

DNARESOURCE.COM

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

Smith *Governmental Affairs*
Alling *Attorneys at Law*
Lane

Sponsored By



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 August 29, 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

Hits on the DNA database identified offenders in California (murder) and Ohio (murder). DNA evidence also played key roles in cases in California (murder), Illinois (murder), Florida (murder), Maryland (rapes), Minnesota (sex assault) Virginia (3 deaths), and was used in serial rape investigations in Pennsylvania and New Jersey. A Missouri poll found overwhelming support for requiring DNA in criminal plea agreements. The Louisiana law allowing DNA collections from arrestees is being challenged.

The Minnesota Supreme Court has approved the state's use of modern DNA testing methods. Backlogs in Colorado continue to exist, and federal funding is expected to help Michigan with its backlog of DNA work. The New Jersey Attorney General is pushing for better funding of the state DNA program. Problems at labs in Texas and Pennsylvania were in the news.

Post conviction DNA testing has freed a Missouri inmate who served 17 years. Prosecutors in Illinois will not be refiling charges in a post conviction DNA testing case in that state, and the scope of post conviction DNA tests has been expanded in an Indiana case. A judge has ordered Virginia to reveal the identity of a man connected to a crime for which another man was convicted.

In international news...Interpol was in Asia discussing a communications system that includes a DNA component. Columns Thailand and Ireland discussed the concept of a DNA database for all citizens. A plan to include Scottish law enforcement on the DNA database has been met with significant resistance. In Malaysia, DNA testing methods were questioned in a court case. Brazil will use DNA to identify remains from an explosion, and the remains of more missing Kuwaitis have been identified in Iraq. New Zealand has presented DNA evidence in a murder case.

NEWS ARTICLES

Forensic DNA

1. "Man given 5-year term in beating." Chicago Tribune, August 26, 2003.
In Illinois, a man has been sentenced to 5 years in prison after being linked by DNA to the baseball bat beating of a man four years ago.
2. "Doubts increase about crime lab." Fort Worth Star-Telegram, August 26, 2003.
Officials from the University of North Texas who have been reviewing DNA tests completed at the Fort Worth crime lab in Texas have found at least two cases in which evidence apparently was contaminated during serology screening. UNT officials told prosecutors the contamination did not appear to be the fault of the serologist but

rather of faulty procedures and equipment.

