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

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The October 22, 2004 DNA Resource Report is listed below.

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SUMMARY

Cold hits aided investigations / prosecutions in Ohio (1993 rape), Virginia (1994 rape) and Washington (1968 murder). DNA evidence was also important to cases in Arizona (peeping Tom), Florida (murder), Georgia (murder), Louisiana (rape), North Carolina (murder), and Texas (serial killer). DNA tests on a rifle grip linked a suspect to the shooting of a police officer in California. A cold case squad in Oregon is hoping to win a federal grant.

Idaho investigators have sent DNA samples collected from 70 suspects to a private lab due to backlogs at the state lab. A partnership between General Motors and Michigan has helped the state reduce its backlog. Federal funding was credited with helping to reduce backlogs in Illinois, Indiana and Michigan. A New York editorial urges local hospitals to restart SANE programs.

The Ohio deadline for post conviction DNA testing applications is fast approaching. A motion for post conviction DNA testing is scheduled in a New York case, and the Utah Attorney General is supporting a new trial for a man whose post conviction DNA tests indicate he may not be guilty.

In international news...Canada will consider expanding its criminal DNA database. An Argentina city is collecting DNA from all police officers in the hunt for a serial rapist. DNA testing in Japan linked a US military civilian employee to a rape. England used DNA to link a criminal to theft of a CD player from a car. New Zealand is appointing a fulltime DNA liaison officer.

NEWS ARTICLES

Forensic DNA

1. "No DNA from double murderer." The Lawyers Weekly, October 22, 2004.
In Canada, a British Columbia court has thrown out an order authorizing the taking of DNA samples from a man convicted of two counts of first-degree murder because the killings were carried out at the same time. The Justice noted s. 487.055 (1) of the Criminal Code permits the taking of bodily samples from people convicted of more than one murder before the provisions came into effect, but the killings must have been "committed at different times."
2. "Accused serial killer on trial in Houston for capital murder of woman." Associated Press Worldstream, October 19, 2004.
In Texas, the trial has begun for a man accused of being a serial murderer. DNA evidence from beneath a victim's fingernails linked the man to her killing, prosecutors say. Following his arrest last October, police say he told of killing this victim and three girls between 1986 and 1995. Police say they have no DNA evidence tying the man to the other three cases.

3. "4 Ohio inmates hope DNA can unlock their innocence." Plain Dealer (Cleveland), October 18, 2004.
In the last decade, four Ohio inmates who served a combined 45 years in prison for crimes they did not commit have been freed from prison after DNA tests unlocked their innocence. A state law passed last year allows inmates to request DNA tests under certain conditions. The inmates must have significant time left to serve and must have new evidence that can exonerate them. If an inmate succeeds, the state will pay for the tests, which can cost as much as \$20,000. With the Oct. 29 application deadline approaching, local prosecutors and defense lawyers are scrambling to prepare cases that will bring convicted killers and rapists back to local courts to plead their case.
4. "Police still waiting for DNA tests in Nampa slayings." The Associated Press State & Local Wire, October 17, 2004.
In Idaho, police are still awaiting DNA testing results in a double homicide case. Police have been unable to rule out up to 70 people of interest because DNA swabs from those people have sat in the state crime lab without being touched for the past nine months. The local department collected the evidence from the state crime lab this week and sent it to a DNA testing lab out of state. Results are expected in about six weeks.
5. "Forensics Under The Microscope." Chicago Tribune, October 17, 2004.
Investigative series of articles regarding forensic testing or testimony that has proven to be unreliable. "At the center of this upheaval is the advent of DNA testing, which has injected a dose of truth serum into other forensic tools. With its dramatic precision, DNA has helped reveal the shaky scientific foundations of everything from fingerprinting to firearm identification, from arson investigation to such exotic methods as bite-mark comparison."
6. "GM helps nab bad guys through DNA evidence." The Detroit News, October 17, 2004.
In Michigan, a unique partnership between the Michigan State Police and General Motors Corp. is making it possible to more quickly track killers, rapists and other criminals through DNA evidence. Federal grants and a fresh business approach used by GM have enabled crime lab scientists to reduce a 10-year backlog to less than a year and make nearly 10 times the matches of known criminals to evidence left at crime scenes. The FBI has been so impressed with the approach that it committed \$2 million to a similar program. In Michigan, it began earlier this year when state police asked GM experts to sit down with forensic scientists to talk about the handling of DNA analysis. Police had heard about a GM system called value stream mapping to identify, assess and solve workplace problems and meet goals.
7. "The Viola Manville murder." Rochester Democrat and Chronicle, October 17, 2004.
In New York, lawyers for the Innocence Project are scheduled to argue in Monroe County Court that laboratories should be allowed to conduct DNA testing on evidence from a 1988 murder. The District Attorney's Office is opposing the request on the basis that the motion for DNA testing does not meet the legal threshold required. The man who confessed to the crime in 1991, and was subsequently convicted, believes DNA testing will point to another man who is currently serving a life sentence for a 1994 murder.
8. "Va. Prisoner Charged in 20-Year-Old Waldorf Rape Case." The Washington Post, October 17, 2004.
In Virginia, a man serving time in prison has been charged with the rape of a woman 20 years ago. Authorities said "persistence and technology" led to the closure of the nearly two-decades-old sexual assault investigation. A cold hit on the DNA database recently identified the attacker.
9. "Killer gets life for 1968 murder." The Associated Press State & Local Wire, October 16, 2004.
In Washington State, a King County judge sentenced a man prosecutors call "the first known serial killer in Washington" to life in prison after DNA evidence tied him to a 36-year-old crime. The 1968 slaying is the oldest "cold case" ever solved in Washington state. When the inmate was told his DNA matched the evidence from the crime scene, he admitted to his guilt. His DNA sample had been added to the database for two 1969 murder convictions.
10. "DNA evidence could set man free." Deseret Morning News (Salt Lake City), October 16, 2004.
In Utah, in light of new DNA evidence that could prove his innocence, the Utah Attorney General's Office said it will support overturning the conviction of a man who has been in prison 19 years for the 1984 rape and murder of a 21-year-old woman. In fact, members of The Rocky Mountain Innocence Center said DNA tests taken from the crime scene and victim show there might be two other males involved in the crime. At this point they are unknown.

