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The November 22, 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

“Cold hits” on DNA databases identified suspects California (serial rapes), Maryland (two rapes), Georgia (a rape and a murder), Indiana (a rape and a murder), and Virginia (rape). Cold hits on Oregon’s DNA database identified 26 burglars. DNA evidence also helped to solve criminal cases in Georgia (murder charges against 3 men); Texas (murder), Connecticut (sex assault), Florida (burglar), California (sex assaults) and Arkansas (murder). A “DNA dragnet” in Louisiana’s search for a killer has obtained hundreds of elimination samples, and the failure of local police to submit a rape kit for testing has resulted in a civil suit against the Florida city.

DNA backlogs were in the news in Florida, and the Houston, Texas lab is under review following a report that has questioned its DNA evidence. Los Angeles officials are still debating whether the DNA section of a planned lab facility should be expanded to accommodate additional analysts.

DNA testing that led to a Minnesota exoneration has also identified the true attacker, but the statute of limitations has now lapsed for that crime. DNA was also used in Maryland and Illinois to both exonerate inmates and identify the true perpetrators. Other post conviction cases made headlines in Florida, Ohio, New Mexico, California, and Missouri.

In international news, the International Commission on Missing Persons continues to identify war victims in Bosnia. In England, DNA analysts pooled 6 swabs from a victim to obtain one genetic profile. British authorities are hoping for a fresh lead in a 14-year old murder case after re-examination yielded a DNA profile of a male suspect. In Ireland, DNA evidence helped identify a perpetrator in a 20-year old sexual assault case.

NEWS ARTICLES

Forensic DNA

1. “BR police say hundreds DNA-tested.” The Advocate (Baton Rouge, LA.), November 19, 2002.
In Louisiana, where a serial killer continues to elude authorities, hundreds of men have provided saliva samples for DNA testing. Police said DNA shows that the same man killed three women. So far, more than 600 white males have been contacted for the purpose of obtaining oral saliva swabs for DNA comparison. Authorities say that out of that number, less than 15 have refused the voluntary submittal, the overwhelming majority being more than eager to be formally eliminated from suspicion. One man, considered a suspect, refused to give a sample until authorities obtained a warrant compelling him to submit. Results of that testing should be available next week.
2. “Crime Lab.” City News Service, November 19, 2002.
In California, the police commission has delayed action on a suggestion by the District Attorney to increase the amount of space allotted for DNA analysis in the planned Regional Crime Lab Facility. The DA has been pushing for more space for DNA analysis. Under the current design, Cooley contends the LAPD’s half of the lab will be too small to accommodate the technicians needed to test all the DNA evidence from rapes and sexual assaults projected

in Los Angeles. Already, the department does not test all DNA evidence that comes in from such cases, which requires that it be sent out to private labs.

