

## **MARYLAND v. KING**

U.S. S.Ct.

*Decided June 3, 2013*

Defendant King was charged in 2009 with first and second-degree assault. During the course of booking him in, a swab was taken from inside his cheek to obtain a DNA sample pursuant to Maryland state law. When that sample was checked through the system, the DNA matched that left at the scene of a 2003 rape case. King was charged and convicted of the rape based primarily on the DNA match. The Maryland Court of Appeals reversed the conviction holding that the collection of the DNA sample without a warrant violated the defendant's 4<sup>th</sup> Amendment rights.

The Supreme Court reversed, holding that the collection of DNA by swabbing the mouth was reasonable under the provisions of the Maryland Act. The Maryland Act authorizes law enforcement authorities to collect DNA samples from persons charged with violent crimes, including first-degree assault. A sample may not be added to a database before an individual is arraigned, and it must be destroyed if he is not convicted. Only identity information may be added to the database. Based on these restrictions the collecting of the sample from a person arrested for a violent crime is similar to fingerprinting and photographing. The government has a legitimate interest in determining the correct identity of persons who are arrested and the intrusion on the rights of the defendant are minimal. Because the need for a warrant is greatly diminished here, where the arrestee was already in valid police custody for a serious offense supported by probable cause, the search is analyzed by reference to reasonableness, not individualized suspicion.