

**From:** [Mishaan, Jessica](#)  
**To:** [joconnor@ap.org](mailto:joconnor@ap.org)  
**Subject:** FREEDOM OF INFORMATION REQUEST No. 16-299  
**Date:** Friday, September 23, 2016 8:07:14 AM  
**Attachments:** [Cahill email 3-3-16.pdf](#)  
[Comey Letter 2-26-16.pdf](#)

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Mr. O'Connor,

Attached please find records in response to your public records request dated September 21, 2016.

Thank you,

**Jessica Mishaan** | Paralegal  
Office of the Governor  
109 State Street  
Montpelier, VT 05609-0101  
802.828.3333

**From:** Cahill, David  
**Sent:** Thursday, March 3, 2016 18:16  
**To:** SAS - State's Attorney  
**Subject:** Fw: FBI letter

Dear SAs,

**If your county is on the list below, please read the attachment and respond directly to the FBI.**

Addison – Defendant name Sidney G Champney II  
Chittenden – Defendants Todd Streich, Reginald Duval Jr  
Chittenden – Suspect James G Schulz  
Franklin – Defendant Arthur Passino  
Franklin – Suspect Gary Hilliker  
Rutland – Defendants Michael Edward Roberts & Randall Allen Daniels  
Windsor – Defendant Adam Corliss

Synopsis: the FBI is concerned that it may have provided hair analysis testimony that was potentially misleading in the above cases. If your county is listed above, please fill out the sheet on the attached document and respond to the FBI. When responding to the FBI, please attach a transcript of the FBI examiner's testimony if you have it on file, or alternatively instruct the FBI on how to order a transcript from the court.

You may wish to review a transcript yourself to determine whether there are any ethical implications and/or innocence protection implications for your office.

Best Wishes,

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David J. Cahill  
Windsor County State's Attorney  
5 South Main Street, Suite 208  
White River Junction, VT 05001

office: (802)-295-8870  
cell: (802)-249-6635  
[david.cahill@vermont.gov](mailto:david.cahill@vermont.gov)

Addison – Defendant name Sidney G Champney II  
Chittenden – Defendants Todd Streich, Reginald Duval Jr  
Chittenden – Suspect James G Schulz  
Franklin – Defendant Arthur Passino  
Franklin – Suspect Gary Hilliker  
Rutland – Defendants Michael Edward Roberts & Randall Allen Daniels  
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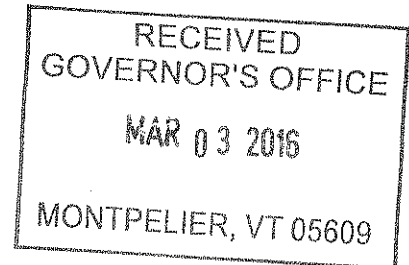
U.S. Department of Justice

Federal Bureau of Investigation

Office of the Director

Washington, D.C. 20535-0001

February 26, 2016



The Honorable Peter Shumlin  
Governor of Vermont  
Pavilion Office Building  
109 State Street  
Montpelier, VT 05609

Dear Governor Shumlin:

I need your help on an important criminal justice issue.

As you may know, the FBI and the Department of Justice have been reviewing reports and testimony about microscopic hair comparison in cases before December 31, 1999. After that date, our lab started using mitochondrial DNA in hair comparisons. But for cases from the 1990s and earlier, we have discovered problems with the way our examiners talked about the nature of hair comparisons.

In many cases, we have discovered that the examiners made statements that went beyond the limits of science in ways that put more weight on a hair comparison than scientifically appropriate. Hair is not like fingerprints, because there aren't studies that show how many people have identical-looking hair fibers. Especially before we started using mitochondrial DNA, appropriate testimony should have made the limits of hair comparison clear. Unfortunately, in a large number of cases, our examiners made statements that went too far in explaining the significance of a hair comparison and could have misled a jury or judge. In fact, in several cases in which microscopic hair comparison evidence was introduced, defendants were later exonerated by DNA after being convicted. We want to make sure there aren't other innocent people in jail based on our work.

