



*Gordon Thomas Honeywell Governmental Affairs provides 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 Gordon Thomas Honeywell Governmental Affairs 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 Gordon Thomas Honeywell Governmental Affairs.*

The April 2007 DNA Resource Report is listed below, along with a summary. These reports are prepared on behalf of Applied Biosystems.

**\*\*A national news program (60 Minutes) discussed use of familial DNA matches for criminal investigations, and a television movie aired on Debbie Smith's story (rape survivor recognized for her work in promoting forensic DNA). Links for both programs can be found at DNAResource.com.\*\***

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

- Alaska – DNA brings conviction of serial rapist;
- California – DNA identifies a murderer (1989 case); and cold hits identified two perpetrators in a 1986 rape/murder case, and a suspect in a 1984 murder/rape case;
- Colorado – DNA identifies a murderer (1976 case );
- Idaho – DNA may solve a murder (2000 case);
- Illinois – a cold hit identified a rapist (and exonerated a wrongfully convicted man);
- Louisiana – DNA identifies murderer (1985 case, DNA swab found at private lab);
- Maine – DNA is key in a 1994 murder trial;
- Maryland – DNA identifies a murderer (1991 case);
- Nevada – a cold hit identified a child rapist (linked to California inmate);
- New York – DNA brings guilty plea in child molestation case;
- Texas – a cold hit identified a murderer (offender on New York's database);
- Utah – DNA identifies a murderer (1986 case);
- Washington – DNA identifies a murderer (1981 case)

***POLICY AND FUNDING ISSUES:***

Two states enacted legislation to require DNA upon arrest for certain felonies (North Dakota and Tennessee). 25 states have introduced such legislation in 2007. Nevada may soon enact a law to include all convicted felons (44 states have such laws), and Georgia, Texas and Colorado are considering bills to close "loopholes" in current statutes (ie, retroactive, probation/parole). See the bill tracking list on DNAResource.com for further details on this and other legislation.

Texas may establish an Innocence Commission, and the Ohio Supreme Court has given individual judges purview over access to post-conviction DNA testing. An Illinois man gained exoneration through post conviction DNA testing after 25 years in prison – marking the 200<sup>th</sup> DNA exoneration in the US.

***INTERNATIONAL NEWS:*** EU may need to consider more privacy safeguards for DNA before wider acceptance of Prum Treaty for criminal information sharing.

- Australia – a cold hit identified a rapist (1993 crime, on database for drunk driving).
- England – Operation Advance identified 1995 rapist;
- Germany – a cold hit on the DNA database solves murder (1993)
- Mexico – DNA confirms the identity of a baby missing from Texas
- Poland – a volunteered DNA sample identifies the murderer of a British citizen

## *NEWS ARTICLES*

1. "Maryland State Police Use DNA." US State News, February 22, 2007  
In Maryland, the State Police Cold Case Homicide Unit used DNA evidence to solve a 1990 murder. Evidence collected from the initial crime scene included swabs taken from a bite mark on the victim's arm. The swabbing itself was unusual as such evidence was not routinely collected at the time. A search of the fingerprint database linked a known felon to evidence at the crime scene, and a subsequent check of the DNA database identified the same suspect. The man was on both databases due to a murder committed 11 months after the 1990 crime. The suspect was an alien from Cuba who was known to have a violent criminal past with drug offenses. The suspect had committed suicide in 2004, but police are confident that they have now closed this case.
2. "DNA arrest in 1981 Seattle killing." Associated Press, April 6, 2007.  
In Washington, Seattle police say that new DNA tests have led to an arrest in a 1981 killing. Detectives processed the evidence and King County prosecutors filed a first-degree murder charge against the 53-year-old suspect. Police found him already in custody on unrelated charges. He's accused of stabbing a 22-year-old to death nearly 26 years ago.
3. "Man accused in 1976 slaying in Englewood." Rocky Mountain News, April 6, 2007.  
In Colorado, DNA testing resulted in the arrest of an Arizona man in a 1976 murder. The man was 17 at the time of the murder, and although he was a suspect at the time he was never charged as he provided an alibi. However, in 2005 the evidence from the case was submitted for DNA testing and found to match the man. He served four years in prison for a 1981 aggravated robbery charge, and has been arrested numerous times for burglary, assault, theft, and disturbing the peace over a 20-year span, between 1976 to 1996. Most of the arrests occurred in Denver.
4. "Ohio justices give judges rein." Akron Beacon Journal, April 5, 2007.  
The Ohio Supreme Court has ruled that, trial courts can decide at the time a prison inmate applies for DNA testing whether prosecutors must search for remaining DNA evidence or whether the inmate must first show that negative results would probably overturn a conviction. The 6-1 decision means that local courts may apply parts of a state law that allow post-conviction testing differently in separate cases. The Supreme Court decided that the legislature's intent was to allow judges to use discretion.
5. "Police say DNA match leads to suspect." Las Vegas Journal, April 5, 2007.  
In Nevada, a cold hit on the DNA database has led to an arrest in the kidnapping and rape of a 13-year-old girl waiting for a ride after school. The man was arrested ten weeks after the crime when the evidence taken from the girl's clothing was matched to an offender on California's DNA database.
6. "Man to spend life in prison for killing." Union-Tribune, April 4, 2007.  
In California, DNA helped to bring a guilty plea in a 1989 fatal stabbing case. The plea was part of an agreement avoiding the death penalty. The man's DNA was found in blood on the victim's doorway, and he was also identified in DNA from the sex assault evidence. The man was finally identified after the sheriff's cold case squad reviewed the case. Prosecutors are hopeful to identify the other assailants thought to be part of this crime.
7. "Man bound for trial in teen's murder." Deseret Morning News, April 7, 2007.  
In Utah, DNA identified a suspect in a 1986 murder case of a 14 year old girl. The case was reopened in 2003, and investigators completed another round of interviews and employed new DNA testing. The man maintains he had no sexual contact with the victim, but DNA evidence from semen on the victim's shirts links him to the crime.
8. "Man receives 10-year-term for molesting girl." Buffalo News, April 6, 2007.

