



[BROWSE CASES](#) [ISSUES](#) [REPORTS](#) [RESOURCES](#) [ABOUT US](#)

[MAKE A GIFT](#)



3,421 EXONERATIONS SINCE 1989
MORE THAN 30,250 YEARS LOST

BERNARD HOWARD

[Other Wayne County, Michigan CIU exoneration](#)s



Bernard Howard (Photo: Junfu Han/Detroit Free Press)

On the morning of July 16, 1994, the bodies of three people were found fatally shot in a narrow hallway of a home in the 5200 block of Eastlawn Avenue in Detroit, Michigan. Police said the shooting was drug related.

Twenty-six-year-old Marcus Averitte, who sold marijuana from the home, and his 16-year-old girlfriend, Reshay Winston, were both shot with a shotgun and a handgun. Averitte had 18 separate entrance wounds and was shot 10 times. The third victim, 22-year-old John Thornton, who resided in the

residence sporadically and helped Averitte sell marijuana, was shot at least 10 times as well.

A safe in which Averitte kept his money and marijuana was found in the hallway. The safe was open and blood was spattered inside, indicating it had been opened and emptied before the shooting began.

Less than a week later, police had three men under arrest—21-year-old Ladon Salisbury, 19-year-old Ken McMullen, and 18-year-old Bernard Howard. Detectives said that McMullen and Howard had admitted participating in the crime, though they each denied firing any shots. Police said they were led to Howard because they were informed the shooters included someone known as “Snoop Dog.” Some of Howard’s friends called him “Snoop” because his hair resembled that of the rap artist.

In February 1995, all three went to trial in Wayne County Recorder’s Court. Two juries were selected—one to hear the evidence against Salisbury and the other to hear the evidence against McMullen and Howard.

There were no eyewitnesses to the crime. One witness, Darmetia Bolden, testified that she came to the house around 1 a.m. and purchased marijuana. She said she saw three men on the front porch. She identified Salisbury as one and said she recognized the voice of another as that of McMullen. She said she did not see the face of the third man.

Another witness who lived nearby testified that she heard multiple gunshots. When she looked out, she said, she saw three men run from the house to a blue and white van that screeched away, spinning its tires such that smoke was visible under the streetlights.

Police said that they located the van parked in front of Salisbury’s home and a search of the residence turned up a nine-millimeter Glock semi-automatic pistol. A police firearms expert testified that he analyzed more than a dozen shell casings and about a dozen recovered slugs. He concluded that 28 casings and 4 of the slugs “were identified as having been fired [from] that particular Glock.” Because the Glock had a 17-shot magazine, the prosecutor, Thomas Trzcinski, argued that the gunman had emptied the magazine, reloaded, and continued firing.

State:	Michigan
County:	Wayne
Most Serious Crime:	Murder
Additional Convictions:	Robbery, Illegal Use of a Weapon
Reported Crime Date:	1994
Convicted:	1995
Exonerated:	2020
Sentence:	Life without parole
Race/Ethnicity:	Black
Sex:	Male
Age at the date of reported crime:	18
Contributing Factors:	False Confession, Perjury or False Accusation, Official Misconduct, Inadequate Legal Defense
Did DNA evidence contribute to the exoneration?:	No

The prosecution presented statements signed by McMullen and Howard. McMullen's statement said on July 15, 1994, he was playing basketball in front of Averitte's house when Salisbury, whom he knew as "Val," started talking about robbing Averitte. McMullen occasionally helped sell marijuana at the house and Averitte considered him an "uncle," so Salisbury said he would be able to get them inside the house.

In the statement, McMullen said he went to Averitte's home and was on the front porch when Salisbury and Howard pulled up in the blue and white van. McMullen said that he was there when Darmetia Bolden purchased marijuana. After she left, he, Salisbury and Bolden went inside.

He said that Salisbury went to the bathroom. When he came out, he had a gun in his hand and he ordered Averitte, Thornton and Winston to lie on the floor. McMullen said that Howard also had a gun out. Salisbury got the safe, opened it, and took out about \$700 and a pound of marijuana, the statement said. Salisbury "shot Marcus first, then Bernard shot John and then Val and Bernard shot Reshay," the statement said.

Salisbury and Howard then moved a television, a video cassette recorder, and a stereo to the front door. Salisbury then backed up his van to the front door, and he and Howard loaded the electronics into the van, the statement said.

