DNA requests made on capital murder cases as Alabama deadline looms

Lawyers in three states asked Alabama courts Friday to order DNA tests in dozens of capital convictions in which inmates with sentences of death or serving life without parole are seeking exoneration.

The flurry of filings beat a Sunday deadline set by a 2009 state law allowing limited post-conviction DNA testing on evidence.

The law allows judges to order tests only in capital murder cases in which evidence is accessible and the result is likely to prove whether the inmate committed the crime.

If the DNA results do not match the defendant, the inmate must file a separate court motion to challenge the conviction.

"At this point, we can't say if the tests will come back saying our clients are innocent or guilty," said Aimee Maxwell, executive director of the Georgia Innocence Project. The group, which has no Alabama counterpart, filed motions Friday on behalf of 12 Alabama inmates serving life without parole.

"We wanted to spend more time investigating," she said. "But with the short deadline we did not want those folks to be forever barred from DNA testing because of the time limit."

More than 250 people have been exonerated by post-conviction DNA testing in the United States since 1989, according to the Innocence Project of New York.

In 40 percent of those cases, the tests identified the real perpetrator, according to the nonprofit legal clinic that cites its mission as using DNA to exonerate wrongly convicted people.

Some of the cases listed as exonerations were dismissed because the state was unable to retry them due to factors such as the death of witnesses, said Brandon Falls, Jefferson County’s district attorney. Others were resolved by pleas to lesser charges, he said.
Failure to find DNA matches on evidence does not automatically signal the defendant is innocent, especially when other evidence of guilt exists, Falls said.

But post-conviction tests can be useful, he said.

"It can prove they were guilty all along or show that person shouldn't be in prison," Falls said. "Either way, prosecutors should jump at the opportunity for testing. Our job is to protect the innocent just as much as to convict the guilty."

**Three cases**

Three petitions filed Friday by the Georgia Innocence Project involved Jefferson County defendants:

Theodore Roberts Jr., 41, convicted in 1990 of killing Afton Lee Sr. in Homewood with a blunt object.

Luther Smith, 40, convicted in 2005 in the Bessemer Cutoff. Paula Lynch, 57, was stabbed 41 times and raped in 2002. Her aunt, Clara Jean Watson, 70, was stabbed five times and her throat was cut.

Taurus Bell, 29, convicted in 2007 of strangling Patricia Woodruff and burning down her house near Adamsville in 2000.

Specific information was not available Friday on the 12 DNA petitions filed either by the Innocence Project of New York or by a group of law professors and students working with a Birmingham law firm.

The Equal Justice Initiative of Montgomery is handling DNA testing requests by Alabama Death Row inmates. Efforts were unsuccessful to reach its executive director, Bryan Stephenson.

Judges who get the motions will give state lawyers a chance to respond. Judges may decline the request if they conclude there is no reasonable chance test results would provide evidence of exoneration.

Several of the requests filed across the state involved homicides from before DNA testing became widespread in the early 1990s.

Since then, the technology has improved enough that a sample as small as one-billionth the weight of a standard paper clip can yield a DNA profile, said Michael Sparks, executive director of the state Department of Forensic Sciences.

The state forensic sciences department pushed for the 2009 post-conviction DNA testing law, which also requires DNA samples from everyone arrested after Oct. 1 for a felony or sex crime.
The information will be added to a database the department has been building since 1994 using samples from convicted felons.

The forensics department, which is expected to do the testing in most of the post-conviction cases, is neutral when it analyzes samples, Sparks said.

"We follow the science," Sparks said. "If the DNA evidence favors the prosecution, we want that to be their sharpest sword. If it favors the defendant, we want it to be his strongest shield."

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LA County Coroner's office to get new DNA lab

July 13, 2010 | KPCC Wire Services | KPCC

The Los Angeles Board of Supervisors unanimously agreed today to spend $1.6 million to upgrade the county coroner's forensic laboratory to include DNA testing capabilities.

About 18,000 deaths are reported to the Los Angeles County coroner each year, and nearly half of those fall within the department's jurisdiction, making it one of the largest coroner offices in the world, according to department officials.

In addition to using DNA to identify Jane and John Does, the department gets about 100 requests annually for other DNA testing, including paternity tests. The upgraded lab could handle those tests and could be a revenue generator within two years, according to department officials.
Officials suggested that the lab could also help manage the backlog of DNA tests for county law enforcement agencies.

The coroner's office has its own backlog of cases, highlighted in a county grand jury report released June 30.

Members of the grand jury expressed concern that the coroner's backlog might threaten the lab's accreditation. The National Association of Medical Examiners and the American Society of Crime Laboratories require that 90 percent of cases be resolved within 90 days.

The coroner is required by law to determine the circumstances, manner and cause of all violent, sudden or unusual deaths within the county, including homicides, suicides, accidental deaths and natural deaths where the person had not seen a private doctor within 20 days prior to dying.

Budget cuts have led to understaffing, but the report also said the department had trouble recruiting, given low pay relative to other agencies.

In addition to recommending more funding for the $28 million department, the grand jury also suggested that the department consider changing to a Web-based case management system, calling the software it uses "outdated."

The vendor that developed the software in 2000 published a Web-based upgrade in 2006 and the Los Angeles County Coroner is the only client still using the older version, according to the grand jury's report. The cost of a new system was estimated at $150,000.

On a more grisly note, the report recommended that the county crematorium increase capacity to meet the coroner's needs. Unclaimed bodies may be held in storage for up to three years and the coroner sometimes has to send bodies to more expensive outside crematoriums, according to the report.

Though the grand jury recommended that the sheriff's department hire more DNA technicians to manage its backlog, it made no comment on a plan to add DNA testing to the coroner's lab.

The board voted unanimously for the expenditure for the coroner's new DNA laboratory. The other issues were not part of today's agenda.

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New comments disabled after 14 days
Attorney General JB Van Hollen says he's thankful there's no longer a backlog of DNA cases at the state crime lab.

He said that during a stop to our NewsChannel 7 studios.

Van Hollen says after the governor allowed more DNA analysts to work in Wisconsin labs it's saved local law enforcement money.

"It helps local law enforcement take criminals off the streets and it says more money than we've spent on new resources because law enforcement doesn't have to chase down leads that are dead ends," said Van Hollen.

Van Hollen says the quick turnaround from Madison labs is getting more people convicted and is keeping our communities safer.

Find this article at:
http://www.wsaw.com/home/headlines/99716374.html
SEATTLE -- The burglar who took electronics and clothes from a Seattle-area home in October left behind his shoes, jeans and dirty underwear.

A King County sheriff's detective sent the underwear to a state crime lab, and a DNA test led to the suspect. The 39-year-old was already in jail in Seattle on other burglary charges.

The Seattle pi.com reports he pleaded guilty May 5 to five burglaries near a homeless camp in Seattle known as the Jungle.

Prosecutors are recommending a five-year prison term when he is sentenced Friday.

-- The Associated Press

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UPDATE: Vashon Island man charged in rape of two teenagers

Jennifer Sullivan

A Vashon Island man who police say has been linked to two unsolved rapes through DNA was charged Thursday with two counts of first-degree rape and two counts of first-degree burglary.

Brian Dublin, 27, was arrested on Tuesday for investigation of rape and burglary after the State Patrol crime lab connected him with a Jan. 10 attack on Vashon Island, according to the King County Sheriff's Office.

Dublin is accused of entering a home through an unlocked door around 4 a.m., waking up a 16-year-old girl and raping her, according to charging papers filed in King County Superior Court. The teen told authorities that her attacker threatened to kill her if she told anyone what happened, prosecutors said.

After the man left the girl she woke her parents up and deputies were summoned. The girl told deputies that she didn't see her attacker's face, but she said the man might be Dublin, an acquaintance who she had seen at a party earlier in the night, charging papers said.

The girl told authorities that she has known Dublin for about a year, but that the two had never dated, charging papers allege. The girl told investigators that Dublin had sent her sexually explicit text messages in the past, the papers said.

The girl told sheriff's investigators that when she was 15 she was drinking beer with Dublin and blacked out. She awoke on his bed wearing only underwear, charging papers said.

Investigators talked to Dublin shortly after the January attack and he denied raping the girl and provided an alibi, the Sheriff's Office said.

On Feb. 14, the State Patrol crime lab told investigators that a DNA sample collected from the teen matched another unsolved rape on Vashon Island from 2003. Scientists said that they did not have suspect DNA in state or national databases to match the cases, the Sheriff's Office said.

Sheriff's detectives later learned that Dublin he had been arrested in in Chelan County in March for possession of marijuana. King County sheriff's detectives obtained a glass drug pipe found in Dublin's pocket in the Chelan County case and submitted it to the State Patrol crime lab. DNA found on the pie was a possible match to the rapes, the Sheriff's Office said.

Sheriff's deputies obtained a warrant for Dublin's DNA and they submitted his saliva sample to the crime lab. On Friday, the State Patrol told investigators that there was a one in 130 quadrillion chance that the DNA from someone other than Dublin had been found on both victims, charging paperwork said.
The second attack happened in October 2003, when an 18-year-old Vashon Island woman was assaulted while she was asleep in her parent's home by a man dressed in a surgical mask and a baseball cap. The man pointed a knife at her and told the woman to take off her shirt, according to court charging papers. The man attempted to have sex with the crying woman but was unable, prosecutors said.

Before he fled, the man threatened to kill the woman if she told anyone, prosecutors said in charging paperwork.

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After 33 years, woman's slaying finally solved

By Christine Clarridge  
*Seattle Times staff reporter*

After all these years, it turns out the man who killed Marsha Sitton in 1977 was suspected by detectives all along: her estranged husband.

But Kerry Sitton has been dead for 5 ½ years.

Nonetheless, in announcing Wednesday they had solved the 33-year-old slaying, the Snohomish County Sheriff's Office has put to rest one of the area's oldest cold cases.

Snohomish County Chief Criminal Prosecutor Mark Roe said that if Kerry Sitton were alive today he would be charged with his wife's slaying.

So what was the point if no one could be charged with the crime?

"Because what the people who've lost someone they love want more than anything else is the truth," Roe said. "They want to be able to go to their graves knowing why she went to hers."

Marsha Sitton's partially clothed body was found in the back seat of her car on June 24, 1977, on Seattle Hill Road south of Penny Creek Road in what is now Mill Creek, according to the Sheriff's Office.

The 24-year-old mother of a 4-year-old daughter had been sexually assaulted and strangled. A small piece of rope was found behind her neck.

Seasoned detectives thought the scene looked staged, as if Marsha Sitton had been killed somewhere else and then placed in the car miles from her home, according to the Sheriff's Office.

Detectives interviewed her husband and their suspicions were aroused.

According to the Sheriff's Office, the couple's marriage was crumbling and there was evidence that Kerry Sitton had been sleeping on the couch in the family's home. In fact, the home was "really, really clean" when detectives interviewed Kerry Sitton, said Roe.

"He had disposed of every garbage can and trash can inside and outside the house," said sheriff's Detective Jim Scharf. "It was an indication he killed her at home, cleaned up the crime scene and took all the evidence with him."
Still, detectives weren't able to gather enough evidence against Sitton to file charges and the case ultimately went cold, according to the Sheriff's Office.

In early 2003, sheriff's detectives sent evidence from the slaying to the Washington State Patrol Crime Lab, which requested a DNA sample from the suspect for comparison.

Detectives tracked down Kerry Sitton in 2004. He continued to deny any role in the killing, but detectives talked him into giving a saliva sample and agreeing to take a polygraph "to clear his name," Scharf said.

Before he could take the test, Sitton became ill and died from a brain tumor in December 2004.

After his death, detectives learned that his DNA matched that in the semen samples found on Marsha Sitton's body. But since Kerry Sitton had told detectives he and his wife had sex before she disappeared, it wasn't enough to close the case, police said.

Detectives wanted to submit the piece of rope found at the crime scene, but at that time the advanced test required to analyze the rope DNA was only being done at private labs.

By 2010 the state crime lab had the technology to perform advanced DNA testing on the rope, and the results showed that Sitton's DNA matched that on the rope, according to the Sheriff's Office.

Cold-case detectives say they believe Sitton killed his wife at their Lynnwood home, moved her car and body, walked back to the house and disposed of the evidence.

The piece of rope he left behind provided the final clue that solved the slaying.

"We're very pleased that we were able to get this solved and get some answers for the family and the community," Scharf said. "Marsha's mother had thought she would die without knowing who did it for sure. She was really glad to know the truth."

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Use of familial DNA searches in Va. debated

By Frank Green | TIMES-DISPATCH STAFF WRITER

Forensic scientists working on unsolved Virginia crimes are not using a proven -- if still controversial -- investigative tool that can crack the toughest and deadliest of cases. Proponents say there are no technical or legal bars to familial DNA searching in which close relatives of suspects are sought. Critics fear it could invade privacy, wrongly tarnish innocent people or lead to too many false results.

Forensic scientists working on unsolved Virginia crimes are not using a proven -- if still controversial -- investigative tool that can crack the toughest and deadliest of cases.

Proponents say there are no technical or legal bars to familial DNA searching in which close relatives of suspects are sought. Critics fear it could invade privacy, wrongly tarnish innocent people or lead to too many false results.

Only two states, Colorado and California, regularly perform familial DNA searches, which have long been in use in Great Britain. This month, the technique implicated a suspect in the "Grim Sleeper" serial killings that terrorized Los Angeles for decades.

But it appears unlikely the technique will be used in Virginia criminal investigations anytime soon. Asked if there were plans to pursue familial DNA searches, Peter Marone, director of the Virginia Department of Forensic Science, said, "This is much more than a scientific issue.

"There are other policy issues involved. To date, we have not been approached to look into or address any of these other issues," he said.

Proponents of familial searches say there is nothing preventing the Virginia Department of Forensic Science -- a leader among states in the forensic use of DNA in the 1980s -- from moving ahead.

In 2007, the department's scientific advisory committee suggested, among other things, that workshops be held to educate detectives and prosecutors about the potential investigative uses of familial DNA searching, but nothing came of it.

Rockne P. Harmon, a former California prosecutor, a consultant and expert on familial searches, said that "this has been on the table for about three years now, and I can tell you Virginia has access to some of the most informed people to advise them."
Yet, he said, "the authorities, for reasons that defy logic, are being resistant."

One of the experts at Virginia's disposal is Frederick Bieber, an associate professor of pathology at Harvard Medical School, a co-author of a seminal 2006 paper on familial searches and a member of the Virginia Department of Forensic Science's scientific advisory committee.

"As an individual forensic geneticist, I think it is unconscionable not to use this method when there is a continuing threat to public safety [from] an ongoing, serious string of crimes," Bieber said last week.

He said he plans to bring the matter to the attention of the department again.

"I think that California has shown, as has Britain, how to do this properly without knocking on any wrong doors, without being intrusive to uninvolved parties and saving great time and expense."

... 

Kent Willis, executive director of the ACLU of Virginia, has concerns about the procedure, but concedes, "Like nearly every advance in crime-solving technology, this one will surely catch on."

"The most important question about familial DNA testing is not if we use it, since that is probably inevitable, but how and when we use it," he said. "The protocol needs to include careful controls on the science to avoid false hits and privacy protections."

Harmon and others say concerns about familial searches are either baseless or easily addressed with confidentiality safeguards and proper protocols such as those in California.

Like most states, the FBI does not perform familial searches, said Ann R. Todd, a special agent and FBI spokeswoman. She said federal law does not explicitly authorize such searches and the software used by the FBI cannot perform them.

However, Todd said the FBI cannot stop a state from conducting familial searches using its own database and software. "Each state must determine if familial searching is authorized in accordance with state laws," she said.

States have their own DNA databases but use the FBI's National DNA Index System to do a national search of other states' databases.

According to the U.S. Bureau of Justice Statistics, nearly half of those incarcerated in the U.S. reported that they had at least one close relative who had been locked up.

In traditional searches, DNA profiles from crime scenes are screened through a database of DNA profiles of criminals or arrestees looking for a match, called a "cold hit." In cases where there is no hit, searching might turn up close matches that prove to be a relative of the crime scene DNA donor.

Special computer software and additional DNA testing techniques can more effectively search for likely relatives in databases, greatly improving the chances of finding one and decreasing the number of false hits.

