

The Curious Case of Benjamin LaGuer Civil Rights Abuses and Junk Forensics: A Wrongful Conviction Case Study

“Although best known for clearing the wrongfully convicted, DNA evidence has linked innocent people to crimes. In the lab, it can be contaminated or mislabeled; samples can be switched. In the courtroom, its significance has been overstated by lawyers or misunderstood by jurors.”
Los Angeles Times, 1/1/09

Boston Globe, DNA chief fired over crime lab problems by Jonathan Saltzman 14 April 2007 (Robert E. Pino was terminated of his employment by the secretary of public safety.); Telegram & Gazette, Shocking backlog/State Police lab faces new crisis (editorial) of 22 July 2007 (“The situation is intolerable and legislators and administration must continue to press for new policies and procedures. . . some aspects of the organization of the laboratory itself seem to virtually guarantee performance that is mediocre or worse. . . there was no one to alert the lab when evidence astray or, worst, if a single individual elected to delay or misrepresent it.”); Boston Globe, Chaos at the crime lab (editorial) 20 July 2007 (“The Patrick administration should be wary of culturing scapegoats as it begins its reform of forensic units. . . Burke, after all, had termed the DNA lab “disgraceful” back in 2001, when he served as Essex County district attorney. Now he’s in a position to do something about it.”); Boston Herald, Deval forwards LaGuer letter by Dave Wedge 25 July 2007 (Gov Deval Patrick, who has vowed a hands off approach in the Ben LaGuer case, is raising eyebrows after his office forwarded a request for a review of the convicted rapist’s case to top administration officials. “There is absolutely no investigation whatsoever taking place in the LaGuer case,” said Public safety spokesman Charlie McDonald.”); Boston Globe, Backlog at crime lab is in dispute, Prosecutors say it’s 2000 cases by John R. Ellement 26 July 2007 (“Told of the prosecutors’ criticism yesterday,” chief Kevin Burke “insisted that the study found 16,000 untested biological samples that must be processed. He said there is only a difference in semantics. . . ”I think we are on the same book and page about it,” Burke said. “Everyone is looking at these cases to determine their status, and there will be cases where no action needs to be taken.” Essex County district attorney Jonathan W. Blodgett said, “we are all disturbed that there would be some implication that somehow we are covering up or hiding something, because that’s just not true.” Berkshire County district attorney David F. Capeless said, “The lab isn’t in any way connected to a case involving a wrongful conviction.” Boston Globe, lab woes might delay Entwistle murder trial by Michael Levenson 25 July 2007 (“The DAs keenly remember when newspapers were full of horric stories of men who were wrongfully convicted and went to prison for very long period of time;” said Geline W. Williams, executive director of the Mass. Asso. of district attorneys, adding, “Because they may find that needle in a haystack that makes a big difference in somebody’s life, we’re going to go through and weed out cases. . . and then hone in on what is untested and that maybe needs a second look.”); New York Times, Study of Wrongful convictions raise Questions beyond DNA by Adam Liptak of 23 July 2007 (Brandon L. Garrett, a law professor at the University of Virginia, has, for the first time, systematically examined the 200 cases, in which innocent people served on average

of 12 years in prison. In each case, of course, the evidence used to convict them was at least flawed and often false--yet juries, trial judges and appellate courts failed to notice.”); In a University of Michigan study, by Samuel R. Gross and Barbara O’Brien, says, “In addition, a couple of strong demographic patterns appear to be reliable; black man accused of raping white woman face a greater risk of false conviction than other rape defendants.”); Telegram & Gazette, Evidence missing in 1987 slaying by Gary V. Murray 1 August 2007 (A lawyer, Terry Scott Nagel, wants the case of Worcester County Steven M. Siemietkowski, 47 because of missing evidence and improper DNA handling.); Boston Globe, Prosecutor tapped to fix crime lab by Andrea Estes 28 July 2007 (John Crossman, 40, deputy chief of Attorney General Martha Coakley’s Criminal Division, is selected to take over the job left by LaDonna J. Hatton, replacing her as undersecretary of public safety for forensic services. “We have a couple of agencies in crisis,” said Chief K Burke, adding that finding “people with experience in law enforcement and an understanding of the agencies that fall under forensic services and have experience managing people, that’s a small universe. . . John stood out.”); Boston Herald, Chief Medical Examiner Fired by Casey Ross & Laura Crimaldi 3 August 2007 (Gov. Patrick has fired the state’s chief medical examiner after an investigation exposed severe management breakdowns leading to botched prosecutions, deplorable health conditions and mishandled bodies.); Boston Herald, History of problems plague ME’s office by Laura Crimaldi 3 August 2007 (Since its inception in 1983, the beleaguered Office of the Chief Medical Examiner has been dogged by shoddy work.); Boston Herald, “Police chemist claims he’s a fall guy/Blames crime lab woes on inadequate resources” by Casey Ross 3 March 2007 (“It was a systematic error,” said Robert E. Pino. “Even after this filing [of the DNA matches) was OK’d, no one thought there was a need for a different kind of tracking system. No one ever asked about these cases. No one was vigilant.”); Boston Globe, “Director of crime lab quits post/State Police facility’s work is under fire” by Jonathan Saltzman 10 March 2007 (Dr. Carl Matthew Selavka’s “contact with the DNA computer database had been severely restricted to make sure that he could not taint the investigation by the State Police or FBI. ‘We couldn’t even leave the appearance that he could somehow influence or change the outcome of our internal investigation,’” said Public Safety Secretary Kevin Burke.); Boston Globe, Union Defends suspended DNA database administrator/cites lab funding, staffing problems by Tracy Jan 14 January 2007 (Attorney Robert Griffin, a former chief of Superior Court prosecutions in Suffolk County said he represented a case in which the state crime lab report indicated that semen was found on the victim’s body, but the autopsy gave no evidence of a sexual assault. The DNA sample did not match any of the defendants. Ultimately, as the trial date approached, the crime lab concluded that the DNA sample was not semen, but that it had come from one of the chemists in the lab who had contaminated a sample of protein found in the victim’s urine.); Boston Globe, DNA problems prompt novel case by Jonathan Saltzman 6 March 2007 (Robert E. Pino’s “alleged mishandling of DNA evidence, which has prompted three sweeping investigations and embarrassed the State Police, is reverberating through the Massachusetts criminal justice system.”); The New Yorker, Jan. 17, 2000 "DNA On Trial: The Test Is Irrefutable So Why Doesn't It Always Work?" by Peter J. Boyer (Dr. Ed Blake exonerated through DNA Kerry Kotler, who was later arrested for another rape. At his second trial, Blake testified that the police had framed Kotler by stealing his DNA.

The jury disagreed.); New York Times, March 16, 2003 “You Think DNA Evidence is Foolproof? Try Again” by Adam Liptak (“It’s a ‘truth machine,’ but the human factor can be a spoiler.”); New York Times, Mar. 11, 2003 “Review of DNA Clears Man Convicted of Rape” by Adam Liptak (Prosecutors vowed to retest DNA in 525 cases); New York Times, Feb. 9, 2003 “Troubled DNA Crime Lab Faces Growing Scrutiny” by Nick Madigan (A DNA sample used to falsely convict a man is added to a mounting pile of dubious samples.); CBS News 48 Hours, “A Crime of the Mind” Sept. 27, 2002 (a jury acquitted psychiatrist Ronald Malave based on the idea that his rape accuser had transferred his sperm to her panties, probably by rubbing his stolen underpants together with hers. The State Police analyst was so helpful to their defense that Malave’s team felt no need to present their own DNA expert.); Boston Globe, April 17, 2003 “FBI Scientist Admitted False Testimony” by John Solomon (AP) (U.S. Justice Department reviews charges that an FBI scientist botched at least 103 DNA cases. Another scientist resigned while under investigation for improper testing of more than 100 DNA samples.) Associated Press, August 26, 2004 “Kobe Prosecutors Take Aim at Defense DNA Experts (Prosecutors charge that crucial DNA evidence the defense had hoped to use to prove NBA star Kobe Bryant’s innocence might have been contaminated.) ; Insight Magazine, June 10, 2003 “Inside the DNA Labs” by Timothy W. Maier (Justice Department Inspector General so incensed by bad science infecting crime labs nationwide that DNA errors may have jeopardized thousands of cases and sent innocent people to death row.); Houston Chronicle, “New DNA Exam indicates errors in 1997 murder case” by Roma Khanna of 15 February 2002 (A DNA test that forced Robert Lee Wallace to plea guilty to avoid the death penalty is found faulty on retesting.); Baltimore sun, “DNA lab fires analyst over falsified tests” by Naura Cadiz of 18 November 2004 (Cellmark, the world’s largest private DNA lab claims that falsification occurred in only 20 tests, but it is investigating other cases.); MA Lawyers Weekly, “Science Not A Guarantee Against Mistakes” (Letter) by Joelle Anne Moreno of 22 December 2003 (“Our faith in DNA evidence has recently been shaken by revelations of mistakes and misconduct.”); New York Times, “Prosecutors Are a Focus In Houston DNA Scandal” by Adam Liptak of 9 June 2003 (internal investigation of the laboratory would result in disciplinary or criminal charges against nine officials.); New York Times, “Prosecutors Fight DNA Use For Exoneration” by Adam Liptak of 29 August 2003 (While DNA can prove whether someone is associated with a given piece of biological evidence, prosecutors insist that is not the same thing as proving whether a defendant committed a crime.); Boston Herald, “Foolproof capital punishment is but the governor’s fantasy” (Op-ed) by James P Rooney of October 2003 (“The net result is that DNA testing is not a panacea for all the problems of determining guilt or innocence...”) Washington Post, “Va. DNA Analysis Incorrect In Murder” by Maria Glod of 7 May 2005 (“Intense political pressure prompted a senior scientist at Virginia’s DNA laboratory to report flawed results.”); New York Times, “Lab’s errors in ’82 killing force review of Virginia’s DNA cases” by James Dao of 7 May 2005 (Governor orders a review of Virginia’s nationally recognized DNA lab’s handling of testing in 150 cases as well as new procedures to insulate lab from any outside political pressure.) Associated Press, “Army Worker Investigated in Possible DNA Test Fraud” by Robert Burns 27 August 2005 (The Army’s Criminal Investigations Command alerts top Army, Navy, Air Force, and Marine Corps lawyers by letter of the “identified deficiencies” in 479 DNA cases

possibly under review.) Washington Post, “Paternity Suit Raises Doubts on DNA Test – D.C., case points to growing problem” by Tom Jackman 22 August 2005 (Points to a series of bizarre cases, including one in Michigan where “a DNA test on evidence from 1969 matched someone who would have been four years old at the time of the slaying and couldn’t possibly be involved.”); Associated Press, “Dozens Falsely Jailed Due to Prosecutor Misconduct” by AP byline (www.publicintegrity.org) (Prosecutors misbehaved so badly in more than 2000 cases during that period that appellate judges dismissed criminal charges, reversed convictions or reduced sentences, the study found.”); Boston Globe, “Prosecutors to Retry Twin in Case Marked by DNA Limits” by Jonathan Saltzman 26 August 2005 (“DNA evidence was unable to definitely link a defendant to the crime because the individual had an identical twin.”); The Providence Phoenix, “Down By Law, Some Innocent People Are Convicted for Crimes They Didn’t Commit” by Ian Donnis 15 October 1999 (“In a 1997 report, the Death Penalty Information Center In Washington, D.C., found that the danger that innocent people will be executed is getting worse.”); Worcester Magazine, “The Ultimate ID: DNA Forensics Can Prove Who’s Innocent, Who’s Guilty” by Ben Welch); USA TODAY, “Innocence of Former Death Row Inmates Overstated,” by Richard Willing 25 January 2005 (Prosecutors dispute claim of factual innocence by six former death row inmates in Court TV film, *The Exonerated*.); New York Times, “Still on Death Row, Despite Mounting Doubts” by Raymond Bonner 8 July 2002; Boston Globe, “Inmate’s Exoneration Renews Call for an ‘Innocence Panel’” by Jonathan Saltzman 9 March 2004; Boston Globe, “Powell Freed from Prison: DNA Evidence Clears Him” by John Ellement 9 March 2004; Boston Globe, “Foolproof Forensics? Even Science May Not Make a Death Sentence Infallible” by Beth Daley 8 June 2004; Boston Globe, “With DNA Evidence, States Keep Unsolved Cases Open” by Brendan McCarthy 20 June 2004; Boston Herald, “Verdict: Flawed Forensics” by Barry Scheck & Peter Neufeld 14 March 2004; Telegram & Gazette, “New Guidelines for Eyewitness Testimony, Photo Arrays and Lineups are Being Discouraged” by Martin Lutterell 13 March 2005; Boston Herald, “When ID’ing Suspect, Seeing Isn’t Believing” by Tom Keane 7 April 2004; Boston Herald, “Cross-racial ID Issue a Real Eye-Opener” by Howard Manly 14 March 2004; Boston Globe, “Pathologist Tackles the Crisis in State Crime Labs” by Scott Allen 15 August 2005; The New York Times, “When Prosecutors Err, The Price is Steep, and It is Paid Mostly by Others” by Andrea Elliott & Benjamin Weiser 21 March 2004; The New York Times, “Hurricane, a Wronged Boxer, as Hero of His Own Tumultuous Life” by Ralph Blumental 26 December 1998; Popular Science, “DNA and a New Kind of Racial Profiling” by Jessica Snyder Saches December 2003; USA Today, “8 Years In a Louisiana Jail, But He Never Went to Trial” by Laura Parker 29 August 2005. Boston Globe, “With DNA evidence, states keep unsolved cases open” by Suzanne Smally 20 June 2004 (a “John Doe DNA” indictment, prosecutors say, can keep cases open); Boston Globe, “Representation of indigent defendants inadequate, study says” by AP 11 February 2005 (“All too often, defendants plead guilty, even if they are innocent, without really understanding their legal rights, says ABA Study.”); The Atlantic Monthly, “The Texas Clemency Memos” by Alan Berlow July/August 2003; Boston Globe, “State high court is asked to ban use of fingerprint evidence” by Jonathan Saltzman 5 September 2005 (Lack of scientific rigor puts in question validity of fingerprint evidence.); Boston Herald, “Real justice begins with diverse juries: by Rachele Cohen 5 June 2003 (Jury selection in

