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The June 17, 2005 DNA Resource Report is listed below.

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

SUMMARY

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

- California – a cold hit helped to convict a 1986 murder suspect (on database for another murder).
- Florida – a cold hit solved a 1994 murder (on database for battery of a police officer).
- Massachusetts – DNA from a victim's fingernails confirmed a murder suspect in a 1990 case.
- Minnesota – DNA from bed sheets and a cigarette butt helped convict a man of murder
- New York – Cold hits identified a carjacker/attempted rapist (evidence from a cigarette butt); and convicted a 1994 rapist (on database for 1997 rape).
- Washington – DNA from discarded cigarette butts collected from a suspect linked him to a murder.
- Wisconsin – DNA evidence links a teen to an attempted sexual assault.
- Canada – a cold hit identified a man in a break-in at a drug store.
- England – DNA linked a man to 5 rapes; identified another serial rapist (on database for domestic dispute); and convicted a murderer/rapist (on database for bar brawl).

POLICY AND FUNDING ISSUES: Vermont has expanded its DNA database to include all convicted felons – bringing the total to 43 states with similar statutes. Illinois has closed a loophole in its DNA database statute to require DNA from offenders serving life sentences or death penalties. New accreditation requirements in Texas could result in the closing of some labs. Funding shortages in North Carolina have resulted in big backlogs, and Arkansas will receive significant new state funding this year to address crime lab backlogs.

LEGAL DEVELOPMENTS: A challenge has been mounted against Oklahoma's DNA database statute. A New York prosecutor seeks various court orders for suspect DNA samples.

OTHER FORENSIC DNA ISSUES: California is considering whether to continue state funding of its Missing Persons DNA Program (which has solved 38 cases). Kentucky is beginning a pilot project to match missing persons with unidentified remains through DNA tests.

INTERNATIONAL NEWS: Sudan has been refusing to allow aid groups to bring in rape kits. The Czech government is considering allowing the use of force in collection of DNA samples from suspects. An Australian territory may expand DNA testing of suspects. Two inmates in Canada are seeking access to post conviction DNA testing, in unrelated cases; and the Canadian Auditor General will be reviewing the RCMP lab over a backlog dispute. Finland has solved a 45 year-old triple murder with DNA evidence. A cold hit in New Zealand helped to convict a man in a 1987 murder. 2000 victims have been identified from the Srebrenica massacre in Bosnia; and Bosnia's DNA lab will be getting a donation from the EU to purchase equipment.

