



MARY JANE BURTON (MJB) REVIEW PANEL UPDATE

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2025 REVIEW PANEL LEGISLATION

- The Crime Commission is directed to designate a panel to review cases where MJB was the forensic examiner if:
 - An individual is incarcerated;
 - An individual was executed or exonerated; or,
 - MJB testified, regardless of the final case disposition.
- Funding was allocated for Review Panel expenses.



MJB REVIEW PANEL PURPOSE

- The Review Panel must:
 - Determine, if possible, whether MJB engaged in a pattern of misconduct; and,
 - Evaluate the accuracy of her testing, analysis, and testimony.
- The Review Panel is not determining actual innocence.
 - Actual innocence is a separate court proceeding.



MJB REVIEW PANEL MEMBERSHIP

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



MJB REVIEW PANEL CASES

- 319 unique cases have been identified for review thus far:
 - 117 cases with incarcerated individuals;
 - 10 execution cases;
 - 11 exoneration cases; and,
 - 199 cases where MJB testified.
 - › *18 of these cases overlap*
- Cases with incarcerated individuals must be reviewed first.
 - Approximately 20% of these individuals have completed their sentence for the MJB case and are currently incarcerated on an unrelated case.



MJB CASE RECORDS

- Staff is collecting and organizing records for incarcerated individuals from the Department of Forensic Science (DFS), courts, law enforcement, and Commonwealth's Attorneys.
 - Inquiring whether any physical evidence remains available for testing.
- Records are being shared with the Innocence Project of the University of Virginia School of Law (UVA-IP) for use by the attorneys providing services to incarcerated individuals.



MJB CASE RECORDS

- Collecting case records for the Review Panel has been challenging.
 - Age of the records (40 - 50 years old)
 - Destroyed or unable to be located
 - Contain limited documents
 - Limited or no information on MJB's work
 - Court transcripts are not generated in all cases or may no longer be in the court file



LEGISLATIVE AMENDMENTS

- Staff identified three potential amendments to the Review Panel legislation:
 - Provide guidance on how attorneys share unredacted records with the defendants;
 - Develop a process for the Review Panel to request scientific testing of evidence found in the possession of courts and/or law enforcement agencies; and,
 - Clarify that the Review Panel may consult with other independent subject matter experts.



NEXT STEPS

- Crime Commission will designate Review Panel members.
- Staff will continue to provide support to the Review Panel.
 - Collect and organize records.
 - Coordinate meetings.
- Staff can consult with stakeholders and prepare legislation.
- An update will be provided in January 2027.



DISCUSSION



MJB REVIEW PANEL MEMBER DESIGNATION