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Smith Alling Lane, P.S. provides governmental affairs services to Applied Biosystems. As part of this representation, the firm generates weekly reports on state and federal legislation and news articles. Applied Biosystems has authorized Smith Alling Lane to make these reports publicly available through this website. The information presented in these reports does not necessarily reflect the viewpoints of Applied Biosystems or Smith Alling Lane, P.S.

The July 16, 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.

Lisa Hurst, who normally drafts the weekly DNA report will be on maternity leave until August 9th. In the interim the weekly reports are being completed by a contracted third party.

### SUMMARY

DNA evidence linked a convicted murderer in Maryland to three additional homicides. A Louisiana prison inmate is charged with a rape in Utah following a cold hit. DNA evidence linked two former LaSalle basketball players to an alleged sexual assault. A 16 year-old rape and murder case will soon go to trial in Illinois when a man currently serving prison time for an unrelated sexual assault was linked to the crime using DNA found at the scene. In California, a convicted murderer already serving life in prison, pleaded no contest Friday to raping and fatally stabbing a woman in Castro Valley in 1986. Evidence found with the body and recently submitted to the state's DNA databank linked the homicide to the accused. DNA links a man to the rape of a girl in a nine-year-old New York case. A Washington state prison inmate was linked by DNA to the 1998 rape and slaying of a California store owner.

New Jersey now has a new crime lab for processing DNA evidence. In Maryland, a legislative study criticizes the Maryland State Police for failure to collect DNA samples from thousands of felons. In Washington, D.C., a proposal that would speed processing of DNA samples collected at crime scenes and would give death-row inmates greater access to DNA testing faces resistance as it likely will begin moving through the Senate next week. In other D.C. news, a report sent to Congress said the Justice Department has awarded the states more than \$86 million over two years to analyze DNA samples in crimes.

Post-conviction cases involving DNA evidence have been ruled on by courts in Illinois (armed robbery and rape case in which the right of the suspect to a speedy trial was violated as DNA evidence was tested), Maine (murder), New York (murder), and Maryland (rape).

In Australia, a police taskforce solving crimes using DNA evidence has made its 43rd arrest in 10 weeks. In New Zealand, DNA samples given to police by more than 150 serious criminals as a result of new legislation have provided fresh leads on some historic burglaries. DNA from a soda

can solve a burglary in the U.K. In Ireland, a new bill extends the ability to take DNA samples by reclassifying saliva and mouth swabs as non-intimate samples as opposed to intimate samples.

## **STATE LEGISLATION**

1. MASSACHUSETTS HB 4900 – Governor Mitt Romney introduces his FY 2005 state budget which includes \$ 4 million to enhance DNA and forensic analysis at the Office of the Chief Medical Examiner and the State Police Crime Lab.
2. OHIO NB 525 - A bill to amend sections 2152.74, 2743.191, and 2901.07 of the Revised Code to require DNA specimen collection from delinquent children and criminal offenders for all felonies is introduced.
3. RHODE ISLAND HB 7290 - An act that would establish a state DNA database containing DNA samples and DNA records of individuals convicted of a crime of violence, is enacted.

## **NEWS ARTICLES**

### Forensic DNA

1. “Give DNA testing a fair chance,” Chicago Sun-Times, July 2, 2004.  
In Illinois, an editorial in support of the Advancing Justice Through DNA Technology Act.
2. “Taking stock of squad's issues.” Townsville Bulletin/Townsville Sun (Australia), July 14, 2004.  
In Australia, DNA technology is becoming a valuable tool in the fight against cattle duffing. Stock investigation officers from across Australia are being educated on the uses of DNA evidence.
3. “DNA Links Convicted Killer to 3 Maryland Slayings, Authorities Say.” The Washington Post, July 14, 2004.  
In Maryland, a convicted murderer serving a life prison term was charged in three homicide cases, each more than a decade old, after authorities used DNA from a cigarette to link him to the killings.
4. “Vic: Youth to stand trial over umbrella killing.” AAP NEWSFEED, July 13, 2004.  
In Australia, a 15-year-old boy is to be tried for murder after allegedly stabbing a teenager in the head with an umbrella. DNA testing of blood on the umbrella’s tip matched the boy’s blood.
5. “DNA finds offender 43.” The Advertiser, July 13, 2004.  
In Australia, a police taskforce solving crimes using DNA evidence has made its 43rd arrest in 10 weeks. Detectives arrested a 21-year-old man who allegedly raped a woman in May 2003. He has been charged with rape and aggravated serious criminal trespass in the past.
6. “Help for Illinois' DNA backlog.” Chicago Tribune July 13, 2004.  
In Illinois, an attempt to eliminate a backlog of DNA samples from felons in Illinois, the National Institute of Justice has awarded a contract to obtain DNA profiles from as many as

138,000 convicted offenders. The DNA information will be submitted to the FBI's national DNA database.

