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The December 19, 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

Cold hits in Florida identified offenders in two unrelated rapes (both men were in jail for probation violations - one in a battery case, the other for drug offenses). A cold hit to identical twins in Texas results in both being charged in a sexual assault (one as an accomplice). Louisiana DNA tests identified a suspect in a state trooper shooting, and identified a serial rapist. DNA evidence also linked two rapes to a man in Illinois, identified a kidnapper in Texas, and identified a suspect in a 1958 murder in Wisconsin. Lack of communication and training for law enforcement were among topics discussed at a DNA seminar held by the National Conference of State Legislatures.

Illinois' Governor has pledged \$3 million to reduce the state's DNA backlog. Colorado is asking for more state funding for DNA analysis. Louisiana crime labs are working on clearing DNA backlogs, with one lab already seeing a nearly 25% success rate in matching crimes to offenders. Tennessee's efforts (supported by federal funds) to reduce backlogs of rape kits has seen a disappointing response from local jurisdictions. A Kansas county is using federal funds to review old cases for possible DNA evidence. A medical examiner's office in Massachusetts is under fire for not sending forensic evidence for mitochondrial DNA testing in a timely manner.

Inmates won motions relating to post conviction DNA testing in Georgia, Indiana, Oklahoma and Wisconsin. In denying a post conviction request in Nebraska, the State Supreme Court has set standards for granting such requests. Problems replicating DNA results found by the troubled Houston crime lab may reopen a death penalty case.

In international news... Interpol is calling for increased use of criminal databases (including DNA). India is formally establishing a panel to draft forensic DNA legislation. French authorities are collecting DNA from known sex offenders in the search for a missing child. A cold hit in Canada solved a crime from 1991, and Ireland will face civil liberty questions as it considers DNA legislation. An Australian territory has won its struggle with the federal government to allow the territory's more liberal DNA collection laws to stand. Another Australian state is finding poor funding of its police is compromising DNA analysis; the same state is also facing problems in a criminal case where DNA evidence may have been contaminated. Elsewhere in Australia, DNA has linked a man to a sexual assault, and another man to a murder.

NEWS ARTICLESForensic DNA

1. "Interpol General Assembly Adopts Communications Security Charter and Other New Tools." International Enforcement Law Reporter, January 2004.

At a recent meeting of Interpol's annual General, a Resolution was adopted that called for increased use of Interpol's array of databases (stolen motor vehicles, stolen travel documents, fingerprints, DNA, wanted notices, drug seizures, etc.) and for more data to be provided by member countries for use in these databases.

