# DNA RESOURCE REPORT

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A WEB SITE FOR ANYONE WHO SEEKS INFORMATION ON THE LATEST DEVELOPMENTS IN FORENSIC DNA POLICY

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The October 17, 2003 DNA Resource 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.

#### **SUMMARY**

Oklahoma's Attorney General is considering an expansion of the state's DNA database. Cold hits identified suspects in California (murder), Florida (rape), Louisiana (rape), Massachusetts (rape), and Oregon (burglary). DNA evidence was also important to cases in California (murder; rape), Louisiana (murder), Minnesota (child rape), and Texas (murder). A Virginia court ruled that DNA alone is not enough to convict a man of murder. DNA linking a man to several rapes in Indiana, has also now excluded him in other attacks.

Editorials throughout the US criticized the 9<sup>th</sup> Circuit's opinion on the federal DNA database statute – using terms such as "erroneous", "narrow", "absurd", "cross-eyed", "inherently bad" and "criminal mischief" to describe the decision. Nonetheless, the ruling could have an affect on two challenges to Louisiana's statute, and some states in the 9<sup>th</sup> Circuit district are beginning to face questions regarding collection of DNA from convicted felons.

A Washington appellate court has ruled that dog DNA cannot be used as evidence. A New Jersey county will be reviewing 10 years worth of sex assault cases for new DNA leads. A new director has been hired for the troubled Houston crime lab. Florida forensic nurses are calling for more resources and standardization for rape exams.

Post conviction DNA testing may shed light on Michael Skakel's conviction in the Martha Moxley murder. Compensation for inmates exonerated through DNA testing (or other means) is minimal in most states. Florida's extension of time for post conviction DNA testing is a boon to inmates, but traumatizing for some victims.

In international news...Hong Kong is collecting suspect DNA samples in a double homicide investigation. France is using DNA in a serial killer trial. Canadian officials refute continuing reports of "massive backlogs" at DNA labs; Toronto has been solving one crime per week since its lab began accepting no-suspect property crime cases; and the Canada's database linked a recent murder to another murder committed six years ago. A "forensic blitz" on car crime in England focuses on DNA evidence, and UK police used DNA from a mask to solve a robbery. Ireland continues consideration of broadened DNA powers for police. New Zealand police are using samples collected at birth to solve a missing person's suspected death, and used a DNA from a cigarette butt to solve a burglary. DNA from a shotgun may help solve a murder in Australia – unless the evidence was planted, as some claim.

#### **NEWS ARTICLES**

## Forensic DNA

"New Evidence May Exonerate Skakel." Insight on the News, October 27, 2003.
 DNA evidence from the murder of Martha Moxley, for which Michael Skakel (a Kennedy cousin) was convicted, may possibly exonerate Skakel. The DNA evidence includes hairs found on a blanked covering the victim at the

