



U.S. Department of Justice

950 Pennsylvania Ave., NW
Washington, DC 20530

VIA E-MAIL

May 6, 2013

Deforest R. Allgood, Esq.
District Attorney's Office
Oktibbeha County, P.O. Box 1044
Columbus, MS 39703

Re: Manning v. Mississippi, 2013-DR-00491-SCT

Dear Mr. Allgood:

We write to advise you of additional results of a review by the United States Department of Justice (the "Department") and the Federal Bureau of Investigation ("FBI" and collectively with the Department "DOJ") of laboratory reports and testimony by FBI Laboratory examiners in this case. Through this review, we previously determined that testimony containing erroneous statements regarding microscopic hair comparison analysis was used in this case. (*See* Letters dated May 2 and 4, 2013.) Those errors and the process through which they were identified were explained in more detail in our May 2 and 4, 2013 letters.

I. Additional Error Identified in this Matter

In the course of its review of this case, the FBI provides the following with regard to testimony provided by an FBI firearms examiner:

The science regarding firearms examinations does not permit examiner testimony that a specific gun fired a specific bullet to the exclusion of all other guns in the world. The examiner could testify to that information, to a reasonable degree of scientific certainty, but not absolutely. Any individual association or identification conclusion effected through this examination process is based not on absolute certainty but rather a reasonable degree of

scientific certainty. As with any process involving human judgment, claims of infallibility or impossibility of error are not supported by scientific standards.

(A copy of the FBI Ballistics Analysis Report, dated May 6, 2013, is attached.)

II. Report of Action Taken

To assist us in monitoring the status of cases involving microscopic hair analysis comparisons, we ask that you please advise us, if you intend to take any action based on the information that we are providing to you. Please send this information to USAEO.HairReview@usdoj.gov, and let us know if we can be of any assistance.

III. Additional Notifications

You should be aware that we are also notifying the governor's office, attorney general's office, and the defense, as well as the Innocence Project and the National Association of Criminal Defense Lawyers of the errors. The Innocence Project and the National Association of Criminal Defense Lawyers have expressed an interest in determining whether improper reports or testimony affected any convictions and, if so, to ensure appropriate remedial actions are taken. To assist them in their evaluation, we will provide them with information from our files, including copies of FBI Laboratory examiners' reports and testimony, as well as our assessment of those reports and testimony.

If you have any questions regarding this matter please contact us at the email address provided above.

Sincerely,

 /s/
John Crabb Jr.
Special Counsel

Encl.

cc: David Voisin, Esq. (via e-mail)
Jack Wilson, Deputy Counsel, Office of the Governor (via e-mail)
Jim Hood, Attorney General (via e-mail)
Peter J. Neufeld, Esq., Co-Director, Innocence Project (via e-mail)
Norman Reimer, Esq., Director, NADCL (via e-mail)