



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

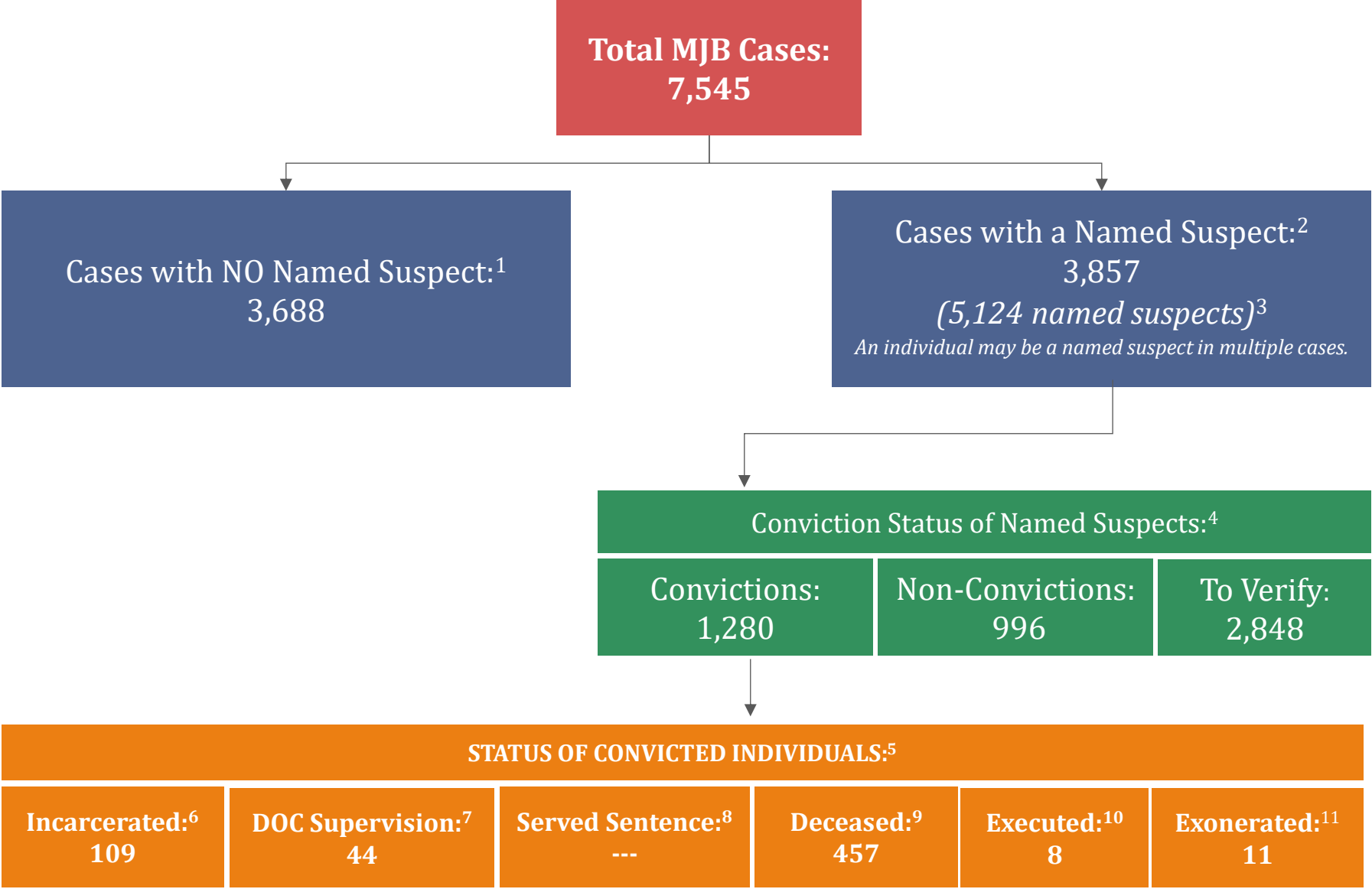
- ▶ 2024 budget language directs the Crime Commission to determine the number of MJB cases, including the total:
 1. Case files that contain at least one named suspect.
 2. Named suspects who were convicted of an offense where testing was performed by MJB, categorized by status:
 - Incarcerated;
 - On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



Case File Review

- ▶ 100% (7,545 of 7,545) of known MJB cases at DFS have been reviewed and cross-validated.
 - Identified 199 cases with an indication of testimony.
 - Located an additional 933 named suspects.

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 June 15, 2026.



Case File Review – Next Steps

- ▶ Coordinate with clerks of court to research the 2,848 named suspects whose conviction status needs to be verified.
 - If a named suspect was convicted, classify by their status: incarcerated, under DOC supervision, deceased, or served sentence.
 - Provide conviction status findings to DFS for notification efforts.
- ▶ Report on final number of cases per the 2024 budget language.



MJB REVIEW PANEL



MJB 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.



MJB Review Panel

- ▶ Staff has thus far identified 325 unique cases for review:
 - 124 cases - person is currently incarcerated;
 - 10 cases - person was executed;
 - 11 cases - person was exonerated; and,
 - 199 cases where MJB testified.

(Note: 19 of these cases overlap)
- ▶ 2025 legislation directs the review panel to prioritize the cases of individuals who are currently incarcerated.



MJB Review Panel – Records and Evidence

- ▶ Crime Commission staff is collecting records from courts, law enforcement agencies, Commonwealth's Attorneys, and DFS for individuals currently incarcerated on MJB cases.
 - Records will be reviewed by the MJB Review Panel.
 - Records are also 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.



MJB 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



MJB Review Panel

- ▶ The Chair of the Crime Commission created the MJB Subcommittee to:
 - Provide guidance to staff on panel logistics;
 - Develop an application and interview process for panel membership; and,
 - Make recommendations on panel membership to the full Crime Commission.
- ▶ The MJB Subcommittee will interview applicants in July and August and make panel member recommendations to the Crime Commission this fall.



MJB Review Panel

- ▶ The FY26-FY28 budget provides \$25,000 each year to support the work of the MJB Review Panel.
 - The MJB Subcommittee will also provide guidance on how to allocate funding.

- ▶ An update on the work of the MJB Review Panel will be provided to the Crime Commission in January 2027.



QUESTIONS?

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