

**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 October 1 & October 8, 2004 DNA Resource Report (combined as one) 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

Congress has enacted the President's DNA Initiative, which funds grants for DNA backlogs, training and research and development. The bill also requires DNA from all federal and military felons, and allows other legally collected samples into the national index.

The US Department of Justice announced DNA grants to assist with backlogs in California, Florida, Indiana, Kansas, Louisiana, Michigan, Minnesota, Missouri, New Jersey, North Carolina, North Dakota, Ohio, Vermont, Washington, and Wisconsin. A fundraising effort in Oregon raised nearly \$5000 for offender DNA tests. South Dakota is building a new lab, and two local labs in Texas will not merge.

DNA database statutes were upheld in Colorado and Illinois. California's Attorney General is strongly supporting a voters initiative to expand the state DNA database. Cold hits on DNA databases aided investigations / prosecutions in California (1986 murder; 1997 rape), Indiana (1987 murder), Louisiana (1987 rape), Missouri (1990 rape), New York (burglary), North Carolina (rape), and Texas (1992 murder). DNA has revealed that two serial rapists are at work in Philadelphia (2 rapes; 8 rapes)

DNA evidence was also important for cases in Iowa (murder), New York (1989 murder), and Vermont (murder). An Illinois county is issuing John Doe warrants based on DNA profiles for the first time; and an Oklahoma county is prosecuting a rapist first named in a John Doe warrant. DNA exonerated a suspected shooter in Michigan.

John Kerry has promised post conviction DNA testing review in federal execution cases. Problems with the Houston DNA lab prompted calls for a moratorium on executions. Virginia ordered a review of old cases for post conviction testing, and has requested an outside audit in response to criticism of its handling of a post conviction case.

In international news...discarded cigarettes were used to trap suspects in Canada and Australia. British police have offered DNA assistance to the French in a murder investigation. DNA tests solved a Czech murder in Germany, and a Russian suicide bombing. Yemen officials expressed a need for DNA equipment.

### NEWS ARTICLES

#### Forensic DNA

1. "Cig Led To Rape Suspect." Calgary Sun, October 5, 2004.  
In Canada, a rape suspect agreed to voluntarily accompany police downtown for questioning and on the way to their cruiser the accused threw away what remained of his cigarette. A detective seized the butt and later sent it to the RCMP crime lab for comparison to DNA found in the victim's rape kit. A report entered into evidence showed

the probability another male would have the same DNA profile was one in 5.2 trillion.

2. "Charges dropped against suspect in fireworks shooting." The Associated Press State & Local Wire, October 5, 2004.  
In Michigan, charges were dropped against a man who was accused of shooting into a crowd of people watching a fireworks display this summer. The prosecutor decided to drop the charges because DNA found on items at the scene did not match his. The prosecutor said the items used for the DNA comparison included clothing and a watch found at the scene, as well as the weapons.
3. "Jury selection starts in Barre murder case." The Associated Press State & Local Wire, October 5, 2004.  
In Vermont, jury selection has started this week in the murder trial of a man accused of killing a Barre teenager nearly two years ago. Prosecutors asked potential jurors whether they could convict based solely on DNA evidence, while defense attorneys reminded the panel that a person is presumed innocent.
4. "Grandson Busted In 1989 Murder." Daily News (New York), October 5, 2004.  
In New York, a 1989 murder has been solved through DNA testing. A detective on the case recently remembered a key detail in the case and another detective got a DNA sample, cops arrested the 67-year-old victim's grandson. Detectives asked the suspect, who is now ill and confined to a wheelchair, for a swab of his saliva, which was sent for DNA analysis. Last month, the medical examiner's office matched that DNA to the material under the victim's fingernail.
5. "A DNA plan that goes too far." The San Francisco Chronicle, October 5, 2004.  
Editorial regarding the California voters initiative to require DNA from all felony arrestees. Concludes, "This measure would have been far more appealing -- and potentially more effective -- if it were limited to felony convictions, as is the standard in most other states with DNA databases. Americans should be wary of a government attempt to build a vastly expanded database of personal information without a greater rationale and stricter safeguards. Prop. 69 overreaches. We recommend its defeat on Nov. 2."
6. "Va.'s DNA Hunt For the Innocent." The Washington Post, October 5, 2004.  
Virginia Governor has ordered the state's DNA laboratory to reexamine dozens of old criminal cases to determine whether new technology could exonerate more prisoners. DNA testing will be initiated in about 40 cases, mostly sexual assaults, after examining about 10 percent of cases on file in state archives from the 1970s and '80s. Experts yesterday called the move unprecedented. The 40 samples would be chosen from about 150,000 cases by staff and sent to a private lab for the testing. The results should be ready in four to six months.
7. "Jamaican lawyer at racism conference vows to take slavery reparations case to United States." Associated Press Worldstream, October 4, 2004.  
A Jamaican lawyer who lost a slavery reparations lawsuit against Britain's Queen Elizabeth II said he would take the case to the United States. He lost a case in 2002 in Jamaica's High Court because he could not prove the island's blacks were direct descendants of enslaved Africans. He said he now has new DNA evidence to approach the courts again.
8. "Harris County senator urges executions be delayed." The Associated Press State & Local Wire, October 4, 2004.  
In Texas, a state senator is calling on the Governor to halt executions of inmates from Harris County until the Houston Police Department can examine nearly 300 boxes of evidence that could be connected to death penalty cases. The senator, who chairs the Senate Criminal Justice Committee and describes himself as a strong supporter of the death penalty, delivered a letter to Republican Gov. Rick Perry asking that he suspend Harris County executions until March 2005. The governor's spokeswoman said Perry at this point does not support calls for a moratorium on executions statewide or on cases from Harris County.
9. "Murder trial to begin in Elkhart woman's 1987 shooting death." The Associated Press State & Local Wire, October 4, 2004.  
In Indiana, a man linked to a woman's 1987 abduction-slaying by DNA evidence found on her body is scheduled to stand trial in her murder. The man was linked in 2002 to the slaying through a cold hit on the DNA database. The man was serving a 40-year sentence for attempted murder when he was charged two years ago in this killing.
10. "\$3.6M grant to improve DNA testing." The Record (Bergen, NJ), October 3, 2004.  
The U.S. Justice Department has given nearly \$3.6 million to New Jersey to improve its DNA testing program and

