



Jurisprudence Section – 2006

E27 Mandatory DNA Testing

Ingrid A. Gill, JD, Law Office of the Cook County Public Defender, 69 West Washington, Suite 1500, Chicago, IL 60602*

This presentation will discuss how wrongful convictions can occur based on faulty eye witness recollection, self motivating jail house snitch testimony, and police coercion and describe how reliable DNA testing can prove actual innocence for the wrongfully convicted. For the wrongfully executed, DNA testing may finally allow them to rest in peace. Attendees will learn about one jurisdiction taking a hard look at wrongful convictions by reopening cases for DNA testing including those that may have been wrongfully executed.

In St. Louis, the top prosecutor is going where no man has gone before. That is because Prosecutor Jennifer Joyce is reopening over 1,400 old cases to perform DNA testing. The boldest move is the reopening of a case where the defendant may have been wrongfully executed. Larry Griffin was executed in 1995 for the shooting death of Quentin Moss in 1980. While many legal scholars have relied on the finality of judgment to justify the denial of DNA testing for the those relatives that remain after the execution of their potentially wrongfully convicted relatives, St. Louis prosecutors have taken an independent review in their pursuit of justice for the potential victims of the miscarriage of justice that are inevitable in any criminal justice system.

Ten years after the potential wrongful execution of an innocent man, Illinois is faced with the proposed legislation that would mandate DNA testing of detainees prior to arrest where there is biological evidence available that could exonerate them. From 2004 to the summer of 2005, a young father spent almost eight months in jail charged with the murder of his young daughter. Despite the young father's requests, the local prosecutor did not seek prompt DNA testing. Instead, as head prosecutor he publicly sought the death penalty for the brutal murder within weeks of the arrest as he campaign around the county for reelection as the county prosecutor. Not until the defense attorney demanded DNA testing, was the evidence from the crime scene sent to an independent private lab. After almost eight months, the science of DNA exonerated this young father and the charges against him were dismissed. The prosecution and law enforcement is now left to resume an investigation where the biological evidence was available from the first day the body of the missing child was recovered. Since then, the young father has filed a civil lawsuit against the county and the previous prosecutor.

As a case study, the forensic community can learn from these cases. This presentation will discuss the advantages of outsourcing, automation, and proposed legislation that would mandate reliable DNA testing prior to arrest.

Actual Innocence, Mandatory DNA Testing, Capital Punishment