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The September 26, 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

New Jersey's Governor has signed a law to require DNA from all convicted felons. Collection of DNA from persons not convicted of a crime is being challenged in Louisiana. A Los Angeles City councilman is pledging financial assistance to LAPD's DNA program. Federal grants are expected to alleviate backlog problems in Oklahoma and South Dakota.

Cold hits on DNA databases assisted investigations and/or prosecutions in Arkansas (murder), Maryland (murder), New Jersey (murder), Ohio (two murders). DNA testing has confirmed that Florida authorities have captured a serial rapist (who had several prior arrests and was in the US illegally). DNA evidence helped to identify suspects in an Iowa arson case, a Florida murder case (from a shoelace), in two Pennsylvania rapes (Florida suspect, also connected to crimes in Connecticut), and in a Louisiana murder case. DNA evidence cleared a suspect in a Kentucky rape.

Post conviction DNA testing freed an inmate in Louisiana, and confirmed a New York inmate's guilt. The former FBI director has called for greater access to post conviction DNA testing.

In international news...France is starting a sex offender database to include DNA, and used DNA to identify a multiple homicide suspect. Czech officials are seeking greater collection authority for their criminal DNA database. A cold hit in Canada's linked an inmate to two unsolved rapes. A suspected serial killer's DNA profile is being distributed throughout Europe with Interpol's help. In India, DNA testing resulted in an arrest of a former government official and will be allowed in a rape case; the country will also focus more resources on DNA training. A cold case review by Scotland Yard has netted an 84% success rate in obtaining DNA. Reduced funding for DNA testing in Australia is resulting in year-long backlogs.

## NEWS ARTICLES

### Forensic DNA

1. "Sharon says he'll take decision on prisoner swap to his Cabinet." Associated Press Worldstream, September 24, 2003.  
Israel's Prime Minister said he will take any deal on a prisoner swap with Lebanese guerrillas to his Cabinet for approval and will insist on DNA testing of three bodies of Israeli soldiers that are to be handed over.
2. "Historical society says DNA test would damage historical documents." The Associated Press State & Local Wire, September 24, 2003.  
In Ohio, the Western Reserve Historical Society said it could not agree to DNA testing procedures proposed by the Cuyahoga County coroner for postcards that may have been sent by a torso murder suspect to former Cleveland

Safety Director Eliot Ness. Twelve victims were decapitated and dismembered in the 1930s. The testing proposed by the coroner would involve cutting a corner containing the 2-cent stamp the suspect may have licked off each postcard and grinding-up that sample to extract the DNA.