- crime scene. One hair was believed to belong to an African American and the other to someone of Asian descent, but it was assumed that the samples came from investigators. Legal experts expect it will take years before prosecutors allow the tests.
- 2. "Yet another bad 9th Circuit ruling." The News Tribune (Tacoma, WA), October 15, 2003. Editorial regarding the 9<sup>th</sup> Circuit's ruling on federal DNA database statutes. Excerpt reads: "Although federal judges have the power to overturn federal laws, they usually do so carefully and with a thorough consideration of Congress' reasons for passing the law an approach missing in the majority opinion...The sooner either an en banc panel of the appeals court or the Supreme Court can reverse this clearly erroneous decision, the better it will be for the public the DNA Act was designed to protect.
- 3. "DNA taken in search for monks' murderer." South China Morning Post, October 15, 2003. In Hong Kong, detectives investigating the killing of two monks have been taking saliva samples for DNA testing from monks and staff at the monastery, and laborers working nearby. One theory the detectives are considering is that the killings might have been the result of a grudge against one of the monks. The monk believed to have been the target of the attack was a Taiwanese national, and investigators are looking closely at his background, including his life in Taiwan, and any dispute he might have been involved in.
- 4. "Plaintiff: DNA cases similar." The Advocate (Baton Rouge, LA), October 15, 2003. In the legal challenge to Louisiana's DNA database statute (specifically aimed at the provisions requiring DNA samples from arrestees), attorneys for the local plaintiff contend the 9<sup>th</sup> Circuit's ruling which against federal DNA database statutes is significant because the federal law is similar "in construction and operation" to the Louisiana statute they seek to overturn. Attorneys for the Louisiana Attorney General's Office and State Police argue circumstances in the two cases are too different to be comparable. The 9th Circuit has no jurisdiction over Louisiana's federal district courts, which are under the 5th U.S. Circuit Court of Appeals based in New Orleans. However, judges presiding over a case with no legal precedent within their own circuit often look to other circuits for guidance.
- 5. "Suspect ID'd in '85 homicide." The Advocate (Baton Rouge, LA), October 15, 2003. In Lafayette Parish, Louisiana, a DNA testing has identified a suspect in a murder committed 18 years ago. Detectives have not yet revealed who their suspect is, but it is rumored that the man is in jail in Houston on an unrelated charge. The 70 year-old victim's grandson was tried on a charge of second-degree murder in February 1988. The jury was unable to reach a verdict, and the case was not retried. He is not incarcerated, and therefore not likely the person to whom the DNA match was made. "Now he's getting his vindication 20 years later," said the man's former attorney. "That's a long time to wait, but I guess that is what DNA is for."
- 6. "Compensation law touted for ex-inmates." The Advocate (Baton Rouge, LA), October 15, 2003. According to the Innocence Project, at least 17 states and the District of Columbia have wrongful conviction compensation statutes. A recent study of more than 60 exonerees and found 54 percent have no health insurance, 44 percent lack adequate housing, 43 percent earn less than they did before going to prison, 40 percent suffer from depression, 39 percent separated or divorced while in prison, 30 percent lost custody of a child while incarcerated and 28 percent are unemployed.
- 7. "Washington state appeals court rejects use of dog DNA in murder case." The Associated Press, October 15, 2003. In Washington State, the state Court of Appeals has ruled that the science of animal DNA is not as reliable as that of human DNA and cannot be used as evidence in court. The case in question involved a murder case involving the genetic material from a pet dog. In what was believed to be the first case in the nation involving dog DNA, Kenneth John Leuluaialii and George Tuilefano were convicted of murder in the deaths of a couple in 1996. However, despite the DNA finding, the court found that there was enough other evidence to uphold the murder convictions, and further ruled that one should be resentenced to a longer prison term. The opinion can be found at <a href="http://www.courts.wa.gov/opinions/?fa=opinions.opindisp&docid=435078MAJ">http://www.courts.wa.gov/opinions/?fa=opinions.opindisp&docid=435078MAJ</a>.
- 8. "Editorial Roundup." The Augusta Chronicle (Georgia), October 14, 2003.

  Editorial regarding the 9<sup>th</sup> Circuit's ruling on federal DNA database statutes. Excerpt reads: "The 9th U.S. Circuit Court of Appeals took a narrow, perhaps even cross-eyed, view when it ruled that the requirement for federal prisoners and parolees to provide DNA samples for an FBI database was unconstitutional... Apparently, a very small tree in front of the judges blocked their view of the forest. ... Taking a blood sample ... is no different than rolling the inmate's inked fingers to paper and taking snapshots..."

