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The November 15, 2002 DNA legislative and media summary 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

Virginia has announced it's 1000th cold hit on the DNDA database. Cold hits on DNA databases also made headlines in California (serial rapist identified, sexual assault/robbery solved) and New York (2 sexual assaults solved), and Montana authorities received their first cold hit (forensic case match to an unsolved crime in New Mexico). DNA evidence has also aided important investigations in DC (linking Malvo to several of the sniper shootings), New York (rape/murder case), and Ohio (rape case). Investigators around the country are increasingly using animal DNA evidence to link suspects to crime scenes.

In California, a federal judge has declared unconstitutional a law requiring felons on federal probation to submit to DNA testing. The Georgia Bureau of Investigation has moved into its new crime laboratory which includes better equipment to test DNA.

A Maryland man has been exonerated by post conviction DNA testing after serving 20 years in prison for a rape. A Texas court has denied a motion for post conviction DNA testing for a man on death row.

In international news... Legislation expanding police authority to collect DNA samples are being discussed in Canada, Australia and Singapore. DNA issues were highlighted in campaign platforms in Australia. Scottish police are collecting DNA from property crimes as a matter of routine and have identified criminals from evidence collected from toilet seats, shirts, half-eaten food, and earprints. In England, the country's largest "DNA dragnet" has collected DNA samples from 3,000 potential suspects. English authorities also used DNA found on food at a crime scene to help identify a member of a car jacking gang. Canadian officials report that the investigation of a pig farmer accused of killing over 15 women is amassing thousands of pieces of DNA evidence.

NEWS ARTICLES

Forensic DNA

1. "Governor Marks Milestone For DNA Database." Press Release, Office of the Governor of Virginia, November 15, 2002.

The Virginia Governor has announced the state's 1,000th DNA Databank "cold hit." Virginia was the first state to start DNA testing of sex offenders in May 1989. One year later, it was expanded to include all felons, and in 1996 the database was expanded to include juveniles 14 years or older convicted of a felony. Virginia's DNA Databank now contains the genetic profiles of more than 187,000 convicted felons. As of Oct.31,2002, DNA database matches in Virginia have helped solve 109 homicides, 241 rapes, 12 rape-homicides, 57 robberies, 14 car-jackings, 9 malicious woundings, 465 burglaries or larcenies and 86 other assorted felonies. These "hits" also included 38 cases from other states in which a suspect was identified through genetic information on file in Virginia's DNA Databank. "Virginia is safer today because the state moved aggressively to set up the DNA database 13 years ago, but we're not resting on our laurels" Governor Warner said. Beginning next January 1st, every person charged with a violent felony in

Virginia will submit a DNA sample. Those DNA records will be expunged if the suspect is acquitted or the case is dismissed.