Massachusetts viewed as problematic by SJC.); Boston Globe, “Science key in building cases for death law” by Rick Klein 30 September 2003 (Governor Mitt Romney triggers debate whether with cutting-edge science, is it possible to draft a fail-safe death penalty); National Review, “Bad List / A suspect roll of Death Row ‘innocents’” by Ramesh Ponnuru 16 September 2002 (At most, what can be said of the “Innocence List” compiled by the Death Penalty Information Center “is that the legal system cannot establish guilt beyond a reasonable doubt.”); TIME, “When The Evidence Lies” by Belinda Luscombe 21 May 2001 (“Joyce Gilchrist helped send dozens to death row. The forensic scientist’s errors are putting capital punishment under the microscope.”); TIME, “Botching The Big Case” by Nancy Gibbs 21 May 2001; Gannett News Service, “Defendants in False Evidence cases at Clear Disadvantage” by Stacey McKenzie 16 July 1994; Gannett News Service, “Convicted on False Evidence” by Laura Frank and John Hanchette 19 July 1994; Popular Science, “Evidence from Dust & Detritus” By Gordon Grice October 2002; Christian Science Monitor, Can You Build a Foolproof Death Penalty?” by Seth Stern 5 November 2003; Vanity Fair, “Jack the Ripper” by Patricia Cornwell December 2002 (Cornwell reveals how she and the others used state of the art forensic science, including DNA tests, to make the case.); Tulsa World, “Lawyers Seek to Overturn Rape Conviction” by Bill Braun 22 November 1996 (Reviewing Case of Timothy Edward Durham, a story of a botched DNA test.); TIME, “This Man Might be Innocent/This Man is Due to Die” Cover Story 18 May 1992 (Reviewing the case of Roger Keith Colman); Knight Ridder, “Scientist Remains Unsatisfied with Retesting of Evidence” by Faye Flam 13 January 2006 (DNA expert calls the retesting effort “a cynical exercise in manipulating a scientific investigation.”); New York Times, “DNA Ties Man Executed in ‘92 to the murder He Denied” by James Dao 13 January 2006 (“The testing was closely watched across the nation because of the belief that it would provide powerful momentum to death penalty abolitionists if it were to prove that an innocent man had been put to death.”) Associated Press, “DNA testing takes back seat in high-court death row case” by Toni Locy 12 January 2006 (Arguments on the case of Paul Gregory House focus on the “often messy nature of criminal trials, in which defendants get caught lying for inexplicable reasons, experts dual over how to interpret evidence, prosecutors withhold evidence and police fail to pursue all suspects.”); New York Post, “O.J. Verdict Still Doesn’t Fit” by Andrea Peyser 3 October 2005 (“Lesson No. 1: Barry Scheck is the devil. DNA, then in its infancy, was billed as the magic bullet that freed the innocent and convicted the guilty. But O.J.’s DNA was all over the crime scene. So Scheck confused the jury by insisting that DNA testing was really flawed.”); Boston Globe, “SJC bars a type of prints at trial” by Jonathan Saltzman 28 December 2005 (affects only the sliver of cases in which fingerprint examiners add up characteristics from several prints to consider a match, about 1 percent of all cases); USA Today, “Push to solve cold cases has benefits – and cost” by Richard Willing 28 December 2005 (DNA identification of suspects in rapes unsolved for years can reopen wounds for the victims); Associated Press, “Outgoing gov. wants to determine if Virginia executed innocent man” by Kristen Gelineau 3 January 2006 (a forensic analysis is a delay because Dr. Ed Blake, who has kept the samples frozen since 1990, refuses to return the samples to Virginia, arguing that testing should be done at his lab.); Time, “The Rise and Fall of the King” by Michael D Lemonick 9 January 2006 (DNA results used to prove that the stem cells derived from clones seemed suspicious to scientists.); TIME, “True Confessions?” by Brian Bennett 12

December 2005 (Three sailors once confessed to murdering a Navy wife. But another man's DNA is linked to the crime.); GQ, "The Wrong Man" by Andrew Corsello
November 2004 (Calvin Willis walked out of prison a free man, the 138th American exonerated by DNA); Black News Weekly, Jury awards \$15,000,000 to black man wrongfully imprisoned for murder" by Noble Johns undated (www.blacknewsweekly.com/bin32.html); Boston Herald, "Justice must be trial without error" by Jennifer Chunias & Neil Raphael 25 May 2004 (How many years will innocent people have to spend in prison?); New York Times "Crusading for Prisoners When the System Fails" by Julie Salamon 27 June 2005 (PBS filmmaker Ofra Bikel helps to gain release of 13 out of 14 inmates she has profiled as innocent); Associated Press, "Federal judge orders new trial for death row inmate" in Pittsburgh by AP 24 February 2005 (Ernest Simmons was given a new trial because prosecutors withheld key evidence undermining star witness); Charlotte Observer, Editorial, "A Fair Trial Rescues Alan Gell from Death Row" 22 February 2004 ("Withholding evidence has been illegal since 1963, but not single prosecutor has received significant punishment."); New York Times, "The System Dances With Death" by Jim Dwyer & Jodi Wilgorn 21 April 2002 ("There are proportionally far more innocent people convicted than I ever thought there were," says former CIA and FBI director William H Webster.); New York Times, "An Old Case in a Different New York" 20 October 2002 (The infamous Central Park Jogger case saw five black males convicted of sexual assault, even though DNA evidence pointed to someone else.) by Sam Roberts; Associated Press, "Freed man charged in slaying" by Carrie Antlfinger 16 November 2005 (Steven Avery, cleared of a sexual assault by DNA, is now charged with the murder of Teresa Halback.); USATODAY, "FBI Checking Prints in death row cases" by Richard Willing 11 January 2006 (FBI is reviewing all federal and state cases of death row inmates scheduled for execution based on the lab's fingerprinting analysis.); The Republican, "Court review vital in rape-murder case" by James Kilpatrick 6 August 2005 (US Supreme Court reviews questionable evidence in the case of Bobby Lee Holmes.); Telegram & Gazette, "Conte's not talking and that's that" by Dianne Williamson 26 January 2006 (DA John Conte's "penchant for paranoia and secrecy is just plain weird, and sometimes irresponsible. His office is triple-locked and stacked with television monitors. He seldom appears in public without a protective detail.); WGBH, "Jewel of Earth" episode of NOVA, Paula S Apsell, Executive Producer 14 February 06 (Scientists seeking DNA from specimens frozen in a Amber stone discern that the unexpected DNA of fish was due to contamination. The examiner had a tuna sandwich at same time as the analysis was being performed, and inadvertently contaminated a DNA first assumed to be from dinosaur.); Boston Globe, "Manslaughter Deal struck in 1981 murder" by Raja Mishra 17 February 2006 (Patrick J Durham accepts a guilty plea when DA Daniel F Conley recognizes that "the DNA evidence would be vigorously contested" as contaminated and mishandled.); Washington Post, "Blood Trail Is Crux of Forensic Mystery" by Charles Lane 6 February 2006 (Lawyers for Paul Gregory House, experts including Ed Blake say, presented the US Supreme Court with junk science.); TIME, "DNA testing may not be so, foolproof as once thought" Dick Thompson 5 June 1989 (Advocates of DNA still maintain these tests are practically foolproof if done properly. "It's not the technology that's being challenged," says John Hicks, a deputy assistant director of the FBI, "but the proficiency of the tester."); TIME, "Convicted by Their Genes 31 October 1988 (A new forensic test is revolutionizing

criminal prosecutions.); Boston Globe, “Scientist vows to safeguard DNA in Va. murder case” by John Aloysius Farrell 16 September 2000 (“Evidence sought by lawyers for another condemned man, Derek Barnabei, was missing from a locked evidence room for three days. DNA tests of that evidence failed to absolve Barnabei, and he was executed ... despite his lawyers’ assertions that the disappearance was evidence of ‘deliberate and malicious tampering.’”); Virginian-Pilot, Editorial, Confusion over DNA a threat to Justice, 29 August 2005; Richmond Times-Dispatch, Study will ask whether errors in Washington case are ‘endemic to the system by Frank Green 14 June 2005; Virginian-Pilot, editorial, Alarming indifference from crime lab boss 10 May 2005; Winston-Salem Journal, State crime lab is faulted: Lawyers group calls for probe, cites DNA errors in three cases by Phoebe Zerwick 20 July 2005; Richmond Times-Dispatch, Mistakes by state DNA firm alleged The Illinois State Police, ‘out-raged’ by findings, end their contract with the firm by Frank Green 20 August 2005; Minneapolis Star-Tribune, Defense attorneys raise concerns about DNA sample mix-up by David Chanen 20 May 2005; KSTP-TV News, BCA crime lab under the microscope (at www.kstp.com/article/stories/S8367.html?cat=1); Las Vega Review Journal, DNA evidence: Officials admit error, dismiss case by Glen Puit 18 April 2002; Ann Arbor News, Judges raises possibility DNA evidence may have been contaminated at State Police lab by Liz Cobbs 11 May 2005; Virginian-Pilot, Governor appoints panel to oversee Va’s crime lab by Christina Nuckols 9 August 2005; Seattle Post-Intelligencer, 23 DNA testing errors in serious criminal cases unearthed in 2004 (<http://seattlepi.nwsource.com/special/crimelab/>); Houston Chronicle, Retesting of crime lab work in question by Roma Khanna 6 December 2004; Legally Scientific? A brief history of DNA evidence in the criminal justice system by Michael Strutt 9 June 2001 (http://www.justiceaction.org.au/actnow/Campaigns/DNA/pdf_files/02_legal.pdf); US Department of Justice, Office of the Inspector General, The FBI DNA Laboratory: A Review of the Protocol and Practice Vulnerabilities, May 2004 (www.usdoj.gov/oig/special/0405/final.PDF); National Law Journal, DNA Tests Unravel by Charles Sherman 18 December 1989; FBI Law Enforcement Bulletin, The Microscope Slide: A Potential DNA Reservoir by John E. Smialdk November 2000 (addressing the “seriousness of the contamination issue.”); The Champion, Understanding Recent Problems in Forensic DNA Testing by William C Thompson January/February 2006; US News & World Reports, Getting DNA to Bear witness/Genetic tests can reveal ancestry, giving police a new source of clues by Dana Hawkins Simons 23 June 2003; Time, This Man Might be Innocent 18 May 1992 (The story of Roger Coleman); Vanity Fair, That Championship Scandal by Buzz Bissinger July 2006 (“crucial DNA test on 46 Duke lacrosse players found no match with the accuser, making her allegations, that she was choked and raped and sodomized for about 30 minutes, even more uncertain.”); Center for Public Integrity, Harmful Error: Investigating America’s Local Prosecutors by Steve Weinberg (analyzing 11, 452 cases involving prosecutorial misconduct)(www.publicintegrity.org); Washington Post, Vast DNA bank puts policing at odds with privacy by Rick Weiss (reprinted in Boston Globe 4 June 2006)(“These data-bases are starting to look more like a surveillance tool than a tool for criminal investigations, said Tania Simoncelli of ACLU in NY.); Newsweek, Doubts About Duke by Evan Thomas and Susannah meadows 26 June 2006 (“But the woman’s own statements to police and to medical personal were contradictory, and the

physical evidence does not appear to support her claims or the police affidavit.”) Simon Ford, Fraud Detection through case reviews; A Presentation at the Forensic Bioinformatics 4th Annual Conference: The Science of DNA Profiling: A National Expert Forum, Dayton, Ohio, 13 August 2005 (online www.bioforensics.com/conference05/FBS Dayton 2005__Fraud.pdf); Boston Globe, Near match of DNA could lead police to more suspects by Gareth Cook 12 May 2006 (“The genetic surveillance of innocents would be along racial lines,” said DNA expert and lawyer Barry Scheck. “I think it is a troublesome idea.”); Boston Globe, City to pay \$3.2m in wrongful conviction suit by Andrea Estes (An exonerated Neil Miller settles lawsuit with Boston City. “These were not mistakes,” said DNA expert and lawyer Peter Neufeld. “He was the head of the laboratory who testified more than 1,000 times who is caught in perjury.”)(March 2006); New York Times, “Ex-prosecutors and Deputies in Death Row Case are Charged with Framing Defendant” by Don Terry 13 December 1996; Chicago Tribune Magazine, “Nine Lives” by David Protes and Rob Warden 10 August 1997; Republican, “Wrongly convicted man gets \$500,000” by Marla A Goldberg 13 August 2005; Boston Herald, 3 wrongly jailed will share \$1.5M” by Casey Ross and Maggie Mulvihill 13 August 2005; Boston Herald, “Charges possible despite DNA tests” Tim Whitmire (AP) 17 April 2006; Boston Herald, “Special Report: Justice Denied” by Maggie Mulvihill 5 May 2004; Telegram & Gazette, “Conte rules out re-election - 30-year run to end” by Milton J. Valencia 25 January 2006;- USA TODAY, “Science takes hard look inward Journal editors focus on how to root out fraud” by Rita Rubin 11 January 2006 (University of Michigan professor seeks funds to organize international conference to address fraudulent research); Massachusetts Lawyers Weekly, Editorial, “Prosecutorial Power & Responsibility” 6 April 1998 (“Society suffers when those who prosecute are not humble enough to admit that sometimes innocent people get trapped in an imperfect system.”); Boston Herald, “Bad conviction rattles legal eagles” by Jules Crittenden 25 January 2004 (Defense attorney J.W. Carney says, “Proof beyond a reasonable doubt requires that every bit of evidence be scrutinized with care by everyone involved in the process, even in what looks like an overwhelming case_ f guilt.”); Boston Globe, “Panel decries wrongful convictions” by Jenna Russell 25 January 2004 (Supreme Judicial Court Justice Robert Cordy said, It’s frightening, because it can happen, and it’s costly to everyone. We need to rededicate ourselves to making changes that will minimize the possibility of wrongful convictions.”); Boston Herald, “Judge clears way for wrongful arrest suit” by Tom Mashberg 6 September 2004 (“On the morning of the day of the plaintiff’s arrest, the Massachusetts State Police knew that the plaintiff”- Edmund F. Burke - “was not the person who murdered Irene Kennedy,” said Superior Court judge Carol Ball.); Associate Press, “Federal judge orders new trial for death row inmate” no byline 24 February 2005; Massachusetts Lawyers Weekly, Editorial, “Genetic Testing: Learning More” 12 September 1994; Bostonia, “CSI: Boston University/In DNA Forensics, ENG Prof Nabs the Guilty Twin” by Tim Stoddard (Fall 2004); Boston Herald, 22 Bay State men wrongfully jailed by Franci Richardson and Maggie Mulvihill/Herald/FOX 25 Probe of 5 May 2004; Boston Herald, Innocent point finger at ‘Mr. Homicide’“ by Franci Richardson and Maggie Mulvihill 5 May 2004; Boston Herald, These men’s lives ruined forever by Maggie Mulvihill 5 May 2004; Boston Herald, Misfits dumped into key cop unit by Maggie Mulvihill and Franci Richardson 6 May 2004; Boston herald, Mayor pushes for ‘compensation fund’ by

Maggie Mulvihill and Franci Richardson 6 May 2004; Boston Herald, This boy did six years in the joint for nothing by Franci Richardson and Maggie Mulvihill 7 May 2004; Boston Herald, It's time for age of innocence: A call for commission on wrongful convictions by Maggie Mulvihill and Franci Richardson 7 May 2004; Boston Herald, Man's murder rap tossed 30 years after conviction by JM Lawrence 30 April 2004 Boston Globe, "DAs Call for More Staff at crime labs" by Tracy Jan and Maria Sacchetti 3 September 2006 (Spurred by the discovery of more than a dozen wrongful convictions in recent years, the Massachusetts' district attorneys have issued new guidelines); Boston Globe, "You can buy a DNA test, but beware" by Judy Foreman 7 August 2006 (While the public believes genetic testing is subject to government oversight, that is largely not the case.); Boston Globe, "A Salve For Justice" Editorial 20 August 2006 ("Massachusetts also has failed to create an innocence panel to look at 23 overturned convictions since the 1980s."); Boston Globe, Innocence by the Numbers by David Feige 16 July 2006 ("Is Justice Scalia's faith in the criminal justice system, expressed in a recent opinion, based on the fuzzy math of the death penalty lobby?"); Justice Watch, Summer 2004 ("Asking prosecutors what we should do about wrongful convictions is like asking Hannibal Lecter what we should do about cannibalism," says Rob Warden of the Center on Wrongful Convictions at Northwestern University.); Telegram & Gazette, Tool for justice, Editorial 6 June 2003 ("More recently the case of convicted rapist Benjamin LaGuer of Leominster illustrated how DNA evidence can debunk even the most persistent protestations of innocence."); Sentinel & Enterprise, District attorney was relentless in his pursuit of justice, Political endorsement, Letter to the Editor 30 October 2002 by Robert J. Barry ("District Attorney John Conte has worked diligently and was not influenced by the press. He fought every motion on behalf of the commonwealth. Thank God!" Mr. Barry is the victim's son-in-law.); Bureau of Justice Statistics, Survey of DNA Crime Laboratories, 2001. National Institute of Justice, NCJ 191191, January 2002. <http://www.ojp.usdoj.gov/bjs/pub/pdf/sdnacl01.pdf>; William C Thompson, Subjective interpretation, laboratory error and the value of DNA evidence: Three case studies, 96 *Genetica* 153 (1995); William-C Thompson, Accepting Lower Standards: The National Research Council's Second Report on Forensic DNA Evidence. 37 *Jurimetrics* 405 (1997); William C. Thompson, Examiner Bias in Forensic RFLP Analysis, *Scientific Testimony: An Online Journal*, www.Scientific.org; D. Michael Risingger, Michael J Saks, William C Thompson & Robert Rosenthal, the Daubert/Kumho Implications of Observer Effects in Forensic Science: Hidden Problems of Expectations and Suggestion. 90 *Cal.L.Rev.* 1 (2001); John M. Butler, Forensic DNA typing: Biology and Technology Behind STR Markers (2001); William C Thompson, Simon Ford, Travis Doom, Michael Raymer & Dan E. Krane, Evaluating forensic DNA evidence: Essential elements of a competent defense review, National Association of Criminal Defense Lawyers, www.nacdl.org (April 2003); Telegram & Gazette, Editorial, Justice on hold/Unsolved crimes confound police, families 7 September 2006 ("It was stunning to see in last weekend's Sunday Telegram the page filled with names and faces of the more than 90 people who were murdered or are missing from across Central Massachusetts since 1970."); New York Post, Cuomo Slams Pirro: Rips DNA 'blunder' by Kenneth Lovett 22 September 2006 (Westchester district attorney ignores repeated request by Jeffrey Deskovic to have DNA evidence retested since 1997.); Chicago Tribune, Report: Inmate Wrongly Executed by Maurice Possley 9 December 2004; Austin Chronicle, Without

