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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 7, 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 – cold hits on the DNA database identified a 1992 murderer; and tied a 1978 murder to a serial killer.
- Delaware – DNA evidence identified a 1995 rape suspect.
- Florida – a cold hit on the DNA database identified a 1995 rape suspect
- Illinois – a cold hit helped to convict a man in a 1991 murder and carjacking (on database for robbery).
- Minnesota – DNA evidence helped secure a life sentence in a 1984 murder.
- Missouri – a cold hit identified a 2002 rapist; and helped to convict a rapist in a 1986 crime, despite the victim's death.
- Pennsylvania – DNA evidence exonerated one man in a series of rapes, but implicates his half-brother.
- Texas – DNA evidence linked a man to a 1985 murder
- Wisconsin – a cold hit to an Illinois offender identified a rapist (1994 and 1998 crimes), but key evidence was discarded by police (on Illinois database for robbery).

POLICY AND FUNDING ISSUES: Wisconsin has made significant headway with its DNA backlog, but still faces an uphill battle to handle incoming casework.

LEGAL ISSUES: The US Supreme Court has declined to consider a challenge to Georgia's DNA database statute. The New Jersey Appellate Court has upheld the constitutionality of requiring DNA samples from convicted felons, but a prior ruling regarding the retention of those samples is still under appeal.

OTHER FORENSIC DNA ISSUES: The Florida Supreme Court has extended deadlines for post conviction DNA claims. A retrial has begun for a man whose conviction was vacated after DNA tests on evidence from a 1985 murder did not match his profile. A Texas man exonerated by post conviction DNA tests has received reparations from the state. The Houston Crime Lab has chosen an analyst to head the DNA section.

INTERNATIONAL NEWS: In India, authorities are debating on whether to prosecute military officials involved in falsifying DNA evidence in a criminal investigation. Poland authorities used DNA to confirm victims of a bus crash.

- Canada – Voluntary eliminations samples collected in a murder case resulted in a familial match.
- Czech Republic – DNA tests confirmed the identity of a suspected murderer.
- England – a man who gave a DNA sample to police in an unrelated matter was identified as a 1994 rapist.
- Malaysia – DNA evidence links a suspect to a murder.
- Mexico – DNA evidence links a suspect to a child's murder.

NEWS ARTICLES

1. "Molester standing trial 13 years after murder." Los Angeles Times, October 5, 2005.
In California, DNA from semen found on a girl's underwear, t-shirt, and shorts was matched on the DNA database to an offender 13 years after the nine-year-old was killed in 1992. The man's DNA was included in the database when he was paroled from prison in 1996 on an sexual assault conviction. The match was made in 1999, and the trial has only just now begun due to backlogs in the court system. This is the first time in San Bernardino County that a suspect is facing the death penalty thanks to a cold hit on the DNA database.
2. "Murder case hearing begins." New Strait Times, October 5, 2005.
In Malaysia, a man who grabbed a medical examiner by the neck and stabbed her in the abdomen is standing trial. The prosecution claims that chemist reports indicate that the DNA profile of the accused matches a DNA profile found on several items left behind, such as a chipped tooth and a yellow girdle. These items were found in the victim's room and are expected to play a large role in the case. The prosecution also has an eye-witness and motive.
3. "Man sentenced to life for 1984 murder." Associated Press, October 5, 2005.
In Minnesota, a man was sentenced to life in prison for the 1984 rape and murder of a 69-year-old woman. The man was charged in the crime shortly after it occurred, but charges were dismissed due to lack of evidence. The police re-opened the case in 2000 after investigators found rape kit evidence in the medical examiner's office. This time, with the DNA connection established, prosecutors won a conviction. The man is currently serving a federal prison sentence for counterfeiting and cocaine possession.
4. "Police arrest murder suspect." Czech News Agency, October 4, 2005.
In the Czech Republic, police have arrested a man suspected of murdering a local television editor who was coming to the aid of a woman being threatened with a gun. The police had a witness description of the suspect, and upon finding a suspiciously similar man, DNA analysis confirmed that this was the fugitive they sought. The man has been arrested several times before for burglary and robbery, and escaped from prison.
5. "Retrial in '84 murder." The New York Post, October 4, 2005.
In New York, a man will stand trial again after his 1984 conviction was overturned in 2003. Having served 17 years of a 37-year sentence, the Innocence project determined that the DNA found on the victim's clothing did not match that of the man or his alleged accomplices. The convictions were immediately vacated, and a retrial was scheduled. Prosecutors will argue that the unidentified DNA profile came for a consensual encounter days before the girl's death, and that the group of men are still guilty.
6. "Theft trial for subway rape victim." Philadelphia Inquirer, October 4, 2005.
In Pennsylvania, a man is standing trial for Philadelphia subway attacks that occurred in July. The man was finally charged upon retrieval of a purse stolen in one attack. The defendant's half-brother was initially charged in the rape after the victim and a witness identified his photograph. After DNA tests proved the half-brother's innocence, he was cleared of charges but still might face deportation. The DNA test was then matched to the current suspect.
7. "Supreme court developments." Associated Press, October 3, 2005.
On the first day of the new term, the US Supreme Court reviewed many cases in deciding what they would hear on the fall docket. Among many declinations, the Court refused to consider a challenge to the mandatory DNA profiling of Georgia State felons. The appeal to be heard was Boulineau v. Donald, case number 04-1616.
8. "More cases solved with DNA, but still backlog." Associated Press, October 3, 2005.
Wisconsin's 11-year-old database is on pace to solve more than 324 cases this year, but there is still a large backlog of unanalyzed evidence from cases across the state. The lab has around 25 analysts, but the evidence comes in so fast that there is no way to process and enter all the information. "We're seeing an astounding increase in the volume of cases that we are getting," said the Assistant Administrator for the state Division of Law Enforcement Services. "It's not only the number of cases that are coming in, it's the number of samples that come in with each case." The labs will soon undergo a "mapping" by a private firm "to determine where we are now, where we want to go and what the best way is to get there."
9. "Pardoned prisoners get \$118,000." Associated Press, October 1, 2005.
In Texas, a man who spent more than four years in prison before a pardon declared him innocent of rape charges, will receive more than \$100,000 in reparations for that lost time. The former inmate was 17 when he was found

