

IN THE CIRCUIT COURT FOR FREDERICK COUNTY, MARYLAND

JOHN NORMAN HUFFINGTON
PLAINTIFF/PETITIONER

*

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V.

Case No. 10-K-83-6373
10-K-83-6374

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STATE OF MARYLAND
DEFENDANT/RESPONDENT

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MEMORANDUM OPINION AND ORDER

This matter comes before the Court on John Norman Huffington's (hereinafter, "Petitioner") Petition for Writ of Actual Innocence, Supplemental Memorandum Presenting Additional Newly Discovered Evidence and Petitioner's Second Supplemental Memorandum Presenting Newly Discovered DNA Evidence, filed pursuant to Md. Code Ann. Crim. Proc. § 8-301, and the State's responses thereto. In his Petition, Petitioner alleges that the jury in his case relied upon scientific evidence that is now known to be false and/or unreliable, and that without this discredited evidence, there is a substantial possibility that a jury would not have convicted Petitioner. Specifically, Petitioner states that the scientific evidence used at trial by the State and now known to be false and/or unreliable includes: microscopic hair analysis, comparative bullet lead analysis ("CBLA"), and improper firearm and toolmark analysis resulting in faulty conclusions. Based upon the jury's reliance on this evidence, and the subsequent, newly discovered evidence that rebuts the validity and accuracy of these three analyses, Petitioner moves the court to vacate his murder convictions and order a new trial.

PROCEDURAL BACKGROUND

On November 13, 1981, Petitioner was convicted by a jury in the Circuit Court for Caroline County of two counts of felony murder and related offenses. This

conviction was reversed on appeal. Upon remand, Petitioner's case was transferred to the Circuit Court for Frederick County where he was again tried for the murders of Diane Becker and Joseph Hudson. On November 19, 1983, Petitioner was convicted by a jury of two counts of first degree murder, one count of breaking and entering and certain firearm-related offenses. Petitioner was sentenced to death; he appealed to the Maryland Court of Appeals and they upheld the conviction. Next, Petitioner filed a Petition for Post Conviction relief alleging ineffective assistance of counsel. The Post Conviction court vacated Petitioner's death sentence pursuant to *Mills v. Maryland*, 486 U.S. 367, 384 (1988), but otherwise affirmed the conviction. The Maryland Court of Appeals denied Petitioner's application for leave to appeal and the Supreme Court of the United States denied his petition for writ of certiorari. On remand, the State did not seek the death penalty and Petitioner was resentenced to two consecutive life terms.

FACTUAL BACKGROUND

As stated by the Honorable Marvin H. Smith of the Court of Appeals of Maryland, "the facts surrounding the incident leading to Huffington's conviction are fully set forth in [the Court of Appeal's] earlier opinion [at 295 Md. 1 (1982)]." 304 Md. 559, 564 (Md. 1985). Therefore, only the facts relevant to the issues of this Petition will be set forth with particularity below.

Petitioner was tried before a Frederick County jury for the murders of Joseph Hudson and Diane Becker in November 1983. Deno Kanaras testified on behalf of the State, ultimately being called as a State's witness after the Court refused the State's request that the Court call Mr. Kanaras as the Court's witness. *See generally* Frederick Tr. at 1806. The testimony offered by Kanaras at Huffington's Frederick County trial

varied greatly from Kanaras's prior statements regarding the case. In fact, Kanaras had given several inconsistent accounts of his and Huffington's activities on May 24 and May 25, 1981. The State itself did not believe any version of events that Kanaras testified to because the State prosecuted and convicted Kanaras for the murder of Diane Becker; at Huffington's trial, the State said, "If we had believed him [Kanaras], we would have had an ethical problem in- in prosecuting him for murder." Frederick Tr. at 1754.

Huffington did not testify at the Frederick County trial, but did testify in his Caroline County trial. At the Caroline County trial, Huffington stated that he was not present at the murder of either Joseph Hudson or Diane Becker. Huffington testified that Kanaras had dropped Huffington off at Huffington's apartment at 3:00 a.m. on May 25, 1981, and that Kanaras returned to Huffington's apartment at 9:00 a.m. that same morning looking nervous and shaky, and wanting to "party." *See generally* Caroline Tr. at 1488-1539. The following version of events are derived from Kanaras's testimony at Huffington's Frederick County trial.