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- 9. "Police break-in unit using DNA to catch thieves." Hamilton Spectator (Ontario, Canada), October 14, 2003. Toronto's Centre of Forensic Sciences has been accepting no-suspect property crime cases for DNA testing, guaranteeing police a one-month testing turnaround on any DNA evidence submitted from a break-in. As a result, police are now routinely looking for and collecting DNA from break-ins. Mistakes made by thieves such as dropping a cigarette butt, drinking from can, cutting themselves on windows, or leaving behind a mask or gloves are giving Hamilton police DNA evidence that is solving at least one break-in a week.
- 10. "Alleged serial killer's trial begins today." The Irish Times, October 14, 2003. In France, the trial of an accused serial killer and former warrant officer in the French army is scheduled to begin. The man is accused of kidnapping and murdering eight young men 28 years ago. He has been charged with three murders, as there was insufficient evidence to prosecute him for the other five. DNA from three of the matched hairs found on a mattress in the suspect's van.
- 11. "Ventura County; Woman's Killer Found but He Dies Before Arrest." Los Angeles Times, October 14, 2003. Ventura County (California) law enforcement officials have pinned the slaying of a woman shot last year as she sat in a parked car near a golf course on an Oxnard man who died before authorities could arrest him. The man died from a self-inflicted gunshot wound just weeks before the crime lab matched his blood to the killer's DNA. The man's name kept coming up as a potential suspect during the investigation, and detectives began to look for him in hopes of obtaining a DNA sample. Authorities eventually obtained a sample from a pair of the suspect's shoes that the had been collected during an unrelated shooting investigation in which the man had been injured and bled on the footwear. Prosecutors dropped a first-degree murder charge against an earlier suspect, an alleged Oxnard gang member, after the same DNA evidence exonerated him.
- 12. "Frustrated police may turn to private DNA labs." National Post (Canada), October 14, 2003. Vancouver (Canada) police, frustrated by delays at the RCMP forensics lab, are considering using private labs for DNA testing in top-priority murder cases. Vancouver police say they wait an average of six to nine months for DNA tests in routine cases. However, it is not clear whether a judge would accept at trial DNA testing done by a private lab. Internal RCMP statistics indicate only 26% of urgent DNA inquiries, such as cases involving serial homicides and violent sexual assaults, were completed by the RCMP's 15-day deadline. And only 12% of routine cases were reportedly done in 30 days. RCMP has denied a massive backlog, but is restructuring its lab to improve testing times.
- 13. "U.S. lawmakers meet with family of slaying victims in Mexico." The Associated Press State & Local Wire, October 13, 2003.
  - A delegation of U.S. lawmakers toured sites in Mexico where police found some of the victims of more than 90 sexually motivated killings committed against women since 1993 in near the border city of Ciudad Juarez. The Juarez slayings have caught the world's attention, but remain unsolved following a decade of what the families of the victims describe as a futile investigation that has been tainted by inept and corrupt police work. The legislators met privately with about 40 relatives of slaying victims at a downtown hotel and listened to their requests that American DNA experts and criminologists be asked to intervene in the Juarez cases. In recent months, 16 women also have been killed or are missing and feared dead in the nearby city of Chihuahua. Seven of those cases are believed to be sexually motivated.
- 14. "Nurses train to verify assault." Florida Today (Brevard County, FL), October 13, 2003. Forensic nurses in Florida are receiving training for sexual assault exams through the Wuesthoff Health System Healthcare Education Department. 85 percent of rape examinations not done by certified Sexual Assault Nurse Examiners end up being thrown out of court. Florida SANE's complain that the state has not standardized the exams. In areas and hospitals that do not have certified SANE nurses, examinations are done by a doctor and a nurse. These exams typically take longer, and evidence is looked at a little differently in court when not done by a certified "expert." One of the suggested reasons that Florida does not have many certified nurses in sexual assault is financial -- the hospitals only make \$250 per case. This includes the one-hour examination, administering medications, lab work and time spent in court.
- 15. "\$1m paid to shoot gangster." Sunday Herald Sun (Melbourne, Australia), October 12, 2003. In Australia, DNA found on a sawn-off shotgun left at the scene of a double murder was planted, according to underworld sources. Police revealed that DNA found on the shotgun was linked to a prisoner who was in jail at the

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time of the murders.

- 16. "AG wants state DNA sample law expanded." Tulsa World (Oklahoma), October 12, 2003.

  Oklahoma's state Attorney General is looking into expanding the state's DNA database to include more offenders. He is also considering the use of saliva samples rather than blood samples, and collection of DNA at arrest rather than conviction. Additionally, the AG acknowledged that the crime lab would see increased workload after any expansion and "could probably use additional help."
- 17. "Lawsuit claims serial killer detectives lied to get DNA." The Associated Press State & Local Wire, October 11, 2003
  - In Louisiana, a second lawsuit has been filed alleging that Sheriff's detectives looking for a serial killer told a man he had no right to refuse a DNA sample, then put his profile into a statewide database without permission. The lawsuit is similar to one which the same attorneys filed in federal court in August, with different plaintiffs. Like the federal suit, Browns asks the state district court in Baton Rouge to make it a class action for men it says submitted to cheek swabs during the investigation. The East Baton Rouge Parish Sheriff's Office and the Sheriff are defendants in the lawsuit. An attorney for the Sheriff's Office, said that she has not seen the lawsuit. But said she's confident the office has followed the law when it comes to the DNA samples.
- 18. "DNA Sample Links Suspect To Rape In 2001." The Daily News Of Los Angeles, October 11, 2003. In California, DNA evidence led to the arrest of a former Pierce College lifeguard in connection with the 2-year-old rape of a student inside a bathroom. The victim had been attending classes at the college when she went into the women's bathroom and was sexually assaulted by an armed man lying in wait. In August, Los Angeles County sheriff's deputies arrested the suspect in connection with an indecent-exposure complaint. An investigator recalled the 2001 rape and had a DNA sample taken from the man.
- 19. "Man Cleared In Slaying." Richmond Times Dispatch (Virginia), October 11, 2003.