forensic laboratories. New DNA testing equipment and other scientific instruments will be paid for by the federal grant, officials said, and it will also fund the hiring 29 additional scientific specialists to analyze forensic evidence.

11. "Evidence legislation seriously flawed." The Montgomery Advertiser, October 2, 2004.  
Letter to the editor from Senator Jeff Sessions (R-AL) regarding recent editorials criticizing his efforts to block federal DNA legislation. Senator Sessions concludes, "As a professional prosecutor for more than 15 years, I have some knowledge in this area and after review I concluded that this bill vastly overreaches and should never become law. Because of its excesses, I am confident it will not."
12. "DNA links 2 rapes, police say." Philadelphia Inquirer, October 2, 2004.  
In Pennsylvania, recent DNA analysis had linked two rapes of teenage girls in Philadelphia - one in November and one in March - to the same man. Police said the attacker was not in any DNA database, and they have ruled him out as the perpetrator in the Fairmount Park rapes of last year, or the eight rapes by a single man in North and South Philadelphia since 2002.
13. "A 'Smashing Victory' For Washington." Richmond Times Dispatch, October 2, 2004.  
A federal appeals court has largely upheld a U.S. District Court Judge's decision to release sealed Virginia state police documents in the Earl Washington Jr. case. Washington, pardoned in 2000 due to post conviction DNA testing, sued the authorities who prosecuted him for a 1982 rape and murder. Instead, the DNA tests linked the crime to a convicted rapist. Concerning eight of the disputed documents, the judges said they had carefully considered the matter and found the state police had failed to present a compelling governmental interest in keeping them sealed. Those documents, the court said, concern the true murderer and the DNA testing that identified his semen on a blanket found at the murder scene.
14. "KBI receives grants for DNA labs." Topeka Capital -Journal, October 2, 2004.  
The Department of Justice has awarded the Kansas Bureau of Investigation more than \$500,000 in grants to support DNA crime analysis labs. A grant of \$398,183 will help the KBI lab identify and test backlogged forensic DNA casework samples. Another grant of \$123,038 will assist the lab in making improvements to analysis in the state offender DNA database.
15. "Retest shows lab botched basic work." The Houston Chronicle, October 1, 2004.  
In Texas, the latest forensic tests in the George Rodriguez case not only show that a Houston crime-lab supervisor misinterpreted evidence but also that his most basic work on the case was incorrect, experts say. The tests, conducted by a private lab in Pennsylvania, prompted the Harris County District Attorney to say that Rodriguez, who has spent 17 years in prison for a rape, was convicted on faulty testimony. They also led forensic scientists to further question the work of the Houston Police Department crime lab, which has been under intense scrutiny for nearly two years over concerns about the accuracy of its work in several areas.
16. "Experts To Review DNA Case." Richmond Times Dispatch, October 1, 2004.  
Virginia has asked for an outside audit of its controversial DNA testing in the case of former death-row inmate Earl Washington Jr., which it previously refused to question. Washington was nearly executed for a 1982 rape and stabbing death. The testing, conducted in 2000 by the Virginia Division of Forensic Science, has allowed authorities to say Washington remains a suspect in the case, even though he was pardoned and is now free. An independent test of a slide made from a vaginal swab in the case has found DNA belonging to an inmate now serving two life terms for rape and sodomy in 1985. State tests found DNA belonging to the imprisoned rapist on a blanket at the crime scene but not on a vaginal slide. As a result of the conflicting findings, the director of the Virginia Division of Forensic Science has asked the American Society of Crime Laboratory Directors to send someone to review his staff's work.
17. "Florida receives \$8.7 million to speed up DNA testing." Broward Daily Business Review, September 30, 2004.  
The US Department of Justice has awarded \$8.7 million in grants to Florida to improve and speed DNA identification. The biggest slice of the federal DNA grant handed out in South Florida - just over \$1 million - went to the office of Palm Beach Sheriff Edward Bieluch. The Miami-Dade Police Department's crime lab got nearly \$1 million; the BSO received \$400,000. The Florida Department of Law Enforcement received \$3.6 million. At the same time, the Justice Department announced another award of \$9.2 million to Florida governments and institutions to improve other criminal justice forensic services. Among the recipients of that pool of general

research and development cash is Florida International University in Miami, which will receive \$500,000.

