

**IN THE SUPERIOR COURT OF OGLETHORPE COUNTY
STATE OF GEORGIA**

STATE OF GEORGIA,	:	
	:	
v.	:	
	:	Case No. -----
-----,	:	
	:	
<i>Defendant.</i>	:	

DEMAND FOR FULL INFORMATION ABOUT DEFENDANT’S CHEMICAL TESTS

COMES NOW, the above-named Defendant and hereby requests and demands that the information identified below be provided no later than ten (10) days prior to any motion hearing or trial:

- 1) Copies of the machine-printed results of all chemical tests;
- 2) A copy of all data collected to establish that the test performed on the above-referenced sample(s) meets the requirements of precision and accuracy under the guidelines, policies and protocols established by the Georgia Bureau of Investigations.¹
- 3) All of the data from all of the records for all of the files that are printed, produced, or downloaded from headspace sampler and gas chromatograph employed in the analysis of the above-referenced test for the time period six months prior to the Defendant’s test through the period six months after the performance of the Defendant’s test. This request includes, but is not limited to: subject files, maintenance files, diagnostic files, calibration files, operational error files, quick tests and instrument files. NOTE: File names may not be exactly as requested but the intent of this item is to receive all printed, transferred, and downloaded files. Any data fields, records or files that are not provided must be clearly identified.
- 4) A copy of all chromatograms produced for each sample tested in the run with the above-referenced test.
- 5) The complete instrument history file for the headspace sampler and gas chromatograph employed in the analysis of the above-referenced test. This request includes, but is not limited to, maintenance, repairs or calibrations conducted by the manufacturer or other service center; and any computer data collected and transferred, via modem or other means, to the Georgia Bureau of Investigations or other monitoring agency for diagnostic and or troubleshooting purposes.
- 6) The inlet maintenance schedule for the gas chromatograph employed in the analysis of the above-referenced sample(s). This request includes the schedule for maintenance of the septum, liners, gold seal, and the spit vent trap.

¹ As used herein, the term “Georgia Bureau of Investigations” shall include any division, department, or other agency established, maintained, or supervised under the authority of the Georgia Bureau of Investigations.

- 7) The department's guidelines for the parameters in the set-up of the gas chromatograph employed in the test of the above-referenced sample.
- 8) The raw data of all quality control tests performed during the analysis of the above-referenced sample(s).
- 9) Quality control data (e.g., Levi-Jennings charts) for the six months prior to the 6 months prior to the test of the Defendant's samples.
- 10) The raw data of analytical tests performed on the specimens themselves.
- 11) Calibration data for any weight and measuring device used in the analysis (i.e., pipettors and scales).
- 12) Sample work list for all samples analyzed.
- 13) All saved, downloaded, and printed files referencing the set-up parameters of the inlet on the gas chromatograph employed in the test of the above-referenced sample.
- 14) All documentation produced, submitted, and received in connection with the GBI's application to attain American Society of Crime Laboratory (ASCLD) certification and re-certification. This request includes, but is not limited to, reviews produced ASCLD agents or inspectors of GBI lab.
- 15) The ASCLD manual in the possession of the Department.
- 16) The curriculum vitae of the forensic toxicologist(s) that performed the above-referenced test.
- 17) The Department's hiring guidelines for the position of "forensic toxicologist."
- 18) The personnel file of the forensic toxicologist(s) that performed the above-referenced test. The request includes, but is not limited to, all performance reviews, reprimands, and all other documents relating to evaluation of the toxicologist's job performance.
- 19) The curriculum vita of the lab director and supervisor at the time that the above-referenced test was performed.
- 20) The standard operating procedure for the performance of the test on the above-referenced sample(s).

Defendant seeks production of the requested information under the authority of O.C.G.A. § 40-6-392(a)(4), *see, Price v. State*, 269 Ga. 222 (1998), and, to the extent that any of the requested information constitutes a scientific report, under the authority of O.C.G.A. §17-16-23.

DEFENDANT HEREBY MOVES THE COURT TO ORDER PRODUCTION OF THE DOCUMENTS AND FULL INFORMATION REQUESTED ABOVE. IF THE REQUESTED INFORMATION IS NOT PROVIDED TEN (10) DAYS BEFORE TRIAL, OR ANY HEARING CONTESTING THE ADMISSIBILITY OF DEFENDANT'S TEST RESULTS, DEFENDANT WILL SEEK EXCLUSION OF THE TEST RESULTS THEMSELVES. *See, Birdsall v. State*, 254 Ga. App. 555 (2002).

RESPECTFULLY SUBMITTED, this ---- day of ----, 2023.

D. Benjamin Sessions
State Bar No. 141280
Attorney for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that I have served a true and accurate copy of the foregoing pleading upon the prosecuting attorney in this case by depositing same in the U.S. Mail with adequate postage affixed thereon to ensure delivery of same.

RESPECTFULLY SUBMITTED, this ---- day of ----, 2023.

D. Benjamin Sessions
State Bar No. 141280
Attorney for Defendant