McMullen said he was "just standing in the front room" and had no gun. According to the statement, Howard fired a shotgun twice, and Salisbury fired his Glock about eight times. The statement said the shooting occurred about 1:20 a.m. on Saturday, July 16, 1994.

The prosecution also presented a typewritten statement that Detective Monica Childs said she took from Howard. Childs testified that she typed the questions and then typed Howard's answers. According to this statement, Howard said that late Saturday night, July 16, he was sitting on the front porch at Averitte's house with Salisbury and McMullen when McMullen said that he and Salisbury were going to rob Averitte. McMullen asked him to stand by the door and let them know if anyone was coming. He said he followed them inside and watched as Salisbury and Ken ordered the victims onto the floor. After Salisbury got the safe open and took the money and marijuana, "Ken set the weed on the floor and started telling Val, 'Let's kill them. Let's kill them.'"

According to the statement, Val then shot Averitte and McMullen shot Winston. Salisbury had a shotgun and McMullen had a nine-millimeter pistol.

"I didn't see John get killed because I ran out the door," Howard's statement said. He said that as he was running away, he saw a van pull up, driven by someone else—possibly Winston's former boyfriend.

The shooting, according to this account, took place late at night on Saturday, July 16 or early on Sunday morning, July 17th. This contradicted the evidence since the bodies were discovered on the morning of the 16th. A handwritten statement added to the typewritten document said, "I ran to Duck's house and went home Sunday morning, 9:30 a.m."

The prosecution also called Joe Twilley, who testified that he was in the Detroit police station lockup when Salisbury, McMullen, and Howard were in custody. Twilley testified that Salisbury had admitted to the shooting and implicated McMullen and Howard. Twilley also said that McMullen and Howard admitted involvement.

Just a month earlier, Twilley had testified in the murder trial of **Ramon Ward**, who would be convicted and later exonerated in February 2020. Twilley said that Ward had admitted committing a double murder.

Trzcinski asked Twilley, "Are you getting anything out of this in any fashion?"

"No," Twilley replied.

During cross-examination, Twilley said that 40 to 50 different inmates had confessed their crimes to him. Twilley insisted that the sentence reduction was not part of any deal with the prosecution. "I'm resting on the moral principles I have," Twilley said. "And the moral principles I have don't make me feel good when somebody brags on killing somebody."

Twilley admitted that he previously had pled guilty to second-degree murder and was sentenced to 12 to 25 years in prison. He said that his sentence had been reduced so that he ultimately would be released after serving seven and a half years.

In fact, the sentence reduction had occurred months earlier. On July 29, 1994, about a week after Twilley claimed that Howard and his co-defendants had admitted involvement in the triple murder, Twilley appeared in the chambers of Judge John Shamo.

Judge Shamo had imposed the original sentence of 12 to 25 years plus two years for a felony firearm conviction. Judge Shamo agreed to cut Twilley's sentence but sealed the transcript of the hearing. Years later, when the transcript was unsealed, it showed that Detroit Police Sgt. Dale Collins testified that Twilley had testified in numerous homicide cases.

Collins was asked: "Isn't it true that without—one case recently, that he [Twilley] was the main witness? And without him, that you would not have been able to proceed on that case?"

"That is correct," Collins said. He added that Twilley had helped in "at least 20" cases.

Judge Shamo said he was going to reduce Twilley's sentence. "For all the cooperation and work he's done, I should do this and I will do this," the judge said.

Salisbury, Howard, and McMullen all testified and denied involvement in the shooting. They also denied making any admissions to Twilley.

McMullen and Howard said their confessions were false and that detectives had threatened to physically harm them unless they confessed.

Howard said that when he insisted he was not involved, Detective Stephen Myles threatened to "fuck him up" unless he confessed. Several hours later, Howard said, Detective Childs gave him a typed statement. Howard said that Childs told him that McMullen had implicated him and that he would be convicted of murder unless he gave a statement. Howard said that she told him that if he signed the statement she had, he would be released after he signed it. Howard denied making the statements that were attributed to him in the typed statement and said he signed it without reading it. He would later say that he was functionally illiterate and could not read.

Howard testified that in fact he had spent the Thursday, Friday, and Saturday—July 14, 15, and 16—at the home of Tyiesha Washington playing cards with Jamil "Duck" Spencer and others.

Spencer testified that he and Howard spent the night of Friday July 15 and early morning hours of July 16—when the prosecution said the shooting occurred—playing cards with others at the home of Tyiesha Washington before going to Spencer's home for the night.

