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The August 13, 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

Cold hits on DNA databases aided investigations/prosecutions in California, Iowa, Maryland and Oklahoma. DNA evidence also played an important role in cases in California (serial rapes), Louisiana (serial killings), and Wisconsin (1958 murder). Backlogs at crime labs made headlines in Maryland, North Carolina, Ohio and Texas, and the Washington State lab responded to recent criticisms. Special DNA testing for a case involving twins will be completed. An Illinois rapist linked by DNA may avoid trial due to failure of police to retain other evidence.

Post conviction DNA testing exonerated a man in Louisiana, further implicated a man in Georgia, and were of no value in a California case. Motions for DNA testing were approved in Missouri (despite a guilty plea), and denied in Louisiana. A Pennsylvania man who was exonerated through DNA will be seeking damages in court.

In international news...England's House of Lords has upheld policies of DNA sample retention, and a Scottish ruling against DNA evidence could mean many additional appeals. DNA testing is not likely in sex assault cases in Kenya. Bosnia and Paraguay, and the Philippines are using DNA to identify human remains. Canadian newspapers continued to editorialize calls for expanded DNA databases in the wake of a cold hit that solved a rape case. DNA identified a burglar in New Zealand (saliva on food), thieves in Brussels, and a rapist in Israel.

### NEWS ARTICLES

#### Forensic DNA

1. "Shame of Teachers." Africa News, August 11, 2004.  
In Kenya, the Government announced that 110 teachers have been fired for sexually abusing their students. The Education Assistant minister ruled out the possibility of using DNA tests to prove the guilt of the teachers suspected to have impregnated their pupils. "DNA tests are good but the cost implications are enormous. As for now, let us hope that parents and affected pupils will not accept inducements of any sort from teachers to conceal sexual offences."
2. "Police chief says rape and kidnap case will be reviewed." The Associated Press State & Local Wire, August 11, 2004.  
The Houston Police Chief said that the case of a man sent to prison 17 years ago for kidnapping and rape will be reviewed amid questions about testimony that led to his conviction. A legal group representing George Rodriguez says faulty testimony from a police crime lab serologist led to his wrongful conviction. The Innocence Project wants a judge to consider the case and find he would have been exonerated if DNA testing had been conducted at the time.

3. "Louisiana serial killings suspect convicted in first trial." The Associated Press State & Local Wire, August 11, 2004.  
In Louisiana, the Baton Rouge serial killer has been convicted of second-degree murder in the beating and stabbing death of one of his victims. He still faces two first-degree murder charges carrying possible death sentences in other cases, and has been linked by DNA to four other deaths. The jury took an hour and 40 minutes to reach the verdict, and one juror said the DNA evidence left no doubt in his mind that the defendant was guilty. "I went into it with an open mind," John E. Richard Jr. said. "It was going to be close until they brought in the DNA." The juror added that the prosecution's expert on DNA was convincing and knew what she was talking about.
4. "Morrissey wins Democratic nomination for Denver DA." The Associated Press State & Local Wire, August 11, 2004.  
In Colorado, a career prosecutor regarded as a national expert in using DNA evidence defeated two other candidates in the Democratic primary for Denver district attorney. In the 1980s, Morrissey helped pioneer the use of DNA evidence in criminal prosecutions, winning the first Denver case using DNA in 1988.
5. "DNA lab to try to differentiate genetic makeup of identical twins in Grand Rapids rape case." The Associated Press State & Local Wire, August 11, 2004.  
Orchid Cellmark, a private DNA testing lab, will try to determine which identical twin raped a woman nearly five years ago in Grand Rapids, Michigan. Police and prosecutors had given up on the possibility that available DNA technology could discern between identical twins, saying it could cost more than \$100,000 without any guarantee of success. But Orchid Cellmark recently contacted Michigan officials and offered to conduct the tests for free. Scientists will examine the samples to search for tiny genetic mutations. If they find any, they will then test it against DNA from semen left at the rape scene.
6. "Exonerated death row inmate to sue over imprisonment." The Associated Press State & Local Wire, August 11, 2004.  
In Pennsylvania, a man who was sent to death row on a murder conviction before DNA evidence exonerated him plans to file a federal lawsuit seeking damages for the two decades he spent behind bars. Nicholas Yarris, 42, was released from prison in January after a DNA test indicated that he had been wrongly convicted of the 1981 murder of a suburban Philadelphia woman. Yarris has long alleged that police and prosecutors ignored or withheld evidence that could have exonerated him decades sooner.
7. "Paraguay blaze apparently caused by grease buildup in chimney." Deutsche Presse-Agentur, August 11, 2004.  
Prosecutors in Paraguay say a fire at a shopping centre that killed more than 350 people say the probable cause was a build-up of cooking fat. Foreign experts have been helping the Paraguayan authorities investigate the cause of the blaze. About 100 bodies are unrecognisable, and officials are urging relatives to provide DNA samples and dental records to assist in identifying them.
8. "Belmont Shore Rapist Is Convicted ." Los Angeles Times, August 11, 2004.  
In California, a jury has found a suspect guilty of being the Belmont Shore rapist, who committed sexual assaults on 14 women in their homes -- crimes linked by DNA. The seven-man, three-woman jury reached guilty verdicts in 59 felonies on its third day of deliberations. One juror that the DNA trumped any other evidence the defense presented. "This guy left his DNA all over Long Beach," he said. "That and the fact he confessed to everything."
9. "Mass grave of more than 100 Muslims found in eastern Bosnia ." Agence France Presse, August 10, 2004.  
Forensic experts in Bosnia investigated a site believed to contain the remains of more than 100 Muslim civilians Serb forces killed during last decade's war, the latest of grisly finds recalling the conflict. "We believe that at least one third of the victims found in this grave are from Srebrenica, but we will not know for sure before the DNA analyses are completed," said a spokesman from the Bosnian Commission for Missing People.
10. "Suspect in 1995 killing gives up." The Baltimore Sun, August 10, 2004.  
In Maryland, a convicted sex offender who police say has been linked by DNA to an 8 1/2 -year-old murder has surrendered to police in Anne Arundel County. The case was picked up in 2000 by a homicide investigator with the state police cold case unit. Over three years, the detective developed a primary suspect, and obtained a warrant to take a sample the man's DNA this year. The DNA material was found to match DNA from the crime scene. The nature of the DNA evidence from the crime has not been specified.
11. "Rape suspect freed pending appeal on DNA evidence." Chicago Tribune, August 10, 2004.

