



**STORAGE NAME:** h6005e.JDC

**DATE:** 4/19/2023

(April 19, 2023)

SPECIAL MASTER'S FINAL REPORT

The Honorable Paul Renner  
Speaker, The Florida House of Representatives  
Suite 420, The Capitol  
Tallahassee, Florida 32399-1300

Re: HB 6005 - Representative Duggan  
Relief/Robert Earl DuBoise/State of Florida

**THIS IS AN EQUITABLE CLAIM FOR \$1,850,000 TO  
COMPENSATE ROBERT EARL DUBOISE FOR MORE THAN  
37 YEARS OF WRONGFUL INCARCERATION.**

FINDINGS OF FACT:

Crime and Early Investigation

At around 8:00 a.m. on August 19, 1983, Antonio Abay ("Abay") discovered the body of 19-year-old B.G. behind his Tampa, Florida dental office. B.G. was naked other than a tube top pulled up over her breasts, and she had severe trauma to her head, face, and neck. Abay then called out for Joseph Tietack ("Tietack"), who was nearby. Tietack approached and observed the body of B.G., whose face he described as "obliterated," then called 911.

Law enforcement quickly arrived on the scene, including Tampa Police Department ("TPD") Detective Phillip Saladino ("Saladino"), who would become lead detective on the case. B.G. was covered in blood and had visible bruises on her knees, ankles, and wrists, as though made by fingers and thumbs grasping her tightly. Torn turf and knee imprints also surrounded her body, evidencing a violent struggle. This evidence, combined with the fact that B.G. was nearly naked and on her back, indicated to the officers that she had been sexually assaulted before she was killed. Saladino also observed that B.G. had sustained several blows to the head, delivered with such force that her head was indented four inches into the dirt.

Law enforcement collected evidence from the scene, including a woman's purse, shorts, and underwear; a pack of cigarettes; three pieces of 2x4 boards on which they found blood and hair; and latent fingerprints. The officers inferred from the evidence that at least one of the 2x4 boards was the murder weapon. Saladino also noted a pale band of skin on one of B.G.'s fingers, suggesting she frequently wore a ring. A witness would later confirm that B.G. wore a silver Avon ring set with an opal flanked by two smaller stones, but no ring was found at the scene and it is unclear whether B.G. was wearing the ring on the night of her murder as witnesses gave conflicting testimony.

During the ensuing investigation, Saladino determined that B.G. left her workplace, a Hot Potato restaurant, at around 9:30 p.m. on August 18, 1983, and began walking home. Two witnesses reported seeing B.G. walking south in the direction of her home sometime around 9:30 p.m. to 9:45 p.m. that night and offering her a ride, but B.G. declined. However, B.G.'s body was found north of where the witnesses saw her walking, leading the State to theorize that B.G. turned around at some point and headed north, perhaps to buy the pack of cigarettes found at the scene. Another witness believed he saw B.G. sometime between 9:30 p.m. and 10:00 p.m. at the Eastern Gas Station, located one block from where her body was found, but a second witness who was at the gas station on the night of B.G.'s murder did not see her there.

An autopsy performed by Dr. Lee Miller ("Miller") with the Hillsborough County Medical Examiner's Office ("MEO") determined B.G.'s cause of death to be blunt force trauma to the head, in the manner of homicide, with her time of death approximately 11:30 p.m. In preparation for the autopsy, Miller collected photographs, hair samples, and a rape kit, including vaginal, rectal, and oral swabs. Miller also discovered what he believed was a bitemark on B.G.'s left cheek. He then photographed the mark and, despite having no experience in bitemark preservation, excised it away from B.G.'s face, attempting to preserve it in a formaldehyde solution. According to Dr. Adam Freeman ("Freeman"), a forensic odontology expert and the former president of the American Board of Forensic Odontologists ("ABFO"), who later reviewed this case, the mark likely shrunk by at least ten percent as a result of Miller's actions, which did not comply with the scientific standards for bitemark preservation in place at the time.

To assist with the bitemark investigation, law enforcement brought in Dr. Richard Powell ("Powell"), a dentist and MEO consultant, and Dr. Richard Souviron ("Souviron"), a certified forensic odontologist. While Powell had never testified as an expert in a criminal trial nor looked at a human bitemark on a body, Souviron was, at that time, considered a bitemark expert and had testified in several criminal trials involving bitemark evidence, including that of Ted Bundy.

