

MARY ALDOUS

First Assistant

BRIAN HRACH

Criminal Division Chief



RAETHELLA JONES

Chief - Civil Division

E.J. KING, JR.

Chief Investigator

# TOM SELLECK

## CRIMINAL DISTRICT ATTORNEY BRAZORIA COUNTY

February 1, 2022

Members of the Brazoria County Bar Association  
& Indigent Defense Counsel

RE: Brazoria County Sheriff's Office Crime Laboratory Corrective Action

Dear Counsel:

Pursuant to Rules 304 and 309 of the Texas Rules of Professional Responsibility, as well as the *Schulz* decision, I am releasing the following statements regarding allegations of improprieties or irregularities in the Brazoria County Crime Lab.

Please see attached Texas Forensic Science Commission Lab Disclosure Form, Corrective Action Plan EtOH Sample Variations Outside 10% and Brazoria County Lab Director's letter. This is regarding an internal conflict of the Crime Lab's SOP regarding EtOH samples variation and inconsistencies in how many values to use. The variation between 10% and 11% were not being truncated to the three decimal places. The laboratory identified 42 cases from 2018 to 2021 in which a variance between 10.01 and 10.999 existed where the final variance was truncated to the whole number of 10 and cases which only four results were used to calculate blood alcohol content. Corrective action is being taken.

We are sending this to you consistent with our continued disclosure duties and in the interest of laboratory transparency.

A handwritten signature in blue ink that reads "Tom Selleck".

Tom Selleck

Brazoria County Criminal District Attorney

COUNTY COURTHOUSE, 111 E. LOCUST, SUITE 408A, ANGLETON, TEXAS 77515

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Brazosport Area  
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## 2018 – 2021 EtOH Sample Variation Calculation Spreadsheet

Pages 1-7 consists of the totality of discovered cases from 2018 to 2021 in which the sample variation was or exceeded 10%.

Pages 8-9 consists of input errors only.

Pages 10-12 consist of cases under 0.025g/100mL but still outside the 10% variation.

Pages 13-14 consists of cases outside the 10% variation but already destroyed.

Pages 15-16 consists of cases outside the 10% variation with a laboratory report issued but which need to be reanalyzed.

Pages 17-18 consists of cases outside the 10% variation but a final laboratory report has yet to be issued and cases need to be reanalyzed.

## % Sample Variation Calculations Outside 10%

		Retention Time Front Column	Retention Time Rear Column	Value Front	Value Rear	Recovery Front	Recovery Rear	% Front Sample Variation	% Rear Sample Variation	
<b>MM</b>	3/5/2018 BCCL-18-0096	1.180	1.292	0.286	0.285		0.019	5.9259	5.9480	Highest and middle
	3/5/2018 BCCL-18-0096	1.179	1.290	0.244	0.243			10.6557	10.6996	Middle and lowest
	3/5/2018 BCCL-18-0096	1.179	1.290	0.270	0.269	0.2775	0.0189	17.2131	17.2840	All three
<b>PVD</b>	4/25/2018 BCCL-18-0006	1.181	1.292	0.017	0.017		0.0008	5.8824	5.8824	Highest and middle
	4/25/2018 BCCL-18-0006	1.181	1.292	0.017	0.016			0.0000	6.2500	Middle and lowest
	4/25/2018 BCCL-18-0006	1.181	1.291	0.018	0.018	0.0172	0.0012	5.8824	12.5000	All three
<b>PVD</b>	5/18/2018 BCCL-18-1055	1.183	1.294	0.004	0.004		0.0005	0.0000	0.0000	Highest and middle
	5/18/2018 BCCL-18-1055	1.183	1.294	0.004	0.005			0.0000	25.0000	Middle and lowest
	5/18/2018 BCCL-18-1055	1.183	1.294	0.004	0.005	0.0043	0.0003	0.0000	25.0000	All three
<b>PVD</b>	5/18/2018 BCCL-18-0996	1.179	1.290	0.486	0.487		0.001			Highest and middle
	5/18/2018 BCCL-18-0996	1.179	1.290	0.487	0.488					Middle and lowest
	5/18/2018 BCCL-18-0996	1.179	1.291	0.485	0.486	0.4865	0.0331	0.4124	0.4115	All three
<b>PVD</b>	5/22/2018 BCCL-18-0996 - Diluted (50uL blood)	1.179	1.290	0.408	0.409		0.0184	4.1860	4.3981	Highest and middle
	5/22/2018 BCCL-18-0996 - Diluted (50uL blood)	1.179	1.289	0.448	0.451			5.3922	5.6235	Middle and lowest
	5/22/2018 BCCL-18-0996 - Diluted (50uL blood)	1.179	1.290	0.430	0.432	0.4198	0.0285	9.8039	10.2689	All three
<b>MR</b>	6/5/2018 BCCL-18-1243	1.182	1.294	0.007	0.007		0.0005	0.0000	16.6667	Highest and middle
	6/5/2018 BCCL-18-1243	1.182	1.292	0.006	0.006			16.6667	0.0000	Middle and lowest
	6/5/2018 BCCL-18-1243	1.182	1.294	0.007	0.006	0.0065	0.0004	16.6667	16.6667	All three
<b>MR</b>	8/2/2018 BCCL-18-1592	1.184	1.297	0.003	0.002		0.0005	0.0000	0.0000	Highest and middle
	8/2/2018 BCCL-18-1592	1.184	1.297	0.002	0.002			50.0000	0.0000	Middle and lowest
	8/2/2018 BCCL-18-1592	1.184	1.296	0.003	0.002	0.0023	0.0002	50.0000	0.0000	All three
<b>MR</b>	8/14/2018 BCCL-18-1637	1.183	1.296	0.006	0.006		0.0004	0.0000	0.0000	Highest and middle
	8/14/2018 BCCL-18-1637	1.182	1.295	0.006	0.005			0.0000	20.0000	Middle and lowest
	8/14/2018 BCCL-18-1637	1.182	1.295	0.006	0.006	0.0058	0.0004	0.0000	20.0000	All three

% Sample Variation Calculations Outside 10%

<b>MM</b>	1/3/2018 BCCL-17-2476	1.182	1.293	0.185	0.185			0.5435	0.5435	Highest and middle
	1/3/2018 BCCL-17-2476	0.000	0.000	0.000	0.000			#DIV/0!	#DIV/0!	Middle and lowest
	1/3/2018 BCCL-17-2476	1.182	1.293	0.184	0.184	0.1845	0.0125	#DIV/0!	#DIV/0!	All three

2019 - 2021  
% Sample Variation Calculations Outside 10%

		Retention Time Front Column	Retention Time Rear Column	Value Front	Value Rear	Recovery Front	Recovery Rear		% Front Sample Variation	% Rear Sample Variation	
<b>MR</b>	8/21/2019 BCCL-19-1546	1.179	1.291	0.158	0.159			0.00804	2.5316	1.8868	Highest and middle
	8/21/2019 BCCL-19-1546	1.179	1.291	0.145	0.145				8.9655	9.6552	Middle and lowest
	8/21/2019 BCCL-19-1546	1.179	1.290	0.162	0.162	0.1518	0.0099		11.7241	11.7241	All three
<b>MR</b>	9/23/2019 BCCL-19-1763	1.179	1.291	0.216	0.217			0.01217	3.7037	3.6866	Highest and middle
	9/23/2019 BCCL-19-1763	1.179	1.291	0.224	0.225				9.0909	9.5960	Middle and lowest
	9/23/2019 BCCL-19-1763	1.179	1.291	0.198	0.198	0.2073	0.0135		13.1313	13.6364	All three
<b>SW</b>	12/4/2019 BCCL-19-2089	1.178	1.289	0.075	0.076				2.4390	2.4390	Highest and middle
	12/4/2019 BCCL-19-2089	1.178	1.289	0.082	0.082				9.3333	7.8947	Middle and lowest
	12/4/2019 BCCL-19-2089	1.178	1.289	0.084	0.084	0.0805	0.0052		12.0000	10.5263	All three
<b>SW</b>	4/2/2020 BCCL-20-0388	1.182	1.294	0.009	0.009			0.00041	11.1111	0.0000	Highest and middle
	4/2/2020 BCCL-20-0388	1.183	1.295	0.010	0.009				0.0000	0.0000	Middle and lowest
	4/2/2020 BCCL-20-0388	1.182	1.294	0.009	0.009	0.0092	0.0006		11.1111	0.0000	
<b>SW</b>	6/2/2020 BCCL-20-0628	1.180	1.292	0.142	0.143			0.00639	2.1127	2.0979	Highest and middle
	6/2/2020 BCCL-20-0628	1.179	1.290	0.131	0.133				8.3969	7.5188	Middle and lowest
	6/2/2020 BCCL-20-0628	1.180	1.291	0.145	0.146	0.1400	0.0095		10.6870	9.7744	All three
<b>SW</b>	7/10/2020 BCCL-20-0748	1.180	1.291	0.054	0.056			0.21041	1.8519	917.8571	Highest and middle
	7/10/2020 BCCL-20-0748	1.180	1.291	0.053	0.055				1.8868	1.8182	Middle and lowest
	7/10/2020 BCCL-20-0748	1.180	1.291	0.055	0.570	0.1405	0.0096		3.7736	936.3636	All three
<b>SW</b>	7/27/2020 BCCL-20-0891	1.180	1.290	0.670	0.070			0.24504	857.1429	4.2857	Highest and middle
	7/27/2020 BCCL-20-0891	1.180	1.291	0.070	0.073				4.4776	1.4493	Middle and lowest
	7/27/2020 BCCL-20-0891	1.180	1.290	0.067	0.069	0.1698	0.0115		900.0000	5.7971	All three
	7/27/2020 BCCL-20-0904	1.179	1.290	0.157	0.264			0.03792	1.1494	45.0549	Highest and middle

