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The September 17, 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

An Illinois appeals court has upheld the state's DNA database law. Editorials arose both in favor and against the California voters initiative to expand the DNA database. New hires are expected at Georgia's crime lab, and federal funding should help Indiana clear out a DNA backlog. Washington's crime lab may come under legislative review this year for reported DNA problems. Forensic DNA issues are on Senator John Kerry's campaign platform.

Cold hits identified suspects in Alaska (3 rapes) and Arkansas (rape linked to a North Carolina inmate), and Ohio (murder). DNA was also important to cases in California (murder – evidence from envelopes), Georgia (6 rapes), and New York (rape). DNA tests also identified a corpse in Louisiana.

A recent study found "DNA dragnets" rarely catch criminals, while in the Czech Republic such a dragnet identified a rapist. An Illinois victim's group raising funds for DNA testing has netted several arrests of identified rapists.

In international news...A call was made for more DNA testing in Mauritius. The Czech Republic used DNA testing to identify suspects in a bomb attack and a rape/murder. DNA links a Croat to a Bulgaria murder. DNA testing identified more POWs from Kuwait, and a rebel killed in Yemen. England may be looking at plans for DNA testing in the event of a mass casualty. In Australia DNA exonerated a rape suspect, and identified a robber (DNA on latex gloves). Some DNA analysis might be outsourced to a private lab in Australia, and an inmate believes his DNA tests may have been botched. Backlogs are a problem in New Zealand, and the government appears unlikely to require DNA tests for all criminals.

NEWS ARTICLES

Forensic DNA

1. Mauritius; Local DNA tests: An emergency!" Africa News, September 14, 2004.
Column suggesting that Mauritius should invest more heavily in forensic DNA testing. DNA tests may exonerate two suspects in rape cases that public opinion has already convicted. Concludes, "Victims are waiting to be relieved; families are waiting to know who killed their relatives. Mauritius has shown the determination to be more severe with rapists. This undeniably demands that the latest techniques be put at the disposal of the investigators. The Mauritian government should not be so reluctant to put the budding DNA laboratory to its proper use."
2. "Man suspected of a bomb attack in Prague arrested in Israel." Associated Press Worldstream, September 14, 2004.
Israeli police have arrested a suspect in last month's bomb attack on the owner of a downtown Prague casino. The Czech Republic's top police officer said that police identified the suspect from DNA tests after he left his clothes, a

wig and a pistol in a basement near the casino. The man is suspected of throwing a bomb under a car in front of Prague's Casino Royal, injuring 18 people, most of them foreign tourists.

