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The December 3, 2004 DNA Resource Report is listed below. This report also covers news and events for the week of November 26.

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

SUMMARY

Pennsylvania has expanded its DNA database to include all convicted felons, and similar legislation is nearing enactment in Ohio. The Illinois Supreme Court will consider whether the state DNA database is constitutional. A communication failure on a partial database hit caused problems in an Illinois burglary investigation. Police in Kansas are balking at submitting DNA samples for elimination purposes in a serial investigation. Using inmate accounts for DNA database fees came under fire in South Carolina.

Cold hits aided cases in California (murder), New York (robbery – DNA from bandage used to hide fingerprints), Tennessee (unknown rapist linked to Mississippi burglary), Virginia (1991 rape), and Wisconsin (burglary). DNA evidence also aided investigations / prosecutions in Illinois (rape), Kentucky (rape and burglary), Louisiana (double murder), New York (rape – DNA collected from a discarded cup), Oregon (burglary – DNA left on soda cans and food), Pennsylvania (murder), South Carolina (rape) and in a federal mafia investigation. Animal DNA was used in criminal cases in South Dakota (cattle) and Pennsylvania (deer).

John Doe warrants were issued in California and Connecticut, and a John Doe case is being prosecuted in Kansas. An Illinois city has extended its policy on the length of time rape kits are kept. A Massachusetts victim is concerned her attacker has been released from custody pending trial due to a delay in DNA testing.

Connecticut is establishing an Innocence Project and the highest criminal court in Texas is urging more post conviction legal aid. Post conviction DNA testing was denied in a Florida case and confirmed a Missouri inmate's guilt. Michigan law allowing access to post conviction DNA testing will expire soon without legislative intervention.

In international news...England's DNA database identified a rapist through a familial search, and an armed robber through dandruff evidence. England may also gain powers to take DNA for street arrests on minor offenses, and may start a badger DNA database for criminal cases. China is making preparations for a criminal DNA database, and an expanded DNA database was recommended in Canada as a means to protect children. DNA was used in a German letter bombing case, and in suicide bombings in Uzbekistan and Russia. New Zealand's DNA database continues to be successful. Australian states are: facing questions on covert DNA collection; collecting DNA from men who solicit prostitutes; and using mass DNA screens for investigations.

STATE LEGISLATION

Paternity

1. Georgia HB 4 -- "Baby's Right To Know Act". Requires putative fathers to have paternity tests conducted if they deny paternity.

NEWS ARTICLES

Forensic DNA

1. "State news of national interest." The Associated Press, November 30, 2004.
Connecticut's state public defender's office is ready to launch a program aimed at finding and freeing innocent people in state prisons. The Connecticut Innocence Project will seek out case evidence, especially DNA, that can exonerate inmates.
2. "Four arrested in cattle theft crackdown." The Associated Press State & Local Wire, November 30, 2004.
In South Dakota, authorities have arrested four people as part of an effort to enforce cattle theft and branding laws in Shannon County. Oglala Sioux tribal police, state brand investigators and the county Sheriff searched a ranch of last summer and reportedly found four cows with another rancher's brand. Each of the cows had a calf, and the four calves had the rancher's brand and that of another man. DNA tests proved the calves came from the four cows, so arrest warrants were issued. A prosecutor said the two turned themselves in two days later.
3. "Rural Matters: Badger DNA Database Will Help Clamp Down On Illegal Baiters." Birmingham Post, November 30, 2004.
In England, the RSPCA has commissioned Wildlife DNA Services Ltd to set up a database of hundreds of badger DNA samples from across the country. Until now identifying and matching individual animals by DNA sampling has proved problematic due to a lack of background genetic data for wildlife populations. The database would help crack down on illegal baiting and digging. RSPCA Special Operations inspectors have been given DNA testing kits.
4. "Teenager caught by DNA trace." Gloucestershire Echo, November 30, 2004.
In England, a teenager has admitted being involved in the theft of £7,000 of cigarettes after DNA evidence helped to link him to the crime. A court heard the 17-year-old was one of a group which smashed its way into a shop, forced open the cigarette case with a crowbar and got away with bin-bags full of packets. The youth was caught after blood found near the shattered glass panel matched his DNA.
5. "U. Kentucky crime suspect tied to other crimes by DNA." University Wire, November 30, 2004.
In Kentucky, DNA evidence has connected a man who pleaded guilty to a sexual assault at the University of Kentucky to a rape in Richmond, and a burglary in Stanton. DNA evidence from the sexual assault was linked to DNA evidence from the burglary and was eventually matched to a saliva sample taken from the man who had been suggested as a possible suspect after pleading guilty to the university rape.
6. "Chambers: Unsealed affidavits show no cause for DNA sweep." The Associated Press State & Local Wire, November 29, 2004.
In Nebraska, a state senator contends that affidavits unsealed in Douglas County court show no probable cause for police collecting DNA from black men as part of a serial rape investigation. He also contends the collection violated the subjects' constitutional rights against unreasonable search and seizure. The Omaha Police Chief again defended the DNA collection, saying the police department had sufficient probable cause to obtain the court order used in the case. An attorney for one of the men sampled said his client simply wants his DNA sample destroyed so it will not be used mistakenly in future sex-crime investigations.
7. "Man first in the nation to be tried after charge against his DNA." The Associated Press State & Local Wire, November 28, 2004.
In Kansas, a man is facing trial in a series of rape cases on charges that are believed to have been the first in the nation filed against someone identified only by DNA. Douglas Belt was charged in 1991 as "John Doe" because prosecutors had to file charges before the statute of limitations ran out and they had only a DNA profile. It was not

