



Jurisprudence Section - 2016

F8 Post-Conviction in the Wake of a Crime Lab Scandal: Lessons Learned From the St. Paul Police Department Crime Lab

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After attending this presentation, attendees will understand how to approach post-conviction work after a crime lab scandal, including finding clients, prioritization of cases, arguments to present to the court, and strategic approaches to resolution of cases.

This presentation will impact the forensic science community by presenting approaches and responses when crime laboratories do not function properly and explain how those responses can make better science going forward.

First, attendees will learn what the initial response should be when a crime lab scandal emerges. This will include what the laboratory's ethical obligation is in notifying defendants of a potential post-conviction appeal, then how to effectuate that notification. Particularly for public defender offices in which the affected clients could be in the thousands, the outreach should be prioritized based on who is incarcerated and which cases are best situated for relief.

Second, after identifying and contacting clients, the next step is to start filing post-conviction motions for new trials. Depending on the state laws, there may be different approaches to theories under which the judge should grant a new trial; however, across the board, there is a *Brady* argument and a due process argument. In Minnesota, newly discovered evidence, manifest injustice for cases in which the client pleaded guilty, and false testimony in cases in which the client had a trial were also argued. In the alternative to these arguments, a fallback position of ineffective assistance of counsel was presented. Attendees will learn case law on these different theories of relief.

Finally, wins can come in many different forms, from the judge granting the motion for a new trial to renegotiating the case for less time to winning at trial. These different options should be examined in each case to determine how to get the best result for a client. There were primarily three counties in which the St. Paul Police Department Crime Lab processed cases. Whereas Washington County had a county attorney who was willing to negotiate sentences, Ramsey County and Dakota County did not. Attendees will learn varying strategies depending on what type of county attorney office is handling the cases and how to work together to achieve a just result that instills confidence in the system and confidence in the larger goal of better science going forward.

Appeals, Crime Labs, Exoneration