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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 October 14, 2005 DNA Resource Report is listed below, along with a summary. These reports are prepared on behalf of Applied Biosystems.

LAW ENFORCEMENT: Investigations and prosecutions aided by DNA evidence include:

- California – a cold hit on the DNA database led to a conviction for serial attacks. DNA evidence helped identify a 1984 rape/murder suspect, and DNA from drug paraphernalia identified helped secure a plea in a robbery case.
- Florida – a cold hit on the DNA database identified a 1995 rape suspect.
- Georgia – a cold hit on the DNA database identified a 1986 rape/murder suspect (on database for robbery).
- Louisiana – DNA evidence linked a man to a 1986 rape.
- Missouri – DNA evidence links five more attacks to a serial rapist.
- New York -- a cold hit on the DNA database identified a bank robber (DNA evidence from a bandana).
- North Carolina – investigators are collecting DNA from a big drug plantation to identify the growers.
- Ohio – DNA evidence from a latex glove links a man to murder.
- Pennsylvania – a cold hit identified a 2001 murder suspect (DNA from urine); a 1988 rapist (on database for forgery conviction); and church burglar (DNA from an envelope and latex glove).
- Tennessee – a cold hit on the DNA database identified a rapist and serial burglar (linked to Mississippi offender).

POLICY AND FUNDING ISSUES: A Chicago editorial opined in favor of pending federal legislation to require DNA from arrestees. Another article raises questions over the military's broad application of DNA sample requirements for behavioral-based court martial sentences. Alabama's DNA program is nearing 800 DNA database hits. Tucson's crime lab is facing severe DNA backlogs.

LEGAL ISSUES: The Tennessee Supreme Court has agreed to review a challenge to the state's DNA database statute.

OTHER FORENSIC DNA ISSUES: Wyoming is increasingly using DNA in poaching cases, a Pennsylvania stolen deer case using DNA to establish identity has resulted in a conviction. An Ohio prosecutor has filed a "Jane Doe" indictment for several a burglary that was connected through DNA to a Virginia burglary.

INTERNATIONAL NEWS: An Australian State's DNA lab has received an unfavorable report regarding its DNA backlog and associated problems. The Bahamas are cooperating with efforts from the US to increase rape investigations, including training DNA. Canada's DNA database program has made over 4000 matches and a Toronto Cold Case Squad has gotten 80 hits from a review of 350 cases.

- Australia – DNA evidence from articles in a stolen vehicle identified a hit and run suspect.

