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SADO client Terance Calhoun exonerated after 15 years in prison

DETROIT, MI – State Appellate Defender Office (SADO) client Terance Calhoun was exonerated Wednesday after he spent 15 years incarcerated for a sexual assault and attempted kidnapping that he did not commit.

Mr. Calhoun was released from prison Wednesday after Wayne County Circuit Judge Kelly A. Ramsey vacated his convictions and sentences. He was serving a term of 17 to 30 years for first-degree criminal sexual conduct, kidnapping, felony firearm, and attempted kidnapping in two separate cases. Although innocent, Mr. Calhoun pleaded no contest to the charges in 2007.

DNA testing proved Mr. Calhoun’s innocence. An investigation of evidence collected from the scene of the sexual assault recently led to the identification of the alleged perpetrator. That individual is currently charged in multiple other sexual assaults in Wayne County.

Mr. Calhoun’s long-awaited exoneration comes after the criminal legal system failed him at every turn. In an outrageous overstep of authority, the Detroit police officer who interrogated Mr. Calhoun in 2006 attempted to derail justice by approaching the judge in private on the eve of Mr. Calhoun’s hearing on Friday, April 22. The information the officer attempted to present to the judge was not new and had already been thoroughly investigated. Police claimed Mr. Calhoun’s 2006 statement was a confession. Mr. Calhoun has an intellectual disability, and he later indicated that he made up the statement to appease the officer because he was scared. False confessions, especially by unrepresented individuals with limited cognitive ability, are a documented problem in the criminal justice system.

“Terance Calhoun is yet another in a long line of innocent people in Michigan who have been victimized by a fundamentally flawed criminal justice system that disproportionately impacts the most vulnerable segments of our society,” said SADO Assistant Defender Michael Mittlestat, lead attorney on the case. “Mr. Calhoun is looking forward to rejoining his family and getting his life back together. We are grateful to the Wayne County Prosecutor for working with us to bring justice for him.”

SADO collaborated with the Wayne County Prosecutor's Office Conviction Integrity Unit (CIU) and the Western Michigan University Cooley Law School Innocence Project (WMU-Cooley Innocence Project). The parties stipulated to have Mr. Calhoun's convictions vacated and all charges dismissed.

WMU-Cooley Innocence Project Director Tracey Brame said: "WMU-Cooley's Innocence Project has 20 years of experience in post-conviction DNA testing. Our knowledge of DNA testing and the legal arguments that accompany DNA exclusions and undermine wrongful convictions allows us to be a resource to innocent prisoners and their attorneys. We were honored to assist in freeing Mr. Calhoun."

Mr. Calhoun's exoneration is the first for SADO's grant-funded Wrongful Conviction Unit, which formed in 2021 and is made up of Special Assistant Defender Tabitha Harris and Investigator Angie Jackson.

"What happened to Mr. Calhoun was a grave injustice. He was robbed of years of his life, and the actions of the officer who tried to further deprive him of his freedom last Friday only add insult to injury," Harris said. "The Wrongful Conviction Unit is honored to be a part of the team that helped bring Mr. Calhoun home, and we hope to see many more wrongfully convicted clients reunited with their families."

Mr. Calhoun's charges stemmed from two separate assaults in Detroit in 2006.

In September 2006, a teenage girl was grabbed by a man while walking home from school. She was able to run away from her assailant after a struggle. There was no physical evidence.

A month later in October 2006, a different teenager was sexually assaulted at gunpoint while walking to her bus stop less than a half-mile away from where the earlier attack occurred. Police recovered a used condom with a male's DNA from the scene.

Multiple failures of the justice system led to Mr. Calhoun's wrongful conviction.

After disseminating a composite sketch, police arrested Mr. Calhoun despite discrepancies between the suspect descriptions and Mr. Calhoun's physical appearance. Mr. Calhoun, who was 19 at the time, gave a statement in custody, but the details he provided did not line up with the victims' accounts of the assaults. Police failed to consider Mr. Calhoun's intellectual limitations. Neither a lawyer nor his parents were present when he gave what police claimed were incriminating statements, and his interrogation was not recorded. Mr. Calhoun later said in a forensic interview that he gave a false statement because he was scared for himself and his family. He said he had learned about the crimes from the news and also guessed some of the details.

Mr. Calhoun entered pleas of no contest in both cases while the results of DNA testing in the sexual assault case were pending. In 2007, three months after Mr. Calhoun began serving his sentences, Detroit police received test results excluding him as the donor of the DNA on the condom. It's unknown what happened with the DNA report; it apparently was not turned over to Mr. Calhoun's appellate attorney at the time.

SADO was appointed to represent Mr. Calhoun in 2019 as part of its Rape Kit Screening and DNA Project. SADO requested additional DNA testing on the condom, which again excluded Mr. Calhoun as the donor of the biological material.

There was a break in the case when SADO's Wrongful Conviction Unit moved to have the DNA from the condom submitted to the FBI's Combined DNA Index System (CODIS). The DNA profile was matched to another man, who is currently charged in multiple other sexual assaults committed between 2007 and 2014 in Wayne County.

Additionally, an investigation concluded that Mr. Calhoun was not the assailant in the attempted kidnapping that occurred a month before the sexual assault. The victim described her attacker as having braids and a puzzle tattoo on his arm. Mr. Calhoun did not have braids or tattoos at the time. The Wayne County Prosecutor's Office CIU conducted a national search of law enforcement databases, which turned up only one individual with a puzzle tattoo on his arm. He is currently incarcerated in the Michigan Department of Corrections for criminal sexual conduct convictions.

Michigan's State Appellate Defender Office is the oldest and largest public defender office in the state. Enacted by statute in 1979, SADO provides zealous representation to indigent individuals appealing their felony convictions. To learn more, visit sado.org.

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