

OREGON

RIGHTING WRONGS IN THE CRIMINAL JUSTICE
SYSTEM: REVEALING AND CORRECTING
WRONGFUL CONVICTIONS

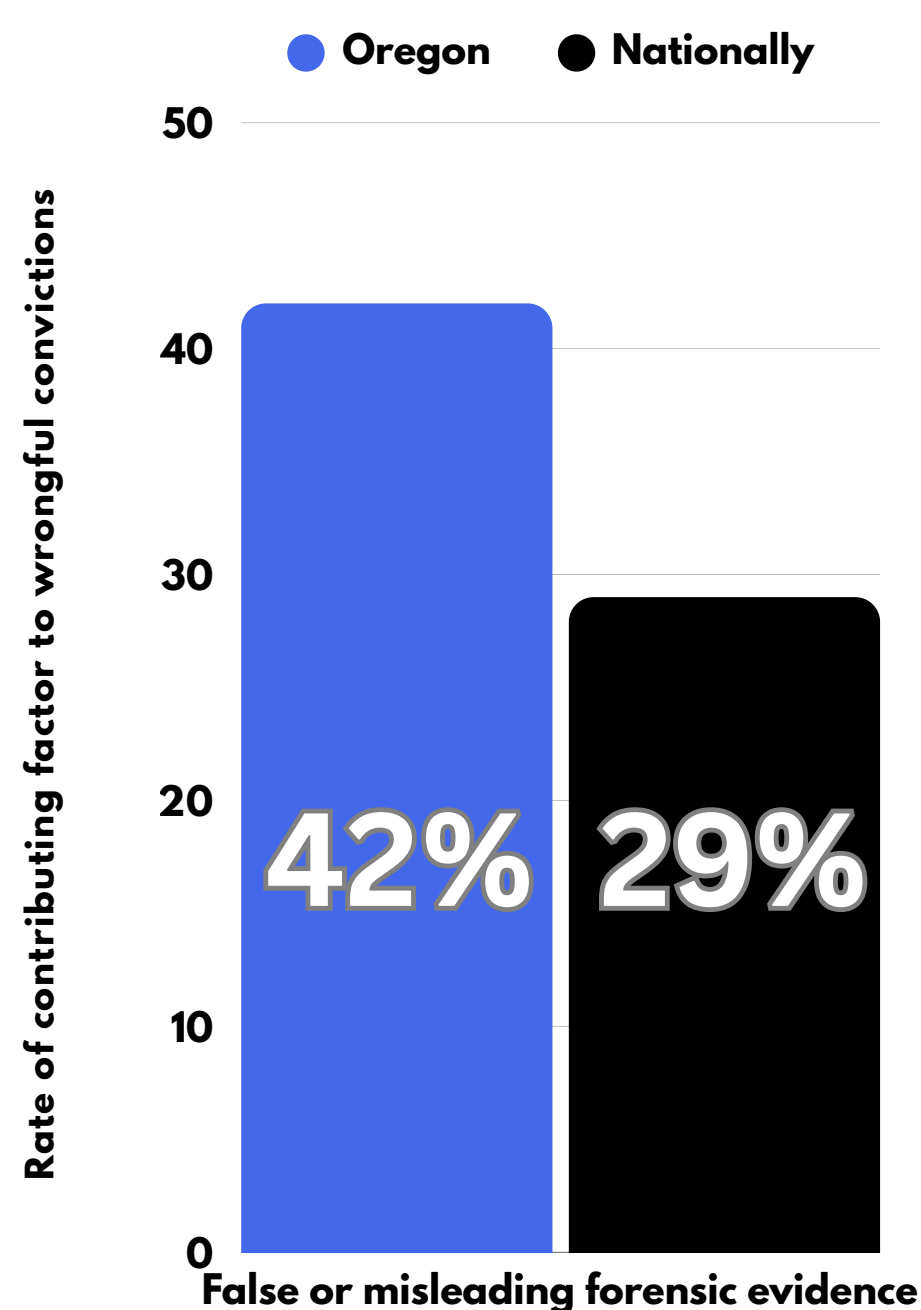
ADDRESSING FLAWED FORENSICS AND COMPENSATING INNOCENT OREGONIANS

The emergence of DNA testing and advances in science have allowed us to *scientifically* prove innocence – and restore the freedom of wrongfully convicted people.

