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The October 24, 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**

West Virginia is considering an expansion of the state's DNA database. Cold hits identified suspects in Arizona (murder), Indiana (serial rapist), Michigan (serial rapist) Nebraska (rape), New York (serial rapist), Texas (two rapes), and Wisconsin (sex assault; rape). DNA evidence also aided investigations and/or prosecutions in California (1997 rape, 2002 murder, 2000 rape), Colorado (2003 rape), Connecticut (2002 rape), Mississippi (2001 murder), New York (1996 murder), Ohio (2001 murder), Oklahoma (1975 murder), Pennsylvania (rape), South Carolina (2002 double homicide), and Wisconsin (2003 hit and run). A Virginia city is investigating why a cold hit was not pursued in a timely manner.

Backlogs made headlines in Wisconsin, and Oregon could be facing crime lab cuts again. Additional funding will help reduce backlogs in New Mexico (state funding), a Missouri city (private funding), and Washington State (federal funding). Four states have been selected by the FBI to host regional labs for mitochondrial DNA testing (Arizona, Connecticut, Minnesota and New Jersey).

Legislation was introduced in Pennsylvania to remove the statute of limitations for cases with DNA evidence until the identity is known. New DNA tests in a federal case may point to a known serial killer rather than the suspect facing trial. A Maryland appeals court upheld that, after requesting DNA tests late, the prosecution did not have a right to a continuance. A Texas grand jury found mismanagement but no criminal wrongdoing at the Houston lab; four new retests on cases originally processed by Houston question the lab's findings.

In international news...France is collecting DNA from certain prisoners. Testing of remains identified victims in Ireland and Serbia, but will not be allowed in a Hungary case. A judge in Northern Ireland dismissed a case due to a DNA "mix up", and another Irish judge said that DNA evidence alone was not sufficient for conviction. In South Africa, a political party suggested that delays in DNA testing were leading to rapists walking free, and accusations of DNA tampering were introduced in a rape case. Accusations of DNA contamination were also raised in a UK attempted murder case. Australia convicted a rapist connected to a crime through DNA, and in another case is using DNA from a knife handle in a murder prosecution.

### **STATE LEGISLATION**

#### Forensic DNA

1. Florida HB 21E (Prefiled for Second Special Session E) -- Extends the current limitation for post conviction DNA testing petitions from October 1, 2003, to October 1, 2004.
2. Michigan H Res 144 – Resolution urging Congress to provide incentives and support for post conviction DNA testing, especially for those facing capital punishment or life imprisonment.

3. Pennsylvania HB 2071 – For misdemeanor sex offenses and any felony offenses, if DNA evidence can provide a profile of an unknown offender then the statute of limitations is removed until an identification is made. After the suspect's true identity is known, prosecutors have one year to commence prosecution.

## NEWS ARTICLES

### Forensic DNA

1. "Murder trial opens for man accused of 1996 teen neighbor slay." The Associated Press State & Local Wire, October 21, 2003.  
Prosecutors in New York are bringing a man to trial for the murder of his teenaged neighbor in 1996, crediting advances in DNA. Both a shirt button found on the victim's front lawn and a hair fragment found on her T-shirt have been linked to the accused man. Police had always considered the man a suspect in the crime, but prosecutors did not have sufficient evidence to bring the case to trial until the DNA evidence was recently tested.
2. "Arrest made at state fair in 2 killings years ago." The Associated Press State & Local Wire, October 21, 2003.  
In Phoenix (Arizona), a carnival worker has been arrested, accused of killing two prostitutes decades ago (one in 1983 and one in 1984). During a routine review of the case in 2001, latent fingerprints from the 1984 case were put through a database and were found to match the suspect who was released from prison in 1997 after serving 11 years of a 15-year sentence for manslaughter in an unrelated case. A cold case detective subsequently obtained a court order to get DNA identification samples from the suspect, which matched DNA taken from swabs of the victims.
3. "Police: DNA links suspected serial rapist to fifth assault." The Associated Press State & Local Wire, October 21, 2003.  
In Indiana, a man suspected of being a serial rapist has been linked by DNA evidence to five sexual assaults, the latest being the rape of a 67-year-old woman which occurred in October 2001. The suspect was arrested in May on an unrelated warrant shortly after a 7-year-old girl was raped near his home.
4. "D.A. claims misconduct by police." The Daily Review (Hayward, CA), October 21, 2003.  
In a California prosecution of a 1997 rape case, the prosecutor has accused two Hayward police officers of lying in their investigation to make the case against a suspect – including accusations of suppressing evidence and falsifying police reports. A convicted rapist named Rodney Baylis, originally was charged and ordered to stand trial for the crime. Rodney's brother, Patrick Baylis, was later charged with the brutal attack after being linked by DNA analysis to semen recovered from the victim's underwear. That same DNA evidence prompted prosecutors to dismiss the charges against Rodney. At the time of his arrest, Rodney was wanted on two arrest warrants: one charging him with a rape in Alameda and a second charging him with an assault to commit rape in Oakland.
5. "NN Cold Cases Get More Attention." Daily Press (Newport News, VA), October 21, 2003.  
Faced with a mounting number of unsolved killings -- 38 dating back to 1999 alone -- the Newport News Police Department has assigned several officers to concentrate on cracking old homicides. The detectives are selecting cases that showed promise, either through forensic science, such as DNA, or re-interviewing witnesses, or both. In one cold case, police have obtained a search warrant for a DNA sample from a man who was matched through the database to cigarette butts found at a 1997 murder scene. The state forensic lab identified the man through the statewide DNA database more than a year ago, and police are investigating internally to find out why the information was not acted on sooner.
6. "New crime lab director eager for turnabout." The Houston Chronicle, October 21, 2003.  
The new director of the Houston Police Department's crime lab took her post Monday, saying she is confident she will receive the support necessary to rehabilitate the testing facility at the center of an unprecedented review of DNA evidence used to win criminal convictions. Rios said she plans to spend the next month or two assessing the crime lab's personnel, equipment and technology before she makes any decisions about how to move forward, including whether the DNA division should be reopened. The Mayor and Acting Police Chief have said they would like the lab to resume DNA testing, but have said that they await Rios' input.
7. "Tests Confirm Identity Of IRA Victim McConville." The Irish Independent, October 21, 2003.

