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Convicted felons allowed to go free until sentencing; now, they're on the lam

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They were all convicted of violent crimes: a child rapist from Texas, a Pennsylvania drug dealer and a Detroit man who sexually abused an 8-year-old girl.

They all fled while awaiting sentencing.

No surprise, say critics who question why courts are releasing convicted felons at the most crucial stage in the game: when the presumption of innocence is gone, and they know they're facing hard time.

Those critics -- bail bond agents, crime-victim rights advocates and prosecutors -- say there's a long-standing problem in the criminal justice system: judges releasing dangerous felons *after* they've been convicted, trusting them to show for sentencing.

Sometimes, they bolt.

In recent years, judges in Michigan, Pennsylvania, Montana, California and Texas have allowed convicted child molesters, drug dealers, shooters and unlawful gun-toters to remain free pending sentencing -- only to watch them become fugitives.

In Detroit this week, convicted child molester Sherrod Bradford, who faced up to 20 years in prison, removed his tether on the night before he was to be sentenced. A warrant is now out for his arrest.

A similar incident occurred in May when a Detroit man cut off his tether four days after a jury convicted him of attempted murder.

"It's quite disturbing when a court does that," said Wayne County Prosecutor Kym Worthy. "As an assistant prosecutor, I saw it happen frequently. My feeling always was, and still is, if you are facing a violent crime ... you don't deserve to be out."

She added: "It's really just a slap in the face to the jury."

When bond decisions backfire

Bail bond agent Matthew Maddock considers himself a bloodhound.

He relishes hunting down fugitives and dragging them back to court.

Trouble is, Maddock says, some of those hunts could be prevented if metro Detroit judges stopped allowing violent felons to remain free on bond between conviction and sentencing. Although most defendants convicted of violent crimes are jailed, some are allowed to remain free on bond until they are

sentenced.

Bad move, said Maddock, noting that once a conviction is sealed and the reality of prison kicks in, some defendants take off.

His client Sherrod Bradford, 18, of Detroit proved just that this week. Bradford cut his tether loose late Tuesday, the night before he was to be sentenced to 10-20 years in prison for sexually abusing an 8-year-old girl. He never showed for sentencing and now is wanted on a warrant.

"I think it's ludicrous. It's insidious because they're releasing these people, and many of them never show up to serve their sentence," said Maddock, a 23-year veteran of the bail bond business and owner of A-1 Bail Bonds of Michigan in Milford. "Unfortunately, this happens quite often in Wayne County."

It happens elsewhere, too.

According to the U.S. Bureau of Justice Statistics, 52% of defendants charged with violent crimes in state courts -- including murder, robbery, rape and assault -- are released on bond. Of those, 11% fail to appear for mandatory hearings; roughly 8% become fugitives, some for years.

For example, between 1990 and 2004, of the 54,485 criminal defendants who failed to appear for court hearings, 28% remained fugitives for more than a year.

The Bureau of Justice Statistics doesn't track how many defendants flee after conviction. Neither does the National Center for State Courts or Michigan's Administrative Office of the Courts.

But bail industry experts can offer plenty of anecdotal evidence that it's happening.

"It has been a long-standing problem since the '70s, and it's getting worse because more and more judges are releasing defendants with little accountability. Some of it is just a matter of bringing it to their attention, that maybe this isn't such a great idea," said Jeff Kirkpatrick, vice president of Universal Fire and Casualty Insurance, which insures bail bond agents.

Judges point out that in the vast majority of cases, the defendant appears for sentencing.

"One of the things that is inherent in our job is that judges have to make assessments about defendants remaining on bond or being remanded. We make the decisions based on the information that's made available to us, and we make our best judgment. And sometimes that judgment ends up being an error," said Wayne County Circuit Judge Timothy Kenny, who heads the criminal division. "I can't imagine that a judge would feel good about a decision that they let someone out and then they don't come back. No judge wants that to happen."

'One of our biggest concerns'

Under Michigan law, state judges have the discretion to release criminal defendants on bond, even post-conviction, if there is "clear and convincing evidence" that the defendant isn't likely to pose a danger to others.

Historically, the courts have released convicted criminals so they can get their affairs in order and spend time with family, or seek medical attention before reporting to prison. Sometimes, it's a matter of jail space.

