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The July 23, 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**

The “Cold Hit” program in California leads to arrests. A cold case squad in Utah solves its first case, a 1976 rape and murder. The constitutionality of DNA sweeps to solve serial rapes in Nebraska is debated. DNA collected in a Nebraska rape lead to a 1995 Arkansas murder. DNA links a child molester in prison in Washington State to a rape ten years ago in Utah. In New York, DNA from a murder scene matches a convicted burglar. DNA from a jewelry heist in 1999 matched a convicted female robber in Michigan, but she had already been released. A convicted car thief, kidnapper and robber serving time in Washington is connected by DNA to a 1998 rape in California.

Prosecutors in New Jersey seek to use mitochondrial DNA testing at trial. Michigan authorities cite cost as the reason they will not secure DNA testing on identical twins suspected of rape. New Hampshire authorities argue the DNA testing backlog allows child pornographers to remain unpunished. Texas authorities dropped charges against three in a quadruple murder because a delay in getting crime lab results lead to the potential violation of the right of the suspects to a speedy trial. DNA evidence links a suspected child molester and murderer to a crime that could become the first death penalty case since its reinstatement for New Jersey.

A Georgia convict loses his appeal for post-conviction DNA testing, sending his case to the U.S. Supreme court to decide whether or not a person has the constitutional right to post-conviction DNA testing. Massachusetts seeks to become the first state to require a scientific link (such as DNA) to a death-penalty conviction. A Louisiana court of appeals ruled that DNA evidence obtained under subpoena and not a warrant is admissible in a serial murder trial. A Brady violation by not disclosing laboratory notes on DNA evidence leads to a new rape trial in California. In Maryland, the state's highest court has reversed the decision of a 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. A Louisiana judge rules that a suit challenging the maintenance of DNA after it has been used in a criminal case may continue. In Washington, a State Court of Appeals has upheld a law forcing convicted felons to give DNA samples, rejecting an argument that it's an illegal search because there's no reason to believe they have committed other crimes. A DNA sample forced from a convicted burglar leads to a sexual assault conviction in an earlier case.

The use of DNA in criminal cases is increasing in China. DNA sample in database links an ex-Tory party official to the rape of six-year-old. For the first time, DNA evidence has linked whale meat to illegal harvests in Japan. In an expansion of the national DNA database, authorities in the U.K. plan to start tracking juvenile offenders and habitual criminals via satellite this Fall. DNA sample taken for a minor, non-sexual crime leads authorities to a suspect in the 1992 rape of a schoolgirl.

## **NEWS ARTICLES**

### Forensic DNA

1. "DNA plays key role in solving murder" China Daily, July 21, 2004.

In China, DNA technology is playing an increasingly important role in solving serious criminal cases in municipalities in Southern China. DNA was recently used to identify a homicide victim, and a subsequent confession resulted. The Deputy Director General promised to use DNA and other high-tech means in investigating additional criminal cases, particularly homicide and other serious cases, in the coming months.

2. "Dundalk man gets two life terms for killing 2 women in 2002." The Baltimore Sun, July 20, 2004.

In Maryland, a man was convicted of strangling two prostitutes and was sentenced to back-to-back life terms without the possibility of parole. DNA from bite marks left on the victims contributed to the conviction.

3. "Dog owner headed to jail in 2 maulings." Columbus Dispatch, July 20, 2004.

In Ohio, in the first case in the country to use animal DNA, a man was sentenced to six months and jail and fined \$5,000 for two of his dogs attacking two women, killing one. The Rottweilers attacked on two separate occasions, gravely wounding one victim, and killing another. DNA from the dogs matched DNA from saliva on the clothing of both victims.

4. "Prosecutor seeks to use newer DNA test against child slaying suspect." The Associated Press State and Local Wire, July 20, 2004.

In New Jersey, prosecutors have asked a judge to allow the use of a relatively newer DNA test in a homicide case. If the judge grants the request, it could mark mitochondrial DNA testing's introduction into New Jersey's courts. Authorities want to use the mitochondrial testing to link a hair lodged in the murder weapon as well as using nuclear DNA testing, the state's current method, on evidence collected from the child's underwear. The mitochondrial method has been used by the FBI since 1996 and is used by a handful of other states.

