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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 May 27, 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:

- Arkansas – DNA proved paternity in a child rape case that resulted in a pregnancy.
- California – DNA exonerated an arrested suspect in a serial rape investigation.
- District of Columbia – DNA evidence has linked a serial arsonist to several fires.
- Georgia – DNA from the fingertip of a rapist, bitten off by the victim, identified the suspect.
- Indiana – DNA tests link a man to a rape to which another man had already confessed
- Florida – DNA from a car crash identified the drunken driver, and unidentified remains were matched to a missing Washington State man.
- Missouri – a cold hit on the DNA database identified a burglar (on database for sex offense)
- New Mexico – DNA links a police officer to a child rape case
- Ohio – A cold hit on the DNA database identified a rapist (on database for agg. assault)
- South Carolina – 150 DNA samples were collected for suspect elimination purposes in a double homicide case.
- Virginia – A 1978 murder has been solved through a review of DNA evidence.
- Wisconsin – A 1958 homicide/rape has been solved through a review of DNA evidence
- England – DNA from a soda can identified a burglar.

POLICY AND FUNDING ISSUES: Minnesota will require DNA from certain felony arrestees once probable cause is formally established. 5 states now have some form of “felony arrestee” laws for DNA databases, and 40 states require DNA from all convicted felons (Hawaii, Indiana, North Dakota and Montana new this year). Nebraska legislation to eliminate the statute of limitations for rape has moved forward, and New York is considering similar legislation.

OTHER FORENSIC DNA ISSUES: Post conviction cases moved forward in North Carolina, Nebraska and Texas. A man exonerated by post conviction DNA tests in Pennsylvania is suing county and state officials. Virginia courts may not be complying with biological evidence retention laws. Virginia’s lab will become its own Department in July, contamination issues at labs were covered in Massachusetts and Minnesota. Cold Case teams in Illinois and Louisiana hope DNA will solve old crimes. Remains of another serviceman killed in Vietnam have been identified.

INTERNATIONAL NEWS: Austria will be making use of Interpol’s DNA database. In Canada, DNA has identified two more victims of a man suspected of being Canada’s most prolific serial killer. Mexico may increase its use of DNA in identifying missing persons. An Vienna legislator wants to use DNA to identify dogs who litter the public sidewalks, and pigeon lovers in England want to use DNA to combat bird thefts.

NEWS ARTICLES

Forensic DNA

1. "Pickton to face seven more murder charges." National Post, May 25, 2005.
In Canada, a new indictment containing more than half a dozen additional murder charges is expected to be filed against the man alleged to be Canada's worst serial killer. The suspect, Robert (Willy) Pickton, was earlier charged with 15 counts of first-degree murder and is expected to be charged with another seven counts of murder involving women who disappeared from Vancouver's Downtown Eastside. The DNA of another two "Jane Does" has allegedly been found at the man's pig farm. The Missing Women Task Force has processed more than 100,000 DNA swabs and an estimated 40,000 pieces of forensic evidence since the investigation began.
2. "Husband Charged in 1978 Va. Slaying." Washington Post, May 25, 2005.
In Virginia, new DNA tests on evidence from a 1978 murder has matched the evidence to the victim's husband. After learning of his indictment, the husband turned himself in to authorities. He had been questioned during the initial investigation in 1978, but was never publicly named as a suspect. The case was revived for DNA evidence a few months ago, one of 73 unsolved homicides in the county that the cold case squad was investigating.
3. "Internet posting, DNA identify body after 26 years in Panhandle." The Associated Press State & Local Wire, May 24, 2005.
An Internet posting and DNA testing have led to the identification of a body found 26 years ago in a wooded area of the Florida Panhandle as that of a Washington state man. The man's sister spent years scouring newspapers, Web sites and vital statistics looking for her brother, checking out every report of an unidentified body being found. In early 2003 a Gulf County sheriff's investigator posted information about the remains found in 1979 on a Web site, where the searching sister finally found her brother. Investigators had to use mitochondrial DNA testing because the body had been badly decayed. They were facing a two-year backlog at the FBI's laboratory for such testing and a \$6,000 cost. Investigators were at a standstill until detectives began working with the National Center for Missing and Exploited Children and the District Medical Examiner's Office, and the DNA samples to a lab in Dallas. The lab last month identified the remains, ending a 26-year quest, but raising new questions.
4. "Albuquerque police detective arrested for sex with a minor." The Associated Press State & Local Wire, May 24, 2005.
In New Mexico, Albuquerque police officers arrested one of their own on a charge of criminal sexual penetration of a minor. The Officer is accused of raping a 14-year-old girl. He's a 13-year veteran of the department and is currently with the Special Investigations Unit. The called police on April 22 and reported that she had been raped by a man she met through a telephone dating service. Police were investigating the report, but had no suspects in the case. Recently she called police again to say she saw the man who raped her. Police responded and pursued the man as he left the restaurant. The officers learned the car was an unmarked police unit being driven by an undercover officer. They obtained search warrants and got a DNA sample from the man, which matched other evidence.
5. "Convicted Rapist Given New Hope Of Freedom." Charlotte Observer, May 24, 2005.
In North Carolina, a Cabarrus County judge authorized the first step in a process that ultimately might free a man who has spent the past 29 years in prison for a 1976 rape. The judge granted the defense attorney's motion ordering authorities to locate and preserve any physical evidence tied to Long or the victim. But she delayed ruling on a request to order post-conviction DNA testing until June 16.
6. "DNA Test Exonerates Suspect In 9 Rapes." The Daily News of Los Angeles, May 24, 2005.
In California, DNA testing has exonerated a man who had been arrested on suspicion of being a serial rapist. Police said the man's features matched those on a composite drawing made from the descriptions of the victims and that he also had a distinctive shoulder bag that matched one described by several victims. However, an expedited DNA comparison test, completed four days after his arrest, showed that the man's DNA did not match that recovered from four of the assaults.
7. "Murder victim's family troubled by trial delay." Deseret Morning News (Salt Lake City, UT), May 24, 2005.
In Utah, family members of a woman who was killed four years ago are upset that the case against the woman accused of killing her still hasn't gone to trial. Defense attorneys are waiting on evidence sent to an independent crime lab. The lab has already determined the blood of the victim was found inside a gun belonging to the

