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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 June 2006 DNA Resource Report is listed below, along with a summary. These reports are prepared on behalf of Applied Biosystems.

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

- California – Cold hits identified a 2003 rapist; a serial rapist (on database for prior burglary); and a rapist preying on prostitutes (match with Florida database). DNA from a fetus proves the rape of a patient.
- Connecticut – A cold hit with Georgia's database identified a suspect in 4 murders (on database for parole violation).
- Florida – a cold hit identified a 2002 rapist (on database for burglary).
- Illinois – a cold hit identified a man in a second sex assault.
- Missouri – a cold hit identified a 2003 rapist.
- New Mexico – a cold hit identified a murderer.
- New York – a cold hit identified a man in two rapes (on database for an unrelated rape). Trace DNA evidence from a toll ticket may help convict a man of murder.
- North Dakota – a cold hit identified a 2003 rapist (on database for burglary)
- Ohio – a cold hit identified a serial rapist (seven attacks, on database for robbery)
- Pennsylvania – a cold hit identified a 2004 rapist.
- South Carolina – a cold hit with Florida identified a murderer
- Virginia – DNA of a suspect on a gun may help convict the man in a double homicide case.
- Wisconsin – cold hits identified a suspect in an office murder; and a serial rapist. A resourceful prosecutor used DNA clues to link a suspect to a double homicide in Florida.

***POLICY AND FUNDING ISSUES:***

***Arrestees*** -- Louisiana has begun uploading arrestee samples to the national DNA database.

***Convicted Felons*** – New York's DNA database has been expanded to include all convicted felons plus a variety of misdemeanors, including petty larceny. New law will capture DNA from 50% of all convicted criminals in the state.

***Missing Persons*** –

***Other Policy*** – Florida has permanently extended its law for postconviction DNA testing, with conditions.

***Funding*** – Florida has funded an additional expansion to its database, and Washington State will seek additional DNA analysts. Federal grants are helping California use DNA in burglary cases, and Ohio to operate a cold case task force.

***LEGAL CHALLENGES:*** The US Supreme Court sided in favor of allowing a post conviction appeal in Tennessee for DNA testing. The Missouri Supreme Court ordered the release of a man cleared by post conviction DNA tests.

***OTHER FORENSIC DNA ISSUES:*** A US-based project will use DNA to identify Holocaust victims and reunite families. Another US-based project will help reunite families torn apart by the war in El Salvador.

Debate of the use of familial matching on the DNA database has received attention. The Houston Police DNA lab has received accreditation. DNA indicates the wrong bear was killed as a suspect in an attack on a child in Tennessee.

**INTERNATIONAL NEWS:** In Australia, a DNA sample included on the database by mistake, and later linked to a robbery, has initiated discussion of sample retention rules. Australia is also moving toward providing clear authority for states to share DNA databases. Malaysia will establish a criminal DNA database, the Phillipines is considering a database, a Hong Kong plan to look at cold cases could also expand to include a review of convictions, and Canada may consider expanding its database. Kenya establishing a forensic laboratory.

- Australia –DNA from a cigarette butt identified a child rapist, a cold hit identified a 1989 rapist.
- England – DNA collected from a family disturbance arrest identified a serial rapist. DNA from a from half-eaten fruit identified a burglar. DNA has identified a murderer in a case where another man was suspected and held for a year.
- France – DNA linked a man to a 1987 murder after his DNA was collected for a road-rage case.

