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## NEWS RELEASE

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### **Ramsey County Attorney announces plans for final phase of Medical Examiner case review**

*Independent review of Dr. McGee's work will focus on 7 past convictions*

Saint Paul, MN – The Ramsey County Attorney's Office (RCAO) and the Prosecutors' Center for Excellence (PCE) provided a comprehensive progress update on the independent review of Ramsey County cases involving the medical testimony of Dr. Michael McGee, who is the retired Chief Medical Examiner for Ramsey County. Dr. McGee performed autopsies on RCAO cases from 1985 to 2021. At the same time, the Minnesota Attorney General's Office (AGO) has begun a review of cases they prosecuted where Dr. McGee's opinions were critical.

"This review has been designed to be comprehensive and thorough, and I am committed to supporting this process and the recommendations without fear or favor," said Ramsey County Attorney John Choi. "I am grateful for the independent role that the Prosecutors Center for Excellence brings to this effort and for the dedication of my Post Conviction Justice Unit to support them in their efforts as we start the final phase of this important review to ensure the integrity of our past convictions. I am also grateful for the advisory role taken on by the Great North Innocence Project in developing our process."

The Ramsey County Attorney initiated this comprehensive review after Eighth Circuit Court of Appeals Judge Ralph Erickson's order in [\*US v. Alfonso Rodriguez\*](#), (D.N.D. 09/03/2021) which criticized the findings and testimony of the medical examiner, Dr. Michael McGee. Judge Erickson called Dr. McGee's testimony regarding the cause of victim Dru Sjodin's death "unreliable, misleading and inaccurate."

Phase 1 of the PCE review began in the fall of 2021, focusing on 215 cases where Dr. McGee was the medical examiner, including some referrals from the AGO and the Great North Innocence Project, and one from the community. Each case went through an initial review, a peer review, and a subsequent classification by one of three levels: high priority (18 cases), low priority (43 cases) and no further review (144 cases). 10 cases needed additional study for further classification. The review team carried forward each of the high and low priority cases as well as those needing further study into Phase 2 of the review process. A detailed review of Phase 1 processes and recommendations for Phase 2 can be found in the [PCE Phase 1 Report](#).

Phase 2 of the case review began in November 2022, focusing on 71 cases identified in Phase 1 as warranting further scrutiny. The primary goal was to determine whether any case would require a 3<sup>rd</sup> phase of the review process, requiring an in-depth review by medical examiner experts. Unlike the Phase 1 process where PCE reviewed readily obtainable case information (police reports, appellate decisions), the Phase 2 process involved a thorough review of items from individual cases such as trial transcripts, grand jury transcripts, police reports and photos. After review, the PCE team classified each case as either needing no further review (64) or requiring further review by medical experts (7). Inclusion in the 2<sup>nd</sup> category does not indicate Dr. McGee's opinion or testimony was in error. A detailed review of the processes and recommendations for Phase 3 can be found in the [PCE Phase 2 Report](#).

“PCE's comprehensive and independent work in this phase of the review was conducted by experienced former prosecutors with no connection to Dr. McGee.” said Kristine Hamann, Executive Director and Founder of Prosecutors Center for Excellence. “The RCAO provided unfettered access to case documents and then stepped aside to allow PCE's review of the evidence and testimony to proceed thoroughly and objectively.”

Phase 3 of the review process will begin in October 2024. To prepare for this effort, the RCAO will retain three medical examiners (MEs) who will review Dr. McGee's work in the seven remaining cases. Hailing from different parts of the U.S., these experienced and respected MEs do not know Dr. McGee, nor have they been involved in any of his cases. They will review the cases separately and will then discuss the cases collectively to arrive at their findings. This brings a further level of independent review that will result in reliable and independent findings that will be summarized in a report by PCE. The Medical Examiner's findings will be shared with the Great North Innocence Project who will review the analysis to provide a defense perspective. Any findings and recommendations made by the Ramsey County Attorney will be made public.

“Minnesotans deserve a criminal legal system that is fair, accurate, and accountable. Any system worthy of our confidence must have mechanisms to identify, acknowledge, and remedy past mistakes, particularly where there are warning signs of injustice,” said Jim Mayer, Legal Director of the Great North Innocence Project. “We applaud Ramsey County Attorney John Choi and his staff for taking to heart their roles as ministers of justice, and in having the courage to subject their own convictions to outside scrutiny. We are honored to play a small role in this important process.”

“Accountability and transparency are core values of the county, which is why we fully support the ongoing work by Ramsey County Attorney John Choi to examine past cases involving Dr. McGee's work on Ramsey County cases,” said Gloria Reyes, Ramsey County Deputy County Manager for Safety and Justice Service Team. “Integrity of past convictions is critical, and this review will help provide it. When this work is complete, the findings and prosecutor's actions that result from this review will help guide the County's appropriate response.”

For additional information, please see the related [Ramsey County Medical Examiner Case Review](#) page on the RCAO website.

**Case Review Classification Definitions:**

**High Priority:** Cause or manner of death at issue and Dr. McGee's opinion may have affected the outcome of the case.

**Low Priority:** There was insufficient information to determine if further review is needed. The type of additional information needed includes ME reports, appellate opinions, trial transcripts, or other documents.

**No Further Review:** The documents reviewed provided no indication that there were issues with Dr. McGee's testimony or reports. This category was used when the examination or testimony of Dr. McGee could not have significantly affected the outcome of the case, when there was an acquittal, when the defendant was deceased, or when Dr. McGee did not render an opinion in the case.

**Insufficient Information:** Due to a lack of sufficient data, these cases required additional information prior to classification for further review.

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Note: Contact Dennis Gerhardstein for additional information.