

PREVENT TOMORROW'S VICTIM

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10/13/23

Tempe rapist sentenced to nearly 138 years in prison

Sydney Greene The Republic | azcentral.com

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A man convicted in the prolonged sexual assault on an Arizona State University student in 2003 was sentenced Friday to nearly 138 years in prison — the maximum sentence allowable in the state of Arizona, officials said.

It took jurors less than an hour to convict Kevin Francois in November and just 15 minutes to attach special circumstances on all 12 felony charges for which they found him guilty: nine counts of sexual assault, plus burglary, kidnapping and aggravated assault charges.

Jurors agreed that on Aug. 22, 2003,



Kevin Lee Francois Maricopa County Sheriff's Office





Supreme Court Ruling

Maryland v. King - 569 U.S. 435, 133 S. Ct.
1958 (2013)

RULE:

DNA identification of arrestees is a reasonable search that can be considered part of a routine booking procedure. When officers make an arrest supported by probable cause to hold for a serious offense and they bring the suspect to the station to be detained in custody, taking and analyzing a cheek swab of the arrestee's DNA is, like fingerprinting and photographing, a legitimate police booking procedure that is reasonable under the [Fourth Amendment](#).

DNA Evidence in Trial

- 38 trillion times more likely this man's DNA than anyone else's
- Y-STR analysis proved the stories I told detectives immediately after the attacks were true.



DNA Justice Project



1 IN 6 WOMEN



1 out of every 6 American women has been the victim of an attempted or completed rape in her lifetime (14.8% completed, 2.8% attempted).

According to RAINN, out of 1,000 Sexual Assaults:

- 310 reported to police
- 50 lead to an arrest
- 28 lead to felony conviction
- 25 lead to conviction resulting in prison