Since 1989, over 40 innocent Oregonians have been exonerated. However, gaps in our laws are keeping many other innocent people behind bars – and those who successfully fought for their exonerations are later denied compensation.

In Oregon, where **false or misleading forensics** is a contributing factor in **over 40% of wrongful convictions**, we must ensure our criminal justice system is responsive to the latest scientific insights. This will enable us to:

- more accurately reveal the use of flawed forensics,
- correct wrongful convictions, and
- support exonerees as they rebuild their lives.



SCOTT CANNON'S STORY



Photo: Associated Press

Phillip Scott Cannon was wrongfully convicted of a 1998 murder and sentenced to three life sentences without parole at the age of 32. At the trial, prosecutors and a ballistics expert testified that **comparative bullet lead analysis (CBLA)** proved the bullets in the victims came from Mr. Cannon's home.

In 2009, Mr. Cannon was granted a new trial in part because his attorney had failed to challenge the CBLA analysis. This came after the FBI stopped using CBLA in 2005, after a National Academy of Sciences report found significant issues with the method.

Evidence later surfaced that the Oregon State Police crime lab had declined to conduct CBLA in the case because it did not consider it scientifically reliable.

Mr. Cannon ultimately lost over 11 years of his liberty to wrongful imprisonment for a crime he did not commit. He continues to fight for compensation under Oregon's *Justice for Exonerees Act*.

WHAT NEEDS TO CHANGE?

Allow wrongfully convicted Oregonians to **petition for a new trial if their conviction was based on the following discredited forensic disciplines – hair microscopy, bite mark analysis, or comparative bullet lead analysis.**

- Despite the fact that shifts in scientific understanding can take decades, Oregon's current post-conviction framework does not provide an effective path to raise claims based on discredited science.
- As a result, wrongfully convicted Oregonians who were convicted in the 1980s or 1990s, before those forensic methods were discredited, are procedurally barred from returning to court.

Fulfill the promise of the Oregon Justice for Exonerees Act to **compensate the wrongfully convicted.**

- Make clear the legislative intent of resolving claims that meet legislative standards for innocence
- Recognize newly-presented evidence of innocence in review of the petition
- Ensure timely Oregon Department of Justice review of cases.

Currently, exonerees face lengthy and onerous processes to receive the compensation afforded to them under the statute. The current litigation process is retraumatizing to those who have already lost years of their life to wrongful incarceration and proved their innocence. This is not the original intent of the law.

TYPES OF DISCREDITED METHODS

Major flaws have been revealed in many forensic disciplines once used to convict people:

Hair comparisons: In 2015, the FBI announced that its experts overstated the probability of a match between hair evidence and a defendant's hair in **95%** of the cases it reviewed.

Bite mark analysis: In 2023, the National Institute of Standards and Technology issued a scathing report confirming that bite mark analysis lacks any scientific validity at all.

Comparative bullet lead analysis: In 2005, the FBI stopped using comparative bullet lead analysis after the technique was proved to be scientifically invalid.

SANTIAGO VENTURA MORALES' STORY



Santiago Ventura Morales

At just 18 years old, Santiago Ventura Morales was wrongfully convicted and sentenced to life in prison. He was exonerated in April 1991 after spending five years in prison for a murder that he did not commit.

During his post-conviction proceedings, an eyewitness came forward and testified under oath, identifying the true killer and confirming that Mr. Ventura Morales was not present. Multiple other witnesses also testified that they were pressured by police to point the finger at him. Mr. Ventura Morales' wrongful conviction ended in a high-profile exoneration with then-Gov. Kitzhaber publicly recognizing the wrongful conviction.

After the passage of the Oregon Justice for Exonerees Act, Mr. Ventura Morales filed a claim for compensation in 2023. **Despite clear evidence of innocence, the ODOJ continues to fight Mr. Ventura Morales' claim for compensation.**