

New law on DNA collection leads to arrest in '01 local child rape case

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ENGLEWOOD — DNA collected under a new state law has led to the arrest of a 44-year-old man accused of crawling through an open window and raping a 14-year-old girl in her bed in 2001.

On July 1, the portion of Senate Bill 77 that required the DNA swabbing went into effect. On July 2, Miami County sheriff's deputies arrested Robert S. Bernardi in the abduction of a 15-year-old girl.

He was charged with aggravated menacing and unlawful restraint, according to court records. Deputies collected a sample of his DNA and three days later, he was released on bond.

Last Wednesday, Bernardi's DNA was matched to DNA found at the scene of the 2001 Englewood rape. By Friday, he was in the Montgomery County Jail on a \$1 million cash bond on charges of aggravated burglary and rape in the attack on a 14-year-old girl.

Once police were informed of the DNA match, Sgt. Mike Lang said Englewood police immediately began tracking Bernardi, who was driving a semi from Ohio to the East Coast. He was pulled over in London, Ohio, and arrested Friday.

"This is one of the first cases in Montgomery County where a perpetrator has been identified as a result of the new DNA collection law," Montgomery County Prosecutor Mat Heck Jr. said Monday.

Dan Tierney of the Ohio Attorney General's Office said of those arrested on felonies since July 1, 52 forensic DNA profiles have been matched to open cases.

In the Englewood case, Lang said the victim was asleep in her bedroom when her attacker removed a screen from an open window, entered the room and attacked her.

"It was a ranch-style house. It was a warm night, and all the windows were open," Lang said.

"The attack occurred while her parents and a sister were asleep. Another sister was on the phone, but didn't hear anything."

He said the victim was able to give police a detailed description of her attacker.

Lang said Bernardi had previously lived in the victim's neighborhood but had moved prior to the victim's family moving in.

"My first phone call was to her," the sergeant said. "She was amazed that after 10 years we had found her attacker."

The law that allowed for Bernardi's DNA to be taken after his arrest and tested this year also expanded DNA testing for inmates, added protocols for evidence storage and offered incentives for the recording of interrogations.

The American Civil Liberties Union of Ohio is concerned about taking DNA from people who have been arrested and not convicted.

"This is a search without a warrant," staff attorney Carrie Davis said. "The main concern is that potential for abuse."

Davis mentioned "DNA dragnets," in which detectives would arrest people knowing they didn't have the evidence to support those arrests, but hoping the DNA could make the case afterward.

She also said there were questions about how long the DNA would be held in a database and whether it would be purged. DNA contains information about people's relatives and medical conditions, she said.

"DNA is not a fingerprint," Davis said. "DNA has a lot more information in it."

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