2. "Govt reviewing police budget." AAP Newsfeed, December 17, 2003.
In Australia, the Victorian government will review the state police budget following reports of serious underfunding and under resourcing across major areas of the force. The review follows reports state crime squads and support services such as DNA analysis were being compromised by a funding crisis. Last month, the Police Association called for an immediate injection of \$9 million in funding, including 100 extra police, to properly investigate the state's most serious crimes. However, the Victorian government has denied media reports which claimed the government would inject an emergency bailout of millions of dollars into the next police budget.
3. "NT wins its DNA battle." Northern Territory News (Australia), December 17, 2003.
In Australia, The Northern Territory has thwarted a Federal Government attempt to stop it taking DNA samples from burglars and car thieves. The Commonwealth had threatened to ban the NT from the national DNA exchange scheme unless it adopted its legislation. In that model, DNA could only be taken from suspects in "major" crimes, such as rapes or murders. Under NT law, DNA can be taken from anyone suspected of committing a serious offence punishable by jail and can be used in the investigation of any crime. The Territory's use of its liberal DNA laws has already seen more than 500 crimes solved.
4. "French police detain dozens of convicted child abusers in search for lost child." The Associated Press, December 16, 2003.
French police, in their biggest sweep of its kind, detained 75 people previously convicted for kidnapping or the sexual abuse of minors as they searched for clues into the disappearance of a 9-year-old girl. Police confiscated computer hard drives found in the homes of the detainees and subjected all of them to DNA tests. Most were later released. Some 450 police took part in the nationwide sweep. All 75 men, aged between 19 and 69, had previous convictions for child sexual abuse or for child abduction. Police also searched their homes for signs of the missing child or places where she might be hidden.
5. "DNA retests entangle another death-row case." The Associated Press State & Local Wire, December 16, 2003.
In Texas, a defense lawyer wants a jury to reconsider the death sentence of a convicted murderer because of discrepancies in DNA work done by the Houston Police Department's troubled crime lab. Results released recently from two retests on evidence in the case of Franklin DeWayne Alix not only failed to duplicate HPD's DNA match, but also eliminates Alix as a possible contributor to the sample. Evidence in the case was retested as part of a review of nearly 400 cases involving DNA work originally done by the HPD's crime lab. So far, the private labs have analyzed evidence from 102 cases. Twenty-three cases have had problems such as insufficient samples or statistical discrepancies.
6. "Seven more charges pending in Pickton mass murder case." National Post (Canada), December 16, 2003.
A Canadian pig farmer will face seven new first-degree murder charges, bringing the total number of women he is accused of killing to 22. Thousands of DNA exhibits seized from his farm since his February, 2002, arrest still have to be analyzed by the RCMP lab, and that is expected to take at least until June. New robotics expected to be in use at the lab as early as January will speed up the process.
7. "Man charged with 1998 rape." Sarasota Herald-Tribune, December 16, 2003.
In Florida, a man in a county jail in for violation of probation in a battery case was recently linked through the DNA database to a rape that occurred in Sarasota five years ago.
8. "DNA Evidence Links Inmate To Rape Of Girl, 3, Police Say." Sun-Sentinel (Fort Lauderdale, FL), December 16, 2003.
In Florida, a man already in prison for violation of probation for a drug offense has been linked through DNA evidence to the abduction and rape of a 3-year-old girl in a neighborhood near Fort Lauderdale in August 2000. The man has been charged six counts of sexual battery of a child less than 12 and one count each of burglary of an occupied dwelling with battery and aggravated kidnapping of a child younger than 13. Shortly after the attack, authorities offered a \$6,000 reward for information leading to the rapist's arrest. However, detectives' leads went cold until DNA evidence linked the man with the attack. "I'm really gratified to see that the system really works," said the Broward County Sheriff. "DNA technology played a key role" in this case.