7. "Decade later, DNA helps clear man of sex attack." Chicago Tribune, July 13, 2004.  
In Illinois, a man convicted more than a decade ago of the armed robbery and attempted rape of an 80-year-old woman was released by a Cook County judge after DNA testing showed he did not commit the crime.
8. "News in brief from Philadelphia." The Associated Press State & Local Wire, July 13, 2004.  
In Pennsylvania, a teenager pleaded no contest Monday to molesting five boys - but pleaded guilty to sexually assaulting five girls. A girl attacked after school on her 12th birthday helped police break the case, remembering that the rapist used a condom. Police gathered DNA evidence that linked the accused to the crime.
9. "Inmate in a Louisiana prison is charged with rape in 2000 in Salt Lake." Deseret Morning News, July 13, 2004.  
In Utah charges have been filed after DNA testing linked a man in a Louisiana prison to a rape that occurred in Salt Lake City in 2000. DNA linked the man to the evidence.
10. "Hope comes to Dechaine supporters; new tests on murdered girl show DNA of another man." Bangor Daily News, July 12, 2004.  
In Maine, a man serving a life sentence for a 1989 murder learned that DNA testing of the fingernails of the murdered girl has found evidence of male DNA that does not belong to him.
11. "Convict's DNA sought in 1985 killing of Brewster woman." The Journal News, July 12, 2004.  
In New York, a judge has ordered a man convicted of murder to provide a DNA sample to investigators trying to solve an additional killing, which occurred in the spring of 1985. The judge's ruling comes two years after forensic scientists matched DNA recovered from the body and a sample taken from the accused.
12. "Test my DNA killer says; double-murderer Richard Boudreau seeks to clear his name in the 1974 slaying of a Sarnia girl." London Free Press, July 12, 2004.  
In Canada, a convicted killer has offered to undergo DNA testing to clear his name in the slaying of a Sarnia teen that bears similarities to the murders he committed. He claims that the similarities between the two sets of murders are pure "coincidence."
13. "Ex-La Salle hoopsters arraigned in rape case." Philadelphia Daily News, July 12, 2004.  
In Pennsylvania, two former LaSalle basketball players were arraigned on sexual assault charges in an alleged attack on a 19-year-old woman in a college dorm. They were charged with indecent assault, unlawful restraint and conspiracy. The two had voluntarily given DNA samples, which matched evidence in the dorm room.
14. "State's \$53 million crime lab boasts latest in DNA testing." The Record, July 12, 2004.  
In New Jersey a \$53 million crime laboratory, filled with the latest in DNA testing machines, is open. The New Jersey Forensic Science Center in Hamilton features nearly 90 workers, including anthropologists and chemists, who can analyze DNA samples along with everything from paint smears to gunshot residue. It will also house one of the four FBI-sanctioned laboratories in the nation that handle more sophisticated mitochondrial analysis.

