

## Virginia State Crime Commission

### MARY JANE BURTON (MJB) CASE FILE REVIEW

#### *Project Update (10/8/2024) - Numbers subject to change as Project progresses*

**Budget Language:** “The Virginia State Crime Commission shall review cases at the Virginia Department of Forensic Science (Department), in consultation with the Department's Scientific Advisory Committee, where testing or analysis was performed by Mary Jane Burton and report on the total number of the following: (i) case files that contain at least one named suspect; (ii) cases where scientific testimony was provided; and (iii) named suspects who were convicted of an offense related to such testing, categorized by persons: (a) currently incarcerated, on probation, or on parole; (b) executed; or, (c) deceased...The Virginia State Crime Commission shall have the authority to review additional case files to address related matters as deemed appropriate, in consultation with the House Appropriations and Senate Finance and Appropriations Committees.” [Item 23\(B\)](#).

#### **Preliminary Analysis and Status:**

Crime Commission staff reviewed DFS’s Historic Case File Project spreadsheet and found:

- 7,572 unique cases where MJB was the forensic examiner between 1973-1988, of which 3,391 cases included at least one named suspect.
  - Of the 3,391 cases, 4,191 named suspects were identified.
  - Of the 7,572 cases, 174 cases had an indication of scientific testimony from MJB.

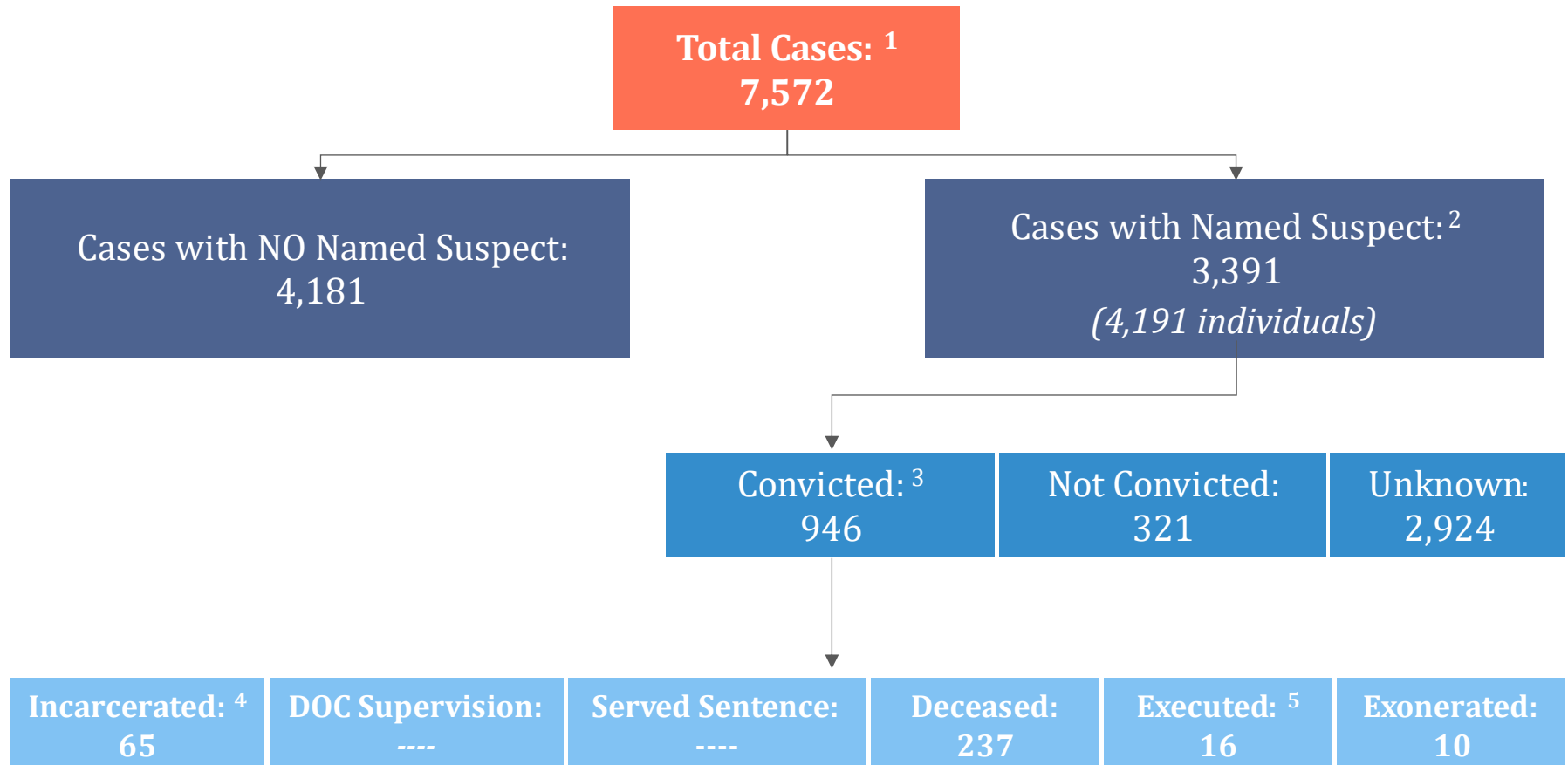
Approximately 47% (1,953 of 4,191) of the named suspects have been linked to the earlier *Virginia Post-Conviction DNA Testing Program and Notification Project* (PC Project).

#### **Work Plan:**

1. Document and verify information (e.g., DOB, SSN, locality, offense) in case files with a named suspect where MJB was the forensic examiner, prioritized as follows:
  - a. Individuals potentially incarcerated;
  - b. Individuals potentially under DOC supervision;
  - c. Indication that scientific testimony was provided;
  - d. Individuals who overlap with the PC Project, including a re-examination of those with a status of “no record of conviction”; and,
  - e. Individuals who do not overlap with the PC Project.
2. Determine the total number of individuals who were convicted.
3. Identify the status of these convicted individuals, prioritized as follows:
  - a. Incarcerated;
  - b. Under DOC Supervision (probation or parole);
  - c. Served Sentence (incarceration and/or probation/parole);
  - d. Deceased;
  - e. Executed (MAIP and DFS joint review); and,
  - f. Exonerated (MAIP and DFS joint review).

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<sup>1</sup> Source: Virginia Department of Forensic Science, Historic Case File Project, 1973-1988, MJB certificates of analysis only. Analysis by Virginia State Crime Commission staff. To date, 7,572 unique cases have been identified where MJB was the forensic examiner. 174 of the 7,572 cases have an indication of testimony by MJB, of which 165 cases include at least one named suspect and 9 cases do not include a named suspect.

<sup>2</sup> To date, 46% (1,573 of 3,391) of these cases have been linked to the earlier *PC Project*. There are 1,953 named suspects included in these “overlap” cases, of which 909 individuals were determined to be convicted

<sup>3</sup> This figure does not represent unique individuals as some individuals were convicted in more than one case where MJB was the forensic examiner. The same applies to the “not convicted” and “unknown” categories.

<sup>4</sup> To date, 65 unique individuals (75 cases) were identified as being incarcerated for an offense where MJB was the forensic examiner.

<sup>5</sup> To date, 16 unique individuals have been identified as being executed. Eight of these individuals were executed for an offense where MJB was the forensic examiner; the other eight individuals were executed for an unrelated offense.