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The August 12, 2005 DNA Resource Report is listed below, along with a summary.

These reports are prepared by Tim Schellberg and Lisa Hurst of Smith Alling Lane (253) 627-1091, on behalf of Applied Biosystems.

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

- Alabama – DNA helped convict a man of 4 robberies (DNA from a ski mask and gloves)
- Alaska – a cold hit identified a murderer (1992 crime)
- California – a cold hit identified a murderer (1988 crime – in Florida jail for rape); DNA identified a serial rape suspect (tied to 13 assaults)
- Florida – a cold hit identified a serial rapist (in jail for 3 attacks, linked to 7 more).
- Illinois – DNA helped to convict a child rapist
- Kansas – DNA helped to charge a man with 2 rapes (convicted murderer)
- Louisiana – DNA helped to convict a man of raping a child (his DNA found on her underwear)
- Massachusetts – a cold hit brought a guilty plea in 3 rapes in 1989 (on database for a break-in)
- North Carolina – DNA helped to convict a murderer (1987 crime)
- Ohio -- DNA paternity testing brought a child rape charges
- Pennsylvania – DNA identified a robber
- Utah – Animal DNA brought two poaching convictions
- Washington – DNA paternity testing brought a guilty plea in a child rape case
- Wyoming -- Animal DNA brought a poaching conviction
- Federal – DNA convicted a man of molestation on an airplane

**POLICY AND FUNDING ISSUES:** New York officials continue to call for an expansion of the DNA database to include all convicted felons. A Utah legislator will introduce a bill to require DNA from juvenile sex offenders. North Carolina's budget includes money for new DNA analysts. Wisconsin needs more analysts to solve its backlog problem.

**LEGAL DEVELOPMENTS:** A New York court ruled that DNA evidence is admissible absent technician testimony under the business records exception.

**OTHER FORENSIC DNA ISSUES:** Post conviction DNA testing won release from prison for a Pennsylvania man. Florida will again consider extending or eliminating its expired time limitation for bringing motions for post conviction testing, and a US Supreme Court Justice has expressed concern over the number of post conviction DNA exonerations. The remains of additional Vietnam veterans have been identified.

**INTERNATIONAL NEWS:** UAE may consider a criminal DNA database, and India is preparing legislation for its database. A Canadian city may mimic Vancouver's program of voluntary DNA sampling of prostitutes. Australian states continue to have success with DNA database programs. DNA testing was central to a Malaysian murder case, and testing in Sudan helped to reunite two siblings born in slavery. Sweden has trained a dog to sniff out rape scenes.

- Austria – DNA from cigarette butts identified a murder suspect.
- England – DNA identified a rare bird robber; and DNA on a gate convicted a robber
- Japan – DNA from a cigarette butt identified helped bring a murder conviction
- New Zealand -- DNA identified a serial prowler

