
- Michigan lags far [behind](#) the rest of the country. Twenty-six states and the District of Columbia ban juvenile life without parole, and seven more states have no juveniles serving life without parole sentences. On February 10, 2023, Illinois became the latest state to abolish this sentence.

## Snapshot of Results: 2016-2022

- 157 SADO clients have received term of years sentences. These new sentences have an average length of 32.7 years. 77 clients have been released on parole or discharged from the Michigan Department of Corrections. Including new appeals, 25 clients now await new sentencing hearings.
- There have been 37 contested hearings for SADO clients. 29 have resulted in term of years sentences, and eight resulted in a life without parole sentence. Appellate courts reversed four of the life without parole sentences, and more reversals are expected. SADO attorneys also successfully negotiated term of years sentences for 63 clients, where prosecutors initially pushed for life without parole.
- SADO attorneys have successfully advocated for ten new sentencing hearings on appeal, where the original sentencing hearing, handled outside of SADO, was invalidated due to legal error.

## */5 State Appellate Defender Office*

- According to MDOC, of 170 former juvenile lifers released, only one has reoffended, which is well below Michigan's standard recidivism rate of [23.6%](#).
- **Savings to the state:**
  - Estimated cumulative number of reduced sentences for clients no longer serving life sentences: 1,892 years
  - Estimated savings in incarceration costs for Juvenile Lifer Unit operations: \$69,102,204

## **Reentry**

- SADO's Project Reentry continually contributes to the success of Michigan's Juvenile Lifers. Project Reentry prepares clients for parole, develops Comprehensive Reentry Plans to assist with the return to the community, holds [monthly workshops](#), published a [Reentry Guidebook](#) and [monthly newsletter](#), and offers [Reentry Services Locator](#) to help individuals find assistance for their specific needs.
- [Triumph Reports](#) written by a person formerly serving life without parole and funded by the Michigan Justice Fund detail the successes of some of the people represented by the Juvenile Lifer Unit.

## **Criminal Defense Resource Center**

**An essential part of SADO's mission is to provide resources through support services and training to assigned criminal defense attorneys. This is especially important with training requirements linked to trial indigent defense reform.**

- **Resources:** CDRC produces resources accessible on SADO's website. Some of the most popular include defender books and manuals, appellate decision summaries, a brief bank, the Criminal Defense Newsletter, databases containing expert witness transcripts, and [Self-Help Resources](#) covering child support, expungement, collateral consequences, pro per representation, and sample pleadings.
- **Training:** CDRC hosts dozens of free [training events](#) at various locations throughout the state and via online webinars for appellate and trial-level practitioners and other criminal legal system stakeholders. Training is recorded and archived on the website for later viewing.
- Compliance plans submitted by local funding units to the Michigan Indigent Defense Commission request CDRC membership and services to meet new training requirements for attorneys. Over 1,500 new subscribers have joined the CDRC in recent years.

## Michigan Appellate Assigned Counsel System

MAACS, the system for appointing criminal appellate counsel in all Michigan circuit courts, merged with SADO in 2014. The MAACS roster of 110 private practice attorneys represents approximately 90% of indigent individuals appealing all felony convictions, and 75% of pending appeals. MAACS includes two attorney administrators, one litigation support attorney, one social worker, a Youth Defense Project attorney, and three support staffers.

- **Reforms to benefit trial courts and assigned counsel:** In 2015, after decades of operating under an inefficient assignment model and inadequate resources, MAACS launched a [regional assignment process](#) to encourage the voluntary adoption of a standardized attorney fee policy by trial courts. After beginning with 14 trial courts, the pilot grew to include 50 out of 57 circuit courts statewide. In 2017, the Supreme Court approved these reforms, and MAACS continues to grow the project to the benefit of trial courts, appointed counsel, and indigent individuals.
- **Roster oversight and training:** MAACS personnel maintain oversight of the quality of the roster, conducting thorough and regular reviews of attorney work product. Since the merger with SADO, failing MAACS roster attorneys have been removed and compliance with appellate minimum standards has improved. For example, violations of minimum standards for submitting late briefs decreased from 97 in 2017 to 4 in 2022. Partnering with CDRC, MAACS also conducts three regular annual trainings.
- **Litigation support:** MAACS started a program where a special litigation counsel provides regular support to roster attorneys and works for greater access to investigators and expert witnesses. Over the past two years, the Litigation Support Counsel has worked extensively with new roster attorneys. For their first two assignments, the roster attorney must consult with the Litigation Support Counsel for every stage of the appeal. The step-by-step approach helps train the roster attorney in best appellate practices.
- **Youth Appeals:** The United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention awarded a three-year federal grant to MAACS to establish a Juvenile Defense Project in Michigan. The grant funds the design, implementation, and oversight of a statewide roster of attorneys to represent children appealing their juvenile adjudications. In a media statement, former Michigan Supreme Court Chief Justice Bridget Mary McCormack said, “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.”

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