NEWS ARTICLES

Forensic DNA

1. "Rapist allowed into Britain with string of convictions." Daily Mail (London), June 15, 2005.
In England, a man from Cyprus was allowed entry to Britain despite his lengthy criminal history record, where he subsequently raped nine women before being snared by DNA. The first British attack was on a French student within the first few weeks of his arrival, and DNA he left on her connected him to the crime. However, he was acquitted of the charges when the victim returned to France, too traumatized to see the trial through. His DNA profile was again collected at two of his most recent attacks and was matched to his DNA profile taken during the French student investigation. The man had 21 previous convictions in his homeland where he was dubbed 'The Dragon'.
2. "New standards for crime labs may force some to close." Fort Worth Star-Telegram, June 15, 2005.
In Texas, new legislatively mandated requirements for accreditation could force nine crime laboratories to close by Sept. 1. Recent lapses at some crime labs prompted the state to require crime labs operating in Texas to be accredited by Sept. 1. Any evidence handled by an unaccredited lab would be inadmissible in court after that date. There is at least one privately operated lab that is likely to shut-down rather than face the accreditation process. "We are not in the accrediting business. If we did go through the process, we would have had to raise our prices and work slower -- spend more time on paperwork," said the owner.
3. "Rape Kits in Darfur." The New York Times, June 15, 2005.
Letter to the Editor reads, "I fear that the chief of mission at the Sudanese Embassy to the United States doth protest too much when he says: "Rape is a heinous crime. But word of mouth is not enough evidence for prosecution of rape crimes" (letter, June 10). True enough. But it is his government that has refused to allow aid groups to bring rape kits into Darfur. These kits provide tools for evidence collection to verify the crimes and enable their prosecution. They also contain medication to treat rape victims to prevent the development of AIDS. Perhaps it would not be necessary to blame the government if the government took some responsibility for the horrific crimes being committed under its watch."
4. "Worthy Pledges." Northern Territory News, June 15, 2005.
In Australia, a key pledge to come out of the Northern Territory election was a promise to expand the DNA testing procedures. The Country Liberal Party promised to allocate more funds to forensic efforts, allowing police to DNA test every crime scene and suspect.
5. "European Commission donates equipment to Bosnia." The Associated Press, June 14, 2005
In Bosnia, an EU executive has allocated \$239,000 (US) for the purchase of forensic equipment to aid the Bosnian DNA Analysis Laboratory in Sarajevo and Banja Luka. The EU commission said in a statement that the equipment will be used by all law enforcement agencies in the country and is of primary importance for the successful police work. The laboratory will help with the forensic examination and detection of drugs or explosives.
6. "Son's rage explodes at man held as mother's killer." The Boston Herald, June 14, 2005.
In Massachusetts, the Boston Police matched DNA found under a 1990 murder victim's fingernails to a long time suspect, and locally lauded special education teachers aide. The 19-year old victim was beaten and stabbed to death in her apartment, in the presence of her toddler who was later found splattered with his mother's blood. The suspect voluntarily produced a DNA sample four months ago, and maintains his innocence as he is brought to trial. The toddler, who is now seventeen, shouted curses at the suspect during the arraignment.
7. "Prisoners trying to fight to prove their innocence." The Guardian (London) June 14, 2005.
"Innocence Projects", sole aim is to help exonerate the victims of miscarriages of justice, continue to flourish throughout the world. At Bristol Universities Law School in England, students are donating their time to provide free assistance in processing criminal correspondence. The best known of these projects, based at Benjamin Cardoza Law School, attempts and succeeds in proving the innocence of wrongly convicted prisoners using DNA testing.
8. "Anger at parole boost for rapist." Milton Keynes Citizen, June 14th, 2005.
In London, victims of a serial rapist express their disgust at his qualification for early parole. A massive police investigation initially failed to identify the suspect, despite interviewing him on his doorstep as part of house-to-

house enquiries. Ten years later, the man was picked up during a domestic dispute and a routine DNA test connected him with the long cold string of assaults. One of the five victims was 14 at the time of her attack. Though sentenced to life in prison, he was only required to serve 9 years, and a judge has recently reduced that requirement to 7.5 years.