## NEWS ARTICLES

1. "Idaho Falls gets mobile crime lab." Idaho Falls Post Register, August 10, 2005.  
In Idaho, a local police department has converted an old ambulance into a new mobile crime lab. The van boasts all the tools needed for collecting and preserving fingerprints, clothing, blood, DNA, and weapons. A detective said the van is a big help when conducting a criminal investigation because they no longer need to waste the time returning evidence to the lab.
2. "Swedish police to use dogs to trace sperm at rape scenes." Associated Press, August 9, 2005.  
Police in Sweden say they have trained a dog to sniff out sperm left behind after a rape, which would help secure DNA evidence against perpetrators. Sperm can often be hard to find at outdoor rape scenes, but the dog has been successful in several training situations. However, the dog must be approved by the country's national police agency before it can be taken to actual crime scenes.
3. "Remains of Marine killed in Vietnam being brought home for burial." The Associated Press State & Local Wire, August 9, 2005  
In Kentucky, a Marine killed 37 years ago in Vietnam has been brought home for burial after DNA testing confirmed his remains. Donnie Mitchell died on May 10, 1968, on a hillside near Laos, just 10 days short of his 21st birthday. The military identified Mitchell's remains and those of 11 comrades this year following a years-long investigation aimed at bringing closure for the families.
4. "Highlights of the final N.C. House budget." Associated Press, August 9, 2005.  
In North Carolina, highlights of the \$17.2 billion 2005-06 state spending plan that the state House tentatively approved includes \$300,000 to hire 19 State Bureau of Investigation positions to fight methamphetamine production and child exploitation and DNA analysis.
5. "Parliament may take up bill on DNA profiling." Business Line (KSL) August 9, 2005.  
In India, the Parliament is likely to take up a bill regarding storage, retrieval and dissemination of information on criminals and convicts. The DNA profiling bill drafted by the Centre for DNA Fingerprinting and Diagnostics (CDFD) with the help of National Law University, is expected to be a significant help in guiding judicial investigations. "There is a huge potential for DNA fingerprinting. More and more labs might come up. How to control that growth will be a crucial issue," said the Director of CDFD. "This Bill, once it becomes an Act, will give teeth," he said
6. "Suspect in 1988 stabbing held in Florida." Los Angeles Times, August 9, 2005.  
A man suspected of fatally stabbing a California woman 17 years ago has been arrested in Florida, where he also faces charges of raping a prostitute last year. He was arrested after DNA samples taken from the 1988 San Diego crime scene were found to match a sample from a November rape in Daytona Beach.
7. "Fine Tuning Justice." The Miami Herald, August 9, 2005.  
In Florida, Governor Jeb Bush issued an executive order that forbids the destruction of criminal evidence that could be DNA tested to determine the guilt or innocence of persons convicted of crimes. This decision buys time for the wrongly convicted to prove their innocence pending legislative action. The Senate majority leader of Florida was the original author of DNA legislation in 2001, and also wants to extend the right to seek DNA testing to those who have pleaded guilty. This editorial recommends a complete abolishment of the deadline for requesting post conviction DNA testing.
8. "Stroud township man arrested in robberies." Morning Call (Allentown), August 9, 2005.  
In Pennsylvania, a man was arrested on charges he was one of four thieves who invaded the home of a restaurant owner at gunpoint in January before stealing money from the man's two restaurants. He was arrested after DNA evidence linked him to the man's home. Police are offering a reward for information leading to the arrest of the other three men.
9. "Man linked to 10-year-old's pregnancy pleads guilty to child rape." The Associated Press State & Local Wire, August 8, 2005.  
In Washington, a man who is believed to have gotten a 10-year-old girl pregnant has pleaded guilty to first-degree child rape. He was arrested in June after investigators reported that DNA tests showed with 99.99 percent accuracy that he was the father of a baby boy born to a girl, by then 11, who was known to him. He faces a prison term of

nine years and three months to 12 years and three months under state sentencing guidelines after changing his plea to guilty.