3. "France to create national registry of sex offenders." Agence France Presse, September 23, 2003.  
France's Justice Minister has announced that a comprehensive registry of sex offenders will be created in order to keep tabs on convicts once they are released from prison and crack down on reoffending. Data for the national registry of sex offenders will be drawn from existing police records and constantly updated and will also include DNA samples taken from convicts while they are in prison. The justice minister said the measure came in response to the soaring number of sex crimes convictions in France. In 2002, 24 percent of defendants found guilty and jailed nationwide had committed rape or sexual assault.
4. "DNA leads to murder charge against inmate in 2000 stabbing death." The Associated Press State & Local Wire, September 23, 2003.  
In New Jersey, DNA evidence taken from a convicted burglar has led to him being charged with murdering a popular teacher at her home in 2000. The suspect was sentenced earlier this to seven years in prison for burglary, aggravated assault, attempted sexual assault and possession of a knife.
5. "Scheck leads push to get Louisiana a wrongful conviction law." The Associated Press State & Local Wire, September 23, 2003.  
In Louisiana, the Innocence Project and other defense attorneys are calling for better compensation of former inmates who were later exonerated. Eighteen states and the District of Columbia have passed laws - most of them since 1999 - providing compensation for people who were wrongly incarcerated. Texas provides \$25,000 for each year of wrongful incarceration; Alabama provides at least \$50,000 per year.
6. "Weiss Ready to Help Cut DNA Backlog." City News Service, September 23, 2003.  
In Los Angeles, a City Councilman told the Los Angeles Board of Police Commissioners that he is ready to do his part to allocate \$500,000 to help the LAPD process hundreds of backlogged cases awaiting DNA testing. In July, the City Council's Public Safety Committee member asked for a report from the Los Angeles Police Department about DNA testing and the number of backlogged cases. According to the report, the LAPD's criminalists unit has more than doubled in size, but authorities are still sending many DNA samples to private labs that take longer to do the work. "There is no good answer you can give a rape survivor ... why you are unable to screen DNA in real time," the former federal prosecutor told the five-member panel. "I will do whatever I can to write that check."
7. "Costa murder suspect in Interpol DNA hunt." The Daily Telegraph (London), September 23, 2003.  
Interpol is involved in a widespread investigation to discover whether a Briton arrested in Spain for the murder of two teenage girls is a serial sex attacker with victims across Europe. DNA testing has already linked the man to the two murders in Spain, and UK police believe they knew the suspect by a different name – a name under which he was jailed for 10 years in 1986 for a series of attacks on women. The man's DNA is being sent through Interpol to every country in Europe to see if it matches that from unsolved murders and assaults.
8. "DNAs Match, Tripathi Arrested." The Economic Times, September 23, 2003.  
In India, DNA testing has linked a former minister to the unborn child of a woman who was murdered. The man has since been charged for murder, conspiracy, tampering evidence and fabricating false evidence to mislead investigators.
9. "Was There A Spy On The Gaul?" Hull Daily Mail, September 23, 2003.  
In England, DNA testing may reveal clues into allegations that a Hull vessel, which sank in the Barents Sea in 1974, was actually on a spying mission. Forensic experts are testing human remains found on the wreck to see if they match DNA taken from the family members. If there is no match, the spy theory will remain in place. The Government has admitted that two other Hull vessels were used for spying in the 1960s and 70s at the height of the Cold War, but has repeatedly denied the Gaul had a similar role.
10. "Rape suspect worked on a ship." The Miami Herald, September 23, 2003.  
In Florida, a recently captured serial rapist (linked to six rapes and two attempted rapes through DNA) was a Honduran crewman who apparently jumped ship in early 2000 but was not pursued by U.S. officials. Despite three arrests, employers who should have checked his immigration status and state clerks who issued a driver's license, no one notified the former Immigration and Naturalization Service to detain the man. He is accused of seven rapes

and three attempted attacks in the last year involving Hispanic girls and women from 11 to 79 years old. Additionally, state and local officials had the man's fingerprints as early as June 2002 following his first arrest for attempting to break down the door of his ex-girlfriend's home with a hammer – but no fingerprints had been found in connection with the serial rapes.