18. "Houston police chief wants executions halted because of crime lab problems." The Associated Press, September 30, 2004.  
In Texas, the Houston police chief has said that inmates whose convictions rested on evidence analyzed at the troubled Houston crime lab should not be executed until the work can be reviewed. The department's DNA section has been closed since a 2002 audit revealed possible contamination of evidence, inadequate training for analysts and insufficient documentation; one inmate has been freed because of inaccurate DNA testing.
19. "Misstep may have been first step in unraveling 14-year-old rape case  
In Missouri, an inmate has been charged with raping a stranded motorist in suburban Kansas City 14 years ago after the victim mistakenly implicated another man. Authorities ruled out the man because his DNA did not match evidence left at the scene of the crime. But because the case had been reopened, the DNA profile obtained from the crime was submitted to a national database of DNA samples, and a convicted rapist serving a life sentence in Missouri came up as a match. The victim said she "felt horrible" about accusing an innocent man. But if she had not, police told her it was unlikely that the old evidence would ever have been compared to samples in the database.
20. "Prisoner Charged With 2002 Rape." News & Record (Greensboro, NC), September 30, 2004.  
In North Carolina, a man already in prison has been charged with a 2002 rape, and police are investigating whether he was involved in other attacks in the city. But police said the man is not the serial rapist who roamed the UNCG area two years ago. He had been scheduled to be released from a correctional facility where he had been serving a 20 year sentence on burglary charges when the state lab found his DNA linked him to the sexual assault. The arrest stemmed from a review investigators launched into the city's rape and attempted rape cases dating back to 1995.
21. "Eighth rape tied to attacker was in S. Phila." Philadelphia Inquirer, September 30, 2004.  
In Philadelphia, Pennsylvania, DNA evidence has now linked a serial rapist to eight attacks in the city since 2002. Police said that as they continue to cull their files of sexual attacks, more DNA links to the same assailant might be found. As yet, police do not know the identity of the attacker.
22. "BCA grant prompts another official visit." Star Tribune (Minneapolis, MN), September 30, 2004.  
In Minnesota, the U.S. Justice Department has awarded \$1.1 million in federal grants to help the state's Bureau of Criminal Apprehension catch up on its backlog of DNA casework.
23. "Felons can be required to submit DNA: court." Chicago Daily Law Bulletin, September 30, 2004.  
In two separate rulings, the Illinois Appellate Court's 1st District held that the government can require convicted felons to submit DNA without suspicion that the person has committed some other crime. And while both the 2d and 4th divisions rejected the defendants' contention that their Fourth Amendment rights were violated when they were required to give blood samples for the state and national DNA databases, the reviewing panels did not agree on the path to take in reaching their conclusions. Similarly, courts across the United States have upheld the validity of the statute, but not all have agreed on how to get there. Many apply the balancing test, while some others use the special-needs test.
24. "Guilty As Charged." Charlotte Observer, September 29, 2004.  
Editorial regarding the North Carolina DNA program. "To knowingly let murderers and rapists go free is in itself a crime. Yet by pinching pennies and crippling its database of DNA samples, North Carolina stands guilty as charged...Elected officials should not add to the burden on taxpayers by capriciously adding new programs or obligations. But building a broad and up-to-date DNA database has far-reaching implications. The cost of upkeep - \$700,000 to \$1 million a year - is not prohibitive. That sum should be viewed as the cost of doing business in an age of forensic advancements. Most citizens would agree: It is a reasonable price to pay to get rapists and murderers off the streets."
25. "Police crime lab gets federal grant money." Mansfield News Journal, September 29, 2004.  
In Ohio, the Mansfield Police Department's Forensic Laboratory will receive \$180,589 in federal grants to bolster its investigative capabilities. The DNA Capacity Enhancement program will provide \$49,610 for new instruments to recover DNA from crime scenes in a faster manner. z The Forensic Casework DNA Backlog Reduction Program will provide \$130,979 for mitochondrial and Y-STR DNA testing and related expenses incurred from laboratory staff and investigators.