This means, out of 1,000
rapes

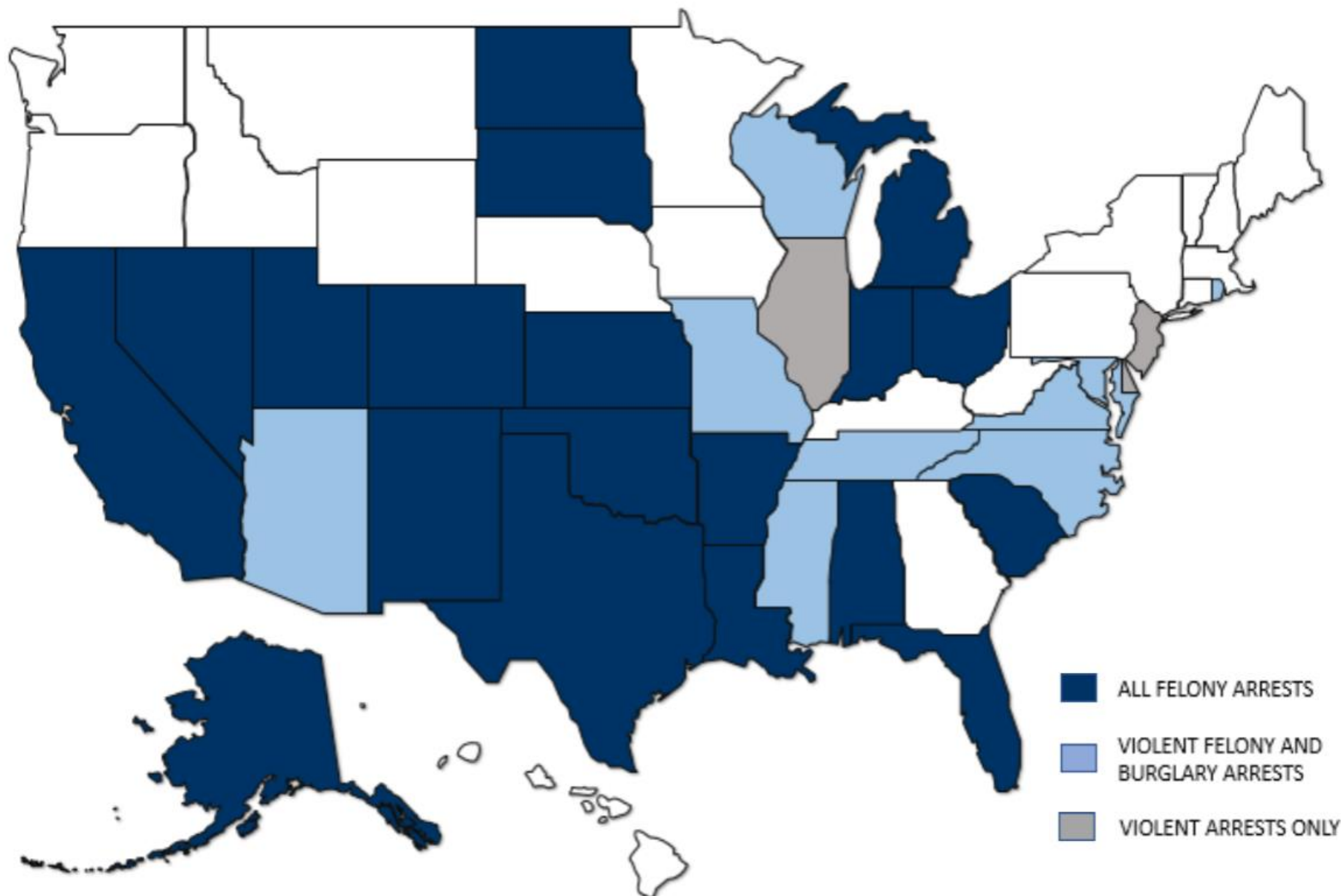
97.5% OF RAPISTS GO
FREE

FORENSIC DNA DATABASE UTILIZATION

IDENTIFY

EXONERATE

PROTECT



DNA Fingerprint Act of 2005

- Any adult arrested for a federal crime provide a DNA sample
- DNA collection from persons detained under the authority of the United States who are not U.S. citizens or are not lawfully in the country.

Katie Sepich

- Brutally raped and murdered in New Mexico in 2003
- 3 months later her murderer Gabriel Avila arrested on aggravated burglary
- Had they collected DNA upon this felony arrest, her family would have had justice 3 months after her death, instead of 2 years



“Katie’s Law” in Action

- 11 year-old Victoria Sandoval was raped and murdered 2005 in Albuquerque, New Mexico.
- Robert Gonzalez was identified as suspect. After 2 years in jail finally went to trial
- April 2008, Israel Diaz arrested on felony burglary charges, DNA uploaded to CODIS matched Victoria’s case. He attempted to flee back to Mexico before his arrest.
- Robert Gonzalez was exonerated, Diaz given 59 years in prison.



James Calvin Tillman

Wrongfully convicted of
rape, and served 18
years in prison before
DNA exonerated him on
July 11, 2006



DNA Databases

- CODIS is one of the most successful investigative tools available to US law enforcement
- As of November 2022, CODIS has produced over 637,830 hits assisting in more than 622,955 investigations
- Expansion of DNA collection laws has broadened CODIS, which has helped more criminal investigations and led to more prosecutions throughout the nation.
- CODIS is safe, private and protected.

LabXYZ (Originating Laboratory Identifier)

0012152 (Specimen ID Number)

**12,14; 11,17; 10,12; 7,12; 13,15; 11,11;
9,11; 17,18; 28,31.2; 49,21; 6,8; 8,8; 16,17;
16.3,17.3; 10,11; 17,18; 14,15; 16,17;
14,16; 16,16 (20 core loci)**

DHL (Analyst Identifier)



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16,16; 16,17; 9,9; 11,12; 8,8; 13,15; 27,29; 12,12; 14,14; 14,15.2; 7,7;
21,24; 15,15; 11,11; 10,10; 10,11; 17,19; 16,16; 17.3 17.3; 18,22; 19,19

“An overwhelming majority of both serial and one-time sexual offenders had felony level criminal histories.”

