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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 September 5, 2003 DNA Resource Report is listed below.

These reports are prepared by Tim Schellberg and Lisa Hurst of Smith Alling Lane (253) 627-1091, on behalf of Applied Biosystems.

## SUMMARY

A Massachusetts bill to expand the database to include all felons is still on the legislative agenda for this year. Cold hits on DNA databases identified offenders in New York (breaking and entering) and Washington (murder), and indicates another serial rapist at work in New York. DNA evidence also assisted in exonerating a suspect in Louisiana (rape), and in identifying suspects in California (murder), Florida (serial rapes), Idaho (rape), Illinois (rape; aggravated battery), Missouri (rape), and Texas (rapes).

Legislatively mandated accreditation in Texas is becoming a significant burden. A charitable contribution in North Carolina will pay for DNA testing equipment.

Post conviction DNA testing cases made headlines in Illinois, Missouri, North Carolina, Pennsylvania, and Wisconsin. Florida's approaching deadline for post conviction DNA testing appeals was questioned in several newspapers and news shows.

In international news...Ireland is proposing a law require DNA samples from criminal suspects, and police in UK are concerned with improper DNA evidence collection issues. Canada has linked two 1983 murders to the same unknown killer, and is seriously considering a missing persons DNA database. DNA was used in a dog mauling case in Australia, and will be collected from a fetus in a rape case in India. Additional identifications of missing Kuwaitis and Saudis have been made in Iraq, and Croatia is being criticized for not participating in a missing persons DNA effort.

## NEWS ARTICLES

### Forensic DNA

1. "Time for Justice." St. Petersburg Times, September 3, 2003.  
Editorial in Florida newspaper argues that, "Petitioning the court for DNA testing is a time-consuming process. The two-year limit set for previously convicted prisoners should be removed. There is no statute of limitations on innocence, but the Florida Legislature gave it one."
2. "DNA On Bottle Led To Killer, Court Told." Sydney Morning Herald, September 3, 2003.  
In Australia, DNA from a bottle found at a crime scene helped lead police to a killer.
3. "Career burglar sentenced to 20 years to life." The Associated Press State & Local Wire, September 2, 2003.  
In New York, a career burglar drew a sentence of 20 years to life in prison for breaking into a house and trying to steal a television while on parole. He was charged after blood found on the television and on a broken kitchen window was matched to his DNA in a database of convicted felons

4. "States Rejecting Use of DNA Evidence to Prove Guilt or Innocence." CNN (American Morning), September 2, 2003.  
CNN discussion of why some states are rejecting the use of DNA evidence to prove guilt or innocence in post conviction cases. Some prosecutors are frustrated with the work load and claim DNA is not only evidence in the case. Also includes a brief discussion of the expiring statute in Florida that allows post conviction DNA testing.
5. "Despite DNA tests, inmate not in the clear yet." Philadelphia Inquirer, September 2, 2003.  
In a Philadelphia case of post conviction DNA testing, experts familiar with the case warn that recent tests showing that the inmate was not the source of the DNA found on the victim does not necessarily make his release inevitable. The man's supporters say they are confident that he will soon be freed because they believe there is not enough evidence to outweigh the DNA, but prosecutors have said that DNA evidence alone is not enough to clear him, though it is enough to win him a new trial.
6. "The Real Problem With DNA Tests." The New York Times, September 1, 2003.  
Editorial reports that, "The American public has eaten up the stories of wrongly convicted people freed by DNA evidence -- in print, on television and even in a recent, well-received play. What the public is less aware of is how hard the government often makes it for convicted people to get DNA testing. In a new twist, prosecutors are increasingly fighting to keep prisoners behind bars even when DNA testing points to innocence. This backlash should be resisted."
7. "Gene tests reveal remains of 5 Kuwaiti, 1 Saudi POWs in Iraq." Xinhua General News Service, September 1, 2003.  
DNA tests revealed that samples of human remains collected from a mass grave in southern Iraq belonged to five Kuwaiti and one Saudi Prisoners of War. This announcement brought the number of Kuwaiti POWs to 23 since the discovery of their remains in a mass grave site in southern Iraq. Kuwait says 605 Kuwaitis and other nationals disappeared during the occupation and believes many were held in Iraqi jails.
8. "Crime labs working to meet state mandated accreditation." The Associated Press State & Local Wire, August 31, 2003.  
Crime lab directors across Texas worry new accreditation requirements passed by the Legislature may force labs unable to meet the new standards send more work to the already backlogged state crime lab. The Legislature has charged the state lab with making sure all laboratories in the state become accredited by 2005. If labs are unable to meet the deadline, their evidence must be shipped to an accredited lab for examination to be admissible.
9. "Crime-Fighters Seek Expansion Of DNA Record Bill Would Allow Sampling Of All Convicted Felons." The Boston Globe, August 31, 2003.  
The Massachusetts House of Representatives is expected to act on the bill to expand the DNA database to all convicted felons. The Speaker of the House recently indicated the bill is one of his priorities and the Governor's office has expressed support for the bill. The ACLU of Massachusetts, which challenged the state's original DNA law, said in June that it does not plan to challenge an expanded DNA law, if it is enacted.
10. "Flaws Found In Many Police DNA Samples." The Independent, August 31, 2003.  
In England, police chiefs have warned that up to half the DNA samples of suspected criminals submitted for testing by police are inaccurate, illegal, or useless. Failure to submit properly samples of blood, semen and skin, taken from suspects or found at crime scenes, is said to be undermining the fight against crime. Many of the mistakes were made because officers did not label samples properly. Others wasted money by submitting duplicates and some forces did not destroy innocent people's samples, which is illegal.
11. "Joyce Wants Wrongly Imprisoned To Get Compensation From Missouri." St. Louis Post-Dispatch, August 31, 2003.  
In Missouri, a St. Louis prosecutor has called for Missouri's General Assembly to pass a law to compensate prisoners who are exonerated by DNA testing. Under the proposal, exonerated inmates would receive an amount equal to 120 percent of the federal poverty level for each year spent in prison. In addition, the state would provide job-skills training, education or therapy. However, the bill is not currently drafted to be retroactive to include some recent exonerations. The bill enjoys support from the House Speaker. The main questions are how much to offer the freed and whether to include a disincentive for guilty prisoners who demand DNA testing.

