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The February 27, 2004 DNA Resource Report is listed below.

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

SUMMARY

A California bill similar to the proposed voters initiative would require DNA from all convicted felons, and eventually felony arrestees. West Virginia's House passed a bill for an all felons DNA database. A Delaware man is challenging the federal DNA database statute, and the Rhode Island Supreme Court ruled against issuing search warrants for blood samples.

Cold hits linked identified suspects in California (murder), Indiana (attempted rape), Oregon (murder), Virginia (rape), and Washington (rape), and an interstate hit linked a Missouri inmate to an Indiana rape. In Georgia, failure to follow up on a cold hit to a rape resulted in second rape before the criminal was apprehended. DNA evidence also aided investigations / prosecutions in Hawaii (double homicide), Indiana (two burglaries), Louisiana (rape; burglary), North Carolina (burglary), and Pennsylvania (murder). DNA exonerated suspects in Florida and Massachusetts. Availability of DNA evidence collection teams are a problem in Baltimore. Military testing of human remains may identify more missing airmen from WWII.

Backlog problems at crime labs made headlines in Illinois, Michigan and South Carolina. A delay in DNA testing in Ohio led to offender's release, whereupon he assaulted another victim.

Mississippi introduced a bill to allow for post conviction DNA testing, and a Missouri bill awards compensation to DNA exonerations. A possible post conviction appeal in Wisconsin made headlines, and a California man exonerated by DNA received more than \$7 million from the state.

In international news...An Australian is seeking post conviction DNA testing, and Australian states are pursuing DNA testing on unsolved cases and agreements to share DNA profiles. DNA testing aided investigations / prosecutions in Japan (gang murder), South Africa (serial rapist) and Malaysia (rape). A new DNA lab is underway in India. Missing persons from the war in Bosnia from the invasion of Kuwait. Canada's crime lab will be using DNA to determine the identity of a suicide bomber in Afghanistan.

STATE LEGISLATION

Forensic DNA

1. California AB 2395 – Expands offender DNA database to include all convicted felons, and then all arrested felons after five years. Similar to the proposed voters initiative.
2. California SB 1780 -- Existing law requires an additional fine of \$ 200 upon a first conviction, and \$ 300 upon a subsequent conviction for specified crimes, for use in DNA testing and other purposes as specified. This bill would increase the amount of the fines to \$ 300 and \$ 500, respectively.

3. Florida SB 2192 -- Requires a health care practitioner who performs an abortion on a child under 16 years of age to collect and preserve specified samples of DNA from such the child and the fetus.
4. Mississippi HB 951 – Provides that from and after July 1, 2004, any convicted offender may request the use of DNA identification analysis to prove innocence.
5. Missouri HB 1542 – Provides compensation for those released from the department of corrections after post-conviction DNA testing. Compensation is to be the poverty rate plus twenty percent for every year of wrongful incarceration.

Genetic Privacy

6. California SB 1605 --Prescribes civil penalties for the disclosure by a health care service plan of genetic test results contained in an applicant's or enrollee's medical records.
7. Rhode Island SB 2406 -- Provides guidelines regarding the release and disclosure of genetic information by insurance companies.

Paternity

8. California AB 2380 -- Enacts the Uniform Parentage Act of 2004. Revises provisions governing the use of genetic testing in the determination of paternity.
9. Kansas HB 2874 – Amends the Uniform Interstate Family Support Act. Revises provisions governing the use of genetic testing in the determination of paternity.
10. Maine HB 1377B -- Enacts the Uniform Parentage Act. Revises provisions governing the use of genetic testing in the determination of paternity.
11. Mississippi HB 1101 -- Provides that a husband of a child born during a marriage may be determined to be the father if such determination is in the best interest of the child, regardless of genetic tests.