accused's boyfriend. The state crime lab found the same thing. But the independent lab also found DNA from another person on the gun. That DNA could belong to anyone who handled the gun. The defense attorney wants the lab to determine if the accused or her boyfriend fit the DNA profile or whether someone else might have handled the gun.

8. "DNA evidence leads to arrest." The Kansas City Star, May 24, 2005.
In Missouri, Kansas City police arrested a convicted sex offender for a 2002 burglary in which he allegedly masturbated over a sleeping woman. DNA retrieved from the woman matched DNA from the suspect, who was convicted of sodomy in 2003. Police got the DNA match in September 2003, but said they weren't in a hurry to charge him with the 2002 case because he was already serving a 15-year sentence for the sodomy conviction. Police recently resurrected the case because the statute of limitations on the crime will expire in July.
9. "Bloomberg a Co-Star at McManus Club." The New York Sun, May 24, 2005.
A mayoral candidate in New York City, US Rep. Anthony Weiner, has said that if elected he would require that all sex offenders - whom he labeled "recidivist criminals" - submit a DNA sample to the state registry as a precautionary measure, even though current law does not require the filing of a DNA sample for offenders convicted before 1994.
10. "New Penn State program to be headed by 9/11 expert." Philadelphia Inquirer, May 24, 2005.
Robert Shaler, director of forensic biology in New York City's Office of Chief Medical Examiner, who supervised the DNA identification of victims of the 9/11 terrorist attack on the World Trade Center, will be the head of Pennsylvania State University's new forensics program.
11. "Evidence Law Is Ignored, Experts Say." Richmond Times Dispatch, May 24, 2005.
In Virginia, critics say that circuit judges may not be complying with a law that requires them to send human biological evidence in death-sentence cases to the state crime lab for safekeeping. The law, aimed at protecting material that could be subjected to DNA testing, went into effect May 2, 2001. Since then, the Virginia Division of Forensic Science has received biological-evidence storage orders from judges in only two death cases, even though some experts believe more death cases should be involved. One of the two orders received by the lab concerned the case of a man scheduled for execution July 11. The evidence in his case was erroneously destroyed by the Arlington County Circuit Court clerk's office just three weeks after the law took effect.
12. "Public Safety; Worst sex offenders in line for life in prison and no parole." Star Tribune (Minneapolis, MN), May 24, 2005.
In Minnesota, an omnibus crime bill includes a provision to broaden the collection of DNA samples from those charged with certain felony crimes. The bill also contained a provision which made permanent the state's requirement for DNA from all convicted felons (the statute previously had a two-year sunset clause).
13. "Austria Lawmaker Wants to ID Dog Droppings." Associated Press Online, May 23, 2005.
In Austria, a local Vienna politician wants the city to register all dogs' DNA so that droppings left where people walk can be tested and the owner of the guilty dog punished. "This method offers a multitude of unbeatable advantages," he said in a statement, adding that all who fail to pick up after their dogs "must count on being caught." Vienna's sidewalks are littered by dog droppings, and campaigns trying to persuade owners to pick up after their pets have made little difference. The city is home to almost 50,000 registered dogs, but the true number is believed to be much higher as many owners ignore the registration requirement. Under the program, owners of dogs found to have left droppings in the wrong places would have to pay for the costs of the DNA analysis in addition to fines.
14. "Prosecutor could use DNA to strengthen Crothersville case." The Associated Press State & Local Wire, May 23, 2005.
In Indiana, one man has confessed to a murder which DNA testing has linked a murder to another man. The DNA-linked suspect was arrested after investigators learned that a cigarette butt found at the murder scene was an uncommon brand called Roger 100. Investigators found a man who had recently bought such cigarettes, and obtained a sample of his DNA which was matched to semen found on the victim's body and saliva found on the cigarette butt found near her body. Prosecutors are baffled as to why the other man confessed.
15. "Taking Action To Beat Bird Thieves." The Northern Echo, May 23, 2005.

