



E29 Paul Gregory House: Death Penalty Exoneration in Tennessee Through the “Gateway to Innocence” Concept

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The goal of this presentation is to provide attorneys with information on how to proceed once a new trial is granted subsequent to a murder or other major felony conviction in order to obtain a dismissal before retrial.

This presentation will impact the forensic science community by providing attendees an avenue to shepherd a case where a defendant may be innocent and understand the legal procedures and pitfalls in such a case. The presentation will also enhance knowledge about the expert testimony and investigative domains needed in order to properly prepare such a case for both the appellate court and retrial. In 2006, the United States Supreme Court in *House v. Bell*, 547 U.S. 518 (2006) reversed the conviction of Paul Gregory House and remanded to the State Court for a new trial in a case where House had previously been convicted of a death penalty murder and was awaiting execution. Unlike most actual innocence cases, the opinion by Justice Anthony Kennedy in a 5-4 decision, ruled that DNA testing and other investigation may give a defendant the right to argue to a jury that he is innocent even if the DNA did not prove actual innocence. The House decision was unique in two ways: (1) it enveloped the concept of “gateway to innocence”; and, (2) it allowed House to proceed on his claims even though the State Court had previously procedurally rejected him.

In 2009, the Tennessee State Court dismissed the murder indictment against Paul Gregory House. Mr. House had been on death row since 1986 for the brutal murder and alleged attempted rape involving a neighbor, Carolyn Muncey. Mr. House appealed from this conviction and had been rejected by courts for years. DNA testing had been blocked through procedural barriers; however, as a result of the efforts of the Federal Public Defender’s Office through a *habeas corpus* petition, House was finally able to obtain DNA testing and also argued through investigation that the evidence presented at the first trial was improper. Even though DNA testing seemed to indicate that House was not the murderer due to the fact that a rape had never been consummated, the Supreme Court was presented with the issues as to whether DNA testing on the clothing of the victim, which could be argued to support the fact that House was innocent, could be cause for reversal of a death penalty conviction and retrial. As a result of additional investigative leads pointing to a third party, Justice Kennedy in a landmark decision sent the case back for retrial in an Opinion of the United States Supreme Court in 2006, *House v. Bell*, 547 U.S. 518 (2006).

While the federal public defender had been charged with handling the investigation up to the United States Supreme Court decision, the local public defender’s office was charged with continuing House’s legal representation, the additional testing of forensic evidence, and preparation of the case for retrial. With the aid of additional organizations who assist wrongfully convicted defendants, along with forensic experts and attorneys who donated their time on a *pro bono* basis, the case was prepared for retrial. This resulted in the unique marriage of a branch of the Tennessee Public Defender’s Office and the legal *pro bono* assistance. Additional investigative interviews were conducted, additional DNA testing was performed, additional review of the evidence was undertaken, additional unfettered review of the evidence was permitted by all branches of law enforcement, and the Tennessee Court allowed the involvement of all out of state experts and attorneys.

Through the avenues set out in the Supreme Court opinion and the efforts that continued from 2006 through the date given for retrial in 2009, on the eve of retrial, the charges against Paul Gregory House were dismissed. This presentation will discuss the legal parameters that attorneys and experts should be aware of when handling such cases and the actual step-by-step footprints that need to be performed when representing a client in a wrongful conviction case.

Wrongful Conviction, Gateway to Innocence, Paul Gregory House