



LW5 Small Town Forensics in the Land of Oz

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After attending this presentation, attendees will understand that criminal justice in small jurisdictions in the United States can be far from just.

This presentation will impact the forensic science community by illustrating how small-town forensics are often marred by evidence mishandling, prosecution-biased defense attorneys, and junk science.

Case 1: Racism by the defense council in a death penalty case is presented. The defense attorney was witnessed saying he hoped his client would be convicted. In the same case, there was a failure to maintain the integrity of evidence after trial (evidence bags had been ripped open while in court storage). In one of those items, the shirt of the victim had been laundered, making it impossible in a reanalysis of the shooting to determine muzzle-target distances of three victim bullet strikes. A shooting reconstruction was presented in court by a police officer who had no apparent training in crime scene processing and analysis. Photographs of alleged bullet strikes were presented in court but showed no evidence of bullet strikes. (*People of the State of California vs. Clifton Perry*, Hanford, CA, Case No. L955500, 1995). The defendant is on death row.

Case 2: A well-known crime scene reconstruction expert affirmed his shooting hypothesis of suicide by intraoral shotgun discharge using wooden boxes to simulate the head of the victim. The plywood boxes were fabricated with holes cut in them for the nose and mouth and bags of colored water inside were used to simulate blood. Polyvinyl Chloride (PVC) tubes were inserted into the bottom of the boxes to simulate trachea. The victim actually died by homicide which was determined by the preponderance of crime scene and autopsy evidence. (United States Congress Armed Services Authorization Act of 2004, Section 584; Federal Contract #HQ0095-04-C-0022, 2004). The victim's death is still officially listed as suicide.

Case 3: A criminalist reconstructed a crime scene in which he ignored or did not recognize the significance of physical evidence; the evidence of multiple assailants in the homicide was disregarded to support a one-assailant hypothesis. A medical examiner amended his original autopsy report to support the reconstruction after a meeting of the prosecutor and his experts prior to trial. The defense attorney refused to present exculpatory evidence to the jury. (*People of the State of California vs. Corey Lyons*, Santa Barbara, CA, Case No. 1296247, 2011). The defendant is serving a life term in prison.

These examples of junk science and unethical behavior are a few of the more outrageous cases encountered by this research. The lack of an outside, anonymous, peer review of prosecution criminalist work product presented in trial is a largely unrecognized problem in the criminal justice system. Despite independent presentation of exculpatory evidence after trial which debunks inculpatory evidence presented in these and other cases, the incarcerated have little chance of official review of new or correctly interpreted evidence unless that evidence is DNA.

Junk Science, Homicides, Small Town Justice