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'Tainted' DNA clears Queens burglary suspect; he was in New Jersey at the time of the crime

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A botched DNA test cost a Brooklyn man his job, \$25,000 in legal fees and his faith in the criminal justice system. (Getty Images/iStock)

A botched DNA test cost a Brooklyn man his job, \$25,000 in legal fees and his faith in the criminal justice system. When Darrell Harris was questioned about a Dec. 19, 2018 break-in in South Jamaica, he told the NYPD detective he had no idea what police were talking about. But cops had good reason to suspect Harris — his DNA was recovered from a window from the home.

Harris was charged with burglary, and while he was lucky enough to have his parents bail him out, the arrest turned his life upside down. The pending case meant the Port Authority would not approve his continued employment at JFK Airport, where he worked on the tarmac for Jet Blue. He left the job, spent \$25,000 on a lawyer and worried he might go to prison for up to four years.

“DNA is good in some ways,” said Harris, 43. “But it’s never 100%, and in my case you had no other evidence, no eyewitnesses. Yet, they were ready to incarcerate me.” Harris, a Grenadian immigrant who later became a U.S. citizen, worked his way to freedom with his alibi. He was in New Jersey the day of the burglary, working his side job, as a disc jockey at a sweet 16 party. His parents vouched for him, recalling they helped him load his equipment into his car. Cell phone and EZ-Pass records, he said, proved he wasn’t in Queens when the burglary happened.

Assistant District Attorney Eric Rosenbaum, who heads the DNA Prosecutions Unit for the DA’s office, said the alibi prompted a call to the medical examiner’s office.

The ME reviewed the tests and determined that the same lab tech who analyzed the DNA that linked Harris to the burglary had just two hours earlier handled a DNA sample Harris gave to cops after an 18-year-old woman he knows accused him of sexual misconduct inside his Canarsie home. The lab tech hadn’t done any other tests in between the two Harris jobs — suggesting the lab worker might have polluted the sample.

ME documents acknowledged “the possibility that the [burglary] hit could be due to contamination.” A source said it was possible testing equipment was not properly disinfected between tests. The DNA hit was recalled “out of extreme caution,” ME documents said, the DA was notified and on June 28 the burglary charges were dismissed.

Harris said the other case involving the 18-year-old woman was a big misunderstanding, and that he pleaded guilty to forcible touching because it was a misdemeanor and would not cost him his job. He got five years probation.

The burglary case came to light last month at a Commission on Forensic Science meeting. Aja Worthy-Davis, spokeswoman for the city's Medical Examiner, said the office has clarified its testing guidelines and created a checklist so that DNA hits "are assessed for several different factors that will ensure that the reported results are true and accurate."

Harris, who hopes to get back his old job back at Jet Blue, said the experience shook him. "It made me feel real funny about the system," he said. "How an innocent person can get their whole life ruined."