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The December 12, 2003 DNA Resource Report is listed below. This report also covers news and legislation from the weeks of December 5 and November 28.

These reports are prepared by Tim Schellberg and Lisa Hurst of Smith Alling Lane (253) 627-1091, on behalf of Applied Biosystems.

## SUMMARY

An Indiana bill would expand the DNA database to include residential burglary and juveniles. Massachusetts will receive supplemental funding to implement its all felons DNA database, and North Carolina has begun implementing its new all felons DNA database. A women's group in Illinois is seeking donations to pay for DNA tests on backlogged rape kits. A Missouri county is considering a sales tax to help pay for a new crime lab. Denver police have received federal funding to help with a backlog of DNA cases.

A judge has upheld a ruse used by Seattle police that got a suspect to lick an envelope and thus unwittingly supply his DNA sample (which linked him to a murder). Mitochondrial DNA evidence will be allowed in the Laci Peterson case in California. Parties in a federal case in Louisiana (regarding the retention of DNA samples collected to eliminate suspects in a serial killer investigation) may be near an agreement.

Cold hits identified offenders in Illinois (1982 murder), Massachusetts (1995 rape), Missouri (2 murders linked to one man), New Jersey (2002 rape and 1994 Arizona rape), Ohio (4 rapes linked to one man) and linked 5 serial rapes to the same unknown offender in Florida. DNA evidence also helped to solve crimes in Arkansas (rape), Massachusetts (rape case solved 2 days before the statute of limitations expired), Minnesota (cigarettes identified an arsonist), and New York (robber identified by DNA on gloves). Rhode Island investigators are beginning to use DNA more routinely, and New York City authorities credit DNA as a factor in a recent drop in rapes in Brooklyn.

A Florida bill would extend the statute of limitations for certain crimes if DNA evidence is available. An Oklahoma county is filing "John Doe" warrants for rape cases with DNA evidence.

Inmates in Ohio are filing post conviction DNA testing motions under a new law. Inmates received favorable post conviction DNA outcomes in Montana, Pennsylvania (2), and unfavorable results in Kentucky and Maine. The Tennessee Supreme Court has refused to answer questions relating to state post conviction DNA testing laws. A Texas city has settled a lawsuit filed by a man wrongfully convicted and later exonerated through DNA evidence, and a Massachusetts city has discovered its insurance does not cover legal costs needed to fight a similar suit.

In international news...UNMIK continues to make progress in using DNA to identify war victims in the Baltic region, and is assisting with a similar effort in Iraq. Latvia is considering a bill for a national DNA database, and Serbia is planning a new DNA lab. Taiwan provided DNA training to Arab security professionals, and Syria and Jordan discussed Jordan's experience with DNA labs. Germany convicted two men of double homicide after DNA linked them to the crime, and also used the DNA database to link a known offender to a murder 12 years ago. A newly established anti-terror police force in Pakistan will consider better use of forensic DNA, and India will use DNA in identifying remains of a former nationalist leader. Turkey employed DNA in identifying terrorists in an Istanbul attack. An Australian state has seen tremendous success with its DNA database. Columbia will use DNA to identify a suspected

kidnap victim. A Bangladesh DNA lab is behind schedule, but still slated to open soon. Thailand is considering using DNA in some passports, according to reports. Hong Kong's DNA lab intends to increase collaboration with the mainland.

In the United Kingdom...DNA collected from a drunk driving arrest linked a man to two murders, and gloves from a burglary provided DNA on a known offender. Illegal cab drivers will soon be subject to DNA collection, and DNA helped link 2 men to burglaries throughout London. A flawed DNA analysis method (no longer used) may result in the release of a man convicted of rape, and could open the door for other releases. Collection of DNA from prisoners and mentally handicapped offenders (formerly excluded from the database) has already resulted in nearly 200 database hits. A poorly packaged DNA sample in 1997 led to a murderer escaping justice for five years.

## STATE LEGISLATION

### Forensic DNA

1. Florida SB 1074 – “sexual battery” offenses and “lewd or lascivious” offenses may be prosecuted within 1 year after the identity of the accused is established through analysis of DNA evidence, regardless of whether the period for prosecuting the crime may have otherwise expired.
2. Indiana SB 17 – Expands the offender DNA database to include “residential entry”. Expands statute to include juvenile offenders. Retroactive to include probationers and parolees, retroactive to include current prisoners.
3. Massachusetts (variety of bills) – Supplemental appropriations for fiscal year 2004. Includes \$3.65 million in additional funding for costs related to the collection of DNA samples pursuant to the recently enacted law requiring DNA from all convicted felons.
4. Pennsylvania HB 1222 – Removes the crime of “harassment” as a qualifying DNA index offense.

### Genetic Research / Privacy

5. Florida SB 1116 -- Creates the Florida Center for Universal Research to Eradicate Disease and the Florida Public Health Foundation, Inc., to conduct, facilitate, and encourage biomedical research to eradicate or cure disease and to disseminate information about disease and about such research.
6. Pennsylvania H Res 809 -- Designating the week of January 11 through 17, 2004, as "Mitochondrial Disease Awareness Week" in Pennsylvania.

