



DNA



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The DNA Legislative & Media Report for the month of October is attached, and for your convenience a summary is below.

This report is developed by Tim Schellberg and Lisa Hurst on behalf of Applied Biosystems.

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

- California – Cold hits identified a murderer (1979 case), and a rapist (2 attacks, on database for drug crimes). Other DNA evidence confirmed the identify of a murderer and a rapist.
- Florida – Cold hits identified rapists (2005 crime, on database for juvenile adjudication; 2002 crime).
- Illinois – Cold hits identified a rapist (prior robbery conviction), and a suspect in an assault. DNA evidence also identified a murderer.
- Massachusetts – DNA volunteered by a suspect linked him to a murder.
- Minnesota –DNA evidence identified a murder suspect.
- Missouri – Cold hits identified rapists (2001 crime, prior conviction for drug trafficking; 1977 crime). DNA evidence also identified a suspect in a 1997 rape.
- Montana – A cold hit brought a guilty plea from a rapist (2 assaults)
- Nevada – DNA evidence secured extradition of a Trinidad man in a 1982 murder.
- Ohio – A cold hit brings charges in a home invasion murder (on database for complicity to felonious assault).
- Texas – DNA evidence links an illegal immigrant to 2 rapes. Authorities used DNA evidence to identify a suspect in a double murder.
- Tennessee – new testing of DNA evidence links a man to a 1984 murder.
- Washington –DNA evidence brought a guilty plea in a murder case.
- Vermont – DNA evidence in a murder case implicates the primary suspect.

LEGAL CHALLENGES: A defendant in Maine is challenging the state's DNA database laws. The Maryland Court of Appeals ruled that a court must order post conviction DNA testing, even if the new testing will consume the remaining sample.

OTHER FORENSIC DNA ISSUES: California's Orange County crime lab secured 22 DNA database matches in one day, surpassing their prior record of 14 in one day. Virginia's database is likely missing many offenders due to local collection problems. Post conviction DNA tests brought release for a man in New York. Operation of Maryland's DNA database was a matter of contention in the race for Governor.

INTERNATIONAL NEWS: In Australia, police are piloting a program that utilizes private laboratories for forensic DNA testing of volume crimes. In England, police are being encouraged to resubmit evidence from old cases for new DNA testing.

- Australia – DNA convicted a man in a 1995 assault.
- Canada – a cold hit on the DNA database linked a prostitute to a murder.
- England – DNA connects a suspect to various explosive devices; a review of old cases brought a suspect in two attacks in 1993; YSTR tests identified a car vandal; DNA from jacket identified a murder suspect.
- Scotland – A cold hit identified a murderer (1990 case)

NEWS ARTICLES

1. "DNA matches found of the accused." Birmingham, September 26, 2006.
In England, DNA helped connect a series of attacks against a wide range of targets. The attacks included mortars, car bombs, and other implements of destruction at locations across the country. Although the attacks seemed to be connected by time duration, DNA also matched the suspected culprit to several devices. The prosecuting Queen's Counsel has added charges for the additional attacks to the court proceedings.
2. "DNA leads to conviction." Daily Herald, September 16, 2006.
In Illinois, a man pleaded guilty in the rape of a woman during a home break-in, closing the books on a case that was solved using a cold hit on the DNA database. Material from the crime scene was recovered and matched the man's DNA profile that was on file for an earlier robbery. The woman was completely unable to identify her attacker; the DNA sample the man was forced to give brought justice to the case.
3. "Charges filed in 2001 rape." Kansas City Star, September 27, 2006.
In Missouri, a cold hit on the DNA database led to charges in a 2001 rape of a woman who was six months pregnant. The Jackson County Prosecutor credited the arrest to a law change two years ago that added all felons to the state's DNA database of criminals. The 43-year-old was arrested after DNA testing last month matched semen from the crime with his DNA. State authorities took his DNA because he had prior convictions for drug trafficking and resisting arrest -- crimes that were not included on the database prior to the law change.
4. "DNA samples help reopen 22 cases." Los Angeles Times, September 27, 2006.
In California, investigators at the Orange County Sheriff's crime laboratory recorded 22 cold hit DNA matches in a single day. The Forensic Science division analyzed these crime scene samples, and the matches were made to unsolved cases through the database. The department director clarified that a hit doesn't mean every cases could be closed, but it is a powerful crime-fighting tool. The previous record for the County was 14 hits in a single day.
5. "Florida man gets life sentence." Memphis Commercial Appeal, September 27, 2006.
In Tennessee, a man was sentenced to life in prison for the slaying of a former girlfriend in 1984. The man was an immediate suspect. But he was not charged for 17 years, and then a test matched his DNA with DNA on a pair of men's jeans found at the scene.
6. "DNA is debate hot topic." South Wales Evening, September 27, 2006.
At a conference in Australia, attendees were told how a 25-year-old murder case solved by South Wales Police using DNA has opened up a heated debate on the issue. The technique helped unmask serial killer in the murderer of three girls in 1973. The body of the suspect was dug up from a grave in 2002. DNA tests proved he was responsible for the unsolved murders of three 16-year-olds. The debate was part of a two-day panel chaired by a human rights lawyer.
7. "Double sex attacker faces jail." PA News, September 28, 2006.
In England, a driver caught with a DNA match faces jail for two violent sexual attacks on women more than 10 years ago. The 52-year-old raped one woman and indecently assaulted another after attacking them in the countryside as they walked their dogs. A review by Greater Manchester Police's Cold Case Review Unit in 2004 matched the DNA profiles from the two attacks and led investigators to the culprit.
8. "Inmate charged in 2003 slaying." Akron Beacon Journal, September 29, 2006.
In Ohio, the state DNA database led to charges against a prison inmate for home invasion and murder. Detectives said they've worked three years trying to determine whose drops of blood were left near