To ensure justice is done, we have been working to get transcripts from prosecutors in cases where an FBI hair examiner testified. We have gotten good cooperation, because prosecutors care about getting it right. But in some cases in your state, folks just aren't getting back to us and we need your help to obtain the relevant transcripts. A list of the offices and cases where we need assistance is attached. I have also attached a sample letter you might use to reach out to the prosecutors.

In addition, we want to make sure our approach in the 1990s and before didn't introduce error into your state and local lab work. Over the last 40 years, the FBI offered introductory training on hair comparison to state and local labs. The FBI has notified the labs which sent employees to this training. I encourage you to ask your state and local labs to ensure their examiners were staying within the bounds of science and, if they weren't, to take appropriate corrective action.

Like you, we care deeply about justice, which is both about obtaining convictions and making sure that mistakes are fixed. I am very sorry the FBI put you in this position and am grateful for your help.

Sincerely yours,

  
James B. Comey  
Director

Enclosures

# Fax Response Sheet

*Please send completed form within 30 calendar days to:*

**Cherise Dreyfus**

Unit Chief

Trace Evidence Unit

FBI Laboratory

2501 Investigation Parkway

Quantico, VA 22135

**Fax: 703-632-7714**

**Email: fbicasereview@ic.fbi.gov**

From: \_\_\_\_\_ Email: \_\_\_\_\_

Organization: \_\_\_\_\_ Phone/Fax: \_\_\_\_\_

Address: \_\_\_\_\_

Referenced FBI Case Number: \_\_\_\_\_

Name of Court where Prosecution Occurred: \_\_\_\_\_

Court Docket Number: \_\_\_\_\_

Subject(s)/ Defendant(s): \_\_\_\_\_

Victim(s): \_\_\_\_\_

Name, Address and Phone Number of Prosecutor:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name, Address and Phone Number of Defense Attorney of record: \_\_\_\_\_

\_\_\_\_\_

1. Did an FBI examiner provide testimony concerning microscopic hair analysis at trial or any other hearing?    ☐ Yes       ☐ No
2. What type of hearing was this? \_\_\_\_\_
3. What was the lead charge in this case? \_\_\_\_\_
4. Did the case result in a conviction after trial?    ☐ Yes       ☐ No (If "No", please indicate whether the defendant was acquitted, pled guilty, if there was a stipulation regarding the hair evidence testimony at a plea or trial, or if your office did not proceed to trial for other

This document may contain information protected by the Privacy Act of 1974 and is provided by the FBI to your agency solely for authorized law enforcement purposes. The information contained herein may not be further disclosed or disseminated without the express consent of the FBI.

reasons: \_\_\_\_\_

5. Was this a capital case where a death sentence was imposed?     ☐ Yes     ☐ No

6. Is the defendant still incarcerated based on a conviction (whether by trial or guilty plea) in this case?     ☐ Yes     ☐ No

7. If yes, where is the defendant currently incarcerated? \_\_\_\_\_

8. If no, what is the last known address, contact information and status of the defendant? \_\_\_\_\_

9. Can you provide a transcript of the microscopic hair analysis testimony provided by the FBI Laboratory Examiner?     ☐ Yes     ☐ No

10. If provision of a transcript will delay your response, please provide all other information to the FBI with the anticipated date of when a transcript will be provided. \_\_\_\_\_

11. If no, provide the name, address, email address, and telephone number of the office and person from whom these transcripts may be obtained. \_\_\_\_\_

Remarks: \_\_\_\_\_

Questions regarding this matter may be addressed to Cherise Dreyfus, Unit Chief, Trace Evidence Unit, at [fbicasereview@ic.fbi.gov](mailto:fbicasereview@ic.fbi.gov) or Paula Wulff, Office of the General Counsel, at [Paula.Wulff@ic.fbi.gov](mailto:Paula.Wulff@ic.fbi.gov).

