

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 May 20, 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

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

- California – DNA thought to be from a murdered child's tears helped bring a death penalty in a California case
- Florida – A cold hit identified a child rapist (offender on database due to drug charges and a parole violation). Review of cold murder case evidence found a suspect's DNA on a bloody t-shirt.
- Idaho – Blood footprints contained a mixture of victim and suspect DNA in a murder case.
- Louisiana – DNA on a ski mask and in a stolen car identified man who robbed 3 banks.
- New York – A man attacked by a dog during an attempted rape was identified by DNA. A database hit identified a man wanted in two rapes.
- Texas – A cold hit identified a 1986 rape, which cannot be prosecuted due to statute of limitations issues.
- Virginia – A cold hit solved a 1986 murder, and a local cold case squad resolved 7 cases in 8 months through DNA.
- Canada – DNA from chewing gum a suspect was "tricked" into "taste testing" was matched to two rapes.
- England – Traffic wardens are armed with "spit kits" for collection of evidence to identify spitting drivers. A DNA focus on car thefts has netted 4 arrests in one town so far. DNA from a sock holding a gun confirmed a firearms possession suspect.

POLICY AND FUNDING ISSUES: A New York bill would tax beer and liquor to fund SANE programs and DNA analysis. Database expansion to all felons is underway in Ohio, and has caused backlog pains in Pennsylvania. An Alaska law now allows the use of force in sample collection, and increased state funding is coming for Massachusetts' crime lab. The Pentagon's BRAC proposal includes relocation of the Armed Forces DNA Identification Lab. Editorials in California, Nebraska and Indiana lauded DNA programs and some also called for additional funding.

COURT DECISIONS: A Nevada judge will allow DNA evidence in a serial rape case where a criminal's DNA sample was mistakenly included in the DNA database. Massachusetts court decision allows a court's order for a DNA sample from a nonparty in a rape case.

OTHER FORENSIC DNA ISSUES: Post conviction cases moved forward in Illinois and Missouri, and failed to move forward in Florida, Maine, and Nebraska. Houston's lab has achieved accreditation, except for the DNA section. DNA evidence resulted in dropped charges for suspects in crimes in Louisiana (murder) and New York (kidnapping).

INTERNATIONAL NEWS: Canada passed legislation to expand its DNA database, and an official inquiry will look into claims of a backlog in Canada. Malaysia is considering a DNA database program, and recently began widespread DNA sampling in a murder investigation. A "lab on wheels" will finish DNA tests in 8 hours in England and has high speed communications. DNA databases in Australia and New Zealand boasted success rates (55% match rate for NZ). A new crime lab is planned in Kenya and just opened in Nepal. The ICMP, the Philippines, Japan and Russia are using DNA in remains identification projects. In Pakistan, use of DNA is questioned by an Islamic Law expert in an adultery case, and child victims of human trafficking will have DNA tests to reunite them with their parents.

STATE LEGISLATION

Forensic DNA

1. New York AB 7253 – “Sexual Assault Forensic Act”. Adds a tax to liquor and beer to pay for forensic nurse examiner programs and personnel, as well as DNA testing of rape kits.
2. New York SB 5342 – Expands DNA database to include all felony and misdemeanor offenses. Allows local jurisdictions with populations of 1 million or more to impose a DNA collection fee. Creates an Innocence Project Program.

Genetic Privacy / Research

3. North Carolina HB 1709 – Establishes a voluntary DNA database at North Carolina Central University. Database would store DNA and related medical records for the purpose of research, but without personally identifying information. Database can be marketed to third parties.