26. "Adversity Helps Us Reveal What We're Made Of." The Oregonian, September 29, 2004.  
In Oregon, a local television producer organized a gourmet DNA dinner to raise \$365 to help process the backlog. Since then, the state has received \$4,590 in donations. That equates to the average cost of processing 153 samples. "By stepping up and doing something, Cowan shows us what she's made of. Her idea is so innovative, even the feds are applauding her initiative. "The Department of Justice is thrilled by the efforts of KC Cowan," says Sarah Hart, director of the National Institute of Justice, a research arm of the federal justice department. "We commend her for her efforts.""
27. "Prop. 69 fights crime." San Jose Mercury News, September 29, 2004.  
Letter written by California Attorney General Bill Lockyer in support of Proposition 69 which would expand the state's DNA database laws. Letter concludes, "The California DNA databank is one of my top priorities. I have secured ongoing funding and grants to rid the system of an inherited, 200,000-case backlog. Purchasing state-of-the-art equipment and employing advanced techniques will mean quicker processing of samples. Proposition 69 is a bipartisan effort, endorsed by Gov. Arnold Schwarzenegger and every major statewide law enforcement organization. For a safer California, vote yes on Prop. 69."
28. "Ashcroft Is Undeterred in Push for Capital Cases." Los Angeles Times, September 29, 2004.  
Democratic presidential nominee Sen. John F. Kerry, who opposes the death penalty except in cases of international terrorism, has vowed to place a national moratorium on federal executions until he is satisfied through DNA evidence that those on death row are guilty.
29. "Russian prosecutor names Moscow bomb attacks' perpetrators." BBC Monitoring Former Soviet Union – Political, September 28, 2004.  
In Russia, prosecutors have presented DNA evidence establishing the identity of suicide bomber, who blew himself up on the Moscow metro and near the National hotel.
30. "Indiana man convicted for 1986 rape, murder of 14-year-old girl." The Associated Press State & Local Wire, September 28, 2004.  
In California, a jury convicted an Indiana man after a cold hit on the DNA database made him a suspect in the 1986 rape and murder of a 14-year-old Chula Vista girl. The man was convicted of the April 1986 rape of another San Diego woman and the molestation of her daughter, which occurred a week after the 14 year-old was killed. He also pleaded guilty to molesting his own 6-year-old daughter in 1984 and was convicted for the 1988 molestation of an Indiana boy.
31. "Yemen appreciates German assistance to police force." BBC Monitoring Middle East – Political, September 27, 2004.  
In Yemen, German officials were given a tour of the headquarters of the General Department for Criminal Evidence and its laboratories, which was equipped by the German government. The officials were briefed on the department's tasks in helping police authorities secure peace and stability. The officials also were briefed on the equipment needs, especially for autopsy and DNA detection apparatuses, as well as training programs.
32. "Metro will use federal grant for DNA tests." Las Vegas Sun, September 27, 2004.  
Las Vegas Metro Police will use a newly awarded \$678,207 federal grant for DNA equipment purchases and resources to work through a backlog of about 1,000 DNA samples. In addition, Metro and the Washoe County Sheriff's Office are scheduled to be awarded \$80,233 and \$247,357 respectively for improvements to criminal justice forensic services.
33. "Crime lab gets grant to clear backlog." Daily Advertiser (Lafayette, LA), September 26, 2004  
In Louisiana, the Acadiana Crime Lab has been approved for \$300,000 in federal grant money to help clear a backlog of old cases and expand lab facilities. The lab director said roughly 90 percent of the money will be used to convert storage space into new labs; a renovation effort to ease cramped quarters after a proposal for a new \$5 million lab did not make it into the state's budget this year. The \$300,000 is part of nearly \$2 million in federal grants announced for crime labs statewide. Acadiana crime lab has two other grant applications pending to secure resources to solve cold cases.
34. "Time To Expand DNA Databank." Winnipeg Sun (Manitoba, Canada), September 26, 2004.  
Canadian editorial supporting calls for DNA to be taken from anyone arrested for a serious crime. Samples would be destroyed upon acquittal. Also criticizes judicial failure to require DNA samples from criminals who are

currently eligible for inclusion in the database. “We expect our judges to get with the program, and we expect our federal politicians to raise hell in the coming weeks if they don’t.”

35. “Clear the DNA backlog.” Chicago Tribune, September 25, 2004.  
Editorial urging Congress to enact legislation that would authorize additional funding for DNA analysis. “Critics need to ask themselves: Can the nation afford to delay identifying people who have committed violent crimes? The answer should be obvious. Congress should move as quickly as possible to help law enforcement officers and the courts use this valuable tool.”
36. “Tulsa police seek grant to work on cold cases.” The Associated Press State & Local Wire, September 25, 2004.  
In Oklahoma, Tulsa police are seeking federal funding to launch a "cold case" homicide DNA project to assist it with closing more than 160 unsolved homicides. The Tulsa Police Department submitted a grant proposal to the National Institute of Justice seeking about \$100,000 to fund the project. The money would help pay for overtime, DNA testing and supplies to start the project. Huff said the project will require cooperation among police property room personnel, the Homicide Unit and the DNA section of the forensic laboratory. Once the target cases are identified, detectives retrieve the evidence from the property room and start to relocate witnesses in the cases.
37. “Conviction provides relief for two grieving families.” Des Moines Register, September 25, 2004.  
In Iowa, a man has been found guilty of the rape and murder of a 13-year-old girl in 2000. The man was linked to the child’s death after he became a suspect in a 2002 murder case. In the 2002 case, the man was acquitted of murder after he admitted to having sex with the woman but claimed he did not kill her. Semen samples taken in the 2002 case were found to match DNA found on the 13 year-old victim. Other than the DNA, there were no witnesses to her murder and the man’s involvement could not otherwise be proved.
38. “DNA Evidence; Technology must be used to ensure justice is served.” Detroit Free Press, September 25, 2004.  
Editorial reporting that Michigan’s Governor has included \$1 million in the state budget for next year to hire eight to 10 DNA scientists for the Michigan State Police. The agency has also recently received nearly \$3 million from the U.S. Department of Justice for DNA forensic casework and laboratory improvements. Since January, the state DNA database has connected more than 300 convicted offenders in Michigan to open cases. “With so much at stake in establishing guilt or innocence, a failure to fully use DNA technology in the pursuit of justice is practically criminal.”
39. “NDSU gets grant for DNA lab.” Grand Forks Herald, September 25, 2004.  
North Dakota State University has received a federal grant of \$989,477 to establish a DNA crime lab to serve a nine-state area. The Justice Department said the university's forensic DNA analysis laboratory will work with regional crime laboratories associated with the Midwest Forensic Resource Center in Ames, Iowa. NDSU's new laboratory would also improve DNA testing and help create a new forensic science degree at the university.
40. “Briefing.” The Journal News (Westchester County, NY), September 25, 2004.  
In New York, a man has been arraigned on two counts of burglary after detectives matched blood found on a cash register with a DNA sample on the national databank. The man was indicted on two counts of third-degree burglary, a felony, in connection with the break-ins at a stationery store and a gas station. Police responding at the time found drops of blood on a cash register drawer and submitted the evidence to the county's DNA lab for analysis. The man is accused of stealing \$8,600 in cash and \$1,000 worth of cigarettes and faces up to seven years in prison on each count.
41. “Prison time given in 'cold hit' case.” Press Enterprise (Riverside, CA), September 25, 2004.  
In California, a judge sentenced a convicted rapist to a 110-years-to-life term in what was Riverside County's first prosecution based on DNA matched to an unsolved crime. He had been accused of sexually assaulting a 17-year-old girl in 1997 - four months after he was paroled as a convicted rapist. The woman could not identify the man in court, but the DNA evidence was enough.
42. “Counties Receive Grants For DNA Processing.” Sun-Sentinel (Fort Lauderdale, FL), September 25, 2004.  
Miami-Dade, Broward and Palm Beach counties are among the Florida recipients of almost \$9 million in US Department of Justice DNA grants. The Miami-Dade Police Department received close to \$1 million in DNA grants, with slightly more than half going toward enhancing its laboratory capacity and the rest going toward reducing its backlog. The Palm Beach County Sheriff's Office also received about \$1 million, with about \$200,000 for backlog reduction and the rest to enhance its laboratory. About \$400,000 went to the Broward Sheriff's Office