Evidence: Executing Frances Newton 9 September 2005; JusticeDenied, New Evidence of Frances Newton's Innocence Ignored by Courts And Texas Governor Summer 2005; Houston Chronicle, Did Texas execute an innocent man by Lise Olsen 20 November 2005; Was the wrong man executed? by Terry Ganey, St Louis Post-Dispatch 11 July 2005; Stanford Law Review, 8 Miscarriages of Justice in Potentially Capital Cases by Hugo Adam Bedau and Michael L. Radelet, November 1987, Vol. 40, pp 21-179.; The Virginian-Pilot, "Kangaroo court for Earl Washington" Editorial 1 May 2006; Boston Globe, Laboratories of Justice, Editorial 24 September 2006("At the Massachusetts State Police crime lab, forensic scientists have backlogs of cases, inadequate bench space, and \$35,000 salaries that recently led five of the state's 32 crime lab chemists to seek work in other states..."); Worcester Telegram & Gazette, Paxton Man Nominated as Superior Judge, no byline 26 September 2006 (Assistant District Attorney James R Lemire of Paxton was chief of the drug, sexual assault and financial crime units.); Boston Globe, Appeal heard in '95 murder of prosecutor/Evidence, testimony faulty, SJC is told by John R. Ellement 11 November 2006 (Attorney John H. Cunha told five SJC justices that "some of the DNA evidence" that was used to convict Jeffrey L. Bly "was tainted by flawed laboratory and analytical procedures." Assistant Attorney General Pamela Hunt told the court, "This was not a DNA case. The heart and soul of this case was the testimony of five witnesses.) Boston Herald, Judge Orders Entwistle DNA swab by Norman Miller 9 November 2006 (Accused double-murder suspect Neil Entwistle's DNA was incorrectly extrapolated by taking DNA from his dead infant daughter and DNA from a water bottle located in Entwistle's abandoned BMW at Logan Airport. Entwistle must submit a more reliable and direct sample from his buccal or cheek.); Boston Globe, Scientists unveil beginnings of Neanderthals' DNA code by Gareth Cook 16 November 2006 ("This finally made the idea practical, because about 95 percent of the DNA is contamination from other organisms, according to Michael Egholm, vice president of molecular biology at 454 Life Sciences. They use computer analysis to put side all of the DNA contaminated by microbes and humans who have handled the fossil."); See. Hugo Adam Bedau & Michael L. Radelet, "Miscarriages of Justice in Potentially Capital Cases," 40 Stan. L. Rev. 21 (1987) (Professors Bedau & Radelet produced evidence suggesting that 23 innocent people were executed in US during the 20th century.) Their methodology and conclusions have been criticized. See Stephen J Marksman & Paul G. Cassell, "Protection the Innocent: A Response to the Bedau & Radelet Study," 41 Stan. L. Rev. 121 (1988); See also Michael L. Radelet & Hugo Adam Bedau, "The Execution of the Innocent," 61 Law & Contemp. Prob. 105. 115 (1998); Boston Globe, DNA samples in Cape slaying to be returned by David Abel 22 November 2006 (DNA samples collected from hundreds of men to resolve a fashion writer's murder are return following a conviction.); New York Post, "Wrong Man' In Money/Law firm pays 900G" by Stefanie Cohen 21 November 2006 (Lee Long settled legal malpractice claim with former client, after Barry C. Scheck's law firm agrees that it bungled Long's compensation claims and rights against the state.); Peter J. Henning, "Prosecutorial Misconduct & Constitutional Remedies," 77 Wash. U. L. Q. 713 (1999)(analysis of particular instances of prosecutorial misconduct, e.g., use of perjured testimony, undisclosed evidence, and destroyed evidence.); Nat'l Dist. Attorneys Ass'n, Policy Positions on DNA Technology 8-9 (2001)(while acknowledging the potential of value of DNA analysis to exonerate, the group urges "limits" and for "protecting against potential

abuses.”)(www.ndaa-apri.org/ PDF/ 7.22.01.DNA%20 Postion.pdf (last visited Oct. 2005); New York Times, Some Prosecutors Willing to Review DNA Evidence by Ross E. Milloy 20 October 2000; See Landry -v- Attorney General, 429 Mass. 336 (1999)(State officials should be aware that DNA tests “will inevitably be challenged on the ground (among others) that the DNA sample was not properly obtained or that it had been contaminated with other human DNA, creating a possible misleading or false result.”); Also see Commonwealth -v- Vao Sok, 425 Mass. 787, 794 n. 11 (1997)(pointing out the possibility of contamination of a forensic DNA sample and further describing problems that might exist with certain. types of DNA testing,); National Research Council, The Evaluation of Forensic. DNA Evidence Report (1996) (emphasizing that “given the great individuating potential of DNA evidence and the relative ease with which it can be mishandled or manipulated by the careless or unscrupulous, the integrity of the chain of custody is. Of paramount importance.”); Boston Herald, Duke case shows overreaching DA by Dan K. Thomasson 1 January 2007 (“None of the DNA samples matched anyone on the lacrosse team. The DNA however, did come from several other unidentified men, a fact [DA Michael] Nifong and the lab director withheld from the defense.”); Boston Herald, Enwistle murder weapon mystery by Joe Dwinell & Laurel J. Sweet 11 January 2007 (In a strange twist to sensational murder case, inconclusive DNA of third person has been found on the grip of the revolver allegedly used to execute wife and baby.); Boston Herald, Statie DNA lab blunders may jeopardize rape cases by Casey Ross & O’Ryan Johnson 13 January 2007 (An administrator at the State Police DNA lab has been put on leave for botching tests, running tests too late to prosecute suspects and outright failures to run tests at all. Essex County DA’s office said his office received one false DNA report from the lab that resulted in an arrest.); Eunyung Theresa Oh, innocence after “Guilt”: Post conviction DNA Relief for Innocents who Pled Guilty, 55 Syracuse L. Rev. 161 (200.4)(quoting Jeannie Pirro, district-attorney of Westchester, N.Y., as referring to a DNA test as “the finger of God.”); Boston Globe, Crime lab mishandled DNA results by Jonathan Saltzman & John R. Ellement 13 January 2007 (“DNA evidence and the use of DNA evidence has been one element that has brought a certain degree of certainty into many criminal prosecutions that wasn’t there before. If we’re going to use that evidence and have that option available to us, then we have to assure that it’s consistently professional. And it hasn’t been, at least in this series of cases,” said Governor Deval Patrick.); MetroWest Daily News, DNA analyst at crime lab suspended by Casey Ross & O’Ryan Johnson 13 January 2007 (State Police Col. Mark F. Delaney suspended with pay analyst. Robert Pino, having determined that Pino “failed to follow clearly established professional practices” with regard to DNA samples.); Telegram & Gazette, State Police suspend DNA lab administrator by David Weber 13 January 2007 (“This is clearly something that we’re recognizing is very serious,” said State Police Lt. William Powers.); Boston Globe, Mass. DNA lab’s lapses draw Beacon Hill inquiry by Jonathan Saltzman & John R. Ellement 17 January 2007 (“Key state lawmakers demanded answers yesterday about the mishandling of DNA test results at State Police laboratory”); Boston Herald, Deluge of challenges will follow DNA lab’s blunders by Casey Ross 18 January 2007 (“It’s going to be system wide. There will be motions on old cases and on any forthcoming case,” said Public Safety Secretary Kevin Burke, adding that the “negligence” of one crime lab administrator could reverberate throughout the state’s

criminal justice system. In four cases, Robert E. Pino allegedly prepared false reports, saying that DNA from a crime scene matched a particular suspect, when in fact no match had occurred.); Telegram & Gazette, Lab exam/Handling of DNA evidence must be meticulous, timely, Editorial, 19 January 2007 (“State legislators should press for answers in the improper handling of DNA evidence...”); Boston Globe, FBI begins review of crime lab by Jonathan Saltzman 20 January 2007 (FBI analysts downloaded more than 20,000 DNA profiles over 15 hours...); Metro West Daily News, A case for LaGuer review by Eric Goldsheider 19 January 2007 (“The premise behind LaGuer’s expert performing blind tests was that the State Police crime lab would perform the role of honest broker, competently vetting the evidence solely in search of the truth, and not as an arm of a prosecution intent on preserving a conviction.”); Metro West Daily News, DNA slip: Unsolved cases hurt by state crime lab ‘mishandling’ evidence by Peter Reuell 21 January 2007 (“I think the courts are going to have to start giving some of these people hearings, or accede to retesting,” says defense attorney John LaChance. “The problem is you don’t know what’s been falsified and what hasn’t; .”); Massachusetts Lawyers Weekly, Gov.’s Council quizzes would be Worcester Superior Court judge by Noah Schaffer 2 October 2006 (Superior court judge candidate told members of the Governor’s Council, during his confirmation hearing, that with regard to the LaGuer case, “We would never withhold exculpatory evidence.” In response to Councilor Peter Vickery, Lemire said, “We had very limited forensics; its wasn’t like ‘CSI;”” adding that the case was tried on the basis of identification.) Boston Herald, New DA nixes LaGuer rape case review by Dave Wedge 11 January 2007 (“He believes justice has been served,” spokesman Tim Connolly said of District Attorney Joseph Early, adding that Early has no plans to grant LaGuer’s request for a review of the DNA tests.); Boston Globe, Review faults defense efforts in four death-penalty states/Lawyers missed relevant evidence in 73 of 80 cases by Stephen Henderson (McClatchy Newspapers)(Kenneth Starr, dean of Pepperdine University School of Law, says, “We are going to sit in judgment of one of our own and take a life. Not doing it right is unspeakably shameful.”)(1/21/07); Telegram & Gazette., LaGuer Wants DNA Review by Matthew Bruun 17 January 2007 (“Several forensic experts have said the minimal amount of genetic material identified in the analysis is consistent with contamination. The state police did not perform the analysis in Mr. LaGuer’s case, but the lab was responsible for preparing and labeling the samples for testing. Mr. LaGuer says hairs taken from a jersey he was wearing when he was arrested were mislabeled and pooled with crime scene evidence, resulting in the positive DNA match that led many of his past supporters away. He cites testimony from the lead detective in the case, who described Mr. LaGuer donning a jersey when being questioned about the crime. ‘How could I be wearing the shirt on Friday when I was arrested, and 18 years later the shirt is labeled as found at the feet of the victim three days earlier?’); Boston Globe, Lawyers question lab’s DNA results by Jonathan Saltzman 24 January 2007 (“Showing the widening fallout from the mishandling of DNA test results at the State Police lab, the lawyers in three high profile murder cases challenged the reliability of such test results and suggested the problems could help their clients.”); Boston Globe, Father of Slain Calif. girl criticizes Patrick by Andrea Estes 26 October 2006 (“The father of California murder victim Polly Kiass visited Boston yesterday ... Marc Klass said ...”I’m sorry - this just absolutely blows my mind ... Every fiber of my being cries out to beware any individual who prioritizes the

rights of a violent sexual sadist like Ben LaGuer ahead of the rights of a crime victim like the 59-year-old woman he repeatedly raped over the course of eight hours.”); Boston Herald, News in Brief, Outside firm eyed to assess state DNA January 2007 (Secretary of Public Safety Kevin Burke hires a firm for \$250,000. “While the science of DNA is indisputable, we have a duty to ensure that the Commonwealth can have a similar level of confidence in the administrative processes we employ.”); USA TODAY, New Ethics Charges for N.C. prosecutor, allegedly withheld Duke case evidence by Wendy Koch 25 January 2007 (“Last month, a DNA security’s director testified that he and.[DA Mike] Nifong agree to include only DNA matches in their report, not results showing no matches between the accuser and players.”); Telegram & Gazette, State Police to Widen probe of crime lab by Associated Press 27 January 2007 (Public Safety Secretary Kevin M. Burke has ordered a comprehensive review of all practices and policies at the state police crime lab.); Metro West Daily News, FBI Investigating Sudbury crime lab/Facility audited twice since 2003 by John Hilliard 26 January 2007 (Crime lab - now under federal. scrutiny following allegations DNA evidence was mishandled by an administrates -- has undergone at least two independent audits since 2003.); Boston Globe, US Audit found more problems at crime lab by Jonathan Saltzman 21 February 2007 (A federal inspection completed in September 2006 found problems with the handling of DNA evidence that go beyond those that prompted the agency to suspend a analyst.); USA TODAY, Briefs, Across America 2 February 2007 (Federal investigators found problems with the handling of DNA evidence at the state police laboratory.); Metro West Daily News, DNA abuse sends shock waves by Casey Ross 18 January 2007 (Chief counsel for the committee for Public Counsel Services writes a letter requesting the formation of a special commission to investigate the causes of wrongful convictions. “The larger issue is the continuing threat to the accuracy of verdicts in Massachusetts criminal cases by both human error and deeply flawed but long established procedures which virtually guarantee a ... stream of wrongful convictions,” said William J Leahy.); Lawyers Weekly, Contesting Fingerprints A Weapon for Defense Bar by John O. Cunningham 16 February 2004 (Lawyers say fingerprint evidence can be fought under new Daubert admissibility standards.); USA TODAY, Across the USA/News from every state, 15 February 2007(The state crime lab mishandled DNA test results in 27 sexual assault cases, nearly twice as many as originally thought. Robert E Pino let the statute of limitations expire while he searched the genetic profiles of convicted felons family members, a violation of agency practice, authorities said.); Boston Globe, Crime Lab botched 27 DNA results/nearly twice as many as state found earlier by Jonathan Saltzman 14 February 2007 (“there are enormous implications to the failure of the State Police crime lab in this instance, not the least of which is the potential for innocent people being convicted,” said Jarrett T. Barrios, co chair of the Joint Committee on Public Safety and Homeland Security. “We’re just accepting the assertion that mistakes in unnamed cases have caused no harm, and that’s hardly satisfactory,” said William J. Leahy, chief counsel for the State Committee for Public Counsel Services.); Telegram & Gazette, DNA matches botched in 27 sexual assaults by AP of 15 February 2007 (“It’s certainty a fair question, but it’s one we don’t have an answer to,” said Public Safety Secretary Kevin Burke.); Boston Globe, Another problem found at DNA lab by John R. Ellement 21 February 2007 (12 DNA profiles of sex suspects were illegally in the lab’s database of convicted felons. “Why are the samples being taken illegally? That sounds