NEWS ARTICLES

Forensic DNA

1. “State begins new DNA tests on thousands of extra inmates.” The Associated Press State & Local Wire, May 18, 2005.
In Ohio, the state has begun DNA tests on thousands of additional inmates as a law takes effect expanding the state DNA database to include all convicted felons and some serious misdemeanor convictions. The testing will cost between \$4.5 million and \$5 million and should be completed by July.
2. “DNA bill only needs final approval.” Edmonton Journal (Alberta), May 18, 2005.
In Canada, legislation has been approved that expands the offender DNA databank which to make it mandatory for judges to order DNA samples to be seized from offenders who commit 16 crimes, including: murder, robbery, extortion and assault with a weapon. Current laws give judges discretion to order testing, and require multiple offenses. Only the bill's sponsor, Justice Minister Irwin Cotler and his officials were permitted to testify at the Senate's legal and constitutional affairs committee, which wrapped up its study of the bill in 21/2 hours and then sent it back, unchanged, to the Senate for final approval. The Committee refused to hear testimony from the Canadian Bar Association or other critics who predict the bill could be struck down by the courts for Charter of Rights violations.
3. “Forensic experts testify at trial.” Idaho Falls Post Register, May 18, 2005.
In Idaho, forensic experts have testified that a suspect's DNA has been found in a bloody footprint at the home of two murder victims – the suspect's ex-husband and his girlfriend. The suspect's DNA and mixtures of her victims were also found on a shoe discovered behind the home, and in the garage, kitchen, on a step and on a sweatshirt and sweatpants.
4. “Metro Briefing New York: Manhattan: Rape Suspect Ordered To Provide DNA.” The New York Times, May 18, 2005.
In New York, a man linked by DNA evidence to 25 rapes and sexual assaults over three decades was ordered to give detectives in New Jersey and Maryland fresh DNA samples for comparison with evidence from unsolved rapes in those states. The man appeared in State Supreme Court for a hearing, where the Justice issued the order. His lawyer said that the man continued to maintain his innocence. He is suspected of sex crimes in New York, New Jersey and Maryland. He was arrested in Georgia last year after he tried to buy a gun there, and was extradited to New York. Manhattan prosecutors say they matched his DNA to evidence recovered from the victim of a 1973 rape in Chelsea.
5. “New Iberia man convicted in 3 bank robberies.” The Advocate (Baton Rouge, LA), May 17, 2005.
In Louisiana, a man was convicted in a spree of three bank robberies, two at the same bank, that netted about \$70,000. The case against Alexander the man pieced together with witness accounts and DNA, which was left on ski masks discarded in two of the robberies and on the steering wheel of the car used in the first robbery. The

man's attorney challenged the reliability of the eyewitness testimony against his client and cautioned jurors not to believe "that DNA is flawless." The jury deliberated about 90 minutes before returning a unanimous guilty verdict.

6. "Jury recommends death for killer of 5-year-old Orange County girl." The Associated Press State & Local Wire, May 17, 2005.
A California jury decided a man should get the death penalty for killing Samantha Runnion, the 5-year-old girl whose abduction in 2002 came amid a series of attacks on children that prompted national outrage. During the trial, prosecutors revealed that the man's DNA was found under Samantha's fingernails, and sneaker prints and tire tracks found near the girl's body were connected to the defendant. The child's DNA was also found on the inside of the door of the man's car, probably from tears or mucus, prosecutors said. The defense challenged the reliability of the DNA analysis and suggested that the material found inside the car had been planted.
7. "House rejects resolution seeking new trial for convicted child killer." The Associated Press State & Local Wire, May 17, 2005.
The Maine House of Representatives rejected a resolution that seeks a new trial for convicted murderer Dennis Dechaine, whose guilt has come under question since his 1989 conviction. Opponents of the resolution said the Legislature has no business second-guessing the judicial system that convicted the man. New tests showing that male DNA from the victim's fingernails did not come from Dechaine or any of the men who handled evidence in the case have fueled speculation that the wrong person was convicted. Dechaine is serving a life sentence in Maine State Prison for the 1988 murder of a 12-year-old baby sitter.
8. "DNA 'cold case' file leads to capital trial in 1986 slaying." The Associated Press State & Local Wire, May 17, 2005.
In Virginia, DNA evidence preserved from a 19-year-old case will be used by prosecutors in the capital murder trial of a man accused in the slaying of an 85-year-old man. In early 2003, a local police Sergeant, after attending a DNA conference, sent to a state forensics laboratory DNA evidence preserved from the crime scene. A few months later, the lab reported that the DNA evidence matched a profile on the convicted offender DNA database of a man who had a prior felony auto theft conviction.
9. "Appeals court sides with convicted killer in DNA request." The Associated Press State & Local Wire, May 17, 2005.
A Missouri appeals court threw out a lower court's ruling that blocked DNA testing sought by a man serving a life sentence in a 1990 rape and murder, saying the judge must spell out his rationale for denying the genetic testing. "Contrary to the state's contention otherwise, in this case, a remand to the motion court would not be futile," Presiding Judge Patricia Cohen wrote for the appellate panel. "We have reviewed the motion court's order and we cannot determine the basis for the motion court's ruling." The state argues that circumstantial evidence of guilt was strong, that DNA testing was reasonably available at the time of trial, and that identity was not an issue because the man claimed self-defense. The state also insisted that a DNA test failing to match Clayton's profile could have resulted from his wearing a condom.
10. "Senate budget plan would boost spending by \$200-\$300 million over House." The Associated Press State & Local Wire, May 17, 2005.
In Massachusetts, the Senate has suggested increased funding for the State Police crime lab from \$6.2 million to \$12.2 million.
11. "Delaa had previous assault charge." The Calgary Herald, May 17, 2005.
In Canada, investigators collected "cast off" DNA evidence from a suspected rapist. An officer posing as a product tester collected used gum from the suspect, which was then tested for DNA and linked the man to the crimes. The man's lawyers argue his rights were violated because undercover cops tricked him into turning over chewed gum. A judge will have to issue a decision in this matter.
12. "My Dog Rescued Me From Rapist – Model." Daily News (New York), May 17, 2005.
In New York, a man who attempted to rape a woman he found jogging in Central Park was identified by DNA tests of his blood that was found on the victim. During the assault, the victim's dog attacked the man several times and he bled onto the victim's clothing. His DNA was later matched to another rape attempt.
13. "Wardens get DNA kit to trap spitting drivers." The Evening Standard (London), May 17, 2005.