In Ireland, DNA tests carried out on part of the skeleton found on a beach last August have confirmed that the shallow grave contained the body of IRA victim Jean McConville. The west Belfast mother-of-10 was abducted and murdered by the Provisionals in 1972 and her remains were found half-a-mile from where the IRA had indicated four years ago that her body would be found. The IRA has been asked to renew their level of cooperation with the authorities to ensure that the bodies of the other "disappeared" victims could be located and returned to their families for burial.

8. "DNA Findings Delay Trial in Hiker Slayings." The Washington Post, October 21, 2003.  
The trial of the man accused of killing two women hikers at a Shenandoah National Park campsite has been delayed after DNA tests revealed that hairs found at the scene of the 1996 slayings are not the defendant's -- and may belong to a known serial killer. The currently charged suspect had been scheduled to go to trial in federal court. But a U.S. District Judge, at the request of both prosecutors and defense attorneys, granted a two-week delay so authorities could continue their investigation. According to court papers, the DNA found on duct tape used to bind one of the women and on a pair of gloves at the crime scene is not the suspect's, but does not exclude serial killer Richard Evonitz as the possible perpetrator.
9. "Lawmakers question plans for DNA database." The Associated Press State & Local Wire, October 20, 2003.  
In West Virginia, a judiciary subcommittee is trying to draft a bill to allow State Police to collect DNA from every felon in their custody. State Police say testing all felons would greatly improve its database of genetic markers used to solve crimes. While federal grants are available, a committee attorney said that determining the amount needed to maintain the bank is "like throwing darts at a dart board in the dark." Another legislator wants more safeguards added to forensic DNA testing to ensure diagnostic genetic testing is not conducted.
10. "Police were watching man now linked to Avery case." The Associated Press State & Local Wire, October 20, 2003.  
In Milwaukee (Wisconsin), a prisoner has been linked to a 1985 sexual assault by DNA evidence. The DNA evidence is the same that exonerated a man who was previously convicted of the crime. The newly accused man was suspected of sex crimes and was under police surveillance for nearly two weeks before the assault, police reports show. Manitowoc police officers drove by the man's home and workplace as many as 14 times a day, but had time for only one check on the 13th day of surveillance - the day a Manitowoc woman was sexually assaulted on a Lake Michigan beach. Within hours of the assault, the County Sheriff ordered the arrest of another man, who was eventually convicted, based on the victim's description of her attacker. The sheriff's department investigated the crime because it occurred outside city limits. The currently accused man is serving a 60-year prison term for the sexual assault of a Green Bay woman, who was attacked in 1995.
11. "DNA Samples Taken In French Prisons To Create National Database." BBC Monitoring International Reports, October 20, 2003.  
In France, 1,300 inmates are having DNA samples collected (saliva) for inclusion in the national DNA database. Until now the database contained the genetic markers of people convicted of certain offenses. Now it will also be possible to file suspects.
12. "Petofi Family Crypt Cannot Be Disturbed, Reverence Committee Says." Hungarian News Agency (MTI), October 20, 2003.  
In Hungary, the National Reverence Committee has denied a request to open the crypt of the Petofi family. The committee believes the request to open the crypt is scientifically unfounded and runs against the piety of the nation. Sandor Petofi (1823-1849) was one of the greatest Hungarian poets, who died during the 1848/49 Hungarian freedom fight. His body was never found, and in 1998 a theory surfaced that the poet had been taken to Barguzin, near Lake Baikal in Siberia. Researchers have discovered a skeleton there which could be that of the poet. They had hoped to take DNA samples from the remains of the poet's mother for comparison.
13. "Vital Evidence Tampered With." SAPA (South African Press Association), October 20, 2003.  
In South Africa, claims that crucial evidence in a rape case had been tampered with were strongly denied at the Johannesburg High Court. A man charged with ten counts of kidnapping, seven of indecent assault, one of attempted indecent assault and three of rape, claimed there had been irregularities in the labelling of blood samples taken for DNA testing. The defense attorney claimed that in the presence of the doctor (who collected the DNA) and her assistant, two policemen accompanying the doctor had peeled the numbered stickers off the vials of blood and had substituted other stickers. The doctor claims this would have been impossible since each crime kit had up to ten stickers which had the same serial numbers, the only difference being the letters at the end.

