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The August 17, 2001 DNA legislative and media report is listed below.

These reports are prepared by Tim Schellberg and Lisa Hurst of Smith Alling Lane (253) 627-1091, on behalf of Applied Biosystems. Text of legislation can be obtained by following the appropriate state-link at this site: <http://www.ncsl.org/public/sitesleg.htm>. Please see the appropriate media website for the newspaper articles.

COMMENTS

Budget reductions at Indiana's crime lab could mean significant growth in DNA backlogs. Virginia's candidates for Attorney General clarify their proposals to collect DNA upon arrest. The New York Governor is using rising violent crime rates as an argument for expanding DNA testing. A US Senator from Texas is advocating for increased federal funding for crime labs and DNA backlogs, and the Texas Governor has signed a bill to establish a missing / unidentified persons database.

Detectives in Orange County secured a rape conviction after DNA was taken from a straw the suspect had used during a lunch to which the detectives had invited him.

The California State Supreme Court has declined to review a lower court's ruling to allow the prosecution of a man identified through a "John Doe" arrest warrant.

A judge in Oklahoma has overturned the death sentence for a man who was convicted of murder based partly on DNA testimony that is now known to be incorrect. In Georgia, a journalist has sneaked out an inmate's DNA sample for post conviction testing.

Politicians in an Australian state are debating DNA evidence and database issues.

STATE LEGISLATION

No new legislation.

NEWS ARTICLES

Forensic DNA

1. "OZ Police's DNA Flight To Ireland." The Mirror, August 15, 2001.
An Australian police officer flew to Ireland to follow up on a possible "cold hit" from Ireland's DNA database to a recent murder of a British tourist in the Australian outback. Further testing by Interpol in Dublin showed that the sample was a close match, but not a full match. DNA samples from the crime scene are being checked against DNA databases around the world.
2. "Jackson County officials dip into surplus to pay for courts." The Associated Press State & Local Wire, August 14, 2001.
Supervisors in Jackson County, Mississippi are taking money from the county's surplus to pay for almost \$200,000 in additional court costs. This money includes \$34,000 for "other costs," which include DNA testing and expert witnesses.
3. "Law enforcement officers learn to solve cold-case murders." The Associated Press State & Local Wire, August 14, 2001.

About 100 police investigators from Maryland, Virginia, the District of Columbia and New Jersey registered for a “cold case” seminar sponsored by the Naval Criminal Investigative Service and the Anne Arundel County (MD) State's Attorney's office. Training on the use of DNA databases was among the topics of discussion.

