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The August 22, 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

DNA evidence collected from discarded materials in an Iowa rape case will be allowed as evidence at trial. Cold hits on DNA databases identified suspects in Florida (assault and robbery), Missouri (rape), and New York (rape). Other DNA testing identified suspects in Minnesota (four robberies), Missouri (two rape/murders in the 1980s), and Texas (rape). DNA evidence indicates that serial rapists are at work in Massachusetts and New York. DNA testing on a deer will be used in a criminal investigation in Pennsylvania. The number of persons identified by DNA from the World Trade Center attack may be less than originally hoped.

Editorials in Pennsylvania and Colorado expressed support for elimination of the statute of limitations for DNA cases. An Oklahoma court has denied a trial in a case testing the state's new law which eliminated the statute of limitations for cases in which the prosecution period had expired prior to the law's enactment. Public defenders in Missouri are telling clients to reject plea agreements that require a DNA sample.

A post conviction DNA testing case in Pennsylvania made the news, and new funding for post conviction testing in Louisiana has been released. Defense attorneys in the Baton Rouge serial murders case want the 1,200 volunteered DNA samples preserved.

In international news...Australia may consider the UK's DNA collection kit to combat people who spit on public transportation workers. Japan has used DNA testing to link a possible suspect to a murder. In unrelated criminal cases officials in Sweden and India police are using DNA paternity testing. Ireland is considering a national DNA database, New Zealand's database continues to grow in both profile numbers and matches, and an Australian state has increased its DNA database program. The UK continues use of "DNA dragnets" in criminal investigations, and DNA on a drinking can linked a Britain to two burglaries

NEWS ARTICLES

Forensic DNA

1. "Public defenders urge clients to refuse plea agreements involving DNA." The Associated Press State & Local Wire, August 20, 2003.
Public defenders in Jackson County, Missouri are urging clients to reject plea offer agreements that require a DNA sample. The prosecutor's office announced a few weeks ago that it would begin requiring DNA as part of any felony plea agreement. Prosecutors have been frustrated by the state legislature's failure to expand the DNA database to include all convicted felons. About 95 percent of the county's 4,000 felonies a year are resolved through plea agreements.

2. "Judge says death row convict probably deserves new trial." The Associated Press State & Local Wire, August 20, 2003.
In Pennsylvania, a federal judge all but ordered a new trial for a man who has been on death row since 1983 for a rape and murder that new DNA evidence indicates he probably did not commit. The tests, completed in late July, said that DNA found under the victim's fingernails, on her undergarments and in a pair of gloves that might have been worn by the killer did not belong to the inmate. This discovery eliminates virtually all of the physical evidence used to convict the man. The judge is waiting 10 more days for another test to confirm that there had not been a mix-up in the DNA samples, but otherwise there will be a new trial within 90 days.
3. No Title. Courier Mail (Queensland, Australia), August 20, 2003.
In Queensland, Australia the State Parliament has passed new laws to give police access to the national DNA database. The laws bring Queensland into line with other states, giving police the power to apply to a magistrate for an order to take a DNA sample from a suspect in another jurisdiction and access the database. Police will also be able to collect DNA samples from prisoners on parole for an indictable offence and from serious offenders who are transferred from interstate.
4. "DNA Evidence Links Driver To Sexual Assault." The Advertiser, August 19, 2003.
In Australia, a man has confessed to raping a young woman while he waited to be sentenced for causing a 20-year-old driver to burn to death in a road rage incident seven years ago. The man due to be released on parole for the road rage crime on the day he was charged with the rape. Police found reasonable cause to suspect the man had been involved in the rape and he was asked to provide a DNA sample. The suspect refused, saying he had given a sample after the road rage incident and was not prepared to offer a new one. A sample was eventually obtained under a court order and matched to the DNA found on the victim.
5. "Editorial;Why we need to embrace the DNA tool." The Advertiser, August 19, 2003.
Editorial in Australia in favor of strong use of DNA by law enforcement. "Work under way in upgrading the DNA facilities must continue without delay and, if necessary, more funds should be made available to increase the database's efficiency...Opposition from some civil libertarians and legal purists should not impede the broad use of DNA by police operating under the laws of the land. The simple reality is DNA need only be feared by offenders. It does not infringe the rights or freedoms of the innocent. In some cases, it may actually protect those wrongfully accused or even convicted.
6. "Attorneys: Lee funds request fair." The Advocate (Baton Rouge, LA), August 19, 2003.
In Louisiana, the attorneys for the accused Baton Rouge area serial killer are having trouble finding \$800,000 to defend him, but defense lawyers familiar with capital murder cases say the amount his attorneys are seeking is reasonable. Among other costs, defense attorneys want to preserve DNA evidence in 1,200 cheek swabs taken from men in south Louisiana during the 10-month investigation. Experts are also needed to review DNA evidence.
7. "State getting help profiling DNA backlog." Arkansas Democrat-Gazette, August 19, 2003.
Arkansas will soon be sending 10,000 backlogged offender DNA samples to a private crime laboratory for analysis. The analysis is being paid through a US Department of Justice grant. "If we didn't have federal dollars, it would take us three or four months, at best, to do 4,000 convicted-offender samples, and to do that I would have to pull people off of casework," said the state lab, explaining that DNA testing on current court cases would then fall behind. News of the grant has families of some crime victims optimistic that their relatives' cases will finally be solved. "I am so excited that money is allotted for updating and getting the DNA database up to snuff," said Renee Freitag, whose niece, Kristin Laurite, was raped and murdered at a Morrilton rest stop in August 2000. "It is very important, and Kristin's killer could be in there."
8. "DNA tests link same man to Westboro rapes." The Associated Press State & Local Wire, August 19, 2003.
In Massachusetts, DNA tests show the same man committed two recent Westboro rapes, and descriptions of an attacker by two women assaulted in other parts of the state match the Westboro suspect. The women were all attacked in their homes in the last few weeks. Police do not yet know the identity of the suspect.
9. "Police hunt children's assailant." The Associated Press State & Local Wire, August 19, 2003.
In New York City, sex-crimes detectives are hunting for a man who they say attacked four girls in upper Manhattan and the Bronx - one girl 10 years ago and three in the last three weeks. The man was indicted earlier this year using his DNA profile from the 1993 case, effectively freezing the 10-year statute of limitations on the charge. That DNA

