

**State of Connecticut
Division of Criminal Justice
Conviction Integrity Unit Review**



Charles William Coleman

New Haven Judicial District

**Doc. No. NNH-CR86-0261648
Convicted January 7, 1993**

**Doc. No. NNH-CR86-0262767
Convicted July 9, 1993**

**Doc. No. NNH-CR86-0261438
Convicted October 18, 1993**

By letter, dated October 19, 2021, the petitioner Charles William Coleman requested that the Conviction Integrity Unit (CIU) undertake a review of three convictions stemming from three separate trials conducted in 1993 in the Judicial District of New Haven, in cases bearing docket nos. NNH-CR86-0261648 (Case 1), NNH-CR86-0262767 (Case 2), and NNH-CR86-0261438 (Case 3).

The petitioner is an inmate currently confined at the Cheshire Correctional Institution in Cheshire, Connecticut, serving a total effective sentence of one-hundred seventy (170) years' incarceration for convictions relating to burglary and sexual assault incidents that occurred in New Haven on March 4, 1986, June 23, 1986, and July 7, 1986. In each incident the perpetrator entered the female victims' apartments in the middle of the night with a knife or sharp cutting tool and placed his hand over the victims' mouths while they were in bed sleeping. The perpetrator sexually assaulted two of the victims and assaulted the third with a knife.

As detailed in Sections D.1. and 2., infra, CIU's investigation and review of Charles Coleman's convictions has led it to conclude that newly discovered evidence in two of his three cases may cause a reasonable person to lose confidence in the underlying convictions. This new evidence is in the form of DNA evidence not available at the time of the petitioner's 1993 trials. To wit:

- (1) The sexual assault crime kit containing physical evidence pertinent to the sexual assault in the case bearing doc. no. NNH-CR86-0262767 (Case 2), previously thought destroyed, has recently been located and tested. DNA test results indicate that the petitioner has been eliminated as a contributor to the sample tested. See Section D.2., infra; and,
- (2) In advance of petitioner's 1993 trial, DNA tests conducted on the sexual assault crime kit pertaining to the case bearing doc. no. NNH-CR86-0261438 (Case 3), established that the petitioner could not be excluded as a potential donor to the sample tested, and that he was within the 15 percent of the black

population that could have been the source of the DNA. Samples from that sexual assault crime kit have recently been retested utilizing a more advanced DNA testing method. Results of these recent DNA tests have eliminated the petitioner as a contributor to the samples retested. See Section D.1., infra.

A. PETITIONER'S UNDERLYING CONVICTIONS

1. 1986-87 State Court Proceedings

On July 8, 1986, the petitioner was arrested for the incident occurring the previous day. Petitioner was later arrested for the March 4th and June 23rd incidents, as well as for six other incidents involving similar crimes.

On May 27, 1987, the petitioner pleaded guilty under North Carolina v. Alford, 400 U.S. 25 (1970), to twenty of twenty-six counts in nine different cases, including charges of burglary, sexual assault, robbery, assault, and several attempts of the same offenses. Pursuant to the plea agreement the remaining six charges were nolle. The trial court accepted the plea and scheduled a sentencing hearing.

However, on the day of the scheduled sentencing, the petitioner asked the court for permission to withdraw his pleas, claiming his pleas were not voluntarily and knowingly made. On July 17, 1987, after a hearing, the court (*Ronan, J.*) denied the petitioner's motion to withdraw his pleas and imposed a total effective sentence of thirty-five years for all nine cases. The petitioner appealed the trial court's decision denying his motion to withdraw. By decision dated January 10, 1989, the appellate court affirmed the trial court. State v. Coleman, 17 Conn. App. 307 (1989).

2. 1991-92 Federal Habeas Corpus Proceedings

The petitioner filed a habeas corpus case in federal court attacking his state court convictions, claiming his plea canvas was defective. After review, the court (*Dorsey, J.*) ordered the state to permit the petitioner to withdraw his guilty pleas. Coleman v.

Commissioner of Correction, United States District Court Docket No. 2:91-CV0005, 1992 WL 136723 (D. Conn. December 30, 1991). That decision was affirmed on appeal. Coleman v. Commissioner of Correction, 969 F.2d 1041 (2d Cir. 1992).

3. 1992-93 State Court Proceedings

Upon return to state court, the petitioner withdrew his guilty pleas and pleaded not guilty in each of his nine cases. In total, the petitioner later went to trial on three of the nine cases, the results of which are as follows:

a. doc. no. NNH-CR86-0261648 (June 23, 1986, incident-Case 1)

Assistant Public Defender Jerome Rosenblum represented the petitioner in the first case to go to trial, bearing doc. no. NNH-CR86-0261648. Petitioner was convicted by a jury of burglary in the first degree, assault in the first degree, and attempted robbery in the first degree. On February 11, 1993, the court (*Hadden, J.*) sentenced the petitioner to a twenty-year term of incarceration.¹ The case was affirmed on appeal. State v. Coleman, 35 Conn. App. 279, cert. denied, 231 Conn. 928 (1994).

The Appellate Court determined that the petitioner's jury could have found the following facts in support of his conviction:

The victim was asleep in her bed during the early morning hours of June 23, 1986, when she was awakened by the touch of a knife on her throat and a hand placed over her mouth. The victim struggled with her assailant and tried to grab the knife from him. During the struggle, the victim sustained several lacerations on her right hand and was struck in the face several times. When the victim was finally able to break free, she ran to the kitchen and screamed for help. She then fled to the bathroom with her assailant in pursuit. The victim told her assailant that she was having an asthma attack and needed her medication. He then told her she could "take care of [her] business," and he returned to the bedroom in search of money.

¹ The petitioner finished serving the twenty-year term of incarceration imposed by this sentence on or about February 21, 2003.

The victim left the water running in the bathroom sink, wrapped a towel around her bleeding hand, ran to the front door, unlocked it and exited her first-floor apartment. Once outside, she rang the bell for the upstairs apartment where her parents lived. When they failed to respond immediately, she ran to her father's parked car, and crawled underneath it. She remained there for "quite a while" before emerging to flag down a truck driver who radioed for police.

When the police arrived, they found the front door unlocked and no one inside the victim's apartment. They also discovered that the bathroom window was wide open even though the victim had left it open only a few inches before retiring to bed. At the scene, the victim described her attacker as a black male wearing a face cover that felt like a ski mask and a cotton sweatsuit. She estimated that he was about five feet eleven inches tall and of average weight.

The police obtained a partial latent palm print from the victim's bathtub that matched [the petitioner Charles Coleman's] left palm print. The location of the print indicated that it was placed there from inside the tub, consistent with someone entering through the bathroom window. On July 8, 1986, the police seized three knives from [the petitioner Charles Coleman's] car pursuant to a search warrant issued with respect to other crimes.

