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Testimony of Rep. Mary Mushinsky (85th) in Support of HB 5341, An Act Requiring the Collection of DNA from Persons Arrested for a Serious Felony Before the Public Safety Committee Public Hearing February 15, 2011

I am pleased to cosponsor Rep. Dargan's HB 5341 to require the collection of DNA from persons arrested for a serious felony in order to prevent crimes, solve cold cases and exonerate people wrongfully accused. If ever there was a bill that made public safety easier to accomplish, this is it. Using modern science to collect a DNA database will protect children and adults from serial predators, bring relief to survivors of cold cases, and salvage the lives of people wrongfully accused.

When seeking to protect vulnerable children and adults, usually women, from serial rapists or killers, the sooner we collect DNA and identify a serial predator, the better. We will have saved the next victim's life. The intrusion on the accused is outweighed by the need to prevent the next horrific act. It is the same rationale we use to inconvenience air passengers to protect the rest of us from terrorists.

It was medical evidence and an alert scientist at the state forensics lab in Meriden that finally solved the decades-old Penny Serra murder. This cold case, a murder in the New Haven Parking Authority Garage, might have been solved while the victim's father was still alive if the state had the technology in the 1970's and if we had collected DNA from violent persons. DNA evidence, which is unique to the individual, would also have immediately eliminated several suspects wrongfully pursued in the quest to solve that high-profile case.

In a Wallingford case, a prisoner was recently set free after serving 20 years of a 50 year sentence for the rape and murder of Barbara Pelkey at her workplace, after DNA evidence proved he could not have done the crime. The prisoner had been captured as a 16-year old youth, and spent his adult life behind bars for a crime he never committed. With the tools of modern science and House Bill 5341, we could have spared this innocent man and more quickly focused on the real murderer. A new suspect whose DNA was found on the victim is now the focus of law enforcement. This bill will allow us to protect lives, bring relief to survivors, and make it less likely that the state will mistakenly lock up the wrong person. This bill deserves your support.

(over – news account of Pelkey case)

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Old DNA leads to new arrest in 1986 Connecticut murder and rape of 30-year-old mother of four

BY Brendan Brosh
DAILY NEWS WRITER

Thursday, December 31st 2009, 4:00 AM

A Bronx man was under arrest Wednesday facing charges in a 1986 Connecticut murder, months after DNA tests cleared another man who served 20 years for the crime.

Kevin Benefield, 45, was arrested Tuesday after Wallingford, Conn. cops got a warrant for his arrest in the 23-year-old murder of Barbara Pelkey.

He faces extradition from the Bronx to Connecticut, where police are expected to charge him with murder and first-degree sexual assault.

Pelkey's nude body was found at a Wallingford building, close to where both she and Benefield worked.

The 30-year-old mother of four had been raped and died from multiple blows to the head.

Kenneth Ireland was convicted in the crime and served two decades. He was freed in August after DNA tests exonerated him.

Wallingford cops said the DNA connection to

Benefield was made through recent technological advancements in forensics.

Benefield had willingly given police a saliva sample in September 1986, which a state forensic lab recently matched to DNA found on Pelkey's body.

Benefield's mother said her son, 23 at the time, made a "mistake" giving cops his DNA and is now being framed by local cops.

"They came and blamed him for a crime he didn't commit," Barbara Ray of Harlem told the Daily News. "I'm sure he's innocent. He's not a violent person."

Benefield, who was living in New Haven, Conn., at the time, was seen at the crime scene on September 3, 1986. He reportedly told cops at the time that he spoke to Pelkey once during a cigarette break and bought her a can of soda.

Ireland was 16 at the time of the murder and was sentenced to 50 years in prison in 1989. He was convicted largely on the testimony of two people who claimed to have overheard him discussing details of the crime.

Pelkey's husband committed suicide five years after the murder, drowning in a Connecticut lake. Her four children were raised by her mother.

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