



MARY JANE BURTON: CASE FILE REVIEW AND REVIEW PANEL

Update to the Forensic Science Board

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Mary Jane Burton Reviews

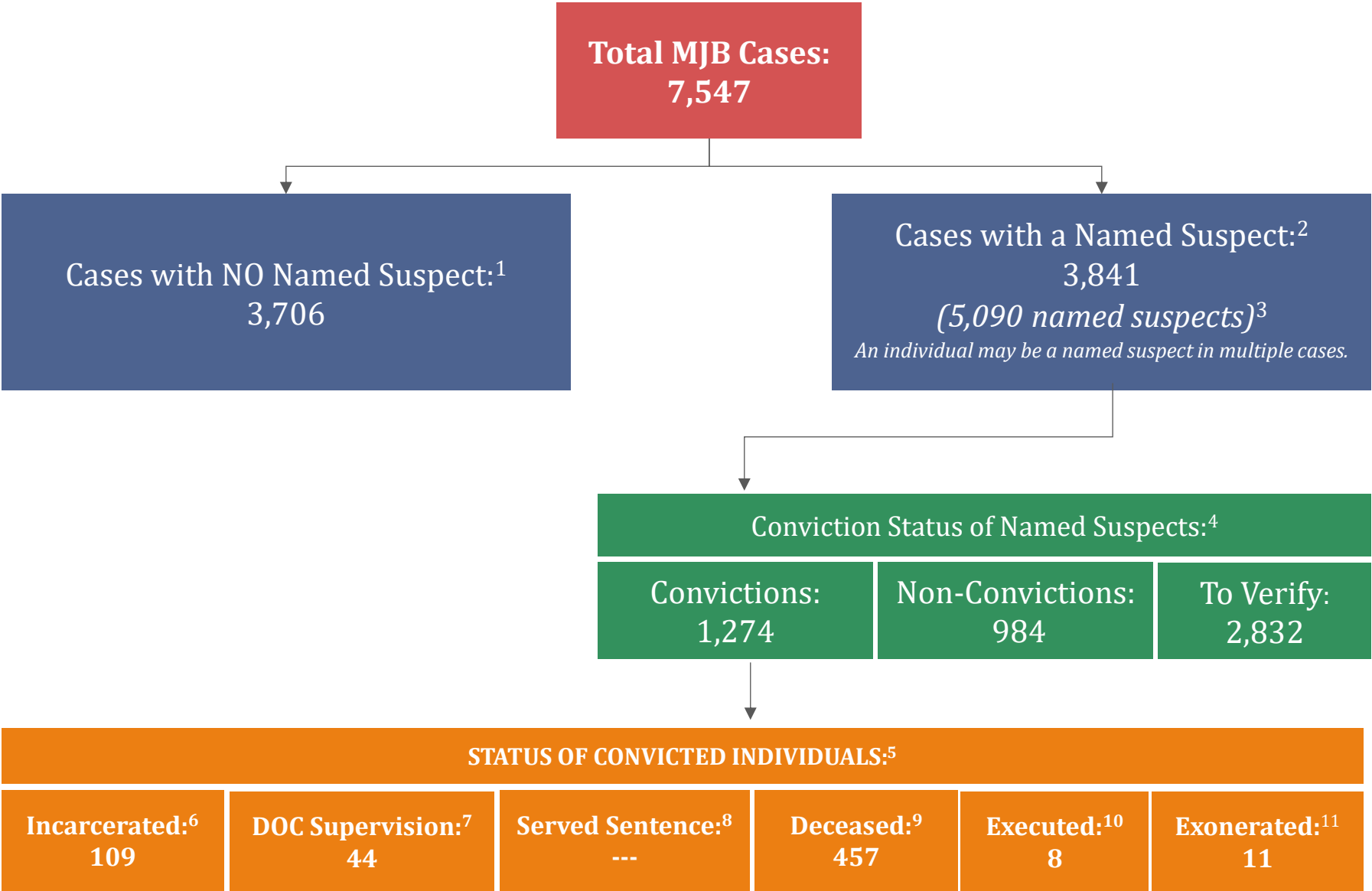
- ▶ Two distinct reviews are being conducted on the work of Mary Jane Burton (MJB):
 - *Case File Review* - 2024 budget language; and,
 - *Review Panel* - 2025 legislation.



