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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 2, 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

A bill in Ohio proposes thousands more samples be taken and added to the national database. The bill would require anyone convicted of a felony or 11 of the most serious misdemeanor offenses to submit a DNA sample. In New York, the state will soon start taking DNA samples from pimps, bail jumpers, eavesdroppers, and people convicted of dozens of other offenses. The DNA databank will be expanded to catch criminals before they commit more crimes.

Tissue found at the scene of a robbery ties Illinois inmate to the crime, helping to solve the 2-year-old case. In Maryland, a man has been arrested in a 1987 rape after his DNA was found to match evidence collected in connection with the crime.

A New York judge rules that the DNA database for convicted offenders is constitutional. The Omaha, Nebraska police chief defends taking DNA samples from black men as investigators try to solve a series of rapes.

In Ohio, DNA from a confessed serial rapist sat untested, for 2 years in an Ohio crime lab. Florida authorities conducted a DNA dragnet that led to the arrest of a suspect in a robbery and double slaying. In Pennsylvania, DNA is key in an appeal filed by a man convicted of murder.

The Supreme Judicial Court in Maine has allowed evidence from a 10 year old rape case to be subject to DNA analysis in a divided ruling that opens the door to post-conviction testing in similar cases. DNA in a Virginia case helps to pardon a mildly retarded farmhand.

DNA was used to identify the victims of the Bali, Indonesia bombings. Russian police advocate the creation of a national DNA database. South Australian laws that allow DNA testing of all prisoners and suspects of serious crimes is deemed a success.

### **STATE LEGISLATION**

1. New York AB 11721 An act to amend the executive law and the criminal procedure law, in relation to expanding the existing DNA identification index.
2. New York SB 7641 An act to amend the executive law, in relation to providing for use of the DNA identification index to locate missing persons and identify unknown human remains, and expanding the existing DNA identification

index.

3. New York SB 7647 An act to amend the executive law, in relation to providing for use of the DNA identification index to locate missing persons and identify unknown human remains, and expanding the existing DNA identification index.
4. New York SB 7659 An act to amend the executive law and the criminal procedure law, in relation to expanding the existing DNA identification index.
5. Michigan SR 274 A resolution urging the President Bush to encourage expansion of stem cell research in the United States.
6. Pennsylvania HB 2744 An act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, reenacting provisions relating to comparative negligence; and making a repeal.

## **NEWS ARTICLES**

### **Forensic DNA**

1. Student recounts ordeal in rape trial. The Atlanta Journal-Constitution, June 30, 2004.  
In Georgia, a student recounted the details of an attack against herself, her mother and dorm mates. The suspect is on trial for felony charges of aggravated sodomy, burglary, kidnapping, and aggravated assault. He has been linked to a previous accusation of rape, as well as the current charges through DNA evidence.
2. How forensic science helped bring the Bali bombers to justice. Canberra Times, June 30, 2004.  
In Indonesia, three bombing blasts claimed the lives of 202 people, including 88 Australians and two suicide bombers. With 596 body parts recovered, they identified 199 victims, using dental records for 53%, DNA for 41%, fingerprinting for 4%, and medical records for 2%. Toothbrushes of victims were used for obtaining comparison DNA samples.
3. Boynton Beach man charged with woman's killing. The Associated Press State and Local Wire, June 30, 2004.  
In Florida, a male is charged with killing a woman whose body was found in a county park. DNA evidence connected the suspect to the rape and strangulation death.
4. DNA database for convicted offenders is constitutional, N.Y. judge rules. The Associated Press, June 30, 2004.  
In New York, a federal judge ruled that the law establishing New York States database of DNA samples from convicted offenders is constitutional. The program, which seeks to match crime-scene DNA samples with those of known criminal offenders doesnt violate protections against warrantless or suspicionless searches under the Fourth Amendment of the U.S. constitution.
5. Omaha Police Chief Defends DNA Sweep. Associated Press Online, June 29, 2004.  
In Nebraska, Omaha police chief defended taking DNA samples from black men as investigators try to solve a series of rapes. A court ordered an Omaha company to turn over the names of 84 black men for DNA sampling. Four voluntarily submitted to the DNA testing, nine were eliminated, and nineteen have not been contacted. An ethics complaint regarding the release of the names will be filed.
6. Morel Charged in 2002 assault; boxers lawyer questions delay. Capital Times, June 29, 2004.  
In Wisconsin, former world boxing champion and two other men were charged with assaulting an intoxicated and unconscious 15 year-old girl. The investigation was stalled when a detective mislabeled DNA evidence and authorities had to obtain a second sample. Crime lab analyses however matched all three men to semen found on the victim.
7. A suspected serial rapist on the streets, while his DNA sat in a police crime lab for years. Cable News Network, June 29, 2004.  
In Ohio, a male confesses to raping 50 women since 1988. The rapists DNA sat, untested, for 2 years in an Ohio crime lab. Nationwide, more than 540,000 DNA samples have been taken from crime scenes and are yet to be tested by law enforcement officials. Many local agencies say they simply cant afford it. An estimated 169,000 rape kits are waiting to be tested for DNA.
8. Court OKs post-conviction DNA analysis in rape case. The Associated Press State and Local Wire, June 29,

2004.

