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Attorneys for the State

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT**

STATE OF IDAHO,

Plaintiff,

v.

CHAD GUY DAYBELL,

Defendant.

Case No.: CR22-21-1623

**RESPONSE TO SPECIFIC REQUEST
FOR DISCOVERY RE: LAB TESTING**

The State of Idaho, pursuant to Idaho Criminal Rule 16, hereby supplements its response to the Defendant, Chad Guy Daybells' Specific Request for Discovery Re: Lab Testing, dated August 24, 2021, as follows:

1. Case file: Please provide a complete copy of the case file including all records, benchnotes, phone logs etc. made by the laboratory in connection with this case. If the file includes photographs, please include photographic quality copies. Please provide color copies of any color documents or photographs (electronic/scanned copies preferred).

RESPONSE NO. 1: All ISPFS laboratory reports and note packets are available through ILIMS pre-log from the Prosecuting attorney's office and have previously been provided. However, an additional copy of said reports and note packets are provided herewith, along with the communication logs for this case.

2. Any administrative documentation or paperwork associated with the file, whether or not they are considered part of the analytical notes. This includes anything recorded by the analysts regarding their work on this case (these files may not be

in the numbered pages of the laboratory notebooks, or in the case file). Please provide a key of any abbreviations or acronyms which appear in the documents.

RESPONSE NO. 2: All ISPFS laboratory reports and note packets are available through ILIMS pre-log from the Prosecuting Attorney's office and have previously been provided. However, an additional copy of said reports and note packets are provided herewith. Abbreviations lists are available on the public website (<https://isp.idaho.gov/forensics/index.html> [isp.idaho.gov]).

3. Laboratory Protocols: Please provide a copy of all standard operating protocols (SOPs) used in connection with the testing in this case, especially DNA analysis and interpretation guidelines, and all instructions and advice regarding DNA interpretation, report writing and testimony. To minimize any burden of duplicating these items, we invite you to provide them in electronic form.

RESPONSE NO. 3: Analytical methods are available on the public website (<https://isp.idaho.gov/forensics/index.html> [isp.idaho.gov]).

4. Work instructions: Please provide all work instruction that pertain to DNA analysis and interpretation. This includes all memos, guidelines, protocols, and instructions regarding mixture analysis and interpretation, as well as instructions concerning report statistics and report language.

RESPONSE NO. 4: N/A, the DNA unit does not have work instructions separate from the analytical method.

5. Chain of custody and current disposition of evidence: Please provide copies of all records that document the treatment and handling of biological evidence in this case, from the initial point of collection up to the current disposition. This information should include documentation which indicates where and how the materials were stored (temperature and type of container), the amount of evidence material, which was consumed in testing, the amount of material which remains, and where and how the remaining evidence is stored (temperature and type of container).

RESPONSE NO. 5: The ISPFS chain of custody as of 09/28/2021, for this case is provided herewith. Information about amount used and packaging is part of the note packet available through ILIMS pre-log from the Prosecuting attorney's office

which was previously provided. However, an additional copy of said reports and note packets are provided herewith,

6. Quantification: Please provide dates of work, set-up sheets for plates and tubes, concentration and quantity of DNA extracted from each case sample clearly labeled to indicate which sample is represented, along with any examiner notes.

RESPONSE NO. 6: This is part of the note packets available through ILIMS pre-log from the Prosecuting Attorney's office which was previously provided.

However, an additional copy of said reports and note packets are provided herewith,

7. Electropherograms: Please provide color copies of relevant electropherograms with allele calls and RFU for each peak. These must be clearly labeled to indicate which sample is represented on each page, along with any examiner notes.

RESPONSE NO. 7: This is part of the note packet available through ILIMS pre-log from the Prosecuting Attorney's office which was previously provided.

However, an additional copy of said reports and note packets are provided herewith.

8. Software: Please provide a list of all commercial software programs used in the DNA testing in this case, including name of software program, manufacturer and version used in this case. Please note, this is NOT a request for production of commercial or proprietary software programs it is simply a request for identification of such programs by name and version.

RESPONSE NO. 8: This is part of the note packet available through ILIMS pre-log from the Prosecuting Attorney's office which was previously provided.

However, an additional copy of said reports and note packets are provided herewith.

9. STR frequency tables: Please provide a reference (preferred) or copies of any allelic frequency tables relied upon in making statistical estimates in this case. If the laboratory relied upon published or publicly available data, this request can be satisfied by providing a specific reference to the source.

