

LUIS A. VALENTIN
MONMOUTH COUNTY PROSECUTOR
COURTHOUSE
FREEHOLD, NEW JERSEY 07728-1789
(732) 431-7160

SUPERIOR COURT OF NEW JERSEY
MONMOUTH COUNTY
LAW DIVISION (CRIMINAL)
CASE NO. 05-5387
INDICTMENT NO. 06-02-235

STATE OF NEW JERSEY,	:	
Plaintiff,	:	<u>CRIMINAL ACTION</u>
v.	:	ORDER DENYING
GEORGE CALLEIA,	:	DEFENDANT'S APPLICATION
Defendant.	:	TO BAR YSTR DNA EVIDENCE

This matter having been opened to the Court on the 16th day of August, 2007, by Assistant Monmouth County Prosecutor Richard E. Incremona, appearing for the State of New Jersey, and counsel for the defendant, Edward C. Bertuccio, Esq. on defendant's motion to bar the admission of YSTR DNA evidence at trial by way of a FRYE hearing; and

The Court having heard the testimony of Forensic Scientist III Edward J. LaRue, Assistant Lab Director of the New Jersey State Police Laboratory and supervisor of the DNA

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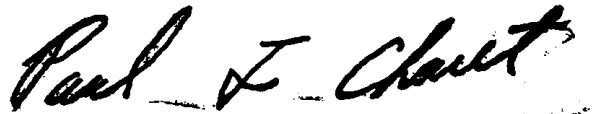
laboratory, the sole witness at the hearing, as well as the arguments of counsel and for the reasons set forth on the record on October 19, 2007;

The Court finds the following:

- (1) The expert testimony of Edward J. LaRue of the New Jersey State Police DNA Laboratory has established that among those in the profession there is general acceptance of the testing, analysis and use of YSTR DNA evidence; and
- (2) That authoritative scientific and legal writings pertaining to YSTR DNA evidence exist in sufficient numbers as to indicate that the scientific community accepts the premises underlying Mr. LaRue's testimony; and
- (3) That judicial opinions from seven (7) other jurisdictions accepting and approving the use of YSTR DNA evidence indicates that the scientific premises proffered by Mr. LaRue during his testimony have gained general acceptance.

Therefore, the YSTR DNA evidence which the State seeks to introduce as evidence at trial in the above captioned matter, has been challenged in a hearing and found to have satisfied the standard set forth in State v. Harvey, 151 N.J. 117, 170 (1997), cert. den. 528 U.S. 1085, 120 S.Ct.811 (2000) (citing State v. Kelly, 97 N.J. 178, 210 (1984))

It is THEREFORE ORDERED on this 29 day of October, 2007, that the defendant's motion to bar the admission of YSTR DNA evidence at trial by way of a FRYE hearing is hereby denied.



Honorable Paul F. Chaiet, J.S.C.