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Crime News

LANDMARK CASE

New DNA tool nets first conviction in rape case

Familial genetic search led authorities to S.C. man in 2001 Williamsburg rape

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Holloway

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Posted: Friday, December 20, 2013 12:00 am | Updated: 8:36 am, Fri Dec 20, 2013.

BY FRANK GREEN Richmond Times-Dispatch

WILLIAMSBURG — A South Carolina man convicted Wednesday of a rape that happened 12 years ago is apparently the first person brought to justice in Virginia by familial DNA searching, a new forensic tool used only when other methods fail.

Tyrone Lamont Holloway, 37, was found guilty by a Williamsburg jury of the Sept. 12, 2001, abduction and rape of a young Hungarian woman working at Busch Gardens that summer. He may be tried next year for a March 23, 2002, attempted rape.

Sources familiar with the case confirmed that Holloway escaped police attention and the crime remained unsolved until last year, when a familial DNA search by the Virginia

Department of Forensic Science suggested the assailant was the brother, father or son of a man whose DNA profile was in the state's offender databank.

Because of privacy concerns, familial DNA searching has been controversial and was not approved for use in Virginia until 2011 by Gov. Bob McDonnell.

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Under Department of Forensic Science policy, it is used only to help solve violent crimes in which public safety remains at risk, other investigative leads have been exhausted and a chief law enforcement officer makes the request.

Nate Green, the Williamsburg commonwealth's attorney, declined to comment on the case Wednesday, saying he did not want to discuss evidence that may be used should he decide to prosecute Holloway in the other case.

However, Green said he wanted to make it clear that his office has made all evidence concerning how Holloway was caught available to Holloway's lawyer from the beginning.

Officials with the Forensic Science Department also declined to comment this week. The department had confirmed in August that there had been an arrest of a suspect resulting from a familial DNA search but would not identify the case.

Williamsburg Police Chief David Sloggie wrote in an email after the verdict, "This is an example of excellence by Virginia forensic scientists, police investigators and assertive efforts of our commonwealth attorney's office utilizing all available technology to ensure justice for a victim of an extremely violent and heinous criminal act."

Told about the case, Rock Harmon, a former California prosecutor and expert on familial searches, said, "Virginians should be proud of (the Department of Forensic Science) for paving the way by using familial DNA searching to solve serious crimes such as this."

"There is absolutely no reason for secrecy," said Harmon, who appeared before the Virginia State Crime Commission in 2010 advocating familial searches. "This should serve as an example to other states (that) have yet to adopt familial DNA searching."

The familial search in Holloway's case did not bear on the question of guilt or innocence and was not presented as evidence to the jury.

Instead, by identifying a close relative, the familial search was the tip that led the Williamsburg police to Marion, S.C., where Holloway lived. Holloway, a nurse, said he spent most of his life in Williamsburg before moving away a couple of years ago.

A pretrial hearing disclosed that Holloway was placed under surveillance. Last December police recovered a fast food bag he discarded in a trash can. Testing found a human DNA profile on chicken bones and a straw in the bag that matched the DNA identified in sperm left by the rapist in the 2001 attack.

Familial searches comb offender DNA databases for near-matches of people who might be a parent, child or sibling of someone who left DNA at a crime scene but whose DNA profile is not in a database.

Relatives identified by searching are not suspects but serve as leads to the guilty, as happened in the Holloway case.

Thus far only three other states — California, Colorado and Texas — openly conduct familial searches, and there have been only a handful of successes in serious crimes, the most notable the 2010 case of California's "Grim Sleeper" killer.

In that case, familial searching turned up a close match between crime scene DNA and that of a young man convicted of an unrelated crime. Investigators determined his father, Lonnie Franklin Jr., could be the killer, and they surreptitiously obtained his DNA profile from a discarded slice of pizza.

Franklin's DNA profile and a crime scene profile matched, and Franklin was charged with 10 homicides.

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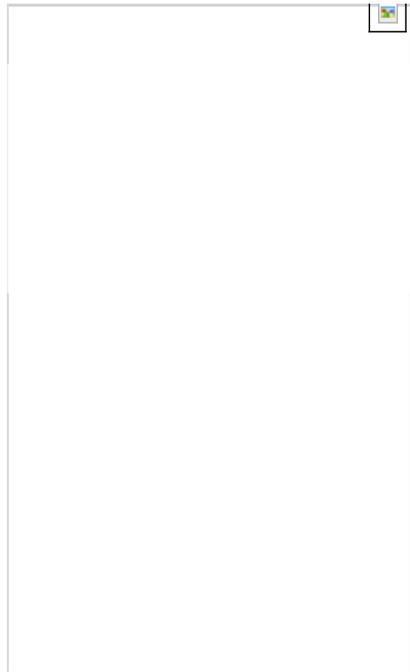
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In the Holloway case, a police officer testified Wednesday that after Holloway was arrested and brought to Virginia, a confirmation DNA test was performed.

Holloway's lawyer, Patrick Kelley, told the jury that there was no dispute that Holloway and the accuser had sexual relations.

The 2011 victim, who was flown to Williamsburg from Hungary for the trial, testified that she was attacked as she walked back to her residence from a Food Lion store about 10 p.m.

Her assailant approached her from behind and pulled her into a wooded area along Parkway Drive where he raped her.

After her attacker fled, she made her way to a nearby house where police were called. Officer Lang Craighill testified that when he met the victim that night, she was upset and had bruises and scratches on her arms and neck and debris from the ground in her hair.

Police found her socks and torn underwear about 10 feet inside the woods where she said the attack took place. The woman was taken to the hospital, where evidence was recovered that produced the rapist's DNA profile.

Holloway testified that he and a friend picked the woman up at a 7-Eleven store the night of the attack. He testified he had met her a week earlier, that she knew his first name and that he went by the name "T."

Holloway said that after the two had consensual sex in the backseat of his car, she demanded money. He said he took her to the Food Lion store and gave her \$20 to go in and buy some beer. To avoid paying her for sex, he said, he drove off when she went inside.

In his closing argument, Green told the jury that to believe Holloway's account, you would have to believe the woman faked the attack by leaving clothing in the woods, walking barefoot to a stranger's home to call police, causing self-inflicted bruises and scratches, not telling police she knew her assailant's name, and then waiting more than a decade to return from Europe to carry out the alleged vendetta against Holloway.

The jury deliberated about two hours before returning the guilty verdicts and recommended sentences of 20 years for abduction and 13 years for rape. Holloway is set to be sentenced in February by Judge Ray Grubbs.

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