NEWS ARTICLES

Forensic DNA

1. “‘Cat lady’ killer’s DNA bid.” The Australian, February 25, 2004.
In Australia, the man convicted in Queensland’s “cat lady” murder is asking the Attorney-General to take the unprecedented step of releasing blood samples for DNA retesting. So far, no Australian legislature has grappled yet with the question of who owns DNA samples, and whether those implicated by them have the right to access them after the appeal process. The man’s conviction was the first in Australia based on DNA evidence. He had the right to retest the blood samples at the government’s expense at the time of trial and at his appeal, but the legal aid prisoner was never made aware of that right. He now wants to pay for the tests himself.
2. “No link found to suspects’ DNA in case.” The Advocate (Baton Rouge, LA), February 24, 2004.
In Louisiana, prosecutors have revealed that a man’s DNA found under the fingernails of a murder victim does not match the genetic profile of anyone charged in her slaying. Despite the lack of a match, the prosecutor still intends to try three people in the death. The DNA also does not match the Baton Rouge serial killer who was suggested as a possible suspect. Earlier tests showed that DNA found under the victim’s fingernails were inconclusive, but later tests using Y-STR methods (which test for the presence of male DNA) indicated the victim may have scratched one of her assailants.
3. “HIV rape suspect set free by error.” Akron Beacon Journal, February 24, 2004.
In Akron, Ohio, an HIV-infected man accused of raping a man and beating another was mistakenly released from the jail almost two weeks ago and has not yet been located. After his arrest in late September 2003, the suspect was

being held in jail under a \$50,000 bond. By November, prosecutors agreed to recommended release under house arrest in order to seek more time to obtain DNA testing. But by Feb. 10, the DNA results were not completed and prosecutors, fearing losing the case on speedy trial issues, dismissed charges of rape, felonious assault and abduction. Then, on the day the charges were dismissed, the man was arrested for assaulting another man on that same day. Prosecutors have declined to comment on the DNA testing delay.

4. "Advocates lobby for domestic violence, sexual assault reforms." The Associated Press State & Local Wire, February 24, 2004.
During their annual lobbying day at the Capitol, the Iowa Coalition Against Sexual Assault and the Iowa Coalition Against Domestic Violence asked for two measures - a mandate for minimum storage periods for rape kits and the elimination of the statute of limitation for felony sexual assault. According to a news release from the groups, if rape kits are not stored, victims who report sexual abuse after a hospital visit may find that the physical evidence has been lost.
5. "Bits And Pieces." Palladium-Item (Richmond, IN), February 24, 2004.
In Indiana, DNA analysis has aided police in clearing up at least two 3 year-old local robberies. One of the robbers was already a suspect in the crime, but the DNA analysis was the piece of corroborative evidence they needed to make an arrest. The other man is already serving another prison sentence. The DNA evidence used to connect the men to the crime came from ski masks worn during the robbery. The DNA evidence was submitted for testing in 2001 but took years to complete.
