

ACLU Says Charges In 40,000 Criminal Cases Should Be Dismissed

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In the wake of a terrible scandal in the Massachusetts crime lab, the ACLU has said that more than 40,000 criminal cases handled by the disgraced chemist Annie Dookhan should be dismissed. The ACLU is arguing before the state Supreme Court that the mass dismissal is preferable to forcing each defendant to pursue the matter on his or her own, an inefficient use of limited judicial resources.

The trouble with Ms. Dookhan and her faked lab results was first revealed more than two years ago. Despite the long lag time, prosecutors and other law enforcement officials have been slow in deciding how to address the situation. This lengthy wait time amounts to a due process violation according to the ACLU office in Massachusetts. The group says that given the two-year delay, it's time for the Supreme Court to step in and provide a comprehensive remedy for the drug lab crisis that treats all affected defendants equally.

The ACLU has argued in its petition before the state's highest court that the burden of sifting through the potentially faked test results should rest with prosecutors. The group argues that prosecutors are in a far better position than criminal defendants to go through test results and then decide which cases are strong enough to pursue anew.

The ACLU has also asked the Supreme Court to prohibit prosecutors from extracting plea deals from suspects by threatening to pursue even stiffer penalties than were originally imposed. The ACLU claims that this tactic has already been used against several defendants who felt forced into accepting a plea arrangement rather than risk a retrial that might result in even longer behind bars.

In its petition, the ACLU has asked the Supreme Court for two things. First, that it issue a ruling that would prevent defendants who choose to contest their convictions from receiving a longer sentence than the one that was first imposed. Second, the ACLU has asked that prosecutors be given a limited amount of time to decide if they want to retry cases that were based on Dookhan's tests. If the prosecutors fail to take action within that amount of time then the charges must be permanently dropped.

The Attorney General has said that workers have not been able to identify all the cases that Dookhan worked on and are still busy trying to track down old lab tests. Prosecutors have also not been able to put together a list of impacted defendants or contact their attorney's to give them warning that their clients' cases may be impacted.

The problem in the case is that Dookhan admitted to forging the results of a variety of lab tests, including drug tests. So far more than 350 people have been released from prison in connection with the Dookhan controversy, though many thousands of other cases were

touched by her misdeeds. The ACLU says its current best guess is that 40,323 people were convicted on the basis of drug tests performed by Dookhan.

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