

Smith *Governmental Affairs*
Alling *Attorneys at Law*
Lane

Sponsored By



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 January 21, 2005 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

Washington State legislation would require DNA for all felony arrests. Additional funding is proposed for Georgia's crime labs, and Arkansas may raise fees to fund its state lab. Offender sample collection has resumed in a Washington county after labor issues stalled the process.

Cold hits aided investigations/prosecutions in Florida (1995 rape; serial burglar identified from DNA on cigarette butts and beer bottles), Maryland (serial rapist identified) and Ohio (serial rapist). DNA was also vital to cases in Pennsylvania (1982 murder) and Washington (1996 murder). Wisconsin DNA tests exonerated a man accused of assaulting his granddaughter. A problem in Michigan's DNA program may threaten some cases.

In international news...Slovak police have begun using a criminal DNA database. In Australia, DNA solved a 1984 murder and a recent carjacking (DNA found on gloves in the car). Germany identified an Iraqi murder suspect through DNA tests. An inmate may receive access to post conviction DNA testing in Canada. Some men in Ireland have refused to cooperate with a mass "DNA dragnet" effort, and in England DNA from a cigarette butt solved a drugging case. China has begun DNA testing on remains of Thailand's tsunami victims. Fiji police noted their lack of DNA testing facilities.

STATE LEGISLATION

Forensic DNA

1. Mississippi HB 882 – Requires DNA testing for all convicted felons (current law is permissive).
2. Nebraska LB 385 – Expands DNA database to include robbery and burglary.
3. Virginia SB 1153 – Creates the Department of Forensic Sciences and establishes a Forensic Sciences Board and a Scientific Advisory Board.
4. Washington HB 1135 & SB 5165 – Expands DNA database to include all arrests for felonies, gross misdemeanors and patronizing prostitutes.

Genetic Privacy

5. Texas HB 437 – Requires genetic paternity tests in all cases involving child support adjudications.

6. Wyoming SB 137 – Allows challenges to child support adjudications, even if voluntary acknowledgement forms were signed, if genetic testing has not previously been conducted.

NEWS ARTICLES

Forensic DNA

1. “The DNA Dragnet.” Time Magazine, January 24, 2005.
Article regarding the request for elimination samples in connection with a murder investigation from men in a small Massachusetts town. Reports that most US “DNA dragnets” have not turned up suspects, but in the UK the FSS has solved about 61 cases through mass samplings (20% success rate).
2. “‘Cold case’ team arrest.” The Advertiser, January 19, 2005.
In Australia, New South Wales police believe they may have solved a 21-year-old murder after a DNA match led to the arrest of a Victorian man. The victim, was found strangled and sexually assaulted in February 1984.
3. “5 Males Refuse Sex Attack DNA.” The Mirror, January 19, 2005.
In Ireland, several men and teenagers who refused DNA tests in a bid to track down a sex attacker who murdered a pensioner were last night urged to think again. Nearly 400 volunteered to give samples, but five males declined. Police made it clear that those who refused to undergo the voluntary tests would not be automatically considered a suspect. A friend of the murder victim said: “I would have thought that people, realizing the awfulness of this murder and the assault on Patrick's sister, would have put aside their sensitivities not to be deterred from undergoing this test.”
4. “N.B. Justice Department agrees to test evidence from murder case.” Canadian Press, January 18, 2005.
In Canada, New Brunswick's Department of Justice will agree to a request to conduct DNA testing of hairs found on the body of murdered child. The request is being prepared by the lawyer of a man who is arguing he was wrongfully convicted of the 1993 slaying. However, it's still unclear whether the evidence exists.
5. “Date-Rape Drug Temptress Jailed.” Daily Record, January 18, 2005.
In England, a woman who offered wealthy men sex then drugged and robbed them was jailed for five years. The woman was convicted of drugging two men with Rohypnol. But police know of eight victims who refused to go to court, and believe there may have been 'dozens' more. The woman was identified after police found her DNA on cigarette butts she left in victims' homes.
6. “Time for change.” Fiji Times, January 18, 2005.
In Fiji, the Police Commissioner had warned that the shortage of police recruits and police support officers caused by the deliberate absence of government funding, the absence of a DNA laboratory and low forensic capabilities could affect operations this year. So far this year, the country has been rocked by at least three murders, countless robberies with violence and burglaries, five fatal accidents, a series of drownings and two major attacks on two supermarkets.
7. “New DNA tests sought in murder case against ex-trooper.” The Associated Press State & Local Wire, January 17, 2005.
In Indiana, prosecutors and defense attorneys both are looking for technological advances in DNA testing to boost their arguments as they prepare for the retrial of a former state trooper on charges he killed his wife and two young children. The new tests might be able to identify previously unidentifiable DNA on a sweat shirt and pants that were inside the garage where the bodies were found.
8. “Iraqi confesses to murder of German fashion designer.” The Irish Times, January 17, 2005.
In Germany, Munich police say a 25-year-old Iraqi has confessed to the murder of a German fashion designer. The Iraqi came to Germany as an asylum-seeker in 2001 and is known to Munich police for two counts of grievous bodily harm and rape. Police took a DNA sample of the young man as a result of these charges, which matched DNA material left at the crime scene. The suspect was arrested 37 hours after the body was found, and confessed after three hours of questioning.
9. “DNA Database Launched.” The Slovak Spectator, January 17, 2005.

