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The Jul 22, 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
- Colorado – DNA helped identify and convict a serial rapist (sentenced to over 1000 years)
- Florida – DNA from a suspect who spat out a window linked him to a rape and several robberies; a cold hit helped convict a man in a 2004 rape (on database for carjacking).
- Indiana – DNA has linked a man charged with 3 murders to rapes in California and Nevada.
- Kansas – DNA from a walkie-talkie identified an attempted murderer.
- Massachusetts – a cold hit identified a 2000 rapist.
- Missouri – DNA helped convict a 1986 rapist.
- New York – DNA from a blood drop at a robbery helped identify and indict Russian mafia members; a cold hit identified a 1993 rapist.
- Texas – a cold hit identified a 1994 rapist
- Virginia – a cold hit helped identify a 1994 rape suspect (DNA from cigarette butts and a towel); DNA helped to identify an arsonist; DNA from a drink bottle identified a rapist/murderer.
- Federal – DNA from body armor and clothing linked bank robbers to crimes in the DC area.
- Australia – a cold hit identified a 1996 rapist
- England – DNA from drug wrappings identified a drug dealer.

POLICY AND FUNDING ISSUES: Surviving families of victims of a Louisiana serial killer are becoming advocates for forensic DNA .

LEGAL DEVELOPMENTS: Y-STR testing is being used in a Nebraska post conviction DNA case; and an Ohio judge ruled that exonerating DNA evidence was not sufficient for a new murder trial. An Illinois court overturned a murder conviction because backlog delays violated the accused's right to a speedy trial.

OTHER FORENSIC DNA ISSUES: A North Carolina lab is facing quality complaints from defense attorneys.

INTERNATIONAL NEWS: In Italy, a political party recommends DNA collection from all terrorist suspects. England is implementing the second phase of a cold case DNA review (Operation Advance). Some groups in Canada continue to call for additional expansion of the national DNA database. A familial DNA search in England solved the mystery behind a baby who was buried alive. DNA was used in a murder case in Hong Kong

NEWS ARTICLES

Forensic DNA

1. "Brents Pleads Guilty." Denver District Attorney Press Release, www.denverda.org.
In Colorado, a serial rapist who terrorized the Denver metro area earlier this year in a series of violent sexual attacks has pleaded guilty and has been sentenced to more than a lifetime in prison. He admitted committing all the crimes he had been charged with and pleaded guilty to 68 individual counts. Those counts included attempted murder, sexual assault, kidnapping, burglary, aggravated robbery, sexual assault on a child, child abuse, menacing, aggravated motor vehicle theft and vehicular eluding. He was sentenced immediately to the maximum number of years possible on each count which totaled 1,319 years in prison (and subsequently received another 190 years). The DNA section of the Denver Police Department's Crime Lab worked 24-hours a day in the days after the attacks began to obtain a DNA profile which then led to identifying the suspect. "The credit for solving this case really goes to the DNA analysts at the Denver Police Department whose outstanding, relentless work helped us reach this conclusion today," the District Attorney said. "The DNA identification made it possible for the Denver police detectives who were also working around the clock to focus all of their efforts on one suspect and to track him down more quickly."
2. "Lawyer groups seek inquiry of SIB crime lab." Associated Press, July 20th, 2005.
In North Carolina, a group of defense lawyers filed a complaint alleging the State Bureau OF Investigation's Crime Lab has been making "sloppy errors." One of the lawyers involved in the complaint defends a client who was matched to a crime until an independent crime lab found DNA in blood evidence belonged to the victim. The lawyers would like to see evidence from the state crime lab suppressed in all pending cases. The group's complaints, filed with the American Society of Crime Laboratory Directors/ Laboratory Accreditation Board, allege that the lab "bungled" DNA testing in one case and made significant mistakes in two others.
3. "Assaults blow to crime figures." Hobart Mercury, July 20th, 2005.
In Australia, Tasmanian police have drastically reduced property crime, but reported assaults have increased. Assistant Commissioner Crime and Operations noted that the use of DNA and the identifying of offenders and linking them with crimes had improved.
4. "Trial begins in holiday murder at Big Lots store." St. Petersburg Times, July 20th, 2005.
In Florida, a man serving a life sentence for previous crimes could face the death penalty because of match to DNA evidence. It took more than a year for the police to suspect this local chef of more than a dozen holdups in the 1990's, including a rape incident while robbing a dollar store. Police followed the man and collected saliva that he spat out his window while stopped at a traffic light, and then matched his DNA to the rape. He is now standing trial with a potential death sentence for another robbery in which a man was killed. He was linked to many of the hold-ups due to his distinctive duck-like walk.
5. "Blitz on Burglars puts focus on Rivervale." West Australian, July 20th, 2005.
In Australia, home burglaries will be targeted in a West Australia's campaign aimed at cleaning up the city's notoriety as the burglary capital of Australia. The Community Safety Minister said that the 'Burglar Beware' program will include the use of DNA to target repeat offenders. When the same program was introduced in Victoria Park it caused burglaries to drop 37 percent in the first three months of implementation.
6. "Northen League party presents new anti-terror measures" AP Worldstream, July 19th, 2005.
In Italy, a party currently in the minority proposed a tough set of anti-terrorism measures. The new guidelines would include DNA tests for all suspected terrorists. The measure would permit forcible collection of saliva samples for DNA tests, expelling all people suspected of terrorist activities, creating a police force devoted to fighting terrorism, and creating a "super-prosecutor" to coordinate terrorism investigations similar to Italy's system of anti-Mafia prosecutors.
7. "Case could be first exoneration under Nebraska's DNA law" Associated Press, July 19th, 2005
In Nebraska, Y-STR DNA testing could help to exonerate the first person using the state's post conviction DNA testing law. The inmate's lawyer says that recent DNA tests done on clothing the victims were wearing excludes him as a potential suspect. He is serving 32 to 90 years in prison for the rape, sexual assault and robbery of two sisters at an Omaha motel in 1975. The new testing involves genetic information from only the Y-chromosome, and was completed at the University of Nebraska Medical Center. The Innocence Project hopes that the new