2019 - 2021  
% Sample Variation Calculations Outside 10%

	7/27/2020	BCCL-20-0904	1.179	1.290	0.174	0.179			10.8280	1.6760	Middle and lowest
	7/27/2020	BCCL-20-0904	1.180	1.290	0.176	0.182	0.1887	0.0128	12.1019	47.4860	All three

<b>SW</b>	8/10/2020	BCCL-20-0849	1.182	1.295	0.006	0.005			0.00082	0.0000	0.0000	Highest and middle
	8/10/2020	BCCL-20-0849	1.182	1.295	0.006	0.005				0.0000	25.0000	Middle and lowest
	8/10/2020	BCCL-20-0849	1.183	1.295	0.006	0.004	0.0053	0.0004		0.0000	25.0000	All three

<b>SW</b>	8/31/2020	BCCL-20-1000	1.180	1.288	0.101	0.099			0.0078	17.4419	16.4706	Highest and middle
	8/31/2020	BCCL-20-1000	1.180	1.288	0.085	0.084				1.1765	1.1905	Middle and lowest
	8/31/2020	BCCL-20-1000	1.179	1.289	0.086	0.085	0.0900	0.0061		18.8235	17.8571	All three

	8/31/2020	BCCL-20-1013	1.180	1.288	0.103	0.102			0.00662	10.3774	10.4762	Highest and middle
	8/31/2020	BCCL-20-1013	1.180	1.289	0.106	0.105				2.9126	2.9412	Middle and lowest
	8/31/2020	BCCL-20-1013	1.180	1.288	0.117	0.116	0.1082	0.0074		13.5922	13.7255	All three

<b>SW</b>	10/23/2020	BCCL-20-1371	1.179	1.288	0.152	0.150			0.0154	18.9542	19.0789	Highest and middle
	10/23/2020	BCCL-20-1371	1.179	1.288	0.153	0.152				0.6579	1.3333	Middle and lowest
	10/23/2020	BCCL-20-1371	1.182	1.295	0.182	0.181	0.1617	0.0110		19.7368	20.6667	All three

<b>SW</b>	11/19/2020	BCCL-20-1545	1.180	1.289	0.152	0.152			0.01188	17.8295	17.8295	Highest and middle
	11/19/2020	BCCL-20-1545	1.180	1.288	0.129	0.129				0.0000	0.0000	Middle and lowest
	11/19/2020	BCCL-20-1545	1.180	1.290	0.129	0.129	0.1367	0.0089		0.9091	0.9009	All three

<b>PVD</b>	12/9/2020	BCCL-20-1819	1.180	1.288	0.101	0.101			0.0045	3.9604	3.9604	Highest and middle
	12/9/2020	BCCL-20-1819	1.180	1.290	0.095	0.095				6.3158	6.3158	Middle and lowest
	12/9/2020	BCCL-20-1819	1.180	1.289	0.105	0.105	0.1003	0.0065		10.5263	10.5263	All three

<b>SW</b>	3/12/2021	BCCL-20-1990	1.183	1.292	0.009	0.009			0.00055	0.0000	11.1111	Highest and middle
	3/12/2021	BCCL-20-1990	1.183	1.292	0.010	0.010				11.1111	0.0000	Middle and lowest
	3/12/2021	BCCL-20-1990	1.183	1.293	0.010	0.009	0.0095	0.0006		11.1111	11.1111	All three

	3/12/2021	BCCL-21-0172	1.181	1.288	0.196	0.196			0.01448	2.5510	2.0408	Highest and middle
	3/12/2021	BCCL-21-0172	1.181	1.288	0.170	0.171				15.2941	14.6199	Middle and lowest

2019 - 2021  
% Sample Variation Calculations Outside 10%

	3/12/2021	BCCL-21-0172	1.181	1.288	0.201	0.200	0.1890	0.0123		18.2353	16.9591	All three
<b>SW</b>	4/1/2021	BCCL-21-0366	1.180	1.288	0.293	0.292			0.05223	1.0135	0.6849	Highest and middle
	4/1/2021	BCCL-21-0366	1.180	1.288	0.296	0.294				1.0239	74.8503	Middle and lowest
	4/1/2021	BCCL-21-0366	1.180	1.288	0.299	0.167	0.2735	0.0186		2.0478	76.0479	All three
	4/1/2021	BCCL-21-0381	1.180	1.288	0.169	1.680			0.61735	0.5952	905.9880	Highest and middle
	4/1/2021	BCCL-21-0381	1.180	1.288	0.168	0.167				0.0000	0.0000	Middle and lowest
	4/1/2021	BCCL-21-0381	1.180	1.288	0.168	0.167	0.4198	0.0273		0.5952	905.9880	All three
	4/16/2021	BCCL-21-0368	1.184	1.293	0.005	0.005			0.00041	0.0000	20.0000	Highest and middle
	4/16/2021	BCCL-21-0368	1.184	1.293	0.005	0.006				0.0000	0.0000	Middle and lowest
	4/16/2021	BCCL-21-0368	1.184	1.294	0.005	0.005	0.0052	0.0003		0.0000	20.0000	All three
	5/18/2021	BCCL-21-0629	1.181	1.288	0.123	1.220			0.44752	0.0000	883.8710	Highest and middle
	5/18/2021	BCCL-21-0629	1.181	1.288	0.124	0.124				0.8130	0.0000	Middle and lowest
	5/18/2021	BCCL-21-0629	1.181	1.288	0.124	0.124	0.3065	0.0208		0.8130	883.8710	All three
	6/4/2021	BCCL-21-0001	1.180	1.288	0.236	0.236			0.01121	4.8889	4.8889	Highest and middle
	6/4/2021	BCCL-21-0001	1.180	1.288	0.211	0.211				6.6351	6.6351	Middle and lowest
	6/4/2021	BCCL-21-0001	1.181	1.289	0.225	0.225	0.2240	0.0146		11.8483	11.8483	All three
	6/4/2021	BCCL-21-0166	1.181	1.288	0.270	0.270			0.02485	3.8462	4.2471	Highest and middle
	6/4/2021	BCCL-21-0166	1.180	1.288	0.218	0.217				19.2661	19.3548	Middle and lowest
	6/4/2021	BCCL-21-0166	1.181	1.289	0.260	0.259	0.2490	0.0162		23.8532	24.4240	All three
	6/4/2021	BCCL-21-0336	1.181	1.289	0.113	0.112			0.0048	6.6038	6.6667	Highest and middle
	6/4/2021	BCCL-21-0336	1.181	1.288	0.102	0.102				3.9216	2.9412	Middle and lowest
	6/4/2021	BCCL-21-0336	1.181	1.288	0.106	0.105	0.1067	0.0069		10.7843	9.8039	All three
	6/4/2021	BCCL-21-0765	1.180	1.288	0.182	0.181			0.00896	6.4327	5.8480	Highest and middle
	6/4/2021	BCCL-21-0765	1.181	1.288	0.162	0.161				5.5556	6.2112	Middle and lowest

2019 - 2021  
% Sample Variation Calculations Outside 10%

6/4/2021 BCCL-21-0765	1.180	1.288	0.171	0.171	0.1713	0.0111		12.3457	12.4224	All three
6/4/2021 BCCL-21-0774	1.180	1.288	0.181	0.180			0.00783	7.1006	7.1429	Highest and middle
6/4/2021 BCCL-21-0774	1.180	1.288	0.164	0.163				3.0488	3.0675	Middle and lowest
6/4/2021 BCCL-21-0774	1.180	1.288	0.169	0.168	0.1708	0.0111		10.3659	10.4294	All three
6/4/2021 BCCL-21-0887	1.181	1.288	0.214	0.213			0.01294	11.4583	10.9375	Highest and middle
6/4/2021 BCCL-21-0887	1.180	1.288	0.186	0.186				3.2258	3.2258	Middle and lowest
6/4/2021 BCCL-21-0887	1.180	1.288	0.192	0.192	0.1972	0.0128		15.0538	14.5161	All three
6/17/2021 BCCL-21-0685	1.180	1.288	0.181	0.180			0.00763	4.6243	4.6512	Highest and middle
6/17/2021 BCCL-21-0685	1.181	1.289	0.164	0.163				5.4878	5.5215	Middle and lowest
6/17/2021 BCCL-21-0685	1.181	1.289	0.173	0.172	0.1722	0.0112		10.3659	10.4294	All three
6/29/2021 BCCL-21-1006	1.180	1.288	0.160	0.159			0.00906	0.5650	0.5682	Highest and middle
6/29/2021 BCCL-21-1006	1.180	1.288	0.177	0.176				10.6250	10.6918	Middle and lowest
6/29/2021 BCCL-21-1006	1.180	1.288	0.178	0.177	0.1712	0.0111		11.2500	11.3208	All three
7/23/2021 BCCL-21-1174	1.180	1.288	0.160	0.159			0.00906	0.5650	0.5682	Highest and middle
7/23/2021 BCCL-21-1174	1.180	1.288	0.177	0.176				10.6250	10.6918	Middle and lowest
7/23/2021 BCCL-21-1174	1.180	1.288	0.178	0.177	0.1712	0.0111		11.2500	11.3208	All three
8/16/2021 BCCL-21-0893	1.180	1.288	0.214	0.213			0.01235	2.3923	2.4038	Highest and middle
8/16/2021 BCCL-21-0893	1.180	1.288	0.188	0.187				11.1702	11.2299	Middle and lowest
8/16/2021 BCCL-21-0893	1.180	1.288	0.209	0.208	0.2032	0.0132		13.8298	13.9037	All three
10/22/2021 BCCL-21-1631	1.181	1.288	0.156	0.155			0.01487	0.6410	1.2903	Highest and middle
10/22/2021 BCCL-21-1631	1.181	1.288	0.128	0.127				21.8750	22.0472	Middle and lowest
10/22/2021 BCCL-21-1631	1.181	1.288	0.157	0.157	0.1467	0.0095		22.6563	23.6220	All three
10/22/2021 BCCL-21-1645	1.183	1.291	0.011	0.011			0.00041			
10/22/2021 BCCL-21-1645	1.183	1.291	0.010	0.011						