for laboratory improvements and backlog reduction. The money is part of President Bush's DNA initiative, a five-year, billion-dollar program federal officials launched in 2003 to reduce DNA casework backlogs, improve crime labs, provide post-conviction testing, use the technology to find missing people and provide training.

43. "Help for French." The Times (London), September 25, 2004.  
British police have offered to analyze DNA samples to help their French counterparts to solve the murder of a student at Leeds University, who was raped and strangled in 1990 in Burgundy. Investigators locally are facing severe criticism in the French press for mishandling the inquiry.
44. "Grant to speed DNA testing of evidence in old crimes." The Advocate (Baton Rouge, LA), September 24, 2004.  
The U.S. Department of Justice announced \$1.8 million in DNA grants for Louisiana State Police and other law enforcement agencies to clear a backlog of evidence and beef up lab equipment and training. State Police gets about \$760,000 to work the DNA cases and nearly \$605,000 to enhance crime laboratories. The Louisiana Commission on Law Enforcement gets almost \$480,000 for training and other expenses. The larger portion of the funds will be used to pay private laboratories to analyze the evidence at an estimated \$750 per case. That will cover 420 cases in the Baton Rouge Crime Lab, 46 in the Acadiana Criminalistics Laboratory, 299 in the New Orleans Police Department Crime Laboratory, 185 in the North Louisiana Criminalistics Laboratory and 50 in the Jefferson Parish Forensic Center.
45. "Colchester woman charged in 2003 death of sister." The Burlington Free Press (Burlington, VT), September 24, 2004.  
In Vermont, a woman was charged with second-degree murder in connection with the death of her sister March 1, 2003. The suspect's DNA was found on a piece of glass wrapped in a paper towel in the kitchen sink, on a paper towel holder and other items in the kitchen. The suspect said she had never entered the kitchen when visiting her sister the night before the body was found. Bits of DNA were also found under the victim's fingernails.
46. "Arkansas Supreme Court grants temporary stay in Newman execution." The Associated Press State & Local Wire, September 24, 2004.  
In Arkansas, the state Supreme Court granted a temporary stay of execution for a death row inmate. The decision came just hours after a circuit court denied the request to stop the execution to allow additional DNA testing in the case. The denial was based on the higher court's previous ruling that the inmate was no longer represented by the federal public defenders office, which filed the petition on the man's behalf.
47. "How a hand-rolled cigarette led police to a murder charge." The Daily Telegraph (Sydney, Australia), September 24, 2004.  
In Australia, a man has been linked to a murder through DNA collected from a discarded hand-rolled cigarette. While in custody last year, the man asked to have a cigarette -- which he rolled himself -- and, when he finished, he threw it on the floor. A police officer told him not to stomp it out, to secure a clean sample, and later collected the butt using gloves, sealed and labeled it. Based on the DNA on the cigarette, analysts determined it was "10 billion times" more likely that DNA found on the victim's fingernails belonged to the suspect than any other unknown person in the population. A subsequent buccal swab that was collected also matched the evidence. Investigators claim the man was not a suspect at the time the cigarette was collected, which is why they did not follow the Crime Forensics Procedures Act, which sets down procedures for taking DNA samples from a suspect.
48. "Appeals court upholds taking of inmate." The Denver Post, September 24, 2004.  
The Colorado Court of Appeals has ruled that prison officials have the right to draw blood samples for DNA identification purposes from prisoners in the state Department of Corrections. The unanimous opinion noted that laws requiring the collection of blood samples from criminals for DNA identification purposes have been enacted by the federal government and every state. Every appellate court in the country that has considered the issue has upheld the laws and ruled that they do not constitute unreasonable searches or seizures, wrote one of the judges. In the case in question, the man's DNA sample had been taken after his parole for burglary and robbery was revoked because he was charged with a sexual assault in Minnesota. The sexual assault charges later turned out to be false, but the court also found that the authorities acted in good faith.
49. "Hatch bill on DNA may stall." Deseret Morning News (Salt Lake City), September 24, 2004.  
Article reports that, If justice delayed is justice denied, then advocates of a \$1 billion crime-fighting measure to eliminate the backlog DNA and forensic evidence could be denied for another year." Reports on Senator Hatch's efforts to pass DNA legislation. Although the Utah state crime lab currently has a backlog of only three to six

weeks for evidence, until three years ago the lab accepted rape kits only in cases where police already had a suspect. Salt Lake police said they kept the kits initially rejected by the crime lab and that many were resubmitted to the crime lab after it agreed to take cases in which a suspect was not known. Police said they did not know how many rape kits are still in storage in the evidence locker.