Coleman, 35 Conn. App. at 281-82.

b. doc. no. NNH-CR86-0262767 (March 4, 1986, incident-Case 2)

Following his first trial, the petitioner moved to have Attorney Rosenblum dismissed. On April 14, 1993, Attorney Thomas Farver was appointed to represent the petitioner on the remaining cases. Petitioner elected to be tried by the court in the case bearing doc. no. NNH-CR86-0262767. On June 3, 1993, the court (*Fracasse, J.*) convicted the petitioner of burglary in the first degree, four counts of sexual assault in the first degree, unlawful restraint in the first degree, robbery in the third degree, and the lesser included offense of burglary in the second degree. The court sentenced the petitioner to 110 years' incarceration, to be served consecutive to the 20-year sentence imposed in the prior case. Several appeals of this conviction followed. See State v. Coleman, 38 Conn. App. 531, cert. denied, 235 Conn. 906 (1995) (remanding to the trial

court to conduct a proper balancing test regarding the unavailability of the sex crime kit²); State v. Coleman, 41 Conn. App. 255 (1996) (affirming judgment); State v. Coleman, 242 Conn. 523 (1997) (reversing the second-degree burglary conviction only).

The Appellate Court determined that the trial court found the following facts in support of the conviction:

The victim resided alone in a New Haven apartment. During the early morning of March 4, 1986, she was asleep with her glasses on and wearing a nightgown. Between 3:30 and 4 a.m., the [assailant] used a sharp cutting tool to remove a pane of glass from one of the victim's bedroom windows and entered her apartment. The victim awoke with the [assailant] straddling her. The [assailant] held his hand over the victim's mouth and told her not to move if she did not want to get hurt. The [assailant] told her to take off her glasses and she did so. The [assailant] forced her to commit fellatio as he stood next to her bed and also forced her to engage in vaginal intercourse.

The [assailant] then demanded the victim's money. She had cashed her paycheck the previous day and had separated the money into envelopes, each marked for the purpose of paying various bills. The [assailant] ordered

² As noted in Section A.1., supra, on January 10, 1989, the Connecticut Appellate Court issued its decision finding no error in the trial court's denial of petitioner's motion to withdraw his guilty plea. State v. Coleman, 17 Conn. App. 307 (1989). Because the case had been affirmed on appeal, on June 6, 1990, a state court judge (*Damiani, J.*) entered an order regarding the destruction of evidence in the disposed case.

On May 8, 1992, the United States Court of Appeals for the Second Circuit issued a decision affirming a decision of the Connecticut District Court granting federal habeas corpus relief to the petitioner, ordering his pleas vacated and remanding the matter for trial in the state court. Following the Second Circuit's decision, the petitioner's cases were restored to the state court docket. The assigned trial prosecutor, Assistant State's Attorney John Waddock, in reliance upon NHPD record entries, believed that the sexual assault crime kit in the case bearing doc. no. NNH-CR86-0262767, containing physical evidence pertinent to the sexual assault, had previously been destroyed on February 19, 1992. ASA Waddock reported as much to the trial court on June 11, 1993, and entered a copy of the NHPD destruction record into evidence. See Section D.2.b., infra (providing relevant transcript excerpts discussing the status of evidence in the case).

As part of the CIU's review, CIU members sought to identify all available physical and documentary evidence related to the petitioner's underlying convictions. As part of that process, on May 20, 2024, members of the CIU conducted a physical inventory of all available case-related evidence stored at the New Haven Police Department, discovering the untested sexual assault crime kit had in fact not been destroyed. Immediately upon this discovery, Supervisory Assistant State's Attorney Stacey Miranda notified members of CTIP. That sexual assault crime kit has since been tested by the State of Connecticut Division of Scientific Services Forensic Laboratory, yielding the test results set forth in detail in Section D.2.b., infra.

the victim to take the money from the envelopes and she did so. The victim estimated that she had between \$500 and \$600. The [assailant] went through the envelopes and moved them about on the bed. The [assailant] asked the victim if she had any jewels or furs, and she replied in the negative. The [assailant] also asked her if she had a car, and she replied that she had a Datsun; he said he did not want the car.

The [assailant] then ordered the victim to get on her hands and knees on the bed, and he engaged in anal intercourse. He also forced her to engage again in fellatio. Before leaving, the [assailant] forced the victim onto her stomach and tied her up with shoelaces that he had brought with him. The [assailant] cut the victim's telephone wires inside the apartment and left through a window and down a fire escape.

After waiting a short time to be certain that the [assailant] was gone, the victim freed herself. After discovering that her telephone wires had been cut, she called the police from a neighbor's telephone. When the police arrived they took the victim to the police station where she gave a statement. The police then took the victim to a hospital for a physical examination. The police later identified [Charles Coleman] through a partial palm print [found] . . . on one of the envelopes in the apartment that had contained the victim's money.

State v. Coleman, 41 Conn. App. 255, 260-61, (1996), rev'd in part, 242 Conn. 523 (1997).

c. doc. no. NNH-CR86-0261438 (July 7, 1986, incident-Case 3)

In October 1993, the petitioner went to trial before a jury in the case bearing doc. no. NNH-CR86-0261438, on the charges of burglary in the first degree, burglary in the second degree, sexual assault in the first degree, unlawful restraint in the first degree, and robbery in the third degree. The state's witnesses included five New Haven police officers, the victim, one doctor, the state's chief toxicologist, and a criminalist. The petitioner's brother and mother testified on his behalf. On October 18, 1993, the jury found the petitioner guilty of the first four counts, but not guilty of robbery. On October 29, 1993, the court (*Ripley, J.*) sentenced the petitioner to 40 years' incarceration, to be served consecutive to the previously imposed sentences. On appeal from the judgment of conviction, the Connecticut Appellate Court determined that based on the evidence

admitted during the petitioner's underlying criminal trial, the petitioner's jury could have reasonably found the following facts:

On July 7, 1986, the victim lived with her mother on the first floor of a two-family house in New Haven. In the early morning hours of July 7, 1986, the victim was awakened by an assailant, who put his hand over her mouth. The assailant told the victim that if she did not do what he said, her mother would be harmed. Although the victim was verbally threatened, she never saw a weapon and was never threatened with a weapon. The assailant pulled the victim to the edge of the bed and had sexual intercourse with her, which caused her pain. The victim knew that her assailant ejaculated during the intercourse. After he was finished, the assailant threw a blanket over the victim, and told her not to move and to wait at least five minutes. He also asked the victim where her money was and she told him. [fn.7]

The victim lay on the bed and listened for any sounds in the house. She eventually got up, turned on the light in her bedroom, and then turned on every light in the house to make sure no one was there. The victim also checked the doors and windows of the house. She noticed that the doors to the house were still locked, as they had been before she went to bed. The victim also noticed that the window in the living room was wide open, even though the screen had been down and in the locked position when she went to bed. The victim awakened her mother and called the police.