In Maine, the Supreme Judicial Court on Tuesday allowed evidence from a 10 year old rape case to be subject to DNA analysis in a divided ruling that opens the door to post-conviction testing in similar cases.

9. Boy, 16, is scrutinized in deaths of two teens. The Associated Press State and Local Wire, June 29, 2004.

In New York, a 16 year-old boy was being investigated in the deaths of a 14 year-old girl and an 18 year-old woman. DNA evidence linked him to both women.

10. Jailed man charged in rape, suspected in homicide. The Associated Press State and Local Wire, June 29, 2004.

In Washington, A convicted rapist already jailed on burglary and theft counts is the focus of two other investigations, into the slaying of one woman and the rape of another. Biological evidence found on the murder victims body matched the suspect when ran through a state DNA identification system.

11. Robber jailed for nine years. The Irish News Limited, June 29, 2004.

In Belfast, a robber who left a teenage shop assistant traumatized is jailed for nine years. Initially denying any involvement, he confessed after being told his DNA was found on a cigarette at the scene.

12. 'Stinky' rapist jailed for student attack. The Mercury, June 29, 2004.

In Australia, a rapist was sentenced to 5 years jail for an attack leaving the victim with physical and psychological injuries. DNA evidence led to a charge of rape after the suspect evaded detection since early 2002.

13. DNA brings arrest in double slaying. The Miami Herald, June 29, 2004.

In Miami, police arrested a third suspect in connection with the robbery and double slaying a year ago of a husband and wife. The suspect came to light after a voluntary police check swab gathering DNA as part of a police dragnet for a Miami serial killer. Detectives asked men in the street to allow the swabbing of the inside of their cheeks. Instead, the sample linked hair samples left behind by one of the flea market robbers.

14. Tissue ties Illinois inmate to West Bend diamond robbery; DNA match gives 2-year-old crime unexpected break. Milwaukee Journal Sentinel, June 29, 2004.

In Illinois, police say they built their case against a man for robbery of a jewelry store, with a used facial tissue and the DNA left behind in the nasal discharge on the tissue. The owner of the store remembered seeing the man blow his nose shortly before the robbery took place. The DNA was entered into a national database but there were no matches until he was implicated in an additional robbery.

15. Killer gets the max, excoriated by judge. Newsday, June 29, 2004.

In New York, a male who shot dead an immigrant cabby in his driveway and stole his SUV was sentenced to 25 years to life. He was found guilty of two counts of murder, along with robbery, weapons possession, evidence tampering, and other charges. DNA evidence was found at the scene, linking the man to the crime, of which he tried to dispute.

16. Fingernails play key role in appeal; DNA from a woman's clippings does not match the man convicted of bludgeoning her to death. That doesn't matter, prosecutors say. Philadelphia Inquirer, June 29, 2004.

In Pennsylvania, a man and his family attempt to overturn the conviction of a life sentence for a bludgeoning murder he maintains he did not commit. DNA evidence tested last year showed that microscopic genetic material gathered from under the victims fingernails belonged to another man. However, prosecutors believe the DNA proves nothing, stating that it is not evidence of innocence. Still, no physical evidence, fingerprints etc., link the convicted man to the crime.

17. SA: Wider DNA testing results in almost 100 new criminal charges. AAP Newsfeed, June 28, 2004.

Laws introduced into South Australia last year permitting DNA testing of all prisoners and suspects of serious crimes has been a success. Almost 100 new criminal charges have been laid through wider DNA testing of South Australian prisoners and crime suspects. DNA evidence also supported 54 charges against 10 people who already had been convicted.

18. Middle River man arrested in '87 rape case. Baltimore Sun, June 28, 2004.

In Maryland, a man has been arrested in a 1987 rape after his DNA was found to match evidence collected in connection with the crime.

19. Self-described pedophile gets 70 years for assaulting 5 year old girl. The Associated Press, June 28, 2004

In Indianapolis, a man who said he knows he is a pedophile is sentenced to 70 years in prison for assaulting a 5 year old

girl. He was arrested after DNA evidence from a national database linked him to the crime. He was already serving a 25 year sentence for kidnapping three children and assaulting one of them.

20. Man convicted on 21 counts in attacks on professional women. The Associated Press State and Local Wire, June 28, 2004.