until 2003 - long after the statute of limitations would have expired in the rape cases - that Belt was identified as the person whose DNA was found at the crime scenes. He currently faces the death penalty for the 2002 killing of a woman in Sedgwick County. He also faces a total of seven rape counts in four Kansas counties, as well as three counts of aggravated criminal sexual assault in Illinois. This case was reportedly the first "John Doe" warrant of its kind -- a second one was issued in 1999 in Milwaukee. Such warrants have since been used many times by prosecutors across the country.

8. "Spit kits' civilize rude riders in Britain." The Baltimore Sun, November 28, 2004.
In England, so many commuters are spitting on transit workers that employees of the country's transportation system are being outfitted with DNA kits so that the insults can be swabbed, tested, identified and prosecuted with criminal charges. Central and other transportation companies say assaults on staff members, including punches to the chin and spitting in the eye, numbered about 2,000 in 2002. Hard numbers have only recently been compiled, but it is estimated that one-third of those assaults came in the liquid form. The railway said the number of incidents against its employees has dropped by about half since the middle of last year, when the DNA kits were first used, and the resulting publicity has reduced the actions against employees of other companies. Six matches have been found by Central, leading to three charges; two other cases are pending; the sixth suspected offender is in prison on separate charges. The number of sick days taken by staff members after the assaults has also dropped 94 percent, from 133 days to eight over the past year.
9. "Germany: Bavarian letter bomber commits suicide." BBC Monitoring Europe – Political, November 28, 2004.
In Germany, the series of letter bomb attacks in Bavaria has been solved. According to the Office of Criminal Investigation, the perpetrator blew himself up. This has been confirmed by the comparison of DNA traces from the man's body and from the letter bombs. Since the beginning of April, a total of nine bombs had been sent to politicians and functionaries in Bavaria. The perpetrator killed himself near the town of Hutthurm in Lower Bavaria, where the letter bomber was searched by means of mass genetic tests.
10. "Lab inquiry results are nearly complete." The Indianapolis Star, November 28, 2004.
Indianapolis' Forensic Services Agency is searching for new management and new direction but is still haunted by ghosts of the high-profile accusations surrounding DNA testing performed by a discredited analyst. The reputation of the Marion County crime lab has been battered by retests, firings and a special prosecutor's investigation into possible criminal abuses, but the employees have embraced a new sense of stability and are hopeful about their future. Meanwhile, a former Marion County prosecutor and the former manager of the crime lab's DNA section are forming a private lab in Indianapolis.
11. "Raid of inmates' accounts to pay for DNA database angers prisoners' families." The Associated Press State & Local Wire, November 27, 2004.
In South Carolina, families of inmates say they are upset prison officials are dipping into inmate accounts to help pay for a DNA database used by investigators to crack unsolved cases. The \$250 fee imposed by lawmakers is charged regardless of an inmate's ability to pay and is over and above court-imposed fines, restitution and court costs. But families of inmates say they believe it is unfair to tap the inmate accounts used by families to send money for toiletries, snacks and other necessities. Prison officials withdraw 10 percent of each account balance every month until the \$250 is paid.
12. "Twins' DNA is at root of slaying case." The Dallas Morning News, November 27, 2004.
In Texas, prosecutors may have problems in proving a murder case against a defendant who has an identical twin brother, since DNA evidence would match both men. Orchid Cellmark DNA analysts are working on a 1999 Grand Rapids, Michigan, case in which DNA evidence matched two convicted felons who are identical twins. New techniques could soon rule conclusively which twin is responsible. However, such new techniques will not be available in time for the Texas case which a judge has ordered to begin or else will be dismissed.
13. "Defense will dispute slaying-case DNA." Akron Beacon Journal, November 26, 2004.
In Ohio, a murder suspect's lawyer says that DNA evidence investigators say they have found in the 12-year-old case can be linked to others who were close to the victim. According to the Summit County Sheriff's Office, state crime lab investigators and a second, private testing firm finally were able to link the suspect to crime scene evidence earlier this year through DNA tests. But the man's lawyer said investigators may have overlooked other DNA deposits on what appears to have been the murder weapon -- a belt used to strangle the victim.
14. "Expanded DuPage crime lab boosts capabilities, cops say." Chicago Tribune, November 26, 2004.