11. "DNA tests for city's police." The Guardian (London), October 16, 2004.
In Argentina, the entire 14,000-strong police force of Cordoba has been ordered to undergo compulsory DNA testing in a case of suspected serial rape. The move follows a claim by one of the rapist's 32 victims that she was attacked by a police officer. Collection of blood samples has already begun in a huge operation being conducted by private and state medical institutions. It is estimated that it will take about six months to gather all the samples and perform the DNA tests. Officers who refuse to be tested may be expelled from the force and turned over to the court investigating the rape cases, the authorities said. Some 2,000 women members of the Cordoba police force will be tested as well. The cost is estimated at about \$ 750,000.
12. "DNA matches that of arrested U.S. military worker in Okinawa rape." Japan Economic Newswire, October 16, 2004.
In Japan, DNA found at the scene of an alleged rape in Okinawa matches that of an American civilian employee of the U.S. military who has been arrested in the case. The suspect has denied allegations of intruding into the house of a woman while she was asleep and raping her.
13. "More DNA may be kept." The Leader-Post (Regina, Saskatchewan), October 16, 2004.
In Canada, new federal legislation introduced by the Justice Minister would add 28 offenses for which judges could order a DNA sample for inclusion on the database. The bill proposes to include people convicted of extortion, criminal harassment, uttering death threats, arson, participation in organized crime, living on the avails of prostitution of a minor under 18 and administering a noxious substance with intent to cause bodily harm, among other things. The proposed expansion would also end exemptions for people found not guilty because of a mental disorder.
14. "Handyman charged in killing." St. Petersburg Times, October 16, 2004.
In Florida, police charged an ex-convict with first-degree murder in the September death of an 88-year-old woman who occasionally paid the man to do odd jobs around her home. The charges came after DNA tests linked him to the crime, but the man had been in police custody since September on a charge of dealing in stolen property after police discovered he sold the victim's television. State records show he has been arrested at least 20 times since 1978, with convictions for armed robbery, possessing marijuana, selling cocaine, grand larceny and other charges. He has been in state prisons at least seven times since 1982, and had been out of prison for about a year before the woman's death.
15. "Man faces murder charge." Columbus Ledger-Enquirer, October 15, 2004.
In Georgia, Columbus police have charged a 42-year-old vagrant in the September slaying of an 80-year-old woman in her home. The man was charged with murder and burglary after DNA and fingerprint samples connected him to the murder. The man instantly became a suspect after he was arrested for obstruction of a police officer and for being "a tramp." He also had a parole violation. Investigators praised the Georgia Bureau of Investigation and the Columbus police identification unit for connecting the man through DNA and fingerprint samples found at and near the scene. He said DNA results usually take nine to 11 months, but the GBI got the results back in two weeks. "Normally it takes quite a while to get DNA and they expedited it," he said. "It went to the front of the line."
16. "Car raider traced by DNA swab." Gloucestershire Echo, October 15, 2004.
In England, forensic experts used blood left at a crime scene to link a man to the theft of a CD player from a car. Officers found traces of blood underneath the door handle of the targeted vehicle and swabs were taken for analysis. Police checked results against the DNA database and arrested the suspect in connection with the offence, which caused £500 damage to the vehicle. The man has admitted the offense.
17. "Man, 19, convicted in death of worker." The News & Observer (Raleigh, NC), October 15, 2004.
In North Carolina, a jury found a 19-year-old man guilty of first-degree murder in the death of a city worker during a late-night payday robbery at a public utilities building. Jurors heard conflicting testimony about DNA evidence on a yellow shirt worn by the shooter and recovered by police a short time after the killing. Prosecutors say the DNA evidence proves the defendant was wearing the shirt. But defense lawyers said the state crime lab erred when conducting the testing. A private lab that the defense hired to test the same shirt concluded that it could not say with certainty that the suspect wore the shirt.
18. "Response To Rape." The Post-Standard (Syracuse, NY), October 15, 2004.

