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| District Court, Arapahoe County, Colorado Arapahoe County Courthouse  7325 S. Potomac St., Englewood, CO 80112 DATE | FILED: October 3, 2017 3:46 PM NG ID: 29C91C6351460  NUMBER: 2017CR988   * COURT USE ONLY  |
| **THE PEOPLE OF THE STATE OF COLORADO**,FILI  Plaintiff CASE  v.  **ANGELA INGA**,  Defendant. |
| Katie Telfer, #41720  Deputy State Public Defender  Douglas K. Wilson, Colorado State Public Defender Arapahoe County Public Defenders  12350 E. Arapahoe Road, Suite A, Centennial, CO 80112 Phone (303) 799-9001 Fax (303) 792-0822  E-[mail: katie.telfer@coloradodefenders.us](mailto:katie.telfer@coloradodefenders.us) | Case No.: **2017CR988**  Division: **309** |
| **DEFENSE MOTION #4:**  **NOTICE REGARDING IN-PERSON TESTIMONY RELATING TO LABORATORY ANALYSIS AND OTHER SCIENTIFIC TESTING** | |

Ms. Inga, through counsel, respectfully requests, pursuant to § 16-3-309(5), 8A

C.R.S. (1986) and Melendez-Diaz v. Massachusetts, that any employee or technician of any laboratory that reviewed evidence that the prosecution seeks to introduce in trial be required to testify in person at any trial or proceeding in this case where the prosecution seeks to introduce the evidence.

AS GROUNDS, Ms. Inga asserts:

* + 1. Under § 16-3-309(5), 8A C.R.S. (1986), a criminal defendant may require that the prosecution present any laboratory employee or technician that reviewed or processed evidence as a prerequisite to the admission of a report of the laboratory.
    2. The presence of a witness with personal knowledge about the handling and testing of evidence submitted to a laboratory is required under the Colorado and Federal Constitutions as well as the Colorado Rules of Evidence. U.S. Const., amends. V, VI, XIV; Colo. Const., art. II, §§ 16, 18, 25; see also CRE 602.
    3. Ms. Inga’s Federal and State Constitutional confrontation rights to also require the in-person, live testimony of any laboratory employee, analyst, or technician who reviewed evidence or issued conclusions the prosecution will attempt to admit at trial. Melendez-Diaz v. Massachusetts, 129 S.Ct. 2527 (2009) (lab analysts affidavits are testimonial statements covered by Confrontation Clause, lab analysts called by the

prosecution are “accusatory” witnesses, certificates of lab analysis are not exempt from

Confrontation Clause coverage, and defendant’s ability to subpoena lab employee does not obviate state’s obligation to produce analyst for cross-examination).

WHEREFORE, Ms. Inga respectfully moves the Court to order the prosecution to produce at trial, or any proceeding at which it seeks to admit related evidence, any laboratory analyst, technician, or employee who reviewed or processed any evidence sought to be used against Ms. Inga.

DOUGLAS K. WILSON

COLORADO STATE PUBLIC DEFENDER

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| /s/ Katie Telfer Katie Telfer, #41720  Deputy State Public Defenders Dated: October 3, 2017 | **Certificate of Service**  I hereby certify that on October 3 2017, I served the foregoing document through ICCES to opposing counsel of record.  /s/ Katie Telfer |