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A WEB SITE FOR ANYONE WHO SEEKS INFORMATION ON THE LATEST DEVELOPMENTS IN FORENSIC DNA POLICY

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The June 6, 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

Connecticut has become the 28th state to authorize DNA samples from all convicted felons, and similar measures are nearing final approval in both New Jersey and Louisiana. A bill passed in Illinois would allow certain defendants access to the state DNA database. Mitochondrial DNA testing has been allowed for the first time by an Alabama appellate court.

Massachusetts police are collecting DNA samples from potential suspects in a murder investigation, and a man who was ordered to give a DNA sample in conjunction with the Louisiana serial killer hunt is suing to have it returned.

DNA analysis backlogs made headlines in Kansas and Louisiana, and an article questioned why Congress has not addressed the issue. A negligence case brought by a rape victim against a police department may be thrown out. Louisiana reportedly used DNA analysis to assist in determining the race the suspected serial killer. DNA solved a cattle rustling case (Washington), and a missing dog case (New York). DNA evidence in a New York murder case is under fire after it was left at the crime scene for several hours.

Remains of missing persons were identified in Ohio (Pennsylvania child), Pennsylvania (missing, now murdered child), and New Jersey (El Salvadoran).

In international news... German authorities have arrested an Austrian who was linked through DNA to the murder of a missing Czech woman. Backlogs in Australia continue to garner calls for funding and reform. In Canada, DNA from a gun used in the murder of a police officer has been presented at trial. A jurisdiction in the UK will be piloting a project for DNA testing of arrested burglars within 24 hours. There are DNA testing delays in a South Africa rape case, and in a criminal paternity testing case in India. A Spanish grave was exhumed for DNA testing of remains considered to belong to Christopher Columbus.

NEWS ARTICLES

Forensic DNA

1. "Send funding to forensic." Townsville Bulletin/Townsville Sun (Australia), June 4, 2003.
Editorial in a Queensland, Australia newspaper calling for more funding for the DNA program at the crime lab, along with removing the crime lab from the Health Ministers jurisdiction and placing it under the Police Minister's jurisdiction.
2. "Police confirm remains found in Ohio belong to missing Pennsylvania girl." The Associated Press, June 3, 2003.

In Ohio, DNA testing of skeletal remains in Ohio have been confirmed as those of a girl missing from Pennsylvania since 1994. A DNA test was requested from the FBI in 2001, but the results were delayed because an initial DNA sample was insufficient and because of a backlog after the Sept. 11 terrorist attacks.