like 12 violations of law," said CPCS chief Bill Leahy. "There may be more information. The 12 could just be the tip of the iceberg."); Lawyers Weekly, Lawyer challenges DNA evidence in wake of crime lab's mistakes by David E. Frank 26 February 2007; Boston Herald, "Police chemist claims he's a fall guy/Blames crime lab woes on inadequate resources" by Casey Ross 3 March 2007 ("It was a systematic error," said Robert E. Pino. "Even after this filing [of the DNA matches] was OK'd, no one thought there was a need for a different kind of tracking system. No one ever asked about these cases. No one was vigilant."); Boston Globe, "Director of crime lab quits post/ State Police facility's work is under fire" by Jonathan Saltzman 10 March 2007 (Dr. Carl Matthew, -Selavka.'s "contact with the DNA computer database had been severely restricted to make sure that he could not taint the investigation by the State Police or FBI. 'We couldn't even leave the appearance that he could somehow influence or change the outcome of our internal investigation,'" said Public Safety Secretary Kevin Burke.); Boston Globe, Union Defends suspended DNA database administrator/cites lab funding, staffing problems by Tracy Jan 14 January 2007 (Attorney Robert Griffin, a former chief of Superior Court prosecutions in Suffolk County said he represented a case in which the state crime lab report indicated that semen was found on the victim's body, but the autopsy gave no evidence of a sexual assault. The DNA sample did not match any of the defendants. Ultimately, as the trial date approached, the crime lab concluded that the DNA sample was not semen, but that it had come from one of the chemists in the lab who had contaminated a sample of protein found in the victim's urine.); Boston Globe, DNA problems prompt novel case by Jonathan Saltzman 6 March 2007 (Robert E. Pino's "alleged mishandling of DNA evidence, which has prompted three sweeping investigations and embarrassed the State Police, is reverberating through the Massachusetts criminal justice system."); Boston Globe, Governor to replace 3 on Parole Board when terms end by Andrea Estes 16 March 2007; Boston Globe, Deval must make the most of his second chance by Joan Vennoch 17 March 2007 ("Kerry Healy tried to paint Patrick as a defender of criminals instead of victims. Her theme did not resonate with voters who liked Patrick. By Election Day, Healey lost the campaign as much as Patrick won it. Now, he runs the risk of looking like an Accidental governor, if he doesn't get his fledgling administration back on track." The case of Ben LaGuer was a factor.); Springfield Republican, Chief quits at state crime lab by Steve LeBlanc 10 March 2007 (The state signed a \$267,000 contract for a complete management and operational systems analysis of the lab to be conducted by the investigation and security consulting firm Vance, headquartered in Oakton, Va. The report is set to be completed by June 30.); Boston Globe, SJC Upholds conviction in LaGuer case/Appeal was factor in governor's race by Jonathan Saltzman 24 March 2007 ("The Supreme Judicial Court upheld yesterday the 23 year-old rape conviction of Ben LaGuer, whose case dogged Deval Patrick during his gubernatorial campaign last fall but may ultimately have helped him win."); Valley Advocate, Weak Links/The State Police laboratory should be the last bastion of impartiality. Is it? by Eric Goldsheider 22 March 2007 ("Laboratories... should not be an arm of law enforcement where evidence is juiced, or in some cases falsified, to aid the prosecution."); Boston Globe, Patrick apologizes for disclosure missteps by Andrea Estes 6 October 2006 ("He also said it wasn't until reporters asked about the case last week that he learned the results of the DNA tests, which four years ago linked LaGuer to the crime. Patrick said he concluded 'justice has been served' last week and

backed off his support of LaGuer."); Boston Herald, Numbers falling, Hillman attacks own camp's ads by Kimberly Atkins 1 November 2006 (Lt Gov. candidate Reed Hillman "blast at his own campaign" for falling numbers. "I think our advertising spent a little too much time on Benjamin LaGuer and not enough on the issues..."); Boston Herald, Top adviser involved in bid to free rapist by Dave Wedge 18 November 2006 ("Joan Wallace-Benjamin, tapped by Deval Patrick as his new top adviser ...called the con "a talented writer, an intelligent advocate, and a man whose experience and life lessons make him a valuable member of the community."); Boston Globe, From convicted rapist, another cry of racism by Patricia Nealon 24 December 1998 ("Noting that she was at the June parole hearing Urban League president Joan Wallace-Benjamin termed" parole board member Terence McArdle "hostile and demeaning." It is ironic yet sad," Joan Wallace-Benjamin said, "that once again Ben LaGuer is a victim of this kind of racial hatred in an official proceeding, and that his future is held in the balance by men like Mr. McArdle-"); Boston Herald, Victim's advocates rip Healy for TV ad with rape message by Laura Grimaldi 19 October 2006 ("Any who claims to be a victim advocate or a champion for victims' rights or even has the most remote understanding of victims' issues wouldn't do this," said Mary R. Laudy, executive director of Jane Doe, Inc.") Associated Press, Healy says media made campaign negative by Steve LeBlanc 2 November 2006 (T&G)("The focus appears to have backfired, with polls showing voters' negative feelings toward Healey increasing after her campaign ran an ad that feature a woman walking in an empty parking garage and a narrator saying 'have you ever heard a woman compliment a rapist?' The ad closes with the message; 'Deval Patrick, he should be ashamed, not governor."); Boston Globe, Man sues police for wrongful conviction by Jonathan Saltzman 23 March 2007 (Anthony Powell, Neil Miller, Stephan Cowan and Shawn Drumgold are all suing city officials.); Boston Herald, LaGuer undeterred by highest court's rejection by Dave Wedge 24 March 2007 ("LaGuer could be released on parole if he admits guilt, but he vows he never will. 'I know that's what they want to hear from me. If I could, I would make it easier for them and for myself, but the righteous road is never easy,' he said.); St Louis Post Dispatch, Prosecutor Lied Says US Judge; Court Delays Trial in Child Rape by Tim Poor 4 May 1990; Chicago Tribune, The Verdict; Dishonor; How Prosecutors Sacrifice Justice to win by Ken Armstrong and Maurice Possley 10 January 1999; Washington Post, DNA Tests confirm Guilt of Man Executed by Va., by Glod and Shear 13 January 2006; New York Times, DNA Ties Man executed. in '92 to the Murder He Denied by Dao 13 January 2006; Washington Post, Burden of proof by Frankel 14 May 2006 (Roger Coleman's "picture was on the cover of Time magazine ('This Man Might be Innocent. This Man Is Due To Die'). He was interviewed from death row on 'Larry King Live,' the 'Today' show, 'Primetime Live,' 'Good Morning America' and 'The Phil Donahue Show."); Lanier & Acker, Capital Punishment, The Moratorium Movement, and Empirical Questions, 10 Psychology, Public Policy & Law 577 (2004; Truth and consequences; The Penalty of Death, in Debating the Death Penalty: Should America Have Capital Punishment? The Experts on Both Sides Make Their Best Case (H. Bedau & P Cassell eds. 2004) (discussing the cases of alleged innocence of Rick McGinn and Derek Barnabei, whose guilt remain in doubt despite a DNA test.); Telegram & Gazette, Dame's lawyer may seek dismissal by Matt Bruun 20 December 2006 (John Lachance, attorney for Ronald Dame, arrested in connection with a 1974 slaying in Fitchburg, said "Obviously there's going to be an issue with the DNA."); New York Times, Brooklyn

Brief, Case Against Lawyer To Go Ahead 12 October 2005 (Lee Long lawsuit against Barry C. Scheck.); New York Law Journal, Innocence Project Co-Founder Settles Malpractice Claim by Tom Perrotta 21 November 2006; Yale University Press, Convicting the Innocent: Sixty-Five Actual Errors of Criminal Law by Edwin Borchard (1932); Atlantic Monthly, The Case of Sacco and Vanzetti by Felix Frankfurter (1927); European Systems of State Indemnity For Errors of Criminal Justice by Edwin Borchard, 3 J. Am. Inst. Crim. L. & Criminology 685, May 1912 to March 1913 (www.justicedenied.org/borchard_1913.pdf); Edwin M. Borchard; Wrongful Convictions, 13 Rocky Mountain Law Review 20 (December 1940)-by Max Hirschberg; J. Am. Inst. Crim. L. Criminology, Pathology of Criminal Justice: Innocent Convicted In Three Cases, issue 31 (January 1941); Boston Globe, Studies explore effect of death penalty: Scientist say executions deter homicide by Robert Tanner (AP) 11 June 2007 (A series of academic studies posit that a once settled argument whether the death penalty deters other murderers. They say the analysis say yes. They count between three and 18 lives that would be saved by the execution of each convicted murderer. Naci Mocan of the University of Colorado and Cass R. Sunstein of the University of Chicago disagree with each other.); Boston Globe, Duke case conspiracy denied/Lab director says DA never asked for final report 14 June 2007 by Aaron Beard (AP) (Dr. Brian Meehan testified that he did not withhold DNA evidence.); Tony N. Frudakis, Richard Alley, Angela J. Davis, Brian L. Cutler, George Castelle, T. Alexander Hickman, Randall Gromestein, Francis S. Collins, Larence D. Mueller, David Reich, David Pilbean, Arthur J. Eisenberg, Benjamin Greenbaum, George Herrin, Fred Drummond, Stephen Penrod, Mary Long, Ho and Baum, Terri Melton, Robert Polleck, Michael Hammer, Peter Nunes, Elizabeth F. Loftus, Hans Sherrer, Joshua L. Dratel, Mark Danner, Therese M. Day, Fred Cohen, Hisham M. Ramaden, David Paige, Larry Tipton, Simon A. Cole Daniel T. Kobil, Magdalena Zernicka-Goetz, Martin E. Wolfgang, Mark A. Batzer, Julie L. Bonsteel, Gregory Cooper, Jane L. McClullan, Norah Rubin, Richard E. Bisbing, Michael J. Camp, Peter R. De Forest, Hugo Adam Beau, Christopher Basten, Yale L. Rosenberg, Jennifer Mnookin, Ronald J. Allen Naomi Hayes Rosenberg, Jose Sanders, Shene Yeager, Igge F. Goldstein, F.E. Inbau, Fredric L. Lederer, Corey J. Ayling, Manning A. Connors, Joseph Margulies, Richard A. Leo, Laurie Ann Whitt, James M. Doyle, Elizabeth A. Olson, Daniel L. Schechter, Skip Palenic, Charles J. Pulaski, George G. Woodworth, John C. McAdams, Michael Mello, Michael L. Radelet, Kathleen Dean Moore, Donald E. McNamara, Gene Stanley, David H. Kaye, David Botsein, Brian C. Jayne, Edward J. Kioka Robin C. Miller Gary L. Wells, Karen J. Greenberg, Jose B. Tye, Liza J. Steele, William J. Bowers, Deborah W. De no, George J. Bonebrake, Charles S. Lanier, Stanley D. Dorrance, Joseph B. Ingle, Ronald L. Carlson, John E. Reid, Mark A. Rothstein, Robert Iraola, Alan W. Clarke, Daniel L. Schechter, Paul R. Billing, Venkatesh Naravanmurti, Dennis Dirkmaat, Burton H. Singer, Patricia H. Dugan, Niel A. Weiner, Keith Inman, William S. Best, Winthrop Rockefeller, Donald P. Judges, Glenn L. Pierce, David Bierie, Kathryn Murphy, Walter Gilbert, Norman R. Pace, Marc Scott Taylor, Frederic W. Whitehurst, Lisa J. Steele, Sudhir Sinha, Brian K. Pinaire, Mark A. Batzer, Michael T. Clegg, Diana Bortek, Lisa Griffin, Jean Coleman Blackerby, Donald E. Wilkes, Jr., Dan Markel, Eunyoung Theresa Oh, Gerald W. Heller, Walter L. Gershman, James J. Fyfe, Herald P. Fahringer, Scott Christianson, Seth F. Kreimer, David Rudovsky, Ronald F. Wright, James E. Robertson, Jordan Steiker, Akhil Amar, Joelle

Moreno, George F. Sensabaugh, Richard C. Dieter, Gerald T. Zerkin, Kevin M. Doyle, Eric Freedman, Joseph L. Hoffman, Benjamin Weiss, Barry Latzer, T. Conrad Gilliam, Dan L. Burk, Richard D. Friedman, Lorraine Flaherty, Joseph F. Savage, Rob Warden, Stephen D. Penrod, Constance Putnam, Jill Soffiyad Elijah, Glenn Puit, Elizabeth A. Johnson, James Watson, Michael Bamshad, Kevin Jones, Harlan Levy, Stephen B. Hromes, Robert A. George, Juan A. Concepcion, Daniel Givelber George C Thomas III, Richard A. Rosen, David B. Wexler, Victor E. Kappeler, J. Dean Carro, Evan J. Mandery, Yale Kamisar, James S. Liebman, David C. Baldus, Fred C. Zacharias, Douglas D. Koski, Samuel R. Gross, Seth D. Kreimer, David Rudovsky, Tim Palmbach, Theodore D. Kessis, Howard A. Harris, Michael M. Baden, Hans Toch, Cary Federman, J. Craig Venter, Joan M. Griffin, Stephen R. Cook, C. Michael Walsh, LaDonna J. Hatton, Robert M. Bohn, John D. Bessler, Kerry Max Cook, James E. Peterson, Michael H. Graham, Saad Gul, Albert B. Harper, Martin Yant, Bob Chatelle, David Horan, Daniel S. Medwed, John Cope Abbott, Francisco J. Ayala, Michael Bourke, Heather Miller Coyle, Jerry Coyne, Peter D'Eustachia, Simon A. Ford, Robert Gaensslen, Gary Harmor, Benjamin Greenbaum, Patricia Haneman, David Housman, Carl Ladd, Robert K. O'Brien, Martin Shapiro, Bill Shields, David M. Benjamin, David DeFoore, Vivian Berger, Mary Robbins, Richard A. Posner, Holly Schaffter, Jane C. Moriarty, David L. Faigman, Stephen E. Fienberg, Bennett L. Gershman, Richard Saferstein, Thomas Liotti, Thomas E. Somoluk, Henry F. Fradella, Christopher H. Asplen, John R. Cross, Abbe L. Smith, Ofra Bikal, Ranajit Chakraborty, Mark Benecke, Paul R. Billing, Joseph L. Peterson, Sheri Seidman Diamond, Michael Avery, Harvey A. Silverglate, Huy Dao, Theodore Dean Kessis, Dean A. Wideman, A Sage Smith, Lawrence Marshall, Stephen B. Bright, Victor W. Weeden, Daniel L. Hartl, Bruce Kovacs, Bruce S. Weir, Edward L. Schumann, John C. Gerdes, Robert H. Kirschner, James F. Crow, Donald A. Berry, Arthur J. Eisenberg, Michael Scott Weiss, Cassandra Smith, James McCloskey, Joshua Lederberg, Irene Merker Rosenberg, Kathryn M. Campbell, Joy Hadwiger, James E. Starrs, D. Michael Risinger, Richard C. Lewontin, James R. Acker, Michael J. Saks, Douglas C. Wallace, Lawrence D. Mueller, David H. Kaye, Mark A. Farley, James J. Harrington, John M. Budler, Paul J. Hagerman, Jonathan J. Koehler, James J. Collins, George M Church, C. Thomas Caskey, Bruce Budowle, Pam Newell, George H. Kendall, Astrid Birgden, Richard J. Wolson, Aaron M. Landon, John T. Rago, Keith A Kindley, Janine Arvizu, Edward Sagarin, Bruce H. Wildsmith, Karen F. Parker, Sandy L. Zabell, John R. Vokey, Ralph N. Haber, Ellen Marrus, J. Dean Carro, Marvin Zalman, H. Patrick Forman, Ronald C. Huff, Jerome P. Kennedy, John A. Stookey, Myriam Denor, Diane L. Martin, David Lazar, Thomas D. Pollard, Stan Fisher, Daniel E. Krane, Betty Layne DesPortes, Thomas F. Callaghan, Richard P. Theis, Joseph A. DiZinno, Anne C. Goldbach.); Boston Globe, Stacking juries toward death (editorial) 10 June 2007 ("To the nation's highest court, it is now basically fine if capital juries exclude those whose views extend beyond 'fry him' or 'hang him high.'"); Boston Globe, "Duke case prosecutor is disbarred/'Fraud, deceit' cited in false rape charges by Aaron Beard of 17 June 2007 ("It wasn't just one little oversight," said North Carolina State Bar Disciplinary committee chairman F. Lane Williamson. "This was conduct over an extended period in a very high-profile case."); Boston Globe, State orders pathologist off autopsy/Error in slay case altered charge by J Saltzman 22 June 2007 (Public Safety chief Kevin Burke said he had restricted the work of Dr. William M. Zane, whose personal integrity and professional