11. "McGreevey signs bill expanding DNA sampling." Philadelphia Inquirer, September 23, 2003.  
New Jersey's Governor has signed into law a sweeping expansion of inmate DNA testing to cover all state prisoners, parolees and probationers. The law includes juveniles adjudicated delinquent and people found not guilty by reason of insanity. The new law also adds a \$2 surcharge on traffic and parking tickets to fund a staffing increase at the state's DNA lab. Currently, the backlog is about 210 days, but the goal is to reduce it to 30 days within the next 18 months. An extra \$8 million is expected to be generated by the surcharge annually to pay for 40 more scientists, more than doubling the current staff that works on DNA analysis.
12. "RCMP tactics questioned in triple slaying." The Vancouver Sun (British Columbia, Canada), September 23, 2003.  
In Washington State, two men are on trial for murdering one of the men's parents and his sister. Washington police gained assistance from the RCMP in collecting evidence against the men. The Mounties got a sample of a suspect's DNA by grabbing a tissue the young man discarded at a coffeehouse after blowing his nose. The DNA allegedly matches hair found in a shower at the murder scene, where police allege the man washed away blood after the slayings. The RCMP also gained a confession from the suspects. While the Mounties acted legally under Canadian law, some of the tactics used to gather evidence would be illegal under Washington state law. A judge is considering whether to allow the evidence.
13. "BPW Supports Female Wal-Mart Workers and Added Funds for Rape Kit Analysis." The Yearbook of Experts, Authorities and Spokespersons, September 23, 2003.  
Members of Business and Professional Women/USA adopted three public policy resolutions at their National Conference in Cleveland, July 15-19 – one of which is to support funding for the testing of rape kits. Specifically, members have pledged to work for passage of the DNA Sexual Assault Justice Act of 2003 (S. 152, H.R. 1046) and The Rape Kit DNA Analysis Backlog Elimination Act of 2003 (S. 149).
14. "DNA breakthrough could help solve scores of rape cases." Belfast Telegraph, September 22, 2003.  
In England, Scotland Yard has recovered DNA profiles of suspected sex offenders in eight out of ten unsolved rape cases dating back as far as 1987. The "cold case reviews" were made possible because material from rape and serious sexual offence cases is kept in secure police storage indefinitely and by recent advances in forensic science analysis. Detectives have described the 84 per cent success rate in obtaining DNA of suspected rapists as "astonishing". So far they have obtained 60 genetic samples - 26 of which matched details of offenders kept on the national DNA database - out of 130. Nine months ago the Metropolitan Police began to re-examine some of the 1,500 unsolved rapes and serious sex assaults that took place between 1987 and 1999. Of the first 50 cases they re-examined, 15 produced profiles that matched known offenders, 20 produced DNA profiles of suspects whom the police have yet to identify, and in eight cases there were mixed results in which several DNA profiles were obtained. In only seven of the 50 investigations did the forensic scientists draw a blank.
15. "Exegetics Launches DNA Kit." Business Wire, September 22, 2003.  
A company has released a proprietary DNA sampling kit which uses a special hypoallergenic tape inside. The user applies the card to the subject's forehead as one would a band-aid. After gently removing the card, the user seals the card and inserts it back inside the archival bag.
16. "Fitchburg Police Are Probing Loss Of Morel Evidence In Sex Assault Case." Capital Times (Madison, WI), September 22, 2003.  
In Wisconsin, the Fitchburg Police Department is conducting an internal investigation of a detective who lost evidence in a sexual assault case involving flyweight boxing champion Eric Morel. Police are investigating Morel's role in the alleged sex assault of a 15-year-old girl last winter, but last week a search warrant was executed to obtain a second DNA sample from Morel after police lost one obtained about six months earlier.
17. "Grant to help track criminals." Daily Oklahoman, September 22, 2003.  
A grant of about \$600,000 from the U.S. Justice Department is expected to help Oklahoma catch up on its backlog of about 15,500 DNA samples from convicted offenders. DNA taken from convicts since 1996 has resulted in 15,000 DNA profiles being added to the bureau's databases. Of those, eight samples have been forwarded for further review for possible links to unsolved crimes. About 15,500 to 19,000 samples of DNA evidence should be

shipped to a private contractor within a year for analysis.

