

POLITICS

Murder case fuels McDonald-Savit feud, lawsuit in attorney general's race



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Lansing — In a case of dueling Democratic prosecutors who want to be Michigan's next attorney general, Oakland County Prosecutor Karen McDonald's lawyer claims Washtenaw County Prosecutor Eli Savit's camp masterminded a smear campaign that used a 2023 Detroit News story to accuse McDonald of letting campaign donations influence her decisions in a murder case.

McDonald filed a defamation lawsuit Feb. 4 in Ingham County Circuit Court against Lakeshore Leaders Fund, a southwest Michigan-based political action committee. According to the suit, the PAC had only \$165.33 in its coffers when it received an influx of money from a political rival to try to thwart McDonald's run for attorney general.

The PAC sent text messages to voters across Michigan starting in January, along with mailers and information posted to a now-defunct website, www.whoiskarenmcdonald.com, and on [social media](#), the lawsuit said. The PAC claimed in the text messages and postings that McDonald was the "recipient of over \$80,000 in connection with the review of a murder conviction," the lawsuit said.

The postings included a photo of the May 23, 2023, Detroit News story referenced in the lawsuit. In the story, the widow of a murder victim, Genniver Jameel, expressed concerns about donations that were made to McDonald while she considered whether to ask a judge to vacate the first-degree murder sentence of the defendant, Hayes Bacall.

"The defamatory statements are completely and totally false, and were known to be false when made," McDonald's lawsuit said.

A stipulated judgment in the case was entered Tuesday, in which the defendants agreed to say the information they'd disseminated was defamatory and pay \$7,500 in damages.

"The defendants have admitted their liability and stipulated to a judgment for damages and an injunction," McDonald's attorney Ethan Holtz said in a statement. "We have traced both the false statements and the funding behind them directly to a campaign treasurer and paid consultant working for her political opponent Eli Savit. Anyone who publishes lies should expect to be held accountable in court."

Savit's campaign manager, Christy Jensen, denied his direct involvement and said a member of the campaign was fired over the incident.

"Although neither our campaign nor Eli himself had anything to do with the mailer, Prosecutor McDonald's decision to file a lawsuit in response to political speech calls into question her commitment to our First Amendment — particularly at a time where our federal government is seeking to quash any sort of dissent," Jensen said in a statement.

"Neither Eli nor this campaign was aware of the mailer before it went out," Jensen said. "We did not approve the mailer, would not have approved the mailer and certainly did not fund the mailer. We have been running a campaign focused on the issues, not attacking fellow Democrats. Upon learning, on February 6, that an individual associated with the campaign was involved in the mailer's creation, that individual was immediately removed from the campaign."

On the same day, Savit called McDonald "in an attempt to mend fences, and refocus this campaign on the issues," she said, adding that McDonald instead chose to "file a lawsuit and subpoena multiple people, including a 23-year-old law student.

"We believe it is inappropriate for one of the most powerful and well-connected attorneys in the state to train legal firepower on young people for engaging in political criticism," Jensen said. "Again: the mailer is not something the Savit campaign stands behind or would have approved. But the mailer's basic implication — that a convicted murderer's family members donated thousands of dollars to McDonald's campaign 'in connection' with her office's review of a murder conviction — is run-of-the-mill political speech."

Jensen noted that elected officials are regularly criticized for accepting campaign contributions from individuals seeking an official action. The Trump administration has

faced "overt allegations of 'corruption'" for taking a \$1 million contribution to the MAGA PAC from [Ambassador Bridge owner Matthew Moroun](#) before Trump threatened to block the opening of the new Gordie Howe International Bridge, she said.

"It is difficult to see how the critiques leveled against Prosecutor McDonald are any different," Jensen said.

Holtz, McDonald's attorney, replied: "Mr. Savit's statement is remarkable for what it says and what it does not. He does not mention that the person behind this is Mr. Savit's former student, was paid by Mr. Savit's PAC, was the treasurer of his Attorney General Campaign and remains the treasurer of his PAC and his prosecutor campaign. Instead of condemning the false accusations against Prosecutor McDonald, he attacks her for defending herself."

Jensen said that's not true, and that the student, Yasmine Baccouche, was removed as treasurer from the campaign and the PAC the day the prosecutor learned of the allegations.