9. "National Briefing: Midwest Illinois." The New York Times, June 14, 2005.
The Governor of Illinois signed a law requiring all prisoners to submit DNA samples, closing a loophole that failed to require tests for inmates who faced life terms or execution. The State Department of Corrections said that of the 1,349 inmates serving life sentences, 208 have not been tested.
10. "SBI backlog slows courts." News and Record, June 14, 2005.
In North Carolina, backlogs at state crime labs are overwhelming courts and law enforcement statewide. Delays in processing crucial evidence have put trials on hold and packed already overcrowded jails. The 2003 law requiring convicted felons to submit blood sample to the statewide DNA database has already built the system to 50,000 offender profiles, with 36,000 still awaiting entry into the database. But DNA checks are paying dividends despite the backlogs -- in the last 17 months 148 cold cases have been matched on the DNA database to known offenders.
11. "He left smoking gun, gets 25 to life." Newsday (New York), June 14, 2005.
In New York, a man who carjacked and attempted to rape a woman has been convicted of the crime. During the struggle, the woman pulled the man's cigarette from his mouth and attempted to burn him with it. When the car was recovered, it had been thoroughly cleaned, but the cigarette was found under the seat and it contained DNA from the man's saliva as well as blood specks from the victim. The man's DNA was matched to a sample taken in a 1999 Bronx murder case in which the attacker had been acquitted. Police said that it was the only link they had, and "without that we would all be left wondering what happened." The attacker has a lengthy criminal record, beginning with a rape conviction in 1979 when he was 14
12. "Child murderer makes bid to get DNA retested." Toronto Star, June 14, 1005.
In Canada, a man convicted in the 1990 sex slaying of a 6-year-old is asking a judge to release the victim's leotards so they can be tested again for his DNA. During the 1993 trial, forensic experts testified that DNA from semen found on the leotards matched the suspect. But now the inmate wants one or more other stains on the leotard tested again. He believes that the new methods of DNA testing are far more advanced today than when he was convicted, and he believes he may be exonerated.
13. "DNA dispute challenges federal law." The Daily Oklahoman, June 13, 2005
In Oklahoma, five non-violent felony offenders are challenging the state statute requiring DNA from all convicted felons. Their argument is based on Fourth Amendment guarantees against unnecessary search and seizure. At this time a judge has issued a restraining order to stop the state from collecting a DNA sample from the felons until the suit is settled.
14. "Comprehensive public safety bill becomes law in Minnesota." The Minnesota Lawyer, June 13, 2005.
The Minnesota Legislature allocated \$1.5 million over two years to assist the state crime lab with a new requirement to collect DNA from persons charged with certain felonies for inclusion in the state database.
15. "Jane was horrified to find killer in the family." The Mirror, June 13, 2005.
In England, a 14-year-old school girl, who was six months pregnant, was raped, strangled, and dumped naked in a churchyard. Two weeks later the police matched the DNA in the national database and arrested a local family man. The now convicted offender had been arrested for a bar brawl, and otherwise would not have been on the list of suspects. His wife was horrified to discover this about the man she had dated since she was fifteen, and never had a suspicion leading up to the arrest.
16. "Continue the missing persons DNA program." San Gabriel Valley Tribune, June 13, 2005.
Editorial regarding the California Missing Persons DNA program, which was established in 2001. The program may be forced to close on January 1st, 2006 unless lawmakers move to continue it. To date the program has analyzed 261 cases and solved 38 of them. If the programs continues and expands, it is expected to be involved in a growing number of investigations. The program is funded by a \$2 charge added to state death certificates, which raises about \$3 million a year. An audit recommends that the state continue the program for another set period to better establish its effectiveness.

17. "Floridian faces murder charges." The Tallahassee Democrat, June 12, 2005.
