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Gov. Jim Gilmore's staff Monday asked to see some of the DNA evidence in Russel Burket's **death**-penalty case to determine if the governor should order new tests, according to lawyers for the condemned prisoner.

Burket, 32, is scheduled to die in the electric chair Wednesday for the brutal 1993 murders of Katherine Tafelski and her 5-year-old daughter, Ashley, **at** their Virginia Beach home. Andrew A. Protogyrou of Norfolk, one of the attorneys handling Burket's appeals, met Monday with the governor's staff about Burket's clemency petition.

He said the staff asked for DNA analysis of a washcloth found **at** the scene, a description of where the cloth was found, part of Burket's confession and newspaper stories about the murder.

Protogyrou said the staff wanted to study the DNA analysis to determine if new, more sophisticated analysis should be done.

The washcloth contained semen, which in earlier DNA testing matched with about 7.8 percent of the white male population, including Burket and his brother, an early suspect in the case. His lawyers want a more sophisticated test to rule out any other suspects.

Protogyrou said he believes the governor's staff asked for the other items to determine how much Burket may have known about the crime before he was arrested and also how much information detectives may have given him during his interrogation.

Protogyrou argued that Burket, after five hours of questioning, only repeated what detectives had already told him. During the early part of the interview, Burket denied having anything to do with the crime.

The governor is expected to rule on Burket's clemency after all court appeals have been exhausted.

The state attorney general's office, which has been fighting to go forward with the execution, said Burket's attorneys violated a long-standing rule honoring the confidentiality of clemency meetings by discussing Monday's talks.

"For us or anyone else to say anything about this case **at** this stage would be very inappropriate," said David Botkins, a spokesman for Attorney General Mark L. Earley.

The governor's office had no comment on specifics of the clemency meeting.

The governor "will certainly give every aspect of the case due consideration," said Lila White, spokeswoman for Gilmore.

Protogyrou also said he filed a new appeal with the Virginia Supreme Court on Monday, based on a recent U.S. Supreme Court decision that said the Virginia Supreme Court has been too strict in denying some **death-row** appeals.

The U.S. Supreme Court halted the execution of Terry L. Williams in April 1999 and ruled this past April that the Virginia Supreme Court improperly denied him a new sentencing hearing.

The U.S. Supreme Court, citing ineffective counsel, said a jury in Williams' case should have heard mitigating circumstances, such as an abusive upbringing and a low IQ, when considering sentencing. The court ruled that the jury may not have sentenced him to **death** had they heard these factors.

Protogyrou said the same issues apply to Burket.

An appeal is also pending before the U.S. Supreme Court.

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**Description of illustration(s):**

THE CASE

Russel Burket, 32, is scheduled to die in the electric chair Wednesday for the brutal January 1993 murders of neighbor Katherine Tafelski and her 5-year-old daughter, Ashley, at their Virginia Beach home. Burket confessed to the crimes after five hours of questioning.

**WHAT HAPPENED**

Gov. Jim Gilmore's staff Monday requested to see some evidence from the case, including DNA analysis of a washcloth with semen found at the scene, a description of where the washcloth was found, parts of Burket's confession and newspaper articles about the murder.

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