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The January 3, 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

A Missouri bill would expand the state DNA database to include all convicted felons, and North Dakota will move the crime lab from the Health Department to the Attorney General's office. Virginia has begun implementing its law to collecting DNA from certain felony arrestees.

In Oregon, state budget cuts threaten to cripple the State Police forensic program by forcing layoffs and closure of all but one of the state's seven crime labs. A North Carolina city is proposing the creation of a cold case squad to investigate over 350 unsolved cases from the last 40 years.

Louisiana had its first cold hit on the DNA database (solved a Texas rape), and "DNA dragnetting" continues in southern Louisiana's search for a serial killer. Other cold hits identified perpetrators in Florida (carjacker linked to a murder), Kansas (truck driver linked to a murder and several rapes) and Colorado (child abuser linked to a rape of a blind woman), and Virginia (murder). DNA evidence was also important to cold case investigations in Washington (murders in 1991 and 1996) and Florida (1989 murder).

In Delaware, courts are allowing nine inmates to have their cases reopened for DNA testing. The Texas Criminal Court of Appeals ruled that a defendant's prior guilty plea does not preclude him from claiming in a post-conviction writ application that new evidence would establish innocence. Post conviction DNA testing results from a 1997 sexual assault in Connecticut has won a new hearing for the man convicted.

In international news...in England, a half-eaten pie will be tested for DNA in efforts to identify a burglar, and three men were convicted of killing a man after DNA testing linked all three to the crime scene.

STATE LEGISLATION

Forensic DNA

1. Missouri SB 198 -- Expands offender DNA database to include all convicted felons, includes penalties for mishandling of CODIS data.
2. North Dakota SB 2151 – Transfers the Health Department "forensics bureau" to the Attorney General's office – becomes the state "crime laboratory".

Genetic Privacy / Genetic Research

3. Missouri SB 114 – Limits the use of genetic testing by insurers and employers.
4. Missouri SB 191 – Prohibits human cloning.
5. Texas SB 156 – Prohibits human cloning.

Paternity

6. Wyoming SB 29 – Creates the “Wyoming Parentage Act.” Provides for genetic testing procedures.

NEWS ARTICLES

Forensic DNA

1. “Va. to Begin Taking DNA After Arrests For Felonies.” The Washington Post, January 01, 2003.
Virginia will begin collecting DNA samples from anyone charged with a violent felony. Under a law passed last year, a saliva or tissue sample is to be taken from anyone arrested and charged with such crimes as murder, rape or assault. The DNA profiles will be entered into the state's DNA database for comparison with evidence gathered at crime scenes. If the person is acquitted or the charge is dismissed by a judge, the data will be expunged. The state estimates that 1,000 to 1,500 samples will be taken each month from arrested suspects.
2. “Sheriff wants DNA from up to 100 men in serial killer probe.” The Associated Press State & Local Wire, December 31, 2002.
In Louisiana, police will ask between 50 and 100 men in the Lafayette area to voluntarily submit DNA samples in a search for a serial killer. If the men refused to offer their DNA, police might seek court orders to force the samples. Police have linked four victims to one murderer with DNA evidence left at the crime scenes. The Baton Rouge Police Chief said authorities had taken DNA samples from more than 800 men in the area during the investigation. He said 600 of those men were ruled out as suspects. Results of DNA tests were pending on the other 200.
3. “All signs pointed to suspect.” Sarasota Herald-Tribune, December 27, 2002.
In Florida, DNA has linked a suspect to the killing of a 67-year old woman. The man had already served seven years in jail for a 1995 carjacking conviction. He was linked to the murder after DNA taken from him pursuant to his conviction was tested and matched crime scene evidence. The woman’s boyfriend had originally been a suspect, but cooperated with investigators and submitted to a DNA test.
4. “Pie Could Be Robbery Clue; Burglary Ruins Family Christmas.” Liverpool Echo, December 24, 2002.
In England, a half-eaten mince pie could help police trace the thieves who ruined a young Liverpool family's Christmas by stealing their presents. Burglars ransacked a home while the young mother and her two-year-old twins and baby slept. They stole pounds 200 worth of gifts and even raided the family's bathroom cupboards and fridge. Detectives have taken away a half-eaten mince pie for DNA analysis.
5. “Cuts threaten forensics program.” Statesman Journal (Salem, OR), December 24, 2002.
In Oregon, state budget cuts are threatening to cripple the State Police forensics program by forcing layoffs of nearly two-thirds of the program's scientists and the closure of all but one of seven crime labs located across the state. As part of a package of budget cuts passed in September during its fifth special session, the Oregon Legislature ordered a \$1.58 million cut to the state crime labs. The number of state crime laboratory workers will drop from 135 to 50 on Feb. 1, barring a successful tax vote or action by the governor or Legislature. Prosecutors and law enforcement officials said these cuts differ drastically from other public safety belt-tightening measures because the crime labs are the only source of forensic evidence evaluation in Oregon. Without crime labs located across the state, forensic experts who help process crime scenes could face drive times of three hours or more to get to a scene.
6. “Car Thieves Get Life In Jail For Stabbing Man To Death.” The Independent (London), December 21, 2002.