2. "Highlights of the law and order policies announced so far." AAP Newsfeed, November 12, 2002,
In Australia, DNA issues were among those highlighted in the law and order policies so far announced by the ALP and Liberal Party in the Victorian election campaign. The Liberal party advocated \$13 million for improved DNA testing facilities and \$15 million in recurrent funding for DNA services. .
3. "US authorities arrest suspected serial rapist who claimed 30 victims." Agence France Presse, November 12, 2002.
In California, authorities have arrested a suspected serial rapist who allegedly attacked around 30 women during a six-year crime spree in Los Angeles beginning in 1996. DNA evidence collected from the suspect after he was arrested on drug charges was subsequently linked to 12 rapes in the southern California area. Police suspect the man is the Belmont rapist, who attempted to sexually assault around 30 women aged between 30 and 80, mostly after sneaking into their homes through an open window or unlocked door late at night or early in the morning. The man was originally picked up by police a few blocks away and only a few minutes after what was believe to have been his most recent attack.
4. "Police Double Rate Of Solving Break-Ins." The Scotsman, November 12, 2002.
In Scotland, detection rates for housebreaking in Edinburgh have more than doubled in the past four years after a dedicated police unit was established to tackle the crime. Police announced a record clear-up rate of 49% for housebreaking in the capital, compared with just 17% in 1998. The number of attempted crimes has also fallen by 21.5% to an annual level of 900 across the force area over the same period. Success is attributed to new techniques of intelligence-led policing employed by the unit, including an increasing use of DNA evidence.
5. "Biggest DNA test in Trophy Rapist hunt." Daily Mail (London), November 11, 2002.
In England, investigators looking for the "Trophy Rapist" are conducting the biggest mass DNA screening in British criminal history. More than 3,000 men have already been tested. The 3,000 men who had samples taken were identified by the public as fitting the rapist's description or targeted by the police themselves.
6. "We now can call the Titanic's Unknown Child by his name . . . may Eino rest in peace." The Guardian (Charlottetown), November 11, 2002.
In Canada, a child recovered from the sinking of the Titanic in 1912 has been identified through DNA testing. The child had been buried without a name. A Canadian-led team of researchers has announced that genetic material exhumed from the grave allowed them to determine that the victim was Eino Panula, a Finn, who was 13 months old when he and his family perished on the Titanic.
7. "Officials Link Most Killings To Teenager." The New York Times, November 10, 2002.
In the Washington D.C. metro area, law enforcement officials announced that DNA evidence suggests that John Lee Malvo, the 17-year-old charged in the Washington-area sniper shootings, was the gunman in most of the attacks that left 10 dead. Among the evidence, officials said, is DNA linked to Mr. Malvo that was found on a grape stem dropped at one of the sites where a bullet was fired. At another shooting, they said, Mr. Malvo's fingerprints and DNA were found on a piece of paper dropped from where investigators believe a shot was fired.
8. "DNA samples point to Jack the Ripper's identity." Saint Paul Pioneer Press, November 11, 2002.
Crime novelist Patricia Cornwell has used DNA testing to determine that the infamous serial killer Jack the Ripper was a British artist named Walter Sickert. In "Portrait of a Killer: Jack the Ripper -- Case Closed," Cornwell describes how she and a team of investigators came to their conclusion after analyzing DNA samples from 55 letters, envelopes and stamps sent by Jack the Ripper; Sickert, as well as his wife and his mentor; and Ripper suspect Montague John Drutt. While the tests rule out 99 percent of the population, Cornwell warns that, at best, the results are a "cautious indicator," because the tests compare the Ripper's DNA with what is likely blood or saliva from Sickert. (Sickert was cremated, and no definitive evidence of his DNA exists.)
9. "GBI officials get high-tech lab Investigators move into \$ 4.1 million forensic facility." The Florida Times-Union (Jacksonville, FL), November 9, 2002,
The Georgia Bureau of Investigations is getting a new \$4.1 million laboratory. In the new lab, GBI officials have better equipment to identify confiscated drugs, analyze fire debris in arson cases, determine the alcohol content in a driver's blood, conduct DNA testing and match bullets from crime scenes to confiscated guns. The old 8,000-square-foot lab was built in the 1970s and was surrounded by a hazardous waste site. The new 17,000-square-foot facility,

includes a morgue, laboratory, conference room, garage and several offices for the lab manager, scientists, assistants and support staff. Other GBI crime labs are set to open in Savannah in February, Macon in June, Moultrie in October and Cleveland at the end of next year.

