



MARY JANE BURTON: CASE FILE REVIEW AND REVIEW PANEL

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Mary Jane Burton Reviews

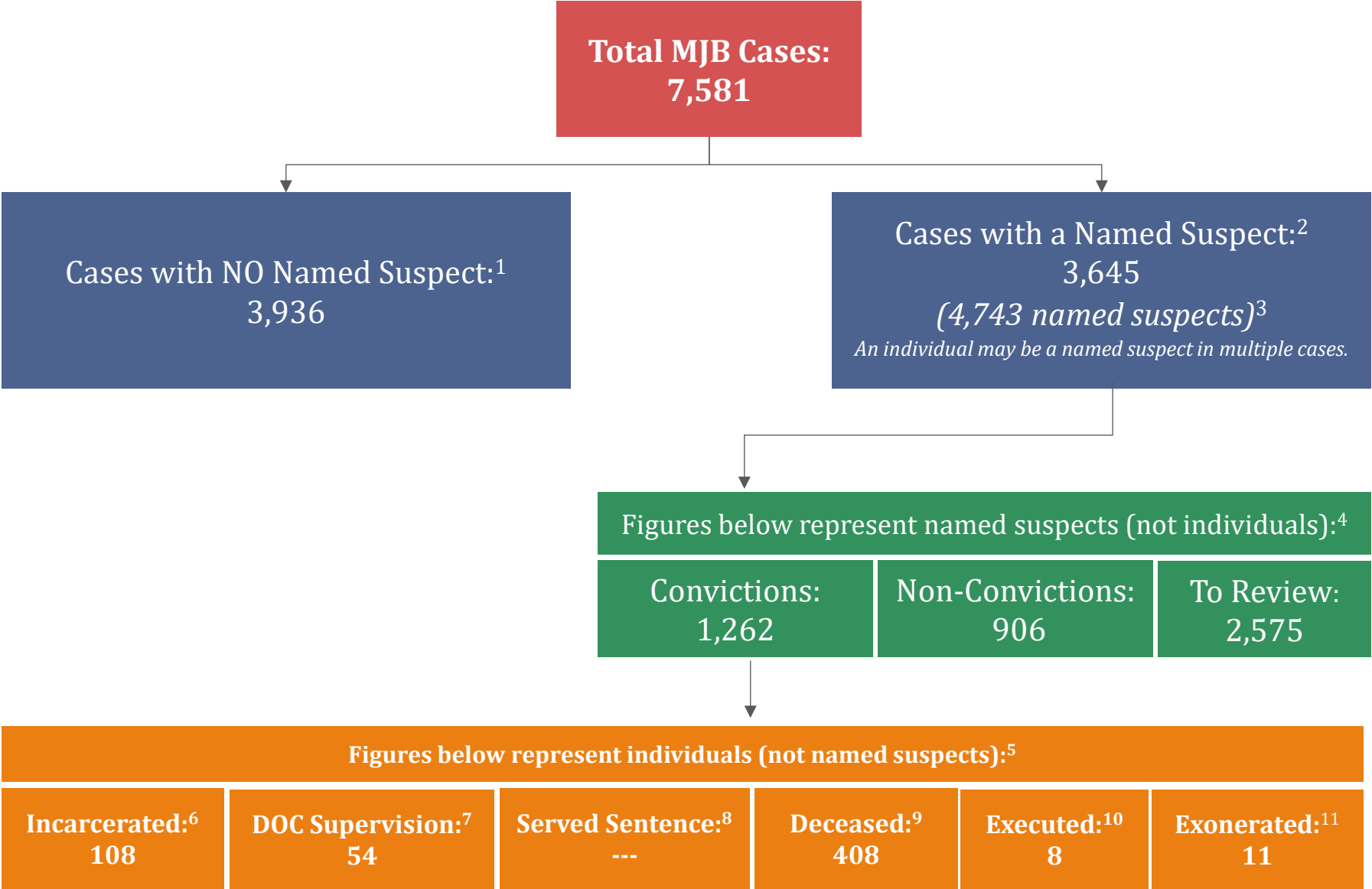
- ▶ There are two distinct reviews being conducted on the work of Mary Jane Burton (MJB):
 - *Case File Review* based on 2024 budget language; and,
 - *Review Panel* based on 2025 legislation.



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:
 - 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 November 25, 2025.



Case File Review

- ▶ 85% (6,410 of 7,581) of all known MJB cases have been reviewed and cross-validated.
 - Identified 186 cases with an indication of testimony.
 - Located an additional 552 named suspects.
- ▶ 1,171 MJB cases must still be reviewed to collect PII and offense details for cases that require conviction verification.
 - 458 cases with a named suspect.
 - 713 cases with no named suspect.



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

- ▶ The Review Panel will consist of a:
 - Commonwealth's Attorney;
 - Public Defender;
 - Practicing criminal defense attorney;
 - Retired circuit court judge;
 - Representative of the Attorney General;
 - Executive Director of the Mid-Atlantic Innocence Project; and,
 - Independent serologist.



Review Panel

- ▶ The purpose of the Review Panel is to:
 - Evaluate the accuracy of MJB's testing, analysis, and testimony; and,
 - Determine, if possible, whether MJB engaged in a pattern of misconduct.

- ▶ The Review Panel is not tasked with determining actual innocence.
 - Actual innocence requires a finding by the court.



Review Panel

- ▶ Staff has identified 314 cases for review:
 - 124 cases - person is currently incarcerated;
 - 10 cases - person was executed;
 - 11 cases - person was exonerated; and,
 - 186 cases where MJB testified.

(Note: 17 of these cases overlap)

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



Review Panel

- ▶ Delegate Herring appointed a Review Panel Subcommittee to develop a process to provide guidance on logistics for the panel, which will include an application process.
- ▶ Staff is currently:
 - Providing the Subcommittee with sample applications;
 - Developing a timeline for the Review Panel's work;
 - Prioritizing cases for the Review Panel; and,
 - Obtaining court, law enforcement, and prosecutor files to provide to the Review Panel and UVA Innocence Project.



Review Panel

► Completed activities:

- The Parole Board and DOC identified incarcerated individuals;
- DFS notified incarcerated individuals;
- UVA Innocence Project:
 - Received the names and DFS lab files of incarcerated individuals;
 - Disseminated questionnaires to incarcerated individuals; and,
 - Assigned individual cases to pro bono attorneys.
- Mid-Atlantic Innocence Project (MAIP) conducted an independent review of all cases where an individual was executed.



DISCUSSION