



State of North Carolina
General Court of Justice
Twenty-eight Prosecutorial District

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Dear Defense Attorney,

As you may be aware, this Office filed a Motion on June 12, 2012, seeking information from the North Carolina State Crime Lab, the State Bureau of Investigation and the Attorney General's Office, regarding testing given to Crime Lab Analysts following passage of the Forensic Sciences Act. A hearing was held on this matter on June 26th, 2012. The Court has since issued an Order, mandating disclosure of a portion of the items we requested, including letters sent to analysts by testing organizations indicating whether or not an analyst was successful on an examination and if unsuccessful, in what areas, if any, an analyst needed further study.


The information we have received from the Crime Lab indicates approximately eighty (80) cases since December 1, 2011 involved an unsuccessful analyst; of these eighty (80) cases, it appears two (2) cases involved trials. As noted in prior correspondence, attorneys who represented individuals in criminal cases since December of 2011 in which an analyst was unsuccessful will receive this notification in writing; attorneys receiving such a notification are listed below. **These attorneys need to pick up these notifications from Danielle Gelder on the 5th Floor in the old main office (Room 501), or Susanne Middleton on the 6th Floor in Room 602 .** You will be required to sign for their receipt and you will not receive notification regarding cases in which analysts were successful. Attorneys representing individuals in custody pending disposition of a case/s in which an analyst was unsuccessful, and attorneys involved as trial counsel in affected cases (trials occurring since December of 2011) have already been notified.

Please be advised that per the Court's Order we can only disclose the results of analyst testing on a case-by-case basis; more specifically we are precluded from providing information regarding analyst testing to attorneys not involved in particular individual cases. **Further, attorneys receiving notification/s should review a copy of Judge Gavenus' Order found in Buncombe County file 12CRS0138 regarding the information they receive and the manner in which it may be used.**

Please also be advised that this Office does not at this time have the ability to independently identify and/or confirm by any computerized method, all cases potentially affected by these issues; this is in large part due to the fact that Court Records do not track which Crime Lab Analysts are assigned to particular criminal cases. Instead we have had to rely on information provided to us by the Crime Lab regarding which analysts performed work on which cases. Therefore if you are aware of any case in which you were involved which you believe may be affected by these issues, please don't hesitate to contact this Office. While we cannot publish a list of analysts with their results, we can provide information on individual cases at the request of counsel.

For those attorneys still seeking additional information, please be advised that all of the information requested by this Office was not ordered disclosed by the Court. Therefore should you desire some particular additional information, it may be beneficial to you to first advise this Office of the same so that we may work with you to obtain that information, as well as advise you of any steps we may have already affirmatively taken to obtain the same. However, prior to the filing of any post-conviction motions in cases involving guilty pleas, it may be beneficial to first review the United State Supreme Court decision United States v. Ruiz, found at 536 U.S. 622, 122 S.Ct. 2450 (2002).

Best Regards,


Ronald L. Moore
District Attorney

Attorneys who need to pick up notifications:

Kimberly Adams	Keith Hanson
Janna Allison	Matthew Holloway
Ehsan Akhavi	Larry Leake
Bill Anderson	Todd Lentz
Scott Armstrong	Michael Macht
Corey Atkins	Leann Melton
Bill Auman	Al Messer
Bill Barnes	Jake Minick
Courtney Booth	Rhonda Moorefield
David Budd	Vijay Nathan
Faye Burner	Suzanne Nelson
Michael Casterline	Tony Rollman
Bob Christy	Joel Schechet
Sam Craig	Justin Sigmon
Sean Devereux	Sam Snead
Tom Diepenbrock	Roger Smith
Noe Flores	Jack Stewart
Rick Foster	Jason Wilson
Wade Hall	Stan Young