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Update on hearing this afternoon in Roy Brown's case in New York State Court in Cayuga County

(CAYUGA COUNTY, NY; December 21, 2006) –At a hearing this afternoon, Judge Peter Corning refused to rule on whether Roy Brown's January 1992 murder conviction should be vacated. (See details below, on DNA evidence showing that Brown is innocent and that another man, Barry Bench, is the likely perpetrator.) Judge Corning presided over Brown's trial, and he retires effective December 31, 2006. Judge Corning said that he could not be certain of the paternity of Barry Bench's daughter, who gave a DNA sample in order to determine whether her father (who committed suicide after Brown confronted him in letter from prison) committed the murder. Judge Corning also said that so-called "bite mark" analysis during the trial was persuasive – despite well documented concerns about the validity of bite mark analysis and new DNA evidence that brings scientific certainty to the case. A full evidentiary hearing in the case has been set for January 22, 2006.

Following are statements from Brown's attorneys at the Innocence Project after today's hearing in Auburn, New York:

Nina Morrison, Innocence Project Staff Attorney:

"We're shocked and disappointed. When we first came to court seeking DNA testing, nobody would have imagined that Roy Brown would remain in prison if we got DNA results that rule him out and match Barry Bench. Although the court today couldn't face the scientific facts, the public finally knows the truth in this case, and we're confident that it's only a matter of time before Roy Brown is finally a free man."

Peter Neufeld, Innocence Project Co-Director:

"It is unconscionable that a judge in 2006 has more confidence in the flat-Earth science of bite marks than in DNA technology. It is regrettable that the judge who presided over this miscarriage of justice 15 years ago, and who retires in one week, passed up his one and only opportunity at redemption. Each day he allows Roy Brown to remain in prison with a life-threatening illness, Judge Corning perpetuates this appalling miscarriage of justice."



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Supplemental Material:

- Previous Release: [12.21.06 – Roy Brown to Appear in Court](#)
- Motion to vacate conviction (originally filed last month and being joined today by the District Attorney):
http://www.innocenceproject.org/docs/121406_Roy_Brown_Motion.pdf
- Letter from Roy Brown to Barry Bench (and news report on Bench's subsequent suicide):
http://www.innocenceproject.org/docs/122403_Roy_Brown_Letter.pdf
- Background on flawed bite mark analysis:
http://www.innocenceproject.org/docs/Bite_Mark_Backgrounder.pdf
- Facts on DNA exonerations in New York State:
http://www.innocenceproject.org/docs/NY_DNA_Cases.pdf