## NEWS ARTICLES

1. “Locking away DNA a case to consider.” Advertiser, May 30, 2006.  
In Australia, a cold hit on the DNA database has identified a man wanted for a supermarket robbery. However, the man’s DNA sample was originally included on the database after it was collected in an alleged assault case. It should have been removed from the database after the charges were dismissed, but was not, and eventually linked him to the robbery three months later. The case has raised questions over the current backlog, complexity of the current law, and whether current law should be changed to allow samples collected from suspects to be retained on the database.
2. “Scientists study DNA for burglaries.” Monterey County Herald, May 30, 2006.  
In California, the Orange County Sheriff’s department is using \$495,000 in federal grant money to test DNA from over 500 unsolved burglary cases. Part of the project is aimed at determining whether DNA tests, which can be expensive, are a cost-effective way of solving volume crimes such as burglary. The federal pilot project is also being conducted in four other districts (Topeka, Los Angeles, Phoenix, and Denver).
3. “Gov. Bush signs 2006-2007 budget.” US State News, May 26, 2006.  
In Florida, the state budget includes \$740,000 to replace, upgrade, and purchase new forensic equipment for seven crime laboratories, and \$1 million plus two new positions to expand the state’s DNA database.
4. “Senate-DNA police to set up databank to resolve crime speedily.” Bernama, June 1, 2006.  
In Malaysia, the Royal Police Force is going to establish a DNA bank for use in criminal investigations. The Internal Security Deputy Minister said that they are in the process of formulating laws for the establishment of a national DNA bank.
5. “Vast DNA bank pits policing against privacy.” Washington Post, June 3, 2006.  
The growing use of forensic DNA in identifying criminals is facing growing privacy concerns in the United States. States continue to expand the DNA databases to include a growing number of offenders, and investigators are relying more on DNA collected from crime scenes. However, the ACLU has particular concerns over the use of “DNA screens”, where larger segments of the general population are asked to submit DNA samples in order to eliminate them as possible suspects in a crime. There is also a growing debate over the use of familial matching in identifying criminal suspects.
6. “DNA evidence spurs arrest in 2003 case.” Sacramento Bee, June 3, 2006.

In California, a cold hit on the DNA database identified a rapist. The man had been incarcerated in 2005 and required to provide a DNA sample for the database. The sample was then matched to the 2003 rape.

7. "Teenage girl planned murder while in jail." Evening Standard, June 5, 2006.

In England, DNA identified a juvenile female who stabbed an elderly woman 14 times. The girl wrote out her plan and had gone to great lengths to create a false alibi. However, she had served time in a youth correctional facility for another crime, and was linked to the elderly woman's murder by DNA evidence.

8. "DNA technology my revive clues." Dayton Daily News, June 4, 2006.

In Ohio, police investigators and prosecutors are teaming up to create the Montgomery County Cold Case task force. A Justice Department grant of \$210,000 provides money locally for investigator pay, some lab equipment, and DNA testing procedures. The grant is strictly for cases that involve DNA. The squad's work has already led to an arrest in a 1985 homicide, and it plans to seek additional funding to stay operational after the federal grant runs out.

9. "Toll ticket called Porco clue." Albany Times Union, June 2, 2006.

In New York, DNA evidence has assisted investigators in the 2004 case of two murdered parents. The suspect is the couples' son, but he is at college and claimed that he never left school on the night of the attack. Mitochondrial DNA testing revealed a match between the son and a tollbooth ticket deposited on the night of the attack. This revelation proves he did not stay at school, and could mean justice for his murdered parents.

10. "Crime: Legal." Associated Press, June 6, 2006.

In California, the 39-year-old night supervisor at a mental health facility claims that he never raped and impregnated an autistic patient. Although the fetus was aborted, DNA tests revealed a genetic match to the accused; a link that prosecutors contend to be "bulletproof." The defense claims that the autistic girl has syphilis and their client does not, so he could not be the rapist.

11. "Man convicted of raping celebrity back on trial." Associated Press, June 6, 2006.

In New York, a man previously convicted of raping a rising celebrity is back on trial for two additional rapes. Sexual assault evidence kits were prepared for each victim, but 1997 testing techniques were not advanced enough to make the match, but new testing has linked him to the crimes. The man was a juvenile at the time of the first rape, for which he was convicted. Shortly after his release for this crime, he was arrested by US Marshals for making threatening remarks against two US Presidents.

12. "Sex offender from Tennessee sought in killing." Associated Press, June 7, 2006.

In South Carolina, a Tennessee man connected by DNA to the rape and murder of a Clemson University student has been extradited. The man was a registered sex offender in Florida (where the database match was made) and North Carolina.

13. "Experts suggest expanding DNA database." San Francisco Chronicle, May 12, 2006.