## NEWS ARTICLES

### Forensic DNA

1. “DNA Tests Clear Pennsylvania Capital Inmate After 21 Years.” Los Angeles Times, December 10, 2003. Prosecutors in Media, Pennsylvania have had dismissed all charges against a man who spent 21 years on death row for a rape and murder that DNA tests show he did not commit. Nicholas J. Yarris became the 10th death row inmate exonerated this year and the 112th overall -- not all because of DNA tests -- according to the Death Penalty Information Center in Washington. It was the first DNA exoneration of a capital inmate in Pennsylvania. The DNA evidence has not matched anyone in Pennsylvania's database, and will be uploaded to the national index in the hopes of identifying the true perpetrator.
2. “Wrongly imprisoned man wins \$5.3 million settlement.” The Associated Press State & Local Wire, December 9, 2003. The city of Austin has agreed to pay \$5.3 million to a Texas man who spent 12 years in prison for a rape and murder he did not commit. The man, now a Wisconsin resident, was released from prison in 2002, two years after he wrote to the Wisconsin Innocence Project for help. Through DNA evidence, he became the first wrongly convicted man to be freed from prison through the work of the project. The Austin City Council voted to settle the

suit, which had sought \$70 million.

3. Tests fail to find Dechaine's DNA at crime scene." The Associated Press State & Local Wire, December 9, 2003. In Maine, DNA tests requested by a convicted murderer in his bid for a new trial failed to uncover exonerating evidence. Tests conducted by the state police crime laboratory failed to detect the presence of DNA from the convicted man or anyone else other than the victim on items recovered from scene of the girl's murder. More tests are scheduled to be conducted by Cellmark, an independent laboratory in Maryland, and the inmate and his family hope the additional tests will find some DNA from an alternative suspect that the state crime laboratory might have overlooked.
4. "Latvian Govt Approves Bill For DNA Data Base." Baltic News Service, December 9, 2003. The Latvian government has approved a bill on the establishment of a national DNA database. The Latvian State Police have been using DNA identification methods since 1999, according to existing regulations on the criminal process. The Baltic state's Interior Ministry, having drafted the bill, stated that the State Police is in need of establishing such a database in order to effectively use the information in solving crimes according to EU standards.
5. "Serbian Interior Minister Says Police Database Most Modern In The World." BBC Monitoring International Reports, December 9, 2003. Serbian Interior Minister Dusan Mihajlovic has said that in contrast to the "neglected" police he had inherited, the Interior Ministry now has a completely modernized database. For next year, the minister has announced the formation of a DNA laboratory, within the context of the CARDS (Community Assistance for Reconstruction, Development and Stabilization) aid program. "Thereby we will bring the criminal police to the very top level of police worldwide in equipment and the capacity of that equipment, which should introduce new quality and efficiency with the very good and skilled personnel that we have," Mihajlovic said.
6. "Arab Security Professionals Receiving Forensics Training In Taiwan." Central News Agency – Taiwan, December 9, 2003. A group of Arab security professionals began to receive forensics training in Taiwan under a cooperation program between Taiwan and Saudi Arabia, according to Ministry of Justice Investigation Bureau (MOJIB). Eight trainees from the Riyadh-based Naif Arab Academy for Security Sciences will be receiving intensive training on DNA forensics over the next two weeks at the MOJIB headquarters in Taipei.
7. "Gardai need tougher powers, committee told." The Irish Times, December 9, 2003. The former legal officer of the Criminal Assets Bureau has said lawlessness in the Republic of Ireland is "unacceptably high" and that legislative changes being introduced by the Minister for Justice do not go far enough to address the situation. Among other shortcomings, he argued that: 1) The forcible taking of DNA samples "just will not work". The maximum penalty of 12 months in prison for a suspect who refused to give a DNA sample would be the "easy option" for those accused of very serious offences which carried lengthy sentences. And, 2) It was "nonsense" that DNA samples should only be retained for 12 months and not indefinitely.
8. "Two jailed for life in Germany for child abduction, murders." Agence France Press, December 8, 2003. In Germany, two men who admitted abducting and killing a young brother and sister were jailed for life by a court, with a stipulation that they must serve more than the normal 15 years. In a crime that horrified Germany and led to an international manhunt, the men posed as police officers to abduct the children as they were playing. The two men were arrested after fleeing to Switzerland. DNA evidence tied them to the March 30 crime.
9. "Syrian delegation from Ministry of Interior visits in Jordan." Al-Bawaba, December 8, 2003. Assistant Director of Jordan's Public Security Department (PSD) for Judicial Police, Brigadier Issa Ayyoub received on Monday a delegation from the Syrian Ministry of Interior, headed by Assistant Director of the Criminal Security Department, Brigadier General Haider Salma. According to Petra news agency, the Syrian team aims at looking into the Jordanian experience regarding DNA labs and analyzing sample in laboratories. (This is the article in its entirety.)
10. "DNA taken after rapes sits untested." Chicago Tribune, December 7, 2003. A newly formed women's group is seeking private sector funds to process the DNA evidence taken from more than 1,000 Chicago-area rape victims that is currently sitting unanalyzed in police vaults. The backlog at the Illinois State Police Crime Laboratory is so extreme that evidence cartons taken from sexual assault victims in 2000 are still sitting on shelves, untested. Police and rape victim activists blame tight budgets, conflicting priorities and the

growing reliance on DNA evidence in criminal cases. The Women's DNA Initiative hopes to raise \$1 million from private citizens and corporations to have the DNA tests done at outside laboratories, rather than at the overwhelmed police lab. Illinois has a 10-year statute of limitations for the prosecution of rape, unless the case is analyzed for DNA and a profile is entered into the database – in which case there is no time limit.