In Louisiana, a man who preyed sexually on blonde, professional women has been convicted on 21 charges including multiple counts of confinement and deviate conduct. Committing rapes, attempted rapes, and voyeurism, the man was matched to the crime scenes through DNA evidence. His DNA was on file because of a previous burglary and residential entry case.

21. Worst criminals DNA on file. The Dominion Post, June 28, 2004.

The DNA of more than 700 of New Zealands worst criminals is now on police file after a law change in April. The law change means that police can now collect DNA from criminals who were sentenced to more than seven years in prison before 1996. This means the DNA of some of the most serious offenders will now be held on file.

22. Commentary: The big news out of Jeff City: DNA sampling. Kansas City Daily Record, June 28, 2004.

In Missouri, an editorial by someone with prosecutorial ties discusses a state bill that states all persons found guilty of a felony or a sex offense would be required to submit a sample of their DNA. Some misdemeanor offenses could also be required to have their DNA sample taken.

23. DNA database tops 700 The Press, June 28, 2004.

In New Zealand, the DNA of more than 700 of the countrys most serious criminals is now on police file after a law change in April. The law change means police can now collect DNA from criminals who were sentenced to more than seven years in prison before 1996. This means that DNA of some of the countrys most serious offenders will now be held on file.

24. Russia: Police advocate creation of national DNA bank. Global News Wire Asia Africa Intelligence Wire, June 27, 2004.

In Russia, the Interior Ministry has proposed that DNA samples be taken from all Russian newborns in order to help police identify bodies and solve crimes. Interior Ministry official Andrei Kukhtinov said that if such a program were in place, it would aid police in identifying the 65,000 bodies that have been found so far this year. He said that 119,000 people were reported missing in Russia last year.

25. Jury selection to begin in 1981 rape case; DNA used to link man to New Zealand tourist. The Tallahassee Democrat, June 27, 2004

In New Zealand, a man charged in a decades-old rape through DNA evidence will face a Leon County jury this week. According to lab tests, bodily fluids from the attack matches the DNA profile on file in the states database on convicted criminals.

26. D.C. police behind on analysis of DNA is old evidence. The Washington Post, June 27, 2004.

In Washington, D.C., police have a backlog of hundreds of unsolved homicide and rape cases that could benefit from DNA analysis, with the untested evidence sitting for years on shelves or stored in refrigerators at department buildings. The city has asked Congress for \$9 million to help start building a state of the art crime laboratory.

27. Man charged in 1987 rape after his DNA is linked to case. The Baltimore Sun, June 26, 2004.

In Maryland, a man was arrested and charged in the 1987 rape of a woman after evidence from the case was linked to DNA in a statewide database for convicted felons. He was not a suspect in the original investigation, but was matched through a DNA database for convicted felons.

28. General Assembly goes into recess. The Associated Press State and Local Wire, June 26, 2004.

In Rhode Island, the General Assembly went into recess early Saturday, after approving a bill to forcibly obtain DNA samples from suspects and the state to collect DNA samples from all convicted felons.

29. Accused sexual predator convicted; Perry found guilty on 21 of 22 charges. Journal and Courier, June 26, 2004.

In Indiana, a man is convicted on 21 of 22 criminal charges due to his involvement in sex crimes on 5 women. His DNA was on file because of previous burglary and residential entry cases. Police found his DNA at the scenes of all three of the recent attacks.