18. "Police lab in crisis." Herald Sun (Melbourne, Australia), September 22, 2003.  
In Australia, Victoria's police forensic laboratory is in crisis with funding cuts of \$330,000 causing DNA test delays of up to 12 months. It took, on average, up to 12 months to process DNA samples for volume crimes such as burglaries in the past financial year. DNA tests for other serious crimes faced "indefinite" delays before results were returned to police investigators. The documents show that in total more than 31,000 forensic samples and more than 8200 DNA samples were processed at the center in 2002-03. A Magistrate has also warned Parliament that suspects were winning bail on the grounds of unacceptable delays in scientific tests.
19. "Trial set to begin for man accused in 1994 Madison County slaying." Arkansas Democrat Gazette, September 21, 2003.  
In Arkansas, a cold hit on the DNA database linked a man to an unsolved murder for which he is now standing trial. The man was not a suspect in the crime until the cold hit came after the man was convicted in a sex assault case. His DNA was found to match that found under the victim's fingernails.
20. "DNA, Confessions Are Key In Case Of Stripper Strangled By Shoelace." Orlando Sentinel, September 21, 2003.  
In a Florida murder case, DNA found on a shoelace used to choke a woman to death has helped prosecutors link a suspect to the crime. The victim's DNA was also found on a bottle in the suspect's possession that is believed to be the blunt object contributing to the victim's death.
21. "La. suit may set DNA law." Sunday Advocate (Baton Rouge, LA), September 21, 2003.  
A federal law suit In Louisiana ("Floyd M. Wagster Jr. v. Elmer Litchfield et. al") - could help decide whether DNA samples collected from persons not convicted of a crime may be maintained in a database. The suit seeks the destruction of more than 1,200 cheek swabs collected by investigators and processed by the Louisiana State Police Crime Lab during the 10-month investigation of a serial killer. Attorneys who filed the case argue that investigators coerced the men into giving DNA samples, with the promise that the evidence would only be used to eliminate them as suspects in the murders. The suit also asks the judge to declare unconstitutional a Louisiana law that allows authorities to collect DNA from those accused of crimes before they have been convicted.
22. "DNA Tests Can Free the Innocent. How Can We Ignore That?" The Washington Post, September 21, 2003.  
Column from former FBI Director William Sessions regarding the need for greater access to post conviction DNA testing. "During my time as a federal judge in Texas and as FBI director, I had contact with prosecutors and law enforcement officials who are among the best anywhere, working together in a criminal justice system that is the model for countries around the world. But we can -- and must -- do better. Given the stakes involved, we cannot deny defendants a right to post-conviction DNA testing."
23. "DNA Frees Man Jailed for 22 Years." Los Angeles Times, September 20, 2003.  
In Louisiana, a man has been released from the state penitentiary after spending nearly half his life behind bars for a rape that DNA evidence now shows he did not commit. Calvin Willis was convicted of the 1981 rape of a 10-year-old girl in Shreveport and sentenced to life without possibility of parole. Willis, 45, has always maintained his innocence. Willis became the 138th person freed from prison as a result of a DNA exoneration since 1988. However, the chief of the sex crimes unit at the district attorney's office asserted that the DNA tests showed only that there was "a reasonable doubt" that Willis had committed the crime. He said that because of those test results his office is now unable to prove beyond a reasonable doubt that Willis committed the crime, and that he will not be retried.
24. "Youngsville man pleads guilty in 2001 slaying of woman." The Advocate (Baton Rouge, LA), September 19, 2003.  
In Louisiana, a farm worker facing a capital murder trial pleaded guilty to killing a 19-year-old girl almost two years ago, and he received a life sentence. DNA from the roots of hairs, found in the defendant's pockets, matched the victim.
25. "Police: DNA connects Fla., Conn. suspect to State College rapes." The Associated Press State & Local Wire, September 19, 2003.  
In Pennsylvania, DNA evidence ties a suspect in three Florida sex assaults to two rapes at Penn State University. DNA taken from the suspect matched a sample used to issue two John Doe warrants last year – cases for which the statute of limitations would have otherwise expired over a year ago. DNA was collected from only one of the

attacks, but because of similarities authorities have always assumed they were carried out by the same attacker. After Florida investigators sent the suspect's picture to a Connecticut police department, investigators there tied him to two attacks earlier this year, charging him with sexual assault, armed robbery and kidnapping.