the side door, and DNA samples were taken from as many as 30 people. Investigators could not get a break until the DNA match was made. The suspect's prior crime, for which he was included on the database, is complicity to felonious assault for helping his brother beat a man with stones and a shovel. He received probation for the offense in 2003, but he failed to follow his probation rules, and Common was sentenced to prison in August 2005.

9. "Life sentence for man." PA News, September 29, 2006.

In England, a would-be rapist who attacked a woman aged over 100 after breaking down her front door has been jailed for life. The man was trapped by DNA evidence after pushing the elderly woman to the ground and attempting to rape her. The sentence is a result of the danger he poses to vulnerable and frail women.

10. "Parolee charged in 1979 slaying." San Francisco Chronicle, September 30, 2006.

In California, Santa Clara County prosecutors have charged a parolee with murder in the 1979 slaying of a San Jose woman after DNA testing linked him to the crime. When arrested for the 1979 crime, he was serving the last day of a five month sentence for a parole violation. He was on parole for a drug-related crime and violated parole when he was involved in a domestic violence incident.

11. "Faster results for DNA tests." Sunday Telegraph, October 1, 2006.

In Australia, police are using private companies to outsource forensic DNA testing, and therefore speed up investigations. The speed at which detectives work is important for victims; police must catch perpetrators in time for prosecution, and they must keep them from committing more crimes. The current delays at public laboratories have concerned senior police officials for some time. Last year, almost 30,000 samples were submitted for testing. "The objective of the trial has been to determine how efficiently volume crime scene samples could be processed by another laboratory," said the NSW Police Minister. Another important consideration was whether this procedure would free up the division of analytical laboratories to concentrate on more complex and serious cases, such as murder and sexual assault. A report on the outsourcing trial is expected in a few weeks.

12. "DNA on necklace leads to arrest in attack." Chicago Tribune, October 1, 2006.

In Illinois, twenty months after an 81-year-old man was severely beaten and robbed in his home, a Chicago man has been arrested and charged with the crime because of DNA found on a gold chain necklace at the crime scene. The necklace appeared to have been torn off the attacker in the struggle. The victim spent more than a year in hospitals and has permanent brain damage. The suspect whose DNA matches the necklace has a long criminal history of felony arrests dating to 1988. Between 1991 and 1999, he was convicted of aggravated sexual assault, possession of a controlled substance, unlawful use of a weapon, and burglary,

13. "Bloody fingerprint led to arrest in slaying." St. Paul Pioneer, October 9, 2006.

In Minnesota, DNA evidence from a murder scene was links a suspect to the crime. Responding to a 911 call, law enforcement officers did not make it to the victim in time to save her life. However, they found a butcher knife less than a mile away with a bloody fingerprint. DNA testing led investigators to the 42-year-old suspect, and the chief of police credits this small piece of physical evidence with cracking the investigation. The perpetrator was injured during the attack and sought medical assistance; showing up at the hospital at about the same time as his victim.