I. Deno Kanaras's Testimony at the Frederick County Trial

Deno Kanaras testified that on May 24, 1981 he called Huffington to see if Huffington had any cocaine for sale. Frederick Tr. at 1817. Huffington told Kanaras that he did not have any cocaine to sell, but that he might help him find some. *Id.* Kanaras drove to Huffington's apartment but Huffington had been unable to locate any cocaine; Huffington suggested that he and Kanaras go out for a few drinks. *Id.* Huffington and Kanaras drove to a bar named Pecora, after which they went to the Golden Forty Club for another drink with the owner of Pecora. *Id.* at 1819. At the Golden Forty Club, Huffington spoke with Joseph Hudson, the disc jockey, regarding a possible drug

transaction after the club closed . *Id.* at 1819-1820. Pursuant to this conversation, Huffington and Kanaras followed Hudson back to his motor home after the Golden Forty Club closed for the night. *Id.* at 1820-21. Hudson invited Kanaras and Huffington into his home and the three, along with Diane Becker, sat at a table discussing the purchase of 3.5 grams of cocaine. *Id.* at 1822-23. After Hudson weighed, packaged and handed the cocaine to Huffington, the men briefly discussed a possible cocaine deal, wherein Huffington told Hudson that Huffington could find someone willing to sell to Hudson an ounce of cocaine, and that he could also find someone willing to buy the 3.5 grams of cocaine that Hudson had left in his motor home. *Id.* at 1824.

Kanaras further testified that at approximately 2:45 a.m. he and Huffington left Hudson's motor home and returned to Huffington's apartment. *Id.* at 1826-27. Once home, Huffington made phone calls for approximately ten minutes in an effort to find a buyer for Hudson's cocaine. *Id.* Although Kanaras wanted to leave, Kanaras agreed to drive Huffington back to the campground because Huffington had no other transportation and had offered to give Kanaras some of the cocaine that Huffington purchased in exchange for the ride. *Id.* at 1828. The two men picked Hudson up at his motor home, at which time Hudson left a note for Becker on the counter. *Id.* at 1829. Huffington sat in the back of the car and gave directions to Kanaras, directing him to an old farm house off of Wheel Road, where there was allegedly a buyer waiting to purchase Hudson's cocaine. *Id.* at 1829-30. Upon parking at the old farm house the three men exited the vehicle and, after a few steps, Huffington pulled out a gun and shot Hudson in the back four or five times. *Id.* at 1831-32. Hudson fell to the ground. Huffington reloaded his gun, walked to Hudson's body, and shot Hudson two more times at point blank range. *Id.* at 1832.

Huffington then removed the cocaine from Hudson's pocket, turned the gun on Kanaras and ordered Kanaras to drive him back to the campground. *Id.* at 1833-34.

At the campground, Kanaras parked 300 feet from Hudson's home and Kanaras and Huffington walked into the motor home. *Id.* at 1834-35. Once inside the motor home, Huffington directed Kanaras to search for money, which Kanaras located in two cups. *Id.* at 1835-36. After Huffington took the money from Kanaras, he withdrew a knife from his boot and ordered Kanaras to kill Becker; Kanaras refused so Huffington set down the knife, picked up a large vodka bottle and approached Becker, who was still in bed. *Id.* at 1836-37. Huffington struck Becker on the back of the head four or five times, and although she tried to get up, Huffington continued to hit her until she lost consciousness. *Id.* at 1837, 1915-16. Huffington next put down the bottle, picked up the knife and began stabbing Becker. *Id.* at 1838. After approximately two minutes, Kanaras fled the motor home. *Id.* at 1839. Huffington stopped the assault and followed Kanaras out, carrying the bottle, the I.N.A. revolver, and the purse. *Id.* at 1839. Huffington reached Kanaras's car moments after Kanaras, and Huffington ordered Kanaras at gunpoint to drive him back to Huffington's apartment. *Id.* at 1839-40. Kanaras complied. *Id.* at 1840.

Once the two men returned to Huffington's apartment, Huffington wiped down the bottle, gun and knife with some rags. *Id.* at 1841. Huffington also counted the money and forced Kanaras to take \$840 dollars, then Huffington went into the bathroom to try to bleach the blood stains out of his pants and shirt. *Id.* at 1841-42. Next, Huffington placed the bottle, purse, pants and a box of bullets into two bags, and Kanaras and Huffington left the apartment. *Id.* at 1842, 43. Huffington ordered Kanaras to drive

