

Attorneys appeal to save man from death row

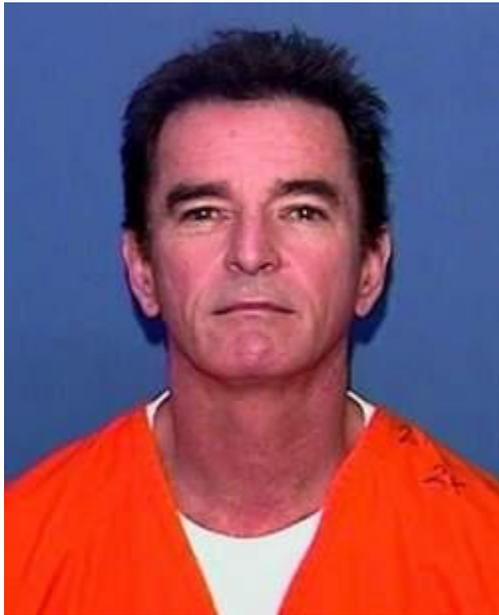
Discredited bullet analysis method put the defendant on death row

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Published: Sunday, January 6, 2008 at 2:26 a.m.

Last Modified: Sunday, January 6, 2008 at 12:00 a.m.

Robert Trease might not be on death row, were it not for one bullet investigators found in his girlfriend's pickup truck.



Keith Stansell has been held hostage by the Colombian group FARC since 2003.

Prosecutors cut a deal with his girlfriend that allowed her to avoid the death penalty if she testified that it was Trease who shot and slit the throat of a Lido Key man in 1995, even though a cellmate said that the girlfriend confessed to killing the man herself.

But because no blood, hair or other physical evidence linked Trease to the murder of the Sarasota car dealer, prosecutors still needed other witnesses to back up her story and connect the bullet to the crime.

They called on an FBI crime lab expert who used a process called bullet lead analysis to tell the jury how the ammunition from the truck was manufactured at the same plant at the same time as bullet fragments found at the murder scene.

But the forensic technique has been discredited in the 10 years since Trease took up residence on death row, and several defendants nationwide have already won their freedom or a new trial by appealing bullet lead analysis testimony.

In November, the FBI offered to work with defense attorneys to make sure the lead analysis did not help imprison innocent people in the hundreds of cases where their experts testified.

One judge has already denied another hearing over the evidence that convicted Trease, who has always maintained his innocence.

A frustrated Trease wrote the Florida Supreme Court in September asking to be put to death now.

His death warrant had already been signed.

But now his appeals lawyers will be asking the same justices to take another look at the "voodoo science" and the other evidence that helped put him behind bars.

Trease's case dates back to August 1995, when a house cleaner found Paul Edenson dead in his Lido Key home. Edenson had been shot in the head, leaving only bullet fragments, and his throat had been slashed three times.

Hope Siegel's truck was spotted in front of Edenson's house that night. Other witnesses saw Trease and Siegel, his girlfriend, in bars and walking in the neighborhood the night of the killing.

Police found the truck in Pennsylvania days later and arrested Trease and Siegel. They found a 9-millimeter Glock gun in the apartment where the couple were staying, and bullets in a gym bag in her car.

Trease denied any knowledge of the crime. Siegel told police Trease made her arrange a "date" with the car dealer so they could rob his safe.

There was no murder weapon. But the state argued it was the Glock found in the Pennsylvania apartment, and called FBI analyst Kathleen Lundy to testify about the bullet lead analysis.

A bullet in the truck and the fragments at the crime scene were all manufactured from the same source of lead at an ammunition plant in Minnesota on the same day, or during a short time period.

Siegel's first-degree murder charge was reduced to a 20-year prison sentence after she told it to the jury.

But five years later, a report from the National Academies' National Research Council concluded that there is inadequate data to support statements that a crime scene bullet came from a particular box of ammunition or that it was manufactured on a given date.

"Attorneys, judges, juries and even expert witnesses can easily and inadvertently misunderstand and misrepresent the analysis of the evidence and its importance," the report stated.

The FBI stopped using the technique in 2005. But in November, the Washington Post and "60 Minutes" reported that the FBI had never gone back to determine how many times its scientists misled jurors.

That prompted the FBI to announce that it would review transcripts of the trials of those convicted with the help of bullet lead analysis, including the cases of Trease and three other Florida death row inmates.

It is hard to say how important the FBI testimony was to the jury, and getting a hearing for new evidence is an uphill battle. But some death penalty experts say this issue has a good chance to be heard.

Trease's attorneys say there is other evidence they want heard, including that Lundy, the FBI expert, was convicted of giving false testimony in another case and that a 9-millimeter Baretta and ammo belonging to Edenson were mysteriously documented as evidence six months after the trial.