

# Peterson gets new trial in the death of his wife



Michael Peterson reacts after Judge Orlando Hudson rules Wednesday that he'll get a new trial. Peterson has spent eight years in prison after being convicted in 2003 of murdering his wife, Kathleen Peterson, 10 years ago.

PHOTOS BY SHAWN ROCCO - srocco@newsobserver.com

## A judge says he and the jury were misled by a former SBI agent.

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After eight years in prison, Durham novelist Michael Peterson will be home with his family this weekend after a judge ruled that Peterson deserves a new trial because of misconduct by a former agent of the State Bureau of Investigation.

Superior Court Judge Orlando Hudson said Wednesday that former SBI agent Duane Deaver misled him and the jury at Peterson's 2003 murder trial, when he was convicted of killing his wife, Kathleen.

"Is a new trial required because of due process violations and the perjured testimony?" Hudson said. "The answer is yes."



Durham DA Tracey Cline wouldn't say whether she would pursue a perjury case against ex-SBI agent Duane Deaver.

Hudson was worried that Deaver may have given false testimony in other cases, and asked Peterson's lawyer to research whether the judge had the power to appoint a special prosecutor to investigate Deaver.

"I am concerned about Mr.

Deaver," Hudson said.

Wednesday's courtroom victory for Peterson is the latest twist in his saga, which has spun out books, documentaries and a feature-length film. For six days, Hudson listened impassively as Peterson's lawyer, David Rudolf,

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relentlessly attacked Deaver, who as an expert witness opined that bloodstains on the staircase of the Petersons' home and on Peterson's clothes proved he killed his wife.

Rudolf played clips of Deaver testifying at the 2003 trial, and then contradicted Deaver's assertion with testimony from SBI agents, expert witnesses and the SBI's own files. Deaver said he wrote 200 blood spatter reports when the SBI could only find 54. Experts said his blood spatter ex-

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