14. No headline. The Associated Press State & Local Wire, October 19, 2003.  
Wisconsin's backlog of DNA cases – estimated at a minimum of 500 cases – is a problem for prosecutors. One District Attorney said his office rarely sends evidence in routine cases for DNA testing to the Milwaukee lab anymore because of the backlogs. He relies on the FBI's crime lab in Washington at times, but that lab, too, can take months to return samples. For its part, the crime lab says it's overwhelmed by the sheer volume of investigators' requests as the science grows increasingly popular. The state's \$3.2 billion budget deficit has hurt the labs, too. Although they were spared cuts in the budget, scientists can't work overtime anymore but investigators continue to increase the number of requests for testing that are submitted.
15. "Lab results free suspect in killing." The Atlanta Journal and Constitution, October 19, 2003.  
In DeKalb County, Georgia, a 17 year-old spent five months in jail as a suspect in a murder case because paint on his shirt was mistaken for blood. The paint not only looked like blood, but also registered like blood on a field test. The investigators were interested in suspect because he seemed to fit the description of a killer, and another teenager had told them the suspect bragged about killing a man. At a preliminary hearing nearly five weeks later, three alibi witnesses said the suspect was with them at a home renovation site at the time of the killing. But a magistrate judge ordered the suspect kept in jail for an additional three months to give the state crime lab time to determine whether the "blood" matched that of the victim. Police then sent the shirt to the crime lab. About seven weeks later, the lab reported there was no blood on it.
16. "Trial Delays Help Rapists Walk Free: NNP." SAPA (South African Press Association), October 19, 2003.  
In South Africa, the New National Party claims that delays in the course of rape trials were resulting in rapists walking free. "In many instances trial delays cause the perpetrators to walk free. Delays in the production of DNA evidence further adds to the problem." In one reported case the prosecution had to wait 14 months for the DNA test results and evidence." A part spokesman further suggested that, "those responsible for the delays should be held accountable."
17. "Technology frees wrongly imprisoned local man." The Times (Shreveport, LA), October 19, 2003.  
In Louisiana, DNA testing from evidence used to convict a man in 1982 of a rape, for which he received a life sentence, showed the semen found on the underwear and fingernail scrapings did not come from him. With the new information, the man was given a new trial. Caddo prosecutors, however, decided not to re-try him, and he was released Sept. 19, 2003. Three days later, on Sept. 23, prosecutors dismissed his conviction. His release made him the 20th person in the state and 183rd in the nation to be exonerated after post-conviction DNA evidence cleared them of wrongdoing since 1992 when the Innocence Project was founded.
18. "Prosecutors seeking transfer of California inmate." The Associated Press State & Local Wire, October 18, 2003.  
Oklahoma prosecutors want a California inmate transferred to Tulsa to face charges for a 1975 murder he was linked to through DNA. A long-haul trucker, the man was sentenced in April to life in prison in California after he pleaded guilty to murdering a California man and raping the slain man's wife in 1965. He became a suspect in the Tulsa slaying in November 2002 after police in El Cajon, California, notified Tulsa police that they were investigating him for crimes committed in California in 1965. California investigators "established a detailed time line" that placed the suspect in Tulsa during the time of the homicide. He was arrested in Arkansas in October 2002 after DNA testing linked him to the California case. Additional DNA tests also linked him to the Tulsa case.
19. "Tax increase faces tough fight in Oregon." The Associated Press State & Local Wire, October 18, 2003.  
Continuing to suffer through difficult financial times, Oregon legislators passed an increase to state income taxes earlier this year. However, anti-tax activists have begun collecting signatures to place the tax on a Feb. 3 statewide ballot in hopes that voters will reject it. Oregon State Police officials say rejection of the tax plan likely would require layoffs of about 50 crime lab scientists who provide forensic services to law enforcement agencies across Oregon.
20. "Trial date to stand in 2001 murder case." The Clarion-Ledger (Jackson, MS), October 18, 2003.  
In Mississippi, the attorney for a man charged with capital murder and murder in 2001 has filed three motions demanding a speedy trial, but on Friday he told a judge the upcoming trial date needs to be rescheduled. The District Attorney's office has suggested that the defense does not want to go to trial now because the district attorney's office has gotten back DNA evidence that could link the man to the crime.