The police arrived, processed the scene for fingerprints, and found seven latent fingerprints on the windowsills of the window of entry and the victim's bedroom window. Fingerprint number seven, showing the right middle and right ring fingers of [Charles Coleman] with the fingers pointing inward, was taken from the exterior of the bedroom windowsill, which was not the window of entry. A positive identification of [Charles Coleman] was made from fingerprint number seven. [fn.8]

[fn.7] The victim testified that her assailant took \$180 from her bedroom. The defendant was acquitted of the robbery charges.

[fn.8] This was the only fingerprint from which a positive identification could be made.

(footnotes in original) State v. Coleman, 42 Conn. App. 78, 80-81 (1996).

The Appellate Court found the evidence, including DNA evidence³, was sufficient to prove the petitioner was the perpetrator of the crimes and that the evidence presented was sufficient to establish that the petitioner exposed the victim to a substantial risk of physical injury to uphold the unlawful restraint conviction. However, the court also held that the trial court improperly admitted into evidence four knives seized from the petitioner's person and his car and remanded the case for a new trial. State v. Coleman, 42 Conn. App. at 90-91. Upon further appeal by the state, the Connecticut Supreme Court reversed the Appellate Court's finding that the trial court abused its discretion in concluding the evidence of the knives was more probative than prejudicial and remanded the case to the Appellate Court to consider the petitioner's remaining issues. State v. Coleman, 241 Conn. 784 (1997).

Upon remand the Appellate Court vacated the conviction of burglary in the second degree and affirmed the other convictions. State v. Coleman, 48 Conn. App. 260 (1998). Thereafter, the petitioner sought, and was granted, certification from the Connecticut Supreme Court to review the trial court's instructions to the jury, specifically regarding the presumption of innocence and the concept of reasonable doubt. State v. Coleman, 245 Conn. 907 (1998). The Connecticut Supreme Court later affirmed the Appellate Court's judgment. State v. Coleman, 251 Conn. 249 (1999). The petitioner's petition for a writ of certiorari to the United States Supreme Court was denied. Coleman v. Connecticut, 529 U.S. 1061 (2000).

³ A DNA examination conducted subsequent to the night in question established that the petitioner could not be excluded as a potential donor, and that he was within the 15 percent of the black population that could have been the source of the DNA. State v. Coleman, 42 Conn. App. 78, 83 (1996), rev'd, 241 Conn. 784 (1997).

B. TIMELINE OF CONVICTION INTEGRITY UNIT INVESTIGATION

Following is a timeline of the investigation performed by the Conviction Integrity Unit (CIU)⁴:

- On October 19, 2021, a 75-page inquiry letter was sent to then Chief State's Attorney Richard Colangelo Jr. by Charles Coleman requesting a conviction integrity review of the convictions in all three of his cases. The docket numbers on those cases are NNH-CR86-0261648, NNH-CR86-0262767, and NNH-CR86-0261438.
- In January of 2022, the gathering of trial documents began, and court records and transcripts were obtained.
- On April 7, 2022, Inspectors of the CIU conducted a professional prison visit with Charles Coleman to address his claims. Coleman maintained that the focus of the requested review was a challenge to the fingerprint evidence, which he asserted was "planted" by New Haven police in the case bearing doc. no. NNH-CR86-0262767.
- On September 27, 2022, a request was sent to the New Haven Police Department for police reports in all three cases.
- On August 18, 2023, the CIU received a letter from the Connecticut Innocence Project (CTIP) informing that the State of Connecticut Division of Scientific Services Forensic Laboratory (the lab) remained in possession of genomic material from the sexual assault crimes kit in NNH-CR86-0261438 (Lab- ID86G01069C2).
- On December 5, 2023, a request was made to Chief State's Attorney Patrick J. Griffin and Deputy Chief State's Attorney Kevin D. Lawlor for funding for an independent Forensic Review Panel to analyze and advise whether additional testing could be performed on the genomic material located at the lab in NNH-CR86-0261438 (Lab-ID86G01069C2).
- On February 6, 2024, trial transcripts, lab bench notes, and reports were sent to Dr. David San Pietro, contracted as the Forensic Review Panel to determine whether additional testing could be performed on the genomic material located at the lab in NNH-CR86-0261438 (Lab-ID86G01069C2).

⁴ The information provided in the timeline is derived from: (1) the database of the Conviction Integrity Unit (CIU); (2) documents from the New Haven State's Attorney's Office; (3) documents from the New Haven Police Department; (4) documents sent to CIU by the Connecticut Innocence Project (CTIP); (5) the New Haven Judicial District Superior Court Clerk's Office; and (6) reports from the State of Connecticut Division of Scientific Services (CT State Forensic Laboratory).

- On March 6, 2024, the CIU received a report from Dr. David San Pietro advising that further testing could be performed on the genomic material.
- On March 11, 2024, the lab received Dr. San Pietro's report as a request for further testing.
- On April 3, 2024, the CIU sent an email request to the lab to test the remaining genomic material.
- On May 20, 2024, the CIU received a supplemental DNA report from the CT State Forensic Laboratory, dated May 17, 2024, indicating that, although a male profile was present on the extracts from the vaginal swabs and vaginal smears in docket number NNH-CR86-0261438 (Lab-ID86G01069C2) Charles Coleman was eliminated from the extracts. See DNA testing - Section D.1.c., infra. Upon receipt and review, this information was provided to CTIP by the CIU the same day.
- On May 20, 2024, the CIU inquired of the New Haven Police Department (NHPD) whether any evidence remained in its custody with respect to *any* of Coleman's three cases. NHPD's response to the inquiry was that no such evidence was located, apart from a sexual assault crime kit pertaining to docket number NNH-CR86-0262767. This kit, long believed to have been destroyed pursuant to court order, had in fact not been destroyed. Immediately upon notification, the kit was picked up from the NHPD by a CIU Inspector and transferred to the CT State Forensic Laboratory for testing (Lab # DSS-24-002978).
- On May 30, 2024, Judge Harmon granted motions filed by the CIU in all three underlying cases to release fingerprint evidence introduced at the trials for further forensic analysis.
- On June 3 and June 4, 2024, the fingerprint evidence was located by the Clerk of the New Haven Superior Court, released, and brought to the lab. The CIU requested that the lab make fingerprint comparisons of the evidence that was submitted in all three trials with Charles Coleman's known prints.
- On June 5, 2024, the CIU received four DNA reports from the CT State Forensic Laboratory in NNH-CR86-0261438 (Lab-ID86G01069C2) and NNH-CR86-0262767 (Lab # DSS-24-002978) regarding results of testing completed on a portion of the evidence submitted. A supplemental DNA report dated June 4, 2024, indicates that DNA testing was performed on swabbings of vaginal smears, oral smears, and anal smears in docket number CR86-262767 (Lab # DSS-24-002978). The report further indicates that, although a male profile was present on the swabbings of the oral smear and anal smear, Charles Coleman was eliminated as a contributor to those

smears. The testing on the swabbings of the vaginal smears was inconclusive. These test results were provided to CTIP on June 6, 2024.

