



OFFICE OF  
**THE DISTRICT ATTORNEY**  
COUNTY OF SAN DIEGO  
BONNIE M. DUMANIS  
DISTRICT ATTORNEY

December 18, 2009

**DISCOVERY ALERT: Pursuant to Penal Code Section 1054.1(e) and *Brady v. Maryland*,  
373 U.S. 83 (1963)**

**Re: Pacific Toxicology Laboratories**

Attention: Defense Counsel, San Diego Deputy District Attorneys, and San Diego Deputy City Attorneys:

It has recently come to the attention of the District Attorney and the City Attorney that Pacific Toxicology Laboratories (hereinafter "Pac Tox"), the crime lab utilized by law enforcement to test blood and urine, has issues concerning reliability. The San Diego Sheriff's Crime Lab who services all of the law enforcement agencies within San Diego County (with the exception of the San Diego Police Department) has decided to no longer utilize Pac Tox for drug analysis of blood and urine samples.

Pursuant to and in fulfillment of Penal Code section 1054.1(e) and *Brady v. Maryland*, the following information is being disclosed:

- \* From May 13, 2009 through July 15, 2009, Pac Tox had a group of cases where blood samples screened for amphetamine use initially tested negative but when retested came up positive for amphetamine (a false negative result).
- \* On December 9, 2009, Pac Tox discovered that a blood sample which the lab originally reported as screening positive for Morphine later tested negative for Morphine.

For pending cases where Pac Tox analyzed the blood or urine specimen, please contact the Deputy District Attorney or Deputy City Attorney assigned to the case to discuss whether testing concerns exist and what testing alternatives are viable and appropriate.

For cases that have been adjudicated with an offense date between May 1, 2009 and December 8, 2009, you may want to review your case to determine whether Pac Tox tested a blood or urine sample. In circumstances where you have concerns about the veracity of the testing impacting the plea or verdict, you are urged to contact the Division that handled the case to discuss retesting options.