

FEDERAL COURT DIVISION
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Capital Habeas Corpus Unit
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PRESS RELEASE

**DNA TESTING HAS EXONERATED
DEATH SENTENCED PRISONER NICHOLAS JAMES YARRIS.
MR. YARRIS HAS BEEN ON PENNSYLVANIA'S
DEATH ROW FOR 21 YEARS.
MR. YARRIS IS THE FIRST DEATH SENTENCED
PRISONER IN PENNSYLVANIA TO BE CLEARED BY
DNA TESTING.**

Nicholas James Yarris is 42 years old. In 1982, when he was 21, Mr. Yarris was tried, convicted and sentenced to death in Delaware County, Pennsylvania, for the abduction, rape and murder of Linda Mae Craig. During the 21 years that he has spent on death row, Mr. Yarris has consistently and emphatically maintained his innocence. In the late 1980s, Mr. Yarris became one of the first of Pennsylvania's death sentenced prisoners to demand DNA testing. Since then, Mr. Yarris has been unrelenting in his pursuit of DNA analysis of the evidence in his case. He has never wavered from his belief that DNA testing would provide the key to his freedom.

DNA testing has now established that **Mr. Yarris is innocent; that he was *wrongly* convicted of rape, kidnaping and murder; and that he has *wrongly* spent half of his life on Pennsylvania's death row.** Therefore, on Monday, July 28, 2003, Mr. Yarris' lawyers will file the reports of these stunning test results, along with a Motion for Mr. Yarris' release, with Chief Judge James T. Giles of the United States District Court for the Eastern District of Pennsylvania.

Mr. Yarris is currently represented by Christina Swarns, Michael Wiseman and Stuart Lev of the Capital Habeas Corpus Unit of the Philadelphia Federal Defender and Peter Goldberger, Esq., of the Law Office of Peter Goldberger. The Federal Defender Office, with the cooperation of the Delaware County District Attorney's Office, retained nationally renowned forensic DNA scientist, Edward T. Blake of Forensic Science Associates in Richmond, California, to analyze the physical evidence in this case. All of the physical evidence, which was in the custody of the Delaware County police and prosecutors, was provided to Dr. Blake. Dr. Blake conducted a comprehensive examination of this evidence and uncovered DNA on three separate

items: (1) in skin cells that were found in the gloves that were left in Mrs. Craig's car (the prosecution contended that the gloves belonged to the killer); (2) in sperm cells that were found on Mrs. Craig's underpants (the prosecution argued the sperm was a product of the rape); and (3) in skin cells that were found under Mrs. Craig's fingernails. Dr. Blake concluded that **Mr. Yarris' DNA is not on the gloves; Mr. Yarris' DNA is not on the underpants; and Mr. Yarris' DNA is not under Mrs. Craig's fingernails.** The DNA of two separate men was found on Mrs. Craig's underpants. The DNA of one of those men is consistent with that which was found on the gloves and that which was found under Mrs. Craig's fingernails. The source of that DNA is currently unknown.

There is no longer any credible evidence that Mr. Yarris was involved in the abduction, rape and murder of Linda Craig. At trial, the prosecution relied on three pieces of evidence to convict Mr. Yarris: blood type; Mr. Yarris' supposed confession to rape; and the testimony of witnesses who supposedly saw Mr. Yarris in the mall from which Mrs. Craig was abducted. First, the prosecution introduced evidence that Mr. Yarris' blood type ("B-secreter") was the same as the blood type of the person whose sperm was left on Mrs. Craig. Dr. Blake's finding that the sperm on Mrs. Craig's underpants is not Mr. Yarris' renders this fact irrelevant. Second, the prosecution introduced testimony that Mr. Yarris confessed to raping Mrs. Craig. Dr. Blake's finding that Mr. Yarris' sperm is not on Mrs. Craig's underpants, however, establishes that this testimony is unreliable. Finally, the prosecution presented the testimony of witnesses who identified Mr. Yarris as a person they observed behaving strangely in the mall before and after Mrs. Craig's abduction and murder. As Dr. Blake's testing has now established that Mr. Yarris did not rape Mrs. Craig, the testimony that he was behaving strangely in the mall is incredible and/or irrelevant. Furthermore, Dr. Blake's test results greatly increases the significance of the fact that, prior to her abduction, rape and murder, Mrs. Craig had complained of being stalked by other men at the mall and the fact that mall employees saw other men lurking around the mall at and around the time of the murder. Dr. Blake's test results vindicate Mr. Yarris.

A PRESS CONFERENCE, ATTENDED BY MR. YARRIS' LAWYERS AND MEMBERS OF HIS FAMILY, WILL BE HELD AT 2:00PM ON MONDAY, JULY 28, 2003, AT THE OFFICE OF THE FEDERAL DEFENDER, SUITE 545 WEST – THE CURTIS CENTER, CORNER OF 7th and SANSOM STREETS, PHILADELPHIA, PA 19106.

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