  In Virginia, case that identified a murder suspect through a cold hit on the DNA database has been dismissed by a judge who cited state law that requires testimony about motive, time, place, means and conduct when the prosecution relies on circumstantial evidence. During the 1994 investigation, detectives found a small spot of blood on a wrench clutched in the victim's hand. Richmond police submitted the wrench again in 2001, and the DNA was matched to a man on the database due to a 1996 felony conviction for possession of marijuana with intent to distribute.
- 20. "Court order sought in New Mexico to exhume Billy the Kid's mother." The Associated Press, October 10, 2003. In New Mexico, the Lincoln County Sheriff and De Baca County Sheriff filed a petition asking for a court order to exhume the Billy the Kid's mother, Catherine Antrim. DNA testing is supposed to show whether Antrim, buried in Silver City, was related to Ollie L. "Brushy Bill" Roberts, who died in 1950 in Hico, Texas, and claimed he was Billy the Kid. The testing may finally answer whether the outlaw was shot dead by Sheriff Pat Garrett in 1881, or did he escape to Texas and die nearly 70 years later?
- 21. "Authorities say convicted killer is suspected in 1987 rape." The Associated Press State & Local Wire, October 10, 2003.
  - In Iberia Parish, Louisiana, a man serving time for the murder of a pizza delivery woman has now been linked by DNA evidence to a 1987 sexual assault case. Detectives are now trying to persuade the victim to cooperate in the reopened investigation. The 1987 case was one of more than 300 backlogged sexual assault investigations at the Acadiana Criminalistics Laboratory in New Iberia.
- 22. "DNA evidence leads to arrest in rape." The Boston Herald, October 10, 2003. In Massachusetts, authorities used DNA to catch a Holyoke man who allegedly broke into the home of a South Yarmouth woman in 1999 and brutally raped her while her terrified children were in the next room. While the victim's husband expressed gratitude that the rapist is off the streets, he lashed out at the lack of funding for the DNA testing that eventually linked the rapist, who has a criminal record, to the rape.
- 23. "Forensic lab reform." National Post (Canada), October 10, 2003.
  The assistant commissioner for Forensic Laboratory Services responded to recent press reports regarding "massive backlogs" of DNA cases at the RCMP. Excerpt: "There is no "massive backlog" of DNA casework at the Forensic Labs. In fact, as of Sept. 26, 2003, the Forensic Laboratory Services reported 615 DNA cases in active analysis, 30 cases open and ready to be entered into analysis, and 38 unopened. This is in sharp contrast to the numbers reported

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in the article. As well, allegations of jeopardy to criminal investigations are unsubstantiated. We work closely with our policing partners to ensure that we meet their needs, and will expedite the processing of samples from high risk cases as warranted."

24. "DNA match may lead to death penalty for Solano State Prison inmate." San Jose Mercury News (California), October 10, 2003.

In California, a man who was already serving time in state prison for a 1996 murder when a cold hit on the DNA database linked him to a 1987 rape and murder in Santa Cruz – a crime for which he was never a suspect.

25. "Texas DPS DNA lab manager to take over Houston crime lab." The Associated Press State & Local Wire, October 9, 2003.

The Texas Department of Public Safety's DNA section manager (Irma Rios) has been hired to head the Houston Police Department's embattled crime lab. Rios has managed and supervised serological and DNA examinations at the state agency's Austin headquarters for the past nine years. She'll start work in Houston Oct. 20, the police department said in a press release. Rios is a 19-year veteran DNA expert is one of three of investigators who conducted an audit last December which revealed significant deficiencies with the Houston police lab's DNA section.

- 26. No headline. The Associated Press State & Local Wire, October 9, 2003.

  Editorial regarding the 9<sup>th</sup> Circuit's ruling on federal DNA database statutes. Excerpt reads: "The guess here is that the ruling will be appealed, and that the Supreme Court will restore the DNA requirement. That would be good for law enforcement, bad for civil liberties. It's the way things are these days. Americans will differ about the tradeoff being a net gain or loss."
- 27. "New DNA testing techniques aid conviction in '88 murder." Austin American-Statesman (Texas), October 9, 2003.