Slovak police have been equipped with a new DNA database using the FBI's CODIS software. Until now, Slovak police have searched for suspects according to blood group. The adoption of the new system has cost Sk14 million (Euro 362,700) to date. The Interior Ministry would like to gain a further Sk60 million (Euro 1.6 million) from the EU to fund the system.

10. "DNA test leads to arrest in 1982 slaying." The Associated Press State & Local Wire, January 15, 2005.
In Pennsylvania, DNA evidence led police to charge a Las Vegas man in the 1982 strangling of a motel owner in a robbery that netted \$50. DNA testing performed last month on a hair found on the victim's pajamas matched blood samples investigators took from the suspect. In the fall, troopers tracked the man to Las Vegas. They had a search warrant from a Nevada judge for blood samples and mouth swabs to conduct the tests. "The DNA was the final straw that broke the camel's back, so to speak," said the Assistant District Attorney.
11. "DNA leads to charges in five Catonsville rapes from mid-1980s." The Baltimore Sun, January 15, 2005.
In Maryland, Baltimore County police announced that they had arrested a man and charged him with several rapes that occurred between 1985 and 1987. He was arrested after DNA from one of the rapes was matched to his on the DNA database. The arrest comes as part of the Baltimore County Police Department's efforts to solve old sex crimes that include DNA evidence that couldn't be used at the time.
12. "First batch of tsunami victims' DNA samples arrive in China." BBC Monitoring Asia Pacific – Political, January 15, 2005.
The first batch of DNA samples of the 26 December 26 tsunami victims on Saturday 15 January were sent to China for testing. The 100 samples, which would be followed by the second and third batches in several days, have been collected from around 4,000 unidentified victims of the last year's tsunamis in Thailand. DNA and forensic experts from nearly 30 countries and regions and some international organizations had been engaged in the work of collecting DNA samples. It would take about one month for the 400 experts to fulfill the task.
13. "4,000 swabbed in BTK search." The Wichita Eagle, January 15, 2005.
In Kansas, about 4,000 men have been asked for DNA samples during the Wichita police investigation into the BTK serial killer case. Only about 40 men have declined requests for DNA samples, and a "handful" of those men were required to give samples after prosecutors obtained search warrants. The DA said that DNA samples collected in the BTK investigation would be held as long as the investigation is ongoing. She said none of the samples would be compared with any other DNA databases.
14. "Bill filed to raise court fees to fund Crime Laboratory." Arkansas Democrat-Gazette, January 14, 2005.
In Arkansas, a bill has been introduced that would increase circuit court civil filing fees by \$25 in order to help cover costs at the strained state Crime Laboratory. The increase proposed in Senate Bill 23 would generate up to \$1.75 million annually for the state's only full-service laboratory, which is hampered by a 16,000-case backlog of unprocessed cases. Bill sponsors believe there's strong support for the bill because lawmakers have grown aware of the laboratory's plight.
15. 'Spider-Man' Burglar Admits To 13 Charges." Tampa Tribune, January 14, 2005.
The thief Tampa police dubbed "Spider-man" for his athletic burglary style pleaded guilty to 13 charges, and he pledged to give police details of dozens of robberies. He is the suspect in at least 79 Hillsborough County robberies. Detectives broke the case using DNA. Investigators tested cigarette butts, a Pepsi can and an Icehouse beer bottle left at various crime scenes. Often, detectives said, property crimes are drug related. The man was arrested last January after officers found cocaine during a traffic stop. When evidence in the robbery cases pointed toward the man, police took a DNA sample. It matched the DNA found at the crimes scenes.
16. "Ohio Serial Rapist Pleads Guilty." Associated Press Online, January 13, 2005.
In Ohio, a man identified through DNA as a serial rapist pleaded guilty, admitting even to 43 offenses that had been dropped because they were too old. He was sentenced to 68 years in prison - longer than his plea bargain required - and fined \$2.5 million for 135 counts of rape, kidnapping and burglary. The man's crime spree ended only after a backlog of 11,000 DNA samples collected from criminals over three years was entered into a database last year and became available for checking against samples from crime scenes. His DNA - collected in 2001 while he was in prison for burglary and other crimes - was found to match semen on the bodies of some of his earlier victims. He was finally arrested June 7, the day after his final attack.