6. "From officers to technicians." The Baltimore Sun, February 23, 2004.
With some crime victims in Baltimore County, Maryland waiting more than an hour for the arrival of evidence collection teams, police officers are filling jobs that had been done by civilians. County police officials say that they are reluctant to take officers out of precinct stations but that the loss of several civilian employees over the past few years in the crime scene unit gave them no choice. The officers are filling vacancies that have been lingering for years because the county has not been able to hire as many technicians as have left - often for better-paying jobs with federal agencies or private labs.
7. "Fat tissue links mobster to Maebashi bar massacre." Mainichi Daily News, February 22, 2004.
In Japan, a gang member has admitted to gunning down customers at a bar after police informed him that his DNA matched tissue left on eyeglasses found at the scene. The man and his accomplice stormed the bar last year in a bid to assassinate a rival gang boss but mistakenly shot three customers. When the accomplice was firing shots during their escape, a bullet nicked the man's eyeglasses causing them to fall to the ground. Investigators found the glasses but concluded that they did not belong to the gunmen. However, a re-investigation of all hard evidence revealed that the tissue on the glasses matched samples taken from the gang member, who had previously been arrested on a separate charge.
8. "Bangalore to have a DNA Centre soon." The Press Trust of India, February 22, 2004.
Bangalore will soon have a DNA fingerprinting centre of its own, a top official of India's Forensic Science Laboratory said. Many criminal cases in the state at present are being sent to Hyderabad in the absence of a DNA facility in Bangalore. The DNA centre at Bangalore, the sixth in the country, will carry out profiling the DNA from the crime exhibits for personal identification.
9. "On rows of shelves stacked high to the ceiling are 4,000 body bags filled with jumbled, skeletal remains." The Toronto Star, February 22, 2004.
The Sarajevo-based International Commission on Missing Persons estimates that 30,000 people in the country are missing and presumed dead. Of those up to 22,000 are Muslims, up to 6,000 are Serbs, and about 800 are Croats. About 2,000 of the victims have so far been identified through the International Commission for Missing Persons' DNA program. It began three years ago and is largely funded by Washington. Its four labs match DNA from bones with blood samples given by more than 52,000 people looking for loved ones. It is a slow process, made more so by the fact that many of the remains found in mass graves had been moved two or three times.
10. "Victim Of Theft Tracks Suspects." News & Record (Greensboro, NC), February 21, 2004.
In North Carolina, a burglary victim's persistence has paid off after DNA linked a man to the crime. The case seemed to be at a stand-still for three months, until DNA analysis was conducted on four glasses the burglars drank iced tea from, a bandana one of the burglars left behind and cigarette butts left near the cracked safes. It took a year for the crime lab to process the evidence, which was found to match one of the prime suspects.