3. "Three men sentenced to life in revenge killing." The Macon Telegraph, November 19, 2002.
In Georgia, three men were sentenced to life in prison following their convictions on felony murder charges. The sentencing came on the one-year anniversary of the death of the woman they were convicted of shooting to death in her home. DNA played a crucial role in the trial. A red cap was found near the victim's house. DNA testing linked skin cells in the hat's brim to one of the defendants.
4. "Victim sues in handling of rape." St. Petersburg Times, November 19, 2002.
In Florida, a woman who was raped twice within a month's time has sued the city of New Port Richey, alleging that police doubted her accounts of the assaults and failed to properly investigate the cases. The first attack occurred in the victim's home in December 1998, but the city's detectives did not believe the complaint. A semen sample taken from the woman sat in a refrigerator at the department instead of being tested. In January 1999, the rapist struck again, and again, investigators took no action. The break in the case finally came when the woman saw her attacker in a convenience store. In August 2001, a jury deliberated for one hour before convicting the defendant, who lived three blocks from the woman and had served 14 years in prison for a 1983 rape. His DNA had been in a state database since 1996. He is serving a life sentence.
5. "Houston police chief orders review of crime lab's work." The Associated Press State & Local Wire, November 16, 2002.
In Texas, work by the Houston Police Department's crime lab will be reviewed after a report by a local television station that questioned its findings in some cases. The plan includes asking the Harris County District Attorney's Office to do an independent analysis of the DNA samples in question and to perform an independent review of the evidence handled internally by police and continuing to pursue accreditation of the crime lab. Houston is the largest city in the nation whose crime lab is not accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board.
6. "DNA on war victims." Montreal Gazette, November 16, 2002.
DNA testing has helped scientists to speed up the identification of the remains of victims from the war in Bosnia, which claimed 200,000 lives. Since DNA matching was introduced a year ago, the International Commission on Missing Persons has determined the identities of 1,200 bodies, compared with 73 in the preceding six years. Around 10,000 bags of body parts have yet to be identified, most of them Muslims killed by Bosnian Serb forces at Srebrenica in 1995 in the worst massacre of the conflict.
7. "Houston man convicted in 3-year-old's death." The Associated Press State & Local Wire, November 15, 2002.
In Texas, a man was convicted of capital murder in the death of his girlfriend's daughter who was fatally beaten, bitten and sexually assaulted on her third birthday. The medical examiner had testified during the trial that the child was bitten repeatedly and apparently kicked and punched. She suffered cracked ribs and organ injuries. Prosecutors said swabs from the bite marks produced DNA matching the defendant.
8. "Elderly man gets 12 year prison sentence in sex assault." The Associated Press State & Local Wire, November 15, 2002.
In Connecticut, a 75-year-old man who admitted impregnating a 10-year-old girl he met through an "Adopt a Godfather" program was sentenced to 12 years in prison after DNA testing showed he was the father of the baby the girl later gave birth to.
9. "Coverup alleged in hotel slaying." Chicago Tribune, November 15, 2002.
In Illinois, the murder trial of a former hotel maintenance man began with prosecutors saying he used his position to brutally kill a Florida woman in 1996, then he tried to deflect attention by planting evidence. Prosecutors allege that DNA samples were planted at the scene by the defendant to divert suspicion. Testing of a bloodied washcloth found in the victim's bathroom revealed three samples of blood, none of which matched the victim or the defendant. Prosecutors allege that this was consistent with the defendant's modus operandi, to make an inside job look like an outside job. Prosecutors say that they still don't know whose DNA was found in the victim's room but noted that blood samples found on a tissue and on a heater matched the victim but no match to the defendant was found in either sample.
10. "Felony charges in Oakland rape case." The San Francisco Chronicle, November 15, 2002.

In California, a prominent religious leader was charged with 27 felony counts in the alleged rapes of four girls under 14, after three more women stepped forward to say he sexually assaulted them. The new complaint alleges that the defendant had sex several times each with four different girls from 1976 to 1995. The defendant turned himself in and was booked in September after DNA tests confirmed he was the father of a child one of the victims bore in 1982.