3. "KBI has yet to analyze DNA from serial rape suspect." The Associated Press State & Local Wire, June 3, 2003. In Kansas, a suspect in a murder investigation has also been linked to at least seven rapes through DNA testing. Due to the state DNA database laws, a DNA sample was collected from the man several months prior to the murder. Unfortunately, due to a backlog, the offender's sample has yet to be analyzed.
4. "Two DNA bills advance in Legislature." The Associated Press State & Local Wire, June 3, 2003. In Louisiana, the House Appropriations committee has approved a bill to require DNA from anyone arrested for or convicted of a felony or sex-related misdemeanor. The \$4.8 million cost is not included in the proposed state operating budget for the coming year. The bill's sponsor said that even if there is no money, the bill is needed because it makes Louisiana eligible for federal grant money. The ACLU has expressed opposition to the bill, but nobody spoke against it during the latest committee hearing. Another bill requiring collection of DNA samples from law enforcement will be debated in the Senate. The sponsor argues that such DNA samples could be useful not only in clearing police officers of any suspicion in crimes, but also in identifying police officers killed in disasters such as the Sept. 11, 2001, terrorist attacks.
5. "State uses DNA testing to corral cattle rustler." The Associated Press State & Local Wire, June 3, 2003. The state of Washington for the first time has used DNA testing to solve a cattle rustling crime. By matching DNA obtained from blood or hair from the suspected stolen stock, investigators were able to prove the calves were the offspring of another rancher's cows. The rustler pleaded guilty to charges of livestock theft and forgery and was sentenced to 30 days in jail and a year of community supervision. He was also ordered to pay a \$4,000 fine and \$5,600 in restitution. The DNA tests run about \$40 apiece.
6. "Murder suspects' DNA found on seized weapons." Calgary Herald, June 3, 2003. In Canada, three shotguns found at a motel where police arrested the accused killers of an RCMP officer carried DNA from the suspects. Forensic analysts found that the mixtures of DNA found on the guns were consistent with DNA samples taken from the suspects, but a positive match was not possible.
7. "Judge denies DNA testing for killer." Fresno Bee, June 3, 2003. In California, a judge refused to allow DNA testing that attorneys for a man convicted of murdering two women and wounding four others said could spare their client from the death penalty. In the ruling, the Fresno County Superior Court judge said the attorneys did not prove that a favorable DNA test result would raise question about his guilt. He wrote, "The court finds that evidence presented at trial overwhelmingly proved beyond a reasonable doubt the defendant committed the two murders and the four attempted murders ..."
8. "Unusual Use of DNA Aided in Serial Killer Search." The New York Times, June 3, 2003. In what appears to be the first use of DNA to extract details of a criminal suspect's appearance, investigators in the case of the Louisiana serial killer shifted their focus away from white suspects after DNA analysis of crime scene evidence determined that the killer was probably black. A lab typed the crime scene sample as being 85 percent African ancestry and 15 percent American Indian.
9. "Dog Has His DNA." The New York Post, June 3, 2003. In New York, after a dog breeder was murdered, the 30 dogs found in her basement were taken to an animal shelter while cops investigated the crime. The shelter placed one of the dogs, who was being boarded at the breeders place, with a foster home in Connecticut. When vets were unable to find the pup's microchip, the owner located her \$40 DNA kit from the American Kennel Club, for which she had collected a sample from her dog but never returned the sample for processing. The kit was rushed it to the AKC's lab in California, and DNA testing proved she was the owner of the dog.
10. "Baton Rouge man sues for his DNA." Times-Picayune, June 3, 2003. In Louisiana, a Baton Rouge man who had refused to give investigators a voluntary DNA sample, was eventually forced to do so through a court order. Now with a suspect arrested as a suspect in the serial murder case, the man has gone to court to get his DNA back. Depending on the outcome of his effort to retrieve his DNA sample, the man said he may also file a civil suit over damage he believes was done to his reputation when the search warrant

that allowed police to get his DNA was publicized. The man was convicted in 1982 of burglary, a conviction for which he was pardoned in 1995.

11. "La. serial killings reveal backlog of old cases." USA Today, June 3, 2003.
In Louisiana, authorities following up on the arrest of the Baton Rouge serial killer have found nearly three dozen other unsolved murders of women over the past dozen years -- statewide, more than 3,000 rape cases also remain open. Backlogs of unsolved murders of women are a problem throughout the country, but DNA testing is not often used to solve older cases. Police and prosecutors say the tests are costly. And they point out that overworked crime labs have difficulty keeping up with current cases. About 89,000 women were raped and 3,200 were murdered in the USA in 2001. About 44% of the rapes and 52% of the murders were solved, the FBI says.
12. "Burglar convicted of killing homeowner." The Associated Press State & Local Wire, June 2, 2003.
In New York, a man on parole for burglary was convicted of murder for bludgeoning a homeowner with a hammer during a break-in. DNA helped to link the man to the crime. A defense lawyer said the DNA evidence was unreliable because a police technician collected it with a cotton swab but then left it behind at the house for five hours in a cardboard box -- suggesting that it might have been tampered with or been degraded by heat or moisture.
13. "Remains exhumed to determine if they are those of Christopher Columbus." Associated Press Worldstream, June 2, 2003.
In Spain, researchers exhumed a chest containing the supposed remains of Christopher Columbus and plan DNA and other tests on the bones to determine whether they are really those of the famed explorer. The test aims to settle a long debate over where Columbus is buried: in Spain's Seville Cathedral or in a sprawling monument in the Dominican Republic's capital, Santo Domingo. DNA will be compared with that of two descendants of Columbus.
14. "Force To Pilot DNA Crime Scene Scheme." Birmingham Post, June 2, 2003.
In the United Kingdom, the West Midlands Police is to become the first force in the country to introduce a pilot scheme to dramatically speed up the process of taking DNA samples from crime scenes. The enhanced service will offer a 24-hour turnaround on DNA profiling, potentially allowing officers a positive match with a suspect in custody before he must be released.
15. "DNA Identifications Are Put to the Test." Genomics and Proteomics, June 01, 2003.
Challenges facing DNA testing following the September 11th attacks have forced the forensic community to develop new DNA technologies. Testing of degraded and minute samples, SNP technology, and high throughput are among the examples.
16. "Status Of Legislation." St. Louis Post-Dispatch, June 1, 2003.
An Illinois bill has passed both chambers that would allow death penalty defendants access to a statewide DNA database.
17. "Police charge cousin in death of 13-year-old girl found in burned-out van." The Associated Press State & Local Wire, May 30, 2003.
In Pennsylvania, a man has been charged in the death of his cousin, a 13-year-old girl who was found in a burned-out van. DNA lifted from the man's van matches that of the missing child. Police said that the man confessed to the crime during questioning.
18. "Officials identify five other questionable Melnikoff cases." The Associated Press State & Local Wire, May 30, 2003.
In Montana, the Attorney General has revealed that the state has identified at least five more instances, including one death penalty case, in which a former state crime lab manager may have given questionable testimony about hair samples. Subsequent DNA testing of these hair samples has exonerated inmates in two cases.
19. "Appeals court upholds five capital murder convictions." The Associated Press State & Local Wire, May 30, 2003.
A recent ruling in Alabama marks the first time that an Alabama appeals court recognized mitochondrial DNA as evidence.
20. "German Police Find Murderer Of Czech Hitch-Hiker After Four Years." CTK National News Wire, May 30, 2003.