In Illinois, the ribbon was cut on a \$5 million addition for the DuPage County sheriff's headquarters, which doubles the size of the county's crime laboratory. The DuPage County crime lab, with a staff of 12 scientists, is one of 10 in Illinois and one of two not operated by the Illinois State Police. The science getting the biggest boost in the new addition is DNA analysis. "We need work stations and equipment to do two things: increase the turnaround time for the police agencies that come to us with evidence and in the future we want to use DNA to solve additional crimes like burglary. We are pretty much confined to murders and sex offenses now," Collins said.

15. "Letters to the Editor." Des Moines Register, November 26, 2004.
Iowa Division of Criminal Investigation responds to a recent article questioning why the state has not applied for federal funds to pay for offender DNA testing. "This federal-grant opportunity was not applied for because it required the applicant to have a DNA backlog. We didn't (and don't) have a backlog. Even if we had been eligible, the particular grant paid for equipment or outsourcing, but not the personnel we'd require in the crime laboratory to implement the all-felon database . . . a huge increase from the numbers of specimens we handle now." Another citizen writes, "It's absolutely appalling that Iowa cannot, or does not, find the resources to up the ante in developing its DNA database. In order to cover some of the costs, all convicted felons who are required to donate DNA should pay the \$40 lab fees associated with the procedure. Lack of state funding should not be an excuse in the effort to protect citizens."
16. "China prepares DNA data bank to track down rapists, murderers." Agence France Presse, November 25, 2004.
China is preparing its first DNA data bank to help police track down serious criminals such as rapists and murderers. News of the plans emerged at an international seminar on the use of DNA as legal evidence. Currently, DNA is only used as evidence in about 10 percent of criminal cases in China, the expert said.
17. "Police to keep rape kits longer." Chicago Tribune, November 25, 2004.
In Illinois, the Bensenville Police Department this week changed its policy on how long it will store biological evidence of sexual assaults--vowing to keep the so-called "rape kits" for 10 years. The policy shift came after the department was questioned about why it destroyed kits in a handful of cases over the last four years before the statute of limitations ran out. Although Illinois law mandates that agencies keep evidence of sexual assaults after a conviction, there is no law requiring that the kits be kept in cases where no one has been charged. That decision is left up to the individual police departments, whose guidelines vary.
18. "Warrant Issued On DNA Profile." Hartford Courant (Connecticut), November 25, 2004.
In Connecticut, prosecutors have filed their first John Doe warrant for a rapist wanted in four 1984 rapes. The unknown suspect is not being charged with sexual assault because there was a statute of limitation on that charge in 1984, limiting the time period in which police could make an arrest in the case. However, there is no time limit on the kidnapping.
19. "Court Denies DNA Test For Killer." The Ledger (Lakeland, FL), November 25, 2004.
The Florida Supreme Court denied DNA testing for an inmate on death row for the 1994 murder of a Florida State University student in the Ocala National Forest. In a unanimous opinion, the Supreme Court upheld the Marion Circuit Judge's earlier ruling that found the inmate "would not have been acquitted or received a lesser sentence if offered the DNA test results." The Circuit Judge and the Supreme Court said the DNA evidence would not have affected the man's sentence and that he already had admitted to the rape.
20. "DNA test confirms guilt of convicted rapist." The Associated Press State & Local Wire, November 24, 2004.
In Missouri, post conviction DNA testing has confirmed that a Mississippi man who pleaded guilty to kidnapping and raping a Missouri woman 13 years ago committed the crime. Despite his guilty plea to the 1991 crime, the inmate had for the past two years demanded a DNA test, now saying he was innocent. A judge and a state appeals court denied the request, but the Missouri Supreme Court in August ordered the testing. Those tests confirmed that the man's DNA was found on the victim's body.
21. "Contract criminalist extends law's long arm." Copley News Service, November 24, 2004.
A police department in California is paying for a criminalist at the county crime lab to help it pour through its backlog of unsolved cases with possible DNA evidence. The criminalist has already helped solve a local robbery that other experts at the crime lab simply would not have had the time to investigate, his supervisors say. He has also delved into decades-old, cold-case murders and has cleared the department's backlog of sexual assault cases, among other things. The Torrance police department's contract with the consultant has been so successful that the

sheriff's crime lab intends to offer similar arrangements to other cities starting in January.

