

ADMISSIBILITY OF NON-HUMAN DNA AS EVIDENCE IN COURT

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Research is submitted to partial fulfillment of the requirement for the
Bachelor of Legal Studies (Hons)

Mara University of Technology

Faculty of Law

December 2011

Authors/ writers confirm that work submitted is their own and that appropriate credit has been given
with reference that has been made to the work of others

ACKNOWLEDGEMENT

First and Foremost, we would like to express our grateful thanks to our dedicated supervisor, Pn Nurulhuda Adabiah Mustafa for her endless support, guidance and invaluable comments in the preparation and completion of this research. She has been very supportive and helpful in the completion of this research.

A special thanks to Mr. Ridzuan for sharing their views, opinion and also invaluable information regarding our research. Furthermore, for sharing their precious time to share their knowledge with us.

We also would like to thank our parents for the financial aids and also moral support as well as encouragement that they gave during the preparation until the completion of this research.

We would like to extent our gratitude to all the lecturers for the encouragement and guidance given throughout the finishing point of this research.

Finally, thank you to our friends and classmates for all their love, criticism and continuous support during the preparation of the research and upon completing it.

ABSTRACT

This research is conducted for the purpose of getting a better judgment as to the issue of admission of non-human DNA particularly animal DNA as evidence in Malaysian Court. Besides that, the research is also conducted for better understanding on animal DNA as forensic evidence in Malaysian court in comparison with other countries such as United States and Canada. This research is conducted through library research that includes primary and secondary sources as well as interviews. The importance of the research is to provide useful information and legal data.

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CHAPTER ONE

1.0 INTRODUCTION

1.1 Background of Study

Firstly what is animal DNA? DNA is known as deoxyribonucleic acid in which it is a hereditary materials found in humans and other living organisms. In the cells of human or even animals would contain the same DNA in which it is located in the cell nucleus. However, DNA may also be found in mitochondria but in smaller amount.¹

DNA has now been used in assisting criminal investigation for decades. The association of a suspect with the victim or crime scene through DNA evidence is one of the most powerful tools in solving a criminal case. Nowadays, DNA profiling technologies are not restricted only to human genome as it is also been used in non-human DNA profiling. In the absence of human DNA, in assisting criminal cases, non-human DNA can provide the critical link between suspect and scene.

In 1998, during an investigation on the killing of a Seattle couple and their dog, the prosecutor had only nominal evidence against their main suspects until they contacted Dr. Joy Halverson, a veterinary geneticist². Dr Halverson then, tested the dog's blood against blood found on the suspects' clothing and confirmed that it matched and this helps in convicting both suspects. It marked the first time dog DNA was admitted as evidence in the United States.

In 1996, Canadian authorities scored a murder conviction based on animal DNA by linking a bloodstained coat owned by the victim's ex-husband to hair from his cat.

DNA from a pet can be matched to blood, hair or saliva left at a crime scene in the same way human DNA is matched that is by comparing points on the DNA molecule that vary greatly

¹ What is DNA (2011 March 6) Retrieved from <http://ghr.nlm.nih.gov/handbook/basics/DNA>

² Coile, C. (2009, May 19). *Animal CSI: Cat and Dog DNA Helps Solve Crimes*. Retrieved March 12, 2011, from The Petside Digital Network: Petside UK: <http://www.petside.com/>