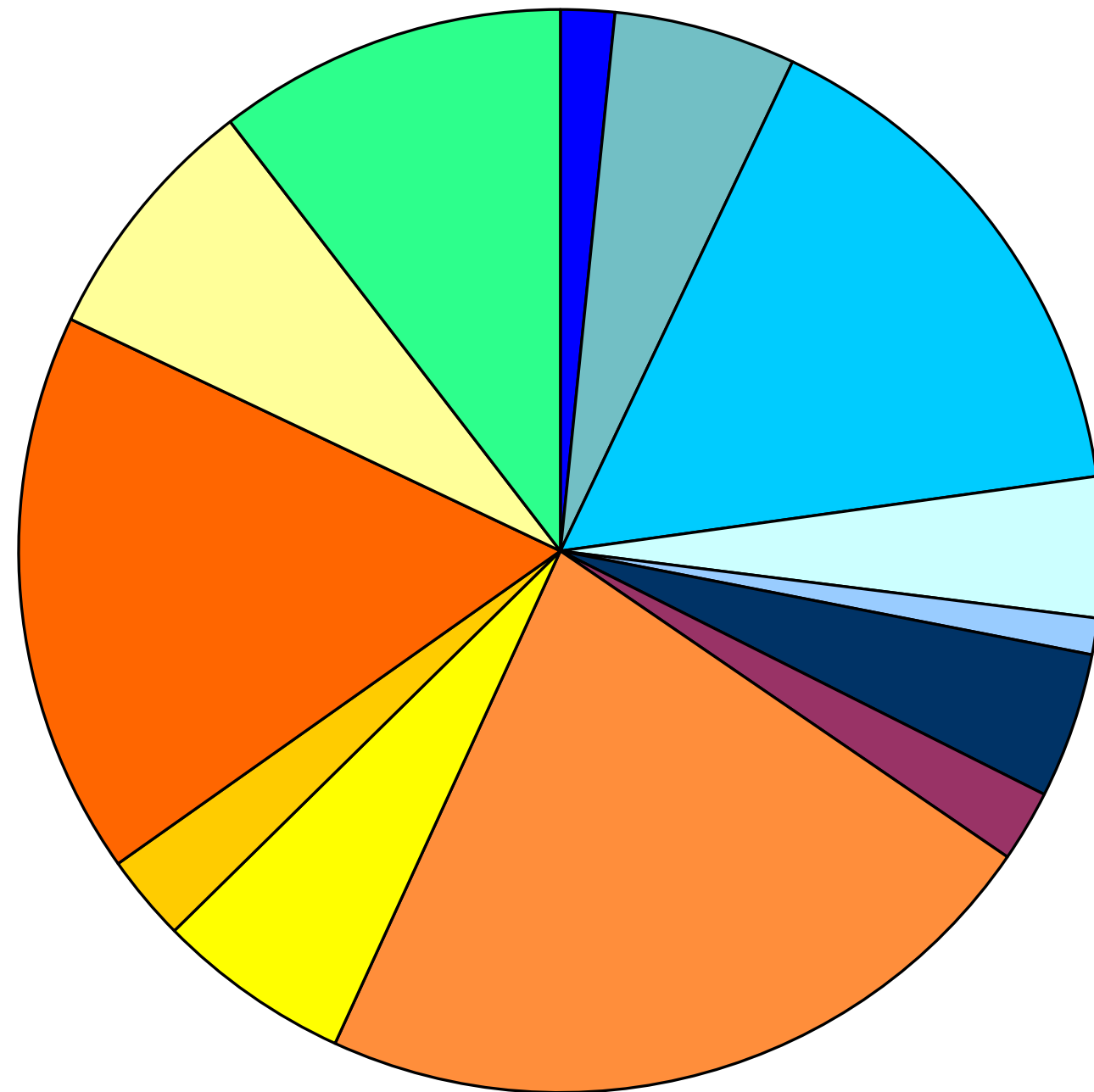
-Case Western Reserve University Study

Repeat Offenders

- 74% of serial rapists had at least one prior felony arrest
- 95% of all serial rapists had a subsequent felony arrest

New Mexico DNA Database Matches

of Database Matches by Qualifying Arrest



- Homicide (40)
- Sex Assault (135)
- Assault / Battery (391)
- Robbery (104)
- Gun Related (27)
- Kidnap (108)
- Abuse/Abandon (53)
- Burglary (553)
- Larceny (144)
- Forgery (64)
- Drug/Alcohol (418)
- Auto Theft (187)
- Other (259)

Crime Reduction

According to a 2020 study, in the first year after DNA offender database registration there was a reduction in:

- Property crimes by 42%
- Violent crimes by 60%
- Weapon offenses by 88%

Across the country, the Department of Justice estimates that 40,000–50,000 lawfully owed samples, per state, are missing

Lawfully Owed DNA

- Systemic problem of failing to collect and process samples of offenders who “lawfully owe” DNA
- Lack of offender DNA profiles and proper DNA testing leaves offenders free to commit crimes or wrongfully punishes the innocent.

Complications of Lawfully Owed DNA

- Missed court hearings/Ignored Court Orders
- Unclear status
- Offender Flees
- Manual or flawed intake processes
- Miscommunication among agencies
- Missed collections in prisons

Holly Cassano

- Young Illinois mother brutally murdered in 2009
- Perpetrator Michael Henslick was arrested multiple times after attack, but blew off judge orders to collect DNA sample
- Lived with his parents in the same mobile home park and went to high school with Holly.
- Finally caught through genetic genealogy in 2018
- Justice would have been served 9 years sooner



EVERY MINUTE COUNTS

- Every minute a crime remains unsolved is time for someone else to become a victim.
- It is time to expedite crime solving with Rapid DNA.
- RAPID Booking systems integrate DNA with existing fingerprint and biometric information systems to automatically process and enroll arrestee DNA at the time of booking

Rapid DNA Technology

- States with laws to collect DNA samples from certain arrestees may be eligible to immediately and directly search index of DISC and CODIS for possible matches in unsolved violent crimes.
- In 90 minutes, arrestee is searched against the DISC which contains complete crime scene profiles from unsolved homicides, sexual assaults, kidnappings, and terrorism incidents.
- A match to a DISC profile will result in an immediate notification to the booking agency, arresting agency, and investigating agency.



Why Rapid?

- Identify violent offenders and potential flight risks within 90 minutes of booking
- Eliminate/exonerate wrongfully accused faster.
- Eliminate loopholes in DNA collection processes which allows criminals to remain undetected.
- Assists in prevention of rapekit backlog issues.
- Allows courts to make informed decisions on bail and bond.
- Prevents future violent crimes

Florida International University

Global Forensic and Justice
Center

Rapid DNA Study

Preliminary findings:

Rapid DNA creates increased database entries, which decreases crime by nearly 300%, which in time decreases the amount of work crime labs will do, decreasing backlogs

East Baton Rouge, Louisiana

- Early adopters of DNA legislation
- First agency granted authority to operate Rapid in booking stations by FBI
- Enrolled over 330 arrestee profiles through Rapid DNA, solved cases such as homicide, attempted first degree rape, and the attempted murder of a police officer.
- Expanding to three more booking agencies by the end of 2023,
- Florida, Ohio, Arkansas are next!





When we maximize forensic DNA and technology, we can prevent our children's generation from becoming the victims of tomorrow.

DNA JUSTICE PROJECT

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