Four years after a 31-year-old Czech woman was murdered while hitch-hiking, the German police have arrested a man in conjunction with the crime. The man, a long-distance truck driver who recently moved to Austria, was identified through DNA testing. An international investigation spurred by the Czech police, who were looking for the woman as a missing person, managed to reconstruct her travel to Italy and back. In addition, it revealed that she had paramilitary training, was an excellent shot, could defuse mines and jump by parachute, and had several different passports. She spoke many languages, and had several contacts with marriage bureaus in Austria, Germany, and Italy.

21. "Judge may toss suit in rape." St. Petersburg Times, May 30, 2003.
In Florida, a Circuit Judge indicated at a hearing that he was leaning toward throwing out a woman's negligence claims against the city of New Port Richey and two detectives. The woman was raped and severely beaten in December 1998. Twenty-nine days later, she was raped again, by the same man. The woman filed suit against the city of New Port Richey and two detectives, alleging that the second rape could have been prevented if police had properly investigated the first assault. Among her complaints (supported by public record), the law suit indicates that police did not send her rape kit out for DNA testing and did not examine other evidence collected from her house. The perpetrator, who has since been convicted, was a recently released sex offender who lived only a few blocks away.
22. "DNA Dilemma In Madhumita Case." The Times of India, May 30, 2003.
In India, the whereabouts of a fetus which could prove paternity, and thereby motive, in a murder case is unknown. Samples were reportedly sent to a lab for DNA testing several days ago, but the lab has yet to receive the package. There are widely-reported efforts by the Government and its police to interfere with the case which involves a politician and his murdered mistress.
23. "Man's body finally identified after year in Bergen County morgue." The Associated Press State & Local Wire, May 29, 2003.
In New Jersey, the body of a homeless man found dead in a truck last year has finally been identified after his DNA was compared with samples taken from relatives who had tried to claim the body for several months. While the family is grateful to have closure, they say the extended wait was traumatic.
24. "Bill requires DNA samples from any person convicted of crime." The Associated Press State & Local Wire, May 30, 2003.
Both chambers of the New Jersey Legislature have passed a law requiring a DNA sample of anyone convicted of a "crime." Under current law, DNA samples are only required from persons convicted of manslaughter, aggravated assault, kidnapping or sex crimes. Funding for the expansion is supported by an additional fee on traffic violations. The bill will be sent to the governor after both chambers agree upon some final amendments.
25. "Red Hand killing was 'revenge'." Irish News, May 29, 2003.
In Ireland, prosecutors are using DNA found on a barbed wire fence to help win a conviction in a murder case which is believed to be a retaliation killing for another murder. It is believed that the suspect cut himself on the fence while fleeing the area.
26. "Stalling seen on bill to solve rape cases." The Washington Times, May 29, 2003.
The US House of Representatives has yet to consider legislation that would address DNA backlog issues. A spokesman for Republicans on the House Judiciary Committee, said the Chairman hopes to address the rape kit backlog, and many other crime issues, later this year. Advocates for the issue have been critical of this lack of action.
27. "20 Bish suspects asked to give DNA." The Boston Herald, May 28, 2003.
In Massachusetts, state police detectives are asking a pool of 20-odd suspects to voluntarily provide DNA samples so they can exclude them from the investigation in the 3-year-old disappearance of a young girl. Recently, police were led to a wooded area about 5 miles from where the girl vanished to find a bathing suit fitting the description of the one girl was wearing when she disappeared. The suit has been sent to a lab for testing.
28. "Foolproof?; trusting DNA tests in criminal cases." CBS News Transcripts (60 Minutes II), May 28, 2003.
60 Minutes reports on problems at the DNA laboratory in Houston, and the resulting possibly erroneous convictions.