11. "Lawmakers Asked To Extend DNA Law." The Santa Fe New Mexican, November 15, 2002.
In New Mexico, lawmakers were asked once again to provide a way for convicted felons to use DNA evidence to try to prove their innocence. A law enacted in 2001 gave prisoners only one year, until July 2002, to petition state district courts to reopen their cases and order DNA testing. Supporters proposed a rewrite of the 2001 law that would ease the restrictions on who could file petitions -- for example, allowing prisoners to do so even if they had pleaded guilty.
12. "DNA Profile Was Pooled' From Samples." South Wales Echo, November 15, 2002.
In England, a DNA profile of the man accused in the sensationalized murder of Geraldine Palk was finally obtained by pooling together different samples taken from her body. A Senior forensic scientists testified that none of the individual swabs taken from Geraldine's body at the time had sufficient material to produce a profile, so six swabs were pooled together.
13. "DNA test results bring plea in '95 attack case." Chicago Tribune,, November 14, 2002.
In 1995 in Illinois, a man and his uncle were charged and tried for attempted murder. The man was convicted, but the uncle went free. Now, seven years later, the uncle has admitted committing the crime and says his nephew is innocent. The evidence against the two men at the attempted murder trial in 1995 was nearly identical. Both had been picked out of a lineup by the woman, who said she was forced into a car, slashed with a box cutter and robbed. However, DNA tests have showed then nephew's DNA did not match the DNA recovered from the victim. Attorneys for the man are filing for a new trial.
14. "\$3 million allocated to help fight crime." The San Diego Union-Tribune,, November 13, 2002.
In California, San Diego County will receive nearly \$3 million in state grants for crime-fighting programs. The county Board of Supervisors yesterday formally accepted the state money and allocated it to the Sheriff's Department and the District Attorney's Office. The District Attorney's Office will get about \$997,000 to continue various programs, including one that uses DNA testing to re-examine old cases.
15. "Polk's Crime Tracking Pays Off." The Tampa Tribune, November 11, 2002.
In Florida, DNA testing on phlegm in a van helped link an active burglar to several scenes. The burglar had been breaking into homes in the middle of the night in 2001 while the occupants were sleeping and stole a variety of items, occasionally including vehicles. Police recently pursued a suspected vehicle, but the driver crashed and fled. However, the crash literally "knocked the snot" out of the suspected burglar. DNA tests on body fluids found on the van's steering wheel identified the driver and burglary suspect and he was apprehended.
16. "Doggie DNA; Newsfront: what's happening in the sexual and social arenas; use of dog DNA to convict criminals." Playboy October 1, 2002.
In California, following a home intrusion, investigators questioned a neighbor of a 60-year-old woman whose pet Shih Tzu alerted her when the man broke in. They also requested a pair of his pants, on which they found dog hair. Scientists who tested the hair's DNA said the odds are about 1 in 230 million that it hadn't come from the Shih Tzu. The neighbor was convicted and sentenced to six years in prison. Nailing criminals with doggie DNA is unusual but not unprecedented. In a 1998 case, prosecutors in Seattle matched blood on the accused killers' clothes to the victims' dog.
17. "Crime labs Out For Blood." The Tampa Tribune, November 17, 2002.
The Florida crime lab system is facing a DNA backlog of more than 2,400 rape, murder, assault and burglary cases with biological evidence. In the Tampa Bay area, critical evidence that could help crack 686 cases awaits testing at the regional FDLE office. \$2.79 million in federal grant money is on the way to help the overloaded system, described by a detective as "DNA testing by triage." Police are being advised not to submit their DNA burglary cases right now because there's not enough manpower to get them tested. Moreover, Florida is steadily expanding its DNA database to include more felons, and should be collecting from all convicted felons by 2005.
18. "DNA lab reports fail to reach detectives." The Associated Press State & Local Wire, November 14, 2002.

In Oregon, State Police crime lab DNA evidence that could have been used to solve dozens of burglary cases failed to reach Portland Police Bureau detectives for the past two years, officials say. The state lab had matched DNA evidence retrieved from burglaries to genetic profiles of 26 convicted felons and forwarded that information to Portland police but the reports rarely made it to detectives. The problem was discovered in August after police arrested a suspected burglar and the state lab informed officers that DNA analysis had tied the same man to two other burglaries that occurred at least a year earlier. State forensic analysts told officers they had identified other city burglars and were puzzled why police had not been pursuing their leads. Since 2000, the state lab has obtained and analyzed DNA evidence from 86 burglary cases in Portland, and 33 of the cases resulted in hits on the DNA database. For those 33 cases, there are 26 named suspects, meaning some people are tied to multiple residential or commercial break-ins.

