

DNARESOURCE.COM

Smith Alling Lane, P.S. provides governmental affairs services to Applied Biosystems. As part of this representation, the firm generates weekly reports on state and federal legislation and news articles. Applied Biosystems has authorized Smith Alling Lane to make these reports publicly available through this website. The information presented in these reports does not necessarily reflect the viewpoints of Applied Biosystems or Smith Alling Lane, P.S.

The November 1, 2002 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

DNA databases helped solve crimes in New York (six rapes), and Colorado (two sexual assaults and murders). Cross-state hits linked a Washington murder to a New Mexico felon, and Michigan murder to an Indiana felon. New testing of old DNA evidence also helped to solve crimes in California (two 1965 murders, and a 1983 murder), Illinois (1991 murder), and Georgia (four murders in 1998). In Texas, the DNA database has allowed prosecutors to identify the DNA profile named in a "John Doe" rape warrant.

A North Dakota inmate is challenging the state's retroactive interpretation of the DNA database law. The validity of mitochondrial DNA testing is being challenged in a Michigan appeals court.

A Virginia referendum would allow convicted felons to petition the state supreme court to consider biological evidence that proves their innocence. In Utah, the Rocky Mountain Innocence Center is filing its first petition for DNA testing that could exonerate an inmate.

In international news...England plans to open 2 more "rape havens" to provide 24-hour access to medical services and facilities for the collection of DNA evidence for rape victims. Canada's national DNA database has had a 10 fold increase over last year in the number of database hits – recently connecting five rapes to one perpetrator. Australia has enabled its DNA database to be used to for identification of human remains in the wake of the Bali bombing. A crime writer claims to have uncovered the identity of London's "Jack the Ripper" through advanced DNA testing. Japan has been using DNA tests to confirm the identities of abductees recently returned by North Korea.

NEWS ARTICLES

Forensic DNA

1. "Bali Blasts Expose DNA Database Flaws." Australian Financial Review, October 29, 2002.
In Australia, changes to the Crimes Amendment Bill were rushed through the Parliament to enable the national DNA database to be used for disaster victim identification. The bill will modify existing laws so that state and territory officials can access the national DNA database and help with DNA analysis in the Bali investigation. The amendments were required because the CrimTrac database is still not fully operational 18 months after the technology went live because not all states and territories have passed the required legislation to use it.
2. "Walt The Ripper; DNA Proves Killer Was Artist Sickert, Claims Crime Writer." Sunday Mirror, October 27, 2002.
Crime writer Patricia Cornwell says she has found crucial DNA evidence to prove the Ripper was Walter Sickert - an impressionist painter whose works hang in Britain's Tate gallery. She says early searches for DNA on letters written by the Ripper and letters and paintings by Sickert failed. But more advanced testing methods over the past year found DNA on a Ripper letter which matched DNA on the Sickert letters. During her investigation Cornwell found a letter that had not been sent to the Ripper archive at the Public Record Office. She found under forensic examination that it had a distinctive water mark - from Perry and Sons - a top stationer of the time and the same as Sickert used.
3. "Father Guilty In 'Horrendous' Rape Of Daughter." The Toronto Sun, October 26, 2002.
In Canada, a father who raped his 13-year-old daughter and tried to pin it on a school teacher was found guilty of six charges. The teacher was charged with sex assault but he was eventually cleared after voluntarily giving a

DNA sample. Prosecutors alleged the father "set up the teacher" as a preemptive strike in case his daughter became pregnant. Three months later the girl did indeed get pregnant and had a miscarriage. She told police a 12-year-old boy was the father but recanted months later, saying her father threatened to kill her and her mother if she told police. The father's DNA sample matched that found on the girl's pants and underwear.