50. "Michigan gets \$3.7 million for DNA tests." Detroit News, September 24, 2004.  
The U.S. Justice Department announced a \$3.7 million grant to Michigan authorities to help solve crimes through DNA evidence testing. The latest grant earmarks more than \$2.8 million toward labs and casework reduction at the Michigan State Police; nearly \$420,000 to lab improvements at the Detroit Police Department and \$185,000 to Michigan State University for DNA research.
51. "Police Chief Ralph Mendoza says the department will continue to seek accreditation of its current lab until a new lab can be built." Fort Worth Star Telegram, September 24, 2004.  
A proposal to merge the Fort Worth police crime lab with Tarrant County's lab has been quashed, as there did not seem to be much of a cost-savings. With the merger idea rejected, the department is moving ahead with plans to build a new crime lab. The fate of the police crime lab had been uncertain for several months after the Tarrant County district's attorney's office launched a criminal investigation into it. Fort Worth will continue to seek accreditation from the American Society of Crime Lab Directors/Lab Accreditation Board for its current lab.
52. "Speck of evidence under victim's nail leads to murder trial." The Houston Chronicle, September 24, 2004.  
In Texas, prosecutors are seeking the death penalty against a man on charges of killing four young women or girls, after DNA tests linked him to a 1992 homicide. The cases remained unsolved until last year, when police sent a speck of evidence lodged under one of the victim's fingernails to a private lab for testing. The test results led investigators to a convicted sex offender whose DNA profile was logged in the state's criminal database. Although DNA tests linked the man to only one of the deaths, police said he calmly confessed to all four after being arrested in October 2003.
53. "Grants take aim at backlog of DNA tests at crime labs." The News Tribune (Tacoma, Washington), September 24, 2004.  
The Washington State crime labs will receive nearly \$ 1.5 million in federal DNA grants. The first grant, for \$ 425,839, will pay for DNA testing equipment, and the second grant, \$1,043,935, will address the backlog of about 600 cases statewide awaiting DNA testing. In addition to the crime lab funding, the Spokane Medical Examiner's Office and state Department of Community Trade and Economic Development received about \$ 214,000 in federal grants to improve forensics-related services.
54. "DNA proposition is a safety issue." Sacramento Bee, September 24, 2004.  
Bill Lockyer, California's attorney general and co-chairman of Yes on Proposition 69, responds to The Bee's editorial " 'No' on Proposition 69 / Massive DNA expansion will clog system," which appeared Sept. 14. Notes that the number of samples added to the database due to arrests will not be as high as reported by the newspaper since many criminals are arrested multiple times. Also discusses cost savings. Says that the California DNA databank is one of his top priorities.
55. "DNA case effort gets \$400,000." Springfield News-Leader (Springfield, MO), September 24, 2004.  
The U.S. Department of Justice will distribute an estimated \$1.3 million in federal DNA grants to agencies throughout Missouri. Missouri Highway Patrol crime lab will receive nearly \$400,000. The lab had 175 DNA cases pending, and the grant is expected to shrink the backlog by at least two-thirds. The state crime lab will use about \$161,500 of its funding for upgraded DNA computers and software, and \$237,000 to buy supplies and fund overtime for employees to eliminate case backlog. Other grants include Kansas City police -- \$365,851; St. Louis police -- \$196,910; St. Louis County -- \$178,809; St. Charles County -- \$44,505; Missouri Southern State University -- \$44,448; Southeast Missouri State University -- \$34,151. The government will also grant \$210,565 to the Missouri Department of Public Safety and \$80,024 to St. Louis County for forensic efforts.
56. "Vermont Nets \$576,047 To Reduce Untested DNA Backlog As Leahy's Death Penalty Reform Package Progresses In Congress." States News Service, September 24, 2004.  
Vermont will receive \$576,047 in federal DNA grants from the U.S. Department of Justice. The grants are as follows: Forensic DNA Research & Development: \$214,629 to the Vermont Department of Public Safety; DNA Capacity Enhancement Program Formula Grant: \$71,286 to the Vermont Department of Public Safety; Forensic

Casework DNA Backlog Reduction Program Formula Grant Announcement: \$49,728 to the Vermont Department of Public Safety; Forensic DNA Research & Development: \$240,404 to the Vermont Department of Public Safety.