guilty of a 1998 rape charge and imprisoned. But when the Houston Police Department crime lab came under scrutiny, new DNA tests discredited the findings that played a large part in his conviction.

10. "Polish police confirm 12 teenagers killed in bus accident." Associated Press Worldstream, October 1, 2005.
In Poland, police confirmed that nine high school students and three drivers were killed when a bus carrying young pilgrims to Poland's most sacred Roman Catholic shrine collided with a truck and burst into flames. The death count was revised down from 13, after relatives donated DNA samples to help with the identification. A total of 25 injured remained hospitalized.
11. "Maryland convict charged in 1995 rape." The News Journal, October 1, 2005.
In Delaware, a man already serving a life sentence in Maryland for a 2002 rape was charged in another brutal stabbing and rape that occurred ten years ago. The assault occurred while the victim's 13-year-old son pretended that he was asleep in a nearby room. Another man was previously arrested for acting suspiciously, and claiming that he was in the area to pray for the victim. The Attorney General's office dropped the charges DNA did not link him to the crime. But DNA tests did link another man to the crime, who came to investigator's attention from a tip.
12. "10 years later, DNA links man to rape." St. Petersburg Times, October 1, 2005.
In Florida, a cold hit on the DNA database has identified a suspect in a 1995 rape. DNA collected from the woman's underwear was matched to the DNA profile of a sex offender convicted in another case in 1996. It was not clear late why the man's DNA only now has been matched to the old evidence inside the database. Old DNA data is re-run repeatedly through the system in search of new matches, The man's DNA sample was apparently collected in 2001. State records show he had violated his probation twice the year before that.
13. "Man arrested in 1994, 1998 rapes." The Associated Press State & Local Wire, September 30, 2005.
In Wisconsin, a man has been arrested on accusations he sexually assaulted a Marquette University student in 1994 and a teenager in 1998. But a prosecutor says that, despite a DNA link, it will be an uphill battle to convict the man because the Milwaukee police mistakenly destroyed most of the physical evidence from the 1994 case five years ago. The prosecutor speculated the evidence was destroyed because someone wrongly believed the statute of limitations had expired, but it had not because the assailant was in another state. But after he learned of the DNA match, a detective asked the police to search their evidence storage facility again earlier this year. In what he described as a stroke of luck, they found a piece of upholstery from the Marquette student's car stained with semen. And authorities say that, while evidence from the 1998 assault remains, they have not been able to reach the victim. The man was convicted of armed robbery in Illinois in 1994 and forced to submit a DNA sample there, but that DNA did not make its way into the national database until 2004.
14. "Man found guilty of murder in 1991 Joliet carjacking." Chicago Tribune, September 30, 2005.
In Illinois, a man has been convicted in a 1991 carjacking in which the victim eventually died as a result of the crime. In 2002, detectives reopened the case and found DNA evidence to submit for testing. DNA from a cigarette butt found in the victim's car was found to match the defendant. The man was charged in the murder as he was about to be released from prison for robbing a dry cleaner. Before that prison stint, he did time for a robbery and carjacking in another area that happened less than two months after the victim died.
15. "DNA links convict to 1978 slaying." Contra Costa Times, September 30, 2005.
In California, the father of an 11-year-old girl who was murdered in 1978 said he is grateful her killer has been identified, but shocked to learn it wasn't the man he suspected. New DNA evidence links a convicted serial killer who died in prison, to the 1978, sexual assault and murder. Investigators and some members of the girl's family long suspected another convicted serial killer serving three life sentences for slaying three young women in the '70s. With federal funding, evidence from her clothing and from underneath a fingernail were sent to another lab in the Bay Area where biological material, not previously noticed, was discovered. The DNA results were uploaded to a database, which came back with a "hit" on the offender two days later. "There were a lot of different predators around in the '70s and '80s," said the girl's father. "It's nice to know it's finally getting handled -- God love DNA."
16. "To Prosecute Army Or Not: CBI Divided Over Kashmir Killings." Indian Express, September 30, 2005.
In India, one wing of the CBI wants to prosecute Army and other officials for the killing of five Kashmiris 2000, another wing wants the case closed. The killings came four days after the massacre of 35 villagers in another area. The state government claimed that five victims were militants, but it was later discovered that the five were local residents. Their bodies were exhumed and it was found that samples of not one but two rounds of DNA testing were falsified. Sources said the CBI's legal panel, its Director of Prosecution, its Senior Public Prosecutor and Additional Legal Advisor, have recommended closure of the case. But CBI's Additional Director, a Joint Director,

