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## Defense lawyers want review of cases involving pathologist Dr. Steven Hayne

### Pathologist's trial testimony at issue

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Some defense lawyers are calling for an independent review of cases in which pathologist Dr. Steven Hayne has testified.

"What needs to happen is the attorney general, the Mississippi Supreme Court or the Legislature need to appoint an inspector general or independent counsel to handle it," said Tucker Carrington, who heads the Mississippi Innocence Project.

Hayne, who lacks national board certification in forensic pathology, for many years performed most of the autopsies in the state. He drew criticism for conducting about 1,500 autopsies a year, and in 2008 the state dropped him from its list of recommended pathologists to handle autopsies. Since then, the Mississippi Supreme Court has overturned convictions or ordered a new trial in cases in which he testified.

State Sen. Hob Bryan, D-Amory, chairman of the Judiciary B Committee, agrees with Carrington that something needs to be done. "Our experience with Dr. Hayne is extremely troubling, and there needs to be a look at anything he is involved in," he said. "We need to look at that."

An independent review doesn't bother him, Hayne said. "I don't think I've misstated anything."

Asked about reviewing Hayne's cases, Attorney General Jim Hood said through a spokeswoman that his office has reviewed "the cases which have been brought to our attention."

In the past six years, the state Supreme Court has twice reversed murder convictions in which they concluded Hayne reached beyond his expertise.

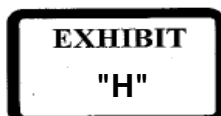
In April, the state Supreme Court reversed the 2011 murder conviction of a former Mississippi State University professor, saying jurors should never have heard Hayne's "speculative" testimony.

The prosecution's firearms expert was unable to conclude how far away it was fired, but Hayne testified the blast was fired from about 4 feet, helping to convict David Parvin, who is expected to face a new trial.

Hayne defends his work in the Parvin case, saying the justices will have to argue with the classic literature on gunshot wounds. "Show me where I screwed up," he said.

By his own count, Hayne has testified in thousands of trials, mainly in Mississippi.

But longtime defense lawyer Jim Waide of Tupelo said that number could be culled down to determine which cases need to be reviewed.



What Hayne has done “has no scientific basis,” Waide said.

In any case, whether guilty or not, “Dr. Hayne was the prosecution expert,” he said.

Hayne disagreed. “I’ve had big arguments with district attorneys,” he said.

At a 2004 trial, prosecutors insisted that Tyler Edmonds — 13 at the time of the murder of Joey Fulgham — and Fulgham’s wife killed Fulgham simultaneously.

Hayne said he testified that the wound “would favor two people firing the shot, given the 13-year-old, but I couldn’t exclude one.”

In 2007, the high court tossed out Hayne’s testimony as “scientifically unfounded” and ordered a new trial for Edmonds.

A year later, a jury acquitted Edmonds.

Hayne continues to defend his conclusion, describing Edmonds as “a 13-year-old boy that confessed three times that he assisted his sister in shooting her husband.”

Could the case involving Jeffrey Havard, who has spent more than a decade on Death Row, be the next case in which Hayne’s testimony is scrutinized?

Former state Supreme Court Justice Oliver Diaz Jr. thinks so.

He said Havard was hurt by poor legal representation, nurses being allowed to testify as medical experts and Hayne’s testimony.

Days before Christmas in 2002, Havard was convicted of capital murder, accused of sexually abusing and killing his girlfriend’s 6-month-old baby.

Havard admitted he dropped the child, but denied sexual abuse.

At the 2002 trial, Hayne testified there was a 1-inch anal bruise, “consistent with penetration of the rectum with an object.”

He acknowledged to The Clarion-Ledger that such a bruise can be caused by nothing more than “a hard stool.”

At trial, he testified the baby’s death was a homicide, consistent with shaken baby syndrome.

But Hayne now disavows that conclusion, saying biochemical engineers believe shaking alone doesn’t produce enough force to kill.

After studying the autopsy, renowned pathologist Dr. Michael Baden concluded the baby’s injuries were consistent with Havard’s statement that he accidentally dropped the child.

“Not one morning, noon or night passes that I don’t think about Chloe and her family,” Havard told The Clarion-Ledger. “Words can’t describe how sorry I am for dropping Chloe. Without a second thought, I would do anything to bring her back, including giving my own life.”