11. "Unsolved crimes matched by DNA." The Advertiser, February 20, 2004.
In South Australia, more than 300 DNA matches to crime scenes - the vast majority unsolved - are being "rigorously assessed" by police and are likely to lead to charges. They are among the first batch of DNA samples taken from the more than 1700 prisoners in South Australian jails and on home detention and from people suspected of indictable offences. As a result of the testing, which began last year, there have been 10 matches progressed to the point where they can be used by police. Four matches were for offences of robbery, armed robbery, sexual assault and serious criminal trespass for which the offenders have already been convicted. The other six relate to unsolved crimes (rape, armed robbery, arson, abduction, shopbreaking, housebreaking). Opposition party said it was a promising start, but calls for all persons arrested and brought into custody to be tested.
12. "DNA, raffle bills pass House." The Associated Press State & Local Wire, February 20, 2004.
All felons in custody would have to submit a genetic sample for a State Police crime database under a bill unanimously advanced to the Senate on Friday by the West Virginia House of Delegates. State Police officials say the database would help solve crimes and exclude innocent suspects. The American Civil Liberties Union's state chapter considers the bill an unnecessary intrusion of privacy. "Nonviolent felons aren't your typical recidivist," the West Virginia ACLU Executive Director said. "Giving the government that DNA sample reveals to them over 4,000 possible medical conditions."
13. "Wisconsin group seeks review of woman's murder conviction." The Associated Press State & Local Wire, February 20, 2004.
The Wisconsin Innocence Project has asked for a DNA review in the case of a woman convicted in the slayings of two elderly sisters. Several inmates testified at the 1997 trial that she told them she killed the two women during a robbery. No physical evidence linked the suspect to the crime scene. The Wisconsin Innocence Project recently filed a court motion seeking DNA testing on evidence from the crime scene. A judge will hear the motion on April 20.
14. "Providing adequate funding for crime lab critical to Acadiana." Daily Advertiser, February 20, 2004.
Editorial: "Issue: Acadiana Crime Lab calls for help in dealing with \$550,000 deficit. We Suggest: It is essential that area parishes assist with funding needs... Some of the eight Acadiana parishes that the lab serves must find money to help meet the lab's deficit or lose access to DNA testing and other services of the lab. It is crucial that each one cover its allotted share of the budget shortfall. Failure to do so would greatly diminish the ability to protect those it serves."
15. "Suspects in Pali slayings to undergo DNA testing." The Honolulu Advertiser (Honolulu, HI), February 20, 2004.
In Hawaii, three men accused of fatally shooting two men and critically injuring a third man at Pali Golf Course in January will have to provide DNA samples for testing. A Circuit Judge granted a prosecution request that the men be made to provide blood or tissue collected from a mouth swab despite objections from defense lawyers that forcing the men to provide DNA samples violates their constitutional right against unreasonable search.
16. "Stephens Guilty In Rapes, Killing Of Portland Girl." The Oregonian, February 20, 2004.
In Oregon, a man has been found him guilty of raping, sodomizing and killing 14-year-old girl, and raping three other girls and his girlfriend's cousin. After the verdict, the prosecutor praised the work of the state crime lab. The case largely rested on DNA evidence that forensic analysts said tied the man to the victim's death and the three 1997 rapes. Prosecutors are expected to call victims of his attempted kidnappings in 1989 and go into more detail about how Stephens duped his parole officer and avoided submitting a DNA sample while on parole.
17. "Local." The Tallahassee Democrat, February 20, 2004.
In Florida, a Leon County man was exonerated of sexual battery and other charges after DNA tests showed he was not the victim's attacker. The man was arrested and charged with being the man who jumped in a woman's car and forced her to perform a sex act. The victim identified him, but subsequent DNA tests did not match. In the meantime, an Assistant Public Defender said he gave prosecutors the name of another man he suspected was the real culprit. That man's DNA was in the state's DNA database - and matched the DNA from the crime.
18. "Man charged in 2000 attack." The Associated Press State & Local Wire, February 19, 2004.
In Washington, a man has been charged in the bus-stop abduction and sexual assault of a 9-year-old girl four years ago. In April 2002, the suspect was convicted of felony possession of methamphetamine with intent to deliver.