Attempts to reach the Lakeshore Leaders Fund were not successful. The PAC's treasurer, Michael Fernandez, a co-defendant in the lawsuit, did not return phone calls seeking comment. Baccouche, who was named as a defendant in the stipulated judgment, could not be reached for comment.

Savit and McDonald are vying for the Democratic nomination for attorney general at a state party's April 19 convention in Detroit.

Widow raises questions

The flap between prosecutors is the latest development connected to the contentious, 12-year-old murder case, which has featured an [overturned conviction](#), reversed court rulings, [recanted testimony](#) and [allegations of prosecutorial misconduct](#).

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

Bacall was convicted of first-degree murder and sentenced to life in prison after fatally shooting his nephew, Saif Jameel, in a Troy gas station in 2010. Bacall filed multiple appeals that were denied. In 2022, two witnesses whose testimony had helped convict Bacall — his younger brother Samir Bacall and a friend of the victim, Slieman Bashi — came forward and said they had lied on the witness stand during the trial.

After the witnesses recanted their testimony during separate interviews with the Oakland County Prosecutor's Conviction Integrity Unit, investigators joined a motion by Hayes Bacall's defense attorney asking a judge to vacate the first-degree murder sentence and recharge the defendant with second-degree murder.

In 2023, the victim's widow raised questions about donations that members of the Chaldean Chamber of Commerce and the victim's relatives made to McDonald while the prosecutor considered whether to lower the charges against the defendant. McDonald denied being influenced by the donations.

Jameel and her attorney continue to question how McDonald's office has handled the case, although McDonald, her staff and her attorney insist there has been no wrongdoing.

"Throughout my career, I have dedicated myself to protecting families and children, advocating for victims, and serving with integrity as both a prosecutor and a judge," McDonald said in a statement. "The prosecutors in my office will continue to pursue justice for victims and their families with the full force of this office behind them, and I will continue to carry out my duties with the integrity and professionalism that the people of this community have always deserved."

In her lawsuit, McDonald accused Lakeshore Leaders Fund and its treasurer, Fernandez, of mischaracterizing information in The News' story to disparage McDonald after she announced her candidacy for Michigan attorney general in June.

"Just before the publishing of the Texts, Website and Mailer, the PAC received an influx of monies to pay (for the material)," the lawsuit said. "It is believed the impetus for (the smear job) was to influence the campaign for Attorney General, with the specific intent of damaging Ms. McDonald's reputation."

According to the lawsuit, the Lakeshore Leaders Fund PAC only had \$165.33 in its coffers as of January, which it said would not have paid for the statewide smear campaign.

McDonald's lawsuit also discussed concerns expressed in The News' 2023 story about \$8,000 in donations made by the defendant's family members. McDonald pointed out in the suit that most of the nearly \$80,000 donations referenced in the story weren't made by Hayes Bacall's relatives, but by "15 other people connected to the Chamber."

Key donor's presence questioned

Although the lawsuit only discussed accusations made involving campaign donations by the defendant's relatives, the claims weren't confined to family members.

Gennifer Jameel, the victim's widow, told The News in 2023 that she was troubled that Hayes Bacall's relatives "and others with ties to his family" gave the donations while McDonald was considering whether to drop the first-degree murder charges.

Pamella Szydlak, Gennifer Jameel's attorney, said the lawsuit and the 2023 News story cover only some of the questions she has about the handling of the case.

"I'd like to know ... why Karen McDonald appeared on a podcast with a huge donor who ended up sitting in on the interview where one of the witnesses (in the Bacall case) recanted his testimony," Szydlak said. "That's highly suspicious to me."

Assistant Prosecutor David Williams said there was nothing out of the ordinary about having the donor present during the interview.

"The fact that someone from the Chaldean community was invited to come to the interview as support doesn't shock me," Williams said. "If someone's implying he was trying to influence the witness, he didn't speak, and he had no impact on the investigation. As to why he was there, I don't know."

The donor, real estate developer James Esshaki, accompanied Samir Bacall as "moral support" during his June 27, 2022, interview with the Conviction Integrity Unit in which he recanted his testimony, court documents show.

Esshaki, a member of the Oakland County Road Commission, organized multiple fundraisers that generated more than \$190,000 for McDonald. Before she was elected prosecutor in 2020, McDonald appeared with Esshaki [in a 2019 podcast](#) "Keeping up with the Chaldeans." The podcast promoted a \$1,000-per-plate fundraiser Esshaki hosted for McDonald in Pontiac.

