



# MARY JANE BURTON CASE REVIEW: PROJECT STATUS

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# Background

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- ▶ Mary Jane Burton (MJB) was a forensic examiner at the Department of Forensic Science (DFS) from 1973 to 1988.
- ▶ The majority of her work was serology.
- ▶ Many of her cases were for violent crimes, such as murder and sexual assault, but she also examined a wide array of other types of offenses.



# Background

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- ▶ In January 2023, the podcast *Admissible: Shreds of Evidence* was released.
- ▶ The podcast alleged two key areas of misconduct by MJB:
  - Discrepancies, errors, and alterations of test results; and,
  - Misleading testimony in court.



# Budget Language

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

# MJB Budget Language Status

*Numbers subject to change as work continues*

**Total MJB Cases:  
7,572**

**Cases with NO Named Suspect:  
4,181**

**Cases with Named Suspect:  
3,391**  
*(4,191 named suspects)*  
*An individual may be a named suspect in multiple cases.*

Figures below represent named suspects (not individuals):

<b>Convictions: 1,006</b>	<b>Non-Convictions: 501</b>	<b>To Review: 2,684</b>
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Figures below represent individuals (not named suspects):

<b>Incarcerated: 66</b>	<b>DOC Supervision: 1</b>	<b>Served Sentence: 2</b>	<b>Deceased: 231</b>	<b>Executed: 8</b>	<b>Exonerated: 10</b>
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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 October 22, 2024.



# Incarcerated Individuals

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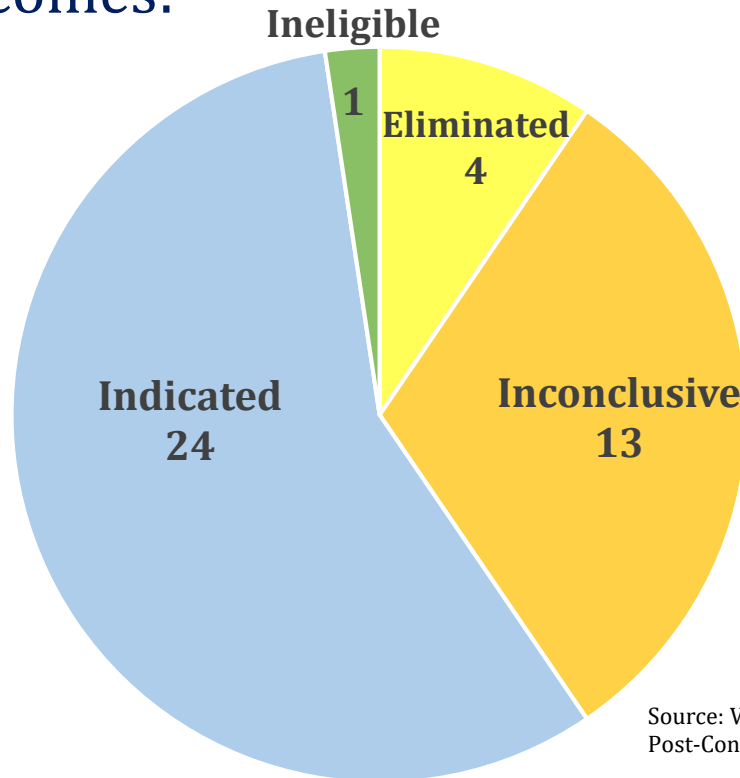
- ▶ Of the 66 incarcerated individuals:
  - All are male (39 Black males and 27 White males).
  - Ages range from 57 to 91, with a median age of 66.
  - The most serious offense for each individual is:
    - Forcible sex offense (44).
    - Murder (17).
    - Aggravated assault (5).
  - All have been notified by DFS and referred to the UVA Innocence Project for pro bono legal assistance.



# Incarcerated Individuals

- ▶ 42 of the 66 incarcerated individuals overlap with the prior *Post-Conviction DNA Testing Program and Notification Project*.

DNA testing outcomes:



Source: Virginia Department of Forensic Science, Post-Conviction DNA Testing Program and Notification Project.



# Incarcerated Individuals

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## ► DNA Testing Outcome Definitions:

- Eliminated: individual was not a contributor to the DNA profile obtained from evidence (not the same as exonerated).
- Inconclusive: insufficient data existed to reach a conclusion, or no DNA profile was obtained from the evidence.
- Indicated: individual was a contributor to the DNA profile obtained from the evidence.
- Ineligible: DNA evidence was not eligible for testing due to federal grant funding restrictions.





# Completed Activities

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- ▶ Staff has completed the following to address the directives set forth in the budget language:
  - Analyzed the spreadsheet provided by DFS to identify the total number of MJB cases and named suspects.
  - Reviewed ~400 DFS case files to collect PII and offense details for individuals potentially incarcerated or under DOC supervision, as well as cases where MJB testified.
  - Identified the number of MJB cases that overlap with the prior *Post-Conviction DNA Testing Program and Notification Project*.



# Completed Activities

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## ► Staff has completed the following:

- Analyzed case information and coordinated with DOC and the Parole Board to identify incarcerated individuals.
- Presented to the Scientific Advisory Committee and the Forensic Science Board.
- Met with numerous stakeholders, including the Commonwealth's Attorneys' Services Council, Virginia Association of Chiefs of Police, Virginia Court Clerks Association, the Virginia Sheriffs' Association, and the MJB Work Group.



# Ongoing Activities

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- ▶ Staff will continue to assist DFS in identifying individuals under DOC supervision.
- ▶ Staff will continue to review DFS case files and collect PII and offense details for cases that require conviction verification (~3,000 case files).



# DISCUSSION