In New York, a man who had served as a sheriff's deputy in Florida was sentenced to 10 years in prison for molesting an 8-year-old girl last April. The man was a long-time acquaintance of the girl's mother and was arrested the day after the daughter first complained to her mother. He elected to plea guilty the charges when advised that the prosecution had DNA evidence.

9. "DNA prompts ex-spouse's trial in 1987 murder." Denver Post, April 6, 2007.  
In Colorado, DNA evidence will be crucial in the trial of a man accused of killing his wife in 1987. The man had long been a suspect in the crime. DNA links the man to the crime, but unidentified DNA was also found..
10. "Jury weighs evidence in 1994 murder case." Associated Press, April 9, 2007.  
In Maine, jurors began deliberations in the murder trial of a man linked by DNA evidence to the fatal stabbing of a woman nearly 13 years ago. The alleged perpetrator admits he had sex with the victim but maintains he was not the murderer.
11. "DNA tests rescue 200 wrongly convicted." Star-Ledger, April 9, 2007.  
The Innocence Project has secured its 200<sup>th</sup> exoneration nationwide with post conviction DNA testing. The Innocence Project now handles about 160 cases per year and has spawned several other local innocence organizations. Since the first post-conviction DNA exoneration took place in 1989, inmates have been proven innocent in 31 states. "It is a learning moment. We have a technology (DNA) that is a truth machine that allows us to go back and get justice for the innocent," Barry Scheck said. "For the victims, it means another chance to find out who really committed the crime."
12. "21 years later, four men arrested." Union-Tribune, April 7, 2007.  
In California, four men, two of them brothers, have been arrested in connection with a 1986 rape and murder case thanks to DNA a cold hit on the DNA database. One match linked a state prison inmate to the crime, and another match linked a parolee to the crime.
13. "Oakland rape-slaying case to go to jury." San Francisco, April 10, 2007.  
In California, a man already on Death Row may be found guilty of a 1984 murder and rape of an 18-year-old woman. The man's DNA was on the database for the 1996 murder and rape of an 8 year old boy. The defense claims the DNA only shows sexual contact, not that their client raped and murdered the victim.
14. "EU watchdog criticizes police." Agence France Presse, April 11, 2007.  
In Belgium, the European Union's data protection supervisor criticized plans to introduce a bloc-wide system of sharing police data, warning the public would have insufficient protection. The Prum Treaty, a police cooperation deal so far signed by Austria, Belgium, France, Germany, Luxembourg, the Netherlands, and Spain, could soon be extended to all member states. The data protection watchdog wants the agreement to specify "the categories of persons that will be included in the DNA databases" and to limit the period for retaining information.
15. "Poland extradites rape suspect to Britain." Agence France Presse, April 11, 2007.  
In Poland, a DNA match linked a man to a rape and murder case in Britain. The man agreed to give a DNA sample in order to help investigators who were trying to whittle down a list of potential suspects. The defense claims that the DNA testing was flawed.
16. "DNA test identifies baby." Associated Press, April 11, 2007.  
A DNA test proved that an abandoned infant found in February in a Mexican town is a Dallas girl who disappeared with her mother. Mexican authorities are now trying to place the 9-month-old with family members in Mexico. Dallas police still consider her disappearance to be a missing person case. The woman was an undocumented immigrant worker in Dallas, police said. The grandparents are happy that their grandchild has been found.