In England, pigeon fanciers are turning to DNA and artificial insemination techniques because of an increasing trade in prized birds being stolen to order. Prize-winning birds can fetch tens of thousands of pounds, but identifying rings attached to them when they are young make it almost impossible for them to be traced again once stolen. Pigeon breeders indicate that police are typically not interested in investigating their claims of theft, particularly since it can be hard to prove. They hope that DNA testing will alleviate the problem and provide a way to identify stolen pigeons.

16. "Come July, state forensics lab to break from division." The Associated Press State & Local Wire, May 22, 2005. Virginia's forensics lab will break July 1 from the Department of Criminal Justice Services and become its own department. There will also be a new administrative forensic science board and a scientific advisory committee that can review its work. Because of high workloads, DNA testing takes an average of eight months now. In 1999, it took less than half that time. The crime commission largely blamed the current DNA-testing backlog on inadequate funding. As a department, the lab will report its workload and budget needs directly to the General Assembly.
17. E-mail Correspondence - Wauwatosa Police Department, Wisconsin
The Wauwatosa Police Department, Wisconsin had recently closed out a homicide/sexual assault by opening a cold case from August 9, 1958. The victim was murdered and raped in her home and DNA evidence was collected during autopsy. There was a suspect but no way to link him to the crime at the time. In 2001 the case was reopened and the evidence was found properly packaged and sealed. The Wisconsin State Crime Lab was able to get a match on some of the DNA evidence. The match was that of an 81 year old man who was still on house arrest with an ankle monitor. The 81 year old man was the same suspect from 1958. Because of this hit his Parole was revoked and he is spending the next 5 years behind a maximum security facility.
18. "Stop The Clock On Rape." The Post-Standard (Syracuse, NY), May 22, 2005.
Editorial in favor of extending the statute of limitations for rape cases in New York. Excerpt reads, "Advances in DNA technology have given prosecutors an edge. DNA evidence is largely unshakeable and lasts for decades. But there's still the statute of limitations. In some cases, prosecutors, including Onondaga District Attorney William Fitzpatrick, have met the deadline through "John Doe" indictments. That's where unknown rapists are identified by the DNA they left behind...The governor and Legislature should stop wasting time, narrow their focus and finally stop the clock on forcible rape and violent sexual abuse. Victims and their families deserve an opportunity for closure."
19. "Seven-month old stabbing death remains unsolved." The State (Columbia, SC), May 22, 2005.
In South Carolina, more than 1,000 people have been interviewed and 150 DNA samples collected in the investigation into two women who were stabbed to death. However, the majority of these elimination samples are still waiting to be processed.
20. "Mexico Database To ID Border-Crosser Bodies." Arizona Republic (Phoenix), May 21, 2005.
Mexico reportedly may which is consider paying for more DNA testing in cases where a match for unidentified remains looks promising. Each of the past two years, the bodies of more than 200 undocumented immigrants were discovered in Arizona alone. A new computer system being tested by the Mexican government allows relatives of Mexicans who disappear along the border, and in U.S. cities and towns, to file a missing-person's report from their homes, in government offices in Mexico or in one of the 36 consulates in the United States. Consular officials then will be able to search through a database of Mexican passports and consular ID cards. The same database has fingerprints and photos and may add a DNA component.
21. "Man cleared through DNA sues state police, county." The Associated Press State & Local Wire, May 21, 2005.
In Pennsylvania, a man who spent 16 years in prison before he was cleared through new DNA tests of killing an elderly relative has sued county and state authorities. He accuses state police, investigators and others of lying and fabricating evidence in the case. He was convicted in 1988 of raping and murdering distant relative in 1987. The case was largely based on a confession obtained by a State Trooper, who said the man knew details of the crime only the killer would know. Doctors said at the time that the man had an IQ of 70, functioning on the level of a 10-year-old.
22. "Two convicts ask for DNA tests." The Associated Press State & Local Wire, May 21, 2005.
In Nebraska, a man found guilty of two murders and another man serving a life sentence in a kidnapping are asking for DNA testing in hopes of overturning their convictions. Both men filed their motions in accordance with a 2001 state law that allows defendants to seek additional DNA tests if it could produce evidence that a person was