was recently linked to the rape of the 9-year-old. Police suspect the man may have been in prison during the 10 year gap.

10. "Accused rapist pleads guilty to nine felonies." The Associated Press State & Local Wire, August 19, 2003.
In Texas, a man whose distinctive automobile led to his arrest for a string of sexual assaults has pleaded guilty to three counts of aggravated sexual assault and six counts of burglary with intent to commit sexual assault. After police spotted a car matching the victims' description, the man volunteered a DNA sample for analysis which was a match to three cases. He was among more than 50 men who volunteered DNA samples during the investigation.
11. "Editorial DNA warrants another look." The Denver Post, August 19, 2003.
Prosecutors in Colorado have filed a "John Doe" arrest warrant for a 1984 murder. In all, about 10 such warrants have been issued in Colorado on old rape cases where only the suspect's DNA is known. Editorial suggests that, "Law enforcement agencies in Colorado should continue to lead the charge by plowing through old, seemingly cold cases where DNA exists to see if a warrant is advisable, or to see if it matches any of the DNA strands in the FBI's nearly 1.6 million samples."
12. "Irish Pair DNA Tested Over Murder Of Baby." The Mirror, August 19, 2003.
Police in Sweden have detained an Irish couple on the suspicion that they are the parents of an infant killed last December. The couple has been released from custody, but ordered to remain in Sweden while DNA tests were conducted.
13. "Deer Gets DNA Test To Determine If He Is The Stolen, Prized Goliath." Pittsburgh Post-Gazette, August 19, 2003.
In Pennsylvania, DNA testing will be used in an effort to determine whether a deer seized from a Jefferson County farm last month is Goliath, a prized whitetail who was stolen nearly four years ago. A tissue sample was taken from the animal on Sunday and results of the tests are expected within two weeks. Goliath, whose value was estimated at \$500,000 to \$1 million after he was stolen, was the object of an extensive search by the state police, the FBI and the Pennsylvania Game Commission.
14. "Men DNA Tested In Hunt For Masked Intruder." Press Association, August 19, 2003.
In the UK, scores of men in a particular area are to be DNA tested in a bid to find a masked knifeman who sexually assaulted an elderly widow in her bedroom. Police believe it could be linked to another attack in January in which a woman in her 70s suffered a similar ordeal.
15. "DNA kits could stop spitters: rail union." AAP Newsfeed, August 18, 2003.
In Australia, Sydney rail workers sick of being spat on by passengers want authorities to consider using portable DNA kits which are currently being used for a similar problem in the UK. In the UK the DNA kits, containing gloves, sterile swabs and evidence bags, have already provided enough evidence to charge two people with assault. Spitting and verbal abuse of guards and station staff has become increasingly common on Sydney's train system as passengers vent their frustration at delays and breakdowns.
16. "Police have 34,000 DNA profiles." The Dominion Post, August 18, 2003.
In New Zealand, DNA profiles on the forensic database have doubled in the past two years, and by the end of June this year, the DNA of almost 34,000 known or suspected criminals was stored in the database. A further 6100 profiles, taken from crime scene samples, were logged in another database, waiting for a match to be made with an offender. Of the thousands of DNA profiles developed from crime scene samples in the past 12 months, about half matched an individual on the database and a third matched other crimes on the crime scene database, indicating they were the work of a serial offender.
17. "New Suspect Emerges." International Herald Tribune, August 18, 2003.
In Japan, DNA evidence found in the apartment of a Chinese student suspected of involvement in the deaths of a family of four in June, was found to match that from a car used to transport their corpses. However, as the apartment was also used by others, police have yet to prove that the crucial DNA samples indeed belong to this suspect. The suspect has since fled to Shanghai and Japanese authorities are preparing a full report on the evidence to be sent to their Chinese counterparts.
18. "State brings in money to fund DNA innocence tests." The Associated Press State & Local Wire, August 17, 2003.