NEWS ARTICLES

1. "19-year-old case goes to jury." Atlanta Journal-Constitution, October 12, 2005.
In Georgia, the Fulton County Superior Court is considering a case against a man accused of raping and murdering a woman 19 years ago. The case had been cold since 1986, until the Atlanta Multi-Agency Cold Case Squad, which focuses on old cases that can be solved with DNA evidence, located untested DNA evidence. After being entered into the DNA database, a cold hit was made to a man who served 12 years in prison for robbery before being released two years ago.
2. "Final analysis damns forensic science centre." The Courier-Mail (Queensland, Australia), October 12, 2005.
In Queensland, Australia, a report ordered by the state health minister has found that under-resourcing and bad management at Brisbane's John Tonge Centre have contributed to a DNA case backlog that will take millions of dollars and more than a year to fix. The Centre will be overhauled at a cost of \$63 million and funding additional recommendations in the report will cost an additional \$2.4 million. According to the report the backlog in major and property crime cases was 12,056 compared to 9359 cases the previous year. Investigations found staff were forced to breathe in foul odors, more than 100 skeletons remained unidentified, while hundreds of specimens taken from autopsies were being stored in a refrigerated shipping container in the car park.
3. "Game and fish honored for their work." Associated Press, October 12, 2005.
The Wyoming Game and Fish Department have earned nationwide recognition for using careful analysis of hair fibers, animal DNA, and other bits of evidence to help solve poaching crime. The Laramie lab performed 10,642 tests on 725 forensic samples as part of 95 investigations last fiscal year, according to the department. The lab's investigations helped the department obtain more than \$224,339 in court-ordered fines and restitution last year alone.
4. "Time to use DNA to its full potential." Philadelphia Inquirer, October 11, 2005.
Editorial from Chicago Tribune supporting federal legislation to allow DNA collection from all arrestees and detainees. Cites an example in Chicago of 11 murders that could have been prevented if felony arrestee testing was required by law. Cites enactment of California initiative and successes of Britain's DNA database system as arguments for requiring arrestee testing in the US. "DNA is one of the most valuable and reliable tools ever conceived for law enforcement and criminal justice. It has been used to solve a wide array of crimes that otherwise would have gone unpunished, and it has freed hundreds of people who were mistakenly convicted and even sent to death row. It offers vast benefits in preventing crime. But we have yet to take the obvious step to realize its potential."
5. "Wilksburg man convicted in teen's murder." Pittsburgh Tribune, October 11, 2005.
In Pennsylvania, a man in Pittsburgh who urinated on a teenage girl after killing her in 2001 has been convicted of murder. Local police arrested the man last year after a DNA test linked him to a urine stain on the girl's pants. His DNA profile was on the database due to an indecent assault conviction in 1999, and a cold hit connected him to the crime. This was the first arrest by a new cold case squad the Pittsburgh police established.
6. "Man drove at youths in revenge attack." West Australian, October 11, 2005.
In West Australia, a Supreme Court jury was told that a man became enraged and drove a stolen car into a group of youths fatally injuring a teenage boy. The prosecution alleges that the man's DNA was found in a small amount of blood on a cigarette and sunglasses case discovered inside the stolen car.
7. "Court to hear felon DNA testing case." Chattanooga Times Free Press, October 10, 2005.
In Tennessee, the state Supreme Court has agreed to hear a case challenging Tennessee's law requiring felons to submit blood for DNA testing. The Tennessee Court of Criminal Appeals upheld the law in June, saying a prisoner's right to privacy is outweighed by the need to solve crimes. The challenge comes in the case of a man who was accused in the 1997 attacks on University of Tennessee students after a random run through the state's DNA database led investigators to him. Without the DNA match, the case against Scarborough in four of the five rapes of which he is accused may crumble.
8. "Hard work to get recognition." Daily News of LA, October 10, 2005.
In California, a 1984 sexual assault and homicide has been solved thanks to a forensic specialist who was reviewing cold cases. Early on, police identified two suspects, but could not come up with enough evidence to link them to the crime. New analysis linked two fingerprints to one of the original suspects and DNA evidence that had been stored in a freezer identified the second. One suspect was convicted in the murder, and the other was given a plea deal.

9. "No glamour, no fame for forensic team." Montgomery Advertiser, October 10, 2005.
In Alabama, the Department of Forensic Sciences has been responsible for solving more than 740 cold cases since 2003. The number of cases solved, per capita, make Alabama the number 2 state in the nation for solving cases with DNA. But Alabama still faces a DNA backlog of 1700 cases and 65,000 felony offender samples. The Director of the Department of Forensic Science in Alabama said, "everyone is experiencing this frustration", and backlogs exist all over the country.
10. "In the Bahamas, rapes often go unnoticed." St. Petersburg Times, October 10, 2005.
The US Ambassador to the Bahamas has asked Bahamian authorities to notify his office every time they receive a call from a tourist reporting a rape. Not only have the authorities complied with his request, but detectives on the local police force have jumped at the chance to receive DNA evidence training from the FBI agent stationed in Nassau. Currently, all of the country's DNA is processed in the United States largely at the Broward County Crime Lab. Yet prosecutions of all criminal cases, including rape cases, are slow. Little federal funding has resulted in a huge backlog. Scheduling conflicts with lawyers, missing witnesses and lost evidence are common. Many rape victims - both tourist and nontourist - end up dropping their cases because of the delays. However authorities are hopeful the new cooperation will make a dent in arrests and convictions.
11. "Rape suspect faces 55 felonies." Associated Press, October 8, 2005.
In Missouri, a man already charged with raping three women in Kansas City has been charged with five more attacks. Detectives began to suspect a serial rapist in 2003 because of similarities amongst the attacks. Police eventually identified a suspect and began checking his DNA profile against other cases. The man is charged with now with 55 felony counts, including five counts of robbery, four counts of rape and one count of first-degree assault. If convicted on all counts, the 28 year-old man is likely to be imprisoned for the remainder of his life.
12. "Military Anthrax Vaccinations." Daily Press (Newport News, VA), October 8, 2005.
Under the 2004 Justice for All Act, Congress directed the secretary of defense to consult the U.S. attorney general and develop a list of offenses "comparable" to felony civilian crimes for inclusion in the DNA database. The result has been that the military includes any court martial sentence that carries a year or more sentence – including refusal to take the anthrax vaccine, fraternization, faking an illness to get out of work, showing disrespect to a superior officer or making a false statement when enlisting.
13. "DNA links rape suspect to 1986 attack." The Advocate, October 7, 2005.
In Baton Rouge, Louisiana State Police crime lab revived a 20-year-old rape investigation by linking a man through DNA analysis to evidence obtained in 1986. Investigators say they do not know why DNA analysis was not performed sooner, or exactly when the Police Department had supplied the samples to the state forensic crime lab. The man had been accused of raping at least six women, and in 1988 pleaded guilty to two cases for which he was sentenced to 20 years. He was a suspect in the 1986 case but police had been unable to establish a connection to the crime. At the time of his arrest, the man was no longer imprisoned.
14. "Man convicted of theft of buck." Associated Press, October 7, 2005.
In Pennsylvania, the owner of a deer-breeding farm was accused and found guilty of stealing a 28-point buck. The man was accused of the theft in 1999, and DNA testing has shown that it was the same buck, named Goliath, that was stolen from the Wild Bunch Ranch near Knox. The defense lawyer argued that this was not enough to convict his client, because the prosecution could not prove that the man had known the deer was stolen. The defendant testified that he had bought the animal but could not remember where, or from whom.
15. "Woman indicted through DNA." The Cincinnati Enquirer, October 7, 2005.
In Ohio, a Hamilton County grand jury has indicted an unidentified woman's DNA profile in a theft and burglary case. It is the first such "John Doe" indictment for Hamilton County. Evidence has been listed. The case involves \$78,000 worth of jewelry stolen from a home in June 2003. During the break-in, the thief used a landscape rock to break a sliding glass door and was cut while climbing through the shattered glass, leaving blood behind. That blood was matched on the DNA database to blood taken from DNA found at a similar crime scene in Virginia.
16. "DNA Links Suspect To Rape-Slay." Daily News (New York), October 7, 2005.
In New York, a medical examiner linked tissue that prosecutors claim came from a bitten assailant to a suspected serial killer on trial for the murders of two prostitutes. The man faces the possibility of life sentence without parole if he is convicted in the 2001 and 2002 murders.

