

1 new materials responsive to this Motion are produced, discovered, or otherwise
2 come into the possession of the prosecution *or its agents*, said materials should be
3 provided to the defense without delay.
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5 The following information is requested for each and every department that
6 may have examined the DNA evidence if multiple agencies were in fact utilized,
7 such as federal and local state agencies:
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- 9 1. Case file: Please provide a complete copy of the case file including all
10 records made by the laboratory in connection with this case. If the file
11 includes photographs, please include photographic quality copies.
12
- 13 2. Laboratory Protocols: Please provide a copy of all standard operating
14 protocols (SOPs) used in connection with the testing in this case. To
15 minimize any burden of duplicating these items, we invite you to provide
16 them in electronic form.
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- 18 3. Chain of custody and current disposition of evidence: Please provide copies
19 of all records that document the treatment and handling of biological
20 evidence in this case, from the initial point of collection up to the current
21 disposition. This information should include documentation which
22 indicates where and how the materials were stored (temperature and type of
23 container), the amount of evidence material which was consumed in
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1 testing, the amount of material which remains, and where and how the
2 remaining evidence is stored (temperature and type of container).

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4 4. Software: Please provide a list of all commercial software programs used in
5 the DNA testing in this case, including name of software program,
6 manufacturer and version used in this case. Please provide a list (not the
7 programs themselves).
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9 5. Macros: If the results produced by the software are dependent on the
10 instructions contained in macros, please provide copies of any macros
11 used. (For analyses performed with GeneScan® and Genotyper®, these
12 macros are contained in Genotyper® output files in order to allow analysts
13 to interpret the results. Simply providing a copy of the Genotyper® output
14 files in response to request 6 will satisfy this request as well).
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18 6. Data files: Please provide copies of all data files used and created in the
19 course of performing the testing and analyzing the data in this case. These
20 files should include all data necessary to, (i) independently reanalyze the
21 raw data and (ii) reconstruct the analysis performed in this case. For
22 analyses performed with GeneScan®, Genotyper®, and/or GeneMapper®,
23 these materials should include:
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1 (6.1) All collection files (such as injection lists and log files for an
2 ABI 310 analysis).

3 (6.2) All GeneScan[®] files, including sample files and project files.
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5 (6.3) All Genotyper[®] files, including templates/macros (see
6 Request 5).
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8 (6.4) All GeneMapper[®] files, including sample files (.fsa files)
9 and project files (.ser files).
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11 (6.5) If the data you are providing includes *files from another*
12 *case* that are not pertinent to the instant case (e.g., sample files from another case
13 included in the same run folder), then please identify those non-pertinent samples
14 by name and laboratory code.
15

16 7. STR frequency tables: Please provide copies of any allelic frequency
17 tables relied upon in making statistical estimates in this case. If the laboratory
18 relied upon published or publicly available data, this request can be satisfied by
19 providing a specific reference to the source.
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22 8. Documentation of Corrective Actions for Discrepancies and
23 Errors: According to the DNA Advisory Board Quality Assurance Standards for
24 Forensic DNA Testing Laboratories, Standard 14, forensic DNA laboratories
25 must "follow procedures for corrective action whenever proficiency testing
26 discrepancies and/or casework errors are detected" and "shall maintain
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1 documentation for the corrective action.” Please provide a copy of all
2 documentation of corrective actions maintained by the laboratory that performed
3 DNA testing in this case. If the laboratory does not comply with the DAB
4 requirement that it maintain this documentation, it is sufficient to respond: “The
5 laboratory does not comply with the DAB requirement that it document corrective
6 actions.”
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9 9 Accreditation: Please provide copies of all licenses or other
10 certificates of accreditation held by the DNA testing laboratory.
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12 10. Laboratory personnel: Please provide background information about
13 each person involved in conducting or reviewing the DNA testing performed in
14 this case, including:
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16 (10.1) Current resume

17 (10.2) Job description

18 (10.3) A summary of proficiency test results.
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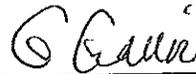
22 This information was requested via electronic mail of Mr. Greg McPhillips
23 on February 28, 2017. Mr. McPhillips replied that the defense is in receipt of all
24 of the DNA disclosure “he” possessed. The defense is asking the Court to issue
25 an Order Mr. McPhillips request the specific information detailed above of his
26 agents. This information is vital to the defense investigation and ability to
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1 effectively represent Mr. Rector in this matter. This is further information that
2 the defense does not have personal access to.
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5 **CONCLUSION**

6 The data and information requested is essential to adequate investigation
7 and preparation of the defense's case. Accordingly, the State should be required
8 to locate the information from its agents and disclose to the defense promptly.
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12 Respectfully submitted this 24th day of March, 2017.

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15 GERALD GAVIN
16 Counsel for Defendant

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18 JULIA CASSELS
19 Counsel for Defendant
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1 Original filed this 24th day of
2 March, 2017 and
hand-delivered to:

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4 Clerk of the Court
5 Mohave County
6 401 E. Spring Street
Kingman, Arizona 86401

7 Honorable Lee Jantzen
8 401 E. Spring Street, 2d Floor
9 Kingman, Arizona 86401

10 Mr. Greg McPhillips
11 Assigned Deputy County Attorney
12 Mohave County Attorney's Office
13 PO Box 7000
Kingman, Arizona 86401

14 Mr. Justin Rector
15 Mohave County Jail

16 Client File

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