reputation were skewered by defense lawyers. The State Medical Examiner's office is under scrutiny for a variety of human errors, including the misplacement of the body of a cape Cod man who was mistakenly buried in another man's grave and had to be dug up last month.); The New Yorker, Duped: Can Brain scans uncover lies? by Margaret Talbot 2 July 2007 (In theory, a markedly improved method of lie detection could have as profound an impact as DNA evidence. Joel Huizenga started a company called No Lie MRI. fMRI. The polygraph test is still in use, despite some high profile failures. It failed to cast suspicion on Aldrich Ames, the C.I.A. agent who spied for the Soviets, and wrongly implicated Wen Ho Lee, the Department of Energy scientist, as an agent of the Chinese government.); Telegram & Gazette, Obituary-15 May 2007 (Elizabeth Barry, daughter of Lennice Plante, died after long illness on 11 May.); Boston Herald, System in Works to Prevent Forensic foul-ups by State (AP) 27 June 2007 (Public Safety Chief K Burke is creating a peer review system. It is the latest in a series of steps to correct problems in the state's Medical Examiner's Office and the State Police crime lab. Mistakes in those offices have led to firings and suspensions.); Boston Globe, Top Judge wants US prosecutor disciplined/Says evidence was withheld at trial by Shelly Murphy 3 July 2007 (Chief US chief Mark L. Wolfe asked the state Board of Bar Overseers to investigate US prosecutor Jeffrey Auerhahn for withholding evidence in a 1990s mafia trial.); Thebostonchannel.com, Team 5 Investigates the State Police DNA crime lab with an exclusive interview with Robert L. Pino. Appearing on the report as an expert forensic scientist was Tim Palbach, Director of the Henry C Lee Forensic Institute.); WBZTV.com, I-Team Report, Is This a State Police Coverup? (A bystander woman along the Boston marathon route was hit and injured by a State Police motorcycle. The State Police is contradicting facts caught on tape.)(Both stories of MSP appeared on 5 July 2007); Boston Herald, The 'Secret' reprimand, an editorial 3 July 2007 ("What if a federal prosecutor is reprimanded for misconduct in secret? Isn't that rather like the proverbial tree-falling-in-the-forest?"); Champion Magazine, Shattering the Myth: Forensic Laboratories, 24 Champion 18 (2000)(available at www.nacdl.org); Boston Herald, DA: DNA database key in arrest of rape suspect by Laurel J. Sweet of 31 August 2007 (The DNA of Raymond Epps, Jr., was found in the DNA database and prosecutors credit the crime lab.); Boston Globe, Medical examiner officer gets lambasted by Peter Schworm 4 August 2007 (According to a scathing independent report, the chief medical examiner's office was "barely able to fulfill its basic legal responsibilities..."); Boston Globe, State crime lab's reliability by Jonathan Blodgett (OpEd), president of the Massachusetts District Attorney's Association 5 August 2007 ("The Vance report unequivocally endorsed the quality and integrity of the DNA testing provided by the lab and the scientific basis for that testing. Any suggestion that the Vance Report calls into question the reliability of the scientific analysis conducted by the lab is completely unfounded."); Lawyers Weekly, Editorial "The net effect of the 'Duke lacrosse' case" of 2 July 2007 ("Rarely have we seen such a reckless circumvention of responsibilities in Massachusetts. But there are cases of overzealousness here, and some prosecutors are tempted to turn a blind eye to exculpatory evidence."); Boston Herald, Report finds M.E.'s office operation nearly crippled by Laura Crimaldi 4 August 2007 ("It borders on the incredible that the intake and release of human remains (and personal effects) from a government agency is governed by a 'verbal understanding' of the process by OCME personnel," the reported noted. "One employee noted in their interview, "It's amazing

that we have not lost more bodies.”); Associated Press, Lent’s lawyers look into case of police fraud by AP 27 June 1994 (Attorneys for Lewis S. Lent, Jr., are seeking information about three New York State Police troopers convicted of falsifying fingerprints. Lent is accused of killing 12 year old Jimmy Bernardo in 1990 and the presumed abductor of Sara Anne Wood.); Journal of Forensic Identification, “Detection of Forged and fabricated Fingerprints, 44(6) 1994); Savannah Morning News, “Sad Day for Honest cops 17 January XXXX (Garden City Police Sgt. Sam Kaminsky was convicted of planting false fingerprint evidence in a 1995 armed robbery case.); Lawyers Weekly, Contesting Fingerprints A Weapon for Defense Bar (Robert N. Feldman, a Boston attorney says, “the credibility of fingerprint evidence is now in play.”) by John O. Cunningham of 16 February 2004; Telegram & Gazette, One Choice/Firing of state medical examiner key to fresh start (editorial) 9 August 2007; Craig M. Cooley, Reforming The Forensic Science Community To Avert The Ultimate Injustice, 15 Stan. L. & Pol’y Rev. 381 (2004); Matter of Investigation of west Virginia State Police Crime. Lab 190 W. Va. 321 (1993); McCarty v. State, 1988 OK CR 271 (1988); Steve Mills, Crime Lab Analyst Moved: Worcester Who is Under Fire Sent to Research Post, Chicago Tribune 16 August 2001; Lisa Olsen & Roma Khanna, DNA Lab Analysts Unqualified, Review Finds Education, Training Lacking, Houston Chronicle 7 September 2003; Leslie A. Pappas, Crime Labs Follow Strict Rules, But Scientists Can Make Errors, Philadelphia Inquirer 18 July 2003-(All of these cases recent scrutiny of allegations, some proven, some admitted, some under review--of grossly negligent or deliberate misconduct by laboratory personnel and their accompanying perjurious testimony.); Criminal Law Bulletin, The Use of Proper Procedure in Conducting Scientific Tests: Healing the Achilles Heels of Forensic Science by Edward J. Imwinkelried May/June 2007 (In the 1970s the Department of Justice, under the Law Enforcement Assistance Administration, sponsored the Forensic Laboratories Proficiency Testing Project. 235 to 240 crime labs participated. Only 37.4% of the labs correctly concluded whether two bloodstains had a common origin.); USA TODAY, DNA Backlog piles up for FBI Samples increase by 80,00 in ‘06 by Richard Willings 4 September 2007 (The FBI has fallen behind in processing DNA from nearly 200,000 convicted criminals. “It’s embarrassing because it’s the FBI, which is supposed to be this powerful organization, but it’s not surprising,” said Lawrence Kobilinsky of John Jay College.); USA TODAY, DNA lag leaves potential for crime by Richard Willings 4 September 2007 (The consequences of not processing DNA samples leads to missed opportunities to solve old and prevent new crimes.) Boston Herald, Duke Players seeking 30M in false rape charges by AP 8 September 2007 (Players seek millions and reforms in the legal process.) Gail S. Goodman, T Alexander Hickman, David W. Scott, Bruce H. Wildsmith, Rebecca Copeland, Donald A. Dripps, Douglas W. Vick, Keith A. Findley, Jodi Wilgoren, Tracy L. Snell, Eliza Steelwater, Brent E. Newton, Paul M. Barrett, Kathy Swedlow, G. Nicholas Herman, Wayne R. Lafave, John G. Douglas, Clive A. Stafford, Patrick D. Goodman, Victor L. Streib, Richard A. Rosen, George C. Thomas III, Saul M. Kassin, Katherine L. Kiechel, Allison D. Redlich, Siegfried Ludwig Sporer, Elizabeth A. Bawden, Charles Landesman, Alan Barlow, Margery Malkin Koosed, Jordan M. Steiker, Carol S. Steiker, Gennaro F. Vito, John C. Boger, Charles S. Lanier, Ernest van den Haag, Norman L. Greene, Yale L. Rosenberg, James A. Curry, Stephen L. Carter, Gregory L. Summe, Angela Y. Davis, Deena Skolnick Weisberg, Hank Greely, Lawrence Farwell, Ioannis Pavlidis, Bella DePaulo, Charles Bond Jr., Aldert Vrij, Joel Huizenga, Bruce Arrigo, Richard R. Bennett, Marcia G. Doyle, Henry P. Henderson, Charles F. O’Rear, Dennis J. Reeder, Migdalia DeJesus Torres DeGarcia, Gwen B. Pino, Mary K. McGilvray, Kellie Bogosian, Lisa Lane Schade, Lisa Calandro, Robert N. Sikellis, Jacki J. Higgins, Dwight E. Adams, Lawrence A. Presley, Robert W. Knapp, Alissa

Gindlesperger, Edward N. Karcasinas Jr., Richard Guerrieri, Stuart G. Smith, Siman A. Cole, Jennifer L. Mnookin, Maria E. Recalde, Jeffrey J. Pyle, Leona D. Jochnowitz, Eric May, Ian W. Everett, Robin C. Miller, Kathryn M. Campell, David A. Davis, Andre Moenssen, George C. Bonabrake, Pat A. Werthein, George L. Garfinkle, Randy S. Champman, Dianne L. Martin, George Castelle, Alexander T. Stookey, Randall Gromestein, Francis S. Collins, David Lazar, Lawrence D. Mueller, David Reich, David Pilbeam, Douglas C. Wallace, Arthur J. Eisenberg, Benjamin Greenbaum, Robert E. Gaensslen, James L. Wayman, Ralph Norman Haber, Tamara F. Lawson, Tara Marie LaMorte, Jane Campell Moriarty, David A. Stoney, Jessica M. Sombat, Teresa K. Baumann, Mark A. Rothstein, Manning A. Connors, Aaron P. Stevens, Francis A. Gilligan, Fredric I. Lederer, Samuel R. Gross, D. Michael Rising, Inge F. Goldstein, Meghan A. Dunn, Ronald L. Carlson, Edward T. Blake, Edward J. Kionka, Kristine Strachan, Michael B. Mushlin, John R. Gross, Gisli H. Gudjonsson, Gary T. Trotter, Terrence F. Cavannaugh, Norman Fell, Erik M. Altmann, Remy Voisin Starns, Craig M. Cooley, Stephen B. Bright, Daniel T. Kobil, Vaughn M. Bryant, Dallas C. Mildenhall, Gera-Lind Kolarik, Brent E. Newton, Bryan A Stevenson, Kristina G. Van Arsdel, Russell L. Weaver, Kelly Ann Cheesman, Robert M. Worley, Michale A. Caldero, John P. Caldero, , Ryan G. Fischer; Susan Friedman, Kathrine Polzer, Kimberly Kempf-Leonard, Brandon K. Applegate, Elicka Peterson, Darnell F. Hawkins, John Cochran, John S. Carroll, Benjamin D. Steiner, James Luginbuhl, George S. Bridges, Sara Steen, Ursula Bentele, Wanda D. FOGlia, Jon Sorensen, Donald H. Wallace, Benjamin Fleury-Steiner, Margaret Gonzalez-Perez, Lawrence T. White, Jenny Rachel Macht, Kevin M Kennan, Douglas W. Perez, Hank Greely, Laura Rotolo, Enetali, Figueroa-Feliciano, Pardis Sabet, Sarina Kopinsky, Elyse Clawson, Ginger Martin, Cheryl Roberts, Jan S. Bashinski, Darrel Stephens, Randolph N Jonakait, Penelope N. Markham, Robert B. Stacey, Larry S. Miller, Itiel Dror, Robert Rosenthal, Itiel E. Dror, Michael Redmayne, Donald Campbell, Keith A. Findley, Graig M. Cooley, Gabriel S. Oberfield, Jane Campbell Moriety, Jessie D. Gabel, Margaret D. Wilkerson, Tom R. Tyler, Kimberlianne Podlas, N.J. Schweitzer, Kit R. Roane, Donald E. Shelton, Young S. Kim, Gregg Barak, Deborah G. Johnson, Gia E. Barboza, Lynn M. Goedecke, Marvin, Brad Smith, Angie Kiger, Jennifer L. Groscup, Lloyd Dixon, Brian Gill, Harry T. Edwards, Robert P. Burns, Leona D. Jochnowitz, Kerry Max Cook, Donald P. Land, Jessica S. Henry, Christopher Cooper, Matthew B Robinson, Carol M. Bast, Hiroshi Fukurai, Michael Mello, Ronal C. Huff, Raymond Paternoster, Robert P. Mosteller, Michael L. Radelet, Mary Ellen Curtin, Heather Thompson, Jonathan Simon, Michelle Alexander, Eric Lott, Lisa Miller, Aleesha Fowler, Marc Mauer, Ruth Gilmore, Lisa Woolfork, Kay Allison, Vesla Weaver, Joy James, Michael Owens, Lynn Sanders, Kimberly Blankenship, Christopher Wildeman, Melvin Wilson, Gertrude, Claudrena Harold, Anoop Mirpuri, Adom Getachew, Victor Cabas, Sandy Alexandre, Marlon Ross, Dylan Rodriguez, Frank B. Wilderson III, Dhoruba Bin Wahad, Marshall Eddie Conway, Oscar Lopez Rivera, Jared Sexton, Laura Whitehorn, William F. Pinar, Manning Marable, Marilyn Buck, Daniel Defert, Michael Foucault, William Montross jr., Sandra E. Lundy, Maureen H. Monks, A Van C. Lanckton, JoAnn Eccher, Alan N. Hernandez, Corinne N. Kyristopoulos, Jill Fieldstein, Samantha Fisherman, Harris J. Yale, Lauren E. Fradella, Edgar W. Butler, Michael Korengold, Victoria Palacios, Jonathan F. Lanzner, Andrew A. Moher, Diane Marie Amann, David H. Kaye, John P. Crank, Joycelyn M. Pollock, Sandra D. Westervelt, John A. Humphrey, Ian W. Evett, Siegfried Ludwig Sporer, Elizabeth A. Bawden, Charles Landesman, Alan Barlow, Margery Malkin Koosed, Jordan M. Steiker, Carol S. Steiker, Gennaro F. Vito, John C. Boger, Charles S. Lanier, Ernest van den Haag, Norman L. Greene, Yale L. Rosenberg, James A. Curry, Stephen L. Carter, Gregory L. Summe, Angela Y. Davis, Deena Skolnick Weisberg, Hank Greely, Lawrence Farwell, Ioannis Pavlidis, Bella DePaulo, Charles Bond Jr., Aldert Vrij, Joel Huizenga, Bruce