19. Baltimore County Police Department (e-mail correspondence). November 19, 2002.
In Maryland, police have used CODIS to identify the perpetrator in a case where a man originally convicted 20 years ago was recently exonerated using DNA testing. After excluding the man initially convicted, the crime scene profile was entered into CODIS and within days it matched against another convicted rapist. CODIS hits were also made in Maryland in an unsolved rape from November 2000, and a threat on a judge.
20. Ventura County Crime Lab (email correspondence). November 13, 2002
In California, the Ventura County Sheriff's Department used DNA to arrest a serial rapist who has been praying on women from 1998 to July of this year. So far five victims have been identified and authorities are proceeding with possible additional victims. The suspect was identified through routine investigation while at the same time DNA linked him to the other unsolved rapes and at the time unconnected rapes.
21. "Man, 38, charged in rape, slaying." The Atlanta Journal and Constitution, November 20, 2002.
In Georgia, police have charged an Indiana man with raping one woman and murdering another more than three years ago, and are investigating the suspect in the deaths of two other women. Georgia authorities were led to the man by the national DNA database. His arrest in May in Kentucky in a rape case triggered the four matches to the Georgia cases in which DNA evidence was collected. Originally, only sex offenders were required to submit DNA evidence, but in 2000 the Georgia General Assembly expanded that requirement to all convicted violent offenders. As a result, the number of DNA matches for criminal cases jumped from three in 2000, to 74 in 2001. In 2002, there have been 87 matches.
22. "New '82 Rape Suspect Is Held Without Bond; DNA Cleared 1 Man, Led Police to Another." The Washington Post, November 20, 2002.
In Maryland, a man was ordered held without bond after police charged him with raping a woman in 1982 -- a crime for which another man served 20 years in prison before being exonerated by DNA evidence and freed this month. The same three slides of DNA material unearthed by a Maryland public defender last year and used to gain the release of the man originally convicted, have now linked a convicted sex offender to the rape, police said. Following entry of the profile obtained from the DNA sample from 20 years ago into the statewide database, a match was made to the suspect.
23. "DNA data bank leads to inmate being charged in 1987 killing." The Associated Press State & Local Wire, November 19, 2002.
In Indiana, a man serving a 40-year sentence for attempted murder has been charged with murder in the shotgun slaying of a woman 15 years ago. The man was linked to the Dec. 30, 1987, killing through DNA found on her using the data bank of convicted felons in the state prison system. A confirmation DNA test was made in August and a warrant for the suspect's arrest was then issued.
24. "DNA database cracks 1,000th case." The Washington Times, November 19, 2002.
In Virginia, investigators say a groundbreaking decision made 13 years ago to help solve crimes has helped them crack their 1,000th case: the rape of a young Richmond woman. No arrest has been made, but police said yesterday that a database of genetic evidence, or DNA, created in 1989 has linked the suspect to the April 2001 crime. In 1989 Virginia became the first state to collect DNA evidence from sex offenders and compare it to evidence found at crime scenes. The project expanded to include every convicted felon at least 14 years old. Today the database has more than 187,000 DNA samples, which officials say has helped solve 109 homicides, 241 rapes, 12 rape-homicides, nine malicious woundings, 14 carjackings, 57 robberies, 465 burglaries and 86 other crimes. They also say that each month the database links 24 suspects to unsolved crimes.

