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Change in Law Causes Case Dismissal

On May 10, 2004 the Michigan Court of Appeals reversed and remanded the April 23, 2003 murder conviction of Vidale McDowell for a new trial. The Court of Appeals followed the recent United States Supreme Court holding in *Crawford v. Washington, 124 SCT 1354*, and determined that the admission of a statement of the co-defendant during the McDowell trial was in error.

After a thorough review of the evidence in the case, Wayne County Prosecutor Kym Worthy determined the case must be dismissed.

Prosecutor Worthy said, "No one did anything wrong. The district court judge and the trial court judge applied the law as it existed at the time. The jury heard the evidence and the legal instruction given by the trial judge and unanimously agreed that the defendant was guilty. We certainly endorse the jury's verdict.

"Unfortunately, the state of the law has changed as it relates to the co-defendant's confession.

"We had to re-evaluate this case due to the change in the law. It is very regrettable, but without the statement we cannot proceed and will not be able to re-try this case."

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