him around, and eventually the pair stopped on Harmony Church Road. *Id.* at 1844. Huffington threw the bottle into some brush, tossed live rounds of ammunition into the water, then burned the purse and note he stole from Hudson's motor home. *Id.* at 1845. Huffington and Kanaras next drove to a different location where Huffington tossed the gun and knife into a little stream. *Id.* at 1847. From this second location, Kanaras drove Huffington to the Fiddler's Convention where the two remained for about an hour, and during which time Huffington did not have any weapon on him. *Id.* at 1846-49. After the Fiddler's Convention, Kanaras drove Huffington to Huffington's parent's house, where Kanaras waited approximately 15 to 20 minutes in the car for Huffington. *Id.* at 1849-50. Kanaras then drove Huffington to Hall's Furniture Store, where Huffington threw the bag containing his bleached pants into the dumpster and entered the store. *Id.* at 1851. The two men parted ways, and Kanaras returned to his home at approximately 1:00 p.m. on May 25, 1981. *Id.* at 1851-52.

II. Scientific Evidence Presented at Trial by the State

At the Frederick County trial, the State corroborated Kanaras's testimony by introducing to the jury and into evidence several pieces of 'scientific' evidence. Huffington takes issue in his Petition for Writ of Actual Innocence with the following 'scientific' evidence introduced to the jury: (1) microscopic hair analysis; (2) comparative bullet lead analysis (CBLA); and (3) firearm and toolmark identification analysis.

When the police arrived at the scene of Diane Becker's murder, her body was lying in bed covered with a sheet. The sheet covering Becker, as well as the garter belt and stockings she was wearing, were collected into evidence. These items were then

turned over to FBI Special Agent Michael Malone, a special agent with the FBI Hair and Fiber Analysis Unit, who gathered and analyzed the hairs discovered on both items. *See* Frederick Tr. at 1533, 1542. At trial, Agent Malone testified that the microscopic hair analysis he conducted on these discovered hairs is such an accurate method of determining the source of a hair that if he could match the hair to a known sample in his possession, it was “highly unlikely” it would have also matched a different known sample. *Id.* at 1539-40. In fact, Agent Malone stated, “Well, the hairs of about ten thousand different people that I’ve looked at personally, I only have two occasions where I have had hairs from two different people that were so close that I couldn’t separate them out myself, which gives you basically an idea.” *Id.* at 1539. Agent Malone testified that a hair he recovered from the blanket and a hair he had discovered on the garter belt and stockings “microscopically matched the head hair of Mr. Huffington- that is, they were indistinguishable from Mr. Huffington’s head hairs; you could not tell them apart.” *Id.* at 1542. This evidence was emphasized by the State in its closing argument to demonstrate Huffington’s presence at the murder of Diane Becker, and was alluded to during the State’s opening statement. *Id.* at 1295-96, 2015 (“Now, what evidence does the State show, linking this defendant to the killing of Diane Becker? Well, the FBI determined that the head hair found on the stocking and garter of Diane Becker and the sheet from the bed where Diane was killed, was microscopically identical to the head hair of this defendant.”)

During the course of the double murder investigation, police recovered bullets from three locations: five live cartridges were discovered in the I.N.A. revolver found off of Harmony Church Road, six live cartridges were recovered from Deer Creek (near the

purse Becker was using the morning she was murdered), and three bullets were recovered from the scene of Hudson's murder (in addition to two shell casings). *Id.* 1665-66. At Huffington's trial, State witness FBI Special Agent Donald Havekost testified as an expert in the field of neutron activation analysis. *Id.* at 1612. As an expert in this field, Agent Havekost testified regarding the comparative bullet lead analysis conducted on each of the bullets. *Id.* at 1614-1625. Agent Havekost testified specifically that through his analysis, he could conclude that the bullets moved into evidence by the State were so similar in chemical composition that they were what he "would expect to find... among lead bullets represented in a box of cartridges." *Id.* at 1625. This led the State to tell the jury during closing that the only logical conclusion to draw from this expert testimony is that, "these bullets came from the same box." *Id.* at 2011-12; *See Id.* at 1666-67.

The State called FBI Special Agent Evan Hodge, a special agent with the FBI Firearms and Toolmark Unit, to examine and testify about the source of the two .38 caliber shell casings found on Wheel Road near Hudson's body. *See Frederick Tr.* at 1595-61, 1601, 1603. Utilizing a method called firearm and toolmark identification, Agent Hodge claimed that he could positively identify the source of the two-shell casings from Wheel Road as being the thirty-eight special caliber revolver that the State alleged to be Huffingtons.¹ *Id.* at 1603. In fact, Agent Hodge testified that the casings were fired from the .38 caliber I.N.A. revolver "to the exclusion of all other revolvers." *Id.* The State utilized this testimony during closing argument, stating to the jury, "Now, what does the evidence show linking Huffington to the murder of Joe Hudson?... The FBI determined that the two shell casings found at the Wheel Road crime scene where

¹ The particular weapon alleged to belong to Petitioner was a .38 caliber I.N.A. revolver found in a pool of water in Cecil County during the murder investigations of Joseph Hudson and Diane Becker.

