

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

IN RE:)	STATE'S MOTION FOR RELEASE
MATTER OF THE NORTH)	OF CERTIFICATION TESTING
CAROLINA STATE CRIME)	INFORMATION TO EACH ELECTED
LABORATORY)	DISTRICT ATTORNEY IN STATE

The State of North Carolina, by and through the undersigned, moves this Court for an Order requiring the North Carolina State Crime Laboratory, under the administration of the State Bureau of Investigation (hereafter referred to as SBI) and the Attorney General's Office for the State of North Carolina, to produce to each of the elected District Attorneys throughout the State:

1. A complete list of all scientists and analysts employed at the North Carolina State Crime Laboratory;
2. The results of the certification examinations that were administered in December of 2011, or since then, to these scientists and analysts, pursuant to The Forensic Sciences Act, codified in Session Law 2011-19 with subsequent amendments at Session Law 2011-307.
3. The results of future certification examinations that are administered to any scientists and analysts, pursuant to The Forensic Sciences Act, codified in Session Law 2011-19 with subsequent amendments at Session Law 2011-307.

In support of this Motion, the undersigned shows the following:

1. In 2011, the North Carolina General Assembly passed the Forensic Sciences Act, codified in Session Law 2011-19 with subsequent amendments at Session Law 2011-307, requiring in pertinent part that forensic science professionals working for the North Carolina State Crime Laboratory, which operates under the administration of the State Bureau of Investigation, obtain individual certification consistent with international and ISO (International Organization for Standardization) standards in their specialty area, unless no such certification is available for that specialty. Pursuant to that requirement, a number of those forensic science professionals took tests in December, 2011, in their respective fields. Some of those professionals were not successful in obtaining certification.

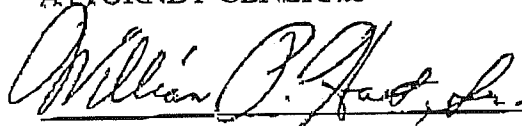
2. On June 12, 2012, Colon Willoughby, District Attorney for the Tenth Prosecutorial District, with the knowledge and consent of the Director of the North Carolina State Crime Laboratory, the Director of the SBI, and officials with the Attorney General's Office, filed a Motion in this Court requesting that the information outlined above be provided to him for his use in dealing with criminal cases in his district. (See copy of said motion attached) At least eight other District Attorneys around the State, with the knowledge and consent of the Director of the North Carolina State Crime Laboratory, the Director of the SBI, and officials with the Attorney General's Office, have filed similar motions relating to their districts in the Superior Courts of their districts.
3. On June 15, 2012, the Honorable William R. Pittman, Superior Court Judge presiding in Wake County Superior Court, signed an Order providing for disclosure to Colon Willoughby, the District Attorney of Wake County, a list of scientists and analysts employed by the North Carolina State Crime Lab and the results of the certification examinations that were administered in December of 2011 to scientists and analysts employed by the North Carolina State Crime Lab, pursuant to The Forensic Sciences Act, codified in Session Law 2011-19 with subsequent amendments at Session Law 2011-307, and results of similar such tests administered in the future to any such scientists and analysts. (See copy of said order attached) Similar consent orders have been signed by superior court judges in at least eight other districts throughout the State. Pursuant to those nine orders, the North Carolina State Crime Lab has complied with those court orders by mailing the required information to the respective District Attorneys on the morning of Tuesday, June 19, 2012.
4. After conferring with several District Attorneys in other districts and officials at the North Carolina State Crime Lab and the Attorney General's Office, the undersigned believes that it would facilitate the administration of justice throughout the State for this Court to issue an order for the North Carolina State Crime Lab to provide the information requested above to each of the District Attorneys throughout the State of North Carolina rather than continuing the current process of working with each District Attorney to seek a consent order from a superior court judge in that District Attorney's district.
5. Disclosure of the certification test results to the elected District Attorneys throughout the State is necessary to assist them in their duty to provide appropriate discovery materials in the criminal cases in their districts in the interests of justice.
6. To the extent that such test results are included in the personnel files of the scientists and analysts employed by the North Carolina State Crime Lab and protected by the Personnel Privacy Act, such disclosure to the District Attorneys to comply with their statutory and constitutional requirements to provide discovery in criminal cases

would be necessary and in the interests of justice pursuant to N.C.G.S. § 126-24.

Based upon the foregoing information, the State of North Carolina, by and through the Attorney General and the undersigned Senior Deputy Attorney General, requests that this Court enter an Order requiring disclosure of the information requested under proper provisions to insure protection of personnel information.

Respectfully submitted, this the 20th day of June, 2012.

ROY COOPER
ATTORNEY GENERAL



William P. Hart, Sr.
Senior Deputy Attorney General

North Carolina Department of Justice
PO Box 629
Raleigh, North Carolina 27602
Telephone: (919) 716-6500
State Bar No. 8300
bhart@ncdoj.com