11. "DNA tests to check mystery of Bose death." South China Morning Post, December 7, 2003.  
India is resorting to DNA tests to crack the mystery surrounding the death of nationalist leader Subhash Chandra Bose 60 years ago. A judicial commission investigating the controversial circumstances of Bose's death has ordered DNA tests which will compare blood samples from his relatives to his supposed remains lying in Tokyo's famous Renkoji temple.
12. "DNA beats cattle theft." Sunday Mail, December 7, 2003.  
In Australia, the North Queensland regional crime coordinator said more than 250 head of cattle had been taken to secret locations in central Queensland while DNA tests were conducted to prove ownership. He said the extension of DNA testing to cattle crime was logical considering how seriously "duffing" was treated.
13. "Con Nabbed In '88 Rape." The Boston Herald, December 6, 2003.  
In Massachusetts, an out-of-state tip followed by a last-minute DNA match allowed Essex prosecutors to crack a 14-year-old rape case, charging a convicted child molester with a heinous rape just two days before the statute of limitations was to run out. The 1988 attack nearly went unsolved, but forensic investigators were recently able to match a semen sample taken from the 17-year-old victim to a suspect whose DNA was on file in the state's database. The suspect's rap sheet also includes a 1990 cocaine trafficking conviction, and he served a five-year jail sentence in Maine for rape.
14. "Community on lookout for rapist." The Miami Herald, December 6, 2003.  
In Miami, Florida, DNA tests have linked the Nov. 28 rapes of two girls -- ages 7 and 8 -- with three other rapes in the area. The same unidentified man is suspected in three other sexual assaults and an attempted attack. Police also alerted the public recently of another rapist roaming the county's north end, who has ventured into the city of Miami. They believe he has struck three times, and have been able to match a rape in Miami with one in North Dade through DNA.
15. "'Segregating' DNA key to agreement in lawsuit." The Advocate (Baton Rouge, LA), December 5, 2003.  
Parties in a federal case that demand the immediate return of DNA taken from 1,200 innocent men during the hunt for the south Louisiana serial killer may reach an agreement soon on what will happen to the evidence. According to the terms of the agreement still under negotiation - detailed in a brief filed in the case - Louisiana State Police would agree to segregate the samples in a secure area with limited access. The DNA profiles would not be maintained in any database and would never be used for any purpose other than the south Louisiana serial killer investigation and trial. Once there has been a conviction in the murders, attorneys say, those who were swabbed could request that their DNA evidence be returned or destroyed.
16. "Man cited for defying demand for DNA sample." Courier Post (Cherry Hill, NJ), December 5, 2003.  
A New Jersey man who refused to submit DNA samples to the Department of Corrections has been issued a contempt of court citation. The man was scheduled to submit a DNA saliva sample to the Camden County Probation Office on as part of a new law requiring samples from people in prison or under the supervision of either a parole or probation officer. Instead, the man sent a defiant letter to the Governor and the Department of Corrections indicating that he would not comply.
17. "Man sues about suspension from job for nixing DNA swab." The Advocate (Baton Rouge, LA), December 4, 2003.  
In Louisiana, a Thibodaux man who was suspended from his job after refusing to submit a DNA swab to the serial-killer task force is suing his company and the Louisiana State Police. The man filed suit in 19th Judicial District Court in East Baton Rouge Parish, claiming a State Police Detective tried to "unlawfully terrorize and intimidate" him into providing a DNA sample in December 2002. He seeks unspecified damages and court costs.
18. "Court orders new rape trial due to DNA evidence." The Associated Press State & Local Wire, December 4, 2003.  
The Montana Supreme Court has overturned the rape conviction and ordered a new trial, citing DNA evidence the first jury never got to see. The 5-2 ruling said the evidence is likely to persuade a new jury that the man did not rape a woman in the back seat of his car nearly a decade ago. The court also found that the trial judge's instructions

to the jury were improper and resulted in a "miscarriage of justice."

19. "State justices decline federal court's questions in death penalty case." The Associated Press State & Local Wire, December 4, 2003.  
The Tennessee Supreme Court has refused to determine whether state law requires a new trial for a death row inmate whose appeals presented DNA and other evidence that appears to prove his innocence in the murder of a woman. The decision by the state justices is likely to return the issue to a federal appeals court, where the man's lawyer is confident his client can prevail. A year ago, the 6th U.S. Circuit Court of Appeals asked Tennessee justices to answer three questions, including whether the inmate should get a new trial or other relief after presenting "newly discovered evidence of actual innocence." Also, the appellate court asked justices to determine whether the death penalty was appropriate. Earlier this week, the Supreme Court replied in a one-sentence order that it "respectfully declines to answer the certified questions." That puts the case back in the hands of federal appeals court judges.
20. "Pakistan Establishes "Counter-Terrorism" Force." BBC Monitoring International Reports, December 4, 2003.  
Pakistan has established first-ever Special Investigation Group (SIG) to coordinate the functioning of various law-enforcing agencies and thwart terrorism threat. British experts recommended the SIG prepare a database, which should also include DNA samples of individuals who have been arrested and convicted. The sources said that the work on the criminals' database and DNA samples had already been commenced.
21. "Boro Rapes Down, Cops Say." Daily News (New York), December 4, 2003.  
In New York City, the number of rapes reported in Brooklyn has tumbled 11.8% so far this year, according to NYPD officials. The city's top rape investigator said that while it is impossible to know what exactly is driving the crime drop, one factor is the increased use of DNA technology linking convicted felons to old, unsolved cases. "We are making arrests for 10-year-old rapes as a result of DNA cold hits," said NYPD Deputy Inspector Susan Morley. Perhaps the most critical Brooklyn rape statistic is the 31% drop in the number of "stranger" rapes this year, she said. So far, 98 people have been raped by strangers, while 141 such attacks were reported in 2002, officials said. While the number of sexual assaults in Brooklyn has dropped, overall there continue to be more rapes here than in any other part of the city. Because there are more rapes in Brooklyn, more rape kits have been collected. "That is possibly why the DNA [matching] is very successful here," Morley said. In addition, Brooklyn is the only borough with two sex-assault units, with one focused solely on attacks on children 13 or younger.
22. "Thai Passports To Carry DNA Data Of Holders." Thai Press Reports, December 4, 2003.  
The Thai government reportedly is considering issuing new passports that include DNA data and biometric information "to meet international standards". The Information and Communications Technology Minister said his ministry and the Foreign Ministry had been assigned to jointly assess the technology and procedures required to issue such passports. There will be two types of new passports, he said. The first would include biometric data, such as fingerprints, blood group and facial profiles. The second type would include DNA information.
23. "Attorneys: Delay DNA swab case." The Advocate (Baton Rouge, LA), December 2, 2003.  
In Louisiana, a lawsuit demanding destruction of DNA swabs from 1,200 innocent men poses a "readily apparent danger" to the criminal case against the Baton Rouge serial killer, claims an attorney for the East Baton Rouge Sheriff's Office. Attorneys for several Louisiana law-enforcement agencies have filed written arguments in federal court urging a judge to delay or throw out parts of the lawsuit until the accused serial killer has been tried. The case should be delayed, law-enforcement attorneys argue, because disclosing the identities of people who were swabbed could help the serial killer defense in "focusing attention on other suspects." And information about the investigation not available to the defense team in the criminal trial could be made public through the civil case.
24. "Suspect Claims Up To 30 Rapes." Dayton Daily News, December 2, 2003.  
In Ohio, police are investigating uncorroborated statements by a rape suspect that he committed 20 to 30 sexual assaults in the past 13 years before DNA tests linked him to five rapes in the mid-1990s. A county grand jury has indicted the man on 14 felonies stemming from four rapes in the mid-1990s that were solved a few weeks ago through DNA testing. The fifth case was not presented to a grand jury because the victim is still being sought. Area detectives did not know that the five rapes were linked until DNA testing was completed. After comparing notes on the five cases, detectives came up with a likely suspect whose DNA was later matched to the crimes.
25. "More Than 100 Kosovo Serbs Killed Before UN Mission Started To Be Identified." BBC Monitoring International Reports, December 2, 2003.

