

[illegible]

THE COURT ORDERS the District Attorney's Office and its agent, the forensic laboratory that analyzed the defendant's blood in this case, specifically, _____, to digitally copy and digitally produce the documentation referenced below to the defense attorney as directed below:

1. Any accreditation certificates for the laboratory in effect at the time of the blood analysis and a copy of the lab's last complete inspection and final accreditation audit.
2. Any internal, external, annual or reaccreditation reviews or reports since the lab's last complete accreditation audit and any internal, external, annual, or reaccreditation audits since the time of the test in this case.
3. All documents reflecting the failure of the laboratory to comply, at any point, with any essential, important, or desirable criteria for accreditation, or reaccreditation and all documents evidencing subsequent satisfaction of any essential, important, or desirable criteria for accreditation or reaccreditation.
4. The laboratory's standard or general policies, protocol, and procedures concerning testing, quality control, quality assurance, calibration, achievement of the calibration curve, and administrative or technical review, if applicable to all disciplines within the laboratory.
5. The laboratory's policies, protocols and procedures as to testing, quality control, quality assurance, calibration, achievement of the calibration curve, and administrative or technical review of all samples, solutions and equipment used in or related to the testing of the sample, solutions, and equipment used in this case.
6. The laboratory's policies, protocols, and procedures concerning the sample selection criteria used in this particular case.
7. The testimonial evaluation forms of each laboratory employee involved in the testing process.

The Following Items Concern Pre-analytical Matters:

8. Validation studies, both internal and external, that prove the validation in this case of the method, equipment, and instructions used.
9. The identification and source of all internal standards, standard mixtures (separation matrix), verifiers, blanks, and controls that were run in the same batch as the sample in this case as well as all certificates relating to the foregoing obtained from outside vendors.
10. All records reflecting internal testing and verification and ongoing quality control testing of all solutions, reagents, or standard mixtures used as part of, or in relation to calibrators, internal standards, controls, standard mixtures, or standards in the batch in which the sample in this case was run.
11. All refrigeration logs for all refrigerated items related to the testing in this case, including the blood tested by the lab, that were stored by the lab, for one year before and after the date of the test in this case.
12. All proficiency testing results for any person involved in sample preparation, analysis, or administrative or technical review in this case. This specifically includes the summary report of expected results for the proficiency testing and the manufacturer's information sheet against which the proficiency test results are judged.
13. Balance quality control records on any balance instrument used in relation to the calibrators, samples, controls, internal standards, mixtures or other solutions used in the preparation of knowns or unknowns used in the blood alcohol testing of the samples in this case. This includes the records reflecting the calibration of weights on any balance related to the solutions, mixtures, or equipment used in relation to this case as well as any control charts, for six (6) months before and at any time after the testing of the sample in this case.
14. Pipette quality control records on any pipette used in relation to the calibrators, samples, controls, internal standards, mixtures or other solutions, or used in the preparation of knowns or unknowns used in the blood alcohol testing of the samples in this case for six (6) months before and at any time after the testing of the sample in this case.
15. The employee training records, curriculum vitae, and resume for any person involved in sample preparation, analysis, or administrative or technical review in this case.
16. All maintenance and repair records for all equipment used in relation to the testing in this case for six (6) months before and after the test in this case.

The Following Items Concern Analytical Matters:

17. The identity, make, model, and brand or manufacturer of all equipment (GS, MS, and Auto Sampler) and other supporting equipment (*i.e.* balance, pipette) used during the

analysis and/or preparation of the samples in this case and the variables used in its installation and operation.

18. If a Gas or Liquid Chromatograph is used, the reporting of t0 time (time zero) according to the method.
19. The calibration curve and chromatograms for this test and all chromatograms generated in the batch in which the sample in this case was tested.
20. All logs, spreadsheets, or other documents reflecting the sequence, order and/or analytical results of all calibrators, samples, standards, controls, and blanks in the batch containing the sample in this case.
21. Documentation of all machine parameters, settings, variables, and integration criteria in relation to the batch in which the sample in this case was tested.

