E6 The Elephant in the Crime Laboratory: Negligence, Serious Misconduct, and Fraud; The Ray Krone and Other Horror Stories

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After attending this presentation, attendees will understand that silence in the face of fellow laboratory personal publishing erroneous work has serious consequences. This presentation will remind the forensic scientists that the "Achilles' heel" of all science is human error.

The goal of this presentation is to demonstrate that innocent people can and have been convicted of serious crimes because of crime laboratory errors, omissions, and misconduct. The educational objective of this presentation is to identify common errors in forensic scientific investigations and suggest strategies for improving objectivity in crime laboratory analysis.

The problem of innocent people being convicted and unjustly imprisoned for crimes they did not commit is a growing national concern which is receiving public acknowledgment by politicians and is catching the attention of the general public. Advances in DNA identity testing have exonerated hundreds of innocent people. A significant number of exoner- ation cases involve crime laboratory errors relating to evaluation of trace and biological evidence.

Ray Krone was the 100th person in the United States convicted of and sentenced to death for a capital murder to walk free from prison since the reinstatement of the death penalty. Ray Krone maintained his innocence throughout his incarceration. Ray Krone was sentenced to death in 1992 for the brutal murder of Kim Ancona, a Phoenix bar manager. Krone spent three years on Arizona's death row before his death sentence and conviction was overturned. Krone was then retried and convicted a second time and sentenced to life in prison in 1996. Ray Krone, who had been branded as the "snaggletooth killer," was proved innocent of the murder of Kim Ancona by Post Conviction DNA testing in 2002. After being cleared by DNA, Ray Krone walked out of an Arizona State Prison a free man after 10 years and 4 months.

Bar manager, Kim Ancona, had been cleaning the CBS Lounge in Phoenix, Arizona on the evening of December 28, 1991. Her nude body was found in the men's restroom the following morning. She had been stabbed eleven times. An examination of Ancona body revealed that she had been bitten on the left breast. There were unidentified shoe impres- sions, fingerprints, and hairs. Other evidence indicated she had been sexually assaulted. There was blood at the crime scene and on the victims clothing. The blood was typed as ABO Type O, the same as Ancona, Krone, and some 43 of the population. Forensic DNA technology available at the time of the 1992 prosecution (DQ alpha) did not identify the blood or saliva of the perpetrator. Crime Laboratory errors and omissions that occurred in 1992 caused a misinterpretation of the blood, hair, and saliva evidence. This same evidence, with use of STR DNA testing, would expose these errors ten years later in 2002. A review audit of the case work done by the criminalist who worked on the Krone case evidence found the individual who performed the original testing is now known to have had a history of errors in casework (based upon re-testing of additional cases).

Ray Krone was a United States postal letter carrier who had no criminal record and had been honorably discharged from the U.S. Air Force. He knew the victim, as he had socialized with her and had been a customer of the CBS Lounge. There was little evidence that tied Krone to the killing except for evidence of a bite mark on the victim's breast, which an American Board of Forensic Odontology (ABFO), Board Certified Forensic Odontologist said positively, better than a fingerprint, matched the dentition of Ray Krone. This bite mark evidence was controversial and dis- puted by other ABFO Board Certified forensic experts. The laboratory errors were a significant factor in both of Krone convictions.

After appeals were exhausted following his second conviction Krone sought post-conviction DNA testing. Krone's lawyers asked that the victim's tank top, through which the bite mark may have been inflicted, be re-examined for saliva and DNA analysis. Not only was saliva identified, the results of DNA testing showed that neither Krone nor the victim Ancona could have been the genetic source of the saliva. Comparison of the genetic profile of the saliva donor against the FBI Combined DNA Index System (CODIS) database associated the DNA evidence (a cold hit) with a 36-year-old inmate in the Florence, Arizona State prison. The inmate was Kenneth Phillips, who had been arrested and convicted of child molestation after the date of the Ancona murder.

Not only did the DNA test show that Ray Krone was excluded as the perpetrator, it also identified a different individual who was incarcerated for an unrelated sex crime and due to be released. The odds were 1.3 quadrillion to one that Kenneth Phillips was the contributor of the saliva DNA found on Kim Ancona's tank top. After the saliva DNA match Phillips, his hair was found to be consistent with evidence hairs found on the victim's body. Phillips confessed to being present at the time of the murder of Ancona in a tape recorded interview. Phillips' blood was genet- ically identified on the inside and outside of the victim jeans and underwear. Phillips' fingerprints were matched to latent prints found in the men's room of the CBS lounge where Kim Ancona's body was discovered.

The Krone case is another in a growing number of cases where crime laboratory testing has been shown to be erroneous. Lessons should be learned from the Krone case and others like it. Errors, omissions and misconduct by criminalist does not occur in a vacuum. Other laboratory per- sonnel were aware that flawed work

was being conducted and published by the criminalist in the Krone case. Ray Krone is not alone as the innocent victim of laboratory errors and the victim of laboratory personal who turn a blind eye and a deaf ear when they know that misconduct is occurring within there laboratory.

An independent scientific technical working group of forensic scien- tists should be formed to objectively study exoneration cases such a Ray Krone's case.

Laboratory Errors, Ethics, DNA Exonorations

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