A Texas jury has convicted a man of killing a woman in 1988 after meeting her in an Austin country western bar. The man was charged with murder that year, but the charge was dismissed in 1989 pending further investigation. New DNA testing techniques persuaded authorities to indict the man again in 2000. DNA evidence showed that the blood of both the victim and the defendant was on the door at the victim's house and also in the car defendant was driving. DNA testing also made it possible to identify one of the defendant's hairs found on the victim's back.

- 28. "Court of Appeal upholds, solidifies Andres convictions." Calgary Herald (Alberta, Canada), October 9, 2003. In Canada, the Alberta Court of Appeal has not only upheld but solidified first-degree murder and arson convictions against Harvey Harold Andres for the 1982 slaying of a Calgary teen. In a unanimous decision reached Wednesday, the province's top court ruled Calgary police had reasonable and probable grounds to obtain Andres' blood samples for evidence, not only in 1999 that led to him finally being charged but also in 1982, and use them to help convict Andres 19 years later. Two Chief said police wrongfully believed they could not have obtained a warrant to get Andres' blood, which was taken for life-saving intervention after he was wounded several times and arrested after a shootout with Saskatoon police.
- 29. "Across the nation." Detroit Free Press, October 9, 2003.

  The US House Judiciary Committee has approved a bill to authorize \$755 million to help eliminate DNA backlogs. The bill also provides greater access to DNA testing for death-row inmates. The bill would provide \$5 million a year for five years to help states cover the costs of DNA testing for death-row inmates who say they're innocent. States would be prohibited from denying inmates access to the testing as long as certain criteria are met. The full House is expected to take up the bill this month; the Senate is expected to act on it by the end of the year.
- 30. "Making car crime a priority." Evening Chronicle, October 9, 2003.

  Police in England have launched a "forensic blitz" to tackle a rise in car crime. Officers are checking every auto crime scene for DNA or fingerprints in a bid to stop criminals. "We aim to show victims of vehicle crime that we mean business. The opportunity for DNA retrieval from cars is good and has been proven to pay big dividends."

  Britain's first dedicated vehicle examination squads were launched after a pilot scheme revealed that half of all car thieves could be identified by traces of saliva, blood or fibers they unwittingly left behind. The DNA drive followed a British Crime Survey by the Home Office which found that the vehicle crime tally in 1999 of 2,956,000 offences made up a fifth of the total crime statistics and affected one in eight car-owning households.
- 31. "Burglar's Blood Match." The Gloucester Citizen, October 9, 2003.

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- In Gloucester (United Kingdom), a 17-year-old burglar was identified through DNA tests on blood at the scene. Entry was gained to the commercial premises by smashing a window 14 feet from the ground and climbing in.
- 32. "New Bill Gives Gardai Power To Take Saliva Samples." Irish Independent, October 9, 2003.

