

USA TODAY • FRIDAY, AUGUST 6, 2004 • 3A

Nation

Man convicted in '87 may be innocent

Experts: Houston lab tech misread test

By Richard Willing
USA TODAY

A Houston crime-lab technician misread a blood test in 1987, causing a Texas man to be sent to prison for a rape he didn't commit, six crime-lab experts said in legal papers filed Thursday.

The technician, James Bolding, testified at trial that a key suspect in the rape of a 14-year-old girl was innocent because his blood type did not match semen collected at the crime scene.

Bolding's testimony shifted the focus to George Rodriguez, a bed-frame assembler who was also implicated by a hair found at the scene. Rodriguez was convicted in 1987 and remains in prison serving a 60-year sentence.

But in an affidavit filed Thursday in a Houston court, the nationally known experts said Bolding's testimony was "false and scientifically unsound."

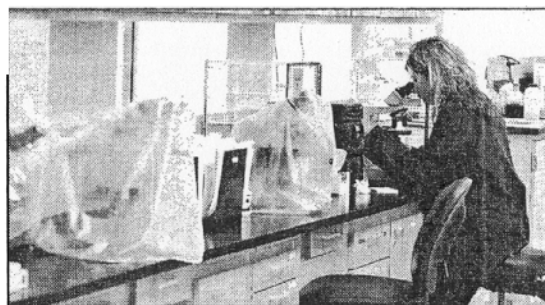
The blood-typing test actually showed that the other suspect, Isidro Yanez, could have committed the rape,

the panel said, adding that was a finding any analyst who understood "basic principles of blood typing" should have made.

The panel's findings were another black eye for the Houston Police Department's crime lab.

The lab's DNA unit was shut in 2002 after a state audit found irregularities in the way technicians were trained, handled evidence, interpreted tests and kept records. Bolding retired after a police department investigation recommended that he be fired.

The Harris County prosecutor's office is retesting DNA that played a role in hundreds of convictions. It has retested 377 cases so far. New tests exonerated a man convicted of rape in one case and found six other cases in which lab technicians overstated the likelihood that the results implicated a defendant. In 287 cases, the crime lab's results were confirmed, said Marie Munier, an assistant district attorney in Harris County.



Lab under a cloud: A technician works in the Houston police crime lab in June. The laboratory's DNA unit was shut in 2002 after an audit found irregularities.

Results in other cases are being studied.

Rodriguez's lawyer, Mark Wawro, said his client's case shows that convictions in thousands of cases in which the Houston crime lab tested evidence should be reviewed.

"The problem is clearly not just with DNA, it's (blood type tests), hair analysis, everything," he said.

Panel members included DNA analyst Edward Blake, who has done testing in several high-profile cases in which

defendants were exonerated, and Mark Stolorow, director of Orchid Cellmark, a private lab often used by state governments for specialized work.

Blood tests performed on Rodriguez at the time of his trial were inconclusive. Last month, DNA tests that were unavailable in 1987 showed that the hair that had been matched to Rodriguez was not his.

Wawro filed the affidavit and the test results in an effort to win Rodriguez's release. Wawro said he expects a Texas judge to set a hearing date soon.

The experts "can't tell whether Bolding did this on purpose, or whether he just didn't understand the basics of blood typing," Wawro said. "Either way, it has put an innocent man in prison for 17 years."

Munier said her office had not yet seen Wawro's filing, "but would review it with interest. We have to keep in mind that the hair was only one piece in a large package of evidence submitted to the jury."