results will eventually find a match in the national DNA database to another offender.

8. "Value of new DNA swabbing kit." Bath Chronicle, July 19th, 2005.
In England, a rail worker has used a DNA swab kit twice to identify spitters – in one case he was the victim and in the other case his colleague was spat upon. One of the cases was matched to a known offender who was subsequently sentenced to six weeks in jail for the crime. He said: "The great thing is that the DNA is on you. You're not putting yourself at any risk by having to tackle the person."
9. "Baby Buried Alive in Concrete" Birmingham Post, July 19th, 2005.
In England, a coroner has ruled unlawful death in the case of a child discovered entombed in a concrete block. The child had been beaten, possibly sexually abused, and placed in the concrete block while still alive. Detectives extracted DNA from the child's remains and compared it against police databases. A familial search of the database turned up hit to a woman who was determined to be either a sister or mother to the baby. Further investigation determined that it was likely to be the woman's sibling, and her parents had likely killed their child while living next door. The parents have since passed away.
10. "Website Set Up to Help Search for missing adults." Columbus Dispatch, July 19th, 2005.
Ohio families looking for missing people will have a new place to ask for the public's help finding them. The Ohio Missing Adult Web site will post photos and information about adults who have disappeared. Family members can submit information to www.ohiomissingadults.com, but police or Crime Stoppers groups will approve any posting before it becomes public. The information will join a database on the National Center for Missing Adults Web site. Families also can submit DNA samples or dental records that police departments nationwide could access if a body is found in another state.
11. "DNA identifies rapist." Kansas City Star, July 19, 2005.
In Missouri, a convicted Kansas City sex offender pleaded guilty to a 1986 rape after a DNA match tied him to the crime. The case is among the oldest generated by DNA evidence in Jackson County and Missouri. The man and an accomplice grabbed a 26-year-old woman by the throat, dragged her off the road, beat her and raped her, according to court records.
12. "The power of Florida's DNA database." Orlando Sentinel, July 19, 2005.
Editorial from the commissioner of the Florida Department of Law Enforcement regarding the successes of Florida's DNA database program. Excerpt reads: "Overall, Florida's DNA databases have aided in the investigation of more than 3,000 criminal cases. This number includes 133 homicides, 924 sexual assaults, 1,589 burglaries, 223 robberies and/or home-invasion robberies, 48 auto thefts, 41 assault/batteries and a varied array of other crimes. As a side benefit, DNA has also provided positive identification of a number of unidentified deceased. I am proud to report that our FDLE DNA databases were responsible for more than 85 percent of these matches."
13. "Arrest Made In Radford Church Fire." Roanoke Times and World News, July 19, 2005.
In Virginia, police arrested a 21-year-old man in connection with the blaze that caused \$200,000 in damage at a church in June. Police originally had few leads but collected blood from inside the church. After interviewing dozens of people, police obtained a warrant and took a DNA sample from the suspect. The state crime lab expedited the DNA results because of the nature of the crime, and a DNA match was made to crime scene evidence.
14. "Refugee accused of posing as mom's husband." UPI, July 19, 2005.
In Norway, an Iraqi refugee who claimed to be married to his mother in order to get her and his siblings into Norway faces a two-year prison term. So does his mother. The family lived in an apartment north of Oslo without incident until recently. Then police became suspicious because the "wife" was so much older than her husband and asked for DNA testing. After the tests revealed the deception, mother and son confessed. Both face prison and deportation if they are convicted of giving false information to authorities.
15. "Deaf-Mute Unfit For Trial?" Daily Press (Newport News, Virginia), July 18, 2005.
In Virginia, medical experts for both the defense and the prosecution in a rape/murder case have determined the suspect is incompetent to stand trial because of severe hearing impairments and an inability to communicate. In February, the man was arrested after DNA from the semen on the victim's body matched DNA swabbed from the man's cheek. His DNA was found in numerous places. It was on a juice drink bottle found near the crime scene, and was found under the victim's fingernails.