RESPONSE NO. 9: This is part of the note packet available through ILIMS pre-log from the Prosecuting Attorney's office which was previously provided.

However, an additional copy of said reports and note packets are provided herewith.

10. Data files: Please provide copies of all data files used and created in the course of performing the testing and analyzing the data in this case. These files should include all data necessary to independently reanalyze the raw data, and

reconstruct the analysis performed in this case. Depending on the systems used for analysis these may include:

- (i.) All collection files (such as injection lists and log files);
- (ii.) All Genescan files, including sample files and project files;
- (iii.) All Genotyper files, including templates/macros (see Request 8);
- (iv.) All matrix files;
- (v.) Original data for each sample, all controls and ladders run (.fsa, and .hid file extensions);
- (vi.) All .ser files;
- (vii.) All files associated with probabilistic genotyping programs used in this case such as TrueAllele™ and STRmix™, etc;
- (viii.) All files associated Single Nucleotide Polymorphism (SNP) analysis in this case, including all genealogical or phenotypic analysis;

RESPONSE NO. 10: All data available as of 09/28/21, is provided herewith. Note: SNP analysis and Genescan/Genotyper software not used.

11. No Request No. 11.

12. Instances of Unintended DNA Transfer or Sample Contamination: Please provide copies of all records maintained by the laboratory that document instances of unintended transfer of DNA or sample contamination, such as the detection of unexpected extra alleles in control or reference samples, and any corrective measures taken during the time of processing the samples in this case, as well as 24 months before and after the processing of samples in this case.

RESPONSE NO. 12: A spreadsheet is provided herewith. The laboratory did not begin maintenance of this log until the latter part of 2018.

13. Accreditation: Please provide copies of all licenses or other certificates of accreditation held by the DNA testing laboratory.

RESPONSE NO. 13: This is available on the public website. (<https://isp.idaho.gov/forensics/index.html> [isp.idaho.gov]).

14. **Laboratory personnel:** Please provide background information about each person involved in conducting or reviewing the DNA testing performed in this case, including:

- (i.) Current resume;
- (ii.) Job description;
- (iii.) A summary of proficiency test results;
- (iv.) All disciplinary actions, corrective actions, and contamination events;

RESPONSE NO. 14: See each sub section below:

- (i.) Available on the public website (<https://isp.idaho.gov/forensics/index.html> [isp.idaho.gov]);
- (ii.) Available on the Idaho Division of Human Resources website (<https://dhr.idaho.gov/> [dhr.idaho.gov]);
- (iii.) Most recent is provided herewith;
- (iv.) Beyond the scope of IC 74-106;

15. **A copy of the 'unexpected results' file or other laboratory documentation of DNA issues related to quality control**, for the 24 months preceding and the 24 months following the testing in the above referenced case. These were formerly kept as part of DAB guidelines.

RESPONSE NO. 15: Please see Response No. 12.

16. Copies of all documents regarding CODIS/NDIS uploads, keyboard searches, and reports related to this case.

RESPONSE NO. 16: This is part of the note packet available through ILIMS pre-log from the Prosecuting Attorney's office which were previously provided.

However, an additional copy of said reports and note packets are provided herewith.

17. **Copies of all documents regarding state/county/agency or other local database uploads and reports** related to this case. This should include lists of all databases partial matches determined after keystroke (keyboard), or any other input method.

RESPONSE NO. 17: N/A-no entry separate from that requested in Request No. 15.

18. **Report of matches between samples in this case (reference and evidentiary) and any laboratory personnel or profiles prepared by the laboratory.** This should include any matches to forensic unknowns, elimination profiles, and all other profiles processed at the laboratory.

RESPONSE NO. 18: N/A-there were no matches between samples in this case and any laboratory personnel or forensic unknowns.

19. **Communications:** Please provide a copy of all communications between laboratory personnel, and with any other party, regarding the instant case, including letters, memos, conversation notes, emails, and records of telephone conversations.

RESPONSE NO. 19: Please see Response No. 1.

20. **Quality Assurance/Quality Control:** Please provide copies of the testing laboratory's Quality Assurance and Quality Control Manuals that were in place at the time of testing in the instant case, including those which pertain to; (i) physical and procedural precautions taken to monitor, minimize and remedy laboratory contamination, and (ii) the 'acceptable' level of contamination in control samples and blanks.

RESPONSE NO. 20: Analytical methods are available on the public website (<https://isp.idaho.gov/forensics/index.html> [isp.idaho.gov]).

