

OAKLAND COUNTY

Farmington Hills man has 2011 murder conviction overturned, may get new trial



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A Farmington Hills man [convicted of the first-degree murder](#) may get the chance for a new trial after his attorney and prosecutors pointed out flaws in his conviction, including the prosecution's "improper argument" to the jury and two witnesses who recanted their testimony.

But the victim's widow, Genniver Jameel, said she doesn't trust prosecutors to handle the retrial and wants an independent prosecutor to be appointed to the case.

"I have no confidence in the Oakland County Prosecutor's Office. Me and my kids are the victims. Who is on our side?" Jameel said. "I'm begging Judge Brennan. I want her please to appoint a different prosecutor, a special prosecutor that's not even in Oakland County. I'm the victim and there's nothing I can do, me or my children, but speak and try to fight."

[The Michigan Court of Appeals on Monday ruled that](#) defendant Hayes Bacall may deserve a new trial after Oakland County prosecutors and his attorneys appealed Oakland County Circuit Court Judge Mary Ellen Brennan's ruling that Bacall could not have his first-degree murder conviction set aside in exchange for a plea to second-degree murder. Brennan said she did not think there would be a probable different result on retrial due to "overwhelming evidence of premeditation."

Bacall was convicted in 2011 of killing his nephew Saif Jameel and was sentenced to life in prison without the chance for parole. Now he may have a chance to be released, though Oakland County Prosecutor's Office spokesperson Jeff Wattrick said the office is not sure if the Court of Appeals' ruling mandates a new trial.

"Saif Jameel did not deserve to die and we believe the evidence is clear that Hayes Bacall killed him. However, after two witnesses came forward to recant their testimony about premeditation, and given an improper argument made by our office at the trial, there was no longer sufficient evidence to sustain a charge of first-degree murder," Chief Assistant Prosecutor David Williams said in a statement. "In the interest of justice, the Oakland County Prosecutor's Office Conviction Integrity Unit supported a defense request to vacate that verdict and accept a second-degree murder plea, as it would be consistent with the facts of that case."

Bacall's attorney, David Gorcyca, said "justice prevailed" in the Court of Appeals ruling. He said the prosecutor's office should be applauded for taking a second look at the case after two witnesses recanted. He said his reading of the Court of Appeals ruling "for sure" grants Bacall a new trial, though he said they are hoping to resolve the case to spare the family and witnesses the pain of a second trial.

But Jameel said she doesn't trust that Oakland County prosecutors will handle a new trial properly, and wants an independent prosecutor to be appointed to the case. She feels that prosecutors are on Bacall's side, not that of her family.

"The prosecutor's office is not with the victims. They're fighting for the defendant. This is crazy," Jameel said. "I haven't slept in days because of all of this corruption and lies. My husband's life sits on the judge's hand."

Bacall told police he killed Saif Jameel because Jameel owed him \$400,000.

The three-judge Court of Appeals panel, made up of Judge Brock Swartzle, Judge Kristina Robinson Garrett and Judge Kirsten Frank Kelly, found that justice would

not be served by doing as the prosecution asked and vacating Bacall's first-degree conviction in exchange for a plea to second-degree murder.

"Although the Court appreciates the prosecutor's position, the proper remedy is a remand for a new trial. Our caselaw provides that when a trial court grants a motion for relief from judgment on the basis of newly discovered evidence, retrial, rather than dismissal, is the appropriate remedy," the judges wrote. "If a jury believes that defendant acted in self-defense, then defendant's actions would be justified and he could be acquitted, not convicted, of second-degree murder."

Brennan is scheduled to hold a pretrial hearing May 1 to determine further steps.

Jameel said she is concerned that witnesses Slieman Bashi and Samir Bacall lied in their testimony, and that they were improperly influenced in an attempt to get Bacall released from prison. Bashi was one of Saif Jameel's close friends and was in the room with Saif and Bacall when Bacall shot Saif. Samir Bacall, Saif's younger brother, said Hayes Bacall had called him multiple times in the months before the shooting, saying he was going to kill Saif because of the money he owed him.

"(Bacall) went to his gas station and shot him 12 times," Genniver Jameel said. "This is not self-defense. This is nothing like that. He planned to murder my husband."

The Oakland County Conviction Integrity Unit began investigating the case after they learned both Bashi and Samir recanted their trial testimony. The unit's investigators found the recantations, the prosecution's "improper arguments" — in which they claimed during closing arguments that Bacall did not mention self-defense until the trial began — and the fact that the jury struggled to come to a verdict meant a different result would be probable on retrial.

Bashi testified during trial that Hayes Bacall entered the room that he and Jameel were in and began complaining about money. When Jameel told Bacall not to yell and tried to stand, Bacall shot him, Bashi had testified. Bashi later told investigators

this was a lie, however, saying Bacall and Jameel were yelling at each other before the shooting. Jameel told Bacall he was going to "stick a gun up [defendant's] a--" and lunged at Bacall, which is when Bacall started shooting, Bashi said.

Samir Bacall said he had been upset about his brother's death and embellished his statements because of this. He said Hayes Bacall never threatened to kill Jameel or his son, as he had previously testified.

Conviction Integrity Unit Director Beth Greenberg Morrow [said during a 2023 hearing to dismiss Bacall's conviction](#) that what the witnesses told them in interviews in 2022 matches more closely to what they told police immediately after the shooting than it does to their trial testimony.

Brennan found in 2023 that Bashi's recantation testimony was not credible because he did not credibly explain why he was recanting, and because his accounts of the shooting were consistent in initial statements to police and during the trial. Brennan did find Samir Bacall's recantation to be credible, but didn't think that alone was enough for there to be a probable difference in the verdict.

The Court of Appeals panel previously ruled that the prosecution's improper statement during closing arguments would not have affected the outcome of the trial. But the statement combined with the recanted testimony might, they found.

"Taken together, a different result on retrial is probable, and the trial court abused its discretion in concluding otherwise," the judges wrote.

Genniver Jameel expressed concerns in 2023 that Bacall's family made campaign donations to Oakland County Prosecutor Karen McDonald in an effort to sway the decisions in this case.

More: [Oakland prosecutor's review of murder conviction coincided with campaign donations from man's family](#)

Hayes Bacall's three brothers; his son; the Chaldean Chamber of Commerce's political action committee; 15 other people connected to the chamber; and three others donated \$86,000 to McDonald's reelection campaign over a two-day period, May 17-18, 2022. The influx of donations represented 94% of McDonald's total fundraising in the first seven months of 2022, a Detroit News analysis of campaign finance reports shows.

McDonald's office and Bacall's son, Maher Bacall, have said the donations have nothing to do with Hayes Bacall's case.

"The Conviction Integrity Unit is independent and bases its decision on the evidence," the prosecutor's office said in a May 2023 statement. "Any suggestion that the Conviction Integrity Unit's review of this case and subsequent conclusion was based on anything other than the facts is absolutely false and deeply offensive."

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