

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 June 3, 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:

- Arizona – a cold hit solved a 1988 rape/homicide (on database for probation violation); DNA evidence has linked 3 more sex assaults to a man already facing charges on 4 sex assaults.
- California – the state’s first cold hits to arrestees identified armed robbers; a cold hit linked a man to a 1994 murder (on database for spousal abuse).
- Maine – a cold hit on the DNA database identified a murderer (on database for burglary)
- Massachusetts – Boston is creating a crime scene investigation unit
- New York – a cold hit with Florida identified a child rapist (on database for Florida rape)
- North Carolina – DNA helped bring a conviction for a dentist accused of numerous assaults.
- Texas – a cold hit identified a murderer, who may be a serial killer from the 1980’s
- Utah – DNA evidence solved a 1976 murder.
- General US – DNA testing uncovered death faked in a life insurance scheme
- Australia – a cold hit solved a theft case involving \$1000 worth of stolen alcohol.
- Canada – DNA helped to bring a life sentence for a child murderer, and convicted a serial rapist.
- England – DNA will be collected from 10 – 15 year olds for “nuisance” crimes

POLICY AND FUNDING ISSUES: Oklahoma has become the 42nd state to require DNA from all convicted felons. Maryland’s database law has been amended to allow DNA collection upon conviction rather than release. An independent review of Houston’s lab uncovered serious past deficiencies.

COURT DEVELOPMENTS: The Washington State Supreme Court is considering a constitutional challenge to the state DNA database statute. A general article on Y-STR testing discusses its use and limitations in courts.

OTHER FORENSIC DNA ISSUES: Post conviction cases moved forward in Wisconsin and Texas. In Florida, a man exonerated by DNA is suing the state, and a state Innocence Project office is closing. Remains of another serviceman killed in Vietnam have been identified, and some surviving families are requesting new DNA tests of previously identified remains.

INTERNATIONAL NEWS: Ireland’s lead prosecutor is calling for a broad criminal DNA database. An EU agreement will allow for better sharing of criminal DNA information. An Australian state is still moving forward on plans to outsource some DNA cases for testing, and will use DNA tests on a rogue buffalo in a death investigation. Israel is considering expanded use of forensic DNA. A DNA training academy will be started in India. New Zealand is collecting elimination DNA samples in a murder investigation, and a citizen is calling for DNA collection from animal abusers. Pakistan is establishing a new DNA lab. Victims’ families in Canada continue their push for a Missing Persons DNA database, and missing DNA from a potential post conviction case in Canada has been discovered on a doctor’s desk.

NEWS ARTICLES

Forensic DNA

1. "Cleveland fire that killed nine is ruled arson as thousands gather for funerals." The Associated Press, June 1, 2005.
In Ohio, three victims of a house fire were burned so badly that DNA samples from family members were needed to confirm identifications. In all, nine victims were killed in the Cleveland fire, which is now suspected to be arson. Eight of the victims were children and seven of the eight were family members.
2. "Tests show no DNA of woman convicted in Cadigan killings." The Associated Press State & Local Wire, June 1, 2005.
In Wisconsin, DNA found on evidence in the murder of two elderly sisters in 1991 has been found to not match the woman convicted of the killings. According to the Wisconsin Innocence Project, the results showed the crime scene and the suspected murder weapon had DNA of someone who has not yet been identified. The group is requesting that the state crime laboratory to compare the DNA found in the new testing with samples in the database, looking for a match. The inmate was convicted in 1997 of first-degree intentional homicide and armed robbery in the 1991 deaths. Prosecutors for the case remain steadfast in their belief of the inmate's guilt.
3. "Forensic centre crisis yet to be addressed." The Courier Mail (Queensland, Australia), June 1, 2005.
In Australia, the Queensland Health Minister has not yet delivered on his promise to outsource 10,000 DNA property crimes and hire international scientists for the overburdened John Tonge Centre. Queensland Health blamed the delay on a worldwide demand for scientists with clandestine laboratory experience, and said a tender would be announced soon. A meeting of the nation's police ministers in is expected to agree to ask the National Institute of Forensic Science to examine advances in technology, which would enable police to do DNA testing at crime scenes.
4. "DNA breakthrough could solve murder." The Nelson Mail (New Zealand), June 1, 2005.
In New Zealand, Nelson police are making another major push to solve the 12-year-old unsolved murder of a man, taking DNA samples from suspects as they close in on his killer. New DNA tests have revealed for the first time that the killer is a man, and police have begun collecting DNA samples for comparison from "people of interest." In April 2003, police sent the DNA evidence to ESR to be analyzed, but because the case was not a priority, police did not receive the results until late last year.
5. "Houston police lab review finds lax supervision, possible misconduct." The Associated Press, May 31, 2005.
An independent review of the troubled Houston police crime lab has uncovered a six-year gap in supervision in the DNA section and allegations of scientific fabrication by analysts. Independent investigator Michael Bromwich said it appears the lab's DNA/Serology section became dysfunctional in the mid-1990s when infighting and conflicts developed between two of its administrators. Deficient work by lab analysts resulted from

The rest of the June 3 DNA Resource Report is unavailable due to the unfortunate timing of an electrical storm and the resulting corrupted document. If you are looking for information on a particular article that was included in the general summary on page 1, please feel free to contact me and I will be happy to assist you. lhurst@smithallinglane.com

My apologies for the inconvenience.