22. Inmate DNA sampling helps in crime fight.” The Daily News (New Plymouth, New Zealand), November 24, 2004. In New Zealand, DNA sampling has helped Taranaki police solve several crimes, including a rape and burglaries, over the last year. In April, the Criminal Investigations (Bodily Samples) Amendment Act gave police the power to obtain DNA samples from a broader range of offenders, such as imprisoned burglary suspects. In addition to serious violent offenses, DNA had also been used to solve a recent spate of thefts from cars, as well as burglary and drug dealing offences.
23. “Senior judge calls for DNA database.” The Guardian (London), November 24, 2004
In England, a senior appeal court judge noted as an upholder of civil liberties called for a national DNA database recording everyone living in or entering the country. The law lords were told in a recent case that of more than 130,000 retained DNA profiles of unconvicted people, about 6,000 had been subsequently linked to samples found at scenes of crimes. Use of the DNA data would have to be restricted, as now, to the purposes of preventing, detecting, investigating and prosecuting crime, he said. But there was a parallel case, he added, for a separate national DNA register, insulated from the policing function, and maintained for benign purposes, such as identifying disaster victims, tracing lost or abducted children, and perhaps one day for making medical prognoses.
24. “Police claim DNA tests link man to burglary, rape of 71-year-old.” The Post and Courier (Charleston, SC), November 24, 2004.
In South Carolina, Police say DNA tests have linked a Charleston man to a September burglary in which a 71-year-old woman was raped inside her apartment. The woman tried to fight off the man, scraping the side of his face and neck. Scrapings found under her fingernails contained DNA that the state lab matched to the suspect. The suspect has been in jail since September, when he was arrested for allegedly leading police on a chase in a stolen car, and has a lengthy criminal history, with previous convictions for domestic violence, crack cocaine possession, powder cocaine distribution, disorderly conduct and shoplifting.
25. “Supreme Court to review DNA database law.” Chicago Daily Law Bulletin, November 24, 2004.
The Illinois Supreme Court agreed to decide the validity of a state law requiring convicted felons to submit DNA samples for a statewide database. In June, a panel of the 2nd District Appellate Court found that the law did not violate the Fourth Amendment, because prisoners in custody lose many privacy rights that would otherwise be protected by the U.S. Constitution. (People v. Raymond E. Garvin, No. 99031)
26. “Top Management Challenges At DOJ As Outlined In Letter To Top House Judiciary Committee Members.” States News Service, November 24, 2004.
The US Department of Justice, Office of the Inspector General (OIG) reported to Congress, “Because of the increasing reliance law enforcement places on forensic laboratories, particularly DNA testing to solve crimes, the increasing sophistication of the science involved, and the backlogs and quality concerns regarding laboratories, the OIG has identified forensic laboratory quality control and backlog reduction as top management challenges.”
27. “Botched DNA report falsely implicates woman.” Chicago Sun Times, November 8, 2004.
According to Chicago Police, misleading DNA information from the State Police crime lab led detectives to the wrong suspect in an investigation of a string of burglaries. When detectives submitted a sample of DNA found at one of the burglaries, they were informed of a "hit" between blood recovered at the scene and the genetic profile of a woman who had submitted a DNA sample when she was paroled from state prison on a drug conviction. However, the woman had a solid alibi for the date of the burglary --she was locked up in a prison at the time. Police then discovered that the lab had made a “partial hit” rather than a full match. State officials have told the Chicago Police that they have changed the form that is sent to police to state clearly when a DNA "hit" is a full match and when it is a partial match. Top Chicago Police officials said they fear the incident could lead defense attorneys to file motions on behalf of clients taken into custody because of DNA hits.
28. “Independent crime labs could help stop forensic fraud.” Chicago Sun Times, November 7, 2004.
Editorial: “The risk of deceptive forensic practices is heightened by the strong institutional kinship between the technicians who analyze forensic evidence and the law enforcement agencies that investigate and prosecute criminals. Virtually all crime laboratories have direct affiliations with law enforcement agencies...Forensic error and fraud are only two of the systemic flaws that lead to wrongful convictions. Among the others are the use of jailhouse snitch testimony procured via promises of leniency or immunity from prosecution; erroneous eyewitness identification; police and prosecutorial misconduct, and coerced or fabricated confessions. Of these, only forensics

was left unaddressed by a sweeping package of criminal justice reform legislation approved a year ago by the Illinois General Assembly legislation that has become a national model... To complete the package, the General Assembly should remove crime labs from the auspices of law enforcement.”