As part of his analysis, Souviron asked Saladino and the recently-assigned TPD detective K.E. Burke ("Burke") to obtain beeswax dental impressions from persons of interest in B.G.'s murder. In the course of their investigation, Saladino and Burke obtained over 100 such impressions, out of which Powell made stone casts for comparison to the alleged bite mark. However, according to Freeman, beeswax is so soft and malleable that it is likely that the heat of the poured stone would have softened the beeswax impression, distorting any stone cast made from it.

#### Claimant's Identification and Arrest

According to Saladino's testimony, the TPD initially identified two suspects in B.G.'s murder. Both suspects had a known connection to B.G. and were placed in the area of the crime on the night of her murder. Further, both suspects gave conflicting testimony about their whereabouts on that night.

However, the investigation soon shifted to the then-18-year old Claimant and two other males, the Claimant's brother Victor DuBoise ("V.D.") and their friend Raymond Garcia ("Garcia"), after an Eastern Gas Station clerk stated that "Robert," "Ray," and "Bo" would hang around the store and cause trouble. The clerk pointed the officers in the direction of where she believed these individuals lived, and at one of the homes in that area, Saladino found mail addressed to persons with the surname "DuBoise" and connected them to the Claimant. At this point, the Claimant, who had no known connection to B.G., became a suspect in her murder.

On September 25, 1983, the Claimant volunteered to be interviewed at Saladino's request. During this interview, the Claimant denied any involvement in B.G.'s murder, indicating that he would prove he "wasn't the guy that bit that girl" and that he had "nothing to hide." Saladino and Burke also interviewed the Claimant's parents, who stated that the Claimant had been out on the night of the murder looking for his missing sister with V.D. and Garcia but had returned home by about 10:30 p.m. that night. Indeed, a missing persons' report for the Claimant's sister was filed on August 16, 1983, two days before B.G.'s murder.

During this initial investigation, the Claimant voluntarily allowed Saladino and Burke to make a beeswax dental impression of his teeth. On October 13, 1983, this dental impression was sent along with several other impressions to Souviron for comparison to the alleged bite mark. Souviron ultimately determined that the Claimant's dental impression was similar to the alleged bite mark, and based on this alone, the Claimant was arrested on October 23, 1983. Saladino later testified that, at the time of his arrest, the Claimant continued to volunteer his dental impression for comparison to the bite mark in the hopes that it would clear him.

After the Claimant's arrest, Saladino obtained a warrant for new dental impressions of the Claimant's teeth and Powell made three such impressions. The Claimant remained cooperative during the nearly five hours of impression-making, indicating that they should "go ahead and do it" because he "didn't have anything to do with [B.G.'s murder]." These impressions were then sent to Souviron, who stated that, after comparing the impressions to the alleged bitemark, he was positive that the Claimant was its source.

No other physical evidence linked the Claimant to the murder. In fact, the Claimant was excluded from latent fingerprints and hairs recovered from the scene and body, and the blood type of the contributor of the semen found in B.G.'s vaginal sample was indeterminate. Further, blood samples recovered from the scene either could not be typed or were Type O, a blood type shared by the Claimant and the battered B.G., making it possible that the blood belonged to B.G. herself.

#### Charges and Conviction

Based on Souviron's certainty regarding the alleged bitemark's source, the claimant was charged with First-Degree Felony Murder and Attempted Sexual Battery. At trial, the state presented Souviron's testimony, in which he concluded that the mark on B.G.'s left cheek was a human bitemark that could be linked to the Claimant with a "reasonable degree of dental certainty." In return, the defense presented the testimony of Dr. Norman Sperber ("Sperber"), a forensic odontologist and chairman of the Bitemark Guidance Committee. Sperber testified that the Claimant's dental impression did not match the mark on B.G.'s cheek and that the number of inconsistencies between the claimant's dental impression and that mark actually excluded the Claimant as its source. The defense also tried to expose Souviron's potential prosecution bias by successfully getting Souviron to admit that, when speaking at a November 1984 conference of the International Association of the Chiefs of Police, he said, "If you tell me that is the guy that did it, I will go into court and say that is the guy that did it."