3. "Man found guilty of six rapes." The Associated Press State & Local Wire, September 14, 2004.
In Georgia, a man has been convicted of raping six women from May 1998 to October 2002. DNA linked the man to the crimes. He blamed the victims, calling them prostitutes who consented to having sex and then were angry when he left without paying them. But he could not explain the scrapes, jaw contusion and black eyes, or why he kned a pregnant woman in the abdomen. An earlier trial resulted in a hung jury.
4. "Masked attackers." Geelong Advertiser, September 14, 2004.
In Australia, DNA tests have linked a man to a robbery in which a man in his 60s was beaten and threatened with his life by three balaclava-clad men who stole \$18,000 from him. One of the men's DNA was allegedly found on latex gloves and a balaclava left at the victim's house. Travelers checks were later recovered and also contained victim's DNA.
5. "DNA Nails Girl's Rooftop Rapist." The New York Post, September 14, 2004.
In New York, police say a DNA match let them identify a rapist who attacked a 9-year-old girl on a Harlem rooftop a year ago. The rooftop rape was especially brutal because the suspect threatened to throw the girl from the 17-story building if she did not submit. The man is now in jail for allegedly raping a 21-year-old woman on July 31 of this year, and has five prior arrests, including for drug possession, robbery and burglary.
6. "'No' on Proposition 69." Sacramento Bee, September 14, 2004.
Editorial urging Californians to vote against Proposition 69, which would expand the DNA database to include all convicted felons and would eventually require DNA from all felony arrests. Cites issues of cost and burden of suspects to have samples expunged. Argues that California's DNA program is already backlogged and this proposition would only make it worse.
7. "Call For A Review Of State Crime Labs." The Seattle Post-Intelligencer, September 14, 2004.
Problems with DNA contamination and other errors at the Washington State Patrol crime labs has prompted a call for a legislative review and sparked a debate about whether a law enforcement agency should be running the labs. Defense attorneys and legislators say a review of the statewide forensic system is needed to address whether more government oversight is needed over the labs that process the bulk of Washington's criminal evidence. Prosecutors note that the lab needs more money to address backlogs, not more scrutiny.
8. "Yes on Proposition 69." Contra Cost Times, September 14, 2004.
Editorial urging Californians to vote in favor of Proposition 69, which would expand the DNA database to include all convicted felons and would eventually require DNA from all felony arrests. "Opponents of Prop. 69 argue that it is a violation of privacy. That is nonsense. Under current law, people who are arrested are required to provide a thumb print and full palm print impression of each hand. Providing DNA samples is no more intrusive, and they are more accurate in identifying people. Small increases in fines will pay for the entire state and local government costs of gathering DNA samples. No money will be diverted from fighting crime. Both Democrats and Republicans as well as every major statewide law-enforcement agency in California support Prop. 69. This is a no-brainer; vote yes on Prop. 69 on Nov. 2."
9. "Kerry criticizes lapse of assault weapons ban, promotes crime-fighting program." The Associated Press, September 13, 2004.
Senator John Kerry recently outlined his \$5 billion plan to fight crime and picked up the endorsement of the National Association of Police Organizations, a coalition of more than 2,000 police unions and associations. His platform includes expanding DNA testing and removing the statute of limitations on some DNA evidence.
10. "Prop 69 advocates cite Rathbun." Long Beach Press-Telegram, September 13, 2004.
In campaigning for the passage of the California voter's initiative Proposition 69, which would expand the DNA database to include all convicted felons and would eventually require DNA from all felony arrests, the California District Attorney noted that a recently convicted serial rapist could have been identified after the first attack with this measure in place. Between 1997 and 2002, the man raped nine women, attempted to rape four and sodomized one. Many of the women were elderly; all of them lived alone and were attacked in their homes at night. Most never got a good look at their assailant. There are 17 other victims believed to be attacked by the man, but their cases did not yield DNA evidence.

11. "Criminal law & procedure - DNA samples." Chicago Daily Law Journal, September 13, 2004.
The Illinois Appellate Court has ruled that the state statute requiring convicted felons to provide DNA samples is constitutional because any slight intrusion on defendant's diminished privacy rights in providing sample is outweighed by state's compelling interests in preventing recidivism and identifying offenders - past and future. People v. Charles Hall, No. 1-03-1276. Justice James Fitzgerald Smith wrote the court's opinion with Justices John P. Tully and Margaret O'Mara Frossard concurring. Released Sept. 3, 2004.
12. "Kuwait identifies remains of 13 more POWs." Agence France Presse, September 12, 2004.
The remains of 12 Kuwaitis and a Saudi taken prisoner by Iraq during its 1990-91 occupation of Kuwait have been identified. The head of the team searching for POWs in Iraq said the remains of the prisoners, who were civil servants, military personnel and students, were found in mass graves and identified through DNA testing. The remains of 190 POWs have so far been identified. They include two Lebanese, two Saudis and an Egyptian as well as a number of stateless Arabs.
13. "DNA Dragnet." CBS News Transcripts (60 Minutes), September 12, 2004.
60 Minutes review of a growing trend among police to solicit DNA samples from large segments of the population in the search for a DNA match to criminal. Highlights a University of Oklahoma rape and murder case in which a DNA profile of the rapist is available. The prosecutor for the case has filed a John Doe warrant using the unknown suspect's genetic profile. More than 200 people were asked for DNA samples, and a match was eventually made to an inmate convicted on felony burglary charges.
14. "Criminal DNA tests too dear, says Goff ." The Sunday Star-Times (Auckland, New Zealand), September 12, 2004.
In New Zealand, the government is refusing to require DNA testing for all criminals, saying it is not worth the expense - despite increased success of DNA sampling in catching offenders. DNA has been matched from crime scenes in 52% of cases - up from 38% two years ago - since April, when the government broadened the range of crimes for which offenders could be forced to give samples. The Justice Minister said as the law already covered those offences most likely to yield successful DNA matches, he did not see a need to extend testing further. The National justice spokesman countered that many people convicted of low-level crimes such as "peeping and peering" went on to commit more serious offences, so it made sense to test even apparently minor offenders.
15. "N.C. man charged in '98 Batesville rape." Arkansas Democrat-Gazette, September 11, 2004.
In Arkansas, with just about a month left before the statute of limitations would have expired authorities have charged a man with the 1998 rape of a 13-year-old girl who was attending a swim team practice. The suspect was identified through a cold hit on the DNA database. The man had submitted DNA for a felony conviction in North Carolina for indecent liberties with a child.
16. "Crime lab adding more analysts ." Chattanooga Times Free Press, September 11, 2004.
The Georgia Bureau of Investigation plans to hire 32 crime analysts this year to help combat backups in the state's forensic labs, but officials said routine crime analysis in North Georgia might not get done any more quickly. The 32 employees will fill positions left vacant due to five years of steady budget cuts. The unfilled lab vacancies are the result of state cutbacks that decreased the forensic budget by 15 percent. The Governor amended this year's budget to add money for 15 positions, and GBI shifted some of its own funding around to hire an additional 17 people.
17. "One last chance." Courier Mail (Queensland, Australia), September 11, 2004.
In Australia, a man convicted of murder, in part based on DNA evidence, is claiming that the DNA testing was "botched." According to a forensic expert in Australia, a simple labeling error by a crime lab worker led to the wrong match of the man's DNA to that on a towel found at the crime scene.
18. "A man who sold drugs to undercover police officers during an operation to smash a £70,000 dealing racket in a Norfolk town was jailed for more than four years yesterday." Eastern Daily Press, September 11, 2004.
In England, A man who sold drugs to undercover police officers during an operation to smash a £70,000 dealing racket in a Norfolk town was jailed for more than four years. The man had originally denied four charges of supplying class A drugs, but changed his plea when DNA evidence linking him to the drugs was found.
19. "Whitehall chiefs in talks to avoid 'UK Beslan'." Financial Times (London), September 11, 2004.