Bieber's 2006 paper, "Finding Criminals Through DNA of Their Relatives," suggested a state with a cold-hit rate of 10 percent could increase that rate to 14 percent via familial searching -- a 40 percent increase.
California's policy allows familial DNA searches in violent crimes when other investigative means have been exhausted and the criminal is still believed to be a danger.

Close matches serve as leads for further investigation and DNA testing. In the Grim Sleeper case, for example, familial searching turned up a close match between crime scene DNA and that of a young man recently convicted on a weapons charge.

Using that lead, investigators determined his father, Lonnie Franklin Jr., 57, could be the killer, and they surreptitiously obtained his DNA profile from a discarded slice of pizza. Franklin's profile and a crime-scene profile matched, and Franklin was charged with 10 homicides.

DNA examiners can stumble upon close matches during regular database searches, or as in California, they can be actively searched for with readily available software, Harmon said.

Additional DNA testing, called Y-STR, can virtually nail whether the profile belongs to a relative or not, greatly reducing the number of wrong leads, he said. A typical familial search of California's 1.5 million-person database might turn up 150 potential relatives.

But, said Harmon, Y-STR narrowed it down to just one person -- Franklin's son -- in a database five times larger than Virginia's.

In 2007, the Virginia Department of Forensic Science's scientific advisory committee wrote a summary report on the feasibility of conducting familial DNA searches here.

The report noted familial searching showed promise as an investigative tool. It also outlined concerns and precautions, noted some of the legal and ethical questions that needed addressing by policymakers, and suggested such searches be "case-driven" by investigators in very serious crimes, rather than left to the discretion of database administrators.

It also suggested that police investigators and prosecutors be briefed on familial searches in workshops.

Dan Krane, a scientific advisory committee member and a DNA profiling expert, said last week that although the report does not say so, the committee recommended to the Forensic Science Board that Virginia not do familial searches.

Krane, an assistant professor of biology at Wright State University in Dayton, Ohio, said the committee felt that scientists should not be making the decision -- lawmakers, law enforcement and legal experts should.

He said it appeared to him that the Virginia Department of Forensic Science preferred not to perform such searches from the start.

Marone recalls that in August 2007, the scientific advisory committee and the Forensic Science Board recommended his office notify investigators when the laboratory comes across close matches -- not to deliberately search for close matches.

"This recommended practice is quite different from an actual databank search for family members," Marone said.
Minutes of the Forensic Science Board's meeting of Aug. 8, 2007, however, do not show any recommendations were made concurring familial searching.

The minutes show Steven D. Benjamin, a board member and Richmond criminal defense lawyer, proposed advising lawmakers, the governor and the attorney general about the committee's report should legislation be needed to pursue familial searching.

He withdrew the motion after other board members said that there were representatives from those offices present. A Nov. 1 annual report from the board to the General Assembly simply mentioned the study was done -- not what it said.

Benjamin said last week, "I felt that if properly conducted with appropriate protocols requiring sensitivity, privacy rights and ensuring against abuse that this would be a fabulous investigative tool not only for law enforcement, but also for the defense."

Brian Gottstein, spokesman for Virginia Attorney General Ken Cuccinelli, said last week, "We are constantly evaluating the tools at our disposal, with an eye toward striking the proper balance between public safety and privacy."

He noted that the Department of Forensic Science has not adopted a policy for familial DNA searches, and that it is unclear whether legislation by the General Assembly is needed to implement familial DNA searching. One reason is the privacy concerns, he said.

Benjamin said he believes no new law is needed. "State law governing the DNA databank requires the Department of Forensic Science to provide the results of DNA analysis and comparison to law enforcement upon request," he said.

"This duty is not limited to the reporting of matches. . . . They are entitled to information concerning any results that might further an official investigation of a criminal offense. This would include partial-match information," he contends.

Harmon said, "I can tell you the last time I looked, California is a bit more liberal than Virginia is and we just decided to do it -- there was no change in law."

Bieber believes the states and federal government need to get law enforcement and agencies concerned with individual privacy together and determine how to properly use familial searches.

"There are thousands of unsolved rapes, thousands of unsolved murders and . . . there are future victims that we could save from becoming victims if we put together thoughtful protocols and we use this technology in highly selective cases when other methods have failed.

"It's really as simple as that," he said.

Contact Frank Green at (804) 649-6340 or fgreen@timesdispatch.com.
DNA bill helps with arrest in 4-year-old case

By Matthew Jackson
Staff Reporter

HUNTSVILLE — The Huntsville Police Department has announced an arrest in a nearly 4-year-old burglary case thanks to a 2009 Texas Senate Bill on DNA Sampling.

Michael Snowden, 25, of Frisco, was arrested June 30 by a Leon County Sheriff’s Deputy after a traffic stop led to the discovery of a warrant for his arrest in Walker County. Snowden was transported to the Walker County Jail on July 6.

The warrant is drawn from the burglary of an apartment in the 1100 block of 8th Street in Huntsville in September 2006, HPD Detective Marvin Hyvl said.

“A window was broken and clothing and other items were stolen from the residence,” Hyvl said. “On Sept. 25, we collected a piece of broken glass from the crime scene which had blood on it, but at the time the blood did not return a CODIS (Combined DNA Indexing System) match.

“At that point, I had developed a list of suspects, but the District Attorney chose not to file charges at the time because he did not feel like the witnesses I had were credible.”

Hyvl said Snowden was a suspect at the time of the burglary, but that insufficient evidence was available at the time to arrest him. The blood sample was logged and kept on file at the Texas Department of Public Safety crime lab in Austin, where it was periodically compared against CODIS samples.

In June 2009 Governor Rick Perry signed Senate Bill 727, which requires DNA samples for all for community supervised offenders convicted of a felony.

At some point following the bill’s passage, a sample of Snowden’s DNA was taken and entered into CODIS. In March of this year, Hyvl said, the DPS crime lab found a match between Snowden’s DNA and the blood sample from the 2006 burglary.

After being notified of the match, Hyvl contacted the Walker County District Attorney’s Office, and a warrant was issued for Snowden’s arrest. The warrant remained outstanding until the June 30 traffic stop.

“I had contacted people in different towns, and we were having them check on him for us, but he was always one step ahead of us,” Hyvl said. “And then it so happens that he was stopped in Leon County for no front license plate.”
Hyvl said Snowden’s arrest marks the first time SB 727 has helped conclusively close an HPD case.

Hyvl and HPD Lt. Jim Barnes said Snowden’s arrest was particularly fortuitous, as the statute of limitations on the burglary was slated to expire soon.

“Basically, Snowden would have gone free if we had found him about a year from now,” Barnes said. “This is just the first example of how SB 727 and the advancement of technology will assist law enforcement in solving crimes.”
TERRE HAUTE — When an offender says “It’s not mine” or “I didn’t touch it” regarding illegal drugs, weapons or other contraband found at the Wabash Valley Correctional Facility, a new investigative tool can reveal the truth.

A Touch DNA forensics kit will allow investigators to rub a specially treated swab on an object to determine everyone who has come in contact with the object. And through a new pilot program in the DOC, the results of the DNA swab will be known in 60 days.

“If we have a suspect object, such as a packet of narcotics, we can swab it and everyone who has touched it will have their DNA register,” explained Robbie Marshall, security threat group coordinator in internal affairs, during a community advisory board meeting Thursday at WVCF.

Since all convicted felons in Indiana are required to submit their DNA sample into a nationwide database, the DNA test will show any inmates in the facility who have come in contact with the item. And if an unknown DNA profile also shows up on the item, investigators will know to look at visitors or staff as possible sources for the object.

“We are concerned about visitors bringing contraband in to the population,” Marshall said, “and we definitely want to stop those visitors from coming in, as well as any staff who might be bringing in narcotics or contraband.”

The objective of the Touch DNA program is to aid in the prosecution of criminal charges, he said, which is helped by the fact that DNA will stay on an object for up to two years, and a sample as small as a grain of salt can be tested for DNA.

In the case that an object tests positive for DNA that is not already in the database, investigators must have enough evidence to suggest who might have touched it, and then go to a county prosecutor to get a warrant for that suspect’s DNA.

“Before we test an object, we have an idea of who has handled it,” Marshall explained.

The project is fairly new at WVCF. In the first two months of the six-month program, three of the 10 swab kits have been used to collect DNA, and those three kits have been sent off to the forensic ID lab in Indianapolis to be processed.
Since it costs the DOC $500 for each kit submitted for testing, investigators are selective in what they send off to the lab. For instance, if a cell phone possibly intended as contraband is found lying in the prison’s public parking lot, that item is not considered for testing. But if a weapon used in a stabbing is found at the scene of the incident, a trained investigator can collect that weapon and do the testing right away. This Touch DNA test is not for fluids such as blood or saliva.

Correctional officer Frank Littlejohn said having trained staff on site to do the DNA testing streamlines the investigation of incidents inside the prison.

“If we have a weapon used for a stabbing, then we can find out not only who had it last, but maybe also who made it and who handled it,” Littlejohn said.

The tests have 100 percent accuracy, Marshall said.

Littlejohn said contraband cell phones and narcotics are both big problems inside DOC now. It is hoped that if offenders and visitors know that this testing can be done, people might be less likely to attempt trafficking with inmates, and the prisoners will be less likely to pick up suspect objects.

The speed of the results is a huge benefit to investigators, Marshall said.

“A 60-day turnaround is pretty quick,” he said.

In the past, submitting such DNA tests to the State Police Laboratory could mean up to a one-year wait for test results, because of the backlog of items to be tested at the lab.

Marshall said other law enforcement agencies in the state are using the Touch DNA testing already, and their success led the DOC to try this program on a six-month trial basis at five facilities around the state.

Lisa Trigg can be reached at (812) 231-4254 or lisa.trigg@tribstar.com.
DNA from glass of Coke nabs suspect linked to 2007 burglary in Palmer Township

Published: Tuesday, January 26, 2010, 6:15 PM       Updated: Wednesday, January 27, 2010, 6:58 AM

Bill Wichert

A Phillipsburg resident has been accused of robbing a Palmer Township home in April 2007 after his DNA matched a sample taken from a glass jar the man allegedly used to drink Coke from at the crime scene, according to court documents.

**Ben Alan Parichuk**, 39, broke into a house in the first block of Northview Avenue on April 4, 2007, and stole tools, silverware, a diamond ring and a metal cash box containing assorted coins, police said.

Before he left, Parichuk allegedly removed Coke from the refrigerator, drank it from a glass jar and left the jar on a chair in the kitchen, according to court documents.

A DNA sample obtained from the glass jar was uploaded in the Combined DNA Index System, or CODIS, documents state. In October 2009, a CODIS search linked Parichuk to the sample from the glass jar.

That same month, Parichuk was ordered to submit a DNA sample after pleading guilty to burglary in Sussex County, New Jersey, according to a news release by the Sussex County Prosecutor's Office.

Palmer Township police obtained a search warrant for Parichuk's DNA and later submitted his sample to the Pennsylvania State Police lab in Bethlehem, according to court documents. On Jan. 14, state police confirmed that Parichuk's DNA sample matched the sample from the glass jar, documents state.

Parichuk, who is already confined in a state prison in Dallas, Pa., for unrelated charges, has been charged with burglary, criminal trespass and theft.
Sheriff's crime scene investigators recently received a helping hand to tackle the backlog of forensic and DNA cases with the county Board of Supervisors' approval to purchase a larger crime lab building.

"Currently there is not adequate workspace," Jodi Miller, spokeswoman for the San Bernardino County Sheriff's Department, said. "That building will offer the additional space needed and it will also allow evidence storing and analyzing all under one roof."

The 60,000-square-foot building is near the Sheriff's Academy in Glen Helen.

According to the most recent report from the county's grand jury, there are approximately 350 backlogged DNA cases and 459 blood alcohol cases to process, the oldest of which dated to December of last year.

Firearms testing is running much slower, according to the report, because the department's only firearm examiner retired in February. There is one examiner trained in bullet comparison.

To read the full story, see Friday's Daily Press. To subscribe to the Daily Press in print or online, call (760) 241-7755, 1-800-553-2006 or click here.

Beatriz E. Valenzuela may be reached at (760)951-6276 or at BValenzuela@VVDailyPress.com.
Campbell police have arrested a suspected bank robber after a year-and-half-long investigation.

Detectives said Kenneth Hubbard, 30, robbed the First National Bank on Robinson Road in February 2009. He allegedly handed the teller a note and got away with $2,500.

On his way out of the bank, witnesses noticed Hubbard dropped a plastic bag. Police used the suspect's DNA on the bag to lead them to Hubbard.

He was arrested this week, and according to detectives, confessed to the crime.

"Skin follicles, sweat, blood, anything can be used to extract dna and that's what happened in this case," said Campbell Sgt. John Rusnak. "It was a plain plastic bag like you would get at an IGA, anything like that, and we were able to pull DNA from it."

Hubbard now faces a robbery charge.
PORTLAND, Ore. (AP) — Police say a routine DNA test last year on a man convicted of a drug charge identified him as a suspect in two rapes in southwest Portland.

Twenty-one-year-old Karon Roy Jones of Portland is accused of attacking a woman in November of 2007 in her car and another woman in February of 2009 as she was walking near an apartment complex. He pleaded not guilty Tuesday in Multnomah County Circuit Court to rape, kidnapping, assault and theft charges.

The Oregonian reports evidence from the rapes matched a DNA sample Jones gave after his drug conviction. Felons are required by law to submit a sample to the state database.

Information from: The Oregonian, http://www.oregonlive.com
25 remains in Tulsa not yet entered into nationwide database

by: NICOLE MARSHALL World Staff Writer
Sunday, July 25, 2010
7/25/2010 5:20:06 AM

The unidentified remains of at least 25 people that are stored in the Tulsa Medical Examiner's Office have yet to be entered into a national database.

The agency is working to catalog all unidentified remains and enter them in the National Missing and Unidentified Persons System, known as NAMUS. Many of the remains are skeletal and incomplete and were discovered during the last several decades.

The agency has already entered into the database information about 100 sets of remains that are stored in the Oklahoma City office, said Cherokee Ballard, medicolegal executive administrator for the Medical Examiner's Office.

"The process can be long," Ballard said, "so we did Oklahoma City first, and we will be working on Tulsa next."

The Medical Examiner's Office announced last week that it had created an Unidentified Remains Unit and assigned a full-time investigator, taking a step toward creating a uniform statewide process to identify remains and match them with people reported missing.

In May 2009, the Tulsa World published a series of stories about the lack of a uniform state and nationwide system to match unidentified remains with missing people. Without such a system, many families never learn that their missing relatives have died.

On any given day, as many as 100,000 missing-persons cases are active in the U.S., National Institute of Justice statistics show. At the same time, more than 40,000 sets of human remains that cannot be identified through conventional means are held in evidence rooms across the country.

As well as working with NAMUS, the Medical Examiner's Office is now coordinating with the University of North Texas Center for Human Identification in Fort Worth, which specializes in forensic DNA analysis for human identification.

The center conducts DNA testing that could match unidentified remains with the missing at no cost to law enforcement agencies or medical examiners.

TULSA CASES

The following are Tulsa County cases that already have been entered into the National Missing and Unidentified Persons System, known as NAMUS.

July 8, 1983

The decomposing body of a 35- to 45-year-old black woman was found in a field about 300 feet from the Burlington-Northern Santa Fe railroad northeast of Brady Street and Olympia Avenue. She was unrecognizable and weighed about 133 pounds.

She wore a rust-colored pullover dress, white bra and white slip with the top rolled down and tied around her waist. She had two sets of keys, with one set pinned to a pocket, and a small amount of change wrapped in cloth.

July 1985
The weathered bones of a 20- to 25-year-old man were found along the Arkansas River near 57th Street. A jawbone and 13 teeth were among the remains found.

**August 1988**

The skeletal remains of a black male were found in a rural Sand Springs yard in the 7300 block of West Cameron Street. A man told authorities that he was walking on his driveway and noticed a human skull about 100 feet away. The bones apparently were dragged to the driveway by his dogs.

Twenty bones were found in the area, and a few dried remnants of soft tissue were still on some bones. Additional skeletal remains were found nearby in a shallow creek bottom. An exam revealed no signs of injury or disease.

**Dec. 9, 1992**

Skeletal remains of a young- to middle-aged black woman were found in the 5700 block of North Harvard Avenue. Several bones, including an intact skull, were found.