29. “Dandruff brings down thief.” The Daily Telegraph (Australia), November 24, 2004.
In England, a man has been convicted after being caught because of the dandruff he had left behind at the scene of an armed robbery. Using DNA, investigators identified the man as a suspect by examining 25 flakes of dandruff found in a stocking he had worn as a mask during the robbery 11 years ago. The man had 76 previous convictions for crimes such as burglary, assault and robbery.
30. “Man Convicted in 1991 Va. Rape Of Elementary Teaching Assistant.” The Washington Post, November 24, 2004.
In Virginia, a man has been convicted in a 1991 rape based on a cold hit from the DNA database. The DNA databank did not exist when the woman was raped in 1991, and she did not see her assailant's face because he grabbed her from behind and pulled her shirt over her face. But in October of last year, the man was arrested by Stafford sheriff's detectives and A DNA sample was submitted to the databank.
31. “Uzbek prosecutors: Suicide bombers at U.S. and Israeli embassies were Kazakh citizens.” Associated Press Worldstream, November 23, 2004.
Suicide bombers who struck the U.S. and Israeli embassies last summer in Uzbekistan's capital were citizens of neighboring Kazakhstan – DNA tests have confirmed their identities. The near-simultaneous suicide attacks by three bombers also targeted the chief prosecutor's office in Tashkent on July 30. Four Uzbek security guards were killed in the strikes.
32. “Call for ban on covert DNA sampling.” The Australian, November 23, 2004.
In Australia, legal and privacy groups are arguing that police should be banned from gathering DNA samples without the approval of a court. Victoria Police have recently confirmed they were collecting DNA samples from genetic materials left on items such as clothing and coffee cups without the approval of the courts or senior officers. A police spokeswoman said DNA information taken covertly was destroyed and only DNA information taken from convicted criminals with court approval was recorded on databases.
33. “120-year sentence in 2nd rape.” Chicago Tribune, November 23, 2004.
In Illinois, a man has been sentenced to 120 years in prison following his conviction in the second of a series of brutal rapes. The man was arrested in the Philippines after one of the alleged victims was able to get a partial license plate from his car. DNA evidence eventually linked him to several of the attacks. The man has maintained his innocence, but the odds of the DNA matching someone else were one in 44.6 quadrillion among black males.
34. “SD Rapist Suicide.” City News Service, November 23, 2004.
A serial rapist linked to the sexual assaults of four San Diego women committed suicide in an Arizona jail cell. James Allen Selby was found hanging from the window of his jail cell just a few hours before he was scheduled to be sentenced to life in prison in Tucson for raping five women and a teenage girl there in 2001 and 2002. Selby had been connected by a national DNA databank to the rapes and assaults of 14 girls and women in San Diego, Tucson, Colorado Springs, Colo., Sparks, Nev. and Norman, Okla. between September 1999 and May 2002.
35. “Lawyers alarmed at police powers to be unveiled in Queen's speech.” The Guardian (London), November 23, 2004.
In England, sweeping new powers to allow police to take DNA samples and fingerprints from minor offenders arrested on the street will be tucked away in a battery of law and order bills to be unveiled in the Queen's speech.
36. “Tighter DNA laws.” Herald Sun (Melbourne, Australia), November 23, 2004.
In Australia, the Bracks Government is to review the lack of safeguards to protect people whose DNA has been secretly seized by Victoria Police. The office of the Attorney-General will examine a legal loophole that has allowed police to collect genetic material free from regulation or independent review. Police have been secretly taking the DNA of Victorians from genetic material left on everyday items such as coffee cups, cigarettes and clothing. Samples of hair, skin, sweat and saliva are analyzed and compared with DNA evidence from crime scenes to rule people in or out of investigations. The Ombudsman has warned the AG and the Police Minister that the covert police checks are not covered under law. And the Privacy Commissioner has urged the Government to

bar police from seizing DNA secretly unless they have a court warrant.

37. "DNA Tests Indicate Suspect Isn't Bomber." *Moscow Times*, November 23, 2004.
In Russia, the investigation into the Aug. 29 Rizhskaya metro station bombing has hit a snag as medical examiners said DNA tests showed the alleged suicide bomber was not Chechen resident Roza Nagayeva, whom prosecutors had previously named as the chief suspect. It is unclear whether prosecutors know the identity of the woman, one of 10 people who died in the bombing.
38. "Blood on sweatpants link man to Motel 6 murder, prosecutors say." *Philadelphia Inquirer*, November 23, 2004.
In Pennsylvania, the blood on a man's sweatpants links him to the slaying of a 19-year-old woman at a Motel 6 in October. When arrested, the suspect wore sweatpants that contained a DNA profile "consistent" with the victim's. Police found a pair of the suspect's sneakers that also had DNA from the victim. Moreover, a pair of black shoelaces, a telephone cord and three latex gloves found inside the hotel room all had DNA from both the suspect and the victim.
39. "Salesman admits to third rape." *The Times Union (Albany, NY)*, November 23, 2004.
In New York, a man who raped two women after pushing his way into their homes also pleaded guilty to attacking another young woman in March. After becoming a suspect in the attacks, police waited until the man had finished his meal at a restaurant and had left before moving in to confiscate the drinking glass, from which the New York State Police Forensics Lab lifted a DNA match.
40. "Attacker who fled Britain over rape claims faces jail in US." *The Times (London)*, November 23, 2004.
A British man convicted in the United States of sexually assaulting and abusing women could have his sentenced increased to 150 years in jail after four women he allegedly raped in Britain gave evidence against him. The man fled to the United States in 1992 after police in England took a blood sample from him that linked his DNA to the four attacks going back 16 years. Despite the FBI and Interpol being alerted, he stayed on the run by using at least seven aliases and moving around constantly. He was arrested in Oregon after trying to escape from a woman's flat this year. Working with several aliases the man supplied, and suspicious of his British accent belying his claim of being born in the US, the Oregon detective called police forces in Britain. She tracked down a detective who had been hunting for the man since he fled and who recognized the man's aliases.
41. "Reforms demanded to protect children." *The Toronto Star*, November 23, 2004.
In Canada, a report funded by Ontario's Office for Victims of Crime recommends harsher sentences, a more comprehensive DNA databank and a higher age of consent in order to protect Canadian children from violent crime. The report suggests that police be allowed to take DNA samples from criminal suspects when they are arrested.
42. "DNA cases push forensic center to add analyzer." *The Wichita Eagle*, November 23, 2004.
In Kansas, Sedgewick County's Regional Forensic Science Center is poised to receive a second DNA analyzer to tackle what its director calls an "insane" number of new cases that need processing. The Sedgwick County Commission is expected Wednesday to accept a federal grant in the amount of \$84,742 to pay for the second analyzer. The new equipment should arrive and be working in four to six months. "It's going absolutely insane in terms of the number of cases increasing," said the center's director. "The number of exhibits are rising exponentially." The center's DNA section saw a 40 percent increase in cases in 2002, to 137. While the number of DNA cases stayed flat in 2003, the number of exhibits per case increased significantly.
43. "Jury acquits man accused in 1994 slaying of teen." *Copley News Service*, November 22, 2004.
In Illinois, a Sangamon County jury deliberated about three hours Monday before acquitting a South Carolina man of an 11-year-old Springfield murder in a case defense attorneys say was rife with reasonable doubt. The man became a suspect in the 1994 murder in 2002, when DNA found on the chain portion of the victim's necklace was matched to his DNA profile. In his closing argument, the defense lawyer criticized detectives for not having the entire choker tested for DNA evidence, rather than just the back. He argued, based on photos of marks on the woman's neck, that the killer actually grabbed the front of the necklace to strangle her. He said there also was an innocent explanation for the defendant's DNA being on the choker - that he either had earlier casual contact with the victim or there was secondary transfer of DNA.
44. "Bloody glove key to unsolved mob hits." *UPI*, November 22, 2004.