10. "Justice Stevens criticizes death penalty." The Frontrunner, August 8, 2005.  
The Washington Post reports that Supreme Court Justice John Paul Stevens issued an unusually stinging criticism of capital punishment, telling the American Bar Association that he is disturbed by 'serious flaws in the system.' Justice Stevens said that DNA evidence has shown that a substantial number of death sentences have been imposed erroneously. It indicates that there must be serious flaws in our administration of criminal justice.
11. "Latin news in brief." San Jose Mercury News, August 8, 2005.  
In Mexico, a Guatemalan man originally arrested for burglary was being investigated in connection with a series of rapes in Chihuahua. Authorities are seeking the man responsible for at least two rapes in the Chihuahuan state capital and seven more in Ciudad Juarez. DNA tests linked the eight rapes to one assailant, whom the police have been searching for since 2003.
12. "DNA reveals past crimes of prisoners." West Australian (Perth), August 8, 2005.  
In West Australia, forensic experts have used DNA evidence to link more than 2300 prisoners to crimes since laws forcing all inmates to provide samples came into effect in 2002. Samples are taken from all people charged with crimes punishable by 12 months or more jail. Also, the Office of Crime prevention is currently funding a \$99,000 project to study the detection and removal of forged DNA from crime scenes before the practice of DNA forgery becomes a widespread problem for investigators.
13. "India may soon have DNA database of criminals." Indo-Asian News, August 7, 2005.  
India may soon have a legal framework in place for creating a DNA fingerprinting database of convicts. A draft DNA profiling bill, providing for the creation of such a database and its admissibility in courts as evidence, is ready and likely to be tabled in parliament this year. Currently DNA test findings are presented as expert evidence under the Indian Evidence Act, but have no statutory recognition.
14. "State crime lab works from behind." Wisconsin State Journal, August 7, 2005.  
In Wisconsin, backlogs at the state crime lab can often mean a delay in bringing criminals to justice. Prosecutors and investigators are frustrated with the delays, but they acknowledge the labs are doing the best they can with what they have. The problem is they don't have enough analysts. "We've improved significantly in fingerprints (turnaround), but we are getting many more requests for DNA." In this year's budget process, the Governor moved the surplus from the lab's penalty assessment fund, which charges lawbreakers \$8 to help support the lab, into the state's general purpose revenue fund. That money has historically been used to buy up-to-date equipment and will fund four new analysts this year. The crime lab would like another six analysts -- mostly DNA analysts, and would also like to add DNA services to the Wausau lab.
15. "Raider preyed on the elderly." Birmingham Evening Mail, August 6, 2005.  
In England, a drug addict who lied about kicking a football into a elderly woman's garden so he could steal twenty pounds from her handbag has been jailed. Blood was later found on the woman's gate and DNA tests showed that there was only a remote chance of it not belonging to the addict. The man has entered the homes of elderly occupants on eight occasions and stolen from them.
16. "UAE needs genetic record bank." Arabia, August 6, 2005.  
In the United Arab Emirates, a team of scientists from UAE University has highlighted the need for a DNA database in the to provide scientific evidence that can be used to solve criminal cases in which there is little or no reliable information. In their research, the scientists collected blood samples from UAE nationals in Abu Dhabi and Sharjah, and from Egyptians, Indians and Pakistanis. The tests showed greater similarities between three Arab groups in comparison with the Indians and Pakistanis groups. They also noted, "When data for the two UAE populations were analyzed, there was no evidence of substructure between the two groups, which may be true for the other emirates in case of future research. That may lead to a single database that can be used for the UAE native population in the future," said the report of the scientists.
17. "Man charged with raping girls." Lancaster Eagle Gazette, August 6, 2005.  
In Ohio, a man faces multiple sexual assault charges in connection with attacks on a multiple girls, one of whom was his 15-year-old relative who later gave birth to his child. When she gave birth to the child, DNA paternity testing confirmed that it was his baby. The man is expecting to be arraigned on the indictments next week, and stands to serve up to 140 years in prison.