Portions of dark-brown to black hair were found with the bones. The hair had tight curls, suggestive of African American heritage. A hair net and a small plastic hair barrette that was designed to look like three yellow clamshells also were found.

**Original Print Headline: Database lacks un-ID'd remains**

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Return to Story
Saliva Samples wanted from 9 Troy Democrats

ALBANY- As state police investigate a voter fraud conspiracy case in Troy, nine democrats now must provide their DNA.

Rensselaer County Board of Elections Democratic Commissioner Ed McDonough, Councilmen Clement Campana, Michael LoPorto, John Brown, Kevin McGrath, Gary Galuski, Councilman Brown's brother Dan Brown, Former Troy Housing Authority clerk Anthony DeFiligo and Troy city clerk Bill McInerney must either submit their DNA or a valid reason why they shouldn't have to by September 14th at a 9:00am hearing.

Albany County Court is overseeing the case and approved an order that will allow state police to compare the saliva samples to DNA found on fraudulent absentee ballot envelopes from last September.

Court files suggest that absentee applications were collected from voters in September 2009; however, instead of sending the voters the actual absentee ballot so they could vote, some were forged and sent in using their signatures. Police believe those saliva samples will tell who licked the fraudulent absentee envelopes and sent them in.

Anthony DeFiligo told police in sworn statement that low income families on the Working Families Party line were targeted because it was less likely that they would ask questions later.

Councilman McGrath denied any involvement in a sworn statement to police and pointed the finger: "I believe Mac, Dan and John were behind the fraudulent votes"

Only DeFiligo admitted his part to police telling them: "I think Bill McInerney got greedy. I understand that the activities I engaged in regarding the absentee ballots was at the very least unethical and at the most illegal."
State lab uses DNA evidence to nab suspect in Hoboken park burglary

The New Jersey State Police Lab used blood left an an August 2009 burglary in Hoboken to help officers arrest a 16-year-old suspect.

The lab was able to match the blood found during the theft of a kiosk in Pier A Park to a Union City juvenile with prior offenses and convictions, officials said.

Police suspect that the burglar cut his hand while opening the kiosk to steal $600 worth of food and utensils, officials said.

"It's a great feeling for detectives who work the case when the results are received from the State Police lab and a positive match is made," Detective Lt. Mark Competello said. "It allows us to both close out an open case as well as make an arrest of the individual who committed the crime."

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BRENTWOOD, N.H. — A man who police said left his DNA on a beer bottle at a Portsmouth burglary scene was indicted by the most recent Rockingham County grand jury, reports the Portsmouth Herald.

Hung Nguyen, 40, with no permanent address, was indicted on a felony count of burglary, meaning the grand jury found enough evidence for the county attorney’s office to take the case to trial. Police say while Nguyen was burglarizing a Winsor Road home, he left his saliva on a beer bottle, leading to his arrest three years later. According to an affidavit by Detective Timothy Cashman, police were notified by the state crime lab that DNA from the saliva on a Heineken bottle was determined to be a match to Nguyen.

Based on that evidence, police allege Nguyen burglarized the residence on Nov. 8, 2007.

According to police, Nguyen is being held in Massachusetts by federal immigration authorities and had active warrants for his arrest out of California and Wisconsin. He is also alleged to have just finished a Massachusetts prison sentence for breaking and entering and to have used a dozen different aliases.

Related Articles:

Ex-Romanian dictator Ceausescu and wife exhumed
/news/international/europe/view.bg?articleid=1269397
Lancaster County attorney's office files charge against DNA profile

By LORI PILGER / Lincoln Journal Star | Posted: Thursday, July 29, 2010 11:55 am

Lancaster County prosecutors for the first time have filed a warrant for the arrest of a John Doe described by his DNA profile.

The complaint -- filed a day before the three-year statute of limitations was to run out on the case -- alleges the John Doe was behind a 2007 theft of guns from a Lincoln gun shop.

Rather than listing a name and date of birth, the state filed the charge Tuesday against John Doe #1 with matching deoxyribonucleic acid profile at specific genetic locations.

"It's not the way you want to file the case, but it's the way circumstances have played out," Chief Deputy County Attorney Joe Kelly said.

Nationally, the vast majority of cases filed this way involve sex assaults or serious assaults, he said.

In this case, Kelly said, it was the only option available to try to keep the case alive.

The state says the man whose DNA matches the profile was involved in a July 26, 2007, theft of at least 10 guns from Nebraska Gun, 302 S. 19th St.

Just before 4 a.m., Lincoln police responded to a burglary call there and found a 2001 blue Jeep had rammed into the front of the building.

The thieves were gone and so were the firearms.

Nebraska Gun reported a loss of $3,789 and $2,500 in damage, according to the affidavit for the arrest warrant.

Less than 20 minutes later, a man called police about suspicious activity under the bridge at North 19th and Holdrege streets.

Officers found seven guns stolen from Nebraska Gun and, a few blocks away, an abandoned 1998 black Lincoln Town Car with the lights on.

The car and the Jeep both had been stolen from a car sales lot on North 48th Street.

In the warrant, Lincoln Police Sgt. Greg Sorensen said an officer processed the Town Car for evidence and found paper towels, which then were tested at the Nebraska State Patrol Crime Laboratory.

By Aug. 2, 2007, police had a DNA profile, but so far no match, despite the fact it had been checked against various suspects and through CODIS, the national DNA database, he said.

But there is hope the case could be solved yet. Kelly said the state's DNA database is being expanded as a result of LB190.

"It'll be growing by leaps and bounds," he said.

Under the new law, which went into effect July 15, any person convicted of a felony offense or other specified offense before that date and who is still serving a prison or jail term or on probation shall not be released unless or until a DNA sample has been collected.

Police Chief Tom Casady said filing a "John Doe" warrant preserves the ability to prosecute the case should a named suspect ever be matched to the DNA police recovered.

"I expect you will see more of these in the future, as the use of DNA in a wider variety of crimes -- especially property crimes -- increases," he said.
Kelly said he believes the Lancaster County filing was not the first time in the state that prosecutors had filed a charge using a DNA profile.

The next question may be if the courts will find it to be a legal way to get around the statute of limitations.

That has not been raised yet in Nebraska, Kelly said. But he said it has been upheld in other states where it's been challenged.

*Reach Lori Pilger at 402-473-7237 or lpilger@journalstar.com.*
Police: Arrest Made In 1991 Rape Of Bible College Student

Chelsi Zash  Created: 7/28/2010 1:25:27 PM
Updated: 7/28/2010 2:48:45 PM

Winston-Salem, NC -- Winston-Salem Police charged a man already in jail with the rape of a college student in 1991.

Cold case officers said on the morning of May 18, 1991, a man entered a dorm at Piedmont Bible College and forcibly raped a student. The school is now called Piedmont Baptist College.

The suspect was unknown to the victim and, until recently, the case remained unsolved.

In September, 2009, the Criminal Investigations Division began reviewing cold case rape reports for the years 1990 and 1991. During that review, this case was located.

Investigators found a rape kit and sent it to a lab for DNA testing. After searching a national database, police were able to determine a suspect.

The suspect, 47-year-old Ronald Delane Williams, is charged with First Degree Rape and First Degree Burglary.

At the time the warrants were obtained, Williams was incarcerated in the custody of the North Carolina Department of Corrections, Caswell County, on an unrelated rape conviction.

Williams was returned to Forsyth County for service of the outstanding warrants on Wednesday. He is currently in the Forsyth County jail under a $250,000 bond.

WFMY News 2
SALISBURY, Md. - The man connected with a rape case that went unsolved for six years is finally behind bars. Twenty-seven-year-old Alonzo Jay King Jr. was convicted Tuesday of First Degree Rape.
The incident happened on Lochwood Circle in Salisbury in 2003. The Wicomico County State’s Attorney’s office says King was arrested in April of last year for an unrelated assault, and his DNA matched the suspect involved in the rape.
"Now that your DNA can be put into the database when you’re charged with certain qualifying serious crimes, we’re getting a lot of these cases that were unsolved closed, so that’s a very good result," said Elizabeth Ireland, the Assistant State’s Attorney for Wicomico County.
Ireland says King will be sentenced in September, and the state will be seeking a life sentence.
DNA, fingerprints lead to breaking/entering arrests in Danvers

By Myrna Fearer / mfearer@cnc.com

Danvers Herald
Posted Jul 26, 2010 @ 05:07 PM

Danvers — Good detective work on the part of the Danvers Police Department — combined with some modern technology — has helped solve three housebreaks in town, one of them two years old, according to Capt. Edmund Plamowski.


“Sgt. William Carleton (a detective) and Officer Kevin Wood had responded to a B&E around noontime,” the captain said. The point of entry was a back door. “Sgt. Carleton was able to retrieve blood evidence at the point of entry which he submitted to the State Police Crime Lab.”

The DNA, which remained on file all that time, finally met its match.

“The lab very recently notified us that they had a match, a 45-year-old male from Everett,” Plamowski said. “He’s currently in custody (for another crime) at MCI Shirley Correctional Institute.”

Plamowski said the name of the person is being withheld while the warrant is being processed.

Plamowski pointed out that this was actually the second time a DNA sample led to a recent arrest. That B&E took place in June 2008 and Det. Sgt. William Carleton was also on the scene. He was joined by Officer Tim Williamson. In May, the Danvers Police were told a man from Hull was arrested for the crime.

June and July housebreaks lead to same man

On June 30, at 6:30 p.m., Det. Robert Sullivan and Officer Craig LeBrun responded to a housebreak on Patricia Road, Capt. Edmund Plamowski said. A back window had been smashed.

“Detective Sullivan was able to get fingerprints from the screen and window,” the captain said. “The prints were submitted to the state crime lab.”

Then on July 6, Officer Keith Chalmers and Det. Robert Sullivan responded to a breaking-and-entering on Collins Street, Plamowski said. The point of entry was the front door. The police officers were able to obtain fingerprints from items inside the home, Plamowski said, which also went to the crime lab.

Through the state’s Automated Fingerprint Identification system, they were able to come up with an identification, Plamowski said.

Both crimes, Patricia Road and Collins Street, were traced to Richard Prader, 25, of Orient Heights, East Boston. Prader is currently incarcerated in the Nashua Street Jail in Boston in connection with another crime.

“He was charged with breaking and entering, daytime felony, larceny from a building, larceny over $250, and common notorious thief,” Plamowski said. “We take housebreaks very seriously. It doesn’t matter how long it takes, even two years, before an ID is made. The information stays in our database.”

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DNA leads to an arrest in '08 rape case

Police: Woman assaulted near Beverly bridge

By Julie Manganis
Staff writer

BEVERLY — After a fight with her boyfriend during their evening out, a young woman was walking home alone along Bridge Street in Beverly on the night of May 18, 2008.

Suddenly, a man she did not know allegedly came up behind her and pointed a gun at her, ordering her into a wooded area just past the Hall-Whitaker Bridge, where she was violently raped at gunpoint.

After her attacker left, she called her boyfriend and asked him to call the police. He didn't, later telling police he didn't believe her at the time.

But police did. And more than two years later, they have made an arrest, after DNA evidence collected at the scene turned out to match a DNA sample in a national database.

Troy E. Platt, 24, of 245 Rantoul St., Beverly, is charged with two counts of aggravated rape, armed robbery, threats to commit a crime, and assault and battery with a dangerous weapon.

He was arrested after Beverly police detectives spotted him Thursday evening at the Dane Street Beach.

Comments from users with registered accounts will post at once. Comments from unregistered accounts will post after being reviewed by a site moderator. Posts that do not meet site standards, which can be found here, will be removed.

Showing 20 comments

Sort by Oldest first

Yesterday, Salem District Court Judge Michael Uhlarik ordered Platt held without bail pending a hearing on July 30 into whether he poses a danger to the public if released.

Platt, said by law enforcement to be a member of the Lynn-based "Deuce Boyz" street gang, has also used the alias of "Shawn Farmer," according to court records.

The young woman, whose identity is being withheld because she is believed to be the victim of a sex crime, told investigators that she had gone out that evening for dinner with her boyfriend, but that the two got into an argument while at a restaurant on Rantoul Street.

They both left, walking home separately.

The woman said she was "a little buzzed" as she walked, talking on her cell phone to a friend, when a man approached her out of nowhere, pushed a gun into her breast and said, "Do you want to die (expletive)?"

The woman said she began crying as the man forced her into the woods, where she said he raped her and then demanded her jewelry.

All the while, he ordered her not to look at him, she said.

She told police that the attacker then left. She said she waited until she could no longer hear the sound of twigs breaking underfoot. Then she called for help. She tried to call her sister first but couldn't get through, so she called the boyfriend.

She then reached a family member, who called the police.

Some family members of the victim who arrived at the scene began canvassing the area and saw a man matching the description the woman had given getting into a car near the Bowl-O-Mat on River Street. But a search of the area with a police dog turned up no sign of the suspect, and the case went cold.

Police took the woman's underwear, which they found in the woods, and shirt as evidence and had the state crime lab develop a DNA profile.

On July 14, police learned that the DNA profile matched one in the Combined DNA Index System, a national DNA database. They got a warrant for Platt's arrest.

"This shows the residents of Beverly that we don't give up on investigations," Beverly police Chief Mark Ray said in a press release announcing the arrest. "The Beverly police worked very hard on this case and are extremely happy an arrest has been made."

The officers who took part in the investigation include Patrolmen David Grimes, Eric Abrahamson and Darlene Prinz and Detective Jeff Liacos.
Grant Money Helps Solve Cold Cases
POSTED: JUL 15, 2010 5:47 PM EDT
UPDATED: JUL 15, 2010 8:45 PM EDT

LAS VEGAS -- Some Las Vegas cold cases could be one step closer to being solved. Thanks to a grant, Metro's crime lab has been looking at DNA evidence from past sexual assault and murder cases that went cold, and they've had some hits.

People may not realize just how much DNA is left behind in normal situations, whether it be from a sweaty palm or a strand of hair. DNA helped link one man convicted for murder in Indiana to a rape in Las Vegas in 2000.

It’s these kinds of matches that Metro and the District Attorney’s Office want to see more of.

It was a crime 47-year-old Kelvin Hampton thought he got away with, but DNA has him facing several charges for a sexual assault committed back in 2000.

"What part don’t you understand? I’m serving 300 years. Whatever you bring at me, I’m not going to do one day of. I already told you that," he said in court.

Hampton tried to plead guilty, but was convinced by the public defenders office to go to trial. But District Attorney David Roger says this is a good example of just how important DNA evidence is.

"I’m a firm believer that about 20-percent of criminals perform about 80-percent of the crimes, so that’s why we have a Career Criminal Unit in the office," he said.

Late last year, Metro's crime lab received a grant worth nearly $500,000 to process DNA samples from past sexual assault and murders cases. With that money, so far 141 cold cases have been reviewed for DNA presence. Twenty-two DNA samples have been processed and 21 have been entered into the national database. Metro's crime lab has found six cold case hits, and that doesn't include Hampton.

Roger says people don’t realize just how easy it is to leave your DNA behind. "People perspire and they touch things. We are able to get DNA from the perspiration. Crooks leave caps behind and we are able to get DNA off the sweat band from the hats," he said.

And once you have DNA, a prosecutor's case is that much stronger.
Sherriff's office: Kidnapping suspect arrested

Posted: Thursday, July 22, 2010 2:00 am
Keith Lansdale

A suspect in the aggravated sexual assault and aggravated kidnapping of a 15-year-old female last April has been arrested, according to information released by the Nacogdoches County Sheriff's Office.

Sheriff's deputies arrested Leroy Diamond, 41, on July 14 and charged him with aggravated sexual assault and aggravated kidnapping.

According to previous reports, the victim was walking along Martin Luther King Jr. Boulevard on April 21 when she was offered a ride in a car by an unknown man, and she accepted and entered the vehicle.

After giving directions to her home, she realized that he was not driving toward her residence, and she attempted to jump from the vehicle but was restrained and held at knife point.

The man then drove to a cemetery located in the Woden area, where he sexually assaulted the girl multiple times, and report said. Following one of the rapes, the victim managed to kick Diamond in the groin and flee.

A DNA sample collected from the victim was submitted to the Department of Public Safety database, and the sample was linked to a DNA profile on file for Diamond.