In Louisiana, the new budget year has brought \$37,000 to the Louisiana Indigent Defender Board that can be used to pay for post conviction DNA testing. Currently, there are about nine active cases of inmates trying to get DNA tests to clear themselves, mostly for sex offenses. While providing the funding, the Legislature extended the deadline for inmates with old cases - those where DNA technology was not available - to apply for post-conviction relief from August 2005 to August 2007.

19. "First Time: CBI Gets DNA, Blood Sample Of An Ex-Minister." Indian Express, August 17, 2003.
In India, for the first time in its history, the Central Bureau of Investigation has summoned a leading politician to obtain his DNA sample. The former minister is a prime suspect in the in a murder case. The minister is suspected of being the father of the child the murdered woman was carrying.
20. "Judge rules police didn't violate man's rights." The Associated Press State & Local Wire, August 16, 2003.
In Iowa, a judge has ruled that police did not violate a man's rights when they obtained DNA from a water bottle and fork without the man's consent. The water bottle and fork were seized by police after the suspect visited the Rape Victim Advocacy Program, where he believed he was being interviewed for a job teaching Tai-Chi. Before the interview, center employees recognized his name and called police. The man is suspected of assaulting two women while they slept. "Because he abandoned the property, he has no expectation of privacy and thereby no standing to challenge the fact that police seized the water bottle and fork or for the subsequent testing conducted on the items," said the judge in his ruling.
21. "DNA evidence challenges rape conviction." The Associated Press State & Local Wire, August 15, 2003.
In Texas, a private lab that retested DNA processed by the Houston Police Department has reported it found a discrepancy in evidence used to convict a man of rape. The evidence that purportedly incriminated a man in the sexual assault of a 16-year-old girl showed no signs of male DNA, according to the new tests. However, seven other retesting results have recently been released that overwhelmingly supported the police lab's original conclusions.
22. "DNA technology leads to charges in two killings from late 1980s." The Associated Press State & Local Wire, August 15, 2003.
In Missouri, a Kansas City man was charged with raping and killing two women in the late 1980s in a case broken by police using new DNA technology. Earlier this year, a homicide detective came upon the two slayings as she leafed through unsolved cases. She asked the crime lab to compare hairs from the primary suspect with DNA from the crime scenes, and technicians matched DNA from the suspect to DNA found on both women.
23. "Blood Drops Lead To Arrest In Robbery." Palm Beach Post, August 15, 2003.
A Florida victim could not identify the man who beat her outside a bar last year, but the punch that smashed her lip gave deputies all they needed. DNA samples taken from blood that dripped from his hand onto the woman's car seat led sheriff's deputies to a suspect who has been arrested and charged with robbery, aggravated battery and kidnapping. The suspect has an extensive criminal record that includes assault, robbery and burglary charges – and one of these convictions led to his sample being kept on the state's DNA database. The woman's drink had been spiked with GHB prior to the assault.
24. "Remains of up to 1,000 victims of World Trade Center attack might never be identified." The Associated Press, August 14, 2003.
The New York City Medical Examiner's Office has reported that the remains of as many as 1,000 people lost in the World Trade Center attack might never be identified. The office has identified slightly more than half of the 2,792 people killed in the attack - only about 100 of those in the last year, as technicians have been struggling with DNA degraded and damaged by fire and the elements. The office had once hoped to reach 2,000 identifications, but no longer considers that a realistic goal. Now they hope for about 1,700 identifications - 1,800 at the outside - by the time the office exhausts available DNA matching methods within a year.
25. "Man's trial would violate law, court rules in 1987 rape case." Daily Oklahoma (Tulsa), August 14, 2003.
In Oklahoma, the state Court of Criminal Appeals has unanimously ruled that a man charged in 2002 for a 1987 rape cannot be tried for the crime. The court ruled that his prosecution would be a constitutional violation of state and U.S. prohibitions of retroactively abolishing statute of limitations laws. The man was the first to be charged with a crime subsequent to a 2002 law which not only eliminated the seven year statute of limitations for rape, but also applied the elimination retroactively to crimes for which the statute had previously tolled. The law required that DNA must be existing for the crime in order for the elimination to apply. The court felt that precedent had

been set in June when the U.S. Supreme Court ruled 5-4 that the government cannot retroactively erase statutes of limitations (*Stogner v. California*). The prosecution has not ruled out an appeal.