In Florida, a cold hit on the DNA database has linked a man to a 1994 murder. Police said evidence showed the victim struggled with her killer. Her half-clothed body was doused with fuel and set on fire and she was found sprawled on a beach. The DNA evidence was reanalyzed in 2000 but not match was made on the database until recently -- last year the man was arrested for battery on a police officer. His conviction required him to provide a DNA sample for a statewide database, finally tying him to the crime. Police say the man would have never otherwise been considered a suspect in the crime.
18. "Staffing, equipment high on Crime Lab list in fiscal '06." Arkansas Democrat-Gazette, June 11, 2005.
In Arkansas, state Crime Laboratory leaders reportedly find themselves in an unusual position: soon to be flush with money to hire new employees and buy needed equipment to help plow through a 16,000-case backlog. The additional money, most of which will come from a court fee increase, is expected to help the lab eliminate its record-high backlog within three years. The filing fee for circuit court cases will increase from \$100 to \$125 on Aug. 12, with the \$25 increase going to the lab. The overall increase will allow the lab to add about 40 employees to its current staff of about 100. The first group of 13 new analysts is to begin work on July 18.
19. "RCMP lab delays subject of probe." The Calgary Herald (Alberta), June 11, 2005.
In Canada, the Auditor General has announced that she will investigate opposition allegations the RCMP's forensic services are bogged down by delays and backlogs. The audit should be completed and reported to Parliament in 18 to 24 months. The average forensic processing time for DNA samples taken from crime scenes was 115 days -- 85 days longer than the 30-day target for non-urgent cases the RCMP sets for itself.
20. "Whooping cough booster shot aimed at adults." Saint Paul Pioneer Press (Minnesota), June 11, 2005.
The Bosnia-based International Commission on Missing Persons has identified 2,000 victims of the Srebrenica massacre whose bodies were found in mass graves in Bosnia. The has a list of 7,800 people who disappeared in the worst massacre of civilians in Europe since World War II. Bosnian Serb forces overran the Muslim enclave of Srebrenica in July 1995 and executed thousands of men and boys. Commission experts create DNA profiles for victims from remains and then match them with DNA taken from family members who reported relatives missing.
21. "Killer receives second term." San Jose Mercury News, June 11, 2005
In California, a cold hit on the DNA database has resulted in a murder conviction for a man involved in a 1986 slaying and sexual assault. The man was already in prison for a 1996 murder.
22. "Pacific Northwest." The Seattle Times, June 11, 2005.
In Washington, a missing man has been charged with murder based in part on DNA evidence. King County prosecutors have filed a first-degree murder charge against a man they claim killed a 79-year-old woman he was supposed to help download files onto her computer last year. DNA collected from cigarette butts found at the man's apartment were a match to DNA found under the victim's fingernails.
23. "DNA Bank Delivers." The Toronto Sun, June 11, 2005.
In Canada, a 19-year-old who recently submitted his DNA under a court order is now charged with in a November, 2002 sex attack. Police said the sample was submitted to the national DNA databank after the teen was convicted on an unrelated matter. The databank responded with a match to an attack on a girl, 17.
24. "Taking Another Look." The Daily Herald-Tribune (Grand Prairie, Alberta), June 10, 2005.
In Canada, the New Brunswick government says it will ask the courts to release DNA evidence for re-examination in a 1993 child murder case. The man convicted in 1994 of the rape and murder of the six-year-old is now is serving a life sentence. The inmate has insisted from the moment of his arrest in 1993 that he did not kill the little girl, and now lawyers with the Association in Defense of the Wrongly Convicted have taken up his case. The association says numerous articles of evidence must be re-examined, including four hairs found on the child's body that never went through DNA tests.
25. "DNA Sample Ordered In Sex Case." The Post-Standard (Syracuse, New York), June 10, 2005.
In New York, a man suspected of sexually assaulting a patient in a local hospital was ordered to provide a saliva sample for authorities for DNA testing in the continuing investigation. This is the second time in as many weeks that the Onandaga County district attorney's office has been in court seeking court orders for uncharged suspects in sexual assault investigations to give saliva for DNA testing. Last week, the prosecution brought a case involving John Doe No. 1, John Doe No. 2 and John Doe No. 3 before state Supreme Court Justice John Brunetti, seeking

