

# TEXAS DEPARTMENT OF PUBLIC SAFETY

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January 30, 2012

COMMISSION  
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Buddy Meyer  
Assistant District Attorney  
Travis County District Attorney's Office  
PO Box 1748  
Austin, TX 78767

Dear Mr. Meyer:

Records were obtained from the Austin Police Department (PD) crime laboratory on the full list of twenty-three drug cases that were cited in the complaint letter your office received from Debra Stephens, dated December 27, 2011.

While you have two letters from me discussing four of these twenty-three cases; this report will address all twenty-three cases.

Attached is a spreadsheet which lists the cases, states when a preliminary result was issued, when the actual lab report was issued and when the testing was conducted.

The Austin PD laboratory stores all records electronically in a Laboratory Information Management System (LIMS); retaining no paper documents. Dates of when data is entered into the LIMS are recorded. These drug cases were reviewed by either me or Diana Salas of the Department of Public Safety (DPS) Austin crime laboratory and we both formerly analyzed drug evidence for periods of between five and ten years.

Ultimately, it is our opinion that the testing of evidence on these cases fully supports the results as stated in the issued laboratory reports, with one exception: on lab case, #L-1000034, the compound reported initially in January 2010 was determined in a supplemental test and reported in August 2010 to not be present in the evidence. Note that the compound initially reported was not a controlled substance. On one case, # L-1006701, there were no chemical tests performed; however, that limitation is clearly stated in the laboratory report. (Identification based on physical and pharmaceutical markings.)

Regarding the preliminary results issued; in some cases, the dates that the weights of drugs and the testing of those drugs were entered into the LIMS were after the date that the preliminary results on those samples were issued. See each specific case to ascertain which cases fit this category. It was explained by Austin PD laboratory Quality Assurance Manager Tony Arnold that written notes of weights and chemical spot tests, as well as microscopic tests of marihuana, were disposed of when the data was transcribed into the LIMS. That practice is no longer accepted at the Austin PD laboratory. In my opinion, it would not meet ASCLD/LAB accreditation standards under 1.4.2.16 regarding generation and maintaining records to support conclusions. The laboratory has discontinued the practice of issuing preliminary results and now issues only the laboratory report at the conclusion of all testing.

Sincerely,

A handwritten signature in cursive script that reads "D. Pat Johnson".

D. Pat Johnson  
Deputy Assistant Director  
Crime Lab

Austin P.D. Case Review

Case #	Case Received	Preliminary Report Date	Full Lab Report Date	Substance Identified	Analysis Documentation
L-0900062	01/03/09 14:14	01/03/09 14:25 GH – e-mail 15:30 hrs	01/05/2009 Draft  01/06/2009 Final	#5 – Alprazolam  #6 – Cocaine	<u>Weights entered 1/3/09 @ 2:55 P</u>  <u>Preliminary</u> #5: Pharm ID (01/03/09) #6: CoSCN – POS (01/03/09)  <u>Complete Analysis –</u> #5: UV Acid - Pos, GC/MS, Pharm ID (0.27g used) (1/5/09)  #6: CoSCN Neat - Pos, P-DMBA - Neg, UV Acid Pos, GC/MS (0.01g used) (1/5/09)
L-0900075	01/03/09	01/03/09  GH- e-mail 15:30 hrs	01/05/2009 Draft  01/06/2009 Final	Marihuana	<u>Weights entered 01/03/09 @ 3:21 pm</u>  Results for Microscopic examination and Duquenois entered 01/05/09 @ 1:52pm
L-0900077	01/03/09	01/03/09  GH – e-mail 15:30 hrs	01/05/2009 Draft  01/06/2009 Final	Marihuana	<u>Weights entered 01/03/09 @ 3:15 pm</u>  Results for Microscopic examination and Duquenois entered 01/03/09 @ 3:15pm

