



Department of Justice

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Statement from the Attorney General on Today's Decision by the Supreme Court in District Attorney's Office for the Third Judicial District et al. v. Osborne

"The Supreme Court today held that there is no substantive due process right to access DNA evidence after a person has been duly convicted. But today's decision is limited: the Court merely spoke about what is constitutional, not what is good policy. And there is a fundamental difference. Constitutional rights are only one part of a fair and full system of justice. Simply because a course of action is constitutional does not make it wise. Nothing in today's decision detracts from the unique power of DNA; indeed, the first line of today's Court opinion emphasized that 'DNA testing has an unparalleled ability both to exonerate the wrongly convicted and to identify the guilty.' DNA testing helps ensure that justice is done.

"For that reason, this administration believes that defendants should be permitted access to DNA evidence in a range of circumstances. In the 2004 Innocence Protection Act, Congress guaranteed access to DNA evidence held by the federal government under specific conditions, and made money available to encourage states to do the same. Today's decision reaffirmed the power of such practices, and I hope that in light of today's decision all levels of government will follow the federal government's lead by working to expand access to DNA evidence."

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