Arrigo, Richard R. Bennett, Marcia Green Doyle, Henry P. Henderson, Charles F. O
'Rear, Dennis J. Reeder Migdalia DeJesus-Torres De Garcia, Gwen B. Pino, Mary K.
McGilvray, Kellie Bogosian, Lisa Lane Schade, Lisa Calandro, Robert N. Sikellis, Jacki
J. Higgins, Dwight E. Adams, Lawrence A. Presley, Robert W. Knapp, Alissa
Gindlesperger, Edward N. Karcasinas, Jr., Richard Guerrieri, Stuart G. Smith, Simon A.
Cole, Jennifer L. Mnookin, Maria E. Recalde. Jeffrey J. Pyle, Leona D. Jochnowitz, Eric
May, Ian W. Evett, Robin C. Miller, Kathryn M. Cambell, David A. Davis Andre
Moenssens , George C. Bonabrake, Pat A. Wertheim, George L. Garfinkle, Randy S.
Champman Katherine Ketcham, Gary M. Ermdorff, Jan G. Ahrens, Lonnie Brian
Richardson, Joseph A. Spadaro, Lisa Rodriguez Navarro, Franklin E. Zimring, Nancy S.
Marder, Katheryn K. Russell, Dragan Milovanovic, Alan M. Dershowitz, Steven D.
Clymer, Kirsten Lela Ambuch, Jaime Oraa, Allison Marston Danner, John W. Clark III,
Solomon M. Fulero, Robert M. Bray, Audret M. Noble, Linda A. Foley, Minor H.
Chamblin, Henry T. Greely, Daniel P. Riordan, Nanibaa A. Garrison, Joanna L. Mountain,
Christian P. Robert, Erica Haime, Meghank K. Talbott, Mark A. Rothstein, Paul M.
Monteleoni, Sheila Mchaughlin, Edward M. Lemert, Carl B. Klockars, Denise A. Hine,
Kimberly J. Saudino, Steve Irsay, Stephen S. Owen, Tod W, Burke Lisa Hurts, Richard
Hertling, Robert Fram, John M. Greally, Dana Waring, Levi Garraway, William Hahn,
Keith Batchelder, Kathy Hudson, Micha Angrist, Esther Dyson, Rosalynn Gill-Garrison,
Dr. John Halamka, Stanley Lapidus, Dr. Kirk Maxey, Dr. James Sherley, David
Lordkipanidze, Zhiping Weng, John S. Mattick, Isidore Rigoutso, Dr. Isaac Kohane,
Mary Beeton, Colin Beavan, Francis Galton, Dick Clason, Edward D. Campbell, Mark
Acree, Russel Bradford, T.G. Cooke, Sir. Edward R. Henry, Robert D. Olsen, Alan L.
McRoberts, Linda Bateman, Mary Brandon, Kathy Egli, Astrid Unander, Harold
Cummins, Thomas Jones, G. Tyler Mairs, Donald F. McBride, Charles Parker, Wendell
W. Clements, Dean Greenless, Kurt E. Kuhn, Clieve A. Barmum, Darrell R. Klasey,
Stephen Bentley, Rob Cheeseman, Lisa DiMeo, Diane L. Donnelly, A.J. Jumper, Joe
Maberry, Pierre McMahan, Robert A. Miller Jr., Janet Nelson, Mark Spawn, James G.
Shipman, Scott Spjut, Steve Todd, Susan Yount, Alison Schell, Dave Wade, Ivan Futrell,
Eric Berg, George Reis, Allyson Simons, Howard A. speaks, William A. Snare, Kurt E.
Kuhn, Eugene Czarmecki, David R. Ashbaugh, Joseph Bonino, Sandra Wiese, I.W.
Evett, R.L. Williams, William F. Leo, Kathleen Saviers, Pat Wertheim, Dwane S.
Hilderbrand, Andre Moeenssens, Jose R. Almiral, Kenneth G. Furton, Sharon Allen, Tom
Ferriola, Dean H. Garrison, James G. Cron, Iain McKie, Doug Monsoor, Shaheen Bibi
Aumeer, Allyson A. Simons, Ed German, Steve Scarborough, Ray York, Glenn
Langenburg, Robert Epstein, Cregor Datig, Wayne G. Plumtree, Joe Scerra, Leigh
Skipper, Dr. William Babler, Edward German, Don Ziesig, David Stoney, Marilyn
Peterman, Eric W. Brown, Michael Mello, Stephen L. Carter, Sheri Lynn Johnson, Mary
Lynn Elizabeth Holland, Jennifer Mikel, Margaret Vandiver, Theodore John Kaczynski,
Scott Sunby, Benjamin Flourt-steiner, Andrew Taslitz, Scott Howe Sentinel & Enterprise,
August 11, 1986 "Serious Questions Linger Over Brutal Leominster Rape" by Richard
Nangles; Sentinel & Enterprise August 12, 1986 "LaGuer Says Crucial Evidence
Disallowed from Court Testimony" by Richard Nangles; Sentinal & Enterprise, August
13, 1986 "LaGuer Believes the Police Were Looking for a Quick Conviction" by Richard
Nangles; Sentinal & Enterprise, August 14, 1986 "Family Support Keeps LaGuer Going
As He Fights Life Term" by Richard Nangles; Telegram & Gazette, January 18, 1987
"Inmate From Leominster Struggles To Win Freedom" by Allen W Fletcher; Associated
Press, September 16, 1987 "LaGuer's Struggle for Freedom" by John King; Boston
Magazine, October 1987, "Beyond A Reasonable Doubt" by John Strahinich; Boston
Phoenix, November 27, 1987 "Toward A Reasonable Doubt" by Frank Connelly; Boston

Globe, April 12, 1988 “A Convict Argues for His Freedom: Has Fought 5 Years to be Cleared of Rape” by David Arnold; Telegram & Gazette, April 2, 1989 “Claim Jury was tainted By Racial Prejudice Against Him” by Billing Kingsbury; Worcester Magazine, July 12, 1989 “Why Can’t This Man Get a New Trial” by Andrew Baron; Bay State Banner, April 13, 1989 “Inmate Wants Retrial On Assault Charges” by Badiuzzaman Khasru; Boston Magazine, October 1989 “Obsession; When a reporter has finished with the Story, but the story has not finished with the reporter” by John Strahinich; Telegram & Gazette, June 6, 1990 “Review Set for 1983 Case” by Ian Donniss; Telegram & Gazette, December 27, 1990 “Lawyers; Racism Marred Trial” by Ian Donniss; Sentinal & Enterprise, July 12, 1990 “LaGuer Looks Toward the Fall” by Andrew Baron; Telegram & Gazette, June 6, 1990 “Racism Tainted trial, SJC Told” by Ian Donniss; Boston Globe January 9, 1991 “Convicted Rapist Claims Juror Biased, Seeks Release” by Alexander Raid; Telegram & Gazette, January 10, 1991 “Convicted Rapist’s Counters Juror’s Denial of Racism” by Ian Donniss; -Boston Phoenix, January 4, 1991 “Justice Denied: Did Racist Remarks Taint Jury of Ben LaGuer? by John Hashimoto; Boston Globe , May 15, 1991 “SJC: Slur By Juror would be Critical” by David Arnold; Telegram.& Gazette, May 26, 1991 “Interesting Angles in Rape Case” by Billing Kingsbury; Telegram & Gazette, June 3, 1991 “LaGuer Evidence remains Strong Despite Time” by John Conte; Boston Phoenix, August 30, 1991 :’Oxymoronic: For Benji LaGuer, There’s No Justice in the System” by Sean Flynn; Boston Globe, August 27, 1991 “Review Begins of ‘84 Rape Trial to Probe Claim of Ethnic Bias” by Gerald Russell; Worcester Magazine, December 16, 1992 “LaGuer Plans Appeal of Mulkern Edict” by Scott Farnelant; Boston Phoenix, August 13, 1993 “Ben LaGuer’s Gets One Shot at Redemption” by Tim Sandler; Sentinal & Enterprise, November 14 1993 “Inmate’s Supporters Inspired by His Legal Fight” by Andrew Baron; Boston Herald, July 16, 1993 “There’s No Place for Bigotry on Jury” by Leonard Greene; Worcester Magazine, July 14, 1993 “Citizen LaGuer: A Life on Hold” by Allen Fletcher; Boston Globe, October 31, 1993 “The Issue of Racism in Massachusetts Trial” by Robert Jorden; Boston Globe, February 17, 1994 “LaGuer’s 10-year Fight for freedom” by Howard Manly; Boston Globe, March 24, 1994 Editorial “New Trial Justified In Rape Case”; Telegram & Gazette, April 6, 1994 “LaGuer has ‘Hope By the Barrel” by Dianne William; Esquire Magazine, May 1994 “And the Truth Shall Set him Free Or Will It?” by John Taylor; Sentinal & Enterprise, July 16, 1983 “Police Nab Man in Brutal Rape” by Neil Hartstein; Sentinal & Enterprise, December 10, 1986 “Lawyers Confident of LaGuer’s Innocence” by Tracy F Seely; Worcester Magazine, March 8, 2000 “Dirty DNA?” by Martha Akstin; Telegram & Gazette, July 6, 2000 “More Rely on ‘Miracle’ of DNA test” by Matt Bruun; Boston Globe April 6, 2000 “Parole plea meets Skepticism” by John Ellemen; Boston Magazine, May 2000 “The Limits of Testing” by Mark Leccese; Boston Magazine, October 1999, “The Ghost of Willie Horton...Isn’t it time to free Ben LaGuer” by Sean Flynn; Telegram & Gazette, August 11, 2001 “Initial DNA test give no answers in LaGuer case” by Matt Brrun; Telegram & Gazette, April 5, 2001 “Patience, not DNA being tested; State stymies LaGuer quest for exoneration,” by Dianne Williason; Boston Globe, April 9, 2001 “The Evidence Needs Review” by Adrian Walker; Telegram & Gazette, October 24, 2001 “Delays in Testing Frustrate judge” by Matt Bruun; Boston Globe, October 11, 2001 “Reasonable Doubt, Still” By Adrian Walker; Boston Globe, February 15, 2002 “DNA testing faults evidence” by David Arnold; The Final Call, February 26, 2002 “DNA evidence may Clear Another Black man” by Nisa Islam Muhammad; Boston Globe, January 22, 2002 “Sentenced to a Life of Argument” by David Arnold; Telegram & Gazette, December 12, 2001 “LaGuer alleges Evidence hidden; Fingerprints not a match” by Matt Brrun; Boston Globe, March 24, 2002 “DNA testing backfires for

convicted rapist” by David Arnold; Boston Globe, May 22, 2002 “Shock waves and a turnaround” by Mark Jurkowitz In a highly controversial case Dr. Ed Blake did for the Innocence Project, among Peter Neufeld and Barry Scheck’s first DNA cases, Kerry Kotler was exonerated of a brutal rape after 11 years in prison. Four years later, DNA implicated Kotler in a second rape described in Actual Innocence, a book Neufeld and Scheck co-wrote with New York Times reporter Jim Dwyer, as “so galling, so calculating, that it led people to instantly assume that...his release had been some kind of legal trick or sleight of hand.” (Dr. Blake, a named consultant for the book, is never identified as the scientist in Kotler’s case.) But Dr. Blake even testified at the second trial that police had framed Kotler. The jury disagreed. In Texas, death row inmate Ricky McGinn became a controversy for then presidential aspirant George W. Bush. In that case Dr. Blake’s report was used as a basis for executing McGinn despite evidence, cited by Blake, that Texas Rangers had McGinn ejaculated himself for a reference sample---a practice unheard of in all law enforcement. (Dr. Blake did not preclude contamination as a factor.) In Virginia, Roger Coleman was a national death row figure who Time Magazine had put on its cover as a possible innocent man. (Eric S Landers, a finalist to become Harvard University’s president, had serious questions about Blake’s laboratory and analytical procedures.) But with Barry Scheck as his lawyer, in 2001, Dr. Blake began to fight Virginia over their request that he return all DNA samples in his lab. Blake said further tests might exonerate Coleman. (But Coleman was executed in 1991.) Why would Blake, given his history and those around him to spin (Neufeld begged a New Yorker staff writer not to include their roles in the Kotler case in a story,) ever want to establish that his own report led to Coleman’s wrongful execution? Perhaps Neufeld got it just about right when he told the New York Times that “DNA is a ‘truth machine’, but the human factor can be a spoiler.” In 2005, a superior court judgeship was left vacant when Judge Hillman accepted the office of Federal Magistrate. With the favorable vote from Peter L Ettenberg, LaGuer’s trial lawyer in 1984 and a member of the Judicial Nominating Committee, ADA Lemire’s name was presented to the governor with two other candidates. Why would Ettenberg press Lemire for a judgeship, a man who twenty years earlier denied his client exculpatory fingerprint evidence? In October 2006, Peter Vickery said, “I was the only member of the Governors Council to vote against the appointments {of Mr. Lemire}, Why? Because the LaGuer case cast a long shadow.” (www.msn.us/vickeryonLaGuer) (10/12/06). Did Ettenberg even sense an ethical duty to inform the governor that a court ruling was then pending involving Lemire’s role in the unethical withholding of evidence? In fact, Ettenberg had provided the defense in 2001 an affidavit attesting to these facts. Boston Herald, Crime lab crisis threatens us all, editorial of 17 July 2007 (“If it weren’t so deadly serious it would make a nifty twist for a John Grisham thriller. But the mishandling (or nonhandling of DNA evidence at the Massachusetts State Police crime lab is not a figment of some bestselling author’s imagination. It’s an absolute travesty.”); The New York Times, Trooper Goes on Trial on Charge Of Faking Fingerprint Evidence (no byline) of 28 March 1994, pp B5 (Trooper David M. Beers went on trial for fabricating fingerprint evidence in the wake of other troopers in jail, David L. Harding and Robert M. Lishansky, bragged about the case while interviewing for a CIA job.); Boston Globe, US ordered to pay \$101.7m in false murder convictions by Shelley Murphy and Brian R. Ballou 27 July 2007 (“The FBI’s misconduct was clearly the sole cause of this conviction,” concluded US district court judge Nancy Gertner.); Boston Globe, Meet the \$101.7 million dream team by Shelley Murphy 29 July 2007 (Attorneys Victor J. Garo, Julianne Balliro, Michael Avery, Austin J. McGuigan, Joseph B. Burns, Richard D. Bickelman, William T. Koski, Daniel R. Deutsch, Michael Rachlis, Edward Durham and John Cavicchi beat the government,

winning a landmark judgment last week on behalf of four framed men. “If you’re been in law enforcement and you’re been a prosecutor, you get sort of outraged by things that happen to people who are innocent.”); Telegram & Gazette, “FBI Frame-up (editorial) 28 July 2007 (“Alluding to a culture of disregard for legal processes within the law enforcement agency, [Judge Nancy Gertner] concluded that former FBI officers. . . for years worked to thwart efforts to bring the truth to light.”) Boston Globe, Governor to replace 3 on Parole Board when terms end by Andrea Estes 16 March 2007; Boston Globe. Deval must make the most of his second chance by Joan Vennoch 17 March 2007 (“Kerry Healy tried to paint Patrick as a defender of criminals instead of victims. Her theme did not resonate with voters, who liked Patrick. By Election Day, Healey lost the campaign as much as Patrick won it. Now, he runs the risk of looking like an accidental governor, if he doesn’t get his fledgling administration back on track.” The case of Ben LaGuer was a factor.); Springfield Republican, Chief quits at state crime lab by Steve LeBlanc 10 March 2007 (The state signed a \$267,000 contract for a complete management and operational systems analysis of the lab to be conducted by the investigation and security consulting firm Vance, headquartered in Oakton, Va. The report is set to be completed by June 30.); Boston Globe, SJC Upholds conviction in LaGuer case/Appeal was factor in governor’s race by Jonathan Saltzman 24 March 2007 (“The Supreme Judicial Court upheld yesterday the 23 year-old rape conviction of Ben LaGuer, whose case dogged Deval Patrick during his gubernatorial campaign last fall but may ultimately have helped him win.”); undeterred by highest court’s rejection by Dave Wedge 24 March 2007 (“LaGuer could be released on parole if he admits guilt, but he vows he never will. ‘I know that’s what they want to hear from me. If I could, I would make it easier for them and for myself, but the righteous road is never easy,’ he said.”); Boston Globe, SJC upholds conviction in LaGuer case by Jonathan Saltzman & Andrew Ryan 24 March 2007 (“The Supreme Judicial Court upheld yesterday the 23 year-old rape conviction of Benjamin LaGuer, whose case dogged Davel Patrick during his gubernatorial campaign last fall but may ultimately have helped him win.”); The Republican, 4 men charged in DNA Tampering by Buffy Spencer 17 March 2007 (Hampden County DA William M. Bennett has indicted four individuals on charges of attempting to switch identities by trading their jailhouse bracelets when having blood drawn for a DNA test. State Police safeguards, which included a fingerprint match, revealed the deception. All four have been charged with conspiracy to tamper with the DNA record. This is the first state prosecution of its kind.); Boston Globe, Healey rejected by theater board by Mark Shanahan 4 April 2007 (American Repertory Theatre board members, in a 2½ long meeting last month specifically mentioned “a controversial television ad aired by the Healey campaign that linked Patrick and Benjamin LaGuer, who has professed his innocence since his 1984 rape conviction and has corresponded with Patrick over the years.”); Associated Press, Prosecutor in Duke case apologizes to 3 athletes by Aaron Beard 12 April 2007 (“To the extent that I made judgments that ultimately proved to be incorrect, I apologize to the three students that were wrongly accused,” said Mike Nifong, DA of Durham County. “You can accept an apology from someone who knows all the facts and simply makes an error,” said Jim Cooney, a defense attorney for one of the lacrosse players. “If a person refuses to know all the facts and then makes a judgment, that’s far worse, particularly when that judgment destroys lives.”); Boston Globe, a editorial entitled Duke lacrosse case: Prosecuting a stenotype 13 April 2007 (“Prosecutors need to be wary of other stereotypes--about race and poverty--in cases where suspects lack wealth or connections.”); Telegram & Gazette, Police testimony decision to stand - Judge ruled officer lied under oath by Gary V. Murray 9 December 2003 (Assistant District Attorney Christopher P. Hodges, the head of District