2019 - 2021  
 % Sample Variation Calculations Outside 10%

10/22/2021 BCCL-21-1645	1.183	1.291	0.011	0.011	0.0108	0.0007		10.0000	0.0000	
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11/10/2021 BCCL-21-1676	1.180	1.288	0.184	0.182			0.00794	3.9548	4.0000	Highest and middle
11/10/2021 BCCL-21-1676	1.181	1.289	0.166	0.165				6.6265	6.0606	Middle and lowest
11/10/2021 BCCL-21-1676	1.181	1.288	0.177	0.175	0.1748	0.0114		10.8434	10.3030	All three

11/10/2021 BCCL-21-1718	1.181	1.288	0.094	0.093			0.00484	3.9604	3.0000	Highest and middle
11/10/2021 BCCL-21-1718	1.181	1.288	0.101	0.100				7.4468	7.5269	Middle and lowest
11/10/2021 BCCL-21-1718	1.181	1.288	0.105	0.103	0.0993	0.0065		11.7021	10.7527	All three

		Retention Time Front Column	Retention Time Rear Column	Value Front	Value Rear	Recovery Front	Recovery Rear	% Front Sample Variation	% Rear Sample Variation		REPORTED
<b>MM</b>	1/3/2018 BCCL-17-2476	1.182	1.293	0.185	0.185			0.5435	0.5435	Highest and middle	0.183 ± 0.012 g per 100mL
	1/3/2018 BCCL-17-2476	0.000	0.000	0.000	0.000			#DIV/0!	#DIV/0!	Middle and lowest	
	1/3/2018 BCCL-17-2476	1.182	1.293	0.184	0.184	0.1230	0.0084	#DIV/0!	#DIV/0!	All three	
	CORRECTED FRONT & REAR VALUES			0.181	0.182						
				0.183	0.183						
				0.184	0.185	0.1830	0.0124	1.6575	1.6484	All three	
<b>SW</b>	7/10/2020 BCCL-20-0748	1.180	1.291	0.054	0.056		0.2104	1.8519	917.8571	Highest and middle	0.055 ± 0.004 g per 100mL
	7/10/2020 BCCL-20-0748	1.180	1.291	0.053	0.055			1.8868	1.8182	Middle and lowest	
	7/10/2020 BCCL-20-0748	1.180	1.291	0.055	0.570	0.1405	0.0096	3.7736	936.3636	All three	
	CORRECTED REAR VALUE				0.057	0.0550	0.0037		3.7736	3.6364	
<b>SW</b>	7/27/2020 BCCL-20-0891	1.180	1.290	0.670	0.070		0.245	857.1429	4.2857	Highest and middle	0.069 ± 0.004 g per 100mL
	7/27/2020 BCCL-20-0891	1.180	1.291	0.070	0.073			4.4776	1.4493	Middle and lowest	
	7/27/2020 BCCL-20-0891	1.180	1.290	0.067	0.069	0.1698	0.0115	900.0000	5.7971	All three	
	CORRECTED FRONT VALUE			0.067		0.0690	0.0047		4.4776	5.7971	
<b>SW</b>	4/1/2021 BCCL-21-0366	1.180	1.288	0.293	0.292		0.0522	1.0135	0.6849	Highest and middle	0.295 ± 0.019 g per 100mL
	4/1/2021 BCCL-21-0366	1.180	1.288	0.296	0.294			1.0239	74.8503	Middle and lowest	
	4/1/2021 BCCL-21-0366	1.180	1.288	0.299	0.167	0.2735	0.0186	2.0478	76.0479	All three	
	CORRECTED REAR VALUE				0.298	0.2953	0.0201		2.0478	2.0548	
<b>SW</b>	4/1/2021 BCCL-21-0381	1.180	1.288	0.169	1.680		0.6174	0.5952	905.9880	Highest and middle	0.167 ± 0.011 g per 100mL
	4/1/2021 BCCL-21-0381	1.180	1.288	0.168	0.167			0.0000	0.0000	Middle and lowest	
	4/1/2021 BCCL-21-0381	1.180	1.288	0.168	0.167	0.4198	0.0273	0.5952	905.9880	All three	
	CORRECTED REAR VALUE				0.168	0.4200	0.0286		0.5952	0.5988	
<b>SW</b>	5/18/2021 BCCL-21-0629	1.181	1.288	0.123	1.220		0.4475	0.0000	883.8710	Highest and middle	0.123 ± 0.008 g per 100mL
	5/18/2021 BCCL-21-0629	1.181	1.288	0.124	0.124			0.8130	0.0000	Middle and lowest	
	5/18/2021 BCCL-21-0629	1.181	1.288	0.124	0.124	0.3065	0.0208	0.8130	883.8710	All three	
	CORRECTED REAR VALUE				0.122	0.3062	0.0208		0.8130	1.6393	

% Sample Variation Calculations Outside 10%  
Input Errors

<b>SW</b>	7/23/2021	BCCL-21-1174	1.180	1.288	0.160	0.159		0.0091	<b>0.5650</b>	<b>0.5682</b>	Highest and middle
	7/23/2021	BCCL-21-1174	1.180	1.288	0.177	0.176			<b>10.6250</b>	<b>10.6918</b>	Middle and lowest
	7/23/2021	BCCL-21-1174	1.180	1.288	0.178	0.177	0.1712	0.0111	<b>11.2500</b>	<b>11.3208</b>	All three
					0.057	0.056					
					0.054	0.054					
					0.058	0.057	0.0560	0.0038	<b>7.4074</b>	<b>5.5556</b>	All three

0.056 ± 0.004  
g per 100mL

		Retention Time Front Column	Retention Time Rear Column	Value Front	Value Rear	Recovery Front	Recovery Rear	% Front Sample Variation	% Rear Sample Variation		REPORTED		
<b>PVD</b>	4/25/2018 BCCL-18-0006	1.181	1.292	0.017	0.017			0.0008	5.8824	5.8824	Highest and middle	<0.025 g per 100mL	
F3	4/25/2018 BCCL-18-0006	1.181	1.292	0.017	0.016			0.0000	6.2500	Middle and lowest			
83	4/25/2018 BCCL-18-0006	1.181	1.291	0.018	0.018	0.0172	0.0012	5.8824	12.5000	All three			
	Agency DPS Freeport		Offense Date	12/31/2017								Reported	4/27/2018
	Subject Earls, Crystal		DOB	10/10/1991								Plea	2/7/2020
	Cause No. 238541		Plea/No Plea	Abandoned									
	Lead Attorney No Counsel		Status	Disposed									
<b>PVD</b>	5/18/2018 BCCL-18-1055	1.183	1.294	0.004	0.004			0.0005	0.0000	0.0000	Highest and middle	NOT DETECTED	
D	5/18/2018 BCCL-18-1055	1.183	1.294	0.004	0.005			0.0000	25.0000	25.0000	Middle and lowest		
	5/18/2018 BCCL-18-1055	1.183	1.294	0.004	0.005	0.0043	0.0003	0.0000	25.0000	25.0000	All three		
	Agency Angleton PD		Offense Date	4/29/2018								Reported	5/22/2018
	Subject Smith, Stormy Terell		DOB	2/13/1978								Plea	1/31/2020
	Cause No. 236733		Plea/No Plea	Abandoned								Destroyed	10/1/2019
	Lead Attorney No Counsel		Status	Disposed									
<b>MR</b>	6/5/2018 BCCL-18-1243	1.182	1.294	0.007	0.007			0.0005	0.0000	16.6667	Highest and middle	NOT DETECTED	
D	6/5/2018 BCCL-18-1243	1.182	1.292	0.006	0.006			16.6667	0.0000	0.0000	Middle and lowest		
	6/5/2018 BCCL-18-1243	1.182	1.294	0.007	0.006	0.0065	0.0004	16.6667	16.6667	16.6667	All three		
	Agency Angleton PD		Offense Date	5/24/2018								Reported	6/7/2018
	Subject Bachelder, Jason		DOB	12/4/1979								Plea	12/3/2018
	Cause No. 85122-CR		Plea/No Plea	Plea - Amend Probation								Destroyed	10/1/2019
	Lead Attorney Hughes, Dallas Craig		Status	Disposed									
<b>MR</b>	8/2/2018 BCCL-18-1592	1.184	1.297	0.003	0.002			0.0005	0.0000	0.0000	Highest and middle	NOT DETECTED	
F3	8/2/2018 BCCL-18-1592	1.184	1.297	0.002	0.002			50.0000	0.0000	0.0000	Middle and lowest		
87	8/2/2018 BCCL-18-1592	1.184	1.296	0.003	0.002	0.0023	0.0002	50.0000	0.0000	0.0000	All three		
	Agency DPS Angleton		Offense Date	7/20/2018								Reported	8/6/2018
	Subject Woods, Maxie Lee Jr.		DOB	4/21/1977								Plea	10/23/2018
	Cause No. DT18-003777		Plea/No Plea	Plea - Fined									
	Lead Attorney		Status	Disposed									

