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Press Release

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Iowa Supreme Court Reverses Harrington Murder Conviction after 24 Years **Brain Fingerprinting Test Supports Innocence**

FAIRFIELD, IOWA (February 26, 2003) – Brain Fingerprinting Laboratories, Inc. announced today that the Iowa Supreme Court has reversed the murder conviction of Terry Harrington and ordered a new trial, capping a 24-year-quest for justice by the Council Bluffs, Iowa man.

Following a hearing on post-conviction relief on November 14, 2000, an Iowa District Court held that Dr. Farwell's Brain Fingerprinting® test results met the prevailing Daubert standard for admissibility of new scientific evidence. Nevertheless, the District Court denied Mr. Harrington's petition for a new trial. Today, the Iowa Supreme Court reversed the District Court's decision on constitutional grounds and left undisturbed the law of the case establishing the admissibility of the Brain Fingerprinting evidence.

In the Iowa Supreme Court's 22-page decision, the court found that police had failed to give Harrington's defense lawyers eight separate police reports that could have cast doubt on testimony that linked him to the murder of a Council Bluffs night watchman in 1978. One justice wrote that he was "outraged" by the suppression of the police reports. The witness against Harrington has since recanted. Harrington remains in prison while prosecutors decide whether to re-try him.

Mr. Harrington has maintained his innocence throughout the 24 years of his imprisonment. His friend, Anne Danaher, has worked tirelessly for his exoneration. Ms. Danaher recruited defense attorneys Mary Kennedy and Tom Frerichs of Waterloo, Iowa, who prevailed in the Iowa Supreme Court. Ms. Danaher also recruited Dr. Lawrence Farwell, Chairman and Chief Scientist of Brain Fingerprinting Laboratories, to conduct a Brain Fingerprinting test on Mr. Harrington. In the preparation for the Brain Fingerprinting test, Ms. Danaher obtained additional information on the crime scene, including suppressed police reports that would have helped Harrington at his trial. The Iowa Supreme Court held that keeping this information from Harrington's lawyer denied him due process and requires the reversal of his conviction.

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The suppressed reports were first brought to light in 2001 as Harrington prepared to take a Brain Fingerprinting test to establish his innocence. Brain responses showed conclusively that the record stored in Harrington's brain did not match the crime scene and did match his alibi, according to Dr. Lawrence Farwell, the inventor of the Brain Fingerprinting technology.

Dr. Farwell comments that, "We were glad to help with this case. Should the State retry Mr. Harrington, we are ready to assist the defense in presenting Brain Fingerprinting evidence to a new jury."

Confronted with the Brain Fingerprinting test results exonerating Harrington, Kevin Hughes, the key prosecution witness, recanted his testimony and admitted that he had lied in the original trial, falsely accusing Harrington to avoid being prosecuted for the murder himself.

Iowa Attorney Thomas H. Makeig filed an amicus curiae, friend of the court, brief on Dr. Farwell's behalf in the course of the appeal. The brief supported Harrington's contention that Brain Fingerprinting testing provided new evidence of his innocence.

The Iowa Supreme Court determined that its constitutional finding made it unnecessary to examine the newly discovered evidence; however, the Court stated that the Brain Fingerprinting evidence --

"was introduced through the testimony of Dr. Lawrence Farwell, who specializes in cognitive psychophysiology. Dr. Farwell measures certain patterns of brain activity (the P300 wave) to determine whether the person being tested recognizes or does not recognize offered information. This analysis basically 'provide[s] information about what the person has stored in his brain.' According to Dr. Farwell, his testing of Harrington established that Harrington's brain did not contain information about Schweer's murder. On the other hand, Dr. Farwell testified, testing did confirm that Harrington's brain contained information consistent with his alibi." (Harrington v. State of Iowa, footnote 6)

Details of the Harrington v. State of Iowa, Iowa Supreme Court No. 01-0653 case are available at www.judicial.state.ia.us/supreme/opinions/20030226/01-0653.asp#_ftnref6.

The Harrington case first received national attention in December 2001 when *CBS 60 Minutes* featured Dr. Farwell's Brain Fingerprinting test of Mr. Harrington. *TIME* Magazine recently selected Dr. Farwell for the TIME 100: The Next Wave, the 100 Innovators who may be "the Picassos and Einsteins of the 21st century."

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Brain Fingerprinting testing was also “instrumental in obtaining a confession and guilty plea” from serial killer James B. Grinder, according to Sheriff Robert Dawson of Macon County, Missouri. In August 1999 Dr. Farwell conducted a Brain Fingerprinting test on Grinder. The test showed that the record stored in his brain matched the details of the crime. Following the test results, Grinder faced an almost certain conviction and probable death sentence. Grinder pled guilty to the rape and murder of Julie Helton in exchange for a life sentence without parole. He is currently serving that sentence. In addition, Grinder subsequently confessed to the previously unsolved murders of three other young women. Brain Fingerprinting testing has been proven accurate in over 170 tests to date. For more information on Brain Fingerprinting, log onto www.brainfingerprinting.com.

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