A process of the post mortem examination and identification of more than 100 bodies started at the Forensic Medicine Institute in Orahovac today. The bodies, mainly of killed Kosovo Serbs, have been exhumed from two locations. Members of UNMIK (UN Mission in Kosovo) will also take part in the identification of the bodies whose identities will be established by the use of DNA analysis. It is thought that the process will take at least 10 to 15 days. It is believed that the bodies are mainly of Serbs who had been kidnapped or killed before the arrival of the (UN) peace mission in Kosovo-Metohija in 1998 and 1999 but some of them were killed following the arrival of the peacekeepers on 11 June 1999.

26. "DNA Links Man To 2 Slayings, Detectives Say." St. Louis Post-Dispatch, December 2, 2003.  
In Missouri, a man was arrested and charged with two murders upon his release from prison. A match on the DNA database linked the man to semen samples collected from two murder victims in the early 1990s. The man had been a suspect in one of the murders, but never connected to the other. He police record includes arrests for drunken driving, stealing, tampering with an auto and domestic assault. In 1989 he was arrested for rape in Memphis and in 1992 he was acquitted by a jury in St. Louis of charges of rape, sodomy and kidnapping. In 1998, he was sentenced to five years in prison for a drug sale in St. Louis and served part of the sentence. He was later imprisoned on a weapons charge arising from a domestic dispute.
27. "Uninsured city paying to fight lawsuit." Telegram & Gazette, December 2, 2003.  
In Massachusetts, the city of Marlboro has transferred \$59,320 from its stabilization fund to fight a \$10 million federal civil rights lawsuit after learning that the city does not have insurance to cover the legal costs. A former resident filed the \$10 million suit against the city and several current and former police officers this year when DNA tests exonerated him in a rape case, after he had completed a 10-year prison sentence. An insurance fund was paying a Boston law firm to represent the city until last month, when it was determined that the city did not have the proper insurance for such a claim. Taxpayers will likely have to foot the bill for the lawsuit as well as any possible settlement or award.
28. "Crime lab seeks new location." Chicago Tribune, December 1, 2003.  
In Illinois, the Northern Illinois Police Crime Laboratory is looking for a new home. It is about to lose its cramped quarters in the Highland Park police building and is faced with a critical space shortage. The 37 police agencies that use the forensic facility have about 18 months to find a location before work on Highland Park's new police building is completed and the old one torn down. With a staff of 13, the lab serves 900,000 residents in 37 communities, and handles about 6,600 cases annually at a cost of about \$1 million. The lab will process about 150 rape kits and 200 DNA cases this year.
29. "Inmate request new DNA tests." Lancaster Eagle Gazette (Lancaster, OH), December 1, 2003.  
In Ohio, about 100 inmates have asked the state public defender's office for assistance in requesting DNA testing under a new law allowing greater access to post conviction DNA testing. The public defender's office delivered brochures to every Ohio inmate explaining how the new law works and who is eligible. Trial court judges will decide whether to allow the tests, which cost the state about \$1,500 each. County prosecutors can object to testing, or outright deny it if the inmate pleaded guilty or no contest to the crime. But the law is causing some confusion between prosecutors who maintain that guilty pleas automatically disqualify petitions for new tests, and others (such as the Ohio Prosecutors Association and an aide for the state Senator, who crafted the new law) who say the law allows DNA tests for an inmate who pleaded guilty if the prosecutor allows it.
30. "Ninety years of fighting crime and disease." South China Morning Post, December 1, 2003.  
Hong Kong's Government Laboratory celebrates its 90th anniversary as an independent body. Its future points to increasingly complex work, such as developing techniques for regulating Chinese medicine and building on crime investigations through DNA testing. It will also increase its collaboration with the mainland. The laboratory established a DNA database section about three years ago, which now carries profiles of more than 5,000 people who have been convicted of serious offences.
31. "DNA tests in Turkey reveal identity of British bank suicide bomber." Agence France Presse, November 30, 2003.  
In Turkey, the suicide bomber who detonated a truck bomb outside the offices of British-based bank in Istanbul has been formally identified by DNA testing. Police have now identified four suicide bombers who detonated explosives packed into trucks at two Istanbul synagogues on November 15, leaving 27 people dead, and at the British consulate and the bank building on November 20, claiming 30 lives. The death tolls do not include the four assailants.