## **Urgent Delivery Requested**

Case Response	Defendant Name	Prosecutor	Prosecutor Title	Prosecutor Office	Prosecutor City	Prosecutor State	Prosecutor County
No response from prosecutor	Chamney II, Sidney/S	Sidney G. Chamney, II	Vermont Forensic Laboratory	Waterbury	Waterbury	VT	Middlebury
Prosecutor response insufficient	Todd Stretch, Reginald E. Duval, Jr.	Reginald E. Duval, Jr./Todd Stretch	Vermont Forensic Laboratory	Waterbury	Waterbury	VT	Burlington
Prosecutor response insufficient	Passino, Arthur	James G. Schultz	Vermont Forensic Laboratory	Waterbury	Waterbury	VT	Burlington
No response from prosecutor	Roberts, Michael Edward & Daniels, Randall Allen	Arthur Passino	Vermont Forensic Laboratory	Waterbury	Waterbury	VT	Saint Albans
No response from prosecutor	Corliss, Adam	Gary Hilliker	Vermont Forensic Laboratory	Waterbury	Waterbury	VT	Saint Albans
Prosecutor response insufficient		Randall Allen Daniels/Michael Edward Roberts	Vermont Forensic Laboratory	Waterbury	Waterbury	VT	Rutland
		Adam D. Corliss	Vermont Forensic Laboratory	Waterbury	Waterbury	VT	White River Junction



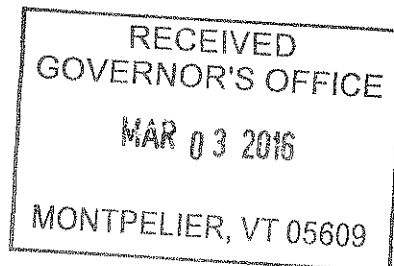
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Like you, we care deeply about justice, which is both about obtaining convictions and making sure that mistakes are fixed. I am very sorry the FBI put you in this position and am grateful for your help.

Sincerely yours,

  
James B. Comey  
Director

Enclosures



Date

State or Local Prosecutor  
Address  
Address

Dear :

The United States Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) are engaged in a review of microscopic hair comparison analysis testimony and reports provided by the FBI Laboratory before December 31, 1999, by which time the Laboratory had adopted the practice of mitochondrial DNA testing, where appropriate, in hair comparison analysis. It has been determined that in numerous cases being reviewed, FBI Laboratory examiners exceeded the limits of science by overstating the conclusions that may appropriately be drawn from a positive association between evidentiary hair and a known hair sample. The purpose of this review is to ensure that FBI Laboratory reports and examiner testimony regarding microscopic hair comparison analysis met accepted scientific standards and to identify any case in which they may not have met this standard.

In order to evaluate the appropriateness of examiner testimony, the FBI previously reached out to your office requesting information regarding the below identified case(s) and whether a transcript was available.

Defendant's name  
Victim's name  
Local Case No.  
FBI Case No.

The FBI has not heard back from you or has received an inadequate response regarding this case(s) and has requested our assistance in determining certain information regarding the disposition of the case(s). In the FBI request letter they included a Fax Response Sheet (additional copy attached hereto). I request that you please complete the form for the identified case(s) and return it to:

Cherise Dreyfus  
Unit Chief, Trace Evidence Unit  
Fax: 703-632-7714

If you have the hair examiner's testimony transcript, please contact Ms. Dreyfus and she will provide instructions regarding forwarding a copy of the transcript to the FBI Laboratory in Quantico, Virginia. If you do not have a copy of this transcript or a copy was not made, please provide the name of the relevant court reporter's office so that the FBI may contact it directly.

If you have any questions regarding this request or the general issue of microscopic hair analysis, please do not hesitate to contact either Cherise Dreyfus, Unit Chief, Trace Evidence Unit, FBI Laboratory, at [FBICaseReview@ic.fbi.gov](mailto:FBICaseReview@ic.fbi.gov) or Paula Wulff, Assistant General Counsel, Office of the General Counsel, FBI, at [Paula.Wulff@ic.fbi.gov](mailto:Paula.Wulff@ic.fbi.gov).