In Illinois, a convicted sex offender accused of raping a woman in 1996 was released from jail while he waits for prosecutors to appeal a DuPage County judge's decision to bar admission of DNA from the man's trial. The suspect has been in jail since September 2003, when he was arrested and charged with allegedly raping a woman based on DNA evidence that was said to be a match. However, the judge ruled that prosecutors cannot use the DNA evidence because other pieces of evidence, including the woman's clothing, were destroyed by the local Police Department in 2001 when the department cleaned its evidence room. A detective with the department has testified that the remaining DNA evidence was the only physical link between the suspect and the crime.

12. "DNA Tests Finally Clear Louisiana Man of Murder." Los Angeles Times, August 10, 2004.  
Louisiana prosecutors agreed to dismiss all charges against a man who spent more than five years on death row after five DNA tests showed that he had no connection to the 1997 slaying of a grocery store owner. The man became the nation's 115th death row inmate to be exonerated in the last 25 years, according to the Death Penalty Information Center in Washington. He is the seventh death row inmate cleared in Louisiana since 1981 and one of three who had been sentenced to death for crimes allegedly committed while they were juveniles. At the first trial in 1999, an expert testified that DNA found on a ski mask worn by the killer did not match the suspect. Prosecutors said those test results did not conclusively establish that the man was innocent. After he went to prison, further DNA tests excluded him, and were found to match a man serving a 20-year sentence for killing a woman in the same neighborhood.
13. "The court said any breach of privacy was justified in the ongoing fight against crime." The Times (London), August 10, 2004.  
In England, the House of Lords has ruled on the new powers that allow the police to retain the DNA samples of people who have been arrested and charged and later acquitted. The court has given its approval to the blanket policy of retention of DNA samples exercised by most police forces. The House of Lords rejected arguments that there had been a breach of the right to respect for private life. Mere retention of samples (rather than the taking or use) did not engage a person's human rights at all. Fears that the samples might be used in the future to try to predict, for example, propensity to commit crime, would be dealt with if and when they happened. In any event, the court said, any breach of privacy rights was very clearly justified by the benefits in the fight against crime, which was assisted by as large as possible a DNA database. The Home Office produced figures to show that more than 50 murders and many other serious crimes in the past two years might not have been detected if DNA samples covered by the new law had not been retained.
14. "Book 'Em, Print 'Em, Swab 'Em." The Toronto Star, August 10, 2004.  
Editorial in Canadian newspaper in favor of requiring DNA samples from anyone charged with an indictable offense. "The real fear, of course, is that DNA data could fall into illegitimate hands and be misused in all sorts of ways. That's why we would impose reasonable limits on its use. First, if an accused is found not guilty, the DNA sample collected upon arrest would have to be destroyed. Second, a civilian review agency should be established to ensure this happens, and to oversee the databank so it is not used for anything but identification purposes."
15. "Our Opinions: DNA tests deliver justice for all." The Atlanta Journal-Constitution, August 9, 2004.  
Editorial from Georgia newspaper argues that a recent post conviction DNA testing case in which an inmate was found to indeed be guilty of raping a woman is further reason to make good use of the law allowing the testing. "The great thing about this is that the victim knows for sure now...She does not have to wonder."
16. "Police: DNA links inmate to 1998 death." The Associated Press State & Local Wire, August 9, 2004.  
In Oklahoma, DNA evidence has linked a prison inmate to the 1998 beating death of an 85-year-old woman. The female inmate was linked to the murder by using hair the victim pulled from the attacker during the killing. Before the DNA testing, investigators had no motive for the slaying of the victim, who died after being severely beaten.
17. "Unsolved 1958 murder reaches an end." Milwaukee Journal Sentinel, August 9, 2004.  
In Wisconsin, detectives have solved a 1958 murder through the help of DNA technology. Analysts were able to develop a partial profile from old DNA evidence. The evidence was sent to a private lab for further testing and better profile was developed. The profile was found to match the main suspect who was still alive and on parole from a 1980 conviction for beating two female hitchhikers with a hammer in separate attacks on the same day. Detectives were also able to locate an officer who was able to testify as to how the evidence was collected.
18. "DNA crucial in sex case." The Toronto Sun, August 9, 2004.