Public debate has begun in the United States over the issue of familial searches in the DNA databases. Proponents argue that it might be considered irresponsible if investigators do not follow such leads. But civil liberty concerns argue it would be an invasion of privacy. Such familial searching has led to at least one suspect in a 1984 murder case where a near-match lead police to the matched-man's brother. A survey by the U.S. Justice Department shows nearly half of jail inmates had at least one close relative who had been incarcerated.

14. "DNA links Georgia man to killings." Associated Press, June 7, 2006.

In Connecticut, a cold hit with Georgia's DNA database has linked a man to four murders in the 1990s. The man is currently imprisoned for an unrelated parole violation. After the murders, the man moved from Connecticut to Georgia and was not being investigated for any connection to the deaths of the four women from New England. Investigators believe he may also be involved in 6 additional murders.

15. "DNA to reunite Holocaust families." UPI Science News, June 7, 2006.  
The DNA Shoah project is hoping to begin using DNA database procedures to reunite Jewish families separated by the Holocaust, along with the remains recently discovered in places like Poland and Germany. The tools the project will be using were developed to help manage the September 11 World Trade Center disaster.
16. "Child sex predator in prison till 2018." West Australian, June 8, 2006.  
In Australia, the Klemmott rapist will remain behind bars until at least 2018 for raping three children at knifepoint. The man attacked the three siblings while on a picnic in 1999, but investigators only had a cigarette butt for evidence. The perpetrator was convicted years later on separate child abuse charges when the DNA databank linked him to saliva from the cigarette. Authorities believe there are more victims that have not come forward.
17. "Rape charge here also was due to DNA." St. Louis-Dispatch, June 8, 2006.  
In Missouri, a cold hit on the DNA database identified a rapist in a 2003 case. The woman was attacked while on a jogging path. The suspect, who is said to have now confessed to the crime, had no record of sex crimes or violence except for a resisting arrest charge; his criminal background involved mainly car thefts.
18. "DNA law changes may be retrospective." ABC Premium News, June 9, 2006.  
In South Australia, the Government is considering changes to the DNA database to allow samples collected from persons not convicted of a crime to be retained on the database. Police report there is a recent case where a match in a rape case could not be passed on to investigators.
19. "DNA-databank." Broadcast News, June 10, 2006.  
In Canada, a federal justice minister is proposing to expand the DNA database to include a larger number of offenders. The minister recommended the changes with the hope that it will make it easier, and cheaper, to catch criminals. He believes the databank could help relieve the pressures on traditional law enforcement methods in investigating many cases.
20. "Woman testifies 1988 slaying." Union-Tribune, June 9, 2006.  
In California, investigators finally caught a San Diego rapist by using multiple crime scene samples in the national DNA database. San Diego police were searching for a man that raped a woman in her apartment, but DNA samples did not yield a hit in the national database until a prostitute in Florida claimed that a man she could recognize raped her. Samples from her rape kit matched the samples from California through CODIS. Police finally seized the man when he was ticketed for driving with an expired license and his van was searched.
21. "Use technology if convictions are in doubt." South China Morning Post, June 12, 2006.  
In Taiwan / Hong Kong, a government official stated that the legislative plan to reopen cold cases with DNA technology should be expanded to check the prison population for wrongful convictions. The legislator said that many inmates have written him to profess their innocence, and it is a worthy check for the system. The only problem might be the availability of evidence in many past cases where crime labs have disposed of samples post conviction.
22. "Supreme Court allows fresh evidence." Associated Press, June 12, 2006.  
The US Supreme Court decided that a death row inmate from Tennessee can use DNA evidence in an attempt to show his innocence 20 years after he was convicted of murdering a neighbor. DNA tests reportedly prove that semen of the victim's nightgown was from her husband and not the convicted man's.
23. "DAs renew call for expanded database." Associated Press, June 13, 2006

In New York, the Manhattan District Attorney continued to call for an expansion on the state's DNA database. DNA evidence was recently used to connect a 39-year-old man with two 1996 rapes, utilizing semen years after the crime had occurred. The Nassau County District Attorney concurred, saying that law enforcement must be allowed to use every available scientific tool.