57. "DNA indictments extend law's reach." Chicago Tribune, September 23, 2004.  
For the first time in DuPage County, Illinois, five indictments identified solely by lengthy DNA numbers have been issued as a means of keeping investigations open past the statute of limitations for the crimes. The John Doe indictments represent specific DNA but unidentified suspects in a criminal sexual assault and several burglary cases. With the indictments, the DuPage County grand jury is enabling law enforcement and prosecutors to keep trying to solve the crimes. The County State's Attorney has asked DuPage police departments to review all of their cold case files to see whether some could be taken to the grand jury for indictment using DNA. Within the next several weeks, he is expected to unveil a statewide model for such cases.
58. "Wrongly convicted inmate seeks \$1 million from state government." The Associated Press State & Local Wire, September 23, 2004.  
In Tennessee, a man who spent more than 22 years in prison for rape before being cleared of the crime by DNA tests is seeking \$1 million in compensation from the state. He is seeking the full amount authorized by a law recently enacted with his case in mind. The man was released from prison in 2002 after DNA testing on evidence revealed he could not have been the man who had raped a teenager. The testing was not available when he was convicted in 1980 and sentenced to 119 years in prison for aggravated rape and robbery with a deadly weapon. He was later exonerated last month by the Governor, clearing him to seek the compensation from the state.
59. "Prosecutor: DNA links man to 1987 rape." Daily Advertiser (Lafayette, LA), September 23, 2004.  
In Louisiana, a grand jury indicted a man on an aggravated rape charge after DNA allegedly linked him to a crime that remained unsolved for 17 years. The man was connected to the 1987 rape of 65-year-old woman when DNA obtained from him after a traffic stop in Florida earlier this year matched DNA left at scene. He is being held in the Louisiana State Penitentiary at Angola in connection with an unrelated probation warrant he was arrested on during the traffic stop.
60. "Grant will trim DNA backlog." Fresno Bee  
The Fresno County Sheriff's Department will receive about \$306,000 in federal grant money to spruce up its DNA lab and chip away at backlogged cases, officials announced Wednesday. About \$140,000 is earmarked to enhance the forensic laboratory's DNA unit. The lab will buy more DNA equipment, a walk-in freezer to preserve biological evidence and pay for staff training. The department will receive about \$166,000 to work on forensic cases. Most of the money will go toward whittling down the list of cases, and the rest will be used for overtime pay and to buy supplies. The lab will be able to analyze evidence in about 30 of about 100 backlogged cases. The department has about 260 unsolved homicide cases, some of which involve DNA evidence.
61. "DNA testing and the Innocence Protection Act." National Public Radio (Talk of the Nation), September 23, 2004.  
Lengthy discussion on federal legislation called the "Innocence Protection Act." Discussion participants include Senator Patrick Leahy (D-VT), Kirk Bloodsworth (exonerated by DNA), Rep. Jeff Flake (R-AZ), and a Congressional Quarterly reporter.
62. "DNA Detectives." Sacramento Bee, September 23, 2004.  
The US Department of Justice has awarded \$11 million in federal grants to California crime labs to clear backlogs and upgrade equipment. Sacramento County, which operates its own crime lab, will get a total of \$419,000, which will be used mainly for overtime costs and new equipment. The lab has already reduced an initial backlog of 1,600 cases with evidence waiting to be screened and processed into DNA profiles down to about 500 cases involving homicides and sexual assaults. The largest county grant went to Los Angeles County, which received \$1.2 million. The University of California also received \$1.1 million for DNA research and development.
63. "Murder Of Czech Prostitute Solved In Germany After 11 Years." CTK National News Wire, September 22, 2004  
German police have solved the case of a Czech prostitute murdered in west Bohemia eleven years ago. The accused man drove a stolen car to the Czech Republic to get some "cheap" entertainment. In a quarrel about charges for sexual services, he strangled a 17-year-old Czech prostitute to death with a belt he found in the car. He returned home to Germany where he abandoned the car, hoping that he would never be caught. The murder instrument, the belt, however, betrayed him. Police detected traces of his DNA on it, which was a sufficient piece of evidence to prove his guilt.