<b>MR</b>	8/14/2018 BCCL-18-1637	1.183	1.296	0.006	0.006			0.0004	0.0000	0.0000	Highest and middle	NOT DETECTED	
<b>D</b>	8/14/2018 BCCL-18-1637	1.182	1.295	0.006	0.005				0.0000	20.0000	Middle and lowest		
	8/14/2018 BCCL-18-1637	1.182	1.295	0.006	0.006	0.0058	0.0004		0.0000	20.0000	All three		
	Agency Angleton PD		Offense Date	7/21/2018								Reported	8/17/2018
	Subject Saldivar, Jeffrey		DOB	10/11/1992								Plea	9/11/2019
	Cause No. 237316		Plea/No Plea	Abandoned								Destroyed	10/15/2020
	Lead Attorney Gonzalez, Steve O.		Status	Disposed									

<b>SW</b>	4/2/2020 BCCL-20-0388	1.182	1.294	0.009	0.009			0.0004	11.1111	0.0000	Highest and middle	NOT DETECTED	
<b>1</b>	4/2/2020 BCCL-20-0388	1.183	1.295	0.010	0.009				0.0000	0.0000	Middle and lowest		
<b>52</b>	4/2/2020 BCCL-20-0388	1.182	1.294	0.009	0.009	0.0092	0.0006		11.1111	0.0000	All three		
	Agency BCSO		Offense Date	3/3/2020								Reported	4/8/2020
	Subject Blanco, Samuel		DOB	8/25/1980									
	Cause No.		Plea/No Plea										
	Lead Attorney		Status										

<b>SW</b>	8/10/2020 BCCL-20-0849	1.182	1.295	0.006	0.005			0.0008	0.0000	0.0000	Highest and middle	NOT DETECTED	
<b>1</b>	8/10/2020 BCCL-20-0849	1.182	1.295	0.006	0.005				0.0000	25.0000	Middle and lowest		
<b>62</b>	8/10/2020 BCCL-20-0849	1.183	1.295	0.006	0.004	0.0053	0.0004		0.0000	25.0000	All three		
	Agency DPS Manvel		Offense Date	6/19/2020								Reported	8/11/2020
	Subject Castillo, Jesus Mandujano		DOB	8/2/1978									
	Cause No.		Plea/No Plea										
	Lead Attorney		Status										

<b>SW</b>	3/12/2021 BCCL-20-1990	1.183	1.292	0.009	0.009			0.0005	0.0000	11.1111	Highest and middle	NOT DETECTED	
<b>5</b>	3/12/2021 BCCL-20-1990	1.183	1.292	0.010	0.010				11.1111	0.0000	Middle and lowest		
<b>10</b>	3/12/2021 BCCL-20-1990	1.183	1.293	0.010	0.009	0.0095	0.0006		11.1111	11.1111	All three		
	Agency DPS Manvel		Offense Date	12/24/2020								Reported	3/15/2021
	Subject Breitenfeldt, Lisa Faun		DOB	11/13/1958								Plea	10/8/2021
	Cause No. 249567		Plea/No Plea	Plea - Order Granting Community Supervision									
	Lead Attorney Yoakum, Gerald R.		Status	Disposed									

<b>SW</b>	4/16/2021 BCCL-21-0368	1.184	1.293	0.005	0.005			0.0004	0.0000	20.0000	Highest and middle	NOT DETECTED	
<b>6</b>	4/16/2021 BCCL-21-0368	1.184	1.293	0.005	0.006				0.0000	0.0000	Middle and lowest		
<b>2</b>	4/16/2021 BCCL-21-0368	1.184	1.294	0.005	0.005	0.0052	0.0003		0.0000	20.0000	All three		
	Agency Angleton PD		Offense Date	2/14/2021								Reported	10/25/2021
	Subject Broadway, William		DOB	11/8/1981								Dismissed	5/18/2021
	Cause No. 249081		Plea/No Plea	Dismissed									
	Lead Attorney No Counsel		Status	Dismissed									

% Sample Variation Calculations Outside 10%  
 <0.025 g per 100mL

SW	10/22/2021	BCCL-21-1645	1.183	1.291	0.011	0.011			0.0004			Highest and middle
BIO	10/22/2021	BCCL-21-1645	1.183	1.291	0.010	0.011						Middle and lowest
	10/22/2021	BCCL-21-1645	1.183	1.291	0.011	0.011	0.0108	0.0007		10.0000	0.0000	All three

NOT  
 DETECTED  
 DRAFT  
 COMPLETE

Agency BCSO  
 Subject Varnado, Joseph  
 Cause No.  
 Lead Attorney

Offense Date 8/25/2021  
 DOB 12/17/1964  
 Plea/No Plea  
 Status

Reported

		Retention Time Front Column	Retention Time Rear Column	Value Front	Value Rear	Recovery Front	Recovery Rear	% Front Sample Variation	% Rear Sample Variation		REPORTED		
<b>MM</b>	3/5/2018 BCCL-18-0096	1.180	1.292	0.286	0.285			0.01897	5.9259	5.9480	Highest and middle	0.277 ± 0.019 g per 100mL	
	3/5/2018 BCCL-18-0096	1.179	1.290	0.244	0.243				10.6557	10.6996	Middle and lowest		
	3/5/2018 BCCL-18-0096	1.179	1.290	0.270	0.269	0.2775	0.0189		17.2131	17.2840	All three		
	Agency DPS Manvel		Offense Date	1/12/2018								Reported	3/7/2018
	Subject Espey, Jacob Matthew		DOB	7/7/1977								Plea	9/7/2018
	Cause No. 233697		Plea/No Plea	Plea - Order Granting Community Service								Destroyed	3/22/2019
	Lead Attorney Bass, Brooks Lee		Status	Disposed									
<b>PVD</b>	5/18/2018 BCCL-18-0996	1.179	1.290	0.486	0.487			0.00105	0.2062	0.2058	Highest and middle		
	5/18/2018 BCCL-18-0996	1.179	1.290	0.487	0.488				0.4124	0.4115	Middle and lowest		
	5/18/2021 BCCL-18-0996	1.179	1.291	0.485	0.486	0.4860	0.0330		0.4124	0.4115	All three		
<b>PVD</b>	5/22/2018 BCCL-18-0996 -	1.179	1.290	0.408	0.409			0.0184	4.1860	4.3981	Highest and middle	0.419 ± 0.028 g per 100mL	
	5/22/2018 BCCL-18-0996 -	1.179	1.289	0.448	0.451				5.3922	5.6235	Middle and lowest		
	5/22/2018 BCCL-18-0996 -	1.179	1.290	0.430	0.432	0.4198	0.0285		9.8039	10.2689	All three		
	Agency DPS Angleton		Offense Date	4/26/2018								Reported	5/24/2018
	Subject Wilson, Langston Rashad		DOB	10/23/1982								Plea	1/7/2020
	Cause No. 235290		Plea/No Plea	Plea - Probation or Deferred Adjudication								Destroyed	7/9/2019
	Lead Attorney Bass, Brooks Lee		Status	Disposed									
<b>MR</b>	8/21/2019 BCCL-19-1546	1.179	1.291	0.158	0.159			0.00804	2.5316	1.8868	Highest and middle	0.151 ± 0.010 g per 100mL	
	8/21/2019 BCCL-19-1546	1.179	1.291	0.145	0.145				8.9655	9.6552	Middle and lowest		
	8/21/2019 BCCL-19-1546	1.179	1.290	0.162	0.162	0.1518	0.0099		11.7241	11.7241	All three		
	Agency DPS West Columbia		Offense Date	8/11/2019								Reported	8/23/2019
	Subject Flores, Pablo E.		DOB	3/15/1998								Plea	1/22/2020
	Cause No. 242239		Plea/No Plea	Plea - Order Granting Community Service								Destroyed	9/4/2020
	Lead Attorney Griffin, Jayne M.		Status	Disposed									
<b>SW</b>	6/2/2020 BCCL-20-0628	1.180	1.292	0.142	0.143			0.00639	2.1127	2.0979	Highest and middle	0.140 ± 0.009 g per 100mL	
	6/2/2020 BCCL-20-0628	1.179	1.290	0.131	0.133				8.3969	7.5188	Middle and lowest		
	6/2/2020 BCCL-20-0628	1.180	1.291	0.145	0.146	0.1400	0.0095		10.6870	9.7744	All three		
	Agency DPS Freeport		Offense Date	5/3/2020								Reported	6/4/2020
	Subject Mcdonald, Brittany		DOB	4/28/1995								Plea	9/11/2020
	Cause No. 245774		Plea/No Plea	Plea - Order Granting Community Service								Destroyed	8/18/2021
	Lead Attorney No Counsel		Status	Disposed									

TOTAL CASES: 6  
TOTAL SAMPLES: 7

% Sample Variation Calculations Outside 10%  
Should have been Reanalyzed but Already Destroyed

<b>SW</b>	7/27/2020	BCCL-20-0904	1.179	1.290	0.157	0.264		0.03792	1.1494	45.0549	Highest and middle	0.177 ± 0.012 g per 100mL
	7/27/2020	BCCL-20-0904	1.179	1.290	0.174	0.179			10.8280	1.6760	Middle and lowest	
	7/27/2020	BCCL-20-0904	1.180	1.290	0.176	0.182	0.1887	0.0128	12.1019	47.4860	All three	
CORRECTED REAR VALUE					0.162	0.1717	0.0117		12.1019	12.3457	All three	