14. "DNA testing frees man jailed for 21 years." Albany Times Union, October 7, 2006.

In New York, DNA helped to secure the release of a man wrongfully jailed for 21 years after tests proved he was not responsible for the 1983 rape of a police officer's wife. The 44-year-old was set free at a Brooklyn court hearing just one day after test results showed that his DNA did not match that at the crime scene. The State Supreme Court ordered his release after the district attorney agreed to a motion made by the Innocence Project.

15. "DNA links man to YC attack." Appeal-Democrat, October 10, 2006.
In California, DNA evidence has led to the arrest of a second man in connection with the torture of a woman in January 2005. The suspect was arrested and held on suspicion of drug possession when the police realized that his DNA sample matched evidence found on items at the woman's apartment. During the attack, the woman began to scream. The perpetrators fled to the street where they punched another woman and stole her car.
16. "DNA from raped girl." Newcastle Evening Chronicle, October 10, 2006.
In England, YSTR testing helped to identify a man in the kidnapping of a child out of a bathtub and molesting her. Fingernail clippings and intimate samples were taken from the six-year-old after the attack, and the sample on the swab closely matched the accused. Moreover, tests on the fingernails revealed a mixed profile which showing more than one male – including the accused. The victim's relatives had all submitted samples and were eliminated as possible contributors to the mixture.
17. "DNA helps prosecutors file charges." Daily Record, October 6, 2006.
In Missouri, Jackson County prosecutors filed rape charges against a 32-year-old man in a nine-year cold case. Court records say the victim entered the perpetrator's car in search of marijuana, but the man drove away and refused to stop and let her out. She was eventually released, and she made her way to a hospital for a rape test. The test matched the perpetrator earlier this year, after he was arrested and being held at the Jackson County jail on unrelated charges.
18. "DNA evidence links convicted rapist." Associated Press, October 11, 2006.
In Missouri, a single hair found at a rape scene nearly 30 years ago could keep a convicted rapist who is eligible for parole in prison. Jackson County prosecutors said DNA testing on a hair found at the site of a sexual assault in March 1977 matches a man who is serving a prison sentence for a conviction in another rape that year. The prosecutor called this case "the oldest cold-hit DNA case to be charged in this region's history."
19. "DNA profiling led to arrest." South Lincs Target Series, October 11, 2006.
In England, an 18-year-old man was arrested after DNA linked him to blood found in a car that had been vandalized. The court heard that the owner parked his car out front of his home, and in the morning it was found with windows busted and ignition wires exposed. Blood found in the car was used to connect the culprit to his crime. The man will be forced to pay compensation for damages to the vehicle.
20. "Man jailed over rape kidnapping." ABC Premium News, October 13, 2006.
In Australia, DNA has brought a ten-year sentence to a man convicted of abducting a woman from a city street, raping her and threatening her life. In 1995, the perpetrator jumped into a woman's car and punched her in the face to subdue her. He wore a disguise and drove his victim away before raping her five times.
21. "Suspect in 1982 beauty queen murder." Associated Press, October 13, 2006.
In Nevada, a DNA match has brought the extradition of a Trinidad man to Nevada to face a murder charge in the 1982 murder of a teenage beauty queen. Investigators said in court documents that DNA evidence found on the victim's clothing in 1982 was compared in 2000 to samples of hair and saliva taken from the perpetrator in 1986 when he was arrested in the killing but released on lack of evidence. The man has been previously convicted on rape and burglary charges out of California and New York for which he served time in prison. He was deported back to Trinidad in the late 1980s where he's lived peacefully, recently retiring as a nightwatchman for the Ministry of Works.
22. "Man charged in rapes." Fort Worth Star-Telegram, October 14, 2006.

In Texas, DNA testing on a man in federal custody on illegal-immigration charges has linked him to two rapes. The ongoing investigation has linked the man to a third rape, and he is a suspect in many more attacks dating back to December 2004.