In Canada, Toronto police have arrested a man in a sexual assault case thanks to a cold hit on the DNA database. A judge ordered the accused to provide a DNA sample after an earlier conviction for robbery. The sample was registered in the national DNA databank a week after the sexual attack. The arrest has the Toronto Police Chief calling for an expansion to the national DNA database. He is calling for DNA samples to be collected upon arrest.

19. "Chilling details in Cedar Rapids burglary, assault." The Associated Press State & Local Wire, August 8, 2004.  
In Iowa, a man is awaiting trial in a burglary and sexual assault case, thanks to a match through the DNA database a cigarette butt found in the victim's home. The man's DNA sample was on the database due to another sexual assault conviction.
20. "Prosecutors indicting DNA profiles to keep old cases open." The Associated Press State & Local Wire, August 8, 2004.  
A growing number of prosecutors around the country are using John Doe indictments to buy time on unsolved rapes. In Boston, prosecutors began seeking John Doe indictments last year after the state Legislature rejected an effort to abolish the state's 15-year statute of limitations for rape. Suffolk District Attorney Daniel Conley's office has indicted the DNA profiles of three John Does and is reviewing eight to 10 more for possible indictment. In New York City, Mayor Michael Bloomberg and prosecutors announced the "John Doe Indictment Project" last August following an unsuccessful three-year effort to persuade the state Legislature to abolish the 10-year statute of limitations for violent felonies. Since then, prosecutors have reviewed 600 rape cases that are approaching the 10-year mark to see which ones a grand jury would be most likely to act on without a named suspect.
21. "Inventor warns over abuse of DNA data." The Observer, August 8, 2004.  
To prevent future potential abuses, Sir Alec Jeffreys wants Britain to set up a national DNA database in which every citizen's DNA profile would be stored under strict controls. Information about race, appearance, health, and other factors would be excluded. Such a plan has already been submitted to David Blunkett, said Jeffreys, though the Home Secretary had not yet reacted.
22. "DNA Test Vital In Superferry Probe ." Philippine Daily Inquirer, August 8, 2004.  
In the Philippines, DNA testing has proven vital in returning the remains of 27 SuperFerry 14 fatalities to their families. At least 27 of 62 bodies recovered from the ship have been identified through DNA testing conducted by the NBI forensics team
23. "New DNA tests fail to exonerate death row inmate Kevin Cooper." Associated Press Worldstream, August 7, 2004.  
New DNA tests sought by a California death row inmate who won a stay of execution just eight hours before he was due to die failed to exonerate him of the 1983 murders of four people. The mitochondrial DNA tests found that two hairs were from a dog and the remaining 11 hairs likely belonged to the victims. Cooper, who has maintained his innocence through nearly 20 years of appeals, has won support from such celebrities as actor Denzel Washington and the Rev. Jesse Jackson.
24. "Cataloging Of Felons' DNA Expedited." Columbus Dispatch, August 8, 2004.  
The Ohio Attorney General's Office is using money from the state's Crime Victims Compensation Fund to pay for analysis of more than 19,000 DNA samples from convicted felons. The office decided to dip into the fund for \$571,000 to process the samples after waiting for federal funding that was expected in June but had not yet showed up. The state has contracted with out-of-state labs for the processing. The contracts require the private labs to process and return most of the samples within 30 days so profiles can be entered into state and national databases.
25. "N.C. attorney general wants quicker analysis of DNA samples." The Associated Press State & Local Wire, August 7, 2004.  
The North Carolina state's attorney general said he is still looking for ways to speed up the work of the state crime lab. The state has almost tripled the number of DNA analysts in the past two years as it tries to trim down a backlog of samples. "DNA is not a luxury; it's an absolute necessity," said Attorney General Cooper. He said he also is working to increase the processing time of rape evidence kits in sexual assault cases. "We're eating into that backlog of rape kits sitting on the shelf," he said. Cooper called it "unconscionable" to tell a victim that a lack of money is keeping the crucial evidence from being examined.
26. "Jailed Cop Cleared Of Rape Over DNA Flaw." Daily Record, August 7, 2004.