Attorney John J. Conte's appeals unit, appeals ruling in which Worcester police Sgt. Timothy J. O'Connor falsely testified in an evidence suppression hearing. Mr. Hodges described the ruling as "clearly erroneous.")(Covering up for police officers lying is a pattern in this office.); Boston Herald, LaGuer readies clemency Request for Deval's Desk by Dave Wedge 20 November 2007 ("Chief among his claims are that the DNA tests, which he initially thought would exonerate him but which instead tied him to the rape, were mishandled. LaGuer said DNA mishandling is a key issue in light of recent troubles at the state police crime lab."); Telegram & Gazette, Convicted rapist seeking from governor by Matt Bruun 20 November 2007 ("The document alleges prosecutorial misconduct--a pair of men's underwear described as a "vital article of evidence" was discarded to cover up its illegal seizure, according to the narrative -- and paints the DNA expert Mr. LaGuer hired as a "rogue" who made inflammatory comments to the media after Mr. LaGuer questioned his findings." Dr. Edward T Blake was that expert.); Associated Press, Convicted rapist plans to file clemency petition with governor by Denise Lavoie 19 November 2007 ("In his clemency petition, LaGuer argues that DNA taken from his apartment was mixed with swabs taken from the victim, resulting in analyst erroneously finding a positive match of his DNA at the crime scene. "The DNA has never been reviewed by a court of law. It needs to be reviewed," LaGuer said in an interview."); Boston Herald, Revisiting Tavares case, editorial 3 December 2007 ("Worcester County District Attorney Joseph D. Early, Jr., has been busy attempting to rewrite history and convince the world his office had nothing to do with the failure to keep convicted killer Daniel Tavares behind bars."); Telegram & Gazette, Sentence for rape, cruel and unusual, letter to the editor 28 November 2007 ("Benjamin LaGuer, guilty or innocent, has served 24 years for rape and assault. This man needs to leave prison." Robin Van Liew); Sentinel & Enterprise, LaGuer seeking clemency from Patrick 20 November 2007 A1 (AP); Telegram & Gazette, Evidence forges link to '84 crime/Suspect's DNA in N.Y. matches blood sample by Scott J. Croteau 13 December 2007 (New Yorker Craig Minggia, 47, is believed to have murdered 79-year old Lillian Johnson in what "authorities now say appears to be a sex related crime even though Mrs Johnson was not raped."); Boston Herald, Officials backs DOC on Tavares, Burke says DA delayed assault charge response by Laura Crimaldi 15 December 2007 (In a interview with this paper, Public safety chief Burke that DOC officials petitioned Worcester DA to seek criminal charges for the prison assaults two or three times before approval was granted in September 2006. Tim Connolly, a spokesman for the Worcester DA, said: "We're never blamed anyone in this, certainly not Department of Correction."); The Valley Advocate, Halos and Horns, The Advocate's annual gallery of the best and worst reprises the most hopeful and the most appalling events of 2007 of 20 December 2007 ("A horn to Worcester Assistant District Attorney Sandra Hautanen, who stuck to a questionable DNA test as grounds for insisting that Ben LaGuer's 1984 conviction for rape should stand while diverting the attention of the state Supreme Judicial Court from potentially extenuating fact: that the Commonwealth had kept a key piece of evidence in LaGuer's trial out of court. The evidence was the phone cord that was used to tie the victim up and was discovered afterward by the state police. There were four fingerprints on it, fingerprints that were not LaGuer's. Other leads in the case remain uninvestigated as well, yet the Worcester D.A.'s office has shown no interest in information that might exculpate LaGuer."); Boston Globe, Police find widespread drug tampering, nearly 1000 cases affected by Maria Cramer 5 January 2008 (Boston PD uncovers evidence tampering in a sweeping 14-month investigation. State and Federal officials are seeking culprits where drugs were stolen and switched with ordinary white power.); Boston Globe, US Judge chastices Dept of Justice/Blast handling of prosecutor's misconduct by Jonathan

Saltzman 5 January 2008 (chief fed judge urges new US Attorney to crackdown on prosecutors not telling truth in court.); Boston Globe, Those exonerated push DNA analyses by Laurie Kellman 24 January 2008 (AP)(Judiciary Committee Chairman Patrick Leahy called a hearing into session in part to respond to the Justice Department Inspector General Glenn Fine's report last week that found lax oversight by the department caused charges of negligence and misconduct at some police forensic evidence labs to remain unchecked.); Associated Press Audit: Wrongdoing at DNA Labs Unchecked by Lara Jakes Jordan 19 January 2008 (The audit found that the Justice Department doesn't require allegations of wrongdoing at state and local police labs to be reported to independent investigators. Moreover, 34 percent of independent investigators charged with overseeing the labs lacked the authority, ability or resources to do so, according to the report issued by the Justice Department Inspector General Glenn A. Fine. "Guidance and processes are not in place to ensure that allegations of serious negligence or misconduct are referred' to independent investigators."); Lawyers Weekly, Local Lawyer spins a crime yarn with 'Innocence' by Alan S. Pierce (a book review) 14 January 2008 (The story is "somewhat reminiscent of the much publicized case of Benjamin LaGuer, a convicted rapist serving a life sentence, or, as [David] Hosp acknowledges, the wrongful 1997 conviction of Stephen Cowens."); USA TODAY, DNA test fuel urgency to free the innocent, Cover Story, by Kevin Johnson 19 February 2008 (New efforts underway nationwide to identify wrongful convictions.); Boston Globe, Author takes center stage in Worthington Case, Work for defense draws criticism by Jonathan Saltzman February 10, 2008 (Author Peter Manso is viewed by some as self-promoting gadfly and others as a fearless truth-seeker.); Telegram & Gazette, editorial, Custody Concerns, Securing evidence crucial to justice system 30 January 2008 ("It is reassuring that the district attorney's office has launched an investigation into how the Worcester Superior Court managed to lose track of evidence, including large amounts of illicit drugs and other material, in dozens of cases. Although there is no indication yet that any of the missing evidence has resulted in any miscarriage of justice it is nonetheless chilling that the problem went undetected for decades.") USA TODAY, New DNA Links used to Deny Parole by Kevin Johnson and Richard Willing 8 February 2008 (State law enforcement and crime victims are using DNA evidence that links parole candidates to crimes for which they were never prosecuted in an emerging strategy to block early release from prison.); Telegram & Gazette, Kilo of cocaine among unaccounted for evidence/Items missing after move to new courthouse by Gary V. Murray 27 January 2008 (According to Clerk of Courts Dennis P. McManus, "There could have been an order of destruction done and we just don't have the paperwork, or it's in another box labeled something else, or other nefarious reasons."); Telegram & Gazette, Charges dropped; evidence lost by Gary V. Murray 28 February 2008 (Superior Court Judge John S Mccann dropped all charges against Anthony D. Miller, after vital evidence in the case was lost. Mccann described the actions of the investigating officers as "inept and bungling performance."); USA TODAY, DNA test help free man who spent 26 years in prison by AP writer Jeff Carlton 4 January 2008 (Charles Chatman is set free.); Boston Globe, Commutation plea carries a political risk for Patrick by Shelley Murphy 27 February 2008 (Arnold King's request for commutation is approved by Advisory Board of Pardons. "As the governor addresses the issue, the specter of Benjamin LaGuer looms large."); Boston Globe, Flaws seen in DNA program in Ohio by AP 28 January 2008 (Ohio's DNA testing program for inmates seeking to prove their innocence is deeply flawed, with police routinely discarding evidence after trials and court-ordered tests never getting done. Ohio Chief justice Thomas Moyer, said, "When we take someone's life or take their freedom, we have to be certain that we're done

everything we can.”); Boston Globe, Drumgold legal bills soars for City, Trial next month in Civil Rights case by Jonathan Saltzman 25 January 2008 (Boston has spent more than \$1 Million on outside lawyers to fight lawsuit by Shawn Drumgold.); New York Post, ‘Wrong man’ sues for \$22M by Stefanie Cohen 11 February 2008 (Cy Greene spent 222 years falsely in prison on account that state prosecutors withheld exculpatory evidence.); Telegram & Gazette, Leominster rape scene haunted officer by Matthew Bruun 27 March 2002 (“you could still see, even though the shades were pulled,” said Dean J. Mazzarella, mayor of Leominster, remembering his days as a young officer. “Obviously she was able to see who did this to her.”); Valley Advocate, Tragedy Times Two by Eric Goldscheider 5 April 2007 (“If I went out in public with her [the victim],” [Annie K.] Demartino recalls, “everybody saw who was either Spanish or black, she would be saying, that’s who did it, that’s who did it, and of course it wasn’t, because basically they were just people in the street. She was very paranoid at that time about everybody...she hated anybody dark-skinned.”) Telegram & Gazette, Editorial Footnote, Improved crime lab a boon to enforcement 23 May 2008 (“While there is much work to be done, increased staffing and improved procedures and facilities are making the crime lab demonstrably more effective.”); Telegram & Gazette, State Crime Lab and Medical Examiner Office Improve (AP) 23 May 2008 (“Gov. Deval L. Patrick says the State Police Crime Lab and the Office of the Chief Medical Examiner are both improving after some high-profile problems.”); Boston Globe, Huge Gains Reported at Crime Lab’s DNA unit by Brian R. Ballon 23 May 2008 (Michael O’Keefe, President of the Massachusetts District Attorney Associations sad, “Any entity that has been neglected for many years isn’t going to be repaired overnight. It may take a number of years to repair, but we are on the right path.”) Telgram & Gazette, City Eyes Marlboro Ordinance/Sex Offenders Barred from 97 Percent of City by Anna L. Griffin April 29, 2008 (“Leominster City Councilor James Lanciani Jr., has asked Mayor Dean J. Mazzarella to seek the city solicitor’s opinion regarding a sex offender ordinance passed last year in Marlboro.”); Boston Herald, Deval’s Donation Doesn’t Check Out by Glen Johnson of the AP 7 May 2008 (Governor Patrick’s claim that he donated to then Illinois State Senator Barack Obama the hefty sum of \$5,000 is not documented. “The undocumented donation is not the first contribution controversy involving Patrick. In 2006, Patrick, then a wealthy corporate lawyer, acknowledged helping to pay for a DNA test for a convicted rapist after previously saying his only involvement in Benjamin LaGuer’s bid for freedom was writing supportive letters to the State Parole Board.”); Boston Globe, Exonerated, 17 Years Late by Maria Cramer 2 May 2008 (Guy Randolph was recently exonerated. “I don’t want to talk about what happened to me. All it does is upset me.”); Wall Street Journal, DNA Evidence Gains Acceptance As a Key Tool in Robbery Cases by Gautam Naik 19 June 2008; Boston globe, ACLU sues over DNA sample, Alleged Cape DA may have kept it by Jonathan Saltzman 20 June 2008 (ACLU sues DA over promise to destroy DNA samples collected from scores of men during the murder police investigation of fashion writer Christa Worthington); Boston Herald, Entwistle’s in for the time of his natural life by Howie Carr 27 June 2008 (Entwistle “will scour the newspapers everyday, studying new bylines, and he will send detailed 40 page letters to every gullible rookie reporter purporting to prove how he was railroaded. Ben LaGuer will show him how it’s done.”); Metro, Expert Witness Lied to put Killers in Prison by AP 27-29 June 2008 (Dr. Saami Shaibani often testified for the prosecution. But the physicist lied under oath about his credentials. At least one conviction has been overturned.); The disclosure of all evidence that might be material to evaluating a DNA test result is critical. The National Research Council's The Evaluation of Forensic DNA Evidence 'Report 82 (1996) made clear "the potential of DNA evidence and the relative ease with which it can

be mishandled or manipulated by the careless or unscrupulous, the integrity of the chain of custody is of paramount important." See D Frumkin, et al., Authentication of forensic DNA samples, *Forensic Sci. Int. Genet* (2009) (Making one person's blood and saliva appear to have been taken from someone else is so simple, Israeli scientist. found, that a biology student could do it. In a starting experiment, the researchers-faked DNA using multiple techniques. In one, they replaced the DNA in a blood sample with that of another person, collected from hair and saliva. In another, they draw on DNA profiles in law-enforcement databases to construct a sample without any real DNA from a person. "These findings may undercut the viability of genetic evidence in the courtroom.) The Massachusetts judiciary is well aware with the potential for errors in DNA analysis. See *Landry -Vs- Attorney General*, 429 Mass 336 (1999)(State officials should be aware that a DNA test result "will inevitably be challenged on the ground,(among others) that the DNA sample was not properly obtained or that it had been contaminated with other human DNA, creating a possible misleading or false result.") Also see *Commonwealth - Vs- Vao Sok*, 425 Mass 787, 794 n. 11 (1997)(pointing out the possibility of contamination of a forensic DNA sample and further describing problems that might exist with certain types of DNA testing.); *Wade -Vs- Brady*, 612 F.Supp;2d 90 '(Mass, 2009)(A defendant should be afforded DNA analysis if the result might undermine the prosecution theory.); Richard A. McGeary, et al., Audit Report Number GR-70-06-012 US Department of Justice Office of the Inspector General, Compliance with Standard Governing Combined DNA Index System Activities Massachusetts State Police Crime Laboratory, Sudbury, Massachusetts, 26 September 2006; USA TODAY, Opinionline, What people are saying about the sexual assault case, A rush to judgement on Duke lacrosse men (a collection of five editorials from various newspapers) 13 April 2007; USA TODAY, Duke rape charges dropped by Andrea Stone 12 April 2007 (North Carolino's attorney general Roy Cooper said there was "no credible evidence" that a rape happened and that the charges had resulted from a "tragic rush to accuse, and a failure to verify serious allegations" and that "caution would have served justice better than bravado.") USA TODAY, Editorial, Duke rape case implodes revealing 'world of injustice' 12 April 2007 ("The Duke lacrosse case serves as a cautionary tale about the damage a combustible mix of sex, race, class, politics and overheated media coverage can wreck.") Boston Globe, A rush to injustice in the Duke 'rape' case (OpEd) by Cathy Young 16 April 2007 ("The case may bring focus to the tragedy of false accusations. It is not antifemale to say that some women lie.-any more than it is antimale to say that some men rape women."); USA TODAY, As Police Rely More on DNA States take a closer look by Richard Willing 6 June 2000; Boston Globe, State Police may search for suspect using kin's DNA/Critics say innocent targeted by Jonathan Saltzman 17 April 2007 (State Police crime lab director Mary Kate McGilvray plans to revise previous ban on familial DNA searches, in a speech to state prosecutors.); Boston Globe, Man pleads guilty in break-in and rape by David Abel 24 April 2007 (Ranjit Whistleon pleads guilty to raping a 72-year old woman, In July 2006 a forensic specialist at the Boston Police Crime Lab matched a DNA sample from the incident to Whistleon. A second test result confirmed the match.); USA TODAY, DNA to clear 200th person/pace picks up on exonerations by Richard Willing 23 April 2007 AI (A major milestone of DNA exonerations by DNA testing.); *Lawyers Weekly*, Together we're disappointed (editorial)(According to the testimony offered by SJC chief justice before a joint hearing of the House and Senate Ways and Means committees, Governor Deval Patrick underfunded the Trial Court by 39.1 million dollars.)(9 April 2000; *The New Yorker*, The CSI Effect/The truth about forensic science by Jeffrey Toobin 7 May 2007 (In April NYPD released the results of an internal investigation of its crime lab, which revealed that in 2002 two technicians had