17. "Police: Bank robber died of overdose." Poughkeepsie Journal (New York), October 7 2005.
In New York, DNA lifted from a discarded bandanna linked an offender on the DNA database to a May 2005 bank robbery. The man was on parole in New Jersey, where he had been living and working in construction after serving prison time on a drug conviction. A warrant was issued for him there April 29 on a parole violation. After the DNA match, Poughkeepsie police found witnesses who identified the man from surveillance photos taken from the bank.
18. "Arsonist's jail term is halved." UK Newsquest Regional Press - This is Wiltshire, October 7, 2005.
In the UK, an arsonist who dropped a burning cigarette through a footballer's door had his sentence halved at the Appeal Court in London. He was initially linked to the crime by DNA evidence. But the prison term was cut to 18 months by a Lord Justice who ruled the original sentence was too excessive. The attack on the private home was believed to be the first of seven attacks the man was said to have carried out on January 6.
19. "Webster man accused of rape and kidnapping will probably enter pleas to the charges against him in Day County in about two weeks." Aberdeen American News (South Dakota), October 6, 2005.
In South Dakota, a man charged with rape and kidnapping is awaiting trial and may enter a plea deal. There is DNA evidence in the case, but the sample is so small it will probably be completely consumed by testing. Because there's not enough to share with the defense, the judge ordered that the testing cannot be done until the defense is able to hire an expert witness who can be on hand while the tests are conducted. The FBI is overseeing the DNA testing because it is too specialized for South Dakota's crime lab.
20. "Tucson police lab dealing with large DNA testing backlog." The Associated Press State & Local Wire, October 6, 2005.
In Arizona, despite an increase in Tucson's funding and staffing for the police department's forensic division in recent years, it's taking the police lab an average of nine months to complete a DNA test, the lab's DNA coordinator says. The DNA section has about 270 backlogged cases, with some waiting since last year for analysis. The crime lab had 326 requests for DNA testing in 2000, the first year for which figures are available. This year, requests had already topped 300 by the end of August, putting the lab on track to receive a record 450 requests by year's end.
21. "Police say accused rapist may be 'creeper'." The Associated Press State & Local Wire, October 6, 2005.
In Tennessee, a burglar known as the "Hacks Cross Creeper" has evaded capture for more than three years, but police say a DNA match has led them to a rape suspect arrested in Mississippi. The same burglar is believed to have committed at least 35 burglaries, often while residents were at home asleep. One of the burglaries culminated in a rape. Police say they were led to the current suspect through a cold hit on the rape scene evidence to a man on Mississippi's database for a bank robbery in 2003. The man has a long arrest record and is on parole from a burglary conviction.
22. "DNA leads to conviction in church burglary." Tribune Review (Greensburg, PA), October 6, 2005.
In Pennsylvania, a man has been convicted of a church burglary in a case police built with the help of DNA evidence from an attempted church burglary in nearby town. A bank envelope left behind at the June 2003 crime scene was stained with blood later determined to match DNA evidence taken from the man when he was suspected of trying to break in to another church in August 2003. For the August 2003 burglary, the man's vehicle was found in the church parking lot. Police determined through DNA testing that the man was wearing a rubber glove found in some brush he was using as a hiding spot before surrendering. He pleaded guilty to those charges in November 2003 and was sentenced to up to 23 months in jail.
23. "Man Convicted of Sexual Attacks on Teenage Boys." City News Service, October 5, 2005.
In California, a cold hit on the DNA database led detectives to a man who has now been convicted of 11 charges stemming from attacks on five teenage boys in just over a month last year. The man's DNA profile was included on the DNA database due to a prior sex crime conviction.
24. "No Contest Plea In Teller Shooting." The Daily News of Los Angeles, October 5, 2005.
In California, a man has pleaded no contest to a 2002 bank robbery attempt in which a teller was shot. He was arrested after the March 2002 crime but no charges were filed for two years because tests to indicate whether he had fired a gun before he was taken into custody came back negative. However, he was sentenced in July 2002 to a year in jail for having a stolen check in his possession after pleading no contest earlier to a count of receiving stolen property. Then tests in 2004 found that his DNA matched DNA found on a methamphetamine pipe authorities believe was dropped by the masked gunman. The new tests were enough to charge him with the crime.
25. "With DNA, arm of the law has a long new reach." Philadelphia Inquirer, October 5, 2005.