In England, DNA testing led to the conviction of three men who stabbed a father of two to death. The men were attempting a break-in of a car outside the man's home when he tried to stop them. They stabbed him in the head with a screwdriver, knocked him to the floor with a tree branch and kicked him before leaving him fatally wounded. Blood on the screwdriver matched one defendant, blood on another defendant's boots matched the victim, and skin found under the victim's fingernails matched the third defendant's DNA.

7. "DNA links Wichita man to series of unsolved rapes." The Associated Press State & Local Wire, December 31, 2002. In Kansas, a truck driver has been linked to a Wichita murder, two Salina rapes, several rapes in McPherson and at least one rape in Illinois. Wichita police discovered the connection between the man and several unsolved rapes when they ran his DNA information through the Combined DNA Index System.
8. "Louisiana inmate linked by DNA to Texas rape-murder." The Associated Press State & Local Wire, December 30, 2002.
In Louisiana, DNA evidence linked an inmate at the state penitentiary to an unsolved 1987 rape-murder Texas. The offender match is the first national match for the state of Louisiana. Louisiana began collecting DNA samples from specified inmates in October 2002, and to date, over 15,000 samples have been collected and are currently being analyzed through the Combined DNA Index System. "This offender match is the first national match for the state of Louisiana and will not be the last," said Col. Terry Landry, superintendent of Louisiana State Police.
9. "Briefing: Denver; DNA Test May Have Solved Rape Of Woman", Rocky Mountain News (Denver, CO), December 28, 2002.
In Colorado, more than a year after detectives nearly lost hope of solving the rape of a blind Denver woman, a routine DNA test may have turned up the man responsible. The man, who is currently serving a 25-year sentence for abusing his daughter, is now under investigation for the crime. A blood sample taken from him when he was sent to prison was sent to the Colorado Bureau of Investigation to submit to the national Combined DNA Identification System. Police were recently notified that the suspect's sample matched the evidence gathered from the scene of the sex assault.
10. "DNA evidence rekindles investigation." The Associated Press State & Local Wire, December 31, 2002.
In Washington state, investigators say DNA evidence has led them to a possible suspect in the deaths of two women whose bodies were found along the same logging road six years apart (in 1991 and 1996). But the county prosecutor is unsure whether the new evidence alone is enough to bring charges in the two deaths. At each crime scene, investigators gathered clothing, tissue and other objects containing DNA. In 1999, another woman was attacked but she survived, recovered and identified her attacker who was eventually convicted of first-degree assault, the sentence of which included a requirement for a DNA sample for the state database. Detectives re-examining the physical evidence in the earlier killings found DNA for analysis and positive matches were made between both victims and the man. However, the local prosecutor said there is not enough evidence to support a criminal charge because both of the earlier victims had the DNA of several men inside their bodies. But only the suspect's DNA was found on both victims.
11. "Marblehead selectman pursues culprit in 1950 murder." The Associated Press State & Local Wire, December 28, 2002.
In Massachusetts, an attorney is pursuing a murder case from 1950, hoping to use DNA testing to identify the perpetrator. Three decades after diving into the case, the lead investigator still isn't sure who murdered the woman, but says that over time, he's formed some ideas about what happened the night of the murder. He wants to do new DNA tests of blood and skin samples collected from the murder scene. The evidence, he said, would point to a living culprit he has in mind.
12. "State Police hope DNA can identify '50 victim." The Associated Press State & Local Wire, December 27, 2002.
In New York, for more than 50 years the remains of a woman who was brutally murdered and left beside a town of a road have lain, unidentified, in a pauper's cemetery. Now state police hope modern science can solve the mystery. Massive damage to the face of the woman thwarted efforts to identify her. Despite a replica of the woman's face reconstructed by an embalming school, the woman was never identified. However, there are four women who were unaccounted for when the woman's body was discovered who have never been found. DNA samples taken from the murder victim have been sent to the state police crime lab, and if DNA can be retrieved from them, it will be compared to samples provided by families of three of the four missing women.
13. "Man Charged With Murder In Cold Case." Daily Press, December 27, 2002..