26. "DNA match leads to arrest in 1989 killing." The Baltimore Sun, September 19, 2003.  
In Maryland, a cold hit on the DNA database has linked a man serving a 25 year prison sentence for robbery to an unsolved murder from 1989. Police credited the arrest to their aggressive push to test a backlog of thousands of old cases for potential DNA matches. This year, police have charged three men in four homicides after linking their DNA to that of felons logged in a state genetic database. "DNA is a godsend," said Edwin Day, chief of the department's detective division. "It's like someone presenting you with a fingerprint from the scene of the crime."
27. DNA Spit Kits Trap Bus Neds." Daily Record, September 19, 2003.  
In Scotland, bus drivers are to be issued with DN A kits to trace passengers who spit on them. It is estimated that one-in-three of First's drivers were spat at last year alone. The "spit kits" will include a swab to pick up any trace of an offender's DNA. The packs also contain a pair of latex gloves and an evidence collection bag. If the bus scheme is successful, the kits may also be issued to hospital staff.
28. "Coroner disputes new law." El Paso Times, September 19, 2003.  
Whether or not a new Texas law requiring accreditation of crime labs should also apply to medical examiner and coroner offices is a matter of contention. The new law arose out of a need to address the problems faced with DNA testing at the Houston crime lab, and requires that anyone who testifies on forensic evidence at a felony trial be accredited.
29. "Rape' victim's appeal successful." The Nation (Thailand), September 19, 2003.  
In India, a 15-year-old girl who claims she was gang-raped by classmates, has successfully appealed to a House committee for help after a court dismissed her case. The victim said she did not report the incident to police until she was pregnant due to threats from her alleged attackers. She has since given birth to a brain-damaged baby and has been suspended from school. The court threw out her case, citing inconsistency in her testimony. The girl said she was told by prosecutors that she would have to pay for DNA tests if she wanted to appeal the court's decision. The House committee has decided it will pay for the tests to be conducted on the victim and her alleged attackers, aged from 12 to 15, with the results to be submitted as evidence. It will also ask the school to lift the suspension and find a hospital to treat the baby.
30. "Grant will help in DNA work." Argus Leader (Sioux Falls, SD), September 18, 2003.  
A \$105,933 federal grant will help the South Dakota attorney general's office analyze DNA to try to crack unsolved crimes. The grant, part of the No Suspect Casework DNA Backlog Reduction Project, will support DNA analysis in 40 cases in which no suspect has been identified. The grant comes on the heels of the South Dakota Legislature passing a law to require anyone convicted of a felony to provide a DNA sample.
31. "Former wrestling standout charged with burning church." The Associated Press State & Local Wire, September 18, 2003.  
In Dubuque, Iowa, a former standout wrestler at the local high school has been charged with setting fire to church and causing \$100,000 damage. When firefighters arrived, they found several fires, graffiti, empty beer cans and cigarette butts. Police extracted DNA from the cans and cigarette butts and once they suspected the former wrestler, they asked him for a DNA sample. The samples matched.
32. "DNA Evidence Links Man Already In Jail To Decades-Old Assaults." The Brockville Recorder & Times (Ontario, Canada), September 18, 2003.  
In Canada, a man serving a 10-year sentence for three violent sexual assaults is now facing charges on two more after police linked DNA to two 16-year-old cases. In 1997, the man pleaded guilty to seven offences involving three sex attacks between 1989 and 1996. He is now the suspect in two 1987 crimes where women were held at knifepoint and sexually assaulted in downtown Toronto. Police fear the man may have committed other assaults that have gone unreported.
33. "Czech DNA Data Basis Has 2,000 Genetic Profiles." Ctk National News Service, September 18, 2003.  
The Czech database of forensic DNA samples includes roughly 2,000 profiles after 18 months since its establishment. Currently, criminals do not have the legal obligation to provide DNA without protests. Legislation has been drafted to make it clear that criminals must provide the DNA to the police. If the person refuses, the

police are to be allowed to use force.