"James Esshaki being at the interview after being so close to Karen McDonald, even appearing on a podcast with her, is a huge conflict of interest," said the victim's widow, Gennifer Jameel.

Esshaki did not return phone calls seeking comment.

Reached by telephone, Samir Bacall was asked why Esshaki accompanied him when he recanted his testimony.

"I don't know who you're talking about," he said of Esshaki. "I never even heard of him."

When a court transcript that recorded Esshaki's presence as Samir Bacall's moral support was read aloud, the phone call was disconnected. Samir Bacall did not return subsequent calls.

How murder case evolved

On July 2, 2010, police responded to a call reporting shots fired at a BP gas station on Crooks Road in Troy. According to court records, when officers arrived, they found Hayes Bacall pacing outside, talking on his cellphone. When police asked him what happened, Bacall told them he'd killed his nephew, station owner Saif Jameel, because the victim owed him \$400,000.

Prosecutors called two witnesses during the trial: Slieman Bashi, an eyewitness to the killing who testified that the victim had not argued with the defendant, reached for a gun or touched him before he was shot; and Samir Bacall, who testified that the defendant had called him multiple times, threatening to kill the victim.

A jury convicted Hayes Bacall of first-degree murder, and he was sentenced to life in prison without the possibility of parole.

In 2011, the defendant filed an appeal with the Michigan Court of Appeals, but the appeal was denied. The Michigan Supreme Court declined to review the case in 2013.

In the denial, the Court of Appeals decision acknowledged that an assistant prosecutor had committed "misconduct" by saying during his closing argument that the defendant had never claimed he'd shot the victim in self-defense prior to the trial. Jailhouse phone calls showed the defendant had claimed multiple times that he'd acted in self-defense.

The assistant prosecutor's statement, the appellate court ruled, was "clearly false" and "highly inappropriate." But the court also ruled that, considering "the overwhelming evidence which includes the testimony of an eyewitness to the shooting, defendant's

statements to the police and a videotape of some of the events themselves, we conclude that the prosecutor's improper statement did not deny defendant a fair trial."

But in 2017, the U.S. 6th Circuit Court of Appeals called the Michigan appellate court's characterization of the evidence "inordinately generous." The three-judge federal panel said it would have ruled to give Bacall a new trial, "but unfortunately for Bacall, we are bound by the facts of cases decided by the Supreme Court — and those facts do not mandate a new trial here," according to the unanimous [ruling](#) written by Judge David McKeague, an appointee of President George W. Bush.

Former prosecutor weighs in

David Gorcyca, who was McDonald's boss when he was Oakland County prosecutor, said he had no connection to the murder case when the two witnesses came to his office in 2022 to recant their testimony. Hayes Bacall subsequently hired Gorcyca as his defense attorney.

Campaign finance records show Gorcyca donated to McDonald at multiple fundraisers that were organized by Esshaki. Gorcyca said there was nothing unusual about him donating to a prosecutor, pointing out that many defense attorneys do the same thing.

"There's probably not a prosecutor I haven't raised funds for," Gorcyca said. "That's been part of my political life since I was prosecutor, and attorneys do that all the time. Karen used to work for me, and I helped her out and encouraged her to run.

"At the time, I didn't know what the Bacall case was all about, until two witnesses came to my office and said, 'We perjured ourselves,'" Gorcyca added. "I recommended lawyers for both of them, because I couldn't represent them both."

When the two witnesses came forward to recant their testimony, prosecutors were obligated to reopen the case, Assistant Prosecutor Williams said.

"This case already had major problems before we came here, and when the witnesses came forward to say they'd lied during the trial, we couldn't ignore that, so we sent it to the CIU," Williams said. "Beth Morrow (the CIU Director) made the decision that (the recantations), combined with the other problems, warranted (dropping first-degree murder charges).

"The CIU is an independent unit within our office, and they conduct their investigation without any input or involvement from the Prosecutor or other assistant prosecutors,"

Williams said. " ... any allegation that Karen McDonald or anyone else in the Oakland County Prosecutor's Office acted improperly in the prosecution of Hayes Bacall are unequivocally false."

When prosecutors and the defense filed a joint motion in December 2023 asking Oakland County Circuit Judge Mary Ellen Brennan to lower the charges to second-degree murder based on the recantations, the judge ruled the statements weren't enough to grant the motion.

