

Sprutiny of lab worker prompts review of some 3,000 cases

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By JOHN ASBURY  
The Press-Enterprise

A Riverside County judge has ordered the district attorney's office to review about 3,000 cases, including past convictions, after discovering that a laboratory technician who worked on those cases admitted to fraud, forgery and perjury in another state.

Riverside County prosecutors were conducting a background check on the toxicologist, Aaron Layton, while doing regular prep work on a pair of cases in December when they uncovered lie-detector test records from when Layton was applying for a job several years ago.

After failing one test, Layton confessed during a second polygraph to lying under oath about conducting lab work and forging signatures on documents while working for a lab in Denver, attorneys said during a hearing in Riverside County court Tuesday.

No evidence so far has shown misconduct related to Layton's work in California, Riverside County Superior Court Judge Mark A. Mandio said at the hearing.

Layton worked for about two years for Riverside-based Bio-Tox Laboratories, which the district attorney's office contracts to conduct blood work in cases involving alcohol and drugs.

Layton, who is no longer employed at Bio-Tox, declined to comment Wednesday. Bio-Tox Business Manager Tracey Stangarone said the company is cooperating with attorneys but would not comment further.

Layton has not been prosecuted for any of his reported conduct in Colorado, and he has no criminal record in Riverside or San Bernardino counties, said Riverside County Deputy Public Defender Jared Hartman.

Mandio ordered the district attorney's office last month to examine each case in which Layton may have testified or completed blood testing, and to notify the defense attorneys involved.

The thousands of cases affected could range from misdemeanor DUI cases to felony alcohol-related manslaughter or murder charges, Riverside County

district attorney spokesman John Hall said.

In cases that were already resolved, defense attorneys may have the option of challenging convictions, Hall said.

In pending cases, blood samples are being retested, and Layton will not be called to testify, Hall said.

"It's always disturbing when any issue raises suspicion or doubt about the credibility of the criminal justice system," Hall said. "We recognize our obligation to the community to handle these matters appropriately."

The district attorney's office is still compiling the list of cases that may be affected.

Once the public defender's office has that list, it may seek the dismissal of pending charges or past convictions or try to impeach future witnesses who work for Bio-Tox, Hartman said.

"Jurors are going to be compelled to believe it's not just Mr. Layton whose work was tainted, but the entire lab," Supervising Public Defender Christine Voss said. "How long did people know this was happening and allowed it to go on? We would be remiss in our duties if we did not assume Bio-Tox is tainted in general."

#### UNCOVERING CONDUCT

At Tuesday's evidence hearing, the judge ordered prosecutors to present a timeline to the public defender's office detailing when they found out about Layton's conduct in Colorado and how it was investigated.

In the December cases -- two misdemeanor drunken driving trials -- Mandio had ordered the district attorney's office to conduct background checks on each of its witnesses, including law enforcement and witnesses from Bio-Tox Laboratories. The checks are required by law for all witnesses in any trial.

"Sometimes attorneys are so busy that they skip that step," Mandio said. "You're required to look for any acts of criminal behavior or moral turpitude."

District attorney's officials didn't respond Wednesday to inquiries about their background check procedures for witnesses.

A deputy district attorney began investigating Layton in December after he was asked about his background and gave an answer that raised questions about his credibility, Hall said in an interview Wednesday.

That is when they came across the previous employment records that included the polygraph test results, Hartman said, citing court documents.

Mandio has sealed those employment records as evidence, according to court records.

By mid-January, the district attorney's office had notified the public defender's office and the Superior Court.

#### DENVER LAB 'SHOCKED'

Layton said during the polygraph test that during his time with Denver-based Forensics Laboratories Inc., he lied under oath about conducting tests and used a supervisor's signature stamp to approve documents, Hartman said.

He also said "he drove numerous times drunk," Hartman said.

Officials with Forensic Laboratories were unaware of any reports of misconduct, said managing member Jeff Slater.

The lab conducts toxicology tests for all of Colorado's prisons and tests samples for the criminal justice system throughout the country, Slater said.

Layton worked at Forensic Laboratories about eight years ago, primarily testing urine. Slater said he did not know whether Layton would have had access to a supervisor's signature stamp.

"I'm shocked he would be involved in something like this," Slater said. "He didn't seem like a devious type of person."

Layton was fired from the Denver lab for unrelated reasons, Slater said.

"I was never aware of anything illegal," Slater said. "Now it makes me think I can trust no one for any reason."

Prosecutors in Denver said Wednesday night that they had been unaware of Layton's admissions and the Riverside County investigation.

Staff writer Gail Wesson contributed to this report.