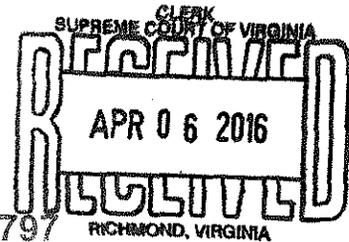


VIRGINIA:

COPY  
IN THE SUPREME COURT



In Re: KEITH ALLEN HARWARD, Inmate No. 1125797

RECORD NO. 160353

COMMONWEALTH'S MOTION TO EXPEDITE

The Commonwealth, by the Attorney General, states as follows in support of this motion:

1. Pursuant to Virginia Code §§ 19.2-327.2 through 19.2-327.6, Keith Allen Harward has filed a petition for a writ of actual innocence to vacate his 1986 conviction from the Circuit Court for the City of Newport News for first degree murder; and his 1983 convictions from the Circuit Court for the City of Newport News for rape, forcible sodomy and robbery. The trial court sentenced Harward to a total sentence of life, plus 65 years' imprisonment. (Circuit Court Nos. 9489-83 (murder), 9490-83 (robbery), 9491-83 (rape), and 9492-83 (forcible sodomy)).

2. On July 17, 2015, the Circuit Court for the City of Newport News ordered the Department of Forensic Science (DFS) to test items of evidence in the possession of the Clerk of the Court for the City of Newport News. Pursuant to this order, biological evidence from the case file in

Harward's case was identified by DFS and tested. DFS analyzed the DNA testing and issued a Certificate of Analysis on January 5, 2016, which concluded that Harward was eliminated as a possible contributor of the DNA material tested.

3. Upon receipt of this information, further DNA testing was undertaken. A subsequent Certificate of Analysis was issued on March 1, 2016, which reported the results of analysis on additional items in evidence. This analysis also eliminated Harward as a possible contributor of the biological material on the additional items of evidence. In addition, the testing has identified another individual who cannot be eliminated as the source of the DNA on the items of evidence DFS tested.

4. As set forth more fully in the Commonwealth's Answer, which has been simultaneously filed with this motion, it is the Commonwealth's position that Harward is entitled to the relief sought in his petition.

WHEREFORE, the Commonwealth moves the Court to place this matter and the Commonwealth's Answer on an expedited docket.

Respectfully submitted,

COMMONWEALTH OF VIRGINIA,  
Respondent herein.

MARK R. HERRING  
Attorney General of Virginia

LINDA L. BRYANT  
Deputy Attorney General



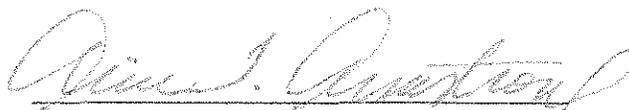
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### CERTIFICATE OF SERVICE

On April 6, 2016, a copy of this Motion was sent via UPS and transmitted electronically to:

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