9. "DNA Leads To Sex Assault Arrest." The Toronto Sun, December 16, 2003.
In Canada, a DNA match has resulted in the arrest of a Toronto man in connection with an attack on a prostitute who was sexually assaulted and robbed almost 13 years.
10. "Judge orders DNA test in case of man convicted in 1989 murder." The Associated Press State & Local Wire, December 15, 2003.
In Indiana, a judge has ordered DNA testing on a semen sample taken from the apartment where a woman was found murdered in 1989. The inmate who has served 13 years in prison for this killing hopes that the DNA tests will lead to new trial. However, prosecutor's recall testimony by the victim's husband that he and his wife had engaged in sexual relations near the place where the sample was taken.
11. "Lack of DNA cases at TBI upsets victims advocates, puzzles officials." The Associated Press State & Local Wire, December 15, 2003.
In Tennessee, a year after receiving \$3.4 million from the federal government to help solve criminal cases by using DNA, the Tennessee Bureau of Investigation has received only 110 samples from police departments. Last year, the TBI said evidence from 2,500 crimes, primarily sexual assaults, was languishing in the departments. Now, a Dec. 31 deadline for receiving samples looms with only a fraction of the perceived caseload submitted. It's not clear if some police departments throughout the state are not submitting evidence or if the TBI overestimated the need for help. Either way, the TBI and law enforcement agencies are not doing all they can to solve crimes, the leader of a crime victims advocacy group says. Last year, Nashville's police department had about 300 rape kits containing evidence for sexual assault cases that were never analyzed for DNA. But the department isn't sending any of the evidence to the TBI because the commander of the sex crimes unit believes the older cases can't be prosecuted.
12. "We Got Him': Genetic Testing." The Atlanta Journal-Constitution, December 15, 2003.
The DNA test that officials said confirmed Saddam Hussein's identity only hours after his capture was a quick version of a test now routine in forensic science. The situation in Iraq was different from criminal cases with DNA because other physical evidence strongly suggested the captured man was Saddam. That likely allowed the military to test fewer bits of DNA. Also, the military was probably able to streamline its test procedure and paperwork because it isn't limited by the time-consuming constraints of criminal courts. "If this were a criminal case in the United States, they would be dotting all the i's and crossing all the t's first because of potential legal challenges," Kobilinsky said. "Here, the military could get a quick result and not have to worry about completing all the legalistic stuff at first."
13. "DNA under microscope." Herald Sun (Melbourne, Australia), December 15, 2003.
In Australia, a criminal case in which a DNA sample from a victim in an unrelated case was somehow transferred to evidence in a child murder case. The evidence problem has thrown into doubt the integrity of the collection, examination, use and storage of DNA evidence in Victoria. Articles suggests, "In any event, it is time that Victoria established an independent forensic unit that operates outside and away from Victoria Police, with all processes for scientific and forensic examinations."
14. "DNA results in conviction of sex offender eight years later." AAP Newsfeed, December 14, 2003.
In Australia, police have linked a man's DNA to a serious sex crime that occurred eight years ago. He has since He pleaded guilty to sexually assaulting a woman in her 50s during an aggravated burglary. The man was finally linked to the assault after his arrest on an unrelated matter last year. Police believed they knew the identity of the sex offender at the time of the crime but had insufficient evidence to lay charges. DNA samples from the suspect could not be obtained until the he was arrested.
15. "DNA/Anti-Crime Plans Face Heated Debate." The Sunday Independent (Ireland), December 14, 2003.
In Ireland, the Minister for Justice expects to face opposition from civil liberty groups as he moves towards introducing a DNA database. The proposal is to retain the DNA profiles of all people convicted of criminal offences so that this can be used in evidence in future cases. Newly published figures from England's Home Office figures say the database is being used to link suspects to 15 murders, 31 rapes and 770 car crimes every month, with 21,000 crimes detected using DNA evidence last year in Britain.
16. "Judge allows attorney to file affidavits." The Associated Press State & Local Wire, December 13, 2003.
In Oklahoma, the attorney for a man accused of killing his wife 13 years ago may prepare affidavits requesting investigators to search for evidence that could be tested for DNA samples, a judge says. The District judge

declined the lawyer's request to search for the evidence but will allow him to file affidavits requiring Bartlesville police and the Oklahoma State Bureau of Investigation to reveal what evidence is available for testing. The man convicted of the crime is serving life in prison with no parole.