34. "Forensic Detectives To Train Street-Wise Cops." The Economic Times, September 18, 2003.  
In India, leading forensic researchers working in Kolkata's Central Forensic Science Laboratory will be training men from the CBI headquarters and police forces throughout the country. At the core of the training is education on using STR markers for DNA identifications. The lab officials and police forces have been seeking more DNA laboratories in India.
35. "French police crack shocking multiple murder in Alps, arrest suspect." Agence France Presse, September 17, 2003.  
French authorities have cracked one of their country's most shocking murder cases in recent times, arresting a man who confessed to slaughtering a family of five in the Alps over a petty financial dispute. DNA of a sixth person had been identified among the blood stains and tooth particles belonging to the five victims found in their home. The sixth DNA profile was matched to that of the chief suspect, who had admitted to police that he was the last one to see the family alive. The suspect confessed soon after his arrest and led police to a nearby forest where what appeared to be the charred remains of the murdered couple and their three children were found.
36. "DNA evidence clears man in Charlestown rape, shooting." The Courier-Journal (Louisville, KY), September 17, 2003.  
In Kentucky, DNA evidence has forced Clark County authorities to drop charges against a man accused last spring of raping a 13-year-old girl and shooting her stepfather in the head. Instead, the DNA evidence points to another man who has not yet been identified. The 13-year-old rape victim identified the former to investigators by description, name, photograph and voice recognition. Investigators plan to use the DNA to weed through a list of other suspects in the case. "We'll narrow it down to a select few suspects that we'll get a court order to collect DNA from."
37. "Chef Claims Blood Sample Was Not His." SAPA (South African Press Association), September 17, 2003.  
In South Africa, a chef accused of 132 sexual offences against young girls has denied that a blood sample used for DNA testing was his. The man's lawyer said that while the accused did not dispute the fact that blood had been taken from him in an acceptable manner, he did not believe the sample that was taken to Pretoria for testing was his.
38. "2 slayings linked by DNA." Bucyrus Telegraph Forum (Bucyrus, OH), September 16, 2003.  
In Ohio, the DNA database has linked two women's murders separated by five years and more than a hundred miles, and identified a man believed to be responsible. Both victims had been raped and beaten and were found bound and gagged in wooded areas. A break in the investigation came when detectives arrested and charged a man with the rape of a 12-year-old child. The DNA samples sent to the Ohio crime lab showed a connection to the two other murders. A county Sheriff said that efforts of the former and current Attorney Generals and the state crime lab to implement a system where all DNA evidence is submitted into a statewide DNA databank has undoubtedly been instrumental in solving these two murders and assuring this suspected serial killer remains incarcerated.
39. "DNA Testing Backfires On Convict Who Sought It." Buffalo News, September 16, 2003.  
In New York, post conviction DNA testing for an inmate behind bars since 1989 for a murder has served to further implicate the man in the crime. When the victim was found strangled in 1983, police obtained some material from under her fingernails, which was preserved as possible evidence. Initially, officials said the amount of material was too small for testing, but recently the New York City medical examiner's office was able to confirm the material did contain male DNA. A comparison with a DNA sample from the inmate produced a match.

#### Genetic Research / Privacy

40. "Personal Finance: A Testing Time For Your Finances." The Independent (London), September 20, 2003.  
Article asks, "Could our genetic fingerprint determine our access to health and life insurance, what career we can enter and even how much money we have to retire on? The prospect is far more likely than most people realize, say experts, who warn that within years our genes could be one of the biggest factors in our personal finances."

#### Paternity

41. "Call To Return Nationality Of Villagers." Bangkok Post, September 23, 2003.  
In Thailand, the Justice Permanent Secretary said that Thai citizenship should immediately be returned to Mae Ai villagers whose nationality was proven in a preliminary verification process. He is supporting early reinstatement, expressing reservations about a blanket DNA test for people who lost their nationality. He said tests would take too long and were expensive. Earlier the 200 villagers pleaded for the ministry's help with the DNA tests. They said the test was their last hope as the district office refused to give back their nationality.
42. "Couple Alleges Baby-Swapping At Safdarjung." The Economic Times, September 20, 2003.  
In India, another couple has alleged baby-swapping. The couple maintain that the mother gave birth to a baby boy, which was swapped for a baby girl by someone at the hospital. The couple has refused to accept the baby girl and demanded that a DNA test be done.
43. "DNA Test: Fake Rap." The Sun, September 17, 2003.  
In England, a businessman who set up his own DNA testing firm has been charged with forging paternity test results. It is claimed he accepted clients' fees but guessed results without sending samples to a laboratory.