To bolster its case, which would otherwise rest solely on the bitemark evidence, the state presented the testimony of Claude Butler ("Butler"), a jailhouse informant facing multiple life sentences for crimes including Kidnapping, Robbery with a Firearm, Grand Theft, Grand Theft Auto, Dealing in Stolen Property, and Battery on a Law Enforcement Officer. Butler had a working relationship with TPD detective John Counsman ("Counsman"), for whom he had served as a confidential informant in the past; it was Counsman who allegedly put Butler in touch with Saladino. Curiously, Saladino testified that he did not know of Butler before Butler's involvement in the Claimant's case, but the record shows that Saladino was part of a sting operation that led to Butler's arrest for Grand Theft in 1982.

Before testifying, Butler was allegedly given a polygraph examination, the results of which were never disclosed to the defense or included in the State's files. Butler also met with Saladino and Counsman several times to discuss his testimony. However, Saladino only memorialized one such meeting, during which Butler said that the Claimant, with whom he was confined in the Hillsborough County Jail, confessed to him that he, Garcia, and V.D. attempted to steal B.G.'s purse, beating her up after she tried to escape.

By the time Butler gave a statement to Manuel Lopez ("Lopez"), the prosecutor initially assigned to try the Claimant's case, his story had evolved. This time, Butler alleged that the Claimant confessed to him that he had been getting high with V.D. and Garcia when they ran out of money and decided to steal B.G.'s purse. According to Butler, the Claimant said B.G. struggled over the purse and Garcia came to help, pulling her into the car after she recognized him, after which the men drove B.G. to the "business district" and raped her before hitting her with a "stick."<sup>1</sup>

Relying heavily on Butler's testimony, the State argued that the claimant murdered B.G. with the help of V.D. and Garcia. However, no other evidence tied V.D. and Garcia to B.G.'s murder, and neither were arrested in connection with the crime. At trial, the defense focused on Butler's credibility by presenting the testimony of John Parkhill ("Parkhill"), the Claimant's first defense counsel. Parkhill testified that he interviewed Butler about his statement and that Butler told him the statement was untrue and given only because he was afraid of Saladino due to tactics the detective used in the Claimant's case. Parkhill further testified that when he asked Butler outright if the Claimant had ever confessed to killing B.G., Butler said "no."

Further, when questioned at trial about his incentive for testifying against the Claimant, Butler denied receiving any benefit in exchange for his testimony; Mark Ober ("Ober"), the prosecutor who tried the case, affirmed this in his remarks to the jury. However, the record reveals that on May 14, 1984, less than 30 days after giving his statement to Lopez, Butler pled guilty to his numerous pending charges and was sentenced to only five years' imprisonment. The record also reveals that two months after Butler testified in the Claimant's trial, Ober filed a motion to reduce Butler's sentence to time served due to his cooperation with the state, resulting in Butler's early release. Curiously, Ober also told the jury that he had not had prior contact with Butler and had nothing to do with any of his pending charges, even though he had indicted Butler on his Battery on a Law Enforcement Officer charge just four months earlier.

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<sup>1</sup> This story does not align with the State's theory of the case, namely that B.G. walked back to a store in the vicinity of the crime scene before she was killed. Further, the significant details Butler provided were all available in police and media reports and deposition transcripts.

To round out its case, the State presented the testimony of two additional witnesses. The first witness, Joanne Suarez ("Suarez"), testified that she spent the night with the Claimant in mid- to late-August of 1983 and noticed scratches on the claimant's chest and back. Suarez also testified that at some point the Claimant told her he had killed someone and was wearing a ring on his pinky finger; she described the ring as a silver band set with an opal flanked by diamonds.

At trial, Ober showed Suarez an artist's rendering of a ring from a Zale's catalog, and she testified that it was similar to the ring she saw the Claimant wearing. A coworker of B.G.'s also testified that the rendering was similar to B.G.'s ring. However, during the trial, Suarez became confused about the dates to which she was testifying, admitted to having a head injury that impaired her memory, and stated that she drank every day and took pain medication from July to October of 1983. She would also later admit uncertainty as to the appearance of the ring she saw the Claimant wearing and the timeline for when she allegedly saw him wearing it.

The second witness, Jack Andrusckiewicz ("Andrusckiewicz"), only became involved in the trial two-and-a-half years after B.G.'s murder and days before the trial began; he was not mentioned in the investigative reports, nor was he on the State's witness list produced three days before trial. According to Andrusckiewicz, in October of 1983, while both he and the Claimant lived in the same motel,<sup>2</sup> he saw the Claimant with a look on his face as though he wanted to start a fight. When he asked the Claimant why he looked that way, the Claimant confessed that he was a bad person and wanted for murder.

