



### A8 We're Not Gonna Take It! The Sequel (Case Studies From New York City)

Noelle J. Umback, PhD\*, Office of the Chief Medical Examiner Department of Forensic Biology, 421 East 26 Street, New York, NY 10016

After attending this presentation, attendees will have viewed several case studies. In each, DNA from the assailant was obtained after the victim, in the course of fighting back against her assailant, collected biological evidence useful for DNA testing. To date, CODIS has solved some of these cases, although others remain unsolved.

This presentation will impact the forensic community by demonstrating that semen need not be the only target for DNA analysis in rape cases, nor blood in homicides. Women who defend themselves during an attack help forensic laboratories by safeguarding or creating evidence that might otherwise never exist at all or be lost.

The original presentation of this topic presented at the New Orleans meeting of AAFS (2005) was very well-received and proved to be entertaining as well as informative.

The combination of quick-thinking by victims (including one who was killed consequent to fighting back), thoughtful analysis of the evidence and its application to the case itself resulted in the discovery of critical case evidence which in turn aided each criminal investigation.

The following are a sample of the cases which will be presented: A 68-year-old homeless woman in Manhattan managed to pull a gold chain off the neck of a man who sexually assaulted her in a park in 2005. A swabbing of the necklace yielded a mixture of DNA, from which her own DNA could be subtracted to give the male's DNA - which was also consistent with semen evidence in the case. Once uploaded to CODIS, the male profile matched DNA collected from the fingernail scrapings from a victim in an unsolved attempted sexual assault committed in Miami-Dade County (part of a pattern of three from that jurisdiction). Two years later, in 2007, New York State entered the profile of a man convicted of robbery into SDIS and found a match to all four cases. He is scheduled to go on trial for the 2005 Manhattan sexual assault in summer 2008.

A lesson in don't attempt to steal what is most important to a woman her handbag! A Brooklyn woman fought back when a stranger snatched her purse – scratching him with such force that the blood from her hand was later swabbed at the police station. Her attacker was in such a hurry to run off that he also left behind one of his shoes. The profile from the blood matched the DNA from the shoe. Once uploaded into New York's SDIS, the profile matched a parolee who has spent the better part of the past 25 years in prison - for multiple convictions - including rape, sodomy, and robbery. His parole has now been revoked.

A shocking ending to a crime which begin with blaming the victim for possibly exposing herself to the unsavory world of the internet. An 18-year-old girl was found murdered in her ransacked home in Staten Island in 2005. Though the crime scene showed obvious signs of her attempts to fight off her assailant, she had ultimately been smothered to death. Police immediately focused in on this young woman's extensive chat-room activity on the internet and the numerous men she had consequently met. While the police first believed her own social choices had contributed to her death, examination of the fingernail scraping collected postmortem revealed biological material under all ten of her fingernails. The full DNA profile of her killer was developed. Her half-brother was convicted of her murder and sentenced to 18 years—one for each year of her life.

A woman in Queens was dragged off the street and into a darkened area, strangled and raped by an unknown assailant. However, prior to being choked into unconsciousness, she managed to swipe or scratch her fingers in his nose. Biological material collected from under her fingernails yielded a clean 12-locus male profile. This was uploaded into the CODIS system and almost three years later, matched a New York State offender who had been compelled to provide a DNA sample as a consequence of his conviction for misdemeanor petit larceny. He would later tell police "the voices in his head told him to do this." Evidently the voices haven't persuaded him to plead guilty; he is awaiting trial.

**CODIS, Sexual Assault, Self-Defense**