The Following Items Concern Reporting Matters:

22. The particular records maintained for this testing and calibration event.
23. All documents and bench notes contained within the folder or file for the sample in this case including any note or notation on the sample folder or file. These documents shall be segregated from all other documents produced.
24. If the lab received more than one vial or container of blood or other substance, records reflecting which vial was tested in this case.
25. The full reporting and the underlying validation of the valuation of the uncertainty measurement (UM) in the ultimate reported result.
26. All chain of custody logs or reports related to the sample.
27. Any quality action plan or corrective action plan, and any deviation documentation related to the type of testing, equipment, or personnel involved in this case for six (6) months before and after the test in this case.
28. An opportunity for the defense and defense experts to view, visually inspect, diagram, and photograph the areas under the control of the laboratory containing the GC, MS, and all ancillary equipment used to test the sample in this case. The same access shall be given to the area where the equipment used in this case is kept, including all immediately adjacent and adjoining areas, and to the area where the sample and kit or packaging was received and where it is kept. If the defense wants such an inspection, it shall be at a time mutually agreed upon by the parties and the laboratory, but no later than 30 days from the date of the notice to the laboratory. **THE OPPORTUNITY TO VIEW DESCRIBED ABOVE ACCRUES ONLY WHEN THE CASE IS SET FOR TRIAL.**
29. If a Mass Spectrometer was used, then the following additional materials should be provided:

- 29.1 If a spectral library was used to examine and elucidate spectra, the identity of the group or organization publishing or creating the library and the identification of the source of the spectra used in the sample in this case.
 - 29.2 The hit list and the hit histogram, or quality match, for the testing.
 - 29.3 All “tune” reports that were run within 90 days, including quality assurance and quality control records, for the machine used in this case.
30. A laboratory covered by this order may comply with any required production by making the responsive material available to the requesting attorney on a website.

THE COURT FURTHER ORDERS that any material responsive to this order as detailed above shall be provided to the defense on or before 5:00 p.m. on the 30th day after the date of this order or otherwise by mutual agreement.

THE COURT FURTHER ORDERS that this order is continuing and the State will make available to the Defendant's attorney any subsequently discovered material within the scope of the above granted items within five business days of the time it learns of or obtains such discoverable material if the case is not yet set for trial or if the scheduled trial date is more than 10 days away. If additional material is discovered within 10 days of a trial date, the material shall be produced not later than 5:00 p.m. on the day following its discovery. If jury selection has begun, any additional material shall be produced immediately, without any delay.

THE COURT FURTHER ORDERS that under the authority of *Brady v. Maryland*, 373 US 83; 83 S.Ct. 1194 (1963), all evidence favorable to the Defendant is to be produced. Additionally, evidence that tends to negate guilt, is impeaching, or mitigates the offense shall be disclosed. *See Texas Disciplinary Rules of Professional Conduct Rule 3.09(d)* (requiring that the prosecutor in a criminal case shall “make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense...”). Said evidence is to be produced on or before 5:00 p.m. on the day of its discovery or by agreement.

THE COURT FURTHER ORDERS that any responsive items not produced may be excluded from evidence.

THE COURT FURTHER ORDERS that testimony concerning items not produced in violation of this order, the information contained in those items, and the results obtained from those items may be excluded from evidence in this case if offered by the State.

THE COURT FURTHER ORDERS THAT THE ATTORNEY REQUESTING THIS DISCOVERY ORDER MUST NOTIFY THE AFFECTED CRIME LAB WITHIN TWO BUSINESS DAYS OF: (1) THE ENTRY OF A GUILTY PLEA; (2) PLACEMENT OF THE CASE ON THE COURT'S PLEA DOCKET; OR (3) DISMISSAL OF THE CRIMINAL PROCEEDING. THE DEFENSE LAWYER SHALL OBTAIN A COPY OF THIS ORDER NOT LATER THAN 24 HOURS AFTER IT IS SIGNED AND SHALL IMMEDIATELY TRANSMIT IT TO THE LAB. ON REQUEST BY THE COURT OR ANY OTHER PARTY, DEFENSE COUNSEL SHALL PROVIDE PROOF OF SERVICE.

Signed _____

Attorney Requesting Discovery

Print Name

Address

City State Zip Code

Telephone

Fax

Email

Attorney for Defendant

Harris County Institute of Forensic Sciences

Fax: 713-796-6794

Phone: 713-796-9292

HPD Crime Lab

Fax: 713-308-2645

Phone: 713-308-2600

Mike.Manes@houstonpolice.org

Pasadena Crime Lab

Fax: (713) 475-2022

Phone: (713) 475-7866

JUDGE PRESIDING

Chief Prosecutor CCCL # _____

Print Name

Address

City State ZipCode

Telephone

Fax

Email

**Attorney for Harris County District
Attorney's Office**

DPS Crime Lab - Houston

Fax: (281) 517-1395

Phone: (281) 517-1380

DPS Crime Lab – Austin

Fax: (512) 424-5638

Phone: (512) 424-2105