- On June 6, 2024, following granting of the State's Motion to Release Evidence for Forensic Testing was granted, the CIU submitted a sexual assault crime kit for DNA retesting in docket number NNH-CR86-261438 (Lab # ID86G01069C2). On that same date, the CIU submitted for DNA testing items not previously submitted to the lab: shoelaces; phone wire; a Vaseline container; and envelopes in docket number CR86-262767 (Lab # DSS-24-002978).
- On June 11, 2024, Chief State's Attorney Patrick J. Griffin, members of the CIU, and members of CTIP had a meeting to update CTIP on the status of the evidence at the CT State Forensic Laboratory. CTIP was again informed of the newly discovered evidence in NNH-CR86-0262767-T and NNH-CR86-0261438.
- On June 24, 2024, the CIU received latent fingerprint reports from the CT State Forensic Laboratory, dated June 21, 2024, confirming that the fingerprint evidence submitted in Charles Coleman's three cases matched his known prints. These test results were provided to CTIP.
- On June 28, 2024, the CIU received a supplemental report from the CT State Forensic Laboratory in NNH-CR86-0261438 (Lab-ID86G01069C2), indicating that DNA testing was performed on two swabbings of vaginal smears (item #s 007-002-01A and 007-002-01B). Charles Coleman was eliminated from one swab, while the results of the other swab were inconclusive.

C. DNA TESTING METHODS

Discussions with current CT State Forensic Laboratory personnel has revealed that the following DNA testing methods were utilized in these cases:

1. HLA-DQ-alpha

In 1991, a type of DNA testing called HLA-DQ-alpha was developed. The CT State Forensic Laboratory began utilizing this testing method and applied it to DNA samples obtained from evidence recovered in cases dating from the late 1980s and through the early 1990s. As such, any DNA testing that was performed prior to the trial of the petitioner's case was performed using HLA-DQ-alpha.

HLA-DQ-alpha had a relatively low power of discrimination compared to later developed testing methods in use today. While HLA-DQ-alpha typing was a valuable tool in the early days of forensic DNA analysis, it could not distinguish between individuals as effectively as its replacement, short tandem repeat (STR) analysis. In other words, STR analysis (such as that provided by the use of GlobalFiler or Yfiler Plus) provides a much higher level of specificity.

2. GlobalFiler and Yfiler Plus

GlobalFiler has superior discrimination power, sensitivity, reliability, and compatibility with modern forensic databases. GlobalFiler kit STR-amplification is more sensitive and can work with smaller, more degraded DNA samples. It also provides more reliable and reproducible results, making it a more robust method for forensic applications.

Yfiler Plus is the same type of test as GlobalFiler, but it detects only male DNA by testing a short tandem repeat on the Y chromosome which appears only in males and is only passed down by the father. Yfiler Plus is less discriminating than GlobalFiler because the Y chromosome in any paternal line is practically identical and the test results, therefore, include all paternal lineage of the person who matches.

As discussed below, the CT State Forensic Laboratory conducted the recent DNA testing of evidence submitted regarding Charles Coleman's cases utilizing GlobalFiler and Yfiler Plus. Neither of these were available at the time of Coleman's trials in 1993.

D. DNA TEST RESULTS

1. NNH-CR86-0261438 (ID86G01069C2) (Case 3)

On August 5, 1993, the New Haven State's Attorney's Office submitted evidence to the State of Connecticut Forensic Science Laboratory (the lab) for testing. The evidence consisted of a Sexual Assault Crime Kit (Item # 100) and two blood samples. One blood sample was of the victim (Item # 101) and the other was of Charles Coleman (Item # 1000).

The Sexual Assault Crime Kit (Item # 100) contained the following items:

- # 100B. Vaginal smears
- # 100E. Vaginal swab
- # 100I. Pubic combings
- # 100J. Pubic hair standard
- # 100K. Head hair standard
- # 100N. Genital swabbing
- # 100Q. Dried secretions
- # 100S. Slide (with hairs)

Spermatozoa were identified on item # 100B (vaginal smears) and in an extract of item # 100E (vaginal swab).

A differential extraction procedure was performed on items # 100B and # 100E. A yield gel was run to assess the quality and quantity of the DNA obtained from each sample. DNA was detected by this method from items # 100B, # 100E, #101 and # 1000.

DNA obtained from the items listed above was amplified by the HLA-DQ-alpha protocol as described in laboratory protocols.

a. DNA test results 1993

The following results were obtained from HLA-DQ-Alpha PCR on the items submitted:

Item # 101	Blood sample D.L.	alleles detected: 1,3, 2
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Item # 1000	Blood sample, C. Coleman	alleles detected: 1, 2, 4
Item # 100B	"Vaginal smear"	no alleles detected
Item # 100E(A)	"Epithelial rich fraction"	alleles detected: 1, 3, 2
Item # 100E(B)	"Sperm-Rich fraction"	alleles detected: 1, 2, 1, 3, 2, 4

b. testimony concerning 1993 test results

On October 8, 1993, Lead Criminalist Carl Ladd testified at the trial in this matter as follows:

Q. Dr. Ladd, based upon your examination in this matter, based upon your training and experience were you able to arrive at any conclusion as to whether or not the defendant in this matter would be excluded as the potential donor or source of the material found on the vaginal swab?

A. Based on the test, the defendant cannot be excluded as a potential donor.

Q. Cannot be?

A. That is correct.

Q. Then sir, based upon your training and experience in the results or findings of your examination in this case, do you have an opinion as to whether, in fact, he can be included as a potential source of the specimen found on the vaginal swab?

A. Yes. The defendant is included as a potential donor.

Q. And sir again, based upon your training and experience, were you able to reach any conclusion as to what percent of the population would have that same DNA profile found in this case?

A. Yes, I can.

Q. And could you please tell the ladies and gentlemen of the jury, what percent of the population would have that same DNA profile as found in this case?

A. Right. In the black population this particular DNA profile occurred in approximately fifteen percent of the black population, approximately ten and one-half percent of the Caucasian population and approximately four percent of the Hispanic population.

Q. Doctor, if I understand what you are saying with regard to the black population, is it fair to say that of one hundred individuals, fifteen black males would have that same donor profile?