Hudson's body was located, were fired from this thirty-eight caliber revolver..."). *Id.* at 2011-12.

Essentially, the State supported Deno Kanaras's testimony by using the microscopic hair analysis to place Petitioner at the scene of Diane Becker's murder. The State then used the CBLA and the firearm and toolmark analysis to connect Becker's murder to the murder of Joseph Hudson, alleging that the CBLA and firearm and toolmark analysis demonstrated that it was the same person who committed both crimes.

STANDARD OF REVIEW

In 2009, Maryland legislature enacted the Petition for Writ of Actual Innocence, which enables individuals convicted of a crime to present the court with newly discovered evidence at any time if it "could not have been discovered in time to move for a new trial under Maryland Rule 4-331." Md. Code Ann., Crim. Proc. § 8-301 (a) (2). Despite the Petition for Writ of Actual Innocence being a newly enacted statute, it's standard incorporates the well-tested "substantial or significant possibility" standard judicially determined under Maryland Rule 4-331(c), in that the newly discovered evidence must, "create[s] a substantial or significant possibility that the result may have been different, as that standard has been judicially determined." Md. Code Ann., Crim. Proc. § 8-301 (a) (1). Therefore, although this Petition is brought by Petitioner pursuant to Md. Code Ann. Crim. Proc. § 8-301, additional guidance may be gleaned by reviewing case law developed pursuant to Maryland Rule 4-331. *See Yorke v. State*, 315 Md. 578 (1989).

The Court of Appeals of Maryland announced its standard for granting a new trial in light of newly discovered exculpatory DNA evidence in *Arrington v. State*, declaring

that there must be a substantial probability that the jury would have reached a different outcome had the newly discovered DNA evidence been presented at trial. 411 Md. 524, 555 (Md. 2009). In the same year, the Maryland Court of Appeals instructed in *Thompson v. State* that the Post Conviction Court should consider new DNA evidence to be a strong factor in favor of a new trial. 411 Md. 664, 689, 694 (Md. 2009). Based upon *Arrington* and *Thompson*, the Court of Appeals articulated a two prong test in *Washington v. State* to determine when a new trial is required by law. 424 Md. 632, 673-74 (Md. 2012). Specifically, the Petitioner must show that: 1) new evidence is available today which shows that evidence used at trial is unreliable; and 2) the jury relied upon the unreliable evidence in convicting Petitioner. *Id.* at 673-74; *See Arrington*, 411 Md. at 555; *Thompson*, 411 Md. at 689-90; *See Campbell v. State*, 373 Md. 637, 666 (Md. 2003) (stating that, "... a new trial should be granted when newly discovered evidence clearly indicates that the jury has been misled.)

The Court of Appeals has further ruled that the admittance of and reliance upon discredited scientific evidence is not harmless error because, "lay jurors tend to give considerable weight to 'scientific' evidence when presented by 'experts' with impressive credentials." *Arrington*, 411 Md. at 554, (quoting *Clemons v. State*, 392 Md. 339, 372 (Md. 2006)).

DISCUSSION

Although Petitioner brings his Petition for Writ of Actual Innocence on the three separate and distinct grounds of microscopic hair analysis, CBLA, and firearm and toolmark analysis, this Court will only fully address Petitioner's allegations as they pertain to the microscopic hair analysis presented at the Frederick County Circuit Court

jury trial. Because this Court finds this ground, in and of itself, to be sufficient upon which to grant Petitioner's Petition for Writ of Actual Innocence, the other grounds set forth in his petition will not be addressed in their entirety.

I. C.B.L.A. EVIDENCE

While not of direct consequence because of its prospective application, it is worth noting that the Certified Bullet Lead Analysis ("CBLA") and related testimony presented at Petitioner's trial has, since the time of trial, been discredited. In fact, the Maryland Court of Appeals has stated that, "the conclusory aspects of CBLA are not generally accepted within the scientific community and thus are not admissible under the *Frye-Reed* standard for admitting scientific expert testimony." *Clemons v. State*, 392 Md. at 344. Although the holding in *Clemons* is not retroactive, it does weigh on this Court's decision that the CBLA evidence as testified to at Petitioner's original trial would not be admissible in a new trial. The State would be unable to tell a new jury, unlike at Huffington's Frederick County trial in 1983, that to a scientific certainty the bullets recovered from the scene of Joseph Hudson's murder, and the bullets found with Becker's purse, came from the same box.

