

Your Name
Address
City State Zip
Your Phone

To: Municipal Prosecutor, Court Address
CC: Court Administrator, Municipal Court

VIA CERTIFIED MAIL

Re: State v. Name

Case Number: _____

Charge: _____

Arrest Date: _____

Arresting Officer: _____

**REQUEST FOR COMPLETE DISCOVERY AND OBJECTION TO
ENTRY OF LABORATORY CERTIFICATE AS EVIDENCE AT
TRIAL**

Dear Prosecutor:

Demand is made that the Prosecutor and Police provide me with discovery pursuant to Rule 3:13-3, Rule 7:7-7(b), OPRA/Right to Know Law NJSA 47:1A-1, *Shuttleworth v. City of Camden*, 258 N.J. Super. 573 (App. Div. 1992) and *Brady v Maryland*, 373 U.S. 83 (1963).

Please forward to me all documents which you have in your possession or which are in the possession of any law enforcement agency or the complainant pertaining to my case.

Unless all requested discovery is received and Evid. Rule 807 is complied with, the defense will make a motion to dismiss all charges and will object to any attempt by the State to introduce evidence at trial.

Pursuant to N.J.S.A. 2C: 35-19, the defendant does hereby object to the entry of proffered laboratory certificate as evidence at the time of trial in this matter, pursuant to State v. Berezansky 386 NJ Super. 84 (App. Div. 2006), State v. Kent 391 NJ Super. 352 (App. Div. 2007) State v. Renshaw 390 NJ Super. 456 (App. Div. 2007), State v. Simbara 175 NJ 37 (2002) and State of New Jersey in the Interest of C.D. and P.G. 354 NJ Super. 457 (App. Div.

2002). The certificate is illegible, and has not been certified in accordance with N.J.S.A. 2C: 35-19 (b). The certificate fails to establish the type of analysis performed, the subscriber's full training and experience, the nature and condition of the equipment used, or the full conclusions reached by the subscriber. Defendant also objects to it on the grounds that Defendant intends to contest at trial the composition, quality, and quantity of substances submitted to the laboratory for analysis.

PLEASE TAKE FURTHER NOTICE that at the time of trial, the defendant shall contest the chain of custody with respect to the sample, and subsequent tests performed thereon.

Items specifically requested as part of discovery, include but are not limited to the following:

- Any audio and/or video of the stop/arrest from a patrol car “dash camera” and/or police cctv cameras, dispatch communication audio
- Any audio and/or video from any other recording devices, including but not limited to officer worn microphones or video camera
- Patrol car and/or dispatch computer logs
- A copy of the controlled substance scheduling and it's definitions (i.e. schedule 1 and it's criteria for inclusion).
- Records of any training and/or memos regarding enforcement of the New Jersey Compassionate Use Medical Marijuana Act N.J.S.A. 24:6I-1 received by the prosecutor, arresting officer and/or the arresting agency

and pursuant to State v Ford 240 N.J. Super. 44 (App. Div. 1990) the defense requests the following items in relation to any alleged controlled dangerous substance and it's testing:

- The operator's manual for all instruments used to test the substances
- All operating procedures, instruction manuals, test protocols, maintenance logs of the gas chromatograph or equipment used, performance evaluations, and test result printouts.

- Evidence collection forms or logs (description of evidence, packaging, identification of specimens, identification of individuals collecting samples, sample collecting procedures).
- Chain-of-custody records (filed-to-lab transfers, and all transfers of evidence and associated analytical samples within the laboratory).
- Laboratory receiving records (records documenting the date, time and condition of receipt of the evidence in question; laboratory-assigned identifiers; storage location).
- Laboratory procedures for subsampling (collection of analytical aliquots) and contamination control.
- Copies of technical procedures in effect at the time the subject testing was performed (often termed Standard Operating Procedures. Or SOP's) for each procedure used during sample screening and confirmation, including: sample preparation, sample analysis, data reporting, and instrument operation.
- Copies of the two bracketing controlled substance 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.
- 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, certifications or traceability records from suppliers, assigned shelf lives and storage conditions.
- 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, extract volume.

- Copies of bench notes, log books, and any other records pertaining to case samples or instruments, records documenting observations, notations, or measurements regarding case testing.
- Instrument run log 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).
- Record of instrument operating conditions and criteria for variables.
- Record of instrument maintenance status and activities for instruments used in subject testing, documenting routine and as-needed maintenance activities in the weeks surrounding subject testing.
- Raw data for the complete measurement sequencer (opening and closing quality control included) that includes the subject samples.
- A 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.
- Procedure(s) for operation and calibration checks of analytical balances used to weigh controlled substances.
- Results of calibration checks and documentation of mass traceability for gravimetric determinations.
- Results of contamination control surveys for trace level analytes relevant to test methods at the time of analysis, including sample design and analytical procedures.
- Records and results of internal reviews of subject data.

- Method validation records documenting the laboratory's performance characteristics for qualitative identification and quantitative determinations of the controlled substance, to include data documenting specificity, accuracy, precision, linearity, and method detection limits.
- Copy of the 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 objectives and procedures.
- Copy of the laboratory's ASCLD-LAB application for accreditation, and most recent Annual Accreditation Review Report, as appropriate.
- Statement of qualifications of each analyst/technician responsible for processing case samples to include all names, locations, and jurisdictions of cases in which these personnel testified concerning the same substances found in the present case.
- 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.
- Copy of internal audit reports generated during the period subject samples were tested.
- List of capital instrumentation in the laboratory at the time subject testing was performed, including manufacturer, model number, and major accessories.
- Production throughput data for the drug testing section: number of tests performed per month or per year, and the number of Full Time Equivalent personnel in the drug testing section of the laboratory.
- All results and notes pursuant to State vs. Weller 225 N.J. Super. 274 (Law Div. 1986)

Failure to provide this information will deny defendant of his rights to due process, a fair trial, confrontation, and the right to compulsory processes guaranteed by the Fifth, Sixth, and Fourteenth Amendments of the U.S. Constitution.

Very Truly Yours,

Your Name