

Greg Brown Alford Plea – Facts in Support of Innocence 6-8-22

We understand what the government says it can prove if the case went to trial, and agree that, if believed, that evidence would be sufficient for a jury to render a guilty verdict. However, Mr. Brown is, in fact, innocent of the charged offense. Had this case proceeded to trial, evidence presented by the defense would defeat the government's evidence against Mr. Brown in two key ways. First, by demonstrating that this tragic house fire was not an arson at all. And second, by showing that the evidence presented by the government to establish Mr. Brown's involvement, including the testimony of Keith Wright and Ibrahim Abdullah, is tainted and fundamentally unreliable.

In the years following the fire, mounting evidence shows that this fire was not an arson.

- The government's arson theory is based on outmoded fire science techniques impacted by bias. ATF Agent Petraitis, who investigated the case and first concluded that it was arson, did so based primarily on personal observations of what he termed burn patterns – an inaccurate and outdated fire investigation technique that has led to the wrongful conviction of a number of innocent people over the years;
- Agent Petraitis reached his conclusion that the fire was intentionally set by an ignitable liquid within hours of visiting the fire scene, before any chemical testing was done, and, contrary to the scientific method, without ever testing and ruling out all other accidental causes such as a furnace fire;
- The furnace was on very high that night due to the freezing temperatures, it had been making ticking noises, and the mother and baby on the top floor first learned of the fire by seeing smoke emanating

from the heating vent – something consistent with the furnace being the source. In addition, the first firefighter to see inside the basement reported seeing blue flames rolling across the basement ceiling from the furnace area - blue flames that further support a hypothesis that a gas leak was the source of the flames. A proper fire investigation would have considered and ruled out possible causes of an accidental fire – such as a furnace malfunction; that was not done here;

- The government continues to press a theory that gasoline was used to start the fire. However, there was no reported gasoline smell at the scene, nor any physical evidence on Mr. Brown or his clothing, and the initial test results relating to 11 samples taken from the fire scene, performed by ATF chemist William Kinard, “failed to identify an accelerant.”
- Although Kinard later determined that there was evidence of gasoline in one of the 11 samples, and in an additional sample, his work has been discredited in a number of cases over the years – discredited by even his own ATF supervisor, now the Chief Forensic Chemist for the ATF Maryland Lab – and was found to have caused the wrongful conviction of a woman from Indiana, who spent 17 years behind bars for a crime she did not commit;
- The investigation and analysis by the duo of Agent Petraitis and Mr. Kinard also resulted in the wrongful conviction of another Pittsburgh resident whose conviction was later overturned after that person spent 14 years in prison;
- The gas chromatograph chemical records from Kinard -- that purported to show that the two samples contained gasoline – were later examined

by renowned fire scientist John Lentini. The report of his examination, part of the record in this case, shows that, contrary to the government's arson theory, the substance in question was not in fact gasoline, but rather a small amount of another petroleum-based solvent commonly found in numerous household items;

- The jury who convicted Greg Brown 25 years ago never heard that gasoline was not involved, and that the government's arson theory is fundamentally flawed.

Additional evidence developed since Mr. Brown's first trial establishes that the government's evidence of his involvement in setting the fire is simply not credible.

- Mr. Brown has at all times maintained that, whatever the cause of the fire, he was not home when it started, but rather was grocery shopping with his mother and returned home after the house fire had started.
- The jury at Mr. Brown's first trial never learned that two of the prosecution's key witnesses against Mr. Brown – Keith Wright and Ibrahim Abdullah – had been offered many thousands of dollars to provide testimony for the prosecution and were paid -- \$10,000 and \$5,000 respectively, for their testimony. Indeed, these witnesses told the jury that they did not expect anything in exchange for their testimony;
- Notwithstanding these witnesses' significant financial incentive for testifying, the prosecution continues to rely heavily on Wright and Abdullah in its case against Mr. Brown. Had this case proceeded to trial a second time, Mr. Brown would present evidence that not only did these witnesses lie about their incentives to testify against Mr. Brown at his first trial, but their accounts of what happened are simply not credible;

- Mr. Wright's supposed eyewitness account cannot be disentangled from the circumstances in which his testimony was offered – specifically, he did not come forward at the time of the fire, but only months later after a \$15,000 reward was announced; that he discussed the reward with an ATF agent; and that he expected (and received) payment for his testimony. Additional evidence establishes that, contrary to Mr. Wright's claims, Mr. Wright's mother woke him up after fire equipment was at the scene making his version of events is impossible.
- The government relies on the other incentivized witness – then 15-year-old Ibrahim Abdullah – for an incredible claim that Mr. Brown – who has at all times maintained his innocence – admitted to him that he started the fire. Mr. Abdullah's testimony is unreliable. Mr. Abdullah falsely testified at Mr. Brown's first trial that he did not expect anything in exchange for his testimony, while he later admitted that he expected \$5,000 for his testimony. Caught in repeated lies to the jury at Mr. Brown's first trial and plainly open to suggestion, Mr. Abdullah's account is unworthy of any reliance;
- In addition to incentivized witnesses, the government would rely on eyewitness accounts to defeat Mr. Brown's alibi defense by establishing that he was not with his mother when she arrived at the scene in the immediate aftermath of the fire. At trial, Mr. Brown would introduce evidence to establish that he exited his mother's car before she interacted with firemen on scene, and that he met up with her and the rest of his family soon thereafter, and was seen with his mother by neighbor Jean Ferguson.

- Finally, the evidence would show that the identified motive makes no sense – that Mr. Brown and his mother would risk the lives of their other family members who were in the house at the time of the fire – including her baby and a toddler – all to cash in on a \$20,000 renters insurance policy – while simultaneously destroying all of their worldly possessions – worth well over \$20,000?

Given his innocence, and the significant evidence that supports it, why then is Mr. Brown entering this Alford plea today – pleading guilty while maintaining his innocence?

- As you know judge, should Mr. Brown further fight the case and be convicted after trial, he faces a sentence of life imprisonment under the Federal Sentencing Guidelines. After spending 20 years in prison for a crime he did not commit, and having finally won his freedom, Mr. Brown is unwilling to take the chance that he might again be wrongfully convicted and sent back to prison for the rest of his life.

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