The composite sketch done last April was also said to closely resemble Diamond.

Bond has been set at $50,000 for each charge, and he remains in the Nacogdoches County jail.

Keith Lansdale's e-mail address is klansdale@dailysentinel.com.
Lenexa rapist sentenced to 64 years in cold case

A Johnson County judge on Friday sentenced a man to more than 64 years in a rape cold case.

Jurors in May convicted Anthony R. Martin, 45, of rape and sodomy for a 1994 attack on a woman in Lenexa.

Investigators last year matched his DNA in a felon database to evidence preserved from the crime scene.

In 1998, Martin was sentenced to almost 20 years for a series of break-ins in Lenexa. He was known as the “peephole burglar” for using small pieces of paper to cover peepholes in door of apartments across the hallway from those he robbed.

His prosecutor then was Steve Howe, then an assistant prosecutor. Howe, now the Johnson County district attorney, said he immediately decided to try the case himself when he saw the DNA match.

“It was kind of Deja Vu,” he said of the trial.
Juice Bottle Leads Police To Killing Suspect

Rafael Toirac-Aguilera Charged With Murder Of Former Police Officer

POSTED: Wednesday, July 28, 2010
UPDATED: 10:31 am EDT July 30, 2010

MIAMI -- Fingerprints and DNA found on a discarded bottle of orange juice led investigators to the man they believe killed a retired Miami police captain last year.

Rafael Toirac-Aguilera, 33, who was in jail in New Jersey in an unrelated crime, was named a suspect in 61-year-old Robert Yee's death after a DNA and fingerprint database match. He was extradited this week and made his first appearance in a Miami-Dade County courtroom Thursday.

Toirac-Aguilera is charged with first-degree murder.

The arrest affidavit unsealed Thursday revealed how detectives connected the dots that led them to the suspect.

Yee, who retired from the Miami Police Department after 26 years, had worked as a manager for more than a year at the Hurricane Cove Marina on the Miami River.

On the afternoon of July 10, 2009, he was patrolling in a golf cart when people at the marina saw a silver Toyota pull in, saw Yee get shot in the head and watched the Toyota promptly leave.

One witness followed to get the license tag, which police later learned had been stolen. The witness also provided a description for a sketch that bears resemblance to Toirac-Aguilera, Local 10's Glenna Milberg reported.

The decisive evidence came from a Tropicana juice bottle detectives discovered near Yee's golf cart the day he was killed. Detectives said the bottle had been used as a silencer for the .38-caliber revolver used in the shooting. The DNA and fingerprints from the bottle were matched in a national database to those of Toirac-Aguilera, police said.

The lead detectives on the case flew to New Jersey in December to interview Toirac-Aguilera's girlfriend, who corroborated renting the silver Toyota and details of the trip to Florida in July 2009, according to investigators.

Although Toirac-Aguilera was indicted in December, Miami-Dade prosecutors waited for New Jersey prosecutors to complete their case against him before extraditing him.
A suspected motive for the killing is not included in the arrest affidavit, and prosecutors declined to discuss their theories.

Toirac-Aguilera is being held with no bond at the Turner Guilford Knight Correctional Center. He denied any connection to Yee and denied being in Miami in July 2009.

Previous Stories:

- July 16, 2009: Suspect Sketch In Marina Killing Released
- July 13, 2009: Slain Officer's Family Seeks Answers

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Man jailed on murder charges files for release based on DNA evidence

BY DAN ROZEK Staff Reporter

A Zion man jailed for more than five years on charges he murdered his young daughter and her friend should be released on bond because DNA evidence links another man to the 2005 slayings, his attorneys said in a motion filed today.

But attorneys for Jerry L. Hobbs agreed to defer a hearing on their bond request for two weeks while police and prosecutors continue to review evidence — including a new DNA match — in the Mother's Day stabbing deaths of 8-year-old Laura Hobbs and 9-year-old Krystal Tobias.

The 39-year-old Hobbs has been jailed without bond since the May 8, 2005, stabbings of the two young girls in a Zion park — killings that occurred less than a month after Hobbs was released from a Texas prison and reunited with his daughter and two other children.

While Hobbs confessed to the killings in Beulah Park in the far northern suburb, no DNA or forensic evidence tied him to the murders.

But DNA taken from his daughter’s body and put in a national database was matched in late June to a 21-year-old former Zion man who is facing charges in Virginia of attacking three women there earlier this year.

That DNA match prompted authorities to reopen their investigation into the Zion stabbings, authorities said.

"We're actively following up every conceivable lead based on this new information," Lake County Deputy State’s Attorney Jeffrey Pavletic said in court today as he asked for more time to review the case before Hobbs' bond hearing.

Judge Fred Foreman agreed to the delay, setting an Aug. 4 hearing to determine whether Hobbs should be released on his own recognizance.

Hobbs' family, meanwhile, has retained attorney Kathleen Zellner to investigate the way authorities handled the case and whether investigators coerced a bogus confession from Hobbs.

Zellner said Hobbs' relatives, including his mother and stepfather, want Hobbs released from jail immediately because of the new DNA match.

"They're perplexed why he wasn't released," Zellner said after the hearing.
Zellner earlier represented Kevin Fox, a Will County man jailed for eight months on charges he drowned his daughter in a creek before a DNA test cleared him of the crime.

Fox initially was awarded $12.2 million in damages by a federal jury, an amount reduced this year on appeal to $8 million.

The two cases are similar, Zellner contended, except that Fox was released from jail within hours of the DNA test excluding him as a suspect in his daughter’s slaying.

Hobbs has remained behind bars even after new DNA match links another man to the murders Hobbs is accused of committing, Zellner said.

“He’s remained incarcerated even though the DNA clears him and implicates someone else,” Zellner said.

ACLU Challenges CA DNA Collection Law
From FindLaw Blotter

Please pray for Gospel music artist Darwin Hobbs
From 1800Gospel.com

The views expressed in these blog posts are those of the author and not of the Chicago Sun-Times.

cstresponses wrote:
@roast1981: No one likes crime and violence but hatred is just as corrupt and evil. If what you spew out as a solution for those who commit crimes, here's hoping that you or any of your family members don't kill someone. Violence begets violence...hatred begets violence. Life and death is in the power of the tongue; be are careful what you say.
7/21/2010 8:58 PM CDT on suntimes.com

roast1981 wrote:
anybody who sexually assaults and murders children should be thrown into a garbage truck and crushed to death immediately. No free meals or bed in jail. No cost involved to buy the lethal injection. Crush them with garbage and dump them with the rest of trash. No proper burial either.
7/21/2010 8:13 PM CDT on suntimes.com

tead off wrote:
The DNA was just matched because the cousin of the other murder victim was just arrested this year for criminal sexual assault. He is a US Marine and was arrested and processed this year. Once his DNA was put into the system, the match was made. Obviously, if the father is innocent, he must be released. But they have to make sure that he is not a co-conspirator. Once, that has been determined, he will be released.
7/21/2010 2:07 PM CDT on suntimes.com

taxi! wrote:
I don’t understand that either, bounty. If they found DNA on her, why is it 5 yrs later that they see it isn't her Father’s and question his guilt? A horrible mess. God bless these little girls and give their families strength to continue to live through this nightmare.
7/21/2010 12:42 PM CDT on suntimes.com
DNA used to link man to fraternity burglary

Fri, 04/09/2010 - 3:19pm | Mary Schenk (author/mary-schenk) (/contact_author/218106)

URBANA — A Savoy man is due back in court June 1 after being charged with residential burglary to a fraternity that occurred over the holiday break.

Police used DNA left on a soda can at the Beta Sigma Psi fraternity, 706 W. Ohio St., U, to link Adrian Thomas, 25, who listed an address in the 1600 block of Lyndhurst Drive, to the burglary.

Assistant State’s Attorney Chris Kanis said a fraternity member who lives locally was in the house on Dec. 28 and found a window broken in the common area. He also found an Xbox console and nine games for it missing from his room.

Noticing the soda can that didn’t belong to anyone, he gave it to Urbana police, who found Thomas’ DNA on it. Fraternity members told police that Thomas had no legitimate reason to be at their house, Kanis said.

Kanis said Thomas had a prior conviction for burglary out of Missouri. If convicted of the fraternity burglary, he faces a mandatory prison term of between four and 15 years.

Judge John Kennedy set Thomas’ bond at $15,000.
Will Rape Kit Testing Laws Help Clear Cases?

*A new Illinois law aims to ensure that all collected kits are analyzed promptly. But will it work?*

by Angela Wu July 27, 2010

Illinois governor Pat Quinn signs legislation that includes a provision to test all rape kits booked as evidence.

It’s a common belief driven by pop culture: after a crime occurs, damning evidence is collected, immediately tested in a neon-lit lab by good-looking technicians, and used to bring criminals to justice. But in the real world, a backlog of evidence often sits for years in refrigerated police storage facilities because departments don’t have the resources to evaluate it more quickly or lack a consistent process to do so. Rape kits, which are collected after a sexual assault and can contain DNA and other physical evidence, make up a significant portion of the backlog. Earlier this month, Illinois took a step to change that, when Gov. Pat Quinn signed into law a bill that makes the state the first in the nation to require the testing of all rape kits booked into evidence. The law, which mandates testing within six months, is a significant departure from the status quo—a report from Human Rights Watch published this month found that 80 percent of Illinois rape kits booked into evidence since 1995 have never been tested.

Collecting a rape kit is time-intensive and, many say, invasive, but the evidence gathered can be very effective in leading to arrest and prosecution. In New York City, arrest rates for rape almost doubled after the police department began testing every rape kit, to 70 percent—more than triple the national average of 22 percent. No state or federal entity tracks data on rape kits, but investigations by news outlets and nonprofit groups have found backlogs across the country, of more than 10,000 rape kits in Detroit, 5,000 kits in San Antonio, and 1,000 kits in Milwaukee. Last year, after Human Rights Watch reported a backlog of more than 12,000 kits in Los Angeles County, the Los Angeles Police and Sheriff’s Departments began timely testing
of every rape kit collected. Their efforts have led to more than 400 suspect identifications in the FBI DNA database, according to CBS News.

Advocates say that Illinois could serve as a national model, but some are wary of a potential loophole that mandates testing only “if sufficient staffing and resources” are available. That necessary funding will be determined by next February, once the Illinois State Police does an inventory on the state’s backlog, which Human Rights Watch has estimated to be at more than 4,000 cases.

“It’s a pretty big if,” says Sarah Tofte, a Human Rights Watch researcher who has published numerous reports on rape-kit backlogs. “The law isn’t going to work if they don’t have the resources.”

Illinois Attorney General Lisa Madigan, who championed the bill, said in a press conference that the testing will be paid for with federal grants, which the state already receives. But Tofte warns that grant money may not be enough, especially because state estimates suggest that the inventory could reveal up to 25,000 additional cases that were never submitted to crime labs.

“Even if Illinois decides to use all the federal DNA backlog money, it will not be enough to both test all the old kits and hire the additional personnel necessary to test every rape kit in the future,” she says. “It is hard to calculate how they accomplish the law’s mandate with federal funding alone, especially because it’s federal money they already receive and are using to test all kinds of DNA evidence.”

The state says it will do whatever is necessary to fund the law, including dipping into state money, but to continue testing every kit collected will require a more long-term financial commitment—a tall order for a cash-strapped state.

“Debbie Smith Act funds were never meant to pay for the ongoing criminal-justice needs of states,” says Scott Berkowitz, the president and founder of the Rape Abuse and Incest National Network. RAINN helped pass the act, which pays for federal grants to help eliminate rape-kit backlogs and is named after a Virginia woman who waited six years for her rape kit to be tested. But the Illinois law is still a major step toward bringing criminals to justice, he says, because it standardizes the process for collecting sexual-assault evidence across the state and requires law-enforcement agencies to keep track of the rape kits they collect.

There’s also another side to the discussion. Is testing every rape kit necessary? The process can help identify a suspect in a case where there is none, says Joseph Peterson, the director of the School of Criminal Justice and Criminalistics at Cal State Los Angeles, where he is studying the city’s efforts to test every rape kit. But in some cases, such as when the victim can identify the attacker, DNA evidence might not be as valuable to investigators, he says, and that’s something that shouldn’t be lost in the debate. At the same time, all rape kits can present potential leads, potentially exonerating innocent suspects or establishing serial rapists.

“It’s a very difficult policy question, and ethical question. Are we obliged to do the analysis, even if it might not be of great value to the investigation at hand?” Peterson says. “I think victims’ groups, law enforcement, and prosecutors need to get together and talk about this.”

Nonetheless, there is a long-term benefit to testing all rape kits, he says, besides following
through on the implicit commitment made to rape victims who undergo the rape-kit collection process, which can take hours: testing and entering DNA into state and national databases can help link perpetrators to unsolved or future crimes, including homicides and burglaries. Cities like New York, Los Angeles, Philadelphia, and Oakland, Calif., have been the first to attempt to do so, and last week, Cleveland announced its own efforts to clear its backlog and test every kit. That Illinois will be the first state to attempt this level of rape-kit reform is no small feat, Tofte says. But the key issue remains, as always, money.

“The law shows that we take the crime of rape seriously, and that we take the truly traumatic and intimate process of going through a rape kit seriously,” says Sharmili Majmudar, the executive director of Chicago-based Rape Victim Advocates. “In the near future, we need to do the second step of that: ensuring that, as a state, we have enough resources to process the amount of evidence coming through.”
A man was sentenced Monday to 15 years in prison for a Downers Grove rape that sparked a heated constitutional debate in court.

Larry R. Barrett, 24, formerly of Summit, received the sentence after pleading guilty to aggravated criminal sexual assault.

Barrett did not have a criminal record before the Oct. 9, 2006, attack. He must register as a convicted sex offender upon his release after serving 85 percent of the term.

Barrett admitted repeatedly raping a woman, who had fallen asleep on her couch with the door unlocked, after entering the Autumn Grove apartment complex on the 2000 block of Prentiss Drive in Downers Grove.

The assailant fled, but authorities said he returned and began pounding on her door to get back inside. She was able to flag down a passer-by for help while shouting out from her third-floor window.

"She pleaded with him throughout the sexual assault to stop," Prosecutor Alex McGimpsey said. "He choked her. He also put a pillow over her face to try to muffle (her cries)."

The woman provided police with a composite sketch of her attacker, but she was otherwise unable to identify the man. One week later, an anonymous tipster called police with Barrett's name as a potential suspect.

Detectives later discovered Barrett was imprisoned in downstate Mount Vernon, where he was being held on unrelated property-damage charges. Barrett denied any role in the rape. He also refused to give a DNA sample to test against evidence collected after the sexual assault.

Police lacked enough evidence to get a search warrant. So, authorities seized Barrett's toothbrush during a December 2006 search of his Jefferson County jail cell. Prosecutors said forensic scientists later confirmed Barrett's DNA on the toothbrush matched that collected in the rape kit.

At issue, though, is whether authorities violated Barrett's Fourth Amendment right against unreasonable searched and seizures.

The Illinois Supreme Court has ruled jails and prisons are not beyond the U.S. Constitution's reach, but they severely limited those rights to balance them against the need for institutional safety.

Defense attorney Steve Dalton, a senior DuPage County public defender, argued the DNA evidence should be suppressed because it was obtained as part of a criminal investigation, not for security purposes.

In an earlier court hearing, former DuPage Circuit Judge Michael Burke ruled Barrett had no legitimate expectation of privacy while in jail. Burke is now an appellate court judge. He also found a warrantless
search is allowed in circumstances where there is a diminished privacy expectation if reasonable suspicion of a crime exists.

Before forensic experts confirmed the preliminary DNA match, police also learned the shoes Barrett was wearing when arrested in Jefferson County matched the impression found on the rape survivor's door - which authorities said Barrett tried to kick in after returning to the apartment.

After being confronted with the shoe-print evidence, prosecutors said, Barrett made various incriminating statements about the sexual assault and acknowledged being at the apartment complex for a friend's party. He also apologized, prosecutors said.

DuPage Circuit Judge Blanche Hill Fawell presided over Monday's plea deal. In exchange for the guilty plea, prosecutors dropped other charges, including that of home invasion.
DNA from cigarette leads Iowa City police to burglary suspect

Darryl Jenkins

DNA pulled from a cigarette left at a crime scene helped lead to the arrest of a man accused of burglarizing an Iowa City home last summer.


