



E34 Girls Rule, Perps Drool: How an 84 Pound Teenager Made Her Attacker Bleed All Over the Evidence

Melissa Mourges, JD, and Martha Bashford, JD*, NY County DA Office, One Hogan Place, New York, NY 10013*

After attending this presentation, attendees will understand how to use a “John Doe” indictment to preserve jurisdiction against the statute of limitations, focusing on an attempted murder/sexual assault case in which a teenage girl fought her attacker so fiercely she drew blood, but the perpetrator’s forensic profile had no match in CODIS.

This presentation will impact the forensic science community by providing an insight into what kinds of cases make good candidates for “John Doe” indictments and how to proceed when a match finally occurs in CODIS.

It was just two days after her 15th birthday when Jessica Reyes, measuring 4’8” and weighing only 84 lbs, entered the lobby of her building in a huge housing complex in upper Manhattan. She got into an elevator, intent on her cell phone, and as she was about to exit, she was grabbed from behind by a man who put her in a stranglehold and threw her onto the floor. He choked her to unconsciousness and pulled her off the elevator on the top floor, 34 stories above the ground. Surveillance video captured this blitz attack.

When Jessica came to, he had her in the stairwell, alternately choking and punching her in the face. Hoping to avoid something worse, Jessica gave him her only possessions, a student subway metrocard and a single dollar bill. He threw her to the floor and they tumbled down three flights of stairs, fighting and clawing at each other. The assailant tore off her pants and underpants. When he took his hands off her to pull down his zipper, she fled to her own apartment. She was bleeding profusely, with blackened eyes, a torn lip, a broken nose and bruises all over her body.

The stairwell looked like a charnel house. Crime scene photos show clots and smears of blood where Jessica’s head repeatedly bounced off the stairs. Crime scene investigators recovered a pair of men’s eyeglasses and the blood-stained metrocard from the stairwell. DNA analysis developed the same male profile from each item and the profile was uploaded to CODIS. No match was found.

Fearing that the statute of limitations would run out, in 2007 the Cold Case Unit of the Manhattan District Attorney’s Office obtained a “John Doe” indictment. “John Doe with a Particular DNA Profile” was charged with attempted murder, attempted rape and other crimes to stop the clock. Because New York is a grand jury state, that means the victim had to testify in person, knowing her assailant may never be caught.

Finally, a CODIS “hit” matching to a man named Steven Carter. As a result of a conviction for a home invasion against an elderly man with Parkinson’s disease, Carter’s DNA entered CODIS on September 10, 2010. The match occurred on September 13, 2010. It took CODIS three days to solve a crime that had lingered unsolved for almost seven years. Carter pleaded guilty on the eve of trial. Jessica Reyes became the public face of the power of DNA as she crisscrossed New York state encouraging legislators to pass an “All Crimes” DNA Databank expansion law, requiring offenders convicted of all misdemeanors and felonies to go into CODIS. Her efforts paid off; that law was signed into effect this past May.

Sex Crimes, John Doe Indictment, CODIS