30. Man faces death in slaying of woman in 1989 The San Diego Union Tribune, June 26, 2004.  
In California, Prosecutors said yesterday they will seek the death penalty against a burglar accused in the rape and slaying of a 68 year old woman 15 years ago. The man was linked to her slaying by analyzing blood and semen samples finding a DNA match.
31. Ex-boyfriend of mom guilty in girls killing The Times Union, June 26, 2004.  
In New York, a male was found guilty of the slashing death and sexual assault of a 14 year-old female. Convicted of seven felony counts, DNA evidence helped prove guilt.
32. More offenders may have to give DNA; bill proposes thousands more samples be taken and added to national database run by FBI. Columbus Dispatch, June 25, 2004.  
In Ohio, despite a backlog of 14,000 DNA samples that havent been processed, state officials are proposing legislation that would increase the number of convicted offenders whose DNA must be collected. The bill would require anyone convicted of a felony or 11 of the most serious misdemeanor offenses to submit a DNA sample for entry into the FBI's national database.
33. Glenwood Springs man charged in fifth rape The Associated Press State and Local Wire, June 25, 2004.  
In Colorado, a man whose DNA linked him to four sexual assaults in Boulder has been formally charged in an additional. Two years ago, DNA tests linked him to four violent sexual attacks, and two rapes. Undercover police officers collected DNA from his car, his home and his bicycle, all showing a match to the Boulder rapes.
34. Put Tana Wooley killer to death, jury says. The Daily News of Los Angeles, June 25, 2004.  
In California, a jury recommends a 56 year-old male be out to death for the 1978 slaying of a beauty queen. He was convicted of raping and murdering a pageant star, a crime that had gone unsolved for 24 years, until DNA technology helped detectives pin him down as a suspect.
35. Police seize doctors records, DNA; a lawsuit alleges that had a sexual relationship with patient he was treating. Des Moines Register, June 25, 2004.  
In Iowa, West Des Moines police who searched the office of a suburban psychiatrist seized therapy records and a DNA sample they plan to test against a former patient panties that are sealed in a safety deposit box. The psychiatrist is accused of sexually exploiting a former patient.
36. 26 charges for break-in man. Northern Territory News, June 25, 2004.  
In Australia, a 28 year-old man will face 26 charges after he was arrested by police and implicated by DNA evidence.
37. Rape suspect tied to attacks; police connect Orlando man to other crimes. Orlando Sentinel, June 25, 2004.  
In Florida, an Orlando man accused of kidnapping and sexually assaulting a motorist has been linked to 5 similar attacks. Held without bail on charges of carjacking, kidnapping, and sexual battery, the serial rapist has been linked through DNA and other physical evidence.
38. Cops: DNA links man to rapes; Lab tackles 2 cold cases from 1990 Times-Picayune, June 25, 2004.  
In Louisiana, a suspect has been booked in two old rape cases thanks to the New Orleans Police departments DNA laboratory. The total of revived cold cases is now five, since the lab was created a year ago.
39. B.C. man faces 13 years in prison for terrorizing women. The Vancouver Sun, June 25, 2004.  
In Canada, a 34 year old man from British Columbia was sentenced to 13 years for viciously beating a terrorized Edmonton woman during a home-invasion robbery. DNA testing linked the man from a spot of blood of the victim on his pants.
40. East Africa; EAC plan Sh1.3 billion crime lab Africa News, June 24, 2004.  
In Africa, East African countries are looking into establishing a crime lab, estimating a project cost of nearly 1.3 billion dollars. The laboratory would be host to a number of units, ballistic identification systems, toxicology, drugs and bomb residue analysis, fingerprint identification systems, and DNA typing.
41. Convicted killer pleads innocent to park murder The Associated Press State and Local Wire, June 24, 2004.  
In Massachusetts, a convicted killer already serving a life sentence for murder pleaded innocent to the slaying of an elderly woman. His DNA matched genetic material found on the victims body. His neighbor, originally charged with the murder and spending more than 40 days in jail, was released when his DNA did not match the evidence from the

crime scene.

42. State to cast wider DNA net. Daily News, June 24, 2004.

In New York, the state will soon start taking DNA samples from pimps, bail jumpers, eavesdroppers, and people convicted of dozens of other offenses. The DNA databank will be expanded to catch criminals before they commit more crimes.

43. Judge rules confession not coerced. Daily Press, June 24, 2004.

In Virginia, a mildly retarded farmhand was found guilty of rape and murder, but was pardoned after DNA exoneration. DNA examination found a serial rapist was to blame for the attacks.

44. Jurors hear DNA evidence in sexual assault case. Journal and Courier, June 24, 2004.

In Indiana, jurors begin deliberating on a burglary and rape trial in which a DNA analyst testified, stating that the DNA at three crime scenes is consistent with that of the accused.

45. Seeking answers to tragic riddle The Northern Echo, June 24, 2004.

In the United Kingdom, new DNA techniques has helped place the killer at the scene of a crime almost seven years after it happened.

46. Dead mans DNA found on officers boot, inquest hear The Vancouver Province, June 24, 2004.

In Canada, DNA from a man who died in police custody was found on the boot of the arresting officer. A police investigation will continue to look at the death of the man to determine if by police hand.

47. Proposed bill would require DNA testing of all felons. The Associated Press State and Local Wire, June 23, 2004.

In Ohio, any person convicted of a felony would have to provide a DNA sample under a legislative proposal announced. It would increase DNA collections from about 10,000 a year to nearly 30,000.

48. Man convicted in 74 slaying of retired principal; New evidence included DNA, more witnesses The Cincinnati Enquirer, June 18, 2004.

In Ohio, a guilty verdict finally came in a three decade-old slaying case. Newly discovered evidence, including DNA samples, sent the case to trial after it had lain dormant since 1979.

49. DNA links Michigan ex-con to 1983 Laguna Beach slaying; A break in bludgeoning investigation came in April. The Orange County register, June 10, 2004.

In California, DNA evidence led police to a Michigan man who confessed to a 21 year-old murder he committed. The DNA lifted from the evidence was entered into the Combined DNA Index System, comparing profiles electronically.