Police say a man returned to his home on North Johnson Street on June 19, 2009, and saw a man running away. The resident found items from his home missing, including computers and video games. He also found a cigarette butt still burning on the ground next to his house.

Police sent the cigarette to the Iowa Division of Criminal Investigation for testing, and a match was through an FBI indexing system. Secondary tests confirmed Jenkins’ DNA was on the cigarette and Jenkins matches the physical description of the suspect, police said.

During an interview with police, Jenkins could not explain how a cigarette with his DNA was found at the home, police said.

Jenkins was in Johnson County Jail Friday on a $5,000 cash-only bond. Second-degree burglary is a Class C felony punishable by up to 10 years in prison.
HCSO: DNA collection helps solve more property crimes

by khou.com staff

khou.com

Posted on May 25, 2010 at 12:54 AM

HOUSTON -- More thieves have been caught since the Harris County Sheriff’s Office started collecting DNA at property crime scenes, the department said.

So far this year, investigators have been able to solve 97 cases involving burglary and other property crime, the department said.

Now every single deputy on the force has a DNA kit.

Add another comment
Backlog prompts Lykos to call for emergency DNA lab

By JAMES PINKERTON
Copyright 2010 Houston Chronicle
July 18, 2010, 9:53PM

Despite spending millions rebuilding the Houston Police Department's troubled DNA lab, the department still cannot keep up with daily requests to test evidence gathered at crime scenes. In addition, the lab still has a backlog of 4,076 untested rape kits dating to 1996, as well as 969 newer criminal cases awaiting DNA testing.

Citing the backlog, which she says grows by 75 cases a month, Harris County District Attorney Pat Lykos has called for the establishment of an emergency city-county DNA lab to dispose of thousands of untested cases. A temporary lab, which some officials say could be outfitted in vacant labs at the Texas Medical Center for $1.3 million, would meet local needs until the construction of a regional crime lab that is part of Harris County's long-range plans.

The city's financial woes, however, have made Mayor Annise Parker and HPD leadership cautious about a forensic partnership, and the project was not included in HPD's $666 million budget approved earlier this month.

"My goal is to roll as many of these forensic applications as possible out of the control of the police department" and into an independent crime lab, Parker said recently. But she added a caveat: "This is not a good economy to be launching new initiatives that cost more money. On the other hand, we really can't put a price on justice, and these kind of cleanup operations have proved to be extremely expensive to the city of Houston."

Last month, Lykos won a commitment from Harris County Commissioners Court to develop a plan for a temporary DNA lab by mid-September.

"I cannot overstate the vital importance and necessity of the court to authorize the budget office to immediately proceed," Lykos said. "The scientific tools exist to identify, apprehend and successfully prosecute dangerous criminals and prevent wrongful convictions. And we don't have them."

Hiring more analysts

For now, HPD will continue to process new cases by hiring more analysts and buying automated equipment to upgrade its DNA lab on the 26th floor of the downtown police headquarters. To deal with the rape kit backlog, the department last month applied for a $1.1 million federal grant to hire 10 temporary criminologists to process 2,400 cases within 18 months.

Dr. Laura Gahn, director of the police DNA lab, confirmed the lab is not keeping abreast of new cases but said that goal will be met with new testing equipment and the hiring of a final staff member.

"Once we have all of the staffing and all of the equipment that we are currently bringing on board, and we have the money ... we will have a (testing) capacity in excess of the cases coming in," said Gahn, who could not say when that would occur.

Local and statewide experts, even a former Houston police chief, insist HPD should get out of the forensic testing business altogether, noting that backlogs exist not only in DNA but also in the ballistics and fingerprints divisions.

"At a bare minimum, the whole process of forensic testing — old cases or new cases — has to be removed over to some responsible entity and, given the track record of HPD, they're not the ones to do this," said Jeff Blackburn, general counsel for the Innocence Project of Texas. "They just can't clean this up.

Errors feared

Bob Wicoff, one of three local lawyers appointed to review convictions that relied on HPD forensic evidence, said he has been impressed with the credentials of personnel hired in HPD's new DNA lab. However, he said he is worried that overworked scientists may make errors in the small HPD lab, which has 19 workers compared with the county's 39 analysts.

"That's a huge problem — if you don't have enough help, you start to cut corners," Wicoff said. "My reaction is anything that can get (HPD) more help is good, but I think a regional crime lab would be my pick."

He also said that in a police lab, there is a tendency for police officers to schmooze with lab technicians about cases being tested.

"There might be some subtle pressure to get the results the police want, and with a regional crime lab, you'd eliminate a lot of that," he said.

Council member C.O. Bradford, who acknowledged some of the crime lab "debacles" occurred during his watch as police chief from 1997 to 2004, said all forensic testing should be moved outside the department. Police commanders, he said, are not trained or expected to oversee scientific labs that have become increasingly more complex. And they tend to budget more for traditional police operations, such as improving response times.

City-county talks

HPD closed its DNA lab in December 2002, following news coverage of a number of false convictions due to shoddy practices, poor supervision, false testimony and contaminated evidence due to a leaky roof. The city hired

Backlog prompts Lykos to call for emergency DNA lab | Houston & Texas News | Chron.com
forensic expert Michael Bromwich to investigate the entire HPD crime lab. His January 2006 report concluded police administrators failed to provide the lab with adequate resources during the previous 15 years.

In recent weeks, talks began between city and county officials to hammer out the logistics and finances of a possible merger of forensic testing, county budget officer Dick Raycroft said.

"We're going to try and move it along as quickly as we can," Raycroft said. "It's a pretty sizable undertaking, but there's no reason why we can't do it. We have to be cautious and make sure to resolve all issues."

Harris County's Chief Medical examiner Dr. Luis A Sanchez said his department is fully capable of taking over all of HPD's testing of DNA evidence, including tackling the backlog.

"Valid science is the cornerstone of the criminal justice system," Sanchez wrote in a statement. "Our commitment to move forward with this essential endeavor rests with the City of Houston. We now await the necessary resources to create and support the regional DNA laboratory."

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GF Brown2 wrote:
Despite spending millions rebuilding the Houston Police Department's troubled DNA lab, the department still cannot keep up with daily requests to test evidence gathered at crime scenes. And each time "they've" told us the problems are solved, "they" were just lying.
7/18/2010 10:13:10 PM
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WeToldYouSo wrote:
Democrat Bill White and all the other Democrats in Houston, including former Chief of Police Harold Hurtt, should have secured Federal Stimulus funding for this. Instead, they both took care of themselves, with Hurtt newly appointed to a position in the Obama Administration, and White--unable to even get Obama to appoint him to anything--running for governor of Texas.

The Democrats let the people of Houston down--again.
7/18/2010 10:02:20 PM
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sweetings wrote:
HPD's budget was "666" million? Hmmm, of all numbers that could have been chosen...
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Ken1952 wrote:
Harris County's Chief Medical examiner Dr. Luis A Sanchez said his department is fully capable of taking over all of HPD's testing of DNA evidence, including tackling the backlog. If the county can do the job let them and that ends all the problem. HPD has money bugeted for the crime lab pay the county to do the work and everything will get better quickly. It's just to simple that's why the Mayor won't do it.
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damifino1 wrote:
Too much corruption to handle or filter, so the "Don"esse needs help.
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Ken1952 wrote:
Harris County's Chief Medical examiner Dr. Luis A Sanchez said his department is fully capable of taking over all of HPD's testing of DNA evidence, including tackling the backlog. If the county can do the job let them and that ends all the problem. HPD has money bugeted for the crime lab pay the county to do the work and everything will get better quickly. It's just to simple that's why the Mayor won't do it.
In Grim Sleeper case, a new tack in DNA searching

It's the first successful use of controversial 'familial' matching in a high-profile U.S. case.

By Maura Dolan, Los Angeles Times

July 10, 2010

Frustrated by their inability to find the notorious killer known as the Grim Sleeper, whose DNA was not in a law enforcement database, Los Angeles police this spring asked the state to look for a DNA profile similar enough to be a possible relative of the killer.

In April, state computers produced a list of 200 genetic profiles of people in the database who might be related to the alleged serial killer. Among the top five ranked as the most likely relatives was a profile that shared a common genetic marker with the crime-scene DNA at each of 15 locations that the crime lab examined.

Scientists knew that a profile with that sort of matching pattern indicated a parent-child relationship. To winnow the candidates further, and knowing that their suspect had to be a man, they tested the DNA of the 200 offenders whose profiles resembled the crime-scene DNA to determine if any appeared to share the Y chromosome, which boys inherit from their fathers.

There was one match, and it was the same profile that had shared all 15 markers on the first round of testing.

Excitement swept the room at the state DNA laboratory in Richmond where the match was made. Jill Spriggs, chief of the state's Bureau of Forensic Services, recalls a feeling of "amazement" when she learned of the breakthrough: The two rounds of tests almost certainly had located a son of the suspect — the first high-profile U.S. case cracked by a technique known as familial DNA searching.

Even then, though, state scientists moved gingerly, anxiously trying to ensure that nothing would go wrong.

They did more tests, then called a meeting of the scientists and lawyers who oversee such searches.

"We were all very businesslike," said Spriggs, recalling the meeting. "We made very sure we were
following all the procedures, kind of like a checklist approach."

Although each step was made with caution, Spriggs said the group knew it was a part of something "revolutionary."

"We were very excited," she said.

Familial searching has been done for years in Europe, Australia and New Zealand, but technical, legal and ethical concerns have kept the FBI from pursuing it in the United States, where California and Colorado are the only two states that have embraced it fully. Pressed by prosecutors, California Atty. Gen. Jerry Brown approved familial searching two years ago, and Colorado began using special software to track relatives of suspects at about the same time.

State lawyers had warned Brown that a bungled familial search could lead defense lawyers to challenge the state's entire DNA testing program.

Instead, the ability of the technique to identify a suspect in the Grim Sleeper case, Lonnie David Franklin Jr., who was charged Thursday with 10 counts of murder, has emboldened and thrilled advocates of further DNA testing. They hope to see familial DNA searching quickly spread to additional states.

"This case is the poster child we have been waiting for," declared Harvard geneticist Frederick Bieber, a medical school professor. "We have been waiting for a case like this to hit a home run."

Studies show that prison inmates tend to have family members who also have been behind bars. When the source of DNA from a crime scene cannot be identified, there are "even odds" that the unknown suspect will have a relative with DNA in the database, Bieber said.

Unrelated people can share the same genetic markers, but siblings and parents and their offspring usually share a greater number. Once a relative is identified, authorities can use that person as a lead to trace a suspect. The success rate is estimated at 10% to 14%.

Skeptics have argued that familial searches invade the privacy of people who happen to have a relative in the database and may violate constitutional guarantees against unwarranted searches. So far, however, no one has challenged the use of familial searching in California, and an attorney for the American Civil Liberties Union said Friday that the state's handling of the Grim Sleeper case made the group "more comfortable" with the process.

"From our perspective, if you are going to use familial DNA searching, this is the kind of case you should use it for, and the kind of precautions they took in this case are the kind that should be taken," said Peter Bibring, staff attorney for the ACLU of Southern California.

He said state law should require the procedures used in the Grim Sleeper case to be followed in all familial searches.

At each step of the way in the forensic investigation, the familial search committee met and voted. After verifying the DNA results, the group voted unanimously to give to the intelligence division of the Department of Justice the name of the offender who had been identified as the likely relative of the suspect.

After an examination of birth records and geographical data showed the offender's father was the right
age and lived in the right place to have committed the killings, the committee met again to decide whether to give the information to the LAPD. Again, the vote was a unanimous yes. Spriggs said no one raised objections.

She flew to Los Angeles with Craig Buehler, chief of the Bureau of Investigations and Intelligence, and met LAPD officials in a conference room at Cal State Los Angeles.

"They made sure there was no 't' that wasn't crossed and no 'i' that wasn't dotted," said LAPD laboratory director Greg Matheson, who attended the meeting. "But we were obviously excited about this being their first hit, and it was a very good one."

The familial search cost the state $40,000, with much of the work done on overtime, Spriggs said. She said she and other scientists never doubted they could nab a criminal suspect this way, and that statistically they were due for a breakthrough.

Brown, who is running for governor, was jubilant. He recalled that some members of his staff had been reluctant to embrace familial searching, fearing litigation could threaten the entire DNA database.

"One doesn't go against them lightly," Brown said. "I pushed them."

Retired Alameda County prosecutor Rockne Harmon, now a DNA consultant, had been the driving force behind the approval of familial testing in California, lobbying Brown's staff and working with L.A. County Dist. Atty. Steve Cooley and others to push for the new technology.

Harmon had predicted that it was just a matter of time before a big hit would come as a result of a familial search. He was on vacation in Hawaii when he got word of the Grim Sleeper suspect's arrest.

"Wow," he wrote in a message sent from his iPhone.

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Burglar uses bathroom after stealing items from Couper Street home

by Kevin Myrick, Staff Writer
07.28.10 - 10:45 am

A Couper Street resident told police that someone not only took items from her, but also left behind a certain kind of DNA evidence of the alleged crime, reports stated.

According to Rome police reports:

The resident told police she left her home and went to stay with her sister while her neighbors held a continuous party.

When she returned home on Sunday after staying with her sister for a week, she reported that items valued at $43 were stolen including ceramic angels, shampoo and a bottle of perfume.

She also told police whoever came into the house used the bathroom but didn’t flush after they were done.

There were no suspects in custody at the time of the report.

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BRUNSWICK - A backlog at the state crime lab is slowing analysis of the voluminous evidence collected in the beating deaths of eight people and the near-fatal attack on a child last year at a Brunswick mobile home.

Blood, DNA and fiber evidence along with surveillance camera video tapes are among the evidence that remain to be processed before being turned over to lawyers for Guy Heinze Jr., Acting District Attorney David Perry told a judge Thursday.

Heinze, whose father was among the slain, faces the death penalty if convicted of even one of the slayings.

All the evidence might not be analyzed until the end of the year or later, testified Bill Daras, the Glynn County police's lead investigator in the case.

Joseph Vigneri, lead lawyer for Heinze, complained about the slow pace to Chief Superior Court Judge Amanda Williams during a hearing focusing on Perry's request for more time to turn over evidence to the defense for review.

"Mr. Heinze has been arrested, incarcerated and indicted since September. I don't understand why there are 65 or more items sitting at the police department that have not been sent to the crime lab," Vigneri said.

Perry told Williams the amount of evidence was overwhelming. Prosecutors are moving as quickly as possible, however, a growing backlog resulting from cuts to the Georgia Bureau of Investigation budget is hampering analysis of the evidence at the crime lab, he said.

"I don't think we've been overwhelmed by anything in this case. As we go through the evidence, we're cataloging everything that's been logged in but not provided to us," Vigneri responded.

Williams told Vigneri she has no control over state budget cuts, which led to the closure of two regional crime labs and caused backups at those still open.

"There is no way I can make the crime lab hurry up," Williams said.

Williams, however, gave Perry 30 days to give Vigneri an inventory and status report on the evidence. She also instructed him to forward the outstanding evidence to the crime lab within 90 days.
Heinze, 22, is charged with killing his father, Guy Heinze Sr., 45; his uncle, Russell "Rusty" D. Toler Sr., 44; his cousins Chrissy Toler, 22, Michael Toler, 19, Russell Toler Jr., 20, and Michelle Toler, 15; Rusty Toler's sister, Brenda Gail Falagan, 49; and Joseph L. West Jr., 30, who was Chrissy Toler's boyfriend.

The construction worker also is charged with aggravated assault with intent to commit murder in the severe beating of Chrissy Toler's son, 3-year-old Byron Jimerson Jr., the sole survivor of the attack in the family's home at New Hope Plantation Mobile Home Park.

County police discovered the bodies after Heinze made a frantic 911 call Aug. 29 saying his whole family had been beaten to death.

**Little to say**

On Thursday, Heinze listened attentively as Perry told Williams what evidence prosecutors have turned over so far to his lawyers. Perry also summarized the evidence at the crime lab, and what items remain to be sent in for processing.

He did not speak during the hearing, except to answer "yes, your honor," when Williams asked if he understood what was happening, had discussed it with his lawyers, and was satisfied with their representation so far.