23. "N.O. suspect is arrested in double slaying case." New Orleans Times, October 14, 2006.
In Louisiana, New Orleans police and Texas homicide detectives arrested a 20-year-old New Orleans man at his mother's home in connection with a double murder of a man and his pregnant girlfriend near Houston in December. DNA evidence linked the suspect and his accomplice to evidence at the scenes of both murder crimes, and the double slaying was believed to be a retaliatory attack that resulted in six to eight homicides in Houston and New Orleans.
24. "Suspect arraigned in 2005 slaying." Worcester Telegram, October 13, 2006.
In Massachusetts, a man accused of murdering an 83-year-old widow volunteered the DNA sample that eventually convicted him. According to court records, the crime scene was grisly; the victim was found lying on her back in a pool of blood with at least eight distinct head wounds. The man became suspect in several other local burglaries, and when questioned about the murder offered a DNA sample. His genetic profile matched saliva found on a cigarette next to the body. The man is currently being held in jail, awaiting a pre-trial hearing.
25. "Prostitute's DNA found on condom." Hamilton Spectator, October 17, 2006.
In Canada, Hamilton police arrested a 21-year-old prostitute for the fatal stabbing of a Romanian immigrant after her DNA was identified as being under the dead man's fingernails and on a condom removed from his body at autopsy. A forensic biologist with the Center of Forensic Sciences in Toronto said foreign skin cells detected under the fingernails of the victim's right hand and on a condom matched the profile of a known sex trade worker. This allowed investigators to get a warrant for another test that confirmed the woman as a killer. The suspect was first identified through a match on the DNA database.
26. "State police say new lab will benefit." Associated Press, October 17, 2006.
In Maryland, the Democratic challenger in Maryland's Governor's race criticized the incumbent Governor over the operation of the state DNA database during a debate. According to the state police, the new lab will significantly increase the efficiency of DNA analysis. State law now requires all felons convicted in Maryland to submit a DNA sample for inclusion in the database. In addition to DNA analysis, the laboratory is more than twice as large as its predecessor, which was spread over two sites. (The Democratic challenger was the former Baltimore City Mayor, and he ultimately won the Governor's race).
27. "Man convicted of murder gets life in prison." Miami Herald, October 17, 2006.
In Florida, a jury convicted a man of committing murder thanks to blood at the scene and forensic tests on ammunition. The bullet matched casings the accused man had at his house, and blood matched the accused man's DNA profile. Defense attorneys claimed that the man did an excessive amount of cocaine, and his frequent nosebleeds led to blood at the nightclub.
28. "P.A. rape case of '04." San Jose Mercury, October 18, 2006.
In California, a Santa Clara County jury is expected to begin deliberations regarding a rape that occurred two years ago. The odd alibi and DNA evidence that contradict it are at the crux of the jury's decision. The man claimed that he was smoking crack with two of his friends at the time of the attacks, but he was arrested two days later and DNA evidence proved a positive match to semen at the scene of the crime. The man had been convicted of another 1982 sex assault that had many similarities to the recent assault.
29. "Detective finds holes in database." Associated Press, October 19, 2006.

In Virginia, a police detective investigating a series of rapes discovered hundreds of felons absent from Virginia's DNA databank. The detective had several specific suspects and discovered that they were not included in the list of samples. The Virginia database was the nation's first and most comprehensive, but upon a more thorough investigation, 125 of the 600 felons checked were missing from the database. Officials believe many of the felons "slipped through the cracks" due to collections problems at local jails and probation offices. "We've done extensive training of jail and prison officials," said the state's crime lab director. "But it's hard to know how effective they are in taking samples."