Prosecutors, bail bond agents and crime victim rights advocates argue the courts are putting dangerous felons on the streets.

"I've been a bondsman in Detroit for 20 years, and this has always been one of our biggest concerns," said Michael Hantman of the Goldfarb Bonding Agency.

Fugitive Demetrous Magwood was one of Hantman's clients. A Wayne County jury convicted Magwood on May 3 of attempted murder and assault for shooting a person who was walking down the street.

Wayne County Circuit Judge Edward Ewell continued Magwood's \$200,000 bond on the condition that he wear a GPS tether, which he cut off four days later and fled.

The Goldfarb Bonding Agency has offered a \$5,000 reward for Magwood's return.

Ewell declined comment on the Magwood case, saying only that it marked the first time in his 8 1/2 years on the bench that someone fled post-conviction.

Bond decisions, he noted, are never easy.

"It's a tough job," he said, adding that judges should be allowed to weigh post-conviction bond requests on a case-by-case basis. "Even though there's the presumption that they should be locked up right away, judges should still have the discretion to look at all of their factors."

And there are other metro Detroit examples of felons fleeing post-conviction.

In Oakland County, the hunt is still on for Derrick Ponder, a convicted drug felon from Pontiac who skipped out on his sentencing almost a year ago.

Two Wayne County fugitives, both convicted of gun offenses, were recently tracked down by bounty hunters. Tommie Dickey was captured at a Detroit liquor store in May after a 13-month disappearance, and habitual offender Ewan Pugh, who took off for Puerto Rico, was ultimately captured at a New Jersey airport.

Wayne County Circuit Judge Vera Massey Jones said she allowed Pugh to remain on bond post-conviction because his crime didn't involve violence, nor was he convicted by a jury.

"Do you expect that we are going to remand every single convicted defendant to jail immediately? No," she said. "We should save jail for people who have been convicted of assaultive crimes."

Painfully familiar tales

Elsewhere in the country, similar fugitive stories have surfaced.

In Texas, a convicted child rapist remains on the loose since fleeing the state in December while awaiting sentencing for assaulting an 11-year-old boy. The defendant, Steven Morrow, faced at least 20 years in prison.

In Pennsylvania, the law recently caught up with a convicted drug ring leader who skipped out on his January sentencing. John Duzicky was captured months later in Arizona and was sentenced July 6 to six to 12 years in prison.

These stories sound painfully familiar to Joshua Marquis, a prosecutor in Oregon who sits on the board of directors for the National District Attorneys Association. Fifteen years ago, Marquis successfully prosecuted a child molestation case involving a prominent real estate agent, but the defendant was released on bail after the verdict and hasn't been seen since.

"It still eats at me," Marquis said, noting that most prosecutors argue against releasing violent criminals at any stage of the trial, especially after conviction. "The presumption of innocence goes bye-bye once a verdict is returned."

Wayne County Prosecutor Kym Worthy agreed.

"It's really kind of an affront to the jury," Worthy said. "All we can do is argue against it."

'Fair to both sides'

Jeffrey Dion, deputy executive director of the National Center for Victims of Crime, can't comprehend why violent criminals are being released post-conviction.

"Clearly, if someone has been convicted of a violent crime, that's a good indication that they pose a threat to the community," Dion said. "I am troubled by the thought that someone who has been convicted would still be allowed to be released, and certainly without the necessary supervision needed to ensure their return."

The vast majority of defendants don't flee, counter criminal defense lawyers and legal experts, who say the courts -- in handling bond issues -- must balance the rights of several parties: the defendants, the victims, and society.

"The judges have to be fair to both sides," said James Thomas, a prominent criminal defense lawyer in metro Detroit.

"In the vast majority of cases, when people are released on bond after they have been convicted, they will appear and they do appear -- even in the face of draconian sentences."

Defense attorney Sterling Coleman, who represented Magwood -- the defendant who cut his tether loose -- said he was stunned his client fled. He advocated for Magwood's release, noting he had no prior felony convictions and had never missed a court appearance before the verdict.

"I'm disappointed," Coleman said. "I know he's innocent, but that doesn't relieve him of his obligation to be in court."

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