17. "2 more rapes linked to suspect." Chicago Tribune, December 13, 2003.
In Chicago, prosecutors using DNA evidence tied two unsolved rape cases in the Wicker Park neighborhood to one of two men charged with later sexual assaults in the area. The man linked to the attacks was previously arrested and charged with aggravated criminal sexual assault for a July 2003 attack and later was charged with a June 2003 attack.
18. "Cigarette butt murder charge." The Daily Telegraph (Sydney, Australia), December 13, 2003.
In Australia, DNA taken from a man charged with the murder of an 81-year-old woman was a match to samples found at the scene. Forensic experts extracted a sample of DNA from underneath the victim's fingernails at the crime scene. Investigating officers then began a systematic check of the DNA of known criminal offenders in the Blue Mountains. In November, a man who was reporting daily to police as part of his bail conditions, dropped a cigarette butt outside the station, which was retained for DNA analysis in Sydney and found to be a perfect match. Several items were later recovered from the man's home, including women's jewelry and a pick axe. The suspect is a father of 11 children whose latest baby was born last week, and he lived only 1km away from the victim's home.
19. "Brothers charged in assault of girl, 9." The Houston Chronicle, December 13, 2003.
In Texas, identical twins have been charged with the abduction and sexual assault of a 9-year-old girl two years ago, thanks to a DNA database and a flunked lie detector test. The two brothers, who have extensive criminal histories, are each accused of aggravated sexual assault of a child and kidnapping. The DNA match to the brothers was made through the DNA database, but identical twins have the same DNA, so police weren't immediately sure if one or both brothers were involved in the rape. Police first questioned one of the brothers, who failed a lie detector test, then confessed to sexually assaulting the girl while his brother drove around and served as a lookout.
20. "Court sets standards on use of DNA tests." Omaha World Herald (Nebraska), December 13, 2003.
The Nebraska Supreme Court has refused to overturn an Omaha man's murder conviction based on "favorable" DNA testing. Although DNA tests obtained by the inmate did not conclusively prove his guilt, neither did they exonerate him, the high court said in a 6-0 opinion. DNA tests were inconclusive on one piece of evidence, showed the inmate's blood on another piece of evidence, and a mixture of the victim and inmate's blood on a third piece of evidence. The court used this case to set the standards for when a defendant should be set free or be granted a new trial based on DNA tests: 1) A defendant's conviction should be set aside and he should be set free only if the DNA test results "show a complete lack of evidence to establish an essential element of the crime charged." and 2) A defendant should get a new trial only if the DNA test results "probably would have produced a substantially different result" if they'd been available for the original trial.
21. "Unleashing the power of DNA." Chicago Tribune, December 12, 2003.
Editorial: "...The state's database has yielded DNA matches in more than 1,000 Illinois cases, along with 109 matches elsewhere in the nation. It is virtually certain that clearing up the backlog would resolve more cases and take some dangerous people off the street. In the past year, the state's work on DNA analysis has been slowed by a (now-lifted) state hiring freeze and the attrition of state-trained technicians. A proposed \$2.3 million appropriation to erase the DNA backlog was stripped out during budget negotiations this year. Gov. Rod Blagojevich pledged this week to reallocate \$2.6 million to \$3 million to hire new DNA technicians. That's good news; the hope is that he quickly makes good on that commitment."
22. "Kidnapping suspect discovered - in jail." The Dallas Morning News, December 12, 2003.
In Texas, a man under indictment on sexual assault and burglary charges has been charged with kidnapping a 12-year-old girl more than two years ago. County detectives notified the City police in that they had arrested a man who fit the description of the suspect in the kidnapping. DNA evidence from the suspect was later matched to DNA found at the crime scene.
23. "Panel On DNA Profiling Gets Union Cabinet Nod." The Hindu, December 12, 2003.
In India, the Union Cabinet has cleared a proposal to set up a national advisory committee that will recommend measures for an orderly development of the forensic DNA discipline. The panel will, among other things, assess the infrastructure requirements for DNA profiling, evolve uniform methods and standards to ensure quality

examination of samples, and offer advise on the direction for research and development. It will also act as an advisory body in formulating a legislation on the various aspects of DNA profiling and crime investigation. It would be expected to come up with a draft legislation on DNA profiling within two years.