4. “Orange County; Lunch Led to Rapist's Capture.” Los Angeles Times, August 14, 2001.
A detective in Orange County, California invited a man suspected of committing two rapes to lunch at a local Taco Bell to “pick his brain” about the case. During lunch the detective offered to get the suspect a refill on his soda, and handed his straw off to another detective who was posing as an employee. The man’s lawyer admits that the method of DNA collection was legitimate but sneaky. He plead guilty to the two rapes.
5. “Bill Seeks Compensation For Wrongful Conviction.” Sun-Sentinel (Fort Lauderdale, FL), August 14, 2001.
A Republican Senator in Florida has filed a bill for the 2002 session that would pay \$3.5 million for a “miscarriage of justice” to the family of a man who died on death row (due to health complications) and was later exonerated of the crime through DNA testing.
6. “Trial scheduled Tuesday for man shot during break-in.” The Associated Press State & Local Wire, August 13, 2001.
DNA has linked a man to the rape or attempted rape of four elderly women in Colorado. His prior conviction record includes possession of explosives in 1990 and marijuana possession in 1988 and 1989.
7. “Appeals court overturns Oklahoma man's death sentence.” The Associated Press State & Local Wire, August 13, 2001.
The 10th U.S. Circuit Court of Appeals overturned the death sentence of a man convicted of murderer because an Oklahoma City police chemist's testimony about DNA evidence was wrong. The judges upheld the man’s conviction, but ruled that he must be resentenced.
8. “1980 Killing Comes To Trial Today DNA Databank Helped To Land Suspect In Custody.” Daily Press, August 13, 2001.
In Virginia, the trial of a man suspected of murdering and raping a woman 21 years ago is about to go to trial. Originally, when the family requested new DNA tests on old evidence the police told them family that the DNA evidence had been lost. However, after the local media ran a story on the old case, a more thorough search located the old evidence. Subsequent to the new testing, a man on Virginia’s database whose prior convictions include attempted kidnapping and drunk driving was linked to the crime.
9. “Studying to make a study of crime.” The Times Union (Albany, NY), August 13, 2001.
In New York, Russell Sage College in Troy will be offering an undergraduate degree in forensic science, and the University at Albany will offer a master's of science in biology with a concentration in forensic microbiology. These programs come as a response to the “exploding marketplace in forensic science.” The explosion is primarily credited to New York’s expansion of its DNA database requirements for more convicted felons.
10. “DNA sample sneaked out of prison by journalist may hold key to 24-year-old case.” The Associated Press State & Local Wire, August 12, 2001.
A British journalist has obtained a DNA sample from a man in a Georgia prison who was convicted of raping and murdering three elderly women. He has received an indefinite stay of execution and his supporters believe that additional DNA testing on crime scene evidence will exonerate him. However, the state is opposing additional testing and in a recent ruling a Georgia judge said, "The court fails to see what would be gained for authorizing the testing of his semen almost 15 years after his trial and almost 24 years after the testing of the stains."
11. “DNA evidence convicts prison inmate of 1995 rape.” Copley News Service, August 11, 2001.
A man identified as a rapist through California’s DNA database has been convicted of the crime by a jury. The victim had been hit on the head at the onset of the attack and was unable to recall a description of her attacker. The man was located while he was in prison on an unrelated burglary conviction. He also has a prior record of robbery and misdemeanor indecent exposure. The man’s defense attorney agreed that the genetic profile matched his client but argued that the victim had agreed to consensual sex.

12. "Former LA deputy gets year in jail for DNA-based poaching conviction." The Associated Press State & Local Wire, August 10, 2001.
A former Los Angeles County sheriff's deputy who was convicted of poaching deer with the help of DNA evidence taken from blood in his truck has been sentenced to the maximum one year in jail. The California Department of Fish and Game conducted DNA testing on blood found in the bed of the man's truck and compared it to several deer carcasses found on the side of the road. The testing was independently confirmed by scientists at UCLA and by a genetic testing firm. The state has tried several other poachers on the bases of DNA evidence, but this case was the first time a defendant tried to suppress the evidence on the basis its use with animals was not an established scientific technique.
13. "Sen. Gramm: Millions due for DNA testing Official tours local DPS crime facility." Corpus Christi Caller-Times, August 10, 2001.
US Senator Phil Gramm of Texas said he was "optimistic that Texas would receive millions of grant dollars to help speed up the processing of DNA evidence at crime labs." The money would come from the Paul Coverdell Forensic Science Improvement Act which has been authorized but not funded. Gramm discussed the importance of clearing out forensic DNA backlogs and noted that it "would make a tremendous difference to how safe our streets are."
14. "Governor signs bill for DNA database." The Fort Worth Star-Telegram, August 10, 2001.
The Texas Governor has recently signed into law a bill that will establish a DNA database of missing and unidentified persons at the University of Texas Health Science Center at Fort Worth. DNA samples will be taken from families that wish to have it stored to be matched against DNA taken from unidentified human remains. The database will help police solve cases and bring closure to families. The health science center has been doing DNA analysis for the state on a contract basis for several years.
15. "Crime lab backlog a concern to police." The Indianapolis Star, August 10, 2001.
Growing demand for DNA analysis, cuts to the State Police budget, and staff turnover have put the Indiana crime lab nearly a year behind in its DNA workload. In some cases, police and prosecutors are being forced to release suspects if defense lawyers demand a speedy trial and the evidence isn't ready. "We may soon reach a point where we just can't meet the system's needs anymore," said the crime lab director. "We are not there yet, but as this caseload grows, eventually we cannot help but get there." This year's budget reduced overtime pay by nearly \$300,000.
16. "Carr supports DNA testing." AAP Newsfeed, August 9, 2001.
The New South Wales (Australia) Privacy Commissioner recently said it would be easy for police to tamper with DNA-related crime scene evidence, but the state's Premier reiterated his support for DNA testing of prisoners. The Premier made the comments to a state parliamentary committee which is currently reviewing the Crimes (Forensic Procedures) Act, specifically the collection and use of DNA material by criminal investigators.
17. "NSW lagging in DNA testing: opposition." AAP Newsfeed, August 9, 2001.
Opposition to the New South Wales (Australia) government criticized the government saying that it had not yet implemented a DNA database to help police to establish matches of DNA obtained from crime scenes to known offenders and other crimes. However, the Police Minister said that over 5,000 prisoners have already been tested, and any delay in implementation of the full database "falls squarely at the feet of the Commonwealth Government." The Police Minister also pointed out that the Opposition party voted against the legislation that authorized the establishment of the DNA database.
18. "State crime rate drops." The Times Union (Albany, NY), August 9, 2001.
According to a new report, more people were murdered and assaulted in New York last year, but the state's overall crime rate actually fell to its lowest level since at least 1975. Pataki used the release of the numbers as a chance to renew his call to end parole for all felons, toughen laws on domestic violence, expand the use of DNA technology and eliminate the statute of limitations on all serious violent felonies
19. "Big cost to test all suspects' DNA." Waikato Times (Hamilton), August 9, 2001.