29. "Tourist's Rape Trial Delayed For DNA Tests." African Eye News Service (South-East Africa), May 27, 2003. The rape trial against four South African men accused of abducting and raping a British tourist was delayed for eight weeks to allow for DNA testing. The tests are seldom ordered in normal rape investigations, but are expected to help police positively identify the rapist, as well as link suspects to blood found in her hijacked vehicle. Police are still struggling to trace scores of tavern patrons who allegedly watched as the suspects paraded their "white flesh" hostages through a string of nearby township drinking dens. None of the witnesses, who reportedly included one the suspects' sisters and another's girlfriend, called police or attempted to rescue the victims.

Genetic Privacy / Research

30. "Charleston's Own DNA Project." The Post and Courier, June 3, 2003. In South Carolina, DNA from more than 1,200 people, representing more than 660 local families, is frozen at the Medical University of South Carolina to establish a family registry and confidential DNA bank of Sea Island residents who have diabetes.
31. "It's time to build a biotechnology culture." The Japan Times, June 2, 2003. The major challenge for biotechnology in the 21st century is one of accommodating all the social, ethical and legal concerns of the international community. A "biotechnology culture" should be fostered to support and build upon achievements in biotechnology, and at the same time ensure conformity on ethical values.
32. "Panel Urges Clamp On DNA Data." The Age (Melbourne), May 30, 2003. A report released by the Australian Law Reform Commission, the National Health & Medical Research Council and the Australian Health Ethics Committee said taking a person's DNA without consent for genetic tests should be a criminal offense. It also said employers should not be able to collect genetic information, and a national human genetics watchdog should be established to monitor gene research.
33. "Duke, Venter to search for genetic causes of disease." Associated Press State & Local Wire, May 30, 2003. A collaboration announced between Duke and the Venter's Rockville-based Center for the Advancement of Genomics marks one of the first efforts to use the human genome to predict diseases and treat patients before illnesses such as heart disease and cancer occur.
34. "Gene test plan for insurance." The Australian, May 29, 2003. People with a genetic predisposition to some diseases will have to disclose genetic test results to obtain health and life insurance, under proposals to be unveiled by the Australian Government. Insurance industry sources confirm the proposal is one of 177 recommendations made by the Australian Law Reform Commission after its 2 1/2-year inquiry into protecting genetic information.

CONGRESSIONAL RECORD

1. US House of Representatives. Introduction of H.R. 2110 by Rep. Vitter. A bill to give priority funding for DNA Backlog Elimination and Self Defense training, prioritizing for States and municipalities that are in the midst of combating a serial killer.
2. US Senate. Senator Frist's statement in support of S. 1053, the Genetic Information Nondiscrimination Act of 2003.

FEDERAL REGISTER

1. Semiannual Regulatory Agenda of the Department of Justice. Includes status of Rule for "DNA Sampling Of Federal Offenders Under The USA Patriot Act Of 2001."
2. Semiannual Regulatory Agenda of the Court Services And Offender Supervision Agency For The District Of Columbia. Includes status of Rule for "Collection And Use Of DNA Information" for specified offenders.