

PLANTED EVIDENCE? EDTA TESTING: THE OJ SIMPSON/STEVEN AVERY CONNECTION

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The presentation will discuss actions taken in the OJ Simpson case upon learning about the possibility that the defense would raise the issue that certain evidence items were planted by law enforcement, and the intriguing way the information was leaked. Additionally the collaborative effort between prosecutors and the FBI will be addressed in determining whether or not a definitive test could be developed and validated in a timely manner to have results presented during the trial. The question to be answered was whether the allegedly planted items had EDTA at concentration level that supported planting of blood from a reference tube, not whether there may be traces of EDTA present. The test was developed and validated, and reports were provided to the prosecutors. The results concluded that the specific items of evidence (i.e., blood) had not come from an EDTA vacutainer tube. Surprisingly, the prosecution team decided not to present the results. Instead, the defense presented the results in a way that seemed to support planting.

Over 10 years later prosecutor Norm Gahn contacted me about the same kinds of planting allegations that arose in the well known prosecution of Steven Avery in Wisconsin. He was referred to the FBI who used the same test developed and applied in the OJ Simpson case and concluded that the disputed items (again blood) had not come from an EDTA vacutainer tube containing a reference sample. Despite the clear history of the test and its development, this issue was significantly misrepresented in the highly watched "Making a Murderer" and continues to be misunderstood to date.