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Smith Alling Lane, P.S. provides governmental affairs services to Applied Biosystems. As part of this representation, the firm generates weekly reports on state and federal legislation and news articles. Applied Biosystems has authorized Smith Alling Lane to make these reports publicly available through this website. The information presented in these reports does not necessarily reflect the viewpoints of Applied Biosystems or Smith Alling Lane, P.S.

The January 17, 2003 DNA Resource Report is listed below.

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

## SUMMARY

Bills to expand DNA databases to include all convicted felons were introduced in Arkansas, Connecticut, Missouri, New York and Missouri, and a limited expansion bills were introduced in North Dakota and South Dakota.

In Pennsylvania, DNA evidence has cleared man who committed suicide while in jail as a rape suspect. "Cold hits" on the DNA database aided investigations in New York (burglary and robbery; murder; several rapes and burglaries), New Jersey (multiple rapes and armed robbery), California (1971 murder), Kansas (murder and several sexual assaults in at least two states), Maryland (murder), and Florida (1993 murder in Washington State). DNA also helped identify suspects in Missouri (1987 murder), Kentucky (murder), and Virginia (sexual battery of a child).

A new crime lab has opened San Mateo County, California, and construction for new crime laboratory in Washington state may not be funded this year. The Kansas City Police Department has received a federal grant to help solve old homicide cases through DNA testing.

Mississippi legislation would provide for compensation for wrongful convictions, and a Montana bill would provide for educational aid for persons exonerated through postconviction DNA testing. A Florida death row inmate is asking for a new trial based on DNA evidence, and postconviction DNA testing for a Canadian serving a life sentence in Missouri have further confirmed the man's guilt.

In international news... in England, police used DNA to solve two unrelated burglaries, two unrelated robberies. New Zealand police identified the driver of a getaway car from DNA recovered from sweat he left on the steering wheel. In Canada, a cold hit linked a man already incarcerated to three more sexual assaults from 1991. Australia will use a cold case squad and DNA testing to re-open 5 unsolved murders.

**\*\* CLARIFICATION:** An item from the January 10<sup>th</sup> DNA Resource Report indicated that the "Minnesota Supreme Court ruled that PCR STR testing met the legal standard for general acceptance." This statement was incorrect and should have read that the Washington County District Court ruled that PCR STR testing is generally accepted, which clears the way for the Minnesota Supreme Court to assess admissibility of such DNA evidence.

## STATE LEGISLATION

### Forensic DNA

1. Arkansas HB 1074 – Expands the state DNA database to include all convicted felons.

2. Connecticut HB 5022 -- Expands the state DNA database to include all convicted felons.
3. Mississippi SB 2015 -- Provides for civil compensation for persons erroneously convicted, including legal, expert witness and other fees associated with prosecuting an appeal, petition for reversal or other post-conviction relief based on scientific evidence such as DNA analysis.
4. Missouri SB 21 – Provides for post conviction DNA testing. Establishes a Laboratory Oversight Committee to provide an independent review of the state crime laboratory operations. Assess a court fee for non-traffic misdemeanors for DNA testing costs and other crime laboratory needs.
5. Missouri SB 198 -- Expands the state DNA database to include all convicted felons.
6. Montana SB 1783 -- Provides education aid for persons exonerated of a crime by post conviction DNA testing. The bill would provide state aid for tuition, fees, books, room and board.
7. Nebraska LB 139 – Clarifies that the state DNA database may be used for forensic casework relating to missing persons, relatives of missing persons, and unidentified human remains.
8. North Dakota HB 1235 – Removes sunset provisions on current DNA database laws which would have decreased the number of felons required to submit DNA. Clarifies that the detention, arrest, or conviction of a person based upon data base information is not invalidated if it is later determined that the specimens or samples were obtained or placed in the data base by mistake.
9. South Dakota HB 1032 – Clarifies that offender DNA samples are required of anyone convicted, pleading guilty to, or found guilty of the qualifying offenses.
10. Texas HB 353 -- Creates a Forensic Science Review Committee within the Department of Public Safety to regulate and oversee the activities of the forensic laboratories in the state.
11. Virginia HB 2587 – Changes requirements for violent felony arrestee DNA samples from “prior to the person's release from custody” to “as soon as practicable.”

