

September 30, 1969

MEMORANDUM

TO: WILLIAM L. CAHALAN
Prosecuting Attorney

FROM: MORTON J. TATKEN
Assistant Prosecuting Attorney

RE: Fatal Shooting of CLIFFORD HOWELL, M/N/13 years old
Homicide File: 5-754799

CONCLUSION: All facts and circumstances indicate justifiable action by a police officer acting in the course of duty. The deceased was shot while fleeing from the scene of a B & E after ignoring three commands to "Halt" by a uniformed officer.

FACTS: During the evening of 9-13-69 a fight occurred between Marilyn White, 15/W, of 1426 Fischer and Yvonne Howell, 16/N, of 1420 Fischer in the area of 1426 Fischer. This altercation resulted in a larger group of friends of both participants becoming involved in the dispute. Physical injuries were suffered by Miss White and her cousins Eva Lock, 14/W, and Mary Lock, 12/W. Marilyn's uncle, Stanley Lock and his children were visiting Lillian White, Mr. Lock's sister, at said dwelling. Mr. Lock broke up the fight and ordered his children and Marilyn White into the house to avoid more trouble. Immediately, subsequent to this, the opposing group began to break windows in the dwelling at 1426 Fischer.

Stanley Lock left the dwelling with the children at 9:30 P.M. at this time Mr. Lock observed a TMU car occupied by Patrolman William Orton and William Jennison and flagged them down, informing them of the trouble. Mr. Lock further informed them that the group had threatened to burn the house down and take everything in the house. The officers assured Mr. Lock that they would give the house special attention and he left with the children.

At approximately 10:30 P.M. the same TMU car drove to the rear of 1426 Fischer and both officers left to inspect the dwelling. As they approached the rear of the home they observed the lights of the home flashing on and off and upon approaching the rear porch the officers observed four negro females exit the dwelling with bundles of clothing. As the females saw the officers, they split up, two of them running back into the dwelling, and two escaping from the scene, Patrolman Orton pursued the females into the dwelling and then stopped to orient himself inside of the dwelling and heard noises coming from the rear of the dwelling. He ran toward the darkened area and then heard glass breaking and observed a male figure dive through the window in the rear of the house. Patrolman Orton called "Halt" and ran to the window and observed the male figure running to the alley. Patrolman Orton again

would not heed his command, he fired three (3) shots at the fleeing figure. Later officers were summoned to 8726 Bradley, where the deceased was found to be suffering a thru and thru gunshot wound of the back. The deceased was conveyed to Detroit General Hospital where he expired at 2:25 A.M. on 9-24-69.

A statement of one juvenile accomplice substantiates the previous fight and throwing of bottles through the windows of the home and the deceaseds' participation in the B & E.

Loretta Green, 19/N, an accomplice in her statement substantiates Patrolman Orton yelling "Halt" two or three times before he shot, Miss Green plead guilty to attempt larceny in a building on 9-19-69.

A statement from Patrolman William Jennison, Orton's partner substantiates getting information from Mr. Lock and the subsequent B & E.

A statement from Patrolman Orton substantiates getting information from Mr. Lock, the subsequent B & E, and warning the deceased three times to "Halt" before shooting.

MJT/dr

September 30, 1969

MEMORANDUM

Re: Patrolman William Orton

I have reviewed the report made in this particular case and based upon the facts available in the file and statements of witnesses, there is supporting evidence to indicate that Patrolman William Orton fired his weapon at a fleeing felon who had been warned to stop, and it is my conclusion therefore, that the Patrolman was acting in good faith and without malice, and further that no criminality can be assigned to his actions.

WILLIAM L. CAHALAN
Prosecuting Attorney of
Wayne County