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Background:

Anthony Michael Green's Exoneration Leads to Audit of Forensic Analysis in Other Cleveland Cases

Anthony Michael Green was convicted in 1998 of the rape and aggravated robbery of a terminally ill cancer patient at the Cleveland Clinic Inn. The assailant barged into her room with a knife when she answered his knock on the door. After raping her, he wiped off his penis with a washcloth and fled.

Green, a former employee of the clinic, became a suspect when a clinic security officer recognized the description given by the victim as resembling Green. A few days after the attack, the victim was shown a photo array including a photo of Green. She said that one person resembled her attacker, but not closely enough. The following day, she was shown a second photo array, from which she identified Green. His was the only photo included in both arrays.

The key piece of biological evidence in the case was the washcloth. Lab technician Joseph Serowik of the Cleveland Police Department Forensic Laboratory testified about the results at trial. Serowik claimed that a hair found on the washcloth was a head hair and that it matched Green's. His finding was discredited years later when additional testing revealed that the hair was, actually, a pubic hair, and it did not match Green.

Serowik also testified that a stain on the washcloth exhibited Green's blood type. Using these two forensic analyses, Serowik concluded that Green matched the profile of the rapist by a possible standard of 1 in 40,000. In fact, the serological testing only concluded that Green and the victim shared the same blood type (both being type B, non-secretors) and therefore it would have been impossible to separate Green's body fluids from the victim's. The semen from the sample could have come from anyone. Serowik's own notes on the testing in the Green case contradicted his testimony.

Thirteen years after his conviction, Green was proven innocent through DNA testing and released. In a subsequent civil lawsuit, Green alleged that Serowik, who must have been knowledgeable about fundamental forensic principles, had testified falsely. In June 2004, the state not only compensated Green, but also created the "Anthony Michael Green Forensic Laboratory Audit" of the city police laboratory.

Serowik's serology and hair evidence work, as well as a random selection of the work of other Cleveland PD Forensic Laboratory technicians dating back to 1987, were reopened and investigated. The decision set a precedent for other states to voluntarily investigate criminal procedures whenever a wrongful conviction occurs. The city appointed James Wooley, a partner at the Baker and Hostetler law firm, as the supervisor of the audit and hired criminalist Robert Spalding to conduct it. Spalding's report revealed that Serowik did not consistently keep records of his work. More troubling still, in several other cases besides Green's, Serowik had testified to a forensic

match when his notes indicated the opposite. In August 2004, three months after the city of Cleveland dismissed him, Serowik was hired as an assistant professor of criminal justice at Youngstown State University.