10. "Court TV to feature DNA link in Parks' murder case." The Bradenton Herald, November 8, 2002.
A Florida story of how DNA helped detectives capture the man who killed a local woman and her two young daughters is scheduled to be aired on Court TV. DNA found under the victim's fingernail was matched to the suspect, who ultimately confessed to killing her and her 7 and 4-year-old daughters in their home in 1999. Court TV publicists said a new forensic show, called Body of Evidence: From the Case Files of Dayle Hinman, will premiere on the cable network Dec. 12.
11. "Defendant Stops Trial, Admits Sex Killing Of Teen." Daily News (New York), November 8, 2002,
In New York, a truck driver accused of raping and murdering a young auxiliary cop pleaded guilty minutes after the prosecution laid out its case to a jury. The defendant suddenly interrupted his trial and accepted a plea deal, admitting he killed the 17-year-old high school student, on Jan. 28, 2001. He also admitted raping another woman a week earlier. The defendant's was lured to the precinct stationhouse where he was offered gum and coffee. The cup and discarded gum were sent for DNA testing, which linked him to both attacks.
12. "Masked gunmen 'broke in to steal fast cars'." Evening Standard, November 8, 2002.
In England, DNA from a half eaten kebab left at the scene of the crime preliminarily identified a suspect in a string of carjackings by a gang that has committed more than 20 attacks at gunpoint, stealing up to four cars a night in a three-week spree.
13. "National Briefing West: California: Judge Strikes Down DNA Tests." The New York Times, November 8, 2002.
In California, a federal judge has declared unconstitutional a law requiring felons on federal probation to submit to DNA testing. The ruling, by Judge William Shubb of Federal District Court, involves the DNA Analysis Backlog Elimination Act, signed by President Bill Clinton in 2000, which mandates that DNA samples be taken from anyone convicted of violent offenses like homicide, sex crimes, kidnapping or robbery.
14. "Rapist abused by father as a child?" UK Newsquest Regional Press, November 8, 2002.
In England, a decade-long hunt for a serial rapist who targeted elderly women has been stepped up. Detectives believe the man could be responsible for up to 80 offences from as far back as 1988. Officers have linked eight of the offenses together through DNA. They are confident another 18 are connected and say they are "keeping an open mind" about a further 50.
15. "Evidence ripped in Brown's case; Defense: Prints aren't suspects." Chicago Tribune, November 7, 2002.
In Illinois, a napkin found along with a discarded chicken dinner that provided key DNA evidence and broke the case of the Brown's Chicken & Pasta killings has yielded fingerprints that do not match either man charged with the slayings. The defense attorneys say two boxes from the Illinois State Police contained the results of lab testing of physical evidence collected during the 9-year investigation. They hope to have DNA testing on the food redone by an independent lab during the next few months, after a fresh sample is taken from one of the defendants. "We'd like to retest the actual chicken," said one of the attorneys, "but it was a trace amount of DNA to begin with, and we don't know what's left." Authorities originally used DNA samples from the chicken dinner to place the defendant at the scene of the 1993 shooting deaths of seven restaurant employees.
16. "Gene Of The Crime; How Boffins Are Using The Latest DNA Technology In The Fight To Catch The Country's Top Criminals." Daily Record, November 7, 2002.
In Scotland, scientists using the latest DNA profiling technology are helping catch leading criminals - without leaving the laboratory. Authorities report that they have been able to get DNA from traces left on a toilet seat, sweat from the cuff of a shirt, a bite mark in an apple, and from the earprint of a burglar left on the window of a house. They are processing samples for house-breaking and car theft as a matter of course and officers are thinking about DNA when they investigate these crimes. The Scottish DNA database now holds the genetic details of 112,000 criminals arrested by forces north of the border. Six years ago, just 400 profiles were held. The number of staff has risen from four to 20. Samples can be taken by the police from anyone arrested for any crime, but can only be held on file if a case is active or if a person has been convicted. If charges are dropped or if a mass screening is carried out and a person is caught, the DNA samples are rejected from the system.
17. "US DOD Vietnam MIAs identified." M2 Presswire, November 7, 2002.

The remains of three U.S. soldiers previously unaccounted for from the war in Vietnam have been identified and will be buried as a group at Arlington National Cemetery on Friday, Nov. 8. Remains of the soldiers were submitted by to the Armed Forces DNA Identification Laboratory for mitochondrial DNA analysis. By analyzing dental records and comparing the DNA of skeletal fragments found at the crash site to that of maternal family members, scientists were able to make identifications of the missing servicemen. The remains of three others from the same incident were previously identified.

