

Forensic DNA News
Week of May 14 – 20, 2006
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DNA Evidence and Crime-Solving

“DNA match leads to arrest in old rape” *St. Louis Post-Dispatch* (Missouri) May 17, 2006

Paul L. Loesch, 32, was charged with rape and sodomy after his DNA matched a sample taken from the victim’s clothing in 1996. In January 2005, a new law in Missouri required that all felons’ DNA be tested and stored in the database. Loesch’s DNA was collected and put through the database, which was a match with the evidence from the 1996 assault.

Controversies Concerning DNA Databanks and Laboratories

“Expanding DNA database assailed” *Newsday* (New York) May 16, 2006

In New York, protests have been staged against Governor George Pataki’s proposal to expand the state’s criminal DNA database. Protestors cited concerns over human error and cases in which local authorities have retained genetic samples from people who have not been charged with crimes. The law which Pataki proposed would require DNA collection from all convicted criminals to create one of the most comprehensive DNA databases in the United States. The law was passed in the New York Senate but has stalled in the Assembly.

“County DNA lists include non-convicts” *The New York Times* May 16, 2006 Tuesday

The Innocence Project released documents which show that New York City and at least five other counties in New York are keeping DNA records of suspects, even if they have not been convicted of a crime. In New York, it is only legal to collect and store DNA from those convicted of a crime. A spokesperson for the New York City medical examiner’s office stated that people who were not convicted were able to expunge their DNA from the database through a court order. However, some DNA evidence is collected from cigarettes, chewing gum, or used cups without the person’s knowledge.

“Malvo may implicate Muhammad in 5 of 6 slayers, source says” *The Washington Post* May 19, 2006

Sniper Lee Boyd Malvo is prepared to testify that his alleged accomplice, John Allen Muhammad, pulled the trigger in five of the six Montgomery County slayings in October 2002, according to a source. DNA and ballistics evidence ties both Malvo and Muhammad to the shootings, taken both from the crime scenes and Muhammad's vehicle.

Expanding the DNA Databank

"House OK's DNA testing for felons; Permanent plan eases application process" *The Columbus Dispatch* (Ohio) May 18, 2006

In Ohio, the House voted to reinstate a program giving convicted felons access to state-funded DNA tests. The new law is without expiration date and makes it easier for inmates to get DNA test applications approved by the courts. This reinstated program comes after Christopher Bennett, 30, was released from prison after DNA evidence indicated that he was the passenger, and not the driver responsible for the 2001 accident that killed a 42-year-old man.

DNA-based Post Conviction Challenges

"Lawyers Elsewhere Take Note as a New York Man Is Freed by DNA Tests" *The New York Times* May 17, 2006

Douglas Warney, 44, was released from prison after DNA tests tied another man to the crime. Warney was convicted in 1996 for the killing of a community activist. "I'm angry that I was put in a position that I could have been executed for a crime that I didn't commit," said Mr. Warney, 44, who initially was charged with first-degree murder, which carried a possible death sentence.

"Bill to allow inmates to have DNA tests approved by House" *Plain Dealer* (Cleveland) May 18, 2006

The Ohio House of Representatives unanimously passed a bill that would allow Ohio prisoners to request DNA tests to try to prove their innocence. The bill includes an emergency clause, allowing its immediate implementation should the governor sign it, bypassing 90-day cooling period. Under the bill, current inmates who were convicted without DNA evidence, were found guilty at trial, and still have a year remaining on their sentences could apply for testing.

DNA Evidence and Sentencing

“Man pleads guilty, gets 20 years for rape in 2000” *St. Louis Post-Dispatch* (Missouri)
May 17, 2006

Joseph McCusker pleaded guilty of a July, 2000, burglary and rape of an 18-year-old woman in her home in Missouri. McCusker’s DNA was stored in the national DNA database, Combined DNA Index System (CODIS), and was later matched to evidence collected in 2000. He was sentenced to 20 years in prison for rape and a concurrent 15 years for burglary.

“Man gets 30 years in prison for rape; DNA belatedly links him to sexual assault of Falls woman in 2001” *Milwaukee Journal Sentinel* (Wisconsin) May 20, 2006 Saturday

John P. Green, 54, was sentenced to 30 years in prison for the 2001 break in and sexual assault. He was imprisoned on unrelated burglary charges in 2002, and his DNA was obtained in March 2005 when he was released on parole. A national database linked him to the unsolved 2001 crime. This is his 11th conviction.