



Advisory Commission on  
Wrongful Convictions  
Minutes  
April 6, 2006

Attorney Conference Room  
Supreme Court Building

**Minutes**

Attendees: Assistant Professor James M. Adcock, Attorney James W. Bergenn, Attorney Brett Dignam, Attorney Melissa A. Farley, Thomas E. Flaherty, Attorney John W. Hogan, Jr., The Honorable William J. Lavery, Representative Michael P. Lawlor, Chief Robin Montgomery, Attorney Judith Rossi and Attorney Gerard A. Smyth

I. Judge William J. Lavery, Chief Court Administrator, welcomed all the attendees.

II. The minutes from the November 9<sup>th</sup> meeting were approved.

III. Brief review of *State v. Seri*, and an update on the pending civil case

The University of New Haven students received copies of the depositions in the case. There have been recent attempts to subpoena the prosecutor. The subject of the subpoena pertains to the actions after the case was prosecuted. This is very unusual, as this is the first time that a prosecutor may be subpoenaed to discuss issues related in the course of his/her employment.

The case is being heard by Judge Underwood in the U.S. District Court in Bridgeport.

After Seri served his time, the case was reopened and the charge was dismissed.

Laport, the person whose fingerprint matched with the latent fingerprint, was never prosecuted for the incident at the Newtown Library.

IV. The Law Enforcement Council established by the Chief States Attorney did not recommend that the double blind procedure be used by law enforcement officials, but, as an alternative, the council has recommended having officers stand behind the witness. By

having officers stand behind the witness, the committee believed that more accurate eyewitness identification would result, as no body language would be communicated to the witness by the police officer. The students researched this approach and did not find any information to indicate its validity. Gerard Smyth forwarded the new procedure to Gary Wells who had some concerns.

Representative Mike Lawlor reported on the status of legislation. He reported that the Judiciary Committee did not approve proposals that would have required that interrogation procedures be improved by videotaping interrogations and improving eyewitness identification procedures.

- V. The University of New Haven students provided an update on the research that they conducted on the Milgaard, Anderson and Zimmerman cases.

See attached presentation.

- VI. A short video in a shaking baby case was shown. Tom Flaherty mentioned that Forensic Videographers is a fast-growing industry for the prosecution and the defense. The training will be very expensive.

The FBI is starting up Scientific Working Groups to help establish standards for blood groups.

- VII. Other issues

Judge William J. Lavery asked if a list of the Barry Scheck's recommendations was available. Professor Brett Dignam offered to provide the 12 steps to the Innocence Project. One of Barry Scheck's big priorities is to get students involved in researching these issues.

The Commission members agreed that the students would continue to monitor the Seri case and that an update will be provided at the next meeting. The students and researchers should have all of the information surrounding the Seri case by the next meeting. At this point, there has not been a ruling on whether the prosecutor is immune from prosecution. The judge ruled that the prosecutor is entitled only to qualified immunity, as the actions in the case involve conduct after the trial.

The Commission members also agreed to discuss false confessions at the next meeting.

Another topic that will be discussed at the next meeting pertains to child abuse case. It was suggested to look the State of Washington which has developed a matrix on lessons learned pertaining to false allegations. This information will be helpful from a training perspective. Other areas involve finding the right words to use when interviewing

children. The students will look at common threads in the investigations that were ultimately overturned.

Gerard Smyth updated the commission on the Public Defender's Innocence Commission, which was established to review and investigate claims of innocence. Judge Miano approved a request to test DNA evidence in a case that has already gone to trial. Attorney Smyth will keep the group apprised.

Other issues to discuss include whether the Commission should make a recommendation to the Legislature on whether to compensate individuals who have been incarcerated and who were wrongly convicted in lieu of a lawsuit.

VIII. The next meeting will be held sometime in the Fall. No exact date was established.

IX. Adjournment