II. MICROSCOPIC HAIR ANALYSIS AND F.B.I. AGENT MALONE'S TESTIMONY

The jury that convicted Petitioner was told by the State through its witness, FBI Agent Malone, that the hairs found where Diane Becker was murdered were, "indistinguishable" from Huffington's head hairs and that he, "could not tell them apart." Frederick Tr. at 1542. Agent Malone further bolstered the credibility of his analysis,

effectively informing the jury that the microscopic hair analysis he conducted in this case had an accuracy rate of 99.98%.²

The State then used Agent Malone's testimony as the key piece of evidence to connect Petitioner to the murder of Diane Becker. In fact, it was the first piece of evidence the State referenced in its closing argument regarding Petitioner's connection to Becker's murder, as well as was referenced by the State in its opening statement.³

Since his testimony at Petitioner's trial, Agent Malone's testimony in several cases has been discredited. Specifically, an investigation was conducted regarding Agent Malone's work and testimony at Petitioner's Frederick County trial. A report was prepared regarding this investigation in which the author concluded that he was unable to determine if Agent Malone performed the appropriate tests in a scientifically acceptable manner when analyzing the hairs, and that, among other findings, Agent Malone's testimony at trial was not consistent with his bench notes. *Malone Independent Case Review Report*, Steve Robertson (Laufert Aff. Ex. A. attached to Petitioner Huffington's Supplemental Memorandum Presenting Additional Newly Discovered Evidence). Although this information is pertinent and highly relevant, the newly discovered DNA evidence moots the need to discuss Agent Malone's testimony any further.

In April 2013, a DNA analysis of the two hairs recovered from the crime scene of Diane Becker's murder revealed that Petitioner was not the source of the hair recovered from Ms. Becker's bed sheets, thus effectively nullifying a major piece of forensic

² Agent Malone testified at Petitioner's trial before a jury that, "of the hairs of about ten thousand different people that I've looked at personally, I have only two occasions where I have had hairs from two different people that were so close that I couldn't separate them out myself." Frederick Tr. at 1539.

³ During closing argument to the jury during Petitioner's trial, the State stated, "the FBI determined that the head hair found on the stocking and garter of Diane Becker and the sheet from the bed where Diane was killed, was microscopically identical to the head hair of this defendant." Frederick Tr. at 2015.

evidence used by the State to place Petitioner at the time and place of Becker's murder.^{4,5} Agent Malone's testimony placed Petitioner at Diane Becker's murder. The State then connected Petitioner to Joseph Hudson's murder because the bullets found at the scene of Hudson's murder and the bullets found with Becker's purse were from, "the same box", and therefore by placing Petitioner at Becker's murder scene, the State had connected him also to Hudson's murder.

The facts of this case are very similar to the facts in *Arrington v. State*. 411 Md. 524. Mr. Arrington was tried and convicted by a jury in the Circuit Court for Montgomery County of second degree murder. *Id.* at 527. Eye witnesses testified at trial on behalf of the State, claiming that they had each seen Mr. Arrington approach the victim with a knife; two eyewitnesses testified to seeing Mr. Arrington stab the victim. *Id.* at 527. At trial, a pair of Mr. Arrington's sweatpants which had blood on them were introduced into evidence. *Id.* at 529. Charles Heurich, a forensic chemist with the Montgomery County Police Department Crime Laboratory, testified that he examined several blood stains on Arrington's sweatpants. *Id.* According to Heurich, the stains were, "consistent with the blood type of the victim in this particular case, or any other individual with the same blood type." *Id.* The State foreshadowed such testimony during its opening statement when it told the jury, "And the person from the crime laboratory will testify and tell you that that blood on the defendant's clothing is the same blood type as the blood that was the victim's blood." *Id.* at 555.

⁴ The hair recovered from Ms. Becker's garter and stockings contained multiple sources of DNA, and was declared to be of no evidentiary value.

