

Burns & Rafay cont. from p. 18

- The number of killers (The state's expert concluded at least 3 killers.);
- The identity of a murder weapon (Wounds on Dr. Rafay's neck show a sharp object was also used in the attack.);
- The timing of the murders (Two independent witnesses — neighbors of the Rafays — confirm the murders began shortly before 10 p.m. and were completed by 10:15 p.m., while the two teenagers were positively seen at a movie theater);
- The use of gloves (The state's expert said in a pre-trial interview that he would have found glove marks at the scene if gloves were used, but he didn't find any.);
- Details of Basma Rafay's attack (The state's expert concluded Basma moved from her bed to the floor, and she never walked around as newspapers reported and *later* the confessions claimed.); and,
- Movement of the murderers in the house (Blood evidence shows the killers were in the garage.).

These details were not known by Burns or Rafay at the time of the RCMP's Mr. Big sting, and they weren't public knowledge. However, the police and the killers knew them. The only reasonable explanation for the serious and numerous discrepancies between the evidence, and the statements and confessions, is that they are false.



DOCUMENTARY BLOWS THE LID OFF "MR. BIG"

Mr. Big is the name of an undercover sting created and perfected by the Royal Canadian Mounted Police. Although it is known to have produced many false confessions by innocent persons, Canadian courts allow confessions to be admitted as evidence that have been made to a cop posing as a violent mafia-type criminal — Mr. Big.

The legal systems of many countries, including the United States, consider Mr. Big as an entrapment scheme if conducted domestically. However, a confession resulting from a Mr. Big operation outside the U.S. can be considered admissible as evidence.

Frustrated that DNA and extensive other crime scene evidence and witnesses point-

Inconsistent "confessions"

The so-called "confessions" by Burns and Rafay are false by definition, because they are inconsistent with the facts of the case and the analysis of the crime scene by the prosecution's experts. But the manner in which Burns and Rafay told these stories also tells us they are false: their confessions are internally inconsistent and each contradicts the other's confession regarding what Burns was wearing, what they did with the incriminating evidence, and where they obtained the murder weapon. Burns and Rafay couldn't keep their stories straight, and those differing stories are also contrary to the crime scene evidence.

Even more importantly, the "confessions" do not contain information that only the killers could know. Yet, based on those demonstrably false "confessions" Burns and Rafay were each charged with three counts of aggravated murder in late July 1995.

Canada bars death penalty

The aggravated murder charges carried the possibility of the death penalty. Canada doesn't permit the death penalty as punishment for a crime. Both teenagers opposed their extradition to the United States on the basis that as Canadian citizens, Canada's Charter of Rights and Freedoms (rough equivalent to the U.S. Bill of Rights) barred their extradition to a country for charges that could

ed to at least three unknown persons as responsible for murdering the Rafay family in Bellevue, Washington in 1993, the local police enlisted the aid of the RCMP in Vancouver, British Columbia to run a Mr. Big sting to obtain confessions from two teenagers, Sebastian Burns and Atif Rafay. They were subsequently convicted by jurors relying on those confessions. However, the jurors were not permitted to hear expert testimony about how and why a Mr. Big sting easily induces a false confession.

Tiffany Burns is in the broadcast industry. She was so alarmed at the tactics the RCMP used to enmesh her brother Sebastian in the Rafay family murders that she produced and directed a documentary — *Mr. Big*, that publicly exposes the RCMP's Mr. Big undercover sting operation. With shocking undercover police video and heart-wrenching interviews *Mr. Big* reveals the experience of several sting victims exonerated after spending years in prison for murders they didn't commit.

As of the spring of 2008 *Mr. Big* is being played at film festivals in the United States and Canada. A trailer of *Mr. Big* and extensive information about the film at: www.mrbigthemovie.com

result in a sentence of death. After a Canadian judge rejected their arguments in July 1996 and ordered their extradition, they appealed to the British Columbia Court of Appeals. In June 1997 the appeals court ruled they could not be extradited if they could receive a death sentence. British Columbia's Attorney General appealed to the ruling to Canada's Supreme Court, which in Feb 2001 issued the precedent setting ruling that a Canadian citizen can not be extradited to any country for a crime that could result in a sentence of death. (*United States v. Burns*, 2001 SCC 7, [2001] 1 S.C.R. 283) The King County, Washington prosecutor responded by agreeing not to seek the death penalty against either Burns or Rafay, and they were turned over to U.S. authorities and jailed to await their trial.

Burns and Rafay's trial

The trial began on November 24, 2003, in King County Superior Court in Seattle.

Rafay and Burns defense was what they both repeatedly told police in the days after the murders: They drove to a Bellevue restaurant for dinner, then went to a movie in Bellevue, then had a late-night snack in downtown Seattle before returning home about 2 a.m., and when they discovered what had happened they immediately called 911. Their presence at all three locations was corroborated by witnesses.

The movie, *The Lion King*, was scheduled to start at 9:50 p.m. and they were well remembered: when the curtain malfunctioned at the beginning of the movie Burns complained to the manager after he and Rafay ran up to the front of the theatre and tugged at the curtain in an effort to free it. So their presence at the theatre is positively known until at least 10:05 p.m., and no one saw them leave the movie before it ended. The waitress who served them at Steve's Broiler in downtown Seattle after midnight testified they were friendly, polite and she did not say they appeared nervous or freshly showered. (Downtown Seattle is about 12 miles from Bellevue.)

The prosecution's theory of the crime was that the two snuck out of the theatre during the movie, went home, took off their clothes, beat all three family members with a baseball bat, washed off all the blood and brain matter in the downstairs shower, dressed in the same clothes they had been wearing, and then went to Steve's Broiler to have an alibi for when they returned home at about 2 a.m. to call 911 and report the attack.

Money was the motive alleged by the prosecution. As the surviving family member

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