Myles and other detectives testified and denied threatening either McMullen or Howard during their interrogations.

On March 30, 1995, the two juries convicted Howard, Salisbury, and McMullen of three counts of first-degree murder, armed robbery, and illegal use of a firearm to commit a felony. Each man was sentenced to life in prison without parole.

Years later, defendants began filing motions claiming that Twilley and others had falsely claimed that they had confessed to crimes while they were in the Detroit police station lockup. The defendants claimed that Twilley and

others were given special privileges, including conjugal visits from girlfriends, marijuana and alcohol, as well as reduced charges and sentences for cooperating.

The defendants unearthed memos from the Wayne County Prosecutor's office that documented how the prosecution knew of the unreliable nature of jailhouse informants but continued to allow them to testify. In February 1995—just as Howard's case was going to trial—Robert Agacinski, then deputy chief of the Wayne County Prosecutor's office, had written a memorandum expressing concern about the use of jailhouse informants. He noted that police were exceeding their authority and violating office policy by promising leniency to the informants without the approval or even the knowledge of the prosecution. The internal memo noted that “the snitches do lie about overhearing confessions and fabricate admissions in order to obtain police favors or obtain the deals promised.”

Agacinski provided specific accounts of men being transferred to the ninth floor of 1300 Beaubien and fabricating false “confessions.” Agacinski named informants, including Twilley. He stated that these men had claimed to obtain “confessions” in several cases that he was aware of, including a case that he had personally prosecuted.

Agacinski noted that in Twilley's case, the police asked the prosecutor's office for a reduction in Mr. Twilley's sentence in a murder case. When the prosecutor's office refused, the police went to the court anyway, spoke to the judge in chambers, and Twilley's sentence was then reduced. Agacinski pointed to the obvious problem of relying on a prisoner who has been made a promise in exchange for obtaining a “confession,” and stated the conviction must be automatically reversed if the promise was not disclosed to the defense.

The memo specifically mentioned how prisoners were transferred to the 9th floor detention area at police headquarters—where Twilley was housed—and police were fabricating false confessions. A second memo was written in March—during Howard's trial—by another prosecutor who also detailed concerns about the failure to disclose deals and promises, noting that doing so would require reversals of convictions.

In 2013, after his state appeals had been denied, Howard filed a petition for relief from judgment. The petition was based in part on a 2012 affidavit from a prisoner, Jonathan Hewitt-El who said that police approached him, Twilley, and others to falsely incriminate others in police custody. Hewitt-El said that he had initially agreed to do so in three murder cases, but then backed out and refused to testify. The petition also accused Howard's trial defense lawyer of providing an inadequate legal defense by failing to call Tyiesha Washington as an alibi witness.

The petition was denied.

Howard filed a motion for reconsideration based on a 2013 affidavit from Agacinski, who was no longer a prosecutor, saying that defense attorneys had reported that some prisoners, including Twilley, were intentionally used as informants and that Twilley's sentence was reduced due to his cooperation. The petition noted that Twilley had denied at Howard's trial that he was receiving any benefits because of his cooperation. At the time Twilley claimed that Howard, McMullen, and Salisbury admitted their involvement to him, Twilley had previously been convicted of second degree murder in an arson case. Ultimately, Twilley's 12-to-25-year prison sentence had been reduced so that he was released after serving about seven and a half years.

However, the motion for reconsideration was denied. In 2015, Howard filed a federal petition for a writ of habeas corpus seeking to overturn his conviction. The petition was denied as untimely filed.

By that time, Claudia Whitman, the director of the National Capital Crime Assistance Network, was investigating the wrongful conviction claim of [Lacino Hamilton](#), who had been convicted of murder and sentenced to 52 to 82 years in prison based on testimony from another informant who was in the Detroit police station lockup. In September 2020, Hamilton was exonerated based on DNA testing and released.

In 2017, Whitman began examining Howard's case and in 2018, she helped Howard get his case information to the Wayne County Prosecutor's Conviction Integrity Unit (CIU). During the CIU examination of the case, Howard took a polygraph examination. The examiner concluded that Howard was truthful when he denied any involvement in the triple murder.