However, one month after testifying against the Claimant, Andrusckiewicz provided incriminating testimony in another capital murder trial presided over by the same judge who presided over the Claimant's trial. Specifically, he testified that the defendant came to his motel room covered in blood and that he assisted the defendant in cleaning himself and disposing of his bloody clothes. Though the state also found a piece of bloody carpet in Andrusckiewicz's motel room and matched the sample to the victim's blood, Andrusckiewicz was never charged for his role in this crime,<sup>3</sup> and the record reveals that Counsman was the detective assigned to the case.

On March 7, 1985, the jury convicted the Claimant of First-Degree Felony Murder and Attempted Sexual Battery, unanimously recommending a life sentence. However, the judge overrode the jury's recommendation, sentencing the Claimant to death by electric chair.

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<sup>2</sup> It is unclear from the record whether the Claimant actually lived at the motel. While he was arrested there, the State never presented evidence of his motel residency, and his arrest location had been disclosed in media reports.

<sup>3</sup> The evidence suggests that he could have, at a minimum, been charged as an accessory after the fact.

### Post-Trial Developments

The Claimant appealed his convictions unsuccessfully. However, on March 10, 1988, the Florida Supreme Court vacated the Claimant's death sentence, finding that the trial court improperly sentenced him to death after the jury had unanimously sentenced him to life imprisonment. On April 4, 1988, the trial court resentenced the Claimant to life imprisonment, but the Claimant had already spent over three years on death row.

On August 1, 2006, the Claimant filed a motion for post-conviction DNA testing. At a hearing on the motion, the Clerk of the Circuit Court testified that all the evidence admitted in the Claimant's trial was destroyed in 1990. Further, though a TPD detective testified that he located boxes of microslides containing hair samples, an FDLE crime lab analyst testified that it would be difficult to obtain DNA from these slides. The court ultimately denied the Claimant's motion, finding that, because of the state's theory of the case – that is, that V.D. and Garcia were also involved in B.G.'s murder – excluding the Claimant from any DNA evidence would not exonerate him. However, the court failed to consider the possibility that V.D. and Garcia might also be excluded.

In any event, around this time, experts were questioning the science around bitemark evidence. In 2009, the National Academy of Sciences ("NAS") issued a report criticizing such evidence, stating that "the [National Research Council] received no evidence of an existing scientific basis for identifying an individual [through bitemark analysis] to the exclusion of all others." The NAS report also stated that, because no empirical population data exists as to bitemark pattern rarity, it is impossible for a forensic odontologist to conclusively identify an individual as the source of a human bitemark; for every "match," there are an untold number of potential other "matches."

In 2016, the ABFO implemented significant changes to its bitemark evidence standards and guidelines. Most significantly, the ABFO prohibited a forensic odontologist from determining that a specific individual inflicted a bite; according to the ABFO, the only acceptable conclusions are that a person is "excluded" or "not excluded" as a bitemark's contributor. Additionally, the National Commission on Forensic Science issued a recommendation to the United States Attorney General that the phrase "to a reasonable degree of dental certainty" no longer be offered in court, as it has "no scientific meaning and may mislead factfinders about...its scientific reliability and limitations."

### CRU Investigation and Claimant's Exoneration

In 2018, the Claimant asked the Innocence Project to assist him with his case, and the Innocence Project ultimately petitioned the Thirteenth Judicial Circuit's Conviction Review Unit ("CRU")<sup>4</sup> to investigate the Claimant's convictions. The CRU ultimately accepted the Claimant's petition and began a formal investigation, during which Freeman reviewed the alleged bitemark evidence; the CRU also located evidence slides which the MEO had in its possession and had the slides tested for DNA. On September 11, 2020, based on the results of its investigation, the CRU issued a report with the following findings:

- The DNA evidence from B.G.'s vaginal slides revealed sperm from two contributors, excluded the Claimant, and incriminated two persons who had no known connection to the Claimant, V.D., or Garcia.<sup>5</sup>
- The bitemark evidence is unreliable as the mark in question is not actually a human bitemark, and, thus, no forensic odontologist could testify as to its source.
- Butler's testimony lacks credibility due to:
  - His significant prior connection to law enforcement in his role as an informant;
  - Inconsistencies in his various statements;
  - Discrepancies in the record relating to his alleged polygraph examination;
  - Apparently false statements made at trial by Ober and Saladino;
  - The fact that the information he provided could easily have been obtained from police reports and deposition transcripts; and
  - The significant benefits he received for cooperating with the state.
- If the trial were to occur today, there would be no credible evidence that the Claimant committed the crimes with which he was charged and there would be clear and convincing evidence that he is innocent of those charges.