Under state law, he was required to provide a blood sample, and his genetic profile was matched with the DNA evidence from the rape-abduction case.

19. "Tissue samples of Kabul suicide bomber to be sent to Canada." The Guardian, February 19, 2004.
Military investigators in Afghanistan will send tissue samples to Canada by the end of the week to test the identity of the suicide bomber who killed a Canadian soldier. The RCMP crime lab in Ottawa will run DNA analysis on the samples in an attempt to figure out the name of the attacker who strapped a mortar shell to his chest on Jan. 27 and detonated it, killing himself, an Afghan bystander and a Corporal on a Kabul street. Details in a Taliban claim of responsibility gave rise to speculation that the bomber was born in Toronto. The theory has not been confirmed.
20. "DNA Leads To Suspects In 1994 Slaying." The Oregonian, February 19, 2004.
For the better part of a decade, the two men who investigators say killed a mother successfully eluded detectives working her unsolved case. But detectives finally got a break in 2002 when a routine check of the Oregon State Police DNA database found a match. It was another year before investigators got a second DNA hit linking the accomplice to the fatal stabbing in 1994. The first match came after one man's DNA was entered into the state database in 2002, when he was convicted of driving under the influence of alcohol and unauthorized use of a motor vehicle. With this information, police began looking for the second man as a possible accomplice. The accomplice had a felony assault conviction in California, so officials ran a check of that state's DNA database and got their second match.
21. "Skull Exonerates Brother, But Mystery Still Unsolved." Sun-Sentinel (Fort Lauderdale, FL), February 19, 2004.
In Massachusetts, a suspected serial killer's surprise confession to a murder, and the subsequent DNA match, has led to an exoneration of the victim's brother. The suspected serial killer, held since August 2001 for the November 2000 murder of a prostitute near Boston, told authorities recently that he also killed this victim. This information led to a DNA match of a skull found in Fort Lauderdale, and enabled police to recover the prostitute's severed head and hands from a Massachusetts beach. The victim's brother was arrested and charged with the crime after police found a piece of "fatty tissue" with the victim's DNA in his car trunk. He maintained his innocence all along and explained the DNA through the fact that his brother rode in his car often, sometimes putting bags and dirty clothes in the trunk. Although free until trial, the brother lost his job and lived in limbo the last three years
22. "Grasp of DNA statistics needed." The Washington Times, February 19, 2004.
Article argues that, "The air of certainty sometimes associated with DNA analysis is justified when it is used to prove a negative. If the DNA in the blood at the scene does not match the DNA in John's blood, then the blood isn't John's. But it doesn't work so cleanly the other way. If the DNA at the scene does match John's, it is not certain that it is his blood... Other things can render DNA evidence inconclusive, like contamination of the sample. When an impressive technology is presented to people who may not know what it actually represents, it is possible to put someone in jail for something he didn't do." Uses the example of a probability of a match of one in 100,000.
23. "Putting police back on streets." Evening Chronicle (Newcastle, UK), February 18, 2004.
In England, Northumbria Police plan to earmark an extra 900,000 pounds to expand initiatives in the use of DNA to track down criminals. The value of DNA profiling was demonstrated when a convicted rapist confessed to another attack in the area when confronted with DNA evidence gathered by Northumbria Police's Operation Phoenix squad.
24. "DNA lab here could solve crimes faster." The Greenville News, February 18, 2004.
In South Carolina, the Greenville prosecutor claims that there is at least a four- to six-month wait, under the best circumstances, to receive DNA analysis back from an overloaded state crime lab. However, a proposal to combine the resources of Greenville County and Greenville Technical College could reduce the wait to about a week. The head of the criminal justice program at Greenville Tech has been working with the head of Greenville County's crime lab, who is also a teacher at Greenville Tech, since last year on the concept of a DNA lab for students and law enforcement at the school. The pair is seeking the full council's go-ahead to start pursuing grants for the project. The lab would require about \$217,000 for instruments, an analyst's salary and annual operating expenses. Greenville Tech would donate the building and renovation costs, worth about \$81,000.
25. "First DNA conviction, a Florida case, is appealed." Broward Daily Business Review, February 17, 2004.
In Florida, the nation's first criminal convicted with DNA is seeking a new trial based on more advanced technology, sparking yet another debate over the reliability of DNA evidence. The defendant, Tommie Lee Andrews, argues that the DNA testing standards used to convict him of rape in 1988 produced inconclusive results and that today's more advanced methods will exonerate him. Lawyers specializing in DNA cases say Florida v.

Andrews highlights a growing phenomenon in the courts, in which the legal world is struggling to keep pace with the scientific one, especially in the area of DNA testing.