In England, parking attendants are now being given DNA swabs to help identify motorists who spit at them. Hundreds of the £1 "spit kits" are being handed out to the 250 attendants in Westminster in a trial backed by a contractor. The £200-a-time cost of the DNA checks will be met by the police. The scheme is expected to be rolled out across London if it proves a success. Three parking wardens are assaulted in the capital each day, some being attacked with baseball bats and knives.

14. "4 arrests in DNA swoop on car crime." Express & Echo (Exeter), May 17, 2005.
In England, detectives have made four arrests following a DNA swoop targeting car thieves across Exeter - and warn they will be continuing the crackdown. Police have successfully tracked down suspects after gathering DNA evidence identifying those responsible for many car thefts in the city. The city's vehicle crime team has joined forces with the force's scene-of-crime technicians for the operation. The technicians have gathered forensic evidence from break-ins, such as blood left on broken car windows, and have used it to pinpoint suspects from DNA identified in the sample. "The DNA swoop has been successful so far. There are still several other people who we are actively seeking and they will be dealt with in the immediate future."
15. "Man gets 47 years in rape of toddler." The Miami Herald, May 17, 2005.
In Florida, a Broward judge has sentenced a sexual predator to 47 years in prison after he pleaded guilty to raping a 3-year-old and leaving her naked and crying at a dump site. It took three years for detectives to find the rapist. He was caught when he submitted a DNA sample after his conviction on drug charges and a violation of probation. DNA evidence, collected from the child, matched.
16. "DNA Tests Finally Confirm Remains Of Punongbayan." Philippine Daily Inquirer, May 17, 2005.
In the Philippines, the National Bureau of Investigation has identified the remains of the Philippine National Red Cross governor and his companions through DNA analysis weeks after the helicopter they were riding in crashed in Nueva Ecija. The DNA procedure entailed taking a swab of the inner cheeks of the victims' relatives and subjecting the samples to DNA analysis. These were then matched with the DNA test results taken from the 11 bags that contained unidentified parts of the crash victims.
17. "NSU Research Seeks To Speed ID Of Corpses." Sun-Sentinel (Fort Lauderdale, FL), May 17, 2005.
In Florida, four professors at Nova Southeastern University hope to develop a computer method that will sort missing persons reports with common identification procedures, such as physical attributes, dental records and DNA. Their goal is to more quickly identify large numbers of bodies, or in some cases find out the names of the dead who may not otherwise be recognized. "If you go independently through each one of these procedures, it takes longer and it's much more expensive," said one of the professors. The professors presented their project at the Florida Tech Transfer Conference in Orlando. They estimate needing about \$500,000 to get the project started.
18. "Influx of prisoner DNA swamps testing labs." The Associated Press State & Local Wire, May 16, 2005.
More than 500 criminal investigations have been aided since authorities began collecting DNA samples from inmates in Pennsylvania in late 1996. The practice has been so successful that the Legislature has expanded it twice - most recently last November - to cover all felons who are either newly convicted, currently in jail or on supervised probation. But the wider mandatory testing came without additional funding, and now the flood of new samples has been overwhelming the labs. "The National Institute of Justice has promised us some relief, most likely in conjunction with the new federal budget in October," said state Rep. Stephen R. Maitland, R-Adams, sponsor of last year's bill. "Plan B is then that the state's going to have to ... find the money on our own to improve our capabilities." Pennsylvania's DNA law allows the state to charge convicted felons \$250 for the cost of their sample, although the fee is added to court costs and regularly goes uncollected.
19. "Military may move DNA repository from Rockville to Delaware." The Associated Press State & Local Wire, May 16, 2005.
Under the Pentagon's proposed base closings, the Armed Forces DNA Identification Laboratory would move from Rockville, Maryland to Dover Air Force Base in Delaware. The lab's parent organization, the Armed Forces Institute of Pathology, would be broken up and moved from its current location at Walter Reed Army Medical Center in Washington. A spokesman for the Armed Forces Institute of Pathology, or AFIP, wouldn't comment on the military's proposal. He said about 160 people work in the lab's DNA unit.
20. "Mobile Forensic Lab Is A World First." Birmingham Post, May 16, 2005.
In England, a 'lab on wheels', said to be the first in the world, has been introduced. It includes an array of technology for scanning DNA, fingerprints, blood and footprints, linked via satellite to databases of offenders.

