CAUSE NO. _____

STATE OF TEXAS	**§**	**IN THE COUNTY COURT**
	§	
VS.	**§**	**AT LAW NO. FIVE (5) OF**
	§	
_____	**§**	**FORT BEND COUNTY, TEXAS**

STANDING DISCOVERY ORDER ON COPYING
AND PRODUCTION OF BLOOD TESTING 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, _____, are to digitally copy and digitally produce the below documentation to the Defendant's attorney as directed below:

The Following Items Concern General Matters:

1. A copy of any accreditation certificates for the laboratory that were in effect at the time of the analysis and a copy of the lab's last complete inspection and final accreditation audit.
2. A copy of any internal, external, annual or reaccreditation, reviews, or reports since the time of 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. A copy of all documents, not otherwise included above, 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.
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 on each laboratory employee.

The Following Items Concern Pre-analytical Matters:

8. Validation studies (both internal and external) that prove the validation 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 within the batch in which the sample in this case was run 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, 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, reports, or other documents in whatever form, for all refrigerated compartments in which this sample, other unknowns within the run, calibrators, internal standards, controls, standard mixtures, standards, and reagents used in or in relation to the analysis in this case were stored or kept at any time.
12. All proficiency testing results for any person within the chain of custody for the sample in this case, including the person who conducted the testing in this case, for two years prior to the testing of the sample in this case and for any such testing since 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.
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 relation to 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 two years before and at any time since 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 relation to the preparation of knowns or unknowns used in the blood alcohol testing of the samples in this case for two years before and at any time since the testing of the sample in this case.
15. The employee training records, curriculum vitae, and resume for any person listed on chain of custody documents in this case or who performed the analysis in this case.

16. Maintenance and repair records (Internal and external) for all equipment used in relation to the testing in this case for two years before the test in this case and since 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, etc.) used during the analysis and/or preparation of the samples in this case and the variables used in its installation and operation.
18. The source and type of all consumables used in collection, preparation, and analysis of the samples run in the batch.
19. If a Gas or Liquid Chromatograph is used, the reporting of t0 time (time zero) according to the method.
20. The calibration curve and chromatograms related thereto and all chromatograms generated in the batch in which the sample in this case was tested.
21. 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.
22. 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:

23. The particular records maintained for this testing and calibration event.
24. All documents and bench notes contained within the folder or file for the sample in this case including a copy of any note or notation on the sample folder or file. These documents shall be segregated from all other documents produced.
25. If the lab received more than one vial or container of blood or other substance, records reflecting which vial was tested in this case.
26. The full reporting and the underlying validation of the valuation of the uncertainty measurement (UM) in the ultimate reported result.
27. All chain of custody logs or reports in relation to the sample and the case file or folder related to the sample in this case.
28. Any quality action plan and deviation request related to the type of testing, equipment, or personnel involved in this case for two years before the test in this case and since the test in this case.

29. An opportunity for the defense and defense experts to view, visually inspect, diagram and photographically record the GC. MS, and all ancillary equipment used to test the sample in this case as well as the area, and all immediately adjacent and adjoining areas, in which the equipment used in this case are kept, and the sample(s) and kit or packaging in which the sample was received or may be contained. If the defense wants such an inspection, it shall be at a time mutually agreed upon by the parties and the laboratory.
30. If a Mass Spectrometer is used, then the following additional materials should be provided:
    30.1 If a spectral library is used to examine spectra and elucidate spectra, the source of the library spectra.
    30.2 The hit list and the hit histogram for the testing.
    30.3 All ‘‘tune’’ reports ran within one year if a MS detector was used.

THE COURT FURTHER ORDERS that any evidence within the scope of the items granted above be provided by the State to Defendant's attorney's office at: _____,

on or before 5:00 p.m. on the 20th 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 immediately make available to the Defendant's attorney any subsequent discoverable matter within the scope of the above granted items within 48 hours of the time it learns of or obtains such discoverable matter.

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, as per the Texas Disciplinary Rules of Professional Conduct Rule 3.09(d), ("Duties of District Attorneys" requires that "[t]he 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…") evidence that tends to negate guilt or mitigate the offense shall be disclosed. 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 items herein not produced in violation of this order shall be and are excluded from evidence in this case if offered by the State.

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

Signed_____ _____

JUDGE TEANA V. WATSON, PRESIDING