A glove stained with the blood of reputed mobster Nick Calabrese 18 years ago may turn out to be the key to unraveling much of the Chicago underworld. The glove, recovered at a crime scene after allegedly being worn by Calabrese during a sloppy hit on "Big John" Fecarotta in 1986, initially held little value to authorities, but recent DNA tests have convinced the mobster to make a deal with prosecutors to avoid the death penalty by ratting out many of his former associates.

45. "Important clue in Ariyama murder." The Daily Yomiuri (Tokyo), November 21, 2004.
In Japan, police are using DNA tests on hairs found on a murdered 7-year-old in hopes of finding her killer. The hairs, which were found on her body, sweatshirt and skirt, varied in length and diameter, but judging by the hair roots they came from an adult male, according to the officers.
46. "New patrols target street prostitutes." The Sunday Times (Perth, Australia), November 21, 2004.
In Australia, police are planning a crackdown on street prostitution. Saliva samples taken from men arrested for kerb crawling will be checked against the police DNA database. "We are not saying they are all murderers but the fact remains that people go missing off the street," said a detective. "DNA we take tomorrow might help the investigation into the Claremont serial killings, you just never know." A recent police sweep of the unofficial red-light zone ended with 20 men being charged with seeking a prostitute in a public place.
47. "DNA swabs taken in hunt for Daniel." Sunday Mail (Queensland, Australia), November 21, 2004.
In Australia, police have DNA-tested residents of 63 caravan parks throughout southeast Queensland in the hunt for clues to the disappearance of a teenager. The swabs will be stored for the life of the investigation.
48. "DNA of retired police sought in BTK probe." Wichita Eagle, November 21, 2004.
In Kansas, the lead investigator hunting the BTK serial killer has asked former Wichita police officers to provide their DNA in connection with the investigation. "We are collecting swabs to eliminate with certainty personnel who were employed during the time period in which the BTK murders occurred. It is our contention that by being as thorough as possible at this time it may counter defense strategies at a later date," the letter said. Some have declined to be tested. One former officer said he is concerned with what police could do with his DNA. "He served as a detective. Once police build a database, they keep it. It might come in handy someday. And because of the nature of DNA, because it can show genetic family relationships, it would be like handing the police department a permanent set of fingerprints, without permission, from every person genetically related to him. Not only his family, but his descendants."
49. "Sex Attack Man Jailed After DNA Link Proved." Birmingham Post, November 20, 2004.
In England, a man was jailed for two offences of indecent assault after becoming the first sex attacker in the country to be traced by police through the DNA of a relative. The new technique being used by the Forensic Science Service searches for close matches to DNA specimens found at crime scenes enabling police to identify any close relatives of offenders. It has previously been used in only five cases nationwide involving murder or manslaughter.
50. "Accused may receive more aid." The Dallas Morning News, November 20, 2004.
Texas' highest criminal court is asking lawmakers to establish legal clinics that would investigate inmate claims of innocence. The Texas Court of Criminal Appeals is concerned that not all claims of innocence are getting proper scrutiny. Judge Hervey and other jurists said they are acting now because forensic advances, such as DNA testing, have led to more claims of innocence from inmates. And numerous witnesses in sexual-assault cases have recanted testimony that put someone in prison. "We can either get on the train or get run over by it," she said. "We are trying to create an additional safety net."
51. "Profile of killer released." Las Cruces Sun-News, November 20, 2004.
In New Mexico, DNA analysis has determined the suspect in the slaying of a New Mexico State University graduate student is most likely a Hispanic male. There is a more remote possibility the suspect may be an American Indian. The county has spent more than \$30,000 on DNA testing related to this case. More than 80 people have been interviewed during the course of the investigation and DNA taken from all those interviewed.
52. "Orange County; Warrant Issued for DNA Strands." Los Angeles Times, November 20, 2004.
In the first case of its kind in Orange County and only the second in California, prosecutors issued an arrest warrant for a robbery suspect known only by his DNA. Among African Americans, according to the description, Doe's DNA profile is even less common -- 1 in 150 quadrillion -- with only about 1 out of every 800 quadrillion

