

Equal Justice Initiative

Criminal Justice Issues and Prisoners' Rights

<https://eji.org/news/capital-murder-charges-dropped-against-marsha-colbey/>

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124 results for "**Prison**"

02.02.10

Capital murder charges filed against Marsha Colby in the death of her infant son have been dismissed and the case resolved on reduced charges in light of new forensic evidence.

On September 4, 2009, the Alabama Supreme Court [reversed the conviction and sentence](#) imposed on EJI client Marsha Colby, who was convicted of capital murder and sentenced to life in prison without parole after giving birth to what doctors believe was a stillborn baby.

The Alabama Department of Forensic Sciences agreed to re-examine the evidence in the case after being presented with expert reports concluding that the medical evidence was consistent with stillbirth.

The department issued a revised autopsy report, which indicated there is no conclusive evidence that the baby was born alive or that he breathed. The report also reversed the initial finding that the manner and cause of death was homicide.

In light of these forensic developments, the case was resolved today on reduced charges and the capital murder charges were dismissed.

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