64. "Inmate faces Busken charges." The Daily Oklahoman, September 22, 2004.  
In Oklahoma, the Cleveland County District Attorney announced charges previously filed against a "John Doe" DNA profile have been amended — officially accusing an Oklahoma prisoner of the 1996 rape and murder of University of Oklahoma ballerina Jewell "Juli" Busken. He has former convictions for escaping from a halfway house and for concealing stolen property, pointing a firearm and second-degree burglary. Grand larceny charges are pending. In March 2000, prosecutors filed charges against the DNA profile of the unknown killer. On April 7, 2003, a DNA sample was taken from an inmate who had been convicted of second-degree burglary. His DNA sample, along with 17,000 others taken from Oklahoma convicts, was shelved until the state received federal money to pay for the testing late last year. His sample was sent to an outside lab in January, and in mid-July, CODIS made a tentative match between his DNA profile and the DNA from the crime scene.
65. Money Coming To Cut DNA Backlog." September 21, 2004  
The US Department of Justice has awarded \$2.1 million in federal grants to North Carolina crime labs to clear backlogs, and an additional \$700,000 would soon be released to pay for the processing of 20,000 blood samples. The backlog of unprocessed samples will drop to 7,000, but will immediately begin to grow again with no prospect of more federal funding until next year. North Carolina's database holds 42,000 DNA profiles, with 8,000 DNA profiles ready to be added.
66. "Fox Valley Tech to start DNA lab." Oshkosh Northwestern, September 21, 2004.  
In Wisconsin, Fox Valley Technical College was awarded \$1 million by the federal government to establish a DNA laboratory that will be used for training officers in the collection of DNA and its application to solving crimes. Once the program is developed, the college expects to train up to 1,000 police officers each year. The laboratory will also be used to process DNA evidence in 800 active cases and 800 cold cases each year. The college will begin planning for the lab next month.
67. "Long: State lab not accredited but fully capable." Argus Leader (Sioux Falls, SD), September 19, 2004.  
The South Dakota Legislature this year approved a new forensic laboratory. It will be built in 2005 as part of a \$21.3 million complex that will include a law enforcement training academy, an emergency operations center and offices for the Attorney General and Department of Public Safety. The state's current forensic laboratory in Pierre is not accredited with the American Society of Crime Lab Directors, but the national accrediting organization "has approved our DNA protocols in that portion of the accreditation process."
68. "Sessions Fights Bill Hastening DNA Tests." Birmingham News, September 19, 2004.  
Article reports that the "U.S. Senate is considering a bill that would give \$1.2 billion to forensics labs to process evidence that could free people wrongly convicted of crimes, but Sen. Jeff Sessions is opposed to a part of the legislation because he says it gives too much weight to DNA evidence... Alabama's DNA backlog has been reduced over the last five months, but delays persist. "We're in no way caught up with pending cases. We still have about 2,000 unworked DNA cases in this state," said Taylor Noggle, director of Alabama Department of Forensic Sciences. And, compared to the drug analyses, DNA cases are a priority because they are connected to violent crimes, Noggle said.
69. "Grant to help reduce state police backlog." South Bend Tribune, September 13, 2004.  
The U.S. Department of Justice has released almost \$2 million to help Indiana State Police process a backlog of cases involving genetic evidence. Four state police labs received 664 DNA cases in 1998, according to lab officials, and that number climbed to 1,451 cases last year. The current backlog stands at 834 cases, although 200 of those are being tested at a private laboratory.

### Paternity

70. "China: Sexual Revolution Brings Rise In DNA Paternity Tests." ANSA English Media Service, September 28, 2004.  
The sexual revolution underway in China in the past 20 years has resulted in an increase in DNA paternity tests demanded by husbands suspecting their wives of infidelity, China's state-owned news agency New China (Xinhua) reported. The number of DNA tests carried out in one Beijing hospital went up 20 percent in a single year, Xinhua added. Some 80 percent of the tests proved that husbands were the biological fathers of their wives' babies, doctors said.

71. "Schwarzenegger signs paternity bill." Copley News Service, September 28, 2004.  
California's Governor signed legislation making it easier for men to challenge paternity rulings that force them to pay child support even though DNA evidence later proves they are not the father. The measure that will go into effect Jan. 1 establishes a new procedure for challenging paternity, including informing the man of his right to genetic testing. Challenges could be raised within two years of being ordered to pay child support, or within two years of the child's birth, under Assembly Bill 252.
72. "No More Delays in Family's Reunion." Los Angeles Times, September 27, 2004.  
Documents the case of a man who sought asylum in the United States and subsequently had a difficult time bringing his wife and children into the US due to immigration obstacles. After many interviews and hurdles, the officer in charge gave the man a letter. "Our office has considered your case, but we still have some doubts regarding your application," it said. "To resolve these issues you may go for DNA test. This will expedite the decision on your case. This test is completely voluntary. All costs associated with the test are your responsibility." To cover the \$2,100 cost, the man's law firm donated \$1,940 and he contributed \$160, all he could afford. Officials at U.S. Citizenship and Immigration Services said the DNA tests were necessary in certain cases to root out fraud. A spokesman for the agency said the government had no statistics on how often the tests were requested, but noted that they were becoming a useful tool to detect instances of "families growing suddenly." Immigration lawyers said the requests for DNA testing, the cost of which is prohibitive for many immigrants, increased after the Sept. 11 attacks. They said certain U.S. embassies -- particularly those in Africa, where document fraud was more common - - were more likely to order the tests.
73. "Document makes man a father even if DNA says otherwise." The Associated Press State & Local Wire, September 23, 2004.  
The Illinois Supreme Court has ruled that documents trump DNA when it comes to deciding a child's legal father. The court held that a man who signed a paternity agreement saying he fathered a baby cannot challenge the document now, even though DNA tests prove he is not the biological father. The agreement can be challenged if it was obtained through fraud or duress but not because it is simply wrong.
74. "Answers by DNA; Paternity questions spawn testing firms." The Atlanta Journal-Constitution, October 3, 2004.  
The number of paternity testing start-up companies is quickly expanding. The found of Decatur-based 4Truth Identity is gearing up to lobby the Georgia Legislature for DNA testing of all infants at birth, a leap likely to draw formidable opposition.
75. "Tribes fight high-stakes blood battle." Chicago Tribune, September 30, 2004.  
With the rapid expansion of Indian casinos, California tribes are increasingly disenrolling long-standing members, pitting families against families as they divide up lucrative gaming profits. The ejected members say their ousters are arbitrary and unjust--even when, in one instance, DNA evidence appears more than 99 percent conclusive in establishing bloodlines.
76. "Fatherhood in faith or fact." The West Australian (Perth), October 6, 2004.  
Around 3000 Australians use DNA testing to determine paternity each year and with the technology becoming more widely accessible, that number is expected to grow. DNA tests at an accredited laboratory cost between \$500-\$825 in total for three people (two adults and one child).