21. "Tennessee Bureau Of Investigation Director Retiring." The Commercial Appeal (Memphis, TN), October 18, 2003.  
Tennessee Bureau of Investigation Director Larry Wallace, who has headed the agency since 1992, is retiring November 30. Under state law, the deputy director in charge of TBI's criminal investigations division, David Jennings, will serve as acting director until the governor appoints a new one. A nominating commission yet to be named will review candidates and submit five names to the governor.
22. "Police: 'Forensic Evidence Is Safe'." Hull Daily Mail, October 18, 2003.  
In the UK, police have rejected suggestions that DNA found on the shoe of the man accused of attacking a prostitute could be contaminated. A forensic expert told Hull Crown Court the chance of a police officer transferring the victim's DNA to one of the defendant's brown shoes was "nil". She also stressed the "passage of time" between the different visits would also eliminate the chance of contamination.
23. "RCMP lab system is in 'crisis'." The Leader-Post (Regina, Saskatchewan), October 18, 2003.  
Continuing public discourse between RCMP officials who deny a backlog at laboratories, and former lab employees who maintain that "years of chronic underfunding and internal mismanagement, the RCMP forensic laboratory service now finds itself in the midst of a crisis." This letter of response from "the person who brought to public attention the situation within the RCMP forensic laboratory services."
24. "Attorney wants 'time to review'." Press Enterprise (Riverside, CA), October 18, 2003.  
In California, attorneys for a man charged with kidnapping and killing 5-year-old Samantha Runnion in 2002 said they would not be ready to go to trial in January because they have not received results of DNA tests. The attorney said in court that she would not have enough time to study the prosecution's evidence and to determine the reliability of the scientific techniques used in DNA testing. Cat hair found on the child's body appears to match hair found in the suspect's car. Investigators also found a small sample of DNA in the suspect's fingernail scrapings, but the records do not state whether the DNA matched Samantha's.
25. "Victim's DNA on accused's clothes." UK Newsquest Regional Press - This is Lancashire, October 18, 2003.  
In the UK, a jury was told that a murder victim's DNA was found on trousers which his alleged killer had changed out of and dumped after the attack. The suspect's wife Eileen found the trousers in a washing bag outside their residence a couple of days after the victim's death. The suspect was caught on CCTV cameras wearing the trousers earlier on the evening the victim died. However, the DNA that was found was a mixture of the victim's and the suspect's and the analyst cannot say for certain that the source of the victim's DNA was blood. The victim and the suspect had spent the evening in each other's company and it's possible that the DNA had been transferred innocently.
26. "Qld: Apologetic rapist jailed for 12 years." AAP Newsfeed, October 17, 2003.  
In Queensland, Australia, a man dubbed the apologetic rapist after telling his 66-year-old victim he was sorry has been jailed for 12 years. The man was not caught until earlier this year when his DNA from another crime was matched to the evidence at the woman's home.
27. "Funds Will Shrink DNA Case Backlog." Albuquerque Journal (New Mexico), October 17, 2003.  
New Mexico's backlog of unanalyzed DNA evidence from more than 200 cases is about to shrink, thanks to a \$360,000 allocation from the Governor. The money will pay to send 150 to 175 DNA samples for analysis at two private forensic laboratories out of state. The state estimates it will take up to four months to reduce the caseload to "a level we can handle." The state crime lab receives about 125 new pieces of DNA evidence for analysis from around the state every month. The crime lab currently employs three fully certified scientists; three others are currently in training at the lab; and the lab has up to six vacancies for scientists in its DNA unit. But even if all those positions could be filled immediately, the lab lacks sufficient space to accommodate them.
28. "News Briefs." The Dallas Morning News, October 17, 2003.  
In Texas, a Collin County grand jury indicted a man on three felony counts related to a string of peeping incidents and a sexual assault in Plano over the last five years. Plano police arrested the man in late August after linking him to at least one indecent exposure case from earlier this year and a 1998 unsolved rape through DNA analysis. Police believe that he is responsible for a string of peeping and prowling incidents in the city going back about two years, and DNA testing also linked him to a 1996 unsolved rape in Austin.
29. "Man Found Guilty In Assault." Hartford Courant, October 17, 2003.

