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## Summary of Facts: DNA-based Testing from the Christine Grega Homicide Case

### Michael J. Spence, Ph.D.

On February 28, 2011, I was contacted by Ian P. Carleton, an attorney located in Burlington, Vermont. Ian asked for my assistance on a 1994 homicide case. He explained that his client, John Grega, was accused—and eventually convicted—of the horrific beating, rape, and strangulation of his own wife. To the present day—and throughout an enormously protracted 18-year ordeal—Mr. Grega has persistently maintained his innocence. Ian informed me of the complete absence of any available funds, as well as the sparse resources for seeking justice for a convicted man like John Grega. Ian asked if I would be willing to examine the case documents and provide my opinion—in the form of an affidavit—in order to persuade the Windham County (Vermont) Court’s approval of post-conviction DNA testing.

Before I would agree to review the case file—at no cost—I asked Ian to explain the circumstances of the homicide. The facts of the case were as follows:

John Grega, an educated man, was a partner in his father’s window-washing business. John, his wife Christine, and their 2-year-old son, John Henry Grega Jr., lived in a Long Island town, Lake Grove, NY.

The Gregas traveled to West Dover, Vermont for a family vacation. On September 12, 1994, the Gregas were staying at a small condominium complex called Timber Creek. On that fateful day, John took his toddler son out to a local playground. When John returned to Timber Creek, his child was sound asleep in the backseat of the car. Shortly after entering the condo, John found Christine, dead in the downstairs whirlpool bathtub.

After unsuccessfully attempting to revive her, John ran next door to have the neighbors call an ambulance. Although John thought that Christine might have still been alive, the medical examiner later determined that the woman had died from asphyxiation. She had also been brutally assaulted. Her body showed signs of more than 100 distinct injuries, including evidence of a sexual assault.

The investigators and the prosecution fixated on to the fact that there was no sign of forced entry into the condo. They theorized that Grega—in fear that his wife intended to abandon an allegedly troubled marriage—killed his wife and then left the apartment with his son to create an alibi. John Grega had no criminal record, no history of mental illness, and no history of violence—sexual or otherwise. There were no witnesses to the crime and no physical evidence introduced at the trial. Regardless of these facts—and based upon nothing beyond a circumstantial case—John was charged with Christina’s murder. Less than a year later, on August 4, 1995, a jury convicted John Grega of aggravated murder and aggravated sexual assault. John became the **FIRST PERSON EVER** sentenced in Vermont to life in prison without the chance for parole.

**Did the criminal justice system in Vermont get it wrong?**

In order to answer this question, I agreed to assist Mr. Carleton and Mr. Grega, by providing them with a careful examination of the various biological/DNA aspects the case. At the same time, the defense was incorporating the assistance of two additional DNA experts. These scientists were Shelley Johnson, a DNA

analysis Group Leader at Fairfax Identity Labs (Richmond, Virginia) and Dr. Steven Laken, CEO of Cephos Corporation, (Tyngsboro, Massachusetts).

On March 29, 2011, I provided an affidavit—which addressed the Windham County Court. In parallel to the documents provided by Ms. Johnson and Dr. Laken, I attested to the urgent need to utilize powerful DNA technology that was **CLEARLY** unavailable in 1995. Such state-of-the-art tests hold the potential to reveal previously unobtainable results from ‘intimate’ items recovered from a variety of complex crime scenes. The affidavit persuaded the Court to utilize Y-chromosome-based DNA testing. Y-STR tests (an acronym for short tandem repeats) are able to disregard the presence of any DNA originating from a female (Ms. Grega), while providing an enormously sensitive test for any males present on the evidence.

On September 2, 2011, the Vermont Court ordered the prosecution and the Vermont Attorney General’s Office to arrange for DNA testing relevant to John Grega’s case. On May 14, 2012 a laboratory report was released—summarizing the DNA test results. A DNA mixture was found upon an intimate swab that had been collected—in 1994—from the deceased body of Christina Grega. Within that DNA mixture, **THE MAJOR DNA PROFILE ORIGINATED FROM AN UNKNOWN MALE.** To be clear, this unknown male **IS NOT** Mr. Grega. To this day, this male remains unidentified.

Prosecutors working on the case reluctantly agreed that—in light of the recent DNA results—Mr. Grega is entitled to a new trial. Consequently, the Court has ordered such a trial to take place. On Wednesday, August 22, 2012, John Grega was finally released from prison, after serving 18 years for a crime he most likely **did not** commit. John walked out of the Southern State Correctional Facility (Springfield, Vermont) and into the arms of his family and friends. John is currently staying with his mother—back on Long Island—under a conditional release.

In a motion crafted by Mr. Carleton and the defense team, they wrote: **“It is difficult to overstate the game-changing nature of this new evidence, especially in a case where, as here, the evidence of Mr. Grega’s guilt has at all times been purely circumstantial....”** . They added **“Put simply, we now have compelling evidence that John Grega did not commit the crime for which he has served nearly two decades in jail.”**

John Grega’s tireless efforts to prove his innocence have been facilitated by the Innocence Protection Act—passed by the Vermont Legislature in 2008. This enormously vital social initiative is allowing individuals convicted of certain crimes—under questionable circumstances—to petition the court for various types of forensic tests—including DNA. Vermont Defender General, Matthew Valerio, pointed out that—at the time—many people were downplaying the importance of the 2008 legislation. Their claim was that **“Vermont doesn’t convict innocent people.”** Valerio called that view “pretty naïve.” “The thing that came up over and over again was this kind of thing doesn’t happen in Vermont”. If John Grega is eventually exonerated, he would become the first convict in Vermont history to be proven innocent by utilization of DNA evidence. It is important to note that John would be joining 300 other men and women (according to the Innocence Project website) who have been exonerated in the U.S. by post-conviction forensic testing.

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