18. "Fenway rapist confesses rape under DNA duress." Boston Herald, August 5, 2005.  
In Massachusetts, a man has pleaded guilty to raping three women in 1989 -- at least two under the threat of being stabbed with a screwdriver. The man's DNA sample was obtained in a separate conviction on an unrelated break-in, and was sentenced to 18-22 years in prison; it was not until the end of his sentence that the DNA sample was analyzed and matched to the 1989 rapes. The man's victims also included the man who wrongfully was convicted and served a decade behind bars before he was cleared by the evidence.
19. "Slovak woman wanted in Austria arrested in Slovakia." CTK News Wire, August 5, 2005.  
In Slovakia, a 35-year-old woman was detained on an international warrant of suspicion from Austria in connection with a murder. The murdered woman, and 85-year-old Austrian, was found dead in her flat and DNA analysis showed that the perpetrator was a woman. The police questioned the suspect when she lived locally, but following the questioning left the country. Cigarette butts in the flat were analyzed for DNA and found to be identical with the traces found in the murdered woman's flat.
20. "Safeguards for a DNA database." The Japan Times, August 5, 2005.  
In Japan, the National Police Agency has been implementing a phased plan to construct a database of DNA patterns of suspects and convicted criminals to facilitate criminal investigations. The police hope to increase accuracy in the future by analyzing 15 DNA fragments. While it is certain that DNA pattern information will greatly facilitate criminal investigations, many questions must be answered before the NPA's database plan goes into full gear. Questions under consideration include whether police must destroy samples after analysis, and expungement of data from the database if a person is not convicted.
21. "Expert: Victim had no sexual contact." New Straits Times (Malaysia), August 5, 2005.  
In Malaysia, a court has heard that a 14 year-old Chinese national had no sexual contact at the time of his death based on DNA testing results. The head of the Serology/DNA Section of the Forensic Division said he received 31 packages and envelopes filled with evidence related to the murder. Among the evidence collected by the police were blood samples, nail clippings, hair, skin specimens, spermatozoa smears and anal swabs. A business man and two of his bodyguards are charged in the killings, but so far the DNA evidence does not incriminate them.
22. "Homeless man could get 50 years." San Diego Union-Tribune, August 5, 2005.  
In California, two homeless men were killed under similar circumstances by another transient who had been seen earlier with them, the prosecution claims. Forensic evidence linked the homeless man the crime, including blood and fingerprints nearby. However, it was noted that the homeless men socialized together, which would explain the blood and fingerprints, but another man's DNA was found on the murder weapon. The jury is deliberating.
23. "Crime and DNA." The Times Union, August 5, 2005.  
In New York, the Albany County District Attorney is urging an expansion of the state DNA database to include all convicted felons. The senate and Governor Pataki support a bill that would expand the database to all criminals. The District Attorney points to a case in which a man pleaded guilty to a misdemeanor drug charge, and therefore was not entered into the database. The man murdered three people before he was finally arrested; the murders could have possibly been prevented.
24. "Shreveport man convicted of raping an 11-year-old girl." The Times, August 5, 2005.  
In Louisiana, a 48-year-old man was found guilty of raping an 11-year-old girl. The man had claimed that his DNA was on the girl's underwear because she shared underwear with her mother. The man was found to have an extensive criminal history, including convictions of armed robbery and aggravated burglary. He also was arrested by Shreveport police for attempted aggravated rape of an 11-year-old girl in 1995. But there was insufficient evidence to prosecute at that time and charges were dropped..
25. "Convicted killer faces multiple rape charges." Associated Press, August 4, 2005.  
In Kansas, a truck driver convicted of killing and beheading a housekeeper in Wichita has been charged with two rapes in Saline County. The man was linked to the rapes when a fresh DNA sample was taken from him when he was arrested in connection with another death; that sample also connected him to the DNA found on a railing near the murder. Fortunately, the man had been charged with the crimes years ago, before the statute of limitations for the rapes ran out.
26. "Cops consider taking prostitutes DNA." Calgary Sun, August 4, 2005.  
In Canada, Calgary prostitutes may be asked to provide DNA samples to assist police with homicide and missing

person investigations, following the success of a similar program in Edmonton. "The intention is that it would help us with leads in any missing person cases, and it also helps us to ID people, as well as get in touch with their families," said a spokesman. Along with requesting volunteer DNA samples, city cops would be embedded in high-risk communities to help gather intelligence on missing or murdered prostitutes. Nine out of ten prostitutes volunteered their DNA in the Edmonton program after a serial killer murdered 12 prostitutes.