According to British officials, a lesson learned from the terrorist attack in Beslan, Russia is the need to establish adequate DNA testing facilities if mass casualties occur, to enable identification of the victims. In the aftermath of Beslan, the Russian authorities were unable to establish the identity of many of the bodies found in the school.

20. "In Brief." Journal and Courier (Lafayette, IN), September 11, 2004.
The Indiana State Police Laboratory Division's Forensic DNA Unit will receive nearly \$2 million in additional funds. The money will allow the DNA unit to purchase the resources necessary to provide a more timely analysis of DNA evidence across the state and help them overcome the current backlog of testing that needs to be done. As the number of cases handled by the DNA unit grows significantly, the grant will help to pay for increased personnel, equipment and contractual costs.
21. "Rape charges abandoned, DNA evidence clears man of attack on woman aged 87." The Mercury (Australia), September 11, 2004.
In Tasmania, Australia, a man has recently cleared by DNA tests of raping an 87-year-old woman. He was charged in June with the rape and aggravated robbery of the elderly woman in her home. He was arrested and remanded in custody after he was identified by the victim as the man who sexually assaulted her. But DNA tests conducted by Forensic Science Service Tasmania have excluded him from the assault.
22. "Sessions blocks funds for labs, murder defense." Montgomery Advertiser, September 11, 2004.
Article reports, "Sen. Jeff Sessions almost single-handedly stopped progress on a bill this week that would have funneled millions of dollars to state crime labs so they could process rape kits and DNA evidence more quickly... Sessions opposed paying the money to what he described as "left-wing advocacy groups."...Sessions, R-Mobile, also criticized the bill's focus on DNA testing. "Only 5 percent of scientific analyses are for DNA," he said. "Some states have no DNA backlog. This is a political bill that should be killed as dead as a door nail."
23. "Sweeps of DNA faulted." The Wichita Eagle, September 11, 2004.
A Nebraska professor reports that DNA "sweeps" are "extremely unproductive." "A national survey of all the reported cases of police requesting voluntary DNA samples from potential suspects found that the tests successfully identified an offender in only one of 18 cases," University of Nebraska at Omaha professor Sam Walker concluded in his report. Walker defined a DNA sweep as "a situation where the police ask a number of individuals to give voluntary DNA samples in an effort to identify the perpetrator of a crime or series of crimes."
24. "Private lab says it's discussing outsourcing of DNA testing." AAP Newsfeed, September 10, 2004.
In Australia, Victoria Police is in talks with a private forensic laboratory to help clear the backlog of DNA testing. Victoria Police came under pressure earlier this year after Victoria's chief magistrate said the backlog in forensic laboratories was causing unacceptable delays in the courts, with cases being held up for as much as 12 months. Genetic Technologies, Australia's largest paternity testing laboratory, today said it was in talks with Victoria Police about the outsourcing of forensic testing.
25. "DNA ties Valley man to 3 rapes since 1999." Anchorage Daily News, September 10, 2004.
In Alaska, DNA has linked a man to a series of rapes in downtown Anchorage in which the assailant offered rides to women walking home alone at night from bars, then attacked them. Anchorage Police credited DNA the state DNA database for tying the three cases together and ultimately identifying the suspect. After linking the three rapes together, police developed the man as a suspect and were able to get a court order to secure his DNA sample, which was a match. Anchorage police have also contacted police in Hawaii, where the man lived for several years, to see if they have any unsolved rapes resembling those charged in Alaska.
26. "Enquirer's View." Battle Creek Enquirer (Battle Creek, MI), September 10, 2004.
Editorial applauding Michigan for clearing out its backlog of DNA samples. "The grant provided by the National Institute of Justice was money well spent. We agree with Col. Tadarial J. Sturdivant, director of the Michigan State Police, that clearing up the backlog "means law enforcement has a greater chance of connecting criminals to previously unsolved crimes." Last year, the National Institute for Justice stepped forward with a grant worth nearly \$3.4 million, enabling the state to send more than 80,000 samples to a private laboratory in for analysis.
27. "Newark Slaying." Columbus Dispatch, September 10, 2004.
In Ohio, a man indicted in 2003 on charges of rape has been linked through the DNA database to an unsolved murder in 2000. After his indictment in 2003, the man left for Florida where he was arrested on a parole violation involving a 1992 conviction on two counts of trafficking in stolen property. He served six months in prison and