A. Yes.

See Trial Transcript 10/8/93 at 300-302.

c. DNA test results 2024

On May 17, 2024, a "Supplemental DNA Report" was issued by the lab. The report concluded the following:

- **# 100E (Extracts of vaginal swabs - Fraction A - set 2)**

The results are consistent with the GlobalFiler DNA profile from item # 100E being a mixture of two contributors with one of them being male. [The victim] is assumed to be a contributor to the GlobalFiler DNA profile from # 100E.

C. Coleman was eliminated as a contributor to the GlobalFiler DNA profile from item #100E.⁵

- **#100B(A) (Extracts of vaginal smears - Fraction A)**

The results are consistent with the GlobalFiler DNA profile from item # 100B(A) being a mixture of three contributors with at least one of them being male. [The victim] is assumed to be a contributor to the GlobalFiler DNA profile from item # 100B(A).

The results are consistent with a laboratory staff member being a contributor to the DNA profile from Item # 100B(A).

C. Coleman is eliminated as a contributor to the GlobalFiler DNA profile from item # 100B(A).

- **#100B(B) (Extracts of vaginal smears - Fraction B)**

The results are consistent with the GlobalFiler DNA profile from item # 100B(B) being a mixture of two contributors. [The victim] is assumed to be a contributor to the Global Filer DNA profile from item # 100B(B).

⁵ Note, these results apply to the retesting of the epithelial-rich fraction identified as item # 100E(A). The sperm-rich fraction identified as item # 100E(B) was previously consumed in testing and, therefore, could not be retested.

C. Coleman is eliminated as a contributor to the GlobalFiler DNA profile from item #100B(B).

On June 28, 2024, the CIU received "Supplemental DNA Report III" from the CT State Forensic Laboratory in NNH-CR86-0261438 (Lab-ID86G01069C2), which indicates:

- DNA testing was performed on two swabbings of vaginal smears (item #s 007-002-01A and 007-002-01B).
- The DNA profile obtained from item # 007-002-01A originates from a single source, presumed to be the victim, thus eliminating Charles Coleman.
- The profile obtained from item # 007-002-01B was a mixture of the victim and one additional source but the results were inconclusive as to Charles Coleman.

2. NNH-CR86-0262767 (DSS-24-002978) (Case 2)

On March 6, 1986, the State of Connecticut Department of Health Services received a sexual assault crime kit for testing in the above referenced docket number.

The kit contained the following:

1. Blood (vial)
2. Nasal mucus
3. Saliva sample
4. Genital swabbing
5. Slides (smears) = (2) vaginal, (2) anal, and (2) oral
6. Swabs = (1) vaginal, (1) anal, and (1) oral
7. Pubic hair (pulled)
8. Pubic hair combings (with comb)

The lab examined the blood, smears, swabs, saliva, and hairs.

a. test results 1986

On June 23, 1986, the Department of Health Services issued a report documenting its findings. The results of the examination were as follows:

1. Blood; Blood typing – Group O
2. Nasal mucus – not processed

3. Saliva- Quality (amount) is questionable. Results inconclusive.
4. Genital swab. No seminal acid phosphatase was found.
5. Smears –
 - a. Vaginal smears – No spermatozoa were evident.
 - b. Anal smears – Spermatozoa were evident.
 - c. Oral smears – No spermatozoa were evident.
6. Swabs –
 - a. Vaginal swab – No seminal acid phosphatase was found.
 - b. Anal swab – Seminal acid phosphatase was found.
 - c. Oral swab – No seminal acid phosphatase was found.

*(7 and 8) Hairs were also examined and found to match those of the victim.

**b. testimony concerning 1986 results and representations
regarding the availability of sexual assault crime kit**

On June 11, 1993, the prosecutor represented on the record that the sexual assault crime kit in the above case had been destroyed, explaining as follows:

MR. WADDOCK: . . . There is a matter that, in fairness to counsel, I think I should bring to the Court's attention. It's expected that Dr. Hawkins will be testifying about certain items, more specifically a sex crime kit and a certain items of clothing and bedding which were submitted to Dr. Hawkins' lab, as I indicated to counsel on an earlier date, have in fact been destroyed.

I believe counsel had indicated he wished to make some kind of a motion, or has filed a motion which he wishes to argue, and perhaps this would be an appropriate time before the witness testifies.

THE COURT: This is the motion with respect to disclosure and compel DNA testing, or is it something different?

MR. WADDOCK: That is the--

MR. FARVER: We can take that up the same time. I think the information, the factual information the State would be providing really goes to both. It's -- you know, a separate motion really to -- and perhaps is I could just ask counsel a question.

Your Honor, based on representation counsel made, I think we can maybe limit the focus here, and that would be then to the rape kit itself and to the -- then and we would be moving to suppress any test results, or information regarding the testing of the documents, the items, in the rape kit on the grounds it has been destroyed and is unavailable for testing to the defense.

I believe that this case has a rather long and tortured history but I think Mr. Williams back in 1986 filed a motion to preserve evidence. I think that there is -- and it's my understanding, subject to correction by counsel, that the rape kit itself would have been destroyed sometime after June 6, 1990. So, it would appear to be - - and the State was on notice of the request for the preservation.

MR. WADDOCK: If your Honor please, with regards to - - though counsel's motion did request, specifically request DNA testing, or make available the sex crimes kit for DNA testing, it's been my understanding counsel at a earlier point in time, although not specifically stating in this motion, did make an oral representation, I believe, to another Court that he wished to seek to suppress any results of a sex crime kit.

I would represent the following chronological history so that the Court is aware of what is being talked about here, I know the Court may be somewhat in a position as not being as familiar with certain of these facts as counsel and myself.

Your Honor did hear testimony that the victim was transferred to Yale New Haven Hospital on the date of the crime, that being March 4, 1986, at that time for purposes of submitting to a sex crime or sexual rape evaluation. I've indicated to counsel that the State does have a witness which it will produce next week, that being a doctor at the hospital, who will indicate that such examination was conducted, the results of the sex crime kit were sealed and then subsequently forwarded to the New Haven Police Department. Also indicate, and would represent as an officer of the court, that that sex crime kit was then transferred to the state Lab on March 6, 1986.

There is a report, which counsel is in possession of, that indicates there was an examination conducted at the State Lab and the results of which were encompassed within the report dated 6/23/1986.

Would then indicate that on July 17, 1987, that this case, I know at a point of time was disposed of or indicated disposed. That as a result on October 1, 1987 the sex crime kit itself was sent back to New Haven Police Department. And on June 6, 1990 destruction orders were entered regarding a number of items, including clothing that had been forwarded up to the same State Lab, had been tested and returned to the New Haven Police Department along with the sex crimes kit on October 1, 1987.