18. "British Columbia: Search of pig farm yields 8,600 exhibits." Montreal Gazette, November 7, 2002.
In Canada, authorities say that they have 8,600 exhibits from the pig farm owned by Robert Pickton, who is charged with killing 15 women. Another 2,600 exhibits come from a second property. Most are swabs taken for DNA testing. So far, only one-fifth to one-fourth of the farm has been searched.
19. "Prosecutors' latest tool: Animal DNA." USA Today, November 7, 2002.
Prosecutors in the US are increasingly using blood, hair and saliva drawn from household pets to secure convictions. In the last four years, 14 defendants in Washington state, Oklahoma, California, Pennsylvania, Iowa and New Mexico have been convicted of violent crimes based in part on DNA drawn from the blood or hair of a dog that was at the crime scene. In September, a San Diego jury recommended that a man be sentenced to death after DNA tests linked hair found in his trailer home to a Weimaraner owned by the victim. Canadian authorities scored the first murder conviction based on animal DNA in 1996 by linking a bloodstained coat owned by the victim's ex-husband to hair from his cat. Defense attorneys say labs that perform animal DNA tests lack the state and federal standards required of labs that do human DNA tests. They also note that the inbreeding used to produce purebred dogs and some cat lines can reduce genetic diversity and increase the likelihood that a DNA sample could match several different animals. But scientists say that any shortcomings in pet DNA evidence are rapidly being overcome by new research. Since 1999, researchers at the National Cancer Institute in Frederick, Md., have been helping the Justice Department develop a database of cat DNA that can match samples with an accuracy of hundreds of millions to one.
20. "DNA tests identify 1 of 8 bodies found in Juarez lot." El Paso Times (El Paso, TX), November 5, 2002.
In Mexico, one of eight victims whose bodies were found last year in a vacant lot in east-central Juarez was positively identified, according to DNA tests conducted by the Mexican federal attorney general's office. The DNA findings raise questions about the identities of the other seven women, and they raise questions regarding the whereabouts of the missing young women who Chihuahua state authorities said were among the murdered victims. The recent revelation about the DNA tests upset families who were never notified about the results.
21. "Forsyth 'cringes' at gap in sex offender registry: National law on way." Edmonton Journal, November 7, 2002.
In Canada, the Alberta minister advocated for making a proposed national sex offender registry retroactive. Currently, the national sex offender registry would not apply to some of Canada's most notorious pedophiles. Federal officials announced that legislation for a national sex offender registry will be introduced in Parliament by mid-December. It would force convicted sex offenders to provide police with up-to-date addresses and identifying marks such as tattoos within 15 days of conviction or release from jail. The registry, which provinces have been demanding for a decade, could be in place by the end of 2003. Legislation to increase the number of criminals who must provide genetic samples to the national DNA databank -- an Ontario request -- could be introduced as early as next spring.
22. "NT: DNA database can include NT, says Ellison." AAP Newsfeed, November 6, 2002,
In Australia, a national DNA database could be achieved despite the Northern Territory's (NT) refusal to conform to the national model, the Justice Minister has said. The NT is the only state or territory to reject the federal model which would standardize the type of criminal whose DNA is recorded in the database. The NT regards the model as a watering down of its legislation which requires DNA of burglars and suspects, while the national database would only keep profiles of convicted serious criminals. But the NT's stance has been supported by Western Australia, Queensland, NSW and South Australia at the Australasian Police Ministers' Council. The NT is also pursuing bilateral DNA share arrangements with all states, with WA being the first to sign up.
23. "Move to let police take tissue samples for DNA." The Straits Times (Singapore), November 1, 2002.
In Singapore, a new Bill introduced in Parliament aims to authorize collection of DNA samples from someone accused of a crime, or who was present at a crime scene. The DNA sample can include blood, hair or cells from the mouth, but consent must be given in order for the police to collect blood. If a person refuses "without good cause", he may be taken to court and if guilty of refusing to give a body sample without a reasonable excuse or of obstructing the process, he can be fined up to \$1,000, or imprisoned for up to a month, or both. If the arrested person is absolved

of any connection to the crime, or if he is not charged, his fingerprint and photo records will be destroyed, while his DNA sample will be removed from the police's database.