5. "New DNA analysis leads to charges in unsolved 1985 slaying." The Associated Press State and Local Wire, July 20, 2004.

In Indiana, genetic testing on cigarette butts recovered from the scene of a 1985 slaying has led authorities to charge a man with murder. The cold case was reopened and detectives found in 2002 that several cigarette butts from the crime scene had not been tested for DNA. Genetic tests found that five of the 11 cigarette butts either matched or could not be eliminated as the DNA in question.

6. "LAPD clearing up cold cases; State grant aids in DNA testing leading to suspects in sex-bases crimes." The Daily News of Los Angeles, July 20, 2004.  
In California, with the help of a three-year, \$50 million grant from the state's Cold Hit Program, the Los Angeles Police Department has been able to perform DNA analysis on more than 1,700 backlogged sex-crime cases and has identified 77 suspects. Los Angeles police have made three arrests, and 60 cases remain under investigation.
7. "Victims Testify About Belmont Shore Rapes." Los Angeles Times, July 20, 2004.  
A California man is linked through DNA evidence to fourteen crime scenes in a trial that charges him with 64 felony counts of burglary, rape, and sexual assault.
8. "Kearney police say DNA sweep saved time in 2002 rape case." Omaha World Herald, July 20, 2004.  
In Nebraska, a DNA sweep of approximately 75 males fitting the description of a rapist in the area aided in cracking the case quickly and effectively, however has led to a debate on the topic. Among the top of the debate list is the constitutional protection against search and seizure.
9. "Kid-rape Tory facing prison." The Sun, July 20, 2004.  
In England, an ex-Tory party official who was living on the lam was arrested after DNA in a database links him to the rape of a six-year-old girl.
10. "DNA of protected whales found at Japanese market." Sydney Morning Herald, July 20, 2004.  
In Japan, the first DNA evidence of illegal whaling in southern hemisphere waters has been found. DNA-tested whale meat from the Japanese retail market matches the signature of the sei whale's southern hemisphere stock. The DNA examination is part of an increased effort to abolish the illegal whaling practices.
11. "Double rapist denied new trial; DNA aided in conviction." City News Service, July 19, 2004.  
In California, a man is convicted of multiple counts of rape, indecent exposure, and sodomy, and faces up to 90 years to life. DNA evidence was recovered from the crime scenes, as well as from the victim's body linking the man to the crimes.
12. "Authorities won't pursue more DNA tests on suspect twins; cost cited." The Associated Press State and Local Wire, July 19, 2004.  
In Michigan, authorities overseeing a rape case in which the suspects are a pair of identical twins will not pursue additional DNA tests, which would be expensive and are unlikely to pinpoint a culprit. Without more detailed scientific tests to find minute differences in the twins' genetic codes, police cannot exclude either twin as a suspect. The DNA they share is consistent with DNA from the crime. Detectives say they will attempt to solve the crime through other leads and evidence.
13. "Salt Lake man arrested in 1976 slaying." Deseret Morning News, July 19, 2004.

In Utah, a 28 year-old rape and murder case finally saw an arrest. DNA technology linked evidence from the slaying to a Salt Lake man who has a long criminal history that includes assault and rape. The case is the first success for the so-called "cold case squad" established in August 2003 to review the department's unsolved homicides.

14. "Satellites will track criminals." Evening Chronicle, July 19, 2004.

In England, young criminals and the 5,000 worst persistent crooks will be tracked by satellite technology. An expansion of the national DNA database and new technology to keep track of those starting out on a life of crime and serial offenders is part of a five year crackdown on crime.

15. "Georgia case tests reach of appeals based on DNA." The New York Times, July 19, 2004.

In Georgia, in the first test of a state statute permitting convicts to seek exonerations through DNA tests, the Georgia Supreme Court and the state parole board have denied a request from a man scheduled to be executed. A founder of the Innocence Project, which has assisted in the cases of many of the 145 inmates nationwide who have been exonerated by DNA tests, noted that it was the first time a death row inmate had been denied DNA testing after making every possible appeal at the state level. The case has been appealed to the U. S. Supreme Court.

16. "Case backlog allows child pornographers to go free." The Union Leader, July 19, 2004.

