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WCPO CIU Exonerates Bernard Howard in 1994 Homicide Case

On December 17, 2020 Judge Mariam Bazzi dismissed Mr. Howard's murder, robbery and felony firearm convictions based upon the investigation conducted in the case by the Wayne County Prosecutor's Office Conviction Integrity Unit (CIU) headed by Director and Assistant Prosecuting Attorney Valerie Newman. He is represented by attorney Beth Greenberg Morrow. The dismissal was done via Zoom due to COVID-19 pandemic.

Facts

On May 12, 1995, Bernard Howard was convicted of three counts of first-degree felony murder, three counts of armed robbery and one count of felony firearm in the shooting deaths of Marcus "Marc" Averitte, ReShay "Shay" Winston, and John Thornton during the early morning hours of July 16, 1994, in Averitte's home, at 5223 Eastlawn in Detroit. No trial witness identified Howard at the scene before, during, or after the shooting, and no physical evidence ever linked Howard to the murders. Howard was convicted based upon the questionable account of a jailhouse-informant who claimed in testimony that he was recipient of the confessions by Howard's two co-defendants, which implicated Howard. The questionable confessions were pre-prepared and pre-typed confessions by detectives which were admitted into evidence at trial. The eighteen-year old, barely literate Howard attempted a handwritten edit to the detective's typewritten version, which appeared to track his earlier alibi statement about where he was during the killings. However, he said that a detective told him that he just needed to "sign the papers" and he would be allowed to go home, and so he did.

In 2020, after an extensive CIU investigation in this case, the jail-house informant's testimony implicating Howard no longer satisfies MRE 804(b)(3)(B)'s requirement that the evidence be "supported by corroborating circumstances that clearly indicate its trustworthiness" under the law. This evidence was an important basis for the Court of Appeals to affirm Mr. Howard's conviction in 1997. It is important to note that Mr. Howard's alleged confession to the police conflicts with other evidence about the crime regarding who shot the victims, and the day the killings took place.

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Mr. Howard's inclusion in the DPD homicide investigation now appears to have resulted mainly from the fact that he had a similar braided hairstyle and the same sometimes-nickname as another braided suspect who actually had threatened to kill Marc Averitte leading up to these homicides. It was found that there was no physical evidence connecting Mr. Howard to the crime scene. As a result, the CIU recommended and Prosecutor Kym Worthy agreed that Mr. Howard should be exonerated.

"The Prosecutor's decision to exonerate Mr. Howard was based upon an extensive investigation, which included testing of fingerprints relating to the robbery-murder which excluded Mr. Howard. No eyewitness had identified Howard at or near the crime scene before, during or after the homicide. He was not found in possession of any of the stolen property from the robbery. His statement to police when he was a teenager revealed that he did not know many basic facts about the crime, including when it happened, how the victims were situated at the time of death, and what the perpetrators did when they left the scene. The prosecution had relied heavily on the testimony of a jailhouse informant who has since been determined to be unreliable," said CIU Director Valerie Newman.

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