

MAINE STATE LEGISLATURE

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Paul R. LePage
Governor

STATE OF MAINE
Maine State Police Crime Laboratory
26 Hospital Street
133 State House Station
Augusta, Maine
04333-0133

A Nationally Accredited Laboratory



Lt. William Harwood
Director

January 17, 2013

Committee on Criminal Justice and Public Safety
c/o Legislative Information
100 State House Station
Augusta, ME 04333

Ref: Report Required by 15 MRSA §2138, sub-15

Dear Senator Gerzofsky, Representative Dion and Members of the Committee:

I am writing to report to your committee as required by 15 MRSA §2138, sub-15. That subsection mandates that the Department of Public Safety prepare an annual report on post-conviction DNA analysis.

The Maine State Police Crime Laboratory was involved with five cases for post-conviction DNA analysis in 2012. The cost of these five cases was approximately \$5,000. The majority of the expenses are associated with the first case listed below. This estimate includes analyst time and materials.

The results of these five cases are as follows:

1. Justice Bradford held a hearing in June to decide if there should be a new trial or not on a post-conviction case that has been worked on by our lab for several years. A Crime Lab DNA Analyst and several outside experts testified at the hearing. Justice Bradford ruled more testing needed to be done on the victim's clothing. A private lab was hired by the defense to scrape several items for Y-STR testing. That lab reported the petitioner could not be excluded from profiles found on evidence. A separate defense expert refuted the private lab's conclusion. The defense tested an alternative suspect and reported he could not be excluded. Mini-STR testing was then performed in an attempt to clarify these conclusions. Another hearing is imminent on the interpretation of all of these results. Our State DNA analyst spent approximately 111 hours on this case in 2012.
2. Justice Warren found that a petitioner failed to prove by clear and convincing evidence that his new DNA test results would have resulted in a different verdict at trial. The petitioner appealed to the Law Court. The case was argued in October. On January 17, 2013, the Law Court issued a unanimous decision affirming Justice Warren's decision denying the post-conviction motion for new trial.
3. Justice Cole issued an order in March finding a petitioner had not established chain of custody with regard to another suspect's clothing. The petitioner filed a discretionary appeal request, which the Law Court granted. The case is now being briefed.
4. Defense has informed the Attorney General's (AG's) Office that their testing of additional hairs has been completed (all matching the victim). The AG's Office is waiting for the report. A final hearing is anticipated to occur in 2013.
5. The Crime Lab identified sperm cells on a victim's underwear. DNA was extracted from the sperm-positive cuttings, but there was insufficient DNA to obtain a profile. Reports were submitted. A final hearing is anticipated to occur in 2013.

Respectfully submitted,

Lt. William S. Harwood

Maine State Police Crime Laboratory

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