

Teen says alleged hit man was killer

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16-year-old's lawyer says man confessed to slaying of 4; judge asks prosecutors for evidence.

By George Hunter The Detroit News

DETROIT — Davontae Sanford was a 14-year-old special education student when he confessed to helping carry out the 2007 execution-style murders of four people inside an east side home.

But despite the detailed, videotaped confession, an attorney for Sanford claims alleged hit man **Vincent Smothers** also has admitted to the murders and that police tricked Sanford, now 16 and in prison, into confessing shortly after the slayings.

A judge Friday ordered prosecutors to hand over any evidence that could show **Smothers** was responsible instead of Sanford, who is serving 37 to 90 years after he confessed and pleaded guilty to murdering Michael Robinson, Deangelo McNoriell, Brian Dixon and Nicole Champa inside an alleged drug house.

"He was with me when the shooting happened," said Tamiko Sanford of her son. "He went to the scene afterward and was acting like a big shot, telling the officers he knew who did the shooting. Then they took him downtown for questioning, and the next thing you know, they're saying he did the murders."

Kim McGinnis, an attorney with the State Appellate Defender's Office, said **Smothers** — who investigators say has confessed to at least 10 contract murders, including the slaying of a police officer's wife — has admitted the September 2007 fatal shootings. **Smothers** is in the Wayne County Jail awaiting trial, although no date has been set.

"(Police and prosecutors) figure they already have a guy convicted for those murders, so they don't want to hear anything else," McGinnis said.

Smothers' attorney, Gaby Silver, could not be reached for comment.

Detroit Police spokesman James Tate said Sanford's confession was videotaped.

"We presented the tape to the Prosecutor's Office," Tate said. "It's a little hard to get around videotaped evidence."

Sanford was sent to the Thumb Correctional Facility after police produced a three-page confession, which included a crude drawing of four stick figures. In it, Sanford says he went along with pals identified by nicknames such as "Tone," "Tone Tone" and "Los" to rob a man named "Milk Dud" of money and marijuana.

Sanford's confession claims he and his friends smoked "blunts" and drove up on the house on Runyon.

"I got out the car with a mini-14, 'TONE' had a handgun, 'TONE TONE' had a 'chopper' and 'CARRIE' had a .45," according to the confession.

"As soon as we got out the car we ran up on the front yard and 'started bustin' at the house. I was shooting the min-14 through the front window."

By the time the gunfire ended and they entered the house, "it seemed like the man and the lady on the floor were already dead. The guy on the couch was shot already from when we sprayed the house, and 'MILK DUD' was also shot."

Police found the four victims shot to death and a fifth victim critically injured. The 7-year-old son of one of the victims wasn't harmed. Police found evidence of a marijuana operation, with plants in the backyard, a large amount in the house and a growing system in the basement.

But during a hearing Friday in Wayne Circuit Court, Sanford's attorney, McGinnis, said she has it on "reliable sources" — whom she wouldn't identify — that **Smothers** confessed to the killings as well as others.

She said **Smothers** even provided police with a drawing of the crime scene.

Judge Brian Sullivan ordered Assistant Wayne County Prosecutor Frank Bernacki to turn over any evidence of **Smothers** ' alleged confession to the four slayings.

"If such evidence exists, let's see it," Sullivan said, adding that prosecutors must turn over any information by March 13.

Lawrence Dubin, a University of Detroit-Mercy law professor, said, "If the prosecutor has evidence that can possibly indicate that another person has committed the crime, the prosecutor has a legal and ethical obligation to turn that over to the defense."

McGinnis in January filed a motion to withdraw Sanford's confession, which Sullivan denied. She also said she filed a Freedom of Information Act request with the Detroit Police Department to look at **Smothers** ' police file, although she said that might not be granted because the **Smothers** case is an open investigation.

Bernacki pointed out that Sanford's attorneys approached prosecutors about reducing the charges from first-degree to second-degree murder.

"The defendant confessed to these murders, and initiated the plea bargain," Bernacki said. "He wasn't convicted on evidence; he was convicted on his own sworn statement."

Tamiko Sanford said her son was "a curious kid who tried to fit in."

"He was teased in school," she said, adding that he lost his right eye during a friendly egg fight when he was 12; a sliver of the shell cut his eye and it was removed after an hours-long operation.

"He's not perfect, but he's not a murderer," Sanford's mother said.

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