#### Genetic Privacy / Research

12. New York AB 504 – Requires hospitals to take blood samples of all newborns for future DNA testing. Samples would only be taken if written parental consent was obtained.
13. New York SB 287 – Provides for licensure of genetic counselors.
14. New York SB 337 – Establishes a genetics advisory council to study and make recommendations to the governor and the legislature with respect to issues such as genetic testing by insurers and employers, and licensure of genetic counselors.
15. Kentucky HB 41 – Prohibits employment discrimination based on genetic information.
16. Kentucky HB 152 – Prohibits destructive human embryo research.
17. Kentucky HB 153 – Prohibits human cloning.
18. Missouri HB 163 – Prohibits human cloning.
19. Virginia HB 1812 – Prohibits discrimination based on genetic characteristics.
20. Virginia HB 2366 – Prohibits the use of human embryos in stem cell research.
21. Virginia SB 836 – Prohibits discrimination in employment on the basis of genetic testing or genetic characteristics.

22. Virginia SB 870 – Prohibits exclusions from insurance coverage for services related to genetic predisposition.
23. Washington SB 5059 – Prohibits discrimination because of genetic information.
24. Washington SB 5060 – Prohibits employment discrimination based on genetic information.
25. Wyoming HB 24 -- Limits the use of genetic testing results by group insurers.

#### Paternity

26. Colorado SB 79 – Changes various provisions for genetic testing to determine parentage.
27. Georgia HB 18 – Babys Right to Know Act. Requires genetic paternity tests when a named father denies paternity.
28. South Carolina HB 3069 -- Establishment of paternity pursuant to a voluntary acknowledgment of paternity could be set aside if genetic testing showed the alleged father was not, in fact, the father.

#### **NEWS ARTICLES**

1. “Longed-for crime lab ready.” The San Francisco Chronicle, January 14, 2003.  
After years of work, San Mateo County, California will be opening a new forensic crime laboratory. The old DNA lab is housed in three closet-size spaces with leaky ceilings and outdated vents. Criminalists had to carry evidence from closet to closet, hoping that it would not be contaminated on the way. In the new lab, DNA testing will take place in three spacious rooms linked together at an airlock-tight junction -- the size of the old facility's entire lab. Two separate voter propositions in 2000 (one state-wide, one local) both failed, but the County Sheriff was able to piece together \$2.8 million in other state funding options (about \$10 million short) and convinced the Board of Supervisors to approve the facility anyway, citing the danger that mold and other conditions posed to the health of workers and the integrity of evidence.
2. “Fingered By Socks.” The Mirror, January 13, 2003.  
In England, a burglar was traced by DNA after leaving behind sports socks he used to hide his fingerprints. He was jailed for three years.
3. “Feet Man Named.” South Wales Echo, January 13, 2003.  
In England, police have identified a mystery pair of feet washed up on the banks of the River Severn almost a year ago. DNA fingerprinting was used to discover that the feet belonged to missing hospital patient. The patient had disappeared in July 2001 when, it is believed, he jumped into the River Usk at Newport. The feet, in blue and white trainers, were discovered by a fisherman.
4. “Two Years In Jail For Transsexual Burglar.” Birmingham Post, January 11, 2003.  
In England, a retiree returned to his home to find a transsexual in women's clothes sitting in his lounge. The intruder put his arm round the man and then got up and went to the kitchen where he drank from a bottle. DNA was later found on the bottle and matched to the defendant.
5. “Suspect identified by sweat.” The New Zealand Herald, January 11, 2003.  
In New Zealand, police were able to trace a suspect from DNA he left behind in his sweat. A robber driving the getaway car from an armed robbery last June did not realize his sweaty palms were leaving valuable evidence for police. After the car was dumped, police took a swab from the steering wheel. The sample was sent to the Institute of Environmental Science and Research and scientists were able to extract a DNA profile. Several months later when the sweat sample was compared to the suspect's DNA profile it was found to match. The DNA evidence was never used at trial, because the suspect pleaded guilty.
6. “Girl who reported dead baby was the mother, DNA shows.” The Miami Herald, January 10, 2003.  
In Florida, DNA tests showed that a 16-year-old girl who said she found a dead newborn was, in fact, the child's mother. If medical examiners rule that the 7-pound baby boy was alive at birth, the girl could face murder charges. If the baby was stillborn, she could face less serious charges, including filing a false report to authorities. The girl's

parents told authorities that they were unaware their daughter was pregnant. A state law enacted July 1, 2000, allows parents to drop off newborns within three days of their birth at a hospital or fire station. Parents may do so anonymously and may reclaim their babies within 30 days. The law was enacted after a rash of abandoned-baby cases caught the attention of state legislators, who wanted to protect unwanted children from harm.