4. "DNA links Yokota, girl." The Daily Yomiuri (Tokyo), October 25, 2002.
In Japan, the government has informed the parents of allegedly deceased abductee Megumi Yokota that a girl claimed by North Korea to be Megumi's daughter and who has undergone DNA testing is indeed their granddaughter.
5. "Two new London Rape Havens receive funding priority from the MPA." M2 PRESSWIRE, October 25, 2002.
In England, following the highly successful model of The Haven in Camberwell, South London (which was found to provide a superior service of victim care, 24-hour coverage, access to other medical services and better facilities for the collection of DNA evidence), two new Rape Havens have been given the green light by the Metropolitan Police Authority's Finance Committee. The two new Sexual Assault Referral Centres will be open 24 hours a day with medical staff on hand to provide examination and victim care services.
6. "Rape Spree Linked To Homeless Man." Daily News (New York), October 24, 2002.
In New York, police have linked six rapes in Manhattan and Brooklyn to a homeless man and are looking for possible additional victims. The suspect's appearance fit the description of a man wanted for a rape pattern, and investigators sent his DNA for analysis, which matched evidence collected from the six rapes. The suspect, who has a criminal record dating to 1984 for rape, robbery, burglary and assault, was charged with rape, sodomy and weapons possession. Additional charges are expected.
7. "Scientists say DNA links man to 1998 hotel slayings." The Associated Press State & Local Wire, October 23, 2002.
In Georgia, forensic scientists linked a man to four murdered men during his death-penalty trial. DNA evidence tied blood on the defendant's cap to one victim and blood on the barrel of a pistol to all four victims.
8. "National DNA Data Bank annual report shows great success." Canada NewsWire, October 23, 2002.
In Canada, the success of the RCMP's National DNA Data Bank was highlighted in its second annual report which shows a ten-fold increase over last year in the number of hits - or links between DNA profiles to crime scenes or convicted offenders. The increase from 25 to 236 hits in the last year means that police are solving more crimes, more effectively. Since June 2002, when statistics were compiled for the report, the number of hits has risen to 391.
9. "Amendment Would Change Rules For DNA Evidence." The Virginian-Pilot(Norfolk, Va.), October 23, 2002.
Voters in Virginia will be asked to respond yes or no to Referendum Question No. 1 on November 5th. The referendum would allow convicted felons to petition the state Supreme Court to consider biological evidence that proves their innocence. If the referendum passes, it will mark the first time that felons in Virginia have been given a way to access the courts with new evidence to fix a wrongful conviction. Now, only the governor can remedy improper convictions. Even if the referendum is approved, only biological evidence - DNA samples that either did not exist or that were not tested with newly developed technology - can trigger a writ of innocence. Other types of evidence proving innocence will not be allowed to be taken to the state Supreme Court because Virginia's so-called "21-day rule" still would be in effect for everything except DNA evidence. The 21-day rule, which is the nation's most restrictive, closes the door on criminal cases three weeks after sentencing.
10. "Murder charge filed after 20 years." The Associated Press State & Local Wire, October 29, 2002
In Washington, an Albuquerque man linked by the DNA database to the 20-year-old slaying of a Seattle woman was charged with first-degree murder. Prosecutors say that the suspect strangled the 19-year-old victim in 1982. The suspect was required to submit a DNA mouth swab after being convicted two years ago in New Mexico of possessing burglary tools and attempted auto burglary. New Mexico requires all convicted felons to submit DNA samples. His DNA was entered into a national database, which showed it matched evidence found at the scene of the 1982 Seattle slaying.
11. "Serial rapist sought after DNA bank makes connection." Edmonton Journal, October, 25, 2002.
In Canada, the national DNA bank has identified a serial rapist after linking a pair of Edmonton-area sex attacks a few years ago to three assaults in Vancouver. The two cases were linked by the attacker's DNA that same year.

Only recently was the link made to an earlier attack in November 1998 in Vancouver. Two more attacks occurred in Vancouver this year.