17. "Former death row inmate charged with killing in Tacoma in 1996." The Associated Press State & Local Wire, January 13, 2005.
In Washington, a former death row inmate who was long suspected in an earlier killing has been charged in that case on the basis of better DNA technology. Initial DNA tests showed the blood found on the man's boot was genetically the same as that of the victim but also that one of 5,500 Caucasians, one of 7,500 blacks and one of 6,300 Hispanics had the same genetic profile. New tests last year showed "the odds of the blood on the defendant's boot coming from someone other than Jane Hungerford-Trapp is 1 in 840 trillion," investigators wrote. In 1998 the man was convicted of aggravated murder and sentenced to death for burglarizing, robbing, raping and killing 65-year-old. On Nov. 4, however, the state Supreme Court overturned the sentence because one juror twice saw the man wearing ankle cuffs, which could have affected the decision on the death decision.
18. "DNA puts man in court over carjacking." The Glebe (Australia), January 13, 2005.
In Australia, a man has been refused bail after police used DNA evidence to charge him with a carjacking last year. When the vehicle was recovered, police found a bag containing a knife, stereo, gloves, beanies, CDs and shoes. DNA on the gloves matched the suspect and last week he presented himself to police.
19. "DNA from 1995 rape gets inmate arrested." The Miami Herald, January 13, 2005.
In Florida, a Miami-Dade jail inmate was arrested in a decade-old rape and stabbing after DNA evidence linked him to the attack. The man, a habitual offender with an extensive criminal history and multiple aliases, had been jailed for a burglary conviction when sexual battery detectives were notified of the DNA match. When he appeared in court on Wednesday to hear the new charges filed against him -- for a crime committed when he was 26 -- he looked incredulously at the judge. Police said the DNA match was made on Aug. 30, but charging the man took five months because the victim, now 46, could not be located.
20. "Charges dropped against man accused in granddaughter's rape." The Associated Press State & Local Wire, January 12, 2005.
In Wisconsin, a man has been exonerated of molesting his granddaughter after DNA tests proved the mother's boyfriend was the perpetrator. The 5-year-old girl was awakened and sexually assaulted as she slept on the living room couch at her grandparents' home last July. The girl never saw the face of her attacker, but her grandfather was the only man in the house that night and she told a daycare worker that she thought it was her grandfather who abused her. After DNA cleared the grandfather, the boyfriend (who was living with the mother and her daughters) became a suspect, but refused to give a DNA sample. DNA tests conducted on the mother's sheets matched the DNA from the rape kit and a warrant was secured for a DNA sample from the boyfriend.
21. "Fraud threatens criminal cases." Battle Creek Enquirer, January 12, 2005.
In Michigan, authorities have learned that two members of the state police DNA lab falsified a 2003 proficiency exam. Michigan State Police announced in December that a supervisor retired from the crime lab after an investigation found another employee took a proficiency exam for him. Officials insisted the incident doesn't affect the integrity of the hundreds of tests done by the DNA analysis unit in Lansing, where the two worked. These findings could impact criminal cases in any cases since 2003 in which the supervisor testified.
22. "More money for social workers, GBI asked." Chattanooga Times Free Press, January 12, 2005.
In Georgia, the Governor proposed \$4.4 million for the Georgia Bureau of Investigation's crime labs. About \$3 million of that would go to outsource some crime lab analyses to private companies, while the remainder would boost the number of GBI analysts starting next fiscal year. The vice chairman of the Senate's Public Safety Committee said the money to reduce backlogs will address law enforcement officials' complaints.
23. "DNA collection starts up again." The News Tribune (Tacoma, WA), January 12, 2005.
In Washington State, the Pierce County Sheriff's Department has again started taking DNA samples from convicted felons after not collecting them for more than eight months. The department's three forensic technicians began taking the samples Monday. Their union had filed a grievance over the additional work in April, which prompted the department to stop gathering the DNA swabs. The union contends that obtaining the samples is outside the work classification for the technicians, who primarily analyze fingerprints and put them into a department database. The Sheriff's Department wants them to do the work.
24. "Crime-Busting Tool Wasted." Winnipeg Sun (Manitoba), January 12, 2005.

Editorial urging Canadian Parliament to strengthen its DNA database statutes. “England did not become a rogue banana republic with its anti-crime, pro-victim DNA stance and their Home Office can boast of 584,529 suspect-to-scene matches since 1995. Canada lags far behind having only 2,000 successes in its first five years.”

25. “CNN Presents: Reasonable Doubt.” CNN, January 9, 2005.
CNN show regarding, “Mistakes in Crime Labs Occur Around the Country.” Discussion of documented problems with forensic sciences at crime labs throughout the country, including DNA analysis problems at Houston’s lab.
26. “China To Conduct All DNA Tests On Tsunami Victims.” Thai Press Reports, January 7, 2005.
Thailand’s Public Health Minister confirmed that Thailand would accept China’s offer to conduct DNA examinations on the victims of last week’s tsunamis, saying that sending the work to China would ensure speed and convenience. While the Ministry of Public Health will take DNA samples from Thai relatives, foreign nationals will have to undergo DNA examinations in their own countries. The data will then be sent on to China in order to determine where DNA from the victims can be matched with DNA from the relatives.

Genetic Privacy

27. “DNA debate heats up.” The Vancouver Sun (British Columbia), January 18, 2005.
Scientists in Canada stress that stringent safeguards can and will be put in place protect the sample DNA, but bioethicists and lawyers say the legal, ethical and social dilemmas created by biobanks defy easy resolution. Four large biobanks proposed by government and academic research groups could soon become storehouses of DNA from more than 100,000 Canadians.