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Case #	Case Received	Preliminary Report Date	Full Lab Report Date	Substance Identified	Analysis Documentation
L-0900078	01/03/09	01/03/09 GH – e-mail 15:30 hrs	01/05/2009 Draft 01/06/2009 Final	#1 – MDMA 0.26g #2 – Marijuana 20.27g/0.71 ounce	<u>Weights entered 01/03/09</u>  <u>Preliminary-</u> #1: SNP (1/3/09), Marquis (1/3/09) #2: No information entered on 01/03/09  <u>Complete Analysis-</u> #1: SNP (1/3/09), Marquis (1/3/09), UV Acid (1/5/09), GC/MS (1/5/09) #2: Microscopic (1/5/09), Duquenois (1/5/09)  <u>Weights entered on 04/20/09</u>
L-0905372	04/20/09 10:31-10:37	04/19/2009 GH – e-mail 16:30 hrs	04/20/09 Draft 04/22/09 Final	#1----- #1.1 - Marijuana #1.2 - Marijuana #1.3 - Marijuana #2----- #2.1 - Codeine #2.2 -- Contains Codeine #2.3 – Contains Codeine	<u>Preliminary-</u> #1.1 – 1.3 No information entered on 04/19/09  #2.1 - 2.3 No information entered on 04/19/09  <u>Complete Analysis</u> #1.1 – 1.3 Microscopic Examination and Duquenois (entered 04/20/09)  #2.1 – 2.3 GC/MS – MS & Retention time comparison Data included in case file acquired on 04/20/09

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Case #	Case Received	Preliminary Report Date	Full Lab Report Date	Substance Identified	Analysis Documentation
L-0908850	06/27/09	GH -----	07/02/09 Final  07/02/09 Draft	#1 – Marijuana #2 – No Analysis #3 – Marijuana #4 – Marijuana #5 – No Analysis #6 – No Analysis #7 – Boldenone Undecylenate #8 – Testosterone Enanthate	<u>No Preliminary Results Requested</u>  <u>Complete Analysis</u> #1, 3, 4: Microscopic Examination & Duquenois (06/30/09, 07/01/09)  #7 (three vials - a, b, c)– GCMS – two methods (STEROIDS.M, STEROIDS30.M)  #8 (four vials – a, b, c, d) – GCMS – two methods (STEROIDS.M, STEROIDS30.M) & Retention time
L-0908887	06/29/09	06/29/09 GH – e-mail 07:15  Only Item#1	06/29/09 Draft  06/29/09 Final	#1 - Dihydrocodeinone  #2 - Marijuana	<u>Net weight entered on 6/29/09 10:16A</u>  <u>Preliminary #1</u> UV Acid & Base (06/28/09, 12:51 pm)  <u>Complete Analysis:</u> #1: UV Acid (06/29/09, 6:42 am), GCMS (06/29/09, 9:31 ) + Retention time  #2: Microscopic examination & Duquenois (06/29/09)

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Case #	Case Received	Preliminary Report Date	Full Lab Report Date	Substance Identified	Analysis Documentation
L-0909128	07/03/09	07/03/09 GH – e-mail 11:00	07/07/09 Final  07/03/09 Draft	#1 - Not suitable for Analysis  #2 – Heroin Trace	<u>Preliminary #2</u> UV Acid (7/3/09, 10:09 A), GC/MS & Retention time (7/3/09, 10:28)  <u>Complete Analysis:</u> Same as for preliminary results
L-0913857	10/11/09	10/11/09 GH – e-mail 11:45 hrs	10/13/09 Final  10/13/09 Draft	#1 No Controlled Substances Detected	<u>Weights added on 10/11/09 @ 10:34 AM</u>  <u>Preliminary #1</u> <u>Spot Tests:</u> Marquis (10/11/09, 10:34) SNP (10/11/09, 10:34) CoSCN – Acid & Neat (10/11/09, 10:34) P-DMBA (10/11/09, 10:34), UV Acid & Base (10/11/09, 9:21), GC/MS – two methods (10/11/09, 9:49), FTIR – direct (10/11/09, 9:30)  <u>Complete Analysis:</u> Same as for preliminary results
L-0915854	11/21/09	11/21/09 RS – e-mail 10:54 A	11/23/09 Draft  11/23/09 Final	Phencyclidine	<u>Weights added on 11/23/09, 2:42 pm</u>  <u>Preliminary:</u> UV Acid (11/21/09, 10:28A) GC/MS (11/21/09, 10:51)  <u>Complete Analysis:</u> Same as for preliminary results

