

# McGuffin conviction overturned due to Oregon State Police error

A Malheur County circuit court judge has overturned the 2011 manslaughter conviction of Nicholas McGuffin in the death of teenager Leah Freeman. After a trial for post-conviction relief last August, Sr Judge Patricia Sullivan [rendered a decision](#) last Friday finding that the Oregon State Police laboratory violated McGuffin's constitutional rights when it failed to provide evidence of touch DNA on the victim's shoes belonging to an unknown male.

Leah Freeman, 15, went missing on June 28, 2000 and her body was found on August 2 of that year on an embankment about eight miles from Coquille. According to the decision the initial investigation into Freeman's disappearance was "hampered by local law enforcement." Materials were not provided to the District Attorney until 2009 and 2010 after a new police chief, Mark Dannels, took over the Coquille Police Department.

A grand jury was convened in July 2010 and McGuffin, 18 at the time Freeman went missing, was arrested and charged on August 24. He was tried and convicted of Manslaughter 1 in July 2011 by a verdict of 10 – 2.

Janis Puracal, lawyer for the Forensic Innocence Project filed a petition on behalf of McGuffin for post-conviction relief citing 16 claims including inadequate representation by counsel. Because the unknown DNA did not provide enough

markers to provide an identification at the time of the original testing Oregon State Police Crime Lab policy allowed that such trace amounts can be considered "background noise" or "clutter". While the alleles of the unknown contributor were included with the OSP findings they were not documented in the report leaving both the defense and the prosecution with the false belief that the only DNA collected from Freeman's shoes belonged to the victim and identified law enforcement officers who had handled the shoes.

The first Frasier heard of the unknown DNA was 2017. Due to advancements in DNA technology the crime lab would not handle the results in the same way.

Sr Judge Patricia Sullivan denied fifteen claims including a claim for actual innocence citing "...Petitioner has not shown, based on newly discovered and reliable evidence it is more likely than not that no reasonable juror could have found petitioner guilty beyond a reasonable doubt."

Sullivan did allow that the jury should have been notified of the potentially exculpatory DNA results. "While the unknown DNA could have been deposited by innocent transfer, it is also possible it was not." Further, had the defense been aware of this DNA evidence "... the trial strategy would have been different..." potentially leading to a different outcome.

District Attorney Paul Frasier expressed his disappointment in the decision and stands by the conviction. He also noted that in the 30 plus years he has worked with the Oregon State Police "this is the first time anything like this has ever happened."

“The judge found that the prosecution acted appropriately and there was no wrongdoing on our part”, said Fraser. “We have also completely cooperated with the Forensic Innocence Project’s request for documents and information.”

An email from Puracal says, “We believe that DNA of another man on the victim’s bloody shoe is perpetrator DNA, but that is a question of fact, and the original jury should have heard that evidence. In post-conviction, we argued that the DNA, in combination with Mr. McGuffin’s alibi and the absence of evidence against him, proves his innocence. The post-conviction court did not agree. Judge Sullivan, instead, limited to relief to the constitutional claims arising out of the failure to disclose the exculpatory DNA evidence.”

The prosecution’s case was built on an abundance of circumstantial evidence. Circumstantial evidence and physical evidence are considered equal under the law.

The Oregon Department of Justice will decide whether to appeal Judge Sullivan’s decision.

McGuffin is scheduled to be released in August of 2020.