Southwestern Latinos likely to be him. According to the district attorney's office, the DNA samples were collected from robbery scenes at Wells Fargo banks in San Juan Capistrano on Dec. 14, 2001, and in Garden Grove on May 17, 2002.

53. "DNA test delivers key breakthrough in 1995 killings." Times-Picayune (New Orleans), November 20, 2004. In Louisiana, DNA tests revealed blood on the clothes of two Covington area stabbing victims was that of a man considered all along as the sole suspect in the 1995 killings. The man is already serving a 60-year sentence for armed robbery. A detective took his first look at the unsolved case earlier this year and was puzzled by drops of blood on the backs of the victims' clothes -- an area that did not correspond with their wounds. Investigators obtained a search warrant to take a sample of the suspect's blood, which was found to match that on the clothes.
54. "DNA links 'Creeper' to bank robbery." The Commercial Appeal (Memphis, TN), November 19, 2004. In Tennessee, a cold hit on the DNA database has linked a 2003 rape to a robbery in Mississippi. The DNA from clothes discarded near the robbery - including a headband the robber used to cover his mouth and nose - matched the DNA investigators collected during the rape. The rapist is suspected to be the "creeper" who has broken into 25 houses and rummaged through personal possessions while residents sleep -- one victim was raped. As yet the suspect's identity has not been uncovered.
55. "DNA Ties Suspect To Death Of Woman." The Daily News of Los Angeles, November 19, 2004. In California, DNA evidence linked a registered sex offender to the 1999 slaying of a 40-year-old woman who worked as a prostitute and was found beaten to death on a desert dirt road. Deputies have been following him since his DNA was linked to the crime last month. Investigators initially arrested an ex-convict friend of the victim whose home she had visited the morning before she was killed. But he was quickly cleared based on DNA evidence. The current suspect, who got out of state prison in 1997 after a conviction for assault with a firearm, was not immediately linked to the victim's slaying because the DNA sample that had been obtained previously from him was too small for testing. The Sheriff's Department crime lab switched this year to a new process able to test smaller samples.
56. "Man charged in church burglary after DNA match." The Associated Press State & Local Wire, November 18, 2004. In Wisconsin, a man has been charged with a church burglary after a cold hit on the DNA database. Authorities say they matched his DNA with some recovered from a saliva-laced cigarette butt found at the scene. The church building is a smoke-free facility. Investigators say had no suspect in mind when the butt was sent to the crime lab last winter, and a suspect in the church break-in probably would not have been found without the DNA match.
57. "Woman terrified as alleged attacker freed on bail." The Boston Herald, November 18, 2004. In Massachusetts, a woman who was severely beaten last November with a hammer is outraged and fearful after learning her accused assailant was released on low bail due to a delayed trial. The judge agreed to a defense motion to reduce the man's bail because DNA tests on blood evidence have been backed up at the state police crime lab. The man posted bail and is free awaiting trial. The District Attorney said she takes some blame because her office did not pressure the overtaxed crime lab to process the evidence. The DA will now pay several thousand in fees to have the evidence privately tested.
58. "Where The Newspaper Stands." Daily Press (Newport News, VA), November 18, 2004. Editorial regarding Virginia's DNA program: "The state gets a lot of bang for a very few bucks with the DNA database. Just a few million dollars more, a drop in the state budget bucket, will address the immediate needs -- more positions for examiners, funding for the institute that trains them, a competitive compensation package that will attract and retain them, and improvements to two regional labs to provide the facilities needed for the work. Combine that with common-sense measures under way at the lab to use its resources as wisely as possible -- prioritizing its workload, coordinating with localities to make smart choices about the evidence they submit -- and the result is money well spent."
59. "Bill seeks DNA from all felons." Dayton Daily News, November 18, 2004. The Ohio House of Representatives has passed a bill to require DNA samples from all convicted felons and people convicted of serious misdemeanors. House members voted 87-2 in favor of the bill. Ohio's DNA database has samples from 40,000 convicted offenders. If the bill becomes law, Ohio would collect about 10,000 to 30,000 more samples a year. Ohio spent \$571,000 this year to hire contractors to clear 19,000 unprocessed samples. Once those were added to the database, links were made to 216 crimes in Ohio and five other states.