12. "Rape Victim Can Have Abortion!" The Times of India, August 31, 2003.  
In India, the Delhi high court ruled that a woman could have an abortion if she becomes pregnant after being raped. The court also held that if the victim wanted to preserve her fetus to conduct a DNA test for evidence, she should be allowed to.
13. "Judge orders DNA test in pending execution case." The Associated Press State & Local Wire, August 30, 2003.  
In North Carolina, a man facing execution in two weeks for a 1984 double murder has received a chance to prove his claim of innocence after a judge ordered DNA testing of a cigarette butt found at the scene of one killing. The man's attorney said the state crime lab could produce results within seven days. Prosecutors have said a cigarette butt found at the scene was the same brand the inmate smoked; it never was tested.
14. "Officer accused of rape released." The Associated Press State & Local Wire, August 30, 2003.  
In Louisiana, a veteran New Orleans police officer is out of jail after DNA tests showed that he was not the person who raped a woman three years ago. At the time of his arrest, the 17-year veteran officer claimed innocence and was eager to get the results of a DNA test. In a separate 1994 sexual assault case in which the same man was suspected but not booked, DNA tests excluded him as the attacker and those DNA results were presented in court at a bond modification hearing. The man's attorney has said the Police Department should have completed the DNA testing before making an arrest rather than relying solely on the woman's description and subsequent identification.
15. "Man charged in 1981 strangulation." The Associated Press State & Local Wire, August 30, 2003.  
In Washington, a man serving prison time for raping six women has been charged with first-degree murder in the strangling death of a woman 22 years ago. The case remained dormant for years, until this past December, when Seattle cold-case detectives submitted DNA evidence taken from the victim's body for testing and was matched through the DNA database to the rapist.
16. "DNA registry urged by solicitor general." Edmonton Journal, August 30, 2003.  
Canada's Federal Solicitor General wants a national DNA registry to help trace missing persons. The president of the Canadian Professional Police Association has welcomed the plan, saying, "Anything that would help police officers to find or to identify missing persons or someone who was killed, those are tools we need."
17. "DNA Links 3 Rapes In Queens, Police Say." Newsday (New York), August 30, 2003.  
In New York, investigators with the Queens Special Victims Squad say they have linked the DNA of a rapist in Queens to two rapes that occurred nearly three years ago, including that of an 11-year-old in her home. Investigators believe the same man struck at least two times this summer - in each case putting his hand over the victim's eyes or mouth, then dragging her to a desolate area and raping or attempting to rape her.
18. "Judge orders D.A. to locate reports on sex-assault-homicides." The Associated Press State & Local Wire, August 29, 2003.  
In Wisconsin, a judge wants Milwaukee prosecutors to locate any reports that link two sexual-assault-homicides with the shooting death of a police detective's ex-wife 22 years ago. The judge also said prosecution and defense lawyers should reach their own agreement on whether unknown male DNA (recently developed from crime scene evidence) should be put into the DNA database to see whether there is a match. Recent review of crime scene evidence found none of the inmate's DNA on 15 items that were tested. However, the results showed two male DNA samples on the victim's bedsheets and comforter, neither of which could be identified, and male and female DNA on a bullet taken from the body. Prosecutors called the results inconclusive.
19. "Judge rules Texas inmate can take DNA test in Illinois killing." The Associated Press State & Local Wire, August 29, 2003.  
In Illinois, a judge has ordered DNA tests an Illinois woman hopes will prove she didn't stab her young son to death in 1997. A Texas death row inmate has told authorities that he was the one who killed the 10-year-old boy, not the boy's mother, who was convicted of the crime. She is serving the 65-year prison sentence she received after a jury found her guilty in March 2002. She has said an intruder attacked her and her son in October six years ago.
20. "Families of missing Serbs urge international community to pressure Croatia." BBC Worldwide Monitoring, August 29, 2003.  
An association gathering the parents and families of arrested, imprisoned and missing persons from Serbia and Montenegro has accused Croatian authorities of non-cooperation in the identification of bodies discovered in mass and individual graves and called on the international community to exert pressure on Croatia. The association has