12. "Man convicted in two Denver slayings, sexual assaults." The Associated Press State & Local Wire, October 24, 2002.
In Colorado, a jury convicted a 38-year-old man of murder and sexual assault in the slayings of two women in 1999. Police said DNA evidence was crucial in the case. The investigation had stalled when a police forensics expert submitted the suspect's DNA to CODIS. In April 2001, CODIS matched his DNA to the two unsolved Denver homicides.
13. "DNA evidence broke open rape case." South Bend Tribune, October 16, 2002.
In Michigan, the national DNA database has linked a suspect to a 1992 sexual assault. Though a rape kit was taken from the victim at the time, no suspects turned up. Nine years later, however, investigators received notice from the Michigan State Police that police across the state could access the nationwide database. Through the database, they found a match. The suspect was doing time in Indiana on a burglary charge.
14. "DNA helps B.C. RCMP lay charge in 27-year-old murders of teenage girls." The Canadian Press (CP), October 30, 2002.
In Canada, police are crediting DNA evidence with helping them make an arrest in the unsolved murders of two teenage Vancouver girls 27 years ago. Breakthroughs in DNA evidence helped turn a cold case suddenly hot last year. Through the new DNA technology they were successful in identifying a strong suspect.
15. "DNA leads to arrest of Arkansas man accused of 1965 murders." The Associated Press, October 29, 2002.
In California, DNA evidence from a licked envelope led to the arrest of an Arkansas man accused of killing two people in Southern California nearly four decades ago. The man was arrested after FBI agents in Little Rock obtained a saliva sample by collecting envelopes he sealed at work. DNA from his saliva linked him to the 1965 killings, authorities said.
16. "Jury levies death penalty on 5-year-old girl's killer." Contra Costa Times, October 23, 2002.
In California, a man convicted of murdering his 5-year old neighbor in 1983 was sentenced to death. Though he had long been a suspect in the killing, the former pilot was not arrested until 1996 when DNA testing advanced enough to link evidence from the victim's body to him. Because of the DNA evidence -- tests showed the odds that the rapist was not the defendant were one in 100 octillion .
17. "Prosecutors seek death sentence in '91 murder." Chicago Daily Herald, October 22, 2002.
In Illinois, prosecutors said they will seek the death penalty for a man charged with the murder of his half-sister in 1991. Police said they had always suspected the man, but were not able to charge him until breakthroughs in DNA technology enabled them to match him to the crime and file charges this year.
18. "Grand jury amends DNA indictment after rape suspect identified." The Associated Press State & Local Wire, October 29, 2002.
In Texas, a man has been indicted on a rape charge 18 months after a grand jury indicted the DNA profile from evidence found at the scene of a 1998 rape. In May 2001, grand jurors indicted a 120-digit sequence of DNA from a man linked to the three-year-old rape case. The move stopped the clock on the case's five-year statute of limitations. This case was the first time Lubbock prosecutors indicted a DNA profile without a name. Just after the DNA indictment in May 2001, state legislators removed any statute of limitations on rape cases in which DNA evidence is gathered. Last month, the state's CODIS linked the suspect to the Lubbock rape and another in Amarillo. The suspect, a convicted burglar, was paroled in 1990, before the prisoner DNA sample law took effect. He recently returned to prison for a burglary and was forced to give a DNA sample to CODIS.
19. "Appeals court will hear new DNA test case." The Associated Press State & Local Wire, October 29, 2002.
In Michigan, the state Court of Appeals is expected to consider a case involving an emerging DNA test that helped prosecutors convict a man in a college student's death. The case is among the first in the nation where the validity of mitochondrial DNA testing has reached an appeals court. Mitochondrial testing was performed on 2 hairs recovered from the defendant's apartment.
20. "Convicted murderer wants to keep his DNA to himself." The Associated Press State & Local Wire October 28, 2002.

In North Dakota, lawyers argued about grammar and a missing comma as the North Dakota Supreme Court mulled whether a convicted murderer should be forced to give state prison officials a DNA sample. A new state law that requires violent felons in the state prison to provide a genetic sample is too imprecise to apply to the case of convict who shot his estranged wife to death 10 years ago, his attorney argued. Lawmakers initially targeted the DNA law to convicted sex offenders when it was approved by the 1995 Legislature. Last year, it was expanded to include murder and an assortment of violent crimes. Attorneys now haggle about what the Legislature meant to do when lawmakers extended the law's reach.

21. "University of Utah's Innocence Center files first DNA petition." The Associated Press State & Local Wire, October 24, 2002.

In Utah, the Rocky Mountain Innocence Center is pushing its first petition for DNA testing that could exonerate a prisoner convicted of rape nine years ago. Two cigarette butts and a piece of hair could prove the convict's innocence or guilt. The evidence was left by a rapist at a home in 1992, before DNA testing became useful.

Genetic Privacy

22. FEDERAL REGISTER – Notice of the Department Of Health And Human Services, Office of the Secretary of Health and Human Services. October, 23, 2002.

The Secretary of the Department of Health and Human Services (HHS) will establish the Secretary's Advisory Committee on Genetics, Health, and Society. The Committee shall consist of a core of 13 members, including the Chair. Members and the Chair shall be selected by the Secretary, or designee, from authorities knowledgeable about molecular biology, human genetics, health care, public health, bioterrorism, ethics, forensics, law, psychology, social sciences, education, occupational health, insurance, and other relevant fields.