In New Hampshire, law enforcement officials say child pornographers and sexual predators are going free because the state can't process evidence against them fast enough. A shortage of trained forensic investigators is the biggest reason for a two- to three-year backlog of cases involving child pornography and soliciting sex from minors online. The backlog could mean a known suspect remains free for as much as three years. The lab receives five to seven child pornography and sex solicitation cases each month, but can only process two a month.

17. "Rape suspect in Arkansas linked by DNA to 1995 Nebraska slaying." The Associated Press State and Local Wire, July 18, 2004.

In Arkansas, a man who voluntarily supplied a DNA sample when he was a suspect in a 2002 Arkansas rape case has been charged with murder in Nebraska after a DNA match was made with blood found on a 1995 strangling victim there.

18. "Suspect's release blamed on lab." San Antonio Express-News, July 18, 2004.

In Texas, a delay in results from the state crime lab is blamed as the reason for the release of three men suspected in a quadruple slaying. Lab officials said they finished most of the tests on DNA, ballistics and fingerprint evidence, however police had already dropped capital murder charges against 3 men in the shooting deaths of four people. Police investigators said they had not received lab results, so they couldn't meet a state deadline that requires prosecutors to be ready for trial 90 days after a felony arrest.

19. "Case against courtroom science." The Toronto Star, July 18, 2004.

In Massachusetts, a new proposed death penalty requirement offered firm assurance that no innocent people would be executed. Convictions would be based on science. According to the proposal, a death-penalty verdict would require not only an especially heinous crime, but also "conclusive scientific evidence" of guilt.

If it passes, Massachusetts will become the first U.S. state to require a scientific link to a crime to impose a death sentence.

20. "DNA links convicted murder charged with three additional homicides." The Washington Post, July 18, 2004.  
In Maryland, a convicted murderer serving a life prison term was charged in three homicide cases, each more than a decade old, after DNA evidence linked him to the slayings. The 34 year old man, imprisoned for a 1994 murder, was charged in the killings of three female victims ranging in age from 14 to 37. Those slayings took place in 1986, 1988 and 1993.
21. "Jury seeks death penalty; Judge will sentence rapist, murderer." Akron Beacon Journal, July 17, 2004.  
In Ohio, a jury rejected claims by a man that the DNA evidence connecting him to the rape and murder of a young girl was either intentionally or accidentally switched with another suspect. The jury recommended the death penalty, and a judge must give the formal sentence.
22. "John Hunter gets 95 years in prison for multiple assaults and robberies." Anchorage Daily News, July 17, 2004.  
In Alaska, a serial rapist was sentenced to 95 years in prison after his conviction for five first-degree sexual assaults. DNA evidence linked him to all five crimes.
23. "Church vandal's prison wish is granted." Derby Evening Telegraph, July 17, 2004.  
In England, a man is sentenced to four years and nine months after ransacking a church and robbing a disabled woman. He was linked to the crime scene after his DNA was found on a cash box.
24. "17-year-old admits to attack, carjacking of sales clerk." Hamilton Spectator, July 17, 2004.  
In Canada, a 17-year-old man pleaded guilty to sexual assault, robbery, arson, and kidnapping a 66-year-old woman after he and another youth carjacked the woman in a parking lot. The 16 year old was linked to the crime when a police surveillance team collected DNA, which was identical to DNA left at the scene.
25. "Detectives are asked to submit own DNA; Broward sheriff's detectives who go to violent crime scenes are giving specimens of their own DNA in a voluntary program." The Miami Herald, July 17, 2004.  
In Florida, the practice of asking its detectives to submit their own DNA samples is coming up for debate. The rationale of the sampling is the thought that crime scene investigators may unintentionally contaminate a scene of a crime, therefore if the DNA were on file, the investigator's could be eliminated. The question of invasion of privacy is a common concern, however the practice is voluntary and no one has yet declined.
26. "8-year-old boy, father killed in drug dispute." National Post, July 17, 2004.  
In Canada, a man pleaded guilty to killing a drug dealer who refused to supply him with narcotics, and then killing the only witness, the dealer's eight-year-old son. Police investigators used DNA evidence to link the accused to the murder scene.
27. "Weber County rapist gets 15 years to life in prison after DNA links him to ten year-old crime" Salt Lake Tribune, July 17, 2004.  
A man who raped a woman at knifepoint 10 years ago in her Weber County home was sentenced to prison for 15 years to life. DNA evidence linked him to the crimes which included first-degree felony aggravated sexual assault and aggravated burglary. He was tracked earlier

this year to a Washington state prison where he was serving time for molesting a 15-year-old girl.

