



Jurisprudence Section - 2015

F5 The Long Road to Exoneration for Han Tak Lee

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After attending this presentation, attendees will understand some of the major changes that have occurred in fire investigation over the last 30 years and will see how, in addition to the science of fire investigation having shifted, the definition of “new evidence” also appears to have shifted.

This presentation will impact the forensic science community by making known the significant scientific and legal changes that are sweeping through the fire investigation profession.

Han Tak Lee was convicted in 1990 of setting a fire that killed his 21-year-old daughter, Ji Yun Lee. Mr. Lee had taken his daughter to a Korean Baptist camp in Hebron, PA, because she was having serious mental health issues. He hoped that the demons could be “prayed away” from his daughter and an actual exorcism was performed.

On the evening of their arrival, after Ms. Lee stated, “This place is going to be my tomb,” a fire erupted in the cabin they were sharing. Mr. Lee was able to escape, but his daughter was not. She had only 9% carboxyhemoglobin in her blood at the time the reading was taken, erroneously as it turns out, as a sign that she had been murdered or placed “at death’s door,” rather than the now-accepted explanation that she was close to the origin of the fire. Investigators from the Pennsylvania State Police and a private consultant came to the scene and declared the cause of the fire to be arson. The private consultant estimated that there had been 662+ gallons of fuel oil and 12.2 pounds of gasoline, even though none of the debris samples were positive for any ignitable liquid residue.

Some ignitable liquid was found on Mr. Lee’s shirt and next to the filter for the kerosene-fired furnace. The state’s chemist, when asked if the ignitable liquid residues he detected on three samples were similar, evaded the question and stated, “They covered the same carbon number range.” The prosecutor then argued that the three ignitable liquid residues were identical and because Mr. Lee’s defense was that the daughter had set the fire, the prosecutor argued that somebody had mixed the accelerants together and a mentally ill girl was not smart enough to do that.

Over the next 21 years, Mr. Lee, who had been sentenced to life in prison, continued to serve his life sentence. After many back-and-forth trips to court, including a five-year hiatus during which the state simply ignored the case and refused to respond, the Third Circuit Court of Appeals ruled that the evidence must be given up for reanalysis. It turns out that the chromatography, which could have been examined back in the early 1990s when it was first requested had been “lost” by the district attorney, who had inexplicably taken custody of this data which would normally have been stored in a state archive. Testing of the samples in 2012 revealed significant differences among the three samples and undermined the argument that somebody had mixed up several gallons of accelerant prior to the fire.

The original fire investigation was replete with the types of errors that were common in those days, as well as some additional errors that defy understanding.

The final ruling, issued June 13, 2014, by Magistrate Judge Martin Carlson gives meaning to the term “poetic justice.”

Arson Mythology, Expert Errors, New Science