⁵ FBI Laboratory, Report of Examination, John Huffington; Domestic Police Cooperation-General Criminal Matter, Bel Air Resident Agency, at 2 (March 27, 2013) (Second Laufert Aff., at ¶ 4, Ex. B attached to Petitioner Huffington's Second Supplemental Memorandum Presenting Newly Discovered DNA Evidence).

In January 2003 Arrington Filed a Motion to Preserve Forensic Evidence and to Conduct DNA Analysis on the bloodied sweatpants presented at his trial, as well as a sample of the victim's blood. *Id.* at 533-34. This Motion was granted by the Circuit Court and the DNA testing results conclusively proved that the blood found on Arrington's seized clothing was not the victim's. *Id.* at 534. Arrington then filed a Motion for a New Trial based on exculpatory DNA evidence pursuant to Maryland Annotated Code Criminal Procedure Article § 8-201.

Similar to the reliance placed upon the serology evidence by the State and consequently jury in *Arrington v. State*, in the present case, the State told the jury in its opening statement that the hair samples taken from the scene of Diane Becker's murder were sent "to the laboratory of the Federal Bureau of Investigation in Washington, which is probably the finest criminal laboratory in the world." Frederick Tr. at 1295-96. In closing, the State told the jury that the hair found, "where Diane was killed was microscopically identical to the head hair of this defendant." *Id.* at 2015. The only eye witness testimony offered by the State to corroborate this scientific evidence was the testimony of Deno Kanaras, who had been previously convicted for the murder of Diane Becker.

In *Arrington*, the jury sent a note to the judge during deliberations requesting clarification of the serology evidence. *Arrington v. State*, 411 at 529. Because of this, coupled with the State's use of the serology evidence during its opening statement, the Court held that, "the jury's focus on that [serology] evidence, and the flat contradiction of the State's serology evidence shown by the DNA evidence, persuade us that there is a "substantial possibility" that Arrington would not have been convicted if the DNA

evidence had been introduced at trial.” *Id.* at 555. Unlike in *Arrington*, in the instant case there are not several eyewitness accounts remaining after the serology/hair evidence is removed. Only Deno Kanaras testified as an eyewitness to the murders, and his testimony is, as the State said during a bench conference at Mr. Huffington’s trial, such that, “a jury of twelve people was unwilling to believe him.” Frederick Tr. at 1754. Additionally, although no jury note was written regarding the microscopic hair analysis, the State referenced this information in its opening statement and used it in closing argument to link Petitioner to the murder of Diane Becker, and consequently, the murder of Joseph Hudson. The State placed particular weight on this piece of evidence, and by mentioning it not only in its opening statement but also during closing argument, the State ensured that the jury also placed significant weight on this evidence. *See generally Hunter v. State*, 397 Md. 580 (Md. 2007).

Based upon factors similar to the ones at issue here, the court in *Arrington* vacated Mr. Arrington’s conviction and remanded the case for a new trial. The facts of this case are extremely analogous to *Arrington*; however, in the present case there are additional factors present which weigh in Mr. Huffington’s favor as to whether the new evidence creates a “substantial possibility” of a different outcome. Due to the substantial weight given to the microscopic hair analysis by the jury, as determined by the State’s use of the evidence in its opening statement and closing argument, as well as the results of the DNA test which conclusively show that the hair found on Diane Becker’s blanket was not John Huffington’s, there is a significant possibility that the outcome of Petitioner’s case may have been different had the State not utilized the microscopic hair analysis evidence and Agent Malone’s testimony.

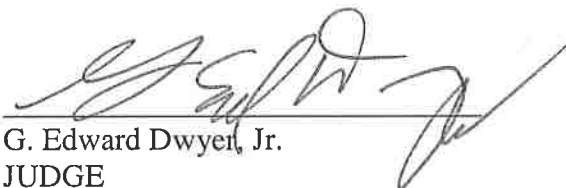
CONCLUSION

For the reasons set forth herein and based upon a complete review of the (i) motions, (ii) record, including transcripts and exhibits, (iii) oral arguments, (iv) testimony, and (v) applicable law, it is this 1st day of May, 2013, by the Circuit Court for Frederick County, Maryland, hereby;

ORDERED that Petitioner JOHN NORMAN HUFFINGTON's Petition for Writ of Actual Innocence is hereby GRANTED; and it is further

ORDERED that Petitioner JOHN NORMAN HUFFINGTON's murder convictions are hereby VACATED; and it is further

ORDERED that Petitioner JOHN NORMAN HUFFINGTON is hereby granted a new trial.



G. Edward Dwyer, Jr.
JUDGE
Circuit Court for Frederick County

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