Specially-trained crime scene staff will be able to provide genetic matches to criminals in as little as eight hours - three times faster than technology currently available. The van was developed by the Forensic Science Service, along with BT, which has provided communications technology. West Midlands Police Assistant Chief Constable said: 'The use of forensic evidence has become increasingly important in identifying those who commit crime. To be able to undertake DNA checks close to the scene of a murder, for example, is a significant step forward. The FSS said technology meant they could condense a building-sized DNA processing line to fit in the back of the van. Scientists manning the vehicle will also be able to search for fingerprints and even have the technology to retrieve stored data from mobile phones

21. "ICMP, Croatian Govt. To Exchange DNA Profiles." ONASA News Agency, May 16, 2005.
At the launch of the second phase of a Joint Project between the International Commission on Missing Persons (ICMP) and the Government of Croatia, there will be an exchange of DNA profiles between the ICMP and the Croatian Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity (MOBMS) in Zagreb. The objective of the Joint Project is to resolve outstanding cases of missing persons through the use of a DNA-based system of identification. All DNA information exchanged is coded and anonymous until matches are found and family members contacted. No uncoded DNA information is ever exchanged without the written consent of family members.
22. "DNA lab coming to Redlands." San Bernardino Sun, May 16, 2005.
In California, two forensic scientists who recently left the San Bernardino County Sheriff's lab to start their own private DNA testing laboratory, Human Identification Technologies Inc. They spent three years raising \$3 million from investors, primarily friends and family. Kern and Anjaria are hoping to contract with the San Bernardino County sheriff's crime lab to relieve it of some of its pending cases. They also will analyze evidence submitted by criminal defense attorneys and prosecutors upon request. Cost to analyze a DNA sample at the lab will be \$1,000 about \$1,500 less than the cost at a public lab, they said. Turnaround will be four to six weeks. They plan to hire two or three criminalists a year as the company grows and expect to be working at full maximization with 40 criminalists.
23. "New division solves old cases." The Washington Times, May 16, 2005.
In Virginia, old DNA evidence has yielded solutions to seven rape cases over the past eight months in Fairfax County because of the police department's new cold-case sex crimes division. Before the unit's inception in September, the county had solved six cold-case sex crimes since 2001. "It definitely is busier" than normal police work, said Detective Mike Pfeiffer, who is on the two-member unit. "There is definitely more gratification in solving the cases because ... every one of the cases that we're looking at would be considered a newsworthy event at the time it occurred."
24. "Police Seeking Extra Funds To Build Forensic Lab, Buy Bullet Proof Vests." BBC Monitoring – International Reports, May 15, 2005.
In Kenya, the police force is now seeking an additional 5.5bn shillings from Treasury for building a forensic laboratory and officers' houses and for buying equipment. They have even asked Finance Minister David Mwiraria to factor in the money in next month's budget. The construction of the laboratory was part of the proposals made by a task force appointed by the President on 14 April, last year, to review the strategic plans for the Kenya Police and Administration Police, and recommend policy and institutional reforms. "A forensic laboratory is a major priority to us now. Forensic science and DNA are very important in solving crimes." "Sending samples overseas is costly and it takes time to get the desired results. DNA tests are not done in many cases here because we don't have facilities."
25. "His DNA Linked To '96 Rapes." Daily News (New York), May 15, 2005.
In New York, a DNA match on the database has led to the arrest of a Bronx career criminal in the vicious 1996 rape of two roommates in Greenwich Village. The man has a long arrest record over the past 20 years, including charges of rape, burglary and threats against the President, and he has served time in a federal prison. The case was solved after DNA from the victims' rape kits was tested as part of the NYPD's successful Project Backlog, officials said. The project has been comparing DNA collected in about 17,000 unsolved sexual assault cases with DNA in a database made up of samples taken from convicted felons.
26. "DNA Testing A World-Class Success." Sunday Star Times, May 15, 2005.
In New Zealand, the DNA database has matched 55% of its crime scene samples with suspects - a hit rate which is one of the best in the world. Figures issued under the Official Information Act show more than 5000 of 10,000

DNA samples from crime scenes have matched individuals on the national DNA database, which hold samples from about 50,000 people. In April last year, a new law came into effect allowing police to take samples from a widened range of criminals.