3. "Blushes For DNA Expert." Malay Mail, August 26, 2003.
In Malaysia, a serology and DNA expert from the Petaling Jaya Chemistry Department was questioned regarding his findings and conclusions in a murder case. The defense counsel asked the DNA expert whether he agreed that his evidence on DNA analyses in the case was severely challenged and disputed. The expert did not agree that his analyses and conclusion were invalid and improper. "This is because the protocols or methods for DNA analyses in my laboratories are similar to those used by other forensic laboratories in the world. The findings and conclusions I have made were based on guidelines approved by the forensic scientific community." He said guidelines were practiced by National Research Council for DNA Analyses and the Scientific Working Group for DNA Analyses Methods - both from the United States."
4. "Cops Bank On DNA Tests." Malay Mail, August 26, 2003.
In Malaysia, police are hoping that DNA tests will shed some light on the mystery man who was found burnt beyond recognition in a field.
5. "Man held in slaying is a parolee." Sacramento Bee, August 26, 2003.
In California, a parolee arrested in the stabbing death of a Sacramento apprentice chef is a career criminal authorities were searching for after he recently jumped parole. He has served time for voluntary manslaughter, weapons charges, assault with a deadly weapon and theft, and has been in and out of California's prison system since 1984. His longest sentence was for 14 years for the voluntary manslaughter charge for which he was paroled in April. Police have declined to reveal what links this suspect to the murder, but the article speculates that it may be a DNA sample.
6. "Man Cleared By DNA Tests Is Freed After 17 Years." St. Louis Post-Dispatch, August 26, 2003.
In Missouri, a man has been freed from prison after DNA tests conclusively showed he had not committed two of the three rapes for which he was convicted. He had served 17 years of his sentence. After DNA tests exonerated him of the two rapes, officials accepted his innocence of the third crime as well and canceled all three convictions in connection with the apparent serial rapes of three girls in separate incidents in 1985 in St. Louis. The man won the tests with the help of the Innocence Project. The man first began requesting DNA tests back in 1988.
7. "Crime & Justice." The Washington Post, August 26, 2003.
In Prince George's County, Maryland, a suspect who had applied to be a police officer in the county pleaded guilty to three counts of first-degree rape. In March, the man was questioned by a county police officer who thought he matched the description of the attacker. The two chatted, and when the suspect walked away, the officer retrieved what police and prosecutors called a crucial piece of evidence: a napkin he had used to blow his nose. DNA tests were conducted in the cases involving two of the victims, prosecutors said. In both cases, the suspect's DNA matched the attacker's.
8. "Press Be Damned, Harvey Presses His Own Agenda as Attorney General." New Jersey Law Journal, August 25, 2003.
The New Jersey Attorney General has been pushing for more resources for forensic DNA. Legislation written by his office and awaiting the Governor's signature will require the collection of DNA samples from all persons convicted of a "crime" in the state. "Virginia is way ahead of New Jersey in this regard," he says, noting that Virginia recently saw its 1,300th match of a current DNA sample to an old crime. "That is where we're going to be in New Jersey in the next year because we have a number of unsolved sexual assaults, a number of unsolved murders." The legislation also includes a \$2 surcharge on every traffic ticket written in the state to fund training at the College of New Jersey and equipment for a new DNA lab in Hamilton. The new law is intended to cut the wait time from 210 to 30 days.
9. "Plan to Preserve Sept. 11 Remains Leaves Open Future Identification." The New York Times, August 25, 2003.
In New York City, those remains from the World Trade Center attack that cannot be identified through DNA or other forensic means are being slowly dried, and when they are free of moisture, they will be vacuum-sealed individually in white opaque pouches. It is hoped that this method of storage will keep the remains intact for potential future evaluation as scientific advancements are made.
10. "DNA tests show rape cases are not linked." Philadelphia Inquirer, August 25, 2003.

Philadelphia police have determined that the assailant in six sexual attacks in New Brunswick, New Jersey is not the same person who raped two women in a local neighborhood, killing one of them. DNA from the cases do not match one another, but will be loaded into the national database to search for matches to other cases or offenders.

11. "DNAPrint Joins National Institutes of Justice Funded Project." PR Newswire, August 25, 2003.
DNAPrint Genomics will serve as a subcontractor for a new National Institutes of Justice research grant. DNAPrint will apply its expertise in the measurement of population structure and genome screening to assist NIJ and the grantee map genetic markers of a certain forensics value.
12. "Brazil mourns 21 dead in rocket explosion." The Associated Press, August 24, 2003.
Brazil will be using DNA testing to identify victims from a recent rocket explosion that killed 21. The rocket was Brazil's latest attempt to launch Latin America's first satellite
13. "Prosecutors withhold police lab's possible errors." Morning Call (Allentown, PA), August 24, 2003.
Preliminary serology testing done by a former analyst at the Pennsylvania state lab has resulted in the review of many cases. The analyst tested over 600 pieces of evidence, but prosecutors believe her role was insignificant, in that she did only preliminary analyses in investigations and DNA testing and corroborating evidence confirmed her original results. Some are questioning the propriety of prosecutors withholding the list of potentially affected cases and doing the initial, and possibly only, examination of cases to determine if mistakes were made and if they affected the outcome of cases.
14. "Should everybodys DNA be recorded?" The Nation (Thailand), August 24, 2003.
Discussion over the possible move in the United Kingdom towards possibly collecting DNA samples from all citizens for the forensic DNA database. Brief article concludes, "Yet it seems inevitable that in the next 20 years, as the technology becomes ever-more reliable, fear over terrorism grows, and the health of an ever ageing population becomes a major world concern, that arguments for a database containing everyones DNA will outweigh those against."
15. "Green River investigators find more bones at site." The Seattle Times, August 24, 2003.
In Washington State, seven more bones were found by detectives investigating the Green River serial killings. DNA testing will be conducted in a search for identity. Police said that it is too early to determine if the bones are connected to the Green River serial killings of the 1980s, in which at least 49 women were killed. Recently, the remains of another Green River victim were found, but authorities have declined to say whether the Green River suspect has been directing the task force to various sites.
16. "New evidence may open Leanne case." Sunday Mail (Queensland, Australia), August 24, 2003.
In Australia, a forensic scientist who has developed a new DNA test for maggots could hold the key to solving one of Queensland's most intriguing murder mysteries. The growth of maggots found on bodies can be a key element in estimating the victim's time of death. The DNA test can pinpoint the species of the maggot, which in turn will provide information regarding their lifecycles.
17. "Gene tests reveal remains of 4 more Kuwaiti POWs in Iraq." Xinhua General News Service, August 24, 2003.
DNA tests have revealed that samples of human remains collected from a mass grave in southern Iraq belonged to four Kuwaiti Prisoners of War. The remains were tested positive by the Kuwaiti Interior Ministry's department of criminal evidence. The announcement brings the number of Kuwaiti POWs to 17 since the discovery of their remains in a mass grave site in southern Iraq.
18. "Girl Locked Up For Burglaries." Birmingham Evening Mail, August 23, 2003.
In England, a girl who targeted the homes of elderly people in a series of distraction burglaries has been sentenced to two years in custody after DNA evidence linked her to one of the burglaries.
19. "2 get cloud lifted but not an apology." Chicago Tribune, August 23, 2003.
In Illinois, charges against two former inmates have been dropped after DNA tests failed to link the men to a 1976 rape and murder case. The men spent 27 years in prison for the crime. Prosecutors have decided not to refile charges in the case.
20. "Judge Orders State Police To Provide Name Of Slaying Suspect." Daily Press (Newport News, VA), August 23, 2003.