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Case #	Case Received	Preliminary Report Date	Full Lab Report Date	Substance Identified	Analysis Documentation
L-1000034	01/02/10	01/02/10 KS - e-mail 3:24 P	01/04/10 Draft & Final by KS  8/14/10 Draft & Final by DS	Preliminary: Quetiapine  (Called on GCMS data, possible carry- over)  Final: No controlled substances detected	<u>Weights added on 01/02/10 @ 3:22 P &amp; 1/4/10 2:15 P (First Analysis)</u>  <u>Preliminary:</u> UV Acid - 2 extractions (1/2/10, 2:15 P, 2:35 P), GCMS (01/02/10, 2:53)  <u>Complete Analysis</u> Additional UV (1/4/10, 10:50 A), GCMS (1/4/10, 10:24 A) FTIR (1/4/10, 10:01) Inconclusive  <u>Additional Analysis (Second analyst - DS)</u> GCMS (08/14/10, 9:24, 10:26) FTIR (08/14/10, 10:47)
L-1001182	1/31/10	1/31/10 GH - e-mail 13:00 hrs	2/3/10 Draft  2/9/10 Final	#1 - Marijuana  #2 - Codeine cough syrup with promethazine	<u>All weights entered on 2/3/10, 2:03 P</u>  <u>Preliminary</u> #1 - No information entered on LIMS #2 - GCMS ran on 1/31/10, 12:24  <u>Complete Analysis</u> #1 - Microscopic & Duquenois (entered on 2/3/10, 2:04 P) #2 - UV Acid (2/1/10, 11:22 A, 11:24 A), GC/MS & Retention time (entered on 2/3/10, 2:03 P)

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Case #	Case Received	Preliminary Report Date	Full Lab Report Date	Substance Identified	Analysis Documentation
L-1001183	1/31/10	1/31/10 GH- e-mail 13:00 hrs	Final 02/09/10	#1 – Cocaine  #2 – 10 – Cocaine  #11 – Codeine cough syrup with promethazine	<u>Weights entered on 2/3/10 @ 11:41 A</u>  <u>Preliminary Results</u> #1-10 - No information entered on 1/31/10 #11 - GCMS (1/31/10, 12:29)  <u>Complete Analysis</u> #1 CoSCN – POS (entered on 2/8/10, 3:06 P) P-DMBA – NEG (entered on 2/8/10, 3:06 P) GCMS [Cocaine & Tetramisole] (2/1/10, 16:41) Retention time – Cocaine FTIR – Cocaine (2/1/10, 12:33)  #2 CoSCN – POS (entered on 2/8/10, 3:06 P) P-DMBA – NEG (entered on 2/8/10, 3:06 P) GCMS [Cocaine & Tetramisole] (2/1/10, 17:21) Retention time – Cocaine FTIR – Cocaine (2/1/10, 12:35)  #3 CoSCN – POS (entered on 2/8/10, 3:06 P) P-DMBA – NEG (entered on 2/8/10, 3:06 P) GCMS [Cocaine & Tetramisole] (2/1/10, 18:00) Retention time – Cocaine FTIR – Cocaine (2/1/10, 12:37)  #4 CoSCN – POS (entered on 2/8/10, 3:06 P) P-DMBA – NEG (entered on 2/8/10, 3:06 P)