21. **Internal Validation Studies:** Please provide a copy of all in-house validation studies undertaken by the testing laboratory to demonstrate the reliability and limitations of the DNA tests performed in the instant case. These materials should include (if done); (i) known and nonprobative evidence samples, (ii) reproducibility and precision, (iii) match criteria, (iv) sensitivity and stochastic studies, (v) mixture studies, (vi) contamination studies and (vi) qualifying tests. Electronic (scanned) copies preferred.

RESPONSE NO. 21: Available by appointment with laboratory manager Rylene Nowlin at (208-884-7148).

22. Validation raw data for drop-out dilution series and stutter studies.

RESPONSE NO. 22: Available by appointment with laboratory manager Rylene Nowlin at (208-884-7148).

23. **Documentation of Corrective Actions for Discrepancies and Errors:**

Please provide a copy of the laboratory's corrective actions log for the time period beginning 24 months before the start of testing and ending 24 months after the completion of testing. The log should be provided for all laboratory personnel not just the analyst(s) who performed the testing in the instant case.

Please note, this is a request for the corrective actions log itself, not just for entries within the log that pertain to the instant case. In the event that the corrective actions file cannot be provided or the laboratory does not maintain such a log, please provide explanation for non-production. Electronic (scanned) copies preferred.

RESPONSE NO. 23: Available by appointment with laboratory manager Rylene Nowlin at (208-884-7148).

24. For Any Mitochondrial Data in the instant case, please supply the Data

Interpretation Guidelines: Please provide all Data Interpretation Guidelines followed in the instant case. These materials should include; (i) criteria to establish that electropherograms are of sufficient quality for interpretation purposes, (ii) criteria for interpreting electropherograms indicating more than one contributing source (i.e. possible mixture), (iii) criteria for establishing that an individual can or cannot be eliminated as a possible source of DNA, (iv) criteria for declaring matches between samples exhibiting one or more base pair mismatch, (v) criteria for declaring the results inconclusive, (vi) interpretational guidelines for sequences containing homopolymeric tracts, (vii) interpretational guidelines for cases in which heteroplasmy may have occurred and (viii) interpretational guidelines for reporting results in which there is evidence of contamination occurring during the testing process.

RESPONSE NO. 24: N/A, the laboratory does not perform mitochondrial analysis.

25. For Any Mitochondrial Data in the instant case, please supply the

mitochondrial DNA statistical references: If a common published database was used, please list the complete citation. If an unpublished database was used, please provide the number of entries in the database, source population information, and the number of times each reported profile was found in the database.

RESPONSE NO. 25: N/A, the laboratory does not perform mitochondrial analysis.

26. Please identify if the lab has extracted and quantified the DNA. If so please provided and identify what were the values obtained, and the volume of extract of each sample.

RESPONSE NO. 26: This is part of the note packet available through ILIMS pre-log from the Prosecuting Attorney's office which were previous provided. However, an additional copy of said reports and note packets are provided herewith.

27. Please identify and explain the labs scientific justification for consumption of all samples sought to totally consume?

RESPONSE NO. 27: Analytical methods are available on the public website (<https://isp.idaho.gov/forensics/index.html> [isp.idaho.gov]).

28. Please provide to my office a copy of the labs validated protocol for the procedure for obtaining DNA from fingerprints (latents).

RESPONSE NO. 28: Analytical methods are available on the public website (<https://isp.idaho.gov/forensics/index.html> [isp.idaho.gov]).

29. Please provide photos of the evidence of any subjective tests (serology, microscopy, etc. on the evidence. This shall include all positive and negative controls, as well as the evidence.

RESPONSE NO. 29: Any photos taken are part of the note packet available through ILIMS pre-log from the Prosecuting Attorney's office which were previously provided. However, an additional copy of said reports and note packets are provided herewith.

DATED this 4th day of November, 2021

/s/ Lindsey A. Blake

Lindsey A. Blake
Prosecuting Attorney for Fremont County

/s/ Rob H. Wood

Rob H. Wood
Prosecuting Attorney for Madison County

CERTIFICATE

I HEREBY CERTIFY that on this 4th day of November, 2021, that a copy of the foregoing RESPONSE TO SPECIFIC REQUEST FOR DISCOVERY RE: LAB TESTING was served as follows:

John Prior
john@jpriorlaw.com

- Overnight Mail
- Hand Delivered
- Courthouse Box
- Facsimile:
- File & serve
- Email

Jim Archibald
jimarchibald@gmail.com

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Mark L. Means
mlm@means-law.com

- Overnight Mail
- Hand Delivered
- Courthouse Box
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By: /s/ Jodi L. Thurber