In Scotland, a former policeman jailed for rape was cleared recently after law lords ruled that key evidence in the case was flawed. The man was the one of the first in Britain to be convicted using a then-pioneering DNA sampling technique. He was given six years in 1989 for raping a woman. The court said the risk of DNA cross-contamination during testing was never put to the original jury. The judgment could now pave the way for appeals from others jailed on the strength of DNA evidence before 1994, when testing methods were reviewed.

27. "Saliva leaves a trail for police." The Nelson Mail (New Zealand), August 7, 2004.  
In New Zealand, police have solved a burglary using saliva from a partly eaten ginger nut biscuit, thanks to increased powers to take DNA samples from offenders. The evidence included a half-eaten ginger nut found in a partially constructed house that was burgled in June. New laws allow police to collect samples from a wider range of offenders including offenses such as theft and shoplifting. The new laws also enable police to take DNA samples from people under the age of 17 if they are convicted of a relevant offence in the Youth Court.
28. "Prop. 69 expands state DNA database." San Bernardino Sun, August 7, 2004.  
Opponents to the California voters initiative which would expand the state's DNA database to include felony arrestees theorize that health-insurance companies could drop people if they obtained the DNA and found someone was predisposed to cancer. Proponents reject this theory and point to other states, such as Virginia, which have had much higher numbers of cold hits despite significantly smaller populations.
29. "'Stairwell rapist' indicted in Haifa court." The Jerusalem Post, August 6, 2004.  
In Jerusalem, a man has been indicted on three counts of rape and six cases of sexual assault. Police said they were able to identify him after receiving DNA test results that confirmed he was the wanted rapist. He was arrested two weeks ago and has since admitted to all of the offenses and has reenacted them for police.
30. "After a Decade, DNA Test IDs a Murder Suspect." Los Angeles Times, August 6, 2004.  
In California, a 1994 murder has been solved through a cold hit on the DNA database. DNA from blood found in the van in which the victim was murdered was matched to a man on the database who happened to be a friend of the victim's family. The man's DNA sample was added to the database in 2003. His criminal history includes two indecent exposure convictions and a grand theft conviction.
31. "US DOD: MIA identified from Vietnam War." M2 Presswire, August 6, 2004.  
A serviceman missing in action from the Vietnam War has been identified and returned to his family for burial with full military honors. The man's plane was gunned down over Laos, and human remains were excavated from the crash site in 1995. DNA sequencing was done by the Armed Forces DNA Identification Laboratory, whose results aided the CILHI scientists in making the final identification of the serviceman and the other crewmembers.
32. "DNA testing allowed in case where defendant plead guilty." St. Louis Daily Record/St. Louis Countian, August 6, 2004.  
In Missouri, state Supreme Court has ordered the state to conduct DNA testing on a man who pleaded guilty to kidnapping and forcible rape 12 years ago. In reversing the lower court's decision, the majority ordered testing, other relief and further proceedings if necessary on remand.
33. "Sheriff to help state police on DNA." The Baltimore Sun, August 5, 2004.  
In Maryland, the Carroll County sheriff agreed to begin collecting cheek-swab DNA samples from convicted felons at the county jail - a move designed to help the Maryland State Police tackle a backlog of required samples that was the subject of a critical state audit. Although the Carroll Detention Center currently houses only 17 people convicted of crimes officials said the agreement could be the start of an effort by local jurisdictions to help the state police catch up. The Sheriff will become president of the Maryland Sheriffs' Association next month, and he pledged to use his influence to get other sheriffs to help collect DNA from new convicts.
34. "Lawyer blasts state crime lab for not seeing evidence." Chicago Sun-Times, August 5, 2004.  
In Illinois, an attorney for two men convicted in a 1990 rape and murder criticized the State Police crime laboratory for missing key DNA evidence in tests of the victim's clothing. A private lab recently confirmed that sperm cells were on a sock the victim wore when she was killed -- and semen was on her gym pants and shirt. The State Police recently tested the same items, but found no semen or sperm cells. A spokesman for the State Police said the agency will respond to the criticism. "If we find a problem, then we will correct it."
35. "Suspected Thieves Of Czech Jewels In Belgium Detained." CTK National News Wire, August 5, 2004.