16. "Wider DNA net will nab serial killer." Edmonton Journal, July 17, 2005.
In Canada, a veteran Crown prosecutor believes the serial killer preying on Edmonton prostitutes would now be in jail if the National DNA Data Bank included a greater number of samples from the criminal population. Under Bill C-13, passed in May, it is now mandatory for courts to make collect DNA for those convicted of serious, violent offences such as murder, manslaughter and aggravated assault. But for the data bank to be truly effective, any person convicted of any indictable offence should have their DNA seized, says a former Crown prosecutor. Feminist organizations strongly opposed formation of the DNA data bank in 2000. The group continues to oppose any expansion of it to include more DNA samples from criminals convicted of non-violent offences.
17. "On the trail of Russian crime gang." Newsday (New York), July 17, 2005.
In New York, a DNA sample collected from a drop of blood found on the floor at a \$1 million jewelry heist connected a Russian emigre with a criminal record to the crime through a cold hit on the DNA database. The clues found at the robbery, as well as other evidence collected over many months, became part of a wide-ranging 2004 indictment in Brooklyn federal court of 19 men and women from the former Soviet Union. Prosecutors added charges to the case as recently as last month.
18. "DNA links man to more assaults." Duluth News-Tribune (Minnesota), July 16, 2005.
DNA evidence has linked a man charged with the murders of three Indiana women to sexual assault cases in Nevada and California. The Nevada and California rapes both occurred in 2000. The man was previously charged with three counts of murder in the strangulation deaths of two prostitutes in 2004 and the killing of an 18-year woman five years ago after DNA evidence linked him to the slaying. Investigators obtained a sample of the man's DNA in February while he was in jail.
19. "DNA links prisoner to assaults, police say." Fort Worth Star-Telegram, July 16, 2005.
In Texas, man serving a prison sentence for a 1994 aggravated sexual assault has been linked by a DNA database to three other sexual assaults that occurred that year. County records show that the man also has previous convictions for aggravated robbery, criminal trespassing and burglary of a building, dating to 1976. He was due to be released in 2006.
20. "Man admits guilt in plot to kill witness in drug case." The Kansas City Star, July 16, 2005.
In Kansas, man has admitted he shot a woman last year in a plot to prevent her from testifying in a federal drug case. The victim was shot in both legs and suffered permanent nerve damage, Melgren said. After attacking the woman, the man abandoned his stolen car and ran to a waiting sport-utility vehicle that was driven by another man involved in the plot. The two then fled. Inside the still-running stolen car, police found a walkie-talkie that yielded a DNA sample that led them to the suspect.
21. "New DNA Test in Fairfax Revives '94 Slaying Case." The Washington Post, July 16, 2005.
In Virginia, a cold hit on the DNA database has given detectives a lead they need in investigating an unsolved murder from 1994. Leads were limited. But court records show that investigators were able to extract DNA samples from cigarette butts and a towel in the victim's apartment. Last year, a homicide Detective resubmitted the DNA from the case to the state crime laboratory. A year later, a match was made. He was arrested in July 1994, shortly after the murder, for robberies for which he pleaded guilty and was sentenced to five years in prison. Those convictions caused his DNA to be placed in the state database.
22. "6 Men Convicted in Series Of Armed Bank Robberies." The Washington Post, July 16, 2005.
A federal jury convicted six men of carrying out a series of commando-style bank robberies in the Washington, DC area last year. The gang's bold tactics put the public on edge as its members stole more than \$360,000 from six banks in the District and Maryland in as many months. Wearing body armor and masks, the robbers struck quickly, entering banks while waving assault rifles and handguns. During one robbery, they unleashed a volley of 30 bullets at police. The case relied heavily on forensic evidence, including DNA that linked the robbers to body armor and clothing used in the crimes, in addition to the testimony of the two men who admitted their roles in the crimes.
23. "New trial denied despite DNA find." Akron Beacon Journal, July 15, 2005.
In Ohio, newly discovered evidence of another man's DNA inside his slain mother-in-law's body is insufficient and repetitive, a judge ruled in denying a new trial for a convicted murderer. There was no physical evidence linking the man to the case – he was convicted primarily on the strength of his then six year-old niece's eyewitness statement. The judge agreed with prosecutors, finding that no DNA evidence ever linked the man to the 1998