  In Ireland, a series of new powers for gardai including the right to take a saliva sample from detainees and the establishment of a DNA databank have been outlined by the Justice Minister. The establishment of a DNA databank is currently under consideration by the Law Reform Commission.
- 33. "RCMP deny DNA labs in disarray: Failure to meet deadlines." National Post (Canada), October 9, 2003. The head of the RCMP's forensic laboratory service has denied claims by former staff that Canada's DNA analysis network is underfunded and buckling under a huge backlog of urgent criminal casework. He did, however, acknowledged that the RCMP's forensic labs have not received a funding increase in the past five years. Scientists familiar with the RCMP's six forensic labs paint a much different picture. They say the lab system is in such disarray, and the DNA case backlogs so overwhelming, that serious criminal investigations involving homicide, sexual assault and threats to national security have been delayed for months at a time, potentially jeopardizing the chances of arrests and convictions.
- 34. "Newark Sex Assaults to Be Rechecked Using DNA." The New York Times, October 9, 2003. In New Jersey, the Essex County prosecutor has announced that her office would begin to look at a 10-year backlog of unsolved sexual assault cases in Newark in which there is biological evidence in the hope of solving the cases through DNA analysis. The announcement came on the day of the sentencing of a sex offender who with the help of DNA evidence was arrested and convicted of raping two young women in the Newark Public Library in 1998.
- 35. "Spending Spree' Robber Has Sentence Cut." Nottingham Evening Post, October 9, 2003. In England, a court has heard that a suspect was later linked to a robbery by DNA traces found on a discarded stocking worn beneath his mask. During the raid, the robbers terrified the manager with a replica sawn-off shotgun, forcing him to open the safe, before making off with £40,000 in cash. By that time a DNA match was made, the suspect had already been on a "spending spree with his girlfriend across Europe with the proceeds of the robbery".
- 36. "Court reprieve for felons reopens victim's wounds." Pensacola News Journal, October 9, 2003. Supporters of Florida's extension to allow more time for post conviction DNA testing motions have said that as long as evidence exists that could exonerate a convict, they should have the opportunity to pursue it. However, victims of violent crime have said the ruling is just another obstacle to closure. "When things like this happen, you just wonder if it will ever be over," said one victim. "But it's always something that comes up. I've almost gotten used to it."
- 37. "DNA evidence leads to arrest of Apopka man." The Associated Press State & Local Wire, October 8, 2003. In Florida, a cold hit on the DNA database has led to the arrest of an Apopka man on charges in a 1991 rape. The man was arrested and accused of assaulting and raping a 66-year-old homemaker while her husband was tied up in the bathroom. He is being held without bail at the Orange County Jail on charges of sexual battery with a deadly weapon, kidnapping, armed burglary, aggravated battery and grand theft. The offender is a registered career criminal who was in jail last November for a violation of probation. As a convicted felon, he was required to provide a DNA sample.
- 38. "Killer of transsexual prostitute loose on T.O. streets." Hamilton Spectator (Ontario, Canada), October 8, 2003. Canada's national DNA database has revealed that the killer of a transsexual prostitute, found strangled in her apartment in August, was also responsible for a vicious attack on another sex worker six years ago. At least four sex workers have stepped forward to say they may have been attacked by someone like this predator, including one who told a friend the vicious attack "felt like an attempted murder." To date, the identity of the killer is unknown.
- 39. "Appeal DNA ruling." The Journal News (Westchester County, NY), October 8, 2003.

  Editorial regarding the 9<sup>th</sup> Circuit's ruling on federal DNA database statutes. Excerpt reads: "The U.S. Justice Department should immediately appeal a federal appeals court ruling that strikes down as unconstitutional the requirement that federal prisoners and parolees give DNA samples for the FBI's national criminal database. The ruling is absurd. Requiring DNA samples is as justifiable a crime-fighting technique as fingerprinting... The 9th Circuit Court covers California, Hawaii, Alaska and six western states, but the ruling could have a nationwide effect, even eliminating the DNA sample requirement that most states, including New York, have adopted. That

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amounts to criminal mischief from a federal court."

- 40. "Court rejects attempt to get DNA sample." The Leader-Post (Regina), October 8, 2003.

  In Canada, Saskatchewan's Court of Appeal dismissed a Crown application seeking a court order requiring a convicted murdered provide a DNA sample. The application was dismissed on the grounds that the Appeal Court does not have the original jurisdiction to exercise nor the necessary jurisdiction to make this order. The Court wrote that the order should have been made at the time the trial court convicted and imposed a life sentence. The trial judge wasn't asked to make an order requiring the inmate to provide a sample for the DNA data bank, therefore there's no decision that can be appealed.
- 41. "County pays man freed after 15 years." Philadelphia Inquirer, October 8, 2003.

  In Pennsylvania, Bruce Godschalk, freed by DNA evidence after 15 years in prison for two rapes he said he did not commit, has settled part of a civil-rights lawsuit for \$740,000. The settlement is only with Montgomery County. Two former Upper Merion detectives and the township remain part of the litigation.
- 42. "Guilty: hook, line, and cigarette." The Press (Christchurch, New Zealand), October 8, 2003.