27. "State's crime rate falls dramatically." The Advertiser, May 14, 2005.
South Australia has released police figures showing the benefits of a broader DNA testing regime. Since January, 2004, using DNA evidence, police have charged 404 people with a total of 1484 offences relating to 725 separate incidents. Of those charged, 245 were serving prisoners at the time of arrest. The Premier said the testing of prisoners had helped progress more than 600 serious criminal trespass cases as well as 25 rapes, 16 robberies and three arson cases. Crime rates in South Australia are down as much as 37 per cent over the past two years.
28. "Police Take DNA Samples Of Taxi Drivers Over Killing Of Chinese Student." Bernama The Malaysian National News Agency, May 14, 2005.
In Malaysia, police conducted operations to take DNA samples of taxi drivers in efforts to trace the killers of a Chinese student who was murdered last February. An official confirmed the operation when contacted and said about 50 taxi drivers had been screened as the suspect in the case was believed to be a taxi driver. Prior to this, police had taken DNA samples from six suspects in their 20s and 40s last month, but to date have not revealed the outcome of the tests.
29. "Suspect Cleared Of 97 Sex Assault." The Post Standard (Syracuse, NY), May 14, 2005.
In New York, a man facing charges of kidnapping two girls on two separate occasions, has been cleared in the unsolved abduction and sexual assault of another 12-year-old girl eight years ago. The DA's office has found that DNA did not match the suspect sample from the 1997 case for which a "John Doe" indictment is pending. The DNA profile of the unknown suspect from the 1997 case was indicted three years ago in the first-of-its kind local case to prevent the statute of limitations from expiring so a suspect could be prosecuted if caught. In the first year after the 1997 case, authorities investigated 175 possible suspects, ruling out many who had alibis or who didn't match the size 12 or 13 sneaker prints left by the assailant at the scene. DNA also enabled them to rule out seven other men as suspects.
30. "DNA tests to start in Nepal." Xinhua General News Service, May 14, 2005.
In Nepal, after extensive in-house experiments, the Nepali National Forensic Science Laboratory is ready to begin DNA tests for the public soon. The first DNA lab, equipped with a DNA analyzer, software and DNA amplifier, was installed at Khumaltar of Lalitpur district in the Kathmandu Valley in November 2004. "But the lab has not been able to carry out the DNA tests until now due to lack of the FTA cards, identified as reagent chemicals and kits, which have yet to arrive," said the acting executive lab director. The cost of a DNA test per sample will be 100-114 US dollars, which is less than in India, where the cost is 114 dollars for fresh blood and 228 dollars for stained blood.
31. "Man whose case inspired DNA law loses bid for new trial." The Associated Press State & Local Wire, May 13, 2005.
The man whose case inspired passage of Nebraska's DNA Testing Act four years ago lost his bid Friday to use the law to get his murder conviction set aside. The Nebraska Supreme Court rejected an appeal from Mohamed El-Tabech, who was convicted of the 1984 murder of his wife. He is serving a life sentence. The Legislature passed the DNA law in 2001 after the high court rejected El-Tabech's argument that the state should pay for DNA tests on evidence in the case to see if the results could prove his innocence. The DNA testing law requires the state to test DNA evidence if it is likely to produce so-called "exculpatory evidence" if someone else committed the crime. But the judge denied his request for the DNA test, saying he did not believe El-Tabech's jury would have returned a different verdict had they known about the hair. The high court agreed.
32. "More Police Personnel To Be Sent For Forensic Courses." Bernama The Malaysian National News Agency, May 13, 2005.
Malaysia has announced that more police personnel will be sent overseas to attend forensic science courses to increase the number of experts in this field. The Internal Security Deputy Minister said it would be meaningless to have first-class equipment if the police did not have the experts who knew how to use it. The Minister is supportive of a proposal by the Police Inspector-General to introduce legislation to authorize the police to obtain and keep DNA profiles of criminals. The Police Inspector General said the government should expedite legislation on keeping DNA samples, saying that such a law had been implemented in countries like Canada, Hong Kong, Australia and Singapore.

