



PRESS RELEASE

PETER J. LUCIDO
MACOMB COUNTY PROSECUTING ATTORNEY

Contact: Dawn Fraylick
Office: +1 (586) 469-5737
Email: Dawn.Fraylick@macombgov.org

FOR IMMEDIATE RELEASE
March 21, 2023

Macomb County Prosecutor's Conviction Integrity Unit Requests A Wrongful Conviction Be Vacated

Mount Clemens, MI - Yesterday, after an extensive investigation and file review by the Macomb County Prosecutor's Office Conviction Integrity Unit (CIU), Prosecutor Peter J. Lucido asked Macomb County Circuit Court Judge Edward Servitto to vacate and dismiss the conviction and sentence of Mack Howell for a 2014 armed robbery. The Prosecutor asked the court to release the 62 year old from the Michigan Department of Corrections after serving 7.5 years of a 25-50 year sentence.

Before the CIU makes a recommendation to the Prosecutor regarding a case, a thorough and detailed investigation and file review is conducted. The process is extensive. Police reports, evidence location and review, court file, trial, appellate and federal materials are analyzed. New testing, expert retention and witness interviews may be conducted. At the end of a review, the CIU may recommend that no action be taken or that the conviction be remedied. Here, Mr. Howell said he was innocent from his first interview with police. The masked perpetrator whose initial height and weight differed significantly from his, was the starting point of an 11 month investigation and review by the CIU. After new evidence was discovered, it became clear that to allow the conviction to stand would be a serious miscarriage of justice.

On April 3, 2014, the 7-11 store at 18700 Ten Mile Road in Eastpointe was robbed. The perpetrator was wearing all black including a black cap on his head and a mask concealing his face with only his eyes visible. The robber's height was reported as six feet with a "medium" build. No weapon was observed, but the robber threatened to shoot the clerk several times. No one was injured. After the robbery, the perpetrator was seen on foot, running from the store. The store clerk was the only witness.

After the robbery, a tracking dog arrived at the scene. The K9 was taken into the store but was not given anything touched by the perpetrator to scent. The K9 started its track outside of the store and hit on a paper bag with a beer can in it, on the ground, close to a trash bin near the entrance of the store. The robber was not observed on security cameras or in person with a paper bag or beer can, before, during, or after the robbery.

The beer can was processed for fingerprints and DNA. A quality fingerprint was recovered from the can. It was not Howell's. The beer can had Howell's DNA on it and DNA of an unknown person. Due to Howell being the only forensic donor identified, he became the suspect.

A photo identification process occurred several months after the robbery, even though the perpetrator was masked and the incident only took moments. The combination of the DNA and identification process resulted in Mr. Howell being charged with the April 3, 2014 armed robbery.

Around the same time as the April 2014 robbery, five other armed robberies of nearby 7-11's in Macomb County occurred. A 7-11 store on Ten Mile in Warren was robbed on July 16, 2014, August 10, 2014, and August 15, 2014. A 7-11 store on Harper Ave. in St. Clair Shores was robbed on July 25, 2014. Finally, on August 20, 2014 the same 7-11 store that Howell was convicted of robbing, was robbed again. The serial armed robber, i.e. a possible alternative suspect, was just recently discovered.

New evidence, not found or presented at the time of trial, fatally undermines Mr. Howell's conviction. Mr. Howell had very severe medical issues and walked with a cane at the time of the robbery. He was physically incapable of committing a fast paced armed robbery, then run from the scene. The robber's height was initially reported as 6.0 feet and his build was "medium." The new medical evidence shows that Howell was 5'6, and heavy set, (200 lbs), at the time of the armed robbery. According to a dog track expert, the reliability of the dog track in this case was questionable since it started its track outside, at a scene that had been heavily trafficked and contaminated by numerous people. An eyewitness expert has explained how the misidentification of Mr. Howell likely occurred. The alternative suspect, i.e. the serial armed robber, was just recently found.

The jury never heard any of this new evidence.

Recent changes in the criminal court rules acknowledge that errors can occur and newly discovered evidence can form the basis for vacating a conviction. Prosecutor Lucido formed the Macomb County Prosecutor's Office's Conviction Integrity Unit (CIU) in 2022 after his budget request for an additional assistant prosecuting attorney was approved by the Macomb County Board of Commissioners. Assistant Prosecuting Attorney Gail M. Pamukov was hired as the Chief of the Conviction Integrity Unit. In less than a year after being formed, the Macomb County CIU made its first recommendation to Prosecutor Lucido to dismiss and vacate a wrongful conviction..

"I take my oath of office and ethical obligations seriously, which requires that I seek to remedy a conviction if it appears that the defendant did not commit the crime he/she is convicted of. As the top law enforcement official in Macomb County, I understand that community safety is not served if the wrong person is in prison, and while the actual perpetrator roams free," said Macomb County Prosecutor Peter J. Lucido

The Macomb County Prosecutor's Office wishes Mr. Howell the best upon his release and return to his family. We will continue to pursue justice for all the citizens of Macomb County.

Prosecutor Lucido, Gail M. Pamukov, Chief of the Macomb County Conviction Integrity Unit, Mr. Howell, and David Moran, Howell's attorney from the University of Michigan Innocence Clinic will be available to discuss Mr. Howell's case at a press conference on Wednesday, March 29, 2023, at 10:00 am at the Macomb County Prosecutor's Office located on the third floor of One South Main St., Mount Clemens, MI 48043.