

Paul D. Kordonowy

Incident Date: 7/25/87	Year of Conviction: 1990
Jurisdiction: MT	Exoneration Year: 2003
Charge: Aggravated Burglary, Sexual Intercourse w/o Consent	Sentence Served: 13 Years
Conviction: Aggravated Burglary, Sexual Intercourse w/o Consent	Real perpetrator found? Not Yet
Sentence: 30 years	Contributing Causes: Unvalidated or Improper Forensic Science
	Compensation? Not Yet

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In May 2003, Paul D. Kordonowy was exonerated of a 1987 rape conviction after DNA testing proved his innocence. He had been sentenced to 30 years in September 1989, for aggravated burglary and sexual intercourse without consent. Kordonowy remained in prison after his exoneration, as he had pled guilty to other, unrelated charges in 1989.

In July of 1987, the victim returned home after work and locked her front door, leaving the back door unlocked. She went to sleep after removing her hearing aids and glasses and was later awoken by a man lying beside her on her bed. She saw him for less than a minute before he grabbed her, and placed a pillowcase over her head. The man attempted intercourse as she lay on her stomach, but failed, then turned her on her back and raped her. He then attempted anal penetration, but stopped after she pleaded against it.

The victim was only able to provide investigators with general attributes of the perpetrator: race, approximate age, height, weight, hair color, facial structure, build, and clothing. Because of her poor hearing and sight, she ceased to go further in her description and positively identify the assailant.

The nature of the rape was similar to the rape that Kordonowy plead guilty to and the investigators regarded him as the prime suspect. Forensic testing was performed on head and pubic hairs by Arnold Melnikoff, former head of the Montana Forensic Science Laboratory. He testified that he could distinguish head and pubic hairs from one Caucasian to another in 99 out of 100 cases. He then testified that the head and pubic hairs from Kordonowy could not be distinguished from the suspect hairs recovered from the investigation, and that the chances of multiple hairs from another person hair being consistent with the multiple crime scene hairs was 1 in 10,000. This testimony was improper because there is not adequate empirical data on the frequency of various class characteristics in human hair to characterize whether consistency is a rare or common event.

Blood group testing was also performed in the case. The results were said to include Kordonowy despite the presence of an enzyme in the semen sample that could not have come from Kordonowy. The analyst testified incorrectly that sugars produced by bacteria could have caused the foreign enzyme.

Based on the improper hair and blood testimony, Kordonowy was charged with burglary and rape and a jury convicted him of both charges.

The DNA testing that eventually exonerated Kordonowy proved that Melnikoff, later fired from the laboratory, testified falsely for the second time - the first involving falsified hair comparison testimony in the case of [Jimmy Ray Bromgard](#).

cited in U.S. v. Olsen, No. 10-36063 archived on March 6, 2014