32. "The Graves; Mass graves discovered in Iraq and the Balkans, and the technology used to identify remains." CBS News Transcripts (60 Minutes), November 30, 2003.  
Forensic experts in Iraq hope that DNA samples from mass graves eventually may provide the clues to just who the victims were before Saddam consigned them to unmarked graves. Some 300,000 Iraqis who disappeared during the Saddam regime. In Bosnia, through a massacre outreach program, families of the lost are giving blood, hoping that their DNA will match one of the bones. Forty-three thousand families have donated blood so far. Before the DNA program they were identifying about 100 victims a year, now they are identifying close to 200 a month. However, with the center of Iraq still in chaos, the DNA project is off to a slow start. The Missing Persons Commission has given its DNA database software to the civilian authority, but many Iraqis do not want the process to start until they are trained to take part. So far, 240 mass graves have been discovered in Iraq.
33. "Sex crimes: County uses DNA to avoid statute of limitations." Daily Oklahoman, November 29, 2003.  
Sexual assault assailants identified by DNA will start turning up in criminal charges in Oklahoma County, even when prosecutors do not know the offenders' names. A District Attorney said he will file charges against "John Does" to make sure the seven-year statute of limitations does not prevent him from prosecuting sex offenders. The paperwork will include a description of the unknown defendant's DNA obtained from the rape victim, he said. Lane called the process "extremely rare."
34. "10 years for fiend who raped sisters." Evening Times (Glasgow), November 29, 2003.  
In Britain, a man who raped two teenage stepsisters at knifepoint while they were out for an early evening stroll in a park has been jailed for 10 years. The man was previously unknown to police and only came under suspicion after a routine DNA sample was when he was suspected of drink -driving. The DNA sample matched evidence from the two rapes. A prosecutor for the case told the court at the start of the trial last week that the probability of DNA samples taken from the victims coming from someone else was "one in one billion".
35. "More to add DNA to N.C. database." Star News (Wilmington, NC), November 29, 2003.  
A new law in North Carolina that requires DNA from all convicted felons has come into effect. The population of the offender database is expected to double from 40,000 to 80,000 in the first year. Local sheriffs are expected to collect about 10,000 samples from jailed offenders, but many do not believe the additional duty will impose a significant cost burden.
36. "Cabbie DNA Move." Evening Gazette, November 28, 2003.  
In Britain, illegal cab drivers caught touting for trade on Teesside will soon face being fingerprinted and having their DNA recorded - in a bid to drive them out of their illicit trade. The Middlesbrough Hackney Carriage Association secretary, said: "This is an excellent idea - but they could go a stage further and instead of just using this for unlicensed taxis, they should also be allowed to do for licensed drivers too if they are found to be operating illegally." The Home Office has released figures showing nearly 200 sexual assaults last year by mini cab drivers and more than 86 rapes over the past two years. Teesside is one of a number of areas which has had a serious problem with illegal taxis.
37. "DNA match lets police make arrest in '02 rape." Arkansas Democrat-Gazette, November 27, 2003.  
In Arkansas, a DNA match led Texarkana police to charge a man in connection with the rape last year of an 84-year-old woman. The suspect is currently serving a prison sentence for breaking or entering and burglary convictions. Witnesses helped police develop the man as a suspect after the attack, but police did not have enough evidence to arrest him. Earlier this year, police obtained a warrant to obtain a DNA sample, and were subsequently notified by the Arkansas State Crime Laboratory that his DNA matched DNA found at the crime scene.
38. "Kosovo Premier, UNMIK Praise Memorandum On Identification Of Missing Persons." BBC Monitoring International Reports, November 27, 2003.  
The Chief of the UNMIK (UN Interim Administration Mission in Kosovo) Pillar for Justice and Police and the International Commission on Missing Persons (ICMP) Chief of Staff have signed a memorandum to reinforce the procedures regarding DNA-led identification process of missing persons. The prime minister of Kosovo attended the signing ceremony. He called the memorandum an important step to shedding light on missing persons and a relief for their families. The DNA-led process the UNMIK Office on Missing Persons and Forensics (OMPF) has repatriated 373 bodies and an additional 406 out of 816 remains have been identified...
39. "Gloves Identify Burglar." Newcastle Herald (Australia), November 27, 2003.

In Britain, gloves left behind at a house by a fingerprint-conscious burglar helped solve an offense. Police had preserved for DNA-testing the plastic gloves that they had found after the break-in at the house on October 3 last year. DNA from the gloves matched a man on the DNA database, who has since pleaded guilty to the crime.