17. 20. "Court OKs DNA test of reputed mobster." Star-Ledger, April 11, 2007.  
In New Jersey, state authorities plan to take a DNA sample from the reputed captain of the Genovese crime family. Permission to obtain saliva was granted by a Superior Court Judge. Prosecutors want the DNA to compare against evidence from a scene where another important mobster was gunned down in 1977.
18. 22. "After 18 years, suspect emerges." Fort Worth Star-Telegram, April 12, 2007.  
In Texas, a cold hit on the DNA database linked a New York inmate to a 1989 rape and murder of an elderly woman. The inmate is currently serving a life sentence for the 1995 murders of two women in New York. The suspect lived in various places throughout the country before being incarcerated, and police are looking into other cases for possible connections.
19. 23. "Judge orders new DNA test."  
In New York, a former Manhattan law firm executive who prosecutors say has already been linked by DNA to the slaying of a colleague must submit hair samples so State Police technicians can conduct further analysis, a judge ruled. When the suspect was charged with the slaying in March 2006, the prosecutor's office said DNA in a saliva sample taken from the suspect had matched biological material found on the body. The prosecutor's spokesman said the State Police request for hair samples did not suggest that its technicians or the prosecutor's office lacked confidence in the previous analysis.
20. "DNA traps attacker 12 years after crime." Derby Evening, April 13, 2007.  
In England, a 1995 rape case was solved through new DNA testing. The 44-year-old man dragged his 16-year-old victim into the bushes in July 1995 before sexually assaulting her. The case was part of Operation Advance, which was launched in February 2004 and is funded by the Home Office's Police Standards Unit. The operation has been reviewing unsolved serious crimes, such as murder and rape, which were committed between 1976 and 1999.
21. "Woman's fiancé arrested years after her slaying." Associated Press, April 15, 2007.  
In Washington, an investigation by the King County Sheriff's office and the prosecuting attorney's cold-case unit has led to second-degree murder charge against a woman's fiancé after his DNA was discovered on her shoelaces. The woman was found outside a health club in her trunk, and police credit DNA evidence and contradictory statements and other inconsistencies by the suspect enabled detectives to build their case.
22. "Boise man convicted in 2000 slaying." Associated Press, April 16, 2007.  
In Idaho, a man convicted and sentenced to death in the 2000 slaying of a flight attendant is on trial again for his role in the death of a woman three years later. There are several tips that led to information, including witnesses that saw the suspect and victims at a bar together. The man was arrested and charged two weeks later, and investigators eventually found a DNA sample linking him to the crime scene.
23. "Man arrested 14 years after murder." South Wales Evening Post, April 16, 2007.  
In Germany, a DNA database match has aided police in arresting a prime suspect in the case of a British man knifed to death in 1993 in Munich. Two years ago Germany made DNA testing compulsory for violent criminals. In this case, blood found on the victim's wallet was matched to the criminal. The suspect has prior convictions and police indicated that they have over 40 "files" on him.
24. "Suspect on trial in 1985 slaying." Baton Rouge Advocate, April 18, 2007.  
In Louisiana, DNA testing is central in the trial of a man accused of killing an elderly woman in 1985. The victim's grandson was initially considered a suspect in the case, but was not convicted due to a

deadlocked jury. In 2003 the case was reopened, but much of the evidence had been destroyed due to insufficient storage space. The state had retained a fingerprint image and a cutting from a towel with contained DNA. Moreover, DNA was found on a swab from the victim's mouth which was located at a private lab that first tested the swab for semen in the 1980's. The defense is testing the accuracy of the testing, and also suggesting the evidence was planted.

25. "DNA tests clear man." Associated Press, April 21, 2007.

In Illinois, DNA tests clear a man who served 25 years for rape he didn't commit – the exoneration is expected to be the 200<sup>th</sup> nationally. His fight to prove his innocence paid off when prosecutors acting on new DNA tests ruled out the convict as a possible murderer. The case involved mistaken eyewitnesses, and despite the man's claims that he had been home watching a championship fight, a jury convicted him during his first trial. The DNA evidence has subsequently led to a match on the DNA database to another man, but police are not yet commenting on this suspect's identity.

26. "DNA link to Tobin." Daily Star, April 24, 2007.

In England, DNA has identified a handyman accused of raping and murdering a woman. The DNA was found on a piece of tape used to gag the victim. The woman was bound and beaten to death, with massive blood spattering indicating that it was a violent extended beating.

27. "Senate endorses innocence panel." Dallas Morning News, April 24, 2007.

In Texas, the Innocence Commission would be created to investigate the growing number of wrongful convictions in the state under legislation tentatively approved by the Senate. Under the measure, which passed on a 25-6 vote, the innocence commission would be charged with figuring out how erroneous convictions resulted and what steps can be taken to prevent similar mistakes in the future. To gain Senate passage for the measure, Sen. Ellis agreed to an amendment that would eliminate subpoena power for the commission. Another amendment that was approved would give the lieutenant governor and speaker of the House one appointment each to the nine-member commission.

28. "Stalker of impaired women sentenced." Anchorage News, April 27, 2007.

In Alaska, a serial rapist who preyed on women walking alone on Anchorage streets was sentenced to eight years in prison. The 41-year-old man pleaded no contest to one rape and one assault charge in a deal with prosecutors that got him off a host of other charges. The man had no previous felony convictions. Prosecutors first charged him with raping two women, but one year later, they were able to charge him with two more assaults thanks to DNA matches from saliva. His DNA also linked him to another attack, but the victim had already died of unrelated causes so charges were not pursued.

29. "DNA database allows justice to trap rapist." Courier Mail, May 1, 2007.

In Australia, a cold hit on the DNA database linked a man arrested for a drunk driving offense to a 1993 rape. The man pleaded guilty to the charges, but may never have been a suspect without the DNA link.