



F16 How an Innocent Person's DNA Turned Up at a Murder Scene: Case Study of Lukis Anderson

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After attending this presentation, attendees will have a basic understanding of primary, secondary, and tertiary transfer of DNA and how inadvertent transfer relates to criminal cases. The goal of this presentation is to review a case in which inadvertent, secondary transfer of DNA evidence in a homicide led to the arrest, accusation, and incarceration of an innocent man.

The facts of the case study confirm the reality that inadvertent transfer does indeed occur in criminal cases. This presentation will impact the forensic science community by raising questions about the likelihood and ease of inadvertent transfer of DNA and how the increased sensitivity of DNA testing heightens the risk that small amounts of transfer DNA from innocent people will be detected. This presentation also serves to educate lawyers, judges, law enforcement, and experts about the serious risks inherent in the introduction of DNA match evidence into an investigation and ultimately the courtroom, when corroborating evidence is weak or nonexistent.

Sometime between 10:30 p.m. on November 29, 2012, and 1:35 a.m. on November 30, 2012, assailants entered the home of Harinder and Raveesh Kumra. The couple were beaten, bound, and gagged as the home was ransacked. Mr. Kumra died from asphyxiation as a result of the binding and gagging. The prosecution alleged that the murder was committed by Lukis Anderson and three other African American co-defendants. The state charged Mr. Anderson with murder and the special circumstance of a murder in the course of a robbery, making him eligible for the death penalty. He was also charged with robbery, assault with a deadly weapon, terrorist threats, and false imprisonment.

During the police investigation, fingernail clippings of the right hand of the decedent were collected for forensic testing. A mixture of DNA from at least three individuals was detected in the swab of these clippings. Both Raveesh and Harinder Kumra were included as possible contributors to this mixture of DNA. On December 21, 2012, the remaining DNA types were searched against the Combined DNA Index System (CODIS) which returned a match for Mr. Anderson. The county crime laboratory calculated the random match probability for this DNA as 11,000 to 1 for African Americans.

The prosecution's case against Mr. Anderson rested entirely on the DNA evidence. The surviving victim was unable to identify the perpetrators. Even under great pressure, Mr. Anderson never confessed. The prosecution took great efforts to try to connect Mr. Anderson to the other co-defendants, but Mr. Anderson was an outlier.

Defense investigation revealed that on the night of the homicide, a clerk called the police to report that Mr. Anderson was intoxicated in front of a market. The local fire department was the first responder to the call and arrived on scene at 10:29 p.m. The paramedics determined that Mr. Anderson was unable to care for himself so an ambulance transported Mr. Anderson to the county hospital at 10:45 p.m. Mr. Anderson's blood alcohol level was approximately .41 when he arrived at the emergency room. This level was consistent with his fully intoxicated state of being non-ambulatory, flaccid, and totally somnolent. Mr. Anderson was not discharged from the hospital until the next morning at 9:50 a.m., well after the crime was committed.

Based on the presentation of hospital records and defense interviews of pertinent witnesses, the prosecution dismissed all charges against Mr. Anderson after he spent five months in custody. Further investigation by the prosecution showed that the ambulance that transported Mr. Anderson to the hospital was the same ambulance that responded to the homicide. In addition, the pulse oximeter applied to Mr. Anderson's finger to monitor oxygen saturation was also applied to the decedent's finger and is thought to be the source of the secondary DNA transfer.

Without the presentation of the documentary evidence establishing a complete alibi, Mr. Anderson would likely have been convicted of capital murder. This presentation will be an opportunity to learn and discuss the far-reaching implications of inadvertent transfer of DNA in criminal trials.

DNA, Inadvertent Transfer, Bias