Case File Review

- ▶ 2024 budget language directs the Crime Commission to determine the number of MJB cases, including the total:
 1. Case files that contain at least one named suspect.
 2. Named suspects who were convicted of an offense where testing was performed by MJB, categorized by status:
 - Incarcerated;
 - On DOC supervision (probation or parole);
 - Executed; or,
 - Deceased.
 3. Cases where MJB provided scientific testimony.

MJB Case File Review



Source: Virginia Department of Forensic Science, Historic Case File Project, 1973-1988, MJB certificates of analysis only. Analysis by Virginia State Crime Commission staff. Status as of April 15, 2026.



Convicted Individuals

- ▶ DFS notified all individuals who are incarcerated or under DOC supervision.
- ▶ UVA Innocence Project was provided with the names and DFS lab files of all incarcerated individuals:
 - Disseminated questionnaires to incarcerated individuals; and,
 - Assigned approximately 53 cases to pro bono attorneys.
- ▶ Mid-Atlantic Innocence Project (MAIP) conducted an independent review of all cases where an individual was executed.



Case File Review

- ▶ 98% (7,364 of 7,547) of all known MJB cases have been reviewed and cross-validated.
 - Identified 187 cases with an indication of testimony.
 - Located an additional 899 named suspects.
- ▶ 183 MJB cases must still be reviewed to collect PII and offense details for cases that require conviction verification.
 - 60 cases with a named suspect.
 - 123 cases with no named suspect.



Case File Review – Next Steps

- ▶ Review the 183 remaining MJB cases to collect PII and offense details for cases that require conviction verification.
- ▶ Research the conviction status of the 2,832 named suspects to determine the number of convicted individuals and whether they are currently incarcerated, under DOC supervision, deceased, or have completed serving any type of sentence.
- ▶ Additional cases and convictions may be identified as the case file review is finalized.



MJB REVIEW PANEL



Review Panel

- ▶ 2025 legislation (HB 2730/SB 1465) directs the Crime Commission to designate a panel to review cases where:
 - MJB was the forensic examiner and the case resulted in a conviction of an individual who is currently incarcerated, or who was executed or exonerated; or,
 - MJB testified, regardless of the final case disposition.



Review Panel

- ▶ Staff has identified 316 cases for review:
 - 125 cases - person is currently incarcerated;
 - 10 cases - person was executed;
 - 11 cases - person was exonerated; and,
 - 187 cases where MJB testified.

(Note: 17 of these cases overlap)

- ▶ Additional cases may be identified as the case file review is finalized.



Review Panel Members

- ▶ Commonwealth's Attorney
- ▶ Public Defender
- ▶ Felony certified court-appointed criminal defense attorney
- ▶ Retired circuit court judge
- ▶ Representative from the Office of the Attorney General
- ▶ Executive Director of the Mid-Atlantic Innocence Project
- ▶ Independent serologist



Review Panel – Next Steps

- ▶ Applications for Review Panel membership were open from January thru February 2026.
- ▶ Crime Commission members will interview candidates and designate Panel members.
- ▶ Funding has not been provided to support the work of the Review Panel. A funding request in the FY26-FY28 budget remains unresolved.



Review Panel – Records and Evidence

- ▶ Crime Commission staff continues to collect records from courts, law enforcement, Commonwealth's Attorneys, and DFS for individuals currently incarcerated on MJB cases.
 - Records will be provided to the Review Panel.
 - Records are being shared with the UVA Innocence Project to provide to their network of pro bono attorneys.

- ▶ Efforts are underway to determine whether any evidence remains available for DNA testing in these cases.



QUESTIONS?

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