25. "National Briefing West: California: Man Charged As Serial Rapist." The New York Times,, November 15, 2002. In California, a man linked to a string of sexual assaults on the West Coast was charged with 64 felonies. The charges against the man included 28 rape counts in connection with attacks on 14 Southern California women. The police say they suspect that the suspect has assaulted or tried to assault as many as 31 women since 1996. The authorities said DNA evidence linked him to 13 assaults.
26. "Jurors recommend life sentence for convicted burglar-killer." The Associated Press State & Local Wire, November 14, 2002.
In Indiana, a man who was convicted of suffocating an 86-year-old widow with her own bed pillow during a burglary will be sentenced to life in prison without parole. He was charged in October 2000 after Indiana State Police matched his DNA with blood found at the murder scene. His blood was sampled when he entered prison to serve a sentence on an unrelated burglary charge. His blood was then compared with a statewide DNA database containing the genetic profiles of more than 21,000 convicted felons.
27. "Inmate's DNA linked to sample found at scene of home invasion." The Baltimore Sun, November 13, 2002.
In Maryland, an inmate has been charged with rape and armed robbery after police used a DNA sample to tie him to a home invasion robbery two years ago. The case marks the first time county police have located a suspect using CODIS. The suspect was sentenced to 11 years in prison in May 1991 after being convicted on armed robbery, burglary and weapons charges. He was paroled but returned to prison in January for violating the terms of his parole. When a new state law took effect last month requiring all defendants to submit DNA samples when convicted of a felony, he was ordered to comply. The law was made retroactive to the start of the year. Police said his DNA matched a sample taken from the site of the incident.
28. "DNA match leads to arrest in 1994 slaying." The Associated Press State & Local Wire, November 14, 2002.
In Arkansas, a DNA match led investigators to charge a man with first-degree murder in connection with a slaying that had baffled investigators for eight years, officials say. Over the years, DNA samples from 17 people had been tested for a match with tissue found beneath the victim's fingernails. At the time of the woman's death, the man was not considered a suspect, but was recently identified as a possible suspect after the victim's parents read in a local newspaper that the man had been charged with sexually abusing a woman, and remembered that he had frequented the convenience store that their daughter owned and operated.
29. "Woman, 82, Died During Sex Assault." Belfast News Letter,, November 13, 2002.
In Ireland, the brutal sexual assault of an 82-year old woman has finally come to trial due to advances in DNA profiling. In 1999, items of the victim's clothes were re-examined and a single hair was discovered. In February 2000, the suspect consented to a swab of his mouth for DNA testing, and was arrested in March 2000 for the murder. Prosecutors say they will show that blood evidence from the crime scene and the hair belong to the defendant.
30. "New Lead In Lynette Case." South Wales Echo, November 13, 2002.
In England, police are hoping for a fresh lead in the case of a young woman found stabbed to death 14 years ago after the discovery of the DNA profile of a new suspect from the crime scene. Three men were convicted of the murder in, November 1990, but were released on appeal in December 1992. Police say the new DNA profile does not match any of them.
31. "Inmate May Get Chance To Clear Name In Rape." Orlando Sentinel Tribune,, November 19, 2002.
In Florida, the 5th District Court of Appeal has ruled that a man convicted of a rape he says he did not commit is too late in trying to use DNA testing of hair samples from the rape scene to clear his name. However, the appeals court wrote that he has one more avenue available to him, because of a 2001 change in court rules by the Florida Supreme Court that allows convicted felons to use DNA testing for past convictions. He may be able to use a 2001 change in court procedures that allows DNA evidence in new attempts to overturn old sentences.
32. "DNA tests allowed in '85 rape case." Calgary Herald, November 16, 2002.
In Missouri, a Canadian who says he was wrongly convicted in a 1985 rape will undergo DNA testing after a St. Louis prosecutor dropped her opposition to it. Results are expected within two weeks. The Canadian Department of Foreign Affairs requested the DNA testing in August. The prosecutor said that request, and the fact that Canadian officials will pay the \$1,600 US cost, swayed her
33. "DNA test OK'd for Death Row inmate." Miami Herald, November 16, 2002.

In Florida, a Broward circuit judge approved DNA testing for a man sentenced to death for a 1991 murder in Fort Lauderdale. The Judge granted a request by the defendant's attorney for tests on strands of hair found clutched in the hand of the victim. Cigarette butts found at the crime scene also will be tested for DNA. But prosecutors say that even if the DNA tests do not link the defendant to the slaying, his sentence will stand because there is other evidence pointing to his guilt.