In February, more specifically February 19, 1992, police were - - members of the property room were conducting an inventory of items that had been placed into evidence that had been returned to the police

department. At that time came across the old destruction orders of the various items of property, your Honor I believe has seen those orders, and they extend beyond just the clothing that was forwarded up to the State Lab. The destruction orders were entered by Judge Damiani on a number of items, or all the items connected with this case. I would - -

THE COURT: I have not found that.

MR. WADDOCK: I believe on the invent - - I apologize.

THE COURT: There are two pages of inventory, page one refers to a tape that was ordered returned to the police department on June 6, 1990; and page two, inventory laces, telephone cord, a vaseline jar, envelopes, and that was ordered destroyed - the items on page two were ordered destroyed on June 6, 1990.

MR. WADDOCK: Yes, your Honor. Your Honor's correct, there were a number of other inventories in which counsel has copies. Many of the - - a certain number of the items have been placed into evidence, I certainly can have an inventory, if counsel wishes, marked.

Ask that this entire packet be marked, 6 page document.

THE COURT: That may be marked State's U for the purpose of this hearing.

MR. FARVER: I certainly have no objection for the purpose of this hearing, your Honor.

(WHEREUPON THE DOCUMENTS REFERRED TO WERE ENTERED INTO EVIDENCE AS STATE'S EXHIBIT U.)

MR. WADDOCK: I would note while that's being marked, the items contained within that packet, if your Honor please, are items that are connected with this case just logged in under a different CR number I believe. I think it is clear from those documents that orders were entered at that time for destruction of the property -

Also ask that this document be marked as well, I've shown counsel that document.

MR. FARVER: No objection for purposes of the hearing, your Honor.

THE COURT: That may be marked V.

(WHEREUPON THE DOCUMENT REFERRED TO WAS ENTERED INTO EVIDENCE AS STATE'S EXHIBIT V)

MR. WADDOCK: I would indicate, your Honor, that I think it's clear from the documents, at least the packet that your Honor's just had a chance to review, that a large number of items, all connected with this case were already destroyed at a much earlier point in time. It is my understanding that apparently, fortunately some of the items that were ordered destroyed at the time happened to be present in this courthouse and in the possession of the State's Attorney's Office and had been transferred here in preparation of certain matters, hence their destruction was gratuitously avoided at that time.

The same cannot be said for certain other items, one of which was the sex crimes kit, which as I indicated, and as the document which I now believe your Honor is holding, was still over in the property room. The police officials over there, having gone back to their records, having seen the earlier destruction orders while conducting their inventory, were under the impression that the case had in fact been closed out and that is why the destruction orders had been entered, and as such the kit itself had been destroyed.

I think it is important to note that that is the only thing that was destroyed in terms of the purpose of this hearing. The results of that sex crime kit are embodied in a report which still exists and which counsel has a copy of.

I believe that at least concludes the history and provides the Court with some background as to what is involved here.

MR. FARVER: Just so it's clear here your Honor. As far as Mr. Waddock's representations we do not take issue with those, had occasion to sit down with him and discuss this and have agreed, you know, there's no reason to call someone from the police department to put these documents in issue and we accept that representation of his as being accurate, your Honor, as far as the sequencing of events.

THE COURT: All right. What is your claim then, Mr. Farver.

MR. FARVER: The only problem - -

THE COURT: Before you get to that, as I understand it it's the intention of the State that, if not through this witness through some witness, to present evidence of the results of the analysis of the sex crimes kit as it relates to this alleged victim.

MR. FARVER: That's my understanding, your Honor.

THE COURT: And you object to that report coming in.

MR. FARVER: Yes, your Honor. Because, again, the evidence is obviously no longer available for any testing as to those tests that were conducted for confirmation or denial. And secondary was again and I think perhaps we could, that's why maybe we could address both motions at once, was the production for purposes of DNA testing, I think this Court is well aware that Connecticut did not conduct DNA testing, did not have capability in their lab back in 1986, 1987, and in fact it had not been recognized or accepted by any of the courts in Connecticut in that time frame as being acceptable scientific evidence.

So, it'd be hard press to suggest that the defense or the State would have sought that at that time. And it's only latter vintage and that's why it's now come before the Court with a motion requesting that. And unfortunately now we find that the evidence is not available, which could presumably be conclusive of my client's innocence.

So, based on the non-availability for - - and again we certainly accept the representation of counsel that it is in fact been destroyed and therefore is not available, your Honor. Based on that representation, nonavailability, we would then move to dismiss the case against my client as the evidence was not preserved and he does not have that avenue to pursue to develop his innocence.

THE COURT: Mr. Waddock.

MR. WADDOCK: May it please the Court, I think it is clear, if your Honor please, in light of the history of this case, the factual nature of this case, that counsel's motion is of little or no substance.

I also, I would cite to your Honor this case of State v. LaRue at 18 Connecticut Appellate 223, as well. I would indicate that it is not - - I certainly would take the position that there is no bad faith having been shown with regards to this matter. First of all, certainly any of the cases that deal with this type of issue, quite frankly I believe probably were subsequent to the outset of this case, and certainly the disposition initially of this case.

I think counsel's request is that the DNA testing at this late date would prove to be of any value is entirely speculative. I don't believe, quite frankly, that the rape kit - - the evidence collected and maintained in a rape kit be maintained over that period of time to start with, and if it can the law's quite clear that, certainly according to the LaRue decision that that is not a basis for dismissing the charges.

THE COURT: Is there any claim of bad faith or vindictiveness that is being made by the defendant with respect to this issue?

MR. FARVER: Your Honor, to the extent that there had been an order of preservation we think that any destruction would be a bad faith, yes, your Honor.

MR. WADDOCK: I assume that counsel is keeping in mind the fact that that was maintained and subsequently an order was issued by the Court indicating that the property in this matter should in fact be destroyed.

THE COURT: Where is the order?

MR. WADDOCK: My understanding was, if your Honor please, that with regards - - when I say an order, an order was issued concerning most of the items concerning - - or all the items concerning this case and related matters. It's my understanding the police department in going over, as the one exhibit would show, had inventoried this particular sex crimes kit along with a number of other items.

When the police department went through their inventories they saw the orders issued on all the other pieces of property that had been submitted and destroyed this as part of that order.

So, in terms of specific order directed towards the sex crimes kit, I cannot produce that per se, your Honor's correct there.

THE COURT: All right. With respect to the motion by the defendant to preclude the introduction of any evidence derived from the examination of the sex crimes kit the Court finds, based upon both representations of the State and the documents produced, items U and V, that - - and the Court's review of this file itself, that there was a substitute information in this file setting forth seven counts as dated, or filed August 12, 1986.