was released May 27, but his DNA was collected and entered into Florida's DNA database.

28. "Underage Boy Admits To Having Murdered 13-Year-Old Girl." CTK National News Wire, September 10, 2004. In the Czech Republic, an underage boy who had been suspected on the basis of DNA tests of the rape and murder of a 13-year-old girl from Bohemia has confessed to the crime. In their search for the perpetrator the police used the analysis of DNA samples taken from men living in the villages concerned, which they compared with traces the murdered left on the girl's body. They had taken almost 700 samples from voluntary donors. They gradually extended the range of persons tested to boys younger than 15 years. The positive result comes from only the 632nd sample. The Czech DNA database was launched in 2001.
29. "DNA tests bring big fall in spit attacks." Derby Evening Telegraph, September 10, 2004. In England, a campaign that uses DNA testing to catch criminals who spit at rail staff has been hailed a success and now a Derby train operator plans to launch a similar scheme. The train system intends to arm staff, such as conductors and drivers, with DNA testing kits a year ago to try to identify offenders who spit at workers. Since the kits were introduced, the number of spitting attacks has fallen from 54 to one in a year. And staff sickness from spitting attacks has also fallen dramatically, from 524 days lost to 32 in a year.
30. "Yemen rebellion crushed, leader killed." United Press International, September 10, 2004. Yemen has announced the end of a three-month military action in the north, and the death of rebel cleric Hussein Badreddine al-Houthy. A military source said that al-Houthy's body was found in a hideout in Shaab Salman that had been stormed by government troops. He said DNA tests also confirmed the identity of al-Houthy's brother Ibrahim.
31. "LSU forensics experts, DNA identify 2001 mystery body." The Advocate (Baton Rouge, LA), September 9, 2004. In Louisiana, St. Tammany Parish sheriff's detectives, with the help of LSU forensics experts and DNA, identified the body of a man found floating in a canal more than three years ago. Investigators turned to the LSU Forensic Anthropology and Computer Enhancement Services laboratory, also known as the LSU FACES lab, for a facial reconstruction, which was completed in April. DNA was extracted and was compared with the victim's biological brother and sister, which resulted in a match. The case is the first success in which family members' DNA was used for the identification.
32. "Croatian arrested over killing of Bulgarian policeman." Agence France Presse, September 9, 2004. A Croatian man has been arrested on suspicion of killing a Bulgarian policeman in Sofia in another mafia-style shooting linked to the city's drug war, the interior ministry said. DNA tests link the Croat to the killing.
33. "San Diego man arrested for allegedly killing church deacon." The Associated Press State & Local Wire, September 9, 2004. In California, a man was arrested for a second time for allegedly killing a Rancho Cucamonga church deacon in 1992. Authorities revealed that they have uncovered DNA evidence that links the man to the victim's murder, and they are confident they can prove him guilty this time around. The San Bernardino County sheriff's office said that man's DNA has been found on envelopes that held letters sent to the victim's family and church after his disappearance. Detectives believe the letters, which purported to be from the victim to explain his disappearance, were actually sent by the killers. A suspected accomplice's fingerprints and DNA were also found on the letters and envelopes.
34. "DNA delays." The Dominion Post (Wellington, New Zealand), September 9, 2004. In New Zealand, DNA samples relating to homicide cases have been awaiting analysis by Environmental Science and Research for up to nine months, figures show. Replies to parliamentary questions reveal that samples relating to 21 homicide inquiries are awaiting analysis. The MP requesting the information said the delays were "scandalous" and could be contributing to a delay in bringing murderers to justice.
35. "DNA fingerprinting 'no longer foolproof'." The Guardian (London), September 9, 2004. Professor Sir Alec Jeffreys believes the genetic profiles held by police for criminal investigations are not sophisticated enough to prevent false identifications. Sir Jeffreys is considered to be the father of forensic DNA fingerprinting. He believes police DNA databases should hold more information to lessen the chances of a false positive. He suggested 15 or 16 markers to reduce the chances of two people having the same profile to one in more than a trillion. Prof Jeffreys also gave a warning against keeping DNA records of people who had been wrongly suspected of crimes - something the police in England have been legally allowed to do since 2001.