Agency	DPS Freeport	Offense Date	6/28/2020	Reported	7/29/2020
Subject	Billeau, John Marcus	DOB	11/18/1972	Plea	9/18/2020
Cause No.	246363	Plea/No Plea	Plea: Judgment with Days Jail	Destroyed	8/13/2021
Lead Attorney	Selleck, Tom	Status	Disposed		

<b>SW</b>	8/31/2020	BCCL-20-1000	1.180	1.288	0.101	0.099		0.0078	17.4419	16.4706	Highest and middle	0.085 ± 0.006 g per 100mL
	8/31/2020	BCCL-20-1000	1.180	1.288	0.085	0.084			1.1765	1.1905	Middle and lowest	
	8/31/2020	BCCL-20-1000	1.179	1.289	0.086	0.085	0.0900	0.0061	18.8235	17.8571	All three	

Agency	DPS Manvel	Offense Date	7/19/2020	Reported	9/2/2020
Subject	Swango, Preston Taylor	DOB	11/28/1995	Plea	5/27/2021
Cause No.	246784	Plea/No Plea	Plea - Judgment with Days Jail	Destroyed	9/21/2021
Lead Attorney	Morin, Phillip J., III	Status	Disposed		



	Retention Time Front Column	Retention Time Rear Column	Value Front	Value Rear	Recovery Front	Recovery Rear	% Front Sample Variation	% Rear Sample Variation	REPORTED		
<b>MR</b>	9/23/2019	BCCL-19-1763	1.179	1.291	0.216	0.217	0.01217	3.7037	3.6866	Highest and middle	
3	9/23/2019	BCCL-19-1763	1.179	1.291	0.224	0.225		9.0909	9.5960	Middle and lowest	
9	9/23/2019	BCCL-19-1763	1.179	1.291	0.198	0.198	0.2073	0.0135	13.1313	13.6364	All three
Agency Pearland PD		Offense Date	9/15/2019		Reported 9/25/2019						
Subject Alvarado, Arturo		DOB	2/26/1998		Plea 9/30/2020						
Cause No. 88672-CR		Plea/No Plea	Convicted, Guilty Plea								
Lead Attorney Stambaugh, Frank		Status	Disposed								
<b>SW</b>	12/4/2019	BCCL-19-2089	1.178	1.289	0.075	0.076		2.4390	2.4390	Highest and middle	
3	12/4/2019	BCCL-19-2089	1.178	1.289	0.082	0.082		9.3333	7.8947	Middle and lowest	
15	12/4/2019	BCCL-19-2089	1.178	1.289	0.084	0.084	0.0805	0.0052	12.0000	10.5263	All three
Agency DPS Angleton		Offense Date	11/6/2019		Reported 12/9/2019						
Subject Langhoff, Robert Wayne		DOB	3/7/1972		Plea 9/17/2020						
Cause No. 245498		Plea/No Plea	Plea - Order Amending Probation								
Lead Attorney No Counsel		Status	Disposed								
<b>SW</b>	8/31/2020	BCCL-20-1013	1.180	1.288	0.103	0.102	0.00662	10.3774	10.4762	Highest and middle	
2	8/31/2020	BCCL-20-1013	1.180	1.289	0.106	0.105		2.9126	2.9412	Middle and lowest	
66	8/31/2020	BCCL-20-1013	1.180	1.288	0.117	0.116	0.1082	0.0074	13.5922	13.7255	All three
Agency Pearland PD		Offense Date	7/16/2020		Reported 9/2/2020						
Subject Corona Guzman, Julio Cesar		DOB	7/21/1989		Plea 6/4/2021						
Cause No. 247204		Plea/No Plea	Plea - Order Granting Community Service								
Lead Attorney Caldwell, Clay		Status	Disposed								
<b>SW</b>	10/23/2020	BCCL-20-1371	1.179	1.288	0.152	0.150	0.0154	18.9542	19.0789	Highest and middle	
2	10/23/2020	BCCL-20-1371	1.179	1.288	0.153	0.152		0.6579	1.3333	Middle and lowest	
76	10/23/2020	BCCL-20-1371	1.182	1.295	0.182	0.181	0.1617	0.0110	19.7368	20.6667	All three
Agency Angleton PD		Offense Date	9/22/2020		Reported 10/27/2020						
Subject Cantu, Matthew		DOB	12/17/1998		Trial 1/24/2022						
Cause No. 247130		Plea/No Plea	TRIAL								
Lead Attorney Sharp, David		Status	Filed								

% Sample Variation Calculations Outside 10%  
TO BE REANALYZED

<b>SW</b>	11/19/2020	BCCL-20-1545	1.180	1.289	0.152	0.152		0.01188	17.8295	17.8295	Highest and middle	0.129 ± 0.008 g per 100mL
2	11/19/2020	BCCL-20-1545	1.180	1.288	0.129	0.129		0.0000	0.0000	Middle and lowest		
81	11/19/2020	BCCL-20-1545	1.180	1.290	0.129	0.129	0.1367	0.0089	17.8295	17.8295	All three	
Agency Lake Jackson PD			Offense Date		10/19/2020					Reported		11/30/2020
Subject Baker, David Michael			DOB		8/21/1958					Dismissed		5/25/2021
Cause No. 247515			Plea/No Plea		Dismissal Order - Other							
Lead Attorney Bass, Brooks			Status		Dismissed							

<b>PVD</b>	12/9/2020	BCCL-20-1819	1.180	1.288	0.101	0.101		0.0045	3.9604	3.9604	Highest and middle	0.100 ± 0.007 g per 100mL
5	12/9/2020	BCCL-20-1819	1.180	1.290	0.095	0.095		6.3158	6.3158	Middle and lowest		
4	12/9/2020	BCCL-20-1819	1.180	1.289	0.105	0.105	0.1003	0.0065	10.5263	10.5263	All three	
Agency DPS Freeport			Offense Date		11/30/2020					Reported		12/11/2020
Subject Ganstine, Kaylie Rae			DOB		10/9/1996					Trial		4/4/2022
Cause No. 91907-CR			Plea/No Plea		<b>TRIAL</b>							
Lead Attorney Bass, Brooks			Status		Filed							

<b>SW</b>	3/12/2021	BCCL-21-0172	1.181	1.288	0.196	0.196		0.01448	2.5510	2.0408	Highest and middle	0.198 ± 0.013 g per 100mL
5	3/12/2021	BCCL-21-0172	1.181	1.288	0.170	0.171		15.2941	14.6199	Middle and lowest		
15	3/12/2021	BCCL-21-0172	1.181	1.288	0.201	0.200	0.1890	0.0123	18.2353	16.9591	All three	
Agency DPS Freeport			Offense Date		1/23/2021					Reported		3/15/2021
Subject Mendoza, Jesus Manuel			DOB		1/18/1986					Hearing		1/6/2022
Cause No. 248802			Plea/No Plea		<b>PRE-TRIAL HEARING</b>							
Lead Attorney			Status									

			Retention Time Front Column	Retention Time Rear Column	Value Front	Value Rear	Recovery Front	Recovery Rear	% Front Sample Variation	% Rear Sample Variation		TO BE REPORTED	
<b>SW</b>	6/4/2021	BCCL-21-0001	1.180	1.288	0.236	0.236			0.01121	4.8889	4.8889	Highest and middle	0.218 ± 0.014 g per 100mL
5	6/4/2021	BCCL-21-0001	1.180	1.288	0.211	0.211			6.6351	6.6351	Middle and lowest		
10	6/4/2021	BCCL-21-0001	1.181	1.289	0.225	0.225	0.2240	0.0146	11.8483	11.8483	All three		
<b>SW</b>	6/4/2021	BCCL-21-0166	1.181	1.288	0.270	0.270			0.02485	3.8462	4.2471	Highest and middle	0.264 ± 0.017 g per 100mL
5	6/4/2021	BCCL-21-0166	1.180	1.288	0.218	0.217			19.2661	19.3548	Middle and lowest		
15	6/4/2021	BCCL-21-0166	1.181	1.289	0.260	0.259	0.2490	0.0162	23.8532	24.4240	All three		
			CORRECTED REAR VALUE			0.269	0.2507	0.0170	23.8532	23.9631	All three		
<b>SW</b>	6/4/2021	BCCL-21-0336	1.181	1.289	0.113	0.112			0.0048	6.6038	6.6667	Highest and middle	0.106 ± 0.007 g per 100mL
6	6/4/2021	BCCL-21-0336	1.181	1.288	0.102	0.102			3.9216	2.9412	Middle and lowest		
1	6/4/2021	BCCL-21-0336	1.181	1.288	0.106	0.105	0.1067	0.0069	10.7843	9.8039	All three		
<b>SW</b>	6/4/2021	BCCL-21-0765	1.180	1.288	0.182	0.181			0.00896	6.4327	5.8480	Highest and middle	0.166 ± 0.011 g per 100mL
6	6/4/2021	BCCL-21-0765	1.181	1.288	0.162	0.161			5.5556	6.2112	Middle and lowest		
12	6/4/2021	BCCL-21-0765	1.180	1.288	0.171	0.171	0.1713	0.0111	12.3457	12.4224	All three		
<b>SW</b>	6/4/2021	BCCL-21-0774	1.180	1.288	0.181	0.180			0.00783	7.1006	7.1429	Highest and middle	0.170 ± 0.011 g per 100mL
6	6/4/2021	BCCL-21-0774	1.180	1.288	0.164	0.163			3.0488	3.0675	Middle and lowest		
13	6/4/2021	BCCL-21-0774	1.180	1.288	0.169	0.168	0.1708	0.0111	10.3659	10.4294	All three		
<b>SW</b>	6/4/2021	BCCL-21-0887	1.181	1.288	0.214	0.213			0.01294	11.4583	10.9375	Highest and middle	0.189 ± 0.012 g per 100mL
6	6/4/2021	BCCL-21-0887	1.180	1.288	0.186	0.186			3.2258	3.2258	Middle and lowest		
15	6/4/2021	BCCL-21-0887	1.180	1.288	0.192	0.192	0.1972	0.0128	15.0538	14.5161	All three		
<b>SW</b>	6/17/2021	BCCL-21-0685	1.180	1.288	0.181	0.180			0.00763	4.6243	4.6512	Highest and middle	0.172 ± 0.011 g per 100mL
6	6/17/2021	BCCL-21-0685	1.181	1.289	0.164	0.163			5.4878	5.5215	Middle and lowest		
11	6/17/2021	BCCL-21-0685	1.181	1.289	0.173	0.172	0.1722	0.0112	10.3659	10.4294	All three		