24. "Forensic grant gets county approval." The Kansas City Star, December 12, 2003.
In Kansas, Johnson County commissioners have voted to accept a federal grant to cover laboratory costs for a growing number of DNA cases that have been shelved but not forgotten. A \$118,295 grant from the National Institute of Justice will help the county's five forensic scientists match microscopic fibers and biological stains to samples collected in a growing national database of possible suspects. The money will cover overtime pay and the cost of sending samples to other labs for analysis -- tests that can cost up to \$2,000 each. The Sheriff's Department is asking city police departments to review their open cases and submit any that may need a second look by the county's forensic experts.
25. "When DNA Meets Death Row, It's the System That's Tested." The Washington Post, December 12, 2003.
In Virginia, the Governor is said to be considering a request to allow post conviction DNA testing on a man that has already been executed for the crime, but in many such cases the request is denied. Prosecutors say they usually support post-conviction testing if the results could definitively resolve an inmate's guilt or innocence. But a number acknowledge that they remain opposed to what they see as baseless testing, in large part out of concern for the victims' relatives, who have waited years - sometimes decades - for closure.
26. "DNA match leads to first arrest in trooper's shooting." The Advocate (Baton Rouge, LA), December 11, 2003.
In Louisiana, a DNA match has led to the first arrest in the November shooting of a state trooper during a botched bank robbery. The suspect was arrested recently for three parole violations and was in custody when he was linked to the crime. Authorities have matched the man's DNA to evidence left at the bank, but would not name the evidence. The suspect has been arrested at least 11 times dating back to 1989, court records show. He has been convicted at least twice, pleading guilty in 1998 to a carjacking that February and drug possession that April.
27. "Governor vows funding for DNA testing." The Associated Press State & Local Wire, December 11, 2003.
Gov. Rod Blagojevich says he will find up to \$3 million to pay for DNA testing to clear a three-year backlog of evidence waiting to be tested. The governor made the vow in the wake of reports that a group of women are trying to raise money to have 1,500 rape kits analyzed by private laboratories. Police and rape-victim activists say the backlog is due to tight budgets and increasing demand for DNA testing. Where the money will come from in a tight state budget to pay for the training and hiring of more scientists at the Illinois State Police Crime Lab is to be determined. The current backlog in Illinois includes rapes kits from police agencies around the state. It also includes more than 400 other criminal cases where DNA evidence was gathered Blagojevich already has identified money to pay for 14 scientist jobs that were lost through attrition, retirements, deaths and other reasons. Currently there are 42 scientists on staff.
28. "Court delays execution, agrees to hear Crawford's appeal." The Atlanta Journal-Constitution, December 11, 2003.
The Georgia Supreme Court agreed to hear an appeal by a convicted child killer, postponing his execution just a few hours before he was scheduled to die. The inmate, sentenced to death for the 1983 murder of his 2-year-old niece, is seeking to have several pieces of possible blood evidence tested for DNA. His lawyers have argued that several items should be tested for DNA based on a new law enacted this year giving inmates greater access to post-conviction DNA testing. A federal appeals court had previously ruled that the test results would have no bearing on the inmate's guilt or innocence, one of the standards required by the new law.
29. "E-Government." National Journal's Technology Daily, December 11, 2003.
Better coordination among Virginia's law enforcement officials, the court system and DNA laboratories would produce more "meaningful" information, Peter Marone, director of Virginia's Forensic Science Central Laboratory, said at the fall forum of the National Conference of State Legislatures. "The communication between the different system databases is less than what you'd want it to be," Marone said. Communication on training procedures with those people not directly involved in forensic science but critical to the crime-solving process also is necessary, said Glenn Schmitt, deputy director of the Justice Department's Institute of Justice. Police officers must be trained on how to handle crime-scene evidence, lawyers would benefit from sessions on the limits of DNA, and medical personnel are often unknowingly the first to come in contact with DNA evidence and must know how to preserve it, Schmitt said.
30. "Law Agencies Present Wish List." Rocky Mountain News (Denver, CO), December 11, 2003.

More state troopers and newer lab equipment for DNA tests are law enforcement's top wishes this season, Colorado lawmakers were recently told. The Colorado Bureau of Investigation wants \$4.1 million for special equipment and staffing to handle DNA testing, where it now has a backlog of three to four months. Nearly \$1.9 million would be used for a new robotics instrument that can more than double the 80 DNA samples processed manually each day. A similar amount of money is needed for an upgraded Laboratory Information Management system. Demands on the CBI for DNA testing have grown 33 percent in the past two years. No decisions were made as budget writers met with top officials from within the Department of Public Safety to discuss financial needs for 2004-05. But it was obvious from legislative comments that it will be difficult to find more money. One legislator has suggested charging local jurisdictions a fee for forensic services.