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Case #	Case Received	Preliminary Report Date	Full Lab Report Date	Substance Identified	Analysis Documentation
					<p>GCMS [Cocaine &amp; Tetramisole] (2/1/10, 18:40) Retention time – Cocaine FTIR – Cocaine (2/1/10, 12:41)</p> <p>#5 CoSCN – POS (entered on 2/8/10, 3:06 P) P-DMBA – NEG (entered on 2/8/10, 3:06 P) GCMS [Cocaine &amp; Tetramisole] (2/1/10, 19:20) Retention time – Cocaine FTIR – Cocaine (2/1/10, 12:47)</p> <p>#6 CoSCN – POS (entered on 2/8/10, 3:06 P) P-DMBA – NEG (entered on 2/8/10, 3:06 P) GCMS [Cocaine &amp; Tetramisole] (2/1/10, 19:40) Retention time – Cocaine FTIR – Cocaine (2/1/10, 12:49)</p> <p>#7 CoSCN – POS (entered on 2/8/10, 3:06 P) P-DMBA – NEG (entered on 2/8/10, 3:06 P) GCMS [Cocaine &amp; Tetramisole] (2/1/10, 20:40) Retention time – Cocaine FTIR – Cocaine (2/1/10, 12:51)</p> <p>#8 CoSCN – POS (entered on 2/8/10, 3:06 P) P-DMBA – NEG (entered on 2/8/10, 3:06 P) GCMS [Cocaine &amp; Tetramisole] (2/1/10, 21:00) Retention time – Cocaine FTIR – Cocaine (2/1/10, 12:52)</p>

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Case #	Case Received	Preliminary Report Date	Full Lab Report Date	Substance Identified	Analysis Documentation
					<p>#9            CoSCN – POS (entered on 2/8/10, 3:06 P)            P-DMBA – NEG (entered on 2/8/10, 3:06 P)            GCMS [Cocaine &amp; Tetramisole] (2/1/10, 21:59)            Retention time – Cocaine            FTIR – Cocaine (2/1/10, 12:54)</p> <p>#10            CoSCN – POS (entered on 2/8/10, 3:06 P)            P-DMBA – NEG (entered on 2/8/10, 3:06 P)            GCMS [Cocaine &amp; Tetramisole] (2/1/10, 22:39)            Retention time – Cocaine            FTIR – Cocaine (2/1/10, 12:56)</p> <p>#11            UV Acid (2/1/10 @ 1:44, 1:46)            GCMS &amp; Retention Time (2/1/10, 13:56)</p>
L-1001185	1/31/10	1/31/10 GH – person 12:45 hrs	Final 02/03/10	#1 – Marijuana #2 – Methylenedioxy- methamphetamine #3 – Marijuana	<p>#1 &amp; #3 Weights entered on <u>2/3/10 @ 10:36 A</u></p> <p><u>Preliminary Results</u>            Tests for #1 &amp; #3 entered after preliminary results issued            #2 - GCMS &amp; Retention Time - green (1/31/10, 11:42A)            GCMS &amp; Retention Time - purple (1/31/10, 12:22P)</p> <p><u>Complete Analysis</u>            #1 &amp; #3 - Microscopic examination &amp; Duquenois (02/03/10)</p>

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Case #	Case Received	Preliminary Report Date	Full Lab Report Date	Substance Identified	Analysis Documentation
L-1002829	3/13/10	3/13/10 CK – email 14:48	Final 3/22/10	#4 – Dimethyltryptamine  #5 - Methylenedioxymet amphetamine	#2 – In addition to preliminary testing - UV Acid (2/1/10 @ 2:42), Marquis (2/3/10), SNP  <u>Weights entered on 3/18/10 @ 12:50 P &amp; 3/19/10 @ 8:53 A</u>  <u>Preliminary Results</u> #4 – GCMS (3/13/10, 13:25)  #5 – GCMS (3/13/10, 14:23) FTIR (3/13/10, 14:25)  <u>Complete Analysis</u> #4 Marquis (3/18/10, 12:48) SNP (3/18/10, 12:50) UV Acid (3/16/10, 15:37) FTIR (3/16/10, 15:31 & 3/18/10, 14:08) GCMS (3/17/10, 22:36 & 3/18/10, 15:17)  #5 Marquis (3/19/10, 8:53 AM) SNP GCMS re-run & Retention Time (3/18/10, 00:36) UV Acid (3/16/10, 8:53)