TOTAL CASES: 12

<b>SW</b>	6/29/2021	BCCL-21-1006	1.180	1.288	0.160	0.159		0.00906	0.5650	0.5682	Highest and middle	0.177 ± 0.012 g per 100mL
F6	6/29/2021	BCCL-21-1006	1.180	1.288	0.177	0.176			10.6250	10.6918	Middle and lowest	
18	6/29/2021	BCCL-21-1006	1.180	1.288	0.178	0.177	0.1712	0.0111	11.2500	11.3208	All three	
<b>SW</b>	8/16/2021	BCCL-21-0893	1.180	1.288	0.214	0.213		0.01235	2.3923	2.4038	Highest and middle	0.211 ± 0.014 g per 100mL
F6	8/16/2021	BCCL-21-0893	1.180	1.288	0.188	0.187			11.1702	11.2299	Middle and lowest	
15	8/16/2021	BCCL-21-0893	1.180	1.288	0.209	0.208	0.2032	0.0132	13.8298	13.9037	All three	
<b>SW</b>	10/22/2021	BCCL-21-1631	1.181	1.288	0.156	0.155		0.01487	0.6410	1.2903	Highest and middle	0.156 ± 0.010 g per 100mL
BIO	10/22/2021	BCCL-21-1631	1.181	1.288	0.128	0.127			21.8750	22.0472	Middle and lowest	
	10/22/2021	BCCL-21-1631	1.181	1.288	0.157	0.157	0.1467	0.0095	22.6563	23.6220	All three	
<b>SW</b>	11/10/2021	BCCL-21-1676	1.180	1.288	0.184	0.182		0.00794	3.9548	4.0000	Highest and middle	0.170 ± 0.011 g per 100mL
BIO	11/10/2021	BCCL-21-1676	1.181	1.289	0.166	0.165			6.6265	6.0606	Middle and lowest	
	11/10/2021	BCCL-21-1676	1.181	1.288	0.177	0.175	0.1748	0.0114	10.8434	10.3030	All three	
<b>SW</b>	11/10/2021	BCCL-21-1718	1.181	1.288	0.094	0.093		0.00484	3.9604	3.0000	Highest and middle	0.097 ± 0.006 g per 100mL
BIO	11/10/2021	BCCL-21-1718	1.181	1.288	0.101	0.100			7.4468	7.5269	Middle and lowest	
	11/10/2021	BCCL-21-1718	1.181	1.288	0.105	0.103	0.0993	0.0065	11.7021	10.7527	All three	

## Corrective Action Plan EtOH Sample Variations Outside 10%

**Incident Date:** Multiple. Identified November 14, 2021.

**Incident Type:** Procedural

**Incident Description:** Blood alcohol samples were not calculated and reported according to our Standard Operating Procedures.

Due to only having one Toxicologist, our blood alcohol cases have been sent out to Jefferson County Regional Crime Laboratory for technical and administrative review. One of the contracted analysts at Jefferson County Regional Crime Laboratory on November 14 and November 18 questioned how the final result from the triplicate samples was calculated and, if only taking four instead of six values into account, how to determine which values to drop, specifically in cases BCCL-21-0001 and BCCL-21-0166. They also stated that BCCL-21-0336 and BCCL-21-0774 were outside of the 10% allowed variation.

While answering their questions, inconsistencies and nonconformance of our own SOP TOX-C-01-06 were found. Direct conflict within the SOP was specifically found in sections 8.2.1 and 9.1.4 regarding the allowed 10% sample variation between samples and which sample results may be used. Section 8.2.1 states that the values of the triplicate sampling of each column *shall* agree within 10% of each other. The SOP later states in section 9.1.4 states that four of the six values may be used to achieve a sample variation of 10% or less; however, there are no written guidelines as to which values may be dropped. Inconsistencies regarding how many values to use were also found between TOX-C-01-06 and TG-TOX-03-04. TOX-C-01-06 also states in 8.2.2 that the variation will be truncated to no less than three decimal places. Cases between 10% and 11% were not being truncated to three decimal places – only to the whole number.

During the root cause investigation, it was found to be a historical repetition of verbal confirmation during training. During multiple interviews with Analyst 1 regarding workflow and analysis of casework, it was found that the training contradicted the SOPs. Past versions of SOPs were viewed to determine if/when policies were changed. Archived SOPs dating back to 2013 showed the same wording that each result “shall” agree within 10% of each other.

### TOX-C-01-06 Analysis of Ethanol in Biological Specimens

*“8.2.1 Individual case sample results from the triplicate injections shall agree within 10% of each other.”*

Approval Date: November 30, 2021  
Effective Date: November 30, 2021

Issuing Authority: Upper Management  
Authorized for Distribution by Laboratory Director

8.2.2 This 10% variation will be calculated using the highest and lowest results from a single column, truncated to no less than three decimal places and the following equation:  $[(\text{High value} - \text{Low value}) / \text{Low value}] \times 100$

8.3.1 If two of the three samples do not meet the above specifications, the sample preparation and analysis shall be repeated once.

9.1.4 If two samples (four values) are within 10% of each other, those samples shall be averaged to report the value."

TG-TOX-03-04 GC/FID for Ethanol Quantitation

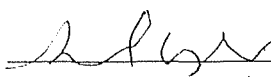
"6.4 The three responses from each detector (for a total of six) should be averaged together to determine the alcohol content. If there is an outlier it should be dropped. Use this formula to determine outliers:  $(\text{High} - \text{Low}) / (\text{Low}) \times 100\%$ . A response is considered an outlier if the high and low responses do not agree within 10% of each other. Note: The high and low responses used must come from the same detector."

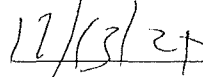
**Proposed Corrective Action(s):**

1. Revise the current SOPs, including the training guide, to correlate with one another, as well as clarify the language.
2. Create an annual exam with signature requirement acknowledging SOP standards and methods.
3. Look back at previous cases to determine if other cases were affected.
4. Discuss possible changes to both TOX-C-01 Analysis of Ethanol in Biological Specimens and TG-TOX-03 GC/FID for Ethanol Quantitation, including but not limited to the following:
  - a. Whether or not blood alcohol specimens will continue to be analyzed in triplicate
  - b. If the 10% variation will be calculated using all three values from each column
  - c. If not using all three values from each column, which set of values will be dropped
  - d. Determine if the allowed sample variation will continue to be 10%, truncated to no less than three decimal places

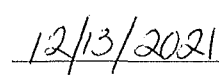
**Timeframe for Corrective Action(s):** two weeks from signature date

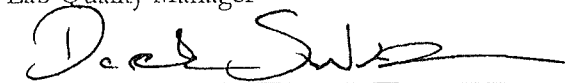
**Comment(s):** Analyst 1 has written a note in conjunction with this Corrective Action Plan.


  
Applicable Analyst / Discipline

  
Date

  
Lab Quality Manager

  
Date

  
Laboratory Director

  
Date

12/13/21

**Analyst 1 Note:**

Analyst 1 would like to preface this note with the acknowledgement that Analyst 1 did not write, have any input, or exercised any judgment for the final decisions made for the Blood Alcohol Concentration (BAC) Standard Operating Procedures (SOP) TOX-C-01-06. TOX-C-01-06 was created and modified solely by Analyst 2 and several QC Managers over the years. However, Analyst 1 does not agree that 8.2.1 (**“Individual case sample results from the triplicate injections shall agree within 10% of each other”**) explicitly states that only 6 values shall be used to calculate the final BAC. The current interpretation infer that 8.2.1 states that only 6 values shall be used to calculate the final BAC. This conclusion requires an assumption and can only be reached if 8.2.1 is taken in isolation.

**Analyst 1** interpretation of 8.2.1 is that it is a declarative sentence that explicitly state that the 6 values shall be within 10% but does not explicitly state that only 6 values shall be used to calculate the final BAC. In addition, the intent of **Analyst 2** is clear, that four values within 10% may be used to calculate the final BAC. This is readily appreciated in 8.2.2 (**“This 10% variation will be calculated using the highest and lowest results from a single column, truncated to no less than three decimal places and the following equation:  $[\text{High value} - \text{Low value} / \text{Low value}] \times 100$ ”**) which dictates how the 10% is calculated, and 9.1.4 which states **“If (two samples) four values are within 10% of each other, those samples shall be averaged to report the value”**.

Although **Analyst 2** was not granular in stating how the four values should be derived, the laboratory policy was that 4 values may be used to calculate the final BAC, with the benefit going to the the source of the blood (by using the lowest four values when possible, but not at the cost of reanalysis).

Finally, Analyst 1 is in full agreement that truncation of the 10% calculation did not follow the directive of the TOX-C-01-06.