31. "Bembenek wins review of new evidence." St. John's Telegram (Newfoundland), December 11, 2003.
A former Milwaukee police officer (Laurie "Bambi" Bembenek) trying to prove her innocence in a 20-year-old murder case has been granted a hearing to review new DNA evidence she believes will exonerate her. The hearing will be limited to a review of new DNA evidence, including whether unidentified male DNA found on a vaginal swab indicates sexual assault, and ballistics evidence. A former associate medical examiner who testified in Bembenek's preliminary hearing and 1982 trial said in a sworn affidavit Monday that she now believes the slaying of Christine Schultz was a sexual assault homicide committed by a male.
32. "DNA From 1958 Case Matches City Man's, Police Say." Wisconsin State Journal, December 11, 2003.
In Wauwatosa, Wisconsin, police say DNA evidence from a 1958 murder and sex assault matches that of an 82-year-old man convicted of beating two women with a hammer in Madison in 1980. The man had always been a suspect, and in fact had been tried for the murder in 1960. However, the judge declared a mistrial in the 1960 case and it had been dormant until a cold case review came across old DNA evidence. An old box of evidence contained a semen on a piece of the victim's pubic hair, and the crime lab was able to extract DNA.
33. "Crime lab not ready for DNA testing." The Advocate (Baton Rouge, LA), December 10, 2003.
Earlier this year, in the midst of the hunt for the south Louisiana serial killer, the state Legislature appropriated \$650,000 for three state crime labs to comb old DNA evidence from "cold case" files involving sexual assaults. The Acadian crime lab has sent all 315 of its cold cases to private DNA labs for testing, but the state lab has only sent out 25 cases and still has 300 unanalyzed. The State Police Crime Lab has yet to choose which outside contractors will handle the work - the samples sent out so far have served as a test to see how well the potential vendors handle the work flow. Work on clearing the cases has been hampered by other priority tasks the crime lab has been pursuing - such as a \$4.2 million grant to update crime lab equipment across the state and finalizing testing contracts for samples taken from parish arrestees. Of the 315 cases sent out for testing by Acadiana, so far 258 samples have yielded a profile good enough to enter onto the FBI DNA database. Of those samples entered onto the database, 57 have matched a known offender in custody and has identified 6 still unidentified men who have committed at least two rapes a piece.
34. "Man linked to rape case had long criminal history." The Associated Press State & Local Wire, December 10, 2003.
In Wisconsin, a man linked to a 1985 sexual assault by DNA evidence that exonerated another man already had a long criminal record in four states when the attack occurred, newly released documents show. The man was incarcerated three times for violent and drug-related felonies before the woman was attacked in 1985. Investigators also considered the man a suspect in the killing of a girl in North Carolina, although he wasn't prosecuted in the case. The records show the man was suspected or convicted of another seven crimes, including attempted rape, before the 1985 attack. He was suspected or convicted of another 10 crimes after that attack. The man originally convicted in the 1985 the attack spent 18 years in prison before DNA evidence cleared him of the crime in September. The DNA evidence linked the second man to the crime, but prosecutors could not charge him because the statute of limitations had expire, but he currently is serving 60 years in prison for the 1995 sexual assault of a woman in her home.
35. "Murder victim's bone sat for months in ME's office when ID was possible." The Associated Press State & Local Wire, December 10, 2003.
In Massachusetts, a skull fragment belonging to 9-year-old murder victim sat in a desk drawer at the state Medical Examiner's Office for 21 months at a time when it could have been identified by DNA testing, according to a published report. The bone fragment was placed in a pathologist's desk shortly after its discovery in April 1995, and there it sat until early 1997, when investigators from the Middlesex District Attorney's Office urged the medical examiner's office to test it. After a forensic anthropologist determined that the bone came from a young

girl, it was sent to the Armed Forces Institute of Pathology in Washington, which perfected mitochondrial DNA testing in 1993. The lab linked the bone to the missing girl seven months later - in January 1998. The alleged mishandling of the skull fragment is the latest in a series of embarrassing revelations for Chief Medical Examiner Dr. Richard J. Evans, whose office has been targeted by state and federal investigations into the possible misuse of thousands of dollars in Justice Department grant money.

36. "DNA helps resolve old rape cases." The Advocate (Baton Rouge, LA), December 9, 2003.

In Louisiana, law enforcement officials have announced that DNA testing of cold cases shows that a man already in jail is responsible for a string of unsolved rapes in the late 1980s in New Iberia. The man was convicted in 1990 on two counts of aggravated rape. DNA testing has linked him to three additional rapes, and as-yet unconfirmed testing appears to also link him to four more rapes. Also, officials said cold case testing has revealed that six unknown suspects have committed at least two rapes each in Acadiana - and may still be on the loose.