40. "DNA database hits lead to thousands of new leads." AAP Newsfeed, November 26, 2003.  
In New South Wales, Australia, the DNA database has led to more than 720 convictions in the past two years in cases where police had no prior leads. The collection of DNA from prisoners and suspects in NSW during the past two years had led to more than 5,400 matches on the forensic database. Police had carried out 1,936 "warm link" DNA tests to connect or exclude an existing suspect, with the tests almost always leading to an arrest. Police had also recorded 3,483 "cold link" matches to people, a piece of evidence or a location of crime, where no previous connection had been known to police.
41. "Judge denies new trial for death row inmate." The Associated Press State & Local Wire, November 26, 2003.  
In Kentucky, a man sentenced to death for killing two high school students in 1984 was denied a motion for a new trial. The circuit court judge also denied a motion to strike down a state law setting guidelines for DNA testing of suspects in criminal cases. The defense argued that DNA testing should be done by a defense-hired expert, if desired, and that the subject should have the right to ask the state to pay for the testing. In his decision upholding the state law, the judge said similar statutes have been enacted in other states. He said the Kentucky law is neither unreasonable nor arbitrary, and he upheld a provision requiring a standard of "reasonable probability" to determine if DNA testing is warranted.
42. "Grants to let city cops revisit unsolved cases." The Denver Post, November 26, 2003.  
The Denver Police Department will receive up to \$ 640,000 in federal money in the next two years to examine DNA evidence collected in 500 slayings and 200 sexual assaults. In all, Colorado law enforcement agencies will receive \$ 2.1 million in federal funds to attempt to solve 'cold cases' through hair, clothing and blood samples stored in evidence lockers, sometimes for decades.
43. "Routine crimes being solved with DNA tests." Providence Journal-Bulletin (Rhode Island), November 26, 2003.  
Once thought of as an extreme way to identify rapists and shed light on cold cases, DNA testing is becoming a routine practice in local police departments in Rhode Island. "I was surprised at how easy it was," said one officer. "You don't even have to draw the suspect's blood anymore." Though DNA testing has been available in Rhode Island since 1997, it was mostly reserved for violent crimes. Now, better technology means that it can be used for a wider variety of cases, and police departments that might not normally see a high number of rapes or murders are finding ways to take advantage of it.
44. "DNA links Hub man to 8-year-old JP rape." The Boston Herald, November 25, 2003.  
In Massachusetts, the DNA database has tied a Boston man to the brutal 1995 rape of a 50-year-old woman. The man had given a DNA sample for the database due to a conviction on an unrelated crime. "This case is another example of the power of DNA evidence, and the value of the computer database," said the prosecutor. "Because of that forensic technology, and because this office and the Boston Police Department . . . never forgot about this victim, we are now able to seek justice for her."
45. "DNA re-test may be killer discovery." Chicago Sun-Times, November 25, 2003.  
In Illinois, the DNA database has linked a man to evidence from a 1982 murder. Unfortunately, the suspect is now dead. Police believe the man may have been a serial killer and several cases with similar MO's are under review.
46. "Colombia to identify Asian body through DNA test." Japan Economic Newswire, November 25, 2003.  
Colombian law-enforcement authorities investigating the 2001 kidnapping of a Japanese businessman plan to confirm the identity of a recently-recovered body of an Asian found northwest of Bogota through a DNA-testing. The Japanese businessman was kidnapped in 2001 by a crime group specializing in kidnapping and was subsequently handed over to the nation's largest left-wing guerrilla group, the Revolutionary Armed Forces of Colombia.
47. "Orchid Cellmark Awarded FBI Contracts to Develop SNP Technology for Advanced Forensic Application." PR Newswire, November 25, 2003.  
Orchid BioSciences announced that its Orchid Cellmark unit was awarded two contracts from the U.S. Federal Bureau of Investigation to develop specific aspects of the Company's SNP technology for additional forensic DNA testing applications. The goal of the two contracts is to develop new forensic tools that will increase the ability of

investigators to identify individuals using DNA samples that have degraded and therefore contain a limited amount of genetic material. Work on both of these contracts is being undertaken in Orchid Cellmark's Dallas facility and is expected to be completed in about one year.

