

## “Dealing With Drug Analysis Experts”

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Manager, GBI-DOFS

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## Overview

- Understanding volume
- Planning ahead
- Current Testing Protocols
- Witness scheduling
- Accommodating experts
- Stipulations
- Avoiding surprises
- After court
- Closing
- Questions

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## CSI



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## GBI-DOFS



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## Understanding volume

- Crime lab experts serve numerous circuits
- Headquarters laboratory alone services over 25 counties
- Experts receive numerous subpoenas daily
- Up to 15 to 20 in one day
- Receive many calls/ week for on call status
- ~4000 drug requests made monthly statewide

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Georgia Bureau of Investigation  
Division of Forensic Sciences  
Service Territory  
Address: Division of Forensic Sciences  
P.O. Box 770000  
Dunwoody, GA 30117-0000  
Telephone: (404)242-2100  
6237 249-2100  
FAX: (404)242-2719



1. Headquarters Lab
2. Eastern Reg. Lab
3. Western Reg. Lab
4. Central Reg. Lab
5. SW Reg. Lab
6. Coastal Reg. Lab
7. NW Reg. Lab
8. NE Reg. Lab

## DOFS Statewide

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## Planning ahead

- Send out subpoena as early as possible
- Talk to the expert prior to court
  - at least the week before
- The day needed for court as first contact is not ideal
- Maintain telephone list/e-mail addresses
- Have sample directions readily available

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## Planning ahead

- Make certain proper evidence is tested
- Make certain proper case number is given
- If multiple crime lab case numbers are tried
  - ensure understanding of where the witness is needed on what case

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## Current Testing Protocols

- Exceeds statutory weight requirements for trafficking
  - those items tested first
- Items suspected to be Schedule I or II
  - one item representing each schedule tested
  - not multiples of the same drug
- Satisfying an intent to distribute charge
  - may lead to selection of multiples of the same drug

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### Current Testing Protocols

- If no Schedule I or Schedule II present?
- Items suspected as Schedules III, IV,V tested
  - one item for each schedule represented
- Analogs of drugs of abuse
- Dangerous Drugs

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### Witness scheduling

- Schedule experts for 1<sup>st</sup> or last in trial
- Schedule experts for 1<sup>st</sup> in morning or afternoon
- Have experts on standby
  - when acceptable in courtroom

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### Accommodating experts

- Minimize amount of wait time
- Have contact person upon arrival
- Have adequate location for waiting

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## Stipulations

- Consider stipulations to expert's testimony
  - when issue clearly is not whether drugs are drugs
- Revocations and asset forfeiture hearings
  - testimony upon arrival go down significantly
- Stipulations should be arranged prior to court

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## Avoiding surprises

- Surprise question: not routine question & doesn't aid prosecutor's case
- Know who your experts are in advance
  - many new chemists on staff
- For new chemists: fax/e-mail standard questions
- Examples of bad questions

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## After Court

- Call expert after court to thank him or her
- Outcome of case
- Positive and/or negative points brought out
- If really great testimony given – letter of commendation to lab is appropriate

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## Closing

- Result --> happy expert
- Increases the chances of great testimony
- Fewer surprises in court

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## Trial Planning

- Talk to the expert sufficiently ahead of time
- Coweta's Strategy
  - Maintain a telephone list
  - Provide directions

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## Trial Planning

- Accommodate your expert
- No assumptions
- No surprises

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## Trial Preparation

- Where is the evidence?
- Will the defense stipulate to the expert's testimony at trial?
- Will the defense stipulate to the Crime Lab results at the probation revocation or asset forfeiture hearing?

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## Professional Courtesy

- Call the expert following the trial
  - Thank them
  - Inform them of the outcome
  - Let them know of anything particularly good or bad in the testimony
  - Inform them of anything otherwise in the case pertinent to their testimony

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## Transcript Extracts

- Introduction
  - Explanation to the Jury
- Qualifications
  - Foundation
  - Tender the expert as a witness
  - The State may, but need not, accept a defense stipulation to the expert's qualifications

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## Transcript Extracts

- Description of the test employed
- Explanation of the procedures
  - Chain of custody
- Identification
  - Receipt and handling of the evidence
  - Tendering the evidence

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## Transcript Extracts

- Testing of the subject evidence
  - Weight
  - Percentage
- Results
  - Avoid asking for the expert's "opinion"
  - Ask instead for
    - What he or she determined from the test
    - What the tests revealed
    - Etc.

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## Questions?

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