

Canine DNA Helps Land a Conviction

By Tracy Wilson

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After a hard-fought trial in Ventura County Superior Court, a Simi Valley burglar and would-be rapist was proved guilty by a hair.

A dog hair.

It belonged to a black-and-white Shih Tzu named Casper, whose furious barking the night of Sept. 22, 2000, alerted his owner to an intruder in her bedroom. When the man fled after a brutal rape attempt, he left with the dog's hair on his pants.

Those fibers were later matched to Casper by scientists and introduced as evidence. Last month, they helped convict 24-year-old Soum Laykham of residential burglary and assault with intent to commit rape in one of the state's first criminal cases involving the use of canine DNA.

"It was really, really great evidence," said Senior Deputy Dist. Atty. Lisa Lee, who persuaded a judge to let her admit Casper's genetic paw prints over defense objections that there are no generally accepted scientific methods for testing dog DNA.

Although attorneys could find no existing California case law on the subject, Judge Kevin J. McGee ruled that the procedures for testing canine DNA are not new and are generally the same as those used for testing human DNA.

"Not only did Casper bark and save her from being raped," Lee said, "but Casper was key in getting this guy convicted."

Laykham, who lived next door to the 60-year-old victim, was sentenced last week to six years in state prison.

He hasn't filed a notice of appeal, but Lee expects the case will be challenged before a state appellate court and anticipates that pet DNA will become a widely used forensic tool.

"I think there are going to be a lot more cases like this coming down," she said.

So-called genetic fingerprinting was developed in the mid-1980s by a British geneticist and entails extracting DNA, deoxyribonucleic acid, from samples of blood, hair, skin or semen to establish an individual's genetic code or pattern.

Such testing has been used for more than a decade in courtrooms across the nation to convict or exonerate criminal suspects. In fact, in 1989 Ventura County prosecutors became the first in California to introduce human DNA to establish the identity of a killer. But the use of pet DNA as forensic evidence is relatively new.

The first introduction in a criminal case is believed to have been in Canada in 1996, when prosecutors used cat hairs on a bloody jacket to link a man to the slaying of his estranged wife.

In 1998, Washington state prosecutors used DNA from a dog to help convict two men of a double homicide in Seattle.

The two defendants were accused of killing a young couple and their dog after demanding drugs and money.

At trial, prosecutors presented evidence that clothes linked to the defendants bore bloodstains from the dog.

The Seattle case is believed to be the first in the United States in which canine DNA was presented as evidence in a criminal trial.

Since then, prosecutors in other states have used genetic testing on pets to solve crimes. But the use of such evidence in California criminal courts is rare. "I could not find another case that talked about dog DNA," Lee said.

In the Simi Valley case, the shaggy little dog whose hair helped identify the attacker is being credited with preventing a rape.

According to court records, it was Casper's barking that alerted the victim to a man standing in the doorway of her bedroom.

As the intruder approached, she threw a box at him, grabbed the phone and called 911. He knocked the phone out of her hand and hit her in the face. As they struggled, he tried to rape her. When the living room phone rang, the woman told her attacker it was the police and he took off.

An officer found the woman bloodied and bruised. She described the attacker, noting a tattoo on his inner left forearm.

The next day, detectives stopped Laykham at his apartment complex. He matched the description, including the tattoo, and the victim identified him, records show.

But when Laykham denied the charges, Simi Valley detectives remembered the dog and decided to check the suspect's clothes.

"He was a longhaired breed, and it seemed as though he would be the type that would shed quite a bit," Sgt. John Parks said. "We believed that the dog hair would have been transferred to an intruder."

Laykham agreed to accompany the officers back to his apartment and provided police with a pair of pants, Parks said. The detective also rolled tape over a second pair, picking up hair that was dissimilar to the suspect's own dog, a chocolate-colored pit bull mix.

The hair and a reference sample taken from Casper were sent to a Davis-based lab and matched by scientist Joy Halverson, who also testified in the Seattle case.

Through her work verifying pedigrees for the American Kennel Club, Halverson has developed a genetic database of about 470 dogs of various breeds.

A statistician determined that the odds the hair on Laykham's pants came from a dog other than Casper were about 1 in 230 million when compared with all breeds in the database, Lee said.

Deputy Public Defender Bill Markov filed a motion challenging the test results, arguing that there are no generally accepted methods for testing DNA from a dog.

"When science is imported from the laboratory into the courtroom, the leap from one context to another must be carefully analyzed," Markov wrote in a motion, which was denied by the court.

Markov could not be reached for further comment this week.