48. "DNA links felon to brutal rape." The Record (Bergen County, NJ), November 25, 2003.  
In New Jersey, a career felon being held in a county jail has been charged with brutally raping a woman in 2002, thanks to a match on the DNA database. The national database has also linked the man to an unsolved rape in Arizona in 1994 and he could be tied to several other unsolved sexual assaults. The man's extensive criminal history that includes nearly two dozen arrests and 15 convictions, including five felonies
49. "DNA Samples 'Clear Up' 64 Unsolved Crimes." The Western Mail, November 25, 2003.  
In England, DNA samples taken from prisoners and mentally-disordered offenders have helped police 'clear up' 64 old crimes including murder, rape and robbery. The 'mopping-up' exercise saw profiles of 3,722 offenders who had previously slipped through the net added to the National DNA Database. As a result, 64 previously unsolved crimes have been detected and 78 outstanding crimes are currently being reinvestigated.
50. "DNA Laboratory fails time-frame." The Independent, November 24, 2003.  
In Bangladesh, the much-talked about DNA Laboratory is yet to start its function under the auspices of 'Multi-Sectoral Program on Violence Against Women,' Department of Women's Affairs (DOA), according to sources. The proposed DNA Laboratory was supposed to start within October of this year after failing the time limit two or three times earlier. It is reported that the laboratory with limited capacity to screen, extend and analyze around 3500 rape cases per year would start by end of December. "We have published circulars for appointment of the laboratory staff in September and laboratory equipment is now on shipment from our donor country Denmark to Bangladesh," said officials of DOA preferring anonymity. "In connection with the upgrading of the Forensic Laboratory and the DNA profiling, a substantial training would be undertaken for lawyers, judiciary and medical personnel addressing the implication of using the DNA analysis," the project proposal reads.
51. "DNA Flaws Set To Clear Officer Jailed For Rape." Scotland On Sunday, November 23, 2003.  
In Scotland, a rape conviction against a former police officer may be overturned after it emerged crucial DNA evidence in the case was flawed. The man was the first person in Scotland to be successfully prosecuted on the basis of DNA evidence and was jailed for six years in 1989. But two separate studies have concluded that the way the first DNA test was carried out risked producing a 'false positive' result because a sample taken from the suspect may have got into a sample of the rapist's semen found on the woman's nightdress. The case could open the door to further appeals by people convicted on the strength of the same DNA test, which was used until 1994. In 1991 the first doubts began to surface about the accuracy of DNA tests and a study in the United States later found that errors were made in around one in 50 cases.
52. "German Murder Victim's Killer Caught In DNA Breakthrough." Irish Independent, November 22, 2003.  
Police in Germany have caught the killer of a young Irish woman raped and murdered there 12 years ago. It was after his arrest for grievous bodily harm following a bar room brawl last week that the man's DNA was taken and run through a DNA database which linked him to evidence from the crime scene. Major advances in DNA technology coupled with the laws in Germany passed two years ago which ordered the compulsory DNA testing of all people charged with serious crimes of violence have ended the long wait for the young woman's family.
53. "DNA Clears 16-Year Inmate of Murder, Rape." Associated Press Online, November 21, 2003.  
In Pennsylvania, a man behind bars for 16 years for an elderly neighbor's rape and murder was released on bail after new DNA evidence showed that body fluids from the crime scene were not his. The ruling that resulted in the inmate's release did not exonerate him. A hearing on a petition for a new trial which would include the DNA evidence is pending. Police had said the man confessed several weeks after the crime, admitting information only the killer could have known. But he now denies being the killer. The inmate had an IQ of 70 at the time, meaning he functioned at a 10-year-old's level, experts say.
54. "Armed robber who left behind sweaty gloves is convicted." The Associated Press State & Local Wire, November 20, 2003.  
In New York, a teenager was convicted of robbing a convenience store at gunpoint after DNA was extracted from a pair of sweaty gloves found discarded behind the store. Identifications from eyewitnesses and victims in the attack assisted in quickly apprehending the man, but the decisive factor was DNA extracted from the sweaty gloves. A DNA expert testified the odds of finding another person with the same DNA were one in 1.5 billion.

55. "Woman awaits DNA tests." Bangor Daily News (Maine), November 21, 2003.  
In Maine, a local woman who reported to police that an intruder had entered her residence on several occasions is keeping her doors locked 24 hours a day as she awaits DNA test results from the state Medical Examiner's Office that might identify the suspect. On seven separate occasions between August and September a person entered her residence and left behind what she described as evidence of violence with a sharp instrument and body fluids indicating sexual acts. Police "developed a suspect" early in the investigation and the suspect agreed to submit samples of his DNA for comparison with evidence collected at the scene. The woman said she understands why the lab results are not back yet, but that the situation is very frustrating for her. "I come home every day wondering if I'm going to come home to anything wrong," she said.
56. "Nicola Dixon: The Inquiry Dogged Police Work And Crucial DNA Clinched It." Birmingham Post, November 20, 2003.  
In England, DNA evidence was pivotal in identifying a killer involved in a 1997 homicide. Officers took a mouth swab sample from the man in 1997 when they arrested him for a vicious assault on his former girlfriend. But errors made in packaging the sample meant it failed the standards set by the Forensic Science Service, who sent it back to West Midlands Police before it was destroyed. It was only when the man was arrested in 2002 for a road rage attack that police were able to take another DNA mouth swab, which provided an exact match with the murder evidence. Officers interviewed 11,000 people, took 6,000 statements and DNA tested more than 4,000 men. But despite this mammoth effort, a pounds 20,000 reward, and television appeals on BBC's Crimewatch, the identity of the killer remained a mystery for six years.
57. "Break-In Probe Yields Arrests." London Free Press (Ontario, Canada), November 20, 2003.  
In England, two men face 25 charges after a yearlong investigation of break-ins at apartment buildings "all over the city," London police said. DNA evidence gathered in the probe, called Project High Rise, led investigators to link the break-ins.
58. "McCurdy of the Washington ACLU and Michael Rushford of the Criminal Justice Legal Foundation discuss juvenile DNA profiles being added to the FBI's national database." National Public Radio (Tavis Smiley), November 20, 2003.  
The ACLU and Criminal Justice Legal Foundation discuss juvenile DNA profiles being added to the FBI's national database.
59. "Ruse that yielded suspect's DNA is upheld." The Record (Bergen County, NJ), November 19, 2003.  
A ruse used by the Seattle Police that got a New Jersey man to lick an envelope and thus unwittingly provide his DNA for the investigation of a long-unsolved rape and killing has been upheld in court. A key issue in the case is whether police may pose as lawyers to trick the subject of an investigation into tipping his hand. The judge ruled that because police can pay for sex with prostitutes, buy illegal drugs, or open a phony business to fence stolen property, "the mere fact that the police violated the law in posing as lawyers does not require dismissal." Nor did police violate mail laws because a detective was listed as a partner in the mock law firm and consented to the opening of the mail. Citizens may expect their letters to be private, but that expectation does not apply to envelopes in which the letters are mailed. The defense believes police ruse violated the suspect's constitutional rights, said will appeal the ruling directly to the state Supreme Court.
60. "DNA match leads to man's arrest in Sauk Centre schoolhouse fire." St. Cloud Times (St. Cloud, MN), November 19, 2003.  
In Minnesota, a Sauk Centre man has been charged with arson for a fire in May 2002 that damaged the town's historic Little Red Schoolhouse. The man was charged after DNA on two cigarette butts found in the building matched his DNA. During questioning, the suspect told investigators he has never been inside the school. The May 21, 2002, fire caused about \$9,170 in damage to the schoolhouse. A search warrant for the man's DNA was issued after police received a tip that he had bragged about setting the fire.
61. "2nd man charged in girl's death." The Herald (Rock Hill, SC), November 18, 2003.  
In South Carolina, Rock Hill police have charged a second man with murder in the November 2001 death of a 12-year-old student found strangled and raped in her bed. The victim's father remains charged with murder and criminal sexual conduct in the case, but so far the DNA evidence matches another man who has been linked to several criminal acts in the area. The man lived less than two blocks away from the victim's home, and his DNA

has also been linked to the rape of a 60-year-old woman. He has also been linked to four home break-ins.