On May 27, 1987 the defendant entered Alford Pleas on counts 1, 3, 4, 5, 6, and 7, the second count was nolle, that's the count of unlawful restraint first degree. A mittimus was issued, the mittimus on its face was erroneous in certain respects, that's really not relevant to the matter before the Court now. There was a total effective sentence of 35 years.

Subsequent - - and that mittimus was issued on July 17, 1987. Subsequent to that there was an appeal to the Appellate Court of this State, which is recorded in 17 Connecticut Appellate 307, the Memorandum of Decision in that matter was released January 10, 1989. And then there was a decision of a Federal District Court for the District of Connecticut,

Coleman versus the State of Connecticut, a habeas matter that was cited in favor of the petitioner, and I believe that was released on December 30, 1991. And the State took an appeal from that decision to the Second Circuit, Coleman versus Connecticut, and the lower court decision was sustained. And I believe that was released on May 8, 1992.

In the meantime, as shown by State's Exhibits U and V, items inventoried not only in this case but apparently other cases involving this defendant, there was a court order to destroy or to return to the police department evidence. And included among those items of evidence inventoried was a sex crimes kit which is the issue now before the Court on this motion.

The Court order to destroy property, or return it to the police department, was entered on June 6, 1990. Not all items were returned to the police department, apparently some were, just through coincidence, retained in the State's Attorney's office, those items retained by the State's Attorney were not destroyed.

And then on February 19, 1992, the police did destroy inventoried matters shown in State's Exhibits U and V, which included the sex crimes kit itself.

The Court finds that the police in destroying the sex crimes kit did not act vindictively, nor in bad faith, but acted on the basis that there had been a Court order to destroy inventoried items including the sex crimes kit and acted in accordance with that belief. And at the time the sex crimes kit was destroyed there was no reason to believe that it contained any exculpatory material that would have been in any way useful to the defendant.

Presently the state proposed to introduce a report prepared from the sex crime kit examination. And whether that will be admissible ultimately, I don't know how that will be presented so I'm not ruling on that specifically at this point.

But the failure of the State to retain the sex crimes kit for examination by the defendant at this time, the Court has said the Court finds there is no bad faith or vindictiveness in destruction of that sex crimes kit and there is no reason for the police to believe that there was any exculpatory evidence available in the sex crimes kit.

And the defendant's motion to dismiss the Information on this basis is denied, and the request for DNA examination or testing obviously is denied since the material is not available.

And the Court will leave it to the State to establish a sufficient foundation for the introduction of any reports and testimony with respect to the results of the examination of the sex crimes kit.

MR. WADDOCK: Yes, your Honor.

MR. FARVER: Take exception to the Court's rulings.

THE COURT: Yes.

MR. FARVER: And your Honor, just so it's clear, as far as, again Mr. Waddock had indicated to me a request to take this witness out of order based upon his representation obviously that he has available someone he will be bringing in next week to connect the chain of custody on this item, no objection to that.

THE COURT: No, no, I understand that there is not a waiver in that regard and obviously if there's no proper connection or foundation made then any testimony produced on this basis I would expect you to bring that to my attention.

MR. FARVER: And just so it's clear, I would presume, based upon the Court's ruling on the motions I do not need to object throughout the course of this testimony as the witness talks about the kit.

THE COURT: At least on that basis.

MR. FARVER: Yes, on that basis.

THE COURT: If there is some other basis, either foundation or hearsay, or whatever other reason certainly you should bring that to the Court's attention.

MR. FARVER: Yes, your Honor.

See Trial Transcript 6/11/93 at 81-96; see also fn. 2, supra.

On the same date, Dr. Sanders Hawkins testified regarding the written report of the Department of Health Services entered into evidence. Dr. Hawkins testified on direct examination as follows:

Q. Sir, I'd ask you to refer to State's Exhibit W, and based upon that report, sir, and the examination and the results that are contained within that report, sir, in light of the findings of that report are there any indications that the

victim in this particular matter, . . . had sexual intercourse as exhibited through the sex crimes kit?

A. Yes.

Q. And could you tell us, direct our attention as to specifically where that would be indicated?

A. If you would look at item 5 on smears, B. Anal Smear, spermatozoa were found which would indicate some sort of sexual activity; and also in number 6, B. on the anal swab acid phosphatase were found, which would indicate that seminal stain or seminal fluid was present.

Both of these would indicate that some sort of sexual activity or intercourse was taken - was taken place.

Q. I have nothing additional of this witness. Thank you, Doctor.

On cross examination by the defense attorney, Dr. Hawkins testified:

Q. Doctor, just to follow up that question. With regards to the presence, the positive findings that you just indicated on the-- to the smear and the swab?

A. Correct.

Q. Is there any way of-- withdraw that. Was there a determination made as to how long those -- how long before the samples, the kit, was taken that the sperm or - what's the other?

A. The seminal fluid.

Q. The seminal fluid would have been deposited?

A. No.

Q. And was there a way of determining exactly how long before it had been deposited?

A. No.

See Trial Transcript 6/11/93 at 104-107; see also fn. 2, supra.

As previously mentioned, the CIU's review of this case resulted in the discovery that this sexual assault crime kit was not destroyed. In fact, it was located at the New

Haven Police Department on May 20, 2024, retrieved by a CIU Inspector and immediately transported to the CT State Forensic Laboratory for DNA testing.

c. DNA test results 2024

On June 4, 2024, a DNA report and a Supplemental DNA report were issued by the lab. The reports concluded the following relevant to the CIU review:

DNA was previously extracted and analyzed using the HLA-DQ-alpha DNA amplification kit (see DNA report for ID86G01069C2 dated 10/4/93), the GlobalFiler STR DNA amplification kit (see Supplemental DNA Report for ID86G01069C2 dated 5/17/24) and the Yfiler Plus Y-STR amplification kit from item # 1000 [known blood sample of Charles Coleman] (see Supplemental DNA Report II for ID86G01069C2 dated 6/3/24)

- **Item # 001-001-01B (Swabbing-vaginal smears, SF)**

The results are consistent with the Yfiler Plus DNA profile from item #001-001-01B originating from a single male lineage. Due to limited Yfiler Plus data detected from item #001-001-01B, the comparison to C. Coleman is inconclusive.

- **Item # 001-003-01A (Swabbing – oral smears, EF)**

The results are consistent with the GlobalFiler DNA profile from 001-003-01A being a mixture of two contributors with one of them being male. C. Coleman is eliminated as a contributor to the GlobalFiler DNA profile from item # 001-003-01A.

- **Item # 001-005-01A (Swabbing – anal smears, EF)**

The results are consistent with the Yfiler Plus DNA profile from item # 001-005-01A originating from a single male lineage. C. Coleman is eliminated as the source of the Yfiler DNA profile from item # 001-005-01A.