28. "Appeal court rules DNA evidence can be used in Lee trial." Saturday State Times/Morning Advocate, July 17, 2004.  
In Louisiana, a state appeal court upheld a West Baton Rouge Parish judge's ruling that prosecutors can use DNA evidence and evidence from other crimes when a serial killer suspect stands trial on a charge of murder. The serial killer in question, authorities say, is linked to the slayings of seven south Louisiana women through DNA. At issue was the fact that the evidence was secured by use of a subpoena and not by warrant.
29. "Nursing home worker convicted." The Tallahassee Democrat, July 17, 2004.  
In Florida, a nursing-home worker was convicted on a charge of lewd or lascivious battery on one of his elderly charges. A 43 year old man was a night-shift employee at a local facility for Alzheimer's patients and was charged in December 2002 after another employee found him hiding in a closet in the room of a 70-year-old female patient. The patient had severe bruising on her face and DNA tests linked Henry to a sex act involving the woman. He now faces up to 16 years in state prison and will remain in the Leon County Jail until sentencing in September.
30. "Man charged with raping Wisconsin mall workers." Associated Press Online, July 17, 2004.  
In Wisconsin, authorities have charged a man they believe raped as many as two dozen mall workers from 1999 to 2001. In all, the man was charged with 41 felony counts, including false imprisonment and kidnapping. Thus far, DNA tests have linked the man to the scene of one of the assaults in the complaint and another rape in Illinois.
31. "Jimenez trial will stay in Morris; Judge: Murder case can get fair hearing in county" Daily Record, July 16, 2004.  
In New Jersey, a 39 year old man is facing the death penalty for molesting and murdering a 10 year old boy. The child had been beaten and stabbed to death and DNA tests later linked the accused to the crime scene. This case would be only the sixth death penalty case to be tried by the County Prosecutor's Office since capital punishment was reinstated in New Jersey in 1982
32. "DNA advance sees man charged with rape 12 years ago." Daily Mail, July 16, 2004.  
In England, a man has been charged with the unsolved rape of a girl after his DNA was matched to samples taken more than 12 years ago. The 32- year- old gave a routine DNA sample when he was arrested for a minor, non-sexual assault last year, but when police scientists compared the results with the national database, they found a direct match with genetic material recovered from the 15-year- old girl who had been raped in 1992.
33. "Man charged in assault on girl, 3, faces a trial." Philadelphia Inquirer, July 16, 2004.  
In Philadelphia, an 18-year-old man was ordered to face trial on charges of breaking into the bedroom of a 3-year-old girl and sexually assaulting her almost two years ago. Police said DNA from a bloodstain on the girl's sheets was eventually matched to the man, who has a juvenile-criminal record.
34. "Santa Clara DA to retry rape case." The Recorder, July 16, 2004.  
In California, a county district attorney's office will not appeal two overturned verdicts in a well-publicized rape case, opting instead to take the case to trial again. It has been cited that the cumulative effect of errors that occurred during the trial were a problem, as well as a Deputy

District Attorney committing a Brady violation by not disclosing laboratory notes on DNA evidence.