In Virginia, a suspect linked to a 1994 slaying by DNA collected from a hair at the crime scene was indicted on a charge of first-degree murder. The man is accused in the death of a 46-year old woman who was found dead in her bedroom at a group home. Police said the man became a suspect in the death two years ago when a hair from the crime scene produced a "cold hit" in Virginia's DNA databank. They finally feel they had enough evidence to indict him.

14. "New Evidence Reopens Wounds Of 1989 Slaying But DNA Results Could Finally Bring Peace To A Family." The Palm Beach Post, December 16, 2002.
In Florida, DNA testing may help identify the killer of a 26-year old woman in 1989 when a cigarette butt recovered near the victim's body was recently tested for DNA. Police in California had been working on tying an inmate (convicted of kidnapping and rape) to the 1993 murders of two boys. During this investigation, police discovered that the suspect had lived near West Palm Beach from 1989 to 1991, and asked local agencies for similar unsolved cases from that time. The cigarette butt puts the man at the scene of the Palm Beach murder, but more DNA tests cannot be completed until February due to the backlog at the county's lab.
15. "Council To Discuss Unsolved Killings." The Charlotte Observer, December 14, 2002.
In North Carolina, the handling of old murder cases by Charlotte-Mecklenburg police is expected to come up at a City Council workshop next month. The council's Public Safety Committee has asked the police chief to address the department's record in solving old homicides and compare its success with other cities Charlotte's size. Charlotte-Mecklenburg police have more than 367 unsolved homicide cases spanning nearly 40 years and relatively few have been actively investigated in recent years. Homicide detectives say they could solve many old murders if they had time to read case files, re-interview witnesses and test DNA evidence that's been sitting untouched for years. They say a cold case squad is the best solution.
16. "Nine cases reopen for DNA testing." The Associated Press State & Local Wire, December 30, 2002.
In Delaware, nine people convicted of crimes they claim they did not commit will have their cases reopened for DNA testing. Superior Court judges approved the inmates' petitions submitted under a law passed in 2000 by the General Assembly. The law allows two years to seek court approval to reopen cases. Superior Court judges still are deciding whether to grant petitions for testing from five other Delaware inmates. Three petitions were rejected. Approval to reopen the cases for DNA testing does not void the inmates' convictions or guarantee a new trial. Results of the DNA tests could provide grounds for the inmates to petition for a new trial, or for a clemency request that could lead to their release. Test results that reinforce guilt can be used against them if they seek parole, probation or sentence commutations. To win approval, the law requires inmates to demonstrate that identity was an issue in their trials.
17. "Convicts Who Pleaded Guilty Can Claim Innocence." Texas Lawyer, December 30, 2002.
In Texas, in a case of first impression, the Criminal Court of Appeals ruled 5-4 that there is nothing explicit in its 1996 ruling in Ex Parte Elizondo that prohibits or limits a court's analysis of an actual innocence claim to jury or bench trials. The CCA held in Elizondo that a "bare innocence" claim is within a court's jurisdiction on a habeas corpus writ application, meaning that a defendant's guilty plea does not preclude him from claiming in a post-conviction writ application that new evidence (such as DNA) establishes his innocence. Prosecutors contend that the ruling will lead to a wave of habeas applications from convicts who pleaded guilty but now claim they have new evidence of their innocence.
18. "New Test Casts Doubt On Old Evidence." The Hartford Courant, December 29, 2002.
In Connecticut, DNA testing may assist a man convicted of sexual assault in 1997 in his quest for exoneration. During the 1997 trial, a woman identified the defendant as her assailant and a criminalist with the state forensic lab testified that three pubic hairs found on the victim were microscopically similar to hairs taken from him. He was sentenced to 12 years in prison. The defendant had refused offers of a plea bargain and opted for the jury trial, insisting that the victim had identified the wrong man. Throughout the trial and in an unsuccessful appeal to the state Supreme Court, his lawyers questioned the microscopic hair comparison. Now, the three hairs that helped convict him may give him a second chance at freedom. Results from a mitochondrial DNA test on the hairs performed this year concluded they did not come from the defendant. He has asked for a new trial and a hearing is scheduled.