As a result of the CRU's findings, the Claimant filed a motion to vacate his judgment and sentence. In its response to the motion, the State opined that the Claimant's conviction should be vacated and that he should be exonerated of the charges against him. On September 14, 2020, the court granted the Claimant's motion, vacating his judgment and sentence and ordering a new trial, and the State subsequently entered a nolle prosequi.

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<sup>4</sup> The CRU, created in 2018 by the Office of the State Attorney for the Thirteenth Judicial Circuit, to "prevent, identify, and remedy wrongful convictions" that occurred in Hillsborough County, Florida, investigates claims of innocence and possible miscarriages of justice, acting upon new, credible, and material evidence that creates a reasonable likelihood that a convicted defendant did not commit the offense for which he was convicted.

<sup>5</sup> The CRU report did not publicly identify the suspects as they had not been formally charged at the time of the report.



### Claimant's Criminal Record

The Claimant has three felony convictions on his record that pre-date his 1985 conviction for the First-Degree Felony Murder and Attempted Sexual Battery of B.G. Specifically, on March 16, 1983, the Claimant pled no contest to and was convicted of Burglary of a Conveyance and two counts of Grand Theft, stemming from a single incident in which the then-17-year-old Claimant broke into and stole a car in August of 1982.<sup>6</sup> The Claimant was sentenced to four years' probation, but his probation was subsequently revoked and he was sentenced to five years' imprisonment with credit for time served on these charges for two probation violations stemming from his arrest for B.G.'s murder.

### Claimant's Position

The Claimant asserts that he is actually innocent of the charges – that is, the First-Degree Felony Murder and Attempted Sexual Battery of B.G. – and seeks monetary compensation for his time spent wrongfully incarcerated.

### Respondent's Position

The Respondent presented no case at the Special Master Hearing held in this matter. However, the Office of the State Attorney for the Thirteenth Judicial Circuit, through the CRU attorney who appeared at the hearing, indicated that it neither supports nor opposes this claim bill.

## CONCLUSIONS OF LAW:

### Wrongful Incarceration Relief under Chapter 961

Chapter 961, F.S., governs the general process for compensating wrongful incarceration victims. This chapter requires a person claiming to be such a victim to prove that he or she is actually innocent of the crime for which he or she was incarcerated and meet other criteria, including that he or she not have more than one felony conviction on his or her record that predates or occurred during the wrongful incarceration.<sup>7</sup> In the instant matter, the Claimant is ineligible for and thus has been unable to obtain relief under chapter 961 because of the three felonies for which he was convicted prior to his 1985 convictions and incarceration for the First-Degree Felony Murder and Attempted Sexual Battery of B.G. However, the Legislature is not bound by the chapter 961 process and may pass this claim bill in spite of the Claimant's criminal record.

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<sup>6</sup> The record suggests that the Claimant was a juvenile at the time of his arrest on these charges. However, for reasons unclear from the record, the Claimant was charged as an adult. At the Special Master Hearing held in this matter on March 1, 2021, the Claimant testified that he believes the court charged him as an adult because he missed a court date.

<sup>7</sup> See ss. 961.03, 961.04, F.S.

### Evidentiary Standard for Victims of Wrongful Incarceration

Generally, a claimant seeking damages under a claim bill must prove his or her entitlement to relief by a preponderance of the evidence – that is, that the claimant's position is more likely to be true than untrue. However, a claimant seeking a claim bill for wrongful incarceration must demonstrate actual innocence.

Since 2012, the House Special Master has applied a “clear and convincing” standard to wrongful incarceration claim bills, which is an intermediate burden of proof requiring that the evidence be of “such weight that it produces in the mind of the trier of fact a firm belief or conviction, without hesitancy, as to the truth of the allegations sought to be established.”<sup>8</sup> Two wrongful incarceration claim bills passed by the Legislature since that time applied the clear and convincing standard, and it is also the standard applied to claims for relief under chapter 961.<sup>9</sup>

While the Legislature is not bound by a previous Legislature's actions, the Legislature's prior acceptance of the clear and convincing standard, coupled with the Legislature's selection of that standard for chapter 961 proceedings, demonstrates that the clear and convincing standard is appropriate for wrongful incarceration claim bills.<sup>10</sup> In light of the foregoing, I find that the clear and convincing standard should apply in the instant matter, in accordance with House precedent and legislative intent.