murder and rape, and this new DNA evidence should not free him.

24. "Court throws out murder conviction." Chicago Tribune, July 15, 2005
In Illinois, the state Appellate Court has thrown out the murder conviction of a woman because prosecutors failed to work hard enough to get evidence tested. The decision said that a delay prosecutors obtained in the trial because of incomplete DNA and other forensic testing was a violation of the accused's right to a speedy trial. The underlying issue in the case is interpretation of a state law that requires a defendant in custody be brought to trial within 120 days, unless a defendant causes delays prior to trial. The law allows for a continuance of up to 120 additional days if the time is needed to complete DNA tests and if the state shows it has exercised "due diligence" to get the testing completed. The Appellate Court said the trial judge erred in granting a delay in the case--putting the trial beyond the 120 days--by taking the prosecution's word that the crime lab was backlogged instead of requiring it show attempts to get the evidence tested despite the backlog.
25. "Ornament damaged by 'significant force'." South China Morning Post, July 15, 2005.
In Hong Kong, a DNA analyst told a court that said the two figurines and the ornament's base used to kill a man were splattered with blood. The ornament belonged to the accused, and the blood on the ornament was a DNA match to the victim. He also found DNA matching the defendant and the deceased on a blue cord the prosecution says was tied around a sleeping bag into which the deceased's body had been pushed. DNA from three people was found on a white rope the defendant is alleged to have wound around a rolled-up carpet containing the sleeping bag with the body. The analyst could not rule out that the defendant was one of the three people whose DNA was on the rope.
26. "DNA find leads to man's arrest on rape charges." AAP Newsfeed, July 14, 2005.
In West Australia, a 1996 rape attack was solved through a cold hit on the DNA database. The suspect's DNA was allegedly found at the scene of an unrelated assault this year and matched on the police DNA database.
27. "Suspect in rapes hangs self in Boulder jail." The Denver Post, July 14, 2005.
In Colorado, a suspected serial rapist hanged himself in the Boulder County Jail, a day before a scheduled court hearing related to his criminal case. He was accused last year of committing at least four rapes in Boulder. He was also matched through DNA to sex assaults in another Colorado town and in Texas. After investigators identified the man as a possible suspect, they sought a DNA sample from him. An undercover detective arranged a business meeting with him and obtained DNA samples from a handshake, the handlebars on his bicycle, a door handle on his car and the front doorknob at his home.
28. "President Discusses Education, Entrepreneurship & Home Ownership At Indiana Black Expo." FDCH Federal Department and Agency Documents, July 14, 2005.
As we work to combat crime and keep our streets safe, we must assure our criminal justice system is fair and effective. Americans of all races and backgrounds must be able to trust the legal system. They must be able to trust it so that no person is held to account for a crime he or she did not commit. We're dramatically expanding the use of DNA evidence to prevent wrongful conviction. See, progress for African Americans and, for that matter, all Americans, depends on the full protection of civil rights and equality under the law. (Applause.)
29. "DNA under fingernails not match for husband." Las Vegas Review Journal, July 14, 2005.
In Nevada, prosecutors are moving forward in their case against a man accused of killing his wife over a custody dispute involving their two-year old son, despite the fact that DNA found under the woman's fingernails is not a match to his. When asked to give a DNA sample to authorities after the slaying, the man initially refused
30. "Find missing persons; Our Opinion: Dna Program Should Be Tempered By Privacy Safeguards." The Miami Herald, July 14, 2005.
Editorial supports Florida's Missing Persons DNA program, but is concerned with possible abuse of relative samples. Excerpt reads, "To ensure that the program gets enough participants to be successful, donors must be guaranteed that their DNA will remain confidential, just as patients are guaranteed the confidentiality of their medical records. The state and FBI should put guidelines and firewalls in place that outline the appropriate use of the DNA database and limit it to the identification of remains. Using DNA data to find missing persons can be a boon for law enforcement, but it should be tempered by the potential for breaches of privacy. The program should include enough safeguards to protect civil liberties."
31. "93 DNA Nails Sicko." The New York Post, July 14, 2005.