wrongfully convicted of a crime.

23. "DNA leads to rape charge." Cincinnati Enquirer, May 21, 2005.
In Ohio, a man has been arrested for the 2001 rape and kidnap of teen-ager on her way to school. The man was convicted in 2002 on a charge of aggravated assault, for which he was required to give a DNA sample for a state database. It matched DNA in semen gathered during a medical exam of the victim of the rape. The man was released from prison in January without being charged and on May 10 the victim recognized her attacker at the park.
24. "Report: BCA crime lab has cases of contaminated DNA." The Associated Press State & Local Wire, May 20, 2005.
According to a defense attorney, twenty-five of 350 DNA cases handled at the Minnesota Bureau of Criminal Apprehension's crime laboratory over the last year were contaminated with another person's DNA. The attorney further said that in seven of those 25 cases, the DNA samples had been switched from one person's case to another. The BCA said the numbers are misleading, and that in each case the lab has caught the mistakes before entering the courtroom. "The results that we send out on DNA cases from this laboratory are both accurate and reliable," said the lab director. He also noted that the lab's quality assurance process ensures caught the mistake and it was corrected.
25. "Flippin man faces rape charges." The Baxter Bulletin (Mountain Home, Arkansas), May 20, 2005.
In Arkansas, a man has been arrested following DNA tests which showed he was the father of a child born to a 13 year-old girl.
26. "CMPD Turned Down For Federal Cold-Case Money." Charlotte Observer, May 20, 2005.
In North Carolina, Charlotte-Mecklenburg police learned they lost out on a federal grant, putting in doubt whether they'll be able to form one of the nation's first cold-case squads devoted solely to solving old rape cases. Police had asked the National Institute of Justice for almost \$428,000 - money that would have paid for retired detectives to sort through old cases, plus crime lab supplies, a computer and office space for three years. Charlotte-Mecklenburg police already have a cold-case team devoted to solving old homicides. The homicide unit has cleared nine cases and made 12 arrests in its first two years, police said. The news about the grant will likely force the department to downsize - if not eliminate - their plans for the cold-case rape squad.
27. "Biting off finger gave DNA in assault case." Deseret Morning News (Salt Lake City), May 20, 2005.
In Georgia, a sexual assault victim provided authorities with DNA evidence against her attacker by biting off a piece of his finger and holding it in her mouth until she could contact police. Faced with the evidence, the rapist pleaded guilty to charges of false imprisonment, aggravated assault, criminal attempt to commit rape, aggravated sodomy, kidnapping and aggravated sexual battery stemming from the May 2003 attack.
28. "DNA from can jails bogus policeman." UK Newsquest Regional Press - This is Local London, May 20, 2005.
In London, a man who burgled and imprisoned a young family in their home by conning them into thinking he was a police officer has been jailed for five years. The bogus officer and his partner thought they had got away with the crime, having locked the family in their own home and cut their phone line but police matched DNA on a coke can found near the family house with a sample from one of the suspects.
29. "Vietnam War Missing In Action Serviceman Identified." US Fed News, May 20, 2005.
The US Department of Defense POW/Missing Personnel Office (DPMO) announced that the remains of a U.S. serviceman, missing in action from the Vietnam War, have been identified and returned to his family for burial with full military honors. Teams led by the Joint POW/MIA Accounting Command (JPAC) excavated a crash site on four occasions between Sept. 1999 and Mar. 2001, recovering wreckage as well as human remains. In addition to other forensic tools, JPAC scientists used mitochondrial DNA comparisons to confirm the identification of the serviceman's remains.
30. "Family seeks DNA retest in triple slaying." Austin American-Statesman, May 19, 2005.
In Texas, Travis County prosecutors are considering whether to take untested DNA and fingerprints gathered from a triple murder scene seven years ago and run them through state and national databases to see if they put the right man on death row for the crime. Their deliberations come after family members of Louis Perez, who was convicted of the killings in 1999, told prosecutors during a meeting Monday that serial killer Angel Maturino Resendiz has confessed to killing two women in Austin. Resendiz's DNA and fingerprints were added to the