DNA in an attempt to link the trio of suspects to the gang rape of a woman who had accepted a ride from a group of men.

26. "Czech privacy watchdog opposes government plan to allow DNA collection by force." Associated Press Worldstream, June 9, 2005.
The Czech government has proposed amending the criminal code to allow police to collect DNA samples from suspects by force, a measure the country's privacy watchdog said violates European Union conventions. The Cabinet approved an Interior Ministry proposal to make it mandatory for suspects to provide DNA samples, but the amendment must be approved by both chambers of parliament and signed by the president before it becomes law. The Agency for Personal Data Protection called the bill an "extraordinary intrusion upon privacy."
27. "Metro Briefing New York: Queens: Rapist Convicted Of 1994 Attack." The New York Times, June 9, 2005.
In New York, a man was convicted of a 1994 rape after investigators matched DNA from the crime with a DNA sample the man gave after another rape conviction. The man now faces up to 25 years in state prison. Prosecutors said he was identified through DNA evidence obtained after his 1997 rape conviction, for which he has been serving a sentence of 8 to 16 years in prison.
28. "Teen pleads not guilty in assault case." Oshkosh Northwestern (Wisconsin), June 9, 2005.
In Wisconsin, a teenager pleaded not guilty to criminal charges stemming from the July attack and attempted sexual assault of a woman. The complaint states that the teen was linked to the scene via a palm print left on the woman's car. Prints also matched those on an abandoned bicycle at the scene. His DNA also matches blood found at the crime scene and on the woman's vehicle. He was charged in November with two counts of sexual assault, child abuse and child enticement in an unrelated case.
29. "Finnish triple murder mystery to end in court, 45 years later." Agence France Presse, June 8, 2005.
In Finland, a 45-year-old triple murder mystery is to wind up in court after a suspect was charged with the killings in 1960. The suspect, now 62, was charged with stabbing to death an 18-year-old man and two 15-year-old girls with whom he was camping by a lake in June 1960, when the suspect himself was 18. The suspect was found wounded and bloodied by a swimmer several hours after the killings. He was in a state of shock and claimed to remember nothing. Police, who had held on to the campers' blood-soaked tent over the years, recently conducted DNA tests on the canvas, and arrested the man in April 2004 on the basis of their findings. Over the decades, police interviewed 4,000 people to solve what became one of Finland's most prominent murder cases.
30. "22-year-old sentenced to life for sexual assault, kidnapping." The Houston Chronicle, June 8, 2005.
In Texas, a man who tried to blame the rape of a 9-year-old girl on his identical twin brother was sentenced to life in prison. The DNA test linking the man to the October 2001 assault might not have been enough to convict him because it was also a match to his identical twin brother, but jurors also saw a videotaped statement that he gave police. The man's twin also testified that he drove the car during the rape. He accepted a plea agreement in which he will be sentenced to 15 years in prison. This twin was convicted of burglary in March 2002 and authorities took a DNA sample, which later led to the other twin for the rape case.
31. "Forcing diversity." The Burlington Free Press (Vermont), June 7, 2005.
The Vermont legislature has enacted a bill to allow the state to collect DNA from all convicted felons. Currently, law enforcement has been limited to taking samples from those convicted of a limited range of violent crimes. Lawmakers also included \$30,000 in the state budget to pay for this provision.
32. "DNA to aid missing-persons search." The Courier-Journal (Louisville, KY), June 5, 2005.
In Kentucky, Louisville Police have announced plans to start collecting DNA from the families of any missing person that want to participate in a national database system aimed at identifying missing persons and unidentified remains. The FBI will process the DNA. This is the first attempt by police in Kentucky to reach out to families of missing people for DNA samples, and it will at first be limited to Jefferson County. State police list 626 Kentuckians as missing, including nearly 400 younger than 18. "Kentucky is one of the few states that even knows how many (unidentified remains) we have," said the lab. "I think we're unique because we have a central database for all the unidentified. If we can get the DNA of missing persons' families in there, we can have a lot of (matches).
33. "DNA Match Fires Up Cold Cases." The Christchurch Press, June 4, 2005.
In New Zealand, DNA taken from the nail clippings of a woman killed 16 years ago led police to her alleged murderer. The suspect was arrested by police after his DNA profile stored on a national databank was found to

match the DNA found on the clippings from the woman killed in 1987. The man had provided police with a DNA specimen on an unrelated matter in January 2003. He initially pleaded not guilty, but changed his plea midway through the trial.

34. "Stearns jury convicts Wright in Elrosa murder." St. Cloud Times (Minnesota), June 3, 2005.
In Minnesota, a jury convicted a man of the father of his girlfriend, 14 months ago. Police found the suspect's DNA in blood that was on the victim's bed sheets and in a drop of blood on a linoleum floor. A cigarette butt also found on the scene had the suspect's DNA.
35. "DNA links inmate already serving three years to drug store break-in." Canadian Press Newswire, June 1, 2005.
In Canada, DNA left at the scene of a drug store break-in has led to a three-month jail term for an inmate. The man was charged with the break-in after police matched the DNA in the blood left at the scene with his sample in the national DNA bank. About \$450 in damage was done to a glass pane in the pharmacy's front door in the break-in on Sept. 16, 2003, but nothing was reported taken.
36. "Rapist In Shoe Trap." The Sun, May 12, 2005.
In Britain, a rapist was identified when he was traced to his room after the victim raised the alarm and he slurred to cops: "There is no way I have had sex tonight." But the victim's pants were found inside his shoe and DNA trapped him. He later admitted to the rape.

Paternity

37. "Wave of NZ child-support payers tipped to organize DNA tests." The New Zealand Herald, June 11, 2005.
In New Zealand, an increase in demand for paternity testing is expected after a court ruled that a man should be paid back \$18,000 for child support he paid to a child who he later learned was not his own. In this case, the man disputed paternity when he was required to pay child support after the couple split in 1983, but could not prove it until the child grew up and gave consent for a DNA test in 2003. That test confirmed he was not the father. Apparently, the Inland Revenue Department does not accept DNA testing to determine the paternity of a child under 16 without the written consent of both the supposed father and the child's mother or guardian.