36. "Orchid Launches DNA Identity Service for Workers in High-Risk Locations." PR Newswire, September 9, 2004. Orchid BioSciences announced the launch of its IDSecure(TM) service designed to ensure that workers on high-risk assignments can be accurately identified in the event of an emergency or accident. The new service allows companies to offer employees the opportunity to store unique genetic identifiers in a confidential and safe setting for use only in the event that their identity cannot be verified by other means. Orchid has already partnered with another services firm to provide IDSecure to a major employer of workers on overseas assignment, and is now offering the IDSecure service to private and public sector employers worldwide.
37. "Raising money to help catch rape suspects." Chicago Tribune, September 8, 2004. Review of the Women's DNA Initiative, a non-profit organization dedicated to expediting testing in Chicago sexual assault cases. Now in its first year, the group funded an initial set of tests, leading to the arrest of an alleged serial rapist and the identification of suspects in two other cases, Chicago police said. Buoyed by those results, members of the initiative and its supporters are hoping they can continue whittling down the number of untested local samples--which number between 750 and 1,000--and even serve as a model for similar groups across the country.
38. "Prosecutors call for retesting of DNA." Press Enterprise (Riverside, CA), September 9, 2004. In California, Orange County Sheriff's Department scientists this week are retesting DNA taken from the man charged with kidnapping and killing 5-year-old Samantha Runnion because a step in their testing process was left out. The director of the forensic sciences divisions said, "Last week, we noticed on Avila's sample one of the controls, one of the checks and balances that you normally do, was omitted from its evaluation stag." The new tests are not expected to change the results.

Genetic Research / Privacy

39. "Rapid test 'may change the face of medicine.'" The Daily Telegraph (London), September 15, 2004. A DNA-based test that can diagnose a range of diseases within 30 minutes is to go on trial in British hospitals. The portable mini-lab is a spin-off from biological warfare research and works by hunting for the DNA of target organisms.

Paternity

40. "Australian is Manny's father." Geelong Advertiser, September 14, 2004. A DNA test has confirmed that an Australian policeman is the father of five-year-old Manny Musu, a girl who was left partially paralyzed by the Jakarta embassy bombing. A bitter custody dispute is intensifying over Manny, who remains in intensive care in a Singapore hospital as two men claim to be her father. An Italian bank security guard insists Manny is his daughter and said she is an Italian citizen.