

## Dwayne Jackson Awarded \$1.5 Million For Wrongful Robbery Conviction Caused By Lab Switching DNA Samples

Dwayne Jackson has been awarded \$1.5 million in compensation for four years of imprisonment for a Las Vegas, Nevada robbery he didn't commit. His conviction resulted from the Clark County Metropolitan Police Department's crime lab switching his DNA sample with that of the crime's perpetrator.

On November 6, 2001 an intruder entered a Las Vegas house while a woman and her two children were home. He demanded money but the woman only had \$23, so the intruder who was armed with a baseball bat, ordered her drive to an ATM machine to withdraw money. When they drove back to her house her husband was outside and chased the man away. The woman described her assailant as a black youth wearing a blue, hooded sweatshirt and ski mask.

Later, when the police were canvassing the area they saw Dwayne Jackson riding his bike with his cousin Howard Dupree Grissom. They were both young blacks, and after the police saw them go into a house they looked inside a car parked in the driveway. The police saw a blue, hooded sweatshirt and ski mask matching what the victim had described. After Jackson, 18, and Grissom, 16, were arrested they provided DNA samples. The LVMPD crime lab matched Jackson's DNA to the sweatshirt.

Neither the woman nor her husband could identify Jackson as her assailant, Jackson insisted on his innocence, and Grissom denied involvement and didn't implicate Jackson in the crime. So the only evidence linking Jackson to the crime was the positive DNA test. Jackson was charged with burglary, robbery and 3 counts of kidnapping. If convicted of the kidnapping charge Jackson could have been sentenced to life in prison, so he agreed to pled guilty to one count of robbery in exchange for dropping of the burglary and kidnapping charges. Jackson was sentenced to prison in January 2003 and released in late 2006.

Grissom was arrested in Las Vegas in 2007 and pled guilty to robbery and conspiracy to commit a crime. He was sentenced to 2 to 5 years in prison. He was released a number of months after his conviction and in late

2007 he was arrested for the beating and rape of a woman behind a gas station in Moreno Valley, about 60 miles east of Los Angeles. Grissom was convicted of attempted manslaughter and sentenced to serve between 41 years and life in prison. When he entered prison in 2008 a sample of his DNA was taken and entered into the FBI's CODIS national DNA database. CODIS compares the DNA profiles in its system with the DNA from solved and unsolved crimes nationally.

In October 2010 the California Department of Justice learned that Grissom's DNA matched the DNA recovered from evidence in the 2001 Las Vegas robbery that Jackson had been convicted of committing.



Howard Grissom, who DNA identified as the perpetrator of the robbery Dwayne Jackson was convicted of committing. (Fox 5, Las Vegas)

The California DOJ contacted the Clark County Metro PD in November 2010 and informed them about the match between Grissom's DNA and the DNA in the robbery case. However, when the crime lab officials looked up the case they discovered that their testing determined Jackson's DNA and not Grissom's DNA matched the evidence. They began an investigation and eventually discovered that the vials with Jackson and Grissom's DNA had been switched and mislabeled. So when the tests were conducted in 2002 they actually matched Grissom's DNA to the sweatshirt and not Jackson's DNA.

In April 2011 the LV Metro PD contacted the Clark County District Attorney and informed him that their investigation discovered that in 2002 Jackson's DNA had been erroneously identified as matching DNA recovered from the robber's sweatshirt.

The DA contacted Jackson's lawyer in May 2011 and informed him of the new development, and that the DA's Office would not oppose vacating Jackson's conviction, dismissing the robbery charge, and expunging the record of his conviction.

There was no public disclosure about the new evidence in Jackson's case until July 7, 2011, when Metro PD Sheriff Doug Gillespie held a press conference during which he announced that Jackson had been wrongly convicted of robbery based on the mishandling of his DNA sample by the crime lab. Gillespie said, "We sent an inno-

cent man to prison. To say this error is regrettable would be an understatement. It's unacceptable and not to our standards. There are no words I could say that will give back the time Mr. Jackson spent incarcerated."

Clark County Metro PD crime lab technician Terry Cook was identified by as the person who had accidentally switched Jackson and Grissom's DNA samples. Gillespie said about [the incident](#), "This was not a scientific error or a technical error, but a human error."

Cook, who was hired by Metro PD in 1983, has been placed on paid administrative leave while an internal investigation is completed. Metro PD is evaluating 225 to 250 DNA cases handled by Cook. Assistant Sheriff Ray Flynn also spoke at the press conference and he [told reporters](#), "We expect completion of reanalysis (of the cases) within two to three months." A case will be submitted for retesting if it includes a person and a DNA sample from evidence.

The Clark County Metropolitan Police Department's Fiscal Committee voted on July 25, 2011 to approve [the payment](#) of \$1.5 million to Jackson to settle his claim against the county.

Grissom will not be prosecuted because the statute of limitations has expired for any crimes committed during the 2001 home invasion.

### Sources:

[Man wrongly convicted](#) after a DNA mix-up awarded \$1.5 million, *Las Vegas Sun*, July 25, 2011.

[Metro reviewing DNA cases](#) after error led to wrongful conviction, *Las Vegas Sun*, July 7, 2001.

[Las Vegas police](#) reveal DNA error put wrong man in prison, *Las Vegas Review-Journal*, July 7, 2011.

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