60. "Group seeks to extend state's DNA testing law." Detroit Free Press, November 18, 2004.
In Michigan, the state law allowing inmates access to post conviction DNA testing is set to expire Jan. 1, 2006, but an effort to extend it is in the works. The law permits prison inmates, many of whom have exhausted the appeals process or have no technical grounds for appeal, to have evidence in their cases tested for DNA if certain criteria are met.
61. "Two federal grants boost HPD crime lab." The Houston Chronicle, November 18, 2004.
In Texas, the Houston Police Department's DNA lab received a boost in its effort to resume operations when the City Council accepted a \$ 487,000 federal grant to train employees and purchase equipment. The council also accepted a separate \$ 509,000 federal grant to conduct DNA testing in criminal cases that have no suspects.
62. "Deer DNA link to slaying upheld." Tribune Review (Greensburg, PA), November 18, 2004.
In Pennsylvania, a man linked to a hunter's 1997 killing through genetic testing on deer remains was ordered held for trial despite his lawyer's argument that the test results were inadmissible. The suspect is accused of shooting the victim three times in a wooded area before stealing a deer that the victim had just shot and leaving him for dead. Police used DNA tests to determine that venison found in the suspect's freezer in 1998 was a genetic match to entrails and blood found near the victim's body. The defense argues that DNA testing on deer is too new a concept to allow as unquestioned evidence. Police helped the testing lab build a comparative database by taking samples from deer killed by hunters and in auto accidents in the vicinity of the crime.
63. "... and get with it on DNA." Des Moines Register, November 17, 2004.
Editorial regarding Iowa's DNA program. "This state falls short in DNA collection, storing only about 10 percent of DNA profiles it is allowed by law to collect from felons. Iowa's database contains profiles from about 3,700 people. Kansas, with a population comparable to Iowa, has collected between 36,000 and 38,000 profiles. That not only makes this state antiquated when it comes to solving crimes, it puts Iowa at a disadvantage finding criminals and making the charges stick. Iowa officials blame tough budgets for the lag. Even though the state Legislature passed a law to expand the DNA database two years ago, money wasn't allocated to do the job. Federal money has been available, but the state didn't use it. It's estimated extra staffing, testing and other expenses would cost Iowa about \$750,000 the first year and about \$500,000 each year after that. Iowa should spend the money. Being penny-wise when it comes to DNA collection is being public-safety foolish.
64. "Proof of Perpetrator's Race Unnecessary as Foundation For Admitting DNA Evidence, Court of Appeal Rules. Metropolitan News Enterprise (Los Angeles, California), November 17, 2004.
In California, the First District Court of Appeal ruled that proof of the race of the perpetrator is not required as a foundation for introducing evidence of the likelihood, in various racial populations, of finding a random DNA sample matching that discovered at a crime scene.
65. "DNA law gets 56 cases reopened." The Dominion Post (Wellington, New Zealand), November 16, 2004.
In New Zealand, 56 unsolved crimes have been reopened thanks to new laws that allow police to take DNA samples from jailed criminals. The Auckland metro police field crime manager said that from 721 samples taken from prisoners and entered in the DNA database, links to 114 crimes had been found. Of the 114 crime links, 56 identified were "cold hits" -- cases which had been investigated but remained unsolved, including offences such as rape and sexual assault. Since April 15 almost 1000 prisoners from throughout New Zealand had been "back captured".
66. "Street Beat: Burglary Suspect's Modus Operandi: Snacking, Entering." The Oregonian, November 16, 2004.
In Oregon, police detectives arrested a sixth member of the so-called "Dirt Crew," a ragtag cast of men suspected of burglarizing some 120 East Portland homes during the summer. While burglarizing homes, the man helped himself to whatever was in the cupboards, leaving his DNA on unfinished food and soda cans. Bio-evidence from cigarette butts left at several houses tied the other five suspects to the burglaries, he says. In fact, it appears they were behind scores of other break-ins that had gone unsolved. The total number of burglaries is edging toward 150. Investigators also uncovered DNA samples that don't belong to the current gang of suspects. "There could be some more arrests coming."
67. "DNA improves as crime fighter." The Times Union (Albany, NY), November 14, 2004.
In New York, a couple who held up a Wendy's three years ago seemed to have thought of everything, down to the bandages on the man's fingertips that kept him from leaving prints behind. But that very preparation may prove to

be their undoing. As police scoured the restaurant for clues, a detective noticed a bandage on the floor. The cops sent the tiny adhesive strip to the State Police lab for DNA testing -- where a cold hit was eventually made on the DNA database. A month after the Wendy's heist, police in Daytona Beach, Florida had received a call about a hold-up at a Taco Bell. The man was arrested for the Taco Bell incident and his DNA sample was entered into the national database.

Paternity

68. "Refugee advocates scorn push for DNA evidence." Times Colonist (Victoria, British Columbia), November 20, 2004.

The Canadian Council for Refugees reports that demands for DNA testing of refugees to prove family ties are unrealistic and expensive and often mean children are separated for years from their parents.