In Brussels, two men suspected of having stolen Czech jewels from the Diamond Museum in Antwerp last year were detained abroad, however, the valuable jewels are still lost. Two suspected foreigners from eastern Europe have been detained, one in Spain and the other at the Austrian-Hungarian border. DNA analysis of the traces left in the Antwerp Museum had helped uncover one of the suspects.

36. "Judge denies bid to overturn guilty verdict." The Advocate (Baton Rouge, Louisiana), August 4, 2004.  
In Louisiana, a state district judge denied a motion to overturn the guilty verdict against a man for the murder of his neighbor. A defense attorney argued that male DNA found under the victim's fingernails did not match his client's DNA or that of two other men accused in the crime, demonstrating "there is still a male out there that will match what was found under the victim's fingernails." However, the judge ruled that the lack of a DNA match did not rise to the level of reasonable doubt of Skipper's guilt, noting that the testimony from a DNA expert indicated the DNA "could have gotten there through any means and some time before" she was killed.
37. "Crime lab delays justice in county ." Corpus Christi Caller-Times, August 4, 2004.  
In Texas, a man, indicted on capital murder charges has been waiting for trial in the Nueces County Jail for 551 days because of a backlog at the state's crime lab. In fact, more than 40 people have been locked up for periods at least 10 days and up to 123 days while the justice system struggles to move cases. "It's a public safety problem," said one judge. "The state needs to step up and hire the appropriate people." One District judge also recently expressed frustration with the DPS crime lab. She has had to reschedule a case at least three times because DNA evidence was not ready. At a status hearing the judge learned the DNA tests were complete, but waiting for a supervisor's stamp of approval. She scheduled another status hearing and said she would order local DPS crime lab personnel to show up to explain the delay.
38. "State cops to address problems in report." The Maryland Gazette, August 4, 2004.  
In Maryland, the State Police Secretary told lawmakers last week that his agency is working to correct serious lapses uncovered last month, including a failure to collect DNA samples from thousands of prisoners. The problems were uncovered in a 56-page legislative audit report last month, covering May 2000 through May 2003. The legislative audit found the department failed to collect DNA evidence from 8,300 prisoners arrested for violent crimes, despite growing evidence of the usefulness of such evidence in solving crimes. Last week, Col. Hutchins said that number is now up to 9,600. To cut that number, he said he plans to assign more of his personnel to collect samples, work with the Department of Public Safety and Corrections to get samples from parolees and probationers, and award contracts to outside groups. Lawmakers last week suggested that courts force criminal defendants to pay for DNA testing, now paid for in part through federal grants.
39. "Crime Lab Committed To Improvements." The Seattle Post-Intelligencer, July 30, 2004.  
Response from the Washington State Crime Lab to a recent series of articles reporting on errors at the lab. The lab director notes, "The most significant point raised by the P-I's special reports is this: Errors and oversights can happen in forensic science as in any other human endeavor, and everyone needs to be vigilant for them. The WSP crime laboratories are fully accountable for errors and have an excellent track record in learning from our mistakes and continually improving on the quality of our work."

### Paternity

40. "Conman Took Cash For DNA Paternity Tests." The Express, August 5, 2004.  
In the UK, a conman who charged would-be fathers GBP 600 for DNA paternity tests and then made up their results is facing jail time. After taking a fee, the man never sent the samples to a laboratory and simply guessed at the results. He then wrote a letter to his victims, informing them their findings were positive or negative. As a result, some of them were given entirely the wrong ones and went on to believe they were or were not the parent of a child.