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Retrial granted for lab errors

Firearms mistakes linked to case on double slaying

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A man who faced sentencing in a double slaying was granted a new trial Thursday, a result of his lawyer challenging testing of evidence examined at the now-closed Detroit crime lab.

Authorities agree this is the first case to unravel from the crime lab debacle as it continues to unfold, but no one is willing to say how many convictions and guilty pleas may fall apart as the extent of botched lab work is revealed.

"Of course this is precedent-setting," said Detroit defense attorney Marvin Barnett, whose client, Jarrhod Williams, was granted a new trial. "Remember, I didn't even have to fight to get a new trial."

Barnett came to court Thursday hoping to call employees of the crime lab to testify about the bungled evidence in a motion to dismiss his case.

Instead, Wayne County Circuit Judge David Allen allowed Williams, 21, of Detroit to withdraw two no-contest pleas to second-degree murder charges stemming from a May 2007 double killing.

Assistant Wayne County Prosecutor Suzette Samuels did not object and said she is confident she still will get a conviction.

Williams pleaded no contest March 27 during a trial in front of Allen -- without a jury -- after Barnett hired an investigator, who discovered errors in the ballistics evidence.

Williams was on trial for first-degree murder in connection with the shooting deaths of Detroiters DeAngelo Savage, 33, and his 38-year-old friend Tommy Haney when prosecutors offered to let him plead no contest to second-degree murder and serve 12 years in prison.

In Williams' case, Detroit Police lab investigators said 42 shell casings from the double killing were fired from the same weapon.

But David Balash, a retired Michigan State Police firearms expert, found that two weapons were used.

Acting on Balash's concerns, Wayne County Prosecutor Kym Worthy ordered a review of the lab's work on firearms.

Two weeks ago, the State Police released a preliminary audit of the Detroit lab that showed, among other findings, an error rate of 10% in 200 firearms cases it reevaluated.

The audit also found that access to the firearms unit was unrestricted and evidence could have been contaminated because it was allowed to overflow into office and work areas.

Detroit Mayor Ken Cockrel Jr. and Police Chief James Barren then shut down the entire lab, including the sections that did DNA, fingerprint, chemical and explosives analysis.

Williams was not sentenced in the shooting because Barnett filed a motion to dismiss the case after he learned of the lab's problems.

At Thursday's hearing, Barnett said he wanted to get testimony from Detroit Police crime lab workers about their fault findings.

Barnett urged Allen to hold the hearing, alleging crimes had been committed at the lab. But Allen said "it would be extreme to assume criminal wrongdoing."

Instead, Allen told Barnett that his client could keep the plea, and be sentenced, or be granted a new trial.

Barnett and Williams decided to take the new trial. Williams remains in the Wayne County jail.

"It's a legal victory obviously because we get him a new trial," Barnett told the Free Press outside court. "But we won't see justice until a jury returns a verdict in this case."

Barnett said Williams made a false confession to police and now maintains his innocence.

Samuels said she's confident there's enough evidence to convict Williams.

"We have nothing to hide with a trial, nothing at all," she said. "We don't go to trial on cases with no evidence."

"We absolutely have the right to proceed to trial, and it's not malicious in any way, shape or form."

Wendy Savage, 57, the mother of victim DeAngelo Savage, said she's overjoyed that the case will be retried.

But she said the lab errors don't mean Williams is innocent.

"I do believe he was still the man behind one of the guns," Savage said Thursday. "It seemed like when the crime lab problems came out, it shifted everything and the cases were going downhill."

Balash, the retired firearms expert, told the Free Press on Thursday that the Detroit lab may have been understaffed and overworked.

"But even if they have a caseload that could choke a horse, that's still no excuse for what went on in this case," he said. "For whatever reason, they chose not to look at all those shell casings."

Maria Miller, a spokeswoman for Worthy, said Williams' case is not necessarily the first in a floodgate of retrials.

"Each case is being evaluated on an individual basis," she said.

The prosecutor's office currently is reexamining the past five years' worth of cases that went through the lab, and Miller said she could not estimate how many problematic cases will be identified.

"We're still working on the audit process," she said.

Meanwhile, the Wayne County Criminal Defense Bar Association has said the review needs to go back beyond five years, and that an independent review -- possibly involving federal investigators -- needs to look at all the lab work.

A meeting is scheduled for next week with the group and Worthy.

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Additional Facts

What's next in probe of Detroit crime lab

- Today: Detroit Police Chief James Barren and lab personnel appearing before Detroit City Council.
 - Thursday: Meeting of Wayne County Prosecutor Kym Worthy and the Wayne County Criminal Defense Bar Association about problems in the lab. The lawyers want the review to go beyond the 5-year reexamination of cases handled by the lab that Worthy has suggested.
 - Oct. 17: Hearing before Judge David Allen to set date for Jarrhod Williams' new murder trial.
 - Late October: Michigan State Police expanded audit report of Detroit Police Crime Lab is due.
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