27. "Prison guard gets life for double murder." The Daily Yomiuri, August 4, 2005.  
In Japan, the Osaka District Court sentenced a prison guard to life imprisonment for the murder of his 28-year-old daughter-in-law and her son. The presiding judge said that careful examination of the evidence, including a DNA analysis and eyewitness accounts, proved the man committed the crime. DNA analysis matched the man's saliva found on a cigarette butt on the staircase of the apartment where the murder had taken place.
28. "Stamps found guilty in bank spree." Montgomery Advertiser, August 4, 2005.  
In Alabama, a man was found guilty of robbing three banks and a jewelry store, thanks to DNA evidence linking him to the crime. His DNA was found on a stocking mask and gloves at the crime scene. The man nabbed roughly \$150,000 in cash and jewelry after robbing several banks in the Montgomery area. The investigation was a joint effort between several law enforcement agencies.
29. "Arizona business executive sentenced for assault." State News Service, August 4, 2005.  
In Arizona, a man was sentenced in federal court for the sexual assault of a woman sleeping next to him aboard a Delta Airline flight from Dallas to Boston. The woman fell asleep on the flight and awoke to find that the man had covered her with a blanket, unbuttoned her pants, and had his hand in her genitals. The woman immediately reported the sexual assault to flight crew, and upon landing the man was arrested. The key evidence was a significant amount of DNA found on his hands matching the woman's fluids. He had to be charged in special court because the incident took place mid-flight, which is considered its own jurisdiction.
30. "Man gets 37 years for molesting girl." Chicago Daily Herald, August 3, 2005.  
In Illinois, a man was sentenced to 37 years for molesting a 4 year-old family member, but his alleged indecent behavior with other young relatives contributed to the harsh punishment. Forensic experts matched the defendant's DNA to semen found on her pajamas. The judge was quoted saying that he did not appear to have a chance for rehabilitation, and that if ever released, would still pose a strong threat to children.
31. "Innocent 'rapist' free." The Advertiser, August 3, 2005.  
In Pennsylvania, a Pittsburgh man who spent nineteen years behind bars for a rape he did not commit, was freed after tests of DNA evidence cleared him. He was convicted in 1986 for the rape of a 48-year-old woman. Friends and family cheered when a county judge dismissed charges against the man.
32. "Suspect charged in string of Koreatown sexual assaults." Associated Press, August 3, 2005.  
In California, police have caught the man suspected in a string of sexual assaults against Asian women in the Los Angeles area. Two LAPD officers began watching the man as he sat in a car in an area where some of the rapes were reported. Officers subsequently arrested him when he walked up to the officers and flashed a fake badge; DNA evidence tied him to 13 sexual assaults that had taken place in the local area.
33. "Charlotte cold case squad gets first conviction." Associated Press, August 3, 2005.  
In North Carolina, a man who is on death row for the murders of two women pleaded guilty to another in 1987, securing the first conviction for the Charlotte-Mecklenburg Police Department's homicide cold case squad. The murder was solved after DNA on a cigarette butt found next to the victim and semen inside her mouth were linked to the inmate. The squad was established in 2003; thirteen other murder suspects charged in cold cases are awaiting trial.
34. "DNA helps shoot down poachers." Deseret Morning News, August 2, 2005.  
In Utah, two recent convictions in poaching cases are attributed to DNA evidence. The results scientifically concluded that two brothers charged in the crimes were not just out sightseeing on the night that law enforcement officers alleged the animals were shot. Forensic DNA matched two gut piles with two sets of antlers found in the brothers' possession. Another investigation going to trial was made possible by inconspicuous elk hairs stuck to a suspect's pickup truck. "It's definitely a worthy tool," said one investigator. With every poaching conviction the judge orders restitution. That means that DNA testing more than pays for itself.
35. "Adopted Girl Finds Lost Family In Sudan." London Free Press (Ontario), August 2, 2005.

Decades of civil war in Sudan not only killed an estimated two million people, but also left for dead scores more who were taken into slavery in the north and assumed gone forever. A Sudanese girl who was adopted by a Canadian family, was recently reunited with her twin sister after DNA tests confirmed the relationship. The adopting family had been told that the girl was born after her mother, a slave, was raped by her master. While pregnant, the mother was killed by a landmine, but the child survived. Village elders said two other children had been born to the same woman in slavery (the twin and a brother), but most figured the other children were dead.