  In New Zealand, a cigarette butt found on the roof of a store that was burglarized contained the DNA of a suspect, linking him to the November 2001 break-in. Hooks were dangled through the cut-open roof of the store to steal \$ 9000 of stereo equipment. Police found three cigarette butts at the crime scene, and one of them matched a suspect who gave a saliva sample. After the DNA match was made, the man told police that he had been set up by someone who took his cigarettes and planted them at the scene. The man has been convicted of the crime.
- 43. "Man gets 30 years in prison for raping a 3-year-old boy." Star Tribune (Minneapolis, MN), October 8, 2003. In Minnesota, a convicted sex offender who admitted raping a 3-year-old St. Paul boy whom he abducted from a park in May was sentenced to 30 years in prison. According to a criminal complaint, authorities matched the man's DNA profile with a DNA sample collected from the boy. After his arrest, they also searched his car and found a folder with the location of the park written on it. He has four previous felony convictions for sexual contact with children or soliciting children to engage in sexual conduct.
- 44. "Muncie rape suspect not tied to local cases." Journal and Courier (Lafayette, IN), October 7, 2003. In Indiana, a man who has been charged with raping two Muncie girls and suspected of raping at least two other women is no longer a suspect in any Lafayette rapes. DNA tests have linked the man to the Muncie attacks, but the DNA eliminated him as a suspect in Lafayette.
- 45. "DNA Helps ID, Convict Aloha Man." The Oregonian, October 7, 2003.\
  In Oregon, a man has been convicted of burglary on the basis of DNA evidence found at the scene. Authorities were able to identify the suspect because he cut himself on the broken glass and left behind drops of blood. A Washington County sheriff's deputy collected a DNA sample from the blood left at the business and sent it to the Oregon State Police crime lab for analysis. The burglary DNA was matched on the state's DNA database to a convicted burglar who has a number of previous burglary convictions, dating back to 1987. During the one-day trial, the defense attorney filed a motion to suppress the use of man's previously collected DNA, based on an the 9<sup>th</sup> Circuit's ruling declaring the collection of DNA samples from federal prisoners and parolees unconstitutional. The judge denied the motion, but the defense lawyer plans to appeal.
- 46. "Spilt DNA." Tulsa World (Oklahoma), October 7, 2003.

  Editorial regarding the 9<sup>th</sup> Circuit's ruling on federal DNA database statutes. Excerpt reads: If the ruling stands, and that's far from certain as the San Francisco appeals court is the most-reversed in the land, it would as much as render the DNA database useless. DNA identification technology has had a profound effect on the criminal justice system. It is increasingly employed both to show that some suspects (or, in some cases, convicts) are innocent and to point the finger of guilt at other suspects. Limiting the addition of new DNA samples to the central collection would cripple law enforcement's ability to identify new suspects through that technology.
- 47. "Editorial." The Times (Shreveport, LA), October 7, 2003.

  The 9th U.S. Circuit Court of Appeals took a narrow, perhaps even cross-eyed, view last week when it ruled that the requirement for federal prisoners and parolees to provide DNA samples for an FBI database was unconstitutional... The ruling could have some effect on Louisiana's own DNA collection law, which also faces legal challenges. The ruling also may jeopardize convictions throughout the country that used blood samples taken from federal prisoners and those on supervised release as a way to identify the suspect... The 9th Circuit's decision

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should be identified as being inherently bad, and there needs to be another mark on the scorecard as this decision should be overturned."

48. "Controversial DNA From Birth To Be Used In Search For Missing Woman." Sunday Star Times, October 5, 2003.

A controversial stockpile of nearly half of all New Zealanders' blood samples will be used to help solve a missing Dunedin woman's suspected death. Police plan to get DNA from Tui Tania Marama McIntosh's heel prick sample, taken when she was born almost 30 years ago, and see if it matches DNA found on items taken from Mongrel Mob headquarters a month ago in Christchurch.

### Genetic Privacy

49. "Senate Backs Safeguards for Genetic Data; Employers, Insurers Targeted." The Washington Post, October 15, 2003.

The US Senate voted 95 to 0 to approve legislation that would ban employers and insurers from discriminating on the basis of a person's genetic profile or family history. Employers would be barred from using genetic information in making employment decisions, including hiring, firing, compensation and promotions. They would also be prevented from collecting genetic information except in special circumstances, such as monitoring the effects of hazardous workplace conditions. Health insurers would be prohibited from using genetic information, obtained from testing or family histories, to deny coverage or set rates. They could not collect genetic information before a person is enrolled in an insurance plan or request that anyone take a genetic test. The Senate-approved measure now goes to the House, which probably will not act on it until next year.

# **Paternity**

50. "DNA testing starts with 2 Mae Ai villagers." The Nation (Thailand), October 15, 2003.

In Thailand, a forensic scientist has begun the process of testing the DNA of 1,200 villagers in Chiang Mai's Mae Ai district who had their citizenship stripped last year. Blood samples were taken before witnesses, including representatives from the Local Administration and the Rights and Liberties Protection departments. The tests are expected to prove the villagers' lineage and determine their eligibility for Thai nationality, and results should be known in a few weeks.

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