26. "Waiting for justice." Chicago Tribune, February 16, 2004.
In Illinois, it has been six months since a woman was beaten and raped while walking home in Chicago, and the first victim of the North Side serial street rapist is frustrated that the man who assaulted her is still on the streets. Since then, she has periodically called city police to find out if the DNA information contained in her rape kit has returned from the state crime lab. It hasn't. Chicago police declined to say last week whether her rape kit, or rape kits from the North Side rapist's other suspected victims, have been returned from state police. State police declined to speak about specific cases, but they acknowledge that there is a backlog of rape kits waiting to be tested. Right now, about 1,500 rape kits in the state are on backlog, going back to 2000. State police say kits are processed quicker in "heater" cases in which police have a suspect in custody or if local authorities ask state police to make it a priority. The backlog stems from an increased use of DNA as a crime-fighting tool that has not met with increased funds to keep up with demand.
27. "CRIME: Tax checkoff wrong way to fund DNA tests." Detroit Free Press, February 16, 2004.
In Michigan, a state representative plans to introduce a bill that would raise, through a checkoff box on state income tax forms, an estimated \$500,000 to \$800,000 a year for a forensic laboratory fund for DNA testing. Taxpayers would be asked if they want to chip in \$2 or \$3. Editorial reports: "The argument for expanding DNA use is compelling. DNA evidence can, unequivocally, establish guilt or innocence, no matter how old the case. No one can put a price on bringing someone who raped or murdered to justice, or on freeing an innocent man or woman who was wrongly convicted. That's the case politicians must make to stake a claim on increased funding. They should not abdicate their responsibility to make hard decisions by trying to raise money through a gimmicky end-around of the normal government process."
28. "With DNA samples flooding crime labs ..." Lansing State Journal, February 16, 2004.
In Michigan, delayed justice is a growing problem as state forensic scientists grapple with a backlog of DNA samples. About 74,120 samples are waiting to be analyzed. The Governor included \$1 million to hire more forensic scientists in her budget proposal last week for fiscal 2005. And state police plan to use \$3.3 million they received from the National Institute of Justice to finish processing the 24,000 "cold case" samples on file by fall. The state estimated that there is one state police DNA scientist for every 800 police officers who collect the samples.
29. "Judgment Thursday In Fanwell Khumalo Case." SAPA (South African Press Association), February 16, 2004.
In South Africa, a judgment is expected in the case of serial child rapist accused of 129 sexual offences against young girls. The man has claimed mistaken identity in respect of the young girls but admitted having sex with the only adult complainant, aged 20. The attacks on the girls between May 1997 and May 2001 were similar, and more than 40 girls must have been attacked by the same person. DNA test results linked the man to 23 rapes and nine victims had pointed him out at an identity parade. Those who had not attended the parade had referred during evidence in court to their attacker having a squint eye, which the defendant has. The man's defense is that he has been "framed."
30. "Authorities identify more remains of prisoners in Iraq, raising number to 75." The Associated Press State & Local Wire, February 15, 2004.
Authorities have identified the remains of 14 additional Kuwaitis who have been missing since the 1991 Gulf crisis. A government team has been searching in Iraq for 605 men and women since the fall of Saddam Hussein's regime in April, and says that the latest DNA test results raise the number of identified missing to 75. Their remains were found in mass graves in Iraq. None of the prisoners have been found alive.
31. "Error freed suspect before 2003 rape." The Atlanta Journal-Constitution, February 15, 2004.
In Georgia, a man who is a convicted armed robber, drug dealer and suspect in an earlier rape was free because of a bungled October 2002 telephone call between the Sheriff's Department and the county Police Department. The sheriff's crime scene unit was supposed to have called the police detectives squad Oct. 10, 2002, with the news that DNA evidence made the man the suspect in a 2001 rape. If police had acted on the evidence and arrested the man in 2002, he would have been behind bars the night of the 2003 Atlanta rape. But police say they never received the message. The bungle was uncovered by the state crime lab after the 2003 rape matched the same man and lab

personnel wondered why he had not been prosecuted.

