



Death Penalty Defense Unit
300 SW 8th Ave, Suite 300
Topeka, KS 66604-3749

KANSAS STATE BOARD OF INDIGENTS' DEFENSE SERVICES

Phone: 785-296-6555
Fax: 785-291-3979
www.sbids.org

Mark Manna, Chief

Laura Kelly, Governor

University of Nebraska
1400 R St
Lincoln, NE 68588

October 6, 2025

Dear University of Nebraska Administrators,

I am writing to you as a concerned public defender and a fellow Midwesterner, who grew up in northwest Iowa, went to College in South Dakota, and Law School in Kansas, about the potential to eliminate the Statistics Department at the University of Nebraska.

I am not writing because Statistics had any kind of affection for me. I went to law school for a reason and the numbers I am most comfortable with are embedded in statutes. That discomfort with statistics is shared by many in the legal field. Our ignorance unchallenged has hurt people and, especially if statistics aren't prioritized, will continue to do so.

You are all undoubtedly familiar with the phrase "lies, damned lies, and statistics" which highlights how armchair statisticians can torment numbers to any end imaginable. Every day in criminal courts across Nebraska, witnesses come to court confidently and unknowingly abusing statistics that can hurt innocent people.¹ Many defense lawyers aren't yet even aware how this is happening, but statisticians in your department are some of the first in the country to study and work to systematically right those wrongs.² That work is just the beginning, and many other deeply flawed forensic fields are rooted in the same amateur application of statistics.³

Please reconsider the proposal to eliminate your Statistics Department. An unchecked forensic industry's impact on the legal system is just one consequence of a society that doesn't value statistics. In our moment, when anyone can manufacture "facts" to be disseminated to the world with the click of a mouse, statistics are one of the last defenses of reality. The public desperately needs robust statistics departments.

Sincerely,

Peter Conley
Deputy Capital Public Defender, Kansas Death Penalty Defense Unit

¹ See President's Council on Advisors on Sci. & Tech., *Forensic Science in Criminal Courts: Ensuring Scientific Validity of Feature-Comparison Methods* (2016).

² Maria Cuellar, Susan Vanderplas, Amanda Luby & Michael Rosenblum, *Methodological Problems in Every Black-Box Study of Forensic Firearm Comparisons*, 23 Law Probab. & Risk 1 (2024).

³ Among others: Firearm Tool Mark Identification, Latent Fingerprint Examination, Bite Mark Analysis, Hair Microscopy, Handwriting Analysis, Abusive Head Trauma (Shaken Baby Syndrome).