A federal judge has ordered the Virginia State Police to reveal the identity of the man whose DNA was found at the scene of a 1982 rape and murder that led to a death sentence of a man later proved innocent of the crimes. The order came in a series of decisions that favor Earl Washington Jr. in his civil lawsuit against detectives and prosecutors whose work helped put him on death row. The state police have said only that the man whose DNA was found at the murder scene has served -- or is serving -- prison time for rape.

21. "DNA aids investigation." Mansfield News Journal (Mansfield, OH), August 23, 2003.
In Ohio, a hit on the DNA database has linked a man currently serving 65 years to life for many violent crimes, may face rape and aggravated murder charges for a 1987 murder. The odds of another match in Ohio are 1 in 16 billion, according to the warrant. The man had been paroled on a murder charge for less than a year when this victim was killed as she walked alone. He was a suspect from the beginning after tips put him in the area at the time amid reports he was threatening women to make them engage in prostitution with him. Evidence from the case was recently reviewed and analyzed for a DNA profile.
22. "Analysis: DNA At Scene That Of Suspect." Roanoke Times & World News, August 23, 2003.
In Virginia, DNA tests connect a capital murder suspect to the apartment where a mother and two of her children were killed. According to a certificate of analysis in the case, sperm recovered from the mother's body matches a DNA sample taken from the suspect. And DNA obtained from a plastic bag at the scene also matches that of the suspect. Police found the victim bound in a chair and strangled. Smoke from a fire set at the scene led to the boys' deaths of smoke inhalation.
23. "DNA suit attorneys, judge talk." The Advocate (Baton Rouge, LA), August 22, 2003.
Prominent defense DNA attorney Barry Scheck was in Baton Rouge federal court to fight for the rights of those who were swabbed during the hunt for a serial killer in the area. In a private meeting with attorneys, the judge encouraged them not to discuss the case publicly, but has not issued a formal gag order prohibiting them from doing so. The civil lawsuit filed last month seeks to determine whether people have a right to privacy for their DNA records. The suit also claims as unconstitutional a Louisiana law that allows authorities to collect DNA from people accused of sexual or violent crimes before they have been convicted.
24. "Supreme Court once again upholds state's DNA testing method." The Associated Press State & Local Wire, August 22, 2003.
The Minnesota Supreme Court reaffirmed its approval of the state's method for DNA testing in rape, murder and other serious crimes, a decision that a prosecutor said should settle the issue once and for all. In a 7-0 decision, the justices said the testing method is reliable as evidence in criminal proceedings.
25. "Michigan gets federal grant to help with DNA backlog." The Associated Press State & Local Wire, August 22, 2003.
Michigan received a federal grant worth up to \$4 million to help get rid of its backlog of DNA cases. The Michigan State Police said the grant will help the state clear its estimated 10-year DNA backlog and will help Michigan's DNA database grow to more than 100,000 samples from convicted felons.
26. "Seymour police use DNA in rape case." Connecticut Post (Bridgeport, CT), August 22, 2003.
In Connecticut, DNA tests are helping to narrow the field of suspects in rape that occurred in July. Police would not reveal the number of possible suspects in the case, but have been looking for a white man between 18 and 25 years old in connection with the first-degree sexual assault. Police have said it was the first such crime in the town in 15 years.
27. "DNA Proves Man Butchered Woman, Prosecutor Asserts." Palm Beach Post, August 22, 2003.
In Florida, DNA testing of skin found under a murder victim's fingernails has been matched to the primary suspect. While the suspect cannot explain how his DNA was found under the victim's fingernails, he has since recanted his confession explaining that he was high on crack at the time of his arrest.
28. "DNA links Mangels to victim." The Southland Times (New Zealand), August 22, 2003.
In New Zealand, DNA testing completed on a victim's fingernail clippings was "strongly expected" to have originated from the prime suspect. Tests on the clippings showed the DNA profile was likely to be from a male and may have originated from the suspect (with a likelihood of one in 10 million that the sample would match another person).