Diane Isenhour, Rusty Toler's former wife and the mother of his four children, watched Heinze closely from the audience. She and other relatives and friends declined to comment after the hearing.

Prosecutors said they have given about 2,400 pages of documents including police or lab reports and crime scene photos to the defense.

They've also provided about 80 compact discs or digital video discs of evidence, Perry told Williams.

Police have sent about 70 items to the crime lab "for blood-matching and DNA and fiber analysis," and are preparing to send another 60 to 70 items to the lab, Perry said.

When police complete the technologically daunting task of copying video recordings from surveillance cameras at the Aero-Instant plant adjacent to the mobile home park and a convenience store, those also will provided to the defense.

Meanwhile, the tapes which are encrypted, are available for the lawyers to view at Glynn County police headquarters, prosecutors said.

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Sheriff unveils DNA database

By St. Augustine Record
Created 2010-07-30 00:00
Shoar: New countywide system will help officers solve local crimes
JUSTINE GRIFFIN

The St. Johns County Sheriff's Office will soon join a short list of agencies in Florida who use their own local databank for forensic DNA evidence, story Sheriff David Shoar.

SJCSO will be outsourcing to a private company, DNA SI Labs in North Carolina, to establish a countywide database of DNA samples to help solve local crimes, he said.

The Local DNA Index System (LODIS) program will allow every deputy to swab for DNA samples through touch, blood or bodily fluids samples left at crime scenes, he said.

"We've only been able to send DNA samples to the regional (Florida Department of Law Enforcement) lab in Jacksonville for very serious crimes, like sexual battery or murders, in the past," Shoar said. "Then we wait for weeks at a time for the results."

"Those labs are inundated with requests all the time."

On the local level, LODIS mimics the Combined DNA Index System, the national DNA database funded by the FBI.

By creating their own local database, Shoar said deputies can use the DNA evidence to help solve more local crimes, such as break-ins and thefts.

"There are only a small percentage of people who commit crimes like car breaks-ins," Shoar said. "By collecting the DNA samples on a string of break-ins, we can connect multiple crimes to one offender."

Shoar hopes to help build the DNA database by collecting samples during the booking process at the jail in addition to swabbing for samples at crime scenes.

Shoar believes this process, which will take only one two-hour training session to equip deputies with the necessary knowledge to use the swab kits and software, is more accurate than fingerprinting.

"With fingerprints, it's very difficult to get a clear print, and the powder we use is messy," he said. "For LODIS, it's just a quick swab, and then it's sent off to the lab and recorded into the system."
Shoar said he was interested in bringing the idea into St. Johns County after seeing it work effectively for the Palm Bay Police Department near Melbourne.

PBPD was the first agency in Florida to introduce the LODIS system in 2007, according to Palm Bay Police Chief Bill Berger.

In one case, PBPD officers were able to link a string of burglaries to one suspect through LODIS. When officers responded to a separate shoplifting case around the same time as the burglaries, they were able to link the suspect's DNA to those of the burglaries, according to an article in Police Chief Magazine.

Shoar said he will measure the success of the LODIS system based on the number of cases closed and arrests made from LODIS results. The first year of the project will serve as a preliminary trial to see if the program is worth continuing, he said. He hopes to have the LODIS program in everyday use by January.

"It's going to come down to how many cases we solve and how many people we put away through using LODIS," Shoar said.

The program is being paid for through money obtained by drug confiscations, he said.

"This system is allowing us to operate more quickly and independently," Shoar said. "And we hope it help us solve more crimes."


Links:
DNA test delays resentencing of death-row inmate

Anthony Welch found guilty in couple's killing

BY KAUSTUV BASU • FLORIDA TODAY • July 20, 2010

A resentencing for a Brevard death-row inmate will wait at least until December after defense attorneys said Monday that a bloody tissue discovered at the scene needed further DNA testing because it matched another person.

Anthony Welch, now 32, was found guilty in the December 2000 slayings of Rufus Johnson, 69, and his 66-year-old wife, Kyoko, at their Pineda Crossings residence. He was sentenced to death.

But the Florida Supreme Court in 2008 ordered a new sentencing phase for him, citing a procedural error by a trial judge that led to a juror being improperly dismissed.

The motion filed by defense attorney George McCarthy said: "The defense has been informed by the state that a recent (Florida Department of Law Enforcement) analysis of an item of evidence found in the home of the deceased has resulted in a CODIS match to a third party, not the deceased or the defendant but rather a Brevard County resident with both federal and state convictions."

CODIS, also known as the Combined DNA Index System, is a national database of DNA samples of convicted offenders, missing persons and unsolved crimes.

The Florida Department of Law Enforcement has requested a DNA swab sample from this person, according to the document.

Before the DNA issue came up, the penalty phase of the Welch trial was scheduled to begin in early August. McCarthy declined to comment to FLORIDA TODAY.

Prosecutor Rob Parker didn't object to the request.

"There has been an item of evidence found at the scene that has been tentatively identified as belong to someone else (the victims or Welch)." Parker said.

"As a consequence, this continuance was requested."

"Anything we can do to ensure justice is done is always the right way to proceed."

Judge James Earp scheduled Welch's next court date for Dec. 8, when test results should be available.

"I don't think this will go to trial this year," Parker said.

According to court documents, Welch wanted $5,000 from the Johnsons, who were former neighbors. When Rufus Johnson told him they didn't have the money, Welch attacked them.

He was arrested a week later and faced two charges of first-degree premeditated murder.

Members of the Johnson family declined to comment on the motion Monday.

Welch will be held at the Brevard County jail until Thursday, when he will be taken back to state prison.

http://www.floridatoday.com/fdcp/?1280771840629
Anthony Welch, now 32, was found guilty in the December 2000 slayings of Rufus Johnson, 69, and his 66-year-old wife, Kyoko, at their Pineda Crossings residence. He was sentenced to death. (File photo)
A 51-year-old man from Glasgow has admitted raping a woman in Burnley more than 20 years ago.

The 22-year-old woman was approached on Briercliffe Road in 1989, forced into a car and attacked by two men before being left on a country road.

Leslie Marshall, of Stonefield Road, Blantyre, was arrested by Lancashire Police's cold case team last October after his DNA was linked to the case.

He admitted rape at Burnley Crown Court and will be sentenced on 25 August.

Police said the woman was attacked in the early hours of 18 January as she walked home from a friend's house.

She was driven to a secluded location in the Robin House Lane area of Briercliffe where she sexually assaulted by two men, and then dumped on a road in the dark.

She managed to run to a nearby house and raise the alarm.

'Dangerous individual'
Marshall's DNA was taken when he was arrested for another offence, but when it was loaded onto the national database it matched the 1989 case.

Police said the attack was thoroughly investigated at the time but no offenders were identified.

The DNA profiles obtained in 1989 by the Forensic Science Service remained undetected and the case was closed.
It was reopened in 2008, when forensic scientists managed to take the DNA samples from 1989 which were not compatible with the National DNA Database and re-analyse them.

A male profile was obtained and loaded to the database and was subsequently matched to Marshall.

Det Con Lisa Baxter, from the Cold Case Investigation Team, said: "I am extremely pleased with today's result, not only for the investigation team, but, more importantly, for the victim in this case.

"It has been an extremely traumatic time for her, however she was determined her attacker should face justice and was fully supportive of the police investigation."

She added: "Leslie Marshall is clearly a dangerous individual and the public needs to be protected from him.

"This case should send a clear warning to offenders, despite the passage of time we never give up hope of bringing offenders to justice - we constantly review older cases and we will catch up with you and you will be brought before the courts for punishment."
Science: Tracking canine abusers with dog DNA

2010/07/23

Dog-fighting DNA database helps criminal investigators piece together an abused animal’s history by establishing ties among breeders, owners, pit operators and the animals themselves, writes MALCOLM GAY

SCIENTISTS and animal rights advocates have enlisted DNA evidence to do for man’s best friend what the judicial system has long done for human crime victims.

They have created the country’s first dog-fighting DNA database, which they say will help criminal investigators piece together an abused animal’s history by establishing ties among breeders, owners, pit operators and the animals themselves.

Called the Canine Codis, or Combined DNA Index System, the database is similar to the Federal Bureau of Investigation’s digital archive containing the DNA profiles of criminal offenders.

Scientists say that by swabbing the inner cheek of a dog, they will be able to determine whether the animal comes from one of several known dog-fighting bloodlines.

“People are not generally going to the pound and buying pit bulls to fight — these dogs are from established bloodlines,” said Tim Rickey, senior director of field investigations and response for the American Society for the Prevention of Cruelty to Animals.

“And if a suspected dog fighter’s animal matches one of those bloodlines, that would be a key piece of evidence.” The database, a joint effort by the ASPCA, the Louisiana SPCA, the Humane Society of Missouri and researchers at the Veterinary Genetics Laboratory at the University of California, Davis, was developed during an investigation last July that resulted in 26 arrests and the seizure of more than 400 dogs.

The investigation, which stretched across seven states, from Iowa to Texas, resulted in the largest dog-fighting raid in United States history, the authorities said.

“We ran the DNA to see if we could connect the different crime scenes and 400 different dogs, which we were able to do,” said Melinda Merck, a forensic veterinarian for the ASPCA.

“A lot of times defendants will claim not only that they are not dog fighting, but also that they’re just breeding and they don’t know each other.” The DNA showed otherwise, indicating that many of the dogs were related.

The July raids have yielded at least 17 guilty pleas, and while the DNA evidence did not conclusively prove a relationship among defendants, it certainly suggested one.
But investigators caution that DNA evidence alone will rarely make a case, though many juries have come to expect it.

“There is definitely a C.S.I. effect,” Merck said.

“Juries want to know that if you have evidence, you’ve run every possible test.

The DNA is just one more tool in our kit that can bolster our cases.” She added, “I do think it’s something that is going to make the dog-fighting world very nervous.” Illegal in all 50 states, dog fighting gained national attention in 2007 when Michael Vick, then the star quarterback for the Atlanta Falcons, pleaded guilty to federal dog-fighting conspiracy charges and went on to serve 21 months in prison.

Investigators say the multimillion-dollar industry is often associated with other illicit activities like drug trafficking and gambling.

But the real money, they say, comes from breeding the animals, which can fetch up to US$50,000 (RM161,000) for a champion fighter.

“There’s a lot of money that’s made on the fight purses and the side wagering, but the goal for these dog fighters is to breed a champion or a grand champion,” Rickey said.

“It’s not uncommon to get US$5,000 for a puppy.

Over a dog’s lifespan, that can be in the tens of thousands if not hundreds of thousands of dollars.” Researchers say the database, which contains the genetic profiles of nearly 400 of the dogs recovered in the raid, will become more useful as it grows.

Beth Wictum, who directs the forensic unit at the University of California, Davis, where the database is stored, hopes to “identify other lineages that are in the West”.

Investigators add that the database may also prove useful in forensic investigations of blood samples found at a dog-fighting site, allowing them to establish the presence of a particular dog.

“One of the challenges in a lot of these fighting pits is that the losing dogs are often executed and dumped along the side of the road somewhere,” Rickey said.

“This database may provide a useful tool for tracking down where the animal was bred, and maybe the owner.” Nearly 250 of the animals recovered during the July 2009 raid have been rehabilitated and are now pets or service and therapy dogs.

“These animals were horribly mutilated — missing ears, missing eyes, missing parts of their legs,” said Jeane Jae, a spokeswoman for the Humane Society of Missouri, which housed the animals that contributed to the database.

“But when given a choice, many will choose not to fight — that’s an animal that’s capable of rehabilitation.” One such animal, a brown and white pit bull that now goes by the name Reggie, still bears a web of fight scars across his face.
The dog cowers at the sound of cheering crowds, which his owner, Gale Frey, believes he associates with the roar of the fight pit.

Nevertheless, Frey says, Reggie has made great strides and is being trained to work as a therapy dog in St Louis-area hospitals.

“We’re moving forward,” said Frey, who runs Phoenix Pack, a nonprofit dog rescue service in St Louis.

“The pit’s in the past.” — NYT
Crime lab may return, but under the State Police

BY AMBER HUNT
FREE PRESS STAFF WRITER

More than a year after the Detroit Police Department shuttered its error-troubled crime lab, the facility might be making a comeback.

A plan announced in June to convert the old MGM Grand Detroit casino into a new police headquarters includes plans to build a state-of-the-art crime lab there.

This time, the lab would be staffed, not by city police, but rather by the Michigan State Police as its eighth testing facility, said Detroit police spokesman John Roach.

City and state officials, as well as prosecutors throughout the region, have applauded the idea, saying that the new lab would help alleviate the State Police's months-long testing backlog that was aggravated with the 2008 shutdown of the Detroit lab.

Wayne County Prosecutor Kym Worthy said that given the problems with Detroit's lab -- specifically, a 10% error rate found in its firearms testing -- it would be better for the state to staff the new facility.

"This affects timely justice not just in the city of Detroit, but in the whole state of Michigan," Worthy told the Free Press in an e-mail.

New lab could solve crimes, problems

Just days after Timothy Prince's murder trial began, Macomb County assistant prosecutor Bill Cataldo got some startling news.

A fillet knife discovered at the crime scene -- one that had been immersed in water for five days, cleaning it of any blood -- had minute remnants of the victim's muscle tissue stuck to the blade more than 10 months after the crime was committed.

It was potentially crucial evidence against Prince. But because the DNA lab result came back after the trial began, Cataldo couldn't present it to jurors because Prince's lawyers didn't have time to prepare a defense.

"We were lucky; the jury came back with a guilty verdict anyway," Cataldo said, "but we realize we're having problems."

The trouble lies in the statewide backlog of evidence that has piled up at the seven State Police crime labs, which have been handling an estimated 20,000 extra cases annually since Detroit's lab was shuttered at the end of 2008 because of a 10% error rate in its firearms cases. That's on top of the 110,000 cases the state already handled each year.

State and Detroit police officials said the backlog could be alleviated if the city proceeds with plans to move its police headquarters to the old MGM...
Grand Detroit casino site downtown. The state-of-the-art headquarters would feature a new crime lab that would be staffed by State Police workers.

"We took on a large caseload that we never had to take on before," said John Collins, director of the state's forensic science division. "This lets us recover from the compression we've experienced from the influx."

The new lab would be fully accredited and regularly audited to avoid the rampant mistakes that plagued the city-run lab, officials said.

**An instant backlog**

An October 2008 audit discovered the firearms testing errors in the Detroit lab, prompting Wayne County Prosecutor Kym Worthy and then-Police Chief James Barren to announce the closing of all operations.

The workload, which included fingerprint and DNA analysis, fell to the state -- and the influx caused an immediate backlog.

"The slowdown has come from the state having to assume Wayne County's work," said Cataldo, who is Macomb County's chief homicide prosecutor. "Wayne is the largest county in the state and has the highest crime rate. It still has more than 300 homicides a year. Macomb only has 30-40 a year."

Cataldo called the possibility of a Detroit-dedicated crime lab "marvelous." DNA testing has become an especially lengthy process, he said.

"TV shows like 'CSI' and 'NCIS' have created the terrible illusion that you get DNA back before the next commercial, and that's not the case," he said.

Since Detroit's lab shuttered, most of the city's cases have been routed to state labs in Sterling Heights and Northville, which had to convert closets into evidence overflow rooms as the cases piled up.

Two labs had been scheduled to close because of state budget cuts, but both ultimately were spared the ax. The state also rerouted funds to the overburdened labs to hire nearly 40 employees.

Still, the workload remains: The state is backlogged with 3,079 cases needing biological testing, which includes DNA analysis, Collins said. Firearms backlogs increased from 2,695 at the end of 2008 to 4,437 now. Collins said 84% of those cases are from Detroit.

**Plans still being worked on**

Details of the proposed new Detroit lab -- such as how big it might be and how much it would cost -- haven't been worked out yet, police spokesman John Roach said. City officials announced plans last month for the proposed new headquarters, which comes with a $53-million price tag: $6.32 million for the former casino property, and $47 million for renovations.

Collins said staffing the lab would come at the
state's expense, while the city likely would maintain the facility. The lab would need to be sizable to handle the huge caseload, he said, and have proper ventilation because of the chemicals used in some forensic testing.

"It would need good security of the evidence and good security of the scientists," Collins said.