On June 24, 2024, a “Supplemental Report II” was issued. The report concluded the following relevant to the CIU review:

DNA was previously extracted and analyzed using the HLA-DQ-alpha DNA amplification kit (see DNA report for ID86G01069C2 dated 10/4/93), the GlobalFiler STR DNA amplification kit (see Supplemental DNA Report for ID86[G]01069C2 dated 5/17/24) and the Yfiler Plus Y-STR amplification kit

from item #1000, known blood sample of Charles Coleman. (see Supplemental DNA Report II for ID86[G]01069C2 dated 6/3/24)

- **Item # 001-003-01A (Swabbing - oral smears, EF)**

The results are consistent with the GlobalFiler DNA profile from item # 001-003-01A being a mixture of two contributors with at least one of them being male. [The victim] is eliminated as a contributor to the GlobalFiler DNA profile from item # 001-003-01A.

- **Item # 003-001-01 (Swabbing - knotted loop end of lace)**

The results are consistent with the GlobalFiler DNA profile from item # 003-001-01 being a mixture of three contributors with at least one of them being male. [The victim] is assumed to be a contributor to the GlobalFiler DNA profile from item # 003-001-01.

Assuming three contributors, where [the victim] is one of the contributors, given the low likelihood ratios calculated, the results are inconclusive as to whether C. Coleman could be a contributor to the GlobalFiler DNA profile from item # 003-001-01.

- **Item # 003-001-02 (Swabbing - remained area of lace)**

The results are consistent with the Yfiler Plus DNA profile from item # 003-001-02 being a mixture of two male lineages. C. Coleman (or another member of the same male lineage) cannot be eliminated as a potential contributor to the Yfiler Plus DNA profile from item # 003-001-02. The expected frequency of individuals who could be a contributor to the Yfiler Plus DNA profile from item # 003-001-02 is less than 1 in 5 in the general male population.

- **Item # 003-002-01 (Swabbing - (2) ends of lace)**

The results are consistent with the GlobalFiler DNA profile from item # 003-002-01 being a mixture of three contributors. [The victim] is assumed to be a contributor to the GlobalFiler DNA profile from item # 003-002-01.

The results do not support the hypothesis that C. Coleman is a contributor to this profile. Assuming three contributors, where [the victim] is one of the contributors, C. Coleman is eliminated as a contributor to the GlobalFiler DNA profile from item # 003-002-01.

- **Item # 003-002-02 (Swabbing - middle area of lace)**

The results are consistent with the GlobalFiler DNA profile from item # 003-002-02 being a mixture of three contributors with at least one of them being male. [The victim] is assumed to be a contributor to the GlobalFiler DNA profile from item # 003-002-02.

Assuming three contributors, where [the victim] is one of the contributors, given the low likelihood ratios calculated, the results are inconclusive as to whether C. Coleman could be a contributor to the GlobalFiler DNA profile from item # 003-002-02.

- **Item # 004-001-02 (Swabbing - (2) pieces of wire)**

The results are consistent with the GlobalFiler DNA profile from item # 004-001-02 originating from a single individual. Assuming one individual, given the low likelihood ratios calculated, the results are inconclusive as to whether [the victim] could be the source of the GlobalFiler DNA profile from item #004-001-02. Charles Coleman is eliminated as the source of the GlobalFiler DNA profile from item # 004-001-02.

- **Item # 005-001-01 (Swabbing - exterior of plastic jar)**

The results are consistent with the GlobalFiler DNA profile from item # 005-001-01 originating from a single individual.

[The victim] and C. Coleman are eliminated as the source of the GlobalFiler DNA profile from item # 005-001-01. Insufficient results were detected from item # 005-001-01 for STRmix interpretation.

- **Item #006-001-02 (Swabbing - exterior of (5) envelopes)**

The results are consistent with the GlobalFiler DNA profile from item # 006-001-02 being a mixture of two contributors.

[The victim] and C. Coleman are eliminated as contributors to the GlobalFiler DNA profile from item # 006-001-02.

E. LATENT PRINT EXAMINATION RESULTS

One of the petitioner's initial claims was that the fingerprints lifted at the crime scenes in all three docket numbers were "planted." The trier of fact in all three trials relied upon testimony of Detective James Stephenson of the New Haven Police Department,

inter alia, regarding his findings that the latent prints lifted from the crime scenes in all three cases were identified as those of Charles Coleman.

The CIU made a request to the CT State Forensic Laboratory to independently verify the accuracy of the identification of the fingerprints as matching the known prints of Charles Coleman. On June 24, 2024, the CIU received three reports from the lab dated June 21, 2024, entitled Latent Print Unit Report. These reports contained the results of the requested latent print comparison of Charles Coleman's known prints to the latent print evidence Detective Stephenson and others testified was collected at the crime scenes in the cases bearing doc. nos. NNH-CR86-0261648 (Lab #ID8601200C2), NNH-CR86-0261438 (Lab#ID86G01069C2), and NNH-CR86-0262767 (Lab# DSS-24-002978) confirming that the prints entered into evidence at all three trials matched the known prints of Charles Coleman.

F. RESULTS OF THE CIU INVESTIGATION

The CIU's investigation discovered no new evidence in NNHCR86-261648 (Case 1). It should be noted that the Petitioner has completed his 20 year sentence in that case. The CIU's investigation has identified new evidence that was not available at two of the trials of the petitioner in cases bearing doc. nos. NNH-CR86-0262767-T (Case 2) and NNH-CR86-0261438 (Case 3). On May 20, 2024, a sexual assault crime kit previously thought destroyed in NNH-CR86-0262767 was located at the New Haven Police Department and submitted, for the first time, to the CT State Forensic Laboratory for DNA testing. Additionally, samples previously obtained from a sexual assault crime kit in NNH-CR86-0261438, from which the petitioner was identified in 1993 utilizing HLA-DQ-alpha DNA testing as being a potential donor of material found on a vaginal swab

(trial testimony reflected that the petitioner had the same DNA profile as found in the sample tested, as did approximately fifteen percent of the black population), have been recently retested.

Utilizing GlobalFiler and Yfiler Plus DNA testing, neither of which were available at the time of petitioner's trials in 1993, the lab has recently eliminated the petitioner as a contributor to a material portion of the DNA evidence in both cases.

The newly discovered DNA evidence is clearly exculpatory in both cases and may cause a reasonable person to lose confidence in the underlying convictions. Therefore, in accordance with Connecticut Prosecution Standard 9-1.8, this matter is being referred directly to the State's Attorney for the Judicial District of New Haven for his assessment rather than the Conviction Review Panel.



Stacey Miranda
Supervisory Assistant State's Attorney
Conviction Integrity Unit
July 8, 2024