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WCPO Conviction Integrity Unit Grants Relief to Prisoner Kenneth Nixon

Wayne County Prosecutor Kym Worthy and the WCPO Conviction Integrity Unit, headed by Director Valerie Newman, granted relief to prisoner Kenneth Nixon, (DOB: 03/29/1986), today at a 1:00 p.m. hearing before Judge Bruce Morrow. Mr. Nixon was 18 years old when he was convicted of First-Degree Murder and Felony Firearm on September 21, 2005. He was sentenced to life in prison without parole in the Michigan Department of Corrections on October 12, 2005. Mr. Nixon is represented by Attorney David Williams of the Cooley Law Innocence Project. Today all of his convictions were dismissed, his sentences were vacated, and his charges were dismissed by the court. He will be released from the Michigan Department of Corrections Ionia Facility.

Facts of the Case

On May 19, 2005, shortly before midnight, a Molotov cocktail was thrown into a home in the 19420 block of Charleston, causing the deaths of a 10-year-old boy and a 1-year-old girl. Their mother and her other children, including her 13-year-old son were also in the home at the time and sustained injuries.

Nixon and his girlfriend LaToya Caulford were both charged in the case with two counts of felony murder, one count of arson and four counts of attempted murder. Ms. Caulford was charged as a co-defendant for allegedly driving Mr. Nixon to the Charleston house.

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Ms. Caulford was subsequently acquitted in a separate jury trial on September 21, 2005.

Mr. Nixon was convicted as charged on September 21, 2005 and sentenced to two life terms for Felony Murder. This was to be served concurrent to 20 to 40 years for the Assault with Intent to Murder conviction and to be served concurrent to the 10 to 20-year sentence for the arson conviction.

The main issue at Mr. Nixon's trial was the identification of the person who threw the Molotov cocktail. The identification of Nixon was based upon the statements and trial testimony of the 13-year-old boy. The only other person that testified that Nixon was responsible was a jailhouse informant. The informant told a homicide detective that while he and Nixon were in jail Nixon admitted to the firebombing of the Charleston street house. The informant testified to this at trial and indicated he had never seen news coverage about the firebombing before he spoke with Nixon. In exchange for a guilty plea in an unrelated case the informant received a one year to three-and-a-half-year sentence.

Summary of the CIU Findings

The investigation by the CIU supports that Nixon did not receive a fair trial based upon the following information:

1. Ms. Caulford was with Mr. Nixon at a house in the 19380 block of Havana at the time of the crime. Ms. Caulford did not testify to this in Mr. Nixon's trial or her trial.
2. The 13-year-old made inconsistent statements to the police and at trial. As a result of concerns by the prosecutor in the case about the inconsistencies of the 13-year-old's statements, the police were requested to perform additional investigation prior to trial.
3. There is an inference that because the 13-year-old's statements were inconsistent that a homicide officer turned to a jail house informant. On August 29, 2005, the informant entered an agreement for special consideration in an unrelated case. On August 30, 2005, the informant gave a statement to the officer incriminating Nixon.
4. Although the informant said that he did not see any media report about the case, in a 2018 interview with the Medill Justice Project he said that he had seen the case on television before speaking to Nixon. The CIU attempted contact the informant multiple times by phone and by mail without success.

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5. There was testimony at trial from a male who knew Mr. Nixon and Ms. Caulford. He lived with the 13-year-old's mother and was walking home when he saw the fire in the Charleston house.

He testified that had previously dated Ms. Caulford and had been verbally threatened by Mr. Nixon regarding windows broken out of Mr. Nixon's car. In a first statement given on May 20, 2005 he said he saw the 13-year-old walking away from the home upset and scared. The man called 911.

There was no mention in that statement that the 13-year-old made an identification. In his second statement, given later in the evening of the same day he said that the 13-year-old told him he saw Mr. Nixon drive up in a green Neon, throw a Molotov cocktail, jump back in a car that was driven away from the scene by Ms. Caulford.

6. A K-9 unit identified the scent of accelerants at the scene and then on the shoes and clothes of Mr. Nixon. However, Mr. Nixon worked as a tow truck driver that same day and had been working on cars, which provided an explanation for the smell of accelerants on his clothes.

7. Ms. Caulford and two other male witnesses placed Mr. Nixon with Ms. Caulford on Havana street at the time of the crime. Mr. Nixon has maintained his innocence, that he was at home at on Havana at the time of the crime, and that he was not involved.

CIU Recommendations

The investigation conducted by the CIU casts doubt on the integrity of Nixon's arrest and convictions and support a grant of relief. The case centered on the identification of Nixon as the person who threw the Molotov cocktail, and yet, credible new evidence supports Nixon's claim that he was not the person who firebombed the house on Charleston.

Mr. Nixon is entitled to relief from his convictions. Today the court granted the CIU's motion to dismiss his convictions, vacate his sentences and dismiss all charges.

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Statement of Prosecutor Worthy

“The issues and findings of the CIU have convinced me that Mr. Nixon did not receive a fair trial. The 13-year-old witness was the victim of a devastating arson fire that killed his infant sister and his young brother in their home. The statements and testimony by this key witness were inconsistent to support what is basically the sole identification of Mr. Nixon. These statements were properly given by the prosecutor to the defense in discovery for use in the case,” said Prosecutor Worthy. “What is highly suspect here is the use of a jail informant by a homicide officer to gain a “confession”. The informant testified that he had no knowledge of the case from watching tv to bolster his credibility. Years later he admitted that before Mr. Nixon allegedly confessed to him, the informant had seen details of the case on television. These and other issues support the grant of relief to Mr. Nixon today.”

Statement of Attorney David Williams, Cooley Law School Innocence Project

“This was a collaborative effort between our office and the Wayne County Conviction Integrity Unit. A vital part of the justice system is ensuring that convictions rest on sound evidence and investigative practices. Thanks to the efforts of the team at the Conviction Integrity Unit, we were able to achieve justice for Mr. Nixon,” said David Williams.

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