Editorial in New York paper regarding several Sexual Assault Nurse Examiner programs that have been shut down. "A study at the Onondaga County crime lab found that rape evidence gathered by SANE nurses was more likely to be complete or properly collected. And victims in the care of SANE nurses are more likely to report their attacks to police. With state funding unlikely to rise, SANE must continue to aggressively explore other sources of money. Those hospitals that aren't participating should reconsider. SANE is too valuable a community program to risk losing again."

19. "PD's office digs in on DNA." The Recorder, October 15, 2004.

In California, the San Francisco Public Defender has hired a scientist-turned-defense lawyer to act as the office's DNA guru. "In this day and age, DNA evidence is a large part of the homicide practice as well as sexual assault cases," he said. "It is almost malpractice to not have a fairly firm understanding of the science." Since the new addition, prosecutors say deputy public defenders have been asking for more discovery. "We've seen a complete change," said a homicide prosecutor, anticipating some major discovery battles on the horizon. The job description for the roughly \$100,000-a-year post is still a work in progress. In addition to the consulting and training, she says she may assist other deputies at their trials, or step in to handle Kelly-Frye hearings, where presentations tend to be more technical.

20. "Accused cop killer's DNA on gun, authorities say." The San Francisco Chronicle, October 15, 2004.

In California, DNA belonging to the man accused of shooting a San Francisco police officer turned up on the grips of a semiautomatic rifle used in the killing. Attorneys for the defendant said they would challenge the results in court based on possible problems at the San Francisco Police Department's DNA laboratory. "We really don't know how good the San Francisco crime lab is in preventing contamination," he said. "My experience in DNA labs, there's always the potential for contamination." The man's DNA has also been found on gloves recovered near the shooting scene.

21. "State's top cop questions details of DNA initiative he supports." The Associated Press State & Local Wire, October 14, 2004.

California's Attorney General Bill Lockyer, the highest-profile supporter of a Nov. 2 ballot measure to greatly expand the collection of DNA samples, has publicly echoed opponents' concerns regarding the inclusion of arrestees on the database. Lockyer continues to support the proposition as the only currently available way to create a DNA database of all felons, after the Legislature three times rejected such a move. Opponents also contend the proposition makes it too difficult for the innocent to remove their DNA from the databank by requiring them to petition the judge, a prosecutor and Lockyer's Justice Department. The California District Attorneys Association has a task force considering a simple one-page form that the innocent could print from the Internet or obtain from law enforcement officials to send off to all three offices.

22. "DNA liaison officer to handle rise in samples." The Dominion Post (Wellington, New Zealand), October 14, 2004.

In New Zealand, police have appointed a fulltime DNA liaison officer to manage the rise in samples submitted to Environmental Science and Research for forensic analysis. 3723 DNA samples were taken by police between July 1 and October 7 this year, 59 per cent more than the same time last year. Over the same period there were 615 DNA "hits", matching offenders with alleged crimes, 49 per cent more than the previous year.

23. "DNA Evidence of Bipartisanship." The New York Times, October 14, 2004.

