



NO. \_\_\_\_\_

STATE OF TEXAS

§ IN THE COUNTY COURT

vs.

§ AT LAW NO. \_\_\_\_\_

\_\_\_\_\_

§ JEFFERSON COUNTY, TEXAS

**STANDARD LOCAL DISCOVERY ORDER FOR BLOOD RECORDS**

**THE COURT ORDERS** the District Attorney's Office and its agent, the forensic laboratory that analyzed the defendant's blood in this case, specifically, The Jefferson County Crime Lab and the Texas DPS crime lab in Austin, Texas, to copy and produce the documentation referenced below to the defense attorney as directed below:

***The Following Items Concern General Matters:***

1. Any accreditation certificates that are discipline specific for blood alcohol and drug testing 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 that are discipline specific to blood alcohol or drug testing since the lab's last complete accreditation audit and any internal, external, annual, or reaccreditation audits that are discipline specific to blood or alcohol testing since the time of the test in this case.
3. 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, that is discipline specific for blood and alcohol testing with the laboratory.
  - 3.1 Including 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.
  - 3.2 The laboratory's policies, protocols, and procedures concerning the sample selection criteria used in this particular case.

***The Following Items Concern Pre-analytical Matters:***

4. Validation studies, both internal and external, that prove the validation in this case of the method, equipment, and instructions used.
5. 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.
6. 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.
7. 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, starting one month before the storage of the blood in this case through one month after the testing of the blood in this case.
8. All proficiency testing results for any person involved in sample preparation, analysis, or administrative or technical review in this case, limited to the most recent proficiency test done before and after the testing 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.
9. 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 six (6) months after the testing of the sample in this case.
10. The Statement of Qualification for any person involved in sample preparation, analysis, or administrative or technical review in this case.
11. 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 six (6) months after the testing of the sample in this case.

12. 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:***

13. 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 is installation and operation.
  - 13.1 With the understanding that in order to comply with this the Jefferson county crime lab will provide a general equipment list and designate specifically the instruments used in the blood alcohol testing.
14. The calibration curve and chromatograms for this test and all chromatograms generated in the batch in which the sample in this case was tested.
  - 14.1 Including, if a Gas or Liquid Chromatograph is used, the reporting of (time zero) according to the method.
  - 14.2 Including 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.
15. 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:***

16. The particular records maintained for this testing and calibration event.
  - 16.1 Including 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.
  - 16.2 If the lab received more than one vial or container of blood or other substance, records reflecting which vial was tested in this case.
17. The full reporting and the underlying validation of the valuation of the uncertainty measurement (UM) in the ultimate reported result.
18. All chain of custody logs or reports related to the sample.

19. 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 case.
20. If a Mass Spectrometer was used, then the following additional materials should be provided:
  - 20.1 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.
  - 20.2 The hit list and the hit histogram, or quality match, for the testing.
  - 20.3 All “tune” reports that were run within 90 days, including quality assurance and quality control records, for the machine used in this case.

Signed this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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JUDGE PRESIDING  
COUNTY COURT AT LAW NO. \_\_\_\_\_  
JEFFERSON COUNTY, TEXAS

Certificate of Compliance & Acknowledgement

The undersigned counsel for the defendant certifies the requests for discovery made in Items 1-20 are made in good faith and not for the purpose of delay and all items requested are the exact items previously approved by the Court pursuant to the Standard Local Discovery Order for Blood Records. Furthermore, the undersigned counsel acknowledges that this request may impact future plea bargaining negotiations and eligibility for the DWI Pre-Trial Diversion Program pursuant to the discretionary policies of the Criminal District Attorney's Office.

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Signature of Attorney for the Defendant

Printed Name:  
Address:  
Phone/Fax:  
Email: