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The November 8, 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

DNA database matches identified suspects in Missouri (murder) and New York (two rapes). A cold hit on the Alaska database not only identified a suspect but also exonerated a man who had been mistakenly arrested for the crime. DNA evidence was also used to strengthen cases against suspects in Texas (one man tied to two murders and five sexual assaults), Arkansas (for two murders in California), and Illinois (murder). DNA may tie one of the Washington-area snipers to a letter left at a murder scene. New Jersey has used DNA to identify 7 anonymous bodies in recent months.

Florida researchers are trying to develop a DNA collection method using a mouthwash.

Virginia voters passed a referendum allowing convicts bring exonerating DNA evidence directly to the state Supreme Court. Meanwhile, the Virginia Supreme Court has refused a request for new DNA testing in the case of a man who has already been executed.

In international news... South Africa has used DNA to help in identifying two bombing suspects, and Germany used DNA to identify the perpetrator of a 1976 murder. Police in England identified criminals through DNA found on a cigarette lighter (burglary), a window (burglar), an ignition key (murder), and spit on a sidewalk (defacing of a memorial). English authorities also solved an old murder case after recovering DNA from a consumed cotton swab that was found on the sides of a test tube. Canada is considering an expansion of its DNA laws, and a top court in that country has upheld the constitutionality of current DNA laws. Australian states are fighting to maintain their stringent DNA laws, and at least one Australian state has created an Innocence Panel for post conviction DNA testing appeals.

NEWS ARTICLES

1. "Genetic Testing: Scientists test mouthwash method of collecting DNA." Genomics & Genetics Weekly, November 8, 2002.
University of Florida researchers are using a mouthwash method of collecting DNA that's as simple as swish and spit. The painless approach means patients can avoid rolling up their sleeves for blood draws, and scientists can collect many times the amount of genetic material obtained by swabbing the inside of the cheek with a small brush, the other technique commonly used. Swabs only gets a relatively small amount of DNA, enough for a few experiments. With the mouthwash, enough DNA for up to 5000 experiments. Researchers found they could store samples at room temperature for up to 3 months and still obtain sufficient amounts of usable DNA.
2. "Rape Suspect Is Recaptured." Newsday (New York, NY), November 6, 2002.
In New York, the so-called "plumber rapist" who sparked a citywide manhunt when he walked out of a Bronx interrogation room in May, has been recaptured. The man, who is believed to have attacked at least 16 women since 1997, was arrested when police traced him to Brooklyn when he made a longer-than-usual phone call to his girlfriend in the Bronx. He has been linked by DNA to 16 rapes of women aged 9 to 58. When he was first taken in for questioning on May 6, police took a DNA swab from his mouth, but before that DNA could be analyzed, he had escaped.
3. "Remains of St. Birgitta to be DNA tested." Associated Press Worldstream, November 5, 2002.
In Sweden, scientists opened a shrine believed to contain the remains of the country's only saint and removed bone samples for DNA tests. The tests could settle conflicting claims about where the real St. Birgitta is buried. The shrine containing the skull and bones of the 14th century saint and founder of the Birgittine order was placed at

Vadstena Abbey Church in 1374. The DNA tests, which could take up to six months, were suggested by the vicar of the Vadstena church after similar tests were started earlier this year on skeletal remains in a grave believed to contain the founder of Stockholm, Birger Jarl.

4. "Drug dealer set on fire, court told." The Guardian (London), November 5, 2002.
In England, six men are being tried for the murder of a drug dealer after DNA evidence helped linked them to the crime. One defendant's fingerprints were found on a beer glass in the pub car park and another was linked to the abduction car when his DNA was found on the ignition key. The car was bought by a third defendant three days before the murder.
5. "Task force solving old cases with new technology." The Associated Press State & Local Wire, November 4, 2002.
In New Jersey, a new state police task force has identified seven anonymous bodies in recent months, thanks to DNA testing and other scientific advancements. The state still has 224 anonymous bodies, some of whom were found more than 20 years ago. Police credit new rules and programs with aiding investigators. DNA samples are now taken from all unidentified bodies in New Jersey and the FBI has developed a national database of missing person DNA profiles, although the latter requires relatives to provide samples.
6. "Time magazine reporting the FBI is testing the saliva used to seal a letter left at the murder scene for a match with the DNA of one of the men charged with the sniper shootings." CNBC News Transcripts, November 4, 2002.
No further details.
7. "He deserves no mercy." The Southland Times (New Zealand), November 4, 2002.
In New Zealand, a man convicted of the rape and murder of a six year old girl committed 15 years ago, was sentenced to life in prison. He had managed to escape retribution for 15 years. The man's semen was found on the victim's body. DNA tests on the semen eventually became the crucial piece of evidence that led to his conviction.
8. "South Africa; Soweto, Bronkhorstspuit Bombers Identified." Africa News, November 3, 2002.
In South Africa, police have identified two men suspected of involvement in the planting of nine bombs in Soweto and Bronkhorstspuit. The investigation of the blast scenes and unexploded bombs found in Soweto and Bronkhorstspuit found enough DNA and other forensic evidence to identify the suspects conclusively.
9. "Suspect in tub slayings on trial." Fort Worth Star Telegram, November 3, 2002.
In Texas, opening statements are scheduled this week in the capital murder trial of a man police say is linked by DNA evidence to two murders from 1996 and five sexual assaults. Medical examiners ruled that both murder victims died of strangulation and drowning. Police linked the cases to the same suspect through DNA evidence. In 1999, five sexual assault cases in Arlington, Grand Prairie and Lancaster were linked to the same suspect through DNA evidence.
10. "Cops Get Old Bones New ID." The Calgary Sun, November 2, 2002.
In Canada a discovery of human bones which sparked one of the most baffling mysteries to confront the RCMP has suddenly taken a new twist. In 1984, someone left three human bones on the ground just outside the town's police station. It was determined they were a woman's bones, and the corpse they came from had never been buried and had died between five and ten years prior to the bones being found. For 18 years the RCMP tried to find the missing woman. Turning to new technology to assist their search, the Mounties sent the bones off for DNA analysis. The police recently received good news -- a DNA profile had been extracted and much to the surprise of investigators, it indicated the bones belonged to a male.
11. "Police jailed wrong man in September UAA rape case SH: Description, witnesses lead to arrest, but DNA freed suspect 10 days later." Anchorage Daily News, November 1, 2002.
In Alaska, DNA evidence has shown that a man who was thrown in jail last month on charges that he raped and choked a 19-year-old student on the University of Alaska Anchorage campus was not the perpetrator. He was picked up because he matched a description of the assailant and was identified by witnesses. Semen was collected from the victim, and police were able to get a DNA profile from it. When the DNA was put into a database, it came back with a match for another man who has five indecent exposure convictions on his record. DNA from the man arrested in October did not match that found in the victim. The case against him was dismissed.
12. "Dental records swiped in raid." Nottingham Evening Post, November 1, 2002.

In England, a burglar who broke into a dental office was caught when police traced him using DNA taken from blood found on a broken window. He was known to officers for persistent offending for the last six years.

13. "Burglar Caught By DNA On Lighter." Evening Herald (Plymouth), October 31, 2002.
In England, a burglar was caught after leaving his cigarette lighter and bracelet at the scene. The man was identified through a DNA match of a sample taken from his lighter which he left behind after reaching through an open window to steal a handbag. The man had numerous prior convictions for burglary, drug and driving matters.
14. "NYPD Daily Blotter." The New York Post, October 31, 2002.
In New York, a DNA match led to an arrest in a 1993 rape. The 1995 rape and beating of a 16-year old girl in East New York was solved when DNA collected from the scene matched that of a man imprisoned upstate for another sex offense.
15. "Shame Of 'Spit Yobs'." The Sun October, 31, 2002.
In England, two young white men were captured on CCTV spitting on the plaque marking where a young black man died after being knifed to death by a white gang. DNA tests linked spittle on the pavement memorial to one of the men, who eventually admitted the crime.
16. "Columns And Features Legal Briefs - DNA Sampling Law Upheld." The Lawyers Weekly November 8, 2002.
In Canada, British Columbia's top court has sided with its counterparts in Ontario, Nova Scotia and Alberta to uphold as constitutional the law requiring those convicted of serious crimes to provide DNA samples for a national data bank.
17. "NT wins DNA laws support", Northern Territory News, November 6, 2002.
In Australia, the Northern Territory (NT) has won crucial support from other states to stop the Federal Government from watering down its tough DNA laws. Under Territory law, DNA can be taken from anyone suspected of committing a serious offence that is punishable by imprisonment and can be used in the investigation of any crime. The Federal Government wants the NT to abandon its DNA laws in preference of a more liberal, national "best practice" model which would mean that the NT, which has already solved 500 crimes using DNA investigative techniques, would no longer be able to use DNA evidence in break and enter investigations.
18. "Both constitutional amendments pass easily." The Associated Press State & Local Wire, November 5, 2002.
In Virginia, voters passed a referendum making it easier for felons to bypass lower courts and get evidence of their innocence before the Virginia Supreme Court. The justice amendment also will give the state Supreme Court the right to consider post-conviction evidence of actual innocence without the criminal cases first going through lower courts. It also gives felons the right to take newly discovered scientific or DNA evidence straight to the court. The amendment would give actual innocence claims the same status as prisoners' habeas corpus petitions and matters involving the discipline of a judge.
19. "NSW: Criminals can begin applying to be cleared through DNA." AAP Newsfeed, November 1, 2002.
In Australia, criminals who believe DNA evidence could clear them of their convictions can apply to the New South Wales government's Innocence Panel to have their cases heard. The government set up the panel after seeing 88 innocent people cleared while on death row in the United States because of DNA evidence. The panel will determine whether forensic evidence exists for post-conviction DNA comparisons and allow testing for genuine applications.
20. "Ottawa urged to widen criminal DNA database." Calgary Herald, November 1, 2002.
In Canada, loopholes in the national DNA database were allowing violent criminals to remain a threat to citizens, according to officials with the Ontario government. The Ontario Attorney General said federal rules on the collection of genetic samples are too restrictive and should be broadened to allow the testing of all violent offenders as well as burglars and drug traffickers. Since Ottawa set up the database in June 2000, DNA has been collected from 27,756 offenders and 6,385 crime scenes. Hundreds of offenders have been matched to crime scenes through the DNA bank. However, the law regulating the collection of DNA samples does not apply retroactively to those convicted before the database was set up, with the exception of serial killers. It does not apply retroactively to those convicted of a single count of murder or those with records for sexual assault or mass murderers.
21. "DNA evidence leads to murder charge." The Associated Press State & Local Wire, November 2, 2002.
In Missouri, a cold hit on the DNA database has led to a murder charges against a convicted rapist now accused of

strangling a woman. The man had been released from a Missouri prison in June after serving a 20-year sentence for rape and robbery. Because of his previous convictions, a sample of his DNA was placed in the national database. Police arrested him after learning that DNA evidence from the victim's body matched the man's DNA profile.

22. "How Science Trapped Killer." The Western Mail November 5, 2002.
In England, scientists have used DNA to identify the perpetrator in a 12 year old murder case. Much of the forensic evidence had been used up on older methods of DNA testing when the case was originally investigated, which left samples too small to test with new testing techniques. However, the lab recently decided to see if any material from a cotton wool swab had been deposited on the inside of the tube when the swab was placed inside. The tip of the wooden swab stick was also tested in case genetic material from the original cotton wool swab had soaked through. Extra material for testing was found. A full profile was obtained and checked against the National DNA Database. It was matched to a suspect whose profile had been put on the database after his arrest for another crime.
23. "3 rd slaying examined for ties to ex-con." The Arkansas Democrat-Gazette, November 02, 2002.
In Arkansas, a former truck driver was arrested after DNA found at a pair of California, crime scenes was matched to his. Using DNA evidence pulled from licked envelopes that the suspect had mailed to his employers at one trucking company, scientists say they linked him to the brutal crimes, even after the passage of almost 40 years. Local police had kept bedsheets and semen from a victim's body in storage, which proved crucial to identifying the suspect. A possible third slaying in 1965 is also under investigation now.
24. "After 27 years, mother forced to face death." The Vancouver Province, November 1, 2002.
In Canada, a man was arrested for the murders of two 14-year old girls committed 27 years ago when DNA evidence identified him as the perpetrator. The man, who spent 20 years behind bars after pleading guilty to raping a Saskatchewan woman and a Winnipeg woman in 1975, has been charged with two counts of second-degree murder.
25. "DNA solves 1976 German murder case." Deutsche Presse-Agentur, October 30, 2002.
In Germany, authorities have used genetic fingerprinting to solve a murder dating back 26 years. The case of the brutal abduction, rape and strangulation and bludgeoning death of a 16-year-old had baffled authorities since her body was found in a ravine beside an autobahn roadway in 1976. The case had been given up in 1983 as unsolved with nothing more to go on than a stain on the victim's clothing. But the case was re-opened when DNA testing of 200 suspects turned up a perfect genetic fingerprint match, which in turn led to a confession.
26. "DNA brings suspect to court for '79 killing, rape." Chicago Sun-Times, October 19, 2002.
In Illinois, DNA identified the perpetrator in a 22-year old murder when blood taken from a longtime suspect was matched to DNA evidence taken from a sock found wrapped around the victim's neck and from swabs of the woman's body. In July, new technology allowed the State Police crime lab to match DNA evidence recovered at the scene to blood taken from the suspect under a 1996 court order.
27. "VA. Justices Reject DNA Retesting." Daily Press, November 2, 2002.
In Virginia, the State Supreme Court refused to order new DNA testing in the case of a killer executed 10 years ago. Previous DNA tests strongly suggested that he was guilty. But Princeton, N.J.-based Centurion Ministries argued that advances in testing procedures could provide more conclusive results. The State Attorney General supported the commonwealth's argument citing the necessity of finality. Virginia courts have never allowed DNA testing on evidence in a case where the convicted person has been executed. Similar post-execution requests have been made in two previous cases.

Paternity

28. "Divorce By DNA." Associated Newspapers Ltd., November 3, 2002.
In England, a man is contesting his wife's claim for 300,000 pounds in a divorce settlement after DNA tests showed that his two children had actually been fathered by another man. The case, which will be heard in the Family Division of the High Court in London next month, will create a legal precedent: it is the first time DNA evidence has been used to establish paternity and form part of a case in a divorce settlement.
29. "DNA dad sues for \$18,000 refund." The Gold Coast Bulletin, November 2, 2002.

In Australia, a man is taking his former de facto wife to court in an attempt to win back money he spent on a child he thought was his. DNA testing proved he was not the father and he wants back all the money he has spent on the young girl over the past five years. The man is asking the Family Court for a refund of \$18,247. His claim includes visits to Luna Park and the zoo, and the purchase of Barbie dolls, blankets and doonas, and meals at McDonald's as well as child support payments, he said. The DNA results were presented to the Family Court after the man won weekend visiting rights, he said.