7. "Son's Relief As Fisherman's Remains Are Identified." Press Association, January 10, 2003.  
The son of one of the 36 men who died when a trawler sank off the coast of Norway 29 years ago spoke of his relief after his father's remains were formally identified. The man, who was 39 when the Hull-based ship went down in the Barents Sea in 1974, is one of three members of the crew who have now been identified by DNA. A survey ship sent to the wreck last year found a series of human remains, bringing to an end speculation that the crew was not aboard when the ship went down. Further DNA identifications may be made later this year
8. "Effort to identify trade center dead likely to take years, NYC chief forensic biologist says." The Associated Press, January 9, 2003.  
In New York, the effort to identify World Trade Center victims' remains is likely to continue for years, according to the scientist leading the DNA project. After a steady decline in identifications in recent months, though, an unexpected DNA breakthrough has yielded several new matches and could lead to more. Six people were identified after a Virginia lab implemented a modified procedure that allows scientists to examine DNA initially deemed useless because it was badly degraded by fire, heat and water in the ruins of the towers. Of the 2,792 people listed as missing in the attack, the remains of 1,452 have been identified - about 52 percent. Officials for the project have a goal of 2,000 identifications out of the nearly 2,800 believed lost in the disaster
9. "DNA evidence clears rape suspect who hanged himself in jail." The Associated Press, January 9, 2003.  
In Pennsylvania, DNA evidence posthumously cleared a rape suspect who killed himself in a police holding cell. The suspect had used his shirt to hang himself the same day he was arrested for the rape of an 18-year-old woman who identified the man as the her attacker. Recently returned tests show his DNA did not match the semen sample collected from the victim. The man had bipolar disorder and was not taking medication for the condition at the time of his death and had been living at a men's shelter. Shelter residents, had they been asked, would have told police that the suspect had been eating breakfast and helping with chores when the rape happened. A prominent defense lawyer said that case proves the importance of prompt DNA testing as an investigative tool. He pointed out that DNA testing is done in 7 to 10 days in Britain but generally takes months in the United States.
10. "Knifeman's DNA Clues To Robbery At Jewellers'." The Northern Echo, January 9, 2003.  
In England, a jewelry shop manager was stabbed when he tackled a masked knifeman who raided the store. The robber used a bobble-hat as a mask to hide his identity when he demanded staff open the safe. But he was arrested after police matched traces of his DNA found on the hat, which he had discarded.
11. "DNA traps robber; Smear of blood leads to conviction two years on." Bristol Evening Post, January 8, 2003.  
In England, an armed robber who held up a newsagent was trapped by a DNA sample - two years after apparently getting away with his crime. A smear of blood left on the shop manager's shirt after a struggle between the two men gave police enough evidence to link the suspect to the crime when he was arrested two years later for carrying two knives. A blood sample taken during the investigation into the later incident matched the sample taken by officers at the scene of the robbery.
12. "Defendant: Evidence fabricated." Lexington Herald-Leader, January 8, 2003.  
In Kentucky, within hours of burying her husband, who had been gunned down near housing project, a widow herself was killed. The woman's death was apparently unrelated to that of her husband. Police zeroed in on the suspect as the woman's killer after a fingerprint analyst matched his prints with one found on the bloody orange-handled sewing scissors found in her neck and two others on a vodka bottle in her kitchen. The suspect also cut himself and left blood at the scene. DNA analysis pinpointed it as a one in 1.8 quadrillion match. The suspect, who is representing himself at trial, told jurors the case against him was built on lies and evidence manufactured by the local police.
13. "Man Sentenced To 5 Years For Attack On Girl." Roanoke Times & World News, January 8, 2003.  
In Virginia, a man who was convicted of attempted rape and aggravated sexual battery of a 7-year-old girl has been sentenced to five years in prison. The defendant pleaded no contest to the charges in October. His defense attorney said that he believes his client is innocent, but made the plea in an effort to avoid a stiffer prison sentence if convicted during a trial. A forensic nurse could not find any evidence of sexual penetration but was able to recover

DNA evidence on the girl's breast that authorities say matched the defendant's DNA.