34. "Prosecutors Use DNA Test To Clear Man in '85 Rape." The New York Times,, November 14, 2002.

In Minnesota, prosecutors vacated a 1985 rape conviction after a review of old cases led to DNA testing that showed they had the wrong man. It is believed to be the first time that a prosecution-initiated review, as opposed to a defendant's appeals, has resulted in exoneration. DNA testing also identified the actual rapist, though a statute of limitations prevents his prosecution. Prosecutors declined to identify the man, but said they would try to force his registration as a sex offender. The Prosecutors office has spent 18 months reviewing 116 pre-1995 cases to see if new technology might change the outcome. Prosecutors wanted to conduct DNA tests in 3 of the 116 cases, but physical evidence in 2 of them had been destroyed. In vacating the charges in this case, prosecutors called on law enforcement agencies to adopt policies requiring the retention of evidence as long as defendants are incarcerated or crimes remain unsolved.

35. "Lawyers hope to organize DNA testing for Ohio prisoners." The Associated Press State & Local Wire, November 12, 2002.

In Ohio, defense lawyers hope to partner with the University of Cincinnati law school in a project that would provide DNA testing for Ohio prisoners who contend they are innocent. The program would follow the nonprofit model of the Innocence Project founded in 1992 by lawyers Barry Scheck and Peter Neufeld at the Benjamin Cardozo School of Law in New York. The program would use law students to research cases - under a lawyer's supervision - to determine whether an inmate's case would be suitable for the DNA testing. The program handles only cases in which its lawyers believe that post-conviction testing of DNA, a person's identifying genetic material, can yield conclusive proof of innocence. The Ohio program would be made available to all Ohio prisoners, whether they face execution for murder or were convicted of lesser crimes.

36. "Doyle's guilty plea closes wrongful murder conviction case in Nfld.." The Canadian Press (CP), November 12, 2002.

In Canada, one of the country's most notorious cases of wrongful conviction took a dramatic turn when a petty thief from Newfoundland pleaded guilty to murdering the mother of a boyhood friend in 1991. The woman's son was originally convicted of the crime eight years ago but he was formally acquitted in 1998 after DNA evidence cleared him. After an elaborate undercover investigation last year, police arrested a friend of the man and charged him with first-degree murder. He originally pleaded not guilty to the murder. Investigators obtained DNA evidence from two cigarette butts he had discarded. Tests confirmed the genetic markers found on the cigarettes had "significant associations" with DNA found under the victim's fingernails and on a bloody towel and soap wrapper found at the crime scene. In a recent deal with prosecutors, the defendant agreed to plead guilty to a lesser charge of second degree murder.

Paternity

37. "DNA paternity testing reaches Papua New Guinea." BBC Worldwide Monitoring, October 31, 2002.

Paternity testing will be made available to New Guinea. Professor Mohammed E. Wagih of the University of Technology in Lae Unitech said the university had secured the sole consultancy with Australia's largest DNA paternity testing laboratory, Genetic Technologies Corporate Ltd (GTC) of Melbourne. The Unitech Biotechnology Centre UBC will operate the service, with Professor Wagih as its executive director.

Industry News

38. Precise Life Sciences is currently establishing relationships with DNA testing laboratories in both North and South America where blood samples from individual animals can be analyzed, with the results filed in the computerized data bank which will be maintained by the company. This DNA identification system permits the tracking of any meat which may contain illness-causing contaminants all the way from the consumer's table back through the retailer, wholesaler and processor to the farm, thus pin-pointing the source of any problem in a matter of minutes.

In view of the recent mad cow and hoof-and-mouth epidemics, the European Union already has instituted a program to bar all imports of beef unless the supplying country has a tracking system in place.

39. In England, scientists are one step closer to creating a real Jurassic Park after discovering a technique to extract DNA from fossils. For the first time ever, scientists at Newcastle University have extracted DNA and proteins from the fossilized remains of a 55,000-year-old bison.