30. "DNA match links suspect to slain Vermont student." Associated Press, October 20, 2006.
In Vermont, blood found on the blue jeans of the prime suspect in the death of a college student matches the woman's DNA. A 36-year-old man being held on an unrelated sex charge is now believed to be the last one who saw her alive and is the owner of the jeans. The man has not yet been charged in the murder case, and investigators have not discussed further details of the case.
31. "Murder defendants objects to use of DNA evidence." Associated Press, October 20, 2006.
In Maine, a former inmate whose DNA sample led to a cold-case match and murder charges wants the DNA to be thrown out. The defense claims that his DNA was taken in a "warrantless search" following a conviction in 2002 for criminal threatening. The Assistant Attorney General claims that people do not have the same reasonable expectation to genetic privacy that they do in the case of private residences. The man's DNA sample was included on the database for a criminal threatening conviction.
32. "Taxi driver who raped prostitute trapped." PA News, October 20, 2006.
In Scotland, a man was jailed for four and a half years for the rape of a prostitute 16 years ago. The taxi driver attacked the woman in October 1990. He was identified through the national DNA database. The victim had been working as a prostitute for 10 months to earn money to support her young child. The Forensic Science Service with new techniques retested the crime scene stain relating to the victim that was originally examined in 1990.
33. "Man charged in connection with MSU sexual assaults." Associated Press, October 21, 2006.
In Montana, a man has been charged in connection with sexual assaults on and near Montana State University last month. The man raped a woman while she slept on a couch in the graduate student housing. The sample matched a DNA profile on the state's police database, and the man confessed to the crimes after being confronted with the DNA evidence.
34. "Garage rapist gets life in prison." Daytona News-Journal, October 21, 2006.
In Florida, a DNA match helped to convict a man of raping a woman in her car last year in a parking garage. The woman was walking towards her car when the man jumped her from behind, forced her to the ground, and raped her. The man had just been released for another sexual battery conviction he received as a juvenile. His DNA sample was included on the database for this juvenile adjudication and then matched to the recent attack that occurred just six days after his release...
35. "Blair demand blitz on unsolved crime." Express, October 23, 2006.
In England, the Prime Minister urged police to review their DNA databases in an attempt to reopen thousands of unsolved rape and murder cases. New DNA tests allow the tiniest sample to be used to trace the culprit, but so far only a handful of police forces are using the improvements. 14 forces have solved Around 100 "cold" cases and leadership wants the other 29 in England and Wales to follow their lead. Last year DNA solved 45,000 crimes, including 422 murders and 901 rapes and sex attacks.
36. "Plea agreement averts second trial." Associated Press, October 24, 2006.
In Washington, DNA helped to secure a guilty plea in the case of a man accused of fatally stabbing a woman 30 times with a pair of scissors. The man pleaded guilty to second-degree murder, averting a

second trial. He decided to take the plea deal instead of another trial due to the strength of DNA evidence that played into his first jury's decision, and his attorney said that it was hard to turn down any kind of deal when confronted with strong forensic evidence.

37. "DNA found on jacket." PA News, October 24, 2004.

In England, DNA found on a jacket positively identifies one of three men accused of murdering a 15-year-old boy. Police believe that the slaying was racially motivated, but police had evidence difficulties because the vehicle used in the crime had been burned out. However, investigators discovered the partially burned leather jacket, and DNA samples taken from the jacket's lining and pockets matched one of the suspects. Additionally, the victim's DNA was found in various places in the car. The boy was abducted, stabbed, and set on fire before being thrown out of the vehicle a day before police discovered the burned out car.

38. "Man charged with 2002 rape in Sarasota." Bradenton Herald, October 24, 2006.

In Florida, a cold hit on the DNA database has led to the arrest of a man in connection to a 2002 rape. Last year, the man's DNA matched samples collected from the woman on the day of the assault. At the time of the DNA match, the man was already in prison for an unrelated crime.

39. "Cold-hit DNA leads to suspect's arrest." Argus, October 26, 2006.

In California, Sheriff's investigators announced that they have arrested a suspect in a pair of years-old rapes thanks to a "cold hit" from a DNA match. A 48-year-old man was arraigned on charges of rape, kidnapping, burglary, and elder abuse likely to cause great bodily injury or death. The man was in prison on drug related charges at the time of the DNA match, and investigators are looking at additional old cases to determine if he might be a suspect in other crimes. The Sheriff's office reported, "Most people think we just forgot about them. They're surprised to learn we're still working on it 10 years later."

40. "MD Court of Appeals." Daily Record, October 25, 2006.

In Maryland, the State Court of Appeals concluded that a court order for post conviction DNA testing had several illegal strings attached. The lower court directed the evidence to be turned over to the defense, but only if further testing would not destroy the DNA sample. The Court of Appeals said that evidence should be tested despite the possibility that it may be destroyed. In summary, the Appeals Court held that although state law provides that a court may, when ordering DNA testing, order some of the sample preserved for retesting, the court should first determine whether this is scientifically feasible. A court may not create an exclusionary rule to preclude the use of the results if samples are not preserved.

41. "DNA leads to arrest in '05 slaying." Chicago Tribune, October 30, 2006.

In Illinois, DNA under the fingernails of a woman found dead in high weeds last year finally led to an arrest. The suspect was the person last seen with the victim and had been asked to submit a DNA sample. Police initially believed the victim had fallen prey to a serial killer who has been operating in the area, but because of the DNA evidence, they now believe this crime was an isolated incident.