14. "Forced-Entry Spree Nets 32 Years To Life." *The Buffalo News*, January 7, 2003.  
In New York, a man was sentenced to 32 years to life in prison for a series of forced entries in upper-class homes in North Buffalo, in which he sometimes posed as a police officer, and for convenience store robberies. The man has been jailed since last spring after an FBI reward offer attracted tipsters. He was still on parole from his last Buffalo robbery conviction, in 1996. He pleaded guilty to 22 counts of robbery, burglary, criminal impersonation of a police officer, unlawful imprisonment and weapons charges. Prosecutors said a DNA match was made after the suspect left a drop of blood at one of the homes.
15. "DNA Test Blitz On Crooks." *Liverpool Daily Echo*, January 7, 2003.  
In England, burglars impersonating officials who rob pensioners' homes are to be targeted using specialist police techniques usually reserved for murder inquiries. Sophisticated forensic methods are being used by detectives determined to crack down on thieves who prey on the elderly. Police have particular concerns about thieves who get into homes by pretending to be council workmen or gas company officials. Small traces of skin, even dandruff, will be analyzed for DNA.
16. "2003 Legislative Preview: Challenging Work Ahead." *The Columbian* (Vancouver, WA.), January 12, 2003.  
In Washington state, legislators are facing a budget challenge. In Vancouver, there is land and a plan for a Washington State Patrol crime lab, but the Governor's proposed \$ 2.5 billion construction budget for 2003-05 does not include the \$12 million needed to build it. A lobbyist for the city said, "The need is so great that a two-year wait is unacceptable to us." On average, local detectives must wait nine months for completed DNA analysis. The laboratory can cut the time in the most pressing cases, but sometimes detectives need the results to know how pressing the case is.
17. "Legislator Says State Should Pay Freed Man." *The Virginian-Pilot* (Norfolk, Va.), January 14, 2003.  
In Virginia, House Bill 2662 asks the General Assembly to pay \$1 million in relief to Earl Washington Jr., a man who was pardoned after spending 18 years in prison for a murder and rape that DNA evidence later proved he did not commit.
18. "Police: DNA links man to home invasion death." *The Associated Press State & Local Wire*, January 11, 2003.  
In New York, DNA evidence linked a man to the killing of a homeowner during an apparent home invasion burglary last year. Blood at the scene, analyzed at the Monroe County crime lab and checked against a state DNA database, linked the suspect to the crime. The man, who was on parole for a prior burglary conviction, was being held without bail at the Monroe County Jail. "This case was solved because of the physical evidence, especially DNA," said investigators.
19. "Suspect's colleagues, neighbors aghast at rape, robbery charges." *The Record* (Bergen County, NJ), January 11, 2003.  
In New Jersey, a man who neighbors describe as wonderful and friendly has been charged with multiple counts of rape and armed robbery that prosecutors said stemmed from the worst one-man crime spree the area had seen in decades. He is accused of breaking into retail stores, tying up clerks working alone, and raping them at gunpoint. When he was arrested he had a gun, rubber gloves, cord, and an unused condom wrapped in a sweatshirt in his car. About 100 investigators were working on the string of attacks when the DNA test results implicated the suspect. Investigators had access to his DNA because he had served a 15-year sentence in federal prison that ended in 1998 for a Georgia bank robbery. The case has prompted the Bergen County Executive to call for passage of a bill before the state Assembly that would require people convicted of a wide array of crimes in New Jersey to submit DNA samples.
20. "DNA is clue to 1971 murder A recent, random test links a state prison inmate to the old El Dorado case.." *Sacramento Bee*, January 10, 2003.  
In California, a prison inmate's DNA matched the DNA collected from evidence in a 1971 murder. The match was made after DNA from the victim's underwear was checked against the state DNA database. During the original investigation, medical tests were unable to determine whether a sexual assault had occurred with the murder. The identity of the inmate was not released, but the state Attorney General's Office confirmed that the match was made through "a cold hit" using the department's data bank, which holds more than 260,000 DNA samples from California inmates. Specific information regarding the inmate and potential charges are being withheld pending completion of the investigation. Police also theorized that the murder may have been linked to the murder of

another woman in 1970.