In Connecticut, after less than an hour of deliberating, a jury found a 40-year-old handyman guilty of sexually assaulting a 15-year-old girl in her city home last September. One piece of key evidence was a saliva sample taken from her underwear after the assault that was consistent with the defendant's DNA. The Assistant State's Attorney praised the New Britain Police Department's patrol division, which handled the case and collected evidence after the assault. "They conducted a very thorough and well-documented investigation," he said. The man has a prior conviction of sexual assault from the early 1990s in Maryland.

30. "Lab probe finishes with no indictments." The Houston Chronicle, October 17, 2003.  
In Texas, a Harris County grand jury has completed its investigation of the Houston crime lab, finding mismanagement but no criminal wrongdoing, though members criticized the District Attorney for impeding their efforts. The grand jury said the Houston Police Department crime lab suffered from "inexcusable, wholesale mismanagement" and "incompetence" before widespread problems in the DNA division were publicly exposed last year.
31. "Retest clouds murder conviction." The Houston Chronicle, October 17, 2003.  
An outside firm retesting DNA evidence from the troubled Houston Police Department crime lab was unable to replicate findings that helped send a man to death row in 1998. Retests on 10 cases were made public recently -- six of those retests support the earlier HPD lab findings, but questions remain four others (including the 1998 case). In the 1998 case, the outside firm was unable to find DNA material on guns that the HPD lab said were used in the murders of four men in two separate incidents.
32. "Expert says DNA a match." Press Enterprise (Riverside, CA), October 17, 2003.  
In California, a DNA expert has testified that sperm cells found on the body and clothing of a 9-year-old rape victim matched the genetic profile of a man charged with her November 2000 abduction and sexual assault. The man emerged as a suspect two days after the attack when police, conducting a surveillance near the bus stop where the girl was abducted, saw a white truck that fit the victim's description of her kidnapper's vehicle. The man also fit the girl's general description, and she identified him in a photo line-up. Police seized black underwear, camouflage clothing and a handgun that were consistent with the victim's descriptions. DNA from a bloody tissue found in the truck was tied to neither the victim nor the defendant.
33. "State will house, run a DNA lab for FBI." Star Tribune (Minneapolis, MN), October 17, 2003.  
Minnesota is one of four states chosen by the FBI to start and operate regional laboratories specializing in mitochondrial DNA analysis. The FBI will provide about \$1 million in start-up costs and also pay to hire and train nine people to run mitochondrial DNA tests. The FBI estimates that the regional labs combined will handle about 500 cases a year from local and federal law enforcement agencies. Most of that work is currently sent to private labs, officials said. The other states chosen for regional lab sites are Arizona, New Jersey and Connecticut, and are expected to open in 2005.
34. "Recluse accused of stabbing neighbour 57 times." AAP Newsfeed, October 16, 2003.  
In Australia, a Victorian court was told that a popular churchgoing woman was murdered by a reclusive "odd-man-out" neighbour who broke into her home and stabbed her 57 times. DNA found on a piece of a rubber glove which had been taped onto the handle of the carving knife to give it a better grip, was "more than likely" that of the suspect's. The dead woman's DNA and that of a third unknown person was also found on the piece of rubber.
35. "Suspect In Killing to Stay In Jail." Albuquerque Journal, October 16, 2003.  
In New Mexico, a trial is set to begin for a man charged with an open count of murder, kidnapping, aggravated burglary, unlawful taking of a motor vehicle and tampering with evidence from a 1999 crime. The man was linked to the strangulation through DNA about three years after the murder. Officials have said it was the first high-profile case cleared in the state through a DNA match. The man's DNA was taken when he entered the corrections system in September 2000 for an aggravated assault conviction.
36. "Remains of 40 ethnic Albanian war victims returned to Kosovo from Serbia." Associated Press Worldstream, October 16, 2003.  
The remains of 40 ethnic Albanians killed by Serb forces during the Kosovo war and buried in mass graves in Serbia were returned to the province for final burial. Forensic experts identified the bodies by matching the DNA from bone samples with that of people whose relatives went missing. The remains were among some 800 bodies exhumed in Serbia on the grounds of a police training center in Batajnica, just outside of Belgrade, according to the head of the U.N. office for missing persons in Kosovo. All are believed to be ethnic Albanians killed by Serb

forces during the 1998-99 war and removed from the province in an attempt to cover up crimes committed during the rule of former Yugoslav President Slobodan Milosevic. Some 4,000 people, mainly ethnic Albanians, are still missing.