29. "Online Poll." Springfield News-Leader (Springfield, MO), August 22, 2003.
A newspaper poll in Missouri asked readers, "Do you think defendants in criminal cases should be required to submit a DNA sample as a condition of accepting any plea agreement?" 82.5% of the respondents said "yes" and 17.5% said "no."
30. "York Academy of Sciences Examines DNA Forensic Techniques Emerging From World Trade Center Tragedy." AScribe Newswire, August 21, 2003.
New techniques and approaches in DNA forensics developed in the wake of the World Trade Center tragedy have forever altered the field of DNA analysis, according to the September/October issue of Update, the magazine for members of the New York Academy of Sciences. The article details how scientists have developed a wide range of tools-modified "MiniSTR" tests, analysis of Single Nucleotide Polymorphisms [SNPs], and DNA databases such as Mass Fatality Identification System, or M-FISys -- to identify human remains that's been degraded by exposure to all kinds of environmental influences.
31. "Attorney general agrees to expand DNA testing in Williams case." The Associated Press State & Local Wire, August 21, 2003.
The Indiana attorney general has agreed to allow additional DNA testing in an inmate's effort to show that another man may have shot the couple that he was convicted of killing. The man's execution date has been delayed 60 days for the DNA testing to be completed.
32. "Bizarre puppy thefts has Alta. RCMP sniffing around for suspects." Canadian Press, August 21, 2003.
In Canada, the RCMP and Edmonton police are investigating a string of puppy thefts in which nine purebred puppies were stolen from three breeders in one week. A DNA test may be done on a trail of blood found leaving one of the breeder's home.
33. "Boyfriend's obsession caught killers." The Daily Telegraph (London), August 21, 2003.
In England, a man whose girlfriend was murdered by robbers in a remote area of south-east China has spoken of his "obsessive" three-year battle to bring her killers to justice. As two men were convicted this month it emerged that a tiny speck of DNA evidence unearthed in a laboratory led to the crime being solved. The blood was discovered on the woman's pants and found to match one of the primary suspects. The man had denied involvement in the crime, but admitted to it once faced with the evidence.
34. "Editorial CBI lab woes dangerous." The Denver Post, August 21, 2003.
An audit of the Colorado crime laboratory shows significant backlogs in many of its forensic science testing -- including, but not limited to DNA. At a time when demand for the lab's services has increased - especially DNA testing - the lab budget has been cut by \$ 270,000 to \$ 5.5 million. Recent power outages also spoiled thousands of dollars worth of DNA testing supplies because a refrigeration unit wasn't connected to backup power.
35. "Serial Rapist Tied To 5th Assault." Home News Tribune (East Brunswick, NJ), August 21, 2003.
In New Jersey, police have confirmed that the New Jersey State Police Lab found the same individual is responsible for at least five attacks in the East Brunswick area, with the latest rape occurring in June.
36. "Oak View Man Pleads Not Guilty in Slaying of Teen." Los Angeles Times, August 21, 2003.
In California, a man accused of raping and drowning a teenager two years ago pleaded not guilty to murder charges that could bring a death sentence. During an autopsy, the coroner found semen that was matched through the DNA database to that of the accused man -- who had a 1987 rape conviction.
37. "Ramsey County: Man takes 30 year plea for sex assault." Saint Paul Pioneer Press (Minnesota), August 21, 2003.
In Minnesota, a registered sex offender from Minneapolis agreed to a 30-year prison term -- the maximum possible and 2 1/2 times the usual sentence -- when he pleaded guilty to sexually assaulting a 3-year-old boy near a park in May 2002. Prosecutors had strong evidence linking the man to the crime, including DNA. The man is a registered Level 3 sex offender with numerous criminal sexual conduct offenses involving children, and was last released from prison just over a year before the last assault.
38. "Only the guilty have reason to fear a DNA database." The Irish Times, August 20, 2003.
Article recommends collecting DNA samples from all citizens. Attempts to address civil liberties concerns.
Excerpt: "Such a limited database would discriminate between those on it and those not on it. It could only aid new convictions or exonerations of previously convicted serious offenders. It would do nothing directly to protect the