33. "Man serving life for murder says new DNA test clears him." Chicago Sun Times, May 13, 2005.
In Illinois, citing new DNA test results, a man twice convicted of raping and murdering an 11-year-old girl in 1992 is seeking a new trial. Attorneys for the man have filed a motion in Lake County asking that his 1998 conviction be overturned, arguing sophisticated DNA testing not available before shows he wasn't the man who sexually assaulted and fatally stabbed the victim. The motion contends that DNA tests completed earlier this year indicate genetic material found on the body couldn't have come from the man who is serving a life sentence. Lake County prosecutors have indicated they likely will oppose the request for a new trial, noting he confessed to the crime and that both juries that convicted Rivera were told DNA tests at the time were inconclusive.
34. "Saito's employer fears he was fatally injured." The Daily Yomiuri, May 13, 2005.
A Japanese man who reportedly has been captured by insurgents in Iraq may have been fatally injured in an attack on a convoy that he was escorting, the British security firm for which he works. The government started preparing for the possibility of conducting DNA tests on bodies found at the site of the attack. The ministry will ask the security firm to submit samples of the man's hair to be used in DNA testing. As his family has not seen him for about 10 years, they were unable to help in this regard.
35. "Gun in sock' man is sent to prison." Nottingham Evening Post, May 13, 2005.
In England, a man convicted of firearm offences after DNA was found on his sock has been jailed for four-and-a-half years. The man denied he had stuffed a handgun in the turquoise sock and shoved it under a hedge in his garden. But he was convicted of possession of the gun and ammunition after a trial in April. Police found the sock and gun when they raided his home after he was accused of firing a weapon at his former girlfriend's house. Following the raid, the sock, gun and towel were sent for forensic analysis, which revealed his DNA was present.
36. "DNA Leads To Arrest In Stalled Slaying Probe." Palm Beach Post, May 13, 2005.
In Florida, detectives made an arrest in the 2000 murder of a businessman after advances in DNA testing allowed them to link the suspect to the scene of the crime with an old T-shirt. Authorities found a discarded T-shirt at the victim's ransacked house and tested it soon afterward for DNA evidence. But there wasn't enough DNA on the shirt for testing methods that were used at the time. A recent retest found that sweat on the shirt was linked to a man who had been a suspect. It was another in what may prove to be a long chain of arrests in cold murder cases as the Palm Beach County Sheriff's Office seeks to retest old DNA evidence in dozens of its more than 200 unsolved homicide investigations. The sheriff's office hopes to pore over DNA evidence from more cold cases in similar fashion. The agency has won a \$374,000 federal grant that will help pay for the costly DNA tests.
37. "Cause of five children's death to be established after examinations." TASS, May 13, 2005.
In Russia, the burned remains of bodies found in a sewage manifold on May 8 may be remains of the five schoolchildren who disappeared in Krasnoyarsk on April 16. The remains in the sewage manifold were found by two persons who looked for scrap metal. A DNA examination of the remains is being prepared now. Samples are taken from parents of the children for the comparison tests.
38. "County's forensic scientists deserve credit for jobs well-done." Ventura County Star, May 13, 2005.
Letter in newspaper from the Ventura County (California) Sheriff: "Since 2002, more than 200 DNA profiles from Ventura County criminal investigations (including sexual assaults, homicides, robberies) have been entered into CODIS and approximately 22 of those profiles have subsequently matched another profile found in the CODIS databases. As the number of entries continues to increase, these matches will occur more frequently. It has become rare to convict a suspect in a major investigation without DNA evidence. With the growth of this databank, more of our worst offenders will be identified and convicted with each succeeding year and, as a result, we will all be safer. While our dedicated forensic scientists, technicians and support personnel may not match Hollywood's version for glamour, they are the key to bringing some of society's most dangerous criminals to justice. I am proud of the important work they do and they are all deserving of our gratitude."
39. "Murder charge tossed." The Advocate (Baton Rouge, LA), May 12, 2005.
In Louisiana, a first-degree murder charge against a man indicted for killing his son by setting the teenager on fire in 2002 was dropped. The man's attorney said that DNA recovered from the matches used to light the fire and DNA taken from the clothing supposedly worn by the person who set the fire do not match his client. In fact, he said, when a private lab inspected the matches, the DNA was from a woman. The father was identified as the culprit by his other son, who was reportedly in the room and saw the crime.