37. "City Man Charged In Hit-Run; Victim Later Died." Capital Times (Madison, WI), October 16, 2003.  
In Madison, Wisconsin, a man has been charged in a hit-and-run accident in July that paralyzed a 62-year-old bicyclist who later died. The 19 year-old defendant faces up to 19 years in prison on charges of causing great bodily harm by the intoxicated use of a motor vehicle, hit and run and causing great bodily harm by the reckless use of a motor vehicle. He was also fined for underage drinking. The victim smashed into the windshield of the defendant's 1988 Chevrolet Camaro, shattering the moon roof and headlight, and was left lying in the road. The defendant later contacted authorities and reported that he had struck a deer, but DNA testing later matched hairs found on the car with the victim.
38. "Trial begins in death of woman." The Cincinnati Enquirer, October 16, 2003.  
In Ohio, a trial has begun for a man accused of murdering a woman in 2001. Police say DNA tests from blood found in the back of the man's pickup matched that of the victim.
39. "Dearborn: Police say DNA links man to assault cases." Detroit Free Press, October 16, 2003.  
In Michigan, Dearborn police say DNA evidence helped them arrest a suspect in connection with eight sexual assault cases from the 1980s. After his recent release from a state prison after serving 17 years on a previous rape conviction, Dearborn police questioned him and matched his DNA with evidence in cold storage from other sexual assault cases in Dearborn during the 1980s.
40. "Accused serial killer commits suicide." The Irish Times, October 16, 2003.  
A former French warrant officer and accused serial killer took his own life, hours after his trial began for the kidnapping and murder of three young men. The man is believed to have murdered at least eight men between 1980 and 1987. DNA tests matched hairs on a mattress in the man's van to the last three victims. The French military were long suspected of hushing up the "disappearances to avoid scandal. Authorities reportedly handled the investigation so badly, losing evidence and failing to follow up leads, that five of eight cases had to be dropped. Only two bodies were found. Some of the victim's parents believe the man's suicide attempt was assisted by those who did not want the case to come to trial.
41. "Suspect in girl's homicide charged with rape, too." Morning Call (Allentown, PA), October 16, 2003.  
In Pennsylvania, the Lehigh County District announced he will seek the death penalty for a 17-year-old suspect in rape and murder of a 12 year old girl. The defendant had originally be charged with murder, but recently completed DNA tests have led to the additional rape charges.
42. "Our View." Springfield News-Leader (Springfield, MO), October 16, 2003.  
Jefferson City, Missouri is poised to receive a \$32,280 grant from the National Rape Evidence Project. No matching funds are needed for the grant, which will pay for DNA testing in two rape/homicide cases that have remained unsolved for 10 years or more.
43. "Murder charge dropped." Windsor Star (Ontario), October 16, 2003.  
In Canada, a prosecutor has withdrawn a second-degree murder charge against a 45-year-old drifter in the death of a Windsor woman after DNA tests produced inconclusive results. A Y-STR test -- designed to identify male DNA -- failed to yield a useable sample on the victim's pants. Another test for mitochondrial DNA determined that hair on the victim's shirt was not hers and also did not belong to MacDonald either. The man is still facing murder charges in an unrelated case.
44. "Madison Man Faces Charges In Hit-And-Run Of Bicyclist." Wisconsin State Journal, October 16, 2003.  
In Wisconsin, a man serving a federal sentence on a gun-possession conviction is now facing 120 years in prison in on rape charges after DNA he submitted to the state database linked him to the crimes. He is charged in the Halloween 2000 rape of a 14-year-old girl. He is also charged in a second rape that occurred in the parking lot of a mall in December 2000.
45. "AFL rookie escapes conviction over burglaries." AAP Newsfeed, October 15, 2003.  
In Australia, a promising professional soccer player was sentenced to 100 hours of community service after pleading guilty to theft and burglary charges. The judge used his discretion to not record a conviction but ordered

the man to undergo psychological testing and to allow a DNA sample be taken to assist police if he reoffends.