24. "Missionary shooting case sent to grand jury." Deseret Morning News, June 14, 2006.  
In Virginia, a grand jury will receive first-degree murder charges against a man accused of killing a Mormon missionary. Two Latter Day Saints missionaries were preaching door-to-door when a man ran towards them with a gun, killing one and wounding the other. Defense attorneys point to the unreliable description, but the man accused matched DNA found on the 9mm crime weapon.
25. "Babysitter's rapist awaits sentencing." ABC Premium News, June 14, 2006.  
In Australia, a 45-year-old Queensland man is awaiting sentencing in the South Australian District Court for breaking into an Adelaide home and raping a teenage babysitter in 1989. For 15 years he escaped being convicted for brutally raping the 14-year-old girl. But in 2004 police matched his DNA to the rape, after he was charged with separate offenses in Cairns.
26. "Wrong bear was destroyed in hunt for girl's killer." Associated Press, June 14, 2006.  
In Tennessee, authorities discovered a case of mistaken identity after DNA showed that a bear caught and killed a few days after a young girl was attacked is not the bear responsible for the mauling. The responsible bear was found a few days after the first bear met its fate – the girl's DNA was still in its claws. This was only the 12<sup>th</sup> bear attack in the lower 48 states in the last 100 years.
27. "DNA links man to slayings of Sumter women." Orlando Sentinel, June 14, 2006.  
A determined Wisconsin prosecutor solved a Florida crime by taking clues from DNA evidence and following a suspect's past moves. The case involved a bloody knife with four genetic profiles, one matched the killer, another the killer's mother, and the other two were from females who were closely related. When the prosecutor lost the Wisconsin case involving the suspect's mother, he set out looking for unsolved double homicides that could explain the other two genetic traces. He eventually located a similar case on the Internet involving a mother and her daughter. DNA proved that the other two traces were biologically related, and the prosecutor eventually found another similar case on the Internet. DNA matched the crime.
28. "DNA technology pushed." Business World, June 15, 2006.  
In the Philippines, a Senator has filed a bill to create the National DNA Index System for the storage of DNA profiles of persons convicted of crimes, of DNA samples recovered from crime scenes and samples of unidentified or missing persons. A DNA Advisory Board would be created under the National Bureau of Investigation to develop standards.
29. "DNA links man with 2<sup>nd</sup> assault." Chicago Tribune, June 15, 2006.  
In Illinois, investigators have used DNA technology to connect a man currently in custody to a second crime. The suspect is currently being held for the May sexual assault of a woman in her Chicago apartment, but the DNA database has connected him to an earlier sexual assault as well. DNA was key in tying these cases together, providing closure for both victims.
32. "Architect who dressed as tramp to attack girl trapped." Times, June 15, 2006.  
In England, a respected family man was arrested and charged with a 17-year string of brutal sex attacks. Victims reported their attacker was someone who was dirty and poorly dressed; police were searching for a homeless man with a knife. The local architect was finally discovered after one of his relatives accused him of stealing money, and during the arrest (although the charges were dropped), a DNA sample tied him to the other crimes.
33. "Forbidden fruit leads blundering burglar to jail." Western Mail, June 15, 2006.

In England, a burglar spotted a dish of fruit during a robbery and helped himself to a fresh ripe pea, leaving his DNA behind. Investigators found the pea on a workbench and identified the burglar. He was sentenced to 40 weeks in jail after failing to carry out a community punishment order.