accused Croatian authorities of avoiding to join a unified system of laboratories for DNA analysis, "because they are aware that most unidentified bodies found in that country are those of Serb civilians and soldiers killed in Operations Flash and Storm in 1995".

21. "Man found guilty of raping Vernon Hills woman, 78." Chicago Tribune, August 29, 2003.  
In Illinois, a man has been convicted of raping a 78-year-old woman in her home. Fifteen months after the rape, police linked the man to the rape by matching his DNA from a cheek swab with DNA from underwear left on the bedroom floor after the rape. The man had agreed to the cheek swab when police asked people in the vicinity of the victim's apartment to provide DNA samples in an attempt to catch the rapist.
22. "New criminal laws will allow gardai to take DNA samples." Irish News, August 29, 2003.  
In Ireland, Gardai will be able to take DNA samples from criminal suspects without their consent under new laws proposed by the Republic's justice minister. Officers will be allowed to use force to take swabs from a person's mouth if they refuse to cooperate. Gardai would be able to retain DNA samples for 12 months instead of the present six months.
23. "Serial rapist gets two life sentences." The Miami Herald, August 29, 2003.  
Prosecutors in Florida have won a conviction on a man who raped two women. DNA evidence linked the man to the two rapes in Fort Lauderdale and Orlando. He has also been accused of another rape and an armed robbery in Miami, and has a criminal record which includes attempted rape and murder as a juvenile. He was also charged with choking a woman in California 1996, but pleaded guilty to a lesser offence and received a four-year sentence, from which he was released early.
24. "Sheriff Vows To Sniff Out Food Culprit." Portland Press Herald (Maine), August 29, 2003.  
In Maine, a sheriff's department is investigating an incident where the evening meal – chili – was found to be laced with feces. As part of the investigation, the sheriff has taken DNA swabs from everyone in the kitchen in the hope that one will match the tainted chili samples already under the microscopes at state health labs. Prisoners and staff all eat from the same food line, and the tainted food was discovered after numerous complaints from the inmates. All 14 of the inmate "trustees" who work in the kitchen under the supervision of three civilian cooks have been suspended and placed in protective custody.
25. "DNA proof of dog attack." The Advertiser, August 28, 2003.  
In Australia, a Melbourne magistrate accepted the DNA taken from saliva on a boy's jacket who had been mauled as proof that a particular Rhodesian ridgeback-pit bull cross was responsible for the attack. The precedent gives police and councils the power to use DNA tests to trace other vicious dogs.
26. "Metro Briefs." Charlotte Observer, August 28, 2003.  
In North Carolina, the Mecklenburg Medical Alliance Endowment has donated \$55,000 to Charlotte-Mecklenburg police to purchase a second DNA analysis machine. In the past three years, N.C. authorities have solved more than 160 crimes based on a statewide database of more than 35,000 convicted felons.
27. "Man is linked to rapes." The Dallas Morning News, August 28, 2003.  
In Texas, a man charged with burglary and indecent exposure has been linked to two rapes and a string of peeping incidents in the last year. DNA testing has linked him to at least one of the rapes, and police also say DNA testing links the man to a 1996 rape in another town, but no charges have been filed in that case.
28. "Ventura Man Held in 1993 Slaying." Los Angeles Times, August 28, 2003.  
In California, authorities arrested a man on suspicion of murder after confronting him with DNA evidence that they said proved he strangled a woman in her apartment more than a decade ago. Police have called the DNA evidence "absolutely overwhelming." The DNA match came from a volunteered sample that had been provided from a coworker.
29. "DNA connects 1983 murders in Toronto." National Post (Canada), August 28, 2003.  
In Canada, the RCMP has recently linked two Toronto murders from 1983 to the same unidentified man. 700 men who were interviewed over the years were asked at the time to give hair and saliva samples. Their samples will be checked against the DNA recovered from both murder scenes. So far, there have been no matches in the DNA database to a suspect, but police believe the man may already be in prison perhaps on another murder conviction.