In a bid to solve the murder of a 6-year old girl from 1987, New Zealand police are attempting to collect DNA samples from all 900 suspects. The police were given \$ 178,000 to re-start the investigation, but the estimated cost of testing 900 people is \$ 278,000 plus expenses. The detective heading the investigation said he wanted to find the killer "no matter what" but said he had to be practical over costs.

20. "Man indicted after two years in jail waiting on DNA test results." The Associated Press State & Local Wire, August 8, 2001.

In Alabama, a man who was jailed for two years without being charged was finally indicted for capital murder after DNA tests were completed. The Tuscaloosa County District Attorney said the delay resulted from a backlog of DNA evidence awaiting testing at the state's forensics department. An attorney for the suspect said the long delay "borders on the unconstitutional."

21. "Supreme Court declines to hear case of arrest warrants using DNA evidence." The Associated Press State & Local Wire, August 8, 2001.

The California State Supreme Court, without comment, has declined to review a decision by the Sacramento County Superior Court to uphold an arrest warrant based on the suspect's genetic profile. Because the court did not issue an opinion on the topic, California's lower courts are free to reject such arrest warrants. The arrest warrant was filed a few days before the statute of limitations was due to run out on the rape case, and the arrest was made 25 days later. Authorities believe this rape was one of five committed by the same man. The defense is considering an appeal to the federal courts. The California Legislature adopted a law that extends the statute of limitations indefinitely in rape cases where a DNA profile of the attacker exists, but that law only affects crimes committed since Jan. 1, 2001.

22. "Crime lab wins national accreditation." The Baltimore Sun, August 7, 2001.

In Maryland, the Anne Arundel County Police Department's crime lab as received accreditation from the American Society of Crime Lab Directors. The lab includes two forensic biologists who work on DNA analysis.

23. "Attorney General Hopefuls Talk DNA Both Want Samples Of Suspects On File." Daily Press, August 4, 2001.

Both candidates for Attorney General in Virginia have endorsed taking DNA samples from all arrestees, but one candidate (a former state and federal prosecutor) said he would limit his proposal to persons arrested on violent offenses because the state labs are already overworked. He is also calling for eliminating the backlog of DNA samples waiting to be processed at state crime labs. The other candidate wants a sample taken from every person arrested, but further proposes that samples be destroyed if the person is found not guilty.

Paternity

24. "San Antonio father wants to sever ties after DNA test." THE Associated Press State & Local Wire, August 12, 2001.

A San Antonio man wants to end his parental rights and obligations to his 15-year-old son because of a DNA test that shows he is not the boy's biological father. The case is pending before the 4th Court of Appeals and could set a legal precedent in Texas.