

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

STANDING ORDER ON CHALLENGES TO
ADMISSIBILITY OF DRUG-TEST RESULTS

CR. MISC. NO. 557

It is the order of this court that in all future criminal revocation proceedings before the court in which the defendant seeks to challenge the admissibility of drug-test results, the parties shall follow the discovery procedure set forth in this order. This order is intended to avoid continuances, prevent unnecessary expenditures of court resources, and assure the reliability of evidence.

PROCEDURE:

(1) If the defendant desires to challenge a drug test or report of a drug test, he shall so notify the court in writing, with service on the government, ten days before the hearing at which he plans to challenge such;

(2) If the defendant files such notice, the government shall file with the court, with service on the defendant, at least five days before the hearing, computed in accordance with Fed. R. Crim. P. 45, the following materials, all of which shall be made a part of the record in each revocation hearing:

(A) A copy of the report of each relevant laboratory test.

(B) A copy of the report on the chain of custody of each sample, including the date of collection, name of person(s) collecting and labeling same, and a description of the label; and

(C) A copy of an affidavit by a responsible laboratory employee attesting to laboratory procedures, including laboratory chain-of-custody routines, whether all required procedures were followed regarding the subject sample(s), and the result(s) of the testing;

(3) If the time before the hearing does not allow for (1) and (2), then the defendant shall so notify the court and the government in writing as soon as possible so that the court can take appropriate steps.

Done this 30th day of April, 1999.

/s/ W. Harold Albritton
CHIEF UNITED STATES DISTRICT JUDGE

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE

/s/ Ira De Ment
UNITED STATES DISTRICT JUDGE