databases after Perez was convicted. Previous DNA testing on fingernail scrapings matched Perez, but there were other DNA and fingerprints found at the crime scene which were not a match to anyone.

31. "Police receive grant for cold-case testing." Chicago Tribune, May 19, 2005.
In Illinois, the Joliet Police Department has received a grant to cover the cost of detectives conducting DNA tests on evidence from cold murder cases. The 3-year, \$455,301 grant from the National Institute of Justice, will allow detectives to review 125 unsolved murder cases in a city that has had 376 homicides since 1959. Joliet officials say the grant provides \$49,250 for DNA testing and \$227,000 for overtime, so detectives can use that time to focus on the old cases.
32. "Backers of tourism district bill to regroup." Omaha World-Herald, May 19, 2005.
The Nebraska Legislature has given preliminary approval to a bill that would remove the statute of limitations for first- and second-degree sexual assaults. The proposal was part of Legislative Bill 713, introduced by State Sen. Nancy Thompson of La Vista as a result of a sexual assault prosecution task force organized by Attorney General Jon Bruning. The bill also requires medical personnel to report sexual assaults to law enforcement. The proposal's most controversial provision, which would have allowed rape victims to report sexual assaults on an anonymous basis until they are emotionally prepared for prosecution, was deleted.
33. "Ruling sought on tainted DNA evidence." The Patriot Ledger (Quincy, MA), May 19, 2005.
In Massachusetts, saying prosecutors have been stingy with information about how the DNA of a crime lab technician ended up on the rape kit of a Quincy murder victim, is asking a judge to order the State Police crime lab to produce all records concerning contamination of the slain woman's rape kit. The defense has hired an expert to examine the DNA evidence, which was initially taken to the State Police lab before being sent to Orchid Cellmark. The DNA lifted from the body allegedly came from semen residue although there had been no indication from earlier reports that she had been sexually assaulted.
34. "Drunken driver gets 15 years in fatal 2003 highway accident." Pensacola News Journal, May 19, 2005.
In Florida, a man who claimed his car had been stolen before it was involved in a fatal accident has been convicted of DUI manslaughter. He was found to have a high blood-alcohol content and his DNA was found on the offending vehicles' airbag.
35. "Federal grant targets unsolved cases." The Times (Shreveport, LA), May 16, 2005.
In Louisiana, Shreveport has won a \$263,200 federal grant to identify old, unsolved homicide, rape and robbery cases where previously untested DNA evidence may be present. The grant will also be used to increase the DNA testing capacity of the North Louisiana Criminalistics Laboratory and assist in the reduction of DNA sample backlogs.
36. "Interpol's First DNA Customer." Intelligence Online, April 29, 2005.
The head of Austria's Bundeskriminalamt (national law enforcement agency) has signed a charter on April 22 that laid out the terms for automatically drawing on DNA profiles stocked by Interpol. Of the 41 members of the international police organization that have DNA data bases, 29 regularly transmit information to the Lyons-based agency. Interpol Vienna is now working with officials in Lyons to design software allowing access to Interpol's centralized DNA bank.
37. "Del Wilber discusses yesterday's arrest of a suspect in the series of arsons in the Washington, DC, area." National Public Radio (All Things Considered), April 28, 2005.
DNA testing from evidence found at arsons in the Washington, DC area has led to the arrest of a man suspected of up to 50 fires in the area. He has been charged with 11 federal offenses at this point. The case broke open when a Marine Corps uniform was found near one of the fires. DNA testing on the uniform matched the other DNA evidence from other fires. Discussions with naval investigators turned up a suspect in several arsons on Marines bases. The suspect gave a DNA sample, which was a match to the arson evidence.