34. "DNA database may reunite families severed by war." Associated Press, June 15, 2006.  
In California, the University of California, Berkeley and the California Justice Department are teaming up to reunite families separated by the war in El Salvador. The DNA reunification project is meant to introduce orphans and others to family members who submit samples from different countries, and to help answer questions for the war ravaged families. So far, there have been more than 700 requests from families in El Salvador whose children are missing. Of those, 158 families have been reunited, though not necessarily through DNA.
37. "Transient arrested in woman's rape and murder." Associated Press, June 17, 2006.  
In New Mexico, the state DNA identification system linked a transient man to the rape and strangulation of a 70-year-old Albuquerque woman. The homeless man became suspect of interest after the DNA match, and police discovered further incriminating evidence as they furthered the investigation against him. The woman's family is hoping for a conviction.
38. "Man pleads not guilty to killing Janesville woman." Associated Press, June 17, 2006.  
In Wisconsin, a 35-year-old man has pleaded not guilty to the murder of a 44-year-old woman at her office in March. However, DNA from under the victim's fingernails matched the suspect's profile according to prosecutors. The man was forced to provide a DNA sample to the state database for an unrelated sexual assault charge in 1996; some of the victim's possessions were also found in the man's home when police searched his residence.
39. "Assembly advances DNA expansion legislation." US State News, June 19, 2006.  
In New York, the Assembly majority and their Speaker announced that they would be passing their own version of the state senate's DNA expansion legislation. The Speaker claimed that the Governor and the Senate had not taken the proper steps to safeguard civil liberties, or to keep innocent profiles off the database. The legislation is due to arrive before the end of session.
40. "Falsely accused." Forensic Examiner, June 22, 2006.  
In Missouri, the state Supreme Court ordered the release of an inmate cleared by DNA evidence. The inmate was serving a sentence for robbery, burglary and forgery crimes when he was accused of murdering a fellow inmate; however, eyewitness testimony was conflicting. The man was convicted based on a prison guard's initial identification, despite six prisoners' testimony that substantiated his alibi at the time of the murder. DNA testing cleared his name, but not before he spent 10 years in prison.
41. "Forensic lab idea inspired." AllAfrica.com, June 20, 2006.  
In Kenya, the police force continues to work on constructing a forensic laboratory capable of analyzing biological evidence. The lab will be built in Nairobi, and the government still believes that this lab will greatly aid criminal investigations in the surrounding areas. Nairobi hit a snag when the initial funding was stolen by "faceless, powerful operatives", but the funds to build the lab have been reallocated by the finance minister. However, the reporter notes, "But before this technology can yield results, the police must be encouraged to embrace simple technology. Seldom do we see officers called to the scene of crime dusting for finger-prints, or even wearing gloves while handling recovered samples, which distorts the evidence or destroys it altogether. This is not reassuring."
42. "Victim testifies in rape trial." Northwest Florida Daily News, June 20, 2006.  
In Florida, the Cook County Circuit Court listened as the victim of a brutal 2002 rape spoke about her experience. The prosecutor has promised further testimony regarding the near perfect DNA match that led investigators to the accused rapist. The inmate was linked the crime through a DNA match on the database, after legislation to require DNA from burglars come into effect in 2003.

