

FILED 04/11/2022 12:53:50 PM Clerk of Superior Court DeKalb County
IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

STATE OF GEORGIA)
)
v.) Indictment No.: 19CRI780 - 3
)
BRYAN BYERS,) JUDGE PARKER-SMITH
Defendant.

**ORDER PERMITTING ADMISSIBILITY OF TRUEALLELE
UNDER HARPER**

Defendant, by and through counsel Duana Sanson, Esq., filed a Motion to Prohibit the Introduction of DNA Evidence filed January 6, 2020. The State, by and through Assistant District Attorney Edward Chase, filed a responsive Brief In Support of Admissibility of TrueAllele and Motion for Judicial Notice on March 3, 2020. The Defendant filed a Response and Objection on March 16, 2020. The State filed a Supplemental Motion for Judicial Notice on Admissibility of TrueAllele on November 19, 2020, and an Amended Brief in Support of the Admissibility of TrueAllele on September 29, 2021. On October 12, 2021, an evidentiary hearing was held on the admissibility of TrueAllele under *Harper v. State* (249 Ga. 519 (1982)). The State was represented by Assistant District Attorneys Edward Chase and Paige Boorman. The Defendant was represented by Scott DePlonty, Esq., and Craig Runyon, Esq.

To admit scientific results under *Harper*, this Court must find that testimony regarding the use of TrueAllele, a computer program that uses probabilistic genotyping to objectively interpret complex mixtures of DNA, is based on:

- (1) scientific principles and techniques which are valid and capable of producing reliable results (a burden that can be met by the trial court taking judicial notice of that fact); and
- (2) the person performing the test substantially performed the scientific procedures in an

acceptable manner.

Walsh v. State, 303 Ga. 276, 280 (2018).

For the purposes of the motions hearing, the parties stipulated that the original collection of the Defendant's DNA was done correctly and to the admissibility of Exhibits 12-14, the GBI lab reports of forensic biologists Ashley Hinkle, Kristen Pfisterer and Ronald Schmidt, respectively. Given this stipulation, subpart (2) of *Harper* is not in question. The only matter for the Court's consideration under *Harper* was whether TrueAllele testimony is based on scientific principles and techniques which are valid and capable of producing reliable results.

The State called Forensic Biologist and Forensic Biology Technical Leader Emily Schmidt and Forensic Biologist Ronald Schmitt, both from the Georgia Bureau of Investigation. In rebuttal, the Defendant called Ava Standard, MSc., J.D.

Upon review of the pleadings of the parties, the testimony and exhibits produced at the hearing, and arguments of the parties, the Court hereby DENIES the Defendant's Motion and will permit testimony regarding TrueAllele under *Harper v. State*. The Court finds that the State met its burden in showing that the TrueAllele program is based on valid scientific principles and techniques capable of producing reliable results. The Court further finds that at the conclusion of the hearing, the Defendant did not argue that the probabilistic genotyping computer program was unreliable, nor did it produce evidence suggesting the results were invalid. The only issue remaining was the contention that there were multiple male DNA contributors; which remains an issue for the jury to consider. The Court will allow the State to present testimony regarding the use of TrueAllele as it relates to DNA evidence in the case at bar.

SO ORDERED this 8th day of April, 2022; nunc pro tunc November 23, 2021.



Honorable Yolanda C. Parker-Smith
Superior Court of DeKalb County

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