# Solving unsolved murders

## N.H. lab says in-state DNA testing is the answer

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Joseph Whittey almost got away with murder. Almost.

In 1981, Yvonne Fine, then 80, was beaten to death in her Concord home over Labor Day weekend.

Whittey, then 20, quickly became a suspect. Semen stains were found on Fine's pajamas and slippers, but because forensic technology was limited at the time, the stains could not be conclusively linked to Whittey.

For 20 years, the case went unsolved. Then investigators with the Concord police, the N.H. Forensic Laboratory and the N.H. State Police took a another look at the case.

Samples of the semen stains were sent to a laboratory in Maryland. There, DNA from the stains was compared to DNA extracted from Whittey's hair and blood. They were a perfect match.

Four months ago, Whittey was sentenced to a life behind bars at the N.H. State Prison in Concord.

The Maryland laboratory's work helped secure Whittey's conviction, but also served to highlight a shortcoming in New Hampshire's police work: the inability to fully use science to solve crimes. It's a deficiency that may be corrected soon in a state that has its share of unsolved murders — 26 statewide since 1990, and nine in the Monadnock Region since 1981.

MICHAEL MOORE / Sentinel Staff

**UNFINISHED WORK** — Quentin R. Estey Jr., former Peterborough police chief, holds a picture of Craig Lane, who was stabbed to death at a gas station in January 1989. Though an elderly couple saw a man running from the scene, Lane's killer has not been caught. Estey has been haunted by the killing ever since. Story on page 4.

Sending DNA out of state to be analyzed is costly, and it can take up to a year to get results because the labs are often backed up with requests, said Timothy J. Pifer, director of the N.H. Forensic Laboratory.

The state lab can analyze tissue for DNA, but isn't certified to do the most accurate of those tests. So the Maryland lab is often relied upon for the work, Pifer said.

Pifer is working to get his lab certified by the American Society of Laboratory Directors. But it's going to take time and money — some $30,000 that his department just doesn't have. Pifer is currently seeking a federal grant to cover the cost of lab review process.

The certification would be a major step forward in New Hampshire crime fighting. It would allow the lab to produce more timely analysis for criminal investigations, identify suspects before investigations go cold, and possibly help officials unravel the long list of unsolved murders.

"We're always hopeful we can extract something new from evidence,

See **DNA** on Page **A-4**

# DNA testing may solve murder cases

( Continued from page A-1 )

whether it's a hair sample, blood sample or stain of some kind," Pifer said.

## Lavallee murder case

Officials at the N.H. Attorney General's Office insist that suspect Brian K. Argeros should be tried for murder in New Hampshire, not Vermont.

In a way, however, those officials are lucky the investigation started in the Green Mountain State. That's because the Vermont Forensic Laboratory can more precisely analyze DNA than New Hampshire's laboratory.

Argeros is charged with murdering Carrie Lavallee, 32, formerly of Nashua. Lavallee's body was found floating in the Connecticut River in July. An autopsy determined she died of massive blunt force trauma to the head.

New Hampshire has jurisdiction of the Connecticut River to the high water mark on the Vermont side. Since Lavallee was found in the water, New Hampshire officials say Argeros should be tried here.

Though Argeros could ultimately be found not guilty of Lavallee's murder, police discovered what appears to be damning evidence — Lavallee's blood — in his car and on his sneakers.

The Vermont Forensic Laboratory received the blood samples on July 11. Within 20 days, analysts found that the DNA from the blood matched Lavallee's DNA. The possibility that it could be someone else's blood is 1 in 933 trillion, said Dr. Margaret Schwartz, director of the laboratory.

New Hampshire's lab can analyze DNA to about 1 in 30,000 people, enough to rule out a large segment of the population, but nowhere near as precise as the Vermont lab.

Because of the DNA results, N.H. police think they've got their man.

Pifer hopes the New Hampshire lab will soon be able to get those same results. Recent events suggest there's a good chance that will happen.

Last year, a $750,000, 2,300-square-foot DNA laboratory was added to the forensic laboratory. The lab began conducting DNA analysis in June 2000. Since then, 50 cases and hundreds of samples have been analyzed at the lab.

The lab also added several pieces of equipment that will aid investigations, including: a gas chromatograph, typically used to analyze chemicals in paint, plastic and rubber in arson cases; special lights that allow bodily fluids to be seen on walls and fabric; and a scanning electron microscope, used to identify various substances.

The lab is now linked directly to the FBI's finger print data base, giving it access to 49 million finger print files, Pifer said.

The new equipment can provide investigators with "much more information than we could get even five or 10 years ago," Pifer said.

For example, if beer cans were found at a crime scene, the new equipment could allow lab technicians to find previously-unseen finger prints on the cans.

Getting certified by the American Society of Laboratory Directors is a long process and can cost as much as $30,000, Pifer said. Analysts must be tested, quality and protocols must be assured, and an inspection team must review the lab's work, Pifer said.

"Basically, it's all about proving you're doing what you say your doing," Pifer said.

Pifer hopes to get a federal grant to pay for some of the certification's cost, and plans to submit an application to the laboratory society at the end of 2002, he said.