36. "DNA matching solves thousands of crimes." Daily Telegraph, August 1, 2005.  
In Australia, the state of NSW has had almost 4,000 unsolved crimes linked by DNA to prison inmates. The program began four years ago, and 26,000 profiles have already been taken. In one case, a youth was linked to a sexual assault on an 82-year-old woman because he had vandalized a car two years earlier and had been forced to give a DNA sample.
37. "Graying of Abuse; sex offender growing old." The Oregonian, August 1, 2005.  
An Oregon case is used to argue that paroled sex abusers must be carefully watched for life, as the rate of recidivism is incredibly high. In the Oregon case, the man committed his most recent assault at the age of 82, sixty-four years after his first documented sexual assault. DNA samples taken from the victim during a medical examination will be used as evidence. The oldest member of Oregon's sex offender list is 90.
38. "DNA used to jail prowler in Turangi." Waikato Times, August 1, 2005.  
In New Zealand, DNA evidence has helped send a Turangi man police say is responsible for 75 prowler complaints in 14 months to jail. The man would open bedroom doors and windows to watch, often performing indecent acts before disappearing. His targets were mainly elderly women. He was identified by DNA evidence from a crime scene in April. The police were very pleased to announce the arrest before a more serious sexual encounter occurred.
39. "Another murder is brought into sentencing." Anchorage Daily News, July 30, 2005.  
In Alaska, a man was being sentenced for the 2003 stabbing and strangulation death of a 22-year-old girl, and in soliciting a harder sentence, the prosecution introduced another crime that DNA indicates the man committed. The newly introduced 1992 murder remained unsolved until the man was arrested and charged with this other murder. The link was established when his DNA sample was run through the state DNA database and found to be a match.
40. "Rock springs poacher gets \$10,000 fine." Associated Press, July 30, 2005.  
A Wyoming man convicted of poaching a deer was sentenced to pay \$14,000 in fines. Authorities accused the man of taking the adult mule deer from a southwest Wyoming hunting area in October 2003, before the season began; but the man assured investigators that he had taken it from a proper area, and he was even able to show them the gut pile. However, upon later DNA analysis, authorities were able to confirm their suspicions.
41. "Decision of Interest; Queens County Supreme Court; DNA Evidence Admissible Absent Technician Testimony Under Business Records Exception." New York Law Journal, July 28, 2005.  
In New York, the Queens County Supreme Court has ruled that DNA test results coming from a private testing lab and the New York City OCME were properly allowed into evidence as business records and that the admission of those records did not violate the defendant's right to confrontation. The notes and records of the laboratory technicians who tested the DNA samples in this case were not made for investigative or prosecutorial purposes but rather were made for the routine purpose of ensuring the accuracy of the testing done in the laboratory and as a foundation for formulating the DNA profile. The defendant's motion was based upon the fact that the persons who actually performed the DNA testing at Bode and at OCME were not called as witnesses by the People. The laboratory case file for each DNA sample was introduced in evidence by the People under CPLR Section 4518, the business record exception to the hearsay rule as the basis upon which a criminalist with the OCME gave her expert opinion. Each case file contains notes and computerized data documenting the analysis process as well as a laboratory report which summarized the DNA test results. PEOPLE v. MICHAEL BROWN
42. "Suspect linked to 7 new sex assaults." The Miami Herald, July 28, 2005.  
In Florida, a man already jailed on sexual attacks on three prostitutes who were choked to the point of unconsciousness has been linked by DNA to seven other assaults on women. He is charged with 14 counts of sexual battery, six counts of kidnapping, three counts of strong arm robbery and one count of felony battery. The new Sexual Battery Task Force of the Jacksonville Sheriff's Office said DNA tests by the Florida Department of Law Enforcement concluded Boston was the attacker of the 10 women.

43. "Lawmaker seeks to expand sex offender DNA database." Salt Lake Tribune, July 28, 2005.  
In Utah, a state Representative intends to introduce legislation to require DNA for the database for juveniles adjudicated delinquent of committing sex crimes. Juveniles are currently excluded from Utah's database. However, the crime lab cautions that it cannot handle the workload it currently faces. Since 1995, when Utah began collecting DNA from convicted felons, 28,000 samples have been taken. But only 8,000 have been processed. The legislator said, as part of his legislation, he would ask for money to fund additional staff and equipment. Legislative research staff are currently exploring the issue.
44. "DNA Led To Bird Robber." Liverpool Daily Echo, July 27, 2005  
In England, a teenage boy has become the first person in English legal history to be tracked through his DNA for stealing rare birds. The 16-year-old had been part of a gang who stole rare barn owl chicks from their nest. Police discovered blood where the defendant had broken into the building; it was later matched to his DNA.
45. "Health department expands criminal DNA testing." US Fed News, July 19, 2005.  
The Rhode Island Department of Health issued the following news release: The recent RI state budget included an additional \$117,826 for state participation in the CODIS project. The new appropriations will enable the Health department to hire one full-time and one part-time employee to obtain DNA samples from all convicted felons in the state and enter the DNA profiles into CODIS. The CODIS program contains over 2.3 million searchable DNA profiles and aided nearly 25,000 investigations since its inception on 1994.