*W*  
12/13/21

November 29, 2021

Brazoria County Sheriff's Office  
Bo Stallman, Sheriff  
Varon Snelgrove, Chief Deputy  
Special Investigations Command  
Chris Reioux, Captain

Dear Sir:

On Wednesday, November 17, 2021, I was made aware of an issue with the technical review of Brazoria County Sheriff's Office (BCSO) Crime Lab blood alcohol cases by the Jefferson County Crime Lab. An email forwarded to me by the Quality Director of the BCSO Crime Lab, Aleia Winters, contained a conversation between BCSO Crime Lab analyst Sam Wylie and Jefferson County Crime Lab Director Emily Esquivel. Essentially that conversation centered around two main issues: First, a calibrator from batch run 06-04-2021 did not appear to meet the ten percent acceptance criterion and an explanation as to how that should be interpreted was queried. Secondly, the ten percent acceptance criterion for case samples BCCL-21-0001, BCCL-21-0166 and BCCL-21-0336 was raised due to only four ethanol results being averaged instead of the normal six results.

This conversation prompted an internal review of the Laboratory blood ethanol protocols by pertinent Laboratory staff. Concentration was focused on BCSO Crime Lab Standard Operating Procedure TOX-C-01-06 Sections 5.0, 8.0 and 9.0.

Section 5.0 – Calibrators, Controls, Internal Standards/Blanks and Volatile Mixture, subsection 5.1.5 reads as follows:

- 5.1.5 If any of the values of the individual calibrators are outside of the 10% requirement after reprocessing, the reprocessed calibrators may be used to determine specimen BAC if the average values of the calibrators for the raw data and the reprocessed data are both within the 10% requirement.

Section 8.0 – Evaluation of Results. Portions of Section 8.0 reads as follows:

- 8.1 Results from three separate aliquots shall be available for evaluation
- 8.2 Specification of results
  - 8.2.1 Individual case sample results from the triplicate injections shall agree within 10% of each other.
  - 8.2.2 This 10% variation will be calculated using the highest and lowest results from a single column, truncated to no less than three decimal places and the following equation –  $[(\text{High value} - \text{Low value}) / \text{Low value}] \times 100$



### 8.3 Conditions for reanalysis

8.3.1 If two of the three samples do not meet the above specifications, the sample preparation and analysis shall be repeated once.

8.3.2 If a reanalysis meets the above specifications, the new set of data shall be used for reporting.

Section 9.0 – Reporting of Ethanol Concentration. Portions of Section 9.0 reads as follows:

9.1 The results are reported in the following manner:

9.1.4 If two samples (four values) are within 10% of each other, those samples shall be averaged to report the value.

After speaking with the analyst concerning his application of subsection 5.1.5, the averaging of the data set for the calibrators in batch 06-04-2021 did return an average within the ten percent threshold. In this particular data set, the 0.100 ethanol calibrator on the initial calibration run returned a reprocessed value of 0.088 which is outside of the ten percent requirement (the lowest this value could have been was 0.090). The other calibrators at this level returned values within the ten percent threshold. At this point, section 5.1.5 is triggered. Raw data values for the 0.100 calibrator on both channels are as follows: 0.090, 0.090, 0.102, 0.101, 0.100 and 0.100 for an average of 0.097. The reprocessed data values for the 0.100 calibrator on both channels are as follows: 0.088, 0.088, 0.102, 0.102, 0.100 and 0.100 for an average of 0.096. The averaged values of the raw and reprocessed data are then compared to each other to determine if this percentage is within ten percent. The resulting averages returned a value within the ten percent threshold. Although this application of subsection 5.1.5 allows use of the reprocessed calibrators to establish the calibration curve, it does reveal a weakness in the reporting procedures. The six calibrators are run a total of three times on both channels producing a total of 36 results. The initial twelve calibrator results are not used and the remaining twenty-four calibrators are averaged to determine the resulting calibration curve. If the initial results are not used, then why are those results then used in determining if a ten percent threshold is in effect when using subsection 5.1.5. It would make more sense to only use those results that were a factor in determining the calibration curve, the last twenty-four results. It is clear that the application of section 5.1.5 needs to be rethought.

As for sections 8 and 9, the language is ambiguous at best. Subsection 8.2.1 states that individual case sample results from the triplicate injections **shall** agree within ten percent of each other implying that to be reported out, the three results from channel 1 must agree within the ten percent threshold and the three results from channel 2 must agree within the ten percent threshold outlined in 8.2.2. Only then can the collective six results be averaged together and final blood alcohol content reported. However, the wording in subsection 9.1.4 says that if two samples (four values) are within 10% of each other, those samples **shall** be averaged to report the value. This implies that if a channel contains an outlier of the ten percent threshold, that outlier may be dropped. This statement is in direct conflict with

subsection 8.2.1. Furthermore, in the explanation of the ten percent threshold to the reviewer, it is clear that 8.2.2 is not applied correctly. The Laboratory requirement is that the threshold is truncated to three decimal places not that all decimal places are truncated to leave only the whole number. Additionally, due to the discrepancies outlined in sections 8 and 9, it is my opinion that any lab report issued using only four results to report ethanol concentration is in error. If the Laboratory requires six results for the reporting of most samples, we should not allow only four results to be used just to avoid reanalysis.

In accessing the application of sections 8 and 9 (cases in which a variance between 10.001 and 10.999 exists where the final variance was truncated to the whole number of ten and cases in which only four results were used to calculate blood alcohol content), the Laboratory has identified a total of forty-two (42) cases from 2018 to 2021 involving three analysts. These cases were identified using an excel spreadsheet that was kept in the normal course of blood alcohol analysis. The forty-two cases are divided as follows:

1. Seven (7) cases that were identified as spreadsheet input errors. In these cases, some of the cells reflecting alcohol results were input incorrectly thereby allowing the resulting variance to be greater than 10.001 percent. Once the actual values were input correctly, all variances were below 10.00 percent. These cases may be omitted from the corrective procedures.
2. Ten (10) cases that contained a variance of greater than 10.001 percent but were reported out with an alcohol concentration below 0.025 grams per 100 milliliters or no alcohol detected. In these cases, the probability of prosecution of the individual continuing only with alcohol results is minimal. Furthermore, the alcohol content for these analyses cannot be back extrapolated to a concentration greater than 0.080 grams per 100 milliliters due to pharmacokinetic dynamics. These cases may be omitted from the corrective procedures.
3. Twelve (12) cases currently under review guidelines that contained a variance of greater than 10.001 percent. In these cases, a final laboratory report has yet to be issued due to the technical and administrative review process. These cases should be included in the corrective procedures.
4. Seven (7) cases where a final laboratory report has been issued and contained a variance greater than 10.001 percent. These cases should be included in the corrective procedures.
5. Six (6) cases that have had a final laboratory report issued but have been destroyed by the laboratory with a variance greater than 10.001 percent. These cases should be included in the corrective procedures.

A listing of these cases can be found in the attached spreadsheet.

In investigating the root cause of the failures to follow Standard Operating Procedures (SOP's), the following causes have been identified.

1. The section of the Laboratory's SOP's (TOX-C-01-06) that deals with blood alcohol analysis, evaluation and reporting of results is vague at best. This vagueness has allowed for multiple interpretations by various analysts staffed throughout the years in the Toxicology section.
2. Interviews with Laboratory personnel has identified a largely oral tradition of conveying crucial information as it pertains to Laboratory guidelines. This oral method seems to have existed for at least a decade. A question concerning the intent of an SOP seems to have been met with the response "that this is the way it's done in this Laboratory" without adequately addressing the veracity of the SOP in question.
3. No system has been in place to address if pertinent SOP's are thoroughly understood. There is acknowledgement kept in personnel files that Laboratory SOP's have been read but no mechanisms to record if those SOP's are understood.
4. The spreadsheet used in conjunction with blood alcohol analysis does not automatically highlight when a sample should be reanalyzed. The format does not allow for the calculation of differences between results thus failing to highlight when there is a greater than ten percent difference. Additionally, a correlation coefficient is not plotted. This spreadsheet is also not made available for technical review to highlight any input errors.

To correct the above causes, the Laboratory recommends the following actions be taken immediately.

1. Laboratory SOP – TOX-C-01-06 should be thoroughly evaluated and clarified by appropriate Laboratory personnel and new guidelines issued.
2. The Laboratory will implement a document control system. The Laboratory has reached out to Qualtrax for a quote on their document control system. Additionally, the BCSO uses a document control system known as PowerDMS. The Laboratory has reached out to pertinent individuals in the Sheriff's Office to ascertain if the Laboratory may evaluate this software for document control. Once the two systems are compared, the Laboratory will incorporate the most reliable software into its protocol. This will allow tracking of not only acknowledgement of SOP revisions, but also testing of personnel concerning their understanding of key SOP's. By establishing passing criteria for these exams, a true assessment of understanding may be gauged.
3. As not to interfere with normal colleague interactions, oral communication will not be dissuaded, but if those questions concern SOP interpretation, communication

will be placed in written format and directed to section personnel, quality manager and Laboratory director.

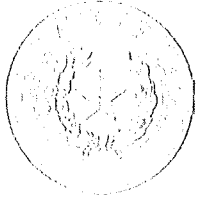
4. A revised spreadsheet highlighting when a sample is triggered for reanalysis and the inclusion of the correlation coefficient for the calibrators used will be implemented. Additional modifications may be added to the revised spreadsheet to better highlight pertinent data. The spreadsheet will also be subjected to the technical review process.

