

Drug convictions may be tossed

Court of Criminal Appeals says any evidence handled by disgraced chemist is now suspect

By Brian Rogers

Thousands of felony and misdemeanor drug convictions across Texas may be thrown out after the state's highest court ruled Wednesday that

any case with evidence handled by a disgraced Department of Public Safety chemist is suspect.

The sweeping ruling is the latest chapter in a saga that began last year with an investigation into the

shoddy work of forensic examiner Jonathan Salvador, who handled nearly 5,000 drug cases, including about 400 in Harris County, from 2006 to 2012.

"What it means is that any of the cases that

Salvador was responsible for are suspect, and the courts will not respect those convictions, and they'll be overturned," said Alex Bunin, head of the Harris County Public Defender's Office. "In Harris County, it could be hundreds."

Bunin's office took on the responsibility of

sorting through cases that could be affected by problems with Salvador's work and has notified dozens of defendants that they can challenge their convictions.

Bunin urged those who were convicted with evidence tested by the examiner to contact his office to see if that conviction

could be vacated.

The Harris County District Attorney's office played down the ruling, which grants new trials to defendants convicted with evidence handled by Salvador.

"It puts the defendants back to square one, but we can still retry them," said

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Evidence involves 4,900 drug cases

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prosecutor Josh Reiss.

The office has yet to decide whether it will pursue new trials, Reiss said.

Wednesday's ruling centered on the Harris County conviction of Leroy Edward Coty, a 42-year-old sentenced to 10 years in prison in 2010 after pleading guilty to possession of more than 400 grams of cocaine.

The DA's office and the

Criminal Appeals would decide in a case where the drugs had been retested.

'It's always tainted'

In April, Harris County District Attorney Mike Anderson held up Coty's conviction as an example of a case with a lot of evidence, like videotape, apart from the drugs that Salvador had control over.

The state's highest court ruled that Coty still deserved a new trial.

dence retested after it was handled by Salvador.

"Once it's tainted, it's always tainted," said attorney Norm Silverman, suggesting that any defense attorney would be quick to invoke Salvador's name and history if he had handled the evidence.

"Once it was established that a dishonest chemist had custody of the substance, no future chemist could perform a reliable analysis." Silver-

in a drug case have to be tested.

"You can't ever secure a conviction in a drug case without lab results," Silverman said. "The identity of the substance is always at issue. The weight of the substance is always at issue."

Cases from 2006-2012

Salvador quit last year after a Texas Rangers' investigation determined that he had falsely claimed

District Attorney Pat Lykos presented findings from the Rangers' investigation of Salvador to a grand jury, which declined to indict him.

The former chemist examined evidence in 4,900 drug cases from 29 counties from 2006 through early 2012, including more than 250 each in Harris, Fort Bend, Montgomery, Galveston and Fort Bend counties, records show.

that their convictions be vacated.

At least one district attorney has decided to go further than just overturning convictions per the court's ruling.

Galveston County District Attorney Jack Roady said Wednesday he is not going to retry any cases touched by Salvador.

"If he was the one who had sole custody, and there is not anything outside of it that would

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c	cloudy	h	hazy	r	rain	sh	showers
d	drizzle	l	ice	rs	rain/snow	sn	snow
f	fair	mm	missing	s	sunny	ts	thunderstorms
fg	fog	pc	partly cloudy	sf	flurries	w	windy

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