32. "ACT, NSW sign DNA deal." Canberra Times (Australia), February 15, 2004.
In Australia, two states (ACT and NSW) Governments have signed an agreement to recognize each other's police and court orders to take DNA samples for criminal investigations. "The agreement will allow orders made by ACT police or courts to take DNA samples from suspects living in NSW to be carried out in NSW - likewise any orders made by NSW police will be recognized in the ACT," he said. "The agreement will also enable ACT police to complete a record of DNA profiles of convicted serious offenders which can be matched against DNA profiles associated with unsolved crimes."
33. "Vote sought on anti-crime DNA bank." Sacramento Bee, February 15, 2004.
California's district attorneys are pushing for a ballot measure to require DNA samples from all those arrested in a felony case, including juveniles, but the State Senate's majority leader is hoping a legislative compromise will stop the effort. The Senator was among the lawmakers who killed a bill last year that would have expanded the collection of DNA samples to all convicted felons. He will not say whether he is ready to agree to an all-felon database to avert the ballot battle. The California District Attorneys Association backs the initiative, but a database that includes all felons would be a good first step, according to the executive director of the group. But to make any deal work, Burton will also need Harrington, the initiative's financier, to be on board with the decision.
34. "Man receives more than \$7 million in wrongful conviction case." The Associated Press State & Local Wire, February 14, 2004.
In California, a registered nurse who was wrongfully convicted of raping a patient at a state mental hospital received more than \$7 million from the state. The man was convicted in 1990 of raping the woman, but post-conviction DNA testing cleared him in 1994. Since leaving prison in 1994, he has put himself through law school and is now pursuing a master's degree in nursing.
35. "Defence Questions Accuracy Of DNA Tests." Malay Mail, February 14, 2004.
In Malaysia, the defense for a man accused of rape challenged the accuracy of the DNA analysis conducted by an expert prosecution witness. The defense suggested that the samples used to obtain the DNA profile were contaminated, due to the condition in which the victim's charred remains were found. The defense also questioned the analyst on the accuracy of the methods employed in coming up with the reading of the DNA profile. He suggested that the computer's interpretation of the DNA pattern was subjective.
36. "Jurors Recommend 15 Years In Rape Conviction." Richmond Times Dispatch, February 14, 2004.
In Virginia, Charlottesville jurors recommended a 15-year prison sentence for a man convicted of a 1996 rape - after his attorney admitted to the court that the defendant was guilty. A cold hit in the state's DNA database last year linked the man to the sexual assault of a woman. He was arrested in February 2003, more than six years after the crime.
37. "2 inmates charged in decades-old slayings." The San Francisco Chronicle, February 14, 2004.
In California, San Francisco authorities have charged two prison inmates with raping and murdering women in cases that date back more than 20 years. Both inmates were scheduled to be freed later this month for other crimes but will now remain in custody pending the setting of bail, if any, on the latest charges. In the first case, San Francisco police had interviewed the suspect at the time of the slaying based on a tip, but could not link him to the crime until recently through DNA testing. In the second case, police long believed that another man was responsible for the rape and killing. That changed when physical evidence gathered at the crime scene was compared with the DNA database of known criminals, and the results pointed to someone else -- one of the new suspects.
38. "Delaware ex-convict challenges federal DNA requirement." The Associated Press State & Local Wire, February 13, 2004.
A federal appeals court has heard arguments in the case of a Delaware man who is challenging a government requirement that federal inmates and parolees give blood samples for the FBI's forensic DNA database. A former Delaware State Police trooper convicted of bank robbery has refused to give the sample, claiming the requirement violates his constitutional protection against unreasonable searches and seizures. A panel of 3rd U.S. Circuit Court of Appeals, which covers Delaware, Pennsylvania and New Jersey, heard arguments. The previous court issued an opinion in April ordering the man to give the sample, then halted the order while an appeal was filed. In addition to

questioning whether the government can require offenders to give DNA samples, the defense argued her client can no longer be compelled to provide his blood because his supervised release term ended last fall.