For Cataldo, the what-ifs presented by the Prince case were sobering. The 43-year-old Armada Township man was convicted by a jury of fatally stabbing his neighbor, 87-year-old Dorothy Cezik, on March 7, 2009.

Cataldo considers himself lucky that jurors weighed the circumstantial evidence in favor of a guilty verdict. He is now outspoken about the importance of waiting for all testing to be finished before moving forward to trial, no matter how long it takes.

"Most judges will wait," he said, "but it's very frustrating because the cases just languish."

Contact AMBER HUNT: or alhunt@freepress.com
Cleveland police chief says all new rape kits will be tested; count of older, untested kits continues

Cleveland Patrolwoman Valerie Mone stacks the kits rape evidence kits. Since December, the department has been counting rape kit going back to 1993 and working to determine which have been tested for valuable DNA evidence and which have not.

CLEVELAND, Ohio -- Cleveland Police have tallied more than 6,000 rape kits and pieces of evidence from sexual assault cases going back 17 years.

And they continue to review that evidence case-by-case in an effort to determine what was and wasn't tested for DNA profiles of suspects that could solve cold cases or link attacks by serial sexual predators. The task is time consuming, said Chief Michael McGrath. "If we're going to do this, we're going to do this right."

Perhaps more significantly, he said that starting this year, Cleveland is submitting every rape kit the department receives for testing -- so there should be no backlog of untested kits going forward.
Since December, **the department has counted 6,125 kits of which 2,382** were tested by Cleveland's forensic lab or the state crime lab. McGrath said he expects that number to rise as they continue to identify kits already tested and send older ones to the lab.

While more recent rape kits -- packaged in standard personal pizza-sized cardboard boxes -- are logged and tracked, officers have to hand sort through boxes of older evidence that can contain bed sheets or clothing in paper or plastic bags.

The State Bureau of Identification & Investigation will test every kit Cleveland sends in 2010, though their preference is for departments to **limit their submissions to evidence** that detectives, prosecutors and forensic scientists think will be most likely to provide leads.

**By the numbers**

Since December, the Cleveland Police Department has been reviewing sexual assault evidence it has stored going back to 1993.

**6,125** The number of rape evidence kits officers have counted

**2,382** The number of those kits that have been tested for DNA

**10,624** The number of rapes reported to Cleveland police from 1993 to 2009

For Cleveland's full report, including year-by-year data of rapes reported and kits collected and tested, go to [cleveland.com/metro](http://cleveland.com/metro)

"BCI is continuing to work diligently with Cleveland Police to help them in determining the most effective way to address the older, stored kits," said a spokeswoman for the attorney general's office, which oversees the lab.

In the past, Cleveland supervisors decided whether to submit rape evidence for DNA testing on a case-by-case basis.

McGrath said evidence was often not tested in cases where a sexual assault victim chose not to cooperate with prosecutors, a person recanted a sexual assault report, where there was a lack of firm leads or no biological or trace evidence was found.
The importance of testing as many rape kits as possible has been magnified in the past decade as national databases packed with DNA profiles, have helped solve cold sexual assault cases by linking rape evidence with that from the databases.

Investigators have also solved strings of sex crimes after DNA belonging to unknown assailants was found in rape kits that linked together cases they didn't even know were related.

"What we are doing here is trying to catch-up with technology a little bit," McGrath said.

The department decided to take their inventory count back to 1993 because cases going back that far would likely fall within the state's statute of limitations for prosecution, which is 20 years.

Recently some states have passed laws that have made "DNA exceptions" to their statute of limitations laws and begin running the clock once the identity of the suspect is conclusively linked to DNA evidence collected when the crime occurred.

McGrath said after the final count of untested kits is completed -- a task that could take between six months and two years -- the department will turn its attention to deciding what, if anything, should be done with rape evidence the city has that stretches back to at least the 1950s.

Though those cases are beyond the current statute of limitations, the evidence could answer questions for victims.

There is also the possibility that new leads will be generated as the old batches of previous untested evidence is processed.

"If a lead comes up," McGrath said. "We will investigate it."

The sex crimes unit already has one detective dedicated to cases where assailants are identified through DNA database hits. That detective works in conjunction with a Cleveland Rape Crisis Center advocate to find and inform victims that a new lead has been found in their cases.

Deputy Chief Ed Tomba said that if a suspect identified through DNA is already in jail, the police have more time to investigate and make a new case. But if the suspect is free, then a warrant is issued quickly.

Ultimately it is up to the victim to decide whether to pursue prosecution or not. Some victims may be thrilled at the news of their attacker being arrested. Others may have moved on with their lives and decide they don't want to reopen old wounds.

"You want to give the victim respect and grant their wishes," Sgt. Antoinette

McMahan, a supervisor in the sex crimes unit said.

McGrath dismissed worries of manpower issues if a slew of new DNA hits should generate leads. "We'll handle it," he said.

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Police use DNA against human trafficking

Chinese police are speeding up the establishment of a national DNA database to help missing children find their parents as quickly as possible, the Ministry of Public Security (MPS) said on Tuesday.

"The DNA database has helped reunite 730 children with their families," Meng Qingtian, an official with the ministry's anti-trafficking office, told China Daily at an international forum on human trafficking hosted by the All China Women's Federation in Beijing on Tuesday.

The database has already collected 107,000 samples from lost children and 35,000 from the parents of missing children, she said.

The database is composed of blood samples taken by the police from missing children's parents, children suspected of having been abducted or with an unclear history, children in social welfare institutes, homeless children and child beggars, according to the ministry.

Information on the database is shared among the 236 DNA laboratories in the country.

"All homeless children must take blood tests before they can be adopted and this information will be included on the DNA database," Meng said. "Chinese children adopted by foreign families are also required to take the test."

It costs 100 yuan ($14.8) to take a blood sample, while the cost of DNA tests vary. In Beijing, each DNA test costs at least 2,400 yuan, she said.

Police authorities cover the expense, so the service is free for parents and children.

During a nine-month anti-trafficking campaign, which began in April 2009, police rescued a total of 14,717 women and children, according to the ministry's latest data.

They arrested 17,528 suspects, including 19 who had a level A (most wanted) warrant against them.

About 30,000 to 60,000 children are reported missing every year in China, but it is hard to estimate how many are cases of human trafficking, the ministry said.

"The increasing number of trafficking cases in China is due to a large buyer's market and poor awareness of victims," Zhang Jing, a senior official of the All China Women's Federation, said at the forum on Tuesday.

Boys are especially in demand, because many Chinese families in rural areas want to have a son to carry on the family name, partially because the country's land allotment system is biased towards males.

In cities, the "incomplete social security system" places children in the migrant population at higher risk of being kidnapped, Meng said.

Since it is hard for them to enter kindergartens or schools in cities, they are easy prey for traffickers while their parents are busy working to earn money, she added.

Police across the country will treat all cases of missing women and children as crimes, setting up a special investigative team for each incident, in the latest bid to curb human trafficking, the MPS announced earlier this month.

The move, which follows the nine-month campaign against human trafficking, aims to allocate more manpower and resources to cases involving missing women and children.
Cat fur can identify criminals

By Jennifer Viegas

From the pages of THE DAILY CAT

One of the best home security systems requires no monthly contracts or electrical wiring and may go unnoticed by crooks. Thanks to innovative new research, cat fur is helping to identify and convict miscreants, from robbers to murderers. As a result, your purring lap kitty could one day save your belongings -- and maybe even your life.

Inspiration From TV Crime Shows

Dr. Leslie Lyons, one of the world's leading experts on cat genetics, pioneered the research. She enjoys watching certain television crime programs. "I'm a big fan of 'CSI: Crime Scene Investigation,'" she says, which included two episodes where cat fur was part of the evidence. Lyons, based at the UC Davis School of Veterinary Medicine, was already compiling information on cat DNA when a lightbulb moment struck her.

Lyons and her colleagues then created a DNA database that forensic science experts can use to help identify the source of cat fur. "Because cats incessantly groom, cat fur may have nucleated cells, not only in the hair bulb, but also as epithelial cells on the hair shaft deposited during the grooming process, thereby generally providing material for DNA profiling," Lyons and her team report in the journal Forensic Science International: Genetics. So each strand of fur shed by your cat might contain DNA-rich cells at the root end or even DNA-containing skin cells stuck to the hair shaft itself.

How Cat Fur Catches Criminals

Lyons, who shares her household with four cats, suggests that a perpetrator might not be able to control one detail, if breaking into your house. "I can't come out of my house without cat fur on me," she says, adding that the same can happen to unwanted visitors. Anyone who enters a house where a cat resides leaves with one or more cat hairs stuck to his body, clothing, bags and shoes.

If the criminal is later detained for questioning, or is caught pulling a similar stunt, the cat fur might then go to a lab for analysis. Thanks to the new DNA database, researchers can usually tell what general region and population the cat fur originated from. While the data isn't firm enough to say something like, "This fur came from Miss Fluffy, a calico at X Street in Kansas," it can help to eliminate individual criminals from the list of possibilities, strengthen existing evidence and identify probable suspects.

Cats Have Already Put Criminals Behind Bars

One of the most publicized cases, Beamish v. Her Majesty's Court, P.E.I., involved a Canadian murder. "Investigators linked the perpetrator to the crime scene by STR (a
certain type of DNA) identification of a single cat hair found in the pocket of a discarded jacket," report Lyons and her team.

**Consider Having Your Own Cat's DNA Tested**

If you keep your cat's genetic information on file, that can help facilitate any forensics process, should a crime ever take place in your home. DNA tests also can:

- confirm your cat's lineage
- provide additional information about your cat's family history
- offer info about your cat's coat type and color
- detect certain inherited diseases

Lyons suggests breeders of cats might consider such testing. Persians, for example, can be born with genetic defects that may cause blindness or kidney disease. The DNA information might even one day help to cure similar problems in humans, since both humans and cats are mammals and sometimes suffer from related disorders.

Above all, cats are also "good to have on your lap and just lower your blood pressure," says Lyons. "They're good all the way around."

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**Jennifer Viegas** is the managing editor of *The Daily Cat*. She is a journalist for *Discovery News*, the news service for the Discovery Channel, and has written more than 20 books on animal, health and other science-related topics.
SAN DIEGO - A former Camp Pendleton Marine serving a life sentence in Mississippi for murder pleaded not guilty Monday to killing a masseuse in a downtown San Diego massage parlor in 1975.

Leon Johnson, 57, was extradited to San Diego last week in connection with the Nov. 22, 1975, murder of Luz Borrayo.

Judge David Szumowski ordered the defendant held without bail pending an Aug. 2 hearing.

According to court documents, San Diego police were called to the Twilight Massage Parlor on Fifth Avenue in the Gaslamp District after someone called to say the 27-year-old Borrayo had been beaten and knocked out by a patron.

A woman who worked at the massage parlor told police that two patrons came in the night of the murder, and that she helped one of the men and Borrayo helped the other man, who gave the name "Leon," according to court documents.

The woman said the man she was helping said he was a Marine from Ohio who wanted a free massage with "all of the extras," then grabbed her and pulled her onto a couch in the lobby.

While the woman was able to get away, she said Borrayo was in a room with the man who called himself "Leon" for 45 to 50 minutes.

During that time, the woman said she heard a couple of thumps on the wall. She said the two men eventually left and she found Borrayo lying on the floor.

According to a detective, Borrayo's body was partially clothed and a piece of material had been knotted and tied around her neck.

An autopsy showed that the victim died from asphyxiation due to strangulation.

No suspects were identified at the time, but in 2002, a member of the San Diego Police Department's cold-case team submitted evidence for testing, and authorities obtained a DNA profile of Borrayo's unknown killer and entered it into a DNA database, eventually getting a "hit" on Johnson's profile.

Johnson is serving a life prison sentence in Mississippi for the 1982 murder of a 55-year-old convenience store clerk in Meridian.
DA files charges in 1974 Napa murder

By Alisha Wyman
FOR THE STAR
Saturday, July 24, 2010 12:13 AM PDT

The Napa County District Attorney’s Office has filed charges in the 36-year-old killing of Anita Andrews at Fagiani’s Cocktail Lounge.

Roy Allen Melanson, 73, is accused of murdering Andrews on July 10, 1974, a crime that has remained notorious in Napa ever since.

A warrant has been issued for his arrest and the process of bringing him to Napa now begins.

Melanson, also known as Roy Melancon, is in prison in Gunnison, Colo., for the murder of Michele Wallace almost two months after Andrews’ death.

The Napa County District Attorneys Office has reviewed the case and believes the charges are warranted, District Attorney Gary Lieberstein said.

“We don’t file charges unless we believe the evidence presented to the jury would satisfy our burden of proof,” he said.

Extradition is a complicated process that could take up to several months, or much quicker if Melanson doesn’t object to being taken to California, Lieberstein said.

Lieberstein was unable to say how much extradition costs.

“You don’t put a price tag on justice,” he said. “It is what it is, and we believe that Roy Allen Melanson needs to stand trial for Anita Andrews’ murder.”

Once Melanson arrives, court proceedings would begin with an arraignment on the single murder charge. Deputy District Attorney Paul Gero has been assigned to the case.

A moratorium on the death penalty was in place in 1974, so the maximum sentence Melanson could face is life in prison, Lieberstein said.

On July 10, 1974, Andrews was working in the bar on Main Street, which she co-owned with her sister Muriel Fagiani.

Several patrons later told investigators that an unknown man was in the bar that night, according to court documents. One witness said Andrews identified the man as her boyfriend.

The patrons, who Andrews asked to leave so she could clean up, last saw her alone with the unknown man, court documents say.

Andrews failed to come to work at Napa State Hospital the next morning, so Muriel Fagiani went to the bar looking for her, court documents say.

Fagiani found Andrews in the rear stock room dead. Her cash, credit cards, jewelry and her vehicle were missing, court documents say.
A pathologist found Andrews’ cause of death was multiple stab wounds.

Criminalists and investigators launched an investigation, collecting 47 pieces of evidence, court documents said.

They found Andrews’ credit card was used at a gas station in Sacramento, but no suspect was ever identified.

Napa Police Detective Don Winegar was assigned to the case in May 2006.

Winegar noted that a previous detective had submitted a towel to the California Department of Justice, however, he couldn't find a DOJ report on the item, court document say.

He contacted a criminalist at the lab in July 2006, and an official was able to obtain a partial male DNA profile from the towel. It wasn't complete enough, however, to be submitted to the national CODIS database in search of a match, the documents say.

In November of 2007, Winegar submitted a cigarette butt and ashes that were found at the scene.

A criminalist found an unknown DNA profile among the evidence. That profile was put into the CODIS database and was found to match Melanson’s DNA in November 2009, court documents say.

Winegar traveled to Colorado to speak with Melanson, who denied ever being in Napa or meeting Andrews, court document say.

Officials collected a cheek swap, blood, finger prints and a handwriting sample from him to double check if he was a match.

In January, a witness from Fagiani’s 36 years ago identified Melanson in a photo line-up as the unknown man he saw that night, court documents say.

Prosecutors must prove beyond a reasonable doubt that Melanson killed Andrews, and until then, he’s assumed innocent, Lieberstein pointed out.

Filing charges against Melanson is “one step in a long process of giving everyone in this case a fair trial,” Lieberstein said.
SAN FRANCISCO – A swab of saliva was at the center of a legal battle Tuesday over DNA collection of felony suspects and privacy rights.

A three-judge panel of the 9th Circuit U.S. Court of Appeals was considering a bid by the American Civil Liberties Union to suspend the DNA collection of anyone in California facing felony charges while the ACLU's federal lawsuit is pending.

A lower court judge earlier rejected the ACLU's request in a legal challenge to California's Proposition 69, which was passed in 2004 and enacted on Jan. 1, 2009.

The ACLU alleges that the DNA collection is an unconstitutional search and seizure since some of the suspects who submit DNA samples through a swab of their cheek will later be exonerated.

Attorney General Jerry Brown, whose job is to defend the law, argued before the hearing that the DNA collection is akin to fingerprinting anyone who is arrested. He also said the collection is a powerful law enforcement tool.

"So far, DNA collected from arrestees has led to the identification of suspects in more than 970 rapes, murders and other very serious crimes," said Brown, the Democratic nominee for governor in California.

The samples are stored in the state’s DNA database, which has grown to 1.5 million samples.