failed a department proficiency test. Officials failed to report that to the national accreditation body for forensic labs, as required bylaw.); Boston Globe, US judge rejects city's allegations in Drumgold case by Shelly Murphy 2 May 2007 (Judge Nancy Gertner ruled yesterday that there was no evidence to support the City of Boston's allegations that defense attorney Rosemary Scapicchio and former Boston Globe reporter Dick Lehr had improperly influenced witnesses in the Shawn Drumgold case.); Boston Globe, Body Lost after State Autopsy by Jonathan Saltzman & John R. Ellement 4 May 2007 (The governor suspended. and is considering firing the chief medical examiner after Dr Mark A. Flomenbaum's office admitted earlier in the day to losing a corpse.); National Institute of Justice, A Report, Postconviction DNA Testing: Recommendations for Handling Request (1999)("Care should be taken in selecting samples for testing that will give meaningful/useful results for a particular case. There is no point in testing samples that have no relevance to the crime for which an individual was convicted." pp 23)("In some cases where inclusions [a match] are reported, the results are not meaningful or are inconclusive for that particular case from a legal perspective. Situations where this might apply are when the results obtained are all consistent with the individual from whom the samples were collected (e.g., victim's results only on vaginal swabs taken from the victim, defendant's results only on a bloodstain on defendant's clothing." pp 29); The New York Times, Court Invalidates a Decade of Blood Test Results in Criminal Cases 12 November 1993 (West Virginia's State Supreme- Court ruled that none of the testimony provided by serologist Fred Zain in more than 130 cases was credible. A20); Houston Post, West Virginia Wants Forensics Expert Prosecuted by Jane Harper 17 July 1994; Boston Globe, Lost Body recovered by State Police by Francis R. Ellement 5 May 2007 (State Police found the body of Thomas E. Brissette interred in a cemetery under the name of another deceased individual, whose corpse was located yesterday in storage at the medical examiner's HQ in Boston's South End.); Boston Globe, Officials ID second body in 'mixup of remains/Remains misidentified at examiner's office by John R. Ellement 8 May 2007 (When the state medical examiner's office mislabeled a man's body and State Police went looking, they found Thomas Brissette:"-on:Friday:in the grave where Joseph Sullivan was supposed to have been *interred on April 26.); Telegram & Gazette, New LaGuer Trial Supported/Demartino raises question of ID by Matthew Bruun April 8 2007 (Annie K. Demartino said that her role as caregiver to the ,victim was never a secret, but that she had never spoken out because she was confident police had found the right person. Seeing the issues raised in the (Clive McFarlane) column, however, gave her pause.); Valley Advocate, Tragedy Times Two/If an horrendous crime leads to a wrongful conviction, justice is farther out of reach than if there were no convictions at all by Eric Goldsheider 5 April 2007; Boston Globe, Inspector general to probe state lab/Investigation is fourth into alleged DNA errors by Jonathan Saltzman 12 May 2007 (The new probe was launched after the New England Innocence Project asked Inspector General Gregory W. Sullivan to get. involved.); Boston Herald, Top state cop steps down by O'Ryan Johnson 17 September 2009 (Col. Mark F Delaney announced his resignation yesterday. State police spokesman David Procopio said the state police's nine labs have turned the corner under Delaney's command, and earlier this year won national accreditation by the American Society of Crime Lab Directors/Lab Accreditation Board.); Associated Press, Milwaukee Sunday Journal Sentinel, Walter Ellis was Informant by Erik Bilstad 21 September 2009 (Serial Killer suspect Walter Ellis, 49, left his DNA on at least eight homicide victims by 2001. But his DNA matched nobody on the CODIS system. Authorities believed they were dealing with a new serial killer. Under a new law, in 2000, Ellis was to give a DNA sample for a database created to track down career criminals. But little effort was made to ensure- that guards got DNA from the right

prisoners. In 2001, a fellow prisoner simply got in line and said he was Ellis.) Milwaukee Journal Sentinel, Walter E. Ellis: Is he the • Milwaukee Serial Killer? by Pete Kotz 7 September 2009; The New Yorker, Did Texas Execute an innocent man? by David Grann 7 September 2009 (The story of Todd Willingham); The Boston Globe, Ex NYC police commissioner sent to jail before corruption trial 21 October 2009 by AP (Defense Attorney Barry Berke said 'he would appeal the pretrial detention of Bernard Kerik.); Boston Globe, Earle C Cooley, skilled litigator, chairman of BU trustees, Obituaries, 21 October 2009 by Bryan Marquard; USA TODAY, High court weighs lawsuits against prosecutors by Joan Biskupic 5 November 2009 (Supreme Court justices struggled Wednesday with whether prosecutors - who usually are shielded from civil rights lawsuits - can be held responsible for framing defendants with false testimony and fabricated evidence.); Sentinal & Enterprise, Obituary of Ronald N. Carignan, 53, of 74' Granite St, Leominster, (leaving wife Jeanne C. Wood, sons Scott. R. Carignan, Marc S. Carignan and Greg B. Carignan and two brothers, Richard G. Carignan and David H. Carignan, published 4 November 1988); The Berkshire Eagle, Crusading DA retires, leaves painful wake by Associate Press reporter Gavance Burke 15 November 2009 (Kern County District Attorney Ed Jagels prosecuted a series of, notorious cases later overturned. Since the late 1980s, all but one of the 26 cases Jagels,.. secured convictions have been overturned, including the infamous McMartin Preschool of Manhattan Beach California.); Commonwealth -Vs- Martin Guy, 454 Mass 440 (2009)(No err in denying new trial where alleged newly discovered evidence regarding deficiencies in operations of Massachusetts State police crime lab with respect to DNA evidence, as no evidence produced by defendant had any apparent bearing on the accuracy of the Maine lab DNA test results at issue in defendant's case.) National Research Council, DNA Technology in Forensic Science 146 (1992)("The prosecutor has a strong responsibility to reveal fully to defense counsel and experts retained by the defendant all material that might be necessary in evaluating the evidence.") Laboratory reports have also been fabricated. See State -Vs-. Ruybal, 408 A.2d 1284, 1285 (Me. 1979)(FBI analyst "reported results of lab tests that he did not in fact conduct.") State -Vs-DeFronzo, 394 N.E.2d 1027, 1031 (Ohio C.P. 1978)(Expert represented that certain lab tests were conducted when "no such tests were ever conducted.") The testifying expert's record of proficiency should also be disclosed. State -Vs- Proctor, 559 S.E.2d 318, 322-23 (S.C. Ct App. 2001)("The proficiency test results could very well be material to the preparation of Proctor's defense. 'All proficiency test results of the DNA analyst involved in the case must be produced. Defense counsel has the right to cross examine the DNA analyst regarding his or her performance on proficiency tests. A failing grade by the DNA analyst on his or her proficiency tests is clearly relevant in the judge's evaluation of the expert's competency and mosy Probably reflects negatively on the reliability of the DNA evidence introduced at trial. -The trial court abused its discretion in denying discovery of the proficiency test results pursuant to Rule 5.") A expert's "qualifications, including her record in proficiency tests, also are relevant to the weight the fact-finder might give the test results on its assessment of her competency." Cole -Vs- State, 835 A.2d 200, 610 (Md. 2003) There are still significant interpretative issues in-DNA profiling. As several commentators have noted: "The complexity of short tandem repeat (STR) testing makes it difficult if not impossible for a lawyer to evaluate the evidence without expert assistance. Defense lawyers generally need • expert assistance to look behind the laboratory report and evaluate whether its conclusions are fully supported by the underlying data." See William C Thompson, et al., Part II: Evaluating Forensic DNA Evidence, Champion 24, 26 (May 2003). Robert N. Sikellis, et al., Final Report and Recommendations Regarding Vance's Operational Assessment of the Massachusetts

State Police Crime Laboratory System 29 June 2007 (noting that "several DNA analysts suggested that supervisors are not consistent with their interpretations of DNA reports and protocols...[also that the laboratory was] in need of documentation mechanisms, protocols, review processes, and most elements of quality management controls."); "Just because the prosecution's evidence, if credited, would provide strong support for a guilty verdict, it does not follow that the evidence of third party guilt has only a weak logical connection to the central issues in the case. And where the credibility of the prosecution's witnesses or the reliability of its evidence is not conceded, the strength of the prosecution's case cannot be assessed without making the sort of factual findings that have traditionally been reserved for the trier of fact." In *Holmes -Vs- South Carolina*, 126 S.Ct. 1727 (2005); *Boston Herald, OpEd, Law Give Innocent a Chance* by Betty Anne Waters 2 April 2010P17; *Associated Press, Worcester Teledram & Gazette, Main Wins 1.1M for had rap - Columbus Ohio has agreed to pay fifty four year old Robert McClendon after he was released in August 2008. The Columbus Dispatch exposed flaws in the State DNA testing system.* (2/15/10); *Boston Globe, Judge urges skepticism on forensic evidence* by Jonathan Saltzman 29 March 2010 ("In the past, the admissibility of this kind of evidence was effectively presumed, largely because of its pedigree," says Judge Nancy Gertner.); *Lawyers Weekly, Conviction numbers in Worcester trail state, 66% acquittal rate in Superior Court* by David E. Frank 15 March 2010; *Sentinel & Enterprise, Letter to the Editor, Ben LaGuer Seeks Support for Upcoming Parole*, 1 April 2010;

Boston Globe, 'The Myth of CSI: In Reality, many forensic science labs are corrupt or incompetent' by BU Professor Douglas Starr 13 October 2010 A15. ; *Wall Street Journal, Executed Man Gets a New day in Court* by Leslie Eaton 15 Oct 2010 A6 (Texas Judge Tries to Determine if Arson evidence was flawed in Case of Todd Willingham Convicted of Killing Three Daughters); *USA TODAY, Case Weighs inmate civil rights, Convict's argument centers on DNA testing denied under state law*, by Joan Biskupic 14 October 2010 A4 (Henry Skinner);

Boston Sunday Herald, Slay Trial Evidence Will Get 2nd look by AP reporter Alessandra Rizzo 19 December 2010 (In Perugia, Italy, American Amanda Knox won an important victory in the appeals trial when a court ruled that crucial DNA samples the defense claims were inconclusive and possibly contaminated. Prosecutors main that Knox's DNA was found on the knife handle.); *Boston Globe, Editorial, In rape cases involving DNA, longer time limits make sense* 17 December 2010 ("Defense attorneys could still call into question how DNA evidence was handled, or offer alternative explanation as to how it got to where it was found."); *Ben LaGuer was born* May 1, 1963 at 4:06PM in Saint Francis Hospital, Bronx New York, delivered by Dr. Antonio Cavalli, M.D. Mary Cruz LaGuer and Luperto LaGuer, then residing 506 Tinton Avenue, Apt 90, New York Bronx, Post Office Zone 55. (Certificate of Birth Registration No. 63—208073.); *Boston Globe, Inquest Finds Flaws in N..C. Crime Lab blood evidence/Data reportedly withheld* by Martha Waggoner 19 August 2010 (FBA Christoher Sweeker);

Telegram, LaGuer again denied parole by Danielle M. Horn 12 June 2010; *Boston Herald, State Parole Board under fire* by Laurel J. Sweet, Michele McPhee and O'Ryan Johnson of 29 December 2010; *Boston Globe, Behind High Risk Parole, If statistical tools had been used earlier, a life may have been saved* by Lawrence Harmon 9 January 2011; *Boston Herald, Lifer LaGuer; Cop's 'blood' on Parole Board panel* by Dave Wedge 8 January 2011 ("The blood of Officer Maguire is now on the hands, faces and

hearts of each member of the Parole Board,” LaGuer says.); Boston Herald, Letter to the Editor, Right on gov, by Jean Inglis, Nahant 10 January 2011; Wall Street Journal, A Solitary Jailhouse Lawyer Argues His Way Out of Prison by Sean Gardiner 24 December 2010 (The story of Jabbar Collins, Inmate 95A2646);

Aaron P. Stevens, Erin Murphy, Robert Aronson, Jacqueline McMurtrie, David J. Balding, Peter Donnelly, Ian W. Evett, John S. Buckleton, Christopher M. Triggs, Simon J. Walse, Michael O. Finkestein, William B. Fairley, Keith Inman, Norah Rudin, Jonathan Jay Koahier, David P. Leonard, Dawn McQuiston-Surrett, G.A. Vignaux, Bernard Robertson, Boaz Sangeno, Mordechai Malpert, Edward L. Schumann, R. Diaso-villa, Christian B. Sundquist, Terrence F. Kiely, John T. Rago, Shannon E. Avery, Edward Cheng, Kaveh L. Afrasiabi, Dennis J. Stevens, Dale Nance, Sandy Zabell, Shannon E. Avery, Donald P. Land, Michelle Jeannett Raisor, Andrea Himmelberger, Antoinette E. Marsh, Andre A. Moenssens, Carol E. Henderson, Sharon G. Portwood, Cohn G.G. Aitken, Christophe Champod, Jason Gilber, Allan Jamieson, Jane Campbell Moriarty, Franco Taromi, Anthony C. Thompson, Jeffrey L. Sedgwick, Stephen M. Rich, Wilton L. Virgo, Enetahi Figueroa-Feljcjano, Pardis Sabeti, Jeffrey Saffitz, Joel Hirschhorn Mark Boguski, HalDeadnian, Rinat Kitai-Sangero, Donald. Shelton, Joseph L. Gastwirth, Rodney Uphoff, Robert P. Mosteller, Michael Pressler, Michael H. Fox, Yale Kamisar, Gerald W. Heller, Allison A. Hendrix, J. Craig Venter, Richard J. Fallen, Hank Greely,

Sara O'Rourke Schrup, Deborah L. Corn'wall, John H. Blume,' William A. Norris, Sheri L. Johnson, Edward P. Larazus, Trevor W. Morrison, Michael c. Small, Tracy Casadio, Jeffrey P. Kehne, Mark J. MacDougall, Jeffrey T. Green, Richard E. Young, Elaine Metlin, Ann—Marie Luciono, Dennis J. Stevens, Stephen G. Michaud, Thomas W. O'Njel Gregg O. McCrary, Robert K. Ressler, Timothy B.. Tyson

The largest study of criminal recidivism in the United States consist of 272,111 inmates released from 15 states in 1994. 12.6% of the studied group were convicted of rape. Only 2.5% of sex offenders released were rearrested for rape. By comparison, 23.4% of released burglars were rearrested for burglary; 33.9% of larceny offenders were rearrested for larceny. (Patrick Langan and David Levin, Recidivism of prisoners Released in 1994, US Department of Justice, Bureau of Justice Statistics (Washington, oc., 2002); Associated Press, Sex Offenders Rearrest are less likely by Curt Anderson 16 November 2003;