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Case #	Case Received	Preliminary Report Date	Full Lab Report Date	Substance Identified	Analysis Documentation
L-1004326	4/17/10	4/18/10 CK – email 13:04	Final 4/27/10  Draft 4/27/10	Tetrahydrocannabinols	<u>Weight entered on 4/23/10</u>  <u>Preliminary Results</u> Duquenois (4/18/10, 12:51) Microscopic (4/18/10, 12:51) GCMS (4/18/10, 12:53)  <u>Complete Analysis</u> GCMS re-run and Retention Time (4/20 & 4/22/10)
L-1006319	5/29/10	5/30/10 CK – email 10:33	Final 6/9/10	#1.1 – Methylenedioxyamphetamine  #1.2 – Methylenedioxyamphetamine	<u>Weight entered on 06/09/10 @ 14:27</u>  <u>Preliminary Results</u> # 1.1 & 1.2 GCMS (5/29/10, 11:41 & 11:43)  <u>Complete Analysis</u> # 1.1 & 1.2 GCMS (6/9/10) # 1.1 & 1.2 UV Acid (6/9/10)
L-1006342	5/30/10	5/30/10 CK – email 11:48	Final 6/9/10  Draft 6/9/10	Phencyclidine	<u>Weights entered on 5/30/10 @ 11:03</u>  <u>Preliminary Results</u> 4 GCMS (5/30/10, 11:11; 11:25; 11:40 & 11:54)  <u>Complete Analysis</u> GCMS [Phencyclidine] (6/3/10) Retention time – (6/9/10) FTIR – Phencyclidine (6/3/10)

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Case #	Case Received	Preliminary Report Date	Full Lab Report Date	Substance Identified	Analysis Documentation
L-1006701	6/5/10	6/5/10 GH – email 17:00	Final 6/9/10	#1 – No Controlled Substance Detected #2 - Hydroxyzine	<u>Weights entered on 6/9/10 @ 10:12 am</u>  <u>Preliminary Results</u> #1 – UV Acid & Base (6/5/10, 14:50) GCMS (6/5/10, 16:16) #2 – Rx only (6/5/10, 14:35)  <u>Complete Analysis</u> #1 - Additional testing entered 6/9/10 Marquis - Neg CoSCN - Neg #2 – No additional testing
L-1008571	7/13/10	7/13/10 GH – email 16:45	Final 9/15/10	Dimethyltryptamine	<u>Weight entered on 7/21/10 @ 12:36</u>  <u>Preliminary Results</u> #1-4 – GCMS (7/13/10, 15:41-16:21)  <u>Complete Analysis</u> UV Acid (7/19/10, 13:21) Retention Time (7/14/10, 14:39)
L-1008745	7/18/10	7/18/10 GH – email 11:45	Final 7/20/10 Draft 7/19/10	Alprazolam	<u>Weight entered on 7/19/10 @ 10:42</u>  <u>Preliminary Results</u> GCMS & Retention Time (7/18/10, 11:41)  <u>Complete Analysis</u> UV Acid (7/19/10, 9:59) Pharmaceutical [Partial Alprazolam] (no date)

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Case #	Case Received	Preliminary Report Date	Full Lab Report Date	Substance Identified	Analysis Documentation
L-1008746	7/18/10	7/18/10 GH – email 11:45	Final 7/20/10 Draft 7/19/10	Hydroxyzine	<u>Weight entered on 7/19/10 @ 17:15</u>  <u>Preliminary Results</u> GCMS (7/18/10, 10:48)  <u>Complete Analysis</u> UV Acid (7/19/10, 11:39) GCMS [Hydroxyzine] (7/19/10, 16:34) <u>Weights entered 10/3/10 @ 11:28</u>
L-1012349	10/3/10	NONE ISSUED	Final 10/3/10 Draft 10/3/10	#1 – Heroin (trace) #3 - Amphetamine	<u>Complete Analysis</u> #1 - Marquis [purple] (10/3/10, 11:28) GCMS & Retention Time [Heroin] (10/3/10, 10:33)  #3 – Marquis [orange] (10/3/10, 11:28) UV Acid (10/3/10, 10:35) GCMS [Amphetamine] (10/3/10, 10:54) Pharmaceutical [Amphetamine] (10/3/10)