15. "DNA spurs trial for '88 slaying" Rockford Register Star July 12, 2004.  
In Illinois, a 16 year old rape and murder will soon go to trial. Jury selection is to begin in the trial of the man who police believe killed Smith. The man currently serving prison time for an unrelated sexual assault, was linked to the crime using DNA found at the scene. It took until 2001 for evidence gathered in 1988 to be linked using advanced DNA techniques.
16. "DNA test links 2 of 3 to rape" The Tallahassee Democrat, July 12, 2004.  
In Florida, evidence tested from a rape and robbery of a pizza-delivery driver showed no DNA from the 14-year-old charged in the crime. A prosecutor however, noted that the negative results would not affect the case against the youngest defendant charged. The same test did find DNA of the two others charged in the woman's sexual battery.
17. "Court of Appeals reverses exclusion of DNA evidence; Montgomery judge ruled defendant's rights violated in collecting for a profile." The Baltimore Sun, July 15, 2004.  
In Maryland, the state's highest court has reversed the decision of a Montgomery County judge who threw out DNA evidence against a rape suspect on the grounds that it was unconstitutional to collect his genetic profile for future use. In a one-page order issued Tuesday, the Court of Appeals did not explain the reasoning behind the decision or mention the constitutional questions surrounding the 1994 law that led to the creation of the state's DNA databank, saying a more detailed opinion would be issued later.
18. "No contest plea in 1986 slaying; Man faces death penalty for rape, murder of woman in East Bay." Alameda Times-Star, July 10, 2004.  
In California, a convicted murderer already serving life in prison, pleaded no contest Friday to raping and fatally stabbing a woman in Castro Valley in 1986. Evidence found with the body and recently submitted to the state's DNA databank -- which contains genetic profiles of individuals convicted of certain felonies -- linked the homicide to the accused, authorities said.
19. "State police's work careless, auditors find; DNA samples omitted; drugs, cash badly tracked; Busch: 'Glaring deficiencies'; Legislative study suggests crime fighting hampered." The Baltimore Sun, July 10, 2004.  
In Maryland, efforts of the Maryland State Police might have been hampered by the department's failure to collect DNA samples from thousands of felons, according to a new legislative audit. The report details widespread problems with state police financial management and indicates that auditors also have requested that the state attorney general's office look into \$65,000 in construction contracts handed out by the department. DNA samples were not collected from as many as 8,300 felons, as required by law. Many samples that were collected were never analyzed or entered in the state's database of convicted felons' DNA, a practice considered a key crime-fighting tool.
20. "N.C. man charged in 1995 rape of girl, 14." Buffalo News, July 10, 2004.  
In New York, close forensic examination of a DNA sample led Hamburg police to charge a North Carolina man Friday in the rape and sodomy of a teenage girl that occurred nine years ago, Hamburg police reported. The attack and rape sent shock waves throughout the suburban community, precipitating the highly-publicized arrest, five-month imprisonment and attempted prosecution of a mentally-disabled former steelworker who was eventually exonerated through DNA evidence.
21. "Inmates' DNA to reopen cases." Christchurch Press, July 10, 2004.

In New Zealand, DNA samples given to police by more than 150 serious criminals in Canterbury prisons have provided fresh leads on some historic burglaries. Rapists, robbers and burglars have contributed DNA samples under new legislation which came into force in April. A detective said some of the fresh DNA tested has matched samples from previous crimes, particularly burglaries.

22. "1970 Mayo Case Is Reopened." Derby Evening Telegraph, July 10, 2004.

The case of 24-year-old woman, who was raped, strangled and dumped has been reopened. A murder hunt failed to find the killer, but in 1997 genetic fingerprinting gave police a new lead when they found a DNA sample. They checked the DNA against the database and all the suspects, but nothing was found. New technology in DNA testing will now allow investigators to search for matches of relatives of the suspect in the DNA database.

23. "Guilty verdict in girl's murder; Father wants death for daughter's killer." Akron Beacon Journal, July 9, 2004.

In Ohio, jurors on Thursday convicted a man of the 1996 kidnapping, rape and murder of a young girl. Police and prosecutors said advances in DNA technology since 1996 linked the man to the crime. An expert testified at trial that there was a 1-in-222 trillion chance that someone else had left the DNA evidence behind.

24. "Death of suspect in rape ruled suicide" The Baltimore Sun, July 9, 2004.

In Maryland, the state medical examiner's office has ruled the death of a man recently arrested and charged in a 1987 rape case a suicide, county police said yesterday. The man shot himself at his home, police said. He was arrested and charged with the rape of a 21-year-old woman. Evidence was linked to DNA in a statewide database for convicted felons, police said. The man was a registered child sex offender who had submitted a DNA sample.

25. "Thirsty thief caught by DNA on pop can." The Brockville Recorder & Times, July 9, 2004.

In England, a thirsty thief who left an empty pop can with tell-tale DNA at the scene of a home break-in was handed a hefty sentence on Thursday for four separate burglaries. A 43 year old man has a long record for similar offences - and, it turns out, he wasn't very good at covering his tracks. He was sentenced in the Ontario Court of Justice to an additional 28 months on top of seven months already served in jail awaiting trial after his DNA was traced to other break-ins at three residences and a church.

