After working eight years with the Manhattan District Attorney’s Office in New York, Julie Selsberg began pursuing justice from a new angle through the Colorado Attorney General Office’s Justice Review Project. The project examines cases in which DNA evidence could possibly exonerate a wrongfully convicted inmate.

Selsberg had initially moved to Denver to be closer to her sister, Elaine. In 2011, her work with the project led to a paid position as director.

As First Assistant Attorney General, she is tackling murder, sex assault, and other violent felony cases in which inmates have maintained their innocence throughout the pendency of their proceedings. The project initially culled trial convictions in which inmates had not raised an affirmative defense and also had physical evidence collected at the time of the crime that would have been material to the determination of guilt.

All told, the project screened nearly 5,000 cases and reviewed 1,400 trial convictions, including that of Dewey, who was sentenced in 1996 for the rape and murder of a woman in Palisade, Colorado.

“Many of the witnesses in the case were methamphetamine users who knew the victim and had been in and out of the apartment the day before her body was found,” Selsberg explains.

“Most of the evidence was circumstantial, but they had a shirt from Dewey with a bloodstain on it,” she says. “The DNA evidence available at the time demonstrated that it could have been the victim’s. However, it

Seeking Truth

Julie Selsberg Leads Effort Against Wrongful Convictions

A seasoned prosecutor might seem an unlikely hero for a Colorado man convicted nearly 20 years ago of rape and murder, but that is exactly the position in which Julie Selsberg, JD ’95, found herself when she helped secure the exoneration of inmate Robert Dewey.

BY TIMOTHY J. FOX
also could have belonged to about 45 percent of the general population.”

Selsberg reviewed every piece of paper associated with the case, starting with the trial transcripts and hearings. She also studied the reports from the Colorado Bureau of Investigation (CBI) lab that had done the forensic work on the case. Then, she met Dewey.

“It was a very unusual conversation,” Selsberg recalls. “I expected him to be ‘in my face’ protesting his innocence, but he was very calm. However, I had a hard time believing he didn’t know who had committed the crime.”

Selsberg then went to Grand Junction, where she met with the original prosecutors and defense attorneys on the trial, reviewed their files, and gathered the physical evidence to be retested at CBI using more sophisticated DNA analysis techniques.

CBI started with items that were found closest to the body of the 19-year-old female victim, including a blanket that had been wrapped around her and a leash around her neck. The lab found a semen stain on the blanket that did not belong to Dewey. Using partial DNA profiles found on the leash, underneath the victim’s fingernails, and other locations, the lab matched them to a full DNA profile from the semen stain on the blanket.

CBI put that full profile through the Combined DNA Index System (CODIS), a national DNA database containing more than 12 million samples collected from convicted offenders, unsolved crime scene evidence, and missing persons. The sample matched a man who had raped and murdered a woman in Fort Collins, Colorado, in 1989. He had been captured in 1995, just after the 1994 rape and murder in Palisade.

Armed with this new evidence, the Mesa County District Attorney’s Office reopened the case and worked with Selsberg and the Justice Review Project. As a result, on April 30, 2012, Selsberg saw Dewey, 51, released from prison—Colorado’s “first prosecution-led DNA exoneration of a wrongfully convicted man.” Authorities also filed an arrest warrant for the incarcerated man whose DNA was found by CBI.

Did it seem strange, as a prosecutor, working to get someone out of jail? Not at all, Selsberg says. “The defense attorney’s role is advocating for his or her client, but the prosecutor’s job is to seek justice—even if justice means setting someone free,” she stresses.

Selsberg says her time at Washington University helped her realize her dream of pursuing criminal law. She recently returned to the law school to discuss her work on the Dewey case and her passion for justice in a lecture sponsored by the Criminal Law Society, Women’s Law Caucus, and Public Service Advisory Board. As a law student, she was inspired by Professor Katherine Goldwasser, who specializes in criminal law and was herself an Assistant U.S. Attorney.

“IT’S THE PROSECUTOR’S ROLE TO SEEK THE TRUTH IN ALL MATTERS—WHETHER IT IS BEFORE, DURING, OR AFTER THE TRIAL.”

— JULIE SELSBERG

“At the end of the day, there was no misconduct by the prosecutors or law enforcement in the Dewey case; it was a tragic mistake on everyone’s part, including the jury and the appellate courts,” she says. “But, it’s the prosecutor’s role to seek the truth in all matters—whether it is before, during, or after the trial. I learned that from Professor Goldwasser.”