innocence of people who have never been convicted of serious crime. In fact it would bias the investigative process leading police inevitably to concentrate on those cases which could be referenced to the limited database. Or would the public accept the proposition - not accepted in any other country yet - that all our **DNA** fingerprints should be held on a database? This would help the Garda to exclude from suspicion or to exonerate all innocent members of the public, and to identify as prime suspects first as well as repeat offenders?"

39. "ROK'S Yonhap: Top Interpol Official Visits On Digitalized Network." World News Connection, August 20, 2003.
A top Interpol official recently held talks with South Korean police on the establishment of a global Internet-based clearinghouse on criminals. The discussions focused on Interpol's \$ 9.8 million project to link its 181 member countries into a global communication network. The digitalized system will allow member countries to share critical data such as criminals' photographs, fingerprints, DNA samples and other personal information, the official said.
40. "Police Outrage Over Demand For Their DNA." Scotland on Sunday, August 17, 2003.
In Scotland, plans to force police to give DNA samples have sparked a rebellion among rank -and-file officers. This would allow any body matter, such as hair or saliva, found at a crime scene, to be compared with the DNA records of officers, so investigations are not thrown off course through accidental contamination by officers working there. But rank-and-file police fear that calculating criminals with a grudge against members of the force could manipulate the system to damage the careers of innocent officers.

Genetic Privacy / Research

41. "DNA Database Pledges To Defend Confidentiality." The Independent, August 25, 2003.
The scientist in charge of setting up Britain's DNA databank, which will collect information on the lifestyle, health and genes of 500,000 people, said he will oppose any attempt by police or the courts to gain access to the data. He said that strict confidentiality is essential if the UK Biobank project is to enjoy the public confidence it needs to succeed. Three years ago, police forced medical scientists in Edinburgh to hand over the confidential data of another research project to prosecute a volunteer in the study.

Paternity

42. "Immigrant strives to bring kin to U.S." Chicago Tribune, August 26, 2003.
Delays in DNA tests of relatives of people seeking to immigrate to the US has caused grief among the immigrant families.
43. "Boy, 13, learns he is victim of IVF mix-up." Belfast Telegraph, August 23, 2003.
A boy aged 13 has learnt that the man he thought was his father has no biological relation to him after his mother was given the wrong sperm in an IVF mix-up. It is the second known case in which an IVF mix-up has led to the wrong sperm being used. Last year, a white couple gave birth to black twins after sperm samples accidentally became switched in a fertility clinic. That case led to a shake-up in IVF clinics and new, more stringent checks were introduced to avoid a repeat. Doctors have said that similar mistakes were unlikely to happen again.