35. "Boxer Morel released on bond in girl's rape." Wisconsin State Journal, July 16, 2004.  
In Wisconsin, former world flyweight boxing champion Eric Morel, his brother, and his half brother are all charged with second-degree sexual assault of a child, a 15 year old girl in 2002. According to a criminal complaint, DNA evidence links the three men to the assault of the girl, whom they met at a bar.
36. "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 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. Prosecutors hailed the ruling as a victory for the databank, and expectations are for this ruling to "broadly support" the state law authorizing DNA collection from all felons and some people convicted of misdemeanors.
37. "Employee at state center charged with assaulting resident." The Associated Press State and Local Wire, July 15, 2004.  
In Wisconsin, a male employee of a state center for the developmentally disabled has been charged with sexual assault, and causing a pregnancy. Initially refusing to submit to a DNA test, when the man consented, lab testing showed the probability that the man had fathered the child was 99.99 percent.
38. "Jailed for robberies." Grimsby Evening Telegraph, July 15, 2004.  
In England, a man is found guilty of robbing a jewelry store and using an imitation weapon to assist in the raid. Police matched the defendant's DNA with a sample taken from a cigarette butt, found in the shop after the raid.
39. "Pierce Brosnan's son arrested; DNA links him to thefts." United Press International, July 15, 2004.  
In England, the 34-year-old son of Pierce Brosnan was arrested at a London nightclub for allegedly stealing cell phones. The man was released on bail Wednesday afternoon, but was kept in custody when a DNA swatch linked the movie producer to a theft four months ago at Victoria coach station.
40. "Magistrate recommends action on DNA profile suit." The Advocate, July 14, 2004.  
In Louisiana, a federal magistrate has concluded that hundreds of innocent men swabbed for DNA during the hunt for a serial killer will "suffer injury" if their genetic profiles remain stored in government databases and are used to solve other crimes.
41. "Bill would collect DNA from felons." Bucyrus Telegraph Forum, July 14, 2004.  
In Ohio, a lawmaker wants DNA data collected from all convicted felons and some lesser criminals to help law enforcement officials crack unsolved cases. Some think the information could become as important a tool as fingerprints, and will help police catch career criminals earlier. It is noted about half of those convicted of violent crimes have committed lesser offenses in the past. Ohio already collects the genetic data from certain felons, including sex offenders, murderers, violent criminals and certain crimes against children.

42. "New DNA database of criminals helps police settle some unsolved cases." Channel NewsAsia, July 14, 2004.  
In Singapore, a DNA database of 38,000 profiles, built up from blood, hair or bodily fluids, collected from criminals and at crime scenes has helped Singapore police solve crimes. There have been arrests in four unsolved cases after DNA from the crime scenes were matched to profiles in the database.
43. "Cops say DNA ties felon to slaying." The Journal News, July 14, 2004.  
In New York, evidence found in the apartment of a 69-year-old man who was strangled in 1997 has been matched to a convicted burglar. A DNA sample taken from a man currently in state prison was compared earlier this year to evidence recovered in the unsolved homicide and turned up a match. A judge is expected to order the man to submit a new DNA sample to confirm the match.
44. "Ruling to help 'cold cases'; Felons can be forced to give DNA samples, state appeals court says." The Seattle Post-Intelligencer, July 13, 2004.  
In Washington, a State Court of Appeals has upheld a law forcing convicted felons to give DNA samples, rejecting an argument that it's an illegal search because there's no reason to believe they have committed other crimes. The Seattle-based court ruled yesterday that taking DNA samples "serves a special need" beyond ordinary police work by letting states keep databases of convicted felons' profiles.
45. "Michigan woman sought in Kettering jewelry theft." Dayton Daily News, July 9, 2004.  
In Michigan, a DNA sample taken from a prisoner enabled police to identify a suspect in a 5-year-old jewelry heist. A man and two women smashed a case with Rolex watches getting away with more than \$100,000 worth of watches, police said. One of the women left blood on the counter, and investigators recently matched that sample with the blood of a suspect, who was serving a sentence for aggravated robbery but was released before the match was made.
46. "Ex-Orange County resident a suspect in '98 murder; Authorities say DNA ties prisoner to case." The Orange County Register, July 7, 2004.  
In California, the Orange County district attorney filed special-circumstance murder charges Tuesday against a former Anaheim resident for the 1998 rape and bludgeoning of a woman. The suspect is serving time in Washington for a car theft, kidnapping, and robbery conviction.
47. "Determined detective cracks a cold case." The Orange County Register, July 1, 2004.  
In California, a Laguna Beach police detective reexamines old DNA evidence, and solves a murder.
48. "Second jury convicts suspect in 1999 assault; Man whose DNA was found on victim gets 28 years in prison." Austin American-Statesman, June 17, 2004.  
In Texas, a district judge sentenced an Austin man to 28 years in prison for a 1999 sexual assault that was linked to him after he was forced to provide DNA because of a burglary conviction. The man was charged with aggravated sexual assault in 2003 after tests showed that his DNA matched that found under the victim's fingernails. It was the only physical evidence that linked him to the crime. The state obtained the DNA under a state law that requires defendants to provide DNA samples after a second conviction for certain crimes.