

## DETROIT

# Detroit man imprisoned for murders he didn't commit is freed, 26 years too late



**[Frank Witsil](#)**

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An east side Detroit man wrongfully convicted of murder in the mid-'90s was exonerated Thursday, clearing him of the false charges and opening the door to wrongful conviction lawsuits against the state and city.

"That's a big smile, man," Valerie Newman, the attorney for the prosecution, said, seeing Bernard Howard's face on the Zoom call just before the 3rd Circuit Court hearing started.

Howard, 44, let out a chuckle that filled the screen with joy.

Locked behind bars since he was 18, Howard finally, after 26 years, got his freedom back. He had been sentenced to life for three murders and other crimes he did not commit. The only evidence against him was a coerced confession.

"Mr. Howard, you have been given back what has been taken from you," Judge Mariam Bazzi said. "You understand more than everyone on this call and who may be watching today how precious our time is and what we choose to do with that time."

She acknowledged he had every right to be angry and that he had lost so much to society's mistake. His entire adult life had been taken from him. His 20s, 30s, and nearly half of his 40s — gone.

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Bazzi said she hoped Howard could find peace, solace and comfort, knowing that the "label of murder is gone, and replaced with exonerated."

"You did not gain your freedom on a technicality," she said. "You gained your freedom because you are innocent. You are innocent, and I wish you nothing but the very best, the very best."

The judge's decision to free Howard represented years of work to find justice for an illiterate man who the prosecution, defense and court agreed Thursday was wrongfully imprisoned.

His convictions were wiped clean.

Yet, his case is just one of many that are being looked at throughout Michigan by Conviction Integrity Units and advocates fighting for inmates who say they are innocent, trapped in a system that disproportionately convicts Black men.

"Nothing I could truly say or bring to you could give you back your time," the judge said to Howard. "But, I can implore you, with the time that you have, to make the very most of it."

## **He was always innocent**

In some ways, Thursday's 17-minute hearing was merely a formality.

Enough evidence had been presented in November to release Howard from prison with an electronic tether, attorneys said. But to be completely cleared — and truly be free — Howard had to appear in court again.

"Today is a great day for truth and justice," Howard's criminal attorney, Beth Morrow, said in court. "The truth is Mr. Howard has always been innocent whether it is acknowledged by a court of justice or not."

The ruling, his civil attorney Wolfgang Mueller said, now gives Howard the right to bring civil lawsuits against the government for its errors and to seek monetary compensation for what was taken from him.

"No amount of money can compensate someone for losing 26 years in prison," Mueller said, adding that his client aims to continue to seek justice. "We will hold the officers accountable who framed him."

Mueller said he plans to file a lawsuit against the state on behalf of his client seeking statutorily defined compensation of nearly \$1.3 million, about \$50,000 for every year Howard was in prison.

He also intends to file a second suit against the city of Detroit, which if it goes to trial could last a couple of years and potentially end with a jury award in the tens of millions of dollars.

In addition, Mueller said the civil litigation is likely to uncover other people who have been wrongly accused of crimes, and expose what he said appears to be a network of corruption.

"He's the third exoneration related to the snitch witness program in the past year," Mueller said. "This is just the tip of the iceberg. When I take testimony, we're going to really blow this thing open."

## **A search for the truth**

For years, Wayne County prosecutors, through the Conviction Integrity Unit, pored over the details of Howard's case, carefully examining evidence to determine whether justice had been served.

"We put enormous effort into these cases," Newman, the unit's director, said in court. "Our unit's function is to discover the truth without any legal barriers, without any hurdles that the defendant has to jump over."

In addition to the Wayne County Prosecutor's Office, Howard's case also benefited from Jalopnik journalist Ryan Felton's report three years ago that raised questions about Howard's case.

Felton reported that in 1994, Howard was 18 with a young son. Police took him to Detroit's public safety headquarters as a homicide suspect. Howard said he was innocent. The officers released him.

A few days later, officers brought him downtown — again.

"Two detectives placed him in an interrogation room on the fifth floor around 1:30 a.m., handcuffed him to a chair, read him his rights, and bombarded him with questions," Felton wrote. "The interrogation dragged on for hours."

He eventually gave the false confession that put him behind bars.

But, Newman said in court Thursday after reviewing the case decades later, other than that statement — one that police urged Howard to make with an implied promise that if he did he'd go free — there "was no other evidence against him."

Eyewitnesses, she said, didn't identify him.

And nothing in this case suggested Howard's statement was accurate, Newman added.

Howard, who appeared to alternate between smiling and being on the verge of tears while in court, thanked the Prosecutor's Office and everyone else who supported him for "all the work that they did."

"Without them, I wouldn't be sitting here right now," he added. "I'm just overwhelmed."

*Contact Frank Witsil: 313-222-5022 or [fwitsil@freepress.com](mailto:fwitsil@freepress.com).*