

STATE OF ILLINOIS)
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, CRIMINAL DIVISION

THE STATE OF ILLINOIS,)	
Plaintiff-Respondent,)	No. 00 CR 16901
)	
v.)	The Honorable
)	Fred Suria,
GEOFFREY GRIFFIN,)	Judge Presiding
Defendant-Petitioner.)	

MOTION FOR DNA DATABASE SEARCH
BY THE DEPARTMENT OF STATE POLICE

GEOFFREY GRIFFIN, by his attorney, Edwin Burnette, Public Defender of Cook County, through his assistants, Jean Herigodt and Greg O'Reilly, moves this Court to order a DNA database search by the Department of State Police pursuant to 725 ILCS 5/116-5 new (S.B. 472, effective November 19, 2003).

In support thereof, the accused state as follows:

1. Mr. Griffin has previously filed motions for discovery pursuant to Illinois Supreme Court rules. Herein he supplements these motions.
2. In this case forensic DNA testing has been done on certain items of evidence, including fingernail swabbings from the victim, Angela Jones, by the Illinois State Police ("ISP"). Mr. Griffin has been recently informed of results, and awaits production of electronic data on this testing. He reserves the right to test additional evidence, or re-test evidence unsuccessfully profiled by the ISP.
3. The ISP has identified DNA profiles of an individual or individuals on the swabbings of the victim's fingernails, which were collected by law enforcement authorities in connection with this case. The profiles from the swabbings of the victim's fingernails are *not* consistent with having come from Mr. Griffin.

4. At this time, the profiles which Mr. Griffin seeks to compare to databases come from these fingernail swabbings from Angela Jones' right and left hands (ISP Lab #s 4A1 and 4B1 respectively)
5. Mr. Griffin requests this court to order the ISP to conduct a DNA database search comparing the DNA profiles of the unknown individual or individuals left on the swabbings from the victim's fingernails against profiles stored in government DNA databases pursuant to 725 ILCS 5/116-5. The statute provides for comparing such profiles against:
 - (i) genetic profiles of offenders maintained under subsection (f) of Section 5-4-3 of the Unified Code of Corrections (persons convicted of a felony), or
 - (ii) genetic profiles, including but not limited to, profiles from unsolved crimes maintained in state or local DNA databases by law enforcement agencies.
 - (b) If appropriate federal criteria are met, the court may order the Department of State Police to request the National DNA index system to search its database of genetic profiles. 725 ILCS 5/116-5 new (S.B. 472, effective November 19, 2003). (See attachment.)
6. At this time, Mr. Griffin requests the ISP's standard moderate stringency search. In such a search, the database search will produce matches that include all alleles from the profile from the victim's fingernails, which are entered into the computer. For instance, from the victim's right hand fingernail swabbings, at locus D3, the alleles 15, 16, and 17 were profiled. When these alleles are entered into the computer at the locus D3, profiles in the database with 15, 16 or 15, 17 or 16, 17 will be retrieved.
7. Also in accordance with statute, Mr. Griffin requests that he be represented at the comparison, and that the ISP shall provide Mr. Griffin and the State's attorney with copies of all documentation, correspondence, including digital correspondence, notes, memoranda, and reports generated in relation to the analysis.

WHEREFORE, the Mr. Griffin requests this court to order to order a DNA database search as specified in the attached order.

Respectfully submitted,

Edwin Burnette, Public Defender of Cook County, #302959

Jean Herigodt
Gregory W. O'Reilly,
Assistant Public Defenders.

Sec. 116-5. Motion for DNA database search (genetic marker groupings comparison analysis). (725 ILCS 5/116-5 new)

(a) Upon motion by a defendant charged with any offense where DNA evidence may be material to the defense investigation or relevant at trial, a court may order a DNA database search by the Department of State Police. Such analysis may include comparing:

(1) the genetic profile from forensic evidence that was secured in relation to the trial against the genetic profile of the defendant,

(2) the genetic profile of items of forensic evidence secured in relation to trial to the genetic profile of other forensic evidence secured in relation to trial, or

(3) the genetic profiles referred to in subdivisions (1) and (2) against:

(i) genetic profiles of offenders maintained under subsection (f) of Section 5-4-3 of the Unified Code of Corrections, or

(ii) genetic profiles, including but not limited to, profiles from unsolved crimes maintained in state or local DNA databases by law enforcement agencies.

(b) If appropriate federal criteria are met, the court may order the Department of State Police to request the National DNA index system to search its database of genetic profiles.

(c) If requested by the defense, a defense representative shall be allowed to view any genetic marker grouping analysis conducted by the Department of State Police. The defense shall be provided with copies of all documentation, correspondence, including digital correspondence, notes, memoranda, and reports generated in relation to the analysis.

(d) Reasonable notice of the motion shall be served upon the State.

(725 ILCS 5/116-5 new; S.B. 472, Effective November 19, 2003.)

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ORDER FOR DNA DATABASE SEARCH
BY THE DEPARTMENT OF STATE POLICE

Upon motion by GEOFFREY GRIFFIN, by his attorney, Edwin Burnette, Public Defender of Cook County, through his assistants, Jean Herigodt and Greg O'Reilly, and the parties having been advised in the premises, it is hereby ordered:

1. The Illinois State Police ("ISP") shall enter all possible profiles that can be generated by any of the alleles that were detected in the fingernail swabbings for Angela Jones' right and left hands (ISP Lab #s 4A1 and 4B1 respectively) into the local and state databanks of known offenders and unsolved crimes.

	Right (4A1)	Left (4B1)
D3		
VWA		
FGA		
D8	1	
D21		
D18		
D5		
D13		
D7		
D16		
THO1		
TPOX		
CSFIPO		

2. The ISP shall permit at least two representatives of Mr. Griffin's representatives, and if so desired, representatives of the State's Attorney to view the databank comparison.
3. The ISP shall provide Mr. Griffin and the State's attorney with copies of all documentation, correspondence, including digital correspondence, notes, memoranda, and reports generated in relation to the analysis.

The Honorable Fred Suria

Jean Herigodt
Greg O'Reilly
Assistant Public Defenders

Robert Hovey
Edward Maloney
Assistant State's Attorneys

Griffin.CODIS.Order.