In Pennsylvania, a convicted felony forger was recently arrested for a 1988 rape through a cold hit on the DNA database. The man had no record as a violent criminal and was never considered a suspect in the 1998 crime. He was arrested and jailed in 2002 on a charge of fraudulent use of a credit card, and released in 2003, but without giving a DNA sample as the state law did not yet require it. In 2004, he was rearrested after violating the terms of his probation, and sent back to jail. While he was behind bars, the Pennsylvania law changed, and, early this year, he was required to provide a DNA sample. He was released from the prison before the database match was made, but was easily apprehended. The state lab has recently hired 6 new analysts, but faces a backlog of 40,000 offender samples.

26. "Making sure trail is never cold." The Toronto Star, October 5, 2005.
With the creation of Canada's national DNA databank in 2000, Toronto's sex crimes unit reviewed about 350 cases, many dating back to the late 1980s. Since then, about 80 of those cases have resulted in "hits" on the DNA databank. Although arrests have not been made in all of those cases, links have been made to give officers more information in an investigation. To date, 84,226 DNA samples from convicted people have been entered into Canada's databank and another 24,020 samples taken from crime scenes have been stored. Links between a crime scene and an offender have been made in 3,966 cases and another 526 samples have been matched to another crime scene.
27. "Sex Offender Arrested In 1995 Rape Case." Tampa Tribune, October 2, 2005.
In Florida, a cold hit on the state DNA database has connected a convicted sex offender to a 1995 rape. With the new information, a detective showed the victim a photo lineup, and she picked out the suspect.
28. "Trial opens in fatal stabbing case." Toledo Blade, September 27, 2005.
In Ohio, a man being tried for stabbing his wife to death faces DNA evidence which puts him at the crime scene. A latex glove found at the scene includes his wife's blood on the outside, and the man's blood on the inside.
29. "Successful day for law enforcement / Pot plants smoked out." Star News, September 20, 2005.
In North Carolina, between \$ 7 million and \$ 9 million worth of marijuana plants was discovered on a remote tract of wooded land. The growers have not been apprehended, but among other forensic evidence, DNA from items left at the farm's house has been collected to help establish their identity.

Genetic Privacy / Research

30. "IBM's Smart Stance on Genetic Testing." BusinessWeek Online, October 11, 2005.
IBM's Chairman and CEO sent a memo to employees announcing the company was revising its policies to prevent the use of genetic information in making personnel decisions. According to the report, IBM knows that if people think medical information will be used against them, they may resist getting the tests that IBM clients are generating. And that could hamper growth of a key market. IBM's chief privacy officer, says while IBM heard concerns about genetic privacy from patient advocates and other outside groups, it also got questions from employees participating in a big research project with National Geographic. Known as the Genographic Project, it's a five-year program that will generate a massive DNA database. The goal is to create a map that will reveal how humans populated the earth. Part of the project involves getting DNA samples from volunteers -- and some 9,000 IBM workers have contributed.