26. "Man convicted in child's 1996 slaying with help of updated DNA test." The Associated Press State & Local Wire, July 9, 2004.

In Ohio, a man was convicted of the 1996 rape-murder of a 12-year-old girl after new DNA tests were used. The 44 yr old man was convicted of the aggravated murder, kidnapping and rape. Detectives reopened the case in 2001, after a federal grant paid them to work overtime on unsolved cases. DNA tests linked the man to the murder.

27. "Cop net closing in on night stalker rapist." Daily Star, July 9, 2004.

In the UK, one of Britain's biggest DNA searches has been launched to trap a serial rapist nicknamed the Night Stalker. Detectives have narrowed down a list of 21,000 suspects to just 1,000 names.

28. "Sessions vows to block DNA bill." Gannett News Service, July 9, 2004.

In Washington, D.C., a proposal that would speed processing of DNA samples collected at crime scenes and give death-row inmates greater access to DNA testing likely will begin moving through the Senate next week. The legislation also is aimed at wiping out the backlog of crime-scene DNA samples and giving convicted criminals another chance to prove their innocence. Senator Jeff Sessions and other opponents of the bill say the money could be better spent on other types of forensic testing, such as fingerprinting, ballistics and drug analysis.

29. "Withdrawn statements to be admissible; New Criminal Justice Bill provision a direct response to collapsed Limerick murder trial." The Irish Times, July 9, 2004.

In Ireland, a new bill extends the ability to take DNA samples by reclassifying saliva and mouth swabs as non-intimate samples as opposed to intimate samples. This reclassification means that they will be able to take such samples, a source of DNA, without the consent of witnesses.

30. "Teenager denies rape of seven-year-old." Lincolnshire Echo, July 9, 2004.

In the U.K., a teenager has denied raping a seven-year-old girl. The youth, 14 at the time of the alleged attack, insisted he did not have sex with the girl during a visit to a house in Lincoln. He added that a DNA sample found on a bedsheet matched his profile only because he had earlier swapped the sheet himself.

31. "Former RAF recruit jailed for rape of colleague." Press Association, July 9, 2004.

In Pennsylvania, a former RAF recruit was jailed for life for a terrifying knife-point rape on a female colleague who had joined the force less than a week before. In the meantime, however, DNA evidence emerged strengthening the case against the defendant. He changed his plea to guilty on the charge of rape and admitted one count of unlawful wounding rather than the original charge of wounding with intent.

32. "Man sentenced to life for rape." Tallahassee Democrat, July 9, 2004.

In Florida, a man convicted last week in a 1981 beating and rape was sentenced to life imprisonment Thursday. He was charged after a DNA test three years ago linked him to the crime, according to reports. Experts then testified that the man's DNA and the rapist's DNA were the same. There is no statute of limitations on the crime because it involved "great force" and is classified as a "life felony," prosecutors explained. The woman, a New Zealander, had been visiting the United States on a 90-day visa at the time.

33. "Conviction upheld in '74 sex slaying." Alameda Times-Star, July 8, 2004.

In California, prosecutors did the right thing by using modern DNA technology to prove Ellis Lockett committed a decades-old sex slaying in Oakland, a state appeals court has ruled. A three-judge panel of the state Court of Appeal on Tuesday unanimously rejected Lockett's argument that the 28-year gap between Susan Elizabeth Murphy's killing and Lockett's 2002 trial ruined his chances at fair proceedings.

34. "London police here to check on unsolved rape cases." CanberraTimes, July 8, 2004.

In England, the cold-case investigation team - in operation for about a year - has re-opened more than 300 previously closed cases after new DNA analysis technology became available for their inquiries

Detectives from the London Metropolitan Police have spent the past two days investigating several rapes and sexual assaults committed in Britain between 1987 and 1995.

