



W6 Taking a Bite Out of Crime and Other Hairy Situations

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After attending this presentation, attendees will understand how wrongful convictions and exonerations come to light through the post-conviction process and will be provided examples of how to respond when mistakes are uncovered.

This presentation will impact the forensic science community by highlighting what has been learned from two forensic disciplines under fire and how addressing these weaknesses has led and can lead to a stronger forensic future.

Wrongful convictions often happen for a multitude of reasons in any given case. They are also often the bellwether for change, making the need for reflection, reform, and growth within both the legal and forensic communities a priority. This workshop will delve into two specific exonerations. Each raises different issues, has sparked different responses, and is leading to the evolution of not only these disciplines but the forensic science community as a whole.

The workshop will begin by focusing on the stories of two men convicted for crimes they did not commit and the post-conviction journey that led to their ultimate exonerations. Kirk Odom was exonerated on July 13, 2012, after spending 22 years in prison and another nine years on parole as a registered sex offender for a rape he did not commit. The victim, a 27-year-old woman, who was attacked in Washington, DC at first could not identify her attacker. She would later identify Mr. Odom in a police line-up. This misidentification along with testimony from an FBI Special Agent that the hairs found on the victim's nightgown were microscopically similar to Odom's hair, "meaning that the samples were indistinguishable," contributed to his conviction. His post-conviction proceedings were handled by Sandra Levick who will speak about her experiences working on Mr. Odom's case; ultimately, leading to the certificate of actual innocence, which was signed on Mr. Odom's 50th birthday.

The second case involves a rape and murder from Virginia. In this case, Keith Allen Harward was convicted based at least in part on bitemark testimony presented at his trial. He spent 33 years of a life sentence in a Virginia prison. Mr. Harward will speak about his experience as someone wrongfully convicted of a crime and what the post-conviction process looks and feels like from the perspective of the accused. His post-conviction experience will also be discussed by the lawyers involved. In addition, two forensic odontologists will provide their perspectives into how the discipline has or is changing and what might be done in the future to avoid these kinds of errors.

Reflection alone is not enough, and in a number of ways, the forensic science community has responded to stories like those of Mr. Odom and Mr. Harward. Those responses will also be explored.



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Lynn Garcia from the Texas Forensic Science Commission (TFSC) will focus on the experiences of the Commission in providing oversight, coordination, and advocacy for accredited crime laboratories in Texas. Discussion will include: (1) specific case examples of how shared expectations regarding laboratory self-disclosure can increase transparency and improve organizational culture will be discussed; (2) the importance of resisting external political agendas and adopting a collaborative approach with all affected stakeholders; and, (3) focus on the importance of a state commission's outreach to affected prosecutors, judges, and the defense bar to ensure they understand the implications of a particular forensic non-conformance. Attendees will learn about the commission's efforts to develop a statewide notice protocol to ensure potentially affected defendants receive notice in the wake of concerns in key, high-volume disciplines like DNA/forensic biology. Lessons learned from Texas may serve as a model for other states seeking to establish similar commissions to examine various aspects of the state of forensic science locally and globally.

Sherry Sabol, General Counsel from the FBI will talk about what happened in the wake of cases like Mr. Odom's. This includes a review of the testimony by other FBI analysts and what the FBI is doing in this area of comparative science not only to look back on old cases but to improve the quality of testimony for the future.

Finally, Judge Chris Plourd and Judge Pam King will discuss the challenges faced in the justice system, address the admissibility of forensic science evidence and opinions and the court's role as the gatekeeper and explore how the criminal justice system is changing and then provide some insight into the challenges to change built into the judicial system.

Post-Conviction, Hair Analysis, Bitemark Analysis