46. "Tennessee teacher accused of raping CU student." The Associated Press State & Local Wire, October 15, 2003. Tennessee authorities have arrested a suburban Nashville high school teacher on suspicion of raping a University of Colorado student in Boulder this summer. The teacher returned to Tennessee the day of the alleged assault, but the woman's friends were able to identify him, and police collected DNA evidence that linked him to the case. The man is also under investigation in Tennessee over allegations that he had a sexual relationship with a student at the high school where he teaches.
47. "Prosecution wraps up case in deaths of Beaufort deputies." The Associated Press State & Local Wire, October 15, 2003. In South Carolina, prosecutors have wrapped up their case in the trial of a man facing murder charges in the shooting deaths of two Beaufort County deputies last year. A DNA expert from the State Law Enforcement Division told jurors that blood samples collected from a stick with blood on it, a rifle and an ammunition clip matched the suspect. The suspect, who is representing himself, questioned the DNA evidence but the analyst defended the results.
48. "Case Thrown Out After Lab Mix-Up." Belfast News Letter (Northern Ireland), October 15, 2003. In Northern Ireland, a judge threw a case out of court after declaring a "mix-up" in the Forensic Science Laboratory "quite unacceptable". The defense lawyer told the judge that suspect had been charged with the robbery because his DNA had allegedly been found on two of the three cigarette butts the Forensic Science Agency said were taken from the woman's house. However, when another independent agency went to examine the cigarette butts, they found that six butts had been taken by Scenes of Crime Officers and that "none of them had been traced for DNA". When they were eventually examined, "there was nothing to connect the defendant to the butts". The prosecution said that, after consulting with the officer in charge of the case, "there appears to have been a mix-up in the Forensic Science Laboratory".
49. "DNA and prints help police track second '02 slaying suspect." The Daily Journal (Vineland, NJ), October 15, 2003. In New Jersey, DNA tests and a palm print led to the arrest of a second murder suspect in the July 2002 stabbing death of a 52-year-old woman inside her apartment. The murder occurred when the woman returned to her apartment and confronted several men who burglarizing her home. One of her neighbors was identified as a suspect, and he subsequently named four other men who were involved in the crime. DNA tests on a bloodstained T-shirt found in the apartment was linked to one of the four named men.
50. "Court of Special Appeals nixes prosecutors' bid to create new deadline." The Daily Record (Baltimore, MD), October 15, 2003. In Maryland, the Court of Special Appeals has held that the state violated a defendant's speedy-trial rights by dismissing, then re-filing, the charges against him when prosecutors were unable to obtain a continuance. The suspect was first indicted on robbery and first degree assault charges in May 2002, but the charges were nolle prossed when the administrative judge denied a postponement because, according to the opinion, the state had ordered the DNA tests too late and was unwilling to proceed without the results. The deputy state's attorney for Montgomery County, said the case is the only instance of which he was aware that no continuance was granted to complete DNA testing. "We're troubled by the decision because of the realities of getting DNA testing done," McCarthy said. "What we had here was a prosecutor who was trying to do thorough case preparation. Nothing could be further from the truth [than] that there was an intention to circumvent the 180-day rule."
51. "Serial Rapist Sought In Bronx." Daily News (New York), October 15, 2003. In New York City, Police are hunting for a serial rapist on the loose in the Bronx and have asked the public to help find him. A convicted sex offender, has been linked by DNA to three rapes in the Bronx in June and July. The suspect was convicted in 1985 of burglary, assault and attempted sexual abuse and sentenced to up to 14 years in prison, but he was released on parole in 1994. He was arrested on rape charges in 1995 and convicted of attempted sexual abuse. He served a four-year sentence and was released last March.
52. "Victim recounts violent Pontiac home invasion." Detroit Free Press, October 15, 2003. In Detroit (Michigan), a man is on trial for robbery, assault and rape in a 2002 invasion of a couple's home. Four men broke into the couple's home with a shotgun, severely beat the man and robbed him, then raped his girlfriend (now wife) and at one point held a gun to their child's head. Three men already have pleaded no contest to an array



of felonies, including home invasion and criminal sexual conduct. Their DNA was found at the scene, and a judge sentenced each to up to 50 years in prison. The fourth man, currently on trial claims he did not take part in the sexual attack and his DNA was not found at the crime scene.