### Application of Burden of Proof to Claimant's Case

In determining whether the Claimant proved his actual innocence by clear and convincing evidence, I find the following to be persuasive:

- The Claimant maintained his innocence from the time of his arrest through the vacatur of his judgment and sentence.
- There is no physical evidence linking the Claimant or his supposed co-perpetrators to B.G.'s murder. In fact, the DNA evidence specifically excluded the Claimant, V.D., and Garcia and incriminated two suspects with no known connection to these men.<sup>11</sup>
- The science behind bitemark evidence has been

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<sup>8</sup> See *S. Fla. Water Mgmt. Dist. v. RLI Live Oak, LLC*, 139 So.3d 869, 872 (Fla. 2014).

<sup>9</sup> See s. 961.03(3), F.S. (stating that a wrongful incarceration victim is entitled to relief if he or she can present “clear and convincing evidence that [he or she] committed neither the act nor the offense that served as the basis for the conviction and incarceration,” and meet other requirements).

<sup>10</sup> Additionally, while not dispositive as to legislative intent, it would seem odd to require a person with “clean hands” seeking relief under chapter 961, F.S., to prove his or her innocence by a clear and convincing standard, while requiring a person ineligible for relief under chapter 961, F.S., to prove his or her innocence by the lesser preponderance of the evidence standard.

<sup>11</sup> At the time of the Special Master Hearing held in this matter, the State had not yet publicly identified the suspects. However, a status update submitted by the Claimant's counsel in January of 2023 suggests that the State has since publicly identified the suspects and charged them with B.G.'s murder.

discredited, and the mark in question was determined to not even be a human bitemark.

- Butler's testimony is unreliable for the reasons given in the CRU report.
- Andruskiewicz's testimony is unreliable as the evidence suggests he may have been incentivized to testify against the Claimant to avoid charges in another murder investigation.
- Suarez's testimony is unreliable as a brain injury impaired her memory, causing her to struggle with dates and descriptions important to her testimony, and she was, by her own admission, under the influence of substances for months surrounding B.G.'s murder.
- The Claimant's innocence came to light through the State's own CRU investigation, which led to the vacatur of the claimant's judgment and sentence and the State's entering of a nolle prosequi on both charges.

In light of the foregoing, I find that the Claimant has successfully demonstrated, by clear and convincing evidence, that he is actually innocent of the crimes for which he was convicted – that is, the First-Degree Felony Murder and Attempted Sexual Battery of B.G.

#### Claim Bill Amount

Section 961.06(1)(a), F.S., provides that “monetary compensation [shall] be calculated at a rate of \$50,000 for each year of wrongful incarceration.” The Claimant seeks a monetary award of \$1,850,000, which is \$50,000 for each of the more than 37 years that he was wrongfully incarcerated.

#### Exhaustion of Remedies

House Rule 5.6(c) requires a claim bill to be held in abeyance until a claimant has exhausted “all available administrative and judicial remedies.”<sup>12</sup> In the instant matter, the Claimant has filed a federal civil rights lawsuit against the City of Tampa and several TPD employees in connection to his arrest and conviction for B.G.'s murder; this lawsuit is currently in the discovery phase. However, the Claimant is ineligible for chapter 961 relief – that is, relief for his wrongful incarceration without regards to any alleged civil rights violations – due to his criminal record.

#### ATTORNEY/ LOBBYING FEES:

The Claimant's attorneys and lobbyists are providing their services on a pro bono basis. Thus, there are no attorney fees, lobbying fees, or costs associated with this claim bill.

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<sup>12</sup> Senate Rule 4.81(6), while including a similar exhaustion of remedies requirement, states that such requirement “does not apply to a bill which relates to a claim of wrongful incarceration.”

RECOMMENDATION:

Because I find that the Claimant has demonstrated by clear and convincing evidence that he is actually innocent of the crimes for which he was convicted in 1985 – that is, the First-Degree Felony Murder and Attempted Sexual Battery of B.G. – I recommend that HB 6005 be reported FAVORABLY.

Respectfully submitted,

**CAITLIN R. MAWN,**  
House Special Master

cc: Representative Duggan, House Sponsor  
Senator Grall, Senate Sponsor  
Amanda Stokes, Senate Special Master