The CIU investigation by assistant Wayne County prosecutor Carole Stanyar and investigator Pat Little concluded that Howard's statement conflicted with evidence about who shot the victims and the weapons used, as well as the day the crime occurred. Moreover, there was evidence that another man, also known as Snoop Dog, had threatened to kill Averitte prior to the shootings. In addition, Twilley's testimony about McMullen's alleged confession no longer satisfied Michigan criminal statutes which require that such evidence be supported by corroborating evidence indicating its trustworthiness.

At the request of the CIU, attorney Beth Greenberg Morrow agreed to represent Howard pro bono and in 2020, filed a successive petition for relief from judgment. The petition noted how the case of Ramon Ward—who was exonerated in February 2020—was similar to Howard's case.

"Like Mr. Ward's case, no physical evidence and no eyewitness testimony placed Howard at this crime scene," the petition said. "Like Mr. Ward's case, the only other evidence—an alleged confession to a [Detroit Police] homicide detective which borrowed extensively from the Twilley crime scene content – was immediately disavowed by a borderline illiterate Howard, who believed that he could go home if he signed the statement, and who handwrote after the typed statement, 'I ran to Duck's house [and] went home Sunday morning,' in an apparent attempt to solidify an alibi to these crimes."

On November 12, 2020, Howard was released from prison.

On December 17, 2020, Valerie Newman, head of the CIU, and Morrow presented a joint order to vacate Howard's convictions and to dismiss the charges. Newman said that Stanyar "unraveled everything that had happened...with all three co-defendants...and took a look at Mr. Howard's confession, which proved to be inaccurate in many, many significant respects which led us to conclude that it was, in fact, a false confession. He did not know many of the important details of the crime."

Newman said that the confession "appears to be something that the police stitched together through information from the jail house informants and then presented to Mr. Howard, who, at the time, was only 18 years old and basically illiterate." She said the confession was "presented as, you know, sign this so you can get out of here."

Newman noted that a witness had said the third man was short and that Howard was 6 feet 3 inches tall.

She said, "Our entire team concluded that...there was significant evidence that showed Mr. Howard did not commit, participate, have any knowledge [and] he was not involved in this crime in any way, shape or manner."

Morrow praised the work of the CIU and also the work of Whitman, who "supported Bernard through this investigation. She has supported him emotionally, physically and financially. Bernard's case is the seventh case in which she has been involved that...led to release. Six of these have been in Michigan."

"Today is a great day for justice and a great day for Mr. Howard," Morrow said. "Mr. Howard has always been an innocent man."

Howard said, "I'd just like to thank the prosecution's office and everybody involved in the office for all the work that they did, [be]cause without them, I wouldn't be sitting here right now. I'm very appreciative and thankful and I'm just overwhelmed."

Wayne County Circuit Court Judge Mariam Bazzi granted the order, and

praised the prosecution, the defense, and Whitman for their efforts. She told Howard: “You have been given back what has been taken from you. You understand, more than everyone...how precious our time is and what we choose to do with that time. I recognize you have every right to be angry. But you have already lost so much to that, I hope you find peace. I hope you find solace. And I hope you find comfort in knowing that the label of murderer is gone and replaced with exonerated.”

“You did not gain your freedom on a technicality,” Judge Bazzi said. “You gained your freedom because you were innocent.”

Howard subsequently filed a claim with the state of Michigan for compensation. In July 2021, he was awarded \$1,276,335. In September 2021, Howard filed a federal civil rights lawsuit against the police department, including officers Childs and Myles.

– *Maurice Possley*

[Report an error or add more information about this case.](#)

Posting Date: 1/23/2021
Last Updated: 2/18/2022

ABOUT THE REGISTRY

The National Registry of Exonerations is a project of the Newkirk Center for Science & Society at University of California Irvine, the University of Michigan Law School and Michigan State University College of Law. It was founded in 2012 in conjunction with the Center on Wrongful Convictions at Northwestern University School of Law. The Registry provides detailed information about every known exoneration in the United States since 1989—cases in which a person was wrongly convicted of a crime and later cleared of all the charges based on new evidence of innocence. The Registry also maintains a more limited database of known exonerations prior to 1989.

[Support Our Work](#)

CONTACT US

We welcome new information from any source about exonerations already on our list and about cases not in the Registry that might be exonerations.

[Tell us about an exoneration that we may have missed](#)

[Correct an error or add information about an exoneration on our list](#)

[Other information about the Registry](#)

[Sign up for our Newsletter](#)

Follow Us:    

SPONSORED BY



AUDIO CHUCK