In summary, after contracting the Jefferson County Crime Laboratory to technically and administratively review blood alcohol cases analyzed by this Laboratory, several defects were revealed in the application of BCSO Crime Lab SOP TOX-C-01-06. The application of the ten percent variance outlined in subsection 8.2.2 was not applied correctly. The Laboratory has identified five categories comprising forty-two (42) cases that fit this particular defect. Of those forty-two cases, seventeen (17) need no further actions other than documentation identifying them as part of the corrective action evaluation. Of the remaining twenty-five (25) cases, nineteen (19) cases will need to be reanalyzed to reflect proper application of the ten percent variance. Of the nineteen cases needing to be reanalyzed, twelve (12) have not had a final Laboratory report released. These twelve cases may be reanalyzed by the Laboratory. After technical and administrative review, the results of the blood alcohol analysis may be released. These Laboratory reports should reflect that a corrective action was associated with the results. The seven (7) remaining results where a Laboratory report has already been issued should be sent to an outside Laboratory for alcohol content confirmation. These results should be reflected in an amended Laboratory report also detailing the corrective action undertaken. The six (6) remaining cases that have had a final Laboratory report issued but the evidence destroyed present a difficult dilemma. Since the evidence has been destroyed making additional analysis impossible, the Laboratory cannot support the findings in the original report due to the misapplication of subsections 8.2.2 and 9.1.4. An amended Laboratory report detailing the inaccuracies in the reporting of the initial values should be drafted. The resulting corrective action should also be included in the amended report. Whether or not additional action is warranted is a matter of deliberation between the charging entity and relevant parties. Finally, due to substantial nature of these corrective measures, the Texas Forensic Science Commission must be notified. The Laboratory will make proper and timely notifications to the Commission.

Respectfully,



Derek Sanders  
Lab Director  
Brazoria County Sheriff's Office Crime Laboratory



TEXAS FORENSIC  
SCIENCE COMMISSION

*Justice Through Science*

1700 North Congress Ave., Suite 445  
Austin, Texas 78701

TEXAS FORENSIC SCIENCE COMMISSION  
LAB DISCLOSURE FORM

*Please complete this form and return to:*

Texas Forensic Science Commission  
1700 North Congress Avenue, Suite 445  
Austin, Texas 78701  
Email: [info@fsc.texas.gov](mailto:info@fsc.texas.gov)  
[P] 1.888.296.4232  
[F] 1.888.305.2432

The Texas Forensic Science Commission ("FSC") is legislatively mandated to require crime laboratories that conduct forensic analyses to report professional negligence or professional misconduct to the Commission. (See Tex. Code Crim. Proc. 38.01 as amended by Tex. S.B. 1238, 83rd Leg., R.S. (2013)).

Please keep in mind that the FSC investigates matters subject to its statutory authority only. The term "forensic analysis" includes any medical, chemical, toxicological, ballistic, or other examination or test performed on physical evidence, including DNA evidence, for the purpose of determining the connection of the evidence to a criminal action. The term does not include the portion of an autopsy conducted by a medical examiner or other forensic pathologist who is a licensed physician. The term "crime laboratory" is defined in Article 38.35 of the Texas Code of Criminal Procedure to include "a public or private laboratory or other entity that conducts a forensic analysis subject to this article."

The FSC will examine the details of your disclosure to determine what level of review to perform, if any. All disclosures are taken seriously. Because of the complex nature and number of complaints and disclosures received by the FSC, we cannot give you any specific date by which that review may be completed. However, we aim to resolve all disclosures in a timely and expeditious manner, and to minimize disruption in the laboratory.

The Commission's statute allows it to withhold from disclosure information submitted in the context of an investigation but only until the final report is released. Upon release of the final report, all information provided to the Commission is subject to disclosure under the Texas Public Information Act ("PIA") (Texas Government Code Chapter 552).

**IMPORTANT:** If your disclosure involves a pending criminal matter(s), please be sure to indicate that on the form below because certain PIA exceptions may apply.

TEXAS FORENSIC SCIENCE COMMISSION • LAB DISCLOSURE FORM (Cont.)

1. PERSON COMPLETING THIS FORM

Name: Aleia Winters  
Laboratory: Brazoria County Sheriff's Office Crime Lab  
Address: 3602 CR 45  
City: Angleton  
State: TX Zip Code: 77515  
Home Phone: N/A  
Work Phone: (979) 864 - 2310  
Email Address (if any): aleiaw@brazoria-county.com

2. SUBJECT OF DISCLOSURE

List the full name, address of the laboratory, facility or individual that is the subject of this disclosure:

Individual/Laboratory: Brazoria County Sheriff's Office Crime Lab  
Address: 3602 CR 45  
City: Angleton  
State: TX Zip Code: 77515  
Year Laboratory Accreditation Obtained: 2019  
Name of National Accrediting Agency: ANAB  
Date of Examination, Analysis, or Report: \*see spreadsheet  
Type of Forensic Analysis: blood alcohol  
Laboratory Case Number (if known): \*see spreadsheet

Is the forensic analysis associated with any law enforcement investigation, prosecution or criminal litigation?

Yes  No

\* If you answered "Yes" above, provide the following information (if possible):

\* Name of Defendant: \*see spreadsheet

\* Case Number/Cause Number: \*see spreadsheet  
(if unknown, leave blank)

\* Nature of Case: \*see spreadsheet  
(e.g. burglary, murder, etc.)

\* The county where case was investigated, prosecuted or filed: Brazoria County

\* The Court: Brazoria County Courts

\* The Outcome of Case:

\* see spreadsheet

\* Names of attorneys in case on both sides (if known):

\*see spreadsheet for defendant attorneys

3. WITNESSES

Provide the following about any person with factual knowledge or expertise regarding the facts of the disclosure. Attach separate sheet(s), if necessary.

First Witness (if any):  
Name: Derek Sanders  
Address: 3602 CR 45 Angleton, TX 77515  
Daytime Phone: (979) 864-2349  
Evening Phone:  
Fax:  
Email Address: dsanders@brazoria-county.com

Second Witness (if any):  
Name: Dr. Samuel Wyllie  
Address: 3602 CR 45 Angleton, TX 77515  
Daytime Phone: (979) 864-2059  
Evening Phone:  
Fax:  
Email Address: samuelw@brazoria-county.com

Third Witness (if any):  
Name:  
Address:  
Daytime Phone:  
Evening Phone:  
Fax:  
Email Address:



5. DESCRIPTION OF CORRECTIVE ACTION TAKEN

Please describe any corrective actions or corrective action plans the laboratory has developed to address the issues discussed in this disclosure. Please attach copies of the actions taken and/or future corrective plan to this disclosure form.

Please let the Commission know if any other agencies (e.g., Texas Rangers, local district attorney, Inspector General's Office, etc.) are also conducting an investigation of the matter in question. If possible, provide a contact name and phone number for the individual responsible for any other investigation(s).

All casework performed since the beginning of 2018 has been re-calculated using the equation in TOX-C-01-06 8.2.2 to ensure the triplicate samples of each column are within 10.000% of each other. There were 42 samples (41 cases) identified to be outside the 10.000% sample variation: eight from 2018, three from 2019, 11 from 2020, and 20 from 2021. See the supplemental spreadsheet for more detailed information.

The current SOP is in the process of being revised.

Re-analysis of the cases in Draft Complete will occur under the revised SOP.

~~Samples in which a report has already been issued and the sample not destroyed will be sent out for third-part reanalysis and an amended report issued.~~

Document control systems are being reviewed in order to set one up so that an annual exam with a signature requirement acknowledging SOP standards and methods is put into place

The current blood EtOH spreadsheet is being reformatted to better highlight samples outside of variance and make that spreadsheet available to the technical reviewer.

No other agencies are conducting an investigation at this time.





**TEXAS FORENSIC SCIENCE COMMISSION  
GUIDELINES FOR LABORATORY SELF-DISCLOSURE**

One of the Commission's statutory duties is to "require a crime laboratory that conducts forensic analyses to report professional negligence or professional misconduct to the Commission." TEX. CODE CRIM. PROC. § 38.01, Sec. 4(a)(2).

This document is designed to provide guidance to laboratories in determining whether they should disclose particular events to the Commission under the statute. Any questions regarding these guidelines should be directed to the Commission's General Counsel at (512) 936-0770.

*Self-Disclosure Categories:*

- Probation: If the national accrediting body responsible for accrediting your laboratory and/or the Department of Public Safety notifies you that it intends to put your laboratory on probation, you should inform the Commission as soon as possible, but no later than five (5) business days from receiving notification from the accrediting body.
- Suspension of Accreditation: If the national accrediting body responsible for accrediting your laboratory and/or the Department of Public Safety notifies you that it intends to suspend your laboratory's accreditation for any reason, you should inform the Commission as soon as possible, but no later than five (5) business days from receiving notification from the accrediting body.
- Significant Irregularity in the Laboratory: Laboratories shall disclose any irregularity that may rise to the level of professional negligence or misconduct using the disclosure form on the Commission's website. **The disclosure should be submitted to the Commission as soon as possible, but no later than thirty (30) days after the irregularity is discovered.** If the laboratory needs a longer period to submit its disclosure, it should contact the Commission's General Counsel with an explanation and a request for additional time.

Please note that the outcome of any particular criminal case should not be a consideration in your decision regarding whether to disclose an issue to the Commission. You should disclose any significant laboratory irregularity regardless of the criminal case outcome, and regardless of whether the quality controls in the laboratory caught the issue of concern before a final report was issued to the customer. When using the term "significant irregularity," we refer to facts that *if true*, would indicate the existence of negligence or misconduct such that the integrity of the forensic examination, the individual forensic examiner, or the laboratory as a whole would be called into question.

*If your self-disclosure involves a pending criminal case, or you believe that anyone involved in the disclosure may be the subject of criminal investigation, please alert the Commission when submitting your disclosure, as certain law enforcement exceptions to the Public Information Act may apply to the information submitted.*