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INDEPENDENT INVESTIGATOR ISSUES FIFTH REPORT ON HOUSTON POLICE DEPARTMENT CRIME LAB

Washington, DC – May 11, 2006. Michael R. Bromwich, the Independent Investigator for the Houston Police Department Crime Laboratory and Property Room, today released his Fifth Report. Mr. Bromwich's team has reviewed 2,300 cases originally analyzed by the Crime Lab across seven forensic science disciplines – serology, DNA, controlled substances, toxicology, trace evidence, firearms, and questioned documents. These case reviews have confirmed that analysts and examiners in certain sections of the Crime Lab were competent and performed high quality forensic scientific work, including in the areas of firearms examination, toxicology, and questioned documents examination. However, Mr. Bromwich's team has continued to find serious, systemic problems with the Crime Lab's serology and DNA profiling, including major issues in the Crime Lab's work performed in the cases of four death row inmates -- Franklin Dewayne Alix, Juan Carlos Alvarez, Gilmar Alex Guevara, and Derrick L. Jackson.

In light of the severe and pervasive problems that Mr. Bromwich's team has found in the Crime Lab's serology and DNA profiling, HPD and the Stakeholders Committee overseeing the investigation expanded the scope of the probe to include cases dating back to 1980 when James R. Bolding, the longtime head of the Crime Lab's DNA and Serology Section, began performing genetic marker analysis in the Lab.

To date, the investigation has identified 50 serology cases and 43 DNA cases analyzed by the Crime Lab between 1980 and 2002 in which there are significant doubts about reliability of the work performed, the validity of the Crime Lab's analytical results, or the correctness of the analysts' reported conclusions. The Fifth Report expands on the investigation's previous findings and focuses on several pervasive problems including:

- The Crime Lab's failure throughout the 1980s to perform serological testing in cases where there was available evidence that, if tested, could have developed information about whether specific individuals could have been included or excluded as potential sources of biological evidence, such as blood or semen, in crimes including homicides and sexual assaults;
- The failure of serologists and DNA analysts to report reliable results, which in some cases would have tended to exonerate suspects;
- Strong evidence that contamination frequently affected the results obtained by the Crime Lab through certain types of DNA testing; and
- Twenty three DNA cases in which the Crime Lab reported grossly misleading statistical information -- frequently incorrect by orders of magnitude -- regarding the significance of its DNA profiling results, particularly in cases involving mixtures of bodily fluids from more than one person

The investigation, which began on March 30, 2005, is divided into two phases. The first phase involved the gathering of facts related to the current and historical operations of the Crime Lab and Property Room and was completed within 90 days on June 30, 2005. The centerpiece of the second phase of the investigation, which began in September 2005, is the review of thousands of cases performed by the Crime Lab in various forensic science disciplines. With the exceptions of firearms and serology cases, Mr. Bromwich's team has now completed all of those case reviews. Over the next several months, Mr. Bromwich's team will focus on the Crime Lab's current operations and develop recommendations intended to assist HPD and the Crime Lab produce high quality, reliable forensic scientific results on a consistent basis for use in

the criminal justice system.

The investigative team reports to the Stakeholders Committee, a group of Houston-area public officials, civil rights advocates, academics, attorneys, and scientists appointed by HPD Chief Harold L. Hurtt.

Michael R. Bromwich is a partner in the Washington, DC and New York offices of Fried, Frank, Harris, Shriver & Jacobson LLP and heads the Firm's internal investigations, compliance and monitoring practice group. From 1994 to 1999, he served as Inspector General of the Justice Department, where he led investigations into the activities of the Federal Bureau of Investigation, the Immigration and Naturalization Service and the Drug Enforcement Administration, among other federal law enforcement agencies. In addition, Mr. Bromwich headed an investigation into allegations of misconduct and incompetence at the FBI crime laboratory. Prior to his appointment as Inspector General, Mr. Bromwich served as a federal prosecutor for seven years in New York and Washington, DC.

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