62. "Judge: DNA found in Scott Peterson's boat admissible." The Associated Press, November 17, 2003.  
In California, the judge in the Laci Peterson murder case ruled that prosecutors can use a mitochondrial DNA analysis on a hair found in Scott Peterson's boat to try to prove that he killed his pregnant wife and dumped her body in San Francisco Bay. Mitochondrial DNA has rarely been used as evidence in California court cases and it cannot provide a definitive match. Peterson's lawyers challenged the evidence as unreliable, arguing that the statistics used to determine the chances of a genetic match are faulty. The ruling on Mitochondrial DNA was a victory for prosecutors, who are making a case based mostly on circumstantial evidence.
63. "Case laid out for boost in law sales tax." Springfield News-Leader (Springfield, MO), November 14, 2003.  
In Greene County, Missouri, voters may soon consider a new law- enforcement sales tax to fund county services. Among other expenses, additional revenue is needed for a local crime lab, according to the Greene County Prosecutor, which he considered a priority to deter "unacceptable" delays in forensic evidence processing. Those include up to eight-month waits for urine samples and gunshot residue tests and more than a year delay for rape kits and blood work, he said. By passing a new sales tax, the prosecutor estimated that the \$38 million crime lab's first year operating expenses would cost the county about \$400,000.
64. "Conservatives Balk at Cost, Impact on Death Penalty Of Senate's DNA Testing Bill." Congressional Quarterly Weekly, November 7, 2003.  
The House has passed legislation that would give millions of dollars to states to accelerate DNA testing of stored biological evidence. But the measure (HR 3214), which passed on a 357-67 vote, is facing opposition in the Senate. There, fiscal conservatives have already objected to the measure's \$1.85 billion price tag. Some Senate Republicans have been privately circulating arguments against the legislation, contending that it might end up causing passionate death penalty foes to be in charge of some state capital defense systems. Their concerns stem from a section in the House bill under which states could apply for grants from an annual pot of \$100 million. In return, they would have to meet conditions, primarily that the money be used to build "effective" systems that would ensure that defendants had access to competent legal representation. There do not seem to be any problems with the portion of the bill endorsing President Bush's DNA initiative to reduce a backlog of biological evidence sitting untested in the nation's crime laboratories

#### Genetic Research / Privacy

65. "Bioprospecting: Corporations profit from indigenous genes." In These Times, December 22, 2003.  
Discusses the patenting of genetic material and the impact on indigenous people who sometimes have genetic samples taken without their consent.
66. "Scientists seek DNA database of organisms." San Jose Mercury News, December 9, 2003.  
Scientists have suggested creating a genetic bar code from a small segment of DNA in the genome of each living thing -- a tag that would definitively discriminate between species. The idea is to build a database that might someday serve as the basis for a giant identification system for all living things. DNA-based identification will start with animals but over time can expand to include all life. A global inventory of animal life would take no longer than 20 years and cost about \$1 billion.
67. "ACCC extends ban on genetic tests for life insurance." AAP Newsfeed, December 8, 2003.  
The Australian Competition and Consumer Commission has decided that life insurers will be barred from requiring applicants to undergo genetic tests for another two years. The decision to extend the current policy would allow time for the evaluation and implementation of recommendations by a key inquiry into the use of genetic information.
68. "Washington University plans \$300 million biomed project." The Associated Press State & Local Wire, November 17, 2003.  
Washington University plans to spend more than \$300 million on an effort to help move advancements in human genetic research from the laboratories to the bedside. The strategic research initiative is called "BioMed 21," a reference to its potential to redefine how biomedical research will be conducted and medicine will be practiced as the century progresses.

69. "Forensic Medicine: Laser microdissection enhances the recovery of DNA from sperm on lab slides." Medical Devices & Surgical Technology Week, December 7, 2003.  
According to recent research published in the journal Forensic Science International, laser microdissection enhances the recovery of DNA from sperm on lab slides.

### Paternity

70. "Movement targets 'paternity fraud'." Las Vegas Review, December 8, 2003.  
"A DNA test is strong enough evidence to release a wrongly convicted man from prison, but in Nevada and most other states, it won't necessarily release him from paying for a child that turns out not to be his." Discussion of the issue of so-called "duped dads" and problems with DNA testing after child support decisions have been made.

### **CONGRESSIONAL RECORD**

1. House of Representatives. Conference Report on the Omnibus Appropriations bill for FY 2004 includes several earmarks for forensic DNA programs including \$100 million for the DNA Initiative (\$55 million for casework backlogs, \$5 million for offender backlogs, \$30 for crime lab capacity), \$2.69 million increase for the FBI's nuclear DNA program, and \$2.5 million for the FBI's mitochondrial DNA program.
2. House of Representatives. House passes Advancing Justice Through DNA Technology Act of 2003: H.R. 3214 by a 2/3 yea-and-nay vote of 357 yeas to 67 nays.