21. "Cops say man admitted to three sex attacks." The Times Union (Albany, NY), January 10, 2003.  
In New York, a state prison inmate whose DNA matched samples from three unsolved crime scenes admitted sexually assaulting a 4-year-old girl in 1997 and raping a 10-year-old girl and a 67-year-old woman in 1999. The man was charged with 18 counts of rape, sodomy, sexual abuse, burglary and kidnapping for the suburban Rochester attacks. He was identified through the state DNA database and is currently serving time for an unrelated burglary.
22. "More Rape Charges; Man Accused In 3 Cases From 1991 Already In Prison." The Toronto Sun, January 8, 2003.  
In Canada, the list of charges against an illegal immigrant serving 13 1/2 years for raping three women, including a grandmother in 1991, keeps getting longer. Toronto Police sex crimes officers from the unsolved crime section have charged the man with another three sexual assaults from 1991. In September, after getting a match from the national DNA databank, officers charged the suspect with an unsolved beating and rape of a woman who was jumped by a masked man while walking from a bus stop in April 1991.
23. "Louisiana police demand DNA from white drivers; Search intensifies for serial killer." The Washington Times, January 14, 2003.  
Police in Louisiana, intent on catching a suspect in the slayings of four women, have begun pulling over white General Motors pickup trucks and asking the drivers to submit to DNA tests. Such investigative methods have provoked protests from civil libertarians. Police have matched the killer's DNA with four slayings since September of 2001. In two of the crimes, a white, single-cab GM-built pickup truck was seen close to the site of the killing near the time of the death. Most of the motorists have complied with requests for DNA samples, but some who balked were publicly embarrassed.
24. "Charges baffle family of rape, slaying suspect." The Wichita Eagle, January 12, 2003.  
In Kansas, DNA tests have tied a man to the decapitation murder of a housekeeper in June 2002. The suspect's DNA was found among bloodstains on a porch ledge at the crime scene. Investigators across Kansas and in Illinois also consider the man a suspect in a string of unsolved rapes and sexual assaults that go back possibly as far as 1989. DNA evidence has linked him to assaults in 1993 and in 1992. Authorities in another community are awaiting DNA test results from five unsolved rapes from 1989 to 1991. The man's criminal record since 1995 includes attempted burglary, theft, and drug possession.
25. "Man charged in 1987 homicide." The Associated Press State & Local Wire, January 11, 2003.  
A western Missouri man was charged with murder in a 1987 homicide after the Kansas City crime lab used current technology to test old DNA evidence. Police had suspected the man back in 1987. They asked him for a sample of hair after the crime, and he gave one. But hair evidence could only exclude suspects in 1987 and could not pinpoint a perpetrator. Because of that the case sat unsolved for years. Recently, DNA was taken from the hair sample that the suspect gave in 1987 and was linked to DNA found on the victim's body.
26. "Fresh eyes to pore over old murders." The Gold Coast Bulletin, January 11, 2003.  
In a Queensland, Australia community, five unsolved murders, including a double murder, will be re-examined by the newly formed Cold Case Squad. Investigators indicated that they intend to make use of new technology, including DNA, that could provide useful results.
27. "Funds tabbed for old homicides; KC police to use grant for DNA tests in unsolved killings." Kansas City Star, January 11, 2003.  
The Kansas City Police Department has won a federal grant that will help solve old homicide cases through DNA testing and determine how many such cases exist. The Board of Police Commissioners approved the \$111,465 grant at a recent meeting. The grant provides \$89,703 in overtime pay for lab experts and \$21,762 to purchase supplies for DNA tests. The director of the Kansas City Crime lab said he hoped to use the grant to look at 50 to 100 unsolved violent crimes and determine how many unsolved cases with good DNA evidence have yet to be tested because of a lack of time and money.
28. "Inmate charged in 1998 killing; DNA is used to indict convicted robber in rape, strangulation of woman" The Baltimore Sun, January 10, 2003.  
In Maryland, a convicted robber was indicted on murder and rape charges in the strangulation death of an 18-year-old woman whose body was found in a Northeast Baltimore stream in 1998. City prosecutors and police said DNA evidence provided critical help in reopening the investigation into the death and led to the indictment of the suspect

who is serving a state prison sentence for armed robbery. The murder was one of about 4,000 city homicide and sexual assault cold cases that include potential DNA evidence that is being methodically tested by private labs. The testing is being funded with the aid of a \$350,000 grant from the Abell Foundation.