Genetic Research

19. "To Study Disease, Britain Plans a Genetic Census." NY Times, December 31, 2002.
In 2003, Britain plans to assemble a database of medical information about 500,000 Britons, including their DNA. The goal, over the next 10 to 20 years, is to sort out the way that genes and the environment combine to cause common

diseases. At least six countries are preparing similar databases or have already established them. Iceland has collected medical data and DNA samples from 80,000 residents for disease research. DNA-based diagnostics and drugs could result from the effort. So far, opposition has been muted and polite. American geneticists are also split on the value of huge medical and DNA databases. Some argue that existing ones like the Framingham Heart Study, which is gathering DNA from descendants of its original subjects, are enough. Others question their design. Backers are consulting with ethicists, doctors, scientists, drug companies and the public before issuing final plans. This, they hope, will rally Britain around the plan and prevent the outrage that greeted Iceland's database and doomed another in Tonga.

20. "Clone Baby Undergoes DNA Tests.." Birmingham Post, December 31, 2002.
Independent DNA tests are being conducted on the alleged first cloned human to determine if she is a genuine genetic duplicate. The chief executive of Clonaid, said the results would be known by the end of the week or early next week. The child, known as Eve, was due in the US, where DNA samples were to be taken from her and her mother to see if they match. It follows claims by Clonaid that it has a waiting list of 2,000 people willing to be pay pounds 130,000 each to have themselves or a loved one cloned.

Paternity

21. "Doyen of Paris nightlife is dug from grave in paternity row." The Daily Telegraph (London), December 28, 2002.
In France, the former king of Paris nightlife was dug up from his grave in Nice at the request of one of his many former girlfriends, who claims the old swinger fathered her child after a brief affair. From the early 1960s until his death from cancer in 2000, Albert Minski was a pivotal figure on the Paris nightclub scene. In 1991, Minski had an affair with Zohra Nabbat, which she claims produced a daughter. Since Minski's death, Mme Nabbat has been fighting for a share of his pounds 3 million legacy, which went entirely to his most enduring girlfriend, Nicole Zampa. Mme Zampa has fought Mme Nabbat's claims at every step. In September, however, a court in Paris ruled that Minski be disinterred for a DNA test to prove conclusively whether or not he was the father of Mme Nabbat's child.