39. "Supreme Court reverses decision on blood sample collection." The Associated Press State & Local Wire, February 13, 2004.
Rhode Island's state Supreme Court said a lower court cannot issue a search warrant for a blood sample from a man accused of child molestation, saying samples taken involuntarily do not qualify as "property" under state law. The 15-page decision issued is limited in that it covers only search warrants. But the court felt it could be used as a precedent for more wide-ranging requests. But so far, the General Assembly has not given trial judges the power to issue a search warrant that would authorize the taking of blood from an unwilling crime suspect, the justices said.
40. "Expert links DNA at homicide scene to Easton man." Morning Call (Allentown, PA), February 13, 2004.
In Pennsylvania, a forensic scientist testified that there was a high probability that DNA from a do-rag found near a crime scene came from the murder defendant. During cross-examination, the defense attorney tried to chip away at the DNA statistics, pointing out relatives of the suspect's would have a much higher probability of matching the DNA on the do-rag.
41. "Lee faces new count of murder." The Advocate (Baton Rouge, LA), February 12, 2004.
In Louisiana, police booked serial-killer suspect Derrick Todd Lee with first-degree murder in the abduction of a woman nearly six years ago, basing their accusation on DNA evidence. DNA has linked the man to at least 6 other murders.
42. "DNA identifies Missouri inmate as man who raped Indiana girl in 1991." The Associated Press State & Local Wire, February 12, 2004.
A Missouri inmate will be brought back to Indiana to face charges that he raped and beat a 5-year-old girl in 1991 now that DNA evidence has linked him to the crime. The man is currently serving 25 years in the abduction of three minors
43. "Crimes go unsolved because of lab delays." Courier Mail (Queensland, Australia), February 12, 2004.
In Australia, more than 10,000 forensic evidence samples, including those from 161 unresolved rapes, are backlogged at the Queensland Health Department's laboratory. The samples, which date to 1997, contain crime scene material such as underwear from rape victims or material left at robbery sites. These items may contain traces of the offenders' DNA. 37 of the 161 rape cases had been put on a priority list but admitted even the urgent cases could take between six weeks and three months to be tested. The other rape cases were not rated as urgent for a variety of reasons, including consent issues. About 9000 of the overall samples related to low-level, high-volume crime scenes where there was no known offender and which were solved through other means.
44. "Crime detection on hold." Courier Mail (Queensland, Australia), February 12, 2004.
Editorial: "IT IS scandalous that the John Tonge Centre -- home of Queensland Health's forensic scientific services -- has many thousands of samples provided by police for DNA and other testing that will probably never be properly examined because the crimes aren't considered sufficiently important. It is outrageous that there is a backlog of 161 cases, where the crime being investigated is rape, that are unlikely to be processed for many months... The whole point of having a database of known criminals is lost if the DNA is not analysed and compared with the DNA that is on record. The DNA is likely to be the only evidence that might help the police if they have been unable to list any suspects."
45. "Arabi man pleads guilty to burglaries." Times-Picayune (New Orleans, LA), February 11, 2004.
In Louisiana, a man has pleaded guilty to four counts of simple burglary, one count of attempted burglary and two counts of receiving stolen property. Authorities say DNA testing of saliva left on cigarette butts found at burglary scenes ties the man to four break-ins of bars and cash-laden video poker machines in late 2002 and early 2003. After the man was caught in January trying to burglarize a grocery that has video poker terminals, authorities obtained DNA material from him to test against cigarettes found at other crime scenes.
46. "DNA points to suspect in attempted rape of 98-year-old woman." South Bend Tribune, February 8, 2004.
In Indiana, a DNA match with a convicted sex offender led police to the man they believe started to rape a 98-year-old woman after breaking into her home on New Year's Day. The man was convicted in 1994 of three counts of

child molesting and two counts of attempted child molesting and sentenced to four years in prison through a plea agreement. In 1999, he was sent back to prison for 16 months in the same case. In 2001, he was sent to prison after being convicted of possessing cocaine. He was released from prison in April 2003.

Genetic Privacy / Research

47. "Medical society to expel doctor over DNA tests." The Daily Yomiuri, February 22, 2004.
The board of directors of the Japan Society of Obstetrics and Gynecology voted unanimously to expel a Kobe doctor who conducted preimplantation genetic diagnosis procedures on three women without obtaining prior approval from the society. The guidelines stipulate that preimplantation genetic diagnosis is to be used only for patients suffering from incurable genetic diseases, and the JSOG requires all medical institutions that wish to conduct the testing to first undergo screening. It also states that the procedure should not be conducted on patients wishing to select the sex of their babies. The dispute raises questions over whether restrictions imposed on obstetricians and gynecologists by the society are effective.
48. "Lawyer: DNA tests can improve health care." The State Journal-Register (Springfield, IL), February 6, 2004.
T chief of policy and program analysis for the National Human Genome Research Institute told an audience that personal DNA data can help people fight and even avoid diseases, but only if they can overcome the fear of discrimination that scares so many away from genetic testing. That is why legislation pending in Congress to prohibit genetic-based discrimination by health insurers and employers is important.

Paternity

49. "For tribes, members only." Sacramento Bee, February 15, 2004.
More and more tribes are questioning paternity in an effort to crack down on false claims to tribal ancestry. However, some tribes continue to expel members, even in the face of DNA tests that prove paternity to tribal ancestors. The tribal authorities contend that 99.9% certainty of the DNA tests leaves too much room for doubt.