

Muskegon case criticized in ACLU report

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Case lawyers: man received proper defense

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- By Tony Tagliavia

MUSKEGON, Mich. (WOOD) - A man convicted of two Muskegon armed robberies is one of 13 men the **American Civil Liberties Union and Michigan Campaign for Justice** argue put faces on the failure of the state's public defender system.

Alphonso Sones, Sr., now 56, is serving his sentence at Michigan's Carson City Correctional Facility after a jury found him guilty of the two August 2002 gas station robberies.

Asked whether she believes Sones is innocent, ACLU senior staff attorney Robin Dahlberg said Wednesday she wasn't in a position to say that, "but I do believe that he was not provided a fair trial and in that case, that is a miscarriage of justice."

An unfair trial, Dahlberg argues, in part because Sones was put into a line-up people people who didn't look much like him. That wasn't properly challenged, she said.

And the ACLU lawyer said Sones' lawyer did not properly handle the fact that a police officer said he thought he identified someone else as the suspect on surveillance video.

The lawyer who represented the 56-year-old in the public defender system told 24 Hour News 8 that while he believes the system is not optimal, he did give his client a proper defense.

He said the officer Dahlberg referenced simply thought the man spotted on surveillance video "looked a little bit" like another man. He believes he obtained a photograph of the man.

And the lawyer said he did try to bring in an expert witness to challenge the value of eyewitness identification.

Muskegon County **Prosecuting Attorney Tony Tague** said the defense lawyer was competent, evidence was solid -- and noted that the conviction was upheld in the appeals system.

"The fact that the ACLU is grabbing this case makes me think that their argument is ill-advised," Tague told 24 Hour News 8.

There is a larger argument.

The prosecutor said the system deserves scrutiny and like any system, there may be some people who are not doing their job exactly right. Still, he said the public defender system is working in his county.

The **ACLU-Michigan Campaign for Justice report concluded** that the system as a whole is failing, arguing that public defenders are not given the time and resources to properly defend their clients. Mistakes result, the report argues, exacting emotional and monetary costs.

David Tucker, who the report said was imprisoned for six years because of an improper defense, had his conviction overturned in 1998.

"When I went [away], my daughter was 2 [years old]. And I didn't get out until she was 7," he said. "For me, it seemed like forever."