35. "1990 assailant used paint to cover up DNA evidence; Racine's first cold case trial leans on testing." Milwaukee Journal Sentinel, July 8, 2004.  
In Wisconsin, a woman's killer did his best to keep his DNA from being detected at the crime scene 14 years ago. When police were called to a home that was under renovation, they found paint and caulk both covering and inside of a victim's body. Despite the paint and caulk, authorities were able to preserve semen evidence from the body; the accused was convicted of a felony years later, which required him to provide a sample of his DNA. Improvements in DNA testing eventually enabled the State Crime Lab to match DNA.
36. "Burglary lookout traced by DNA." South Wales Evening Post, July 8, 2004.  
In the UK, a father-of-three involved in a serious city centre burglary has been trapped by a discarded cigarette butt. The man threw it away after taking part in a raid. When scientists examined the cigarette end, they found DNA on it. During police interviews he denied any involvement in the break-in at the shop, however changed his plea to guilty.
37. "Killer's 9th appeal goes to state high court." St. Petersburg Times, Florida, July 8, 2004.  
In Florida, the state's Supreme Court will decide the significance of new DNA evidence and whether a convicted murderer deserves a new trial. The man was sentenced to death in 1986 for strangling his victim during a rape attempt and robbery. The jury took less than an hour to decide his fate. Recent DNA evidence shows that semen and saliva samples collected from the crime scene and considered during the 1986 murder trial do not belong to the accused. In April, a circuit judge denied a request for a hearing to consider the DNA evidence.
38. "\$86 million awarded for state DNA testing." United Press International, July 8, 2004.  
In Washington D.C., a report sent to Congress said the Justice Department has awarded the states more than \$86 million over two years to analyze DNA samples in crimes."The Annual Report on DNA Analysis Backlog Elimination Grants" was prepared by the National Institute of Justice. In fiscal 2002, the department made 25 awards to agencies in 24 states and Puerto Rico totaling more than \$28.5 million for the combined purposes of performing DNA analysis of crime scene evidence and DNA laboratory capacity building.
39. "Criminal law & procedure - DNA testing." Chicago Daily Law Bulletin, July 8, 2004.  
In Illinois, trial courts correctly ordered defendant to give blood sample for genetic-marker testing because the state has a significant interest in preventing recidivism and intrusion on imposed defendant's privacy rights by DNA testing is relatively slight.
40. "DNA Match." City News Service, July 7, 2004.  
In California, a Washington state prison inmate allegedly linked by DNA to the 1998 rape and slaying of an Anaheim liquor store owner will be brought to Orange County to stand trial. DNA evidence collected at the scene was submitted for examination and a potential suspect match, and it came back belonging to the prisoner, who is serving 12 years on a 2001 conviction for carjacking, kidnapping, and robbing his sister.
41. "Giving up more than our DNA." The Miami Herald, July 7, 2004.  
In Florida, an editorial article expresses concern over the misuse of DNA random sampling. An excerpt of the editorial reads, "A perpetrator was identified through DNA left behind at a crime scene. Investigators retrieved a sample of his hair from a mask he abandoned near the scene. The case is a dazzling example of how technology can remove a dangerous man from the streets. What gives me the chills, however, has nothing to do with Banmah or the technology

used to nab him. It is how police happened to have a sample of Banmah's DNA on file to match with the sample taken from the scene. Earlier this year, Banmah was one of thousands of men who voluntarily gave DNA samples to Miami-Dade detectives searching for a rape suspect. Investigators asked men on the street who seemed to fit the rapist's description to allow the swabbing of their mouths. Banmah was among them. He wasn't the rapist. But his DNA sample linked him to the murders.”

42. “Wilksburg man faces trial in death of girl.” Pittsburgh Post Gazette, July 7, 2004.  
In Pennsylvania, a man was held for trial yesterday in a 2001 killing to which he was linked largely by DNA evidence. Police in the Pittsburgh cold-case homicide squad last month arrested a 31 yr old man in the slaying of 16-year-old girl.
43. “DNA deadlock?” The Arizona Republic, June 27, 2004.  
The U.S. "Advancing Justice Through DNA Technology Act" is under threat of being gutted or derailed by Senate Judiciary Committee members
44. “In Austin assault, a DNA link to suspect; Use of DNA to identify an indicted John Doe is a first in Travis.” Austin American-Statesman, June 15, 2004.  
In Texas, for years, the person responsible for the 1995 rape of an Austin woman was known only as "John Doe 2001-3." He was given that identity after a Travis County grand jury indicted him based on DNA evidence more than three years ago. Authorities think they now know his name, a real estate agent whose genetic blueprint has been linked to sexual assaults in that state. He has previously been arrested and charged in four sexual assaults, and police said his DNA also links him to assault in question.