In New York, a Queens judge threw the book at a career criminal convicted of sodomizing a 9-year-old girl after smashing her in the head with a brick on a rooftop nearly 12 years ago. The case remained unsolved for nearly a decade, until authorities matched DNA found on the victim to that on file for the man, imprisoned in Maryland for burglary. He was convicted with the help of the city's "Backlog Project," in which thousands of samples from unsolved rapes are retained.

32. "Man Guilty Of Sex Assault On Delray Woman." Palm Beach Post, July 14, 2005.
In Florida, a jury convicted a man of sexual battery and burglary with assault or battery in a May 2004 incident. Police collected DNA from the victim's fingernails and a man's belt outside her bedroom window. It matched that of a man whose DNA had been entered into a national database of felons when he was convicted of carjacking in 2001. The man first told police he hadn't had sex with the victim. When told about the DNA match, he changed his story, saying they had consensual sex and that he paid her \$100.
33. "Dealer hid drugs inside his mouth." Rugby Advertiser, July 14, 2005
In England, an undercover policewoman who has been responsible for 28 arrests for drug offences has given evidence against a man who sold crack cocaine to her eight times. The officer picked the defendant out on an identity procedure after his arrest, but when he entered his not guilty pleas the court was told his defense was that it was a case of mistaken identity. However, the prosecution pointed out: "The deals were wrapped in clingfilm, and one of the things Brown did was sometimes to keep the deals in his mouth, and the deals were tested and have his DNA on them."
34. "Cold Cases' Cracked - One Year On." Hermes Database, July 12, 2005
In England, as a result of the success of Operation Advance, which reviewed cold cases for new DNA leads, the Home Office launched the second phase of Operation Advance, along with a good practice guide to encourage all forces to re-examine unsolved rape and serious sexual offence cases. For Operation Advance II, the Police Standards Unit and the FSS have identified a further 236 cases of serious crimes committed between 1994 and 1995. The intention is to repeat the exercise with these cases, upgrading the DNA profile to current 2005 standards so that they can be compared directly against the three million suspect and offender DNA profiles currently held on the National DNA database. As with Phase I, over 95% of these cases are stranger rape or serious sexual offences
35. "Through The Pain, Anger And Sorrow, They Forge Ahead." Tampa Tribune, July 11, 2005.
Some mothers of victims of the Baton Rouge Serial Killer have become an advocates for expanding the scope of the FBI's Combined DNA Index System Program, or CODIS. They want CODIS to include DNA for anyone arrested for sexual abuse or domestic violence. If the serial killer's DNA had been there they believe that investigators could have found him sooner and spared some of their daughters.
36. "He had picked the wrong family." Daily Advertiser (Lafayette, Louisiana), July 10, 2005.
A mother of a victim of the Baton Rouge Serial Killer says that collecting and preserving DNA evidence is vital. "DNA is the best crime-fighting tool we've come up with in the last 100 years," she said, but money must be allocated for processing cases. For example, the state "still has thousands of rape kits" that have never been examined, she said.
37. "DA seeks life sentence for rapist." The Patriot Ledger (Quincy, MA), July 6, 2005.
In Massachusetts, a DNA database match linked a man with a long criminal record to a rape five years ago, and the district attorney is now seeking a life sentence in the case. The prosecutor said in a prepared statement that in addition to the work done by Quincy police, the case reflected the effectiveness of having a DNA database. Massachusetts requires all individuals convicted of a felony to submit a blood sample to the State Police crime laboratory. The profile is entered into a state and national databank, referred to as the Combined DNA Index System, CODIS. "The State Police Crime laboratory was able to use CODIS to match physical evidence from the scene of the rape with the DNA profile on file for Mr. Nock," he said.

Paternity

38. "Tardiness on paternity tests can be costly for men." The Kansas City Star, July 18, 2005.
A Chicago lawyer who specializes in fathers' rights says his staff is preparing a bill for next year's Missouri General Assembly that would require DNA tests for all alleged unmarried fathers. A similar bill failed recently in Illinois but will reappear next year, he said. In a time of cheap, easy and reliable DNA tests, state courts and legislatures

are struggling with the issue of when -- and how -- a father is not a father.

1.