53. "Murder Case Jury Directed To Acquit The Accused." Irish Independent, October 15, 2003.  
In Ireland, a man on trial for the murder of a Dublin City Council worker walked free from the Central Criminal Court when the jury was directed to acquit because DNA evidence alone could not be relied upon. The judges direction to the jury to acquit on murder and firearms charges followed defense submissions that, as there was no corroborative evidence to support the DNA evidence, the jury should be instructed to acquit the accused. Forensic experts had told the jury that a minute blood stain found on a broken window at the deceased's flat matched DNA samples taken from the suspect's hair.
54. "Evidence Handling Defended." Modesto Bee, October 15, 2003.  
In California, prosecutors contend a single hair found attached to pliers in Scott Peterson's boat broke in an evidence package and was not mishandled by investigators. The hair could be a key piece of physical evidence linking Peterson's pregnant wife to the boat he said he took fishing Christmas Eve, the day she was reported missing. Peterson's attorneys contend the hair was likely "altered" in police custody after reports initially indicated one hair had been seized and weeks later two appeared in the evidence package. The defense also contends the specific DNA test used on the hair is relatively unreliable and not widely accepted among the scientific community. Mitochondrial DNA testing showed the hair could not have come from Scott Peterson, but may have come from his wife.
55. "DNA links suspect in '93 death to '98 rape." Omaha World Herald, October 15, 2003.  
In Nebraska, police have linked two sexual assaults on elderly women to one man through the state's DNA database. The man had been arrested recently for a 1993 rape and murder after a crime lab employee reanalyzed a fingerprint found at the crime scene and matched it through the database. DNA from the man was also matched to the crime. While in jail awaiting trial for the 1993 crime, the DNA database linked the man a 1998 rape as well. Both victims were older women who lived alone in neighborhoods where the man lived. The case is the first "cold hit" for the state's DNA database, though five other investigations have been aided through the database. DNA testing on the 1998 case, which had no suspect, was completed with the assistance of a federal grant.
56. "Benoni Serial Rape Case Postponed." SAPA (South African Press Association), October 15, 2003.  
In South Africa, the case against a man accused of being a serial rapist was postponed by until December 3, when DNA test results are expected to be available. The man is facing three counts of rape, four charges of abduction and two counts of indecent assault. The man had allegedly raped and sexually assaulted girls between the ages of 11 and 16 at a secluded spot. Two victims had positively identified the alleged rapist.
57. "Grant will help WSP analyze DNA." Spokesman Review (Spokane, WA), October 15, 2003.  
The Washington State Patrol has received a \$1.86 million grant that will help it battle a growing backlog of unanalyzed DNA samples from convicted felons. The National Institute of Justice grant will allow the WSP Crime Lab Division to pay private labs to help erase the backlog. In July 2002, the Washington state Legislature established a law that requires all convicted felons to submit DNA samples. So far, some 35,000 samples have been entered into that database. But another 33,000 felon samples are waiting to be tested and that number is growing by 2,000 a month. Local police hope the grant will also help the lab get to the new DNA requests. "We are very frustrated. Anything that will help in our case development would be a huge help."
58. "Delegation vows to help ID Juarez victims." El Paso Times, October 14, 2003.  
The seven-member U.S. congressional delegation looking into the 90 murders of women in Juarez promised to support creating a DNA database to help identify some of the victims. Mexican officials said they were already working on a DNA bank, which would archive DNA tests from bone samples of the 21 or so bodies that have not been identified. Mexican officials have also been offered the use of the FBI laboratory in Quantico, Virginia, for DNA testing related to their investigations but not to build their DNA bank.
59. "Legislation to Expand Genetic Testing Illustrates Success of Bipartisan Spirit." Congressional Quarterly Weekly, October 3, 2003.  
Detailed coverage of negotiations on proposals from the US House and Senate Chairs for an expanded DNA backlog grant program and post conviction DNA testing. "Rarely do congressional discussions about the death penalty yield anything close to unanimous agreement, much less a bipartisan bill that sponsors are intent on rushing

to the president's desk.”

### Genetic Privacy

60. “Industry Divided on Genetics Bill.” Insurance Chronicle, October 20, 2003. The Associated Press State & Local Wire, October 15, 2003.

The president of the Health Insurance Association of America, said the federal legislation recently passed by the Senate prohibiting genetic discrimination would add "unnecessary and costly" regulation without improving consumer protection. The American Association of Health Plans, however, said that the legislation passed by the Senate is consistent with the principles outlined by the group last year to guide health plans in their efforts to improve the potential of genetic medicine in the day to day care of consumers. The bill passed the Senate unanimously, but its fate in the House is uncertain.

### Paternity

61. “Mother Sent For DNA Test In Child Swap Case.” The Times of India, October 22, 2003.

In India, a day after a woman lodged a complaint against the Sultan Bazar Government Maternity Hospital alleging that her baby boy was swapped for a girl soon after delivery, police sent the woman for a DNA test at the Centre for DNA Fingerprinting and Diagnostics.

62. “Two accused in alleged paternity ruse.” The Associated Press State & Local Wire, October 18, 2003.

In Missouri, two men were charged with conspiracy to commit forgery after one allegedly paid the other \$350 to take a paternity test for him. Jackson County prosecutors said they were tipped off because the accused impostor misspelled the name of the man he claimed to be. Mismatches of photos and fingerprints were also clues.