43. "Inmate linked to crimes by DNA pleads guilty." Aberdeen American News, June 21, 2006.  
In North Dakota, legislation that expanded the DNA database helped nab a rapist from 2003. The legal changes allowed investigators to take samples from all felons, not just sexual assault criminals. A DNA sample left when the bit the woman was sufficient for a charge to be filed against a "John Doe" suspect. He was convicted in 2004 on charges of burglary and window peeping, and subsequently connected to the 2003 crime.
44. "DNA test links firefighter to schoolgirl's rape." Agence France Presse, June 21, 2006.  
In France, a firefighter was convicted for a road rage incident in 2004; when his DNA was catalogued on the national system it matched samples from a 20-year-old rape and murder. The 1987 crime involving a young schoolgirl, whose body was found outside town, was never solved. The recent link has moved prosecutors to produce charges against the fireman.
45. "Houston crime lab set to resume DNA testing." Associated Press, June 21, 2006.  
In Texas, the DNA division of the Houston Police Department's crime lab will reopen after a three-year closure. The lab's work was suspended after authorities became concerned about several cases of flawed testing. Since the closure, private labs have been conducting DNA analysis for investigators. The department has revamped its crime lab, hiring a new director and DNA division chief. It also increased the number of analysts in the division from nine to 12.
46. "Police quiz killer in Broadmoor over Rachel death." Evening Standard, June 21, 2006.  
In England, a decade-old murder case may finally be brought to justice as DNA was found to match a man in a state hospital. Another man was held for the crime for over a year, and this genetic link could help to exonerate his reputation while finally giving the family peace. The victim was murdered in front of her 2-year old son in 1992. The man who is now a suspect is being held at a maximum security hospital for the killing of another young mother and her child.
47. "Prosecutor says DNA links man to 7 rapes." Associated Press, June 21, 2006.  
In Ohio, a man has been linked to seven rapes in suburban Cincinnati between 1995 and 2003. The accused has been indicted on 24 counts involving rape, aggravated burglary, and aggravated robbery in attacks on six women in the Pleasant Ridge and Golf Manor suburbs; he was identified while serving a five-year sentence on unrelated robbery charges. DNA samples linked him to the attacks.
48. "Suspect held in sexual attacks." Los Angeles Times, June 22, 2006.  
In California, DNA has helped to arrest a suspected serial rapist in a string of sexual assaults spanning 10 years in two counties. The attacks were linked together through the DNA database, but a suspect was only recently identified on the database. In late 2005, the DNA database linked the assaults to a man convicted of a burglary. The authorities from both counties are cooperating, and will continue to add charges.
49. "DNA files to be shared." Gold Coast Bulletin, June 22, 2006.  
In Australia, the federal government plans to introduce legislation that will authorize a national DNA profile-matching system to allow states to share DNA information. States have been unsure if there is clear authority to transfer DNA profiles for use in other criminal investigations. The bill has several other requirements, including the presence of a prison guard during forensic sampling procedures.
50. "Camden man could get life." Philadelphia Inquirer, June 23, 2006.  
In Pennsylvania, a man is accused of raping a woman in 2004 thanks to a cold hit on the DNA database. The man allegedly grabbed the woman as she got off a bus and dragged her under an overpass to rape her. DNA samples from the victim were linked to one of the man's aliases on the state DNA database. He had been convicted previously for an unrelated crime.
51. "Bush signs bill to open window on DNA testing." Associated Press, June 24, 2006.

In Florida, Governor Bush signed a bill that eliminates the deadline for post-conviction DNA testing. Politicians have slowly expanded the window, setting a four-year deadline in prior sessions. Lawmakers returned this spring and opened the window permanently, hoping that this will provide potentially innocent inmates with an opportunity to be exonerated. The Governor has long been a supporter of this legislative effort. However, the new law will now require judges to ask defendants a series of questions about DNA evidence before they accept their guilty or no contest pleas. Judges can't accept a defendant's plea until all DNA evidence is examined, and if defendants receive a guilty plea under the new rules, they will not be permitted access to post-conviction motions unless they can prove that lawyers withheld information.

52. "Man draws 45 years for sex assaults." Milwaukee Journal Sentinel, June 24, 2006.

In Wisconsin, a serial rapist has been sentenced to 45 years in prison for his attacks on three women. The man's DNA was collected in 2004 for an unrelated crime, and was eventually matched to the rapes occurring between 2000 and 2002. This year, the man pleaded guilty to first-degree sexual assault of a child and no contest to the three counts of second-degree sexual assault. As part of his plea agreement, additional charges related to the three assaults and the attempted assault of a fourth victim were dismissed.

53. "Despite new labs, WSP scientist struggle with caseload." Associated Press, June 25, 2006.

In Washington, the State Crime Lab director describes the difficulty of keeping up with the growing caseload. The lab has recently added two new locations, and hired twenty additional scientists – but it has plans to ask the Legislature for 15 additional scientists. Increasing demands for DNA work continue, and analysts are becoming more selective about the amounts and types of DNA evidence they will review.

54. "Feds turning to DNA testing in some immigration cases." Associated Press, June 26, 2006.

In California, DNA testing labs say that they are being used to identify family relationships in the growing number of illegal immigration cases. When a family in the US wishes to sponsor a "close" relative, federal authorities are asking the immigrants to prove the relationship by DNA testing. The tests are voluntary, but petitions may be rejected if applicants refuse to take them. L-A immigration lawyer Aggie Hoffman says she advises their clients to cooperate. But others say the tests that can cost seven to eight-hundred dollars are prohibitively expensive. Immigration and State Department officials insist that DNA testing is being used infrequently.