Canada's law does not require all murderers to submit DNA samples for the database, which was called "frustrating" to the victims' relatives and friends.

30. "DNA Testing Identifies Long-Term Missing Child." PR Newswire, August 28, 2003.  
The National Center for Missing & Exploited Children (NCMEC) announced that a newly expanded partnership with a private lab (Bode Technology Group) has resulted in the first identification of the remains of a long-term missing child. As part of an expanded charitable initiative the lab provides free DNA identification testing to NCMEC. Medical examiners and coroners in the United States submit samples to the lab for DNA analysis and a comparison can be made to reference samples provided through NCMEC. In this case remains discovered in June at the bottom of an abandoned well were matched to a 19 year old man who was reported missing in April 1997. Kentucky State Police are now investigating the case as a homicide.
31. "Muhammad Prosecutors Must Share Evidence." Contra Costa Times, August 27, 2003.  
In the Washington area sniper case, prosecutors said in court that they have given Muhammad's attorneys several reports about DNA evidence collected throughout the sniper investigation – some of which links him to the crime scenes. Previously, authorities had only acknowledged finding Malvo's DNA at the crime scenes.
32. "Report: Police did poor job investigating rape." The Idaho Statesman, August 27, 2003.  
In Idaho, a Community Ombudsman said Boise police officers did a poor job investigating the June 2002 rape of a teenage girl and spent more time questioning whether she was telling the truth than investigating the rape. The suspect, who has not been caught, was eventually linked by DNA to two more rapes in late 2002. At this point, the case a top priority for Boise police, who increased neighborhood patrols and parked a mobile police substation in the area in an effort to generate new leads.
33. "Ex-WU Football Player Is Now Accused Of Rape." St. Louis Post-Dispatch, August 27, 2003.  
In Missouri, a former Washington University football star, already charged with committing a holdup with the borrowed car of a school administrator, has been linked by DNA evidence to a home invasion rape. The suspect, who rushed for more than 1,000 yards as a tailback for in 2001, was recently charged with 21 felony counts in what police described as a vicious sexual assault on March 17 of last year. DNA taken from evidence related to a robbery in July of last year was matched two months ago to the evidence in the rape. DNA evidence from the robbery had been collected from a vehicle where some people were robbed at gunpoint. The man's criminal record a 1994 guilty plea in Colorado on federal charges of distribution of cocaine.
34. "DNA on cigarette leads to five-year sentence." Daily Herald (Arlington Heights, IL), August 26, 2003.  
In Illinois, a man was sentenced to five years in prison after pleading guilty to aggravated battery charges. Police linked him to the beating through DNA found on discarded cigarette butts. His criminal history included a previous aggravated battery in 1982 and in 1993 a misdemeanor domestic battery.

#### Genetic Privacy / Research

35. "Project could fetch big rewards." News Observer (Raleigh, NC), August 30, 2003.  
A research project underway at North Carolina State University is attempting to sequence canine DNA. Scientists suspect the same recessive genes that bring out desired traits such as a thick coat could live close to the genes for diseases such as melanoma or epilepsy.
36. "China to test DNA of ancient skeleton." Xinhua General News Service, August 28, 2003.  
Chinese scientists will soon test the DNA of a skeleton dating back some 1,000 years, hoping to shed more light on the Khitan people. Equipped with China's first professional DNA research laboratory, the Frontier Archeology Research Center has set up a DNA database on ancient humans and successfully carried out DNA studies of bones of ancient humans found in the Xinjiang Uygur Autonomous Region, Inner Mongolia and Qinghai Province.

#### Paternity

37. "DNA Testing: Amelogenin, 17 DNA loci effective as paternity markers in incest case." Blood Weekly, September 4, 2003.

In Croatia, scientists working with the Ministry of the Interior found that Amelogenin and chromosome 17 DNA loci are effective as paternity markers in incest cases.

38. "Cherokee debate identity, and who gets the benefits." The Atlanta Journal and Constitution, September 1, 2003. The Cherokee Indian tribe in North Carolina approved through a referendum this summer a membership audit to determine who is Cherokee and who is not. The audit, scheduled to begin in December, will likely be conducted mostly by going through membership roles, although DNA testing may be used. Those who support the audit say it's overdue.
39. "DNA tests may settle dispute." The Nation (Thailand), August 30, 2003. In Thailand, a forensic expert will arrange DNA tests for 11 villagers who had their citizenship revoked last year, to prove that they are Thai. The 11 said they were citizens and that they had living blood relatives in Thailand who could prove their family lineage. Two of the 11 villagers will have their DNA compared with their parents, who are Thai citizens. The other nine plan to seek matches with siblings who have Thai citizenship.