

**FILE NUMBERS: 09-CRS-\_\_\_\_\_**

**FILM NUMBER: \_\_\_\_\_**

**NORTH CAROLINA**

**IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION**

**PITT COUNTY**

**STATE OF NORTH CAROLINA }**

**}**

**vs. }**

**}**

**}**

**CARLA JANE DOE }**

**}**

**Defendant }**

**}**

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**ORDER FOR DISCLOSURE OF SBI and NC HIGHWAY PATROL TESTING DATA**

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THIS CAUSE, came on to be heard and was heard by the undersigned Judge, upon motion of Defendant, Carla J. Doe, made by and through her counsel for discovery of information related to the DNA results and other testing in this matter.

AND IT APPEARING, to the Court, that pursuant to N.C.Gen.Stat. § 903(e) that: Upon motion of a defendant, the court must order the prosecutor to provide a copy of, or to permit the defendant to inspect and copy or photograph results or reports of physical or mental examinations or of tests, measurements, or experiments made in connection with the case, or copies thereof, within the possession, custody, or control of the State, the existence of which is known or by exercise of due diligence may become known to the prosecutor. In addition, upon motion of a defendant, the court must order the prosecutor to permit the defendant to inspect, examine, and test, subject to appropriate safeguards, any physical evidence, or a sample of it, available to the prosecutor if the State intends to offer the evidence, or tests or experiments made in connection with the evidence, as an exhibit or evidence in the case.

IT IS THEREFORE ORDERED that the State provide to the Defendant the following:

1. All test procedures, results, data, diagrams, and photographs produced during the laboratory testing;
2. The protocol used by the SBI in laboratory testing;
3. Scientific conclusions reached by the SBI in its testing.
4. The basis for scientific conclusions;
5. The procedures used to reach the conclusions;

6. The tests performed and the data obtained from those tests;
7. Procedures the analyst should have used to reach the conclusion, namely protocols for each scientific test;
8. Information regarding how the samples (evidence) were collected and handled;
9. Information regarding how the transfers of evidence was completed;
10. Laboratory receiving records documenting the date, time, and condition of the evidence in question; and information regarding how the transfers of evidence was completed.
11. Information regarding storage location of the evidence;
12. Information regarding the procedures for sub-sampling and contamination control;
13. Copies of technical procedures in effect at the time the test was performed during sample screening and confirmation, including sample preparation, sample analysis, data reporting and instrument operation;
14. Proficiency results for each analyst and technician responsible for preparation or analysis of subject specimens, including: raw data and reported results, target values and acceptance ranges, performance scores, and all related correspondence;
15. Copies of traceability documentation for standards and reference materials used during analysis, including unique identifications, origins, dates of preparation and use, composition and concentration of prepared materials, certification or traceability records from suppliers, assigned shelf lives and storage conditions;
16. Sample preparation records, including dates and conditions of preparation, responsible analyst, procedural reference, purity, concentration and origins of solvents, reagents, and control materials prepared and used, samples processed concurrently, and extract volume;
17. Copies of bench notes, log books, crime lab directives, and any other records pertaining to case samples or instruments; records documenting observation, notations, or measurements regarding case testing; and all bench notes related to all testing performed in the instant case;
18. Instrument run logs with identification of all standards, reference materials, sample blanks, rinses, and controls analyzed during the day/shift with subject

samples (as appropriate: run sequence, origins, times of analysis and aborted run sequences);

19. Instrument operating conditions and criteria for variables, including as appropriate: GC column, instrument file identification, tuning criteria, instrument performance check, initial calibration, continuing calibration checks, calibration verification;
20. Records of instrument maintenance status and activities for instruments used in subject testing, documenting routine as-needed maintenance activities in the weeks surrounding subject testing;
21. Raw data for the complete measurement sequence (opening and closing quality control included) that includes the subject samples. For GC-MS analysis, this would include: areas and retention times, injection volumes, dilution factors, chromatograms and mass spectra - as prepared and as determined values for all quality control samples;
22. The description of the library used for spectral matches for the purpose of qualitative identification of controlled substances, including source(s) and number of reference spectra;
23. A copy of records documenting computation of the laboratory's theoretical production yield, including the basis for the computation and the algorithm used, as appropriate;
24. Procedure(s) for operation and calibration checks of analytical balance used to weigh controlled substances;
25. Results of calibration checks and documentation of mass traceability for gravimetric determinations;
26. Results of contamination control surveys for trace level analytes relevant to test methods at the time of analysis, including sampling design and analytical procedures;
27. Records and results of internal review of subject data;
28. Method validation records documenting the laboratory's performance characteristics for qualitative identification and quantitative determinations of the controlled substances, to include data documenting specificity, accuracy, precision, linearity, and method detection limits;
29. Laboratory's Quality Manual in effect at the time the subject samples were tested,

as well as the laboratory's most recent Quality Manual (however named; the document that describes the laboratory's quality objects and policies);

30. Laboratory's technical or operational procedures in effect at the time the subject samples were tested (often termed Standard Operating Procedures, for analytical laboratory operations), as well as the laboratory's most recent technical or operational procedures for analities detected in subject samples;
31. Laboratory's ASCLD-LAB application for accreditation, and most recent Annual Accreditation Review Report, as appropriate;
32. A statement of qualifications of each analyst and/or technician responsible for processing case samples to include all names, locations and jurisdictions of cases in which the personnel testified concerning the same substances found in the present case;
33. A copy of the laboratory's ASCLD-LAB on-site inspection report, as appropriate, as well as any reports of on-site inspections by any other testing laboratory audit organization;
34. A copy of the internal audit reports generated during the period subject samples were tested;
35. A list of capital instrumentation in the laboratory at the time subject testing was performed, including manufacturer, model number, and major accessories;
36. Data for the serology and body fluids, firearms and ballistics, hair and fiber, and/or fingerprint testing sections: numbers of tests performed per month or per year, and the number of full time equivalent personnel in the serology and bodily fluids, firearms and ballistics, hair and fiber, fingerprint testing, any other applicable sections of the laboratory;
37. The Serology and Bodily Fluids Section, the Hair and Fiber Section, Section Training Manuals.
38. Copies of all proficiency exam results for all NC Highway Patrol Collision Reconstruction in the instant case; and
39. The digital copy of the scene survey performed by the North Carolina State Highway Patrol Traffic Reconstruction, Report Number 074090828065, along with all notes and underlying data from all persons involved in preparing the "Traffic Reconstruction Report" including but not limited to: Sergeant B.W. Overton, Trooper R.L. Cummings, and Trooper K.L. Morgan, all of the N.C. State Highway Patrol.

40. The North Carolina State Highway Patrol's technical or operational procedures governing Traffic Collision Reconstruction in effect at the time the subject Traffic Collision Reconstruction was performed, as well as the most recent technical or operational procedures for Traffic Collision Reconstructions;
41. A CV and statement of qualifications of each officer, technician, or expert responsible for preparing and processing the Traffic Collision Reconstruction to include all names, locations and jurisdictions of cases in which the personnel testified concerning any Traffic Collision Reconstruction.

This the \_\_\_\_\_ day of December, 2010.

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THE HONORABLE W. RUSSELL DUKE, JR.  
SUPERIOR COURT JUDGE PRESIDING