40. "Interview With John Walsh." CNN (Larry King Live), May 12, 2005.
John Walsh openly advocates for national laws requiring DNA from all convicted felons. "And I am a great proponent of the DNA banks. We as a country that can put a man on the moon -- and I mean, you know, everybody uses BlackBerries day and night and can communicate across the country -- but yet we're almost 400,000 DNA rape kits behind that haven't been tested. They just caught a guy in Ohio that confessed to 37 rapes. They had his DNA for three years. During that three years, he raped 17 additional women. He could have been off the street."
41. "Program gives rape victim relief." Dallas Morning News, May 11, 2005.
In Texas, a victim who asked detectives to reopen her unsolved 1986 rape case has been rewarded with a cold hit on the DNA database to a known felon. The DNA evidence matched to a career criminal with a history that includes convictions for drugs, burglary and assaulting a public servant. Unfortunately, the statute of limitations has already lapsed for the rape so there will be no prosecution. However, the man is currently in prison for burglary and the victim intends to bring her case up at the man's next parole hearing in 2007. He's serving a 45-year sentence on a 2002 conviction for burglary.
42. "Crims caught by DNA." Herald Sun (Melbourne, Australia), May 12, 2005.
In Australia, Victoria Police's DNA database has produced 3046 matches between genetic evidence taken from crime scenes and offenders since the database was created five years ago. 1983 of those were for links from crime scenes to convicted offender samples and 290 were for crime scenes linked with suspects in other offences. Since the police were given powers to take DNA samples from prisoners, the database now contains the genetic profiles of 10,233 people. The technology's success has seen the police's new crime linking unit identify 863 offenders who were charged with 2083 crimes since July 2003. "It is an invaluable investigative tool and has provided some excellent results."
43. "Crime lab earns partial approval." The Houston Chronicle, May 12, 2005.
The Houston Police Department crime laboratory has received accreditation for all divisions except DNA. The accreditation - a certification meant to ensure that labs meet minimum standards - came on HPD's second attempt and was granted by a national forensic organization that inspects labs worldwide. The department's application was rejected in February because of shortcomings in its records on the custody of evidence. The DNA division, the first where problems were revealed, remains shut down and was not reviewed by inspectors. The Police Chief said he hopes to reopen the DNA division, after hiring new staff members and buying equipment and supplies, by the end of the year.
44. "Judge allows use of DNA evidence." Las Vegas Review Journal, May 12, 2005.
In Las Vegas, a judge denied a request to suppress DNA and fingerprint evidence against the man accused of committing a series of rapes along Flamingo Road from 1996 to 1998. The man was arrested after a probation officer collected his DNA sample and it was linked to the string of rapes committed by the criminal known alternately as the 'Flamingo Road rapist' and the 'East Side rapist.' The defense attorney argued that when the DNA sample was collected the man was on probation for an attempted pandering conviction and Nevada law does not list the gross misdemeanor offense as a crime in which a probationer is required to give a DNA sample to authorities. But the judge ruled that the DNA sample was not gathered with the intent of getting around the law. "When the officer with the Department of Parole and Probation took the initial DNA sample, he wasn't doing it in order to assist in the Metro investigation of the East Side rapist," he said, noting the man was not even a suspect in the case at the time.
45. "A-G drawn into debate over 'mismanaged' forensics service." National Post, May 12, 2005.
In Canada, the House of Commons justice committee has asked the Auditor-General to investigate conflicting testimony between RCMP commissioners and two retired investigators, who say the force's forensics services are grossly mismanaged and bogged down in a major backlog of DNA cases. Last week the retired forensics officers appeared before the justice committee and said the RCMP wastes money through an inefficient forensics system that in February had 959 cases still pending, with the average case turnaround taking 85 days too long. RCMP Commissioner told the committee last November that Ottawa runs a "world-class" DNA data system. "There is no backlog in terms of DNA analysis," he said, according to the committee record. In March, he again appeared before the committee and re-affirmed that position.
46. "Gifts Help Authorities Sift DNA." The Oregonian, May 12, 2005.
Public donations to the Oregon State Police crime lab have enabled authorities to crack open more than half a dozen unsolved crimes using DNA samples. Over the last nine months, state police have received more than

\$14,000. The money is spent on processing DNA samples collected from known criminals or those suspected of a crime, and matching them against evidence collected from unsolved cases in Oregon. Cost is \$30 a sample. Last month, the lab found that eight cases came up with "hits" to unsolved Oregon crimes, including a cold homicide case and a rape case.