Sincerely,

[State Governor]

Attachment

# Fax Response Sheet

*Please send completed form within 30 calendar days to:*

**Cherise Dreyfus**

Unit Chief

Trace Evidence Unit

FBI Laboratory

2501 Investigation Parkway

Quantico, VA 22135

**Fax: 703-632-7714**

**Email: fbicasereview@ic.fbi.gov**

From: \_\_\_\_\_ Email: \_\_\_\_\_

Organization: \_\_\_\_\_ Phone/Fax: \_\_\_\_\_

Address: \_\_\_\_\_

Referenced FBI Case Number: \_\_\_\_\_

Name of Court where Prosecution Occurred: \_\_\_\_\_

Court Docket Number: \_\_\_\_\_

Subject(s)/ Defendant(s): \_\_\_\_\_

Victim(s): \_\_\_\_\_

Name, Address and Phone Number of Prosecutor:

\_\_\_\_\_  
\_\_\_\_\_

Name, Address and Phone Number of Defense Attorney of record: \_\_\_\_\_

\_\_\_\_\_

1. Did an FBI examiner provide testimony concerning microscopic hair analysis at trial or any other hearing?    ☐ Yes       ☐ No
2. What type of hearing was this? \_\_\_\_\_
3. What was the lead charge in this case? \_\_\_\_\_
4. Did the case result in a conviction after trial?    ☐ Yes       ☐ No (If "No", please indicate whether the defendant was acquitted, pled guilty, if there was a stipulation regarding the hair evidence testimony at a plea or trial, or if your office did not proceed to trial for other

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reasons: \_\_\_\_\_

5. Was this a capital case where a death sentence was imposed?      ☐ Yes      ☐ No

6. Is the defendant still incarcerated based on a conviction (whether by trial or guilty plea) in this case?      ☐ Yes      ☐ No

7. If yes, where is the defendant currently incarcerated? \_\_\_\_\_

8. If no, what is the last known address, contact information and status of the defendant? \_\_\_\_\_

9. Can you provide a transcript of the microscopic hair analysis testimony provided by the FBI Laboratory Examiner?      ☐ Yes      ☐ No

10. If provision of a transcript will delay your response, please provide all other information to the FBI with the anticipated date of when a transcript will be provided. \_\_\_\_\_

11. If no, provide the name, address, email address, and telephone number of the office and person from whom these transcripts may be obtained. \_\_\_\_\_

Remarks: \_\_\_\_\_

Questions regarding this matter may be addressed to Cherise Dreyfus, Unit Chief, Trace Evidence Unit, at [fbicasereview@ic.fbi.gov](mailto:fbicasereview@ic.fbi.gov) or Paula Wulff, Office of the General Counsel, at [Paula.Wulff@ic.fbi.gov](mailto:Paula.Wulff@ic.fbi.gov).

**Urgent Delivery Requested**

Case Response	Prosecutor Name	Witness	Forensic Lab
No response from prosecutor	Champney II, Sidney G.	Sidney G. Champney, II	Vermont Forensic Laboratory
Prosecutor response insufficient -	Todd Streich; Reginald E. Duval, Jr.	Reginald E. Duval, Jr.; Todd Streich	Vermont Forensic Laboratory
Prosecutor response insufficient -	Passino, Arthur	James G. Schulz Arthur Passino	Vermont Forensic Laboratory
No response from prosecutor	Roberts, Michael Edward & Daniels, Randall Allen	Gary Hilliker Randall Allen Daniels; Michael Edward Roberts	Vermont Forensic Laboratory
No response from prosecutor	Cortiss, Adam	Adam O. Cortiss	Vermont Forensic Laboratory
Prosecutor response insufficient -	Cortiss, Adam	Adam O. Cortiss	Vermont Forensic Laboratory

Contributor City	Contributor State	Recipient Name	Recipient City	Recipient State
Waterbury	VT	Addison County State's Attorney's Office	Middlebury	VT
Waterbury	VT	Chittenden County State's Attorney Office	Burlington	VT
Waterbury	VT	Chittenden County State's Attorney Office	Burlington	VT
Waterbury	VT	Franklin County State's Attorney Office	Saint Albans	VT
Waterbury	VT	Franklin County State's Attorney Office	Saint Albans	VT
Waterbury	VT	Rutland County State's Attorney Office	Rutland	VT
Waterbury	VT	Windsor County State's Attorney Office	White River Junction	VT