

SEDLEY ALLEY,	)	No. _____
	)	
Petitioner-Appellant,	)	From the Court of Criminal Appeals
	)	at Jackson
v.	)	No. W2006-001179-CCA-R3-PD
	)	
STATE OF TENNESSEE,	)	
	)	
Appellee.	)	CAPITAL CASE

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**MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF**

Pursuant to Rule 31(a) of the Tennessee Rules of Appellate Procedure, the undersigned organizations, by counsel James W. Price, Jr., respectfully move this Court for leave to file a brief as *amicus curiae* in the above-captioned case. The grounds for this motion are as follows:

1. The undersigned are organizations that investigate and litigate claims of wrongful conviction. Many of these organizations are affiliated with law school clinical programs or other university educational programs. Others are volunteer associations of lawyers or journalists or nonprofit organizations. All provide pro bono assistance to indigent individuals with viable claims of actual innocence.
2. The undersigned have represented or assisted numerous prisoners in proving their innocence, frequently through post-conviction DNA testing. The undersigned frequently pursue DNA testing under statutes similar to the Tennessee DNA Analysis Act, Tenn. Code Ann. § 40-30-301.
3. Through DNA testing, these organizations have also helped to identify many actual perpetrators, who have then been apprehended, and convicted for those crimes.
4. These organizations are also committed to improving the criminal justice system through reforms that help the system to reliably find the truth, to ensure that the guilty, but only the guilty, are convicted.
5. Our *amicus* brief will assist the Court in understanding why the lower courts'

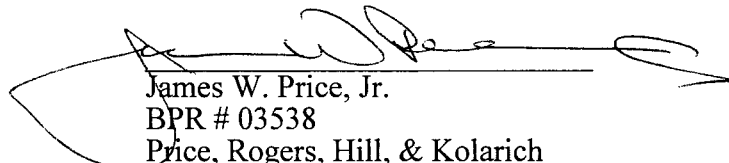
interpretation of the Tennessee Postconviction DNA Analysis Act frustrates the goal of allowing DNA evidence to find the truth. First, the brief will describe how DNA has proven the innocence of numerous individuals against whom the evidence of guilt appeared strong, thereby challenging the lower courts' view that seemingly strong evidence of guilt should be a basis for denying testing that can prove innocence. Second, the brief will explain that DNA's extraordinary potential to discover the truth includes not only excluding the suspect from DNA at the crime scene, but also identifying the true perpetrator or establishing the presence of a redundant unknown profile on multiple items likely handled by the perpetrator. The brief will thereby challenge the lower courts' conclusion that DNA testing can or should be limited only to comparing crime scene evidence to a defendant's DNA profile, as opposed to using DNA evidence to its fullest potential by comparing crime scene profiles to other suspects, databanks of convicted offenders, or DNA profiles found on multiple pieces of crime scene evidence. The national experience with DNA exonerations and DNA statutes will be useful to this Court in interpreting Tennessee's DNA testing statute.

6. The *amicus* brief is filed conditionally with this motion.

THEREFORE, the undersigned respectfully request that this Court grant leave to file an *amicus* brief on behalf of the 16 organizations listed below.

Dated this 21<sup>st</sup> day of June, 2006, at Nashville, Tennessee,

Respectfully Submitted,



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CERTIFICATE OF SERVICE

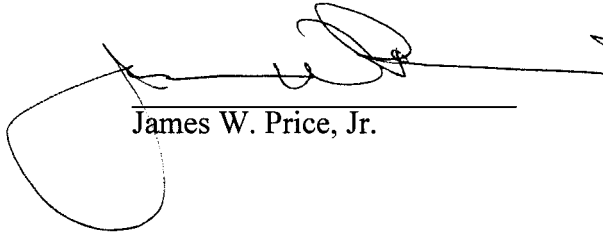
I hereby certify that a true and exact copy of the foregoing has been served upon the following:

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This the 26<sup>th</sup> day of June, 2006.



James W. Price, Jr.