29. "Police Hope DNA Test Can Solve 1988 Killing." Daily Press, January 9, 2003.  
In Virginia, new forensic tests on a pair of scissors found inside a convenience store where a clerk was bludgeoned to death 15 years ago may hold the key to the killer's identity. Newport News police want to compare DNA evidence from the scissors with an inmate who is serving a life sentence for a similar murder. Although police previously had submitted the scissors for DNA testing, the specimen was insufficient to compare with the state's DNA database, but recent advances in DNA technology prompted detectives to resubmit the scissors.
30. "Man charged with murder of singer fights extradition to Seattle" The Associated Press State & Local Wire, January 14, 2003.  
A Florida man was charged with first-degree murder after DNA evidence tied him to a 1993 murder in Seattle, Washington. At a recent bond hearing, the suspect told a Senior County Court Judge that he plans to contest his extradition to Washington. The DNA sample that led to the arrest was saliva taken from the victim's breasts, which "bore obvious signs of assault and abrasions." The man's criminal history dates back to 1981 and includes attempted facilitation of a capital felony, false imprisonment, robbery, several weapons possession charges, loitering, indecent exposure and aggravated battery on a pregnant woman.
31. "DNA may reopen '75 massacre case." The Atlanta Journal and Constitution, January 15, 2003.  
In Florida, lawyers for a man who has sat on death row for 27 years for 4 murders are expected to file court papers in Orlando asking for a new trial. The defense contends that DNA tests of blood samples taken last year strongly rebut the state's theory of the case and support the defendant's long-held claim of innocence. The court motions are to be filed under a new Florida law allowing challenges to convictions based on DNA testing. At the time of the trial, DNA testing of blood was unavailable. Authorities were only able to show that the blood was Type A, the type belonging to both the defendant and one of the victims.
32. "Innocence Project New Orleans investigates suspected cases of wrongful convictions." New Orleans CityBusiness (New Orleans, LA), January 13, 2003.  
In Louisiana, a man's conviction was overturned after the Innocence Project New Orleans (IPNO) conducted an investigation into a his claim of innocence. IPNO looks for cases where DNA testing was not performed, police work appeared sloppy or evidence seemed to be overlooked. So far, IPNO has helped exonerate one wrongfully convicted person and had convictions overturned for two people. Nationally, the Innocence Project network has exonerated 123 prisoners. IPNO's annual budget is \$301,000. Funding comes from private donations, in-kind contributions and foundations.
33. "DNA test points to man jailed for rape." Toronto Star, January 12, 2003.  
Preliminary results of a DNA test requested by a Canadian citizen serving a life sentence in Missouri for rape appear to confirm that he did, in fact, commit the crime. The man was convicted in 1986 of raping a deaf St. Louis woman. Six years ago, he began pushing for DNA testing to be conducted on evidence from the crime scene, including a semen-stained curtain valance that the rapist had wrapped around his hands, and swabs taken from the victim. A report from the Missouri state police lab, which performed the tests, was just made available. The Innocence Project, which had been involved with the appeals for DNA testing, indicated that it was "disappointed" by the result, but that about half the DNA tests the Innocence Project arranges on behalf of inmates do confirm their guilt, while the rest serve to establish that the wrong person is in jail. "Unfortunately there's no way of knowing before the test is done."

#### Paternity

34. "Twin surprise; Dad Double." MX, January 14, 2003.  
A Croatian woman who slept with two men at the same time has given birth to twins with two different fathers. The student, 23, gave birth to non-identical twins in Zagreb seven months ago. DNA testing has shown the children have different fathers. Twins being born to different fathers is extremely rare.
35. "Bloody Rotter" The Sun, January 11, 2003.  
In Australia, a man who was cleared of fathering his lover's child thanks to a switched blood sample was exposed after bragging to colleagues. The man bragged to coworkers of how he got a friend to substitute blood for a Child

Support Agency DNA test. For six years he avoided child support payments as the mother lost her home and some of her best friends battling to prove he fathered her daughter. The man had applied for the blood test to be taken at a local doctor's office and the office returned the sample to him for mailing. This gave the man the opportunity to switch the sample with a friend's who, coincidentally, had the same name as him. The CSA has said it had since stopped working with the firm which performed the original DNA testing and has tightened up procedures.

36. "Dad' must support child despite DNA evidence." The Miami Herald, January 10, 2003.  
In Florida, the Supreme Court ruled that a man cannot get out of paying support for a child DNA proves he did not father. The court ruled last summer in a similar case, concluding that a man who agrees to pay child support as part of a divorce cannot try to stop payments later by arguing he is not the real father. The only exception would be cases involving fraud, newly discovered evidence or mistakes.