a Deputy Inspector General and the Investigating Officer who handled the probe have asked for prosecution of between three to five Army officials and departmental action against state officials who allegedly fudged the DNA samples. Listing circumstantial and documentary evidence, the CBI investigators have identified a Brigadier, a Colonel, a Lt Colonel and two Majors.

17. "Rapist gets 100 years for '86 attack in midtown." The Kansas City Star, September 30, 2005.
In Missouri, a rapist identified through DNA evidence has been sentenced to 100 years in prison for the 1986 crime. The man was three days from being paroled last year for another rape when prosecutors charged him with rape and sodomy after a DNA test linked him to the 1986 crime in midtown Kansas City. It was the first time in Jackson County that someone was charged with raping a woman who died before charges were filed.
18. "Court extends DNA evidence review to July." The Miami Herald, September 30, 2005.
The Florida Supreme Court gave Florida inmates who believe DNA evidence could set them free until next July to file claims asserting their innocence. The decision comes on the heels of an August executive order by Gov. Jeb Bush directing law-enforcement agencies to preserve all DNA evidence. It will give the GOP-controlled Florida Legislature time to decide whether the current Oct. 1 deadline should be abolished. Several lawmakers have already filed bills to get rid of the deadline.
19. "Law & Order." St. Louis Post-Dispatch, September 30, 2005.
In Missouri, a man was accused of beating and raping a woman in her home in 2002, after a cold hit on the DNA database tied him to the crime. The victim was asleep when a man entered through a window, police said. He raped and sodomized her. The suspect later served prison time on other charges. Before he left prison in April, he was required to provide a DNA sample for inclusion in a state database.
20. "How DNA trapped sex attacker after 11 years." Daily Mail, September 30, 2005.
In England, a wealthy businessman was behind bars after being trapped by DNA for kidnapping and raping a woman 11 years earlier. The victim reported the attack at the time in 1994 but forensic techniques which could have led to an arrest were not then available. The suspect was finally caught after Greater Manchester police set up a unit to investigate old, unsolved crimes following the development of DNA testing and computer profiling. The man had provided a DNA sample while being investigated on an unrelated matter and it matched one found on a towel at the rape scene in 1994.
21. "Lab gets new chief for DNA section." The Houston Chronicle, September 29, 2005.
In Texas, A former DNA analyst for the state and Harris County has been chosen to lead the Houston police crime lab's DNA division, which is working to reopen after being shut down almost three years ago. Vanessa Nelson, who most recently was a senior DNA analyst with the county Medical Examiner's Office, assumed leadership of the DNA lab on Sept. 5. She is expected to oversee the reopening of the DNA division, the only section in crime lab that has not been accredited, possibly by the end of the year. Nelson said she wants to hire and train a new staff of 15 DNA analysts and get accreditation by December or early 2006. No one who worked in that division when it was shut down will work there now, she added.
22. "Suspect in serial killings linked to Arlington death." Star Telegram, September 28, 2005.
In Texas, a convicted murderer recently charged in a Fort Worth woman's 1985 slaying and a person of interest in more than a dozen others, had been linked through a DNA database to another 1985 rape and strangulation. This case was reopened after Fort Worth cold-case detectives met with Arlington investigators in March, sharing their suspicions that the man may be responsible for several slayings in the area in the mid-1980s. DNA tests are still pending in a number of other cases for which the man is now being investigated.
23. "Juarez Suspect Named." El Paso Times, September 22, 2005.
In Mexico, Chihuahua state investigators identified a man suspected of fatally stabbing a 13-year-old Juarez girl in her home. The man allegedly confessed to the slaying of the girl who was home alone before dawn when she was killed by an intruder while her parents were at work. DNA evidence linking the man to the girl was found on his clothes and a sneaker.
24. "DNA collection." New Jersey Lawyer, September 12, 2005.
In New Jersey, the Appellate Division has rejected an argument the DNA collection is an unconstitutional search and seizure. Writing for the court in *State v. O'Hagen*, Judge Ronald B. Graves said, "The minimal intrusion resulting from the collection of a DNA sample is substantially outweighed by the state's need to deter and detect recidivist offenders and the public's interest in promptly identifying and accurately prosecuting the actual

perpetrators of crimes." Meanwhile, the issue of how long the state may maintain such samples and with whom they may be shared remains in doubt. In December, Mercer County Judge Jack M. Sabatino ruled in *A.A. v. Attorney General* the state must destroy DNA samples from convicts upon completion of their sentence and may not share the DNA information with other law enforcement agencies unless it agrees to destroy it as well. That ruling, which was stayed, is under appeal.