

Lawyers Fight To Toss Rape Charges Against a Man After Another Man Convicted For The Crime

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Joseph Buffey served 15 years in prison for rape, even though DNA results at the time of his conviction cast doubt upon his guilt.

Buffey and his attorneys didn't find out about those DNA results until after his guilty plea was finalized and he was sentenced to 70 years in prison – far longer than his court-appointed lawyer mistakenly told him he would get.

For years, Buffey and his attorneys worked to overturn his conviction. It wasn't until another man was convicted in the rape that the West Virginia Supreme Court of Appeals ruled that prosecutors had improperly withheld evidence while Buffey was considering the plea bargain. That ruling allowed Buffey to withdraw his plea and obtain a new trial.

Now that his case is back in criminal court, Buffey is being represented by Benjamin Bailey of Bailey Glasser's Charleston, West Virginia, office; Barry Scheck and Nina Morrison of the Innocence Project in New York; and Allan Karlin of Morgantown, West Virginia.

Bailey filed a motion to dismiss the charges against Buffey based on delay and because the original 2002 indictment was obtained "through the presentation of false and misleading testimony to the grand jury" by a police officer. If the case goes forward, the attorneys have filed motions to block any mention of Buffey's guilty pleas or statements he made then.

A pretrial hearing will be held on July 15, with the trial set for Oct. 11.