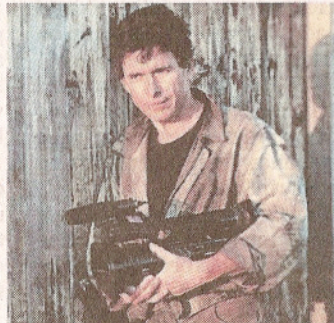


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# Film shines a light on dangers of DNA dependence



Michael Muntz

CHRIS MERRITT

AFTER completing his documentary on how DNA evidence led to one of the justice system's worst mistakes, film-maker Michael Muntz developed his own plan for reform.

It was heavily influenced by the fate of Perth boy Patrick Waring, who would now be in prison for rape but for an independent expert who discovered flaws in the prose-

cution's DNA evidence. The Waring scandal is the subject of Muntz's film *Every Family's Nightmare*, to air on SBS on June 9.

Muntz says DNA is still an extremely valuable forensic tool but problems can arise in the way it is applied in the justice system.

"The DNA problem in the Waring case is the way it was analysed, and that is where the problem lies. It can lead to miscarriages of justice," Muntz said.

His documentary outlines how

the state government's DNA testing lab, PathWest, concluded that the boy's DNA "could not be excluded" from being present in evidence it examined.

"But that was meaningless," Muntz said.

"It could just as easily have said that my DNA or your DNA could not be excluded.

"If you present that to a jury it plays on the 'CSI effect' and they are likely to convict because everybody trusts DNA."

Waring, who was 16 at the time, spent a year in prison awaiting trial and was exonerated in 2007 due to the work of independent DNA consultant Brian McDonald.

"Dr McDonald found that there was male DNA present, that there was not enough to determine whose it was, but there was enough to determine whose it was not—it was not Patrick Waring's," Muntz said.

He said he would recommend anybody facing court action based

on DNA evidence to seek a second opinion.

The film points out that the system used by police and DNA laboratories in this country — in which police nominate a suspect and then use DNA as verification — is out of step with the practice in Britain, which now uses DNA to eliminate suspects.

"They look at the objective evidence and have no pre-conceived idea of who the suspect is... that is world's best practice," Muntz said.