



**MEDIA CONTACTS:**

Krista Dolan  
[kdolan@floridainnocence.org](mailto:kdolan@floridainnocence.org)

Amy Robinson Staples  
[amy@exonerationproject.org](mailto:amy@exonerationproject.org)

***FOR IMMEDIATE RELEASE***

## **Robert Yell's 2006 Arson Conviction Dismissed Based on Junk Science and Insufficient Evidence**

*Mr. Yell Spent More Than Twelve Years Wrongfully Incarcerated for a Crime He Did Not Commit*

**Russellville, Ky.** (March 14, 2019)—Today, more than two years after granting Robert Yell a new trial, Logan Circuit Court Judge Tyler Gill dismissed, Mr. Yell's 2006 arson and manslaughter indictment, ending a more than decade-old legal battle.

"It feels like a dream. I've just been fighting this for so long, I thought it would never come to an end," Yell said.

In 2004, Mr. Yell's trailer burned down, resulting in the death of his two-year-old son, and severe burns to his 11-month-old daughter. Fire investigators determined that the fire was intentional based on the presence of 1) low, deep burns at 2) three separate points of origin; 3) V and U patterns; and 4) unconfirmed "alerts" by an accelerant detection canine. The 2006 trial resulting in Mr. Yell's wrongful conviction relied on the testimony of these fire investigators, despite their inability to provide scientific explanations for why their findings were indicative of arson.

In 2016, counsel for Mr. Yell, Krista Dolan, Staff Attorney with the [Innocence Project of Florida](#) and then-attorney with the [Kentucky Department of Public Advocacy](#), filed a motion for a new trial. The basis of the motion was that Mr. Yell's due process rights had been violated based on the admission of evidence at trial now known to be scientifically invalid. The motion was supported by the affidavit of a fire investigation expert funded by the [Kentucky Innocence Project](#). [The Innocence Network](#) also filed an amicus brief in support of Mr. Yell's motion.

Following a two-day evidentiary hearing, Judge Gill ruled from the bench that Mr. Yell was entitled to a new trial. In his written order, he found the testimony of the Commonwealth's fire investigation experts was "based on obsolete and erroneous techniques, 'rules of thumb', and assumptions, and none can be relied upon as true." Despite this ruling, former Commonwealth's Attorney Gail Guiling appealed the new

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trial. While the appeal was pending, just a month after Judge Gill’s ruling, Mr. Yell was released on bond after serving twelve years of his fifty-two year sentence. Upon review of the case, however, the Kentucky Attorney General’s Office moved to dismiss the appeal.

Now newly-elected Logan County Commonwealth’s Attorney Paul Neil Kerr II has followed suit, moving for the dismissal and noting there is currently no evidence to again convict Mr. Yell of an intentional fire. Said Kerr in the motion, “[i]n light of the evidence being excluded, the Commonwealth is currently unable to present a case sufficient to survive a motion for directed verdict.”

“While the fire in which Mr. Yell lost his son was a horrible tragedy, it was not an arson, and so was not a crime,” Dolan said. “We applaud the Commonwealth for recognizing that there is not sufficient evidence of arson to proceed to trial, and we are confident that further investigation won’t yield such evidence. The law always lags behind science, but we are happy that here, science prevailed.”

Amy Robinson Staples of the [Exoneration Project](#), who also represents Mr. Yell added: “Today has been a long time coming for Mr. Yell, who can finally begin to fully grieve the tragic loss of his son and obtain some closure. We are hopeful that Mr. Yell’s case can serve as an example in the Commonwealth and throughout the United States and prevent further convictions based on unreliable, junk arson science.”

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*The Innocence Project of Florida (IPF) is a 501(c)(3) organization dedicated to finding and freeing innocent people in Florida prisons. IPF’s website is [www.FloridaInnocence.org](http://www.FloridaInnocence.org).*

*The Exoneration Project is a free legal clinic at the University of Chicago Law School dedicated to representation of the wrongfully convicted. The Exoneration Project’s web site is [www.exonerationproject.org](http://www.exonerationproject.org).*