47. "Public safety at stake." Omaha World-Herald (Nebraska), May 10, 2005.
Nebraska editorial: "Speeding up the process is vital to public safety. Perhaps the Justice Department should increase the pressure on states and localities to reduce or eliminate DNA backlogs. State law enforcement authorities need to emphasize the importance of the forensic work to lawmakers and the public. No one knows how many violent murderers or rapists lurk, waiting to be identified by their DNA and caught. Given the successes already laid at the laboratory door, the number could be substantial. DNA testing deserves all the emphasis law enforcement officials can give it."
48. "Nonparty can be ordered to provide DNA sample." National Law Journal, May 9, 2005.
The Massachusetts Supreme Judicial Court has held there was no error in a trial court's order to a nonparty in a criminal case to provide a DNA sample. A criminal defendant in an aggravated rape case, sought a court order requiring William Jansen, a nonparty, to provide a DNA sample. Lampron claimed that such a sample would provide exculpatory evidence. Over Jansen's objection, a trial court ordered Jansen to provide the sample, and Jansen appealed.
49. "ICMP To Extract DNA Profiles Initially From 750 Bone Samples." ONASA News Agency, May 9, 2005.
In response to the overwhelming problem of identification of victims of the December 2004 Asian tsunami, police from Thailand, the United Kingdom and Germany have asked the International Commission on Missing Persons (ICMP) for assistance in the identification process using DNA. Thai Police, Scotland Yard and German Federal Police representatives brought 750 bone samples to ICMP's Sarajevo, Bosnia-Herzegovina, headquarters. The bone samples will be analyzed within 60 days in ICMP's DNA laboratories in Sarajevo and Tuzla, eastern Bosnia, to obtain DNA profiles. The joint delegation brought the bone samples to ICMP as prior testing performed by private DNA laboratories was not sufficiently successful.
50. "Judge denies Fort Pierce man's DNA testing." Fort Pierce Tribune, May 7, 2005.
In Florida, a man serving a life sentence for molesting and killing a 2-year-old boy was denied a DNA test after a judge ruled that all evidence already had been tested. The man filed court papers in October 2004 claiming another man was responsible for the crime and asked a judge to allow a DNA test he claimed would clear him. The Circuit Judge ruled the court record did not show what kind of DNA tests were done at the time and ordered the recent hearing. However, after a review, the court denied the request for a DNA test, saying the evidence showed there was nothing new to be tested that had not been checked already.
51. "Alaska Governor Signs Bill To Improve DNA Database Collection." States News Service, May 5, 2005.
Alaska's Governor signed into law HB124, which permits corrections officers, probation or parole officers and law enforcement officials the authority to use reasonable force to collect DNA samples from eligible convicts who refuse to voluntarily submit samples to the registry. Alaska law makes it a Class C felony to refuse to provide a DNA sample when required to do so under law for use in the national database called Combined DNA Index System and the state registry. However, there are some convicts who refuse to submit DNA samples despite the criminal consequences. "This bill now allows us to obtain a DNA sample from the felons who are serving multiple life terms, but have denied permission for a swab to be taken," Murkowski said. "We are confident our efforts in maintaining a DNA registry will allow us to bring more cold case prosecutions in 2006," the Governor said.
52. "Court: Experts Opinion recorded in DNA case." The Pakistan Newswire, April 26, 2005.
In Pakistan court, a Senior Advocate for Islamic Law expert testified to the evidentiary value of DNA tests in an adultery case. He stated his viewpoint said that DNA tests are not conclusive proof of guilt of an accused. The article reports that the advocate stated, "It is still in experimental stages and referred to Australian case (R vs Button) and reported burglary case of UK where two innocent persons were convicted as result of DNA analysis. However they are exceptions, which do not make rule. In his view DNA test is useful scientific evidence whereby an innocent person may be exonerated and a criminal is liable to be punished."
53. "More than 2000 Pakistani children being used as camel jockeys: Minister." The Pakistan News Wire, April 26, 2005.

In Pakistan, the Minister of State for Overseas Pakistanis said about 2000 Pakistani children sent deliberately by their parents or smuggled by human traffickers are being used as camel jockeys in Middle East countries. Inaugurating Rehabilitation Center for stranded Overseas Pakistanis children Tuesday in Karachi, he said most child trafficking children either were directly sold to camel race organizers by their parents, relatives or 'fake parents' who took them to Middle East states. Stranded camel jockey children brought to Pakistan from Middle East states through Pakistani embassies will be lodged at Rehabilitation Center and officials assist in finding their parents. The Center will conduct DNA test to ascertain child's real parent. About 340 Pakistani camel jockey children were brought back to the country from Middle East countries.

54. "A dangerous backlog." Fort Wayne News Sentinel, May 10, 2005.

Editorial in Indiana newspaper: What's worse than the Massachusetts case of Christa Worthington, whose rape and murder went unsolved while a DNA sample from the man eventually arrested sat untested in a police lab for more than a year? How about a violent rapist who is able to continue raping because of the lack of a timely DNA analysis that could have gotten him off the streets sooner and spared some of his victims? That scenario has played out more than once in Indiana. Officials in northeast Indiana pray such a lapse never happens here, and many believe there are systems and protocols in place to make it unlikely. But there is such a backlog of tests to be done at State Police labs that the possibility can't be discounted that a case will fall through the cracks."

CONGRESSIONAL RECORD

1. Senate – COPS Reauthorization legislation “would modernize the COPS Program by authorizing \$350 million in law enforcement technology grants to assist police departments in acquiring new technologies for the analysis of crime data and the examination of DNA evidence, among other uses.”

FEDERAL REGISTER

1. Department of Justice. Interim Rule on Preservation of Biological Evidence Under 18 U.S.C. 3600A, which requires preservation of biological evidence in Federal criminal cases in which defendants are under sentences of imprisonment.