During the hearing, Judge Mylan Smith Jr. appeared to side with Brown, saying: "I frankly think taking your fingerprints is more intrusive."

The two other judges on the panel were more guarded in their position. Judge Willy Fletcher wondered whether the government had the ability to destroy samples of felony suspects who are later exonerated.
Deputy Attorney General Daniel Powell said the state's population was too vast to automatically delete those samples from the database, but that the exonerated could write a letter to the state Department of Justice asking for its removal.

Powell said that collecting the DNA is not an intrusive way of identifying criminal suspects and that keeping the samples was constitutional, even if the arrestee was later cleared of charges.

"We keep fingerprints, and we keep arrest records long after a suspect has been acquitted," Powell said.

ACLU attorney Michael Risher told the appeals panel that investigators have expanded the use of DNA so far that privacy rights are being violated. He argued that a cheek swab differs from fingerprints because it requires probing the body.

Further, he said that DNA and fingerprints differ greatly in what they tell investigators about each suspect.

"Our fingerprints tell us nothing about ourselves," Risher said. "DNA tells us everything."

Risher urged the court to issue to bar police from collecting the samples until the lawsuit is resolved.
State labs chip away at DNA testing backlog

July 19, 2010 | Ryan Gabrielson (/user/ryan-gabrielson)

California’s law enforcement agencies are generally doing less with less.

One notable exception is the state's DNA laboratories, which have reduced the backlog of samples to test even as their caseloads swell and the financial crisis threatens to cripple other parts of the criminal justice system.

Data from the Jan Bashinski DNA Laboratory shows that by the end of April (the most recent figures (http://ag.ca.gov/bfs/pdf/Monthly.pdf) there was a backlog of 43,458 samples, down 19 percent from the June 2009 total of 53,590.

The California Justice Department has added dozens of forensic scientists to its laboratory staff the past six years. Jill Spriggs, chief of the Bureau of Forensic Services, said much of the recent improvement is due to new technologies and reorganization that reduce the laboratory workers' duties that aren't directly related to testing samples.

Nine months ago, the bureau was able to analyze more than just the samples that had just arrived and chip away at the tens of thousands of waiting cases.

"We finally caught up," Spriggs said.

Highlighting this improvement is the state lab's most high-profile success story, its DNA match that lead to an arrest in the case of the "Grim Sleeper" serial killer. Los Angeles police last week arrested Lonnie David Franklin Jr., suspected in 11 homicides.

The arrest joins more than 12,000 "hits" made by the DNA-testing program voters established by passing Proposition 69 in 2004. Attorney General Jerry Brown is currently defending the voter-initiative – which requires DNA collection from suspects arrested on felony charges – against a legal challenge (http://www.aclunc.org/cases/active_cases/asset_upload_file560_9330.pdf) from the ACLU.

But the system didn't work perfectly even in that case, as the Los Angeles Times reported (http://www.latimes.com/news/local/la-me-grim-sleeper-dna-20100715,0,4400135.story) Thursday:

“Lonnie David Franklin Jr.'s genetic profile was supposed to be added to the state's DNA databank of offenders because he was on probation for a felony when voters approved Proposition 69, a sweeping expansion of the state's DNA collection.

The Los Angeles County Probation Department was given the task of obtaining DNA samples from tens of thousands of local offenders who were on probation when the law went into effect in November 2004.

But by the time the agency began collecting DNA, Franklin was no longer under its supervision. Thousands of other offenders may also have avoided providing a sample during the same period, officials said.

California law enforcement agencies have received $43 million in federal cash since 2004 to reduce the state's DNA testing backlog. That figure (http://www.dna.gov/funding/backlog-reduction/backlog-reduction-)

http://californiawatch.org/watchblog/california-making-dent-dna-testing-backlog
Not everyone's a proponent of such efforts.

Christopher Heaney and Sara Huston Katsanis, researchers at Duke University's Institute for Genome Sciences and Policy, argue that targeting arrestees' DNA can be a misallocation of resources that, interestingly, ensures more money in the future:

"Advocates of expanding DNA databases argue that putting more criminals and arrestees into the databases will help solve crimes and allow earlier apprehension of violent criminals. But evidence for that is lacking, so far, and diverting resources to expand the collection of DNA takes away funds needed to analyze the evidence already accumulated.

And because of a strange set of incentives, labs remain eligible for some federal assistance to process DNA samples only so long as they are running behind. Regardless of Congressional intent, federal funding rewards maintaining a backlog."
Sacramento homicide suspect held in 1980 case, linked by DNA

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Carolyn Williams didn't know what it was, but the night before her brother was killed, she and her mother shared a feeling that something bad was about to happen.

It was 30 years ago, and Williams was only 15. She has vague but fond memories of her brother Charles Redmond, who was 22 years old when he was stabbed to death on a cold November morning in 1980, according to archived Bee articles.

Her brother's death took something from their mother.

"She was never the same," Williams said.

Willie "Granny" Redmond died in 2003 at age 78, thinking that authorities would never find her son's killer, said Howard Redmond, the oldest of six siblings.

"That was always on her mind," Redmond said. "There was a sadness in her heart."

On Monday, Sacramento police – armed with new evidence from DNA processing – arrested Robert Lee Blockton, 57, in connection with Charles Redmond's death. Blockton is being held without bail at the Sacramento County Main Jail and is scheduled to appear in court this afternoon.

In a jailhouse interview with The Bee, Blockton denied killing Charles Redmond. The men attended Sacramento High School and knew each other through mutual friends, Blockton said.

"I didn't know him that well," Blockton said.

A stroke five years ago affected his memory, Blockton said. All he can remember of that night is that they were at a nightclub on T Street with a group of friends, he said.

Blockton also said he wanted to consult with an attorney before divulging more information.

According to Bee articles from the early 1980s, police said they had seen Charles Redmond in women's clothing at Fourth and T streets on Nov. 3, 1980, about two hours before his naked body was found. Detectives said witnesses heard scuffling sounds at 5:30 a.m. before they found Redmond stabbed in the chest and back.

Police later found a pair of women's slacks alongside Interstate 5 near Sutterville Road that matched those they said Redmond was wearing.
Witnesses reported seeing Blockton with Charles Redmond hours before the stabbing, police said. They arrested Blockton, but the District Attorney's Office dismissed the case, citing insufficient evidence.

A key witness could not identify Blockton in a photo lineup, a deputy district attorney said in an Aug. 4, 1981, Bee article.

The case grew cold until 2007, when police said one of the victim's friends called to give them information about a possible suspect. In an e-mail to The Bee, Sgt. Robert McClosky said after cold case detectives ruled out that person, they found items in the case that were never submitted for DNA processing.

Lab results came back in 2008 with a partial profile but with no hits in the DNA database. Detectives decided to take a second look at Blockton, who refused in 2008 to give a DNA sample. When Blockton was arrested in June for an unrelated charge, detectives tried again. It was a match, they said.

"I never gave up hope that one day the truth will come out," Howard Redmond said, adding that his brother was a doting uncle, who often took Howard's children to the park.

Charles Redmond was attending Sacramento City College at the time of his death, and dreamed of becoming a clothes designer, Howard Redmond said.

Williams described her brother – who was the middle child – as "very smart, very outgoing."

She said her mother always carried Charles Redmond's picture in her wallet.

"Every time she opened it, she could see his face," Williams said.

The family buried Willie Redmond a few feet away from her son.

"She's right now by him," Williams said.

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Call The Bee's Chelsea Phua, (916) 321-1132. Follow her on Twitter @Chelsea_Phua. Bee researchers Sheila A. Kern and Linda Beymer contributed to this report.
A 31-year-old man was released from one jail Saturday and booked into another on warrants charging him with the rape, burglary and robbery of an Auburn woman more than three years ago.

Auburn acting police chief Tommy Dawson said DNA evidence taken from the then 33-year-old victim in March 2007 connected Curtis Lorenzo Williams to the crimes.

Dawson said a man, unknown to the victim, forced his way into her apartment off of West Glenn Avenue, raped her and took some personal property. The victim underwent a sexual assault kit and the evidence collected was sent to the Alabama Department of Forensic Sciences for analysis.

In 2008, DFS issued its report, matching Williams’ DNA to the assault. Warrants were issued for his arrest, but Dawson said they couldn’t be executed since he was already incarcerated at Limestone Correctional Facility on charges of unlawful breaking and entering into motor vehicles in Auburn.

However, as Williams was released Saturday from Limestone, Auburn police took him into custody, transported him to Auburn and booked him into the Lee County Detention Facility on the latest charges.

Dawson said Williams was released Monday after making $150,000 bond. He said the case will go the Lee County district attorney’s office to be presented during the next grand jury session.

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Alleged truck thief could head back here

By Brian D. Bridgeford / News Republic | Posted: Tuesday, July 27, 2010 10:39 pm

The alleged thief of a rural Baraboo man's truck could find himself being dragged back here after investigators identified him through DNA traces left in the vehicle.

On Tuesday the district attorney filed a criminal complaint in Sauk County Circuit Court and won issuance of a body-only arrest warrant against Robert N. Hansen, 24, of Isanti, Minn. The charges are based on the theft of a pick-up truck from the town of Greenfield in October.

On Oct. 22 a Sauk County sheriff's detective met with a man who said his truck was stolen Oct. 17 and he had just returned after retrieving the vehicle from Illinois, according to the criminal complaint.

He reported finding the driver's seat had been pushed back and someone left cigarette butts, a McDonald's restaurant bag and an empty pack of Camel cigarettes in the pick-up.

The detective collected the items and took the victim's fingerprints so investigators could identify prints left in the vehicle which did not belong to the owner, the complaint states.

The evidence was submitted to the Wisconsin State Crime Laboratory and a month or more later a lab analyst reported identifying Hansen as the source of DNA traces left on the cigarette butts.

On Dec. 3 the detective met again with the truck's owner and showed him a picture of Hansen provided by the Minnesota Department of Corrections. The owner did not recognize Hansen's photo and did not know him, according to the complaint.

Hansen was not yet in the custody of Sauk County authorities Wednesday evening, according to staff at the Sauk County Law Enforcement Center lock up. Court records give no indication whether the authorities expect to have him in custody soon.

Hansen is charged with operating a motor vehicle without the owner's consent and if he is convicted faces up to six years in prison and a $10,000 fine. A check of Wisconsin's online circuit courts database shows no previous criminal charges against Hansen in the state.
DNA may link man to 2007 theft

By Colleen Kottke • The Reporter
ckottke@fdlreporter.com • July 25, 2010

JUNEAU — DNA evidence ditched near a Dumpster following a burglary two years ago may cost a Dodge County man more time in prison.

Investigators say traces of DNA evidence may link Timothy Knaup, 47, to a 2007 home invasion at a Beaver Dam residence.

Knaup was bound over for trial during a preliminary hearing Thursday in Dodge County Circuit Court.

The Beaver Dam man is charged with armed burglary, pointing a firearm at someone and theft. Knaup is currently serving a five-year prison sentence at Kettle Moraine Correctional Institution after being convicted in a domestic battery case.

At the time of the crime, DNA collected from the scene did not match any samples stored in the statewide data base, said Bob Barrington, managing attorney for the Dodge County District Attorney’s Office.

"We issued the original criminal complaint with just the name ‘John Doe No. 2’ and instead of using the standard height, weight and date of birth as a description, we used the actual DNA markers," Barrington said.

Knaup became a suspect in the case after a routine search on the state database earlier this year signaled a match, Barrington said.

Knaup's DNA was detected on a stolen bandana and jacket and a pair of latex gloves found by a Waste Management employee stashed in a pillowcase discovered on the ground near a Dumpster at a Beaver Dam daycare center, according to the criminal complaint.

The pillowcase was found shortly after a Beaver Dam resident reported that he was confronted by an armed burglar in his home on Edgevale Drive the morning of April 23.

The man told police the intruder attempted to hide his face behind the pillowcase as he ordered the man into the bathroom.

The intruder fled from the home on foot, taking the pillowcase, according to the complaint.

Also found inside the pillowcase were cash, jewelry and watches, passports, $5,000 in foreign currency and $3,786 in U.S. currency, according to the complaint.

If convicted, Knaup faces a possible additional 19 years in prison. An arraignment hearing has been set for Sept. 8.
We DO accept anonymous tips, but we strongly encourage you to at least provide contact information. If confidentiality is critical, let us know. We respect the sensitive nature of such tips. However, we may need to contact you to ask follow-up questions or get more background before going forward with an investigation.

Hundreds of rapists in Southeast Wisconsin could be getting away with their crimes, while DNA evidence sits on a shelf. A FOX6 investigation finds more than a thousand so-called rape kits are sitting in storage and have gone untested. If you think that’s because of a backlog at the state crime lab, think again. FOX6 discovered police never sent them testing at all. Every one of those untested rape kits represents someone who claims she was raped. Someone who was willing to endure a highly invasive medical exam, or may have gone through medical exams all for nothing.

What started as an innocent night at the mall for a 15-year-old girl, ended in a horrific gang rape by a band of criminals. Jacqui was supposed to go to the movies with a boy she’d met two days earlier. Instead they hopped on a bus, and headed to a house in the central city.

According to court records, at least a half dozen young men were “all just chillin’, drinking E&J Brandy, and smoking weed.” The men got the Jacqui high, and drunk. They eventually took her to an apartment near 38th and Townsend, where they took turns raping Jacqui.

When Jacqui’s mother, Kathleen, and father went to pick her up from the movies, she never came out. Kathleen said, “It’s the most horrific feeling that you’ll ever want to experience. Ever.”

Kathleen and her husband reported their daughter missing, while Jacqui’s attackers tossed her in the back seat of a car. “They were arguing in the car about what they were gonna do with me.” The group of rapists eventually pulled into a park, and dumped her on the pavement wearing nothing but a t-shirt.

She stumbled toward the street where neighbors spotted her and called police. Kathleen said, “If it wasn’t for them. I don’t know where Jacqueline would be.”

Jacqui was taken to Aurora Sinai Medical Center to be examined by doctors. Sexual Assault Nurse Examiner Debbie Donovan says, “We do a very thorough head to toe exam, which means really looking closely at someone’s body.”
Every year hundreds of victims like Jacqui endure the rape kit examination, but most of those kits will never be used. Records obtained by FOX6 from ten local police departments show that just one out of every three rape kits they've collected since 2007 was actually sent for testing.

Those ten departments accounted for more than a thousand untested kits, most of which are from Milwaukee. Milwaukee Police Captain James Shepard says stranger rapes are always sent for testing, but when the suspect and victim know each other it's up to the prosecutor.

The Milwaukee County District Attorney's Office says DNA testing may not be required if the suspect claims sex was consensual. Shepard says, "Then it comes down to her word against his."

Spokeswoman for the Wisconsin Coalition Against Sexual Assault (WCASA) Jacqueline Callari-Robinson says rapists know that. "They know how to work the criminal justice system, and how to pick the most vulnerable victims."

Callari-Robinson says many victims who've been drinking, doing drugs, or have criminal records don't report their assaults for fear they won't be believed. The victims who do often say they felt more like the suspect than the victim. Kathleen says, "The detective was interrogating her, saying 'I don't think you're a virgin' and all these things. What in the heck are you doing?"

As Jacqui tried to convince detectives she'd been the victim of a gang rape, police told her parents to stay away from the hospital. Jacqui laid in bed with vomit in her hair for eight hours, and just for good measure police wrote Jacqui a ticket.

That sentiment was amplified earlier this month when prosecutors charge Gregory Below with kidnapping, and raping multiple women. At least three of his victims said police initially blew them off.

Milwaukee Police Chief Ed Flynn took the bullet, acknowledged the criticism, and promised additional training for his officers.

Some believe sensitivity training may not be enough. Callari-Robinson says, "I think if we're doing what victims ask, and we're collecting forensic evidence, and they're cooperating with law enforcement. I think it's our duty to send that evidence to be tested."

In July, Illinois became the first state in America to require testing of all rape kits. The new law there requires police to submit a rape kit for testing within 10 days of collecting it.

Milwaukee Sensitive Crimes Commander Captain Shepard told FOX6 Reporter Bryan Polcyn it was up to him, he'd send every kit for testing. He said that's one possible outcome as they review their policies.

However Shepard said he worries about flooding the crime lab with unnecessary evidence, and potentially recreating the backlogs that plagued the state a couple of years ago.

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