



GENTNER DRUMMOND
ATTORNEY GENERAL

August 8, 2023

Via Email

The Honorable Justin Humphrey
Chair, Criminal Justice and Corrections Committee
2300 N. Lincoln Blvd. Room 301
Oklahoma City, Oklahoma 73105

Dear Chairman Humphrey,

Thank you for bringing your concern about the Anthony Sanchez case to my attention. My team has been reviewing this case and the DNA evidence for several weeks. This letter will provide a brief overview of the DNA evidence and then explain why I have the utmost confidence in the DNA results used to convict Mr. Sanchez.

Juli Busken was kidnapped, raped, sodomized, and murdered on December 20, 1996, at Lake Stanley Draper. On the path between the roadway and the lake where Juli's body was found, police found a pink leotard with Juli's initials written on the tag. In 2000, OSBI isolated a complete DNA profile from sperm found on a cutting from the leotard. This profile was entered into CODIS as a single-source profile, i.e., it was not a mixture. In 2004, this profile from the leotard was matched in CODIS with Mr. Sanchez's profile, which was entered into CODIS based on his conviction of a felony. At that time, a buccal swab was taken from Mr. Sanchez. Oklahoma City Police Department Chemist Melissa Keith developed a complete DNA profile from Mr. Sanchez's buccal swab, a complete DNA profile from sperm found on a cutting of Ms. Busken's panties, and a complete DNA profile from sperm found on a cutting from the leotard. The DNA profile developed by Ms. Keith from the sperm on the leotard was a 100% match to the DNA profile separately developed from sperm on the leotard by OSBI. The DNA profile developed from the sperm on the panties was also a 100% match to the DNA profile developed from sperm on the leotard. As with the profile generated by the OSBI, there was no indication that these profiles were mixed with DNA from any other individual.

Mr. Sanchez's known DNA sample, developed from the buccal swab taken from him after the CODIS hit, was identical to the profiles developed from sperm on Ms. Busken's panties and leotard. The odds of randomly selecting an individual with the same genetic profile are 1 in 200 trillion Caucasians, 1 in 20 quadrillion African Americans, and 1 in 94 trillion Southwest Hispanics.

Earlier this year, Mr. Sanchez filed an application for post-conviction relief in which he alleged his father (Thomas “Glen” Sanchez) had confessed to murdering Ms. Busken. Glen Sanchez died by suicide in 2022. OSBI requested and received a sample of his blood from the Medical Examiner. The DNA profile developed from Glen Sanchez was not a match to the profile developed from Ms. Busken’s leotard. OSBI then did reverse paternity testing and determined that there is a 99.9% probability that Glen Sanchez is the father of the contributor of the DNA from the sperm sample on the leotard. That is, there is a 99.9% chance that Glen Sanchez is the father of the person who murdered Juli Busken.

I am aware that Mr. Sanchez claims to have recently discovered evidence he alleges establishes that the DNA in this case is contaminated. My team has investigated this claim and found it to be entirely without merit. Mr. Sanchez counted 9 alleles shared by both himself and Ms. Busken. As the DNA profiles in this case each contain 30 alleles, Mr. Sanchez divided 9 by 30 to conclude that, according to the profiles, he and Ms. Busken must be 30% related. Because Mr. Sanchez and Ms. Busken are not related, Mr. Sanchez insists there is a problem with the DNA samples.

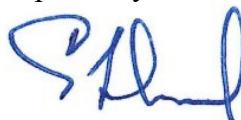
This represents a gross misunderstanding of DNA kinship testing. My team has consulted with both OSBI and Dr. Robert Allen, the recently retired Director of OSU’s Human Identity Testing Laboratory. It is common for unrelated individuals to share alleles. For example, at one of the locations tested for forensic DNA profiles, there are only 12 common alleles. That is, when a DNA technician generates results for this particular location, he or she will get 1 of only 12 numbers. Thus, there must be overlap, even between persons who are not related. So, to determine relatedness between two individuals, a formula has to be used that takes into account the population frequency of each allele. Mr. Sanchez did not use any such formula.

Simply put, the rudimentary computation performed by Sanchez represents a complete misunderstanding of kinship testing and proves nothing.

In closing, I want to emphasize my commitment to justice in every criminal case. You know well the lengths to which I will go in order to secure justice. I commend you for your dedication to ensuring the proper outcome in Mr. Glossip’s case, and I admire your willingness to entertain concerns about the criminal justice system. However, it is important to understand that the issues we have raised with the Glossip conviction are exceedingly rare. Our prosecutors and the law enforcement agencies who investigate criminal activity are men and women of integrity who share our commitment to justice. I greatly appreciate what these fine public servants do each day to protect our communities and aid crime victims. In the case of Mr. Sanchez, as in nearly every other criminal conviction, our justice system has gotten it right.

I hope I have addressed your concerns. I thank you for your service to our state, and I invite you as always to contact me any time if I may be of assistance.

Respectfully,

A handwritten signature in blue ink, appearing to read "Gentner Drummond".

GENTNER DRUMMOND

Oklahoma Attorney General