Editorial: "Congress deserves credit for overriding objections from the Justice Department and approving a pioneer program to provide federal suspects better defense lawyers and fairer access to DNA evidence in seeking post-conviction exonerations... The state of criminal justice is light-years from ideal. Most states are setting up DNA research banks, but much remains to be done to ensure that they get up to speed on this science and other crime-lab basics for gathering and protecting evidence. The new law is evidence for hope."

24. "Cold Cases Now Hot For Investigators." The Oregonian, October 14, 2004.

In Oregon, a five-member squad of three Portland police officers, an FBI agent and an investigator from the district attorney's office is carving out office space in the Portland Police Bureau to re-examine up to 280 unsolved homicides from the past 25 years. The bureau is applying for a \$2.3 million federal grant from the U.S. Department of Justice's Bureau of Justice Assistance. The three-year grant would help pay for the cost of submitting DNA samples to the state crime lab for testing and for investigators' overtime. If the grant is awarded, the squad also would draw on the experience of retired detectives and pay them to assist.

25. “\$3.2 million aid for DNA backlog.” Chicago Tribune, October 13, 2004.
The federal government has delivered \$3.2 million in grants to help the State of Illinois eliminate a once-bulging backlog of DNA cases that had slowed efforts to solve crimes. The grants will be used to upgrade computers and instruments for DNA analysis and pay for outsourcing to help reduce the number of backlogged cases. The federal money supplements increases in state funding pushed by the Governor. An extra \$2.6 million was dedicated to the DNA program last spring and the regular state annual budget for the program was increased to \$3.2 million over the summer. Since those efforts, the state police system's backlog has dropped from 1,236 on Jan. 1 to 175 as of July 30. So far, there have been 476 hits with the FBI's national database, providing links to other cases or helping to identify suspects.
26. “Man Accused Of Rape Says He Was 'Wild'.” Dayton Daily News, October 13, 2004.
In Ohio, a man has been convicted of raping a woman in 1993, thanks to a cold hit on the DNA database in 2002. His case marked the first time a cold case from Greene County has been matched by the system.
27. “Nurse booked in rape at senior home.” Times-Picayune (New Orleans), October 13, 2004.
In Louisiana, a nurse at a nursing home was arrested in the rape of an 82-year-old woman in his care who has Alzheimer's disease. Because the woman is unable to give an account of the incident, police said the case will rely heavily on DNA evidence. Authorities obtained a search warrant allowing them to collect DNA from the suspect to be compared with the semen recovered from the woman.
28. “States have used their DNA dollars well.” South Bend Tribune, September 29, 2004.
Editorial applauds Michigan and Indiana for their use of federal funds in reducing backlogs of DNA cases. “The wonder of DNA evidence is that it isn't prone to mistaken judgments, misidentification, poor memory or prejudice. It separates fact from fiction. It convicts the guilty and frees the innocent with equal dispassion. Courts of law, being human inventions, never will be flawlessly objective. DNA science can be when it is properly applied. The nearly \$9 million granted to Indiana and Michigan since last summer was wisely allocated. It continues to be well spent.”
29. “Suspected 'Peeping Tom' Faces DNA Proof.” The Arizona Republic, September 24, 2004.
In Arizona, Mesa Police have arrested a suspected "peeping Tom" on the basis of DNA evidence. For four months, police say, the man would creep out of his father's home at night into nearby neighborhoods and look for open windows to peer through. From sidewalks and back yards, they said he would expose himself to women or masturbate if he could avoid being noticed. The man was on probation for a marijuana violation.
30. “Policy Memo: The Bush Administration Record On Law Enforcement And Crime Prevention.” Presidential Campaign Press Materials, September 13, 2004.
Campaign materials for President Bush's re-election effort includes mention of his efforts to improve DNA testing technology and decrease DNA backlogs through his Advancing Justice Through DNA Technology initiative.

Paternity

31. “Immigration red tape snags Edmontonian's son.” Edmonton Journal, October 15, 2004.
In Canada, a man who has had a two-year long distance relationship with a woman who bore his nine-month-old son has had problems bringing them to Canada from Poland. He claims immigration workers in the Canadian Embassy in Poland are standing in his way -- first demanding the couple marry, then asking for DNA proof he is the boy's father, despite his name being on the birth certificate. The DNA testing should only be a last resort when there is no documentary evidence, according to the policy of the Citizenship and Immigration Department. Even so, the couple submitted DNA tests, only to discover embassy officials would not accept the test as valid unless she had it performed in front of visa officials.