26. "Authorities link murder suspect to robberies." *Grand Forks Herald*, August 14, 2003.
In Minnesota, a man charged in a triple homicide near has been linked through DNA evidence to four armed robberies of an adult bookstore. DNA analysis of a mask and surgical gloves recovered after a September 2001 robbery at the bookstore showed they were worn by the suspect.
27. "Inmate charged in 2000 sex assault." *Kansas City Star*, August 14, 2003.
In Missouri, prosecutors have filed rape charges against a man in prison, after a DNA test linked him to an attack on a 77-year-old woman in 2000. The woman had actually been raped twice in her home in the same year, and police are investigating whether the suspect was responsible for both crimes. The man was identified as a suspect after the evidence was linked to him over the database due to a prior conviction for burglary and assault.
28. "Inmate Tied To 1994 Rape." *The New York Post*, August 14, 2003.
In New York, an inmate who could have been paroled in January was arrested for rape due to a cold hit on the DNA database that linked him to the 1994 crime against 15 year-old girl. The inmate is currently serving a five- to 15-year term for robbery and was eligible for parole next year.
29. "Burglar Caught By DNA On Can." *South Wales Echo*, August 14, 2003.
In the UK, a burglar caught twice in one week faces a jail sentence. DNA from an aluminum can he left at the one of the crime scenes later tied him to the first burglary.
30. "Judge issues contempt warning to crime lab." *The Associated Press State & Local Wire*, August 13, 2003.
In Kentucky, a judge's frustration with state crime lab delays boiled over when he warned the regional lab director that the agency could be fined \$100 a day for contempt of court. The judge said the state can afford to adequately staff the labs, "it's a question of allocating the money." He offered no specifics on how to enforce his threat. Money collected from the fine would be used to pay a private lab to do the work. In one county, which has been inundated with methamphetamine cases, the delays are routinely several months. There are some cases dating to 2001 in which evidence has not been tested.
31. "Universal DNA fingerprinting would 'enhance' justice." *The Irish Times*, August 13, 2003.
In Ireland, a leading professor of genetics has suggested that holding a DNA fingerprint of everyone in the State would enhance, not diminish, civil liberties and would improve the quality of justice. No one other than those committing crimes should fear such a proposal, he said. The suggestion comes as the Law Reform Commission considers the issue of holding genetic fingerprint information on individuals, following a request from the Attorney General's office to examine the issue. The Minister for Justice has also advocated the creation of a DNA database of convicted persons. The director of the Irish Council for Civil Liberties and the director-general of the Law Society of Ireland are opposed to collecting DNA from all citizens.
32. "Program teaches nurses new ways to assist rape victims." *Kansas City Star*, August 13, 2003.
In Missouri, a new training program for nurses will teach new ways to gather critical DNA evidence, prepare for court testimony and counsel rape victims. The program has support from police, prosecutors and sexual assault counselors. They see the need for special nurse training as DNA analysis becomes more important in solving criminal cases. "I think without them, we'd be back in the dark ages of trying to investigate some crimes," said a spokesman for the Kansas City Special Victims Unit.
33. "If The DNA Fits, It Should Convict." *Philadelphia Daily News*, August 13, 2003.
Editorial supporting the elimination of the statute of limitations for rape in Pennsylvania. "This page has supported the vigorous use of DNA evidence when it appeared that it could exonerate someone who may have been wrongly convicted. The startling number of convicted rapists and murderers whom DNA evidence has later proven innocent should humble anyone connected with law enforcement. But the use of DNA evidence should be used just as vigorously to pursue the guilty. As we've said in the past, it's time that criminal law catches up with scientific methods."

Paternity

34. "DNA refusal stronger than presumption of legitimacy." The Times (London), August 13, 2003.
A court in London has ruled that justices erred in giving greater weight to the presumption of legitimacy of a child born in wedlock than to the inference of paternity to be drawn from a refusal to undergo DNA testing. In a woman's application for a child support, she had named a man she had once lived with as the father of her child born in 1986, although she had been married to someone else at the time. The named father had indicated possible paternity on a maintenance inquiry form but had thereafter failed to supply a blood sample to enable the DNA test to be carried out. When dismissing her application, the justices had cited the age of the child and the passage of time, together with the mother's marriage, as reasons for giving greater weight to the presumption of legitimacy than to the inference of paternity to be drawn from the respondent's refusal to undergo DNA testing.
35. "Testing Time For Dads." Wales On Sunday, August 10, 2003.
A rising number of men in Wales are turning to DNA tests to find out if they are the father of their children. Wales is the first country in the UK to have more children - 50.63 per cent - born out of wedlock than to married parents.