



## ACLU blasts Michigan's public defender system, cites Muskegon case -- but facts are disputed

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By **John S. Hausman | Muskegon Chronicle**

The American Civil Liberties Union is citing a 2002-03 Muskegon County armed robbery case as a prime example of the failure of Michigan's system of court-appointed lawyers for criminal defendants who can't afford to hire their own — claiming that “evidence points to (the) innocence” of **Alphonso Sones Sr.**

Sones, now 56, is serving two multi-decade prison terms for knife-point gas-station holdups in August 2002 in Muskegon. His earliest release date is August 2024.



Alphonso Sones Sr.

But the public defender who handled Sones' two robbery trials, as well as the Muskegon County prosecutor, dispute the accuracy of the ACLU's summary of Sones' case — pointing to multiple discrepancies between that summary and their own files about the case.

And the trial judge notes that two separate appeals court panels unanimously upheld both convictions, while the state supreme court declined to review those rulings. The appeals judges rejected Sones' claims that his trial lawyer had represented him ineffectively.

The ACLU released a report Wednesday calling Michigan's public defender system one of the worst in the nation. The civil-liberties advocacy group criticizes the state for leaving funding and oversight of criminal defense of the indigent to the 83 counties, many of whom leave their systems underfunded and badly run.

A coalition of advocates including the ACLU raised the same issues in a 2007 lawsuit against the state that cites Muskegon and several other counties as examples of failed public-defender systems. That lawsuit, mired for years in legal challenges by the state, has yet to go to trial.

The report released Wednesday cited 13 examples from across the state of what the ACLU called failures of justice, including Sones' case.

But Sones' court-appointed lawyer, J. Christopher Wilson, and Muskegon County Prosecutor Tony Tague dispute

### ACLU report, appeals court opinions in .PDF format

- [ACLU report.pdf](#)
- [2004 opinion.PDF](#)
- [2005 opinion.PDF](#)

a number of points in the ACLU's case summary.

"What memory I have, I thought we fought the case pretty hard," Wilson said.

Among other disputed points, the ACLU report said "the only evidence" against Sones was "the fact that two gas station employees had picked him out of an improperly conducted in-person line-up."

But Tague and Wilson both said that — although the eyewitness identification was crucial and was disputed by Wilson at trial — there also was some physical evidence against Sones found before he was placed in the line-up. That included a 10-inch knife found in a police search of his car, as well as cigarettes of the brand that had been stolen.

Tague said there was nothing improper about the lineup.

The ACLU also said the defense attorney "made no opening argument" at trial. Yet one of the appeals court rulings upholding Sones' convictions quotes an opening statement by Wilson.

The ACLU also calls Sones 56 years old at the time of the robberies, which would be a decade older than the "man in his mid-40s" described by the victims. But Sones actually was 48 at the time.

And Wilson argues with the ACLU's assertion that he "never investigated Mr. Sones' assertion that he had been with his ex-wife at the time of the robbery."

Actually, Wilson said, Sones told police he had been with her earlier in the day but said "I was probably somewhere drunk" at the time of the robberies — making an alibi defense impossible.

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