"Slieman Bashi's recantation testimony was not credible and ... Samir Bacall's recantation would not make a different result probable on retrial," Brennan wrote after denying the joint motion.

In April 2025, the Michigan Court of Appeals reversed Brennen's ruling and remanded the case for a new trial. The following month, Judge Brennan vacated the defendant's first-degree murder conviction and set a trial for August 2025.

But in May, recordings of telephone conversations between Samir Bacall and his aunt surfaced that "call into question the validity of Samir Bacall's recantations and, potentially, motives for his original trial testimony," according to a prosecutor's motion.

Evidence not included

Among the questions the victim's widow and her attorney have about the case is how prosecutors acted after receiving information about the phone calls between Samir Bacall and his aunt, which were in Arabic.

According to the transcript, when asked why he'd recanted his testimony, Samir Bacall made several references to wanting to pay back Genniver Jameel, the victim's widow, for owing him money. But at one point in the conversation, Samir Bacall also said: "I did not testify falsely, no, I didn't lie." Judge Brennen later ruled that the phone calls did not conclusively prove Samir Bacall admitted to lying during his recantation.

Defendant Hayes Bacall's attorney, Gorcyca, on Oct. 3 filed a motion to dismiss the first-degree murder charge, arguing that it should be dismissed based on the prosecutor's prior admissions that, without the testimony of the recanting witnesses, the evidence did not sustain a charge of first-degree murder. The prosecutor filed a three-page response to the

motion on Oct. 8, arguing they had never said the defendant hadn't committed first-degree murder, and that prior statements they'd made about the case shouldn't be held against them.

But Szydlak, attorney for the victim's widow, said the motion was "highly insulting."

"The prosecutors were patting (the widow) on the head, pretending to be fighting for justice," she said. "That motion might as well have said, 'blah blah blah.' It contained literally no evidence."

Prosecutors transcribed translations of Samir Bacall's phone calls with his aunt in time to include them in their response to the defendant's motion, although they were not entered as evidence until after Judge Brennan had already granted Hayes Bacall's motion and dismissed the first-degree murder charge. In their initial motion, prosecutors also didn't mention a third witness, Sufyan Bacall, another brother of the victim who wasn't called during the trial, until after the ruling.

After The News called prosecutors asking why their Oct. 8 motion hadn't mentioned the phone call and the third witness, prosecutors included that information in a motion for reconsideration of Brennan's decision that was filed after 5 p.m. Oct. 20, the day before Bacall was set to plead guilty to second-degree murder.

The judge said of the late filing: "I've never seen anything like it."

Williams, the assistant prosecutor, told The News the Oct. 8 motion didn't include that evidence because that wasn't the point of filing it.

"The purpose of the filing was to respond to defendant Bacall's motion and protect the first-degree charge for trial," he said in a statement. "Our position was that we have the right to proceed on first-degree murder. The point of the motion and our response was not to present our best evidence or all the evidence, it was about who gets to decide whether we go forward on first-degree murder. We have asked the Court of Appeals to reverse the Judge's ruling because we believe she ruled incorrectly, not because our filing was insufficient."

The Michigan Court of Appeals ruled on Dec. 23 that prosecutors may move forward to argue for a first-degree murder charge to be reinstated. No date has been set.

Sufyan Bacall, the witness who wasn't called at the first trial, said he wants to be heard. His story mirrors his brother Samir Bacall's original claim: That his uncle told him multiple times that he planned to kill his nephew.

"I begged the prosecutors to put me in their filings, because if (Samir Bacall) is telling the truth, that means I'm lying, because we were together when (Hayes Bacall) made some of those threats," Sufyan Bacall told The News.

The case has ripped the family apart, said Szydlak, attorney for the victim's widow.

"We shouldn't be in this boat," she said. "The prosecutors should have never joined that joint motion with the defense, and they weren't going to push for first-degree murder until we started asking questions."

Williams insisted prosecutors are fighting for justice.

"We're trying to charge (Hayes Bacall) with first-degree murder," he said. "I feel like we're aligned with the widow on this."

Holtz, McDonald's attorney, said there's been no wrongdoing.

"Karen McDonald has served with distinction as an attorney for nearly 30 years, bringing integrity to every role she has held, from the bench to the prosecutor's office," Holtz said. "That is why we took swift and decisive action to expose those using dark money and a straw PAC to spread false statements about her."

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