

**Mississippi Innocence Project and Innocence Project Client Eddie Lee Howard's  
Mississippi Capital Murder Conviction and Death Sentence Vacated****Howard's Conviction Based on Fraudulent Bite Mark Analysis**

(Jackson, MS – August 27, 2020) – With today's decision from the Mississippi Supreme Court vacating his conviction and death sentence, Eddie Lee Howard, Jr. becomes the thirty-fourth individual wrongfully-accused and convicted based on the pseudo-science of bite mark matching testimony. The thirty-third individual, Robert DuBoise, was freed today in Florida. Noting that an "individual perpetrator cannot be reliably identified through bite-mark comparison" the Court overturned Howard's conviction based on "the inadmissibility of . . . [the expert's] identification of Howard as the biter," which it called "the State's most important evidence at Howard's trial." Post-conviction DNA test results also excluded Mr. Howard.

"Mr. Howard's conviction has now been reversed twice by the Mississippi Supreme Court. In all, the case has been to the Court five times. Mr. Howard has been in prison for almost thirty years, almost all of that time on death row, slated to be executed. It's now time to bring this case to an end -- and to close another door on a disastrous era of injustice in this state," said Tucker Carrington of the Mississippi Innocence Project, one of Howard's team of attorneys, which includes the Innocence Project of New York.

Mr. Howard, who is black, was arrested in 1992 for the murder of an elderly white woman in Columbus, Mississippi. He was convicted primarily based on bite mark comparison evidence and sentenced to death in 1994. The Mississippi Supreme Court vacated that conviction and sentence, and Howard was tried and convicted again in 2000. He has been on Mississippi's death row for twenty-six years. With today's decision, Mr. Howard also becomes the fourth Mississippian tried and convicted for capital murder based on the forensic work and testimony of Dr. Steven Hayne and Dr. Michael West. In 2008, Innocence Project lawyers Vanessa Potkin and Peter Neufeld, who are on Howard's team, exonerated Kennedy Brewer, who had been sentenced to death, and Levon Brooks, sentenced to life, in Noxubee County, after DNA testing identified the true perpetrator. Combined, Brooks and Brewer had spent over three decades in prison. In each of their cases, Hayne was called in to perform the autopsy, claimed to notice marks on the victims' bodies, which West then matched to Brooks' and Brewer's teeth. "This decision today is in line with those that the Court has rendered over the years regarding false forensic science, decisions which have corrected injustices and given innocent people their lives back," said Chris Fabricant, Director of Strategic Litigation at the Innocence Project.

Of all their claims, Hayne and West's work in Howard's case is some of their most audacious. Hayne's initial report did not mention finding bite marks on the victim, but three days after the victim was buried, he requested to reexamine the body, explaining, "[there] was some question that there could be injuries inflicted by teeth." Hayne then referred the case to West, who after the body was exhumed claimed to have examined and photographed the body – which had undergone a complete autopsy – and used his self-pioneered technique called the "West Phenomenon," which employs special glasses and ultraviolet light to "reveal" "bite marks." No

photographs were introduced at trial to substantiate any of his findings. West claimed to have observed bite marks on the victim's neck, arm and breast which matched Howard's teeth. As the concurring opinion points out, "Dr. West's credibility also has been destroyed since Howard's trial. In the intervening years, West and his methodology have plunged to overwhelming rejection by the forensics community...."

In 2010, the Mississippi Supreme Court granted Howard the right to conduct DNA testing on dozens of items of crime scene evidence. Mr. Howard was excluded from every piece of evidence tested. "The DNA testing also undermines Dr. West's testimony that the victim was bitten. The DNA lab analyzed the night shirt the victim wore when she was murdered. Significantly, no male DNA was found in the areas where West claimed she was bitten," said Vanessa Potkin, Director of Post-Conviction Litigation with the Innocence Project. The Court's decision agreed, recognizing that the new DNA was "intertwined" with the bite-mark testimony "because the new testing did not find Howard's DNA in places it might have been left had Howard bitten the victim as Dr. West concluded."

A copy of the legal opinion handed down today is available at <https://courts.ms.gov/Images/Opinions/CO148586.pdf>. Howard is represented by Tucker Carrington of the Mississippi Innocence Project, as well as Chris Fabricant, Vanessa Potkin, Peter Neufeld and Dana Delger, all of the Innocence Project.