24. "Cut Leads to Arrest in Attack on Woman, Teen." Los Angeles Times, November 8, 2002.
In California, a 40-year-old man who got a ride with a woman and her teenage granddaughter, then allegedly pulled a knife, sexually molested the girl and robbed the pair, has been arrested. The man was arrested Oct. 16 -- some 20 months after the alleged crime. He cut himself in the car he allegedly stole Feb. 3, 2001. That blood sample enabled investigators to track him through a state DNA database.
25. "DNA trail links rapes in Great Falls, New Mexico." Great Falls Tribune (Great Falls, MT), November 5, 2002.
In Montana, an unknown man who sexually assaulted five women and one teen in 1993 and 1994 has been linked to a similar rape last year in New Mexico, using DNA gathered in both states. Police departments from both states did not know of the link until September 17 when the DNA match was made on a national databank. Three years ago a county attorney in Montana filed 13 charges, including three counts of rape, against a "John Doe" known only by the DNA samples he left behind in the series of attacks. This case marks the first forensic case hit for Montana authorities. Investigators have not yet identified the perpetrator.
26. "DNA links old case to jailed rapist." Daily News (New York), November 10, 2002
In New York, genetic evidence has helped link a man already in jail for his role in a Brooklyn rape case to an unsolved 1998 rape in Richmond Hill, police said. The man was charged with rape in connection with an April 19, 1998, attack on a 22-year-old woman who was dragged into an alley. The case remained open until recently, when DNA from the 1998 attack was linked to DNA collected from the suspect after he was arrested and charged last March with statutory rape for allegedly having sex with a 15-year-old girl.
27. "New DNA Clue In Hunt For Valentine's Day Murderer." Press Association, November 13, 2002
In the UK, police are hoping for a fresh lead in the case of a young woman found stabbed to death 14 years ago following the discovery of the DNA profile of a new suspect from the crime scene. The victim suffered multiple stab wounds. South Wales Police said that after a reinvestigation of the murder, officers now have the DNA profile of a new male suspect. Three men were convicted of the murder in November 1990 but were released on appeal in December 1992. The new DNA profile does not match any of them.
28. "DNA identifies skull as missing girl's 'Cold case' unit confirms remains were NLR teen's." The Arkansas Democrat-Gazette, November 08, 2002
In Arkansas, dental features plus DNA testing have positively identified a skull found in 1988 as a teenager who went missing the previous year. Investigators will now begin a death investigation. Authorities recently returned to the remote section of Camp Robinson where the teenager was last seen in 1987. By the end of the day, the teams had gathered the first possible new clues to the 15-year old disappearance. They found several bone fragments and pieces of cloth which have been sent to the state Crime Laboratory.
29. "DNA confirms man's rape confession" The Associated Press State & Local Wire, November 8, 2002.
In Ohio, results from a DNA test support a man's confession that he committed a rape at the Cleveland Clinic's hotel in 1988, police said. The man surrendered to police on Oct. 22. He told police his faith in God forced him to confess to the rape after reading The Plain Dealer's five-day series on Michael Green, who was wrongly convicted of the crime and released from prison in October 2001 after DNA testing proved he didn't commit the crime. Swabs of his saliva were sent to Ohio's Bureau of Criminal Identification and Investigation so his DNA could be compared with the DNA sample found on a washrag the rapist used to wipe himself off after the attack. Police confirmed the DNA match and said the case will be reviewed by a grand jury.
30. "DNA justice" The Baltimore Sun, November 8, 2002.
In Maryland, a man who spent 20 years in prison for a rape conviction has become the latest man to be exonerated by DNA testing. Unlike many other wrongful conviction cases, there was no prosecutorial misconduct in this case. Police did not coerce a confession out of him. He had a good lawyer at trial. And three eyewitnesses said they saw him near the crime scene. If not for DNA evidence nothing about this case would have suggested he wasn't guilty.
31. "DNA testing denied for Death Row inmate." Fort Worth Star Telegram, November 7, 2002.
In Texas, the Court of Criminal Appeals has denied a motion for DNA testing from the state's longest-serving Death Row inmate. The court denied the appeal because the defendant failed to show that DNA testing of a hair, a

cigarette butt and a bath mat containing blood stains would change the outcome of the trial.

Agriculture

32. In the UK, a DNA test for shark fins sold for food, to discover whether they have come from basking sharks, has been developed. The government is spearheading proposals to limit trade in the harmless shark, which lives on plankton. It is endangered by commercial fishing to meet the demand for shark fin soup. Single large fins sell for \$25,000 Cdn in China.
The DNA tests have been developed to identify the source of the fins.
33. In the UK, four horses were injured and one other in a traumatized state following attacks by what wildlife experts surmise is a big cat. The possibility that these incidents are linked and caused by a big cat, perhaps one of the pumas living wild in the Westcountry, has to be seriously considered in terms of the most likely predator. If the attacks are not linked to big cats then there are questions raised as to who or what is attacking horses and just what is going on. However, there is now an opportunity to prove once and for all via DNA examinations what has attacked the horses as it would surely be impossible for no traces of the attacker or attackers not to be left on one or other of the victims.

Industry

34. An Iowa based company, DNA Connections, offers DNA retrieval and storage services to funeral homes throughout the U.S. For about \$300, the company takes a blood sample from the dead and stores it in a secured lab. Besides being used in heredity claims, the DNA also can be tested, once genes are pinpointed for certain diseases, to help families trace possible genetic links to a disease.
35. A judicial decision in a patent dispute ushered in a 45 percent drop in quarterly profit for Applied Biosystems Group. The court ordered the company to pay \$ 13.3 million to Wellesley, Massachusetts-based PerkinElmer Co. after a jury found APG liable in a dispute over a 1999 product line of genetic analyzers. Net income for the first fiscal quarter of 2003, which came to a close last September, fell 8 cents a share to \$ 17.8 million, down from \$ 32.2 million twelve months prior.